



AUDITOR GENERAL

WILLIAM O. MONROE, CPA



FISH AND WILDLIFE CONSERVATION COMMISSION

DIVISION OF LAW ENFORCEMENT

Operational Audit

SUMMARY

The audit of the Florida Fish and Wildlife Conservation Commission focused primarily on the Division of Law Enforcement. The audit included the period July 2002 through January 2004, and selected actions taken through July 2004. Our audit disclosed that Commission operations and oversight of its activities could be improved through changes in the methodologies related to various partnership agreements and Commission aviation operations.

Finding No. 1: Weaknesses exist in the Commission's administration of various agreements to provide law enforcement and security services, including the cost accounting methodologies, the funding sources utilized to pay for certain activities, the sufficiency of rates charged, and the billing procedures.

Finding No. 2: The Commission has not established procedures to evaluate aviation operations. For example, the Commission has not documented the forecasted level of aviation services needed to accomplish its mission. Also, the Commission has not established benchmarks or productivity measures to evaluate the size, operating availability, locations, utilization, and staffing of its aircraft fleet.

Finding No. 3: Commission procedures should be revised to improve accountability for the activities of staff assigned to the Aviation Section.

Finding No. 4: The Commission has not executed an interagency agreement to document the terms of its agreements with other State agencies participating in the Regional Communications Centers.

BACKGROUND

The Fish and Wildlife Conservation Commission¹ (Commission) is responsible for exercising regulatory and executive powers with respect to wild animal life, freshwater aquatic life and marine life. Pursuant to Law², the Commission's Division of Law Enforcement (Division), is responsible for the protection of natural and human resources of the State through the enforcement of State laws and Federal fisheries and wildlife laws. The Division's organizational structure, regional offices, and aircraft locations are shown as Exhibits A and B.

As of June 2004, the Division included 900.5 full time equivalent positions, of which 718 were sworn positions (certified law enforcement officers). Over the two year period ending June 2004, the Division's operating expenses averaged \$71 million annually. Approximately 54 percent of the Division's operating expenses were paid from the General Revenue Fund. The remaining operating expenses were paid from the State Game Trust Fund, the Marine Resources Conservation Trust Fund, the Non-Game Wildlife Trust Fund, the Save the Manatee Trust Fund, the Conservation and Recreation Lands Program Trust Fund, and the Florida Panther Research and Management Trust Fund.

¹ Created by Article IV Section 9 of the State Constitution.

² Chapter 372, Florida Statutes.

FINDINGS AND RECOMMENDATIONS

Law Enforcement Administrative Issues
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The Commission's Division of Law Enforcement is primarily responsible for the enforcement of the laws and rules governing the management, protection, conservation, improvement, and expansion of Florida's wildlife resources, freshwater aquatic life resources, and marine life resources³. Additionally, the Division's law enforcement officers have general law enforcement powers.

As part of our audit, we identified Commission agreements to provide law enforcement and security services for other entities, including those mandated by the Florida Mutual Aid Plan and agreements with the Federal Government. We reviewed Commission controls over the administrative aspects of these agreements, including the Commission's contract design, activity, documentation, and cost reimbursement procedures for services provided. The Commission had entered into seven agreements as broadly described below. A comparative analysis of selected administrative features and the applicable funding sources is summarized in Exhibit C.

Florida Mutual Aid Plan

Pursuant to Florida Statutes, the Florida Department of Law Enforcement is responsible for the promulgation of the Florida Mutual Aid Plan (FMAP), a comprehensive document that describes the authority and responsibilities of the Statewide law enforcement community during emergencies and disasters, including domestic security or terrorist events. The FMAP details the policy, procedures, and guidelines for requesting and receiving law enforcement and security assistance.

Pursuant to the FMAP, the Commission is designated as a primary response agency, and as such, is responsible for providing law enforcement and security assistance, as necessary. For minor law enforcement emergencies, State law enforcement

agencies frequently respond to requests for assistance from local law enforcement and routinely assign and deploy local resources under the respective agency's general operating procedures. The FMAP is intended to ensure assistance when a law enforcement emergency or event exceeds the resources of a local or state law enforcement regional commander. Reimbursements for costs related to these services are available in certain instances.

Agreements with the Federal Government

During the audit period, the Commission had two agreements with the United States Department of Commerce to provide services in exchange for Federal funding and use of Federal-owned assets. One Joint Enforcement Agreement related to the National Marine Fisheries Service program. This agreement authorized Commission law enforcement personnel to enforce Federal fisheries regulations off the shores of Florida to improve compliance with the laws and regulations for Federally managed fish. Another agreement involved the National Marine Sanctuary Program. Pursuant to this agreement, the Commission provided law enforcement services in the Florida Keys National Marine Sanctuary.

Other Agreements

The Commission has entered into multiple agreements with other entities to provide law enforcement services at specified reimbursement rates. The Commission has ongoing agreements with the Suwannee River Water Management District, the South Florida Water Management District, and Plains Resources, Incorporated. Additionally, as of November 2003, the Commission entered into an agreement to provide off-duty law enforcement officers to perform water patrols for the Canaveral Port Authority.

As illustrated in Exhibit C, these agreements are tailored to meet specific needs. Several significant issues affecting reimbursement and resource scheduling include:

- Whether the law enforcement services are performed during the course of the Commission's normal operations or involve

³ Pursuant to Section 20.331, Florida Statutes.

the participation of off-duty law enforcement officers.

- Whether the agreements require the use of State-owned vehicles, vessels, or aircraft.

Finding No. 1: Administrative Issues

The Commission is responsible for ensuring that the financial aspects of its operations, including agreements to provide services, are appropriately administered. For example, the Commission must ensure that appropriate funding sources are utilized and that it has adhered to restrictions regarding the use of earmarked funds. The Commission is also responsible for timely seeking reimbursements for services performed pursuant to agreements and evaluating the sufficiency of those reimbursements in relation to actual costs.

