



oppaga

Justification Review

December 2000

Report No. 00-22

Licensing Program Is Performing Well; Operations and Service Can Be Improved

at a glance

- Creating separate trust funds and improvements to the cost allocation system would improve accountability for program revenues.
- Implementing electronic transmission of civil fingerprint information would improve the background check process.

Purpose

State law directs the Office of Program Policy Analysis and Government Accountability to complete a justification review of each state agency program that is operating under a performance-based program budget.¹ This report reviews the performance and identifies policy alternatives for the Department of State's Licensing Program. Appendix A summarizes our conclusions regarding each of nine issue areas the law directs OPPAGA to consider in a program evaluation and justification review.

Background

The Licensing Program includes two components: licensing select professions and issuing licenses to carry a concealed

weapon.² State law authorizes the Department of State to license, regulate, and enforce laws affecting both components.³ The professions component covers individuals and agencies operating in the private security, private investigative, and recovery industries. The weapons component licenses citizens who wish to carry a concealed weapon for lawful self-defense.

Florida law establishes criteria for granting professional licenses. Individuals seeking a license through the program must clear a criminal background check as well as meet specific training and experience requirements, which vary by the type of license.⁴ Regulated industries participate in developing professional standards through the Private Investigation, Recovery, and Security Advisory Council, established in law. Council members include law enforcement, licensed business owners, and licensed professionals.

² Until recently, Game Promotions was regulated by the Department of State within the Division of Licensing. However, this program was not included in the scope of this review, as it was transferred to the Department of Agriculture and Consumer Services pursuant to Ch. 2000-258, *Laws of Florida*.

³ Chapter 493 and s. 790.06, *F.S.*

⁴ Private security officers and recovery agents must complete 40 hours of professional training at a school or training facility licensed by the division. Recovery agents must demonstrate one year of experience while private investigators require two years of combined experience and training in order to be licensed.

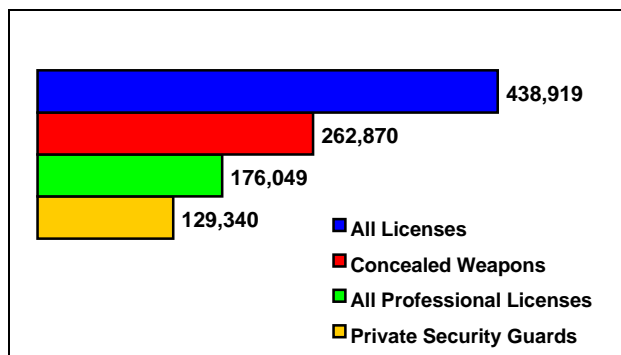
¹ Section 11.513, *F.S.*

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State law also establishes criteria for granting a concealed weapons license. In addition to clearing a criminal history background check, licensees must demonstrate firearm competence by attending safety or training courses or by providing some other form of documented experience defined in law. The program monitors law enforcement reports to identify licensees who may have been convicted of acts of violence or issued a domestic violence injunction and thus lost their eligibility to carry a concealed weapon. In such circumstances, the program notifies the individual that he or she is no longer authorized to lawfully carry a concealed weapon, but has no authority to ensure that the weapon is removed from the individual's possession.⁵

As shown in Exhibit 1, the majority of active licenses in the Licensing Program are for concealed weapons and private security licenses. On average, 60% of the program's licenses each year since 1995 have been for carrying concealed weapons. Private security officers and agencies have made up approximately 30% of the program's licenses and 75% of the licenses in the professions component.

Exhibit 1 Majority of Program Licenses Are for Concealed Weapons and Private Security



Source: Licensee reports from the Division of Licensing.

The Licensing Program is supported entirely through fees and fines. Funds received by both components are deposited into the Division of

Licensing Trust Fund. In Fiscal Year 1999-2000, the program expended \$10.25 million while generating \$10.60 million in revenue. For Fiscal Year 2000-01, the Legislature appropriated \$10.28 million and 136 FTEs to operate the program.

Program Need

Although not an essential state government function, the Licensing Program provides a public benefit by carrying out the legislative intent to protect the interests of Florida's citizens through licensing of professions and individuals carrying concealed weapons.

