

# **Department of Legal Affairs**

## **Long Range Program Plan**

**FY 2005/2006 through FY 2009/2010**

**Florida Attorney General**

**Charlie Crist**

**Office of Statewide Prosecution**

**Florida Elections Commission**

**PL-01 The Capitol**

**Tallahassee, FL 32399-1050**

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## MISSION STATEMENT

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***People's Law Firm***



***Office of the  
Attorney General***

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# OFFICE OF THE ATTORNEY GENERAL

## GOALS AND OBJECTIVES

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Goal #1: To improve the quality of legal services provided on behalf of the people of Florida.

Objective 1A: Decrease state's reliance on costly outside legal counsel

Outcome: Percent of state agencies contracting with the Office of the Attorney General for all legal services

Baseline/Year 2001	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10
30%	40%	45%	50%	55%	60%

Objective 1B: Broaden scope of experience and specialization levels of legal staff

Outcome: Of eligible attorneys, percent who have attained AV rating, BV rating, and/or board certification

Baseline/Year 2001	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10
70%	75%	80%	85%	90%	90%

Objective 1C: Increase client satisfaction

Outcome: Percent increase in client satisfaction

Baseline/Year 2001	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10
90%	95%	95%	95%	95%	95%

Outcome: Maintain a practice standard of 1800 hours per year per attorney

Baseline/Year 2003	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10
1600+	1800+	1800+	1800+	1800+	1800+

Objective 1D: Improve recruitment and retention of highly skilled attorneys

Outcome: Increase average salary of the OAG attorneys to achieve salary level within the 90<sup>th</sup> percentile of average salaries paid to other executive agency attorneys

<b>Baseline/Year 2001</b>	<b>FY 2005-06</b>	<b>FY 2006-07</b>	<b>FY 2007-08</b>	<b>FY 2008-09</b>	<b>FY 2009-10</b>
60 <sup>th</sup> percentile	60 <sup>th</sup> percentile	67 <sup>th</sup> percentile	74 <sup>th</sup> percentile	78 <sup>th</sup> percentile	80 <sup>th</sup> percentile

# OFFICE OF THE ATTORNEY GENERAL

## GOALS AND OBJECTIVES

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Goal #2: Improve service delivery to all crime victims.

Objective 2A: Increase efficiency in processing victim compensation claims

Outcome: Decrease average turnaround time from receipt of claim to payment

Baseline/Year 1999	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10
19.8 weeks	5.0 weeks	5.0 weeks	5.0 weeks	5.0 weeks	5.0 weeks

Objective 2B: Increase the outreach of VOCA grant program

Outcome: Increase number of agencies participating in the VOCA grant program

Baseline/Year 1999	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10
253	250	250	250	250	250

*Number of agencies varies based on dollar amount of funds available from the federal government for distribution to organizations/agencies throughout the state and community commitment to funding victim services.*

Outcome: Increase number of subgrantees serving minorities and underserved victims

Baseline/Year 1999	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10
46	50	50	50	50	50

*Underserved includes agencies that strictly serve victims who are children, elderly or disabled adults who were molested as children. Note: this population is also served by other agencies; this count includes those programs which serve this victim population only.*

# *OFFICE OF THE ATTORNEY GENERAL*

## *TRENDS AND CONDITIONS STATEMENT*

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Consistent with the agency's mission statement, the Attorney General is the Chief Legal Officer for the State of Florida. The Office of the Attorney General is composed of several units whose chief goal is to economically and efficiently provide the highest quality legal services to the State of Florida and its agencies for the benefit of all Floridians.

Specific responsibilities enumerated in Article 4, Section 4 of the Florida Constitution and in Chapter 16, Florida Statutes, have been expanded through the years by the Florida Legislature and by amendment of the Constitution, for the protection of the public's interests. The functions of the Office of the Attorney General range across the legal landscape, from Capital Appeals and Medicaid Fraud to Child Support Enforcement, Ethics and Elections. However, the functions can most simply be divided into three broad categories: Criminal and Civil Litigation; Victim Services; and Constitutional Legal Services.

### **Criminal and Civil Litigation**

The *GENERAL CIVIL LITIGATION DIVISION* is charged by Section 16.01, Florida Statutes, with providing legal representation at the trial and appellate levels in both state and federal courts on behalf of the state and its agencies, officers, employees, and agents. The Attorney General also has common law duties and responsibilities to protect the public's interest, an obligation the Legislature declared to be in force pursuant to Section 2.01, Florida Statutes.

As court dockets clearly show, litigation continues to grow in Florida. Litigation reform is a constant topic of debate. Contemporaneously with this growth in litigation, the state's traditional defense of sovereign immunity increasingly is being eroded by the courts or through legislation. This erosion, combined with the growth in complex class action litigation and the ongoing expansion of Florida's population, portends a continued steady growth in civil litigation in which the state and its agents or employees are parties. Historically, much of this litigation has been assigned to outside private counsel on a contract basis due to lack of staff or expertise within the government. More recently, with legislatively authorized but unfunded positions, the Office of the Attorney General is working with all state agencies to reduce the use of outside counsel by utilizing less costly in-house attorneys.

The goal of the General Civil Litigation Division is to provide quality legal representation on behalf of the State of Florida in civil litigation with 100% client



satisfaction, and to produce meaningful cost savings to the taxpayers by reducing the state's reliance on outside legal services.

The division consists of the following bureaus:

### **Administrative Law Bureau**

The Administrative Law Bureau, acting pursuant to Chapters 455 and 456, Florida Statutes, provides legal counsel to professional licensing and disciplinary boards within the Department of Health, Department of Business and Professional Regulation, Department of Education and the Department of Financial Services, as well as to the Florida Elections Commission, the State Retirement Commission and the Commission for Independent Education. The bureau's lawyers handle civil litigation on behalf of those boards, councils and commissions, in concert with the General Civil Litigation staff. In addition, this bureau represents the Department of Children and Families in Medicaid Waiver Fair Hearings and represents a variety of agencies in administrative law matters such as rule challenges and bid protests.

### **Child Support Enforcement Bureau**

Pursuant to Chapters 287 and 409, Florida Statutes, the Child Support Enforcement Bureau represents the Department of Revenue's child support enforcement division in judicial and administrative hearings relating to the establishment and enforcement of paternity and child support orders. This service is performed in 21 counties and before all five of Florida's district courts of appeal and the Florida Supreme Court. The activities of this bureau involve both intrastate and interstate cases at the trial and appellate levels.

### **Children's Legal Services Bureau**

The Children's Legal Services (CLS) Bureau of the Office of the Attorney General is charged with the responsibility of litigating child abuse, abandonment and neglect cases for the Department of Children and Family Services in Broward, Hillsborough and Manatee counties.

In their role as legal counsel to the Department of Children and Family Services, this bureau renders legal advice, which includes but is not limited to Florida Statutes Chapter 39, 61 and 409, to the Department of Children and Family Services, Broward County Sheriff's Office, Manatee County Sheriff's Office and the private child welfare agencies such as Hillsborough KIDS, Inc., ChildNet, Children's Home Society, and Kids In Distress. The attorneys in CLS are also responsible for litigating termination of parental rights petitions to establish permanency for children who have been long-time sufferers of abuse, abandonment or neglect.

CLS' top priorities are to ensure that the interests of the state are effectively represented in order to protect the safety and welfare of children who are involved in proceedings under Chapter 39, Florida Statutes; and to assist in efforts to find appropriate permanent

placement for children, as defined by state and federal statutes. The overriding purpose of CLS is to protect the interests of Florida's children.

### **Corrections Litigation Bureau**

The Corrections Litigation Bureau represents the State of Florida and its employees in civil actions brought on behalf of or by inmates in Florida's correctional institutions. Representation primarily involves defending lawsuits alleging civil rights violations, typically under the First, Eighth, and Fourteenth Amendments of the United States Constitution. This bureau also defends the constitutionality of state statutes and handles extraordinary writ petitions. The practice encompasses the full range of a trial practice, from initial pleadings in federal and state courts through trial and appeals. This bureau is one of the very few practice areas in the Office of the Attorney General where entry level (first year) attorneys are considered for employment. This dynamic practice gives young attorneys excellent opportunities for trial experience, as well as significant appellate experience.

### **Employment Litigation Bureau**

The Employment Litigation Bureau provides a full range of legal services regarding employment law for all state agencies and officials, including legal advice, trial litigation, and appellate practice. Litigation includes complex issues before state and federal courts. The bureau's clients include all state departments and agencies for all three branches of state government, including individual officials and employees. This bureau routinely handles suits filed under Florida's Civil Rights Act and Whistle Blower's Act; federal claims filed under Title VII of the Civil Rights Act; the Americans with Disabilities Act; the Rehabilitation Act of 1973; the Age Discrimination in Employment Act; the Family and Medical Leave Act; and the Fair Labor Standards Act. The Employment Litigation Bureau also defends employment litigation suits that raise Due Process, Equal Protection or other federal or state constitutional claims, and suits that seek damages for tort claims, including those which are coupled with 42 U.S.C. §§ 1981 and 1983 civil rights issues; and handles specialized administrative litigation before the Public Employees Relations Commission and the Florida Commission on Human Relations. Additionally, this bureau provides internal support to the Department of Legal Affairs, with advice regarding all types of personnel issues, oversight of Unemployment Compensation hearings, preparation/edit of internal policies, assistance to the Inspector General, conducting investigations, and in-depth training for supervisors and employees regarding employment laws, liability, and policies.

### **State Programs Bureau**

The State Programs Bureau defends a wide variety of actions in both state and federal court, at both the trial and appellate levels. The "clients" of this bureau are all the state departments and agencies from all three branches of state government, including their individual officials and employees. This bureau routinely handles: suits which challenge the constitutionality of the general laws of the state; suits that seek damages for

tort claims which are coupled with §1983 civil rights issues; construction litigation involving the departments, agencies and the state universities; specialized administrative litigation before the Division of Administrative Hearings, including bid protests; the defense of judges and state attorneys in lawsuits, discovery and extraordinary writs; and occasionally as plaintiffs, sue individuals, groups or business entities on behalf of our state clients. Additionally, this bureau is charged with representing the state in class action civil rights lawsuits encompassing claims for prospective injunctive or declaratory relief, which seek systemic or institutional reform of state programs or systems. Often times such litigation seeks to alter the public policy of the state or to increase the available funding for a certain program or group of individuals on a statewide basis. Many such lawsuits have already been resolved through settlement agreements or “consent decrees” where the court, usually a federal district court, maintains jurisdiction over the parties to enforce the terms of the consent decree. Because systemic reform is often complicated, consent decrees routinely last for several years and, in some instances, may last for decades. It is the mission of this bureau to resolve these actions as expeditiously as possible so that the business of state government is able to function smoothly and efficiently.

### **Tort Bureau**

The Tort Bureau currently and in the past has provided high quality, low cost defense to agencies and employees of the State of Florida in state court tort actions. The types of suits typically handled include wrongful death, automobile accidents, slip and falls, defamation and various other negligence claims. Litigation engaged in by this bureau regularly involved the interpretation and application of Florida's limited waiver of sovereign immunity statute, Section 768.28, Florida Statutes.

### **Eminent Domain Bureau**

The Eminent Domain Bureau provides a full range of legal services for governmental agencies exercising the power of eminent domain to acquire property for public use. The government is legally obligated to provide full compensation for private property taken for a public purpose. Through pre-suit advice, trial litigation and appellate practice, the bureau works to ensure that the amount of compensation is fair to both property owners and the taxpayers.

The bureau represents the university boards of trustees in the acquisition of land for expansion of state university campuses; the Department of Corrections in the acquisition of land for state correctional facilities; the Board of Trustees of the Internal Improvement Trust Fund in the acquisition of lands for the Conservation and Recreation Lands Program; the Department of Transportation in the acquisition of lands for transportation facilities; and the South Florida Water Management District in the acquisition of lands for the Kissimmee River Restoration project, the Everglades Restoration Project and other management purposes-related land acquisition actions. The bureau also provides defense of inverse condemnation actions brought against state agencies.

## **Ethics Bureau**

The Ethics Bureau provides legal and investigative assistance to the Florida Commission on Ethics by presenting and prosecuting complaints before the Commission. This bureau reviews complaints of violations of the Code of Ethics for Public Officers and Employees, and prepares a recommendation for each case. The bureau also represents the Ethics Commission in all litigation involving defense of the Code of Ethics and financial disclosure laws.

## **Revenue Litigation Bureau**

Pursuant to Sections 16.015 and 20.21(4), Florida Statutes, the Revenue Litigation Bureau's primary function is to enforce and defend tax assessments issued by the Department of Revenue. This bureau also represents the Department of Revenue in ad valorem cases; represents the Department of Revenue as designee of the Office of the Comptroller in litigation pursuant to Section 215.26, Florida Statutes; advises the Attorney General on questions involving taxes; and, as assigned by the Attorney General, represents other state agencies in litigation pertaining to taxes.

The ***CRIMINAL DIVISION*** consists of Criminal Appeals and Capital Appeals as described:

### **Criminal Appeals**

Pursuant to Chapter 16, Florida Statutes, the Attorney General's Office is responsible for representing the State in all criminal appeals, as well as in postconviction litigation at both the trial and appellate levels before state and federal courts. The Criminal Division currently averages more than 19,000 open active cases per year, handled by 115 criminal attorneys located in six offices around Florida. The current number of open active cases reflects a constantly growing caseload, which is commensurate with the number of case filings in the appellate courts and federal courts.

Chapter 16, Florida Statutes, authorizes the Attorney General to represent the State in all criminal litigation in the state appellate courts and all federal courts. A major goal of this division is to ensure that minimum delays occur in the appellate process and these cases result in a speedy and just conclusion.

