

## Ignition Interlock Device Program

### Audit Report 201819-02

February 8, 2019

### Executive Summary

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An ignition interlock device (IID) is a state-certified device which prevents a motor vehicle from starting if the person's blood alcohol content (BAC) is at or above a preset level. If the device detects alcohol exceeding a pre-programmed level, the IID temporarily locks the vehicle's ignition. Most U.S. States and Canadian provinces use IIDs as an alternative to revoking driving privileges, as IIDs allow drivers with driving under the influence (DUI) convictions the opportunity to drive to work, school, and for other essential tasks. An average of 12,000 convicted drivers have an IID installed annually in Florida.

Section 316.1937, Florida Statutes (F.S.), grants courts the authority to require an IID to be installed in all vehicles that are owned or routinely operated by a person convicted of DUI. However, Section 316.193 mandates the installation of an IID for all vehicles that are owned or routinely operated by a person convicted of a second DUI after July 1, 2002. Section 322.2715 (4), F.S., grants the Department of Highway Safety and Motor Vehicles (Department) the authority to enforce IID requirements beginning July 1, 2005.

The IID Section, within the Division of Motorist Services' Bureau of Motorist Compliance (BMC), provides monitoring, education, and technical assistance to drivers required to have an IID, provides oversight to contracted vendors which install IIDs, and ensures compliance with regulations by reviewing IID violations, providing violation notices, and providing information about accurate IID requirement completion. Our audit focused on the efficiency and effectiveness of the Department's IID program and compliance with applicable laws, Department policy and procedure.

Our review determined the process for canceling driving privileges of drivers in violation of IID requirements should be improved. We recommend a quality assurance process be implemented to ensure cancellations are processed timely, proper documentation is maintained as required, and contract management work with IID vendors and DUI programs to ensure cancellations are submitted to the Department timely.

Our review also determined enhanced contract monitoring would improve oversight of the IID program. We recommend maintaining a contract manager's file, reviewing all contract requirements, and monitoring to ensure compliance with contract service delivery. We also recommend implementing a tracking mechanism to ensure required reports are received timely.

Additionally, we determined state assessment fees should be reconciled to ensure the accuracy of revenue collections. While comparing the total reported installations to a revenue report for 2017-18 Fiscal Year (FY), we determined the revenue received from IID vendors did not agree with the number of IID installations reported, and our comparison noted an underpayment to the Department. Further inquiry determined there were duplicate assessment fees for the same installations, transactions that crossed fiscal years were not accurately accounted for, and payments due to the Department were not received. We recommend performing periodic reconciliations of IID assessment fees to ensure revenue received is accurate.

## Background and Introduction

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An IID is a state-certified device that prevents a motor vehicle from starting if the person's BAC is at or above a preset level. When drivers blow into the device, the device measures the alcohol in their system. If the device detects alcohol exceeding the pre-programmed level, the IID temporarily locks the vehicle's ignition. If alcohol is not detected, the vehicle will start as usual. Drivers are also prompted to blow into the device at random intervals while operating the vehicle to ensure they have not been drinking after the vehicle has started. Most U.S. States and Canadian provinces use IIDs as an alternative to revoking driving privileges, as IIDs allow drivers with DUI convictions the opportunity to drive to work, school, and to perform other essential tasks.

Section 316.193, F.S., specifies a person is guilty of a DUI if they operate a motor vehicle while normal faculties are impaired with a chemical or controlled substance or a BAC of 0.08 percent or higher. Drivers under 21 years old will be charged with a DUI if their BAC is 0.02 percent or higher and commercial drivers will be charged if their BAC is 0.04 percent or higher. According to Department records, there were 43,899 DUI citations issued and 27,626 DUI convictions in 2017.

Section 316.1937, F.S., grants courts the authority to require an IID to be installed in all vehicles that are owned or routinely operated by a person convicted of DUI. However, Section 316.193 mandates the installation of an IID for all vehicles that are owned or routinely operated by a person convicted of a second DUI after July 1, 2002.