Professional licensing protects public from untrained and unethical individuals practicing in positions of trust

The professions component meets the legislative intent of protecting the interest of citizens by insuring that individuals engaged in the private security, investigative, and recovery industries are not a threat to the welfare of the public when placed in a position of trust.

By establishing professional standards and licensing and monitoring individuals in these rapidly expanding fields, the state limits the liability associated with untrained and unethical individuals. Without licensure, citizens are vulnerable to security officers, both armed and unarmed, who may have criminal records or little or no knowledge of their legal rights, responsibilities, and restraints when working with the public. Licensure of the private investigative industry sets a standard of competence and ensures that individuals with criminal records are not practicing in a field where confidential or harmful information may be obtained and used against its owner. Licensure of the recovery industry provides training to individuals practicing in a field fraught with tension and misunderstanding as to the role of a recovery agent and the rights of an individual whose property is being repossessed.

⁵ Sections 790.233(1) and 790.06(3) and 790.06(10), F.S.

Weapons licensure provides an equitable means of ensuring citizens' right to carry concealed weapons for lawful self-defense

The weapons component meets the legislative intent of protecting the interests of citizens by ensuring that no honest, law-abiding person is subjectively or arbitrarily denied his or her constitutional right to carry a concealed weapon for lawful self-defense.

Inconsistent licensing standards were a major consideration when the Legislature created the statewide program.⁶ Prior to 1987, concealed weapons licenses were issued at the local level with each county having jurisdiction over the terms and cost of licensure. Due to some differences in local licensing practices, the responsibility for licensure was moved to the state level. This change provided citizens with an equitable, legal means of carrying concealed weapons or firearms for lawful self-defense.

The program further benefits Florida citizens by ensuring that persons licensed to carry a concealed weapon are knowledgeable and meet a competence standard. The program's licensure database also provides law enforcement agencies a viable source for verifying whether a lawfully detained individual who is carrying a concealed weapon has a license to do so.

Program Organization

Regulating private investigative, private security, and recovery industries was assigned to the Department of State in 1965, while concealed weapons licensure was assigned to the department in 1987.⁷ As the Licensing Program is performing satisfactorily within the Department of State, OPPAGA found no

compelling reasons to transfer this program to another state agency.

The program is administered by the Division of Licensing, which is subdivided into the Bureau of License Support Services, the Bureau of License Issuance, and the Bureau of Regulation and Enforcement. The division's eight regional offices focus primarily on conducting regulatory and enforcement activities for the professions component.

Although integrated organizationally, the professions and weapons components are directed to be self-sufficient and to be funded entirely through fees and fines collected in support of the respective licensing function. However, being administered as a combined budget entity with a common trust fund has allowed revenues collected for the weapons licensing function to be used to subsidize the professions component. This issue is discussed in greater detail beginning on page 6.

Program Performance

Performance-based program budgeting measures indicate that the Licensing Program generally met legislative expectations in Fiscal Year 1999-2000 and showed improvement in several areas.

Although reported performance is generally positive, we identified problems with some of the program's measures. For example, the program's failure to accurately track costs of the two components (discussed in detail on pages 6 and 7) has resulted in the misallocation of costs, rendering the data used in the program's unit cost measures invalid. Consequently, we were unable to use these measures to evaluate the cost-effectiveness of the program's processes.

Also, a report issued by the department's inspector general questions the data reliability and accuracy of several of the program's

⁶ Section 790.06(15), *F.S.*

⁷ In 1965, the department was viewed as a "catchall" for various regulatory activities that did not seem to fit anywhere else. *Sunset Report on Chapter 493, Florida Statutes*, and *Sundown Report on the Private Security Advisory Council and the Florida Polygraph Advisory Council*, page 34, Committee on Regulatory Reform, The Florida House of Representatives, March 1990.

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measures.⁸ Although program staff have indicated that improvements have been made to the reporting system, the inspector general should conduct a follow-up review of the program’s efforts to ensure that its performance-based program budgeting data is reliable and accurate.

