



# INDUSTRY BULLETIN

## for Florida's Elevator Industry

SUBJECT: Changes in Chapter 399, Florida Statutes

Number: 2010-02

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***This bulletin 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.***

The 2010 Legislature passed HB1035 which makes several changes to Chapter 399, Florida Statutes (F.S.) that will become effective July 1, 2010. One of those changes added Section 399.02(9), F.S. which states:

**Updates to the code requiring modifications for Phase II Firefighters' Service on existing elevators, as amended into the Safety Code for Existing Elevators and Escalators, ASME A17.1 and A17.3, may not be enforced on elevators in condominiums or multi-family residential buildings, including those that are part of a continuing care facility licensed under chapter 651 or similar retirement community with apartments, issued a certificate of occupancy by the local building authority as of July 1, 2008, for 5 years or until the elevator is replaced or requires major modification, whichever occurs first. This exception does not apply to a building for which a certificate of occupancy was issued after July 1, 2008. This exception does not prevent an elevator owner from requesting a variance from the applicable codes before or after the expiration of the 5-year term. This subsection does not prohibit the division from granting variances pursuant to s. 120.542 and subsection (8). The division shall adopt rules to administer this subsection.**

We have received several inquiries as to what the new language means and how it will be applied. The Bureau wishes to stress the following points:

- This section states that for existing condominiums or multi-family residential buildings, including those that are part of a continuing care facility licensed under chapter 651 or similar retirement community with apartments, Fire Fighter Service Phase II will not be required until July 1, 2015 and should not be marked as an ASME A17.3 violation on any inspection performed after July 1, 2010. No other building types are covered by this temporary exemption.
- This exemption only applies only to Fire Firefighters' Service Phase II. Those elevators which do not have the required Phase I functionality will be required to upgrade.
- All other requirements of A17.3, 1996 remain in effect and enforceable, including restricted door openings, platform guards and two-way communication.
- The exemption no longer applies if the elevator is replaced or undergoes major modification during the 5 year period.
- Inspections which cited this violation previously must be cleared by a call-back (if within 30 days) or by conducting a new annual inspection. The violations will not automatically be removed from any previous inspections.
- This applies only to elevators that do not have Fire Fighter Service Phase II installed. If Fire Fighter Service Phase II is installed it must operate as required by the code edition that was in effect for the installation or it will be cited as a violation.

Another important change in Chapter 399, F.S. is:

- Owners will have 90 days to correct violations, an increase from the present 30 days. The official state inspection forms have been updated to reflect this change and should be available to order from Scantron by July 1, 2010. Until you obtain the updated inspection form, please be sure to correct any old forms you may still have to reflect this change beginning July 1.

Further clarification will be provided in the coming months as well as additional information on the other changes included in the legislation.

**Extensive information regarding inspections, licensing and a number of forms is available on our website at [www.MyFloridaLicense.com/dbpr](http://www.MyFloridaLicense.com/dbpr) or by calling 850.487.1395.**

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