

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO ELEVATOR OUTAGES; AMENDING AND
3 RENUMBERING VARIOUS SECTIONS OF CHAPTER 21 OF THE BROWARD
4 COUNTY CODE OF ORDINANCES ("CODE"); CREATING SECTION 21-10 OF THE
5 CODE, ESTABLISHING ELEVATOR REPAIR REQUIREMENTS FOR MULTISTORY
6 RESIDENTIAL BUILDINGS; AMENDING SECTION 8½-16, RELATING TO CIVIL
7 PENALTIES; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND
8 AN EFFECTIVE DATE.

9 (Sponsored by Mayor Mark D. Bogen)

10
11 WHEREAS, the Broward County Board of County Commissioners ("Commission")
12 has received reports that residents of multistory buildings, including seniors or persons
13 with disabilities, have been negatively affected by extended elevator outages that limit
14 mobility, access to essential services, and emergency egress;

15 WHEREAS, Chapter 399, Florida Statutes (Elevator Safety Act), and the Florida
16 Building Code generally preempt local regulation of elevator companies, limiting the
17 County's authority to impose independent operational mandates on elevator contractors;

18 WHEREAS, the County nevertheless has authority to protect the health, safety,
19 and welfare of residents through regulation of building owners and condominium
20 associations responsible for maintaining residential buildings, including through
21 requirements that promote preparedness and timely pursuit of repairs; and

22 WHEREAS, the Commission desires to enhance resident protection by requiring
23 building owners and condominium associations to seek alternative qualified elevator
24 repair service when primary service cannot restore elevator operations in a timely
25 manner, to the extent not inconsistent with existing private contracts, and by requiring
26 posting of an elevator outage emergency plan,

27 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
28 BROWARD COUNTY, FLORIDA:

29 Section 1. Section 21-8 of the Broward County Code of Ordinances is hereby
30 amended and renumbered as Sections 21-8 and 21-9 to read as follows:

31 **Sec. 21-8. ~~Documentation of elevator service~~ Definitions.**

32 (a) ~~Definitions.~~ For purposes of Sections 21-9 and 21-10, the following
33 definitions shall apply:

34 (1) *Building* means a structure, other than a single-family home, containing one (1)
35 or more elevators covered by a service maintenance contract. Buildings shall be
36 deemed to include condominium property, as defined in Section 718.103(14), Florida
37 Statutes, where one (1) or more structures on the condominium property have one (1)
38 or more elevators covered by a service maintenance contract.

39 (2) *Building Owner or owner* means the legal or beneficial owner of a building, or
40 the agent, manager, or other person designated by the owner.

41 Condominium has the same meaning as in Section 718.103(12), Florida
42 Statutes, as amended.

43 Condominium association has the same meaning as “association” in
44 Section 718.103(3), Florida Statutes, as amended.

~~(3)~~ *Division* means the Broward County ~~Environmental Licensing and Building~~
Permitting Code Division or its successor agency.

~~(4)~~ *Elevator* has the same meaning as in Section 399.01, Florida Statutes.

~~(5)~~ *Record of Visit (“ROV”)* means a written document memorializing work performed
by a registered elevator company pursuant to a service maintenance contract on a
particular visit to a building.

~~(6)~~ *Registered elevator company* has the same meaning as in Section 399.01,
Florida Statutes.

~~(7)~~ *Service maintenance contract* has the same meaning as in Section 399.01,
Florida Statutes.

~~(8)~~ *Verified Complaint* means a written and notarized statement alleging one (1) or
more violations of this section.

~~(9)~~ *Worksite* means:

- a. the physical confines of a building; or
- b. a complex that includes the building, if the building is part of a larger
contiguous complex with a common owner, manager, homeowner
association, or condominium association.

Sec. 21-9. Documentation of elevator service.

~~(b)~~ (a) ~~Anytime~~ Any time a registered elevator company performs work pursuant
to a service maintenance contract, but before leaving the worksite, the company shall
provide an ROV to the building owner.

...

