

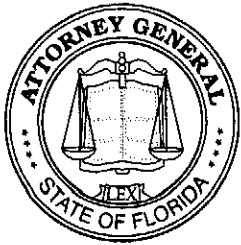
# **Long Range Program Plan**

**FY 2013-14 through FY 2017-18**



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

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



OFFICE OF THE ATTORNEY GENERAL

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**PAM BONDI**  
**ATTORNEY GENERAL**  
**STATE OF FLORIDA**

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**Long Range Program Plan**

Department of Legal Affairs

September 30, 2012

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

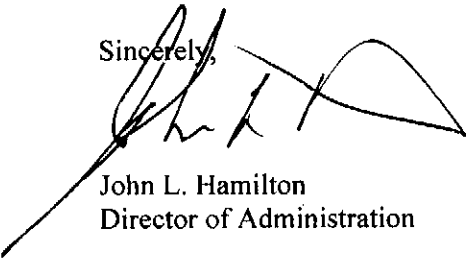
JoAnne Leznoff, Council Director  
House Full Appropriations Councils  
221 Capitol  
Tallahassee, Florida 32399-1300

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 2013-14 through Fiscal Year 2017-18. This submission has been approved by Attorney General Pam Bondi.

Sincerely,



John L. Hamilton  
Director of Administration

# **AGENCY MISSION**

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## **Florida's Law Firm**

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

## **Goals**

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

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

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

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

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

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

**Objective C:** Increase client satisfaction

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

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

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

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

# Program: Office of the Attorney General

## Service Outcomes and Performance Projections Tables

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

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

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

Baseline/Year 2001	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
30%	62%	62%	62%	63%	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 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
70%	73%	75%	75%	75%	75%

**Objective C:** Increase client satisfaction

**Outcome:** Percent increase in client satisfaction

Baseline/Year 2001	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
90%	98%	98%	98%	98%	98%

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

Baseline/Year 2003	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
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 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
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 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
19.8 weeks	4.5 weeks	4.5 weeks	4.4 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 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
253	275	280	285	285	285

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

Baseline/Year 1999	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
46	55	56	57	57	57

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

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The Attorney General is the Chief Legal Officer for the State of Florida. The Office of the Attorney General is composed of several units each of 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 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 is no longer 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 282.

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 effectiveness 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, is 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, an increasing number 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 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, in Florida and beyond, 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 50 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" as "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 have declined significantly. 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 or homestead protections. As a result, the role of the Attorney General's Office has shifted, in RICO matters, toward the civil prosecution of legal corporate enterprises engaged in theft or various schemes to defraud.

Complaints indicated that much of this conduct has been 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 a large number of people, suggesting that even more citizens can benefit from additional resources directed against corporate "white collar crime".

## *Staffing*

These consumer fraud issues will continue to require substantial and meaningful investigation and preparation. With its current staffing, the Economic Crimes Division is under constant pressure to muster the necessary resources to combat these ever-increasing avenues of consumer fraud. The number of cases involving major corporate targets has grown significantly, while the efforts of this section are limited by existing resources and the time-consuming nature of these cases. Nevertheless, because of the positive impact that these cases have on so many consumers, the Economic Crimes Division will continue to address corporate misconduct. Additional unit staffing will likely be necessary in future years to handle continuing increases in consumer fraud activity.

## **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 Florida's citizens. 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 Attorney General's efforts, under the statute, have yielded hundreds of millions of dollars in recoveries for various public entities and for Florida's consumers over the past three decades. The Antitrust Division (not including the Multistate Unit, discussed below) currently has 24 employees: 11 attorneys and 13 permanent support staff, all based in Tallahassee.

### ***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. For example, Section 542.18, Florida Statutes, grants the Attorney General the power to target alleged conduct in restraint of trade. Section 542.19, Florida Statutes, allows the Attorney General to investigate potential unlawful monopolies or conspiracies to establish unlawful monopolies, and gives 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 his or 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 securities laws, in 2009, the Legislature amended Chapter 517, Florida Statutes, 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.

## ***Securities Enforcement, Mortgage Fraud, and Complex Civil Enforcement***

Florida saw a significant increase in fraud and scams in Fiscal Year 2008-2009, due to the financial crisis. As a result, 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 those 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. The Division works in conjunction with the Office of Financial Regulation, the primary enforcing authority of the state securities laws. Beginning in Fiscal Year 2009-2010, the Division also began 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.

### ***Active and Closed Case Counts and Current Trends***

The Division's 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 2011-2012 increased slightly from the previous year. There were 98 cases worked, up from the 94 worked in Fiscal Year 2010-2011. For the Multistate unit, the number of active cases worked was slightly down from 28 to 26. There were a total of 124 active cases for the Antitrust/Multistate Division as a whole. This represents a slight increase in active cases compared to the last fiscal year. The number of closed antitrust, securities, and mortgage fraud matters handled increased from 19 to 32, while the Multistate Unit closed 4 cases compared to 7 in 2010-2011, for a total of 36 cases closed for the entire Division, up from 26 in Fiscal Year 2010-2011.

### ***Recoveries***

In Fiscal Year 2011-2012, the Antitrust Division recovered \$51,124,623.91 from eleven major antitrust, securities, and mortgage fraud cases, up significantly from the \$17,382,442 in recoveries from seven major antitrust and mortgage fraud cases in Fiscal Year 2010-2011. The Antitrust Division's recoveries were bolstered further by an additional \$4,878,341 in recoveries from one major pharmaceutical case settled by the Multistate Unit. These recoveries were well below the record Unit's \$393,231,225 from four major cases in Fiscal Year 2010-2011. These are Florida-only numbers, however, and do not reflect the national multistate totals.

The total recoveries for Antitrust and Multistate, together for Fiscal Year 2011-2012, is

\$56,002,964.91 from twelve major cases, well lower than the \$400,334,673.43 from eleven major cases last Fiscal Year. These monies were recovered on behalf of public entities and consumers, as civil penalties, or as reimbursement for attorneys' fees and costs. It should be noted that the Antitrust Division played a major partnering role with the Economic Crimes Division during Fiscal Years 2010-2011 and 2011-2012 in achieving the \$25 billion multistate foreclosure settlement in April of 2012, \$8.6 billion of which is expected to benefit Florida distressed borrowers, and \$334 million is cash to be distributed for homeowner assistance programs and civil penalties (These numbers will be reflected as part of the Economic Crimes Division recoveries).

### ***Recent Developments Affecting the Division***

Several recent developments have resulted in a significantly 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 potential 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 may result in significant recoveries for Floridians and Florida governmental entities, but also potentially acts as a deterrent to collusive conduct in the first place.

