

*Office of the*  
**ATTORNEY GENERAL of FLORIDA**  
Bill McCollum



# **Long Range Program Plan**

**FY 2010-11 through FY 2014-15**

**Department of Legal Affairs**  
**Office of the Attorney General**

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**Tallahassee, Florida 32399-1050**



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## **Long Range Program Plan**

Department of Legal Affairs

Tallahassee

September 30, 2009

Jerry L. McDaniel, Director  
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Executive Office of the Governor  
1701 Capitol  
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Cynthia Kelly, Staff Director  
Senate Policy and Steering Committee on Ways and Means  
201 Capitol  
Tallahassee, Florida 32399-1300

Dear Directors:

Pursuant to Chapter 216, Florida Statutes, or Long Range Program Plan for the Department of Legal Affairs is submitted in the format prescribed in the budget instructions. The information provided electronically and contained herein is a true and accurate presentation of our mission, goals, objectives and measures for the Fiscal Year 2010-11 through Fiscal Year 2014-15. This submission has been approved by Attorney General Bill McCollum.

Sincerely,

A handwritten signature in black ink, appearing to read "John L. Hamilton".

John L. Hamilton  
Director of Administration

# AGENCY MISSION

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## People's Law Firm

## **Program: Office of the Attorney General Goals**

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**Goal #1:** To improve the quality of legal services provided on behalf of the state of Florida

**Goal #2:** Protect children from those who would prey upon them through the Internet

**Goal #3:** Improve service delivery to all crime victims

## Program: Office of the Attorney General Objectives

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**Goal #1:** To improve the quality of legal services provided on behalf of the state of Florida

**Objective A:** Decrease state's reliance on costly outside legal Counsel

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

**Objective C:** Increase client satisfaction

**Objective D:** Improve recruitment and retention of highly skilled Attorneys

**Goal #2:** Protect children from those who would prey upon them through the Internet

**Objective A:** Expand programs that safeguard children from predatory criminals

**Goal #3:** Improve service delivery to all crime victims

**Objective A:** Increase efficiency in processing victim compensation claims

**Objective B:** Increase the outreach of VOCA grant program

## Program: Office of the Attorney General

### Service Outcomes and Performance Projections Tables

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**Goal #1:** To improve the quality of legal services provided on behalf of the state of Florida

**Objective A:** 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 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
30%	60%	60%	60%	62%	62%

**Objective B:** 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 2010-11	FY 2011-12	FY 2013-13	FY 2013-14	FY 2014-15
70%	71%	72%	72%	73%	75%

**Objective C:** Increase client satisfaction

**Outcome:** Percent increase in client satisfaction

Baseline/Year 2001	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
90%	96%	98%	98%	98%	98%

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

Baseline/Year 2003	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
1600+	1800+	1800+	1800+	1800+	1800+

**Objective D:** Improve recruitment and retention of highly skilled Attorneys

**Outcome:** Increase average salary of the OAG attorneys to achieve salary level within the 90th percentile of

average salaries paid to other executive agency attorneys

Baseline/Year 2001	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
60th percentile	80th percentile	85th percentile	90th percentile	90th percentile	90th percentile

**Goal #2:** Protect children from those who would prey upon them through the Internet

**Objective A:** Expand programs that safeguard children from predatory criminals

**Outcome:** Increase number of active CyberCrime cases

Baseline/Year 2006	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
40	100	105	105	110	115

**Goal #3:** Improve service delivery to all crime victims

**Objective A:** Increase efficiency in processing victim compensation claims

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

Baseline/Year 1999	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
19.8 weeks	4.8 weeks	4.7 weeks	4.6 weeks	4.5 weeks	4.5weeks

**Objective B:** Increase the outreach of VOCA grant program

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

Baseline/Year 1999	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
253	265	270	275	280	285

**Outcome:** Increase number of subgrantees serving minorities and underserved victims

Baseline/Year 1999	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
46	52	53	54	55	56

## **Program: Office of the Attorney General Trends and Conditions Statements**

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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, and Economic Crimes. However, the functions can most simply be divided into four broad categories: Civil Enforcement; Constitutional Legal Services; Criminal and Civil Litigation; and Victim Services.

### **Economic Crimes Division**

The Economic Crimes Division is charged with protecting consumers from fraud and other financial exploitation. The division's attorneys, investigators and staff work in bureaus located throughout the state with primary focus on the following areas of practice:

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

The division targets those who prey on consumers through the enforcement authority of Chapter 501, the Florida Deceptive and Unfair Trade Practices Act ("FDUPTA" or "little FTC Act"). The division initiates investigations through subpoenas and legal actions against entities that commit unfair methods of competition and unfair practices in the conduct of any trade or commerce. The division investigates the activities of businesses and individuals involved in multi-circuit activities, as the State Attorneys have primary jurisdiction for single circuit activity. This includes price gouging enforcement during a declared state of emergency. Although the number of cases varies from day to day the current number of active Economic Crimes cases is 430.

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 division 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 Division 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. To combat the trend in Internet Fraud, the Economic Crimes Division has established a CyberFraud Section to protect Florida consumers from these scams. This section has been highly successful to date, with recoveries of over \$14 million since December, 2007.

With natural disasters such as hurricanes and devastating wildfires 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. Historically, 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 numerous, 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, mortgage fraud, multi-level marketing and charitable solicitation scams. 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. This past year, the Economic Crimes Division returned more than 150 million dollars to consumers as restitution.

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.

### ***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. Instead, 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 indicated 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. 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.

While the number of cases involving major corporate targets has grown significantly, 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 Economic Crimes Division will continue to address corporate misconduct. 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.

### **Antitrust (and Multistate Litigation) Division**

The Attorney General's Office Antitrust Division is, among other things, 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 nearly three decades have yielded hundreds of millions of dollars in recoveries for various public entities and for Florida's consumers.

As of FY 2008-09, the Division now also houses the Multistate Litigation Unit which used to be part of the Economic Crimes Division. This Unit consists of five FTEs: a chief, an Assistant Attorney General, and two paralegals operating out of Fort Lauderdale and one Special Counsel working in Jacksonville. The Unit focuses exclusively on multistate consumer protection matters under the Florida Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Florida Statutes, (FDUPTA) and typically takes a leading role in such matters, obtaining significant multistate recoveries for Florida.

With respect to the Attorney General's antitrust enforcement authority, 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).

Likewise, through his Multistate Litigation Unit, the Attorney General has broad authority, under FDUPTA (Chapter 501, Part II, Florida Statutes) to investigate and bring a variety of actions either as “the enforcing authority” or on behalf of one or more consumers or governmental entities to obtain damages, restitution, or other appropriate relief. (Sections 501.206, 501.207, 501.2075, Florida Statutes).

It is a priority of the Division, in its antitrust role, 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. In its multistate consumer protection role, it is a priority to ensure that the State, its governmental entities, and its consumers are properly redressed for any unfair or deceptive trade practices perpetrated by companies, individuals, and others doing business in the State Florida and/or with Floridians.

Trends and conditions pertaining to our state antitrust enforcement and multistate litigation efforts are assessed on an annual basis through an analysis of the number of active cases worked. The number of cases worked by the Division during Fiscal Year (FY) 2008-09 increased from 81 to 103 for antitrust matters only and from 81 to 131 when the newly added Multistate Litigation Unit’s cases are included. The number of closed antitrust matters last year increased significantly from 14 to 42. When the Multistate Unit’s 17 closed cases are added, the total of closed cases is 59.

With this increase in cases came some significant settlements, which resulted in the Division obtaining antitrust recoveries totaling \$7,476,163.54 from five major cases (down from \$13,491,946 from seven major cases last fiscal year). This downturn in antitrust recoveries was bolstered by a banner year for the Multistate Litigation Unit, which recovered \$8,609,013 in six major multistate consumer protection cases for in Florida alone. The total for Antitrust and Multistate together for FY 2008-09 is \$16,085,177 from eleven major cases. These monies were recovered on behalf of public entities and consumers, as civil penalties, or as reimbursement for attorneys’ fees and costs, after the matter was resolved.

Several recent developments have resulted in a significant increased need for consistent and effective state antitrust and multistate consumer protection enforcement. With respect to antitrust enforcement, at least three trends are apparent. First, there has been a dramatic increase over the last five years in the number of proposed mergers, acquisitions, and joint ventures. As the growth of the economy has slowed over the last year, corporate America has sought to consolidate. 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 closely scrutinized by the Antitrust Division.

A second recent development is a direct result of the souring economy. As an economy worsens, it is expected that companies and individuals may be more likely to collude with competitors to fix prices, rig bids, or otherwise violate the antitrust laws in order to maximize profits or otherwise preserve their financial status. As potentially anticompetitive conduct increases, it is important that antitrust enforcement agencies do everything possible to stay vigilant and visible in their enforcement efforts. Doing so not only gives rise to significant recoveries for Floridians and Florida governmental entities but also, hopefully, creates a deterrent effect as well.

A final trend that has been in place for the last few years with respect to antitrust enforcement is that the federal antitrust enforcement agencies have not been as aggressive, as in years past, in enforcing the federal antitrust laws. This has required state attorneys general to step up and fill the void wherever possible. Consequently, the Division has done everything possible to marshal available resources and fulfill its enforcement mandate for the benefit of Floridians.

This latter trend is also an important recent development with respect to multistate consumer protection enforcement, although not as apparent as it is with antitrust enforcement. What is deeply affecting consumer protection efforts as a whole, and our multistate efforts in particular, is the downturn in the economy, which will always result in a substantial increase in scams and other consumer protection violations.

The Attorney General's Office has addressed some of this need for increased enforcement in recent years by continuing to work to combine resources with other state Attorneys General, certain other state regulators, and the federal enforcement agencies where appropriate. This consolidation of limited resources has allowed the Attorney General's Office to more thoroughly address antitrust and multistate consumer protection concerns than would be possible without such a cooperative effort.

Through this cooperative effort with other agencies, the Multistate Litigation Unit had a terrific year in recoveries, as noted. Out of the more than \$8 million recovered by the Unit, \$7 million came from two cases involving the off-label marketing of pharmaceuticals cases. One case, TJX, was an identity theft-related matter that provided over a half million dollars in settlement for Florida only and over \$9 million nationally. Two others, Airborne and Enviga (Coke/Nestle) were deceptive labeling cases, resulting another nearly half million dollars for Florida. Finally, Mattel agreed to pay Florida nearly \$600,000 (of a \$12 million national settlement) to resolve concerns over lead paint in Mattel toys. Florida played a leading role in resolving all of these matters, each of which also included strong prohibitions on future conduct as well.

Some of the Antitrust Division's significant recoveries during the past fiscal year included nearly \$7 million in recoveries for Florida public entities from the insurance brokers Marsh and A. J. Gallagher, resolving joint investigations by this Office, the Department of Financial Services and Office of Insurance Regulations into whether brokers improperly steered commercial property and casualty business to particular insurance companies in return for undisclosed commissions or other hidden payments. The Division also obtained \$275,000 in civil penalties, fees and costs from the sole remaining defendant in an alleged price fixing conspiracy in Okaloosa County, and settled an attempt to monopolize investigation involving a group of anesthesiologists in Tallahassee for another \$110,000. Finally, Florida was part of a \$1,100,000 settlement with Bristol Myers-Squibb (BMS) for violating a previous consent order BMS had entered into with a group of states and the FTC. Florida's share of the settlement was \$41,698.

Not all antitrust cases generate dollars nor are they expected to. In addition to the cases that are opened and then closed when it is determined that no action is warranted, it is important to note that eight of the 96 active cases worked by the Division in FY 2008-09 were merger reviews, just two less than in FY 2007-08. Such reviews, intended to ensure that the proposed mergers will not adversely affect competition, typically do not result in dollar recoveries, but, can, nonetheless, be very resource-intensive and time-consuming, despite our efforts to share resources with other states or federal agencies also reviewing the proposed transaction.

Moreover, during FY 2007-08, a new resource-intensive antitrust case was filed against Abbott Laboratories, alleging anticompetitive conduct involving the cholesterol-lowering drug Tricor. Florida is the lead in this multistate federal antitrust lawsuit currently scheduled to go to trial in Delaware in January of 2010. With the trial date looming, a significant number of resources has been committed throughout FY 2008-09 and continues to be committed in the new fiscal year to pre-trial discovery and trial preparation.

To add to the Division's resource drain, during FY 2007-08 and continuing through FY 2008-09, because of the increasing amount of mortgage fraud taking place in the United States, and in Florida, in particular (Florida is currently ranked number two in mortgage fraud), the Antitrust Division has temporarily devoted considerable resources to pursuing major mortgage fraud cases and has filed or is in the process of investigating or resolving some half-dozen mortgage fraud-related matters. This initiative is an important one and supplements the work being done by the Economic Crimes Division and the Statewide Prosecutor in this area. While it is a temporary dedication of resources to an industry in crisis, the diversion will nonetheless necessarily slow, but not impede, our antitrust case development.

