



## Driver Education Licensing Assistance Program (DELAP) Audit Report 202122-08

June 27, 2022

### Executive Summary

Section 322.56, Florida Statutes (F.S.), grants the Department the right to authorize a school or person to administer the written and driving skills portions of an examination for all classes and types of driver licenses (DL). The results of the examination can be accepted in lieu of a test administered by the Department. The Department's Bureau of Motorist Compliance (BMC) manages and administers the Driver Education Licensing Assistance Program (DELAP). DELAP oversees the process of third-party driver education training and testing for high school driver education programs statewide.

The purpose of this engagement was to review and evaluate the Department's DELAP program and relevant third-party contract administration to determine compliance with applicable laws, Department policy, and procedures. Overall, our review included the following DELAP components and/or processes:

- Program Operations;
- Program Oversight;
- Program Contracts;
- Training for Department Personnel; and
- IT Access and Security Controls.

Our review determined that maintaining and monitoring Automated Driver License Testing System (ADLTS) user access logs would improve security and accountability. The ADLTS system has no capability to produce access logs or audit trails of user accounts. Over time, DELAP management has assigned and managed user credentials using different methods and informal processes. As a result, the Department cannot verify or confirm which DELAP Specialist accesses the ADLTS system and enters customer data. There is an increased risk of unauthorized access to Department systems and data. We recommend BMC management implement a process to maintain ADLTS access logs and monitor user access for Administrators and Specialists.

Our review also determined that developing written procedures for DELAP operations would strengthen controls and provide guidance in exercising oversight. Department management has not established, implemented or maintained formal DELAP policies or procedures. Formal written policies and procedures would help promote the quality and consistency of oversight and ensure Department DELAP staff understand and meet their responsibilities. We recommend BMC management develop and



implement formal, comprehensive policies and procedures to provide guidance in exercising oversight and control of DELAP processes and operations.

Our review additionally determined that maintaining current contract credential documentation files for DELAP Administrators and Specialists could be improved. Required supporting documentation for Administrators and Specialists DELAP credentials and certifications are not current and maintained within the Department's files. Assurance of compliance is reduced when current documentation of Administrators and Specialists credentials and certifications is not maintained in the Department's DELAP contract files. We recommend BMC management implement a process to ensure required supporting documentation is current and retained to support the Administrators and Specialists contract files.

Further, we determined that providing structured training for Department DELAP personnel responsible for Quality Assurance (QA) audits and reviews of Administrators and Specialists would increase oversight. Department personnel responsible for QA audits and reviews of DELAP Administrators and Specialists do not have a structured training program to provide consistent training and guidance statewide. The lack of a structured training program and clear understanding of roles and responsibilities for Department DELAP personnel reduces the Department's level of assurance that QA activities are performed in a consistent manner statewide. We recommend BMC management consider implementing a structured training program for Department DELAP personnel responsible for oversight of Administrators and Specialists to ensure consistent performance of QA activities statewide.

## Background and Introduction

Section 322.1615, F.S., grants the Department authority to issue a Florida Class E learner's license to a person who is at least 15 years of age and who has met the legal requirements which include passing a written examination, passing a vision and hearing examination, and completing a traffic law and substance abuse education course.

Section 6A-4.0131, Florida Administrative Code (F.A.C.), outlines the requirements for teachers to earn an endorsement in driver education from the Department of Education (DOE) which includes a bachelor's degree or higher with certification in another subject (e.g., math science, history, etc.) and a total of nine (9) semester hours in driver education which includes areas in basic driver education, advanced driver education, and administration and supervision of driver traffic safety education.

The purpose of the Department's DELAP program is to oversee the process and provide guidance to third-party driver education training and testing for high school driver education programs. DELAP provides Class E DL examination services to

students enrolled in driver education classes at Florida high schools. The goal of DELAP is to provide driver education to students, increase their knowledge and skills, and thereby increase road safety; and to also minimize the number of students/applicants going in-person to a Tax Collector (TC) or a Department DL office to take the examinations.

## **Department DELAP Personnel and Management**

DELAP is managed and administered by BMC and is supervised by a Program Manager. BMC is responsible for managing and overseeing DELAP programs and third-party administrators (TPAs) statewide. DELAP management and oversight activities are structured in to seven regions across the state:

1. Northwest;
2. Central Panhandle;
3. Northeast;
4. West Coast;
5. Southwest Coast;
6. Central; and
7. Southeast.

Each region has an assigned BMC Highway Safety Specialist (HSS) or Regulatory Program Specialist (RPS) who coordinate and liaison with DELAP third-party driver education providers in their region. The Southeast region has two BMC members assigned.