A third trend, which has been in place for the last few years, with respect to antitrust enforcement, is the failure of the federal antitrust enforcement agencies to be as aggressive in enforcing the federal antitrust laws as in years past. 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.

Related to this is a fourth major trend: the devastating effects of the financial crisis. Florida has been ranked number one in mortgage fraud and number two in mortgage foreclosures for a 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. 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 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.

Despite these good collaborative efforts with other enforcement agencies, the sheer complexity and size of cases the Division undertakes can constitute a significant resource drain, and can take years to resolve. The Division, this past Fiscal Year, finally resolved a multidistrict litigation that had it deeply immersed in significant and lengthy discovery on behalf of several state agencies that had purchased the prescription pain reliever Vioxx as the result of unlawful off-label marketing. If settlement talks had not been successful, the case would have continued to be a significant drain on resources, with no guarantee of success. A lawsuit remains pending in one other matter, CRTs, a case filed in December 2011. 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 the degree of evidence 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 that are less likely to fully compensate consumers and public agencies the Division. 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 fiscal year 2009-2010: the Deepwater Horizon Oil Spill. Because complex civil litigation is almost certain to result from this tragedy, three of the Division's lawyers continue to give a significant portion of their time to the case. Pursuing economic loss, as well as environmental, and natural resource damage claims as the result of the Deep water Horizon Oil Spill, remain agency priorities.

### ***Division Highlights***

The Division attained some significant antitrust recoveries during Fiscal Year 2011-2012. First, the Division settled with three more of the banks that were under investigation for rigging municipal bond derivatives. In July, 2011, Florida, as one of the members of the multistate executive committee, obtained a \$92 million multi-agency settlement with JPMorgan Chase, with Florida receiving \$2.2 million. In December of 2011, Wachovia settled its case for \$58.75 million, with Florida entities receiving a \$4.85 million. And, on December 30, 2011, GE Funding/Trinity paid \$34.25 million to settle its case, with Florida receiving \$1.036 million. The division also successfully resolved two potential RICO matters with Metlife and Prudential in conjunction with the Office of Insurance Regulation and the Department of Financial Services. The agencies settled for approximately \$5 million in restitution, and other payments, to resolve concerns that the companies had not paid out death benefits to life insurance beneficiaries in a timely fashion. Finally, the Division saw its greatest antitrust recoveries of the fiscal year in its liquid crystal display price-fixing case, contributing to a nearly \$1 billion multidistrict settlement. It is still to be determined how much of that settlement will go to consumers and public entities, of which a still to be determined amount will go to consumers and public entities.

Not all antitrust cases generate dollars, nor is it expected. Some cases are opened and then closed when it is determined that no action is warranted. Of the 98 active antitrust cases worked by the Division in Fiscal Year 2011-2012, seven were merger reviews (not including three that are consummated with conditions and being monitored). This is the same number of cases that were worked in Fiscal Year 2010-2011. 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 that are also reviewing the proposed transaction.

Also in Fiscal Year 2011-2012, the unit continued to pursue several 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. Soon, the Division will 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. The Division successfully obtained a court order, freezing over \$4 million in assets will that eventually be returned to investors. This case, while important, continues to require Division resources, as the court proceedings have continued into fiscal year 2011-2012. Yet, it is not likely that the Division will ever recover the significant fees and



expenses incurred. Again, without some change in funding source, the Division will not be able to handle these cases long-term.

### ***Effects of 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, and involve steep learning curves for our professional staff as the cases are developed.

Given the many new and increasing resource demands on the Division, as it continues to make every effort to meet the needs of Florida's 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 for Florida's ill, elderly, and disabled citizens. In 2004, MFCU implemented its ongoing 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, and 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. MFCU attorneys can be 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 2011-2012, the Medicaid Fraud Control Unit issued 69 warrants for arrests, and reported 80 convictions/pre-trial interventions. Occasionally, 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 \$161 million during FY 2011-2012.

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 Northwest Florida Health Care (Fraud) Task Force – 10 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)

US Drug Enforcement Administration (DEA)

Florida Department of Health (DOH)

Florida Department of Law Enforcement (FDLE)

Florida Department of Financial Services - Division of Insurance Fraud  
US Defense Criminal Investigative Service  
US Department of Health and Human Services - Office of Investigations  
Local Law Enforcement

*Northeast Florida (Jacksonville) Healthcare Fraud Interagency Work Group - 5 members*

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

*Northeast Florida Healthcare Fraud Interagency Task Force - 15 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)  
US Drug Enforcement Administration (DEA)  
Florida Agency for Health Care Administration (AHCA)  
Florida Department of Health (DOH)  
Florida Department of Law Enforcement (FDLE)  
Florida Department of Financial Services - Division of Insurance Fraud  
Jacksonville Sheriff's Office  
US Department of Homeland Security  
US Department of Health and Human Services - Office of Investigations  
US Food and Drug Administration (FDA)  
US Centers for Disease Control and Prevention (CDC)  
US Department of Veterans Affairs (VA)  
Blue Cross/Blue Shield of Florida (BCBS)

*Jacksonville Healthcare Fraud Task Force - 4 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)  
Florida Department of Financial Services - Division of Insurance Fraud

*Northeast Florida Interagency Council - 5 members*

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

*Tri-County Drug Interdiction Task Force- (Putnam, Clay and Duval Counties) 5 members*

Florida Medicaid Fraud Control Unit (MFCU)  
Florida Department of Law Enforcement (FDLE)  
Local Law Enforcement – three counties

*High Intensity Drug Diversion Task Force – 5 members*

Florida Medicaid Fraud Control Unit (MFCU)

Florida Department of Health  
US Drug Enforcement Administration (DEA)  
Naval Criminal Investigative Service  
Local Law Enforcement – three counties

**CENTRAL REGION –**

**TAMPA**

*Federal Health Task Force – 9 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)  
US 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  
US Internal Revenue Service (IRS)  
US Food and 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 – 4 members*

Florida Medicaid Fraud Control Unit (MFCU)  
Volusia Bureau of Investigations  
Florida Department of Law Enforcement (FDLE)  
Volusia 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)

*Central Florida Pharmaceutical Crimes Intelligence Group-11 members*

Florida Medicaid Fraud Control Unit (MFCU)  
Orlando Metro Bureau of Investigation  
Florida Department of Law Enforcement (FDLE)  
Federal Bureau of Investigation (FBI)  
Seminole County Sheriff's Office  
Orange County Sheriff's Office

Osceola County Sheriff's Office  
Orlando Police Department  
US Drug Enforcement Administration (DEA)  
Florida Department of Health (DOH)  
Florida Agency for Health Care Administration (AHCA)