Program performance has been positive, but some improvements are needed

The Licensing Program’s performance measures cover three functional areas: licensing, regulation, and enforcement. As shown in

⁸ In *Reliability and Validity Assessment of Performance Measures for the Licensing Program*, Department of State Inspector General, May 15, 2000, the department’s inspector general reported several factors, such as change in methodology, lack of documentation, and using budgeted costs versus actual, that caused the reliability of 11 of the 15 measures to be questioned.

Exhibit 2, the program substantially met legislative expectations in the areas of licensing and enforcement. However, performance in the area of regulation was not as positive.

Licensing

Performance measures indicate that the program is issuing licenses for both components on a timely basis. The program issued 92% of professional licenses within 90 days of application in Fiscal Year 1999-2000, exceeding its standard for this measure.

The timeliness of processing license applications is critical to the weapons component. State law requires that a concealed weapons license must be granted within 90 days unless there is evidence that would disqualify the applicant.⁹

⁹ Section 790.06(6)(c), *F.S.*

**Exhibit 2
Licensing Program Performance Improves, Partially Meets
Fiscal Year 1999-2000 Performance-Based Program Budgeting Goals**

Performance Measures ¹		Fiscal Years		
		1998-99 Actual	1999-2000 Actual	1999-2000 Standard
Outcomes				
Licensing	Percentage of security, investigative, and recovery licenses issued within 90 days of receipt of an application	71%	92%	83%
	Percentage/number of concealed weapon/firearm licenses issued within 90-day statutory timeframe without fingerprint results	11%	11%	19%
	Number of default concealed weapons/firearms licensees with prior criminal histories	2,907	3,229	8,509
Regulation	Number of default concealed weapons/firearms licensees with prior criminal histories	345	449	2,387
	Percentage of security, investigative, and recovery investigations completed within 60 days	84%	86%	94%
	Percentage of security, investigative, and recovery inspections completed within 30 days	95%	94%	80%
Enforcement	Percentage of license revocations or suspensions initiated within 20 days after receipt of disqualifying information (all license types)	68%	94%	60%
	Percentage of concealed weapons/firearm violators to licensed population	0.15%	0.20%	0.06%
	Percentage of security, investigative, and recovery violators to the licensed population	1.46%	2.78%	1.25%
Outputs				
Regulation	Number of investigations performed (security, investigative, and recovery complaint and agency generated inspections)	1,348	1,546	1,475
	Number of compliance inspections performed (security, investigative, and recovery licensees/new agency inspections and random inspections)	1,589	2,058	1,697

¹ Exhibit does not include the program’s unit cost measures, as we were unable to use them to evaluate the cost-effectiveness of the program’s process due to concerns with the validity of the data used to support the measures.

Source: *Legislative Budget Request*, Division of Licensing, Fiscal Year 2000-01, and agency reports.

Thus, delays in processing concealed weapons applications, such as a lengthy wait to receive the outcome of the background check, can result in individuals with a criminal background being granted a license by default. As shown in Exhibit 2, the weapons component has successfully met expectations for reducing the number of weapons licenses issued in default.

If results of the background check later reveal an ineligible condition, the program must revoke the default license that was forced by the 90-day rule. In Fiscal Year 1999-2000, 449 default licenses were issued to individuals with prior criminal histories. Performance as measured by the actual 449 defaults was much better than the 2,387 defaults anticipated by the program's standard. However, the performance measure, *number of default concealed weapons/firearms licensees with prior criminal histories*, would be more appropriately reported as an output measure since it conveys a number produced rather than an outcome percentage due to performance. A less easily attained standard should also be established for this measure.

The program has used technology to facilitate improvements in licensing performance. License applications and all associated documents are now electronically stored in a document management system. This paperless process improves efficiency and expedites customer service. Staff can now respond to telephone inquiries immediately, whereas previously, regional staff had to wait for staff at headquarters to conduct a manual file review before they were able to respond to questions.

Regulation

Performance measures indicate mixed performance in the program's oversight of the professions component. As noted earlier, the efforts of the Bureau of Regulation and Enforcement and its field offices are focused on professional licensees through inspections and investigations of complaints and suspected violations. The program conducted more inspections than expected, of which 94% were completed within 30 days, exceeding its standard for both measures in Fiscal Year

1999-2000. However, while the number of investigations also exceeded the program's standard, only 86% were completed timely, well below the standard for this measure. Inspections are in part conducted as a form of technical assistance to educate new licensees on the regulations and requirements of the law. This practice utilizes program resources that could otherwise be used to conduct investigations of suspected or reported violations. If the program's workload continues to increase, program management may need to consider putting less emphasis on providing technical assistance and focus its efforts on conducting investigations.