There is one HSS assigned to Department headquarters who is responsible for maintaining Administrator and Specialist contract files which include executed contracts, copies of required certifications and credentials, licenses, and background checks. BMC is currently in the process of transitioning current Administrator and Specialist contracts from non-expiring “open-ended” terms to contracts with a three-year term. Our review of Administrator and Specialist contract files revealed that copies of all required certifications and credentials, licenses, and background checks were not always included, or up to date.

There are no specific formal Department policies or procedures that govern DELAP operations. As a matter of current practice, the Department has several DELAP related documents, forms, job aids, manuals, and training materials. Additionally, DELAP Administrator and Specialist audits are included in the performance expectations for Department RPS.



## **DELAP Audits**

BMC field staff (HSS and RPS), assigned to a region, are responsible for performing initial, random, and annual on-site audits of Administrators and Specialists. During the audit, OIG staff conducted on-site observations of BMC staff conducting DELAP Administrator and Specialist audits at 4 locations:

1. Central Panhandle region: Leon County, Godby High School;
2. Central Panhandle region: Leon County, Leon County Public Schools District Headquarters;
3. Northwest region: Walton County, Fort Walton Beach High School; and
4. Southeast region: Brevard County, Viera High School.

Our review determined that Specialist and Administrator annual audits are generally performed based on the completion of the Department's Specialist and/or Administrator review form checklist (in no particular order); with variations in how, when, and where student roster/enrollment and related supporting documentation is analyzed, compared, and reviewed.

Currently, there is no specific uniform training provided to BMC personnel on conducting audits of DELAP Administrators and Specialists. Some job aids are available, but no formal training program consistently applied statewide exists. As a matter of current practice, DELAP management generally provides new HSS and RPS with on-the-job training by job-shadowing a more experienced senior employee.

## **DELAP Administrators and Specialists**

DELAP third-party service providers regulated by the Department consist of Driver Education Administrators and Specialists. Administrators and Specialists enter into a formal contract with the Department to provide DELAP services to students. Department BMC personnel provide training for DELAP Administrators and Specialists.

Per Section 322.56, F.S., DELAP Driver Education Administrators must adhere to strict provisions that are outlined in their contract with the Department. These provisions include:

- Testing that mimics the testing given by the Department;
- Allowing the Department to conduct audits of the TPA without prior notice;
- Requiring the TPA to meet the same qualifications and education and training standards as Department examiners; as well as
- A provision allowing the Department to test, at least annually, a random sample of the drivers approved for licensure by the TPA.

There are 66 DELAP Administrators and 262 DELAP Specialists throughout the state.

Administrators are public and private driver education entities that administer driving education and testing for students. The contractual definition of “Driver Education Administrator” is a third-party administrator as referenced in Section 322.56, F.S., and the governing authority responsible for a public or private secondary school, certified by the Department as authorized to conduct an approved DELAP examination program and issue proof of completion on behalf of the Division of Motorist Services to DL applicants in accordance with the requirements described herein. A private school or government entity, defined as a Driver Education Administrator, must be authorized by the Department and accept responsibility for the performance of all of its subdivisions conducting driver education examination services under the contract.

Of the 66 Administrators:

- 53 (80%) are county Public School Boards;
- 9 (14%) are private schools;
- 1 (2%) is a technical college; and
- 3 (5%) are local-area Job Corps.

Specialists are individual teachers employed by an Administrator who provides driver education classroom and driving skills instruction to students enrolled at the Administrator. Specialists are teachers certified by DOE and must also possess (and maintain) a DOE driver education endorsement. The contractual definition of “Driver Education Specialist” is an individual who is an employee of a Driver Education Administrator and who is certified to conduct DL examination services in accordance with the terms of the contract.

## **DELAP Instruction and Curriculum**

The driver education instruction provided by Specialists is based on the Florida DOE’s CPALMS (Collaborate, Plan, Align, Learn, Motivate and Share) curriculum objectives for Driver Education and Traffic Safety.

