

Long Range Program Plan

FY 2012-13 through FY 2016-17



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

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Tallahassee, Florida 32399-1050**



OFFICE OF THE ATTORNEY GENERAL

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PAM BONDI
ATTORNEY GENERAL
STATE OF FLORIDA

Long Range Program Plan

Department of Legal Affairs

September 30, 2011

Jerry L. McDaniel, Director
Office of Policy and Budget
Executive Office of the Governor
1701 Capitol
Tallahassee, Florida 32399-0001

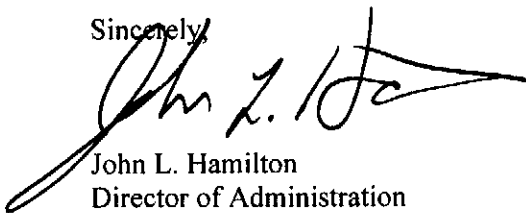
JoAnne Leznoff, Council Director
House Full Appropriations Councils
221 Capitol
Tallahassee, Florida 32399-1300

Terry Rhodes, Staff Director
Senate Budget Committee
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 2012-13 through Fiscal Year 2016-17. This submission has been approved by Attorney General Pam Bondi.

Sincerely,



John L. Hamilton
Director of Administration

AGENCY MISSION

People's Law Firm

Program: Office of the Attorney General

Goals

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

Goal #2: Improve service delivery to all crime victims

Program: Office of the Attorney General Objectives

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: 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

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 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
30%	60%	62%	62%	62%	63%

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 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
70%	72%	73%	75%	75%	75%

Objective C: Increase client satisfaction

Outcome: Percent increase in client satisfaction

Baseline/Year 2001	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
90%	98%	98%	98%	98%	98%

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

Baseline/Year 2003	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
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 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
60th percentile	90th percentile	90th percentile	90th percentile	90th percentile	90th percentile

Goal #2: 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 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
19.8 weeks	4.6 weeks	4.5 weeks	4.5 weeks	4.4 weeks	4.4weeks

Objective B: Increase the outreach of VOCA grant program

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

Baseline/Year 1999	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
253	270	275	280	285	285

Outcome: Increase number of subgrantees serving minorities and underserved victims

Baseline/Year 1999	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
46	54	55	56	57	57

Program: Office of the Attorney General Trends and Conditions Statements

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.

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 or unfair practices in the conduct of any trade or commerce. The division investigates the activities of businesses and individuals throughout the State, while the State Attorneys only have primary jurisdiction for single circuit activity. This includes price gouging enforcement during a declared state of emergency. In the 2010 Legislative session, the Attorney General's Office and state attorneys became the sole enforcers of the price gouging laws. The Department of Agriculture and Consumer Services no longer is a statutory enforcing agency under the law. Although the number of cases varies from day to day, the current number of active Economic Crimes cases is 338.

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. The Division works 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 the use and availability of the Internet continues 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 \$20 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 in the State serve as a constant challenge. Current problems that remain the focus of enforcement efforts are mortgage fraud, timeshare resale scams, telemarketing fraud, travel scams, debt relief and 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 simultaneously putting a halt to improper trade activities. This past year, the Economic Crimes Division returned more than 20 million dollars to consumers in restitution.

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 was previously ignored or handled administratively with little effect. Because they involve criminal activity, however, 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" which has long been undetected, ignored or ineffectively addressed.

Staffing

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 resources necessary to combat these ever-increasing avenues of consumer fraud. 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 consumers, the Economic Crimes Division will continue to address corporate misconduct. The Division is asking for additional resources starting in Fiscal Year 2012 – 2013 to help successfully prosecute this growing case load.

Antitrust (and Multistate Litigation) Division

Antitrust Enforcement

The Antitrust Division of the Attorney General's Office is responsible for enforcing state and federal antitrust laws, and works to stop violations that harm competition and adversely impact the citizens of the state. Under Chapter 542, Florida Statutes, the Attorney General has the authority to bring actions against individuals or entities that commit state or federal antitrust violations, including bid-rigging, price-fixing, market or contract allocation, and monopoly-related actions. The efforts of the Attorney General's Office, under the statute, over the past three decades, have yielded hundreds of millions of dollars in recoveries for various public entities and for Florida's consumers. The Antitrust Division (not including the Multistate Unit, discussed below) currently has 24 employees, 11 attorneys and 13 support staff, all based in Tallahassee.

Securities Enforcement, Mortgage Fraud, and Complex Civil Enforcement

In reaction to the significant amount of fraud and scams arising from the financial crisis in Florida, beginning in Fiscal Year 2008-2009, it became necessary for the Antitrust Division to devote resources to investigations of mortgage fraud and mortgage foreclosure rescue scams, pursuant to Chapter 501, Part II (the Florida Unfair and Deceptive Trade Practices Act). This effort has supplemented that of the Economic Crimes Division. Additionally, beginning in Fiscal Year 2009-2010, pursuant to changes made to Chapter 517, Florida Statutes, the Antitrust Division added securities enforcement, in conjunction with the Office of Financial Regulation, the primary enforcing authority of the state securities laws. Three attorneys, a research economist, two paralegals and a financial investigator have devoted a significant amount of time over the past three years to working in these two new areas.

Finally, beginning in Fiscal Year 2009-2010, the Division also commenced a number of complex matters involving potential violations of Unfair and Deceptive Trade Practices Act. Two attorneys have been assigned to handle these matters as they arise.

All of these new initiatives have continued through FY 2010-2011, as the sluggish economy has yielded increased opportunities for fraudulent activity.

Multistate Consumer Protection Enforcement

In April 2008, the Division absorbed the Multistate Litigation Unit, which was transferred from the Economic Crimes Division. This Unit consists of five employees: 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, while obtaining significant recoveries for Florida.

Statutory Authority

Under her 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. Specifically, Section 542.18, Florida Statutes, grants the Attorney General the power to target restraint of trade activities. Section 542.19, Florida Statutes, allows the Attorney General to investigate monopolies or conspiracies to establish monopolies and gives him/her the authority to review proposed mergers that may have a potential anti-competitive impact upon the state and its citizens. Section 542.27(3), Florida Statutes, allows the Attorney General to investigate potential violations of state or federal antitrust laws. Section 542.28, Florida Statutes, allows the Attorney General 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. Finally, Sections 542.27(2) and 542.21-23, Florida Statutes, allows the Attorney General 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.

Likewise, through her 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). The Antitrust Division’s mortgage fraud and other civil complex enforcement efforts are also based on these statutes.

With respect to the Attorney General’s authority to enforce the securities laws, in 2009, the Legislature amended Chapter 517, the state securities law, to give the Attorney General’s Office the authority to undertake securities enforcement in conjunction with the Office of Financial Regulation. The law went into effect in July, 2009.

Active and Closed Case Counts and Current Trends

The Antitrust Division’s primary role is the state’s antitrust enforcer. The priority is 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. In its multistate and consumer protection roles, it is a priority of the Division to ensure that the State, its governmental entities, and its consumers are properly redressed for any unfair or deceptive trade practices, and that any unlawful conduct is stopped.

Trends and conditions pertaining to the Division’s enforcement efforts are assessed on an annual basis through an analysis of the number of active cases. The number of antitrust, securities, and mortgage fraud cases worked by the Division during Fiscal Year 2010-2011 decreased only slightly from the previous year. There were 94 cases being worked, down from the 100 worked in Fiscal Year 2009-2010. For the Multistate unit, the number of active cases worked decreased from 48 to 28. There were a total of 128 active cases for the Antitrust/Multistate Division as whole. This represents a slight decrease in active cases compared to the last fiscal year. The number of closed antitrust,

securities, and mortgage fraud matters handled decreased from 23 to 19, while the Multistate Unit closed 7 cases compared to 28 in 2009-2010, for a total of 26 cases closed for the entire Division, down from 51 in Fiscal Year 2009-2010.

Recoveries

In Fiscal Year 2010-2011, the Antitrust Division recovered \$17,382,442 from seven major antitrust and mortgage fraud cases, up significantly from \$7,103,448.32 in recoveries from four major antitrust and mortgage fraud cases in Fiscal Year 2009-2010. Antitrust's recoveries were bolstered even further by significant recoveries by the Multistate Unit: \$393,231,225.11 from four major cases, far in excess of last year's multistate total of \$1,879,647 from three major cases. These are Florida-only numbers, however, and do not reflect the national multistate totals. The total for Antitrust and Multistate, together for Fiscal Year 2010-2011, is \$400,334,673.43 from eleven major cases, well up from \$8,983,095.32 from seven major cases, in Fiscal Year 2009-2010. These monies were recovered on behalf of public entities and consumers, as civil penalties, or as reimbursement for attorneys' fees and costs.

Recent Developments Affecting the Division

Several recent developments have resulted in a significant increased need for consistent and effective state antitrust, securities, complex civil and multistate consumer protection enforcement. At least six trends or conditions are apparent.

First, in the antitrust area, 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. These reviews are necessary and in the public interest, but do not generate any funding for the Legal Affairs Revolving Trust Fund, since fees and costs are not typically compensable.

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 antitrust laws in order to maximize profits or 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 it also, hopefully, creates a deterrent effect as well. The Antitrust Division is in the early stages of developing several promising, hard-core price-fixing or bid-rigging cases that hopefully will bear fruit in the not-too-distant future.

A third 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 trend is

also an important recent development with respect to multistate consumer protection enforcement, although it is not as apparent as 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.