*Central Florida Drug Enforcement Strike Force –13 members*

Florida Medicaid Fraud Control Unit (MFCU)  
Orlando Metro Bureau of Investigation  
Florida Department of Law Enforcement (FDLE)  
Federal Bureau of Investigation (FBI)  
Seminole County Sheriff's Office  
Orange County Sheriff's Office  
Osceola County Sheriff's Office  
Orlando Police Department  
US Drug Enforcement Administration (DEA)  
Florida Department of Health (DOH)  
Florida Agency for Health Care Administration (AHCA)  
Florida Department of Insurance  
Orange County Medical Examiner's Office

**SOUTHERN REGION –**

*South Florida Health Care Fraud Working Group – 9 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)  
Office of the Attorney General – Office of Statewide Prosecution  
US Department of Health and Human Services - Office of the Inspector General - Office of Investigations  
Florida Agency for Health Care Administration (AHCA)  
US Centers for Medicaid/Medicare (CMS)

*Medicare-Medicaid (Medi-Medi)Steering Committee – 3 members*

Florida Medicaid Fraud Control Unit (MFCU)  
Florida 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

*Zone Program Integrity Contractors(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

Florida Agency for Health Care Administration (AHCA)  
Centers for Medicaid/Medicare (CMS)

*West Palm Beach Health Care Task Force – 13 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  
US Department of Health and Human Services - Office of the Inspector General – Office of Investigations  
US Department of Homeland Security  
US Postal Inspection Services  
Internal Revenue Service-Criminal Investigation Division  
Florida Department of Business and Professional Regulations (DBPR)

*Multi-Agency Diversion Task Force - Palm Beach County Sheriff's Office – 13 members*

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

*Greater Miami Health Care Fraud Task Force – 5 members*

Florida Medicaid Fraud Control Unit  
US Department of Health and Human Services - Office of the Inspector General – Office of Investigations  
Office of the United States Attorney for the Southern District of Florida (USAO)  
US Department of Defense – Office of Inspector General  
US Department of Homeland Security  
US Department of Veterans Affairs (VA)  
Federal Bureau of Investigation (FBI)  
US Food and Drug Administration (FDA)  
US Postal Service – Office of Inspector General  
Florida Department of Law Enforcement (FDLE)  
Florida Department of Health (DOH)

**STATEWIDE –**

*Case Staffing and Fraud Initiatives – Interagency Program*

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

*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

*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

*FDLE Regional Pharmaceutical/Drug Enforcement Strike Force*

Using Florida Department of Law Enforcement’s seven domestic security regions to  
organize this statewide effort; each of the seven strike forces is jointly led by a  
Sheriff and a Police Chief.  
Florida Medicaid Fraud Control Unit (MFCU)  
Florida Department of Law Enforcement (FDLE)

## **Lemon Law**

Florida's Lemon Law is established in Chapter 681, Florida Statutes. The law allows consumers to receive replacement motor vehicles or a purchase price refund when their new or demonstrator motor vehicles do not meet certain statutory thresholds. A vehicle is a potential "lemon" if it is subjected to repeated, unsuccessful warranty repairs for the same substantial defect, or is constantly in the shop for the repair of one or more different substantial 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 Chapters 2011-056 and 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 consist 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 to the Attorney General's Office also removed the requirement that revenue be divided between the two agencies. The legislation did not include the transfer or establishment of 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 the eligibility screening of New Motor Vehicle Arbitration Board claims, are 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 under the Lemon Law to resolve disputes arising between consumers and car and light truck manufacturers. 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 a secure area of the agency's website for electronic filing and uploading/downloading of documents by all 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. In addition, the motor vehicle manufacturer can apply to have its informal dispute resolution program certified by the State of Florida as substantially complying with applicable federal rules, state statutes and administrative regulations. If a manufacturer-sponsored informal dispute resolution program is certified by the state, then consumers with disputes 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. Manufacturer-sponsored informal dispute resolution programs are private companies that contract to provide dispute resolution services to the motor vehicle manufacturers. These programs are operated pursuant to their contracts and are not required to apply the provisions



of the state Lemon Law. Before the legislative transfer, three programs were certified by the Dept. of Agriculture and Consumer Services for 14 manufacturers. Those certifications were extended by the Attorney General's Office until September 30, 2012, and the sponsoring manufacturers were notified that they should seek certification from this office. The Lemon Law Arbitration division is currently reviewing manufacturer and program submissions.

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 2011-2012. Information from these notices are researched, entered into a database, and transferred to the Attorney General's website for use by consumers as they shop for used motor vehicles. The database 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.

The Lemon Law Arbitration division continued to monitor the manufacturer-sponsored RV Mediation/Arbitration Program in FY 2011-12, which experienced a slight increase in caseload over the prior year. Caseloads in that program remain low, due to the continuing impact of the recession and the bankruptcy or closing of numerous recreational vehicle manufacturers.

## **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.

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 that raise an issue of great public interest. The Office may also file a civil action in cases where any person, whether acting under color of law or not, interferes or attempts to interfere with threats, intimidation, or coercion, with the exercise or enjoyment of rights secured by the State Constitution or laws of this state by any other person.

OCR remains focused on protecting the citizens of Florida and enforcing the laws under the Florida Fair Housing Act. Specifically, it looks at all aspects of fair housing discrimination, including discrimination in sales, rentals and policies, and discrimination against persons with disabilities.

### ***Cases***

The Office uses aggressive investigation and litigation strategies to enforce civil rights. Non-traditional civil rights statutes are used, where appropriate, in addition to traditional civil rights laws, to maximize opportunities for success.

Examples of recent case settlements include:

#### ***Yohe v. Valencia on the Gulf Condominium Association, Inc.***

The Valencia on the Gulf Condominium Association is alleged to not have permitted Ms. Yohe to have an emotional support animal reside with her in her condominium. A settlement was reached. Settlement terms included: monetary damages, Attorney fees, education regarding reasonable accommodations for the Board of Directors, posting of a HUD fair housing poster in a conspicuous location on-site for current and future residents, as well as a letter to membership regarding Yohe's emotional support animal and Yohe's right to accommodation under the Fair Housing Act.

#### ***Ory v. John Baisden, et al.***

John Baisden<sup>1</sup>, a manager of a Mobile Home Park, is alleged to have discriminated against Ms. Ory, a white female, due to her association with a black male. A complaint was originally filed with the local area legal services. Shortly thereafter, the Commission issued findings of reasonable cause, and the Attorney General's Office of Civil Rights was elected to enforce the finding. A monetary settlement was reached with Mr. Baisden's Estate.

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<sup>1</sup> John Baisden's Estate was substituted as a Defendant following his death.

