

Technical Advisory

FAQs concerning Florida's Elevator Industry

Issue 2008-01

BUREAU OF ELEVATOR SAFETY

August 18, 2008

This advisory is provided in response to inquiries, 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, code or administrative rule will prevail.

Temporary Variance for ASME A17.3 Violations

The bureau has received inquiries regarding A17.3(1996 edition) code violations where elevator owners of older elevators have stated they cannot meet the 30-day requirement to correct costly and complex violations.

The bureau is moving forward to extend the current temporary compliance alternative (variance) to include additional A17.3(1996) violations beyond the initial cylinder replacement issue. Requests for the code compliance alternative will be handled on a case-by-case basis for each owner (petitioner) based on cited A17.3(1996) violations of code. The time for compliance may be extended beyond the 30-day requirement based upon receipt of a Letter of Intent and a Variance Request including a schedule for completing the modernization.

A temporary variance request provides petitioners a process to present their case for hardship and potentially waive A17.3(1996) code requirements for a reasonable period of time. The elevator license will renew in good standing until upgrades are finalized. The variance code compliance date will be established by the petitioner based on their documentation (for example, financial hardship, construction schedules, number of elevator(s) required to be modernized, etc.)

It will be mandatory that petitioners provide the bureau with periodic progress notices that meet agreed upon completion dates for elevator upgrades including information regarding equipment installation, construction completion or delay, timetable or factors relating to special assessments, etc.

Additionally, the time frame for compliance must be justified by submitting a bid or proposal with a work schedule to be completed within a specified period of time. Bids or proposals must be supported by signed contracts

The temporary variance for compliance will remain in-force until modernization is complete as established by the owner (petitioner). All variances are subject to bureau approval based on the information provided.

The temporary compliance variance will expire upon non-receipt of progress notices or by reaching a time-certain deadline as documented in the variance. The elevator(s) will become non-compliant for code requirements and subject to fines and/or suspension of the license, upon expiration of the variance.

- BES may issue temporary variances on a case-by-case basis by request from elevator owners with a date certain provided for A17.3 (1996) code compliance. This is a time-limited process.
- The variance request must contain language to the effect that elevator owners understand they are responsible for upgrades and safe operation of the elevator (*owners could face liability issues for uncorrected code violations*); a list of the A17.3(1996) code citations must be included in the variance submittal documentation
- Owners must substantiate facts where additional time is needed to coordinate construction or special assessments to comply with code requirements
- Certificates of operation will continue to be issued when code violations are waived by an approved variance for the specified period of time the variance is in effect
- Disclaimer: during the upgrade process, additional code requirements may become necessary, if required by code they must be included in the overall scope of work
- ASME A17.3(1996) code applies to all existing elevators according to the 2002 revision to Florida Building Code

See Elevators web site for information concerning costly and complex elevator upgrades

<http://www.myflorida.com/dbpr/hr/faqs/hr-faq-elev-alternative.html>