Prior to 2004, the Department did not have the authority to require an IID to be placed on a vehicle of a convicted DUI offender if the requirement was not mandated by the court. However, Section 322.2715 (4), F.S., gave the Department the authority to enforce the IID requirement beginning July 1, 2005 to any person convicted of committing an offense of DUI, except for those individuals having a documented medical condition that would prohibit the device from functioning normally.

If the convicted person is eligible for a permanent or restricted license, a license will be reissued with a “P” restriction indicating an IID is required. The required IID period, mandated by the courts or the Department, officially begins on the day the “P” restricted license is issued. The Department may also enforce an IID requirement when a person convicted of DUI applies for a restricted license for work or business purposes, as authorized in Section 322.271, F.S.

IID requirements are as follows:

DUI Conviction	IID Requirement
First Conviction	If court ordered
First Conviction if BAC is 0.15 or above, or minor in car	At least 6 months
Second Conviction	At least 1 year
Second Conviction if BAC is 0.15 or above, or minor in car	At least 2 years
Third Conviction	At least 2 years
Four of More Convictions (Condition of Hardship License)	At least 5 years

### IID Program

IID programs are used in all 50 states and the District of Columbia; however, each state varies in terms of the agencies involved in IID program structure, authority, and operational practices. In Florida, state contracted vendors are responsible for implementing and operating the IID program, while the Department is responsible for ensuring the program is operating as intended. As part of the monitoring process and to ensure compliance with all applicable laws and contract terms, the Department may conduct on-site audits of IID vendors.

The IID Section, within the Division of Motorist Services’ BMC, provides monitoring, education, and technical assistance to drivers required to have an IID, provides oversight to contracted vendors which install IIDs, and ensures compliance with regulations by reviewing IID violations, providing violation notices, and providing information about accurate IID requirement completion. An average of 12,000 convicted drivers have an IID installed annually in Florida.

The goal of the IID Section is to reduce recidivism among first and repeat DUI offenders and to encourage behavior modification to ensure drivers no longer drink and drive.

## **IID Installation**

Individuals required to install an IID in their vehicle are informed of this requirement through court documents or when trying to reinstate their license at a Driver License (DL) or Tax Collector's Office. Chapter 15A-9, Florida Administrative Code (F.A.C.), establishes guidelines for certification, installation, and use of IIDs.

IIDs must be installed by a manufacturer (or a representative) in accordance with guidelines published by the National Highway Traffic Safety Administration (NHTSA). The Department is required to contract with any IID vendor who has made a request to be a provider and whose devices have been certified by independent laboratories stating their devices meet or exceed NHTSA specifications. Currently, the Department is contracted with five IID service providers: Alcolock FL Inc., Draeger Safety Diagnostics, Inc., Guardian Interlock LLC, 1A Smart Start LLC, and Consumer Safety Technology LLC (Intoxalock). All IIDs must be Department approved prior to installation and at the convicted person's expense. Section 322.2715 (5), F.S., requires IID vendors to submit a \$12 fee to the Department for each IID installed.

Courts alert the Department of court ordered IID requirements either electronically through the Traffic Citation Accounting Tracking System (TCATS), or through paper court orders submitted to the IID Section. IID requirements received electronically through TCATS are automatically added to the person's driving record. Because TCATS can only send electronic updates to the person's driving record for DUI convictions, other driving infractions requiring an IID, such as reckless driving, are submitted on a paper court order and are manually entered on the person's driving record by Department members. Because courts occasionally submit both electronic and paper court orders, all paper court orders are reviewed to determine if the IID requirement is already on the person's driving record prior to processing the request.

Paper court orders are also reviewed to determine how many DUI convictions are on the person's driving record to ensure the appropriate timeframe for the IID is recorded. The more restrictive timeframe, from the courts or statute, is used.

## **IID Violations**

Chapter 15A-9.003 F.A.C., defines a violation as an event, such as two breath tests above the fail point upon initial startup, a refusal to provide a rolling retest breath sample, a rolling retest above the fail point, or tampering with the device. If a violation is detected by the device, an alert is sent to the vendor. All IID violations are required to be submitted to the Department electronically and are automatically entered on the

person's driving record. An IID Section member reviews reported violations for accuracy and removes errors from the person's driving record if necessary. When violations are added to the person's driving record, violation letters are generated through a batch process.