As part of our audit, we reviewed the Commission's oversight of its agreements to provide services, including the related cost reimbursement procedures and its methodologies to account for its activities and related costs. We noted the following issues:

- The Commission utilized manual cost accounting processes which lacked sufficient controls to ensure the accuracy and completeness of the information. Additionally, we noted that these manual processes increased the likelihood of errors and also resulted in duplication of staff efforts.
 - In order to accumulate information necessary for its oversight responsibilities, the Commission relies extensively on manual processes. The Commission requires law enforcement personnel to complete multiple reports and forms, which describe in various formats the details regarding the nature of activities performed, hours attributed to specific activities, and utilization of State-owned assets. During our audit, we identified 23 required reports and forms, as summarized on Exhibit D.

Some of these reports and forms are used to track activity information, which is used to calculate the associated costs for services performed for five of the seven

agreements described above. The State accounting system is used to track costs for one agreement. For the remaining agreement, the Commission does not track actual costs because reimbursement is based on the average salary and benefit cost of one full-time equivalent position.

- The Commission has established instructions for its reports and forms and developed extensive systems of codes to account for its activities. However, the Commission's methodologies lacked key controls, such as reconciliations to the State accounting system, attendance and leave records, and payroll records, to ensure that all reported information was accurate and complete. Additionally, the Commission lacked sufficient review processes to ensure that the use of established codes and the manual cost calculations were consistent, accurate, and complete.
- The Commission is responsible for providing law enforcement and security services pursuant to the FMAP, without any guarantee of reimbursement for costs incurred. We noted that these costs were paid from General Revenue Fund appropriations and various sources, including trust funds that were restricted for specific purposes which were often inconsistent with these activities.
 - During the audit period, the Commission participated in numerous activities initiated as a result of the FMAP. According to Commission records, the costs of services provided pursuant to the FMAP during July 2002 through May 2004 totaled approximately \$2.3 million and the related reimbursements totaled \$260,765.

For example, in November 2003, the Commission was responsible for providing security services for the Free Trade Areas of the Americas event in Miami. Based on Commission records, the costs of these services totaled \$781,260. In July 2004, the Commission received reimbursement of \$218,742 for services rendered. The unreimbursed portion of the costs associated with the FTAA event was paid from various trust funds, as shown in Exhibit C. We noted that the security services provided were

not consistent with the restrictions applicable to these trust funds.

Other examples of activities performed include dignitary protection and security for public events. Also, the Commission provides patrol services for some Florida seaports. Commission staff stated that the monthly costs of these patrols average \$80,000.

- As a means to track the costs of these FMAP activities, the Commission requires law enforcement personnel to complete a specific report which is compiled in an internal database. We noted that the Commission has not established guidelines to specify the types of activities that should be tracked for this purpose. The Commission’s methodology also does not account for all costs associated with these activities. For example, the database is used to track regular and overtime salaries and costs associated with use of vehicles and vessels. However, direct costs related to aircraft use are not included. Additionally, no overhead costs are tracked.
- The Commission lacked an established process to periodically evaluate the sufficiency of rates charged for services provided. For example, the reimbursement rate for services provided to Plains Resources, Incorporated, had not been updated since 1996, although law enforcement officer salaries have generally increased over that time period.
- Our review of Commission reimbursement procedures disclosed that the Commission did not always timely seek available reimbursements for services performed pursuant to agreements.
 - For the 5 agreements in which routine reimbursements were applicable, we identified 27 instances in which amounts were due from other entities during the audit period. We identified 20 invoices totaling approximately \$2.2 million that were submitted more than 40 days after the end of the billing period. The number of days between the requests for reimbursement and the end of the billing period for these items ranged from 45 to 215 days.

- We identified 2 instances in which requests for payment totaling approximately \$32,000 had not been made as of July 2004, although 187 and 279 days had elapsed since the end of the billing period. Commission staff indicated that these requests were made subsequent to our inquiry.

Recommendation: We recommend that the Commission reevaluate activity and cost identification methodologies to ensure that:

- All costs associated with specific services provided are accurately and efficiently accumulated.
- Procedures are in place to actively seek reimbursement for services provided, periodically evaluate the sufficiency of agreed-upon reimbursements, and seek changes to these rates as necessary.
- Billing procedures are enhanced to ensure that amounts due are timely requested.
- Appropriate funding sources are utilized and all restrictions regarding the use of restricted funds are met.

As part of its reevaluation process, Commission staff should take into consideration the features of the State’s new accounting system scheduled for implementation in the 2005-06 fiscal year.

Aviation Operations

The Commission maintains a fleet of aircraft for use in its law enforcement operations, which include search and rescue missions and assistance to other law enforcement agencies. As of June 30, 2004, the Commission operated six airplanes and eight helicopters located throughout the State as shown below in Table A.

Table A			
Aviation Offices	Planes	Helicopters	Pilots
Headquarters - Tallahassee	-	1	3 ⁽¹⁾
Panama City ⁽²⁾	-	1	1
Tallahassee	1	-	1
Titusville ⁽²⁾	1	-	1
St. Augustine	-	1	1
Ocala	-	1	1
Lake City	1	1	1
Lakeland ⁽²⁾	1	1	2
Fort Myers	1	-	1
Fort Lauderdale ⁽²⁾	-	1	1
Palm Beach	-	1	1
Marathon	1	-	1
Total	<u>6</u>	<u>8</u>	<u>15</u>

(1) Includes Section Supervisor and Administrator.
 (2) Pilot also supervises one or more pilots in the listed cities.

The Aviation Section, within the Division, is responsible for aviation operations. Oversight responsibilities include maintenance and security of aircraft, supervision of pilot activities, and coordination of aircraft use for specific missions. The Aviation Section consists of 15 licensed pilots. Two of the 15 pilots are primarily administrators and, as such, are not assigned an aircraft and do not actively participate in air patrols.

Annual operating costs related to the Commission’s aviation operations averaged \$2.4 million for fiscal years 2002-03 and 2003-04. Of the total operating costs, approximately \$1.2 million are fixed costs that are incurred regardless of aircraft utilization. Fixed costs include salaries for the pilots and administrative staff, hangar fees, and aircraft insurance. The remaining costs include items such as aircraft fuel and maintenance, which vary based on aircraft usage, and overhead. Summaries of the aviation costs and flight hours for fiscal years 2002-03 and 2003-04 are shown in Exhibits E and Exhibit F, respectively.

