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DEPARTMENT OF BUSINESS REGULATION

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MEMORANDUM

To: Harry Purnell, General Counsel  
From: Anthony Ninos, Director, Division of Hotels and Restaurants  
Date: December 15, 1980 *AN*

Subsection (1) of Section 399.035, Florida Statutes, was amended by the 1980 Session of the Florida Legislature by Senate Bill 898 to read in part as follows:

"Each passenger elevator, installation of which is begun after October 1, 1980 shall be made accessible..."

The question arises: What constitutes the start of an elevator installation? Specifically, does the construction of an elevator pit and hoistway within a building (which plans and specifications were filed with and approved by a local building official) qualify as the commencement of an elevator installation?

Please refer to the ANSI A17.1, Section 3, for definitions of the terms installation and hoistway.

AN/hsr

cc: Mr. J. W. Kelley



STATE OF FLORIDA

DEPARTMENT OF BUSINESS REGULATION  
THE JOHNS BUILDING  
725 SOUTH BRONOUGH STREET  
TALLAHASSEE, FLORIDA 32301

January 7, 1981

Bob Graham, Governor  
R. B. Burroughs, Jr., Secretary

M E M O R A N D U M

TO: Anthony Ninos, Director  
Division of Hotels and Restaurants

FROM: James N. Watson, Jr., Staff Attorney *JW*

Section 399.035(1), Florida Statutes, has been amended to read, "Each passenger elevator, installation of which is begun after October 1, 1980, shall be made accessible to physically handicapped persons...."

The term "elevator" is defined by Section 399.01, Florida Statutes, as meaning all machinery, construction, apparatus, and equipment used in raising and lowering a car, cage, or platform vertically between permanent rails or guides.

According to Black's Law Dictionary the installation of machinery means to place in position where it will reasonably accomplish purposes for which it is set up or setting up or fixing in position for use or service.

ANSI A17.1, Section 3, has defined an installation as a complete elevator, dumbwaiter, escalator, material lift, inclined lift or moving walk including its hoistway, hoistway enclosures and related construction, and all machinery and equipment necessary for its operation.

Office of the Secretary

Division of Hotels & Restaurants

Division of General Regulation

Division of Alcoholic Beverages & Tobacco

Division of Florida Land Sales & Condominiums

Division of Pari-Mutuel Wagering  
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ANSI also defines hoistway as being a shaftway for the travel of one or more elevators and includes the pit and terminates at the underside of the overhead machinery space floor or grating, or at the underside of the roof where the hoistway does not penetrate the roof. The pit is defined as that portion of a hoistway extending from the sill level of the lowest landing to the floor at the bottom of the hoistway.

The generally accepted meaning of the word "construction" has been stated as the building or erecting of something which did not exist previously. Larson v. Crescent Planing Mill Co., 218 S.W.2d 819, 820. This meaning is supported by the definition found in Black's Law Dictionary which defines "construct" as to build, erect, put together or make ready for use.

In line with the above definitions which are either statutory in nature or adopted by statute, an elevator pit and hoistway come within the meaning of a passenger elevator. Also, under the above definitions an elevator pit and hoistway would be considered part of an elevator installment.

Since the instant statute, F.S. 399.035, requires passenger elevators, installation of which is begun after October 1, 1980, to be made accessible to physically handicapped persons, the key is what type of work was begun on the elevator prior to the October 1, 1980 date. Since an elevator pit and hoistway are to be considered part of the elevator, if construction of these elements was begun prior to October 1, 1980, then the requirements of F.S. 399.035 would not be applicable to that particular passenger elevator.

JNW/pl

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DIVISION OF HOTELS  
AND RESTAURANTS