



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER NICOLE "NIKKI" FRIED

DATE: May 6, 2022

TO: Nicole Fried, Commissioner

FROM: Angela H. Roddenberry, Inspector General

SUBJECT: 6-Month Status Report for Auditor General (AG) Report No. 2022-048:
Department of Agriculture and Consumer Services - Administration of Mosquito
Control Programs, Licensing, and Research, Selected Information Technology
Controls, and Prior Audit Follow-Up

In accordance with Section 20.055(6)(h), Florida Statutes, the Office of Inspector General is submitting the 6-Month Status of Corrective Actions Taken for AG Report No. 2022-048: Department of Agriculture and Consumer Services - Administration of Mosquito Control Programs, Licensing, and Research, Selected Information Technology Controls, and Prior Audit Follow-Up. This report details the status of each audit recommendation as reported to us by appropriate management.

If you have any questions, please contact me at (850) 245-1360 or Angela.Roddenberry@fdacs.gov.

Enclosure

cc: Shelby Scapa, Interim Assistant Commissioner
Alan Edwards, Deputy Chief of Staff for Operations
Mary Barzee, Deputy Commissioner of Consumer Affairs
Steven Hall, General Counsel
Eric Brown, Chief Information Officer
Kelly Friend, Directory of Agricultural Environmental Services
Joey Hicks, Director of Administration
Jim Lewandowski, Chief of Finance and Accounting
Stephen Hurm, Director of Licensing
Rick Kimsey, Director of Consumer Services
Benita Byard-Williams, Information Security Manager
Joint Legislative Auditing Committee

6-Month Status of Corrective Actions Taken

Auditor General Report No. 2022-048, Department of Agriculture and Consumer Services – Administration of Mosquito Control Programs, Licensing, and Research, Selected Information Technology Controls, and Prior Audit Follow-Up

Administration of Mosquito Control Programs, Licensing, and Research

Finding 1:	<u>Public Lands Arthropod Control Plans</u> Department oversight activities related to the identification and control of arthropods on environmentally sensitive and biologically highly productive public lands could be enhanced.
Recommendation:	We recommend that Division management enhance procedures to proactively and routinely contact land management agencies to ensure that arthropod control plans are established, current, and inclusive of all applicable public lands, in accordance with Division rules.
Report Response:	We concur. The Division has developed a procedure to address annual outreach to land management agencies and arthropod control agencies. This will formally notify land management agencies of the requirements under Chapter 388, Florida Statutes, and Rule 5E-13, Florida Administrative Code (F.A.C.) for new arthropod control plans, and will remind them to submit any revisions to their arthropod control plans to the Department as required by 5E-13.042(8), F.A.C.
6-Month Status:	According to management, corrective action is complete.

Administration of Private Investigator, Security Officer, Recovery Agent, and Concealed Weapon Licenses

Finding 2:	<u>Management Oversight</u> Department management oversight controls for the concealed weapon licensing process continue to need improvement.
Recommendation:	We recommend that Division of Licensing (DOL) management continue efforts to enhance oversight controls for the concealed weapon licensing process. Such enhancements should include thorough and documented review of management reports to determine the extent of employee performance deficiencies and ensuring that DOL records evidence that management addressed potential performance deficiencies with DOL employees.

<p>Report Response:</p>	<p>DOL continues to enhance management oversight controls to ensure employees are held accountable, concealed weapon license application processing errors are minimized and promptly addressed, and that licenses are only issued to qualified individuals. Prior to the initial audit (2019-064), on June 18, 2018, DOL revised procedures for the “not viewed” reports to be pulled daily instead of weekly. Each day, Bureau of License Issuance (BLI) supervisors reviewed these reports for errors and inconsistencies. Also, beginning in October 2019, DOL instituted a secondary level review team within BLI for additional oversight on license applicants with criminal histories. DOL further introduced system changes to disable license printing unless public safety related documents have been viewed. As detailed below, the system will not allow a license to be printed if pertinent documents have not been viewed.</p> <p>We concur there was no documentation regarding the seven entries identified as employee errors listed in the finding; however, these employees would have been counseled verbally by their supervisors. All verbal counseling is now followed up with a supervisory email to the employee.</p> <p>In May 2019, DOL instituted a process to ensure certain items are included in a license package and must be reviewed prior to printing a license. If fingerprints are required by statute, the Florida Department of Law Enforcement report results, produced from either a live scan or flat-bed fingerprint submission and the National Instant Criminal Background Check System, must be included in the package; otherwise, the license will not print and cannot be issued to the applicant.</p> <p>The High-Speed Card Print system also ensures certain file types must be viewed or exported within the license package. If these file types are not viewed or exported, the license will not print.</p> <p>The advancements in technology and audit controls have, in large part, rendered the “not viewed” reports as functionally obsolete and outdated as an internal safeguard measure. These advancements provide significant assurance that pertinent file types and application data are reviewed and approved prior to issuance, printing, and mailing to an applicant and ensure the applicant is, in fact, qualified to obtain a license. DOL supervisors still use the “not viewed” reports for employee accountability and training purposes.</p>
<p>6-Month Status:</p>	<p>According to management, corrective action is complete.</p>

