

INDUSTRY BULLETIN

for Florida's Elevator Industry



SUBJECT: **ASME Code Requirements and Inspections**

Number: 2008-03

Date: July 18, 2008
Revised: July 21, 2008

This bulletin is provided to aid in compliance with Florida law, and is not intended as legal advice. While care has been taken to ensure its accuracy, in the event of any conflict the actual statute or administrative rule will prevail.

ELEVATOR INFORMATION IS AVAILABLE ON THE WEB PAGE

ELEVATOR information and bulletins may be viewed on the Division of Hotels and Restaurants/Bureau of Elevator Safety webpage: <http://www.myflorida.com/dbpr/hr/information/bulletins-elevators.html>

STATUTORY REQUIREMENTS FOR CODE COMPLIANCE

Section 399.02(6), F.S. states, "The department is empowered to carry out all of the provisions of this chapter relating to the inspection and regulation of elevators and to enforce the provisions of the Florida Building Code".

In recent months, owners and associations responsible for elevators have been inquiring about the enforceability of the various laws and codes after being cited for violations. The Elevator Safety Code, Chapter 399, F.S.; Chapter 61C-5, Florida Administrative Code; Chapter 30 of the Florida Building Code, Building; and, the American Society of Mechanical Engineers (ASME) national standards ASME A 17.1-2004 with A17.1a-2005 addenda, A17.2-2004, A17.3-1996, and ASME A18.1-2003 provide a minimum standard for public safety. These are the codes currently in effect and they will be enforced. In fact, the more stringent of the codes in effect apply, unless specifically stated or otherwise adopted by the Bureau of Elevator Safety, which is the Authority Having Jurisdiction (AHJ). There are no exceptions. The elevator safety code is not subject to individual interpretation. The codes collectively apply to all elevators and provide for the health, safety, and welfare of the riding public.

ELEVATOR OWNER OPTIONS FOR COSTLY AND COMPLEX MODERNIZATIONS

Occasionally, elevators need to be modernized and some upgrades may involve costly and complex alterations. Please see [Industry Bulletin #2006-04](#) for instructions on submitting a Plan of Corrective Action with a proposal and schedule of completion dates for repairs that may exceed the 30-days allowed to correct deficiencies.

ELEVATOR OWNER IS RESPONSIBLE

Section 399.02(5)(b), F.S. states, the elevator owner is responsible for the safe operation, proper maintenance, inspection, and correction of code deficiencies of the elevator after the department has issued a certificate of operation. Building owners must ensure all periodic tests are conducted and independently witnessed by a certified elevator inspector. The department is enforcing Chapter 399 F.S. requirements. When an elevator is delinquent, for either non-payment of fees or for failed inspections, and the owner continues to operate the elevator without a current certificate of operation, the owner is subject to fines up to \$1,000.00 per day until the delinquency is corrected.

ANNUAL SAFETY INSPECTIONS REQUIRED FOR ELEVATORS

The department is conducting elevator enforcement activities and is citing violations for failing to comply with inspection requirements. Section 399.061, F.S., requires that each elevator have an inspection at least annually, unless it is a two-stop elevator with a service maintenance contract in effect and on file with the Bureau. Periodic tests are required for two-stop elevators and a record must be kept in the machine room in accordance with ASME A17.1. Violations must be corrected within 30-days of the inspection and the elevator must be re-inspected. If you are unsure of your elevator status, please view the [delinquent list](#) on our website or call the Customer Contact Center.

Extensive information regarding inspections, licensing and a number of forms is available on our website at www.MyFloridaLicense.com or by calling 850.487.1395.

FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Charlie Crist, *Governor*

Division of Hotels and Restaurants

Chuck Drago,
Interim Secretary

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