## ***Education and Outreach***

Our office's education and outreach continues to focus on Preventing Bias crimes. Each Year, the OCR is responsible for creating the *Hate Crimes in Florida Report*. This report contains data reported by law enforcement agencies statewide, and shows the number of hate crimes committed throughout the state. The Office of Civil Rights has a Hate Crime Training Program available for law enforcement officers and participates in Hate Crime forums, along with federal, state and local partners.

## ***Florida Commission on Human Relations***

The Office of Civil Rights works with the Florida Commission on Human Relations (the Commission) to enforce provisions of the Florida Fair Housing Act. It receives housing cases from the Commission where "cause" has been determined and the parties were unable to resolve the case amicably.

The Office of Civil Rights initiates cases and projects that 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 (Director and an Assistant Attorney General) and 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 that have statewide impact. The Solicitor General reviews and prepares amicus curiae briefs in support of State policy goals in state and federal appellate court cases. Additionally, the OSG advises the Attorney General on legal and policy issues affecting the State.

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

The Office of the Solicitor General was established in the General Appropriations Act on July 1, 1999, as requested by the Attorney General's Office, and 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 progress and policy decisions for all cases which involve the Solicitor General.

The Solicitor General's cases, by their nature, have statewide impact. Most cases have an indirect impact on the public. 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.

When at full capacity, the OSG 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 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 Division has received a relatively constant flow of requests for an Attorney General opinion in recent years. This office has strived to reduce the time frame for responses through the expanded use of computerized databases, email for tracking files, the peer review process, internal communication, and research. A newly implemented records management system will also result in a faster retrieval of older files, which are needed periodically for current projects.

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

## **Cabinet Affairs**

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

The Governor and Cabinet, as a collegial body, conduct Executive Branch business in the following capacities including, but not limited to: the State Board of Executive Clemency; the Agency for Enterprise Information Technology; the Division of Bond Finance; the Department of Veterans' Affairs; the Department of Highway Safety & Motor Vehicles; the Department of Law Enforcement; the Department of Revenue; the Administration Commission; the Florida Land & Water Adjudicatory Commission; the Electrical Power Plant & Transmission Line Siting Board; the Board of Trustees of the Internal Improvement Fund; and the Financial Services Commission. The Governor, Attorney General and Chief Financial Officer also constitute the State Board of Administration.

The Cabinet Affairs staff advises the Attorney General on all matters pertaining to his or 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 Division's goals are 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 professional and business licensing regulatory boards and other regulatory agencies. The bureau represents state agencies in rule challenge, bid protest, and appellate proceedings. They represent the Department of Children and Families and the Agency for Persons with Disabilities in Medicaid waiver hearings and offer litigation support in state and federal cases against these agencies. The bureau also serves as general counsel to the Florida Election Commission, Education Practice Commission, and several other appointed commissions.

### ***Child Support Enforcement Bureau***

In cases that establish and enforce child support orders, the Child Support Enforcement Bureau of the Office of the Attorney General represents the Department of Revenue in 12 of Florida's 67 counties: Broward, DeSoto, Franklin, Gadsden, Hillsborough, Jefferson, Leon, Liberty, Pasco, Pinellas, Sarasota, and Wakulla. 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 agency for intrastate and interstate:

- Establishment of Paternity
- Establishment of Support

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

In addition to providing representation at the trial level and in administrative hearings, this bureau also serves as The Department of Revenue's statewide appellate counsel in Florida's five district courts of appeal and the Florida Supreme Court. With offices located in Ft. Lauderdale, Tallahassee, and St. Petersburg, the Child Support Enforcement Bureau handled approximately 56,500 cases during the 2011-2012 Fiscal Year.

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

The Children's Legal Services Bureau was established by the Legislature in 1995 as a pilot project. This 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 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 the termination of rights for parents who repeatedly abuse, abandon, or neglect their children, so as to allow these children to find safe and permanent homes.

This Bureau has handled 3,071 cases with over 27,723 hearings during the 2011-2012 Fiscal Year.

### ***Complex Litigation***

The Complex Litigation Bureau handles high-visibility state and federal litigation involving the environment, Native American 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. The bureau defends primarily against lawsuits filed by prison inmates 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 trial practice, from initial pleadings in federal and state courts, through trial, and through 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 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 laws 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. This bureau offers the full range of legal services for pre-suit advice, trial, and appellate practice.

This bureau provides legal advice to governmental agencies on the legal requirements for the proper exercise of eminent domain power, and provides 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.

### ***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, the Age Discrimination in Employment Act, the 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 bureau handles workplace discrimination (race, sex, national origin, religion, age, disability, etc.), harassment and hostile work environments, and retaliation relating to any of these statutes. 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.

## ***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." First, the Commission receives and investigates sworn complaints alleging that a public officer or employee has breached the public trust. Then, the Advocate makes a recommendation as to whether the case should go forward. If the Commission finds probable cause, 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. Chapter 120.317(7), Florida Statutes, also requires Advocates to pursue the collection of attorney fees ordered against malicious complainants. Most state and local government employees, as well as elected and appointed officials, are subject to the Commission's jurisdiction, and it investigates violations ranging from erroneous financial disclosure filings to misuse of office.

The Ethics Bureau also serves as the Office of the Attorney General Ethics office. When OAG employees have questions regarding their duties and obligations, the Ethics Bureau is available to advise on those ethics issues.

## ***Tampa, Fort Lauderdale, West Palm Beach Civil Litigation Bureaus***

The Tampa, Fort Lauderdale, and West Palm Beach Civil Litigation Bureaus provide 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 presumptive constitutionality of state statutes. Corrections litigation includes claims under 42 U.S.C. 1983; state and federal constitutions; and 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), the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Family and Medical Leave Act, the 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 Bureaus also handle most of their own appeals in both Federal and State appellate courts.

## ***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 Chief Financial Officer. 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 Litigation Bureau***

The State Programs Litigation Bureau is charged with defending a wide variety of actions in both state and federal court, at both the trial and appellate levels. This bureau's clients 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 initiates litigation 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.

### ***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 concerning wrongful death, automobile accidents, premises liability, 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.

## **Criminal Appellate Division**

### ***Overview***

The Criminal Appellate Division consists of the five regional Criminal Appeals Bureaus and one statewide Capital Appeals Bureau, which comprise the appellate prosecution component of Florida's criminal justice system. The Criminal Appellate Division defends all criminal appeals in the state appellate court, in post-conviction matters and throughout the federal district and appellate court as to 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. A majority of these functions are not the responsibility of either the state attorneys' or the public defenders' offices, which primarily function in the trial courts of this state. Therefore, due to the range of responsibilities handled by Division, which are significantly different from the state attorneys' and public defenders' statewide caseloads, this Division has much larger caseloads with far fewer attorneys and less staff to process the criminal appeals filed.