~~(c)~~ (b) It shall be a violation of this section for a registered elevator company:

(1) To fail to provide the ROV to the building owner as specified in subsection ~~(b)~~ (a) before leaving the worksite;

(2) To fail to obtain a signature from the building owner on the ROV as specified in subsection ~~(b)~~ (a); or

...

~~(d)~~ (c) Enforcement.

...

Section 2. Section 21-10 of the Broward County Code of Ordinances is hereby created to read as follows:

[Underlining omitted]

Sec. 21-10. Elevator outages; residential buildings.

(a) *Extended Elevator Outage Protocols.* When a residential building, including a condominium building, has no functioning elevator for a period of more than twenty-four (24) hours, and the registered elevator company that has a service maintenance contract with the building owner or condominium association cannot restore service within that timeframe, then, unless prohibited by an existing service maintenance contract, the building owner or condominium association must seek an alternate registered elevator company that can perform the required repairs as expeditiously as possible.

(b) *Elevator emergency procedures posting.* Residential building owners and condominium associations responsible for the operation of one (1) or more residential buildings, as defined in Section 21-8, must post and maintain in a conspicuous location within the building an emergency elevator outage plan, which includes: (i) the contact

91 information for the registered elevator company that has a service maintenance contract
92 for the elevator(s); (ii) unless prohibited by an existing service maintenance contract, the
93 backup or alternate registered elevator company(ies); (iii) procedures for reporting
94 elevator outages and requesting repairs; (iv) expected response steps; (v) plans for
95 communicating outage status reports to building residents; and (vi) accessibility
96 accommodations and assistance protocols for building residents with mobility limitations.

97 (c) *Enforcement.*

98 (1) Enforcement of this section shall be pursuant to Chapter 8½ of the Broward
99 County Code of Ordinances. Violations of this section constitute irreparable
100 harm, such that the code inspector is not required to provide the alleged
101 violator with time to correct the violation before issuing a citation. Each day
102 a violation of this section occurs constitutes a separate violation.

103 (2) In conjunction with the issuance of required certificates of operation for
104 elevators in residential buildings, the Building Code Division shall inform
105 building owners or the condominium association, as applicable, of the
106 compliance requirements of the Florida Statutes, the Florida Building Code,
107 the Elevator Safety Code, the Fair Housing Act, and the Broward County
108 Code of Ordinances. These shall include, but not be limited to, annual
109 inspection requirements, the roles of elevator owners and registered
110 elevator companies, elevator repair and maintenance requirements, best
111 practices to reduce elevator outages, and, for condominium buildings,
112 recommended reserve funding for the repair and maintenance of elevators.

Section 3. Former Section 21-9 of the Broward County Code of Ordinances, titled "Operation of boats," is hereby renumbered as Section 21-11.

Section 4. Section 8½-16 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 8½-16. Schedule of civil penalties.

...

(aa) *Violations of Sections ~~21-8~~ 21-9 and 21-10, Relating to Documentation of Elevator Service:*

		<i>Fine</i>	
	<i>Violation</i>	<i>First</i>	<i>Repeat</i>
		<i>Violation</i>	<i>Violation</i>
(1)	Failure to timely provide the Record of Visit, obtain required signature from building owner, or retain required copies (secs. 21-8 (c)(1), (2), or (4) <u>21-9</u>)	\$500.00	\$500.00
(2)	Falsely reporting to Division that building owner refused to sign the Record of Visit (sec. 21-8 (c)(3) <u>21-9</u>)	500.00	500.00
(3)	<u>Failure to post or maintain emergency outage plan (sec. 21-10)</u>	<u>250.00</u>	<u>500.00</u>

...

Section 5. Severability.

If any portion of this Ordinance is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Ordinance to any other individual, group, entity, property, or circumstance.

Section 6. Inclusion in the Broward County Code of Ordinances.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance become part of the Broward County Code of Ordinances as of the effective date. The sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase to the extent necessary to accomplish such intention.

148 Section 7. Effective Date.

149 This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Deanna Kalil 05/12/2026
Deanna Kalil (date)
Assistant County Attorney

By: /s/ Maite Azcoitia 05/12/2026
Maite Azcoitia (date)
Deputy County Attorney

DK/gmb
Elevator Ordinance
05/12/2026
#41021.0001

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.