When a person receives a first violation, they are required to meet with a DUI program licensed by the Department and explain the reason for the violation. If a person receives a second violation, they are required to be monitored by a DUI program monthly until the IID is removed from the vehicle. After a third or subsequent violation, the person is referred to a substance abuse treatment program at a DUI program facility and the IID requirement is extended 30 additional days for each violation, up to the time required to complete treatment.

According to Chapter 15A-9.010, F.A.C., if an offender fails to report or complete treatment or fails to complete the DUI program substance abuse educational course and evaluation due to a IID violation, the DUI program is required to notify the Department of the failure, and the Department is required to cancel the person's driving privilege. The Department may temporarily reinstate the driving privilege on a restricted basis upon verification from the DUI program that the person is currently participating in treatment and the DUI education course and evaluation requirement has been completed.

Driver license cancellation requests are also reported to the Department by a DUI program or by an IID vendor when an offender misses an appointment or if the IID has been removed before completion of their required installation period. Cancellation requests are reported via phone, email, and/or fax and are manually placed on the person's driving record by IID Section staff. An Order of Cancellation letter is generated through a Contact (Call) Tracker Access database to the person, alerting the person of their noncompliance. The cancellation will remain on the person's driving record until a new appointment is scheduled.

## Findings and Recommendations

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### *Cancellations*

**Finding No. 1:** The process for canceling driving privileges of drivers in violation of IID requirements should be improved.

Chapter 15A-9.010, F.A.C., requires the Department to refer all drivers convicted of violating IID requirements to a DUI program licensed by the Department. The convicted person must schedule an appointment with the DUI program within twenty days from the date of the referral letter. Based upon the number of violations, a convicted person

is placed on monthly reporting probation and is required to complete a substance abuse course. If an offender fails to report or complete treatment or fails to complete the DUI program substance abuse education course and evaluation, the DUI program is required to notify the court and the Department of the failure. Upon receipt of the notice, the Department is required to cancel the person's driving privilege.

Failure to contact the DUI program within five business days after a missed appointment to reschedule the appointment will also result in a notification to the Department of failure to comply. If a convicted person misses two consecutive DUI program appointments without good cause, the DUI program must recommend cancellation of the person's driver license.

IID vendors are required by contract to report, through a Driver Activity Summary Report, all IID violations, driver license cancellations, and missed appointments by the fifth day of each month.

Our review of 25 cancellation requests received from DUI programs reported to the Department during the week of August 27, 2018 – August 31, 2018 noted the following:

- 7 cancellation requests were reported to the Department 8 to 163 days after the missed appointment.
- 1 was not canceled timely<sup>1</sup> after receipt by the Department.

Our review of 60 cancellation requests received from IID vendors during the week of August 27, 2018 – August 31, 2018 noted the following:

- 18 were not canceled timely<sup>1</sup> after receipt by the Department, including 14 which were canceled after audit inquiry and 5 cancellations were not added to the person's driving record at the time our audit.

We also reviewed a sample of 30 cancellations and the Call Tracker Access database with IID Section staff to determine if the database contained a cancellation letter for the corresponding cancellation request. Of the 30 sampled items, 5 drivers did not have cancellation letters in the Call Tracker Access database.

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<sup>1</sup> A cancellation was considered timely if it was completed within 5 business days.

## Recommendations

We recommend the Bureau of Motorist Compliance cancel the license of drivers who failed to meet IID requirements.

We also recommend the Bureau of Motorist Compliance implement a quality assurance process to ensure cancellations are processed timely and proper documentation is maintained as required.

We further recommend the contract manager work with IID vendors and DUI programs to ensure cancellations are submitted to the Department timely.

## Management Response

The Bureau of Motorist Compliance has reviewed all drivers outlined within the supporting audit documentation and taken required action. The 5 cancellations that were not added to the driving record were reviewed and it was determined that 2 of the five individuals had not complied with rescheduling of appointments and are currently suspended, one of the five has a pending suspension for failing to attend the appointment and the remaining two rescheduled and attended their appointment to maintain licensure. The IID contract manager and DUI Program manager, oversees the contractual requirements for IID vendors and ensures DUI Program compliance with statutes and rule. The contract manager has contacted all DUI Programs within the State to remind them of the requirement to timely report drivers who miss monitoring appointments as outlined in F.A.C 15A-9.010. Failure to adhere to these requirements will result in program staff contacting the DUI Program to request a Corrective Action Plan, and a deficiency within the DUI Programs biannual site visit report. Failure to correct the deficiency could result in termination of the Program's licensure with the department. The untimely cancellations submitted by DUI Programs discovered during the audit will be included in the upcoming biannual site visit report for the deficient programs.