Each Bureau is governed by the core mission of the Attorney General's Office, see §16.01 (4), (6) Florida Statutes, and 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 weekly publishes the "Criminal Alert" to client users statewide. The Division assists in training programs throughout the state criminal justice including local state attorneys' offices, assists at the Florida Prosecuting Attorneys Association (FPAA) seminars on capital litigation and post-conviction litigation, and addresses legal issues that may impact law enforcement and other topics impacting the criminal justice system.

### ***Criminal Appeals***

The Criminal Appeals Division is comprised of five statewide bureaus located in close proximity to the District Courts of Appeal (DCA) in Tallahassee (1<sup>st</sup> DCA), Tampa (2<sup>nd</sup> DCA), Miami (3<sup>rd</sup> DCA), West Palm Beach (4<sup>th</sup> DCA) and Daytona (5<sup>th</sup> DCA). Each bureau is assigned to the state attorneys' offices within its district and handles all appeals emanating from the counties comprising those districts. Although the Criminal Bureaus exceed the approved standard caseload each year, opening 22,428 cases in FY 2011-2012, the actual workloads handled during this period far exceed that number when the current open cases are added to the number of cases opened to comprise the actual caseloads, totaling approximately 27,628 cases.

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

While there has been a welcomed restoration of five attorney positions to the criminal bureaus which has helped in the distribution of cases, the number of cases opened has also increased. As a result, the cases still take longer to prosecute on appeal, and delays continue to occur in the completion of the appellate process. That is not to say that there have not been improvements. In fact, there are periods when the number of days to file a pleading have been reduced and the cases where more than 120 days are needed to file a responsive brief are fewer.

### *Capital Appeals*

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

The statewide Capital Appeals Bureau also exceeds the approved standard each year -- opening 200 cases. This year the Bureau opened 1800 cases for FY 2011-2012, which far exceeds work load standards. Due in part to the Bureau's handling of a number of active death warrants during this reporting period. While the number of inmates on death row hover at the 400 mark, because a named defendant will potentially litigate in a variety of courts contemporaneously. Thus, there is no correlation between the number of individuals sentenced to death and the plethora of litigation each individual will generate.

There are presently 14 capital attorneys assigned statewide to handle these complex cases in the state and federal courts.

## **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 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***

The Bureau of Victim Compensation offers financial assistance to victims who suffer economic losses, medical and mental health treatment expenses, burial expenses, domestic violence relocation, property losses, and sexual battery forensic examinations. During Fiscal Year 2011-2012, the office received one percent fewer claims than the previous year (28,361 compared to 29,838 received during Fiscal Year 2010-2011), and the average processing time from receipt of a claim through initial payment totaled 32 days. Awards to claimants totaled \$22,137,357.

### ***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 30 grants per employee. A total of 344,134 victims received services through VOCA-funded private or public organizations or agencies during FY 2011-12. 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 and 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 of stalking and domestic violence, and serves as legal agent for the receipt of mail and the service of process. In addition, Bureau staff provides training, and certifies applicant assistants statewide to assist eligible victims in accessing these services. The ACP is also intended to prevent public access to client information through voting records. This year's activities include 928 active program participants, which includes 140 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 Florida's 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 the 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 and "Pill Mills". Numerous practitioner designation programs are offered to include Crime Prevention, Crime Prevention through Environmental Design, Elderly Crime, School Resource Officer, and Victim Services. In addition, this office provides a certification to law enforcement officers in Convenience Store Security. The Attorney General's Office is the primary source of training for crime prevention, victim services, elderly issues, and school resource officers statewide, and is a national and international leader in crime prevention/victims services training.

## ***Florida Crime Prevention Training Institute***

During Fiscal Year 2011-2012, this office conducted 79 training courses, including 1,750 classroom hours, with 3,497 individuals participating, from law enforcement to other public and private sector organizations. These trainings were for Crime Prevention, Crime Prevention Through Environmental Design, Elderly crime, School Resource Officer, and Victim Services. In addition, 983 students received their practitioner designation certificates for one of the training topics listed above. 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 reduced attendance at the annual Preventing Crimes in the Black Community Conference.

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 each individual's respective related organizational entity (such as the Florida Association of School Resource Officers, the Florida Bar Association, the Florida Department of Law Enforcement, and the Florida Department of Education, etc.).

## ***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 2011-2012, the Council conducted 17 full Council meetings, 14 executive committee meetings and 15 ad hoc committee meetings throughout the state.

## ***Crime Stoppers***

There are thirty-two Crime Stoppers organizations currently serving sixty-three of Florida's sixty-seven counties. 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 recipient organizations regarding the use of funds. The Office of the Attorney General performs annual training and orientation to assist these organizations in understanding statutory and regulatory spending requirements for 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 their grant award amount.

Success of the Crime Stopper program, over the past four years, reflects the unified effort and significant impact that the program has had on crime in Florida. These outcomes are made possible through the grant funding of \$4,375,770 for Fiscal Year 2011-2012.

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.

	<b>2011-2012</b>	<b>2010-2011</b>	<b>2009-10</b>	<b>2008-09</b>
Tips received	58,040	54,295	56,797	56,570
Tips approved for citizen rewards	4,455	9,211	5,388	5,336
Cases cleared	11,894	14,652	13,467	13,020
Arrests made	5,463	5,530	6,437	5,749
Value of property recovered	\$3,792,932	\$3,599,938	\$4,751,726	\$23,722,253
Value of narcotics removed from the street	\$16,990,152	\$17,198,243	\$16,065,658	\$20,738,073
Dollar value of rewards	\$709,504	\$787,807	\$903,011	\$1,110,881



The Crime Stopper program has had many highlights over the last fiscal year. Through the combined efforts of Sgt. Jim DeFago, who was on the scene of a crime in Palm Beach County within hours after the shooting death of Jimmy Macmillan, personally handing out Crime Stoppers of Palm Beach County material to the community and Sheriff Bradshaw, offering an additional reward, culminated in an arrest within five days of this homicide. In Citrus County, detectives hit four houses, all within a two mile radius, after being alerted by Crime Stoppers and other anonymous tips. Detectives estimate that they seized more than \$1 million in marijuana was seized, and approximately \$300,000 worth of electricity had been stolen due to the grow-house operations.

### ***Urban League Grant Program***

The Florida Consortium of Urban League Affiliates received a state appropriation of \$2,870,247 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 57,155 community participants; 2,872 crime-prevention-related meetings, workshops, and conferences; 3,400 out-of-agency contacts; and the utilization of 2,622 volunteers.

