

**DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION**

Elevator Safety,  
Selected Administrative Activities,  
and Prior Audit Follow-Up



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Auditor General

## Secretary of the Department of Business and Professional Regulation

The Department of Business and Professional Regulation is established by Section 20.165, Florida Statutes. The head of the Department is the Secretary who is appointed by the Governor and subject to confirmation by the Senate. During the period of our audit (July 2018 through March 2020), the following individuals served as Department Secretary:

Halsey Beshears From January 14, 2019  
Jonathan Zachem Through January 9, 2019

The team leader was Duarkis Fernandez, CPA, and the audit was supervised by Christi Alexander, CPA.

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# DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

## Elevator Safety, Selected Administrative Activities, and Prior Audit Follow-Up

### **SUMMARY**

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This operational audit of the Department of Business and Professional Regulation (Department) focused on elevator safety and selected administrative activities. The audit also included a follow-up on Findings 2 through 5 noted in our report No. 2018-087. Our audit disclosed the following:

#### **Elevator Safety**

**Finding 1:** The Department did not monitor the local elevator safety programs established by authorized jurisdictions for compliance with the provisions of the Elevator Safety Act<sup>1</sup> and contract requirements.

**Finding 2:** Department records did not always evidence that elevator certificates of operation were issued and renewed in accordance with State law or that certificates of operation were deemed delinquent when renewal requirements were not satisfied.

**Finding 3:** Department records did not always evidence follow up on noted violations or the reason for not subjecting elevator owners to administrative fines as provided in State law.

**Finding 4:** In some instances, Department records did not evidence that certified elevator technicians satisfied all requirements for certification.

**Finding 5:** The Department did not review elevator accident data to identify patterns or trends in reported accidents. Audit analysis of the data found patterns of reporting indicative of inaccurate and incomplete reporting of accidents.

**Finding 6:** Department controls need enhancement to ensure that evidence of elevator accident report reviews, the basis for when or if to conduct accident investigations, and the appropriate oversight of elevator safety is retained in Department records.

**Finding 7:** The Department did not conduct ongoing analyses of elevator complaint-related violation data or always follow up on complaint-related inspections to determine whether known violations were corrected.

#### **Selected Administrative Activities**

**Finding 8:** Department controls over employee access to the Florida Accounting Information Resource Subsystem, the State's accounting system, need improvement to reduce the risk of unauthorized disclosure, modification, or destruction of Department data.

**Finding 9:** Department controls over mobile device assignment, use, and the retention of text and instant messages in accordance with State law need improvement.

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<sup>1</sup> Chapter 399, Florida Statutes.

## **BACKGROUND**

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The Department of Business and Professional Regulation (Department) was created and organized consistent with State law<sup>2</sup> to license and regulate businesses and professionals operating in the State. For the 2022-23 fiscal year, the Legislature appropriated approximately \$160 million to the Department and funded 1,545.25 positions.<sup>3</sup>

## **FINDINGS AND RECOMMENDATIONS**

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### **ELEVATOR SAFETY**

Pursuant to the Elevator Safety Act,<sup>4</sup> the Department is responsible for enforcing elevator safety laws and licensing and regulating industry professionals, elevators, escalators, and other vertical and inclined conveyance devices.<sup>5</sup> The Department's major elevator safety regulatory responsibilities consist of the:

- Registration and licensure of certified elevator inspectors.
- Oversight of elevator safety inspections obtained by elevator owners.
- Receipt and review of elevator inspection reports.
- Issuance of annual elevator certificates of operation.
- Receipt, review, and analysis of elevator accident reports.
- Maintenance, through Department rules, of the State's Elevator Safety Code.<sup>6</sup>
- Issuance of permits to erect, move, or alter elevators and temporarily operate them.
- Registration of companies that employ persons working on elevators.
- Issuance of certificates of elevator competency to persons who work for registered elevator companies, meet statutory qualifications, and pass a Department-approved test.

The Department administers and utilizes data and reports generated by the VERSA Regulation system to identify, among other matters, the status of elevator certifications (current, delinquent, sealed, etc.), elevator owners, the results of the latest inspection, existence of a service maintenance contract, and the name of the service maintenance company.

As depicted in Table 1, as of June 30, 2022, the Department was responsible for regulating the operation of 62,737 elevators.

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<sup>2</sup> Section 20.165, Florida Statutes.

<sup>3</sup> Chapter 2022-156, Laws of Florida.

<sup>4</sup> Chapter 399, Florida Statutes.

<sup>5</sup> Consistent with Section 399.01(6), Florida Statutes, references to elevators in this report include all hoisting and lowering mechanisms that serve two or more landings, escalators, dumbwaiters, moving walks, inclined stairway chairlifts, and inclined or vertical wheelchair lifts.

<sup>6</sup> Department Rules, Chapter 61C-5, Florida Administrative Code.

**Table 1**  
**Elevators by Type and Certification Status**  
**As of June 30, 2022**

Elevator Type	Current	Delinquent	Permits	Sealed	Special Sealed	Totals <sup>a</sup>
Traction Passenger	14,470	720	1,106	90	78	16,464
Hydraulic Passenger	35,695	1,725	557	275	266	38,518
Traction Freight	380	45	9	37	38	509
Hydraulic Freight	614	46	9	23	46	738
Hand Power Passenger	6	1	-	-	1	8
Hand Power Freight	2	-	-	8	4	14
Moving Walk	50	-	-	-	-	50
Inclined Lift	38	4	5	-	-	47
Limited Use Limited Application	408	46	36	13	9	512
Dumbwaiter	299	40	12	234	49	634
Escalator	1,090	106	39	53	44	1,332
Hand Elevator	2	-	-	-	-	2
Sidewalk Elevator	2	-	-	4	-	6
Material Lift, Dumbwaiter, Automatic Transfer Device	9	1	3	1	-	14
Special Purpose Personnel Elevator	73	12	0	11	-	96
Inclined Stairway Chair Lift	46	5	8	13	-	72
Inclined and Vertical Wheelchair Lift	2,866	383	167	180	110	3,706
Rack and Pinion/Screw Column	11	3	1	-	-	15
<b>Totals</b>	<b><u>56,061</u></b>	<b><u>3,137</u></b>	<b><u>1,952</u></b>	<b><u>942</u></b>	<b><u>645</u></b>	<b><u>62,737</u></b>

<sup>a</sup> Totals do not include elevators regulated by contracted local entities.

Source: Department, Division of Hotels and Restaurants, 2021-22 Annual Report.

