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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Administration of Mosquito Control Programs, Licensing, and Research, Selected Information Technology Controls, and Prior Audit Follow-Up



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Auditor General

Commissioner of the Department of Agriculture and Consumer Services

The Department of Agriculture and Consumer Services is created by Section 20.14, Florida Statutes. The head of the Department is the Commissioner of Agriculture. The following Commissioners served during the period of our audit:

The Honorable Nicole “Nikki” Fried from January 8, 2019
The Honorable Adam H. Putnam through January 8, 2019

The team leader was Jay Molstad, CPA, and the audit was supervised by Christi Alexander, CPA.

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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Administration of Mosquito Control Programs, Licensing, and Research, Selected Information Technology Controls, and Prior Audit Follow-Up

SUMMARY

This operational audit of the Department of Agriculture and Consumer Services (Department) focused on the administration of mosquito control programs, licensing, and research and selected information technology (IT) controls. The audit also included a follow-up on the findings noted in our report No. 2019-064. Our audit disclosed the following:

Administration of Mosquito Control Programs, Licensing, and Research

Finding 1: Department oversight activities related to the identification and control of arthropods on environmentally sensitive and biologically highly productive public lands could be enhanced.

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

Finding 2: Department management oversight controls for the concealed weapon licensing process continue to need improvement.

Finding 3: As similarly noted in our report No. 2019-064, Department controls for conducting quality assurance reviews of processed license applications and match reports[1] previously reviewed by Division of Licensing staff need enhancement to ensure that corrective actions are timely implemented.

Finding 4: 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.

Finding 5: 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.

Information Technology Controls

Finding 6: Department controls over employee access to certain IT systems need improvement to reduce the risk of unauthorized disclosure, modification, or destruction of Department data.

Finding 7: Department controls for the retention of text messages in accordance with State law and the State records retention schedule need improvement.

Finding 8: 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.

[1] The Department received reports from various State agencies detailing potential disqualifying events or conditions and matched the reported information to Division licensing records.

BACKGROUND

The Department of Agriculture and Consumer Services (Department) was created and organized consistent with State law[2] to support and promote the State's agriculture, protect the environment, safeguard consumers, and ensure the safety and wholesomeness of food. The Department operates through 12 divisions and 4 offices, including the Division of Agricultural Environmental Services (Division). To perform the Department's varied functions, the Legislature appropriated to the Department $1.76 billion for the 2020-21 fiscal year and funded 3,740.25 positions, including 186 Division positions.[3]

FINDINGS AND RECOMMENDATIONS

ADMINISTRATION OF MOSQUITO CONTROL PROGRAMS, LICENSING, AND RESEARCH

Pursuant to State law,[4] the Division is responsible for administering State mosquito control programs, including guiding, reviewing, approving, and coordinating the activities of all county governments and special districts[5] that receive State funds in furtherance of integrated arthropod[6] control. Legislative appropriations to the Department for State mosquito control programs for the 2018-19 and 2019-20 fiscal years totaled $1.66 million. As of January 2020, there were 63 approved local mosquito control programs eligible for funding.

Finding 1: Public Lands Arthropod Control Plans

State law[7] requires the Department to adopt rules specifying procedures for the development and promulgation of a public lands control plan so that biologically highly productive lands owned by the State or any political subdivision thereof where arthropods incubate, hatch, or occur so as to constitute a public health or nuisance problem are subject to arthropod control measures. As previously noted, State law[8] assigns to the Department the duty to guide, review, approve, and coordinate the activities of all county governments and special districts receiving State funds in furtherance of integrated arthropod control. Accordingly, Division rules[9] require that all agencies charged with managing publicly owned lands (land management agencies) identify environmentally sensitive and biologically highly productive public lands under their control which are subject to a public lands control plan (arthropod control plan).

As part of our audit, we reviewed Division rules, examined Division records, and inquired of Division management regarding Division oversight activities related to the identification and control of

[2] Section 20.14, Florida Statutes.

[3] Chapter 2020-111, Laws of Florida.

[4] Section 388.271(1), Florida Statutes.

[5] Section 388.021(1), Florida Statutes, authorizes any State city, town, county, or portion thereof, to be created into a special taxing district for arthropod control.

[6] Section 388.011(1), Florida Statutes, defines an arthropod as those insects of public health or nuisance importance, including all mosquitoes, midges, sand flies, dog flies, yellow flies, and house flies.

[7] Section 388.4111, Florida Statutes.

[8] Section 388.271(1), Florida Statutes.

[9] Division Rule 5E-13.042, Florida Administrative Code.

environmentally sensitive and biologically highly productive public lands. Our audit procedures found that Division processes could be enhanced to regularly contact land management agencies to:

- Determine whether the agencies had purchased public lands that were environmentally sensitive and biologically highly productive.
- Inform land management agencies that purchased such land of the requirement to develop an arthropod control plan.
- Routinely contact land management agencies that had arthropod control plans to determine if updates to the plans were necessary.

