



Elevator Safety Inspections Are Improving, but DBPR Still Lacks Authority to Require Private Inspectors to Explain Inspection Result Discrepancies

at a glance

Since our 2008 report, the number of elevators that are inspected each year as required by law has increased, while the number of cited violations has decreased. Bureau of Elevator Safety follow-up inspections indicate that the quality of privatized inspections has increased, with the private inspectors missing fewer safety violations. However, the bureau continues to lack authority to compel private elevator inspectors to explain inspection result discrepancies. The bureau has taken steps we recommended to publish technical advisories, post a list of delinquent elevators, and create an elevator incident database.

Scope

In accordance with Florida law, this progress report describes the actions taken by the Department of Business and Professional Regulation in response to our 2008 report that examined the state's regulation of elevators.^{1, 2}

¹ Section 11.51(6), F.S.

² *Privatization Has Helped Improve Elevator Safety; Additional State Oversight Is Needed*, OPPAGA Report [No. 08-18](#), April 2008.

Background

The Department of Business and Professional Regulation's Bureau of Elevator Safety is statutorily required to ensure that elevators and escalators throughout Florida are safe. The bureau fulfills this mission by enforcing safety laws for elevators, escalators, and other vertical and inclined conveyance devices (e.g., dumbwaiters, moving walks, stairway chairlifts, and inclined or vertical wheelchair lifts). In Fiscal Year 2008-09 there were 50,573 such devices under the bureau's jurisdiction; this represented a slight increase (1.8%) from the prior year.

The 2000 Legislature significantly amended the elevator safety act by shifting responsibility for inspecting elevators from bureau staff to the private sector.³ Under privatization, the bureau retained responsibility for overseeing program operations, while elevator operators became responsible for hiring certified private contractors to inspect their devices. Primary bureau functions include issuing authorizing credentials to private inspectors and maintaining

³ The 2000 law also required private inspectors to pass a national standards examination; routine elevator inspections to be performed annually, rather than every two years; and certificates of elevator operation to be issued only after a safety inspection had been performed that found zero violations, in accordance with national elevator safety code standards.

a registry of companies that employ these contractors; issuing permits to erect, move, or alter elevators; responding to customer inquiries and complaints; and issuing annual elevator certificates of operation. The bureau also conducts quality assurance follow-up inspections of a sample of elevators inspected by the private contractors. The Legislature appropriated the bureau \$1.3 million and 16 FTEs for its Fiscal Year 2009-10 operations.

Our 2008 review concluded that while privatizing elevator safety inspections resulted in a higher percentage of elevators receiving annual safety inspections and fewer violations being cited during these inspections, more oversight by the bureau was needed to ensure that private inspectors identified all violations. In addition, some private inspectors were not identifying safety violations in the same manner as bureau staff, which resulted in a high discrepancy rate between the private and state inspections, and the private inspectors often did not respond to bureau efforts to reconcile these differences.

To address these issues, we recommended that the bureau improve its oversight. Specifically, we recommended that the bureau

- annually review elevator follow-up inspection results to identify which violations are causing the most discrepancies, publishing technical advisories on these violations quarterly, and require the bureau's technical advisory council to review and edit these advisories;
- post on the its website a list of elevators in delinquent status, including their location, last inspection date, and previous compliance history; and
- annually analyze elevator incident data and report to the Legislature those accidents that result in medical intervention or death.

In addition, we recommended that the Legislature consider amending s. 399.049, *Florida Statutes*, to require private inspectors or registered elevator companies to respond to the bureau's request for information reconciling inspection results, and provide that failure to

respond within 30 days will result in a violation that would prohibit the elevator from being operated legally.

Current Status

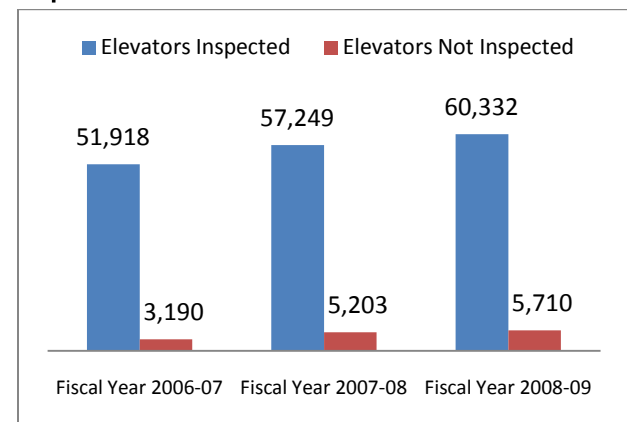
Since our 2008 report, the number of elevator inspections has continued to increase, and the average number of cited violations per inspection is lower. The Bureau of Elevator Safety's follow-up inspections indicate that private elevator inspectors are missing fewer safety violations. However, the bureau continues to lack authority to compel private inspectors to respond to inspection result discrepancies. The bureau has taken steps to address our recommendations, including publishing technical advisories, posting a list of delinquent elevators on its website, and creating a database on elevator accidents.

The number of elevator inspections continues to increase

As shown in Exhibit 1, the number of elevator inspections has continued to increase substantially. Specifically, 60,332 elevators were inspected in Fiscal Year 2008-09, compared to 57,249 in the previous year; this represents a 5.4% increase in inspections.