State law<sup>7</sup> authorizes the Department to contract with municipalities or counties to: issue construction permits and certificates of operation; provide for elevator inspections, including temporary operation inspections; and enforce the applicable provisions of the State’s Building Code. Accordingly, during the period July 2018 through March 2020, the Department managed local elevator safety program contracts with Broward and Miami-Dade counties, the cities of Miami and Miami Beach, and the Reedy Creek Improvement District.

Department inspectors are to audit the quality of private elevator inspections and local contracted elevator safety programs, as well as inspect elevators for compliance with State law and building and safety codes. The Department is to enforce the national standards of the American Society of Mechanical Engineers Safety Code for Elevators and Escalators, the Elevator Safety Act, Elevator Safety Code, and Chapter 30, Florida Building Code - Buildings.

### **Finding 1: Contract Monitoring**

As previously noted, the Department contracted with five jurisdictions (Broward and Miami-Dade counties, the cities of Miami and Miami Beach, and the Reedy Creek Improvement District) during the period July 2018 through March 2020 to operate local elevator safety programs. Pursuant to State law<sup>8</sup> and contract provisions, the contracted jurisdictions were to:

<sup>7</sup> Section 399.13(1), Florida Statutes.

<sup>8</sup> Section 399.13(1), Florida Statutes.

- Maintain for inspection by the Department copies of all applications for permits issued, a copy of each inspection report issued, and records of all applications for elevator certificates of operation issued.
- Prepare Monthly Activity Reports that included the number of elevator permit applications received and issued, the number of elevator inspections and callbacks conducted, complaints and accidents received and resolved, and the number of actions initiated to enforce the provisions of the Elevator Safety Act and Elevator Safety Code. Monthly Activity Reports were to be submitted to the Department within 30 days of the end of the month in which the activity was reported.
- Establish Quality Assurance Programs, conduct quality assurance inspections, and provide the Department the quality assurance inspection reports. The contracts provided that the Department was to conduct oversight and monitoring inspections as necessary.
- Ensure that inspections were conducted by a certified elevator inspector.
- Enforce the Florida Building Code and impose fees and assess and collect fines, as necessary, as part of its enforcement activities.
- Refrain from issuing or taking disciplinary action against a certificate of competency, an elevator inspector certification, an elevator technician certification, or an elevator company registration. However, the Department could initiate disciplinary action against a registration or certification at the request of the jurisdiction.

Although State law authorizes the Department to contract with municipalities and counties for elevator safety oversight, the law<sup>9</sup> also provides that the Department may make inspections of elevators in such jurisdictions to determine whether the provisions of the Elevator Safety Act are being met and may cancel the contract with any jurisdiction the Department finds has failed to comply with the contract or the Elevator Safety Act. Consequently, it is incumbent upon the Department to establish robust monitoring processes and procedures to ensure that such jurisdictions are executing their elevator safety oversight responsibilities in accordance with the Elevator Safety Act and contract requirements. Such processes and procedures may include audits of a sample of local inspections and reviews of permit and certificate of operation application records and complaint and accident information maintained by the contracted jurisdictions.

As part of our audit, we evaluated Department processes and procedures for monitoring Broward and Miami-Dade counties for compliance with applicable contract provisions and State law during the period July 2018 through March 2020 and found that the Department had neither established monitoring policies and procedures nor planned or performed monitoring activities for these jurisdictions. According to Department management, monitoring activities were not performed for any of the five contracted jurisdictions due to limited staffing, changes in management, and travel restrictions resulting primarily from hurricanes and the COVID-19 pandemic.

Absent policies and procedures for and the conduct of monitoring activities, the Department has reduced assurance that contracted jurisdictions complied with contract requirements and the Elevator Safety Act and that the desired service outcomes were achieved.

**Recommendation: To promote contracted jurisdiction compliance with the provisions of the Elevator Safety Act and contract requirements, we recommend that Department management**

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<sup>9</sup> Section 399.13(2), Florida Statutes.

**establish monitoring policies and procedures and ensure that contract monitoring activities are performed as authorized by State law.**

## **Finding 2: Certificates of Operation**

State law<sup>10</sup> prohibits an elevator from being erected, constructed, installed, or altered within buildings or structures until the Department has granted a permit to a registered elevator company upon receipt and approval of an application accompanied by proper fees. Before any elevator is used, it must be inspected by a certified elevator inspector. After receipt of a satisfactory inspection report, the Department is to issue a certificate of operation. Pursuant to State law,<sup>11</sup> a certificate of operation may be renewed only for elevators with a current satisfactory inspection,<sup>12</sup> and all elevators must be annually inspected by a certified elevator inspector.<sup>13</sup>

As part of our audit, we analyzed VERSA Regulation system (Versa Regulation) data and examined records for 40 certificates of operation (5 initial certificates of operation and 35 renewed certificates of operation, 11 of which were for two-stop elevators) issued by the Department during the period July 2018 through March 2020 and found that:

- 237 of the 46,072 elevators, excluding two-stop elevators, listed in Versa Regulation with a current certificate of operation as of May 11, 2020, did not have a related inspection recorded in the system for the period July 2018 through March 2020. In response to our audit inquiry, Department management indicated that the Department does not require the elevator owner to schedule an inspection with a third-party inspector during a specified time frame and that the Elevator Safety Act only requires the elevator owner to submit a passing routine inspection to obtain a certificate of operation. Notwithstanding, the Department cannot issue a certificate of operation if the elevator does not have a current satisfactory inspection.
- For 8 of the 35 renewed certificates of operation, Department records did not evidence that the elevator owner had a current satisfactory inspection performed by a certified elevator inspector on or after August 1 of the previous year. While Department management indicated that Versa Regulation automatically deemed the certificates of operation delinquent on August 1 and that the renewals were not approved until a current satisfactory inspection was submitted at a later date, Department records did not evidence that the Department had deemed the certificates of operation delinquent.
- For 1 of the 35 renewed certificates of operation, the Department approved the certificate of operation renewal although the elevator owner did not have a current satisfactory inspection performed by a certified elevator inspector. According to Department management, while the inspection report submitted to the Department indicated that the elevator had failed inspection, the inspection was inadvertently marked as passed in Versa Regulation allowing the renewal to be approved.
- For 4 of the 11 renewed two-stop elevator certificates of operation, Department records did not evidence the Department's verification of a current inspection or that the elevator owner had a

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<sup>10</sup> Section 399.03(1), Florida Statutes.

<sup>11</sup> Sections 399.061(1)(a) and 399.07(1), Florida Statutes.

<sup>12</sup> Department Rule 61C-5.008(6), Florida Administrative Code, defines a current satisfactory inspection as an inspection completed by a certified elevator inspector on or after August 1 of the previous year that is the most recent annual inspection conducted and that contains no violations.