Finding No. 2: Evaluation of Aviation Operations

Various information, such as flight hours, maintenance records, and citations made with the assistance of the Aviation Section, is maintained for management purposes. However, the Commission has not documented the forecasted level of aviation services needed to accomplish its core mission. Additionally, the Commission has not established benchmarks and productivity measures necessary to demonstrate accountability for aviation operations, including the size, operating availability, locations, utilization, and staffing of its aircraft fleet.

Our analysis of Commission records showed that aircraft use declined approximately 21 percent from fiscal year 2002-03 to 2003-04. As shown in Exhibit F, the average flight hours per month for Commission aircraft during the 2003-04 fiscal year ranged from 10.8 to 38.1 hours. Comparison of actual aircraft use to established forecasts, benchmarks, and productivity measures, would enable the Commission to properly evaluate the recent decline in aircraft use and demonstrate whether the fleet composition and number of pilots remain appropriate.

Through various audit procedures, we noted that the decline in the Commission’s use of its aircraft could be attributed to several factors, as described below:

- Internal restrictions regarding the use of aircraft were enacted during the period January 2004 to April 2004. Commission staff explained that the restrictions were due to internal budgetary restrictions. Flights for general airborne law enforcement were not made during this period. However, certain flights, such as search and rescue missions, were made, but required the prior approval of management.
- Use of Commission aircraft was limited to law enforcement activities, with exceptions made only for flights related to the monitoring of controlled burns, pursuant to internal correspondence dated October 2003. Previously, aviation services were provided to other Divisions and other entities, such as the University of Florida, the Wildlife Foundation

of Florida, and the South Florida Water Management District, for projects such as fish and wildlife surveys. We noted that other Divisions within the Commission spent approximately \$496,000 for private vendors to complete necessary charter flights during fiscal years 2002-03 and 2003-04.

Full utilization of the available aircraft may not be achievable, given the nature of law enforcement activities and the need to provide appropriate response times for emergencies and other law enforcement activities. However, improved analysis and documentation are needed to ensure that the composition and size of the Commission aircraft fleet provide an appropriate level of service.

Recommendation: We recommend that the Commission establish benchmarks and productivity measures to evaluate the performance of aviation operations and the size, operating availability, locations, utilization, and staffing of its aircraft fleet. Additionally, the Commission should evaluate the costs and benefits of utilizing the Aviation Section to meet the aviation needs of other operating units within the Commission. If necessary, based on such evaluations, the Commission should consult with applicable Legislative Committees regarding the appropriate role of the Commission’s Aviation Section.

Finding No. 3: Aviation Administrative Procedures

In addition to those responsibilities described above, the Aviation Section is responsible for administrative issues related to aviation operations, such as preparing flight schedules, ensuring that required maintenance is completed for assigned aircraft, and completing all required reports. Due to the geographic dispersion of Aviation Section personnel (see Table A on previous page), management of day-to-day operations and supervision of pilot activities are handled through periodic meetings, telephone calls, and reviews of required reports. When not performing duties related to aviation operations, pilots are responsible for performing general law enforcement patrols.

Our audit identified several areas where improved administrative procedures could strengthen oversight and improve accountability for the activities of staff assigned to the Aviation Section. Currently:

- The Commission has not established performance measures for the various activities performed by pilots.
 - Approximately 52 percent of all time charged to air patrol hours was for non-flight activities. Specifically, for the period July 2002 through June 2004, recorded air patrol hours totaled 18,095 hours, of which 8,612 were flight hours.
- The Commission has not established sufficient written instructions regarding the types of activities that should be recorded as air patrol hours. This may have contributed to the high percentage of non-flight time charged as air patrol hours.
- Internal management reports to account for pilot activities are not routinely provided to Regional Commanders, although pilots are instructed to participate in the activities of their assigned Region when not on air patrol.
 - For the period July 2002 through June 2004, the average monthly flight hours recorded by the pilots ranged from 11 to 50 hours. We noted that time charged to air patrol accounted for only 29 percent of all time worked by the pilots.
- Performance evaluations for all pilots assigned to the Aviation Section are completed by the Aviation Supervisors and are primarily based on reviews of aviation-related activities. Although Commission staff indicated that input was solicited from Regional Commanders regarding other areas of pilots’ performance, we noted that the Commission had not established policies and procedures to document the consideration of these other activities and input from the Regional Commanders.
 - For the period July 2002 through June 2004, a total of 14,371 land patrol hours and 268 water patrol hours were recorded by the pilots. The number of citations and warnings issued by these individuals for this period, ranged from 0 to 341, and totaled 659.

While we recognize that air patrol and other law enforcement operational needs vary between the established regions within the State, improvements in administrative training, record keeping, and supervisory processes could improve accountability for activities of the Aviation Section.

Recommendation: We recommend that the Commission:

- **Establish performance measures (see Finding No. 2) to account for all pilot activities.**
- **In the context of reviewing its overall activity tracking systems, develop concise instructions related to all necessary air patrol activity codes.**
- **Establish a reporting mechanism for pilot activities (air, land, and water patrols) to enhance oversight by appropriate Regional Commanders.**
- **Establish policies and procedures to document the consideration of other law enforcement activities, including input from Regional Commanders, as part of a pilot’s periodic performance evaluation.**

OTHER MATTERS

Finding No. 4: Regional Communication Centers

State law enforcement agencies⁴ have engaged in a cooperative effort to implement the State Law Enforcement Radio System⁵, the Joint Dispatch System, and Computer Aided Dispatch to improve interagency communications and promote a seamless coordination of effort between law enforcement personnel, especially in times of natural disasters and emergencies. As a result of these initiatives, seven Regional Communications Centers have been established Statewide. The Regional Communications

Centers are responsible for handling incoming calls for participating agencies and supervising the dispatch of law enforcement officers.

The original participating law enforcement agencies, excluding the Commission, executed a Memorandum of Understanding and Employee Transfer Agreement, on April 14, 2003, to document the terms of the cooperative effort. However, this document did not quantify all the expected financial contributions by the cooperating agencies.