Related to this is a fourth major trend: the devastating effects of the financial crisis. Florida has been number one in mortgage fraud and number two in mortgage foreclosures for the majority of the last three years, and the crisis has often been at the center of controversy when it comes to state and federal securities law violations. Neither of these areas have traditionally been the primary enforcement responsibility of the Attorney General's Office. Mortgage-related enforcement issues have typically been handled, depending on the offending party, by the Department of Financial Regulation (mortgage brokers), the Office of Financial Regulation (banks) or the Department of Professional and Business Regulation (realtors, appraisers, title insurance companies). Likewise, under Florida law, the Office of Financial Regulation is tasked with the enforcement of state securities laws.

However, with the beginning of the financial crisis came every scam imaginable. In the mortgage area, fraud was rampant, as were mortgage foreclosure rescue scams. In the securities area, Ponzi schemes and other get-rich quick schemes, together with more sophisticated violations of state securities laws, became prevalent. It was important for state enforcers to respond by strengthening existing enforcement statutes, and increasing, where possible, the resources devoted to uncovering unlawful schemes. This task was not easy to accomplish in a bad economy with no General Revenue dollars available to fund new positions. Instead, the Attorney General went to the Legislature and, in 2007, successfully beefed up the office's ability to pursue mortgage foreclosure rescue scams under Section 501.1377, Florida Statutes. In 2008, the Attorney General's Office was successful in obtaining jurisdiction over enforcement of the state securities laws in conjunction with the Office of Financial Regulation. These were important developments that allowed the Office to successfully civilly pursue several mortgage fraud and mortgage foreclosure rescue cases, as well as securities cases. The downside of these initiatives was twofold. First, resources were expended that otherwise would have been applied toward antitrust and other kinds of consumer protection enforcement. Second, while mortgage fraud and securities cases often cease improper conduct, they do not typically result in collectable money judgments. Accordingly, there is no opportunity for the enforcer to collect fees and costs to compensate for the time and resources put into the enforcement activity. This is not a sustainable model in the long-term, since the Antitrust Division is currently handling the majority of these matters and is entirely trust-funded.

The Attorney General's Office, wherever possible, does everything it can to reduce duplication of effort and otherwise preserve its limited resources. For example, the unit often combines 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, securities, mortgage fraud and multistate consumer protection concerns, more so than would be possible without such a cooperative effort.

Through this cooperative effort with other agencies, the Multistate Litigation Unit had a good year in recoveries, obtaining almost \$400 million for Florida from just four multistate cases in which our lawyers were co-leads. Over \$388 million of this sum came from just one case against Wells Fargo. This amount is an estimate of mortgage relief Florida consumers with certain Wells Fargo mortgages will realize under the multistate settlement entered into in October, 2010.

Despite good collaborative efforts with other enforcement agencies, the sheer complexity and size of the cases undertaken by the Division can constitute a significant resource drain, and can take years to resolve. Currently, the Division is deeply immersed in significant discovery, on behalf of several state agencies that purchased Vioxx, based upon unlawful off-label marketing of the prescription pain-reliever. The case is scheduled to go to trial soon, but discovery has been stayed in an attempt to work out settlement. If talks are not successful, the case will continue to be a significant drain on resources, with no guarantee, at this time, of a successful result. Lawsuits are also pending in two other complex litigation matters: Filters and LCDs. The unit can therefore expect an increase in the coming fiscal year in its litigation expenses, but has an excellent record of eventually recouping these expenses at the successful conclusion of a case. However, such a result can take years to achieve.

A fifth trend relates to the complexity of cases handled by the Division. Recent federal court decisions, particularly in the antitrust area, have not been generally favorable to plaintiffs including enforcers. In many instances, the bar has been raised when it comes to what degree of evidence is required to survive dismissal and summary judgment. Certain kinds of damages cases have resulted in complicated settlement allocation and distribution schemes that can be difficult to achieve and expensive to administer. More and more, it is becoming too costly to pursue lengthy antitrust cases when it is less likely that the consumers and public agencies the Division represents will be anywhere near fully compensated. This is hopefully temporary, as it remains important that the Division continue its antitrust enforcement mandate, particularly given the many devastating effects of the current poor economy combined with the continuing financial crisis.

Finally, a sixth development, that limited what the Division could accomplish, came at the very end of the fiscal year: the Deepwater Horizon Oil Spill. Because civil complex litigation is almost certain to result from this tragedy, three of the Division's lawyers gave nearly 100% of their time during the months of May and June, 2010. Most of their time thereafter, was devoted to the cases. The Deep water Horizon Oil Spill continues to remain an agency priority.

Division Highlights

In addition to the Multistate consumer protection Wells Fargo matter mentioned above, the Division also attained some significant antitrust recoveries during Fiscal Year 2010-2011. First, the Division settled with two of the banks that were under investigation for rigging municipal bond derivatives. In December, 2010, Florida, as one of the members of the multistate executive committee, obtained a \$137 million multiagency settlement with Bank of America (public entities in 20 states will share in \$36 million of this, with Florida entities receiving nearly \$3 million). In May of 2011, UBS settled for \$228 million in another state/federal multi-agency settlement (public entities in 25 states will receive approximately \$91 million, with Florida entities receiving a yet to be determined portion of that sum). The division also successfully resolved a potential RICO matter with John Hancock, in conjunction with the Office of Insurance Regulation and the Department of Financial Services. The agencies settled for approximately \$12 million in restitution and other payments to resolve concerns that John Hancock had not paid out death benefits to life insurance beneficiaries in a timely fashion.

Not all antitrust cases generate dollars, nor are they all expected to. Some cases are opened and then closed when it is determined that no action is warranted. Of the 94 active antitrust cases worked by the Division in Fiscal Year 2010-2011, seven were merger reviews. This is down slightly from the eleven handled in Fiscal Year 2009-2010. Such reviews, intended to ensure that the proposed mergers will not adversely affect competition, typically do not result in dollar recoveries. This can,

nonetheless, be very resource-intensive and time-consuming, despite our best efforts to share resources with other states or federal agencies also reviewing the proposed transaction.

Also in Fiscal Year 2010-2011, the unit pursued a number of mortgage-related matters. A large monetary recovery is not expected. Many targets will be judgment-proof. However, these cases are important to pursue for their deterrent effect and because very little is being done elsewhere in state or federal government. The Division will soon not be able to continue to pursue these cases without general revenue funding.

The same is true for certain kinds of securities enforcement. For example, in April of 2010, the Division was able to uncover a Ponzi investment scheme involving a Florida-based investment company called Botfly, LLC before it collapsed and successfully obtained a court order freezing over \$4 million in assets will that eventually be returned to investors. While an important case to bring, it will likely not be one where the significant fees and expenses incurred by the Division will ever be recovered. Again, without some change in funding source, the Division will not be able to handle these cases for the long-term.

Effects Staff Reduction

Any permanent reduction in staff, particularly since, due to budget constraints, there have been minimal staff increases authorized for the Division since 2000, would greatly impede the Attorney General's Office's enforcement efforts on behalf of the people of Florida. Complex enforcement cases, by their very nature, are time-consuming, resource-draining, and extremely document-intensive. They can take several years to resolve. This is certainly the case now, with several cases currently in intensive discovery.

Given the many new and 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. The Division is especially needed at this time of economic unpredictability, which will result an 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.

Medicaid Fraud Control Unit

The Medicaid Fraud Control Unit (MFCU) is responsible for investigating fraud committed upon the Medicaid Program by providers and program administrators. 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 diverse mix of health care providers, including 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.

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 MFCU is greatly concerned with the quality of care being provided to Florida's ill, elderly, and disabled citizens. 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. PANE was expanded statewide during fiscal years 2005 and 2006, it is a continuing initiative.

Medicaid providers, and others who are arrested by MFCU personnel, are prosecuted by local state attorneys, the Office of Statewide Prosecution, the United States Attorney, or occasionally, MFCU attorneys. The MFCU attorneys are cross-designated by local state attorney's offices as Special Assistant State Attorneys or by the United States Attorney's office as Special United States Attorneys. During Fiscal Year 2010-2011, the Medicaid Fraud Control Unit had 90 warrants issued for arrests, and reported 86 convictions/pre-trial interventions. Sometimes cases that may not be suitable for arrest and criminal prosecution are litigated by MFCU attorneys using a variety of civil statutes. The MFCU recovered more than \$110 million during FY 2010-2011.

The MFCU also continued its leadership role in a variety of multi-state false claims investigations. Many of these investigations have focused on the pharmaceutical industry and several of these investigations have resulted in multi-million dollar settlements for Florida.

Ongoing Inter-Agency State/State& State/Federal Working Groups

NORTHERN REGION –

The North Florida Health Care (Fraud) Task Force – 9 members

- Florida Medicaid Fraud Control Unit (MFCU)
- Federal Bureau of Investigation (FBI)
- Office of the United States Attorney for the Northern District of Florida (USAO)
- Drug Enforcement Administration (DEA)
- Florida Department of Health (DOH)
- Florida Department of Law Enforcement (FDLE)
- Florida Department of Financial Services - Division of Insurance Fraud
- Defense Criminal Investigative Service

US Department of Health and Human Services, Office of Investigations, is an occasional participant in this Task Force.

Northeast Florida Healthcare Fraud Interagency Work Group - 5 members

Florida Medicaid Fraud Control Unit (MFCU)
Agency for Health Care Administration (AHCA)
Department of Children and Families (DCF)
Long Term Care Ombudsman
Agency For Persons With Disabilities (APD)

Northeast Florida Interagency Task Force - 10 members

Florida Medicaid Fraud Control Unit (MFCU)
Federal Bureau of Investigation (FBI)
Office of the United States Attorney for the Middle District of Florida (USAO)
Drug Enforcement Administration (DEA)
Florida Department of Health (DOH)
Florida Department of Law Enforcement (FDLE)
Florida Department of Financial Services - Division of Insurance Fraud
Jacksonville Sheriff's Office
Department of Homeland Security
US Department of Health and Human Services, Office of Investigations, is an occasional participant in this Task Force.