<sup>13</sup> Elevators that are not escalators or dumbwaiters, serve only two adjacent floors, and are covered by a current service maintenance contract do not require inspection.

current service maintenance contract with a registered elevator company. For another two-stop elevator without a current service maintenance contract, Department records did not evidence that the elevator owner had a current satisfactory inspection performed by a certified elevator inspector on or after August 1 of the previous year. In response to our audit inquiry, Department management indicated that the annual renewal requirement for two-stop elevators did not require the elevator owner to provide a current service maintenance contract. Department management further indicated that Versa Regulation automatically deemed the certificates of operation delinquent on August 1 and that the renewals were not approved until a current satisfactory inspection was submitted at a later date. Notwithstanding, Department records did not evidence that the Department had deemed the certificates of operation delinquent.

Records evidencing that elevator certificates of operation are issued and renewed in accordance with State law, and that certificates are deemed delinquent when renewal requirements are not satisfied, would promote and serve to demonstrate the appropriate oversight of elevator safety in the State.

**Recommendation: We recommend that Department management enhance controls to ensure that Versa Regulation evidences that elevator certificates of operation are issued and renewed in accordance with State law and that certificates of operation are deemed delinquent when renewal requirements are not satisfied.**

### **Finding 3: Inspections**

Elevator inspectors are to submit copies of inspection reports to the Department and the certificate of operation holder.<sup>14</sup> If an inspection discloses that an elevator is in violation of the Elevator Safety Act or the Florida Building Code, the Department may issue an order to the elevator owner requiring correction of the violation and reinspection of the elevator evidencing the correction.<sup>15</sup> An elevator owner who fails to comply with an order to correct a violation within 90 days of the issuance of the order is subject to an administrative fine in an amount not to exceed \$1,000.<sup>16</sup>

Our examination of records for 80 of the 106,866 elevator inspections completed during the period July 2018 through March 2020 found that:

- For 16 of 79 applicable inspections, Department records did not evidence whether a follow-up inspection occurred and if violations cited on the elevator inspector's report, or order to correct, were fixed. Although we requested, Department management was unable to provide an explanation for the missing documentation.
- For 31 of 36 inspections where a noted violation was not corrected within 90 days of the order or at the time of the follow-up inspection, Department records did not evidence the reason elevator owners were not subject to administrative fines. In response to our audit inquiry, Department management indicated that administrative actions against elevator owners can only be imposed based on observations of violations by Department elevator inspectors and not private elevator inspections.

Follow-up on noted violations and records evidencing the reason why elevator owners are not subject to administrative fines would better demonstrate the conduct of inspection activities in accordance with State law and the basis for Department administrative fine decisions.

<sup>14</sup> Section 399.049(1)(c), Florida Statutes.

<sup>15</sup> Section 399.061(4), Florida Statutes.

<sup>16</sup> Section 399.105(4), Florida Statutes.



**Recommendation:** We recommend that Department management enhance controls to promote the retention of records evidencing Department follow up on noted violations and the reason for not subjecting elevator owners to administrative fines as authorized in State law.

#### **Finding 4: Registration and Licensure**

Department rules<sup>17</sup> require elevator companies and elevator workers to register with and obtain a license from the Department before performing any work. Specifically:

- A *Registered Elevator Company* is registered with and licensed by the Department to employ persons to construct, install, inspect, maintain, or repair elevators, and must register annually with the Department and provide proof of general liability insurance coverage in a minimum amount set by the Department.
- A *Certified Elevator Inspector* is a person registered with and licensed by the Department to construct, install, inspect, maintain, or repair any elevator, after acquiring the Qualified Elevator Inspector (QEI) credential prescribed by the American Society of Mechanical Engineers. The Department must receive annual proof of the completion of 8 hours of continuing education to keep the QEI credential in good standing.
- A *Certified Elevator Technician* is a person registered with and licensed by the Department to construct, install, maintain, or repair any elevator, after acquiring an elevator certificate of competency from the Department. A certified elevator technician must register annually with the Department and provide proof of general liability insurance coverage in a minimum amount set by the Department.
- The Department issues elevator *Certificates of Competency* to individuals who successfully complete an examination prescribed by the Department, pay the required fee, and meet other criteria adopted by the Department.<sup>18</sup> The certificate expires annually and is to be renewed only upon the certificate holder's payment of a \$50 renewal fee and proof of completion of 8 hours of continuing education.

During the period July 2018 through March 2020, the Department issued either initial or renewed licenses to 574 registered elevator companies, 650 certified elevator inspectors, and 3,660 certified elevator technicians. To determine the extent to which Department procedures reasonably ensured that only qualified entities and individuals were registered and licensed by the Department, we reviewed Department policies and procedures and examined Department records for 50 registered elevator companies (7 initial licenses and 43 renewed licenses), 50 certified elevator inspectors (7 initial licenses and 43 renewed licenses), and 50 certified elevator technicians (7 initial licenses and 43 renewed licenses). Our audit procedures found that Department records did not evidence for 1 of 7 initial certified elevator technician applicants that the applicant satisfied all the required criteria for a certificate of competency at the time of application. Additionally, Department records did not include for 6 of 43 renewal certified elevator technician applications a certificate of competency at the time of the applicant's license renewal. Although we requested, Department management was unable to provide an explanation for why documentation was not available to evidence Department decisions made.

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<sup>17</sup> Department Rule 61C-5.007, Florida Administrative Code.

<sup>18</sup> Department Rule 61C-5.007(2)(a)3., Florida Administrative Code.

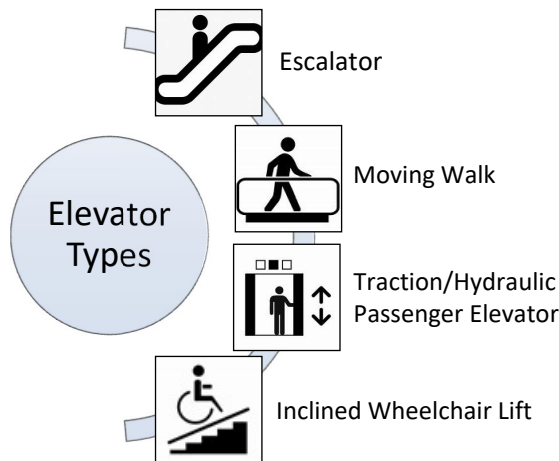
Absent adequate controls over elevator company and worker licensing and registration, the Department has reduced assurance that companies and workers will satisfy all licensing and registration requirements.