<p>Finding 3:</p>	<p><u>Quality Assurance Reviews</u></p> <p>As similarly noted in our report No. 2019-064, Department controls for conducting quality assurance reviews of processed license applications and match reports¹ previously reviewed by Division of Licensing staff need enhancement to ensure that corrective actions are timely implemented.</p>
<p>Recommendation:</p>	<p>We recommend that DOL management continue efforts to ensure that corrective actions are timely implemented in accordance with established policies and procedures.</p>
<p>Report Response:</p>	<p>DOL agrees that timely evaluation of potential issues noted during quality assurance reviews are important to ensure only individuals with appropriate qualifications are licensed and that disciplinary action is taken when necessary. Monthly, the Quality Assurance Unit (QAU) conducts 23 assessment reviews of work performed by BLI and the Bureau of Regulation and Enforcement (BRE). Bureau management is required to review the assessments and make any corrective actions necessary. This is in addition to the existing routine job duties.</p> <p>Over the past two years, DOL experienced unprecedented application volume. During the most recent fiscal year (2020/2021), DOL received and processed 655,325 new and renewal applications. When the Department acquired DOL responsibilities in Fiscal Year (FY) 2003-2004, DOL had 118 full time employees (FTE) to handle 160,434 new and renewal applications: an average of 1,360 applications per FTE. In FY 2020/2021, 304 FTE handled an average of 2,156 applications: a 53% workload increase. While applications increased 308% between FY 2003/2004 and FY 2020/2021, staffing increased only 158% during the same period.</p> <p>Due to the dramatic increase in DOL’s workload, a review of the BLI and BRE assessment reports from this time show an average response time of 24 days, with a median of 7 days. To ensure the QAU assessments are being reviewed in a timely manner in accordance with policy, the QAU will send out periodic reminder emails to BLI and BRE. Additionally, the Department has requested legislative authority for 83 additional positions to support DOL’s goals and mission.</p>
<p>6-Month Status:</p>	<p>According to management, corrective action is in progress. Staffing remains an issue in adequately meeting this DOL deadline. The legislature has approved 83 additional positions effective July 2022, which will remove the staffing burden. Additionally, QAU has sent two reminder updates during FY 2021-2022 and will continue to do so until assessments are completed timely.</p>

<p>Finding 4:</p>	<p><u>Error or Omission Letters</u></p> <p>Department license processing controls continue to need enhancement to ensure that private investigator, security officer, recovery agent, and concealed weapon license applications are timely reviewed and approved or denied if complete, and applicants are promptly notified in accordance with State law of application errors or omissions.</p>
<p>Recommendation:</p>	<p>We again recommend that DOL management enhance license application processing controls to ensure that license applications are timely reviewed and approved or denied if complete, and applicants are promptly notified of application errors or omissions in accordance with State law.</p>
<p>Report Response:</p>	<p>We concur that timely review and notification of errors and omissions are critical, and we have implemented controls to ensure both are in accordance with state law. Given the importance to public safety of ensuring unqualified applicants do not receive a license, coupled with the vital importance of protecting the rights of qualified applicants to receive a license, DOL works every day to ensure full background checks and application reviews are completed before license issuance or denial. However, as stated in the previous finding response, the unprecedented application volume increase coupled with insufficient FTE have created formidable challenges.</p> <p>To address these challenges, DOL has authorized overtime to provide employees the ability to assist with the workload increase. During the last two FYs, DOL members worked 14,989 hours of overtime, which equates to 7.5 additional FTE working for a full year. Overtime hours are not a sustainable long-term solution. Permanent processing improvements and personnel increases are needed to meet DOL’s goals of timely processing and public safety in the context of unprecedented application volume.</p> <p>When the previous audit report was released in December 2018, DOL anticipated the launch of its long overdue AgCSS computer system upgrade and responded to the previous audit findings accordingly. In January 2019, it was determined the AgCSS system was not ready as it was outdated and riddled with problems. DOL has since begun an updated cloud-based computer system upgrade built on the Microsoft Power Platform. When that system is in place, efficiency of processing and verification of applications will be dramatically enhanced.</p> <p>DOL has submitted a Legislative Budget Request for 83 additional positions, the majority of which will be allocated to BLI to handle the substantial volume increase of new and renewal applications while also increasing the accuracy of the review process. DOL is committed to meeting its statutory duties in a manner that ensures public safety.</p>