CENTRAL REGION –

TAMPA

Federal Health Task Force – 8 members

Florida Medicaid Fraud Control Unit (MFCU)
Federal Bureau of Investigation (FBI)
Office of the United States Attorney for the Northern District of Florida (USAO)
Drug Enforcement Administration (DEA)
Florida Department of Health (DOH)
Florida Department of Law Enforcement (FDLE)
US Department of Health and Human Services - Office of the Inspector General - Office of Investigations
Internal Revenue Service (IRS)
Food Drug Administration (FDA)
Local Law Enforcement as needed

HHS/MFCU Medicare/Medicaid –3 members

Florida Medicaid Fraud Control Unit (MFCU)
US Department of Health and Human Services - Office of the Inspector General - Office of Investigations
Federal Bureau of Investigation (FBI)

ORLANDO

Volusia County Task Force – 7 members

Florida Medicaid Fraud Control Unit (MFCU)
Volusia Bureau of Investigations
Florida Department of Law Enforcement (FDLE)
Volusia County Sheriff's Office
Orlando Metropolitan Bureau of Investigation (MBI)

Orlando Police Department
Orange County Sheriff's Office
HHS/MFCU Medicare/Medicaid – 3 members
Florida Medicaid Fraud Control Unit (MFCU)
US Department of Health and Human Services - Office of the Inspector General - Office of Investigations
Federal Bureau of Investigation (FBI)

SOUTHERN REGION –

South Florida Health Care Fraud Working Group
Florida Medicaid Fraud Control Unit (MFCU)
Federal Bureau of Investigation (FBI)
Office of the United States Attorney for the Southern District of Florida (USAO)
Florida Department of Health (DOH)
Florida Department of Law Enforcement (FDLE)
Office of the Attorney General, Statewide Prosecutor
US Department of Health and Human Services - Office of the Inspector General - Office of Investigations
Agency for Health Care Administration (AHCA)
Centers for Medicaid/Medicare (CMS)

Medicare-Medicaid (Medi-Medi) Steering Committee -
Florida Medicaid Fraud Control Unit (MFCU)
Agency for Health Care Administration (AHCA) – Medicaid Program Integrity (MPI)
US Department of Health and Human Services - Office of the Inspector General - Office of Investigations

ZPiC Zone & Meeting – 7 members
Florida Medicaid Fraud Control Unit (MFCU)
Federal Bureau of Investigation (FBI)
Office of the United States Attorney for the Southern District of Florida (USAO)
Florida Department of Health (DOH)
US Department of Health and Human Services - Office of the Inspector General - Office of Investigations
Agency for Health Care Administration (AHCA)
Centers for Medicaid/Medicare (CMS)

West Palm Beach Health Care Task Force – 8 members
Florida Medicaid Fraud Control Unit (MFCU)
Federal Bureau of Investigation (FBI)
Office of the United States Attorney for the Southern District of Florida (USAO)
Florida Department of Health (DOH)
Florida Department of Law Enforcement (FDLE)
Palm Beach County Sheriff's Office
Multiple Palm Beach County Police Departments (varies)
Office of the Attorney General, Statewide Prosecutor

Multi-Agency Diversion Task Force - Palm Beach County Sheriff's Office
Florida Medicaid Fraud Control Unit (MFCU)
Federal Bureau of Investigation (FBI)
U.S. Department of Justice

Florida Department of Health (DOH)
Collier County Sheriff's Office
South Florida HIDTA
Broward County Sheriff's Office
Florida Atlantic University (FAU)
Indian River County Sheriff's Office
Martin County Sheriff's Office
Florida Department of Law Enforcement (FDLE)
Office of the Attorney General, Statewide Prosecutor
St. Lucie County Sheriff's Office

STATEWIDE -

Case Staffing and Fraud Initiatives – Interagency Program

Florida Medicaid Fraud Control Unit (MFCU)
Agency for Health Care Administration (AHCA) – Medicaid Program Integrity (MPI)

Case Staffing and Projects– Interagency Program

Florida Medicaid Fraud Control Unit (MFCU)
Agency for Health Care Administration (AHCA) – Office of Inspector General

Managed Care Projects & Staffing– Interagency Program

Florida Medicaid Fraud Control Unit (MFCU)
Agency for Health Care Administration (AHCA) – Managed Care Unit
Department of Financial Services – Division of Insurance Fraud

Department of Health Projects & Staffing– Interagency Program

Florida Medicaid Fraud Control Unit (MFCU)
Florida Department of Health (DOH)

Agency for Persons with Disabilities– Interagency Program

Florida Medicaid Fraud Control Unit (MFCU)
Agency for Persons with Disabilities (APD)
Agency for Health Care Administration (AHCA) – Medicaid Program Integrity (MPI)

Interagency Fraud Initiatives and Trends – Managers Meeting and Briefing

Florida Medicaid Fraud Control Unit (MFCU)
Agency for Persons with Disabilities (APD)
Agency for Health Care Administration (AHCA) – Medicaid Program Integrity (MPI)
Florida Department of Health (DOH)
Department of Elder Affairs

FDLE Fusion Intelligence Center

Florida Medicaid Fraud Control Unit (MFCU)
Florida Department of Law Enforcement (FDLE)
Federal agencies, state multi-disciplinary partners and includes outreach to private sector entities

Medicare-Medicaid (Medi-Medi) Steering Committee

Florida Medicaid Fraud Control Unit (MFCU)
Agency for Health Care Administration (AHCA) – Medicaid Program Integrity (MPI)
US Department of Health and Human Services - Office of the Inspector General - Office of Investigations

Lemon Law

Florida's Lemon Law is established in, Chapter 681, Florida Statutes. The law allows consumers to receive replacement motor vehicles or a refund of their purchase price when their new or demonstrator motor vehicles fall under this program. A vehicle is a potential lemon if it is subjected to repeated, unsuccessful warranty repairs for the same defect or is 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. Additionally, the office is statutorily responsible for approving and monitoring the RV Mediation/Arbitration Program, an industry-sponsored dispute resolution program currently administered by the Collins Center for Public Policy.

Effective July 1, 2011, the office took on additional duties as a result of legislation enacted in Ch. 2011-205, Laws of Florida, which transferred all duties carried out by the Department of Agriculture and Consumer Services, under Chapter 681, to the Attorney General's Office. These duties consisted of operation of the toll-free "Lemon Law Hotline" telephone complaint line, state certification of manufacturer-sponsored informal dispute resolution programs, and eligibility screening of claims filed by consumers for arbitration before the New Motor Vehicle Arbitration Board. The consolidation of all functions in the Attorney General's Office has also removed the requirement that revenue be divided between the two agencies. The legislation did not include the transfer or establishment of any positions. The Lemon Law toll-free number is answered by the Attorney General's Citizen Services division, which refers all potential Lemon Law complaint calls to the Lemon Law Arbitration division for response. In addition, the state certification of manufacturer sponsored programs and eligibility screening of New Motor Vehicle Arbitration Board claims are now handled by the Lemon Law Arbitration division.

The New Motor Vehicle Arbitration Board, which is administered by the Lemon Law Arbitration division, conducts arbitration hearings throughout the state to resolve disputes arising between consumers and car and light truck manufacturers, under the Lemon Law. Members of the New Motor Vehicle Arbitration Board are appointed by the Attorney General. Appointments are made annually in June for terms beginning July 1. The Lemon Law Arbitration division must screen all consumer claims to determine whether they are eligible for arbitration, and reject those claims found to be fraudulently filed or outside the scope of the Board's authority. It is the goal of the division to eventually make the screening and administration of arbitration claims an electronic process, including providing a secure area of the agency's website for electronic filing and uploading/downloading of documents by the parties. This will reduce the amount of paper that must be maintained and copied.

A motor vehicle manufacturer can sponsor its own informal dispute resolution program. That program is certified by the State of Florida as substantially complying with applicable federal rules, state statutes and administrative regulations. Consumers with disputes involving that manufacturer must first resort to the state-certified manufacturer-sponsored program before they can file a claim with the state-run New Motor Vehicle Arbitration Board. Before the legislative transfer, three programs were certified by the Dept. of Agriculture and Consumer Services for 14 manufacturers. Those certifications will expire on March 31, 2012. It is the Lemon Law Arbitration division's goal to have certification and review procedures in place prior to that expiration date. This will most likely require agency rulemaking.

Manufacturers and sellers are required to disclose defects in repurchased “lemons” to consumers before selling them as used vehicles. Manufacturer compliance with these statutory resale notification requirements remained strong in FY 2010-2011. Information from these notices are 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 division has continued to monitor, notify and enforce manufacturer and seller practices in this area.

Division revenues for FY 2010-2011 increased only slightly over the prior fiscal year. The ongoing economic recession, coupled with the Japanese earthquake and tsunami, negatively impacted predicted recoveries in new motor vehicle sales. These accounted for division revenues and the arbitration caseload during FY 2010-11 continuing to be low. The Lemon Law Arbitration division continued to monitor the manufacturer-sponsored RV Mediation/Arbitration Program in FY 2010-11, which continued to experience a drastic reduction in caseload, attributable to the recession and the bankruptcy or closing 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 open 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 might have otherwise 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 address a dispute promptly. 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 have otherwise 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, as well as legislative proposals.

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

OCR remains focused on protecting the citizens of Florida and enforcing the laws under the Florida Fair Housing Act. Specifically, we are looking at all aspects of fair housing discrimination including 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. We use non-traditional civil rights statutes, where appropriate, in addition to traditional civil rights laws to maximize opportunities for success.