This section also handles the Jimmy Ryce cases at the trial and appellate levels. These cases, while civil, are handled by attorneys who have familiarity with the criminal justice system and the civil rules of procedure. There are more than 150 cases per year for the 5 attorney positions assigned to the unit. These cases are case specific and time intensive because they operate on abbreviated timetables mandated by statutes. The purpose of the Ryce Act is to, upon completion of sentence, house individuals designated as sexual predator/offenders for treatment and evaluation.

## **Capital Appeals**

The Capital Appeals Bureau of the Criminal Division handles appeals in all capital murder cases in which the death penalty has been imposed. The 17 Capital Appeals Attorneys in this bureau are responsible for representing the state in all direct appeals; serve as co-counsel with Florida's 20 state attorneys statewide in postconviction cases in the trial courts; and litigate all collateral appeals and federal trial and appellate litigation.

The current average caseload for the bureau is approximately 30 open cases per attorney. As with other criminal appeals, the number of filings in capital cases is driven by the number of defendants who take appeals or litigate their convictions and sentences in a timely manner.

## **Civil Enforcement**

The ***CIVIL ENFORCEMENT DIVISION*** targets those who prey on Floridians and visitors by victimizing them economically, and those who seek to infringe on the rights of innocent, law-abiding citizens. The division's attorneys, investigators and staff work in bureaus located throughout the state with a focus on the following areas of practice:

### **RICO**

The Florida Racketeer Influenced and Corrupt Organization Act (RICO), Chapter 895, Florida Statutes, authorizes the Attorney General's Office to investigate RICO violations and institute civil proceedings to enjoin such violations. Section 895.02 (1), Florida Statutes, defines "racketeering activity" to mean "to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit" a series of crimes ranging from offenses against the environment to computer-related crimes. Civil remedies under RICO include injunction, forfeiture and disgorgement. Other statutes such as civil theft laws and the False Claims Act (Section 68,081, Florida Statutes) also provide for civil remedies, and in some circumstances the common law authorizes the Attorney General's Office to act.

The focus in RICO actions historically had been on enterprises associated with importing, delivering and distributing illicit drugs. While these efforts met with a great deal of success, the number of such cases referred to this agency by various law enforcement offices has significantly declined in recent years. Instead, many of these cases are now taken to federal agencies that can offer local authorities a greater share of forfeiture proceeds and do not have to follow Florida's sentencing guidelines, discovery procedures and homestead protections.

As a result, the role of the Attorney General's Office in RICO matters has shifted toward the civil prosecution of legal corporate enterprises engaged in theft or various schemes to defraud. Complaints indicate that much of this conduct previously was ignored or

handled administratively with little effect, but because they involve criminal activity they are better addressed by sanctions available under the RICO Act.

The results of these prosecutions, recoveries of more than \$360 million since 1986, show the existence of widespread corporate fraud. These practices exist in otherwise legitimate business, including financial institutions, utility companies, medical providers, insurance companies and transportation firms. They typically affect large numbers of people, suggesting that even more citizens can benefit from additional resources directed against corporate “white collar crime” that has long been undetected, ignored or ineffectively addressed.

The RICO Act has been effectively used to investigate several life insurance companies for conduct involving fraudulent sales practices of life insurance products, a practice known as “churning.” This investigation focused considerable attention on a serious problem affecting thousands of Florida consumers. Similarly, the Economic Crimes Division directed a series of cases against financial institutions for placing excessive insurance on automobile loans resulting in almost \$40 million in refunds to Florida consumers. Several investigations of telecommunications companies for the practice of slamming were settled for nearly \$10 million in payments to the state of Florida.

While the number of cases involving major corporate targets has grown from a single case in 1989 to over 60 in 2004, the efforts of this section are limited by existing resources and the time-consuming nature of these cases. Nevertheless, because of the positive impact these cases have on so many individual consumers, the Attorney General’s Office will continue to address corporate misconduct and successfully generate its own cases rather than merely react to cases presented by other agencies. Reductions in staff or other investigative resources would jeopardize several existing cases and severely limit the ability of this office to proactively pursue those perpetrating widespread schemes to defraud the public.

### **Deceptive and Unfair Trade Practices**

The Attorney General’s Office enforces Florida’s Deceptive and Unfair Trade Practices Act, Chapter 501, Florida Statutes, which is designed to protect individual consumers and legitimate businesses from various types of unfair and deceptive practices in trade or commerce.

Florida’s large and growing elderly population is a particular target for consumer fraud. Focusing on the elderly as a special “at-risk” group has enhanced the ability of the Attorney General’s Office, working in cooperation with senior advocate organizations, to prevent, identify and prosecute fraudulent scams directed at older victims. In areas with high concentrations of seniors, the Economic Crimes Bureau places a particular focus on consumer fraud and economic crimes against the elderly.

The Internet and other advances in rapid communication are generating an increased number of fraudulent schemes. Use of the Internet is growing exponentially, and the potential for illegal activity on the Internet is enormous. As use and availability of the Internet continue to expand, increasing numbers of individuals are certain to become

victims of fraud. The ability to stem this growing problem will be a critical issue in the years ahead.

With natural disasters such as hurricanes and, in recent years, devastating wildfires resulting from drought conditions, come the recurring problems of home repair scams, price gouging, job scams, advance fee loan scams and door-to-door sales schemes. To curb these predatory practices and enforce Florida's price gouging statute, this office has established a toll-free hotline that is activated in times of natural disaster. Notices alerting consumers to potential scams and informing them of this hotline are widely distributed to the news media, cooperating retail merchants and other public locations in areas affected by the disaster. Thousands of complaints have been received many as a result of these consumer-awareness initiatives.

The number and ever-changing variety of fraudulent schemes serve as a constant challenge. Current problems that will remain the focus of enforcement efforts are far too numerous to list here, but they include telemarketing fraud, work-at-home scams, direct mail sweepstakes offers, moving companies, credit repair scams, negative option sales tactics, automobile sales and leasing practices, warranty sales practices, multi-level marketing and charitable solicitation scams.

Many of these areas are being investigated and prosecuted by multi-state attorney general groups, with this office playing a lead role in several investigations. Many of these investigations, both multi state and Florida-only, produce large settlement agreements that direct substantial funds to the state or individual Florida consumers, while putting a halt to improper trade activities.

These consumer fraud issues will continue to require substantial and meaningful investigation and preparation. At current staffing levels, the Economic Crimes Division is under constant pressure to muster the necessary resources to combat these ever-increasing avenues of consumer fraud. Any reduction in attorneys, investigators or support staff would seriously hamper our efforts. Accordingly, the need to ensure adequate resources to properly investigate and prosecute consumer fraud will continue to be a significant priority.

### **Antitrust Division**

The Attorney General's Office is responsible for enforcing state and federal antitrust laws and works to stop violations that harm competition and adversely impact the citizens of the state. Under Chapter 542, Florida Statutes, the Attorney General has the authority to bring actions against individuals or entities that commit state or federal antitrust violations, including bid-rigging, price-fixing, market or contract allocation, and monopoly-related actions. The efforts of the Attorney General's Office under this statute over the past two decades have yielded hundreds of millions of dollars in recoveries for various public entities and for Florida's consumers.

The Attorney General is broadly authorized to institute or intervene in civil proceedings and seek the "full range of relief" afforded by Chapter 542 or by federal laws pertaining

to antitrust or restraints of trade. Chapter 542 also grants the Attorney General certain specific authority, including the power to target restraint of trade activities (Section 542.18, Florida Statutes); to investigate monopolies or conspiracies to establish monopolies, including the authority to review proposed mergers that may have a potential anti-competitive impact upon the state and its citizens (Section 542.19, Florida Statutes); to investigate potential violations of state or federal antitrust laws (Section 542.27(3), Florida Statutes); to issue investigative subpoenas, called Civil Investigative Demands, to anyone believed to be in possession, custody, or control of any documentation or other information relevant to an antitrust investigation (Section 542.28, Florida Statutes); and to bring actions on behalf of the state, public entities, and/or natural persons to recover damages and/or civil penalties, as warranted, and to obtain the appropriate injunctive or other equitable relief (Sections 542.27(2) and 542.21-23, Florida Statutes).

It is a priority of this office to ensure that those responsible for rigging bids on public entity procurement contracts, unlawfully fixing prices, or illegally monopolizing or attempting to monopolize a particular market or industry be held fully accountable for the overcharges or other harm suffered by Florida's public entities and citizens as a result of the unlawful conduct.

Trends and conditions pertaining to state antitrust enforcement effort are assessed on an annual basis through an analysis of the number of active cases worked by the Antitrust Division. With a staff of 22 SES and Career Service employees (9 attorneys and 13 support staff), the number of cases worked by the division during FY 2003-04 grew from 65 to 72, while the number of cases closed increased from 24 to 29. These increases in both active and closed cases are primarily attributable to the relatively low attorney turnover enjoyed by the Division for the first 2/3ds of the fiscal year. As a result of this stability, during FY 2003-04, the Antitrust Division recovered \$19,570,396,67 from eight major cases, either on behalf of public entities and consumers or as reimbursement for attorneys' fees and costs after the matters were resolved.

The increased number of active cases is due to several factors. First, there has been a dramatic increase over the last five years in the number of proposed mergers, acquisitions, and joint ventures as the nation's economic boom produced a record number of companies combining in a variety of industries. While not all proposed mergers and acquisitions are reviewed by the Attorney General's Office, those that may have a particular anti-competitive impact in Florida, thereby affecting Florida consumers, are most likely to be reviewed.

Similarly, the state of the economy in recent years has led to a sizable increase in the number of bid-rigging, price-fixing, and monopolization cases the Antitrust Division reviews in any given fiscal year. Consequently, during these times, state and federal antitrust enforcement efforts must be stepped up to address the increase in potentially unlawful conduct. The Attorney General's Office has addressed some of this need in recent years by, where appropriate, combining resources with other state Attorneys General and federal antitrust enforcement agencies to review, investigate, and litigate



both traditional antitrust cases and proposed mergers. This consolidation of limited resources has allowed the Attorney General's Office to more thoroughly address antitrust concerns than would be possible without such a cooperative effort.

The Antitrust Division worked a record number of active cases in the last fiscal year, despite the turnover experienced at the end of the year. For example, Florida distributed over \$15 million in checks to charities as a result of a settlement of a price-fixing case involving vitamins and vitamins ingredients. We also distributed almost \$2 million in checks to purchasers of compact disks who paid more than they should have as the result of restrictive pricing policies employed by the major compact disk distributors. Additionally, in our Taxol case, we sent out over \$450,000 in checks to individuals who had overpaid for the breast cancer drug as the result of alleged unlawful monopolization by its maker Bristol-Myers Squibb. Finally, 15 of the active cases worked by the Division in FY 2003-04 were merger reviews. Nearly all of these mergers together with the three major cases in which we had distributions (Vitamins, CDs, and Taxol) were, and, in some cases, remain extremely time-consuming and resource-intensive.

Any reduction in staff, particularly after staff increases were authorized as recently as 2000 to meet the growing antitrust enforcement challenge of the new economy, would greatly impede the Attorney General's Office antitrust enforcement efforts on behalf of the people of Florida. Even with new staff additions, the Attorney General's resources to conduct thorough antitrust investigations and bring complex antitrust litigation remains limited. Antitrust investigations and litigation by their very nature are complicated, time-consuming, and extremely document-intensive. Antitrust cases can take several years to resolve, and it is not unusual to have one case temporarily require all the staff's attention because the task at hand is so monumental. This will most certainly be the case in the next fiscal year, when we are scheduled to go to trial in the Hytrin case. Consequently, any reduction in staff, especially at this time, would greatly impact antitrust enforcement efforts at a time when antitrust activity is on the upswing. Investigations would not be brought, litigation would not be filed, financial recoveries would be lost and mergers would be consummated without adequate review, all to the detriment of the state and its citizens.

### **Medicaid Fraud Control Unit**

Health care fraud is an immense societal problem, both nationally and within Florida's \$14 billion-a-year Medicaid program. The Medicaid Fraud Control Unit (MFCU) is responsible for policing the Medicaid Program, as well as investigating allegations of corruption in the program's management. This authority is granted under both federal and state law (Section 1903 of the Social Security Act, Section 42 of the Code of Federal Regulations, and Chapter 409, Florida Statutes).

The MFCU investigates a wide range of provider fraud involving doctors, dentists, psychologists, home health care companies, pharmacies, drug manufacturers, laboratories, and more. The most common forms of provider fraud involve billing for services that are not provided, overcharging for services that are provided, or billing for services that are medically unnecessary. Health care providers who are arrested by MFCU personnel are prosecuted by local state attorneys, the Office of Statewide

Prosecution, or the United States Attorney. Since 1994, when the MFCU was moved to the Attorney General's Office, the unit has made more than 1,247 arrests, resulting in 843 convictions. Cases that may not be suitable for arrest and criminal prosecution are often litigated by unit attorneys using a variety of civil statutes. The MFCU has recovered more than \$60 million since 1994.

The MFCU is also responsible for investigating the physical abuse, sexual abuse, neglect, and financial exploitation of patients residing in long-term care facilities such as nursing homes, facilities for the mentally and physically disabled, and assisted care living facilities. The quality of care being provided to Florida's ill, elderly, and disabled citizens is an issue of great concern and a priority within the MFCU. In 2004, MFCU implemented its PANE (Patient Abuse, Neglect and Exploitation) Project in Miami-Dade County. This project is a collaborative effort between and among several agencies to address the abuse and exploitation of patients in long term care facilities and preliminary results are very positive with plans to expand the project in other areas of the state during the next fiscal year.