We noted that the arthropod control plans on file with the Division ranged in date from 1999 to 2017. According to Division management, the Division relied on land management agencies to provide information on any new land acquisitions or changes to properties designated as environmentally sensitive and biologically highly productive lands.

As the Division is responsible for guiding, reviewing, approving, and coordinating the activities of all agencies involved in arthropod control, proactive and regular efforts to promote land management agency compliance with statutory requirements for arthropod control would decrease potential public health and nuisance problems due to arthropods.

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.

ADMINISTRATION OF PRIVATE INVESTIGATOR, SECURITY OFFICER, RECOVERY AGENT, AND CONCEALED WEAPON LICENSES

Pursuant to State law,[10] the Department, Division of Licensing (DOL), is responsible for regulating licensed and unlicensed persons and businesses engaged in private security, private investigative, and recovery industries, as well as issuing to qualified persons licenses to carry concealed weapons or firearms. State law[11] provides that, to be licensed as a private investigator,[12] security officer,[13] or recovery agent,[14] applicants must satisfy certain requirements, pass examinations, as applicable, and submit the applicable fee. State law[15] similarly requires concealed weapon license applicants to complete an initial application, pay a nonrefundable $55 application fee, and meet all statutory requirements for licensure.

[10] Sections 493.6100 and 790.06, Florida Statutes.

[11] Chapter 493, Florida Statutes.

[12] Section 493.6101(16), Florida Statutes, defines a private investigator as any individual who, for consideration, advertises as providing or performs private investigation services.

[13] Section 493.6101(19), Florida Statutes, defines a security officer as any individual who, for consideration, advertises as providing or performs bodyguard services or otherwise guards persons or property; attempts to prevent theft or unlawful taking of goods, wares, and merchandise; or attempts to prevent the misappropriation or concealment of goods, wares or merchandise, or other articles of value. The term also includes armored car personnel and personnel engaged in the transportation of prisoners.

[14] Section 493.6101(21), Florida Statutes, defines a recovery agent as any individual who, for consideration, advertises as providing or performs repossessions.

[15] Section 790.06, Florida Statutes.

According to DOL records, as of July 31, 2021, there were over 11,000 private investigator, 132,000 security officer, 1,400 recovery agent, and 2.3 million concealed weapon licenses active.

Finding 2: Management Oversight

State law[16] specifies various requirements for an applicant to receive a concealed weapon license, including, but not limited to, being 21 years of age or older, demonstrating competency with a firearm, and having no disqualifying felony convictions (unless civil and firearm rights have been restored) or a conviction for a misdemeanor crime of domestic violence within 3 years. DOL controls for ensuring that concealed weapon licenses were issued only to qualified individuals included, among others, various "Not Viewed" management reports that were established for management's use in evaluating whether employees processed applications in accordance with applicable laws and Department guidelines. For example, available management reports detailed deficiencies in processing concealed weapon license applications, such as when:

- A license was issued after opening or viewing only the first page of the application.
- A license was issued without opening or viewing any part of the application.
- A license was issued without opening or reviewing the applicant's State and National criminal history information.

In our report No. 2019-064 (Finding 2), we noted that DOL controls needed enhancement to ensure that employees were held accountable for performance deficiencies, concealed weapon license application processing errors were promptly and appropriately addressed, and licenses were only issued to qualified individuals. In response to our audit, the DOL increased the frequency of "Not Viewed" management reports from weekly to daily and required management to review and note on each report whether an entry constituted an employee error or that no error had occurred. If an entry was determined to be an employee error, management was to determine whether a license was issued in error and take administrative action accordingly. DOL management further indicated that, beginning with the 2019-20 fiscal year, the DOL would take additional actions against employees whose errors appeared more than once on "Not Viewed" management reports and that performance expectations would be added to each processing and verification employee's performance plan.

As part of our follow-up audit procedures, we interviewed DOL management, evaluated DOL licensing processes, and examined Department records for 30 of the 147 "Not Viewed" management reports produced during the period July 2019 through January 2020. The 30 reports included 110 entries. As similarly noted in our prior audit report, we found that:

- 6 entries were not clearly denoted on the "Not Viewed" management reports as employee errors or non-errors. According to DOL management, the entries were not clearly denoted because the DOL had established prelicense issuance controls that rendered the management reports less significant.
- The DOL was unable to provide documentation demonstrating that management followed up with employees regarding 7 entries identified as employee errors and potential performance deficiencies. The entries related to five unviewed National Instant Criminal Background Check System reports and two unviewed responses to letters notifying applicants of apparent errors or

[16] Section 790.06(2), Florida Statutes.

omissions of required information. According to DOL management, some supervisors may have conducted verbal counseling with the employees regarding the errors.

Absent effective management oversight controls, the DOL has reduced assurance that employees are held accountable for performance deficiencies, concealed weapon license application processing errors are promptly and appropriately addressed, and licenses are only issued to qualified individuals.

Recommendation: We recommend that 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.