Additionally, the Department provides Specialists with a Teacher’s Guide to assist with preparing students for the Class E knowledge examination. The guide contains lesson plans and materials that correspond with the Official Florida DL Handbook (Handbook). The lessons are not meant to replace the DOE curriculum, nor do they replace the Traffic Law Substance Abuse Education (TLSAE) curriculum. However, their purpose is to complement the DOE driver education curriculum and to be used as a “study guide” for the Handbook and the Class E knowledge examination.

Lesson plans are intended for delivery during the first three weeks of classroom instruction, prior to administering the Class E knowledge examination. Each lesson encompasses approximately 40–50 minutes of instruction to prepare students for obtaining a Florida Class E learner’s license.



## DELAP Testing and ADLTS

DELAP Specialists conduct 2 types of DL tests for students:

1. Knowledge (written) test; and
2. Skills (driving) test.

A particular DELAP Specialist may administer one or both tests to students. For example, at some schools, one Specialist might be responsible for classroom instruction and conducting the knowledge test, while a different Specialist conducts the skills test.

When the Specialist's contract has been executed with the Department, the Specialist is provided user credentials to access ADLTS. ADLTS is an online application used by the Department, on a software-as-a-service (SaaS) basis.

The student's skills (driving) test results are documented on the Department's checklist form, scored, and entered by the Specialist as a pass/fail grade in to ADLTS. Knowledge (written) tests are also performed by students in the ADLTS system. The Specialist logs the student's information into the system, creates a test for the student, then proctors the examination while the student takes the test through ADLTS. The examination results for the knowledge and skills tests are used for the issuance of a learner's or Class E DL. Students must visit headquarters, a local branch or TC licensing office to obtain their physical credential.

Currently, there is no feature in ADLTS which generates access logs or audit trails of users (Specialists) who access the system. The Florida Repository (FR) is an ADLTS related application which includes a database compilation of all information entered in to the ADLTS system. The FR database is used by Department BMC personnel for recordkeeping and verification purposes. Unlike ADLTS, the FR can produce reports and summaries of tests given based on defined conditions or parameters such as date-range, county, Specialist name, user ID, examiner ID, and driver ID. However, the FR cannot generate access logs of users (Specialists) that access ADLTS during a defined period of time.

Our review determined that ADLTS username generation procedures for Specialists have changed numerous times over the years, resulting in different structures for active usernames in the system. These variations make identifying individual Specialists and Administrators difficult. Additionally, some Specialists have multiple usernames assigned to the same school.

## Findings and Recommendations

### *IT Access and Security Controls*

**Finding No. 1:** Maintaining and monitoring ADLTS user access logs would improve security and accountability.

Section 60GG-2.003, F.A.C., requires each agency to manage identities and credentials for authorized devices and users. It requires the Department to maintain logs identifying where access to exempt, or confidential and exempt data was permitted. The logs shall support unique identification of individuals and permit an audit of the logs to trace activities through the system, including the capability to determine the exact confidential or exempt data accessed, acquired, viewed, or transmitted by the individual.

The Department's *Information Security Policy Manual* states that computer user accounts are the means used to grant access to Department information resources. These unique user accounts provide accountability, a key to the Department's information security program for information resource usage. Creating, controlling, and monitoring all computer user accounts is extremely important to the Department's overall information security program. Each user of an automated system shall be assigned a unique personal identifier or user ID. The user identification should be traceable to the user for the lifetime of the records or reports in which they appear. A user's access shall be removed from the system when that access is no longer required.

Our review noted exceptions in IT access and security controls, specifically:

- Assignment and management of DELAP Specialist and Administrator access credentials (e.g., usernames and passwords) for Department systems (ADLTS) does not conform to Department policies and best practices;
- Access logs for the ADLTS system are not available to determine if Specialists have accessed the ADLTS system during any given time;
- Neither DELAP management nor the ADLTS vendor could produce an audit trail connecting assigned access credentials (usernames) to real-world identities; and
- The ADLTS system lacks controls that would prevent one user from using another user's examiner ID.

The ADLTS system has no capability to produce access logs or audit trails of user accounts. Over time, DELAP management has assigned and managed user credentials using different methods and informal processes. Individual Specialists have multiple log-in credentials to access ADLTS. As a result, the Department cannot verify or confirm which DELAP Specialist accesses the ADLTS system and enters customer data. There is an increased risk of unauthorized access to Department systems and data.