Subsequent to the execution of this Agreement, the Commission consolidated 3 of its 7 dispatch centers with the Regional Communications Centers, although the Commission continues to handle its own calls in the Regional Communications Centers. During our audit, we noted that the Commission and other participating agencies had not executed an interagency agreement to document the financial arrangements applicable to the operations of the Regional Communication Centers.

As of June 2004, the Commission had paid \$55,389 for licensing fees and equipment to utilize the Computer Aided Dispatch System, owned by the Florida Highway Patrol. Additionally, the Commission contributed equipment totaling \$55,711 for its own use and made improvements to the facilities totaling \$11,234.

Recommendation: For future budgetary and operational logistical purposes, we recommend that the Commission also execute an interagency agreement to document the terms of its arrangements with the other State agencies participating in the Regional Communication Centers.

⁴The Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, the Department of Law Enforcement, the Florida Department of Transportation, the State Fire Marshal, the Department of Environmental Protection, the Office of Insurance Regulation, the Attorney General, the Department of Agriculture and Consumer Services, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, and the Fish and Wildlife Conservation Commission.

⁵ Pursuant to Section 282.1095, Florida Statutes.

OBJECTIVES, SCOPE, AND METHODOLOGY

The scope of this audit focused on the Commission’s Division of Law Enforcement. Our objectives were:

- To evaluate the financial and administrative aspects of the Commission’s agreements to provide law enforcement and security services.
- To evaluate the reliability, completeness, and usefulness of the records and reports.
- To evaluate Commission procedures for oversight of aviation operations.
- To determine if the Commission had executed an interagency agreement to document the terms of its agreements with other State agencies participating in the Regional Communication Centers.

In conducting our audit, we interviewed Commission personnel, observed selected operations, reviewed Commission records, and completed various analyses and other procedures. Our audit included examinations of various documents (as well as events and conditions) applicable to the period July 2002 through January 2004, and selected actions taken through July 2004.

AUTHORITY

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.



William O. Monroe, CPA
Auditor General

AUDITEE RESPONSE

In a letter dated February 24, 2005, the Executive Director generally concurred with our findings and recommendations and described corrective actions already taken or planned for future implementation. This letter is included in its entirety at the end of this report.

To promote accountability in government and improvement in government operations, the Auditor General makes operational audits of selected programs, activities, and functions of State agencies. This operational audit was made in accordance with applicable *Government Auditing Standards* issued by the Comptroller General of the United States. This audit was conducted by Haesun Baek, CPA, and supervised by Jennifer Reeves, CPA. Please address inquiries regarding this report to Laurence W. Noda, CPA, Audit Manager, via E-mail at larrynoda@aud.state.fl.us or by telephone at (850) 487-9112.

This report and audit reports prepared by the Auditor General can be obtained on our Web site (<http://www.state.fl.us/audgen>); by telephone ((850) 487-9024); or by mail (G74 Claude Pepper Building, 111 West Madison Street, Tallahassee, Florida 32399-1450).