Finding 3: Quality Assurance Reviews

The DOL, Quality Assurance Unit (Quality Assurance), was responsible for conducting quality assurance reviews of processed license applications and match reports[17] previously reviewed by DOL staff and reporting review results to Bureau of License Issuance (BLI) and Bureau of Regulation and Enforcement (BRE) management for corrective action, as necessary. DOL policies and procedures required Quality Assurance staff to complete and report review results to BLI and BRE management within 30 days of receiving review records. Additionally, the policies and procedures required that, within 30 days of receiving a Quality Assurance report, BLI and BRE management were to review the report findings and take appropriate corrective actions.

In our report No. 2019-064 (Finding 6), we noted that Department controls for conducting quality assurance reviews of processed license applications and match reports previously reviewed by DOL staff needed enhancement to ensure that the reviews were timely and independently conducted, review results were adequately documented, and corrective actions were timely implemented. As part of our follow-up audit procedures, we reviewed DOL policies and procedures, interviewed DOL management, and examined 19 of the 177 Quality Assurance reports issued during the period July 2019 through January 2020. Our audit procedures disclosed that BLI and BRE management did not timely review 6 of the 19 Quality Assurance reports, with management review and follow-up occurring 46 to 210 days (an average of 115 days) after receiving the report. According to DOL management, the review and follow-up delays were due to changes in management, management oversights, and the COVID-19 pandemic.

Timely evaluation of potential issues noted during quality assurance reviews is critical to ensure that only those individuals with appropriate qualifications are licensed and that disciplinary action is taken when statutory noncompliance is noted.

Recommendation: We recommend that DOL management continue efforts to ensure that corrective actions are timely implemented in accordance with established policies and procedures.

[17] The Department received reports from various State agencies detailing potential disqualifying events or conditions and matched the reported information to DOL licensing records.

Finding 4: Error or Omission Letters

State law[18] provides that, upon receipt of a license application, the Department is to examine the application and, within 30 days of receiving the application, notify the applicant of any apparent errors or omissions and request any necessary additional information. Pursuant to State law, the Department cannot deny an applicant a license for failing to correct an error or omission or to supply additional information unless the Department timely notifies the applicant of the error or omission. Additionally, an application for a license must be approved or denied within 90 days after receipt of a completed application. The DOL utilized a standard Error or Omission (EO) letter to notify applicants of any errors or omissions and to request additional information.

In our report No. 2019-064 (Finding 3), we noted that the Department did not always timely notify applicants for private investigator, security officer, recovery agent, and concealed weapon licenses of application errors or omissions. As part of our follow-up audit procedures, we examined records for 60 applications for private investigator, security officer, recovery agent, or concealed weapon licenses pending or denied during the period July 2019 through January 2020. Our examination found that DOL staff did not always examine license applications or send EO letters to applicants within 30 days of receiving an application. Specifically:

- For 16 applications (10 security officer license applications and 6 concealed weapon license applications), DOL staff did not examine the applications until 31 to 115 days (an average of 63 days) after receipt of the applications by the DOL.
- For 5 of 11 security officer license applications that the DOL found to be incomplete, the DOL mailed EO letters to the applicants 43 to 115 days (an average of 70 days) after receiving the application. Additionally, DOL staff did not evaluate for completeness the documentation received in response to two EO letters[19] until 35 and 123 days after receipt of the documentation.
- For 8 of 20 complete applications (7 security officer license applications and a security manager license application), DOL staff did not timely approve or deny the applications. Specifically, the applications were approved or denied 93 to 266 days (an average of 154 days) after the completed applications were received by the DOL.

According to DOL management, the processing of license applications was delayed due to difficulties in hiring sufficient staff amid record license application volume.

Timely reviewing private investigator, security officer, recovery agent, and concealed weapon license applications, approving or denying complete applications, and notifying applicants of application errors or omissions would better ensure that the Department receives accurate and complete information to promptly process license applications in accordance with the time frames established in State law.

Recommendation: 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.

[18] Section 120.60(1), Florida Statutes.

[19] One letter pertained to an application for a security officer instructor license and the other letter an application for a concealed weapon license.

Finding 5: Background Screenings

State law[20] requires all employees[21] in positions of special trust, responsibility, or sensitive location to undergo a level 2 background screening[22] as a condition of employment and authorizes State agencies to conduct periodic screenings as a condition of continued employment. In our report No. 2019-064 (Finding 8), we noted that the Department did not always ensure that employee background screenings were timely conducted, and the results adequately reviewed, when individuals were employed in positions of special trust and that the Department did not subject all applicable employees to periodic background screenings as a condition of continued employment. As part of our follow-up audit procedures, we interviewed Department management and examined personnel records for 20 DOL employees hired or appointed into positions of special trust during the period July 2019 through January 2020. We noted that, while background screenings were timely conducted for the new hires employed in positions of special trust, periodic screenings were not performed as a condition of continued employment for any employees in positions of special trust.

In response to our audit inquiry, Department management indicated that, due to budget constraints, in lieu of periodic screenings, the Department relied on employees acknowledging and adhering to established policies and procedures that required personnel to notify management of all arrests, citations, and notices to appear within 2 business days of the occurrence. Notwithstanding Department management's response, periodic background screenings of Department employees with access to sensitive information would provide Department management greater assurance that only those individuals with appropriate backgrounds are employed and granted access to such information.