The MFCU also continued its leadership role in a multi-state/federal investigation into the pharmaceutical industry. This investigation, which began in Florida, revealed that virtually every major drug manufacturer in the United States has been artificially inflating the prices of their drugs which are reported to the government in a scheme that has cost Medicare and Medicaid hundreds of millions of dollars. This ongoing investigation has already resulted in multi-million dollar settlements with several major drug companies and ongoing litigation involving other pharmaceutical manufacturers should result in additional recoveries.

## **Other Civil Enforcement Units**

### **Lemon Law**

Florida's Lemon Law, Chapter 681, Florida Statutes, allows consumers to receive replacement motor vehicles or a refund of their purchase price when their new or demonstrator motor vehicles are subjected to repeated, unsuccessful warranty repairs for the same defect or are constantly in the shop for repair of one or more different defects. The Attorney General's Office enforces manufacturer and dealer compliance with the Lemon Law. The office also provides a forum for resolution of disputes between consumers and manufacturers that arise under the Lemon Law. Arbitration hearings to resolve such disputes are conducted throughout the state by the New Motor Vehicle Arbitration Board, which is administered by the Lemon Law Arbitration Program.

Manufacturers and sellers are required to disclose defects in repurchased "lemons" to consumers before selling them as used vehicles, and during the past year staff attorneys have continued to conduct training/educational seminars with manufacturer and dealer groups throughout the state. Manufacturer compliance with statutory resale notification requirements remained strong in FY 2003-2004. Information from these notices is researched, entered in a database and transferred to the Attorney General's website for

use by consumers as they shop for used motor vehicles. It is also a starting point for determining whether the subsequent buyers of these vehicles received disclosure notices from the sellers. The program has continued to monitor, notify and enforce manufacturer practices in this area, and has commenced similar monitoring and notice practices in the area of seller enforcement.

In 1997, the Legislature amended the Lemon Law to create a pilot project to provide mediation/arbitration of recreational vehicle disputes by a professional, privately contracted mediation/arbitration firm. The pilot program is funded by the recreation vehicle industry. Qualification and monitoring of the pilot program is carried out by the Attorney General's Office. Expiration of the RV Pilot Program in September 2006 will result in recreation vehicle claims being arbitrated before the New Motor Vehicle Arbitration Board, thereby increasing Program work load, unless or until the matter is addressed by the Legislature. It is anticipated that, during 2005, the Office of the Attorney General will work with representatives of the recreation vehicle industry, consumer groups and other interested persons to discuss legislative options for the future handling of recreation vehicle disputes. The 1997 amendments to the statute that changed how trade-in allowances and the offset for use are calculated, continued to result in reduced recoveries to those consumers having trade-in vehicles with high debt or "lemon" vehicles with high mileage.

The Lemon Law Arbitration Program is highly active statewide, with 19 total full time employees and some 78 appointed Board Members. Since the program uses few resources other than people, any spending reductions would have to be made in the form of personnel cuts. The loss of just one full time position would significantly impair the ability of the program to function efficiently as claims would not be processed and heard as quickly and enforcement would be severely curtailed, thus providing less service to the public.

### **Open Government Mediation**

Open government litigation can be costly to both the citizen and the public agency that serves as the custodian of the record being sought. Florida laws covering public access to meetings and documents are among the broadest in the nation, and court decisions have afforded a liberal interpretation to the rights of access set forth in these laws. The Government in the Sunshine Law (Section 286.011, Florida Statutes) establishes a right of access to meetings of governmental boards or commissions, while the Public Records Law (Chapter 119, Florida Statutes) provides that public records shall be available for inspection or copying by any member of the public.

Both the Sunshine Law and the Public Records Law provide that a willful violation constitutes a misdemeanor, and violations can also be prosecuted by the State Attorney as noncriminal infractions. The two laws contain provisions providing for the payment of attorneys' fees in the event that a governmental agency denies access and is the losing party in subsequent litigation.

The consequences befalling an agency that violates the public records law are significant and potentially quite expensive. To address this problem, the government mediation program was established within the Attorney General's Office to serve as an alternative to litigation in open government disputes. A 1995 article in the Brechner Report, published by the Freedom of Information Center at the University of Florida, estimated that the program had saved thousands of dollars in public funds that otherwise might have been spent on legal fees in public records cases.

The open government mediation program is set forth in Section 16.60, Florida Statutes. The goal is to provide a vehicle for the government and a citizen to resolve public access controversies quickly and inexpensively. This priority ensures that the program can be an effective tool for those who are seeking to promptly address a dispute. No monies have been appropriated to fund this program, but in 1996 the program received a Davis Productivity Award in recognition of its effectiveness in averting litigation and saving public funds that might otherwise have been spent for payment of attorneys' fees.

### **Civil Rights**

The Office of Civil Rights (OCR), created in 1992, operates under Section 16.57, Florida Statutes, and the Florida Civil Rights Act, Chapter 760, Florida Statutes. The Office may also use other laws, such as Florida's Deceptive and Unfair Trade Practices Act to address civil rights violations. OCR enforces civil rights laws on behalf of the State of Florida through litigation, education and outreach, and legislative proposals.

Civil rights enforcement is a top priority of Attorney General Crist. In 2003, the Office assisted with the development of landmark amendments to Florida's Civil Rights Act, now known as the Dr. Marvin Davies Florida Civil Rights Act. Florida's Attorney General now has authority similar to the United States Attorney General to file civil actions for damages and injunctive relief in cases where there is a pattern or practice of discrimination or that raise an issue of great public interest. In 2004, the Office focused on developing and prosecuting cases under the new laws. Predatory mortgage lending and other types of economic discrimination, discrimination in places of public accommodations and housing, and bias prevention remained enforcement priorities, but the Office also expanded its focus to include discrimination in employment and education.

The Office has developed two outreach programs as a result of the Dr. Marvin Davies Florida Civil Rights Act. The first outreach program specifically targeted private and public agencies whose purposes include civil rights issues. Attorneys for the Office conducted educational sessions, informing agency employees of the new legislation and the Office's expanded enforcement powers. As a second phase of this outreach program, attorneys collected data from the agencies in order to assess whether complaints against a specific person or entity constituted a pattern or practice of discrimination. The OCR is currently working to develop a database for future reference in pattern or practice cases. The second outreach program that resulted from the 2003 amendments to the Act targets restaurants, hotels, motels, theaters, stadiums, gasoline stations, places of entertainment, and other included places of public accommodations. The purpose of this second

outreach program is to inform the business community affected by the Act as to their rights and responsibilities concerning discriminatory practices.

The Office uses aggressive investigation and litigation strategies to enforce civil rights. This approach utilizes not just the Civil Rights Act but also such statutes as Florida's Deceptive and Unfair Trade Practices Act, which is not an anti-discrimination statute per se but can be an effective tool to combat discriminatory practices. OCR has used pre-suit discovery and mediation, as well as partnerships with various government agencies and private advocacy groups, to collect relevant evidence and develop cases:

- ▶ **Household Finance Company**, a subprime lender was sued in 2002 for discriminatory and deceptive lending practices. A multistate group, ultimately comprised of representatives from attorneys general offices from every state, was later formed and a nationwide settlement was reached. The settlement included \$23 million dollars in consumer restitution for affected Floridians and permanent changes in the company's business practices. The Office continued administration and distribution of monies to consumers.
- ▶ **Summit Towers Condominium Association**, a condominium association was charged with discriminating against Arab Americans following 9/11. The settlement included a \$5,000 contribution to non profit fair housing group and permanent changes in screening and rental procedures.
- ▶ **Royal Palm Yacht Club**, a private club in Palm Beach County, was investigated for violating Florida's civil rights law by refusing membership to Jewish persons. The case was settled prior to litigation for permanent injunctive relief, including revisions to the Club's membership policies and procedures. The Office continued to monitor the Club's practices.
- ▶ **Destin Water Users Inc.**, was investigated for employment discrimination. The victims were exposed to a racially hostile work environment and retaliated against for filing complaints with the Florida Commission on Human Relations. The Office entered into an agreement with Destin wherein it is obligated to pay \$320,000 in damages to the victims and \$60,000 in attorneys fees. Destin also agreed to modify its personnel procedures for filing discrimination complaints and implement disciplinary sanctions for employees engaging in unlawful discriminatory behavior.
- ▶ **Education Initiatives.** In 2003, the Office was active in investigating and prosecuting civil rights violations in the area of education. Some of the Office's recent cases involving public schools include actions

against Duval County Public School and First Student, Inc. (religion/national origin), and Lake County Public School (race). The Office also investigated hate or bias motivated incidents and related activity by students in a Pasco County Public School (race), a Lee County Public School (race), and a Marion County Public School (race).

- ▶ **Public Accommodations Initiatives.** In the area of public accommodations, the Office is pursuing cases against Max's Restaurant (religion), Southern Inn (race), and American Legion (race). The Office also settled a race discrimination case against a Best Western in Bushnell, Florida that resulted in permanent injunctive relief including policy changes, training, monitoring, and a charitable contribution to Bethune Cookman College. The Southern Inn case is the first lawsuit filed by the Office under the 2003 Dr. Marvin Davies Civil Rights Act.
  
- ▶ **Disability Initiatives.** After receiving complaints against Wal-Mart and Dollar General concerning touchscreen point of sales machines (POS), which allow consumers to purchase items electronically at retail establishments, but are inaccessible to visually impaired customers, the OCR initiated investigations against these major retail stores. The Office, in conjunction with the Department of Justice and the Palm Beach County State Attorney's Office, is also investigating Moroso Motorsports Park in Jupiter, Florida, for allegedly denying a twelve year old wheelchair bound girl with spina bifida accessible seating. Finally, the OCR is closely monitoring appellate cases involving disability issues under the Act.
  
- ▶ **Florida Commission on Human Relations & Fair Housing.** The Office continues to work with the Florida Commission on Human Relations to enforce the provisions of the Florida Fair Housing Act. Attorneys are working on numerous statewide Fair Housing cases, prosecuting disability, race, and religious discrimination. OCR also litigates or settles, as appropriate, fair housing cases following FCHR determinations of cause. The OCR served as legal advisor to the Commission in litigating issues relating to the Act on numerous occasions and has facilitated and participated in various educational programs presented by FCHR and other housing advocacy groups throughout the State.

The types of cases and projects initiated by the Office of Civil Rights are complex and time consuming. Many are very document intensive. Witnesses may be located across the state and/or country. This past year, the Office created a Jacksonville Bureau of Civil Rights to improve the Office's ability to address civil rights issues throughout the state. The Office now consists of 7 attorneys, 1 investigator, and 1 administrative support. It should be noted that this is still a small staff to cover diverse civil rights issues for the entire state, particularly given the increased responsibilities under the new law. Any reduction in resources would certainly impair the office's ability to develop and prosecute cases.

## Victim Services

The ***DIVISION OF VICTIM SERVICES AND CRIMINAL JUSTICE PROGRAMS*** is charged with providing services to crime victims and educating the public about crime prevention. Article I, Section 16 of the Florida Constitution establishes the state's inherent responsibility regarding notification and assistance to victims. In addition, legislative intent set forth in Section 960.01, Florida Statutes, establishes the responsibility of the state to provide assistance to crime victims; Section 960.05(2), Florida Statutes, establishes the crime victim services office; and Section 960.21, Florida Statutes, creates the Crimes Compensation Trust Fund to provide funding for delivery of services to crime victims. Other statutory programs administered by the division include:

Sections 16.54, Florida Statutes - Florida Crime Prevention Training Institute to administer training for criminal justice agencies and citizens of the state.

Section 860.154, Florida Statutes - Motor Vehicle Theft Prevention Authority to reduce the occurrence of motor vehicle thefts (Not funded)

Sections 741.401- 409 and 741.465, Florida Statutes - Address Confidentiality Program

Section 16.556, Florida Statutes - Crime Stoppers Trust Fund to assist local governments

Trends and conditions pertaining to victim compensation are assessed on an annual basis through an analysis of the number of claims filed and the number of violent crimes committed in the state. During FY 2003-2004, the number of claims filed remained constant (20,905 compared to 20,881 received during FY 2002-2003), and the processing time from receipt of a claim through payment averages 20.5 work days. This ensures that victims receive expedient assistance during a time of emotional and financial difficulty due to their victimization.

Budget reductions in the area of victim compensation would ultimately result in an extended delay in processing claims and create a backlog, especially in light of the number of claims filed. The result would be a noticeable adverse effect on crime victims who are unable to pay medical bills and other expenses associated with their

victimization, potentially leading to credit problems, financial hardship, and further impediments to the victims' recovery from the crime event. Although these payments accepted by providers are deemed payment in full by statute, the flip side of budget reductions would be that victims may experience difficulties in receiving treatment. Reduced funding may force victims to rely on other scarce local resources and social service functions, shifting the financial responsibility to agencies and organizations that may not be as well equipped to administer aid to these citizens.

Crime prevention, victim services, and associated programs are also a priority of the Attorney General's Office, as they are proven methods of helping to reduce the crime rate. Education and training in crime prevention are an essential part of reducing Florida's crime rate and rendering assistance to crime victims. Trends and conditions associated with these training programs are assessed by survey instruments distributed to law enforcement agencies, victim service organizations, and the general public. Training curriculum is established based on demand for services as indicated in the surveys. Trends include an emphasis on training additional school resource officers in conjunction with the Department of Education's safe schools initiatives and with local law enforcement agencies and school districts. The Attorney General's Office is the primary source for the delivery of crime prevention, victim services, and school resource officer (SRO) training.