**Recommendation:** We recommend that Department management strengthen licensing and registration procedures to ensure that Department records evidence that certified elevator technicians have met all relevant requirements.

**Finding 5: Analysis of Accident Reports**

State law<sup>19</sup> requires that, within 5 working days after any accident occurring in or upon any elevator, the certificate of operation holder report the accident to the Department. Department accident reporting policies and procedures required that, on a quarterly basis, a detailed report be generated allowing the Department to analyze any trends or matters needing to be addressed. Table 2 summarizes, by elevator type, the number and percentage of elevator accidents reported by certificate of operation holders to the Department during the period July 2018 through March 2020.

**Table 2  
Summary of Elevator Accident Reports <sup>a</sup>  
July 2018 Through March 2020**



Elevator Types	Number of Accidents	Percentage of Total
Escalator	742	51
Moving Walk	439	30
Traction Passenger Elevator	172	12
Hydraulic Passenger Elevator	109	7
Inclined Wheelchair Lift	1	<1
<b>Totals</b>	<b>1,463</b>	<b>100</b>

<sup>a</sup> Does not include accidents occurring in jurisdictions regulated by local entities.

Source: Department records.

As part of our audit, we evaluated Department efforts to identify accident patterns or trends and found that, while Department management indicated that they had the tools to analyze elevator accident data, the Department had not performed any such analyses during the period July 2018 through March 2020. Additionally, we noted that the accident report data provided by the contracted jurisdictions to the Department only included minimal summary information, thereby limiting the Department’s ability to analyze accident trends by factors such as elevator certification status, equipment type, facility type, and facility location. Although we inquired, Department management was unable to explain the absence of such analyses or more detailed accident report data. As depicted in Table 3, our analysis of Department accident records found patterns of reporting indicative of the incomplete reporting of elevator accidents. For example, Department records for the period July 2018 through March 2020 included 69 elevator accidents reported for Miami-Dade County, which, as of March 2020, had 11,739 elevators according to

<sup>19</sup> Section 399.125, Florida Statutes.

Department records. In comparison, elevator accidents reported in Orange County during the same period totaled 714. According to Department records, Orange County had 6,768 elevators as of March 2020. Further, our analysis found that Department accident data did not always appear to be accurate or complete, as some incident submittal dates preceded actual accident dates and other critical data fields were sometimes incomplete (e.g., submittal dates and elevator last inspection dates).

**Table 3  
Elevator Accident Reports by Local Government <sup>a</sup>**

Local Government	Number of Elevators <sup>b</sup>	Number of Accidents <sup>c</sup>	Local Government	Number of Elevators <sup>b</sup>	Number of Accidents <sup>c</sup>
Alachua County	1,081	1	Martin County	589	2
Bay County	775	2	City of Miami Beach	2,403	1
Brevard County	1,717	2	Miami-Dade County	11,739	69
Broward County	10,874	90	Okaloosa County	872	18
Charlotte County	562	2	Orange County	6,768	714
City of Miami	4,933	9	Osceola County	1,154	8
Clay County	289	3	Palm Beach County	8,494	63
Collier County	3,245	1	Pinellas County	5,033	3
Duval County	3,670	125	Polk County	1,191	1
Escambia County	1,154	102	Reedy Creek District	852	238
Hillsborough County	5,018	229	Sarasota County	2,479	1
Lee County	3,280	149	Volusia County	1,855	26
Leon County	1,480	10	<b>Total</b>	<b><u>81,507</u></b>	<b><u>1,869</u></b>

<sup>a</sup> No other local governments reported elevator accidents to the Department during the period July 2018 through March 2020.

<sup>b</sup> Number of elevators as of March 31, 2020.

<sup>c</sup> Number of accidents reported to the Department during the period July 2018 through March 2020.

Source: Department records.

Accurate and complete accident report data could be used by the Department to identify accident patterns or trends by, for example, elevator certification status, equipment type, facility type, and facility location. Such information could then be used to develop strategies to reduce the risk of future accidents.

**Recommendation: We recommend that Department management enhance elevator accident reporting requirements to include sufficient detail for identifying patterns and trends, periodically review the data for accuracy and completeness, and identify patterns and trends for use in developing strategies to reduce the risk of future accidents.**

### **Finding 6: Accident Reporting**

State law<sup>20</sup> provides that failure of a certificate of operation holder to timely file elevator accident reports with the Department is a violation of law, subject to an administrative fine in an amount not to exceed \$1,000. Department policies and procedures<sup>21</sup> specified that, if an accident report indicated injury or bodily harm, the Department was to determine the level of action to be taken. If an after-the-fact site visit

<sup>20</sup> Section 399.125, Florida Statutes.

<sup>21</sup> Department *Accident Reporting Procedures*.

was warranted to monitor the safe operation of the equipment, a routine inspection was to be performed with the results recorded on an Elevator Inspection Report.

We examined Department records for 40 elevator accident reports submitted to the Department during the period July 2018 through March 2020 and found that:

- For 36 accidents, including 26 accidents notated as involving injury or bodily harm, Department records did not evidence Department review of the accident reports or the basis for when or if to investigate after the accident to determine whether the elevator was safe for operation.
- For 2 of 39 applicable accidents, Department records did not evidence that the elevators had a current satisfactory inspection performed by a certified inspector. In another instance, Department records did not evidence that a follow-up inspection had occurred for violations observed as part of the elevator's routine inspection that preceded the accident.

In response to our audit inquiry, Department management indicated that the previous administration did not record accident assessments when an inspection was determined unnecessary and the absence of documentation of actions taken by prior management inhibited the Department's ability to provide further explanation.

Absent documentation evidencing the review of accident reports, the basis for when or if to conduct accident investigations, and that elevators are subject to appropriate safety oversight, Department management's ability to demonstrate that elevator safety is maintained is diminished.

**Recommendation: We recommend that Department management enhance controls to ensure that evidence of accident report reviews, the basis for when or if to conduct accident investigations, and the appropriate oversight of elevator safety is retained in Department records.**

## **Finding 7: Complaints**

Pursuant to State law,<sup>22</sup> the Department can issue a citation for unlicensed activity upon a finding of probable cause that activity requiring a permit, certificate, or license is being performed without a valid permit, certificate, or license. Department policies and procedures<sup>23</sup> specified that elevator-related complaints received by the Department were to be reviewed daily by complaint management staff and assigned to the applicable field inspection staff, office staff, or appropriate contracted jurisdiction for further investigation, if necessary. Time frames for inspection completion were to be assigned by complaint management staff based upon the allegations contained in the complaint. Specifically:

- Unsafe conditions – 24 hours. The complaint contains allegations that may present an immediate life safety concern.
- Operational – 7 days. The complaint contains allegations that relate to the mechanical operation of an elevator that do not present an immediate life safety concern but may negatively impact use by the public.
- General – 30 days. The complaint contains allegations that do not fall under the first two categories, including complaints regarding expired certificates of operation.