Recommendation: We again recommend that Department management subject all applicable Department employees to periodic level 2 background screenings as a condition of continued employment.

INFORMATION TECHNOLOGY CONTROLS

State law[23] requires State agencies to establish information security controls to ensure the security of agency data, information, and information technology (IT) resources. Additionally, Department of Management Services (DMS) rules[24] establish minimum security standards for ensuring the confidentiality, integrity, and availability of State agency data, information, and IT resources. As part of our audit, we evaluated selected Department IT controls and, as discussed in Findings 6 through 8, noted areas in which IT controls need improvement.

[20] Section 110.1127(2)(a), Florida Statutes.

[21] Section 435.02(2), Florida Statutes, defines employee as any person required by law to be screened pursuant to Chapter 435, Florida Statutes, including, but not limited to persons who are contractors, licensees, or volunteers.

[22] As defined in Section 435.04, Florida Statutes, level 2 background screenings include, but need not be limited to, fingerprinting for Statewide criminal history records checks through the Department of Law Enforcement, national criminal history records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.

[23] Section 282.318(4), Florida Statutes.

[24] DMS Rules, Chapter 60GG-2, Florida Administrative Code.

Finding 6: IT Access Controls

DMS rules[25] require State agencies to review user access privileges periodically based on system categorization or assessed risk, ensure that users are granted access to agency IT resources based on the principles of least privilege and a need to know determination, and ensure that IT access privileges are removed when access to an IT resource is no longer required. Prompt action to remove access privileges is necessary to help prevent misuse of the access privileges. Effective access controls also include measures that restrict user access privileges to data and IT resources to only those functions that promote an appropriate separation of duties and are necessary for the user's assigned job duties. If the separation of incompatible duties is not practical, compensating controls, such as supervisory review of selected transactions, should be established.

Department policies and procedures required Department information owners to periodically review (annually at a minimum) employee access rights and request modification as necessary. Department policies and procedures further specified that user accounts were to be canceled no later than 5 business days after an employee separated from their Department position or the employee's last day in office, whichever occurred first.

As part of our audit, we evaluated Department user access privilege controls for the Florida Accounting Information Resource Subsystem (FLAIR),[26] the Image Processing Management (IPM) application and Licensing Reflections (LICG) System,[27] the Administrative Image Management System (AIMS),[28] the Revenue and Receipts (REV) System,[29] and the Division of Consumer Services (DOCS) System.[30] We noted that:

- Employees performing financial management functions had been granted update capabilities to incompatible functions in FLAIR. Specifically, our examination of 18 FLAIR user accounts active during the period July 2018 through January 2020 found that:
  - 10 user accounts had update capabilities to both the fixed assets accounting and fixed assets custodial functions.
  - 1 user account had update capabilities to both the disbursement and cash receipts functions.

  While we noted that the Department had performed periodic FLAIR access privilege reviews, the reviews were not designed to assess the assignment of incompatible FLAIR access privileges.
- As shown in Table 1, and similarly noted in prior audit reports, most recently in our report No. 2019-064 (Finding 9), user access privileges were not always timely removed upon a user's separation from Department employment. For audit purposes, we considered the removal of user access privileges to be timely if it occurred within 1 business day of the user's separation from Department employment.

[25] DMS Rule 60GG-2.003(1)(d) and (1)(a)(6) and (8), Florida Administrative Code.

[26] The Department utilizes FLAIR to authorize the payment of Department obligations and to record and report financial transactions.

[27] The Department uses the IPM application and LICG System to store all licensing data, including related to administrative actions and license issuance, regulation, and investigations.

[28] The Department uses AIMS as an online procurement and electronic imaging system.

[29] The Department utilizes the REV System to account for moneys collected.

[30] The Department uses the DOCS System to document and track work performed by the Division of Consumer Services.

Table 1
Removal of User Access Privileges
July 2019 Through January 2020

System	Number of Employee Access Privileges Tested	Number of Employee Access Privileges Not Timely Removed	Range of Business Days from Employment Separation to Access Removal	Average Number of Business Days to Remove Access Privileges
FLAIR	12	3	2 to 60	22
IPM, LICG	47	4	2 to 10	6
AIMS	76	6	2 to 4	3
REV	27	5	2 to 7	4
DOCS	25	10	3 to 307	47

According to Department management, some of the user access privileges were removed pursuant to Department policies and procedures that provided for access privileges to be canceled no later than 5 business days after an employee separated from their Department position or an employee's last day in office, whichever occurred first. Notwithstanding, given the confidential and sensitive data maintained by the Department, 5 business days does not appropriately minimize the risks of inappropriate access to IT resources. Additionally, Department management indicated that the Financial Management Section within the Bureau of Finance and Accounting was responsible for ensuring cancellation of FLAIR access privileges; however, cancellations were normally completed when the Financial Management Section was notified of an employee's separation from Department employment, which did not always timely occur.