In partnership with the Florida Association of Crime Stoppers, this Office has provided nine training workshops that focused on the significance of identity theft, why Florida is such a target-rich environment and who falls prey and why. The workshop explained how the state's Law Enforcement Getting Identity Thieves (L.E.G.I.T.) program is being used to crack down on those who commit identity theft. This train-the-trainer course provided statistics from around the state and nation, profiles of specific cases, investigative techniques, and various prevention methods. During the period July 2003 through June 2004, this office conducted two workshops which were attended by 123 individuals from law enforcement as well as other public and private sectors. This office also conducted eleven ongoing SRO training courses, with attendance by 310 SROs.

A reduction in staff responsible for crime prevention and victims training would result in fewer educational programs and a corresponding demand by local law enforcement and citizens for services that likely would be more costly than the current education-based method of delivery.

Crime Stoppers: Recent legislative action regarding the Crime Stoppers Trust Fund resulted in the loss of \$1.3 million from 2003-2004 and \$1.4 million from 2004-2005 grant years, which is a significant impact on the program. While one may not be able to trace the success of this program back to an actual reduction in crime statistics, one must pose this question, "If each of the 25 programs receives tips that result in apprehension of only 25 murderers, is the program successful?"



It is notable that during the period July 1, 2003, through June 30, 2004, crime stopper programs netted the following results:

tips received	23,791
tips approved for citizen rewards	2,679
cases cleared	5,948
arrests made	3,911
value of property recovered	\$1,633,866
value of narcotics removed from the streets	\$7,158,061
dollar value of rewards to citizens	\$648,315

Although it could be argued that a substantial amount has been spent on administrative costs, these statistics show that the unified effort by these programs, as a result of grant monies, has had a significant impact on crime in Florida. While the reduction of monies available to award to the crime stopper organizations in the counties will not terminate this program, it will impede its growth in those counties where no program currently exists as well as the expansion of already existing programs. This program should continue to be funded as a result of these impressive statistics and because of the protection it offers the citizens of Florida as these criminals continue to be taken off the streets.

Reduction in staff associated with the Victims of Crime Act would have adverse impacts on the division's ability to monitor grant activities to ensure fiscal responsibility. The current ratio is in excess of 38 grants per FTE, while other agencies average 20 grants per FTE. Reduction in this program function would result in backlogs to process grant applications and disburse grant money. The consequence of cutbacks would likely be the forfeiture of unused federal grant dollars from the U.S. Department of Justice, which would in turn reduce the services available to victims of crime at the state and local level.

## **Constitutional Legal Services**

### **Cabinet Affairs**

In addition to his duties as the state's chief legal officer, the Attorney General serves as a member of the Florida Cabinet. He is also regularly called upon by the Florida Legislature to discuss and provide advice on relevant issues and pending legislation.

The Cabinet Affairs staff advises the Attorney General on all matters pertaining to his constitutional and statutory role as a member of the Florida Cabinet. The Governor and Cabinet, as a collegial body, sit as the head of the following: State Board of Executive Clemency; State Board of Administration; Division of Bond Finance; Department of Veterans' Affairs; Department of Highway Safety & Motor Vehicles; Department of Law Enforcement; Department of Revenue; Administration Commission; Florida Land & Water Adjudicatory Commission; Electrical Power Plant & Transmission Line Siting

Board; Board of Trustees of the Internal Improvement Fund; and Financial Services Commission. The Cabinet Affairs staff regularly meets with interested parties and private citizens and responds to inquiries from the public relating to factual, policy, and legal issues related to the areas of jurisdiction of the Governor and Cabinet.

Cabinet Affairs is staffed with the minimal number of personnel necessary to carry out its duties and responsibilities to the public and the Attorney General. Any reductions would significantly hamper the Attorney General's ability to carry out his constitutional duty as a member of the Florida Cabinet.

### **Opinions**

The responsibility of the Attorney General to provide legal opinions is set forth in Section 16.01(3), Florida Statutes. Official written opinions are issued to state and local officials, boards, agencies, and their attorneys in response to questions regarding their official duties. In addition, the Attorney General is authorized by Sections 16.08 and 16.52(1), Florida Statutes, to provide legal advice to the state attorneys and to Florida's representatives in Congress.

The Attorney General's opinion process provides a direct means for inexpensive dispute resolution. The strategic objective is to resolve requests for opinions in a timely manner. The number of requests received by the office has remained relatively constant in recent years, as has the time frame for responding to such requests. This has been accomplished largely through the expanded use of computerized databases and email for tracking files, the peer review process, internal communication, and research. A newly implemented records management system will also result in faster retrieval of older files that are needed periodically for current projects.

Copies of recent and historical Attorney General Opinions are now widely available in various print and electronic formats. In many instances, earlier opinions prove relevant to the resolution of an agency's current legal question, thus eliminating the need for an opinion request.

The Opinions Division staff has remained static under the current administration, with only three full-time attorneys currently drafting opinions on behalf of the Attorney General. Final projections of outcomes for FY 2004-2005 are based on past average workloads for all current staff. The loss of one professional position would significantly increase the average response time needed to issue opinions. For administrative support, the division has one executive secretary and one administrative assistant to handle correspondence, tracking, and reporting functions. The loss of either of these staff positions would result in an increased workload for all remaining personnel, resulting in decreased productivity and, consequently, longer response time for the issuance of opinions.

Potential consequences of decreased productivity include:

- ▶ Governmental entities would be more likely to incur substantial legal fees from litigation.
- ▶ Misinterpretation or varying interpretations of statutes could result in violations of statutes including, but not limited to, Sunshine and/or public records law.
- ▶ Varying interpretations of statutes could result in widely disparate practices by entities at all levels of government.
- ▶ A centralized legal resource for Department of Legal Affairs and other governmental entities could be lost.
- ▶ The public's constitutional right of access could be hampered by delays in opinions clarifying Florida's Public Records Act and the Government in the Sunshine Law.
- ▶ Confusion regarding the dual office-holding prohibition could result in either violations or individuals being deprived of their right to serve in office.

### **Solicitor General**

The primary responsibility of the Office of the Solicitor General (“OSG”) is to represent the State of Florida in significant litigation affecting the powers, duties, and responsibilities of all branches of state government. The Solicitor General directs, coordinates, and represents the State in cases of constitutional importance before the United States Supreme Court and the Florida Supreme Court, oversees complex civil litigation cases of statewide impact, prepares amicus curiae briefs in support of State policy goals in state and federal appellate court cases, and advises the Attorney General on legal and policy issues affecting the State. A national trend favors the establishment of a state-level office of Solicitor General, particularly among states that are proactively involved in protecting the interests of their respective states in state and federal courts.

The Office of the Solicitor General was established in the General Appropriations Act on July 1, 1999, as requested by the Attorney General’s Office in conjunction with The Florida State University College of Law. The current authority for the office is outlined in: 1) Appointment by the Attorney General to Christopher M. Kise; and 2) Letter of Assignment from Donald J. Weidner, Dean of The Florida State University College of Law, to Solicitor General Christopher M. Kise, dated January 29, 2003. The Solicitor General teaches one course of approximately 30 students during the Fall and Spring semesters at the College of Law. The Solicitor General’s position as adjunct academic faculty at The Florida State University is subject to the Rules and Regulations of the Florida Board of Education and The Florida State University, as well as the Constitution and Laws of the State of Florida.

The office established a system to identify, review, track, and monitor all state and federal civil cases that meet the criteria for potential interest or impact, based on the inclusion of constitutional issues or issues of great importance to the State of Florida or the Attorney General’s Office. The OSG also facilitates communication with state agency directors, general counsels, and the Governor’s legal staff to evaluate the progress and policy decisions involving all cases in which the Solicitor General is involved.

The cases in which the Solicitor General participates, by their nature, have statewide impact. In most instances, the impact of these cases on the public at large is indirect because they involve abstract, but important, constitutional issues such as the distribution of powers between the State and federal governments or among the branches of state government. In some instances, however, the Solicitor General will represent the State where its interests or the interests of its citizens will be directly affected by the outcome of the case.

The OSG, which includes the Complex Litigation and Civil Appeals Sections, currently consists of the Solicitor General, eight attorney positions, one administrative position, and four support staff positions. The unit draws assistance from other units of the Attorney General's Office on a case-by-case basis to maximize the range of legal expertise and minimize budgetary impacts. Reduction of staff would negatively impact the Attorney General's ability to focus highly-trained appellate lawyers on the state's most important lawsuits and would greatly reduce the agency's ability to monitor and supervise all civil appeals, complex litigation, amicus curiae cases, and constitutional challenges.



*Office of  
Statewide Prosecution*

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# OFFICE OF STATEWIDE PROSECUTION

## GOALS AND OBJECTIVES

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Goal #1: Coordinate effectively with multi-jurisdictional enforcement efforts.

Objective 1A: Assist law enforcement

Outcome: Number of law enforcement agencies assisted

<b>Baseline/Year FY 2001-02</b>	<b>FY 2005-06</b>	<b>FY 2006-07</b>	<b>FY 2007-08</b>	<b>FY 2008-09</b>	<b>FY 2009-10</b>
119	90	90	90	90	75

Objective 1B: Maintain substantial caseload of complex investigations

Outcome: Total inventory of drug cases

<b>Baseline/Year FY 2001-02</b>	<b>FY 2005-06</b>	<b>FY 2006-07</b>	<b>FY 2007-08</b>	<b>FY 2008-09</b>	<b>FY 2009-10</b>
338	250	250	250	250	275

# OFFICE OF STATEWIDE PROSECUTION

## GOALS AND OBJECTIVES

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Goal #2: Effectively prosecute multi-circuit crime.

Objective 2A: Maintain substantial caseload of complex prosecutions

Outcome: Total number of active cases handled (excluding drug cases)

<b>Baseline/Year FY 2001-02</b>	<b>FY 2005-06</b>	<b>FY 2006-07</b>	<b>FY 2007-08</b>	<b>FY 2008-09</b>	<b>FY 2009-10</b>
729	750	600	600	600	650

Objective 2B: Seek effective case results

Outcome: Number of defendants convicted

<b>Baseline/Year FY 2001-02</b>	<b>FY 2005-06</b>	<b>FY 2006-07</b>	<b>FY 2007-08</b>	<b>FY 2008-09</b>	<b>FY 2009-10</b>
410	355	355	355	355	391

Outcome: Conviction rate

<b>Baseline/Year 2001-02 actual results</b>	<b>FY 2005-06</b>	<b>FY 2006-07</b>	<b>FY 2007-08</b>	<b>FY 2008-09</b>	<b>FY 2009-10</b>
90%	90%+	90%+	90%+	90%+	90%+

*Baselines are taken from actual results. Estimates for future years are based on no new additional resources*

# *OFFICE OF STATEWIDE PROSECUTION*

## *TRENDS AND CONDITIONS STATEMENT*

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### **Mission**

The Office of Statewide Prosecution is charged by Section 16.56, Florida Statutes, with the responsibility to investigate and prosecute multi-circuit criminal activity and to assist state and local law enforcement in their efforts to combat organized crime. Organized criminal activity that crosses judicial circuit boundaries exists in many forms and imposes a multitude of harmful consequences for the citizens of the State. The Office utilizes the police-prosecutor team approach and problem-solving principles, on the premise that crime can be effectively addressed through proactive enforcement, education, and environmental or programmatic design.

### **Planning/Accountability**

The Long Range Program Plan, as well as the statutorily required Annual Report, serves as the foundation for every activity performed by the Office of Statewide Prosecution. The reports have been used in the Performance-Based Budgeting process since 1992.

Each year, the Office adopts as priorities the investigation and prosecution of certain types of criminal activity, striving for a strong and positive impact against sophisticated and organized groups victimizing a large number of Florida's citizens or attacking Florida's public programs. While caseload numbers are certainly one measurement of performance, an equally important measure of success is the results achieved within those caseload numbers. Results are measured by disposition and sentencing data, but also the number of legislative or policy changes that are proposed and adopted to curtail or prevent future similar activity. The degree to which cooperative law enforcement efforts have been achieved are also included in the assessment of results.

Trends and conditions are assessed by scanning relevant written materials, including detailed crime rate analysis and studies on crime in changing economic conditions; participating in training opportunities; utilizing law enforcement and victim satisfaction surveys; and engaging in discussions with colleagues in law enforcement and members and staff of the Legislature and Executive agencies. The Strategic Plan is developed in consultation with stakeholders and all staff members.

### **Priorities**

The priorities of the Office are: (1) white collar crime (including identity theft, health care fraud, government contract fraud, insurance fraud, telemarketing fraud, title loan fraud, securities fraud, and fraud against the elderly); (2) computer crimes (including



child pornography, fraud, intrusions, and identity theft); (3) narcotics trafficking, money laundering, and associated violent crimes.

In FY 2001-2003, identity theft cases took the forefront as Governor Bush called for the creation of a Statewide Grand Jury to tackle the huge financial impact of these crimes on Floridians and businesses. Identity theft is considered the fastest growing crime in the world today, with billions in losses annually. The tragic events of September 11th, 2001, brought more attention to this issue, as false identities are used to facilitate crimes of domestic terrorism. As a result, the Office has served on task forces, investigated serious cases, prosecuted identity thieves, proposed legislation, and worked with executive agencies on privacy of personal information and driver license regulations.