Examples of recent litigation or case settlements include:

Dvoracek/ Johnson v. Colony Terrace

The Office of Civil Rights successfully argued, in the Seventeenth Circuit Court, a claim regarding racial discrimination in housing.

Elizabeth Johnson, Willie Johnson¹ and Theodore Dvoracek filed housing discrimination complaints with the Florida Commission on Human Relations ("FCHR") alleging that the housing complex, Colony Terrace, violated the Florida Fair Housing Act, Sections 760.20 – 760.37(2003), by discriminating against the Johnsons on the basis of race or color. Willie Johnson was black and his wife, Elizabeth Johnson is white. Theodore Dvoracek was the Johnsons' real estate agent.

After investigation and unsuccessful conciliation, FCHR issued Determinations of Cause, finding reasonable cause to believe Colony Terrace engaged in racially discriminatory practices. Plaintiffs elected to have the State of Florida, the Department of Legal Affairs, Office of the Attorney General, represent them in this action.

A Complaint for Injunction, Civil Penalties, and other Statutory Relief was brought pursuant to the Florida Fair Housing Act on December 16, 2005. Pursuant to section 760.35(2), Florida

¹ Willie Johnson was dropped as a party plaintiff following his death.

Statutes, the Plaintiffs moved the Court for an order prohibiting the discriminatory practices and providing affirmative relief from the effects of the discriminatory practices.

On June 21, 2011 a Final Judgment was entered. The Court ruled that the Plaintiffs were discriminated against by Colony Terrace and entered a permanent injunction against Colony Terrace for violating the Florida Fair Housing Act, Sections 760.20 through 760.37, Florida Statutes. Economic, actual, and emotional damages were awarded.

Parker v. Colonnades Condominium Association #8, et al.

The Colonnades Condominium is alleged to have not permitted the Ms. Parker to have an emotional support animal reside with her in her condominium. A settlement was reached. Settlement terms include: monetary damages, Fair Housing Training for Board of Directors, implement and post fair housing non-discrimination policy, Post Apology to complainant on condominium website.

Trager/Natkin v. Schwab Development Corp. aka Schwab Custom Homes and Michael Schwab

This case involved disability discrimination. Owners of the home were alleged to have been discriminated against by the homebuilder due to disability (homebuilder is no longer in business). Certain requested modifications were not properly installed and a complaint was filed with the Florida Commission on Human Relations. Shortly thereafter, the Commission issued findings of reasonable cause, and the Attorney General Office of Civil Rights was elected to enforce the finding. A settlement was reached which included monetary damages, injunctive relief, and attorney's 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 similar training for community leaders. The Office of Civil Rights participates in Hate Crime forums throughout the State of Florida, along with federal, state and local partners (e.g. Department of Justice, U.S. Attorney, FBI, DOJ/Community Relations Service, U.S. Department of Homeland Security, FDLE, Temple Terrace P.D., etc.).

Florida Commission on Human Relations

The 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 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, an Assistant Attorney General, 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 is also involved, at the trial level, in significant civil litigation cases of statewide impact. The Solicitor General 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.

Many states have established a state-level office of Solicitor General. In particular, the states that are proactively involved in protecting the interests of their respective states in state and federal courts have established offices.

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: Appointment by the Attorney General to the Solicitor General; and 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 of all cases which involve the Solicitor General.

The Solicitor General's cases, by their nature, have statewide impact. In most instances, the impact of these cases on the public 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 in cases that directly affect the interests of the state and/or its citizens.

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 for an Attorney General opinion received by the Division has remained relatively constant in recent years. This office has strived to reduce the time frame for responses 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 her duties as the state's chief legal officer, the Attorney General serves as a member of the Florida Cabinet. He/she is also regularly called upon by the Florida Legislature to 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 her 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. The bureau represents state agencies in rule challenge proceedings and bid protest proceedings. They represent 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, Florida Election Commission, Education Practice Commission and several other 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 and support, enforcement of child support obligations, and modification of child support obligations.

In addition to providing representation at the trial level and in administrative hearings, this bureau 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 and Hillsborough Counties.

The Children's Legal Services Bureau provides legal services to the Department of Children and Families, on all matters related to Florida Statutes Chapter 39, 61 and 409, in Broward and Hillsborough Counties, the Broward 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 bureau are accountable to the people of the State of Florida, and have the responsibility of protecting children who have been abused, abandoned or neglected by their parents. This bureau is responsible for all proceedings governed by the above statutes, including termination of the rights of parents who repeatedly abuse, abandon, or neglect their children, so as to allow these children to find safe and permanent homes.

Complex Litigation

The Complex Litigation Bureau handles high-visibility state and federal litigation involving the environment, Indian gaming, tobacco, education, election laws, inverse condemnation, and constitutional challenges to both the Florida Statutes and Florida constitutional amendments.

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. This 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, which allows 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 that government possesses 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 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 the 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 for attorneys who serve as the Ethics Commission's prosecutors, or "Advocates." Once the Commission receives and investigates sworn complaints alleging that a public officer or employee has breached the public trust, the case's Advocate 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 they find a violation. Most state and local government employees, as well as elected and appointed officials, are subject to the Commission's jurisdiction, and the types of violation investigations 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 include trip and

fall cases, automobile accidents, rail corridor accidents, wrongful death cases, and 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. These offices also handle litigation involving unclaimed property and intestate litigation within the State of Florida.

The units also handle administrative law matters, such as representing the Agency for Persons with Disabilities in administrative fair hearings under the Medicaid Home and Community-Based Waiver Services Program, and representing the Department of Children and Families 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 tax refunds pursuant to Section 215.26, Florida Statutes, and authority delegated 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 the 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 state's general laws, defense of judges, and defense of state attorneys in lawsuits. The bureau specializes in 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 a 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 include trip and fall cases, automobile accidents, rail corridor accidents, wrongful death cases, and the full range of prisoner tort claims. Employment litigation encompasses Title VII claims on 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 the Agency for Persons with Disabilities in administrative fair hearings under the Medicaid Home and Community-Based Waiver Services Program and representing the Department of Children and Families 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 bureau typically handles suits such as wrongful death, automobile accident, slip and fall, defamation, and various other negligence claims. The litigation 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 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. 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 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 regional Criminal Appeals Bureaus and one statewide Capital Appeals Bureau, which comprise the State’s appellate prosecution component of Florida’s criminal justice system. This Division has much larger caseloads than the state attorneys and public defenders offices statewide, due to the range of responsibilities handled by Division. The Attorney General’s Criminal Appellate Division defends all criminal appeals in the state appellate court even with greater than a 25% to 30% vacancy rate for attorneys and support staff. The Criminal Appellate Division also handles post-conviction matters throughout the federal district and appellate court for all federal habeas corpus litigation, cases involving civil rights action under §1983 action pertaining to criminal matters, and extraordinary writs in the United States Supreme Court.

Each Bureau is governed by the core mission of the Attorney General’s Office, see §16.01 (4), (6) Florida Statutes, specifically tasked with the responsibilities of defending all state statutes under attack, defending the Constitution of the State of Florida and the United States Constitution, handling state appeals, and all extraordinary writs. This Division is also 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 of Florida.

Additionally, the Division publishes the “Criminal Alert” weekly to client/users statewide. The Division assists in training programs throughout state criminal justice system including local state attorneys’ offices and the Florida Prosecuting Attorneys Association (FPAA). The Division conducts 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 Criminal Appeals Division is comprised of five statewide bureaus located in close proximity to the District Courts of Appeal (DCA) in Tallahassee (1st DCA), Tampa (2nd DCA), Miami (3rd DCA), West Palm Beach (4th DCA) and Daytona (5th DCA). 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, opening 19,568 cases in FY 2010-2011, the actual workloads handled during this period far exceed that number when the current open cases are added to the number of cases opened totaling approximately 24,407 cases.

Included in the criminal appeals numbers are the active sexual predator/Ryce commitment appeals assigned to designated attorneys statewide. 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.

The Criminal Bureaus’ 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 her authority.

Presently, one in every five criminal attorney positions is vacant and unfunded. As a result, the cases take longer to prosecute on appeal, and delays have occurred in the completion of the appellate process.

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 of opening 200 cases. In Fiscal Year 2010-2011, 675 cases were opened, which far exceeds work load standards based on a more comprehensive tabulation. A defendant will potentially litigate in a variety of courts contemporaneously. There is no correlation between the number of individuals sentenced to death and the plethora of litigation that 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 for victims. In addition, legislative intent set forth in §960.01, Florida Statutes, establishes the responsibility of the state to provide assistance to crime victims; §960.05(2), Florida Statutes, establishes the crime victim services office; and §960.21, Florida Statutes, creates the Crimes Compensation Trust Fund to provide funding for delivery of services to these crime victims.

Statutory programs administered by the division include

§16.54, Florida Statutes - Florida Crime Prevention Training Institute
§402.181, Florida Statutes – State Institutions Claims
§§741.401-.465 and 97.0585, Florida Statutes - Address Confidentiality Program
§812.171, Florida Statutes – Convenience Business Security
§16.556, Florida Statutes - Crime Stoppers Trust Fund
§16.615, Florida Statutes – Council on the Social Status of Black Men and Boys
§16.616, Florida Statutes – Direct Service Organization
§163.501-521 Florida Statutes – Safe Neighborhoods Act
§112.19 Florida Statutes – Law enforcement, correctional, and correctional probation officers; death benefits

Victim Compensation

During Fiscal Year 2010-2011, the office received one percent more claims than the previous year (29,838 compared to 29,442 received during Fiscal Year 2009-2010), and the average processing time from receipt of a claim through initial payment totaled 36 days. Awards to claimants totaled \$25,776,636. Since Fiscal Year 2006-2007, the claims workload has increased 18.5 percent and dollars paid into the program has increased 8 percent, with no additional staffing.