Additionally, as a result of a change in the state's securities laws during the 2009 Legislative Session, the Antitrust Division has begun expanding its enforcement efforts into the securities area. A revision to Florida's securities laws, Chapter 517, F.S., now allows the Attorney General, with the consent of the Office of Financial Regulation (OFR), to pursue violations of the chapter. The Antitrust Division is currently working with OFR to formulate an approach that will allow for the most efficient use of our collective resources, and two Antitrust Division attorneys are already devoting time to an ongoing OFR investigation.

Finally, while the Multistate Litigation Unit continues to do an outstanding job in participating in leadership roles with respect to a variety of multistate consumer protection matters, the three attorneys and two paralegals are now fairly extended in the demands on their time and will be for the foreseeable future.

Any permanent reduction in staff, particularly since there have been no staff increases, due to budget constraints, authorized for the Division since 2000, would greatly impede the Attorney General's Office antitrust and multistate consumer protection enforcement efforts on behalf of the people of Florida. Enforcement cases, such as these, by their very nature are complicated, time-consuming, and extremely document-intensive. They can take several years to resolve, and it is not unusual to have one or more cases temporarily require all the staff's attention because the particular tasks at hand are so monumental. This is certainly the case now with a number of cases currently demanding significant resources in both the antitrust and multistate enforcement areas.

Given these many increasing resource demands on the Division, as it continues to make every effort to meet the needs of Florida citizens and aggressively pursue potential violations of the law that harm consumers and competition, any further reduction in staff would greatly impact the Division's enforcement efforts, especially at this time of economic unpredictability and anticipated resulting increase in unlawful activity. Investigations would not be brought; litigation would not be filed; significant financial recoveries for the benefit of the General Revenue Fund, state and local public entities and consumers would be lost; and mergers would be consummated without adequate review, all to the detriment of the state and its citizens.

## **Child Predator CyberCrime Unit**

The Child Predator CyberCrime Unit was established by the Attorney General in August 2005 in response to an alarming increase in crimes against children by means of computer, the internet, digital media, and/or other electronic devices. In an effort to safeguard children from such exploitation, the Child Predator CyberCrime Unit (CPCU) was created to investigate and prosecute computer facilitated solicitation and luring of children, the possession and distribution of child pornography, and all Internet-based sexual exploitation of children. The success of Florida's CPCU is evident from the national attention it received with the Director and Chief of Law Enforcement appeared as guests of the Oprah Winfrey show, was invited to educate the Home Secretary of the United Kingdom during his visit to the States, and receives regular requests from other states seeking to implement similar programs.

In addition, the Child Predator CyberCrime Unit has within it a group of specially trained Victim Advocates, who identify child-victims of cyber-crime through cyber-safety presentations around the state in the public schools and provide intervention services to those children. The CPCU also conducts community outreach, providing education and training on internet crimes against children to: law enforcement, prosecutors, parents, teachers, care-givers, and children. The Attorney General is committed to making a difference in Florida to stop these crimes by both the aggressive arrest and prosecution of the offenders, and more importantly, by empowering Florida's children to recognize and avoid on-line predators. The mission of the CPCU is:

**Protecting children from computer facilitated sexual victimization by working cooperatively on a statewide basis with law enforcement and prosecution agencies to share resources and expertise, while serving the needs of child-victims of cybercrime and preventing the spread of these crimes through education and community awareness.**

The Unit members deal daily with the most heinous form of contraband in existence. Child pornography is defined as visual images of infants, toddlers, and children under 18, in graphic sexual positions or being subjected to explicit sexual activity. Child pornography consists of both photos and videos of actual child rape, molestation, and sexual abuse. Many images depict violence such as bondage, rape, bestiality, or torture of children as young as infants.

### **Supervising Assistant Attorney General / Criminal Prosecutors**

The Assistant Attorney General (AAG) for each office supervises all operations, including: investigations and subsequent prosecutions, all administrative responsibilities and management of the office. Each reports to the Director of the CPCU located in Jacksonville, the primary hub of the statewide operation. In addition, each AAG is designated as an Assistant Statewide Prosecutor for appropriate cases, seeks to be cross-designated as an Assistant State Attorney in the local Judicial Circuit, and seeks special designation as an Assistant U.S. Attorney in federal court thereby, selecting the best forum for the case. To maintain a manageable case load, the Supervising AAG prepares cases for referral to the local State Attorney's Offices, Office of the Statewide Prosecutor, or the U.S. Attorney's Offices and maintains involvement as needed to support successful prosecution. During the past year, Prosecutors in the Unit have provided numerous educational seminars for State Attorneys through both local and statewide conferences. In addition, the Director of the CPCU provides assistance to the OAG Director of Legislative Affairs to support and provide expertise to members of the legislature regarding sex crimes against children and sexual predators. During the 2008 legislature, the Attorney General was instrumental in passing the Exploited Children's Rights Act which took effect October 2008. The program has been implemented and the Attorney General's website V.I.C.T.R.E is currently being used nationwide as a notification system for victims of child pornography whose images are located on possessing defendants' computers. There are currently three supervising attorneys and one director. They are located in Jacksonville, Orlando and Tampa. These attorneys have been cross sworn in 4 other circuits as Assistant State Attorneys in and two federal districts as an Assistant United States Attorney.

### **Law Enforcement Investigators**

The investigations, conducted by the CPCU Investigators result in arrests ranging from possession or transmission of pornography, to cases where the predator actually travels to meet an undercover investigator, who he or she believes to be a child. The cases involve grave danger to the Investigators as detection is often devastating to the predator. In Florida, detection and arrest of sexual predators has resulted in spontaneous suicide, open gun fire, and police officer fatality. Additionally, there have been multiple occasions where investigations have resulted in the suspects' violent suicides. For this reason, the Child Predator CyberCrime Unit members continue to foster strong relationships with other law enforcement agencies around the State and establish contacts and agreements to share critical resources. One method CPCU has employed

to increase the resources is the Tampa Task Force, which includes multiple law enforcement members from 15 different agencies. CPCU has numerous partnerships all across the state, both local and federal. We have partnered with over 80 local and federal law enforcement agencies to offer support, establish task-forces, perform large-scale operations, conduct training, and create problem-solving initiatives. CPCU is a member of the Internet Crimes Against Children Task Force (ICAC) in North, Central, and South Florida. In addition, our Tampa office established a multi-agency task force with prosecutors who are cross-sworn as specially designated Statewide Prosecutors, local Assistant State Attorneys, and Federal Assistant United States Attorneys. Our Investigators are cross-sworn as United States Marshals. Furthermore, CPCU Investigators deputized over 20 local law enforcement members, expanding their jurisdiction statewide. CPCU executed 20 signed Memorandums of Understanding (MOU) with other agencies and organizations.

In addition, investigations such as these are not limited to the normal work day hours and often lead to extensive travel where overtime and expenses are unavoidable. In order to cover the entire State of Florida with the expertise of the CPCU team, 5 offices have been opened from northwest Florida to south Florida. Officer safety as well as the high volume of cases will require that these offices are all fully staffed with a team of 3 or more law enforcement investigators when the economic situation in Florida improves. Added to these costs, equipment replacement from the day-to-day use will require increased budget.

Statistics: With a team of 14 law enforcement officers, the Child Predator CyberCrime Unit has executed 116 search warrants, made 64 arrests, opened 290 cases, conducted 79 computer forensic exams, recovered thousands of images of child pornography, and educated over 161 adults and children on cyber safety. Investigators continue conducting training for numerous members of the law enforcement community, including, School Resource Officers, Victim Advocates, local law enforcement agencies, and other ICAC (Internet Crimes Against Children) Task-Force members. Finally, the investigators and prosecutors in CPCU have become known state and nation wide as experts in this largely uncharted territory of internet crimes against children.

### **The Victim Advocate Section**

Victim Advocates were added to the CPCU in February 2007 after securing a grant from VOCA (Victim's of Crime Act). Eight advocates are currently located throughout the State. Advocates travel to area schools, conduct cyber-safety presentations, and provide children a safe forum to disclose any history of cyber: stalking, sexual abuse, or sexual exploitation or any form of other sexual abuse. Predators are using the innocence of these children to lure them to meetings for the purpose of sexual exploitation. In addition, children are being exposed to pornographic and other harmful materials on the Internet. Contact is made easy for predators through the use of programs and web-sites such as: My Space, other social networking sites, online games, and the numerous instant messaging programs available on-line. We have also seen a steep rise in the use of cell phones and texting. Our Cyber Safety presentation has been adapted in Florida Public Schools and our award winning safe-surf website allows teachers to sign up with little to no cost to the State.



In 2009 Victim Advocates have facilitated this program and protected children across the State of Florida's School System. Through a partnership with the Florida Association of District School Superintendents, representatives from the Office of the Attorney General and School Resource Officers will present the Attorney General's fifty-minute Cyber-Safety program to students during the school day. Victim Advocates have trained seventy three (73) OAG staff members and over 881 School Resource Officers to present the program in schools throughout the State.

### **Cyber Crime Progress**

In the past year, CPCU Victim Advocates have worked directly with ninety-six (96) child-victims of cyber-crime, providing each with information and referrals to community service providers for counseling, support, or therapy designed to address the specific type of victimization to which the child was exposed. In the past fiscal year, the Victim Advocate Division has educated more than 304,991 children on Cyber Safety.

Future projects include working directly with the 53 known victims of child pornography who reside in Florida. These victims have been sexually abused and the abuse resulted in the creation and distribution of the images of that sexual abuse. The cyber crime victim advocates will assure that these victims, who are continually abused by the possession and distribution of the images of their abuse, are provided their rights as victims of crime pursuant to Chapter 960, Florida Statutes, and are provided any support, services, or compensation they need and deserve.

The Unit works with the National Center for Missing & Exploited Children (NCMEC) and the Internet Crimes Against Children Task Forces (ICAC). Through federal grant funds administered by the North Florida ICAC, the Child Predator CyberCrime Unit receives funding for numerous training opportunities and equipment, avoiding use of General Revenue funds. Through a partnership with the FBI Taskforce, CPCU has also been able to secure additional undercover vehicles and equipment.

After receiving revenue cuts for more than 50% of the unit's funding last year, CPCU team members have still managed to bring their expertise to all corners of the state, educate hundreds of thousands of children, and distinguish Florida as a leader in the nation. The demand for the unit's services and expertise increases daily along with the risk to Florida's children. Continued success of CPCU will ultimately require completing the original expansion plan approved by the legislature in 2006, with each office is fully staffed.

### **Medicaid Fraud Control Unit**

Health care fraud is an immense societal problem, both nationally and within Florida's \$16 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 and fraud 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. Some of 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, the United States Attorney or MFCU attorneys who are Special Assistant State Attorneys or Special United States Attorneys cross-designated by those agencies. During Fiscal Year 2008-2009, the Medicaid Fraud Control Unit had 80 warrants issued for arrests, and reported 97 convictions/pre-trial interventions. Sometimes 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 recovered more than \$168 million during FY 08-09.

The MFCU is also responsible for investigating the physical 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 among several agencies to address the abuse and exploitation of patients in long term care facilities and results have been very positive. PANE was expanded during fiscal years 2005 and 2006 to Tallahassee, Tampa, Jacksonville, Orlando, West Palm Beach and Pensacola.

The MFCU also continued its leadership role in a variety of multi-state false claims investigations. The pharmaceutical industry is the subject matter of many of these investigations and several of these investigations have resulted in multi-million dollar settlements for Florida. In addition to its role in multi-state investigations, MFCU is actively litigating cases against nine major pharmaceutical manufacturers in Leon County, Florida. MFCU has determined that the defendant drug manufacturers artificially inflated the prices of their drugs in a scheme that has cost the Florida Medicaid Program millions of dollars. This litigation is expected to result in additional recoveries for the State of Florida.

## **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. Manufacturer compliance with statutory resale notification requirements remained strong in FY 2008-09. 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 and seller practices in this area.

The bankruptcies of two major manufacturers, GM and Chrysler, along with the economic recession, resulted in reductions in new motor vehicle sales which reduced program revenues and the arbitration caseload during FY 2008-09. The Lemon Law Arbitration Program continued to monitor the manufacturer-sponsored RV Mediation/Arbitration Program in FY 2008-09, which experienced a drastic reduction in caseload attributable to the economy and the bankruptcies or closings of numerous RV manufacturers.