<sup>22</sup> Section 399.16(1), Florida Statutes.

<sup>23</sup> Department *Elevator Customer Complaint Procedure*.

Inspectors were to complete the appropriate follow-up on each complaint, notify the complainant of the result of the inspection if requested, and respond back to complaint management staff within the assigned time frame. As part of our audit, we examined records for 40 elevator-related complaints received by the Department during the period July 2018 through March 2020, as well as evaluated Department efforts to analyze and track the frequency of violations resulting from complaint inspections, and found that:

- Although the Department had established policies and procedures to manage elevator-related complaints and had collected and maintained statistical data on complaint-related inspections performed, the Department had not conducted ongoing analyses of the violation data to identify frequent violators and to help prevent future elevator safety issues. According to Department management, workload issues had prevented the conduct of such analyses.
- For 2 of 17 applicable complaint investigations, the Department did not perform follow-up inspections to determine whether known violations had been corrected. In response to our audit inquiry, Department management indicated that the Department had neglected to reassign the follow-up inspections to other staff members upon the initial inspector's retirement. Follow-up inspections are necessary to ensure that elevators do not expose users to unsafe conditions.

**Recommendation:** We recommend that Department management establish a mechanism to analyze violations related to complaint-related elevator inspections and ensure that follow-up inspections are performed to determine whether known violations had been corrected.

#### SELECTED ADMINISTRATIVE ACTIVITIES

As part of our audit, we evaluated selected Department administrative activities and controls, including those related to Florida Accounting Information Resource Subsystem (FLAIR) access privileges and mobile devices.

#### **Finding 8: FLAIR Access Controls**

Department of Management Services (DMS) rules<sup>24</sup> require State agencies to ensure that users are granted access to agency information technology (IT) resources based on the principles of least privilege and a need-to-know determination, periodically review user access privileges for appropriateness, and ensure that IT access privileges are removed when access to an IT resource is no longer required. Prompt action to deactivate privileges is necessary to help prevent misuse of the access privileges.

The Department utilizes FLAIR to authorize the payment of Department obligations and to record and report financial transactions. Department policies and procedures<sup>25</sup> specified that supervisors were responsible for notifying the access control custodian when access to FLAIR was no longer needed and should be deactivated. User access was to be deactivated the next business day. Additionally, Department policies and procedures required Human Resources to submit a biweekly separation notification report to the access control custodian to ensure that appropriate action had been taken to delete or revoke the access privileges of employees who had separated from Department employment, and specified that supervisors were to conduct quarterly access reviews of employee access privileges for validation or change.

<sup>24</sup> DMS Rule 60GG-2.003(1)(a) and (d), Florida Administrative Code.

<sup>25</sup> Department *FLAIR Access Control Security Procedures*.

As part of our audit, we evaluated Department FLAIR IT user access privilege controls and found that:

- Quarterly FLAIR access reviews were not conducted during the period July 2018 through June 2019 due to distribution list inaccuracies brought on by leadership changes and other employee turnover.
- FLAIR user access privileges were not always timely deactivated upon a user's separation from Department employment. Specifically, our examination of FLAIR access records for 24 FLAIR user accounts associated with 20 employees who separated from Department employment during the period July 2018 through February 2020 disclosed that 7 user accounts (assigned to 7 employees) remained active 3 to 123 calendar days (an average of 44 calendar days) after the employees' separation dates. Additionally, we found that 1 of the employees associated with the 7 user accounts was involuntarily terminated and that their access remained active 13 calendar days after the employee's involuntary separation date. According to Department management, the untimely deactivations of FLAIR access privileges were primarily due to employee supervisors not timely notifying the access control custodian to deactivate the access privileges.

Periodic reviews of the appropriateness of FLAIR user access privileges and prompt deactivation of access privileges upon a user's separation from Department employment would provide Department management assurance that user access privileges are authorized and remain appropriate and 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 are performed, and FLAIR user access privileges are promptly deactivated upon a user's separation from Department employment.

### Finding 9: Mobile Devices

The Department utilizes mobile devices, such as cellular telephones, smartphones, and tablets, to execute its statutory responsibilities. Department of Financial Services (DFS) guidelines<sup>26</sup> specify that State agencies are to establish internal controls over the use of State-owned or leased cellular telephones to ensure that related payments serve an authorized public purpose. The guidelines further specify that billing options should be reviewed to determine that the most economical option is selected, considering the specific usage requirements of the cellular telephone user. Additionally, mobile device security best practices include keeping an active inventory of each mobile device and the users authorized to connect to an entity's environment; operating system updates for mobile devices; enforcement of authentication requirements, including passcodes before accessing the entity's resources; encryption of mobile device data; and the ability to remotely wipe data from lost or stolen mobile devices. The Department employed MobileIron, an enterprise mobility management system installed on each device before being distributed to Department staff, to secure Department mobile devices and maintain records of Department mobile devices.

State law<sup>27</sup> requires the Department to maintain public records in accordance with the records retention schedule<sup>28</sup> established by the Department of State, Department of Library and Information Services. The schedule specifies that the retention periods for electronic communications, including text messages, are

<sup>26</sup> DFS Reference Guide for State Expenditures.

<sup>27</sup> Section 119.021(2)(b), Florida Statutes.

<sup>28</sup> State of Florida General Records Schedule GS1-SL for State and Local Government Agencies.

based on 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.