Oversight of the weapons component is accomplished primarily through electronic searches of law enforcement reports to identify licensees who have had a recent violation that may disqualify them from holding a license. Although not required by law, these monthly database searches contribute to weapons licensure oversight by allowing the program to identify licensees who may have lost their eligibility to carry a concealed weapon. A recent improvement in this area is the addition of a screening process to identify weapons licensees or applicants that have been issued domestic violence injunctions, allowing the program to more timely suspend the license of an individual who has been issued such an injunction.¹⁰

Enforcement

Performance measures indicate the program has been timely in initiating the process of revoking an individual's license. During Fiscal Year 1999-2000, 94% of all license revocations or suspensions were initiated within 20 days of receiving disqualifying information. As shown in Exhibit 2, the program has substantially met

¹⁰ In January 2000, the Auditor General reported that the program had not implemented timely identification of licensees or applicants subject to domestic violence injunctions; see [Management of the Concealed Weapon Licensing Function and Appropriated Grants and Aids Funds by the Department of State Operational Audit](#), Report No. 13555, State of Florida Auditor General. OPPAGA found that the program has since implemented a weekly review of Florida Department of Law Enforcement reports to identify licensees subject to domestic violence injunctions.

its standards for the percentage of violators within the licensed population.

Options for Improvement

OPPAGA identified several opportunities for improving program operations and service.

- Create separate trust funds for the two components and improve the cost allocation system, which would improve accountability for program revenues.
- Implement electronic transmission of fingerprint information, which would improve background check process.

Creation of separate trust funds and improvements to the cost allocation system would improve accountability for program revenues

The professions and weapons components are administered by the Division of Licensing as a combined budget entity. Although both components are directed by statute to be self-sufficient and are to be funded entirely through fees and fines collected in support of the respective licensing function, they share a common trust fund. This has allowed revenues collected for the weapons licensing function to be used to subsidize the professions component.

Revenues and expenditures of the two components have not been adequately disaggregated and accounted for since both functions were assigned to the division in 1987. As a result, revenues collected by the weapons component have been used to subsidize budgetary shortfalls incurred in the professions component. Although the exact amount of the professions component shortfall cannot be determined, OPPAGA estimates that over the last six years (Fiscal Years 1994-95 through 1999-2000) the professions component expended approximately \$3.8 million more than it earned. In contrast, revenues of the weapons component exceeded expenditures by \$14.1 million for the same period (see

Exhibit 3).¹¹ Failure to account for and manage the receipts and expenditures of the two components separately has allowed the surplus built by the weapons component to be used to cover the costs of professional licensing functions.

Exhibit 3 The Professions Component Has Experienced a Budgetary Shortfall

Total Fiscal Years 1994-95 through 1999-2000	Professions Component (in millions)	Weapons Component (in millions)
Revenues	\$29.3	\$44.4
Expenditures	33.1	30.3
Balance	\$(3.8)	\$14.1

Source: SAMAS records covering Fiscal Years 1994-95 through 1999-2000.

In addition, it appears that allocations of shared program costs have not been equitable. While existing budgetary guidelines allow program management flexibility in how they allocate expenses common to both components, management should have an allocation plan that ensures the equitable distribution of costs to each component. In this instance, it does not appear that such a plan has been established. For example, program management indicated that indirect and shared costs are generally allocated based on the ratio of staff in the two components. However, while the ratio of personnel costs charged to the weapons and professions components over the past six years has been on average 37 to 63, the ratio of expenditures for offices supplies has been 67 to 33 and for operating capital outlay 95 to 5.¹²

Program management has an alternate means available to address budgetary shortfalls of the professions component. Statutes grant program management authority to assess licensing fees up to a maximum range for the various

¹¹ As reported in SAMAS records covering Fiscal Years 1994-95 through 1999-2000.