Victim Advocacy

The Victims of Crime Act (VOCA) grants specialists monitor grant activities to ensure compliance with federal and state laws and regulations. The current ratio is approximately 33 grants per employee. A total of 315,728 victims received services through VOCA-funded private or public organizations/agencies during FY 2010-11. Victim Services Program Specialists 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, Florida Statutes, this office administers the Address Confidentiality Program (ACP), which provides a substitute mailing address for relocated victims stalking and 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 769 active program participants, which includes, 91 new applicants.

Criminal Justice Programs

In addition to victim services, crime prevention and associated programs are also a priority of the Attorney General's Office, since they are proven methods of helping to reduce crime and its impact on the citizenry. Education and training in crime prevention are both 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 these surveys. A current trend emphasizes a coordinated 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 (SRO), 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 statewide and is a national leader in crime prevention/victims services training.

Florida Crime Prevention Training Institute

During Fiscal Year 2010-2011, this office conducted 75 training courses, including 1,628 classroom hours, with 3,305 individuals participating, from law enforcement to other public and private sector organizations. This office also conducted 9 ongoing SRO training courses (with 249 SRO attendees). In addition, 530 students received their practitioner designation certificates. Participation in Florida Crime Prevention Training Institute courses are 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. Five training courses were cancelled during this fiscal year because of the continued economic downturn.

Individuals trained by Florida Crime Prevention Training Institute play a vital role, through community education, in reducing crime and victimization statewide. Curriculum development is coordinated with their respective related organizational entities (i.e., the Florida Association of School Resource Officers, the Florida Crime Prevention Association, the Florida Department of Law Enforcement, and the Florida Department of Education).

Convenience Business Security

The Convenience Business Security program has been unfunded since 1992 (See §812.1725-§812.176, Florida Statutes), the Bureau staff continued to handle the administrative responsibilities of the Act, processing 326 technical assistance contacts, 8 violations and 20 inspectors certifications during Fiscal Year 2010-2011. 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 Office of the Attorney General recommends the repeal of §812.174, Florida Statutes, eliminating the need for this office to review and approve convenience store training curriculum. 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 adverse 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 these conditions. 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 Fiscal Year 2010-2011, the Council conducted 11 full Council meetings, and 7 executive committee 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 designated state entities.

Crime Stoppers

There are thirty-one Crime Stoppers organizations currently serve sixty-one of Florida’s sixty-seven counties, with two counties scheduled to be added in the 2010-2011 grant year. The remaining four counties are being reviewed for a final expansion to include coverage for all 67 Florida counties. The Crime Stoppers organization works with law enforcement agencies to investigate and solve crimes in order to remove criminals from the communities. The Office of the Attorney General’s staff works closely with the Florida Association of Crime Stoppers, Inc., and the recipient organizations regarding the use of funds. The Office of the Attorney General performs annual training and orientation to assist the organizations in understanding statutory and regulatory spending requirements of state funds. In addition, staff conducts on-site performance reviews on twenty-four grant recipients and desk audits on the remaining seven recipients. All grant recipients receive an on-site monitoring visit once every three years, at minimum, regardless of the grant award amount.

Success over the past four years, of the Crime Stopper program, reflects the unified effort and significant impact the program has had on crime in Florida. These outcomes are made possible through the grant funding of \$3,500,000 for Fiscal Year 2010-2011, which has markedly declined due to reduced deposits into the Crime Stoppers Trust Fund.

The following chart includes statistics that reflect the impact of the Crime Stoppers Trust Fund on communities throughout the state over the last four years.

	2010-2011	2009-10	2008-09	2007-08
Tips received	54,295	56,797	56,570	45,750
Tips approved for citizen rewards	9,211	5,388	5,336	5,554
Cases cleared	14,652	13,467	13,020	10,606
Arrests made	5,530	6,437	5,749	6,456
Value of property recovered	\$3,599,938	\$4,751,726	\$23,722,253	\$5,766,088
Value of narcotics removed from the street	\$17,198,243	\$16,065,658	\$20,738,073	\$16,667,332
Dollar value of rewards to citizens	\$787,807	\$903,011	\$1,110,881	\$1,140,450

The Crime Stopper program has had many highlights over the last fiscal year. Crime Stoppers of Marion County received a tip regarding a subject with a \$500,000 bond on trafficking in cocaine. The subject was taken into custody by K-9 “Thor.” Agents seized \$7,930 in cash, 196 grams of cocaine and a 7.62 rifle. A tip to the Crime Stoppers Council of Broward County led detectives from the Sunrise Police Department to a location where marijuana was being grown. The tip led to one arrest and the confiscation of 151 plants (103 lbs.), valued at \$123,600. A tip to the Emerald Coast Crime Stoppers led to the capture of a homicide suspect from Kentucky. The Central Florida Crimeline assisted the Eatonville Police Department in solving two homicides. Another tip to the Central Florida Crimeline led to the identity of three suspects in multiple burglaries and the recovery of over \$10,000 in stolen property.

Urban League Grant Program

The Florida Consortium of Urban League Affiliates received a state appropriation of \$2,999,911 to develop and implement two proactive initiatives. These initiatives address and impact crime in the black community. The programs operate in Fort Lauderdale, Jacksonville, Miami, Orlando, St. Petersburg, Tallahassee, West Palm Beach and Tampa through the Derrick Brooks Charities.

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. In addition it, fosters collaboration and improves communication among various agencies serving youth. This year these two programs included 24,428 community residents/participants; 1,650 crime prevention-related meetings, workshops, and conferences; 4,079 out-of-agency contacts; and the utilization of 6,652 volunteers.

Department of Legal Affairs
Office of the Attorney General

**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 2011-12 (Words)	Approved Prior Standards for FY 2010-11 (Numbers)	Prior Year Actual FY 2010-11 Standard (Numbers)	Approved Standards for FY 2011-12 (Numbers)	Requested FY 2012-13 Standard (Numbers)
Percent of mediated open government cases resolved in 3 weeks or less	70%	92%	70%	70%
Percent of lemon law cases resolved in less than one year	95%	99%	95%	95%
Percent of clients expressing satisfaction with civil enforcement legal services	95%	100%	95%	95%
Number of open government cases handled	100	Unknown	100	100
Percent of open government disputes resolved through mediation	75%	100%	75%	75%
Number of repurchase disclosure/enforcement cases	2,000	1,217	2,000	2,000
Number of active lemon law cases	1,300	342	1,300	1,300
Number of active antitrust cases	62	130	62	62
Number of active economic crime cases, including consumer and RICO cases	186	167	186	186
Number of active Medicaid Fraud cases	900	1,054	900	900
Number of hearings held before the court- Children's Legal Services	32,000	29,693	32,000	32,000
Number of active ethics cases	120	91	120	120
Number of active child support enforcement	65,000	68,100	65,000	65,000
Number of active civil rights cases	38	42	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 2011-12 (Words)	Approved Prior Standards for FY 2010-11 (Numbers)	Prior Year Actual FY 2010-11 Standard (Numbers)	Approved Standards for FY 2011-12 (Numbers)	Requested FY 2012-13 Standard (Numbers)
Number of days for opinion response	28	9	28	28
Percent of clients expressing satisfaction with constitutional legal services	95%	100%	95%	95%
Number of opinions issued	150	318	150	150
Number of active Solicitor General cases	390	325	390	390

* Only four 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 2011-12 (Words)	Approved Prior Standards for FY 2010-11 (Numbers)	Prior Year Actual FY 2010-11 Standard (Numbers)	Approved Standards for FY 2011-12 (Numbers)	Requested FY 2012-13 Standard (Numbers)
Percent of clients expressing satisfaction with criminal and civil legal defense services	95%	95.5%	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	675	200	200
Number of noncapital cases - briefs/state & federal responses/oral arguments	19,000	19,568	19,000	19,000
Number of active sexual predator commitment appeals	150	147	150	150
Number of active eminent domain cases	1,000	453	1,000	1,000
Number of active tax cases	800	1,319	800	800
Number of active civil appellate cases	323	1,069	323	323
Number of active inmate cases	1,651	2,080	1,651	1,651
Number of active state employment cases	113	155	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 2011-12 (Words)	Approved Prior Standards for FY 2010-11 (Numbers)	Prior Year Actual FY 2010-11 Standard (Numbers)	Approved Standards for FY 2011-12 (Numbers)	Requested FY 2012-13 Standard (Numbers)
Number of victim compensation claims received	21,000	29,838	21,000	21,000
Number of days from application to payment of victim compensation claim	45	36	45	45
Number of victims served through grants	200,000	315,728	200,000	200,000
Number of people attending victims and crime prevention training	4,750	3,305	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 2011-12 (Words)	Approved Prior Standards for FY 2010-11 (Numbers)	Prior Year Actual FY 2010-11 Standard (Numbers)	Approved Standards for FY 2011-12 (Numbers)	Requested FY 2012-13 Standard (Numbers)
Of eligible attorneys, percent who have attained rating, BV rating, and or board certification	70%	29%	70%	70%

Department of Legal Affairs
Office of the Attorney General

**Assessment of
Performance for
Approved
Performance
Measures**

LRPP Exhibit III

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Civil Enforcement / 41100100
Measure: Number of active ethics cases

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
120	91	29 Under	-24%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

External Factors (check all that apply):

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

Explanation: This measure is largely dependent upon external factors and will fluctuate 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 is recommended at this time.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Civil Enforcement / 41100100
Measure: Number of Open Government Cases Handled

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
100	Unknown		

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation: **The Office of the Attorney General does not have one unit that is devoted to open government cases. Therefore, the agency does not have any way of measuring the number of cases since they are spread across units.**

External Factors (check all that apply):

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

Explanation:

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

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

Recommendations:

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Civil Enforcement / 41100100

Measure: Number of repurchase disclosure enforcement cases

Action:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input checked="" 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
2,000	1,217	783 under	39%

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: Economic recession resulting in motor vehicle industry bankruptcies, closures and overall decrease in vehicle sales, resulting in less vehicles being repurchased by manufacturers.