Periodic reviews of FLAIR user access privileges that encompass the appropriateness of access would provide Department management assurance that user access privileges are authorized and remain appropriate. Additionally, the effective separation of incompatible financial management duties and prompt removal of IT user access privileges upon an employee's separation from Department employment reduces the risk of unauthorized disclosure, modification, or destruction of Department data.

Recommendation: We recommend that Department management enhance IT access controls to:

- **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.**

Finding 7: Retention of Text Messages

State law[31] requires the Department to maintain public records in accordance with the records retention schedule[32] established by the Department of State, Division of Library and Information Services. The schedule specifies that the retention periods for electronic communications, including text messages, are

[31] Section 119.021(2)(b), Florida Statutes.

[32] State of Florida *General Records Schedule GS1-SL for State and Local Government Agencies*.

determined by the content, nature, and purpose of the messages. Some of the purposes include administrative correspondence (3 fiscal years), program and policy development correspondence (5 fiscal years), and transitory messages, which are to be maintained until obsolete, superseded, or administrative value is lost.

The Department was responsible for 1,621 cellular telephones as of March 2020 and 503 tablets as of February 2020. Our evaluation of Department mobile device controls found that, while Department policies and procedures authorized the use of text messaging on Department mobile devices for official Department business, the Department had not established an automated method to archive or preserve text messages meeting the definition of a public record. In response to our audit inquiry, Department management indicated that text message content was available from its mobile provider for up to 7 days and that, during new employee orientation and supervisory training, employees were notified of their duty to preserve public records and instructed that they were to screenshot text messages considered public records and forward them to their work e-mail account.

Notwithstanding management's response, absent a systematic and verifiable method to retain text messages in accordance with State law, the Department's ability to provide access to public records is diminished.

Recommendation: 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.

Finding 8: IT Security Controls – User Authentication and Logging and Monitoring

Security controls are intended to protect the confidentiality, integrity, and availability of data and IT resources. As similarly noted in our report No. 2019-064 (Finding 11), our audit disclosed that certain security controls related to user authentication and logging and monitoring need improvement. We are not disclosing specific details of the issues in this report to avoid the possibility of compromising Department data and related IT resources. However, we have notified appropriate Department management of the specific issues.

Without appropriate security controls related to user authentication and logging and monitoring, the risk is increased that the confidentiality, integrity, and availability of Department data and IT resources may be compromised.

Recommendation: 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.

PRIOR AUDIT FOLLOW-UP

Except as discussed in the preceding paragraphs, the Department had taken corrective actions for the findings included in our report No. 2019-064.

OBJECTIVES, SCOPE, AND METHODOLOGY

The Auditor General conducts operational audits of governmental entities to provide the Legislature, Florida's citizens, public entity management, and other stakeholders unbiased, timely, and relevant information for use in promoting government accountability and stewardship and improving government operations.

We conducted this operational audit from March 2020 through May 2021 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

This operational audit of the Department of Agriculture and Consumer Services (Department) focused on the administration of mosquito control programs, licensing, and research, and selected information technology (IT) controls. For those areas, the objectives of the audit were to:

- Evaluate management's performance in establishing and maintaining internal controls, including controls designed to prevent and detect fraud, waste, and abuse, and in administering responsibilities in accordance with applicable laws, administrative rules, contracts, grant agreements, and other guidelines.
- Examine internal controls designed and placed into operation to promote and encourage the achievement of management's control objectives in the categories of compliance, economic and efficient operations, the reliability of records and reports, and the safeguarding of assets, and identify weaknesses in those internal controls.
- Identify statutory and fiscal changes that may be recommended to the Legislature pursuant to Section 11.45(7)(h), Florida Statutes.

Our audit also included steps to determine whether management had corrected, or was in the process of correcting, all deficiencies noted in our report No. 2019-064.

This audit was designed to identify, for those programs, activities, or functions included within the scope of the audit, deficiencies in internal controls significant to our audit objectives; instances of noncompliance with applicable governing laws, rules, or contracts; and instances of inefficient or ineffective operational policies, procedures, or practices. The focus of this audit was to identify problems so that they may be corrected in such a way as to improve government accountability and efficiency and the stewardship of management. Professional judgment has been used in determining significance and audit risk and in selecting the particular transactions, legal compliance matters, records, and controls considered.

As described in more detail below, for those programs, activities, and functions included within the scope of our audit, our audit work included, but was not limited to, communicating to management and those charged with governance the scope, objectives, timing, overall methodology, and reporting of our audit; obtaining an understanding of the program, activity, or function; identifying and evaluating internal controls significant to our audit objectives; exercising professional judgment in considering significance and audit risk in the design and execution of the research, interviews, tests, analyses, and other procedures included in the audit methodology; obtaining reasonable assurance of the overall sufficiency

and appropriateness of the evidence gathered in support of our audit's findings and conclusions; and reporting on the results of the audit as required by governing laws and auditing standards.