Currently, the IID vendor is required to report when a client fails to attend a monthly monitoring appointment within 48 hours of a missed appointment. This is reported by email and requires manual intervention by IID staff to code the driving record which initiates a cancellation of driving privilege. To eliminate the manual intervention, and reduce possible errors, Work Request and Prioritization (WRAP) 4142 has been created to require IID vendors to submit the missed appointments electronically through a nightly report which will create a cancellation notification electronically. Existing staff have been trained on the manual process to ensure that cancellations are processed timely until the WRAP 4142 can be implemented.

IID staff have been transitioned from the Call Tracker Access database to an online system for more effective and accurate monitoring by the DUI/IID manager. Weekly reports will be accessible for the manager to ensure that cancellations and letters are processed timely.

## ***Contract Monitoring***

**Finding No. 2:** Enhanced contract monitoring would improve oversight of the IID program.

Effective contract monitoring provides a level of assurance that goods and services are provided in accordance with the terms and conditions of the agreement and necessary outcomes are achieved. IID contracts require vendors to implement and operate the IID program in Florida; however, the Department's contract manager, or designated Department staff, is required to perform monitoring during the term of the contract to determine if the vendor has met each performance standard identified in the contract's Scope of Services. Monitoring must include a review of compliance with contract service delivery and a review of all contract requirements.

Service providers are responsible for submitting various vendor reports and financial audits to the Department, within a timeframe specified in the contract, to be used for monitoring progress and performance of the contractual services detailed in the Scope of Services.

Chapter 15A-9, F.A.C., allows the Department to conduct on-site audits of the administrative offices and service providers to ensure compliance with the contract if necessary.

Our audit determined that required documents necessary for vendors to initially contract with the Department were submitted and verified; however, ongoing monitoring was not occurring. A contract manager's file was not being maintained and required reports were not being reviewed for timely submission or for contract compliance purposes. Currently, there is no tracking mechanism to ensure reports were received timely.

We reviewed vendor reports from January 2018 - July 2018 and the most recent financial audit for one of the IID vendors to determine if the reports and audit were submitted timely. Our review determined at least one of the four required reports for each IID vendor and the one financial audit required were not submitted. We also noted only one of the IID vendor contracts required the financial audit.

Furthermore, the format of required reports was not standardized for all vendors and some reports did not include all information required by the contract.

## Recommendations

We recommend the Department's contract manager maintain a contract manager's file, review all contract requirements, and perform monitoring to ensure compliance with contract service delivery.

We also recommend the Department's contract manager further implement a tracking mechanism to ensure required reports are received timely.

## Management Response

The contract manager within the Bureau of Motorist Compliance has created a detailed vendor file on each of the five IID vendors and will provide updates monthly. A checklist outlining all contractual requirements is located within each vendor file. The contract manager has contacted each of the IID vendor state representatives and provided them with an outline of the monthly, quarterly and annual requirements and included the penalties outlined within the contract for failing to meet any of the requirements. The contract manager has added reoccurring reminders within the Outlook calendar program to notify when deliverables are due. In addition, we have instituted an on-site review process of IID installation facilities by the DUI site visit team, these reviews will occur in conjunction with the DUI Program site visits throughout the state beginning June 2019.

## Revenue Collection

**Finding No. 3:** A reconciliation of state assessment fees for IID Vendors should be implemented to ensure the accuracy of revenue collections.

Section 322.2715(5), F.S., requires installers of the IID to collect and remit \$12 to the Department for each installation of the device, which is deposited into the Highway Safety Operating Trust Fund to be used for the operation of the IID program.