## **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 (the Office or OCR), created in 1992, operates under Section 16.57, Florida Statutes, and the Florida Civil Rights Act, Chapter 760, Florida Statutes. OCR enforces civil rights laws on behalf of the State of Florida through litigation, education and outreach, and legislative proposals.

Civil rights enforcement continues to be a top priority for the Agency. The Attorney General has authority to file civil actions for damages and injunctive relief in cases where there is a pattern or practice of discrimination or that raises an issue of great public interest. Our office is committed to developing and prosecuting cases and partnering with divisions and agencies, where appropriate, to improve civil rights enforcement.

Due to the continuing housing crisis in Florida, OCR remains focused on protecting the citizens of Florida and enforcing the laws under the Florida Fair Housing Act. Specifically, we are looking at mortgage lending and servicing cases, discrimination in sales, rentals and policies, and discrimination against persons with disabilities. Our office's education and outreach continues to focus on Preventing Bias crimes.

Cases:

The Office uses aggressive investigation and litigation strategies to enforce civil rights. It uses non-traditional civil rights statutes, where appropriate, in addition to traditional civil rights laws to maximize opportunities for success. It also uses its pre-suit subpoena power to investigate cases where voluntary compliance is not received.

Examples of recent case settlements include:

*DeRusso v. Tricon*- Tricon was alleged to have failed to meet the Florida Fair Housing Act's accessibility standards when it developed the DeRusso's condominium in Indiatlantic, Florida. A complaint was filed with the Florida Commission on Human Relations. The Attorney General's office was requested to enforce the provisions of the Fair Housing Act. A settlement has been reached which includes civil damages; and modification of certain non-accessible areas of the condominium.

*Jackson v. Century Woods Apartment* - An African American female was allegedly discriminated against by an employee of an apartment complex. A complaint was filed with the local area legal services, which then notified the Attorney General's Office of a potential pattern or practice discrimination case. The Attorney General's Office investigated the matter and was able to reach a resolution in the matter.

*Rumbold v. HolidayPark* - an association was alleged to have failed to provide reasonable accommodation request of a disabled person to allow a caregiver to reside with her. After an investigation and a determination of reasonable cause by the Florida Commission on Human Relations Commission, the Attorney General's Office of Civil Rights was requested to file a lawsuit on behalf of the disabled individual. Prior to filing the lawsuit, a settlement was reached.

*Rivera v. Shadow Lake Condominium* - A condominium association allegedly discriminated against a mother by not allowing her minor child to reside with her. A complaint was filed with the Florida Commission on Human Relations. After an investigation and a determination of reasonable cause by the Florida Commission on Human Relations was issued, the Attorney General's Office of Civil Rights was requested to file a lawsuit on behalf of the mother. The Office of Civil Rights was able to obtain a resolution and reach a settlement. This settlement included monetary damages, fees and costs.

#### Education and Outreach:

Attorneys lecture around the state as part of the Office of Civil Right's Education and Outreach program. For over a decade, the Office has had a Hate Crime Training Program for law enforcement officers as well as training for community leaders. The Office has trained more than 200 law enforcement departments throughout the state. Other educational programs have included presentations on Fair Housing, Human Trafficking and Enforcement Strategies for Civil Rights cases.

#### Florida Commission on Human Relations:

This Office of Civil Rights works with the Florida Commission on Human Relations (Commission) to enforce the provisions of the Florida Fair Housing Act. It receives housing cases from the Commission where "cause" has been determined and the parties are unable to resolve the case amicably. The Office of Civil Rights also serves as legal advisor to the Commission in certain fair housing matters.

The types of cases and projects initiated by the Office of Civil Rights are often time consuming and document intensive. Its attorneys travel throughout the state to attend hearings, meet with witnesses, and provide training and education for various organizations. The Office of Civil Rights is currently comprised of two attorney positions, which include the Director and an Assistant Attorney General, plus two support staff positions, a legal assistant and an administrative assistant. Any reduction in resources would severely impair the Office's ability to enforce the civil rights laws on behalf of the citizens of Florida.

### **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, the Florida Supreme Court, the Eleventh Circuit Court of Appeals, and the Florida district courts of appeal. The Solicitor General also is involved at the trial level in significant civil litigation cases of statewide impact. The Solicitor General also reviews and 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 the Solicitor General; and 2) Semester Assignment letters from Dean of The Florida State University College of Law to the Solicitor General. The Solicitor General holds the Richard W. Ervin Eminent Scholar Chair at the College of Law and teaches one course of approximately 15 students during the Fall and Spring semesters. The Solicitor General's academic position 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 has 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, the Governor's legal staff and the legislative branch 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 currently consists of the Solicitor General, a chief deputy solicitor general, four deputy solicitor general positions, and two full-time 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 attorneys or staff would negatively impact the Attorney General's ability to focus highly-trained lawyers on the state's most important lawsuits and would greatly reduce the agency's ability to monitor and supervise all civil appeals, amicus curiae cases, and constitutional challenges.

## **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 of state law 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 obtaining legal advice as an alternative to expensive litigation. The strategic objective of the Opinions Division is to resolve requests for opinions in a timely manner. The number of requests received by the Opinions Division 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.

## **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 Governor and Cabinet, as a collegial body, conduct Executive Branch business in the following capacities including, but not limited to the: State Board of Executive Clemency; Agency for Enterprise Information Technology; 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 Governor, Attorney General and Chief Financial Officer also constitute the State Board of Administration.

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 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 that come before the Governor and Cabinet.

## **General Civil Litigation Division**

The General Civil Litigation Division discharges the Attorney General's responsibilities under section 16.01, Florida Statutes, by providing statewide representation on behalf of the state, its agencies, officers, employees and agents at the trial and appellate level. The Attorney General also has common law authority to protect the public's interest, which the Legislature declared to be in force pursuant to section 2.01, Florida Statutes.

The General Civil Litigation Division handles constitutional challenges to statutes, civil rights, employment discrimination, torts, contract disputes, eminent domain, tax, child support and paternity, ethics, administrative law, prisoner litigation, declaratory judgment, child dependency,

charitable trusts, and class action suits. Clients include constitutional agencies from all three branches of state government.

The division consists of the following bureaus: Administrative Law, Child Support Enforcement, Children's Legal Services, Complex Litigation, Corrections Litigation, Eminent Domain, Employment Litigation, Ethics, Revenue Litigation, State Programs and Torts. The goal of the division is to provide quality legal representation on behalf of the State of Florida in civil litigation, and to produce meaningful cost savings to the taxpayers by reducing the state's reliance on private legal services.

The following provides a brief description for each of the division's bureaus:

### **Administrative Law Bureau**

The Administrative Law Bureau serves as general counsel to licensing regulatory boards and other regulatory agencies, represents state agencies in rule challenge proceedings and bid protest proceedings, represents the Department of Children and Families and the Agency for Persons with Disabilities in Medicaid waiver hearings, and offers litigation support in state and federal cases against agencies. The bureau also serves as general counsel to the State Retirement Commission and several appointed commissions.

### **Child Support Enforcement Bureau**

The Child Support Enforcement Bureau represents the Department of Revenue in 21 of Florida's 67 counties, as well as the Clerk of Manatee County, in cases establishing and enforcing child support orders. The Child Support Enforcement Bureau provides legal services in accordance with Florida Statutes 61, 88, 287, 409 and 742, in cases involving children who reside in Florida as well as the other 49 states, the U.S. territories, and foreign countries. These services include cases referred by the client agencies for:

- Establishment of Paternity
- Establishment of Support
- Establishment of Paternity & Support
- Enforcement of Child Support Obligations
- Modification of Child Support Obligations

In addition to providing representation at the trial level and in administrative hearings, this bureau also serves as appellate counsel in Florida's five district courts of appeal, the Florida Supreme Court, and in the federal appellate court system. With offices located in Ft. Lauderdale, Tallahassee, and St. Petersburg, the Child Support Enforcement Bureau handles approximately 65,000 cases per year.

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

The Children's Legal Services Bureau was established by the Legislature as a pilot project in 1995. This bureau is charged with litigating child abuse, abandonment, and neglect cases for the Department of Children and Families in Broward, Hillsborough and Manatee Counties.



In their role as legal counsel to the Department of Children and Families, this bureau renders legal advice on Florida Statutes Chapter 39, 61 and 409, to the Department of Children and Family Services in Broward, Hillsborough and Manatee Counties, the Broward County Sheriff's Office, Manatee County Sheriff's Office, Hillsborough County Sheriff's Office, and the private child welfare agencies such as Hillsborough KIDS, Inc. and ChildNet. The attorneys in the Children's Legal Services Bureau 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.

### **Corrections Litigation Bureau**

The Corrections Litigation Bureau represents the interests of the State of Florida and its employees in matters related to the state correctional and institutional system. Representation primarily involves defending against lawsuits filed by criminal offenders alleging civil rights violations, typically under the First, Eighth, and Fourteenth Amendments of the United States Constitution.

The attorneys in this bureau also defend the constitutionality of state statutes and handle extraordinary writ petitions, replevin, and negligence actions. The practice encompasses the full range of a trial practice, from initial pleadings in federal and state courts through trial and appeals. While most service is rendered to the Department of Corrections, the bureau also handles representation of the Governor, the Parole Commission, the Department of Children and Families, and Baker Act appellate defense.

As a centralized practice, the Corrections Litigation Bureau maintains a working knowledge of inmate litigation history, allowing the Office of the Attorney General (OAG) to track identical claims in different venues to avoid duplication of effort. Centralization likewise allows the OAG to monitor the legal treatment of correctional issues within the United States District Courts of Florida and throughout the state court system. This bureau also provides legal counseling and education to the Department of Corrections on emerging law and issues.

### **Eminent Domain Bureau**

The Eminent Domain Bureau was established in 1990 to provide a legal resource for governmental agencies exercising the power of eminent domain to acquire property for public use, while ensuring that landowners receive fair compensation for their property. Eminent domain, or condemnation, is the power of the government to take private property for a public purpose, with the payment of full compensation for the property taken. This bureau offers the full range of legal services for pre-suit advice, trial litigation, and appellate practice.

This bureau provides legal advice to governmental agencies on the legal requirements for the proper exercise of the eminent domain power and legal strategies for minimizing the cost of the litigation. The bureau presently represents the Department of Environmental Protection on behalf of the Board of Trustees of the Internal Improvement Trust Fund for the acquisition and valuation of conservation land associated with Everglades Restoration Project. The bureau also represents Citrus County in the acquisition and valuation of land for roadway expansion projects.

### **Ethics Bureau**

The Ethics Bureau prosecutes complaints before the Florida Commission on Ethics. This bureau provides attorneys who serve as the Ethics Commission's prosecutors, or "Advocates." Once the Commission has received and investigated a sworn complaint alleging that a public officer or employee has breached the public trust, the Advocate assigned to the case makes a recommendation as to whether the case should go forward. If it does, it is the Advocate who conducts the prosecution, through an administrative hearing under Chapter 120. Advocates also handle some appeals, and collect civil penalties when a violation is found. Most state and local government employees, as well as elected and appointed officials, are subject to the Commission's jurisdiction, and the types of violations investigated range from erroneous financial disclosure filings to misuse of office.

### **Fort Lauderdale/West Palm Beach Civil Litigation Bureau**

The Ft. Lauderdale and West Palm Beach Civil Litigation Bureau provides defense legal services for state agencies, state officials, and judges in the following areas of litigation: corrections, employment, tort, and state programs. In addition, the units defend the constitutionality of state statutes. Corrections litigation includes claims under 42 U.S.C. 1983; state and federal constitutions; writs of mandamus, habeas corpus, and prohibition. Tort cases range from trip and fall cases, automobile accidents, rail corridor accidents, to wrongful death cases – and include the full range of prisoner tort claims. Employment litigation encompasses Title VII claims (race, color, national origin, sex, religion, and retaliation), Americans with Disabilities Act, Age Discrimination in Employment Act, Family and Medical Leave Act, Fair Labor Standards Act, Title VI issues, and whistle blower cases. State Programs litigation includes defense of judges; defending against constitutional challenges to statutes; appellate consultation contracts with other units and state agencies; class action litigation; forfeitures; probate; civil rights and constitutional rights claims against state agencies and state officials; quiet title actions; breach of contract; Baker Act appeals; and declaratory judgment actions.

The units also handle administrative law matters, such as representing the Agency for Persons with Disabilities (APD) in administrative fair hearings under the Medicaid Home and Community-Based Waiver Services Program and the Department of Children and Families (DCF) in the Independent Road to Living. The Ft. Lauderdale unit also handles the majority of the civil appeals for the units.