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

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**Performance  
Measures and  
Standards**

**LRPP Exhibit II**

## LRPP Exhibit II - Performance Measures and Standards

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

**41101000 Criminal and Civil Litigation**

Approved Performance Measures for FY 2012-13 (Words)	Approved Prior Standards for FY 2011-12 (Numbers)	Prior Year Actual FY 2011-12 Standard (Numbers)	Approved Standards for FY 2012-13 (Numbers)	Requested FY 2013-14 Standard (Numbers)
Percent of clients expressing satisfaction with criminal and civil legal defense services	70%	87%	70%	70%
Number of capital cases - briefs/state & federal responses/oral arguments	200	1,800	200	200
Number of noncapital appellate cases - briefs/state & federal responses/oral arguments	19,000	22,428	19,000	19,000
Number of active sexual predator commitment appeals	150	241	150	150
Number of active civil rights cases	38	42	42	42
Number of active economic crime cases, including consumer and RICO cases	186	270	186	186
Number of active antitrust cases	62	98	62	62
Percent of lemon law cases resolved in less than one year	95%	99%	95%	95%
Number of repurchase disclosure/enforcement cases	2,000	1,100	2,000	2,000
Number of active lemon law cases	1,300	337	500	500
Number of active Medicaid Fraud cases	900	1,028	900	900
Number of days for opinion response	28	15	28	28
Number of opinions issued	150	307	150	150
Number of active Solicitor General cases	390	325	390	390
Number of hearings held before the court- Children's Legal Services	32,000	29,969	32,000	32,000
Number of active ethics cases	120	177	120	120
Number of active child support enforcement	65,000	56,500	65,000	65,000
Number of active eminent domain cases	1,000	409	1,000	400
Number of active tax cases	800	1,556	800	800
Number of active civil appellate cases	323	1,148	323	323
Number of active inmate cases	1,651	2,255	1,651	1,651
Number of active state employment cases	113	141	113	113
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

**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 2011-12 (Numbers)	Prior Year Actual FY 2011-12 Standard (Numbers)	Approved Standards for FY 2012-13 (Numbers)	Requested FY 2013-14 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	32	45	45
Number of victims served through grants	200,000	344,134	200,000	200,000
Number of people attending victims and crime prevention training	4,750	3,497	4,000	4,000

**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 2012-132 (Words)	Approved Prior Standards for FY 2011-12 (Numbers)	Prior Year Actual FY 2011-12 Standard (Numbers)	Approved Standards for FY 2012-13 (Numbers)	Requested FY 2013-14 Standard (Numbers)
Percent of eligible attorneys, who have attained rating, BV rating, and or board certification	70%	34%	70%	70%

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

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**Assessment of  
Performance for  
Approved  
Performance  
Measures**

**LRPP Exhibit III**

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Criminal and Civil Litigation / 41101000

**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	29,969	2,031 Under	-6%

**Factors Accounting for the Difference:**

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

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

**Explanation:**

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

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

**Explanation:** This measure is largely dependent upon external factors and 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:** Criminal and Civil Litigation / 41101000

**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	1,100	900 under	45%

**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:** Criminal and Civil Litigation / 41101000  
**Measure:** Number of Active Lemon Law Cases

**Action:**

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
1,300	342	963 under	74%

**Factors Accounting for the Difference:**

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

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

**Explanation:**

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

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

**Explanation:** 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<br><input type="checkbox"/> Personnel | <input type="checkbox"/> Technology<br><input checked="" type="checkbox"/> Other (Identify) |
|---|---|

**Recommendations:**

Possible reduction of standard to 450.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Criminal and Civil Litigation/41101000

**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

**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:**

The 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 Accurant, 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 magistrates to handle rudimentary matters such as these, the Collier County Circuit Court has a three to four month wait for hearings of less than twenty minutes; four month wait for hearings over twenty minutes; and a minimum six 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 to fifty.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Criminal and Civil Litigation / 41101000

**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 the cases are from other sections within the agency and opened in their databases. Therefore, they are not included in the 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:**

No change at this time.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal

**Program:** Office of the Attorney General

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

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

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure           | <input type="checkbox"/> Revision of Measure |
| <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
4,750	3,497	1,253 under	-26%

**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 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 levels decreased, resulting in fewer agencies sending fewer officers to the OAG training. Staff has further reduced training costs by utilizing a hotel in central Florida for the majority of our training courses that provides complimentary meeting and sleeping rooms for our facilitators. Also, we continue to reduce the size of course notebooks and by utilizing our new on-line registration process, we have cut costs in paper and mailings. Approximately 90% of all course registrations are received on-line through our website, [www.fcpti.com](http://www.fcpti.com).

We continue to improve in our recordkeeping for the Annual Preventing Crime in the Black Community Conference, thus a more accurate accounting of participation in the conference. Thus, lower numbers continue to be reflected in the number of conference 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) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |  |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |  |

**Explanation:**

When funding for training is reduced in the agencies served by the Florida Crime Prevention Training Institute (FCPTI), there is a resultant decrease in the number of individuals attending the training programs. However, FCPTI is the primary provider for a significant number of training programs for law enforcement training, 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 for 2011-2012. However, contracts have been renewed for 2012-2013, in Indianapolis, Miramar (2), Miami and the Florida Bar.

The OAG once again applied for and was not 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 not attending the conference that normally would have attended, had the financial means been available. Thus, the conference showed a slight decrease in attendance.

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

- |                                    |  |
|------------------------------------|--|
| <input type="checkbox"/> Training  | <input checked="" type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> 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. As 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:** Percent eligible attorneys, 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%	34%	36% under	-51%

**Factors Accounting for the Difference:**

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

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

**Explanation:**

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

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

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

**Explanation:**

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

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

**Recommendations:**

No change requested at this time

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

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



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

<b>Measure Number</b>	<b>Approved Performance Measures for FY 2011-12</b>	<b>Associated Activities Title</b>
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
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	Children's Legal Services
12	Number of active ethics cases	Commission on Ethics Prosecutions
13	Number of active child support enforcement cases	Child Support Enforcement
14	Number of active civil rights cases	Civil Rights
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

Measure Number	Approved Performance Measures for FY 2011-12	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 2012-13		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 2012-13		Associated Activities Title
36	Percent of eligible attorneys, who have attained rating, BY rating, and or board certification		Encompasses entire agency

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

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**Agency-Level Unit  
Cost Summary**