According to vendor contracts, immediately upon the installation of the IID, the vendor must submit an encrypted file to the Department that includes specific information identified in the contract. This information automatically uploads into the Department's driver license data warehouse and is used to determine how much revenue is owed to the Department.

Contracts between service providers and the Department also state the service provider and Department mutually agree that for each IID installation, the service provider will collect and remit to the Department the required state assessment fee as defined in Section 322.2715(5), F.S.

BMC maintains a spreadsheet to track all drivers that have a newly installed IID that have been reported through the DL database; however, this data is not compared to revenue received from IID Vendors to determine its accuracy.

We compared the total number of reported installations maintained by the BMC to a revenue report from Bureau of Accounting for 2017-18 FY to determine if the revenue received from IID vendors agreed with the number of IID installations reported. Our review noted 12,369 IID installations were reported for the 2017-18 FY; however, only \$147,072 was received during this period, signifying an underpayment of \$1,356 or approximately 1%. Although, the overall difference is immaterial; significant differences were noted for individual vendors.

Further inquiry determined duplicate assessment fees were submitted by IID vendors for the same installation, transactions that crossed fiscal years were not accurately accounted for, and payments due to the Department were not received for previous installations.

## **Recommendation**

We recommend the Bureau of Motorist Compliance, in coordination with the Bureau of Accounting, perform periodic reconciliations of IID assessment fees to ensure revenue received for the IID program is accurate.

## **Management Response**

The Bureau of Motorist Compliance's contract manager will begin using the monthly installation report received from each IID vendor to compare with the secure file transfer protocol (SFTP) report submitted electronically from each vendor. These two reports should contain identical installation information and once verified will be submitted to the Bureau of Accounting to ensure that the \$12 installation fee per client has been remitted. In any instances of discrepancy, the contract manager will contact the vendor contract manager and require remittance of the outstanding amount identified. In instances where the Department determines an overpayment has occurred a request for refund will be initiated.

## **Purpose, Scope, and Methodology**

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The purpose of this audit was to review and evaluate the efficiency and effectiveness of the Department's IID program and compliance with applicable laws, Department policy and procedure.

The scope of this audit included reviewing the NHTSA standards, certifying that revenue is collected from the IID vendors, reviewing the process of reporting the IID violations to the Department, and ensuring that timely updates are submitted to the person's driving record.

The methodology included:

- Reviewing applicable Federal Statutes, Florida Statutes, and Florida Administrative Code;
- Reviewing applicable Department policies and procedures;
- Reviewing IID vendor contract terms;
- Reviewing IID installation requirements and processes;
- Reviewing contract management practices;
- Reviewing the process for IID violations;
- Reviewing revenue collection processes; and
- Interviewing applicable Department members.

## Distribution, Statement of Accordance, and Project Team

### Distribution

Terry L. Rhodes, Executive Director  
Jennifer Langston, Acting Chief of Staff  
Robert Kynoch, Director of Motorist Services  
Rick White, Deputy Director of Motorist Services  
Ray Graves, Bureau Chief of Motorist Compliance

Melinda M. Miguel, Chief Inspector General  
Sherrill F. Norman, Auditor General

### Statement of Accordance

Section 20.055, Florida Statutes, requires the Florida Department of Highway Safety and Motor Vehicles' Inspector General to review, evaluate, and report on policies, plans, procedures, accounting, financial, and other operations of the Department and to recommend improvements. This audit engagement was conducted in accordance with applicable *International Standards for the Professional Practice of Internal Auditing* published by the Institute of Internal Auditors and *Principles and Standards for Offices of Inspector General* published by the Association of Inspectors General.

### Project Team

Engagement conducted by:  
Vanessa Williams, Auditor  
Kim Butler, Auditor

Under the supervision of:  
David Ulewicz, Audit Director

Approved by:



David Ulewicz, Acting Inspector General

## ATTACHMENT - Management Response



Terry L. Rhodes  
Executive Director

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### MEMORANDUM

DATE: February 6, 2019  
 TO: David Ulewicz, Audit Director  
 FROM: Robert R. Kynoch, Director *RRK*  
 SUBJECT: Management Response to the Ignition Interlock Device Program Audit (201819-02)

The following is our response to the findings and recommendations presented in the audit report:

#### Finding 1 - Cancellations

The process for canceling driving privileges of drivers in violation of IID requirements should be improved.

