

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-5.006 Elevator Fees; Construction and Alteration Permits; Annual Certificates of Operation;  
Delinquency Fee; Transfer of Ownership; ~~Temporary Operation Permits~~ Certificate Replacement

(1) Application for ~~elevator~~ permit to install~~erect~~ or relocate~~move~~ an elevator shall be accompanied by a fee of \$250 and an affidavit of elevator code compliance completed and signed by a Certificate of Competency holder designated by the registered elevator company making application. The appropriate certificate of operation fee specified in section 61C-5.006(4)(a), Florida Administrative Code, may be submitted with the application for permit to install or relocate an elevator. Every permit issued becomes invalid unless the work authorized by such permit is commenced within 6 months~~1 year~~ after issuance, or if the work authorized by such permit is suspended or abandoned for a period of 60 days~~1 year~~ after the time the work is commenced, ~~provided that, For~~ for good cause, one or more extensions of time, for periods not exceeding 90 days each may be allowed. Such extensions shall be in writing and signed by the director of the Division of Hotels and Restaurants or his designee. ~~The following grounds for extension shall constitute good cause for the granting of an extension:~~

(a) An extension of time for good cause shall be granted due to delays in construction, ~~including delay~~ arising from the non-availability of parts necessary to complete construction; the occurrence of a natural disaster or civil disturbance; the injury, illness, or death of an involved material party to the construction; or other hardship as approved by the director; ~~except when the director or his designee determines that the delay is the fault of the contractor or applicant, or where the delay results from failure to diligently pursue construction.~~

~~(b) An extension of time shall be granted due to delays caused by the injury, illness or death of an involved material party to the construction.~~

(be) Extensions will not be granted when the director determines that the delay is the fault of the contractor or applicant; the delay results from failing to diligently pursue construction; or ~~The director shall also grant an extension of time where failure to grant the requested extension will impose hardship on the party requesting the permit; except when the director or his designee determines that the necessity for the extension is due to the party's own negligence and the necessity for the extension would have been avoided by the party's exercise of due diligence.~~

(2) Application for ~~elevator~~ permit to alter an elevator shall be accompanied by a fee of \$200; an affidavit of elevator code compliance completed and signed by a Certificate of Competency holder designated by the registered elevator company making application; and a list of the alterations to be performed under the permit.

(3) The ~~annual~~ license renewal period of certificates of operation commences on August 1 of each year. ~~A renewal application for a certificate of operation filed with the division after August 1 of each year must be accompanied by a delinquency fee of \$50 in addition to the annual renewal fee and any other fees required by law. For the purpose of this section,~~ All certificates of operation will expire on July 31, at 11:59 p.m. of each year. Applications and fee payments for renewal of certificates of operation not postmarked or received before ~~paid by~~ August 1 of each year will be deemed delinquent. The following items are required for renewal and must be received by the Bureau of Elevator Safety prior to issuance of a renewal certificate of operation:

(a) Proof of a current satisfactory inspection;

(b) Those elevators or other conveyances not requiring an inspection pursuant to Section 399.061(1)(a), Florida Statutes, shall submit proof of a current satisfactory inspection or a notarized statement to the presence of a current service maintenance contract as defined in Section 399.01(10), Florida Statutes, which is in compliance with Rule 61C-5.013, Florida Administrative Code. The statement shall include the parties to the contract; the beginning and ending dates of the contract; and the date of the most recent routine examination. The length of the service maintenance contract shall equal or exceed the license renewal period;

(c) The license renewal fee; and

(d) A delinquent certificate of operation renewal application must be accompanied by a delinquency fee of \$50 in addition to the license renewal fee.

(4)(a) Until March 1, 2008, ~~Annual~~ certificate of operation fees for elevators are based on whether or not a service maintenance contract to ~~ensure~~ insure safe elevator operation is consistently in force. ~~In addition, and the fee shall be~~ based on the following schedules:

~~1(a)~~ Fees based on type of installation and number of landings. Hand-operated, electric, hydraulic passenger and freight elevators, escalators, side walk elevators, power operated dumbwaiters, material lifts and dumbwaiters with automatic transfer devices, inclined stairway chairlifts, inclined and vertical wheelchair lifts and inclined elevators.