During the period August 2018 through February 2020, the Department expended \$784,006 for mobile devices and related services and, as of February 2020, was being billed for 1,429 Department-owned mobile devices. As part of our audit, we evaluated Department controls over mobile device security, assignment, and use, and the retention of text and instant messages to determine whether the Department had established adequate controls related to the use of Department mobile devices. We found that:

- The Department did not maintain a complete inventory of Department mobile devices authorized to connect to the Department's environment, thereby limiting Department accountability over assigned devices, the prevention and detection of unauthorized mobile device access to the network, and incident response in the event of a lost or stolen device. Specifically, we found that while the Department had installed MobileIron on 876 Department mobile devices with a service plan as of February 2020, our review of mobile device service charges for the billing cycle ended February 2020 disclosed 975 Department mobile devices that required MobileIron to be installed. Additionally, while the Department provided a list of 766 employees who were assigned a Department mobile device as of May 2020, Department records did not demonstrate the specific mobile device assigned to each employee. In response to our audit inquiry, Department management indicated that the Department's mobile devices inventory was maintained by device and phone number rather than assigned user because, while a device's user may change, the device's phone number does not. Notwithstanding, maintaining a complete inventory of mobile devices, including the user associated with each device, and ensuring the installation of MobileIron on all applicable mobile devices would assist Department management efforts to more effectively track mobile devices and help prevent theft and unauthorized access.
- The Department did not review the billing options for or the necessity of vacant (unassigned) Department mobile devices. During the period August 2018 through February 2020, the Department paid charges totaling \$149,452 for 787 mobile devices with no usage, including \$55,115 for 119 unassigned mobile devices. According to Department management, the Department had not performed a review of mobile device assignments due in part, to the decentralized mobile device assignment process.
- The Department did not always utilize the most cost-effective cellular telephone service plan. Our analysis of 45 cellular telephone usage plans as of February 2020 disclosed that, for 8 cellular telephones, the Department had not chosen the most cost-effective service plan. Specifically, we estimated approximately \$1,288 in savings for the period August 2019 through February 2020 if the Department had utilized the State contract. According to Department management, while the Department used the State contract for most mobile devices, there were some older mobile devices under a different service plan which were being evaluated.
- The Department did not retain text or instant messages in accordance with State law and the State's records retention schedule. According to Department management, while the Department did not have specific procedures for capturing and retaining text and instant messages, employee mobile device use was only intended for transitory messages (e.g., not used to formalize or perpetuate knowledge, set policy, establish guidelines or procedures, certify transactions, or become a receipt). Notwithstanding, absent a mechanism to capture and retain text or instant messages, the Department cannot demonstrate compliance with State law and the State's records retention schedule.

Maintaining a complete inventory of authorized devices by assigned user, installing appropriate management software on all applicable mobile devices, reviewing the necessity for unassigned devices and the cost-effectiveness of service plans, and retaining text and instant messages would promote the security and appropriate management of mobile device assignment and use and ensure that the Department complies State public records retention requirements.

**Recommendation: We recommend that Department management enhance mobile device controls to ensure that:**

- **A complete inventory of authorized mobile devices by assigned user is maintained.**
- **Appropriate management software is installed on all applicable mobile devices.**
- **Mobile device assignments and service plans are periodically reviewed for appropriateness and cost-effectiveness.**
- **Text and instant messages are retained in accordance with State law and the State's records retention schedule.**

## ***PRIOR AUDIT FOLLOW-UP***

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Except as discussed in the preceding paragraphs, the Department had taken corrective actions for the applicable findings included in our report No. 2018-087.

## ***OBJECTIVES, SCOPE, AND METHODOLOGY***

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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 April 2020 through May 2022 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 Business and Professional Regulation (Department) focused on elevator safety and selected administrative activities. 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 applicable deficiencies noted in our report No. 2018-087 (Findings 2 through 5).

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, waste, 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 Department responsibilities, processes, and controls regarding the administration of the requirements of the Elevator Safety Act.
- Obtained an understanding of selected Department information technology (IT) controls, assessed the risks related to those controls, evaluated whether selected general and application IT controls for the VERSA Regulation system and OnBase were in place, and tested the effectiveness of the selected controls.
- From the population of 332 initial and 3,328 renewal certified elevator technician licenses issued during the period July 2018 through March 2020, examined Department records for 7 selected initial and 43 selected renewal licenses to determine whether the Department ensured that initial and renewal certified elevator technician licensure applications were complete, appropriate fees and documentation were submitted, and applicants remained in good standing through the license year in accordance with applicable laws, rules, and Department policies and procedures.

- From the population of 74 initial and 576 renewal certified elevator inspector licenses issued during the period July 2018 through March 2020, examined Department records for 7 selected initial and 43 selected renewal licenses to determine whether the Department ensured that initial and renewal certified elevator inspector licensure applications were complete, appropriate fees and documentation were submitted, and applicants remained in good standing through the license year in accordance with applicable laws, rules, and Department policies and procedures.
- From the population of 47 initial and 527 renewal registered elevator company licenses issued during the period July 2018 through March 2020, examined Department records for 7 selected initial and 43 selected renewal licensure registrations to determine whether the Department ensured that initial and renewal registered elevator company licensure applications were complete, appropriate fees and documentation were submitted, and applicants remained in good standing through the license year in accordance with applicable laws, rules, and Department policies and procedures.
- From the population of 2,487 initial and 83,021 renewal elevator certificates of operation issued during the period July 2018 through March 2020, examined Department records for 5 selected initial and 35 selected renewal elevator certificates of operation to determine whether the Department ensured that initial and renewal applications for elevator certificates of operation were complete, appropriate fees and documentation were submitted, and certificates of operation were not issued for elevators with noted violations or delinquent fees in accordance with applicable laws, rules, and Department policies and procedures.
- Compared Department records of elevator inspections recorded for the period July 2018 through March 2020 to Department records of elevator certificates of operation current as of May 2020 to determine whether every elevator, excluding two-stop elevators, had a related inspection record in Department records.
- From the population of 6,151 elevator permits issued by the Department during the period July 2018 through March 2020, examined Department records for 40 selected permits to determine whether the Department ensured that permit applications to install, relocate, or alter elevators were complete and appropriate, and whether documentation and fees were submitted to the Department prior to issuance of a permit in accordance with applicable laws, rules, and Department policies and procedures.
- From the population of 106,866 elevator inspections, including 33,696 inspections with noted violations, performed by the Department during the period July 2018 through March 2020, examined Department records for 80 selected inspections to determine whether inspections were timely conducted, appropriately documented, and noted deficiencies were timely and appropriately investigated, reported, followed up on, and resolved in accordance with applicable laws, rules, and Department policies and procedures.
- From the population of 1,463 elevator accidents reported to the Department during the period July 2018 through March 2020 (not including reported accidents occurring in jurisdictions regulated by local entities), examined Department records for 40 selected reported accidents to determine whether the Department ensured that elevator accidents were timely and appropriately reported, investigated, documented, noted deficiencies were timely and appropriately followed up on, and fines for noted violations were properly assessed and timely collected in accordance with applicable laws, rules, and Department policies and procedures.
- Inquired of Department management to gain an understanding of Department procedures for analyzing elevator accident records and Department efforts to identify elevator accident patterns or trends.
- Analyzed Department records of elevator accidents reported during the period July 2018 through March 2020 to determine the accuracy and completeness of accident report data.