## Recommendation

We recommend BMC management implement a process to maintain ADLTS access logs and monitor user access for Administrators and Specialists.

## Management Response

BMC Management agrees with this recommendation and as a result of this audit, BMC staff completed a manual review of all ADLTS logins, which resulted in 43 logins disabled and removed from ADLTS.

BMC also created a new field in our internal DELAP Access database to capture the assigned ADLTS login IDs. Moving forward, this information will be maintained at the time of contract initiation and stored within the Access database for retrieval and identification.

Once a DELAP Specialist's Third Party Testing Agreement expires or is terminated their ADLTS credentials will be invalidated.

## *Policies and Procedures*

**Finding No. 2:** Developing written procedures for DELAP operations would strengthen controls and provide guidance in exercising oversight.

The Internal Control Integrated Framework, published by the Committee of Sponsoring Organizations (COSO), discusses documented policies and procedures as control activities to establish clear responsibility and accountability.

There is no formal policy or procedure guidance necessary to perform essential day-to-day operational and oversight functions in a consistent manner. DELAP operations are not consistent statewide.

Department management has not established, implemented, or maintained formal DELAP policies or procedures.

Without comprehensive written procedures, the DELAP section could experience:

- Inconsistent practices among staff related to documents, forms, and materials within the program;
- Inability to enforce employee accountability; and
- No formal training or written guidance to understand roles and responsibilities.





Formal written policies and procedures would help promote the quality and consistency of oversight and ensure DELAP staff understand and meet their responsibilities.

## **Recommendation**

We recommend BMC management develop and implement formal, comprehensive policies, and procedures to provide guidance in exercising oversight and control of DELAP processes and operations.

## **Management Response**

BMC management is reviewing and updating all DELAP documents/procedures and incorporating a singular repository for all policies relating to the DELAP program. The first formal policy has been drafted (BMC\_DE 01) and establishes guidelines for DELAP audits and site visits. This policy defines the various types of audits (initial, random, and annual) and establishes a timeline for completing each audit type. Site visits were also incorporated into this policy with guidance on the quantity of site visits required, recording guidelines, and what constitutes a site visit.

In response to this audit, BMC management is also revising our DELAP Third Party Administrator and DELAP Specialists auditing forms as well. These forms provide audit guidelines and include a section for the compliance officer to initial and certify specific standards have been met.

Moving forward BMC management will also develop policies relating to documenting tasks in each compliance officer's Outlook calendar, standard duty hours to include offsetting procedures, and DELAP training guidelines (training curriculum, student ratio, minimum training hours, and course completion standards).

## ***Contracts Credential Documentation***

**Finding No. 3:** Maintaining current credential documentation files for DELAP Administrators and Specialists could be improved.

Section 322.56(6), F.S., states that to qualify as a third-party administrator, a person, an entity of state government, a subdivision of state government, a public or private corporation, a school, or an entity of a local government must demonstrate to the satisfaction of the Department that it has the necessary qualified personnel.

Required supporting documentation for Administrators and Specialists DELAP credentials and certifications are not current and maintained within the Department's



files. OIG staff observed cases of missing supporting documentation in the files of both Administrators and Specialists.

For our sample of 26 Specialists:

- 2 (8%) did not have live scan background checks filed; and
- 7 (27%) files did not contain DOE Certifications.

For the sample of 10 Administrators:

- 1 (10%) file did not contain a DOE certification; and
- 5 (50%) files did not contain a driver's license verification.

Assurance of compliance is reduced when current documentation of Administrators and Specialists credentials and certifications is not maintained in the Department's DELAP files.

## Recommendation

We recommend BMC management implement a process to ensure required supporting documentation is current and retained to support the Administrators and Specialists contract files.

## Management Response

BMC Management agrees with this recommendation and will be implementing a review process in 2022 to ensure all supporting documentation is properly maintained. Additionally, supporting documentation for older open-ended contracts is being addressed as we implement the newly revised contracts, which carry a 3-year term. This will ensure that all required documentation is current and maintained for the duration of the contract term.

## *Training for Department Personnel*

**Finding No. 4:** Providing structured training for Department DELAP personnel responsible for QA audits and reviews of Administrators and Specialists would increase oversight.

According to the *National Highway Traffic Safety Administration - Uniform Guidelines for State Highway Programs #4*, each state should provide leadership, training, and technical assistance to public and private providers of driver education to ensure consistency and quality.