EXHIBIT A
FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT ORGANIZATIONAL STRUCTURE
AS OF JULY 2004

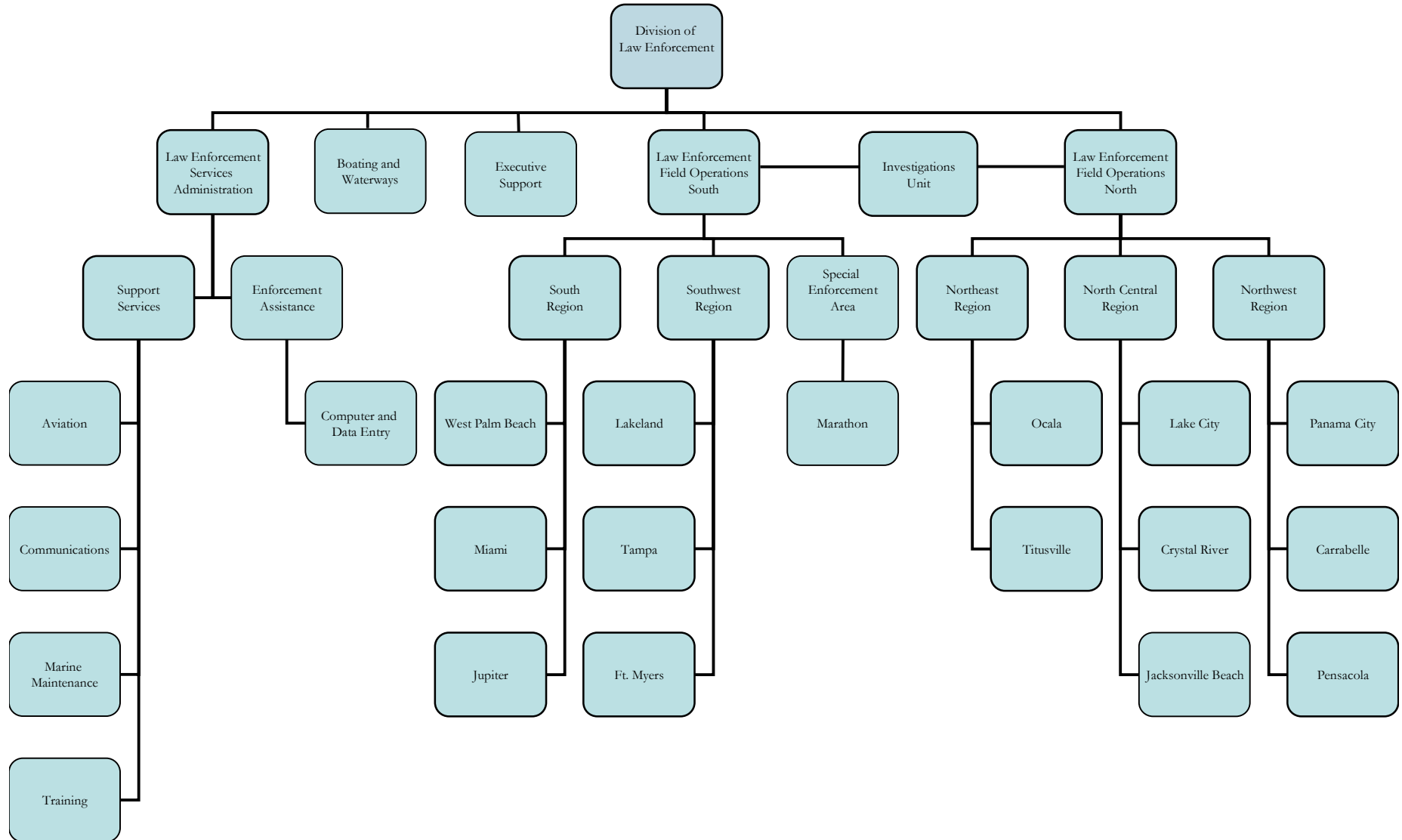
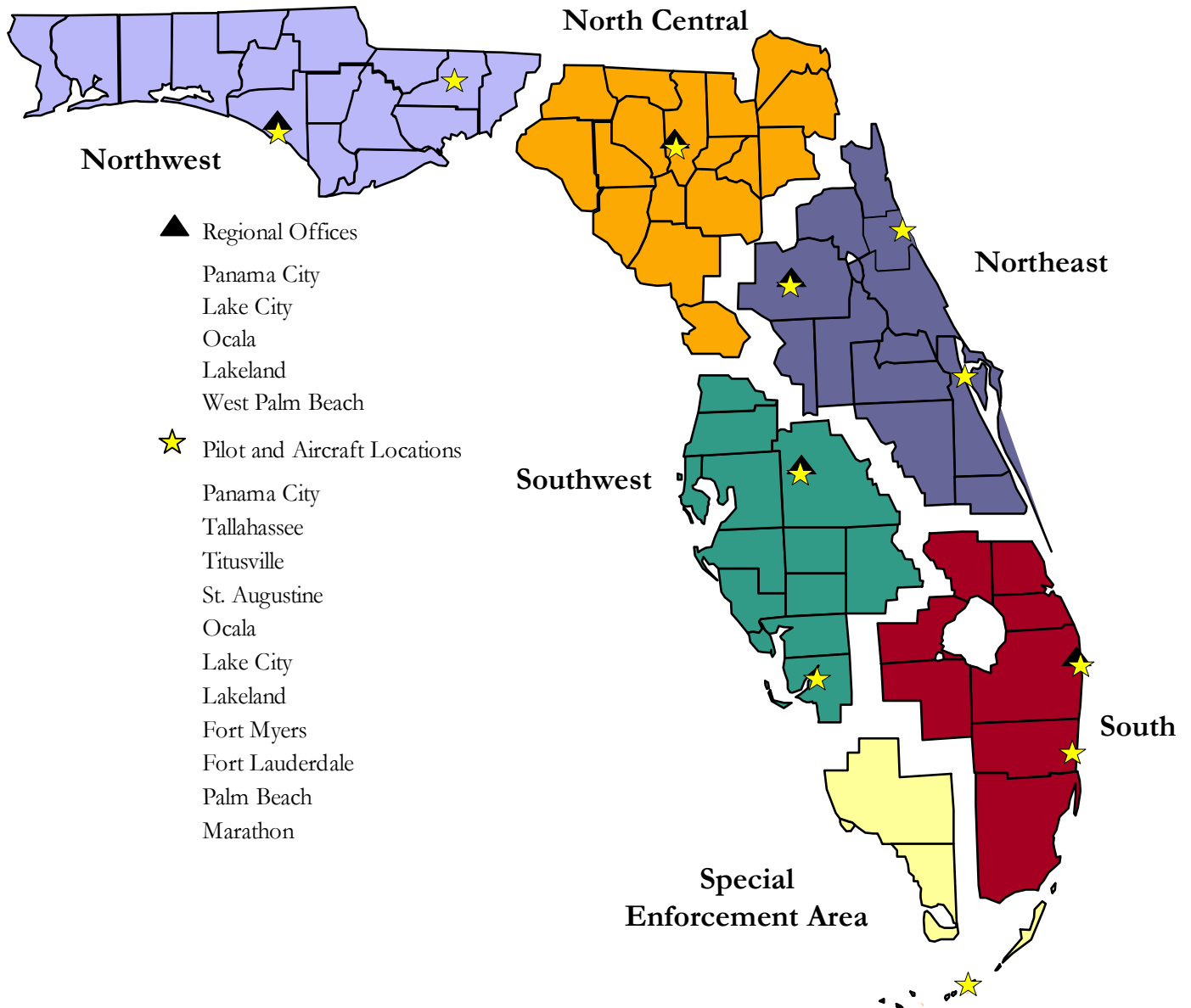


EXHIBIT B
MAP OF FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT
REGIONAL OFFICES AND PILOT AND AIRCRAFT LOCATIONS
AS OF JUNE 2004



**EXHIBIT C
COMPARISON OF SELECTED ADMINISTRATIVE FEATURES AND FUNDING SOURCES OF
LAW ENFORCEMENT AGREEMENTS**

Agreement	Resources Required						Amounts Received	Contract Period
	On-duty Officers	Off-duty Officers	Vehicles	Vessels	Aircraft	Expenses ⁽¹⁾		
Florida Mutual Aid Plan - Free Trade Areas of the Americas	Yes	No	Yes	Yes	Yes	\$781,260	\$218,742	See note ⁽²⁾
National Marine Fisheries Service	Yes	No	Yes	Yes	Yes	Not available ⁽³⁾	\$500,156 ⁽⁴⁾	July 2003-July 2004
National Marine Sanctuary Program	Yes	No	Yes	Yes	Yes	\$1,962,955	\$1,832,416	June 2000-September 2008
Suwannee River Water Management District	No	Yes	Yes	No	No	\$43,887	\$13,756 ⁽⁵⁾	February 2003, until cancelled
South Florida Water Management District	Yes	Yes	Yes	Yes	Yes	\$763,198	\$757,878	February 1999-February 2024
Plains Resources, Incorporated ⁽⁶⁾	Yes	No	Yes	No	No	Not available ⁽⁷⁾	\$112,364 ⁽⁸⁾	July 1983, until cancelled
Canaveral Port Authority	No	Yes	No	No	No	\$26,790	\$26,060	November 2003-November 2006