Our audit included the selection and examination of transactions and records. Unless otherwise indicated in this report, these transactions and records were not selected with the intent of statistically projecting the results, although we have presented for perspective, where practicable, information concerning relevant population value or size and quantifications relative to the items selected for examination.

An audit by its nature does not include a review of all records and actions of agency management, staff, and vendors, and as a consequence, cannot be relied upon to identify all instances of noncompliance, fraud, abuse, or inefficiency.

In conducting our audit, we:

- Reviewed applicable laws, rules, Department policies and procedures, and other guidelines, and interviewed Department personnel to obtain an understanding of mosquito control programs, licensing, and research.
- Obtained an understanding of selected Department IT controls, assessed the risks related to those controls, evaluated whether selected application IT controls for the SunTrack system were in place, and tested the effectiveness of the selected controls.
- From the population of 63 approved local mosquito control programs eligible for State financial assistance (SFA) totaling $1,577,000 for the 2019-20 fiscal year, examined Department records for 12 selected programs awarded SFA totaling $284,353 for the 2019-20 fiscal year to determine whether the Department ensured that SFA for the control of arthropods was granted only to special districts or counties with approved arthropod control plans in accordance with Department rules and whether the Department ensured that entities timely submitted financial reports to the Department in accordance with Department Rule 5E-13.027, Florida Administrative Code.
- Performed inquiries of Department management and examined selected Department public lands control plan records to determine whether the Department had adequately designed and implemented controls for overseeing the identification of environmentally sensitive and highly biologically productive State lands and creating public lands control plans.
- From the population of 19 routine mosquito control inspections conducted by the Department during the period July 2018 through January 2020, examined Department records for 6 selected routine inspections to determine whether: inspections were sufficiently documented; appropriate administrative actions were taken when noncompliance was noted; all administrative actions were included in the quarterly list of disciplinary actions published on the Department's Web site in accordance with Section 388.3711(6), Florida Statutes; inspections evaluated compliance with applicable arthropod control plans; and the requirements of Section 120.60, Florida Statutes, were met when licenses were suspended or revoked.
- From the population of ten for-cause investigations of mosquito control programs completed by the Department during the period July 2018 through January 2020, examined Department records for four selected investigations to determine whether: investigations were sufficiently documented; appropriate administrative actions were taken when noncompliance was noted; all administrative actions were included in the quarterly list of disciplinary actions published on the Department's Web site in accordance with Section 388.3711(6), Florida Statutes; and the requirements of Section 120.60, Florida Statutes, were met when licenses were suspended or revoked.
- From the population of 371 new public health (PH) licenses issued during the period July 2018 through January 2020 (321 PH applicator-only, 24 PH aerial applicator, and 26 PH director licenses), examined Department records for 50 selected new PH licenses (35 PH applicator-only,

7 PH aerial applicator, and 8 PH director licenses) to determine whether the Department ensured that applicants for PH licenses had passed required examinations and met other applicable requirements prior to licensure and whether licenses were issued within 90 days of the receipt of a complete application in accordance with Section 120.60, Florida Statutes.

- From the population of 329 PH licenses renewed during the period July 2018 through January 2020 (275 PH applicator-only, 24 PH aerial applicator, and 30 PH director licenses), examined Department records for 40 selected PH licenses (20 PH applicator-only, 12 PH aerial applicator, and 8 PH director licenses) to determine whether the Department ensured that PH licensees met applicable requirements prior to license renewal and whether licenses were renewed within 90 days of the receipt of a complete application in accordance with Section 120.60, Florida Statutes.
- From the population of 99 applications for new PH licenses not approved during the period July 2018 through January 2020, and the population of 278 notices to existing licensees that did not result in license renewal during the same period, examined Department records for 20 selected new PH license applications and 20 selected renewal notices to determine whether the Department ensured that applications for new licenses or renewal notices were appropriately processed in accordance with State law, Department rules, and other guidelines.
- Examined 5 selected mosquito control research grant agreements, totaling $877,833, from the population of 15 grant agreements active during the period July 2018 through January 2020 and totaling $2,038,979, to determine whether the Department ensured that mosquito control research grants were effectively monitored and that deficiencies noted during monitoring were timely corrected.
- Evaluated Department actions to correct the findings noted in our report No. 2019-064. Specifically, we:
    - Reviewed applicable laws, rules, Department policies and procedures, and other guidelines, and interviewed Department personnel to obtain an understanding of the private investigator, security officer, recovery agent, and concealed weapon licensure and regulatory processes.
    - From the population of 92,424 concealed weapon licenses issued by the Department during the period July 2019 through January 2020, examined Department records for 40 selected licenses to determine whether National Instant Criminal Background Check System reports were retrieved and added to applicant records before licenses were issued, complete and accurate data regarding Division licensing actions was reported, and complete license applications were reviewed prior to the issuance of a license.
    - From the population of 22,014 private investigator, security guard, and recovery agent licenses issued by the Department during the period July 2019 through January 2020, examined Department records for 40 selected licenses to determine whether the Department appropriately examined the applications, notified applicants of any apparent errors or omissions and requested additional documentation within 30 days of application receipt, and issued licenses within 90 days of receipt of a complete application in accordance with Section 120.60(1), Florida Statutes.
    - Examined Department records for the one consular security official concealed weapon license issued and the application for one license marked as pending during the period July 2019 through January 2020 to determine whether the Department ensured that the applicants met the requirements for licensure specified in Section 790.06, Florida Statutes, prior to licensure.
    - Examined Department records for 30 selected private investigator, security guard, and recovery agent license applications, from the population of 3,848 applications for such licenses that were denied during the period July 2019 through January 2020 or were pending as of January 2020, to determine whether the denied applications were denied in accordance