**LRPP Exhibit VI**

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL		FISCAL YEAR 2011-12			
SECTION I: BUDGET		OPERATING		FIXED CAPITAL OUTLAY	
TOTAL ALL FUNDS GENERAL APPROPRIATIONS ACT		188,737,144		0	
ADJUSTMENTS TO GENERAL APPROPRIATIONS ACT (Supplementals, Vetoes, Budget Amendments, etc.)		-3,789,560		0	
FINAL BUDGET FOR AGENCY		184,947,584		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
Lemon Law * Number of Arbitration Hearings Conducted		337	4,098.23	1,381,105	
Child Support Enforcement * Number of final orders obtained representing the Department of Revenue in child support enforcement proceedings.		33,306	219.34	7,305,204	
Antitrust * Number of cases enforcing provisions of the Antitrust Act		98	33,222.55	3,255,810	
Racketeer Influenced And Corrupt Organization (rico)/ Consumer Fraud * Cases enforcing the Racketeer Influenced and Corrupt Act and Unfair and Deceptive Trade Practices Act.		270	34,815.64	9,400,223	
Commission On Ethics Prosecutions * Number of cases prosecuted before the Florida Commission on Ethics		177	1,514.87	268,132	
Medicaid Fraud Control * Number of cases investigated involving Medicaid fraud activities		1,028	14,086.31	14,480,730	
Children's Legal Services * Number of cases representing the Department of Children and Families in juvenile dependency and termination of parental rights proceedings		29,969	283.55	8,497,608	
Civil Rights * Number of cases investigated and prosecuted involving violations of civil rights		42	13,667.05	574,016	
Solicitor General And Complex Litigation * Number of cases		42	32,718.12	1,374,161	
Opinions * Number of Opinions Issued		307	1,615.15	495,851	
Cabinet Support Services * Number of Cabinet Meetings		14	24,758.86	346,624	
Eminent Domain * Cases representing the Department of Transportation and other government agencies in eminent domain proceedings.		409	1,018.56	416,593	
Sexual Predator Civil Commitment Appeals * Number of cases		241	825.21	198,876	
Non-capital Criminal Appeals * Number of cases - non-capital appellate litigation		22,428	526.95	11,818,442	
Capital Appeals * Number of cases - capital appellate litigation		1,800	1,276.75	2,298,141	
Administrative Law * Number of cases		1,158	2,011.77	2,329,629	
Tax Law * Number of cases enforcing, defending and collecting tax assessments		1,556	897.59	1,396,652	
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	2,102.30	9,390,966	
Grants-victims Of Crime Advocacy * Number of victims served through grants.		344,131	77.27	26,591,631	
Victim Notification * Number of appellate services provided		6,752	306.17	2,067,261	
Victim Compensation * Number of victim compensation claims paid		29,838	884.04	26,377,838	
Minority Crime Prevention Programs * Number of crime prevention programs assisted		4	1,194,697.00	4,778,788	
Grants-crime Stoppers * Number of Crime Stopper agencies assisted		31	144,704.74	4,485,847	
Crime Prevention/Training * Number of people attending training		3,497	135.33	473,252	
Investigation And Prosecution Of Multi-circuit Organized Crime-drugs * Annual volume of investigations handled		338	75.81	25,623	
Investigation And Prosecution Of Multi-circuit Organized Crime * Annual volume of investigations handled/financial assessments		430	13,595.98	5,846,271	
Prosecution Of Violations Of The Florida Election Code * Number of cases handled.		278	4,443.69	1,235,346	
TOTAL				147,110,620	
SECTION III: RECONCILIATION TO BUDGET					
PASS THROUGHS					
TRANSFER - STATE AGENCIES					
AID TO LOCAL GOVERNMENTS					
PAYMENT OF PENSIONS, BENEFITS AND CLAIMS					
OTHER					
REVERSIONS				37,836,696	
TOTAL BUDGET FOR AGENCY (Total Activities + Pass Throughs + Reversions) - Should equal Section I above. (4)				184,947,316	

### 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.

-----  
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):	184,947,584	
TOTAL BUDGET FOR AGENCY (SECTION III):	184,947,316	
	-----	-----
DIFFERENCE:	268	
(MAY NOT EQUAL DUE TO ROUNDING)	=====	=====

## Glossary of Terms

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

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

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

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

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

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

False Claims Act: s. 68.081 - 68.09, F.S. The purpose of the Act is to deter persons from knowingly causing or assisting in causing state government to pay claims that are false. Florida Civil Rights Act: Refers to ch. 760, Florida Statutes. The Act's general purposes are to secure for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status and thereby to protect their interest in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights, and privileges of individuals within the state.

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

Florida Deceptive and Unfair Trade Practices Act: s. 501.201 - 501.213, F.S. Purpose of the Act is to protect the consuming public and legitimate businesses from those who engage in unfair methods, or unconscionable, deceptive or unfair acts or practices in the conduct of any trade or commerce.



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

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

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

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

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

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

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

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

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

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

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

Sovereign Immunity: Refers to the doctrine, originated in common law that prohibits suits against the government without the government's consent.

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

# Acronyms

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AAG	Assistant Attorney General
AHCA	Agency for Health Care Administration
APD	Adult Protective Division
CLS	Children's Legal Services
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 2013-14 through FY 2017-18**



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

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

# MISSION

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

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

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

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

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

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

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

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

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

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

**Objective B:** Seek effective case results

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

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

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

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

Baseline/Year 2000-01	FY 2013-143	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
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 2013-143	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
338	300	300	300	310	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 2013-143	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
729	650	650	650	675	675

**Objective B:** Seek effective case results

**Outcome:** Number of defendants convicted

Baseline/Year 2000-01	FY 2013-143	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
410	380	380	385	385	385



**Outcome:** Conviction Rate

Baseline/Year 2000-01	FY 2013-143	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
90%	90%+	90%+	90%+	90%+	90%+

# **Program: Office of Statewide Prosecution**

## **Trends and Conditions Statements**

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### **Mission**

The Office of Statewide Prosecution is charged by Section 16.56, Florida Statutes, with the responsibility of investigating and prosecuting multi-circuit criminal activity, and assisting state and local law enforcement in their efforts to combat organized crime. Organized criminal activities that cross judicial circuit boundaries exist in many forms, and victimize 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 based 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, they 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 that either victimize a large number of Florida's citizens or attack Florida's public programs. While caseload numbers are certainly one measurement of performance, equally important are the results achieved within those caseload numbers. They are measured by disposition and sentencing data. Results are also measured by 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 law enforcement, members of the Legislature, and executive agencies.

## ***Priorities***

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

Additionally, to enhance our efforts and better assist law enforcement and the State Attorneys, another office priority was to repair relations and re-engage with the local State Attorneys. Part of our goal was to be granted membership within the Florida Prosecuting Attorneys Association, after over 15 years of being excluded from this group. In 2011 the Office of Statewide Prosecution was admitted, and enjoys positive relationships and great communications with the State Attorney partners. This has, and will continue to, result in better outcomes for the State in pursuing and impacting criminal organizations.

