



DEPARTMENT OF BUSINESS & PROFESSIONAL REGULATION
OFFICE OF INSPECTOR GENERAL

CHARLIE CRIST
GOVERNOR

CHARLES W. DRAGO
SECRETARY



MEMORANDUM

TO: Charles Drago, Secretary

FROM: Ron Ferguson, Acting Inspector General *RF*

SUBJECT: Six-month Status of Corrective Actions, OPPAGA Report No. 08-18, Privatization Has Helped Improve Elevator Safety

DATE: October 3, 2008

In accordance with the provisions of s. 20.055(5)(h), Florida Statutes, we have reviewed the status of corrective actions taken by the Division of Hotels and Restaurants in response to recommendations made by OPPAGA in the above-referenced report. A copy of the original OPPAGA report is included for your review.

The findings, recommendations, and the division's current status of corrective actions as of September 2008 are attached.

Please contact me if you have any questions.

Thank you.

RF/vbh

cc: Bill Veach, Director of Hotels and Restaurants
✓ Legislative Auditing Committee

Attachment

FLAC
Rec'd
10/6/08

Department of Business and Professional Regulation
Division of Hotels and Restaurants
Status of Corrective Actions
Privatization Has Helped Improve Elevator Safety;
Additional State Oversight Is Needed
OPPAGA Report No. 08-18

Finding# 1.

Since the Elevator Safety Act privatized elevator inspections in 2000, more inspections are occurring and fewer violations per elevator are being found. However, 3,190 elevators did not receive required inspections during Fiscal Year 2006-07. The bureau has taken steps to ensure that inspections are completed as required by law, including notifying elevator owners that their elevators are in delinquent status and posted "Do Not Use" stickers on delinquent elevators. Additionally, not all private inspectors are identifying violations of safety standards in the same manner as bureau staff, which has resulted in a high discrepancy rate between private and state inspections.

OPPAGA Recommendation 1.

To address these issues, we recommend that the bureau annually review the results of its elevator reinspections to identify which violations are causing the most discrepancies, publish technical advisories on these violations quarterly, and make them available in printed and electronic formats. These advisories should provide a summary of the violation in question, examples of common interpretation errors, and guidance on correct interpretations of safety standards. To ensure these technical advisories provide sufficient clarification, the bureau's technical advisory council should review and edit them as part of their quarterly meetings held each year.

OPPAGA Recommendation 2.

We also recommend that the bureau post on its website a listing of elevators that are in delinquent status, including their location, last inspection date, and previous compliance history. This would provide citizens information about the safety of elevators they may frequent and encourage elevator owners to have their noncompliant elevators inspected.

OPPAGA Recommendation 3.

We also recommend that the bureau annually analyze elevator incident data and report to the Legislature those accidents that result in medical intervention or death. These reports should include the accident location, nature of the injury, whether the elevator had been involved in previous incidents, and actions taken by the complainant or complainant's estate as a result of the incident. The report should also note if the complainant initiated action against the state because of the incident.

Agency Response.

With regards to the report recommendations, steps will continue to be taken to strengthen business practices to improve elevator inspection results and program outcomes.

Division Status of Corrective Actions September 2008.

OPPAGA Recommendation 1.

To address these issues, we recommend that the bureau annually review the results of its elevator re-inspections to identify which violations are causing the most discrepancies, publish technical advisories on these violations quarterly, and make them available in printed and electronic formats.

- **Response to Recommendation 1:** *The bureau is in 100% compliance with this recommendation*

The Bureau regularly reviews the top 100 violations to gauge the most frequently used codes and the use of the violation code catalog. Currently, the top 15% of the 15,074 violations written to-date are for expired certificates. Presently, it does not appear there are anomalies in the reporting. Also, the Bureau publishes quarterly Technical Advisory and Industry Bulletin to its web site when question or issues of importance arise. The subject matter is based on questions and concerns raised by industry representatives. <http://www.myflorida.com/dbpr/hr/information/ElevTechAdvisory.html>

OPPAGA Recommendation 2.

We also recommend that the bureau post on its website a listing of elevators that are in delinquent status, including their location, last inspection date, and previous compliance history.

- **Response to Recommendation 2:** *The bureau is in 100% compliance with this recommendation*

The bureau posts information on its website detailing renewals and delinquent status this fiscal year, and, inspections by serial number from FY2005-2006 to the present.

<http://www.myflorida.com/dbpr/hr/elevators/elevator-inspections.html>

<http://www.myflorida.com/dbpr/hr/elevators/documents/elrenew.pdf>

OPPAGA Recommendation 3.

We also recommend that the bureau annually analyze elevator incident data and report to the Legislature those accidents that result in medical intervention or death. These reports should include the accident location, nature of the injury, whether the elevator had been involved in previous incidents, and actions taken by the complainant or complainant's estate as a result of the incident.

- **Response to Recommendation 3:** *The bureau is in 100% compliance with this recommendation*

The bureau has a tracking report that captures reported incidents and contributing factors that are input into LicenseEase. Of those incidents reported, the bureau can analyze the types of injuries and equipment involved, as well as if the injury required medical attention. From July 1, 2007 to September 22, 2008 there were 568 reported incidents, and of those, 112 required medical attention with zero passenger deaths.

EQUIPMENT	CLOTHING-SHOES	OTHER_FCTR	MECHANICAL	SAFETY	STROLLER	CARRYON	TORSO	TOES	OTHER	FOOT	HAIR	KNEE	FINGERS	LEG	HAND	ARM	ENTRAP-MENT	CUTS	BRUISES	TRIP	FALL	MEDICAL	INCIDENT TOTAL
148	22	11	4	1	2	32	18	16	75	26	0	56	18	62	27	58	10	107	42	68	200	112	568