### **Revenue Litigation Bureau**

The Revenue Litigation Bureau, pursuant to Sections 16.015 and 20.21(4), Florida Statutes, primarily enforces and defends tax assessments issued by the Department of Revenue. In addition, this bureau represents the Department of Revenue in litigation involving claims for refunds of taxes pursuant to Section 215.26, Florida Statutes, and a delegation of authority from the Office of the Comptroller. This representation is statewide and includes all state and federal jurisdictions. The bureau's representation of the Department of Revenue also includes ad valorem tax cases in conjunction with county property appraisers and tax collectors. Occasionally, the Revenue Litigation Bureau undertakes representation of other state agencies in tax-related matters pursuant to a contract between the client agency and the Office of the Attorney General. The bureau also advises the Attorney General on questions involving taxation.

### **State Programs Bureau**

The State Programs Bureau is charged with defending a wide variety of actions in both state and federal court, at both the trial and appellate levels. The clients of this bureau are state departments and agencies from all three branches of state government, including their individual officials and employees.

Cases routinely handled include suits which challenge the constitutionality of the general laws of the state; defense of judges and state attorneys in lawsuits; specialized administrative litigation before the Division of Administrative Hearings, including bid protests; and the initiation of litigation as plaintiffs on behalf of our state clients. In addition, the bureau represents the state in class action civil rights lawsuits that seek to change funding for a program or group of individuals on a statewide basis.

### **Tampa Civil Litigation Bureau**

The Tampa Civil Litigation Bureau provides defense legal services for state agencies, state officials, and judges in the following areas of litigation: corrections, employment, tort, and state programs. In addition, the units defend the constitutionality of state statutes. Corrections litigation includes claims under 42 U.S.C. 1983; state and federal constitutions; writs of mandamus, habeas corpus, and prohibition. Tort cases range from trip and fall cases, automobile accidents, rail corridor accidents, to wrongful death cases – and include the full range of prisoner tort claims. Employment litigation encompasses Title VII claims (race, color, national origin, sex, religion, and retaliation), Americans with Disabilities Act, Age Discrimination in Employment Act, Family and Medical Leave Act, Fair Labor Standards Act, Title VI issues, and whistle blower cases. State Programs litigation includes defense of judges; defending against constitutional challenges to statutes; appellate consultation contracts with other units and state agencies; class action litigation; forfeitures; probate; civil rights and constitutional rights claims against state agencies and state officials; quiet title actions; breach of contract; Baker Act appeals; and declaratory judgment actions.

The unit also handles administrative law matters, such as representing APD in administrative fair hearings under the Medicaid Home and Community-Based Waiver Services Program and DCF in the Independent Road to Living. In addition, the attorneys handle the majority of civil appeals for the bureau.

### **Tort Litigation Bureau**

The Tort Litigation Bureau provides high quality, low cost legal defense to agencies and employees of the State of Florida primarily in state court tort actions in North Florida. The types of suits typically handled include wrongful death, automobile accidents, slip and falls, defamation and various other negligence claims. The litigation engaged in by this bureau regularly involves the interpretation and application of Florida's limited waiver of sovereign immunity statute, Section 768.28, Florida Statutes and other challenging legal issues of significance to state and local government, statewide. The attorneys in the bureau regularly appear in court and are responsible for the full range of a trial practice, from initial pleadings, through jury trial and appeals.

## **Employment Litigation Bureau**

The Employment Litigation Bureau defends state agencies in suits brought under any of the various federal and state employment laws. These laws include Title VII of the Civil Rights Act of 1964, Florida's Civil Rights Act, whistle blower retaliation, Age Discrimination in Employment Act, Americans With Disabilities Act, and constitutional civil rights challenges such as those brought through 42 U.S.C. sec. 1983.

As with all bureaus of the Office of the Attorney General, this bureau provides high quality, cost effective legal defense to agencies and employees of the State of Florida. The types of suits typically handled include workplace discrimination (race, sex, national origin, religion, age, disability, etc.), harassment and hostile work environments, and retaliation relating to any of these statutes. The litigation engaged in by this bureau regularly involves the interpretation and application of Florida's limited waiver of sovereign immunity statute, Section 768.28, Florida Statutes, Immunity in federal courts under the 11th Amendment, and other challenging legal issues of significance to state and local government, statewide. The attorneys in the bureau regularly appear in court and are responsible for the full range of a trial practice, from initial pleadings, through jury trial and appeals.

Additionally, attorneys in this bureau provide legal advice to the General Counsels and/or senior agency leaders of other state agencies regarding individual situations that develop, as well as prevention, policies, and discipline. Training is also available, typically for groups of supervisors/managers, regarding the current interpretations of employment statutes, parameters of the laws, and areas where managers need to apply additional caution.

## **Attorney General's Criminal Appellate Division**

The Criminal Appellate Division consists of the five (5) regional Criminal Appeals Bureaus and one (1) statewide Capital Appeals Bureau which comprise the State's appellate prosecution component of Florida's criminal justice system. Because the State's appellate prosecution component resides within the executive branch rather than the judicial branch, the Criminal Appellate Division is not normally considered or calculated in the legislative funding mix in ascertaining exigency funding needs. As a result, this division has not benefitted from the smaller funding holdbacks the courts, state attorneys and public defenders were allocated. Because this office was mandated to hold back the full dollar amounts required to meet funding shortfalls, at the present time, each of the criminal appellate and capital appeals bureaus are handling larger caseloads (than the state attorneys and public defenders), with greater than 25% to 30% attorneys and support staff vacancies rates.

Each Bureau is governed by the core mission of the Attorney General's Office, see §16.01 (4), (6) Fla. Stat., specifically tasked with the responsibilities of defending all statutes under attack; defending the Constitution of the State of Florida and the United States Constitution; handling state appeals and respond to all extraordinary writs. This Division is equally assigned duties which include: drafting, reviewing and analyzing legislation; providing legal advice to the State Attorneys' Offices and informing and protecting the rights of all victims of crime, as set forth in the Declaration of Rights found in Article I, Section 16, Constitution, State of Florida.

Additionally, the Division weekly publishes the “Criminal Alert” to client/users statewide. The Division assists in training programs throughout state criminal justice including local state attorneys’ offices, the Florida Prosecuting Attorneys Association (FPAA) seminars on capital litigation and post-conviction litigation, and addresses legal issues that may impact law enforcement and other topics impacting the criminal justice system.

## **Criminal Appeals**

The Office of the Attorney General Criminal Appeals Division is comprised of six statewide bureaus located in close proximity to the District Courts of Appeal (DCA), in Tallahassee (1<sup>st</sup> DCA), Tampa (2<sup>nd</sup> DCA), Miami (3<sup>rd</sup> DCA), West Palm Beach (4<sup>th</sup> DCA) and Daytona (5<sup>th</sup> DCA) as well as the statewide Capital Appeals Bureau. Each bureau is assigned to the state attorneys’ offices within the districts and handles all appeals emanating from the counties comprising those districts. **Although the Criminal Bureaus exceed the approved standard caseload each year --of opening 19,000 cases-- (this year 19,350), the actual cases, reflecting our actual workload handled during this period is 28, 634--that number includes *current* open cases in the last fiscal year. This number far exceeds work load standards based on a more comprehensive tabulation. Moreover these cases are being assigned and handled by 25% to 30% fewer attorneys in the bureaus.**

Inclusive in the criminal appeals numbers are the active sexual predator/Ryce commitment appeals assigned to designated attorneys statewide. In Actual FY 2008-2009, the cases opened totaled 266. This number was well above the standard of 150. Because these cases are captured by using the “Ryce” or “sexual predator” or “sexual offender” terms in searching the database, it is impossible to discern the actual *current* open cases accurately due to limitations of the available database.

A Criminal Bureau’s main responsibility is to defend all judgments and sentences that are appealed to the appellate courts and litigate all state cases that have been filed in the federal district courts and Eleventh Circuit Court of Appeals seeking federal constitutional relief. Authority is derived from Article IV, Section 4(b), Constitution, State of Florida, which provides that the Attorney General shall be the chief state legal officer and, Chapter 16 Florida Statutes, specifically, Section 16.01 (4), (5) and (6), Florida Statutes, which specifically sets forth his authority.

## **Capital Appeals**

The Capital Appeals Bureau is a statewide bureau handling capital murder appeals from every state jurisdiction to the Florida Supreme Court. This Bureau litigates all cases following the completion of the original trial and imposition of a death sentence. Pursuant to Section 16.01 (6), Florida Statutes, this Bureau is also co-counsel in all state post-conviction litigation in the trial courts, and prosecutes all litigation culminating in the executing of a death warrant, through the state and federal courts.

The statewide Capital Appeals Bureau also exceeds the approved standard each year --of opening 200 cases-- (this year 260), the actual cases, reflecting our actual workload handled during this period is 895--that number includes *current* open cases in the last fiscal year. Likewise, this number far exceeds work load standards based on a more comprehensive tabulation. Because a named defendant will potentially litigate in a variety of courts contemporaneously, there is no correlation between the number of individual sentenced to death and the plethora of litigation each individual will generate.

## **Division of Victim Services and Criminal Justice Programs**

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 §960.01, F.S., establishes the responsibility of the state to provide assistance to crime victims; §960.05(2), F.S., establishes the crime victim services office; and §960.21, F.S., creates the Crimes Compensation Trust Fund to provide funding for delivery of services to crime victims. Other statutory programs administered by the division include:

§16.54, F.S. - Florida Crime Prevention Training Institute

§§741.401-409 and 741.465, F.S. - Address Confidentiality Program

§812.171, F.S. – Convenience Business Security

§16.556, F.S. - Crime Stoppers Trust Fund

§16.615, F.S. – Council on the Social Status of Black Men and Boys

§16.616, F.S. – Direct Service Organization

§163.501-521 – Safe Neighborhoods Act

§112.19 – Law enforcement, correctional, and correctional probation officers; death benefits

### ***Victim Compensation:***

During FY 2008-09, the number of claims received increased by 2.6 percent (27,794 compared to 27,085 received during FY 2007-08), and the average processing time from receipt of a claim through initial payment totaled 27.3 days. Payments in awards to claimants totaled \$31,264,870. Since FY 2005-06, the claims workload has increased by 19.3 percent and dollars paid increased by 40 percent, with no additional staffing.

### ***Victim Advocacy:***

The Victims of Crime Act (VOCA) grants specialists monitor grant activities to ensure sub grantees' program and fiscal compliance with federal and state laws and regulations. The current ratio is approximately 32 grants per FTE, while other agencies average 20 grants per FTE. A

total of 257,506 victims received services through VOCA-funded private or public organizations/agencies during FY 2008-09. Victim advocates also participate in local coalitions, task forces, and councils regarding victim related issues. Additionally, the program maintains ongoing communications with other state agencies (Departments of Health, Children and Families) and statewide victim organizations (e.g., Florida Council Against Sexual Violence, Florida Coalition Against Domestic Violence, etc.) on matters of mutual concern.

### ***Address Confidentiality Program:***

Pursuant to §741.401 through §741.465, F.S., this office administers the Address Confidentiality Program (ACP), which provides a substitute mailing address for relocated victims of domestic violence and serves as legal agent for receipt of mail and service of process. In addition, staff provides training and certifies applicant assistants statewide to assist eligible victims in accessing these services. ACP is also intended to prevent public access to client information through voting records. This year's activities include 606 active program participants, 183 applicant assistants trained, and 177 new applications processed.

### ***Criminal Justice Programs:***

In addition to victim services, crime prevention and associated programs are also a priority of the Attorney General's Office, as they are proven methods of helping to reduce crime and its impact on the citizenry. Education and training in crime prevention are essential to 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. The training curriculum is established based on demand for services as indicated in the surveys. A current trend emphasizes a coordinative initiative to train law enforcement officers in conjunction with local school districts, particularly in gang-related violence. Numerous practitioner designation programs are offered to include Crime Prevention, Crime Prevention Through Environmental Design, Elderly Crime, School Resource Officer, and Victim Services. In addition, this office provides a certification to law enforcement officers in Convenience Store Security. The Attorney General's Office is the primary source of training for crime prevention, victim services, elderly issues, and school resource officers (SRO) statewide and is a leader nationally.

During FY 2008-09, this office conducted 58 training courses, including 1,303 classroom hours, with 2,499 individuals participating from law enforcement as well as other public and private sectors. This office also conducted 7 ongoing SRO training courses (with 213 SRO attendees). In addition, 441 students received their practitioner designation certificates. Participation in FCPTI courses has been adversely impacted by the reduced funding for training at the local level, the cancellation of annual contract courses at Hillsborough Community College and Miami-Dade, and reduced attendance at the annual Preventing Crimes in the Black Community Conference. Eight training courses were cancelled during FY2008-09 because of the economic downturn.

