




Florida Department of
Law Enforcement

Richard L. Swearingen
Commissioner


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Jimmy Patronis, *Chief Financial Officer*
Nikki Fried, *Commissioner of Agriculture*

MEMORANDUM

DATE: May 22, 2020 

TO: Richard L. Swearingen, Commissioner
Office of Executive Director

FROM: Lourdes Howell-Thomas, Inspector General 
Office of Inspector General

SUBJECT: Six-Month Follow-Up Report
Auditor General Report Number 2020-062
Administration of Aircraft, Selected Information Technology Controls, and Prior
Audit Follow-up

The Auditor General completed an audit of the Administration of Aircraft, Selected Information Technology Controls, and prior Audit Follow-up in November 2019. The final report included five findings. In accordance with the provisions of s. 20.055(6)(h), Florida Statutes, the OIG conducted a six-month follow-up.

The attached *Six-Month Follow-up Status Report* details the latest implementation status as of May 2020. The Department has taken steps to address the recommendations. One finding is closed with management accepting the risks of partially implementing the recommendations. The four remaining open findings will be re-evaluated at a future date.

We appreciate the assistance and cooperation provided by members of the Investigations and Forensic Science, Information Technology Services, and Criminal Justice Information Services divisions during this project.

If further information is needed, please contact me at (850) 410-7241.

LHT/ek

Attachment

cc: Joint Legislative Auditing Committee

Acknowledged by:

Richard L. Swearingen, Commissioner

Date

Six-Month Status Report
Auditor General 2020-062 Audit of the Department of Law Enforcement
Report Number EX-AG2020-062-06

Finding No. 1: Aircraft Services Records and Charges

Recommendation: We recommend that Department management enhance Department procedures to:

- Require Department records evidence the individual passengers on each Department flight, including the purpose of each individual passenger's travel and whether the travel was for official State business.
- Ensure passengers not traveling on official State business are charged a prorated portion of the cost of each flight in accordance with State law.
- Ensure charges per flight hour are calculated based on actual fixed and variable costs related to the ownership, operation, and use of each Department aircraft.
- Ensure AIMS accurately reflects the Department's established cost per flight hour for each Department aircraft.

Response:

- The Department only allows passengers on its aircraft for two purposes, both of which constitute official state business. The first purpose is for law enforcement mission flights. Current Department procedures only allow for non-agency passengers during law enforcement flights when approved by the Office of Statewide Investigative Services (OSIS) Special Agent in Charge (SAC) unless the passenger is employed by a law enforcement agency acting as a spotter or supporting transportation of a prisoner. The Department will continue to follow all FAA requirements. The Department's second mission, pursuant to F.S. 943.68, is to provide security and transportation for the Governor and the Governor's immediate family. The Department only flies staff of the Governor for official state business. Since the Department's aircraft missions are limited to these specific functions not contemplated by F.S. 287.17(5), the Department does not fly with seats available or on a cost sharing basis.
- The transportation mission of the Governor and other approved persons is considered an extension of Department authority under 943.68, F.S., to provide and maintain the transportation and security of the Governor and his immediate family and other persons as requested and approved by authorized officials. Otherwise, the Department only uses its aircraft for law enforcement-based missions and flights. All transportation on Department aircraft is for official state business only.
- The Department is committed to improving flight-hour cost estimating methodology and will consult with Department management and aviation experts to develop more accurate estimates. The development and use of a more accurate methodology is expected to be implemented by April 1, 2020.
- Immediately following the development and implementation of a more accurate cost estimating methodology, the Department will ensure AIMS accurately reflects the established cost per flight hour.