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:

Standard be reduced to 1,400

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

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

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
1,300	342	958 under	75%

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: Economic recession, industry bankruptcies and closures and Japanese tsunami resulted in drastic decrease in motor vehicle sales, thereby reducing arbitration claims.

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

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

Recommendations: 2011 law changes should increase caseload somewhat. Reduce standard to 450.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Civil Enforcement / 41100100

Measure: Number of active economic crimes cases, including consumer and RICO cases

Action:

- | | |
|---|---|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input checked="" 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
186	167	19 under	-10%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation: Due to staff turnover Assistant Attorney General staffing was down 22% for part of the Fiscal Year. This caused fewer cases to be opened as remaining Assistant Attorney General's were busy with the existing case load.

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 checked="" type="checkbox"/> Other (Identify) |

Recommendations:

A change in management philosophy has resulted in an emphasis on larger cases, which take longer time periods to resolve. This will mean fewer cases opened each year, and therefore the case opening goal needs to be reduced.

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:

With the recession that began in 2006-2007, virtually all state, county and city governments have abandoned or postponed public works projects that require the condemnation of private lands. Those governmental entities (mostly counties) that continue a limited acquisition program are hiring staff attorneys with condemnation experience in order to reduce costs. As such, no new cases are being referred to the bureau.

The acquisitions by the Department of Environmental Protection associated with the Save Our Everglades project are the only cases in the eminent domain bureau's inventory. There are approximately 350 parcels left in inventory. These cases are being disposed of by one attorney and two paralegals. It is anticipated the current inventory of cases will be exhausted by late FY 2012 or early FY 2013.

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

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

Recommendations:

Request reduction in standard for the FY 2012-2013 to fifty (50).

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Civil Enforcement / 41100100

Measure: Number of hearings held before the court- Children's Legal Services

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
32,000	29,693	3,207 Under	-7%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

External Factors (check all that apply):

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

Explanation: This measure is largely dependent upon external factors and will fluctuate 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 is recommended 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	325	65 Under	-17%

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:

A large number of our cases are from other sections and opened in their databases. Therefore, they are not included in our count even though the Solicitor General's Office work on them.

External Factors (check all that apply):

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

Explanation:

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

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

Recommendations:

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Appeals / 41100300

Measure: Number of active sexual predator commitment appeals

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
150	147	3 under	-.02%

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 number of cases opened is limited based on the kind of cases these cases present; however they are captured in the general criminal database; the .025% less is not surprising since of the litigation occurring in these civil commitment cases depends upon release dates and whether cause has been shown to support further commitment.

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

Explanation:

There is really nothing the agency can do to modify the external nature of case filings by criminal defendants, conviction of crimes in the trial courts 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 checked="" type="checkbox"/> Other (Identify) |

Recommendations:

Efforts employed are to timely address the cases filed and, doing so to meet the demands of the state court deadlines.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of 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	300	700 under	-70%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

Eminent Domain staff has shrunk from three attorneys to one attorney over the last fiscal year due to resignations and retirements.

The bureau's present inventory of cases requires identifying and finding the heirs of the individuals who originally owned the land ("OLs") acquired by the State. Many of the OLs died in states other than Florida as far back as the 1980s and 1990s. Numerous OL heirs did not have estates probated or, if they did, did not include the property in the probate proceedings. Even with advanced research tools such as Ancestry and Accurint, finding OL heirs is an extremely time consuming and labor intensive process given the limited amount of information the bureau has on the OLs and the fact it has no information on OL heirs.

Once heirs are identified and found, additional issues such as quieting title in the beneficial heirs and bankruptcy must be addressed. Both of these issues require collecting and assembling extensive documentation for incorporation into motions clearing title to the property acquired and apportionment of the proceeds. Even with the addition of two (2) magistrates to handle rudimentary matters such as these, the Collier County Circuit Court has a three (3) to four (4) month wait for hearings of less than twenty (20) minutes; four (4) month wait for hearings over twenty (20) minutes; and a minimum six (6) month wait for trial.

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:

With the recession that began in 2006-2007, virtually all state, county and city governments have abandoned or postponed public works projects that require the condemnation of private lands. Those governmental entities (mostly counties) that continue a limited acquisition program are hiring staff attorneys with condemnation experience in order to reduce costs. As such, no new cases are being referred to the bureau.

The acquisitions by the Department of Environmental Protection associated with the Save Our Everglades project are the only cases in the eminent domain bureau's inventory. There are approximately 350 parcels left in inventory. These cases are being disposed of by one attorney and two paralegals. It is anticipated the current inventory of cases will be exhausted by late FY 2012 or early FY 2013.

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

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

Recommendations:

Request reduction in standard for the FY 2012-2013 to fifty (50).

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victims Services / 41100400

Measure: Number of People Attending Training (Crime Prevention, Victims, School Resource Officer, Conference)

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
4750	3305	1445	30%

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 checked="" type="checkbox"/> Level of Training |
| <input checked="" type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify) |

Explanation:

Due to the continued economic downturn and other factors outside the control of the Office of the Attorney General (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. Staff has further reduced training costs by acquiring a van from our Crime Stoppers Program at no cost, reducing the size of course notebooks and adjusting course hours.

During the last few 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 continue to be reflected in the decreased number of training participants.

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) |

- This Program/Service Cannot Fix The Problem
- 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, victim's service providers, and citizens, and under normal circumstances, Florida's law enforcement and the victim's services community consistently participates in these courses. With continued changes in the state and national economy, reduced funding has resulted in fewer training participants. .

In addition, the OAG was again not able to recoup the lost teaching contracts with Hillsborough Community College and the Miami-Dade Police Department for 2010-11. However, these contracts have been renewed for 2011-2012, as well as contracts in Indianapolis. FCPTI has been contacted to provide contracted courses statewide for next year.

The OAG once again applied for and was granted federal funding through the Bureau of Justice Assistance of the US Department of Justice, Office of Justice Programs, for the National Conference on Preventing Crime in The Black Community. This resulted in individuals attending the conference that normally would not have had the financial means. However, the conference still showed a slight decrease in attendance.

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

- Training
- Technology
- Personnel
- Other (Identify)

Recommendations:

Classes continue to be 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 continues, this 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. The target date has been extended due to other agency priorities. A new target date has not been set. In addition, the OAG will again apply 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. FCPTI will continue to seek additional funding sources, i.e., settlement money, grants, etc. which would allow FCPTI to provide tuition free training, thus allowing more potential students to attend our classes.

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%	29%	41% under	-58.5%

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**

**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 2010-11		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	Number of active Medicaid Fraud cases		Health Care/Medicaid Fraud
11	Number of hearings held before the court - Children's Legal Services		Lemon Law
12	Number of active ethics cases		Commission on Ethics Prosecutions
13	Number of active child support enforcement		Child Support Enforcement
14	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 2010-11		Associated Activities Title
15	Number of days for opinion response		Opinions
16	Percent of clients expressing satisfaction with constitutional legal services		Solicitor General and Complex Litigation
			Opinions
			Cabinet Support Services
17	Number of opinions issued		Opinions
18	Number of active Solicitor General cases		Solicitor General and Complex Litigation
19	Number of active civil appellate cases		Solicitor General and Complex Litigation

LRPP Exhibit V: Identification of Associated Activity Contributing to Performance

Measure Number	Approved Performance Measures for FY 2010-11		Associated Activities Title
20	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
21	Total fees and costs expended for legal services with private outside counsel		N/A
22	Percentage of State of Florida legal services conducted private v. public		N/A
23	Salaries, benefits and costs of in-house legal units for each state agency		N/A
24	Number of capital cases - briefs/state & federal responses/oral arguments		Capital Appeals
25	Number of noncapital cases - briefs/state & federal responses/oral arguments		Non-Capital Criminal Appeals
26	Number of active sexual predator commitment appeals		Sexual Predator Civil Commitment Appeals
27	Number of active eminent domain cases		Eminent Domain
28	Number of active tax cases		Revenue Litigation
29	Number of active civil appellate cases		Civil Litigation Defense of State Agencies
30	Number of active inmate cases		Civil Litigation Defense of State Agencies
31	Number of active state employment cases		Civil Litigation Defense of State Agencies

LRPP Exhibit V: Identification of Associated Activity Contributing to Performance

Measure Number	Approved Performance Measures for FY 2010-11		Associated Activities Title
32	Number of victim compensation claims received		Victim Compensation
33	Number of days from application to payment of victim compensation claim		Victim Compensation
34	Number of victims served through grants		Grants - VOCA
35	Number of people attending victims and crime prevention training		Crime Prevention/Training

LRPP Exhibit V: Identification of Associated Activity Contributing to Performance

Measure Number	Approved Performance Measures for FY 2010-11		Associated Activities Title
36	Of eligible attorneys, percent who have attained rating, BY rating, and or board certification		Encompasses entire agency