#### Recommendations

We recommend the Bureau of Motorist Compliance cancel the license of drivers who failed to meet IID requirements.

We also recommend the Bureau of Motorist Compliance implement a quality assurance process to ensure cancellations are processed timely and proper documentation is maintained as required.

We further recommend the Contract Manager work with IID vendors and DUI programs to ensure cancellations are submitted to the Department timely.

#### Management Response

The Bureau of Motorist Compliance has reviewed all drivers outlined within the supporting audit documentation and taken required action. The 5 cancellations that were not added to the driving record were reviewed and it was determined that 2 of the five individuals had not complied with rescheduling of appointments and are currently

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suspended, one of the five has a pending suspension for failing to attend the appointment and the remaining two rescheduled and attended their appointment to maintain licensure. The ignition interlock device (IID) contract manager and DUI Program manager, oversees the contractual requirements for IID vendors and ensures DUI Program compliance with statutes and rule. The contract manager has contacted all DUI Programs within the State to remind them of the requirement to timely report drivers who miss monitoring appointments as outlined in F.A.C 15A-9.010. Failure to adhere to these requirements will result in program staff contacting the DUI Program to request a Corrective Action Plan, and a deficiency within the DUI Programs biannual site visit report. Failure to correct the deficiency could result in termination of the Program's licensure with the department. The untimely cancellations submitted by DUI Programs discovered during the audit will be included in the upcoming biannual site visit report for the deficient programs.

Currently, the IID vendor is required to report when a client fails to attend a monthly monitoring appointment within 48 hours of a missed appointment. This is reported by email and requires manual intervention by IID staff to code the driving record which initiates a cancellation of driving privilege. To eliminate the manual intervention, and reduce possible errors, WRAP 4142 has been created to require IID vendors to submit the missed appointments electronically through a nightly report which will create a cancellation notification electronically. Existing staff have been trained on the manual process to ensure that cancellations are processed timely until the WRAP 4142 can be implemented.

IID staff have been transitioned from the Call Tracker Access database to the online EXPERT system for more effective and accurate monitoring by the DUI/IID manager. Weekly reports will be accessible for the manager to ensure that cancellations and letters are processed timely.

#### **Finding 2 - Contract Monitoring**

Enhanced contract monitoring would improve oversight of the IID program.

#### **Recommendations**

We recommend the Department's contract manager maintain a contract manager's file, review all contract requirements, and perform monitoring to ensure compliance with contract service delivery.

We also recommend the Department's contract manager further implement a tracking mechanism to ensure required reports are received timely.

#### **Management Response**

The contract manager within the Bureau of Motorist Compliance has created a detailed vendor file on each of the five ignition interlock device (IID) vendors and provides updates monthly. A checklist outlining all contractual requirements is located within each vendor file. The contract manager has contacted each of the IID vendor state representatives and provided them with an outline of the monthly, quarterly and annual requirements and included the penalties outlined within the contract for failing to meet any of the requirements. The contract manager has added reoccurring reminders within

the Outlook calendar program to notify when deliverables are due. In addition, we have instituted an on-site review process of IID installation facilities by the DUI site visit team, these reviews will occur in conjunction with the DUI Program site visits throughout the state beginning June 2019.

### **Finding 3 - Revenue Collection**

A reconciliation of state assessment fees for IID Vendors should be implemented to ensure the accuracy of revenue collections.

### **Recommendations**

We recommend the Bureau of Motorist Compliance, in coordination with the Bureau of Accounting, perform periodic reconciliations of IID assessment fees to ensure revenue received for the IID program is accurate.

### **Management Response**

The Bureau of Motorist Compliance's contract manager will begin using the monthly installation report received from each IID vendor to compare with the secure file transfer protocol (SFTP) report submitted electronically from each vendor. These two reports should contain identical installation information and once verified will be submitted to the Bureau of Accounting to ensure that the \$12 installation fee per client has been remitted. In any instances of discrepancy, the contract manager will contact the vendor contract manager and require remittance of the outstanding amount identified. In instances where the Department determines an overpayment has occurred a request for refund will be initiated.