In February 2003, at Governor Jeb Bush's request to the Supreme Court, this office empaneled the Seventeenth Statewide Grand Jury to investigate allegations that adulterated prescription drugs were being sold in Florida by wholesalers who were failing to verify their authenticity and effectiveness. The Office of Statewide Prosecution led the Statewide Grand Jury's investigation. After careful scrutiny of problems enforcing existing prescription drug regulations, the Statewide Grand Jury issued an interim report containing a series of recommendations for sweeping legislative changes to protect Florida Consumers. Grand Jury reports can be found on <http://myfloridalegal.com/swp>. In July 2003, the Seventeenth Statewide Grand Jury returned two indictments against a total of 19 defendants for crimes associated with prescription drugs. Some of these criminal charges were based on defendants selling mislabeled or diluted drugs used to treat cancer and HIV patients.

In Fiscal Year 2002-2003, the Office received a 10% budget cut and the loss of 7 positions, which went into effect July 1, 2003. The Office accomplished these cuts through attrition, and was able to improve overall staff productivity.

In Fiscal Year 2003-2004, the Office received an additional three attorney positions and two support staff positions to prosecute identity theft and health care fraud cases. Staffing levels remain below the level they were prior to the 10% budget cut.

## **1. Computer Crime**

In FY 2000-2001, the Office received appropriations funding two prosecutors devoted to cases involving fraud and theft, system intrusions, on-line solicitations and threats, and child pornography.

The office has conducted numerous computer crime training and awareness sessions for law enforcement, prosecutors, judges, government agencies, and the public. In conjunction with the National Cyber-crime Training Partnership and the National White Collar Crime Center, the office assisted in the continued training for computer evidence recovery and computer crimes investigations. The prosecutors serve on numerous state, local, and federal task forces addressing computer crimes.

The impact of the work of the Office on computer crime in this State can best be described as follows: increased awareness of criminal liability through prosecution of hackers; increased public awareness as to safety on the Internet; increased government awareness as to security of electronic information, the vulnerabilities in computer systems, and the potential danger to the State's infrastructure; and increased awareness for businesses on potential victimization.

Computer based crime is projected to continue to increase at a rapid rate.

## **2. Identity Theft Unit**

In FY 2001-2002, the Legislature appropriated three new GR positions for the prosecution of identity theft cases.

The Sixteenth Statewide Grand Jury (on identity theft) was called into existence by the Florida Supreme Court upon petition of Governor Bush and was impaneled in July of 2001. The first report of the SWGJ was issued in January 2002. News releases on the reports, indictments, arrests, and case dispositions are posted on <http://legal.fim.edu/swp>.

The Office was directed by the Legislature to assist in the creation of a fraud proof driver license. The Office issued a report in January 2003 on a comparison of licenses throughout the country and the security issues involved in production. The Statewide Grand Jury issued recommendations for changes in the issuance process. Following these reports, the Office worked with the Department of Highway Safety and Motor Vehicles on the bidding process for the vendor contract for the new driver license. The DHSMV has recommended a vendor whose product and process most closely matches the SWGJ recommendations and the Office report.

In Fiscal Year 2002-2003, the Office of Statewide Prosecution assisted in the drafting of legislation significantly increasing the criminal penalties for identity theft offenses. The legislation was titled "An Act relating to ID Theft and Internet Fraud, Prevention, Investigation, and Prosecution", and became law in Chapter 2003-71, Laws of Florida.

The unit has formed a public/private partnership to address the issues presented. Training is provided to prosecutors, law enforcement, citizen groups, and industry throughout the State.

New tools were given to investigators and prosecutors by the Florida Legislature and the Governor. The Office intends to fully utilize them. Identity theft is currently the fastest growing crime in the nation.

In FY 2002-2003, the Office received a VOCA grant to add victims' assistance personnel to the identity theft unit. One position was deployed in 2002, and a second position was filled in September 2003. Grant reports contain details of victim

contact. These represent the only victims' advocates in the country devoted solely to victims of identity theft.

### **3. Narcotics Prosecutions**

In FY 2000-2001, the Legislature appropriated four new GR positions for the prosecution of narcotics trafficking and money laundering offenses. As of September 2003, the Office has maintained a high level of activity in this area, and currently has 137 active narcotics cases.

The Office serves on the Drug Policy Advisory Council and the Violent Crime and Drug Control Council. The expansion of the Council, recommended by the Fifteenth Statewide Grand Jury, is being supported at the local level by Office participation in the regional teams. In addition, the prosecutors are working closely with several local, state, and federal Task Forces, including Fincrest, the HIDTAs, and the South Florida Money Laundering Strike force.

In FY 2002-2003, the Office received a federal gun violence prosecution grant for one position to handle weapons cases. This position is located in Orlando. Such cases are generally associated with narcotics offenses. Grant reports contain details of results.

In keeping with the Governor's Drug Control Strategy, the work of law enforcement and prosecutors in this area will continue.

### **4. White Collar Crime**

In FY 1999-2000, the Legislature funded an expiring federal grant program for the investigation and prosecution of white collar crime. The Office has used these resources to focus on health care fraud, fraud against the elderly, insurance fraud, securities fraud and fraud against the government.

The Office has been an active member of the "Strike Force Against Fraudulent Enterprises" (SAFE), a coordinated effort of law enforcement agencies working together to combat fraud in Florida, staffed by FDLE; the "States Working Interstate Fraud Together" (SWIFT) Task Force formed by the Comptroller; and the Environmental Strike Force formed by the Department of Environmental Protection. The Unit has access to the databases of the Florida Crime Information Center (FCIC) and the Florida Medicaid Management Information Service (FA4MIS). The Unit is active in the National White Collar Crime Center and the National Health Care Anti-Fraud Association.

In February 2003, at Governor Jeb Bush's request to the Supreme Court, this office empaneled the Seventeenth Statewide Grand Jury to investigate allegations that adulterated prescription drugs were being sold by wholesalers in Florida. The Statewide Prosecutor served as legal advisor to the Statewide Grand Jury. After careful scrutiny of

problems enforcing existing prescription drug regulations, the Statewide Grand Jury issued an interim report containing a series of recommendations for sweeping legislative changes to protect Florida consumers. Grand Jury reports can be found at <http://www.myfloridalegal.com/swp>. Based on these recommendations, the office drafted legislation known as the "Prescription Drug Protection Act." Under the leadership of Attorney General Charlie Crist, these legislative changes closely mirroring the important Seventeenth Statewide Grand Jury's recommendations became law in Section 2003-155, Laws of Florida. Among the changes included in these new laws were stronger criminal penalties for failing to verify where prescription drugs came from and for failing to keep them under safe conditions.

### **Participation in Anti-Terrorist Task Forces:**

The Office participated in the multi-agency anti-terrorist task forces created after September 11, 2002. Specific assistance consisted of advice on jurisdiction and authority, evidence analysis, interpretations of existing laws, and recommendations for law changes. The Office also participates in the work-shops on terrorist legislation.

### **Achievements**

In 2001, the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) conducted a comprehensive operational review and found that the Office is "effective and economically viable." See Report No.02-03 at: <http://www.oppaga.state.fl.us>.

The work of the Office has been recognized in seven Florida Cabinet Resolutions and eight Davis Productivity Awards. Most recently, In March 2003, the Office received David Productivity Awards for its efforts against identity theft and narcotics trafficking.

Prosecutors and Financial Analysts are sought as trainers by many state and national organizations.

Our victim website notification system and electronic post-case evaluation survey are unique. See <http://legal.firn.edu/swp>. Results are positive.

The annual conviction rate consistently exceeds the national average of 90%.

These trends are expected to continue.



***Florida Elections  
Commission***

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# FLORIDA ELECTIONS COMMISSION

## GOALS AND OBJECTIVES

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Goal #1: Improve agency productivity.

Objective 1A: Maintain the percentage of cases closed in a 12 month period and continue to reduce case backlog

Outcome: Of cases closed, percent of cases that are closed within a year of being opened

Baseline/Year 2001	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10
75%	80%	80%	80%	80%	80%

Due to increased agency productivity, this measure was raised from 75% in FY 02-03. Willful cases are public complaint driven and automatic fine cases are dependent of the number of fines levied that are appealed to the Commission. If staffing remains unchanged in the future it is believed 80% can be maintained.

Objective 1B: Maintain high conviction rate in cases where the Commission has found probable cause

Outcome: Of cases where the Commission has found probable cause, percent of cases where a violation is found

Baseline/Year 2001	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10
90%	90%	90%	90%	90%	90%

Following a thorough investigation by Commission staff, a Commission prosecutor drafts a statement of findings recommending to the Commission whether an election law has been violated. As a quasi judicial body, the Commission reviews the matter and determines whether there is probable cause that a violation occurred. In cases where probable cause is found, the entity may contest the Commission's findings in a formal or informal hearing, or the case may default if a timely response to the Commission's order is not received by the Commission Clerk. Our conviction rate where the Commission has found probable cause measures the ability of the Commission staff to effectively prosecute a case. This measure is a valid indicator of the success of both Commission prosecutors and investigators.

# *FLORIDA ELECTIONS COMMISSION*

## *TRENDS AND CONDITIONS STATEMENT*

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### **Mission**

The Florida Elections Commission was created in 1973 and charged with enforcing Chapter 106, Florida Statutes, the Campaign Financing Act. The Legislature expanded the Commission's jurisdiction in 1998, adding Chapter 104, Florida Statutes, the Corrupt Practices Act, and in 2000, adding Section 105.071, Florida Statutes, limitations on political activity of judicial candidates. The Commission cannot independently determine which cases to investigate. It is required by law to investigate and adjudicate all cases within its jurisdiction brought to its attention by the public.

The Commission is composed of nine members appointed by the governor who have four year terms and are limited to serving no more than two full terms. The staff consists of the executive director, two attorneys, seven investigators, the commission clerk, a business manager, and an administrative assistant.

Chapter 106, Florida Statutes, and the Commission rules require staff to review all complaints filed with the Commission. The staff investigates all legally sufficient complaints and makes a recommendation to the Commission on whether there is probable cause to believe Florida's election laws were violated. If the Commission finds probable cause, staff tries the case, when required, before the Division of Administrative Hearings or the Commission. The Commission has the authority to determine whether a violation of the election laws occurred.

The Commission also hears from candidates and committees appealing the imposition of automatic fines imposed by a filing officer for a late-filed campaign treasurer's report. The staff processes all automatic fine appeals, makes a recommendation to the Commission on whether there are "unusual circumstances," and tries the case if necessary. The Commission determines whether a fine was properly imposed or whether there are unusual circumstances that justify the late filing of the report. In 1997, the Legislature adopted legislation providing for the independence of the Commission by reorganizing it as a separate budget entity within the Department of Legal Affairs. The legislation stated the Commission is not subject to the control, supervision, or direction of the Department of Legal Affairs in the performance of its duties, including, but not limited to, personnel, purchasing transactions, and budgetary matters. The Commission hired an executive director who serves as the agency head for all administrative purposes.

The Commission's goal is to fully investigate and process the most cases in the shortest period of time. The outcome measure currently used to gage our success concerns cases closed in a given fiscal year. Of cases closed in a given year, the Commission's objective is to have had 80% those cases opened less than a year prior to their completion. Careful consideration of the number of cases opened in a given year should also be a factor in any review of this agency's service to the Florida public. The table below illustrates our success over the last six fiscal years:

<b>Fiscal Year</b>	<b>Cases Opened</b>	<b>Cases Closed</b>	<b>Outcome Standard</b>	<b>% Of Cases Closed Within a year of Being Opened.</b>	<b>Cases Pending on July 1 of fiscal year.</b>
<b>1998/99</b>	<b>478</b>	<b>351</b>	<b>75 %</b>	<b>85.8 %</b>	<b>165</b>
<b>1999/00</b>	<b>341</b>	<b>324</b>	<b>75 %</b>	<b>84.2 %</b>	<b>254</b>
<b>2000/01</b>	<b>493</b>	<b>434</b>	<b>75 %</b>	<b>88.4 %</b>	<b>204</b>
<b>2001/02</b>	<b>246</b>	<b>260</b>	<b>75 %</b>	<b>79.27 %</b>	<b>169</b>
<b>2002/03</b>	<b>541</b>	<b>509</b>	<b>80 %</b>	<b>96.0 %</b>	<b>127</b>
<b>2003/04</b>	<b>292</b>	<b>294</b>	<b>80 %</b>	<b>91.3 %</b>	<b>162</b>

The data shows that the Commission has surpassed its goal in all of the last six fiscal years. While there was a sharp increase in opened cases in fiscal year 2002/03, the Commission still exceeded its newly increased goal of 80%. Although the Commission is handling more cases, the backlog of cases carried forward from the previous year has decreased significantly in the past several fiscal years.

Along with the outcome measure of reporting the percent of cases closed within 12 months of being opened, the Commission, in fiscal year 2002/03, established a second outcome measure, the conviction rate where the Commission has found probable cause, and an output measure, the ratio of active cases to attorneys on staff. The current average caseload for the commission is approximately 150 cases per attorney for fiscal year 2003/04. The addition of these measures will help to more accurately and completely reflect the role of the agency and the success it has had enforcing Florida's election laws.

A priority of the Commission to increase output has been assisted with the reduction in staff turnover. The quality and experience of the investigative staff is critical to the Commission's success. It takes an investigator a minimum of two years to become proficient in election law. The Commission has a history of turnover in our non-supervisory investigative staff due to salary limitations. Investigators on the Ethics Commission staff performing similar investigations are paid approximately \$14,000 more annually than Elections Commission investigators. Increases in the salaries of the Commission's investigators will result in retaining experienced staff members who can investigate a case more quickly. A higher salary will also result in a more experienced pool of applicants to choose from if a staff member departs. Our 2005/06 legislative budget request hopes to correct this problem. The Commission has requested additional rate authority so that it can provide its investigators with a competitive salary.