Six-Month Status Report
Auditor General 2020-062 Audit of the Department of Law Enforcement
Report Number EX-AG2020-062-06

Management's Six-Month Status Response:

- We disagree. The transportation mission of the Governor and other approved persons is considered an extension of Department authority under 943.68, F.S., to provide and maintain the transportation and security of the Governor and his immediate family and other persons as requested and approved by authorized officials. Otherwise, the Department only uses its aircraft for law enforcement-based missions and flights. All transportation on Department aircraft is for official state business only.
- Disagree; see response above to Bullet #1
- FDLE has established costs per flight hour for each FDLE aircraft based on actual fixed and variable costs related to the ownership and operation.
- FDLE's Aviation Unit supervisor has mandated the above-mentioned costs per flight hour be used when recording Aviation missions in AIM.

Finding No. 2: Aircraft Access Controls

Recommendation: We recommend that Department management strengthen certain aircraft access controls.

Response:

In an effort to maintain and strengthen the security of Department aircraft, we will improve the aircraft access controls.

Management's Six-Month Status Response: We are continuing to explore aircraft access controls.

Finding No. 3: AIMS Access Privilege Controls

Recommendation: We recommend that Department management enhance controls to ensure that periodic AIMS user access privilege reviews are performed and documented in Department records. We also recommend that Department management enhance procedures to provide for the immediate notification of employment separations and removal of corresponding AIMS user access privileges and designate a position responsible for ensuring that AIMS user access privileges are removed when the AIMS Administrator is unavailable.

Response:

- The Department developed a new Application Access Administrator (AAA) module to address these recommendations. The module is accessible through the Department's Self Service Help Desk.

Six-Month Status Report
Auditor General 2020-062 Audit of the Department of Law Enforcement
Report Number EX-AG2020-062-06

- An additional feature will be added in the AAA module that triggers an email message to all AAA(s) that will serve as a reminder to conduct their semiannual review of user accounts. Application owners and AAA(s) will be responsible for processes used to complete those reviews.
- Further, the AAA module allows supervisors to transmit requests for new application accounts or changes to application accounts. The module enables the Office of Human Resources to transmit notices to AAA(s) to terminate member access to applications. This module also maintains audit logs that can be used to validate date, time, and types of application access transactions.
- The new module will be deployed for use by January 17, 2020. Department Policy 2.5, Network and Application Access, will be amended to reflect the changes described above.
- With the new notification systems in place, the desk procedures for conducting the semi-annual audit of AIMS users was improved in July 2019. In addition, a secondary person has been added to the AAA list to serve as backup for the removal of users from AIMS.

Management's Six-Month Status Response:

- The new Application Access Administrator (AAA) Module was deployed in December 19, 2019. All supervisors were instructed to use the module to submit member application requests. The Office of Human Resources (OHR) is now entering separations into the module as they occur or prior allowing AAAs to remove access in a timely manner. The reminder for the required semi-annual audits deployed as planned on March 1, 2020. The Office of IT Services installed an additional feature in the AAA module that triggers an email message to all AAA(s) to remind them to conduct a semiannual review of user accounts. Changes to Department Policy 2.5 have not yet been prepared. This work will be done by September 30, 2020.
- Two semi-annual audits have been performed by the AIMS AAA since July 2019. Audits were performed on August 8-9, 2019 and February 4, 2020. The primary AAA for AIMS recently took a different position within the agency. As designed, the back-up AAA immediately took over duties associated with removing access to AIMS and is currently performing an additional audit of the system due to the change.
- The desk procedures developed for auditing systems within the Systems Administration Unit were reviewed and acknowledged by staff in October/November 2019. The new primary AAA for AIMS will start on May 1, 2020 and will acknowledge the procedures within five (5) days.

Finding No. 4: Retention of Text Messages

Recommendation: To ensure that text messages are retained in accordance with State law, we recommend that Department management make or obtain independent and periodic assessments of the service organization's relevant internal controls. In addition, the Department should enhance policies and procedures to either prohibit Department employees from using their

Six-Month Status Report
Auditor General 2020-062 Audit of the Department of Law Enforcement
Report Number EX-AG2020-062-06

personal devices to send or receive text messages pertaining to official State business or provide for the retention of such messages.