Notes:

- (1) For the period July 2002 through December 2003.
- (2) Contract not applicable. Services performed in November 2003 pursuant to the Florida Mutual Aid Plan.
- (3) The Commission maintains documentation to support the expenditures made from the advanced funds but does not track the total costs of these services.
- (4) Amount advanced for services required pursuant to contract.
- (5) The Commission had not requested reimbursements for the period July through December 2003, as of July 6, 2004 (see Finding I).
- (6) The Commission patrols vehicular access to Eleven Mile Road within the Big Cypress Wildlife Management Area, as provided by Rule 68A-11.007, Florida Administrative Code.
- (7) Actual costs are not tracked. Reimbursement is based on the estimated costs of one full-time position.
- (8) Includes amounts received for two contract periods (\$56,182 per year).

Source of Funds	Florida Mutual Aid Plan - Free Trade of the Americas	National Marine Sanctuary Program	Suwannee River Water Management District	South Florida Water Management District	Canaveral Port Authority	Total
General Revenue Fund	\$ 335,063	\$ 12,063	\$ -	\$ 1,240	\$ -	\$ 348,366
State Game Trust Fund	11,254	2,833	40,988	718,432	-	773,507
Florida Panther Research and Management Trust Fund	4,713	-	-	-	-	4,713
Marine Resources Conservation Trust Fund	199,393	1,931,135	-	-	26,790	2,157,318
Save the Manatee Trust Fund	8,501	-	-	-	-	8,501
Conservation and Recreation Lands Program Trust Fund	5,879	-	-	-	-	5,879
Subtotal	\$ 564,803	\$ 1,946,031	\$ 40,988	\$ 719,672	\$ 26,790	\$ 3,298,284
Source Not Determinable:						
Aircraft/Vessel/Vehicle Costs	\$ 216,457	\$ -	\$ 2,899	\$ 43,526	\$ -	\$ 262,882
Indirect Costs	-	16,924	-	-	-	16,924
Subtotal	216,457	16,924	2,899	43,526	-	279,806
Total	\$ 781,260	\$ 1,962,955	\$ 43,887	\$ 763,198	\$ 26,790	\$ 3,578,090

EXHIBIT D
SUMMARY OF REPORTS AND FORMS USED BY THE DIVISION OF LAW ENFORCEMENT
TO TRACK ACTIVITIES AND COSTS
AS OF JUNE 2004

Title	Required for Agreement #	Types of Data Included				Frequency
		Hours/ Activities	Vehicle Use	Vessel Use	Other	
1 Attendance and Leave Report		Yes	No	No	No	Bi-weekly
2 Activity Report		Yes	No	No	Yes	Bi-weekly
3 OPS Attendance Report	7	Yes	No	No	No	Bi-weekly
4 OPS Personnel Activity Report	7	Yes	No	No	No	Bi-weekly
5 Employee Overtime Reporting Form ⁽¹⁾	1	Yes	No	No	Yes	Bi-weekly
6 Employee Overtime Reporting Form - Fisheating Creek ⁽¹⁾		Yes	No	No	Yes	Bi-weekly
7 Regional Overtime Productivity Report Summary ⁽¹⁾	1	Yes	No	No	Yes	Bi-weekly
8 Domestic Security / Emergency Operations Summary Report	1 & 7	Yes	Yes	Yes	No	As Needed
9 Joint Enforcement Agreement Daily Law Enforcement Mission Summary	2	Yes	No	Yes	Yes	Daily
10 SRWMD Patrol Summary	4	Yes	Yes	Yes	Yes	Bi-weekly
11 SRWMD Patrol Log	4	Yes	Yes	Yes	Yes	Bi-weekly
12 SRWMD Citation, Comment, and Observation Report	4	No	No	No	Yes	Bi-weekly
13 SFWMD Patrol Summary	5	Yes	Yes	Yes	Yes	Bi-weekly
14 SFWMD Patrol Log	5	Yes	Yes	Yes	Yes	Bi-weekly
15 SFWMD Citation, Comment, and Observation Report	5	No	No	No	Yes	Bi-weekly
16 Weekly Report of Off-Duty Activities		Yes	Yes	Yes	No	Weekly
17 Holiday Activity Report		Yes	No	No	Yes	As Needed
18 Manatee Report ⁽¹⁾		Yes	No	No	Yes	Bi-weekly
19 Manatee Activity Report (By Region) ⁽¹⁾		Yes	No	No	Yes	Bi-weekly
20 Manatee Activity Report (Summary) ⁽¹⁾		Yes	No	No	Yes	Bi-weekly
21 Motor Vehicle Log		No	Yes	No	No	Monthly
22 Watercraft Log		No	No	Yes	No	Monthly
23 Flight Logs		Yes	No	No	Yes	Monthly

(1) Not required as of July 1, 2003. However, some Regional Offices continue to use this form.

Key for Agreements

- 1 Florida Mutual Aid Plan
- 2 National Marine Fisheries Service
- 3 National Marine Sanctuary Program
- 4 Suwannee River Water Management District (SRWMD)
- 5 South Florida Water Management District (SFWMD)
- 6 Plains Resources
- 7 Canaveral Port Authority

Source: Prepared from Commission records.

EXHIBIT E
SUMMARY OF EXPENSES FOR COMMISSION AIRCRAFT OPERATIONS
FOR FISCAL YEARS 2002-03 AND 2003-04

	2002-03	2003-04
Salaries and Benefits ⁽¹⁾	\$ 1,109,768	\$ 1,142,503
Hangar Rental	50,392	53,720
Aircraft Insurance	89,133	42,734
Aircraft Repair and Maintenance ⁽²⁾	883,229	831,750
Other Repair and Maintenance ⁽³⁾	20,766	41,552
Fuel and Lubricants ⁽⁴⁾	227,630	219,812
Travel	51,513	18,083
Other ⁽⁵⁾	<u>58,084</u>	<u>41,100</u>
Total	<u>\$ 2,490,515</u>	<u>\$ 2,391,254</u>

Notes:

- (1) Includes total salary and benefit expenses of staff assigned to the Aviation Section.
- (2) Includes \$105,000 paid by the Division of Wildlife on behalf of the Aviation Section for fiscal year 2003-04.
- (3) Includes repair and maintenance expenses for vehicles and buildings.
- (4) Includes fuel and lubricant expenses for aircraft and vehicles.
- (5) Includes expenses such as uniforms, cell phone, freight, office and other supplies, equipment rentals, and parking.