<b>NUMBER OF LANDINGS</b>	<b>FEES UNDER SERVICE MAINTENANCE</b>	<b>FEE NO SERVICE MAINTENANCE</b>
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	CONTRACT	CONTRACT
Elevators serving 0 -2 landings	\$32	\$72
Elevators serving 3 - 5 landings	\$36	\$77
Elevators serving 6 - 10 landings	\$41	\$81
Elevators serving 11 - 15 landings	\$45	\$86
Elevators serving over 15 landings	\$45	\$90

2(b) Fee based on type of installation, regardless of the number of landings:

TYPE OF INSTALLATION	FEES UNDER SERVICE MAINTENANCE CONTRACT	FEE NO SERVICE MAINTENANCE CONTRACT
Special purpose Elevators, Manlifts, Moving Walks	\$45	\$90

(b) Beginning March 1, 2008, certificate of operation fees will no longer be based on the existence of a service maintenance contract or the number of landings. The certificate of operation fee shall be \$75 for each type of installation and class as follows:

<u>TYPE OF INSTALLATION</u>	<u>CLASS</u>	<u>TYPE OF INSTALLATION</u>	<u>CLASS</u>
<u>Traction Passenger</u>	<u>01</u>	<u>LU/LA (Limited Use/Limited Application)</u>	<u>09</u>
<u>Hydraulic Passenger</u>	<u>02</u>	<u>Dumbwaiter</u>	<u>10</u>
<u>Traction Freight</u>	<u>03</u>	<u>Escalator</u>	<u>12</u>
<u>Hydraulic Freight</u>	<u>04</u>	<u>Sidewalk Elevator</u>	<u>14</u>
<u>Hand Power Passenger</u>	<u>05</u>	<u>Material Lift/Dumbwaiter with Automatic Transfer Device</u>	<u>15</u>
<u>Hand Power Freight</u>	<u>06</u>	<u>Special Purpose Personnel Elevator</u>	<u>16</u>
<u>Moving Walk</u>	<u>07</u>	<u>Inclined Stairway Chairlift</u>	<u>17</u>
<u>Inclined Lift</u>	<u>08</u>	<u>Inclined &amp; Vertical Wheelchair Lift</u>	<u>18</u>

(e) Fee for Temporary Operating Permits -- \$100. The permit shall be issued for a period not to exceed 30 days.

(5) Certificate of operation renewal is the responsibility of the elevator owner or lessee, when owner responsibilities are specifically assigned by lease. It is the responsibility of the current owner to notify the division in writing within 30 days after transfer of ownership or lease assignment. A new certificate of operation will be issued to the new owner or lessee upon receipt of notification. No fee will be charged for processing a transfer of ownership or lease assignment.

~~(65)~~ Replacement of a mutilated or lost certificate of operation shall be provided to the owner when a request is submitted to the division requested in writing to the division. Such requests must include the elevator serial number, business name and address, and a contact name and phone number. Requests for a replacement certificate of operation may be submitted by phone, e-mail, fax, or in writing to the division. Such replacement certificates shall have the word "DUPLICATE" stamped in large letters across the face and bear the same serial number as the original.

~~(76)~~ THESE FEES ARE NONREFUNDABLE.

Specific Authority 399.02, 399.03, 399.07(1) 399.07(1)(d), 399.07(2)(d), 399.10, FS. Law Implemented 399.03, 399.061, 399.07 399.07(1)(d), 399.07(2)(d), FS. History-New 8-21-79, Amended 11-20-79, 10-8-81, 4-21-82, 8-1-82, 11-27-83, 9-19-84, 10-8-85, Formerly 7C-5.06, Amended 10-31-88, 7-1-92, 10-11-92, Formerly 7C-5.006, Amended 2-2-94, 1-1-98, 5-24-01, \_\_\_\_\_.