Individuals trained by FCPTI play a vital role through community education in reducing crime and victimization statewide. Curriculum development is coordinated with the respective organizational entities to which they relate (i.e., Florida Association of School Resource

Officers, Florida Crime Prevention Association, Florida Department of Law Enforcement, Florida Department of Education).

***Convenience Business Security:***

The Convenience Business Security program has been unfunded since 1992 (See §812.1725-§812.176, F.S.), Bureau staff continued to handle the administrative responsibilities of the Act, processing 567 technical assistance contacts and 4 violations during FY 2008-09. Transfer of these functions to local control would allow local governments to conduct regularly scheduled inspections and directly file relevant paperwork with the local courts. In addition, the OAG recommends the repeal of §812.174, F.S., eliminating the need for this office to review and approve Convenience Store Training Curriculum provided by convenience stores. The stores should be required to utilize “industry standard” training curricula provided by industry professionals.

***Council on the Social Status of Black Men and Boys:***

In January 2007, the division was tasked with administering the Council on the Social Status of Black Men and Boys, created by the 2006 Legislature. This nineteen-member council is charged with conducting a systematic study of the conditions affecting black men and boys including homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, health issues and school performance. The goal of the council is to propose measures to alleviate and correct the underlying causes of the conditions described above. The council is mandated to issue an annual report to discuss its findings, conclusions, and recommendations to the Governor, the President of the Senate, and the Speaker of the House. The Council published its inaugural annual report in January 2008. During FY 2008-09, the Council conducted 7 full Council meetings and 46 subcommittee meetings.

The 2008 Legislature mandated establishment of a direct support organization to further the mission of the Council. Staff is awaiting statutory appointments to be made by the proper state entities.

***Crime Stoppers:***

Following are the statistics that reflect the impact of the Crime Stoppers Trust Fund on communities throughout the state during the last four years.

	<b>2008-09</b>	<b>2007-08</b>	<b>2006-07</b>	<b>2005-06</b>
Tips received	56,570	45,750	34,536	27,164
Tips approved for citizen rewards	5,336	5,554	3,739	3,072
Cases cleared	13,020	10,606	7,801	6,969
Arrests made	5,749	6,456	4,763	4,004
Value of property recovered	\$23,722,253	\$5,766,088	\$1,697,844	\$1,921,944
Value of narcotics removed from the street	\$20,738,073	\$16,667,332	\$8,478,625	\$5,788,970



Dollar value of rewards to citizens	\$1,110,881	\$1,140,450	\$840,897	\$625,654
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These statistics demonstrate the increase success over the past four years and reflect the unified effort and significant impact the Crime Stopper programs have on crime in Florida. These outcomes are made possible through grant funding which has markedly declined due to reduced deposits into the Crime Stopper Trust Fund. Consider these highlights:

- A cold case homicide suspect was profiled and arrested in a gang related crime that occurred in the Marion Oaks Community. Detectives obtained a warrant for the suspect's arrest but were unsuccessful until Crime Stoppers offered a reward, which resulted in the suspect's arrest the following day.
- A tip called into Crime Stoppers of Northeast Florida tip line resulted in the arrest of a suspect for grand theft, grand theft of a firearm, trafficking in cocaine, MDMA, and oxycotin; possession of cocaine, LSD, ketamine and possession of a firearm by a convicted felon. The following items were confiscated; \$2,800 in cocaine, \$4,000 in cannabis, \$2,600 in MDMA, \$3,200 in oxycotin, \$8,380 in oxycodone, numerous firearms, and \$11,766 in cash.
- Tips to Central Florida CrimeLine between October 1, 2008, and December 31, 2008, solved 7 homicides, led to 13 arrests, seizure of more than \$600,000 (street value) in drugs and 71 firearms.
- A tip to Crime Stoppers of Sarasota County led to arrests involving 4 bank robberies.

Thirty-one Crime Stopper organizations currently serve sixty-two of Florida's sixty-seven counties and are seeking to expand into the remaining five counties. The crime stopper organizations and law enforcement agencies successfully investigate and solve crimes and remove criminals from the communities. The Staff works closely with the Florida Association of Crime Stoppers, Inc. and the recipient organizations of the funds. The Staff perform yearly training and orientation to assist the organizations in understanding rules, regulations and spending requirements of State provided funds. In addition, Staff conducts on-site Performance Reviews on twenty-four grant recipients and desk audits on the remaining seven recipients.

***Urban League Grant Program:***

The Florida Consortium of Urban League Affiliates received a state appropriation of \$3,179,163 to develop and implement two proactive initiatives to address and impact crime in the black community. The programs operate in Fort Lauderdale, Jacksonville, Miami, Orlando, St. Petersburg, Tallahassee, Tampa and West Palm Beach.

The Black-on-Black Crime Prevention Program is a public awareness and education effort to motivate the black community to support, promote and participate in crime prevention programs and activities. The Youth Crime Prevention and Intervention Program targets specific proactive strategies and activities to address and impact the problem of juvenile crime and to foster collaboration and improve communication among various agencies serving youth. This year's activities with these two programs included 26,668 community residents/participants, 2,026 crime prevention related meetings, workshops, and conferences, 1,738 out-of-agency contacts, 2,336 volunteers.

***Agency Grant Writer:***

This position researches funding opportunities and prepares grant applications for the entire agency. In addition to her regularly assigned grants responsibilities, during FY 2008-09, this individual researched 10 grant opportunities, developed and submitted 8 applications; one application was approved for funding for 2009-10.

**Department of Legal Affairs**  
**Office of the Attorney General**

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**Performance  
Measures and  
Standards**

**LRPP Exhibit II**

## LRPP Exhibit II - Performance Measures and Standards

**Department: DEPARTMENT OF LEGAL AFFAIRS AND ATTORNEY GENERAL**

**41100000 Program: Office of Attorney General**

**41100100 Civil Enforcement**

Approved Performance Measures for FY 2009-10 (Words)	Approved Prior Standards for FY 2008-09 (Numbers)	Prior Year Actual FY 2008-09 Standard (Numbers)	Approved Standards for FY 2009-10 (Numbers)	Requested FY 2010-11 Standard (Numbers)
Percent of mediated open government cases resolved in 3 weeks or less	70%	82%	70%	70%
Percent of lemon law cases resolved in less than one year	95%	100%	95%	95%
Percent of clients expressing satisfaction with civil enforcement legal services	95%	N/A*	95%	95%
Number of open government cases handled	100	61	100	100
Percent of open government disputes resolved through mediator	75%	82%	75%	75%
Number of repurchase disclosure/enforcement cases	2,000	2,386	2,000	2,000
Number of active lemon law cases	1,300	708	1,300	1,300
Number of active antitrust cases	62	131	62	62
Number of active economic crime cases, including consumer and RICO cases	242	233	186	186
Number of active cybercrime cases	N/A	290	50	50
Number of active Medicaid Fraud cases	900	1,158	900	900
Number of hearings held before the court- Children's Legal Services	32,000	32,723	32,000	32,000
Number of active ethics cases	120	61	120	120
Number of active child support enforcement	65,000	59,679	65,000	65,000
Number of active civil rights cases	38	61	38	38

\* Only one Client responded to the Client Satisfaction Survey regarding Civil Enforcement Cases.

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

**Department: DEPARTMENT OF LEGAL AFFAIRS AND ATTORNEY GENERAL**

**41100200 Constitutional Legal Services**

Approved Performance Measures for FY 2009-10 (Words)	Approved Prior Standards for FY 2008-09 (Numbers)	Prior Year Actual FY 2008-09 Standard (Numbers)	Approved Standards for FY 2009-10 (Numbers)	Requested FY 2010-11 Standard (Numbers)
Number of days for opinion response	28	8	28	28
Percent of clients expressing satisfaction with constitutional legal services	95%	N/A*	95%	95%
Number of opinions issued	150	604	150	150
Number of active Solicitor General cases	390	375	390	390
Number of active civil appellate cases	300	1333	300	300

\* No clients responded to the Client Satisfaction Survey regarding Constitutional Legal Services Cases.

## LRPP Exhibit II - Performance Measures and Standards

**Department: DEPARTMENT OF LEGAL AFFAIRS AND ATTORNEY GENERAL**

**41100300 Criminal and Civil Litigation Defense**

Approved Performance Measures for FY 2009-10 (Words)	Approved Prior Standards for FY 2008-09 (Numbers)	Prior Year Actual FY 2008-09 Standard (Numbers)	Approved Standards for FY 2009-10 (Numbers)	Requested FY 2010-11 Standard (Numbers)
Percent of clients expressing satisfaction with criminal and civil legal defense services	95%	98%	95%	95%
Total fees and costs expended for legal services with private outside counsel	Not Available	Not Available	Not Available	Not Available
Percentage of State of Florida legal services conducted, private v. public	Not Available	Not Available	Not Available	Not Available
Salaries, benefits, and costs of in-house legal units for each state agency	Not Available	Not Available	Not Available	Not Available
Number of capital cases - briefs/state & federal responses/oral arguments	200	260	200	200
Number of noncapital cases - briefs/state & federal responses/oral arguments	19,000	19,350	19,000	19,000
Number of active sexual predator commitment appeals	150	266	150	150
Number of active eminent domain cases	1,000	535	1,000	1,000
Number of active tax cases	1,200	1,284	800	800
Number of active civil appellate cases	323	1,333	323	323
Number of active inmate cases	1,651	2,804	1,651	1,651
Number of active state employment cases	113	380	113	113

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

**Department: DEPARTMENT OF LEGAL AFFAIRS AND ATTORNEY GENERAL**

**41100400 Victim Services**

Approved Performance Measures for FY 2009-10 (Words)	Approved Prior Standards for FY 2008-09 (Numbers)	Prior Year Actual FY 2008-09 Standard (Numbers)	Approved Standards for FY 2009-10 (Numbers)	Requested FY 2010-11 Standard (Numbers)
Number of victim compensation claims received	21,000	27,794	21,000	21,000
Number of days from application to payment of victim compensation claim	45	27	45	45
Number of victims served through grants	200,000	257,506	200,000	200,000
Number of people attending victims and crime prevention training	4,750	2,499	4,750	4,750

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

**Department: DEPARTMENT OF LEGAL AFFAIRS AND ATTORNEY GENERAL**

**41100500 Executive Direction and Support Services**

Approved Performance Measures for FY 2009-10 (Words)	Approved Prior Standards for FY 2008-09 (Numbers)	Prior Year Actual FY 2008-09 Standard (Numbers)	Approved Standards for FY 2009-10 (Numbers)	Requested FY 2010-11 Standard (Numbers)
Of eligible attorneys, percent who have attained rating, BV rating, and or board certification	70%	51%	70%	70%



**Department of Legal Affairs**  
**Office of the Attorney General**

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**Assessment of  
Performance for  
Approved  
Performance  
Measures**

**LRPP Exhibit III**

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Civil Enforcement / 41100100

**Measure:** Number of open government cases handled

**Action:**

- |  |  |
|--|--|
| <input checked="" 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 type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
100	61	(39)	(39%)

**Factors Accounting for the Difference:**

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

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input checked="" 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:**

The program is now being handled by the mediation coordinator and attorneys from the Opinions Division rather than by the General Counsel. There is no longer one person designated to handle the mediation requests.

**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:**

No change requested at this time

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Legal Affairs  
**Program:** Office of the Attorney General  
**Service/Budget Entity:** Civil Enforcement / 41100100  
**Measure:** Number of active Lemon Law Cases

**Action:**

- |  |  |
|--|--|
| <input checked="" 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 type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
1,300	708	(592)	(45.5%)

**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 checked="" type="checkbox"/> This Program/Service Cannot Fix The Problem |  |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission    |  |

**Explanation:**

Reduction of new car sales as a result of manufacturer bankruptcies and economic recession reduced the number of claims filed. The Lemon Law Arbitration Program has no control over the number of arbitration claims consumers will file with the Department of Agriculture and Consumer Services, Division of Consumer Services (DCS), nor is there any control over the number of those claims DCS will deem eligible and forward to this 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:**

No change requested at this time

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Civil Enforcement / 41100100

**Measure:** Number of active ethics cases

**Action:**

- |  |  |
|--|--|
| <input checked="" 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 type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
120	61	(59)	(49%)

**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:**

Ethics cases fluctuate from year-to-year. There are usually more cases in an election year and less when there are no elections taking place.