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

**Agency-Level Unit
Cost Summary**

LRPP Exhibit VI

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL		FISCAL YEAR 2010-11			
SECTION I: BUDGET		OPERATING		FIXED CAPITAL OUTLAY	
TOTAL ALL FUNDS GENERAL APPROPRIATIONS ACT			186,717,402	0	
ADJUSTMENTS TO GENERAL APPROPRIATIONS ACT (Supplementals, Vetoes, Budget Amendments, etc.)			4,468,968	0	
FINAL BUDGET FOR AGENCY			191,186,370	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		302	10,584.35	3,196,475	
Lemon Law * Number of Arbitration Hearings Conducted		342	4,006.88	1,370,354	
Child Support Enforcement * Number of final orders obtained representing the Department of Revenue in child support enforcement proceedings.		33,306	237.48	7,909,425	
Antitrust * Number of cases enforcing provisions of the Antitrust Act		94	33,321.56	3,132,227	
Racketeer Influenced And Corrupt Organization (rico)/ Consumer Fraud * Cases enforcing the Racketeer Influenced and Corrupt Act and Unfair and Deceptive Trade Practices Act.		167	49,836.09	8,322,627	
Commission On Ethics Prosecutions * Number of cases prosecuted before the Florida Commission on Ethics		91	3,190.44	290,330	
Medicaid Fraud Control * Number of cases investigated involving Medicaid fraud activities		1,054	15,530.29	16,368,926	
Children's Legal Services * Number of cases representing the Department of Children and Families in juvenile dependency and termination of parental rights proceedings		29,693	308.79	9,169,000	
Civil Rights * Number of cases investigated and prosecuted involving violations of civil rights		42	15,493.76	650,738	
Solicitor General And Complex Litigation * Number of cases		325	4,438.35	1,442,464	
Opinions * Number of Opinions Issued		318	1,614.07	513,273	
Cabinet Support Services * Number of Cabinet Meetings		18	19,894.61	358,103	
Eminent Domain * Cases representing the Department of Transportation and other government agencies in eminent domain proceedings.		453	944.48	427,849	
Sexual Predator Civil Commitment Appeals * Number of cases		240	867.68	208,244	
Non-capital Criminal Appeals * Number of cases - non-capital appellate litigation		21,786	576.75	12,565,033	
Capital Appeals * Number of cases - capital appellate litigation		240	10,175.89	2,442,214	
Administrative Law * Number of cases		1,158	2,112.99	2,446,842	
Tax Law * Number of cases enforcing, defending and collecting tax assessments		1,319	1,109.90	1,463,960	
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.		4,467	2,175.44	9,717,702	
Grants-victims Of Crime Advocacy * Number of victims served through grants.		302,287	82.24	24,859,513	
Victim Notification * Number of appellate services provided		6,752	278.69	1,881,697	
Victim Compensation * Number of victim compensation claims paid		29,838	957.02	28,555,656	
Minority Crime Prevention Programs * Number of crime prevention programs assisted		4	1,632,479.75	6,529,919	
Grants-crime Stoppers * Number of crime stopper agencies assisted		33	113,228.12	3,736,528	
Crime Prevention/Training * Number of people attending training		3,305	140.51	464,398	
Investigation And Prosecution Of Multi-circuit Organized Crime-drugs * Annual volume of investigations handled		347	83.71	29,047	
Investigation And Prosecution Of Multi-circuit Organized Crime * Annual volume of investigations handled/financial assessments		500	12,717.87	6,358,937	
Prosecution Of Violations Of The Florida Election Code * Number of prosecutions handled.		330	4,034.19	1,331,284	
TOTAL				155,742,765	
SECTION III: RECONCILIATION TO BUDGET					
PASS THROUGHS					
TRANSFER - STATE AGENCIES					
AID TO LOCAL GOVERNMENTS					
PAYMENT OF PENSIONS, BENEFITS AND CLAIMS					
OTHER					
REVERSIONS				35,443,547	
TOTAL BUDGET FOR AGENCY (Total Activities + Pass Throughs + Reversions) - Should equal Section I above. (4)				191,186,312	

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.

IUCSSP03 LAS/PBS SYSTEM
BUDGET PERIOD: 2002-2013
STATE OF FLORIDA

SP 09/15/2011 08:28
SCHED XI: AGENCY-LEVEL UNIT COST SUMMARY
AUDIT REPORT LEGAL AFFAIRS/ATTY GENERAL

ACTIVITY ISSUE CODES SELECTED:

TRANSFER-STATE AGENCIES ACTIVITY ISSUE CODES SELECTED:

1-8:

AID TO LOCAL GOVERNMENTS ACTIVITY ISSUE CODES SELECTED:

1-8:

THE FOLLOWING STATEWIDE ACTIVITIES (ACT0010 THROUGH ACT0490) HAVE AN OUTPUT STANDARD (RECORD TYPE 5)
AND SHOULD NOT:

*** NO ACTIVITIES FOUND ***

THE FCO ACTIVITY (ACT0210) CONTAINS EXPENDITURES IN AN OPERATING CATEGORY AND SHOULD NOT:
(NOTE: THIS ACTIVITY IS ROLLED INTO EXECUTIVE DIRECTION, ADMINISTRATIVE SUPPORT AND INFORMATION
TECHNOLOGY)

*** NO OPERATING CATEGORIES FOUND ***

THE FOLLOWING ACTIVITIES DO NOT HAVE AN OUTPUT STANDARD (RECORD TYPE 5) AND ARE REPORTED AS 'OTHER' IN
SECTION III: (NOTE: 'OTHER' ACTIVITIES ARE NOT 'TRANSFER-STATE AGENCY' ACTIVITIES OR 'AID TO LOCAL
GOVERNMENTS' ACTIVITIES. ALL ACTIVITIES WITH AN OUTPUT STANDARD (RECORD TYPE 5) SHOULD BE REPORTED
IN SECTION II.)

*** NO ACTIVITIES FOUND ***

TOTALS FROM SECTION I AND SECTIONS II + III:

DEPARTMENT: 41	EXPENDITURES	FCO
FINAL BUDGET FOR AGENCY (SECTION I):	191,186,370	
TOTAL BUDGET FOR AGENCY (SECTION III):	191,186,312	
	-----	-----
DIFFERENCE:	58	
(MAY NOT EQUAL DUE TO ROUNDING)	=====	=====

Glossary of Terms

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.

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

AAG	Assistant Attorney General
AHCA	Agency for Health Care Administration
APD	Adult Protective Division
CLS	Children's Legal Services
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.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
MFCU	Medicaid Fraud Control Unit
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

Long Range Program Plan

FY 2012-13 through FY 2016-17



Department of Legal Affairs
Office of Statewide Prosecution

PL 01 The Capital
Tallahassee, Florida 32399-1050

MISSION

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

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

Goal #2: Effectively prosecute multi-circuit crime

Program: Office of Statewide Prosecution Objectives

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

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 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
199	95	95	95	95	95

Objective B: Maintain substantial caseload of complex investigations

Outcome: Total inventory of drug cases

Baseline/Year 2000-01	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
338	300	300	300	300	310

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 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
729	625	650	650	650	675

Objective B: Seek effective case results

Outcome: Number of defendants convicted

Baseline/Year 2000-01	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
410	380	380	380	385	385

Outcome: Conviction Rate

Baseline/Year 2000-01	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
90%	90%+	90%+	90%+	90%+	90%+

Program: Office of Statewide Prosecution

Trends and Conditions Statements

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 positive impact or results, the activities are not pursued. These 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 either victimizing a large number of Florida's citizens or attacking Florida's public programs. While caseload numbers are certainly one measurement of performance, equally important are the results achieved within those caseload numbers.

Results are measured by disposition and sentencing data, as well as 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. They are also assessed by participating in training opportunities and engaging in discussions with colleagues in law enforcement, members of the Legislature, and executive agencies.

Priorities

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

In 2009 we received an Order from Florida's Supreme Court to convene the Nineteenth Statewide Grand Jury focusing on Public Corruption. The term of this grand jury has ended, however the work of the Office continues to focus on public corruption, prosecuting gangs, mortgage fraud, drug traffickers, and those who seek to defraud our state or our citizens. Statewide Grand Jury reports can be found at: <http://www.myfloridalegal.com>.

Major Prosecutorial Efforts

The Office of Statewide Prosecution continues its commitment of 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. This effort has resulted in 16 RICO cases filed on over 191 defendants. More specific reports on those efforts are available in the Annual Report and the Statewide Grand Jury Reports.

The other major effort for the Office of Statewide Prosecution continues to be fighting fraud and theft. This is traditionally centered on health care fraud and recently has 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 in the office.

Of course these efforts will not eliminate the work that the Office of Statewide Prosecution continues to do in fighting drug trafficking, internet crimes, and the growing problem of organized retail theft crime. The office 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 Bondi's legislative initiatives.

Department of Legal Affairs
Office of Statewide Prosecution

**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 2011-12 (Words)	Approved Prior Standards for FY 2010-11 (Numbers)	Prior Year Actual FY 2010-11 Standard (Numbers)	Approved Standards for FY 2011-12 (Numbers)	Requested FY 2012-13 Standard (Numbers)
Conviction rate for defendants who reached final disposition	90%	89%	90%	90%
Of the defendants who reached disposition, the number of those convicted	350	306	350	350
Number of law enforcement agencies assisted	80	82	80	80
Total number of active cases, excluding drug cases	700	500	700	700
Total number of active drug related multi-circuit organized criminal cases	300	347	300	300

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

**Assessment of
Performance for
Approved
Performance
Measures**

LRPP Exhibit III

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Office of Statewide Prosecution
Service/Budget Entity: Statewide Prosecution/Investigation & Prosecution of Multi-Circuit Organized Crime / 41200100
Measure: Output – Of the Defendants who reached disposition, the number of those convicted

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
350	306	44 under	-12.5%

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: Because of the complex nature of these cases along with the recent hiring and training of new staff, additional cases have not yet been finalized and so actual performance results anticipated by the program have not materialized.