It is the responsibility of the Commission and its staff to handle complaints filed by the public. However, it is our objective to handle those cases quickly and fairly so elections in Florida are fairer, and to punish those who fail to follow the rules as prescribed by the Legislature.

### **Impact Statement**

At this time, the Florida Elections Commission is neither creating new programs nor requesting additional staff or general revenue monies. The Commission believes that the service it provides the Florida public in enforcing this state's election laws is an important one. A free and fair election is the cornerstone of our democratic system of government. Since the increase in staff in fiscal year 2000/01, from 13 to 16, it is clear the Commission is handling more cases and completing them more expeditiously. Historically, the Commission handles the most cases during the presidential election year followed close behind by the gubernatorial election year. Therefore, the Commission anticipates another increase in the number of complaints in fiscal year 2004/05.



# ***Exhibits***

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**LRPP Exhibit I: Agency Workforce Plan**

<b>Fiscal Years</b>	<b>Total FTE Reductions</b>	<b>Description of Reduction Issue</b>	<b>Positions per Issue</b>	<b>Impact of Reduction</b>
FY 2005-2006	21	Reduce Reserve positions in Criminal and Civil Litigation Defense budget entity 21		There should not be any impact. The agency doesn't anticipate having a need for these positions.
FY2006-2007	20	Reduce Reserve positions in Criminal and Civil Litigation Defense budget entity 20		There should not be any impact. The agency doesn't anticipate having a need for these positions.
<b>Total*</b>	<b>41</b>			

\*to equal remainder of target

**LRPP Exhibit II - Performance Measures and Standards**

**Department: LEGAL AFFAIRS / ATTORNEY GENERAL**

41100000 Program: Office of Attorney General  
 41100100 Civil Enforcement

Approved Performance Measures (Words)	Approved Prior Year Standards FY 2003-04 (Numbers)	Prior Year Actual FY 2003-04 (Numbers)	Approved Standards for FY 2004-05 (Numbers)	Requested FY 2005-06 Standard (Numbers)
Percent of mediated open government cases resolved in 3 weeks or less	70%	73%	70%	70%
Percent of lemon law cases resolved in less than one year	80%	99%	80%	80%
Percent of clients expressing satisfaction with civil enforcement legal services	95%	TBD*	95%	95%
Number of open government cases handled	75	130	75	100
Percent of open government disputes resolved through mediation	75%	73%	75%	75%
Number of repurchase disclosure/enforcement cases	2,000	3,939	2,000	2,000
Number of active lemon law cases	1,425	1,411	1,425	1,425
Number of active antitrust cases	50	72	50	62
Number of active economic crime cases, including consumer and RICO cases	866	242	866	242
Number of active Medicaid Fraud cases	500	970	500	750
Number of hearings held before the court- Childrens Legal Services	37,000	33,047	32,000	32,000
Number of active ethics cases	33	110	33	33
Number of active child support enforcement	65,000	60,038	65,000	65,000
Number of active civil rights cases	38	39	38	38

41100200 Constitutional Legal Services

Approved Performance Measures (Words)	Approved Prior Year Standards FY 2003-04 (Numbers)	Prior Year Actual FY 2003-04 (Numbers)	Approved Standards for FY 2004-05 (Numbers)	Requested FY 2005-06 Standard (Numbers)
Approved Performance Measures (Words)				

**LRPP Exhibit II - Performance Measures and Standards**

<b>Department: LEGAL AFFAIRS / ATTORNEY GENERAL</b>				
Number of days for opinion response	28	6.2	28	28
Percent of clients expressing satisfaction with constitutional legal services	95%	TBD*	95%	95%
Number of opinions issued	300	980	300	200
Number of active Solicitor General cases	195	354	245	390

41100300 Criminal and Civil Litigation Defense
--

	Approved Prior Year Standards FY 2003-04 (Numbers)	Prior Year Actual FY 2003-04 (Numbers)	Approved Standards for FY 2004-05 (Numbers)	Requested FY 2005-06 Standard (Numbers)
<b>Approved Performance Measures (Words)</b>				
Percent of clients expressing satisfaction with criminal and civil legal defense services	95%	TBD*	95%	95%
Total fees and costs expended for legal services with private outside counsel	TBD	TBD*	TBD	TBD*
Percentage of State of Florida legal services conducted private v. public	TBD	TBD*	TBD	TBD*
Salaries, benefits and costs of in-house legal units for each state agency	TBD	TBD*	TBD	TBD*
Number of capital cases - briefs/state & federal responses/oral arguments	200	241	200	200
Number of noncapital cases - briefs/state & federal responses/oral arguments	17,500	21,247	19,000	19,000
Number of active sexual predator commitment appeals	220	206	175	175
Number of active eminent domain cases	1,042	1,672	1,456	1,456
Number of active tax cases	1,200	1,473	1,373	1,373
Number of active civil appellate cases	345	771	323	323
Number of active inmate cases	1,385	1,676	1,651	1,651
Number of active state employment cases	163	190	113	113
Number of active tort cases	395	369	395	395

**LRPP Exhibit II - Performance Measures and Standards**

**Department: LEGAL AFFAIRS / ATTORNEY GENERAL**

41100400 Victim Services

Approved Performance Measures (Words)	Approved Prior Year Standards FY 2003-04 (Numbers)	Prior Year Actual FY 2003-04 (Numbers)	Approved Standards for FY 2004-05 (Numbers)	Requested FY 2005-06 Standard (Numbers)
Number of victim compensation claims received	22,100	20,905	22,100	21,000
Number of days from application to payment of victim compensation claim	58	29	58	58
Number of victims served through grants	175,000	215,650	200,000	200,000
Number of people attending victims and crime prevention training	6,000	4,483	6,000	5,000

41100500 Executive Direction and Support Services

Approved Performance Measures (Words)	Approved Prior Year Standards FY 2003-04 (Numbers)	Prior Year Actual FY 2003-04 (Numbers)	Approved Standards for FY 2004-05 (Numbers)	Requested FY 2005-06 Standard (Numbers)
Of eligible attorneys, percent who have attained rating, BV rating, and or board certification	70%	75%	70%	70%

41200000 Program: Office of Statewide Prosecution  
41200100 Prosecution of Multi-Circuit Organized Crime

Approved Performance Measures (Words)	Approved Prior Year Standards FY 2003-04 (Numbers)	Prior Year Actual FY 2003-04 (Numbers)	Approved Standards for FY 2004-05 (Numbers)	Requested FY 2005-06 Standard (Numbers)
Conviction rate for defendants who reached final disposition	90%	91%	90%	90%

## LRPP Exhibit II - Performance Measures and Standards

<b>Department: LEGAL AFFAIRS / ATTORNEY GENERAL</b>				
Of the defendants who reached disposition, the number of those convicted	355	434	391	391
Number of law enforcement agencies assisted	107	101	75	75
Total number of active cases, excluding drug cases	600	652	650	650
Total number of active drug related multi-circuit organized criminal cases	200	347	275	275

41300000 Program: Florida Elections Commission  
 41300100 Campaign Finance and Election Fraud Enforcement

Approved Performance Measures (Words)	Approved Prior Year Standards FY 2003-04 (Numbers)	Prior Year Actual FY 2003-04 (Numbers)	Approved Standards for FY 2004-05 (Numbers)	Requested FY 2005-06 Standard (Numbers)
Ratio of active cases to Attorneys	115:01:00	150:01:00	115:01:00	115:01:00
Conviction rate where the Commission has found probable cause	90%	88%	90%	90%
Percentage of cases that are closed within 12 months	80%	90%	80%	80%

\* This data is collected through our annual client surveys which are sent out in mid July. We should have responses calculated by the middle of August and the data will be updated at that time.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs  
**Program:** Office of the Attorney General  
**Service/Budget Entity:** Civil Enforcement/Lemon Law  
**Measure:** Output – Number of Active Lemon Law Cases

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure           | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                    |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
1,425	1,411	14 (Under)	1%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect |  |
| <input type="checkbox"/> Other (Identify)            |  |

**Explanation:**

**External Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems      |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster            |
| <input type="checkbox"/> Target Population Change                            | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |  |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |  |

**Explanation:**

This measure is largely dependent upon external factors and represents cases approved for arbitration. The number of cases approved for arbitration is dependent upon whether consumers file claims and whether those claims are determined eligible by the Division of Consumer Services of the Department of Agriculture and Consumer Services. External factors such as new motor vehicle sales, customer satisfaction, manufacturer-sponsored arbitration programs, and manufacturer response to problems before they become state arbitration cases all influence the number of cases that may be approved for arbitration in this program.

The standard for this measure was changed from 1,530 for FY 02/03 to 1,425 for FY 03/04. Due to the small differentiation between the established standard and



year-to-date actual total, it is recommended that this measure remain unchanged, with close monitoring of the program's quarterly performance to determine whether the performance standard should be adjusted for FY 06/07.

**Management Efforts to Address Differences/Problems** (check all that apply):

Training

Technology

Personnel

Other (Identify)

**Recommendations:**



Training

Personnel

**Recommendations:**

Technology

Other (Identify)

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs  
**Program:** Office of the Attorney General  
**Service/Budget Entity:** Civil Enforcement/RICO/Consumer  
**Measure:** Output - Number of Active Economic Crime Cases, including Consumer and RICO Cases

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| X Performance Assessment of <u>Output</u> Measure                         | <input type="checkbox"/> Deletion of Measure |
| X Adjustment of GAA Performance Standards                                 |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
866	242	624 (Under)	72%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Personnel Factors    | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| X Previous Estimate Incorrect                 |  |
| X Other (Identify)                            |  |

**Explanation:**

The program was opening a case for every cease and desist letter that was issued in connection with a complaint regardless of whether an investigation ensued. That practice was changed in the second quarter of FY 03/04 to opening a case when an unsolicited fax complaint resulted in an investigation or litigation. This change to the measure and how the data is being collected is an improved indicator of the program's performance.

It is requested that the standard for FY 05/06 be changed to 242.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

**Management Efforts to Address Differences/Problems** (check all that apply):

- |                                    |   |
|------------------------------------|---|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology       |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> Other (Identify) |

**Recommendations:**

*Office of Policy and Budget – June 2004*

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Civil Enforcement/Medicaid Fraud Control Unit

**Measure:** Output – Number of Active Medicaid Fraud Cases

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure   | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure    | <input type="checkbox"/> Deletion of Measure |
| <input checked="" type="checkbox"/> Adjustment of GAA Performance Standards |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
500	970	470 (Over)	94% (exceeding standard)

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Personnel Factors                      | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities                   | <input type="checkbox"/> Level of Training |
| <input checked="" type="checkbox"/> Previous Estimate Incorrect |  |
| <input checked="" type="checkbox"/> Other (Identify)            |  |

**Explanation:**

For FY 02/03, the program completed the year with a 207% completion rate. It is requested that the standard for FY 05/06 be increased to 750, to provide a more accurate reflection of the number of active cases.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

**Management Efforts to Address Differences/Problems** (check all that apply):

- |                                    |   |
|------------------------------------|---|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology       |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> Other (Identify) |

**Recommendations:**

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Civil Enforcement/Child Support Enforcement

**Measure:** Output – Number of Active Child Support Enforcement Cases

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| X Performance Assessment of <u>Output</u> Measure                         | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards          |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
65,000	60,038	4,962 (Under)	8%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Personnel Factors    | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| X Previous Estimate Incorrect                 |  |
| X Other (Identify)                            |  |

**Explanation:**

The program opened a new office and program staff had to be trained in Department of Revenue (DOR) and Office of the Attorney General policies and procedures. The model contract is new to the region and the number of referrals was an estimation. DOR applied a formula to the number of cases previously referred.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | X Other (Identify)                              |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

This measure is largely dependent upon external factors. Referrals are submitted to the Department by the Department of Revenue. The program has no influence on the number of referrals received, however, the measure is a valid indicator of the volume of work handled by the program.

The standard for this measure was increased from 25,000 in FY 02/03 to 65,000 for FY 03/04 and FY 04/05. Program staff believe this performance measure standard is reasonable. It is recommended that this measure remain unchanged,

with close monitoring of the program's quarterly performance to determine whether the performance standard should be adjusted for FY 06/07.

**Management Efforts to Address Differences/Problems** (check all that apply):

- Training
- Personnel

- Technology
- Other (Identify)

**Recommendations:**



## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Children's Legal Services

**Measure:** Output - Number of Hearings Held Before the Court-Children's Legal Services

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| X Performance Assessment of <u>Output</u> Measure                         | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards          |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
37,000	33,047	3,953 (Under)	11%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Personnel Factors    | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| X Previous Estimate Incorrect                 |  |
| X Other (Identify)                            |  |

**Explanation:**

The figure of 37,000 was based upon an estimation of the number of court hearings that would be held each year. This estimate was made prior to the 2003/2004 fiscal year; before CLS kept track of statistics with case tracking. Towards the end of 2002, and into 2003, changes were made by the Court. The advent of these changes assisted in making the figure of 37,000 unattainable.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | X Other (Identify)                              |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

This measure is largely dependent upon external factors and represents the number of court hearings (i.e. shelter hearings, arraignments, judicial reviews, trials, and various motions) on an active case.

Over the last one and a half years, modifications were made in the judicial process to more expeditiously move a case towards completion. These modifications have been improvements, not just for the legal system, but for the children involved in the cases. The time period in which dependency cases were

brought to trial has been reduced. The modifications that were made, reduced the number of court hearings needed for cases to be resolved.

The standard for this performance measure was adjusted to 32,000 for FY 04/05. It is recommended that this measure remain unchanged, with close monitoring of the program's quarterly performance to determine whether the performance standard should be adjusted for FY 06/07.