¹² While OPPAGA estimates the ratio of weapons personnel to professions personnel to be considerably less than 37 to 63, a determination of the actual ratio would require a staffing analysis.

professions and businesses licensed by the division. However, for several years management has allowed the fees to remain at less than one-third of the maximum. OPPAGA estimates that an additional \$8.3 million could have been generated over the last six years had professional licensing fees been raised to the maximum, substantially offsetting the losses of the professions component. Program management also has the option of cutting costs associated with the professions component. For example, the program could discontinue the practice of providing technical assistance to new licensees, which increases the costs of regulation, even though possibly an effective regulatory tool.

The statutory directive for self-sufficiency of the two individual components appears warranted as the licensing processes of the two components share little in common other than the program's data management system. The two components share few license screening criteria, have quite different enforcement processes, significantly different statutory license intents, and, although the client bases may sometimes overlap, the licensing programs vary so much that applications require independent consideration. However, to fulfill the statutory directive, the program must be able to accurately account for the receipts and expenditures of the licensing functions separately. The Legislature may wish to consider two options to resolve this issue.

- The Legislature could create a second trust fund, which would allow revenues and expenditures of the two components to be accounted for separately. This option would reaffirm the legislative intent of self-sufficiency, improve accountability for each component, and allow the components to continue to be administered as one program. This option will require that program management conduct a staffing analysis and develop and follow a cost allocation plan for distributing shared program costs. The staffing analysis and cost allocation plan should be approved by the department's inspector general and

submitted to the Legislature to ensure that future shared expenses are allocated appropriately. This option will also likely require that professional licensing fees be raised while fees for weapons could be lowered to a level consistent to recover only direct and allocated costs.

- Alternatively, the Legislature could reconsider its intent for this program and eliminate the limitations on the use of funds collected by the respective licensing functions. While this option would ease accountability requirements for the program, it would allow revenues collected for weapons licensing functions to continue to be used to support the professions component.

Electronic transmission of fingerprint information would improve background check process

Individuals requesting a professional or concealed weapons license must clear a criminal background check. The process involves searching state and federal criminal record databases and may include submitting the individual's fingerprints to the Federal Bureau of Investigation (FBI). As federal law requires that requests for civil background checks be submitted through the state's criminal history record repository, the Licensing Program must forward all fingerprint information to the Florida Department of Law Enforcement (FDLE) for transmission to the FBI.¹³

The FBI's Integrated Automated Fingerprint Identification System allows states to electronically transmit fingerprint information to expedite the background check process. However, at present, the FDLE has only the technological capacity to electronically submit fingerprint information associated with an arrest. Consequently, requests for civil background checks must be transferred

¹³ Pursuant to the National Crime Prevention and Privacy Compact, which governs the exchange of criminal history records among states and the federal government, the Florida Department of Law Enforcement is designated the state's criminal history record repository.

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manually. Currently, this process takes 45 to 60 days.

The ability of the FDLE to electronically transmit civil fingerprints will improve background check efficiency in areas other than the Licensing Program, both internal and external to state government. Teachers, volunteers, and employees working with children, the elderly, or the disabled, require civil fingerprint background checks. Many professions licensed by the Department of Business and Professional Regulation will also benefit from the electronic transmission of civil fingerprints.

The FDLE is planning to redesign its system to allow the electronic transmission of civil fingerprints to the FBI. The FDLE is also working with the Licensing Program to identify the technical requirements needed to facilitate the electronic transmission of this information between the two agencies. Once operational, the processing time for civil background checks could be reduced to three days.¹⁴ However, implementation is not likely before 2003.

¹⁴The FBI estimates that they can provide responses to civil electronic fingerprint transmissions to the originating agency within 24 hours. The state of California reports that up to 95% of its civil electronic fingerprint submissions are processed within 72 hours or less.

Recommendations

To improve program operations the Legislature should create separate trust funds for the weapons and professions components to ensure accountability for the receipts and expenditures of the separate licensing functions.

To improve program service, the Licensing Program should continue to work with the FDLE to facilitate the electronic transmission of civil fingerprint information.