- From the population of five local elevator safety program jurisdiction contracts in effect during the period July 2018 through March 2020, examined Department records for two selected contracts to determine whether the Department ensured that contracted jurisdictions issued elevator construction permits, temporary elevator operation permits, and certificates of operation; conducted elevator inspections; and enforced the applicable provisions of the Florida Building Code in accordance with applicable laws and rules.
- From the population of 549 elevator-related complaints reported to the Department during the period July 2018 through March 2020, examined Department records for 40 selected complaints to determine whether the Department ensured that complaints were timely and appropriately investigated, resolved, and documented, noted deficiencies resulting from complaint investigations were timely and appropriately followed up on, and fines for noted violations were properly assessed and timely collected in accordance with applicable laws, rules, and Department policies and procedures.
- Inquired of Department management to gain an understanding of Department procedures for analyzing elevator complaint records to identify recurring violations, track the frequency of violations, and identify potential unlicensed entities or individuals.
- Evaluated Department actions to correct Findings 2 through 5 noted in our report No. 2018-087. Specifically, we:
  - Inquired of Department management and reviewed the inspection checklists effective during the period July 2018 through February 2020 to gain an understanding of controls related to Division of Pari-Mutuel Wagering (Division) facility inspections.
  - From the population of 5,767 Division facility inspections performed during the period July 2018 through February 2020, examined 30 selected inspection checklists to determine whether inspectors utilized appropriate checklists to document pari-mutuel facility inspection results and whether inspection checklists included evidence of supervisory review and approval.
  - Reviewed applicable laws, rules, and Department policies and procedures related to conflict of interest reporting and disclosure requirements to determine whether all employees with inspection, enforcement, or racing animal testing responsibilities were required to annually complete conflict of interest forms.
  - From the population of 20 Division, Office of Investigation, and 94 Division, Office of Operations, employees and supervisors employed at some point during the period July 2018 through February 2020, examined Department conflict of interest records for 10 selected Office of Investigation and 15 selected Office of Operations employees or supervisors to determine whether the Division ensured that personnel who had inspection, enforcement, or racing animal testing responsibilities complied with Department conflict of interest policies and procedures.
  - Inquired of Department management to determine whether the Department had requested or received independent service auditor reports on the effectiveness of the totalisator companies' relevant controls.
  - Examined the 2018 and 2019 independent service auditor reports for the three totalisator companies licensed to operate in the State during the period July 2018 through February 2020 and related Department records to determine whether the totalisator companies' internal controls were properly designed and operating effectively and whether Department management documented reviews of the independent service auditor reports and followed up on noted deficiencies.
  - Reviewed applicable laws, rules, and Department policies and procedures, inquired of Department management, and inspected annual physical inventory records for the

2018-19 fiscal year to determine whether Department management had properly conducted a complete annual physical inventory and reconciled the results to Department property records in accordance with Department of Financial Services (DFS) rules.

- From the population of 42 Department property custodian delegates that completed a physical inventory during the 2018-19 fiscal year, reviewed the inventory records for 8 selected property custodians to determine whether the inventory was conducted in accordance with DFS rules.
- 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, settlement agreements, and fixed capital outlay.
  - Managing Florida Accounting Information Resource Subsystem (FLAIR) access privileges. Specifically, we:
    - Examined FLAIR access and People First records for the 20 Department employees with FLAIR access privileges who separated from Department employment during the period July 2018 through February 2020 to determine whether the Department timely deactivated FLAIR user access privileges upon an employee's separation from Department employment.
    - Evaluated FLAIR access privileges for 10 of the 64 FLAIR user accounts (assigned to 59 Department employees) performing financial management functions as of February 29, 2020, to determine whether they had been granted update capabilities to incompatible functions in FLAIR.
  - The assignment and use of mobile devices with related costs totaling \$784,006 during the period August 2018 through February 2020.
  - The administration of hurricane-related contracting and purchasing activities. During the period July 2018 through December 2019, the Department expended \$173,903 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***

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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.

A handwritten signature in blue ink that reads "Sherrill F. Norman". The signature is fluid and cursive, with a large initial 'S'.

Sherrill F. Norman, CPA  
Auditor General

# MANAGEMENT'S RESPONSE

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Office of the Secretary  
Melanie Griffin, Secretary  
2601 Blair Stone Road  
Tallahassee, Florida 32399-1000  
Phone: 850.413-0755 • Fax: 850.921.4094

Melanie S. Griffin, Secretary

Ron DeSantis, Governor

October 13, 2023

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

Dear Auditor General Norman:

In accordance with Section 11.45(4)(d), Florida Statutes, I have enclosed our response to the preliminary and tentative audit findings and recommendations included in your operational audit of the *Department of Business and Professional Regulation, Elevator Safety, Selected Administrative Activities, and Prior Audit Follow-up*.

We appreciate the time, energy, and dedication put forth by your staff, as well as your continuing efforts to improve the operations of state government.

If you have any questions, please contact Rodney J. MacKinnon Inspector General, at (850) 414-6700.

Sincerely,

A handwritten signature in blue ink that reads 'Melanie S. Griffin'.

Melanie S. Griffin

cc: Russell Tyler, Chief of Staff  
Brian McManus, Deputy Secretary of Business Regulation  
Rodney MacKinnon, Inspector General  
Steven von Bodungen, Director, Division of Hotels and Restaurants  
Lynn Smith, Planning and Budgeting Administrator

Enclosure

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## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Response to Preliminary and Tentative Audit Findings and Recommendations

*Operational Audit of Department of Business and Professional Regulation  
Elevator Safety, Selected Administrative Activities, and Prior Audit Follow-up*

#### Division of Hotels and Restaurants

#### **Finding No. 1: Contract Monitoring**

The Department did not monitor the local elevator safety programs established by authorized jurisdictions for compliance with the provisions of the Elevator Safety Act and contract requirements.

#### **Recommendation**

To promote contracted jurisdiction compliance with the provisions of the Elevator Safety Act and contract requirements, we recommend that Department management establish monitoring policies and procedures and ensure that contract monitoring activities are performed as authorized by State law.

#### **Agency Response**

The bureau has corrected this deficiency. The bureau has established policies and procedures for monitoring contracted jurisdictions and has performed inspections in all 5 contracted jurisdictions within the past 12 months.

#### **Finding No. 2: Certificates of Operations**

Department records did not always evidence that elevator certificates of operation were issued and renewed in accordance with State law or that certificates of operation were deemed delinquent when renewal requirements were not satisfied.

#### **Recommendation**

We recommend that Department management enhance controls to ensure that Versa Regulation evidences that elevator certificates of operation are issued and renewed in accordance with State law and that certificates of operation are deemed delinquent when renewal requirements are not satisfied.