**Management Efforts to Address Differences/Problems** (check all that apply):

Training

Personnel

Technology

Other (Identify)

**Recommendations:**

*Office of Policy and Budget – June 2004*

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Civil Enforcement/Open Government Mediation

**Measure:** Outcome – Number of Open Government Cases Handled

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure   | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure    | <input type="checkbox"/> Deletion of Measure |
| <input checked="" type="checkbox"/> Adjustment of GAA Performance Standards |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
75	130	55 (Over)	73% (exceeding standard)

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Personnel Factors                      | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities                   | <input type="checkbox"/> Level of Training |
| <input checked="" type="checkbox"/> Previous Estimate Incorrect |  |
| <input type="checkbox"/> Other (Identify)                       |  |

**Explanation:**

This measure serves to assess the value of this program to members of the public and agencies who are affected by disputes over access to public records and meetings. The number of cases handled reflects the number of individuals who have considered mediation as an alternative to other more costly alternatives to resolve controversies. The more cases that are initiated, the greater the value the program has to those who are involved in access controversies.

The standard for this measure has remained unchanged for at least two years. The program completed FY 02/03 with a percentage completion of 103%. It is requested that the established standard for this measure be changed to 100 for FY 05/06, to provide a more accurate reflection of program performance.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

**Management Efforts to Address Differences/Problems** (check all that apply):

Training

Personnel

Technology

Other (Identify)

**Recommendations:**

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs  
**Program:** Office of the Attorney General  
**Service/Budget Entity:** Civil Enforcement/Open Government Mediation  
**Measure:** Outcome – Percent of Open Government Disputes Resolved through Mediation

**Action:**

- Performance Assessment of Outcome Measure     Revision of Measure  
 Performance Assessment of Output Measure     Deletion of Measure  
 Adjustment of GAA Performance Standards

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
75%	73%	2% (Under)	2%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Personnel Factors<br><input type="checkbox"/> Competing Priorities<br><input type="checkbox"/> Previous Estimate Incorrect<br><input type="checkbox"/> Other (Identify) | <input type="checkbox"/> Staff Capacity<br><input type="checkbox"/> Level of Training |
|--|---|

**Explanation:**

**External Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable<br><input type="checkbox"/> Legal/Legislative Change<br><input type="checkbox"/> Target Population Change<br><input type="checkbox"/> This Program/Service Cannot Fix The Problem<br><input type="checkbox"/> Current Laws Are Working Against The Agency Mission | <input type="checkbox"/> Technological Problems<br><input type="checkbox"/> Natural Disaster<br><input checked="" type="checkbox"/> Other (Identify) |
|--|--|

**Explanation:**

Although this measure is initially dependent upon external factors, it is a valid indicator of program performance. The measure represents the percentage of open government disputes successfully resolved when a citizen contacts the office to request mediation assistance.

The standard for this measure has remained unchanged for at least two years. Due to the small differentiation between the established standard and year-to-date actual total, it is recommended that this measure remain unchanged, with close monitoring of the program's quarterly performance to determine whether the performance standard should be adjusted for FY 06/07.

**Management Efforts to Address Differences/Problems** (check all that apply):

Training

Personnel

Technology

Other (Identify)

**Recommendations:**

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Constitutional Legal Services/Solicitor General

**Measure:** Output – Number of Active Solicitor General Cases

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure   | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measures   | <input type="checkbox"/> Deletion of Measure |
| <input checked="" type="checkbox"/> Adjustment of GAA Performance Standards |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
195	354	159 (Over)	82% (exceeding standard)

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Personnel Factors                      | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities                   | <input type="checkbox"/> Level of Training |
| <input checked="" type="checkbox"/> Previous Estimate Incorrect |  |
| <input checked="" type="checkbox"/> Other (Identify)            |  |

**Explanation:**

When the program projected the FY 03/04 standard of 195, they had not fully anticipated the expanded role of the Solicitor General's unit in appellate oversight combined with the acquisition of the Special Projects unit.

For FY 02/03, the program completed the year with a 160% completion rate. The standard was adjusted for FY 04/05 to 245. It is requested that the standard for FY 05/06 be increased to 390, to provide a more accurate reflection of the number of cases.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

**Management Efforts to Address Differences/Problems** (check all that apply):

- |                                    |   |
|------------------------------------|---|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology       |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> Other (Identify) |

**Recommendations:**

*Office of Policy and Budget – June 2004*



## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Criminal and Civil Litigation Defense

**Measure:** Output – Number of Active Sexual Predator Commitment

**Appeals**

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure           | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                    |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
220	206	14 (Under)	6%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect |  |
| <input type="checkbox"/> Other (Identify)            |  |

**Explanation:**

**External Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems      |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster            |
| <input type="checkbox"/> Target Population Change                            | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |  |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |  |

**Explanation:**

This measure is largely dependent upon external factors and represents the number of Sexual Predator Commitment Appeals that are filed.

The standard for this measure was changed from 220 for FY 02/03 and FY 03/04, to 175 for FY 04/05. Due to the small differentiation between the established standard and year-to-date actual total, it is recommended that this measure remain unchanged, with close monitoring of the program's quarterly performance to determine whether the performance standard should be adjusted for FY 06/07.

**Management Efforts to Address Differences/Problems** (check all that apply):

Training

Personnel

Technology

Other (Identify)

**Recommendations:**

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Criminal and Civil Litigation Defense

**Measure:** Output –Number of Active Tort Cases

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure           | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                    |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
395	369	26 (Under)	6%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect |  |
| <input type="checkbox"/> Other (Identify)            |  |

**Explanation:**

**External Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems      |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster            |
| <input type="checkbox"/> Target Population Change                            | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |  |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |  |

**Explanation:**

This measure is largely dependent upon external factors. Each case represents lawsuits referred to the Department that are pending in State or Federal courts; DOAH; PERC; EEOC; or Florida Commission on Human Relations.

Due to the small differentiation between the established standard and year-to-date actual total, it is recommended that the measure and proposed standard remain unchanged, with close monitoring of the program's quarterly performance to determine whether the performance standard should be adjusted for FY 06/07.

**Management Efforts to Address Differences/Problems** (check all that apply):

- |                                    |   |
|------------------------------------|---|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology       |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> Other (Identify) |

**Recommendations:**

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Victim Services/Victim Compensation

**Measure:** Outcome – Number of Victim Compensation Claims Received

**Action:**

- Performance Assessment of Outcome Measure     Revision of Measure  
 Performance Assessment of Output Measure     Deletion of Measure  
 Adjustment of GAA Performance Standards

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
22,100	20,905	1,195 (Under)	5%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect |  |
| <input type="checkbox"/> Other (Identify)            |  |

**Explanation:**

**External Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems      |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster            |
| <input type="checkbox"/> Target Population Change                            | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |  |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |  |

**Explanation:**

This measure is largely dependent upon external factors and represents application claim forms that are filed by a Victim or Applicant and entered into the claim tracking system. The measure is governed by FS 960 and FAC 2A-2.

It is requested that the established standard for this measure be adjusted to 21,000. Although the program does not have any influence over the total number of application forms received, the data does provide information regarding the volume of application claim forms received and handled by the program.

**Management Efforts to Address Differences/Problems** (check all that apply):

- |                                    |   |
|------------------------------------|---|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology       |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> Other (Identify) |

**Recommendations:**



*Office of Policy and Budget – June 2004*

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs  
**Program:** Office of the Attorney General  
**Service/Budget Entity:** Victim Services/Victim Compensation  
**Measure:** Output – Number of People Attending Victims and Crime Prevention Training

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| X Performance Assessment of <u>Output</u> Measure                         | <input type="checkbox"/> Deletion of Measure |
| X Adjustment of GAA Performance Standards                                 |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
6,000	4,483	1,517 (Under)	25%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect |  |
| <input type="checkbox"/> Other (Identify)            |  |

**Explanation:**

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | X Other (Identify)                              |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

This measure is largely dependent upon external factors and is representative of the total number of people attending SRO, Crime Prevention and Victims trainings between July 1 and June 30.

The standard for this measure has remained unchanged for at least two years. In FY 02/03, the program met their established standard due to their ability to provide free workshops on SRO and Terrorism with the availability of money in non-recurring funding from FDLE. In addition, attendance at the *National Conference on Preventing Crime in the Black Community* has decreased over the past three years.

It is requested that the established standard for this measure be changed to 5,000.

**Management Efforts to Address Differences/Problems** (check all that apply):

Training

Technology

Personnel

Other (Identify)

**Recommendations:**

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Statewide Prosecution/Investigation & Prosecution of Multi-Circuit Organized Crime

**Measure:** Output – Number of Law Enforcement Agencies Assisted

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure           | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                    |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
107	94	13 (Under)	12%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect |  |
| <input type="checkbox"/> Other (Identify)            |  |

**Explanation:**

**External Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems      |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster            |
| <input type="checkbox"/> Target Population Change                            | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |  |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |  |

**Explanation:**

This measure is dependent upon the receipt of requests for assistance (RFA) from primary and secondary law enforcement agencies from each region of the state.

The standard for this measure was adjusted for FY 04/05 to 75. It is recommended that this measure remain unchanged, with close monitoring of the program's quarterly performance to determine whether the performance standard should be adjusted for FY 06/07.



**Management Efforts to Address Differences/Problems** (check all that apply):

Training

Personnel

Technology

Other (Identify)

**Recommendations:**

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs  
**Program:** Office of the Attorney General  
**Service/Budget Entity:** Florida Elections Commission  
**Measure:** Outcome – Conviction Rate where the Commission has Found Probable Cause

**Action:**

- Performance Assessment of Outcome Measure     Revision of Measure  
 Performance Assessment of Output Measure     Deletion of Measure  
 Adjustment of GAA Performance Standards

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
90%	88%	2% (Under)	2%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Personnel Factors<br><input type="checkbox"/> Competing Priorities<br><input type="checkbox"/> Previous Estimate Incorrect<br><input type="checkbox"/> Other (Identify) | <input type="checkbox"/> Staff Capacity<br><input type="checkbox"/> Level of Training |
|--|---|

**Explanation:**

**External Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable<br><input type="checkbox"/> Legal/Legislative Change<br><input type="checkbox"/> Target Population Change<br><input type="checkbox"/> This Program/Service Cannot Fix The Problem<br><input type="checkbox"/> Current Laws Are Working Against The Agency Mission | <input type="checkbox"/> Technological Problems<br><input type="checkbox"/> Natural Disaster<br><input checked="" type="checkbox"/> Other (Identify) |
|--|--|

**Explanation:**

The measure is based upon Willful and Failure to File case reports that are generated from the Case Management System (CMS) which demonstrates whether the Commission found a violation or no violation between the dates requested. The number of cases in which the Commission found a violation is divided by the total number of cases.

Due to the small differentiation between the established standard and year-to-date actual total, it is recommended that this measure remain unchanged, with close monitoring of the program's quarterly performance to determine whether the performance standard should be adjusted for FY 06/07.

**Management Efforts to Address Differences/Problems** (check all that apply):

Training

Personnel

Technology

Other (Identify)

**Recommendations:**

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Civil Enforcement/Antitrust

**Measure:** Output – Number of Active Antitrust Cases

**Action** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

### **Data Sources and Methodology:**

Data sources include: 1. Citizen complaint, 2. Tip from other state, 3. Public disclosure, and, 4. Other circumstance, such as attorney contact handling upcoming merger.

The case is opened by entering the open case date, status and reason into the Lotus Notes Antitrust Case Tracking database. The case is closed when the review of the matter (i.e., mergers, lawsuits, etc.) has been completed or resolved by settlement, litigation, or compliance. A case is active from the point of opening to closing.

The total number of active cases between July 1 and June 30.

### **Validity:**

Data sources were identified for accuracy. Automated record systems were reviewed to determine the manner in which the unit derived the number presented to ensure the numerical representation of the measure was complete and mathematically correct. Baseline data were reviewed to understand the selection of the standard and to determine the reliability of the data represented. Interviews were conducted with program management and staff to assist in determining whether or not the measure represented what the program is trying to measure.

The measure is a valid indicator of program performance. The data measured is quarterly and annually reported and reviewed by the Office of Inspector General.

### **Reliability:**

The Bureau has weekly meetings to discuss the status of each case. Due to the nature of the caseload, all of the data is maintained and monitored by the Bureau

Chief. The Chief reviews each data file entered by the Staff Assistant and compares data to hard file information. Data errors are corrected as identified. Review of automated records revealed that sufficient controls are in place to assure data accuracy.

*Office of Policy and Budget – June, 2004*

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Civil Enforcement/RICO/Consumer

**Measure:** Outcome – Number of Active Economic Crimes Cases, Including Consumer and RICO Cases

**Action** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

### **Data Sources and Methodology:**

A case is an investigation or a filed case in state or federal court concerning violations of consumer protection laws, the RICO Act, the False Claims Act and/or civil theft or fraud.

The case is opened by entering the open case date, status and reason into the Lotus Notes Economic Crimes Case Tracking database. The case is closed by entering the closed case date, status and reason into the Lotus Notes Economic Crimes Case Tracking database. A case is closed by a filed complaint, when a settlement agreement is reached or the case is deemed to be unsubstantiated.

The total number of active cases between July 1 and June 30.

### **Validity:**

Data sources were identified for accuracy. Automated record systems were reviewed to determine the manner in which the unit derived the number presented to ensure the numerical representation of the measure was complete and mathematically correct. Baseline data were reviewed to understand the selection of the standard and to determine the reliability of the data represented. Interviews were conducted with program management and staff to assist in determining whether or not the measure represented what the program is trying to measure.