with the requirements of Chapters 120 and 493, Florida Statutes, and the pending applications were subsequently approved or denied in accordance with those requirements.

- From the population of 7,814 concealed weapon license applications (including renewal requests) that were denied during the period July 2019 through January 2020 or were pending as of January 2020, examined Department records for 30 selected applications to determine whether the denied applications were denied in accordance with the requirements of Chapters 120 and 790, Florida Statutes, and the pending applications were subsequently approved or denied in accordance with those requirements.
- From the population of 574 investigations of private investigator, security guard, and recovery agent licensees initiated by the Department during the period July 2019 through January 2020, examined Department policies, procedures, and records for 30 selected investigations to determine whether the Department had established investigation time frames, completed investigation activities in accordance within established time frames, and took timely and appropriate action in response to investigation reports.
- Examined Department records for 20 selected Division of Licensing (DOL) employees, from the population of 47 Division employees hired during the period July 2019 through January 2020, to determine whether the DOL ensured that Level 2 background screenings were timely conducted and the results were adequately reviewed for individuals employed in positions of special trust.
- Performed inquiries of Department management and evaluated Department procedures to determine whether the Department required applicable DOL employees to undergo periodic Level 2 background screenings as a condition of continued employment.
- From the population of 541 match reports processed by the Department during the period July 2019 through January 2020, examined Department records for 30 selected match reports to determine whether the Department had timely obtained the reports, compared the reports to the database of licensees, and taken appropriate administrative action when a licensee became ineligible for licensure.
- Examined Department records for 40 payment transactions, from the population of application fees for private investigator, security guard, recovery agent, and concealed weapon licenses subject to audit and the population of administrative fines associated with the investigations subject to audit, to determine whether the Department ensured that license fee and administrative fine revenues were timely and properly deposited in the State Treasury and that licensee overpayments were promptly reimbursed.
- Examined selected Department records and analyzed records for 1,568 refunds totaling $50,338 to determine whether overpayments for private investigator, security guard, recovery agent, and concealed weapon licenses were timely reimbursed during the period July 2019 through January 2020.
- Examined Department records for the six Division employees responsible for conducting and overseeing quality assurance (QA) reviews as of January 31, 2020, to determine whether the employees had update privileges to the License Reflection (LICG) System and Image Processing Management (IPM) application.
- From the population of 177 QA reviews conducted by the Department during the period July 2019 through January 2020, examined Department records for 30 selected reviews to determine whether the QA reviews were timely initiated, completed, appropriately supported, and corrective actions were timely implemented.
- From the population of 147 “Not-Viewed” management reports produced by the Division during the period July 2019 through January 2020, examined Department records for 30 selected “Not-Viewed” reports to determine whether any licenses were issued before all

pages of the application were viewed and whether the Department addressed Division and contracted employee performance deficiencies.

- Compared Department records of active user access privileges as of January 31, 2020, for the IPM application, LICG System, Web Based Fast Track application, Concealed Weapons Intake System, Administrative Image Management System, Revenue and Receipts accounting system, and the Division of Consumer Services System to People First employee separation records to determine whether the Department timely removed user access privileges after employees separated from Department employment.
- Examined Department records of programming changes completed during the period July 2019 through January 2020 to the Brix Acid Unit System, Aquaculture Certification Database, LICG System, and IPM application to determine whether change log forms were completed, Department staff adequately documented independent testing of the changes, and separate individuals were responsible for making the changes, testing the changes, and moving the changes into production.
- Examined Department records and inquired of Department personnel to determine whether the Department enhanced certain IT system security controls.
- From the population of 21 checks, totaling $223,143, received by the Department for timber sales during the period July 2019 through January 2020, examined records for 5 selected checks, totaling $36,233, to determine whether Department records evidenced the timely transfer and, where applicable, deposit of the checks and whether Department controls were adequately designed to prevent or timely detect the loss or theft of checks.
- Examined Department records for the 31 boxes of citrus fruit that failed Department inspection at large canneries during the period July 2019 through January 2020 to determine whether regrading inspectors signed the required Regrade Clearance Form and identified the regrade location in accordance with applicable laws and Department policies and procedures.
- Examined Department policies and records and inquired of Department personnel to determine whether Department procedures were adequate to detect and deter the unauthorized reactivation of malfunctioning gas pumps and scales.