Response:

The Department will make or obtain independent and periodic assessments of controls in place by service organizations that store department data. The Office of Information Technology Resources will work with agency program areas to develop recommendations to address this finding. Recommendations will be submitted to Executive Management no later than March 31, 2020. In addition, a change in policy has been proposed to address the issue of personal cellular phone usage.

Management's Six-Month Status Response: The Office of IT Services has prepared a set of recommendations to address this finding. Developing these recommendations prompted research into the broader subject of how cloud service providers attest to security controls used to protect their customers' information.

Recommendations have not been forwarded to executive management due to the agency's focus on responding to the COVID-19 outbreak. IT Services will communicate with executive management in July 2020 about presenting the recommendations.

Finding No. 5: Mental Competency Application Records

Recommendation: We recommend that Department management enhance procedures to monitor the timeliness of entries into the MECOM application and continue to work with the Clerks to ensure that adjudication of mental defectiveness and court-ordered mental institution commitment records are timely entered into the MECOM application as required by State law. In addition, we recommend that Department management enhance controls to ensure that Department records evidence timely communication with Clerks who do not report adjudications of mental defectiveness or court-ordered mental institution commitments.

Response:

- Per F.S. 790.065(2)(a)4.c.I. and II, Clerks of Court are statutorily required to submit adjudication of mental defectiveness and court-ordered mental institution commitment records to the Department within 24 hours or 30 days, depending on the Judge's order. Therefore, the requirement for timely entry into Mental Competency Database (MECOM) falls on each county clerk's office as the Department is statutorily required to compile and maintain an automated database of these orders, per F.S. 790.065(2)(a)4.c. If, in the opinion of the Auditor General, the Department should have the authority to ensure the clerk's timely entry of these mental health orders, a legislative change would be required.
- The Department has and will continue to work with all 67 Clerks Offices in partnership to assist them with making sure these orders are entered and available for the sole purpose of determining if an individual is prohibited from purchasing a firearm. The Department has enhanced the MECOM database multiple times since its inception to provide the availability of specialized reports to the Clerk's Offices (i.e. Report showing the difference between the date of issuance and the date of entry). The Department applied for and was awarded federal

Six-Month Status Report
Auditor General 2020-062 Audit of the Department of Law Enforcement
Report Number EX-AG2020-062-06

grant funds to place positions within Clerk's Offices around the state for the sole purpose of assisting with MECOM records.

- On July 3rd, 2019, the Department also distributed a memo to all 67 Clerks announcing that we have completed our Interface Control Document for MECOM Web Services. This will allow each Clerk's court maintenance system to communicate directly with MECOM for record entry and reduce their need to make mental health record entries into multiple systems and also assist them ensuring the entries are timely. Further, the Department has updated our standard operating procedures to contact each Clerk's Office at the beginning of each month when they had no entries in MECOM for the prior month. This communication is documented and maintained to evidence our timely correspondence.

Management's Six-Month Status Response: The Department implemented a new monthly verification review of those counties that had no MECOM entries in the prior month. Department staff notifies those counties through e-mail correspondence that it had no MECOM entries in the prior month and requests the county verify and confirm through e-mail correspondence. Each correspondence is maintained for documentation and audit purposes. This new verification review is documented in the Department's MECOM standard operating procedures. The Department is coordinating with Palm Beach, Pinellas, and Polk County to place an FDLE grant-funded position within each of their offices to assist with MECOM. There have been multiple interviews conducted trying to fill these positions. The COVID-19 pandemic has caused a pause in the hiring process, therefore the positions have yet to be filled. There continues to be an FDLE grant-funded position stationed within the Miami Dade Clerk of Court's office to assist with MECOM records. The Department continues to work with all 67 Clerks of Court to implement a MECOM webservice to improve the entry process of these orders and assist in making more timely entries. Once complete, the Department can then use the webservice connection with each Clerk's Office to programmatically notify them when there are no MECOM entries in the prior month. The Department continues to assist each Clerk of Court on its statutory requirement to ensure MECOM orders are entered timely and accurately.