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:

Reduce performance standard to 325 and reassess in one year.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Office of Statewide Prosecution
Service/Budget Entity: Statewide Prosecution/Investigation & Prosecution of Multi-Circuit Organized Crime / 41200100
Measure: Outcome - Conviction Rate per Defendant s Who Reached Disposition

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
90%	89%	1% under	-1.1%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect
error in one filed case. | <input checked="" type="checkbox"/> Other (Identify) Charging |

Explanation: Due to a charging error in one filed case, the performance outcome was slightly less than the approved standard. If the error had not occurred, the yearly conviction rate would have been 94.6%; 4.6% over the approved standard.

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

Recommendations:

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

**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 2010-11		Associated Activities Title
37	Conviction rate for defendants who reached final disposition		Investigation and Prosecution of Multi-Circuit Organized Crime - Drugs
38	Of the defendants who reached disposition, the number of those convicted		Investigation and Prosecution of Multi-Circuit Organized Crime
39	Number of law enforcement agencies assisted		Investigation and Prosecution of Multi-Circuit Organized Crime - Drugs
40	Total number of active cases - excluding drug cases		Investigation and Prosecution on Multi-Circuit Organized Crime
41	Total number of active drug related multi-circuit organized criminal cases		Investigation and Prosecution of Multi-Circuit Organized Crime - Drugs

Exhibit VI

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

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

Long-Range Program Plan

Fiscal Years 2012-13 through 2016-17

FLORIDA ELECTIONS COMMISSION



September 2011



FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street, Suite 224
Collins Building
Tallahassee, Florida 32399-1050
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LONG RANGE PROGRAM PLAN

Florida Elections Commission

Tallahassee, Florida

August 18, 2011

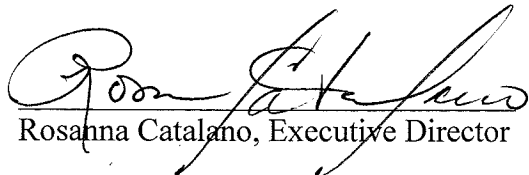
Jerry McDaniel, Director
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JoAnne Leznoff, Council Director
House Appropriations Committee
221 Capitol
Tallahassee, Florida 32399-1300

Craig Meyer, Staff Director
Senate Budget Committee
201 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 2012-13 through Fiscal Year 2016-2017. This submission has been approved by Rosanna Catalano, Executive Director of the Florida Elections Commission.


Rosanna Catalano, Executive Director

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 violation or offense rate in cases closed by the Commission.

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

Baseline/Year 2001	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
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 on 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 violation or offense rate in cases closed by the Commission

Outcome: Percentage of cases the Commission closes in which it finds violations or offenses

Baseline/Year 2010	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
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 number of legally sufficient complaints closed by the Commission which are either prosecuted following probable cause or in which a settlement agreement is entered measures the ability of Commission staff to effectively prosecute a case.

FLORIDA ELECTIONS COMMISSION

TRENDS AND CONDITIONS STATEMENTS

The Florida Elections Commission (“FEC”) 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 is composed of nine members appointed by the governor for four year terms. The Governor appoints all the members except the Chair from lists of names provided to him by the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of both houses. The Chair of the Commission serves for a maximum of four years with his or her term running concurrently with the term of the appointing Governor. The members of the Commission may serve no more than two full terms of four years.

The Commissioners act as agency head and appoint an Executive Director to employ and supervise all staff. The staff consists of the Executive Director, two attorneys, an Investigations Manager, six investigators, the Commission Clerk, a Business Manager, paralegal, and Administrative Assistant.

Chapter 106, Florida Statutes, and the Commission rules require staff to review all complaints filed with the Commission. The staff investigates all legally sufficient complaints and makes a recommendation to the Commission on whether there is probable cause to believe Florida’s election laws were violated. If the Commission finds probable cause, staff attorneys try 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 and 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 the last several years, the Legislature has made some significant procedural changes to Chapter 106. These changes require more specific and reliable information from complainants and increase the number of steps required of staff before the Commission determines probable cause. Recently, section 106.25(2), Florida Statutes, was amended, providing that the Commission transmit a copy of complaints to alleged violators of the Florida’s Election Code prior to a determination of legal sufficiency and allowing alleged violators time to respond to the

complaint. All of these changes not only slow down the process for determining whether a violation has occurred, but also increase the cost for a Respondent and the FEC if the Commission has found probable cause that an election law has been violated.

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 the Commission's success over the last ten fiscal years:

Fiscal Year	Cases Opened	Cases Closed	Outcome Standard	% Of Cases Closed Within a year of Being Opened.	Cases Pending on July 1 of next fiscal year.
2001/02	246	260	75 %	79 %	169
2002/03	541	509	80 %	96 %	127
2003/04	292	294	80 %	91 %	162
2004/05	448	441	80 %	96 %	155
2005/06	274	250	80%	77 %	183
2006/07	483	424	80 %	90 %	180
2007/08	276	303	80 %	79 %	157
2008/09	417	404	80 %	89 %	169
2009/10	181	245	80 %	81 %	105
2010/11	383	330	80%	91%	158

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. In the last couple of years, the Legislature altered the process for handling cases. As a result, the conviction rate measurement no longer provided a complete picture of the agency's effectiveness because it did not include case outcomes determined by the Division of Administrative Hearings, pre-probable cause consent orders, and minor violation consent orders. Therefore, in fiscal year 2010/11, the Commission updated the conviction rate measure. The updated outcome measure tracks the number of legally sufficient complaints closed by the Commission which are either prosecuted following probable

cause or in which a settlement agreement is entered. This change measures the ability of Commission staff to effectively prosecute a case, and demonstrates its effectiveness in enforcing elections laws.

The updated measures help to accurately and completely reflect the regulatory role of the agency. For fiscal year 2010/11, the percentage of cases the Commission closes in which it finds violations or offenses is 90%, and the fiscal year 2010/11 caseload is 171 cases per attorney, including the Executive Director.

To increase output, a priority of the Commission has been to reduce staff turnover. Election law cases tend to be voluminous so these cases require careful analysis and attention to detail. Therefore, the quality and experience of the investigative and legal team is critical to the Commission's success. It takes an investigator and attorney a minimum of two years to become proficient in election law. In the past, the Commission encountered lots of staff turnover because of salary limitations. Rewarding the superior service of long term employees who have obtained expertise in election law with bonuses and salary increases would result in retaining experienced staff members. Equitable salaries for our investigators and attorneys 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. The continued success of the mission of the Florida Elections Commission will require continued funding sources in FY 2012/13. Any reduction in resources would severely impair the Commission's ability to ensure fair elections, meaningful campaign regulation and effective election law enforcement for the citizens of Florida.

Impact Statement

At this time, the Florida Elections Commission is neither creating new programs nor requesting additional staff. The Commission believes that the service it provides the public in enforcing Florida's election laws is an important one because a free and fair election is the cornerstone of our democracy.

EXHIBIT II:

PERFORMANCE MEASURES & STANDARDS

LRPP Exhibit II - Performance Measures and Standards

Department: Department of Legal Affairs	Department No.: 41100000
---	--------------------------

Program: Florida Elections Commission	Code: 41400000
Service/Budget Entity: Campaign Finance and Election Fraud Enforcement	Code: 41300100

NOTE: Approved primary service outcomes must be listed first.

Approved Performance Measures for FY 2011-12 (Words)	Approved Prior Year Standard FY 2010-11 (Numbers)	Prior Year Actual FY 2010-11 (Numbers)	Approved Standards for FY 2011-12 (Numbers)	Requested FY 2012-13 Standard (Numbers)
Ratio of active cases to attorneys	115 to 1	171 to 1	115 to 1	115 to 1
Percentage of cases the commission closes in which it finds violations or offenses	90%	90%	90%	90%
Percentage of cases that are closed within 12 months	80%	91%	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%	91%	11%	13.75%

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:

The agency exceeded its performance standard for case closures. However, in the last several years, the Legislature has made some significant procedural changes to Chapter 106. These changes require more specific and reliable information from complainants and increase the number of steps required of staff before the Commission determines probable cause. Recently, section 106.25(2), Florida Statutes, was amended, providing that the Commission transmit a copy of complaints to alleged violators of the Florida’s Election Code prior to a determination of legal sufficiency and allowing alleged violators time to respond to the complaint. All of these changes slow down the process for determining whether a violation has occurred and closing cases.

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 – Percentage of cases the Commission closes in which it finds violations or offenses

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
90%	90%	None	0%

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: In the last couple of years, the Legislature altered the process for handling cases. As a result, the conviction rate measurement no longer provided a complete picture of the agency’s effectiveness because it did not include case outcomes determined by the Division of Administrative Hearings, pre-probable cause consent orders, and minor violation consent orders. Therefore, in fiscal year 2010/11, the Commission updated the conviction rate measure. The updated outcome measure tracks the number of legally sufficient complaints closed by the Commission which are either prosecuted following probable cause or in which a settlement agreement is entered. This change measures the ability of Commission staff to effectively prosecute a case, and demonstrates its effectiveness in enforcing elections laws. This updated performance measure helps to accurately and completely reflect the regulatory role of the agency.

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: Output – Ratio of Active Cases to Attorneys

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
115:1	171:1	56%	48.70%

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:

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 following candidate qualifying there is an increase of cases.

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

- Training
- Personnel
- Technology
- 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 – Percentage of cases the Commission closes in which it finds violations or offenses

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. All legally sufficient complaints closed by the Commission which are either prosecuted following probable cause or in which a settlement agreement is entered are reviewed. The number of cases in which the Commission found a violation or offense 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. 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: Identification of Associated Activity Contributing to Performance Measures

Measure Number	Approved Performance Measures for FY 2011-12	Associated Activities Title
1	Percentage of Cases that are Closed within 12 months	Campaign Finance and Election Enforcement
2	Percentage of cases the Commission closes in which it finds violations or offenses	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.