OPPAGA provides objective, independent, professional analyses of state policies and services to assist the Florida Legislature in decision making, to ensure government accountability, and to recommend the best use of public resources. This project was conducted in accordance with applicable evaluation standards. Copies of this report in print or alternate accessible format may be obtained by telephone (850/488-0021 or 800/531-2477), by FAX (850/487-3804), in person, or by mail (OPPAGA Report Production, Claude Pepper Building, Room 312, 111 W. Madison St., Tallahassee, FL 32399-1475).

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John W. Turcotte, OPPAGA Director

Appendix A

Statutory Requirements for Program Evaluation and Justification Review

Section 11.513(3), *Florida Statutes*, provides that OPPAGA Program Evaluation and Justification Reviews shall address nine issue areas. Our conclusions on these issues as they relate to the Department of State's Licensing Program are summarized in Table A-1.

Table A-1
Summary of the Program Evaluation and Justification Review of the Licensing Program

Issue	OPPAGA Conclusions
The identifiable cost of the program	In Fiscal Year 1999-2000, the Licensing Program expended \$10.4 million while generating \$11.5 million in revenue. For Fiscal Year 2000-01 the Legislature appropriated \$10.3 million and 136 FTE to operate the program.
The specific purpose of the program, as well as the specific public benefit derived therefrom	Although not an essential state government function, the Licensing Program provides a public benefit by carrying out the legislative intent to protect the interests of Florida's citizens through licensing professions and individuals carrying concealed weapons. The professions component meets the legislative intent of protecting the interest of citizens by insuring that individuals engaged in the private security, investigative, and recovery industries are not a threat to the welfare of the public when placed in a position of trust. The weapons component meets the legislative intent of protecting the interests of citizens by ensuring that no honest, law-abiding person is subjectively or arbitrarily denied his or her constitutional right to carry a concealed weapon for lawful self-defense.
The consequences of discontinuing the program	Without professional licensure of the private security, private investigation, and recovery industries, citizens are vulnerable to individuals who may have criminal records or little or no knowledge of their legal rights, responsibilities, and restraints when working with the public. Without state-level concealed weapons licensure, citizens may be subject to wide variances and inconsistent standards in license issuance at the local level, as was the case prior to 1987. Furthermore, law enforcement would have no viable source for identifying citizens who can lawfully carry a concealed weapon.
Determination as to public policy, which may include recommendations as to whether it would be sound public policy to continue or discontinue funding the program, either in whole or in part	Professional licensure in the rapidly expanding private security, private investigation, and recovery industries, protects the general public from untrained and unethical individuals. State-level concealed weapons licensure ensures that citizens have an equitable, legal means of carrying concealed weapons or firearms for lawful self-defense. Moreover, persons that are licensed to carry a concealed weapon are knowledgeable and meet a competence standard. Therefore, it is sound public policy for the program to continue and be performed by a state government agency.

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Issue	OPPAGA Conclusions
Progress towards achieving the outputs and outcomes associated with the program	Program performance substantially met legislative expectations in the areas of licensing and enforcement. However, performance in the area of regulation was mixed. While the number of investigations exceeded the program’s standard, the percentage of investigations completed in a timely manner fell well below the standard for this measure. Oversight in concealed weapons licensure has improved with the ability to monitor, identify, and screen out licensees or applicants that have been issued domestic violence injunctions.
An explanation of circumstances contributing to the state agency’s ability to achieve, not achieve, or exceed its projected outputs and outcomes, as defined in s. 216.011, <i>F.S.</i> , associated with the program	The program has used technology to facilitate improvements in licensing performance. License applications and all associated documents are now electronically stored in a document management system. This paperless process improves efficiency and expedites customer service. Although not required by law, monthly electronic searches of law enforcement reports allows the program to identify licensees who have had a recent violation that may disqualify them from holding a concealed weapons license.
Whether the information reported pursuant to s. 216.03(5), <i>F.S.</i> , has relevance and utility for the evaluation of the program	The program’s failure to accurately track costs of the two license components (professions and concealed weapons) has resulted in the misallocation of costs, rendering the data used in the program’s unit cost measures invalid. Consequently, we were unable to use these measures to evaluate the cost-effectiveness of the program’s processes. In addition, the measure, <i>number of default concealed weapons/firearms licensees with prior criminal histories</i> , could be improved by reporting both the number and the percentage of default licenses that must subsequently be revoked by the program due to the licensee having a prior criminal history. This, in conjunction with the timeliness measure, will better assist the legislature in assessing the impact of the 90-day default license provision in the law.
Whether state agency management has established control systems sufficient to ensure that performance data are maintained and supported by state agency records and accurately presented in state agency performance reports	While reported performance is generally positive, issues have been identified with program’s performance measurement system. A report issued by the Department of State’s inspector general questions the data reliability and accuracy of several of the program’s measures. Although program staff indicated that improvements have been made to the reporting system, the inspector general should conduct a follow-up review of the program’s efforts to ensure that its performance-based program budgeting data is reliable and accurate.
Alternative courses of action that would result in administering the program more efficiently and effectively	<p>To improve program operations, the Legislature may wish to consider creating separate trust funds for the weapons and professions components to ensure accountability for the receipts and expenditures of the separate licensing functions.</p> <p>To improve program service, the Licensing Program should continue to work with the FDLE to facilitate the electronic transmission of civil fingerprint information.</p>