**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:**

No change requested at this time

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Civil Enforcement / 41100100

**Measure:** Number of active child support cases

**Action:**

- |  |  |
|--|--|
| <input checked="" 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 type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
65,000	59,679	(5,321)	(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           |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Identify) |

**Explanation:**

The Office of the Attorney General closed its West Palm Beach Office, and stopped handling cases in Gulf County, resulting in a decreased caseload.

**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:**

The Department of Revenue's automated administrative process has lowered the number of cases referred to the Office of the Attorney General for legal action (court appearance).

**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:**

No change requested at this time

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Constitutional Legal Services / 41100200

**Measure:** Number of active Solicitor General Cases

**Action:**

- |  |  |
|--|--|
| <input checked="" 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 type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
390	375	(15)	(3.8%)

**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 |
| <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:**

The number of cases handled by the Solicitor General fluctuates from year-to-year.

**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:**

No change requested at this time

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Civil Enforcement / 41100300

**Measure:** Number of active eminent domain cases

**Action:**

- |  |  |
|--|--|
| <input checked="" 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 type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
1,000	535	(465)	(46.5%)

**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:**

The Department of Transportation pulled their eminent domain business in-house as a cost saving measure resulting in fewer cases handled by the Office of the Attorney General.

**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:**

No change requested at this time

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Victim Services / 41100400

**Measure:** Number of people attending victims and crime prevention training

**Action:**

- |  |  |
|--|--|
| <input checked="" 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 type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
4750	2499	(2251)	(47%)

**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:**

Due to the economic downturn and other factors outside the control of the OAG, the original estimate for training participants was over-estimated. Training and travel dollars have been seriously restricted at the state and local level. Staff is very proficient in delivering training to law enforcement, victim services, and allied professionals. Core curricula are developed and coordinated with the appropriate external entities. When the economy began its most recent downturn, funding at the state and local level decreased, resulting in fewer agencies sending fewer officers to the OAG for training.

During the last couple of years, recordkeeping has improved and we now have a more accurate accounting of participation in the Annual National Conference on Preventing Crime in the Black Community. These lower numbers are reflected in the decreased number of training participants.

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

- |  |  |
|--|--|
| <input checked="" 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:**

When funding for training is reduced in the agencies served by the Florida Crime Prevention Training Institute (FCPTI), there is a resultant decrease in the number of individuals attending the training programs. However, FCPTI is the primary provider for a significant number of training programs for law enforcement training, and under normal circumstances, Florida's law



enforcement community consistently participates in these courses. With changes in the state and national economy, reduced funding has resulted in fewer training participants.

In addition, the OAG lost teaching contracts with Hillsborough Community College and the Miami-Dade Police Department, resulting in cancellation of four classes and a corresponding reduction in the number of training participants.

Although the OAG applied for and was given verbal approval of federal funding through the Bureau of Justice Assistance of the US Department of Justice, Office of Justice Programs, the funding did not materialize, resulting in decreased attendance at the National Conference on Preventing Crime in The Black Community, as these funds were designated for scholarships that would enable more law enforcement agencies to send personnel to the conference.

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

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

**Recommendations:**

Classes are being scheduled in central locations (e.g. Orlando) where commercial transportation options are more advantageous and participants can reach the training site within four to six hours using ground transportation. Development and implementation of the FCPTI course registration database will greatly improve the OAG's recordkeeping capabilities and provide needed information to better assess the training needs for law enforcement officers and victim services professionals throughout the state. In addition, the OAG has again applied for federal funding through the Bureau of Justice Assistance to increase law enforcement community involvement in the National Conference on Preventing Crime in the Black Community through scholarships to cover participants' registration and travel costs.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Executive Direction / 41100500

**Measure:** Of eligible attorneys, percent who have attained rating, BV rating, and or board certification

**Action:**

- |  |  |
|--|--|
| <input checked="" 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 type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
70%	51%	(19%)	(27%)

**Factors Accounting for the Difference:**

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

- |   |  |
|---|--|
| <input checked="" 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:**

Martindale-Hubbell ratings are based on attorney peer review and Board Certification is attained through a certification process maintained by the Florida Bar. These accomplishments are strictly voluntary and are not required to practice law in the State of Florida nor for employment with this agency. The variables for this measure, number of eligible attorneys and percentage of those attorneys rated and/or certified, are dependent upon turnover and fluctuate from year-to-year.

**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:**

No change requested at this time

**Department of Legal Affairs**  
**Office of the Attorney General**

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**Associated Activities**  
**Contribution to**  
**Performance**  
**Measures**  
**LRPP Exhibit V**

**LRPP Exhibit V: Identification of Associated Activity Contributing to Performance**

Measure Number	Approved Performance Measures for FY 2008-09 (Words)		Associated Activities Title
1	Percent of mediated open government cases resolved in 3 weeks or less		Open Government Mediation
2	Percent of lemon law cases resolved in less than one year		Lemon Law
3	Percent of clients expressing satisfaction with civil enforcement legal services		Lemon Law
			Child Support Enforcement
			Antitrust
			RICO - Consumer
			Commission on Ethics Prosecutions
			Open Government Mediation
			Health Care/Medicaid Fraud
			Children's Legal Services
			Civil Rights
4	Number of open government cases handled		Open Government Mediation
5	Percent of open government disputes resolved through mediation		Open Government Mediation
6	Number of repurchase disclosure/enforcement cases		Lemon Law
7	Number of active lemon law cases		Lemon Law
8	Number of active antitrust cases		Antitrust
9	Number of active economic crime cases, including consumer and RICO cases		RICO - Consumer
10	New Measure - Number of active cybercrime cases		New Activity - Child Predator CyberCrime Unit
11	Number of active Medicaid Fraud cases		Health Care/Medicaid Fraud
12	Number of hearings held before the court - Children's Legal Services		Lemon Law
13	Number of active ethics cases		Commission on Ethics Prosecutions
14	Number of active child support enforcement		Child Support Enforcement
15	Number of active civil rights cases		Civil Rights

**LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures**

Measure Number	Approved Performance Measures for FY 2008-09 (Words)		Associated Activities Title
16	Number of days for opinion response		Opinions
17	Percent of clients expressing satisfaction with constitutional legal services		Solicitor General Opinions Cabinet Support Services
18	Number of opinions issued		Opinions
19	Number of active Solicitor General cases		Solicitor General
20	Number of active civil appellate cases		Solicitor General

**LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures**

Measure Number	Approved Performance Measures for FY 2008-09 (Words)		Associated Activities Title
21	Percent of clients expressing satisfaction with criminal and civil legal defense services		Eminent Domain Sexual Predator Civil Commitment Appeals Non-Capital Criminal Appeals Capital Appeals Administrative Law Revenue Litigation Civil Litigation Defense of State Agencies
22	Total fees and costs expended for legal services with private outside counsel		N/A
23	Percentage of State of Florida legal services conducted private v. public		N/A
24	Salaries, benefits and costs of in-house legal units for each state agency		N/A
25	Number of capital cases - briefs/state & federal responses/oral arguments		Capital Appeals
26	Number of noncapital cases - briefs/state & federal responses/oral arguments		Non-Capital Criminal Appeals
27	Number of active sexual predator commitment appeals		Sexual Predator Civil Commitment Appeals
28	Number of active eminent domain cases		Eminent Domain
29	Number of active tax cases		Revenue Litigation
30	Number of active civil appellate cases		Civil Litigation Defense of State Agencies
31	Number of active inmate cases		Civil Litigation Defense of State Agencies
32	Number of active state employment cases		Civil Litigation Defense of State Agencies
	There is no performance measure associated with this activity and no grants have been awarded since FY 2002/03.		Grants - Motor Vehicle Theft Prevention

**LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures**

Measure Number	Approved Performance Measures for FY 2008-09 (Words)		Associated Activities Title
33	Number of victim compensation claims received		Victim Compensation
34	Number of days from application to payment of victim compensation claim		Victim Compensation
35	Number of victims served through grants		Grants - VOCA
36	Number of people attending victims and crime prevention training		Crime Prevention/Training

**LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures**

Measure Number	Approved Performance Measures for FY 2008-09 (Words)		Associated Activities Title
37	Of eligible attorneys, percent who have attained rating, BY rating, and or board certification		Encompasses entire agency



LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL		FISCAL YEAR 2008-09			
SECTION I: BUDGET		OPERATING		FIXED CAPITAL OUTLAY	
TOTAL ALL FUNDS GENERAL APPROPRIATIONS ACT		179,937,552		0	
ADJUSTMENTS TO GENERAL APPROPRIATIONS ACT (Supplementals, Vetoes, Budget Amendments, etc.)		5,591,606		0	
FINAL BUDGET FOR AGENCY		185,529,158		0	
SECTION II: ACTIVITIES * MEASURES		Number of Units	(1) Unit Cost	(2) Expenditures (Allocated)	(3) FCO
Executive Direction, Administrative Support and Information Technology (2)					0
Child Predator Cybercrime * Number of active cybercrime cases		290	15,301.34	4,437,388	
Lemon Law * Number of Arbitration Hearings Conducted		708	2,198.23	1,556,350	
Child Support Enforcement * Number of final orders obtained representing the Department of Revenue in child support enforcement proceedings.		59,679	129.29	7,716,169	
Antitrust * Number of cases enforcing provisions of the Antitrust Act		131	17,272.43	2,262,688	
Racketeer Influenced And Corrupt Organization (rico)/ Consumer Fraud * Cases enforcing the Racketeer Influenced and Corrupt Act and Unfair and Deceptive Trade Practices Act.		233	36,104.97	8,412,457	
Commission On Ethics Prosecutions * Number of cases prosecuted before the Florida Commission on Ethics		61	5,010.80	305,659	
Open Government Mediation * Number of cases settled or mediated		61	3,617.30	220,655	
Medicaid Fraud Control * Number of cases investigated involving Medicaid fraud activities		1,158	16,246.94	18,813,956	
Children's Legal Services * Number of cases representing the Department of Children and Families in juvenile dependency and termination of parental rights proceedings		32,723	258.61	8,462,479	
Civil Rights * Number of cases investigated and prosecuted involving violations of civil rights		61	6,857.44	418,304	
Solicitor General * Number of cases		375	4,562.74	1,711,026	
Opinions * Number of Opinions Issued		604	796.46	481,060	
Cabinet Support Services * Number of Cabinet Meetings		18	17,039.17	306,705	
Eminent Domain * Cases representing the Department of Transportation and other government agencies in eminent domain proceedings.		535	2,307.17	1,234,335	
Sexual Predator Civil Commitment Appeals * Number of cases		266	722.77	192,257	
Non-capital Criminal Appeals * Number of cases - non-capital appellate litigation		19,350	670.98	12,983,551	
Capital Appeals * Number of cases - capital appellate litigation		260	9,717.87	2,526,646	
Administrative Law * Number of cases		700	3,743.40	2,620,382	
Tax Law * Number of cases enforcing, defending and collecting tax assessments		1,284	1,206.99	1,549,774	
Civil Litigation Defense Of State Agencies * Number of cases defending the state and its agents in litigation of appellate, corrections, employment, state programs and tort.		4,517	2,035.65	9,195,032	
Grants-victims Of Crime Advocacy * Number of victims served through grants.		257,506	93.40	24,050,788	
Victim Notification * Number of appellate services provided		5,745	301.49	1,732,043	
Victim Compensation * Number of victim compensation claims paid		27,794	1,147.22	31,885,903	
Minority Crime Prevention Programs * Number of crime prevention programs assisted		5	1,264,908.60	6,324,543	
Grants-crime Stoppers * Number of crime stopper agencies assisted		28	144,343.57	4,041,620	
Crime Prevention/Training * Number of people attending training		2,499	179.57	448,736	
Investigation And Prosecution Of Multi-circuit Organized Crime-drugs * Annual volume of investigations handled		363	72.84	26,440	
Investigation And Prosecution Of Multi-circuit Organized Crime * Annual volume of investigations handled/financial assessments		457	15,346.51	7,013,357	
Prosecution Of Violations Of The Florida Election Code * Number of prosecutions handled.		404	3,301.62	1,333,854	
TOTAL				162,264,157	
SECTION III: RECONCILIATION TO BUDGET					
PASS THROUGHS					
TRANSFER - STATE AGENCIES					
AID TO LOCAL GOVERNMENTS					
PAYMENT OF PENSIONS, BENEFITS AND CLAIMS					
OTHER					
REVERSIONS				21,547,881	
TOTAL BUDGET FOR AGENCY (Total Activities + Pass Throughs + Reversions) - Should equal Section I above. (4)				183,812,038	

## SCHEDULE XI/EXHIBIT VI: AGENCY-LEVEL UNIT COST SUMMARY

- (1) Some activity unit costs may be overstated due to the allocation of double budgeted items.
- (2) Expenditures associated with Executive Direction, Administrative Support and Information Technology have been allocated based on FTE. Other allocation methodologies could result in significantly different unit costs per activity.
- (3) Information for FCO depicts amounts for current year appropriations only. Additional information and systems are needed to develop meaningful FCO unit costs.
- (4) Final Budget for Agency and Total Budget for Agency may not equal due to rounding.
- (5) Section I Final Budget for Agency and Section III Total Budget does not equal due to the Reversion and reappropriation of ARRA funds totaling \$1,717,029.