#### **Agency Response**

As a corrective action, the bureau proposes additional training for employees who process elevator applications to ensure that all documents are verified and imported into OnBase prior to approving an application. Additionally, the bureau proposes to develop and implement a quality assurance report that division management can use to perform a sample review of work performed by application processors to ensure that all required documents are verified and imported into OnBase.

#### **Finding No. 3: Inspections**

Department records did not always evidence follow up on noted violations or the reason for not subjecting elevator owners to administrative fines as provided in State law.

### **Recommendation**

We recommend that Department management enhance controls to promote the retention of records evidencing Department follow up on noted violations and the reason for not subjecting elevator owners to administrative fines as authorized in State law.

### **Agency Response**

As a corrective action, the bureau proposes to coordinate with DBPR Division of Technology to create and implement an automated deficiency letter that draws information from Versa Regulation to identify failed inspections that occurred more than 90 days ago and that have not yet had a callback inspection performed. The bureau proposes a new practice of emailing automated deficiency letters to elevator owners to inform them of their requirement to correct violations within the 90 days allowed by law. The information from the automated query that generates the proposed deficiency letters can also be used by bureau staff to schedule and perform oversight monitoring visits that focus on elevators with uncorrected violations that may pose a safety concern.

### **Finding No. 4: Registration and Licensure**

In some instances, Department records did not evidence that certified elevator technicians satisfied all requirements for certification.

### **Recommendation**

We recommend that Department management strengthen licensing and registration procedures to ensure that Department records evidence that certified elevator technicians have met all relevant requirements.

### **Agency Response**

As a corrective action, the bureau proposes additional training for employees who process elevator profession applications to ensure that all documents are verified and imported into OnBase prior to approving an application. Additionally, the bureau proposes to develop and implement a quality assurance report that division management can use to perform a sample review of work performed by application processors to ensure that all required documents are verified and imported into OnBase.

### **Finding No. 5: Analysis of Accident Reports**

The Department did not review elevator accident data to identify patterns or trends in reported accidents. Audit analysis of the data found patterns of reporting indicative of inaccurate and incomplete reporting of accidents.

### **Recommendation**

We recommend that Department management enhance elevator accident reporting requirements to include sufficient detail for identifying patterns and trends, periodically review the data for accuracy and completeness, and identify patterns and trends for use in developing strategies to reduce the risk of future accidents.

### **Agency Response**



As a corrective action, the bureau proposes to create and implement a quality assurance report from existing data that provides a list of elevator accidents and that includes the date and type of each accident and the elevator license number and address. This data can be sorted and compared to identify potential patterns or trends that may be useful in developing strategies to reduce the risk of future accidents.

### **Finding No. 6: Accident Reporting**

Department controls need enhancement to ensure that evidence of elevator accident report reviews, the basis for when or if to conduct accident investigations, and the appropriate oversight of elevator safety is retained in Department records.

### **Recommendation**

We recommend that Department management enhance controls to ensure that evidence of accident report reviews, the basis for when or if to conduct accident investigations, and the appropriate oversight of elevator safety is retained in Department records.

### **Agency Response**

As a corrective action, the bureau proposes to create and implement a quality assurance report from existing data that provides a list of elevator accidents and that includes the date and type of each accident and the elevator license number and address. This data can be sorted and compared to identify potential patterns or trends that may be useful in developing strategies to reduce the risk of future accidents. The bureau further proposes to generate and review these quality assurance reports on a routine basis and to record on each report any accidents that were identified and selected for bureau investigation.

### **Finding No. 7: Complaints**

The Department did not conduct ongoing analyses of elevator complaint-related violation data or always follow up on complaint-related inspections to determine whether known violations were corrected.

### **Recommendation**

We recommend that Department management establish a mechanism to analyze violations related to complaint-related elevator inspections and ensure that follow-up inspections are performed to determine whether known violations had been corrected.

### **Agency Response**

As a corrective action, the bureau proposes to establish policies and procedures for reviewing complaint-related elevator inspection pending callbacks in instances where bureau inspectors separate from employment. This will help to ensure that pending callbacks are reassigned to another bureau inspector and are performed in accordance with prescribed standards.

## Selected Administrative Activities

### Finding No. 8: FLAIR Access Controls

Department controls over employee access to the Florida Accounting Information Resource Subsystem, the State's accounting system, 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 are performed, and FLAIR user access privileges are promptly deactivated upon a user's separation from Department employment.

#### Agency Response

The Department concurs with the finding and recommendation to enhance FLAIR user access controls to prevent the misuse of access privileges. Given the small number of employees with FLAIR access and typically limited activity within the user group, reviews were not done on a regular basis. The Bureau of Finance and Accounting will implement a formal quarterly review process. The policies and procedures for deactivating separating employees were reviewed and are sufficient, however the Bureau of Finance and Accounting will increase communications with Supervisors of the user group to remind them of their responsibility in reporting separations to the access control custodian.

### Finding No. 9: Mobile Devices

Department controls over mobile device assignment, use, and the retention of text and instant messages in accordance with State law need improvement.

#### Recommendation

We recommend that Department management enhance mobile device controls to ensure that:

- A complete inventory of authorized mobile devices by assigned user is maintained.
- Appropriate management software is installed on all applicable mobile devices.
- Mobile device assignments and service plans are periodically reviewed for appropriateness and cost-effectiveness.
- Text and instant messages are retained in accordance with State law and the State's records retention schedule.

#### Agency Response

**Bullet 1:** The Division understands this section of the finding and concurs that the number of devices does not line up neatly. The management system reports are moment- in-time reflections of the status of the mobile device fleet and do not (by default) contain "retired" devices (those devices that are in-between user assignment). The management system itself does act as a compensating control in that any device that does not have the management client currently active (such as devices being swapped between users, or devices being put into or out of service) are unable to interact with any agency resources whatsoever, and are non-functional from the user perspective (they are activation-locked and can only be set up for our network, at which point the management client is automatically installed and is not removable by the user).

**Bullet 2:** The Division concurs with this section of the finding and can confirm that it is not possible for a mobile device to connect or interact with our systems without having the management software installed, which happens automatically at the time of activation of a device and only with valid DBPR user credentials. Wiped/ retired devices are not able to be re-purposed (for use outside the DBPR management system) because of this activation lock.

**Bullet 3:** The Division concurs with this section of the finding and will move to establish regular review intervals to compare the rate plans with the current State Contract offerings.

**Bullet 4:** The Division concurs with this section of the finding and is currently in the process of rewriting the relevant internal policy in cooperation with Administration to allow for the use of text messages if/when coupled to a central archival solution.