Appendix B

Agency Response

FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs



MEMBER OF THE FLORIDA CABINET
Division of Library & Information Services
Division of Historical Resources
Ringling Museum of Art
Division of Licensing
Division of Elections

FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State

December 12, 2000

Mr. John W. Turcotte
Director
Office of Program Policy Analysis
and Government Accountability
Post Office Box 1735
Tallahassee, Florida 32302

Dear Mr. Turcotte:

Thank you for the opportunity to review and comment on the findings and recommendations of the Office of Program Policy Analysis and Government Accountability (OPPAGA) Justification Review of the Department's Division of Licensing. Our responses to the recommendations are enclosed.

We appreciate the recommendations and suggestions provided in the report, and are especially pleased with the designation that the Division provides a public benefit by carrying out the legislative intent to protect the interests of Florida's citizens through licensing of professions and individuals carrying concealed weapons. Thanks also to your staff for the professional and courteous manner in which they carried out the review.

We are desirous of continuing an outstanding program of service to the citizens of Florida through the Division of Licensing. The Justification Review and recommendations will aid us in this effort.

Sincerely,

/s/
Dave Mann
Assistant Secretary of State

Cc. Katherine Harris, Secretary of State

Enclosure

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FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs



MEMBER OF THE FLORIDA CABINET
Division of Library & Information Services
Division of Historical Resources
Ringling Museum of Art
Division of Licensing
Division of Elections

FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State

MEMORANDUM

TO: Dave Mann, Assistant Secretary of State
FROM: John Russi, Director - Division of Licensing
DATE: December 12, 2000
SUBJECT: Response to the OPPAGA Justification Review of the Division of Licensing

OPPAGA has completed its justification review of the Division of Licensing and submitted its report to us for response. The manner in which OPPAGA conducted the review was professional and courteous, and we are generally pleased with their findings and recommendations. Our response to the two recommendations follows.

RECOMMENDATION: CREATION OF SEPARATE TRUST FUNDS

We as well as the Legislature have historically viewed the professional and weapons components as serving the single, overarching purpose of promoting the public welfare. The components were linked to each other insofar as they functioned to allay the public's fear of crime and concern for personal safety; therefore, they were administered as a combined budget entity with a common trust fund. We agree with the alternative recommendation, and we will be introducing legislation in the upcoming session that will clarify the legislative intent regarding the allocation of funds from the Division of Licensing Trust Fund between the two components.

RECOMMENDATION: ELECTRONIC TRANSMISSION FINGERPRINT DATA

The Division fully recognizes the increased efficiency that will result from electronic transmission fingerprint data, and we completely agree with OPPAGA's recommendations on this point. We understand that the Federal Bureau of Investigation and the National Institute of Standards and Technology have established data interchange standards for the electronic transfer of digitized fingerprint images. Based upon the Florida Department of Law Enforcement's recommendations, we have purchased computer equipment and designed our systems architecture in compliance with those standards. We await the Florida Department of Law Enforcement's completion of the redesign of its systems to allow the transmission of civil fingerprints.