Source: State accounting records and other Commission records.

EXHIBIT F
SUMMARY OF FLIGHT HOURS
FOR FISCAL YEARS 2002-03 AND 2003-04

Aircraft Type	Year Manufactured	Location	Total Flight Hours		Average Hours Per Month	
			2002-2003	2003-2004	2002-2003	2003-2004
<i>Multi-Engine Plane</i>						
Partenavia P-68	2002	Tallahassee	254.7	264.6	21.2	22.1
Partenavia P-68C	1983	Marathon	475.8	404.6	39.7	33.7
<i>Single-Engine Plane</i>						
Lake Amphibian	1991	Titusville	323.8	208.7	27.0	17.4
Cessna 182	1985	Ft. Myers	603.1	457.0	50.3	38.1
Cessna 172	1981	Lake City	273.3	180.1	22.8	15.0
Cessna 182R	1980	Lakeland	260.6	286.8	21.7	23.9
<i>Helicopters</i>						
Bell Jet Ranger	1991	Lauderdale	259.1	183.3	21.6	15.3
Bell Jet Ranger	1976	Panama City	234.0	339.9	19.5	28.3
Bell OH-58	1972	St. Augustine	109.8	152.3	9.2	12.7
Bell OH-58	1970	Lakeland	221.3	153.7	18.4	12.8
Bell OH-58	1970	Ocala	305.4	231.7	25.5	19.3
Bell OH-58	1970	Tallahassee	281.0	145.6	23.4	12.1
Bell OH-58	1969	Palm Beach	362.3	297.5	30.2	24.8
Bell OH-58	1968	Lake City	152.5	129.6	12.7	10.8
Subtotal - 14 Active Aircraft			<u>4,116.7</u>	<u>3,435.4</u>	<u>343.2</u>	<u>286.3</u>
<i>Helicopters not for Flight (Parts Only)</i>						
Bell OH-58	1969	Tallahassee	-	-	-	-
Bell OH-58	1968	Tallahassee	-	-	-	-
<i>Aircraft Disposed During Audit Period</i>						
Baron T/E MOD58		Tallahassee	152.3	63.1	12.7	5.3
Hughes 500D		St. Augustine	210.5	101.8	17.5	8.5
Hughes 500D		Tampa	153.3	188.2	12.8	15.7
Hughes 500D		Tallahassee	188.4	2.5	15.7	0.2
Total Flight Hours ⁽¹⁾			<u>4,821.2</u>	<u>3,791.0</u>	<u>401.9</u>	<u>316.0</u>

(1) Commission records showed that various aircraft were not operable due to maintenance reasons for a cumulative total of 1,542 and 1,180 days for fiscal years 2002-2003 and 2003-2004, respectively.

Source: Prepared from Commission records.

EXHIBIT G
AUDITEE RESPONSE

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



RODNEY BARRETO
Miami

KATHY BARCO
Jacksonville

SANDRA T. KAUPE
Palm Beach

RICHARD A. CORBETT
Tampa

H.A. "HERKY" HUFFMAN
Enterprise

BRIAN S. YABLONSKI
Tallahassee

DAVID K. MEEHAN
St. Petersburg

KENNETH D. HADDAD, Executive Director
VICTOR J. HELLER, Assistant Executive Director

OFFICE OF THE EXECUTIVE DIRECTOR
(850)487-3796 TDD (850)488-9542

February 24, 2005

Mr. William O. Monroe
Auditor General
G74 Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

RE: Preliminary and Tentative Audit Findings, 2002-04 Operational Audit (Division of Law Enforcement)

Dear Mr. Monroe:

We have reviewed the preliminary and tentative audit findings and recommendations included with your letter dated January 28, 2005. Our responses to the four audit findings are enclosed.

We appreciate the constructive comments and technical assistance provided by your staff. If further information is required, please contact our Director of Auditing, Trevor Phillips, at 488-6068.

Sincerely,

For Kenneth D. Haddad
Executive Director

kh/tp

Enclosures

EXHIBIT G (CONTINUED)
AUDITEE RESPONSE

OPERATIONAL AUDIT – DIVISION OF LAW ENFORCEMENT (July 2002 – June 2004)
FLORIDA FISH & WILDLIFE CONSERVATION COMMISSION (FWC) RESPONSE

General Comment: There are several facts in the preliminary and tentative report that have changed since the audit period. We now have 722 sworn employees vice 718 in the report; and the cost of seaport security has dropped from an average of \$80,000 to approximately \$37,000 per month. Neither of the changes impacts the audit findings or our approach to addressing the audit, but they may be of interest to certain readers of the report.

Finding No. 1: Weaknesses exist in the Commission’s administration of various agreements to provide law enforcement and security services, including the cost accounting methodologies, the funding sources utilized to pay for certain activities, the sufficiency of rates charged, and the billing procedures.

Recommendation: We recommend that the Commission reevaluate activity and cost identification methodologies to ensure that:

- All costs associated with specific services provided are accurately and efficiently accumulated.
- Procedures are in place to actively seek reimbursement for services provided, periodically evaluate the sufficiency of agree-upon reimbursements, and seek changes to these rates as necessary.
- Billing procedures are enhanced to ensure that amounts due are timely requested.
- Appropriate funding sources are utilized and all restrictions regarding the use of restricted funds are met.

FWC Response: The Division of Law Enforcement will establish a set of specific guidelines to assist in determining how much to charge for law enforcement services. Where possible, we will set a predetermined price for each service that will include the service, infrastructure and overhead costs. We will re-examine the guidelines annually to ensure that cost increases of providing the service are covered. We have now assigned a person in the Division to follow-up on timely billing of the contracts. This person will work with the Finance and Budget Office to ensure they have all the data needed to issue an invoice. Additionally, the implementation of ASPIRE, the state’s new accounting system, will provide greatly improved coding structures to accumulate, document and assess service costs, and enhance the agency’s ability in claiming reimbursements.