Exhibit 1

The Number of Elevators Inspected Has Increased Over Time, but the Number of Elevators Not Inspected Has Increased as Well



Source: Department of Business and Professional Regulation.

However, 5,710 elevators did not receive required safety inspections in Fiscal Year 2008-09. The Bureau of Elevator Safety cited several potential explanations for these cases. Some building owners, especially new owners, may have been unaware of the annual inspection requirement. In addition, some elevators that had failed inspections may have been awaiting repair or parts prior to re-inspection. Finally, some elevators may have been inspected but their inspection reports may not have been timely reported to the bureau, or the private inspector reported an incorrect serial number.

Exhibit 2 shows that the average number of violations found during inspections rose slightly in Fiscal Year 2008-09, although it remains lower than the level found in Fiscal Year 2006-07.

Exhibit 2
The Average Number of Violations per Inspection Is Lower Than In Fiscal Year 2006-07

Fiscal Year	2006-07	2007-08	2008-09
Total inspections	51,918	57,249	60,332
Total violations	64,619	59,461	67,513
Average violations per inspection	1.24	1.04	1.12

Source: Department of Business and Professional Regulation.

For Fiscal Year 2008-09, the top five cited safety violations were

- missing certificate of operation (6,256);
- non-functional emergency alarm (2,232);
- faulty door restrictors (1,762);
- missing signage (1,465); and
- no telephone or non-functional telephone (1,308).

Private inspectors are missing fewer violations, but the bureau still cannot compel them to explain inspection discrepancies

The bureau's follow-up inspections of a sample of elevators show that private inspectors are missing fewer violations when completing routine inspections. However, the bureau continues to be unable to require private

inspectors to explain discrepancies between their inspections and those it conducts.

To assess the quality of inspections conducted by private contractors, the bureau compares the violations its staff detect during follow-up inspections to those cited by the private contractors.⁴ As shown in Exhibit 3, the number of inspections performed by private contractors that were found to have non-cited violations has declined, as has the percentage of inspections with non-cited violations. The bureau attributes this improvement to its outreach efforts, which include letters and telephone calls to private inspectors, informing them of the inspection result discrepancies.⁵

Exhibit 3
The Number of Inspections Found to Have Non-Cited Violations Has Declined

Fiscal Year	2007-08	2008-09
Total follow-up inspections	4,176	6,989
Inspections found to have non-cited violations	341	260
Percentage of inspections with non-cited violations	8.2%	3.7%

Source: Department of Business and Professional Regulation.

The bureau continues to lack authority to compel private inspectors to respond to follow-up inspection results and explain why they missed violations detected by bureau staff. We continue to recommend that the Legislature consider amending s. 399.049, *Florida Statutes*, to require private inspectors or registered elevator companies to respond to the bureau's request for information reconciling inspection results.

The bureau has taken action to improve elevator safety and consumer information

As we recommended, the bureau has taken steps to improve elevator safety and enhance

⁴ Bureau staff conducts a follow-up inspection within 30 days of the initial inspection and identify the number of violations detected that were not cited by the private contractor.

⁵ The bureau does not maintain summary data on the severity of non-cited violations detected by its follow-up inspections. However, bureau managers indicate these non-cited violations are generally not life threatening, and the bureau has not sealed an elevator due to hazardous conditions found during a re-inspection in recent years.

consumer information. These actions include publishing technical advisories, posting a list of delinquent elevators on its website, and creating a database of elevator accidents.

The bureau will resume publishing technical advisories. The bureau posted technical advisories on its website until September 2008 when its authority to publish the advisories was legally challenged. The bureau reports that this legal issue has been resolved and it plans to resume publishing educational technical advisories in November 2009 after the Elevator Safety and Technical Advisory Council has reviewed the advisories. These advisories should provide technical assistance for private contractors, including examples of common interpretation errors and guidance on correct interpretations of safety standards.

Elevator status is posted on the bureau's website and a new database provides comprehensive elevator incident information. As recommended by our 2008 report, the bureau is now posting on its website a list of elevators in delinquent status, including the location, license status, most recent inspection results, and date of last inspection.⁶

⁶ See <http://www.myfloridalicense.com/dbpr/hr/elevators/elevator-renewals.html>.

This listing provides citizens with information about the safety of elevators they may frequent and encourages elevator owners to have their noncompliant elevators inspected.

In addition, consistent with our recommendations, the bureau has developed a database that tracks elevator accidents. This database includes information on the time and location of the accident; elevator owner name; elevator serial number; current registration status (delinquent or certified); elevator type; and a detailed description of the accident, including specific body parts injured (if any).

Since July 2008, the bureau has used this database to compile accident data and post a weekly report to its website. As shown in Exhibit 4, these data show that while the number of accidents has declined, the number of injuries has increased slightly over the past year.

Exhibit 4 **The Number of Elevator Incidents Has Declined, but Injuries Have Increased Slightly**

Fiscal Year	2007-08	2008-09
Elevator incidents	539	398
Number of injuries	108	136
Number of deaths	1	1

Source: Department of Business and Professional Regulation.

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