### **Reliability:**

A Secretary reviews the data entered by the Attorney and Investigator. A Section Chief and Assistant Deputy Attorney General periodically review and verify data. Data errors are corrected as identified. Review of automated records revealed that sufficient controls are in place to assure data accuracy.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Civil Enforcement/Medicaid Fraud Control Unit

**Measure:** Output – Number of Active Medicaid Fraud Cases

**Action** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

### **Data Sources and Methodology:**

Referrals by the Agency for Health Care Administration and citizen complaints concerning fraud in the administration of the Medicaid program, medical assistance or in the activities of providers of health care initiate a Medicaid Fraud investigation.

A case is opened by entering a case referral or citizen complaint into the Lotus Notes Medicaid Fraud Case Tracking database. A case is closed once the Investigative Closing Report and Closed Case Profile is received which demonstrates a filed complaint, when a settlement agreement is reached or when the case is deemed to be unsubstantiated.

The total number of active cases between July 1 and June 30.

### **Validity:**

Data sources were identified for accuracy. Automated and manual records were reviewed to ensure the numerical representation of the measure was complete and mathematically correct. Baseline data were reviewed to understand the selection of the standard and to determine the reliability of the data represented. Interviews were conducted with program management and staff to assist in determining whether or not the measure represented what the program is trying to measure.

The measure is a valid indicator of program performance. The data measured is quarterly and annually reported and reviewed by the Office of Inspector General.

### **Reliability:**

Standard operating procedures are in place to ensure that cases are opened uniformly. An investigative log is maintained throughout the investigation by the

investigator that is routinely reviewed by the direct supervisor to ensure the investigation is handled appropriately. Data are reviewed by secretary, investigator, Supervisor, Bureau Chief, Closing Assistant and Central Operations Manager. The system accounts for all steps in the investigation process and maintains a history of data entry to ensure an accurate audit trail. Review of automated records revealed that sufficient controls are in place to assure data accuracy.

*Office of Policy and Budget – June, 2004*



## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Civil Enforcement/Open Government Mediation

**Measure:** Outcome – Number of Open Government Cases Handled

**Action** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

### **Data Sources and Methodology:**

Number of individuals that have considered mediation as an alternative to other more costly alternatives to resolve controversies.

Data sources include: 1) Issue; 2) Summary of events that led to mediation; 3) Summary of actions as part of the mediation process; 4) Resolution, if any.

A case is opened when the individual or agency contacts the office to request mediation assistance. The data is entered into a Lotus Notes database entitled Sunshine Mediation by either the Administrative Assistant or the General Counsel. The open case date is automatically assigned by the system. As the case progresses, the remaining data is entered until the case is resolved or withdrawn.

The total number of cases between July 1 and June 30.

### **Validity:**

Data sources were identified for accuracy. Automated and manual records were reviewed to ensure the numerical representation of the measure was complete and mathematically correct. Baseline data were reviewed to understand the selection of the standard and to determine the reliability of the data represented. Interviews were conducted with program management and staff to assist in determining whether or not the measure represented what the program is trying to measure.

The measure is an appropriate indicator of the overall value and utilization of the program by agencies and citizens. Additionally, this measure serves as a good indicator of the program's value to citizens and agencies involved in public records disputes.

The data measured is reported quarterly and annually and reviewed by the Office of Inspector General.

**Reliability:**

Data entered are reviewed by the Administrative Assistant and the General Counsel. Data errors are corrected as identified. Review of automated and manual records revealed that sufficient controls are in place to assure data accuracy.

*Office of Policy and Budget – June, 2004*

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Constitutional Legal Services/Solicitor General

**Measure:** Output – Number of Active Solicitor General Cases

**Action** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

### **Data Sources and Methodology:**

1. Amicus Curiae Cases;
2. Petitions Filed at the Florida Supreme Court
3. Cases Involving a Challenge to the Constitutionality of a Florida Statute
4. Appellate Cases; and,
5. Opinions Issued by the United States Supreme Court, 11<sup>th</sup> Circuit Court of Appeals, Florida Supreme Court or Florida District Courts of Appeals with a potential interest to the State of Florida

Opinions are reviewed upon issuance from the individual courts and requests for participation in amicus cases are reviewed upon notification by the National Association of Attorneys General (NAAG). Other sources include requests from other state attorneys general or solicitors general and requests circulated through NAAG affiliated task forces or issue working groups, other state agencies, or private counsel seeking state amicus support for their client

All cases are recorded and maintained through the Solicitor General's Caseload database or the Appellate or Constitutional Challenge Notification databases on the Department's Lotus Notes system. The cases are categorized according to their legal category (i.e. amicus, appellate, complex litigation) and case status (i.e. active, closed, monitor, potential, assigned) for tracking and reporting purposes.

The total number of cases between July 1 and June 30.

### **Validity:**

Data sources were identified for accuracy. Automated and manual records were reviewed to ensure the numerical representation of the measure was complete and mathematically correct. Baseline data were reviewed to understand the selection of the standard and to determine the reliability of the data represented.

Interviews were conducted with program management and staff to assist in determining whether or not the measure represented what the program is trying to measure.

The measure is a valid indicator for legal services provided. The data measured is reported quarterly and reviewed by the Office of Inspector General.

**Reliability:**

The recently developed database tracking systems facilitate data collection, case tracking and agency wide reporting on non-criminal appeals and constitutional challenges. The systems prove to enhance the case reviews and monitoring procedures. Data can be easily extracted and quickly reported. The database and charting systems allow for consistent review and action when similar issues are involved in different courts. The case monitoring system makes it possible for the Solicitor General to remain informed and pro-active on federal and state issues.

Cases are reviewed on a regular basis during group or individual meetings with staff to discuss the status and outcome of all cases under review, assigned or monitored. In addition, the National Association of Attorneys General provides a Supreme Court Report on a regular basis which summarizes all pending cases before that court. Data errors are corrected as identified. Automated records were reviewed to ensure that sufficient controls are in place to assure data accuracy and reliability.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Victim Services/Victim Compensation

**Measure:** Output – Number of Victim Compensation Claims Received

**Action** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

### **Data Sources and Methodology:**

An application claim form is filed by a victim or applicant and entered into the Claim Tracking System database.

Total number of claims received between July 1 and June 30 (based on the application date).

### **Validity:**

Data sources were identified for accuracy. Automated record systems were reviewed to determine the manner in which the unit derived the number presented to ensure the numerical representation of the measure was complete and mathematically correct. Interviews were conducted with program management and staff to assist in determining whether or not the measure represented what the program is trying to measure.

The data measured is quarterly and annually reported and reviewed by the Office of Inspector General.

### **Reliability:**

Secretaries, analysts and program administrators review data. Errors are corrected as identified. Data supporting the measure calculation could not be generated internally without modification of the current computer system. As a result, the Office of Inspector General is unable to complete the data collection system review to test supporting documentation for data accuracy and ensure sufficient controls are in place to assure data validity and reliability.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Victim Services/Crime Prevention Training

**Measure:** Output – Number of People Attending Victims and Crime Prevention Training

**Action** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

### **Data Sources and Methodology:**

Florida Crime Prevention Training Institute

- 1) Participants in Training
- 2) Class Rosters

The training coordinator is required to submit a summary form for training completed. The data is entered into a FoxPro training database, which maintains registration information.

The total number of individuals attending SRO, Crime Prevention and Victims trainings between July 1 and June 30.

### **Validity:**

Data sources were identified for accuracy. Automated and manual records were reviewed to ensure the numerical representation of the measure was complete and mathematically correct. Baseline data were reviewed to understand the selection of the standard and to determine the reliability of the data represented. Interviews were conducted with program management and staff to assist in determining whether or not the measure represented what the program is trying to measure.

The measure is a valid indicator of program performance. The data measured is quarterly and annually reported and reviewed by the Office of Inspector General.

### **Reliability:**

Facilitators take attendance twice daily for each training. The trainer submits the class roster to the Bureau Chief for review and the Administrative Assistant enters the data into the system. Data are reviewed for errors and corrected as identified. Review of automated and manual records revealed that sufficient controls are in place to assure data accuracy.



# ***Appendices***

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**GLOSSARY**

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**Attorney General Opinions:** Section 16.01, F.S. provides that the Attorney General shall provide official opinions and legal advice on questions of law from designated public officials.

**Antitrust:** Refers to laws and regulations designed to protect trade and commerce from unfair business practices which adversely impact the citizens of the state.

**Cabinet:** The Florida Cabinet is created in Art. 1V, Section 4, Florida Constitution. The Cabinet is composed of an elected secretary of state, attorney general, comptroller, treasurer, commissioner of agriculture and commissioner of education. On January 7, 2003, the composition of the Florida Cabinet changes pursuant to Constitutional amendment. The Florida Cabinet, along with Florida's Governor, sit as the head of several state agencies, commissions and boards.

**Child Support Enforcement:** Refers to the Child Support Enforcement Division of the Florida Department of Revenue charged with the administration of the child support enforcement program, Title IV-D of the Social Security Act, 42 U.S.C. ss. 651 et seq.

**Churning:** The practice of using life insurance policy or contract annuity values to purchase another policy or contract with the same insurer for the purpose of earning additional premiums, fees, commissions, or other compensation.

**Children's Legal Services:** a division within the Attorney General's Office.

**Eminent Domain:** The power of the government to take private property for a public purpose, with the payment of full compensation for the property taken.

**False Claims Act:** s. 68.081 - 68.09, F.S. The purpose of the Act is to deter persons from knowingly causing or assisting in causing state government to pay claims that are false.

**Florida Civil Rights Act:** Refers to ch. 760, Florida Statutes. The Act's general purposes are to secure for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status and thereby to protect their interest in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights, and privileges of individuals within the state.

**Florida Crimes Compensation Act:** Pursuant to ch. 960, F. S., provides that innocent victims of crime who, as a result of the crime, suffer physical, financial, mental or emotional hardship may be eligible to receive aid, care, and support from the state.

**Florida Deceptive and Unfair Trade Practices Act:** s. 501.201 - 501.213, F.S. Purpose of the Act is to protect the consuming public and legitimate businesses from those who engage in unfair



methods, or unconscionable, deceptive or unfair acts or practices in the conduct of any trade or commerce.

**Government in the Sunshine Law:** Commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings at both the state and local levels. See s. 286.011, F.S. and Article I, s. 24, Florida Constitution.

**Hate Crimes:** Incidents of criminal acts that evidence of prejudice based on race, religion, ethnicity, color, ancestry, sexual orientation, or national origin. (see s.877.19, F.S.)

**Lemon Law:** Refers to the provisions of ch. 681, F.S., providing remedies to a consumer whose new motor vehicle (referred to as a “lemon”) has defects which cannot be brought into conformity with the warranty provided.

**Lemon Law Arbitration Program:** An unit within the Attorney General’s Office.

**New Motor Vehicle Arbitration Board:** Pursuant to s. 681.1095, the board is established within the Department of Legal Affairs and appointed by the Attorney General to arbitrate disputes between consumers and automobile manufacturers and/or dealers.

**Price Gouging:** Refers to practices prohibited in s. 501.160, F.S., during a declared state of emergency. Practices include the “unconscionable” increase in sale price or rental cost of goods, services, dwelling units, and other specified commodities during a declared state of emergency. The increase is generally deemed “unconscionable” if the amount charged represents a gross disparity between the increased price and that which was charged during the 30 days immediately prior to the declaration of a state of emergency.

**Public Records Law:** Refers to state policy that all state, county and municipal records shall be open for personal inspection by any person in accordance with ch. 119, F.S.

**Pyramid Scheme:** A sales or marketing plan whereby a person makes an investment in excess of \$100 and acquires the opportunity to receive a benefit, not based on quantity of goods or services sold, but by inducing additional persons to participate and invest in the same sales or marketing plan.

**Racketeering Activity:** Means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit a series of crimes as enumerated in s.895.02, F.S.

**Solicitor General:** Office created in conjunction with the Florida State University College of Law. The Solicitor General represents and advises the Attorney General on complex constitutional issues before the Florida Supreme Court and the United States Supreme Court.

**Statewide Prosecutor:** The position of Statewide Prosecutor is created in Article IV, Section 4(c), Florida Constitution. The Statewide Prosecutor is appointed by the Attorney General and has jurisdiction to prosecute violations of criminal laws occurring or having occurred in two or more judicial circuits.

**Sovereign Immunity:** Refers to the doctrine, originated in common law, that prohibits suits against

the government without the government's consent.

**Victims of Crime Advocacy**: Victims grant program. Funds are awarded by the United States Department of Justice to the Office of the Attorney General, as the agency designated to administer the grants to local victim services programs.

**ACRONYMS**

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AG	Attorney General	OPPAGA	Office of Program Policy Analysis and Government Accountability
AGOs	Attorney General Opinions		
ACLF	Assisted Care Living Facilities	OPB	Office of Policy and Budget in the Executive Office of the Governor
CIP	Capital Improvements Program Plan		
CLS	Children’s Legal Services	OSWP	Office of Statewide Prosecutor
DCFS	Department of Children and Families	RICO	Racketeer Influenced and Corrupt Organization
EOG	Executive Office of the Governor	TF	Trust Fund
FCHR	Florida Commission on Human Relations	YMCA	Young Men’s Christian Association
FEC	Florida Elections Commission	VOCA	Victims of Crime Act
F.S.	Florida Statutes		
FY	Fiscal Year		
GAA	General Appropriations Act		
GR	General Revenue		
LBR	Legislative Budget Request		
L.O.F.	Laws of Florida		
LRPP	Long-Range Program Plan		
MFCU	Medicaid Fraud Control Unit		
OCR	Office of Civil Rights		