



## ***INDUSTRY BULLETIN***

*for Miami-Dade County's Elevator Owners & Industry*

**SUBJECT:** Retroactive Requirements - New Florida Building Code

**Bulletin 2006-01 / April 10, 2006**

This is to advise the elevator owners and industry of an important change to Florida law affecting elevators; the Florida Building Code has adopted the ASME A17.1 – 2000, without the subsequent addendums for now. With the adoption of Florida Senate Bill 445, authorized by the Governor, the new code now becomes effective **October 1, 2005**. There are substantial changes that appear in the new code. This bulletin is for information purposes only, and it is highly recommended that interested parties familiarize themselves with the actual code.

### **NEW BUILDING CODE ADOPTED**

The Department of Community Affairs Florida Building Commission has adopted the American Society of Mechanical Engineers (ASME) A17.1 (2000) Code, replacing the 1996 edition. Effective October 1, 2005, all new conveyances must meet ASME A17.1 (2000) standards. Beginning October 1, 2005, elevator owners, certified elevator inspectors, and all other regulated elevator professionals are expected to ensure conveyances comply with the currently adopted code. This expectation includes citing violations during inspections and correction by owners of the cited violations.

**This newly adopted code contains safety provisions for single wall hydraulic cylinders.** The ASME considered these provisions so important to life safety that corrective action is required in all existing single wall hydraulic cylinder elevators. This issue will be discussed further in future bulletins.

### **STATUTORY REQUIREMENTS FOR RETROFITTING AND CODE COMPLIANCE**

Florida Statutes are in agreement with ASME A17.1 (2000) and A17.3 (1996) regarding life safety issues. In section 399.001, Florida Statutes (F.S.), the Florida Legislature stated the purpose of Chapter 399, the Elevator Safety Act, "is to provide for the safety of life and limb and to promote public safety awareness". Considerable debate has centered on Section 399.03(7), F.S., which states that elevators "shall comply with the edition of the Florida Building Code or Elevator Safety Code that was in effect at the time of the receipt for application for the construction permit for the elevator". This section may have been interpreted as allowing an overall exemption from compliance with current code requirements. However, when a new edition of the Florida Building Code requires retrofitting older elevators because aging equipment may pose a threat to public safety, section 399.03(7), F.S., does not provide an exemption from that requirement. Instead, Miami-Dade Office of Elevator Safety is compelled to follow the intent and letter of section 399.061(3), F.S., which requires that, in the interest of public safety, the older and potentially hazardous elevator be brought into compliance with the newer code and our Office may seal the elevator or order discontinued use until the elevator has been satisfactorily repaired or replaced so that it may be operated in a safe manner. Because public safety is the paramount basis for the Department's legislatively delegated regulatory power, our Office cannot interpret section 399.03(7), F.S., to provide an elevator owner with an exemption from any new code provision essential to the safe operation of the elevator.

### **INSPECTION REQUIRED AS PROOF OF CORRECTION OF VIOLATIONS**

Our Office has not ever accepted letters from owners attesting to correction of previous violations. Proof of compliance for correction of violations is evidenced through a completed inspection report showing no outstanding violations.

### **TWO-LANDING ELEVATOR INSPECTION REQUIREMENTS**

Two-landing elevators with an active service maintenance contract, as defined by section 399.01(10), F.S., and pursuant to that section and/or ASME A17.1(2000) do not require inspections, as long as the service maintenance contract remains in-force and prescribed tests and maintenance are performed. Tests are required to be witnessed by a Certified Elevator Inspector.

## **NEW FLORIDA BUILDING CODE EFFECTIVE 10/01/05**

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