## Glossary of Terms

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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.

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

Child Predator CyberCrime Unit: 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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AAG	Assistant Attorney General
AHCA	Agency for Health Care Administration
APD	Adult Protective Division
CLS	Children's Legal Services
CPCU	Child Predator Cybercrime Unit
d/b/a	Doing business as
DCF	Department of Children and Families
DEA	Drug Enforcement Agency
DOH	Department of Health
DRTs	Diversion Response Teams
FCHR	Florida Commission on Human Relations
FCIC	Florida Crime Information Center
FDLE	Florida Department of Law Enforcement
FDUTPA	Florida Deceptive & Unfair Trade Practices Act
f/k/a	Formerly known as
F.S.	Florida Statutes
FTE	Full Time Equivalent
FY	Fiscal Year
HIDTA	High Intensity Drug Trafficking Area
HUD	Department of Housing and Urban Development
ICAC	Internet Crimes Against Children
L.O.F.	Laws of Florida
MDMA	Methylenedioxymethamphetamine
MFCU	Medicaid Fraud Control Unit
MOU	Memorandum of Understanding
NCMEC	National Center for Missing & Exploited Children
OAG	Office of the Attorney General
OCR	Office of Civil Rights
OSG	Office of the Solicitor General
OSWP	Office of Statewide Prosecutor
PANE	Patient Abuse, Neglect and Exploitation
PIN	Personal Identification Number
RICO	Racketeer Influenced and Corrupt Organization
RV	Recreational Vehicle
SRO	School Resource Officer
SWGJ	Statewide Grand Jury
VOCA	Victims of Crime Act

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*Office of the*

**Statewide Prosecutor**

**William Shepherd**



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# **Long Range Program Plan**

**FY 2010-11 through FY 2014-15**

**Department of Legal Affairs**  
**Office of Statewide Prosecution**

**PL 01 The Capital**  
**Tallahassee, Florida 32399-1050**

# MISSION

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**To investigate and prosecute multi-circuit organized crime and to assist other law enforcement officials in their efforts against organized criminal activity.**

## Program: Office of Statewide Prosecution Goals

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

**Goal #2:** Effectively prosecute multi-circuit crime



## **Program: Office of Statewide Prosecution Objectives**

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

**Objective A:** Assist law enforcement Outcome: Number of law enforcement agencies assisted

**Objective B:** Maintain substantial caseload of complex investigations

**Goal #2:** Effectively prosecute multi-circuit crime

**Objective A:** Maintain substantial caseload of complex prosecutions

**Objective B:** Seek effective case results

## Program: Office of Statewide Prosecution Service Outcomes and Performance Projections Tables

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

**Objective A:** Assist law enforcement Outcome: Number of law enforcement agencies assisted

**Outcome:** Number of law enforcement agencies assisted

Baseline/Year 2000-01	FY 2009- 10	FY 2010-11	FY 2011-12	FY 2012- 13	FY 2013- 14
199	90	90	95	95	95

**Objective B:** Maintain substantial caseload of complex investigations

**Outcome:** Total inventory of drug cases

Baseline/Year 2000-01	FY 2009- 10	FY 2010-11	FY 2011-12	FY 2012- 13	FY 2013- 14
338	250	275	275	300	300

**Goal #2:** Effectively prosecute multi-circuit crime

**Objective A:** Maintain substantial caseload of complex prosecutions

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

Baseline/Year 2000-01	FY 2009- 10	FY 2010-11	FY 2011-12	FY 2012- 13	FY 2013- 14
729	600	625	625	625	650

**Objective B:** Seek effective case results

**Outcome:** Number of defendants convicted

Baseline/Year 2000-01	FY 2009- 10	FY 2010-11	FY 2011-12	FY 2012- 13	FY 2013- 14
410	355	375	375	375	380

**Outcome:** Conviction Rate

Baseline/Year 2000-01	FY 2009- 10	FY 2010-11	FY 2011-12	FY 2012- 13	FY 2013- 14
90%	90%+	90%+	90%+	90%+	90%+

## **Program: Office of Statewide Prosecution Trends and Conditions Statements**

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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 victimizes many citizens of Florida. The Office utilizes the police-prosecutor team approach with many statewide and local law enforcement agencies, in order to systematically attack organized crime. In addition to proactive enforcement, the Office also utilizes educational and legislative approaches in the prevention of organized criminal activity 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. If the work does not serve to accomplish the stated goals and objectives, which are tied to impact or positive outcome results, the activities are not pursued. 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.

Trends and conditions are assessed by scanning relevant written materials, including detailed crime rate analysis and studies on crime in changing economic conditions, and by participating in training opportunities and engaging in discussions with colleagues in law enforcement and members of the Legislature and executive agencies.

## ***Priorities***

The priorities of the Office are: (1) criminal gangs and violent crime, (2) fraud and theft, (3) narcotics trafficking, and (4) sexual predators. The goal of the Office is to dismantle criminal organizations through effective prosecution and civil, administrative, and regulatory sanctions when appropriate.

In August 2007, at Governor Charlie Crist's petition to the Supreme Court, this Office empanelled the Eighteenth Statewide Grand Jury to investigate numerous cases of organized criminal activity, including but not limited to gang activity, throughout the State. The term of the Statewide Grand Jury is twelve months and was extended an additional six months. Statewide Grand Jury reports can be found at: <http://www.myfloridalegal.com>.

## ***Major Prosecutorial Efforts***

In the last year and a half, OSP has committed almost a quarter of its resources to investigating and prosecuting criminal gangs using the state's RICO laws. This focus will continue throughout the state in the years ahead. More specific reports on those efforts are available in the Annual Report and the Statewide Grand Jury Reports.

The other major effort for OSP continues to be efforts to fight fraud and theft. This has traditionally been centered on health care fraud and has recently been expanded to focus on mortgage fraud cases. Since Florida was recently named the number one state for mortgage fraud by various banking organizations, it seems likely that mortgage fraud cases will continue to be an important part of the work at Statewide.

Of course these two efforts will not eliminate the work OSP continues to do in fighting drug trafficking, internet crimes, and the growing problem of organized retail theft crime. OSP will continue its enhanced efforts during these difficult budget times.

## ***Legislative Initiatives***

The Office will continue to serve as subject matter experts on Attorney General McCollum's legislative initiatives.

**Department of Legal Affairs**  
**Office of Statewide Prosecution**

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**Performance  
Measures and  
Standards**

**LRPP Exhibit II**

## LRPP Exhibit II - Performance Measures and Standards

**Department: DEPARTMENT OF LEGAL AFFAIRS AND ATTORNEY GENERAL**

**41200000 Program: Office of Statewide Prosecution**

**41200100 Prosecution of Multi-Circuit Organized Crime**

Approved Performance Measures for FY 2009-10 (Words)	Approved Prior Standards for FY 2008-09 (Numbers)	Prior Year Actual FY 2008-09 Standard (Numbers)	Approved Standards for FY 2009-10 (Numbers)	Requested FY 2010-11 Standard (Numbers)
Conviction rate for defendants who reached final disposition	90%	97%	90%	90%
Of the defendants who reached disposition, the number of those convicted	391	457	350	350
Number of law enforcement agencies assisted	75	76	80	80
Total number of active cases, excluding drug cases	650	541	700	700
Total number of active drug related multi-circuit organized criminal cases	275	363	300	300

**Department of Legal Affairs**  
**Office of Statewide Prosecution**

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**Assessment of  
Performance for  
Approved  
Performance  
Measures**

**LRPP Exhibit III**



## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Legal Affairs  
**Program:** Office of Statewide Prosecution  
**Service/Budget Entity:** Statewide Prosecution / 41200100  
**Measure:** Number of Law Enforcement Agencies Assisted

**Action:**

- |  |  |
|--|--|
| <input checked="" 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 type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
80	76	(4)	(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 dependent upon the receipt of requests for assistance (RFA) from primary and secondary law enforcement agencies from each region of the state.

**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:**

No change requested at this time

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Legal Affairs

**Program:** Office of Statewide Prosecution

**Service/Budget Entity:** Statewide Prosecution / 41200100

**Measure:** Total Number of Active Cases, Excluding Drug Cases

**Action:**

- |  |  |
|--|--|
| <input checked="" 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 type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
700	541	(159)	(22.7%)

**Factors Accounting for the Difference:**

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

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input checked="" 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:**

The Office of Statewide Prosecution has recently experienced a legislatively mandated budget cut. This created a need to leave vacant positions unfilled and the loss of two support staff. The effect of this has been fewer staff to process cases creating reduced performance numbers.

**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:**

No change requested at this time

**Department of Legal Affairs**  
**Office of Statewide Prosecution**

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**Associated Activities**  
**Contribution to**  
**Performance**  
**Measures**  
**LRPP Exhibit V**

**LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures**

Measure Number	Approved Performance Measures for FY 2008-09 (Words)		Associated Activities Title
38	Conviction rate for defendants who reached final disposition		Investigation and Prosecution of Multi-Circuit Organized Crime - Drugs
			Investigation and Prosecution of Multi-Circuit Organized Crime
39	Of the defendants who reached disposition, the number of those convicted		Investigation and Prosecution of Multi-Circuit Organized Crime - Drugs
			Investigation and Prosecution of Multi-Circuit Organized Crime
40	Number of law enforcement agencies assisted		Investigation and Prosecution of Multi-Circuit Organized Crime - Drugs
			Investigation and Prosecution of Multi-Circuit Organized Crime
41	Total number of active cases - excluding drug cases		Investigation and Prosecution on Multi-Circuit Organized Crime
42	Total number of active drug related multi-circuit organized criminal cases		Investigation and Prosecution of Multi-Circuit Organized Crime - Drugs

## Exhibit VI

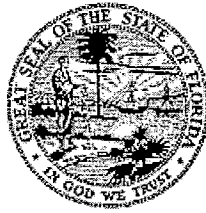
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Agency-Level Unit Cost Summary is included in the Department of Legal Affairs Office of the Attorney General's LRPP

## Glossary of Terms and Acronyms

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Glossary of Terms and Acronyms are included in the Department of Legal Affairs Office of the Attorney General's LRPP.



## FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street, Suite 224  
Collins Building  
Tallahassee, Florida 32399-1050  
(850) 922-4539

### LONG RANGE PROGRAM PLAN

Florida Elections Commission

Tallahassee, Florida

September 28, 2009

Jerry McDaniel, Director  
Office of Policy & Budget  
Executive Office of the Governor  
1701 The Capitol  
Tallahassee, Florida 32399-0001

JoAnne Leznoff, Council Director  
House Full Appropriations Council on General Government & Health Care  
221 Capitol  
Tallahassee, Florida 32399-1300

Skip Martin, Council Director  
House Full Appropriations Council on Education & Economic Development  
221 The Capitol  
Tallahassee, Florida 32399-1300

Cynthia Kelly, Staff Director  
Senate Policy and Steering Committee on Ways and Means  
201 The Capitol  
Tallahassee, Florida 32399-1300

Dear Directors:

Pursuant to Chapter 216, *Florida Statutes*, our Long Range Program Plan (LRPP) for the Florida Elections Commission is submitted in the format prescribed in the budget instructions. The information provided electronically and contained herein is a true and accurate presentation of our mission, goals, objectives and measures for the Fiscal Year 2010-11 through Fiscal Year

2014-2015. This submission has been approved by Simone Marstiller, Executive Director of the Florida Elections Commission.

  
Simone Marstiller, Executive Director



# **Long-Range Program Plan**

**Fiscal Years 2010-11 through 2014-15**

## **FLORIDA ELECTIONS COMMISSION**



**September 2009**

## **Mission Statement**

**“Ensuring Fair Elections”**

### **Goal**

**Enforce Chapters 104 and 106  
Effectively and Efficiently**

## **Agency Objectives**

**Maintain the percentage of cases closed in a 12 month period, and to continue to reduce case backlog.**

**Maintain high conviction rate in cases where the Commission has found probable cause.**

**FLORIDA ELECTIONS COMMISSION**

**AGENCY SERVICE OUTCOMES AND PERFORMANCE  
PROJECTION TABLES**

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

<b>Baseline/Year 2001</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>
75%	80%	80%	80%	80%	80%

Due to increased agency productivity, this measure was raised from 75% to 80% 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, 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

<b>Baseline/Year 2001</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>
90%	90%	90%	90%	90%	90%

Following a thorough investigation by Commission staff, a Commission prosecutor drafts a statement recommending to the Commission whether an election law has been violated. As a quasi judicial body, the Commission reviews the case and determines whether there is probable cause that a violation occurred. In cases where probable cause is found, the person may contest the Commission’s findings in a formal or informal hearing. The 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 STATEMENTS**

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.