- Examined Department records, analyzed Department financial data, and inquired of Department management regarding budget amendment B2021-0514 to assess the reasonableness of the budget amendment, fiscal impact, and overall financial condition of the Licensing Trust Fund.
- Reviewed applicable laws, rules, and other State guidelines to obtain an understanding of the legal framework governing Department operations.
- Interviewed Department management, examined Department forms, and evaluated Department compliance with applicable statutory requirements for collecting and utilizing individuals' social security numbers.
- Observed, documented, and evaluated the effectiveness of selected Department processes and procedures for:
  - Purchasing activities and managing Florida Accounting Information Resource Subsystem access privileges, settlement agreements, and fixed capital outlay.
  - The assignment and use of motor vehicles. As of December 31, 2019, the Department was responsible for 4,050 motor vehicles with related acquisition costs totaling $115,149,498.
  - The administration of purchasing cards in accordance with applicable guidelines. As of June 30, 2019, the Department had 1,709 active purchasing cards.

- The administration of Department travel in accordance with State law and other applicable guidelines. During the period July 2018 through January 2020, Department travel expenditures totaled $8,765,496.
- The assignment and use of mobile devices with related costs totaling $1,174,756 during the period July 2018 through January 2020.
- The administration of hurricane-related contracting and purchasing activities. During the period July 2018 through January 2020, the Department expended $7,584,118 related to hurricane activity impacting the Department for two Governor-declared emergencies.

- Communicated on an interim basis with applicable officials to ensure the timely resolution of issues involving controls and noncompliance.
- Performed various other auditing procedures, including analytical procedures, as necessary, to accomplish the objectives of the audit.
- Prepared and submitted for management response the findings and recommendations that are included in this report and which describe the matters requiring corrective actions. Management's response is included in this report under the heading ***MANAGEMENT'S RESPONSE***.

AUTHORITY

Section 11.45, Florida Statutes, requires that the Auditor General conduct an operational audit of each State agency on a periodic basis. Pursuant to the provisions of Section 11.45, Florida Statutes, I have directed that this report be prepared to present the results of our operational audit.



Sherrill F. Norman, CPA
Auditor General

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

October 29, 2021

Ms. Sherrill F. Norman, CPA
Auditor General, State of Florida
G74 Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

Dear Ms. Norman:

Thank you for the opportunity to respond to the preliminary and tentative audit findings and recommendations for the Auditor General's operational audit of the Department of Agriculture and Consumer Services' Administration of Mosquito Control Programs, Licensing, and Research, Selected Information Technology Controls, and Prior Audit Follow-Up. Our responses are documented below.

ADMINISTRATION OF MOSQUITO CONTROL PROGRAMS, LICENSING, AND RESEARCH

FINDING 1: PUBLIC LANDS ARTHROPOD CONTROL PLANS

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.

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.

ADMINISTRATION OF PRIVATE INVESTIGATOR, SECURITY OFFICER, RECOVERY AGENT, AND CONCEALED WEAPON LICENSES

FINDING 2: MANAGEMENT OVERSIGHT

Department management oversight controls for the concealed weapon licensing process continue to need improvement.

Recommendation: We recommend that DOL [Division of Licensing] 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.

Response: 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.

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.

Finally, 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 (FDLE) report results, produced from either a live scan or flat-bed fingerprint submission and the National Instant Criminal Background Check System (NICS), must be included in the package; otherwise, the license will not print and cannot be issued to the applicant.

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.

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.

FINDING 3: QUALITY ASSURANCE REVIEWS

As similarly noted in our report No. 2019-064, Department controls for conducting quality assurance reviews of processed license applications and match reports previously reviewed by Division of Licensing staff need enhancement to ensure that corrective actions are timely implemented.

Recommendation: We recommend that DOL management continue efforts to ensure that corrective actions are timely implemented in accordance with established policies and procedures.

Response: 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.

Over the past two years, the division 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 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.

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.

FINDING 4: ERROR OR OMISSION LETTERS

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.

Recommendation: 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.

Response: 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.

To address these challenges, DOL has authorized overtime to provide employees the ability to assist with the workload increase. During the last two fiscal years, 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.

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.

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.

FINDING 5: BACKGROUND SCREENINGS

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.

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.

INFORMATION TECHNOLOGY CONTROLS

FINDING 6: IT ACCESS CONTROLS

Department controls over employee access to certain IT systems need improvement to reduce the risk of unauthorized disclosure, modification, or destruction of Department data.

Recommendation: We recommend that Department management enhance IT access controls to:

- 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.

Response: 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 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.

FINDING 7: RETENTION OF TEXT MESSAGES

Department controls for the retention of text messages in accordance with State law and the State records retention schedule need improvement.

Recommendation: 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.

Response: We concur. The department is researching options to adequately respond to this issue.

FINDING 8: IT SECURITY CONTROLS – USER AUTHENTICATION AND LOGGING AND MONITORING

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.

Recommendation: 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 IT resources.

Response: 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.

I appreciate your staff's efforts in helping to improve our IT controls.

Sincerely,

Nicole Fried

Nicole Fried
Commissioner of Agriculture