6-Month Status:	According to management, corrective action is complete. DOL is currently meeting the statutory timeframe of sending an Error or Omission letter within 30-days of receipt of an application. As of April 19, 2022, all new and renewal application queues for 790 are averaging 7 days out, and 493 are averaging 12 days out. This was achievable with adding 32 OPS staff. In July 2022, BLI will be gaining 41 career service positions to assist with this as well.
Finding 5:	<u>Background Screenings</u> The Department did not require employees in positions of special trust to undergo periodic background screenings as a condition of continued employment. A similar finding was noted in our report No. 2019-064.
Recommendation:	We again recommend that Department management subject all applicable Department employees to periodic level 2 background screenings as a condition of continued employment.
Report Response:	We concur. Due to the large number of Department employees in positions of special trust, the Department is researching options to adequately resolve this issue at a reasonable cost to the Department.
6-Month Status:	<p>According to management, the Department has historically conducted level 2 background screenings for employees in a position of special trust in accordance with Chapters 110 and 435, Florida Statutes. However, this did not provide a continuous criminal history notification for the employee. In January 2022, the Department modified its level 2 background screening process to begin utilizing the Florida Department of Law Enforcement FALCON Integrated Criminal History system. All new employees in a position of special trust from January 2022 forward will have their fingerprints retained in the FALCON system. Beginning in May 2022, current employees in a position of special trust will be re-fingerprinted to have their fingerprints retained in the FALCON system.</p> <p>With over 2,700 employees in positions of special trust within the Department, this effort will take some time. Employees will be fingerprinted in order according to the date of their last Level 2 background screening in People First, with those with the oldest date being fingerprinted first. (Note: The order of re-fingerprinting will vary for the Florida Forest Service).</p> <p>With the use of the FALCON system, should an employee whose fingerprints are retained in this system be arrested in the State of Florida, automatic notification will be sent to the Office of Inspector General for viewing. Once the criminal history is reviewed, the Office of Inspector General will notify the Bureau of Personnel Management (BPM) of the results. Once results are received, the BPM will determine appropriate action.</p>

Information Technology (IT) Controls	
Finding 6:	<p><u>IT Access Controls</u></p> <p>Department controls over employee access to certain IT systems need improvement to reduce the risk of unauthorized disclosure, modification, or destruction of Department data.</p>
Recommendation:	<p>We recommend that Department management enhance IT access controls to:</p> <ul style="list-style-type: none"> • Ensure that periodic FLAIR user access privilege reviews include an assessment of the appropriateness of access privileges. • Restrict user access privileges to FLAIR to promote an appropriate separation of duties and require that, where incompatible access privileges are necessary, compensating controls are established and documented. • Ensure that IT access privileges are removed immediately upon an employee's separation from Department employment and Department policies and procedures are updated to require prompt removal.
Report Response:	<p>We concur. The Department's Information Security Manager is currently reviewing the Department's security policies and procedures to ensure compliance with applicable standards, including access controls for ensuring the timely removal of access privileges no longer needed. In addition, the Division of Finance and Accounting (F&A) will review and implement stronger access controls to help ensure users are not granted incompatible FLAIR functions, when possible. When this is not possible, manual controls will be implemented to mitigate the associated risks.</p>
6-Month Status:	<p>According to management, the Department's Information Security Manager is currently reviewing the Department's security policies and procedures to ensure compliance with applicable access control standards to ensure the timely removal of access privileges. According to the Division of Consumer Services and DOL's management, corrective actions are complete in relation to access privileges not being timely removed. According to F&A management, access procedures have been implemented that require FLAIR access custodians to review FLAIR access requests to help ensure access requests do not violate appropriate separation of duties. In addition, a quick reference guide has been made available to the FLAIR access custodians to assist them in their review. When incompatible FLAIR functions must be assigned, F&A has implemented processes to monitor, segregate, or implement compensating controls to mitigate the risks. In addition, FLAIR user access privileges are reviewed quarterly by the user's supervisor to confirm FLAIR access is still required.</p>

Finding 7:	<p><u>Retention of Text Messages</u></p> <p>Department controls for the retention of text messages in accordance with State law and the State records retention schedule need improvement.</p>
Recommendation:	<p>We recommend that Department management enhance mobile device controls to ensure that all text messages sent or received by Department-owned mobile devices are retained in accordance with State law and the records retention schedule.</p>
Report Response:	<p>We concur. The Department is researching options to adequately respond to this issue.</p>
6-Month Status:	<p>According to management, the Department is in the procurement process with a state term contract vendor to adequately respond to this issue.</p>
Finding 8:	<p><u>IT Security Controls – User Authentication and Logging and Monitoring</u></p> <p>As similarly noted in prior audits, most recently in our report No. 2019-064, certain Department IT system security controls need improvement to better protect the confidentiality, integrity, and availability of Department data and IT resources.</p>
Recommendation:	<p>We again recommend that Department management improve certain security controls related to user authentication and logging and monitoring to ensure the confidentiality, integrity, and availability of Department data and related IT resources.</p>
Report Response:	<p>We concur. The Department continues to address and improve security controls by incorporating new policies, procedures, and processes. In addition, the Department has enhanced and strengthened security controls by implementing new hardware and software solutions.</p>
6-Month Status:	<p>According to management, corrective actions are complete.</p>