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 hires an executive director who hires and supervises the Commission staff.

The Commission is composed of nine members appointed by the governor for four year terms and are limited to serving no more than two terms. The staff consists of the executive director, two attorneys, the investigations manager, six investigators, the commission clerk, the business manager, a paralegal, and an office clerk.

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 before the Commission.

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." The Commission determines whether a fine was properly imposed or whether there are unusual or other circumstances that justify the late filing of the report.

In 2007, the Legislature made some significant procedural changes to Chapter 106. The changes have increased the number of steps required of staff before the Commission determines probable cause. It also automatically refers all cases to the Division of Administrative Hearings for a hearing unless a Respondent affirmatively chooses an informal hearing before the Commission. The changes also provided that the administrative law judge in such proceedings shall enter a final order. These changes not only slow down the process for determining whether a violation has occurred, but also increases the cost for a Respondent, if the Commission has found probable cause that he violated an election law.

The Commission's goal is to complete cases in the shortest time. An outcome measure currently used to gauge success is the number of cases closed in a given fiscal year. Of cases closed in a given year, the Commission's objective is to close 80% of cases within 12 months. Careful

consideration of the number of cases opened in a given year should be a factor in any review of this agency's service to the Florida public.

The table below illustrates success over the last eight 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 next fiscal year.</b>
<b>2001/02</b>	<b>246</b>	<b>260</b>	<b>75 %</b>	<b>79 %</b>	<b>169</b>
<b>2002/03</b>	<b>541</b>	<b>509</b>	<b>80 %</b>	<b>96 %</b>	<b>127</b>
<b>2003/04</b>	<b>292</b>	<b>294</b>	<b>80 %</b>	<b>91 %</b>	<b>162</b>
<b>2004/05</b>	<b>448</b>	<b>441</b>	<b>80 %</b>	<b>96 %</b>	<b>155</b>
<b>2005/06</b>	<b>274</b>	<b>250</b>	<b>80%</b>	<b>77 %</b>	<b>183</b>
<b>2006/07</b>	<b>483</b>	<b>424</b>	<b>80 %</b>	<b>90 %</b>	<b>180</b>
<b>2007/08</b>	<b>276</b>	<b>303</b>	<b>80 %</b>	<b>79 %</b>	<b>157</b>
<b>2008/09</b>	<b>417</b>	<b>404</b>	<b>80 %</b>	<b>89 %</b>	<b>169</b>

In fiscal year 2002/03, the Commission established two additional measures: an 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. These additional measures help to accurately and completely reflect the role of the agency and its success in enforcing Florida's election laws. For fiscal year 2008/09, the Commission's conviction rate where probable cause was found is 96%, and the current caseload is 191 cases per attorney.

To increase output, a priority of the Commission has been to reduce staff turnover. The quality and experience of the investigative and legal 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. Salary bonuses and increases in the salaries of the Commission's investigators to reward the superior service of long term employees who have obtained expertise in election law would result in retaining experienced staff members who can investigate a case more quickly. Equitable salaries for our investigators would also result in a more experienced pool of applicants to choose from if a staff member departs.

It is the responsibility of the Commission and its staff to handle complaints filed by the public, and referrals made by filing officers throughout the state. It is our objective to handle those cases quickly and completely to help insure fair elections.

**Impact Statement**

At this time, the Florida Elections Commission is neither creating new programs nor requesting additional staff, additional budget authority, 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.

**EXHIBIT II:**

**PERFORMANCE MEASURES & STANDARDS**



## Exhibit II – Performance Measures and Standards

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

Approved Performance Measures	Approved Prior Year Standards and Measures FY 2008-09	Prior Year Actual FY 2008-09	Approved Standards and Measures for FY 2009-10	Requested FY 2010-11 Standards and Measures
Ratio of active cases to attorneys	115:1	191:1	115:1	115:1
Conviction rate where the Commission has found probable cause	90%	96%	90%	90%
Percent of cases that are closed within 12 months	80%	89%	80%	80%

**Exhibit III:**

**Assessment of Performance for Approved  
Performance Measures**

**LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT**

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Florida Elections Commission/Campaign Finance and Election Fraud Enforcement

**Measure:** Outcome – Percentage of Cases that are Closed within 12 Months

**Action:**

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
80%	89%	9%	(11.25%)

**Factors Accounting for the Difference:**

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

- Personnel Factors
- Competing Priorities
- Previous Estimate Incorrect
- Other (Identify)
- Staff Capacity
- Level of Training

**Explanation:**

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

- Resources Unavailable
- Legal/Legislative Change
- Target Population Change
- This Program/Service Cannot Fix The Problem
- Current Laws Are Working Against The Agency Mission
- Technological Problems
- Natural Disaster
- Other (Identify)

**Explanation:**

FY 08/09 saw a typical year in terms of case closures. Effective January 1, 2008, the Legislature increased the number of steps required of staff before the Commission determines probable cause, resulting in a month or more being added to the length of investigating all cases. In addition, this legislation automatically refers all cases to the Division of Administrative Hearings for a hearing unless a Respondent affirmatively chooses an informal hearing before the Commission. These changes not only slow down the process for determining whether a violation has occurred, but also increase the cost.

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

- Training
- Personnel
- Technology
- Other (Identify)

**Recommendations:**

No change at this time.

**LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT**

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Florida Elections Commission/Campaign Finance and Election Fraud Enforcement

**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%	96%	6%	6.7%

**Factors Accounting for the Difference:**

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

- Personnel Factors  Staff Capacity
- Competing Priorities  Level of Training
- Previous Estimate Incorrect
- Other (Identify)

**Explanation:**

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

- Resources Unavailable  Technological Problems
- Legal/Legislative Change  Natural Disaster
- Target Population Change  Other (Identify)
- This Program/Service Cannot Fix The Problem
- Current Laws Are Working Against The Agency Mission

**Explanation:**

FY 08/09 saw a typical year in terms of conviction rates.

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

- Training  Technology
- Personnel  Other (Identify)

**Recommendations:**

No changes at this time.

**LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT**

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Florida Elections Commission/Campaign Finance and Election Fraud Enforcement

**Measure:** Output – Ratio of Active Cases to Attorneys

**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
115:1	191:1	76:1	66.1%

**Factors Accounting for the Difference:**

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

- Personnel Factors  Staff Capacity
- Competing Priorities  Level of Training
- Previous Estimate Incorrect
- Other (Identify)

**Explanation:**

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

- Resources Unavailable  Technological Problems
- Legal/Legislative Change  Natural Disaster
- Target Population Change  Other (Identify)
- This Program/Service Cannot Fix The Problem
- Current Laws Are Working Against The Agency Mission

**Explanation:**

This measure is largely dependent upon external factors and represents the total number of complaints filed by the public and referrals received from filing officers. During an election year there is an increase of cases.

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

- Training  Technology
- Personnel  Other (Identify)

**Recommendations:**

No change at this time.

**EXHIBIT IV:**

**PERFORMANCE MEASURE 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:** Florida Elections Commission/Campaign Finance and Election Enforcement

**Measure:** Outcome – Percentage of Cases that are Closed within 12 Months

**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:**

Campaign finance complaints and referrals.

Campaign finance complaints and referrals are entered, monitored and tracked in our Case Management System (CMS). The opened date and closed date are entered into the CMS. The CMS generates a report based on the closed date. The closed dates listed on the report are then compared to the open dates to determine whether the case was closed within 12 months of being opened. This number is divided by the total number of closed cases.

The percentage of cases closed within 12 months.

**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 was reviewed to select 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.

This measure is an appropriate indicator of the program's ability to process complaints and referrals, investigate complaints, and prosecute cases.

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

**Reliability:**

The data is gathered and reviewed by the Business Manager. Data errors are corrected as identified. Review of automated and manual records reveal that sufficient controls are in place to assure data accuracy and reliability. The Executive Director arranges for the completion of periodic upgrades and improvements to the CMS to assure reporting accuracy.



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

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Florida Elections Commission/Campaign Finance and Election Enforcement

**Measure:** Outcome – Conviction Rate where the Commission has found Probable Cause

**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:**

Campaign finance complaints and referrals are entered, monitored and tracked in CMS. Following an investigation by the Commission, a prosecutor drafts a statement recommending to the Commission whether an election law has been violated. As a quasi judicial body, the Commission reviews the case and determines whether there is probable cause that a violation has occurred. In cases where probable cause is found, the person may contest the Commission's findings in a formal or informal hearing.

Reports are generated from the CMS of all cases where the Commission has found a violation or no violation within the period of time under review after probable cause was found. The number of cases in which the Commission found a violation after probable cause was determined is derived from the data and expressed as a percentage of the total cases.

### **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 was reviewed to select 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.

This measure is a valid indicator of program performance. The conviction rate where the Commission has found probable cause measures the ability of Commission staff to effectively prosecute a case. The data measured is reported quarterly and annually and reviewed by the Office of Inspector General.

### **Reliability:**

The data is gathered and reviewed by the Business Manager. Data errors are corrected as identified. Review of automated and manual records reveal that sufficient controls are in place to assure data accuracy and reliability. The Executive Director arranges for the completion of periodic upgrades and improvements to the CMS to assure reporting accuracy.

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

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Florida Elections Commission/Campaign Finance and Election Enforcement

**Measure:** Output – Ratio of Active Cases to Attorneys

**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:**

Campaign finance complaints and referrals are entered, monitored and tracked in CMS. The number of cases include complaint cases and automatic fine cases stemming from fines levied by filing officers.

This output measure is the total number of active cases divided by the number of attorneys on staff between July 1 and June 30 expressed as a ratio.

### **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 was reviewed to select 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.

This measure is supportive of the Commission's outcome measure related to the percent of cases that are closed within a year of being opened. The measure also indicates actual service delivered. This is a valid indicator of program performance.

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

### **Reliability:**

The data is gathered and reviewed by the Business Manager. Data errors are corrected as identified. Review of automated and manual records reveal that sufficient controls are in place to assure data accuracy and reliability. The Executive Director arranges for the completion of periodic upgrades and improvements to the CMS to assure reporting accuracy.

**EXHIBIT V:**

**ASSOCIATED ACTIVITY CONTRIBUTING  
TO PERFORMANCE MEASURES**

**EXHIBIT V: Associated Activities Contributing to Performance Measures**

<b>Measure Number</b>	<b>Approved Performance Measures for FY 2008-09</b>	<b>Associated Activities Title</b>
1	Percentage of Cases that are Closed within 12 months.	Campaign Finance and Election Enforcement
2	Conviction Rate where the Commission has Found Probable Cause	Campaign Finance and Election Enforcement
3	Ration of Active Cases to Attorneys	Campaign Finance and Election Enforcement

## **Exhibit VI:**

# **Agency-Level Unit Cost Summary**

(This exhibit is included with the Department of Legal Affairs's LRPP)

## **Glossary of Terms and Acronyms**

Campaign Financing Act: Chapter 106, Florida Statutes, regulates campaign financing for all candidates, including judicial candidates, political committees, committees of continuous existence, electioneering communication organizations, and political parties. It does not regulate campaign financing for candidates for federal office or candidates for a political party executive committee.

Corrupt Practices Act: Chapter 104, Florida Statutes, makes unlawful a variety of acts that subvert the elective process, e.g. false swearing, fraud in connection with casting a vote, corruptly influencing voting, illegal voting, and any act by an official who willfully and fraudulently violated any of the provisions of the election code.

Division of Administrative Hearings (DOAH): An entity that provides independent administrative law judges to conduct hearings pursuant to Sections 120.569 and 120.57(1), Florida Statutes. The Division is established within the Department of Management Services for provisions of support services only.

Florida Elections Commission (FEC): An entity created within the Department of Legal Affairs, Office of the Attorney General, referred to as the Commission.

Probable Cause: A reasonable ground of suspicion supported by circumstances sufficiently strong to warrant a cautious person in the belief that the person has committed the offense charged.

Unusual Circumstances: Uncommon, rare or sudden events over which the actor has no control and which directly result in the failure to act according to the filing requirements. Unusual circumstances must occur within a time period that would clearly prevent the person legally responsible for filing the report from doing so in a timely manner.