We are mandated by law to respond to declared emergencies. Many of the officers that respond to the emergencies are funded by trust funds that have not been specifically

EXHIBIT G (CONTINUED)
AUDITEE RESPONSE

allocated for emergency response. At this time we are not able to refuse the request to respond, nor are we able to pay for the operations from other sources. We do not have a way to fix this except to approach the legislature to broaden the use of the trust funds.

Finding No. 2: The Commission has not established procedures to evaluate aviation operations. For example, the Commission has not documented the forecasted level of aviation services needed to accomplish its mission. Also, the Commission has not established benchmarks or productivity measures to evaluate the size, operating availability locations, utilization, and staffing of its aircraft fleet.

Recommendation: We recommend that the Commission establish benchmarks and productivity measures to evaluate the performance of aviation operations and the size, operating availability, locations, utilization, and staffing of its aircraft fleet. Additionally, the Commission should evaluate the costs and benefits of utilizing the Aviation Section to meet the aviation needs of other operating units within the Commission. If necessary, based on such evaluations, the Commission should consult with applicable Legislative Committees regarding the appropriate role of the Commission's Aviation Section.

FWC Response: In 1999 FWC had 25 aircraft and 19 pilots. We currently have 14 aircraft and 14 pilots. Our goal is to reduce to 11 fulltime aircraft, one operational spare aircraft and 12 pilots. The staffing evaluation for the aviation section is an ongoing project. Since 1999 we have made reductions and operational changes to get us to this current projection of 12 pilots and 11 aircraft. This included the sale of old aircraft without replacement, the replacement of aircraft on a four to one replacement schedule, and the shift of pilot positions back to the field. The project will be completed in 2005. The last phase of this consolidation was a conscious decision to eliminate transport and biological flights in an effort to concentrate on and maximize the law enforcement mission. We are currently conducting a staffing review of the aviation section to determine the best locations for the aircraft to be located around the state. To this point we have only taken law enforcement operations into account to determine staffing needs. The Division's aircraft are used for law enforcement patrol, and to assist with controlled burns conducted by other divisions within FWC. Currently the only appropriations received are for law enforcement operations. Benchmarks are being set to meet the operational needs of the field operations section and ongoing needs of our law enforcement partners for law enforcement assistance and search and rescue. The last efficiency piece is an ongoing effort to coordinate the use of state aviation assets with our other state law enforcement partners. This will maximize the use of the FWC fleet and support other law enforcement agencies. The Division of Law Enforcement will discuss with the Executive Director the prospect of expanding the use of the aircraft for other divisions, but any such expansion should not be at the expense of the law enforcement mission. Any remedies will be discussed with the appropriate legislative committees.

EXHIBIT G (CONTINUED)
AUDITEE RESPONSE

Finding No. 3: Commission procedures should be revised to improve accountability for the activities of staff assigned to the Aviation Section.

Recommendation: We recommend that the Commission:

- Establish performance measures (see Finding No. 2) to account for all pilot activities.
- In the context of reviewing its overall activity tracking systems, develop concise instruction related to all necessary air patrol activity codes.
- Establish a reporting mechanism for pilot activities (air, land, and water patrols) to enhance oversight by appropriate Regional Commanders.
- Establish policies and procedures to document the consideration of other law enforcement activities, including input from Regional Commanders, as part of a pilot's periodic performance evaluation.

FWC Response: An annual productivity standard of 400 flight hours is being established for new aircraft in FY 05-06. Pilots will be expected to spend 65% of their available duty time engaged in air patrol activities. Air patrol activities include the time a pilot completes his mission planning, pre-flight activities, flies his mission, post-flight requirements and staging time where the pilot is on the ground but anticipating flight activity. All hours credited to air patrol activities will be directly attributable to a specific flight or anticipated flight.

Effectiveness measures such as "Regional Satisfaction" or how well the pilot meets regional needs will reveal how well the individual pilot is performing his work. Qualitative benchmarks designed specifically for the pilot's area of operation will be added individually to each pilot's annual Review and Performance Appraisal. Input is requested from Regional Commanders on performance expectations of that region's pilots. Position Descriptions for pilots and supervisors will be reviewed annually to ensure job expectations are aligned with actual job performance. During periods of no aviation activity, pilots will be available for land and water patrol at the discretion of the Regional Commander(s) and their staff. This activity will be secondary to any aviation requirements and will vary from region to region and from season to season. Land and Water activity will be captured by the DLE Activity report submitted bi-weekly.

EXHIBIT G (CONTINUED)
AUDITEE RESPONSE

Finding No. 4: The Commission has not executed an interagency agreement to document the terms of its agreements with other State agencies participating in the Regional Communications Centers.

Recommendation: For future budgetary and operational logistical purposes, we recommend that the Commission also execute an interagency agreement to document the terms of its arrangements with the other State agencies participating in the Regional Communication Centers.

FWC Response: In 1999 several state law enforcement agencies, including the Florida Highway Patrol, the Florida Department of Law Enforcement, the Department of Transportation and the Department of Environmental Protection agreed to combine their law enforcement dispatch resources and create seven dispatch centers throughout the state that would provide dispatch services for member agencies. At the time, the FWC Division of Law Enforcement had just started into a merger of the Game and Freshwater Fish Commission and a portion of the Division of Law Enforcement of DEP. FWC had opted to not participate in the joint dispatch agreement at that time. Since then we have worked with the Highway Patrol to co-locate our dispatch centers. The co-location effort has created expenditures by both agencies and we have completed three out of six co-locations without a Memorandum of Understanding (MOU) between the agencies. We are currently forming an action team to examine the possibility of merging with the "joint dispatch" concept. If it is decided to merge the dispatch function we will need an MOU and will need to request legislative action. If it is decided to continue with co-located dispatch we will complete an MOU between the two agencies to document the terms of the arrangements.

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