There is currently no formal, structured, uniform training regimen for Department DELAP personnel responsible for administration and oversight activities.

We observed Department DELAP personnel conducting on-site audits of Administrators and Specialists in different locations and each performed QA audits and reviews differently.

The lack of a structured training program and clear understanding of roles and responsibilities for Department DELAP personnel reduces the Department's level of assurance that QA activities are performed in a consistent manner statewide.

## **Recommendation**

We recommend BMC management ensure a structured training program for Department DELAP personnel responsible for oversight of Administrators and Specialists is implemented for QA activities statewide.

## **Management Response**

BMC Management agrees with this recommendation and recently conducted a 2-day training event with DELAP auditors, which included a section on oversight of Administrators and Specialist. Future Department DELAP members will receive audit training from the Operations Manager within 45-days of their start date.



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

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The purpose of this audit was to review and evaluate the Department's DELAP program and relevant third-party contract administration to determine compliance with applicable laws, Department policy, and procedures.

The scope of this audit included the administration and management of the Department's DELAP program and relevant third-party contract administration documentation and practices for fiscal years 2019-20 and 2020-21; including the first quarter of 2021-2022 (July 1, 2019 through September 30, 2021).

Due to COVID, OIG staff determined a scope of at least two fiscal years was necessary as many DELAP activities may not have been performed at many sites throughout the state during calendar year 2020.

The methodology included:

- Reviewing applicable statutes, rules, manuals, and procedures;
- Interviewing appropriate Department staff;
- Observing on-site audits of Administrators and Specialists;
- Reviewing ADLTS and FR databases; and
- Reviewing DELAP Administrator and Specialist files including applications, contracts and required supporting documentation.

## **Acknowledgement**

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We would like to thank all BMC DELAP personnel who assisted during the audit and express our appreciation for their cooperation during our review.



## Distribution, Statement of Accordance, and Project Team

### **Distribution**

Terry L. Rhodes, Executive Director  
Jennifer Langston, Chief of Staff  
Robert Kynoch, Director of Motorist Services  
Richie Frederick, Deputy Director, Program Operations, Motorist Services  
Ray Graves, Chief, Bureau of Motorist Compliance, Motorist Services

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:  
Calvin Grissett, Lead Auditor  
Michael King, Auditor


Under the supervision of:  
Kim Butler, Acting Audit Director

Approved by:

  
\_\_\_\_\_  
Mike Stacy, Inspector General



## ATTACHMENT - Management Response



**FLHSMV**  
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### MEMORANDUM

**DATE:** June 27, 2022

**TO:** Kim Butler, Acting Audit Director

**FROM:** Robert Kynoch, Division Director RWK

**SUBJECT:** DELAP (202122-08) Management Response

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

**Finding No. 1:** Maintaining and monitoring ADLTS user access logs would improve security and accountability.

**Recommendations**

We recommend BMC management implement a process to maintain ADLTS access logs and monitor user access for Administrators and Specialists.

**Management Response**

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BMC also created a new field in our internal DELAP Access database to capture the assigned ADLTS login IDs. Moving forward, this information will be maintained at the time of contract initiation and stored within the Access database for retrieval and identification.

Once a DELAP Specialist's Third Party Testing Agreement expires or is terminated their ADLTS credentials will be invalidated.

**Finding No. 2:** Developing written procedures for DELAP operations would strengthen controls and provide guidance in exercising oversight.

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## Recommendation

We recommend BMC management develop and implement formal, comprehensive policies, and procedures to provide guidance in exercising oversight and control of DELAP processes and operations.

## Management Response

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**Finding No. 3:** Maintaining current credential documentation files for DELAP Administrators and Specialists could be improved.

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## Management Response

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**Finding No. 4:** Providing structured training for Department DELAP personnel responsible for QA audits and reviews of Administrators and Specialists would increase oversight.

## Recommendation



We recommend BMC management ensure a structured training program for Department DELAP personnel responsible for oversight of Administrators and Specialists is implemented for QA activities statewide.

**Management Response**

BMC Management agrees with this recommendation and recently conducted a 2-day training event with DELAP auditors, which included a section on oversight of Administrators and Specialist. Future Department DELAP members will receive audit training from the Operations Manager within 45-days of their start date.

Cc: Mike Stacy, Inspector General