## ***Major Prosecutorial Efforts***

The most significant focus of this office, since January 2011, has been working against prescription drug abuse. Many cases were filed against dozens of defendants, including pill shoppers, their drug dealing sponsors, unscrupulous doctors, and pain clinic/pill mill owners. The vast majority of these cases are charged using Florida's RICO and drug trafficking statutes. This effort has taken place with unprecedented cooperation, not just local with and state law enforcement, but with federal authorities as well. This effort continues, and has contributed to the reported reductions in the level of abuse of highly addictive prescription drugs.

The Office of Statewide Prosecution continues its commitment of significant time and resources to investigate and prosecute criminal gangs using the state's RICO laws. This focus will continue throughout the state in the years ahead. This effort has resulted in significant dispositions involving long term prison sentences. More specific reports on those efforts are available in the Annual Report and the Statewide Grand Jury Reports, which can be found at <http://www.myfloridalegal.com/osp>.

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 has recently expanded to focus on mortgage fraud cases. Since Florida was recently named the number one state for mortgage fraud by various banking organizations, it is 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 does in fighting traditional drug trafficking (cocaine, heroin, marijuana, etc.), internet crime, and the growing problem of organized retail theft. We are also working on expanding our efforts against human trafficking utilizing the laws passed during the last legislative session. This office will continue its enhanced efforts during these fiscally constrained 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**

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**Performance  
Measures and  
Standards**

**LRPP Exhibit II**

## LRPP Exhibit II - Performance Measures and Standards

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

**41200000 Program: Office of Statewide Prosecution**

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

Approved Performance Measures for FY 2012-13 (Words)	Approved Prior Standards for FY 2011-12 (Numbers)	Prior Year Actual FY 2011-12 Standard (Numbers)	Approved Standards for FY 2012-13 (Numbers)	Requested FY 2013-14 Standard (Numbers)
Conviction rate for defendants who reached final disposition	90%	98%	90%	90%
Of the defendants who reached disposition, the number of those convicted	350	312	350	325
Number of law enforcement agencies assisted	80	76	80	80
Total number of active cases, excluding drug cases	700	430	700	550
Total number of active drug related multi-circuit organized criminal cases	300	338	300	300

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

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**Assessment of  
Performance for  
Approved  
Performance  
Measures**

**LRPP Exhibit III**

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** 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	312	38 under	-11%

**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.





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

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**Associated Activities  
Contribution to  
Performance  
Measures**

**LRPP Exhibit V**

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

Measure Number	Approved Performance Measures for FY 2011-12		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 of 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

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

## **Glossary of Terms and Acronyms**

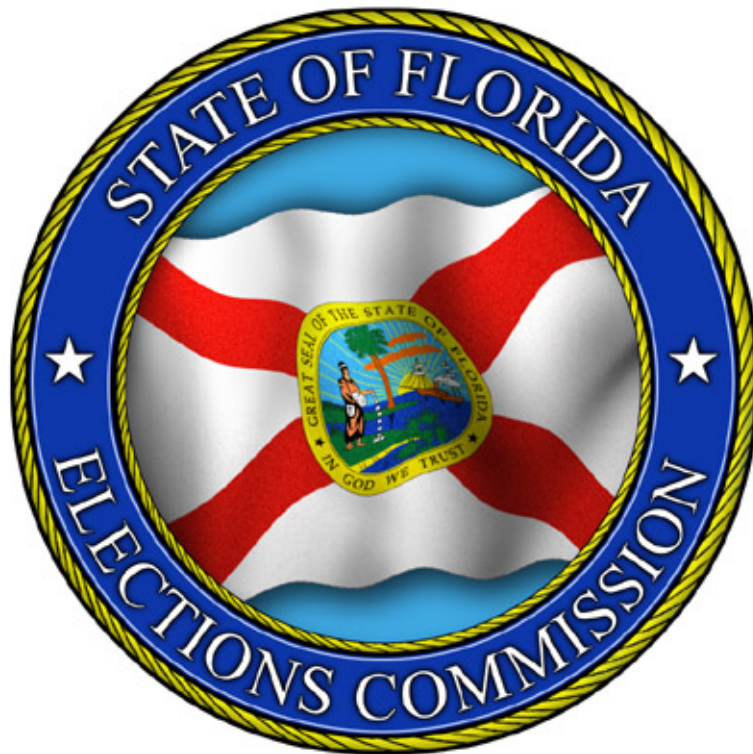
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Glossary of Terms and Acronyms are included in the Department of Legal Affairs Office of the Attorney General's LRPP.

# **Long-Range Program Plan**

**Fiscal Years 2013-14 through 2017-18**

## **FLORIDA ELECTIONS COMMISSION**



**September 2012**



## FLORIDA ELECTIONS COMMISSION

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

### LONG RANGE PROGRAM PLAN

Florida Elections Commission

Tallahassee, Florida

August 30, 2012

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

JoAnne Leznoff, Council Director  
House Appropriations Committee  
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*, 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 2013-14 through Fiscal Year 2017-2018. This submission has been approved by Eric Lipman, Interim Executive Director of the Florida Elections Commission.

  
\_\_\_\_\_

Eric Lipman, Interim 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 conviction rate in cases where the Commission has found probable cause.**

**FLORIDA ELECTIONS COMMISSION**

**AGENCY SERVICE OUTCOMES AND PERFORMANCE  
PROJECTION TABLES**

Goal #1: Improve agency productivity.

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

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

<b>Baseline/Year 2001</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>	<b>FY 2015-16</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>
75%	80%	80%	80%	80%	80%

Due to increased agency productivity, this measure was raised from 75% to 80% in FY 02-03. Willful cases are public complaint driven and automatic fine cases are dependent 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 conviction rate in cases where the Commission has found probable cause

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

<b>Baseline/Year 2010</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>	<b>FY 2015-16</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>
90%	90%	90%	90%	90%	90%

Following a thorough investigation by Commission staff, a Commission prosecutor drafts a statement recommending to the Commission whether an election law has been violated. As a quasi judicial body, the Commission reviews the case and determines whether there is probable cause that a violation occurred. In cases where probable cause is found, the person may contest the Commission’s findings in a formal or informal hearing. The 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. Specifically, section 106.25(2), Florida Statutes, provides 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. 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 eleven fiscal years:

<b>Fiscal Year</b>	<b>Cases Opened</b>	<b>Cases Closed</b>	<b>Outcome Standard</b>	<b>% Of Cases Closed Within a year of Being Opened.</b>	<b>Cases Pending on July 1 of next fiscal year.</b>
<b>2001/02</b>	<b>246</b>	<b>260</b>	<b>75 %</b>	<b>79 %</b>	<b>169</b>
<b>2002/03</b>	<b>541</b>	<b>509</b>	<b>80 %</b>	<b>96 %</b>	<b>127</b>
<b>2003/04</b>	<b>292</b>	<b>294</b>	<b>80 %</b>	<b>91 %</b>	<b>162</b>
<b>2004/05</b>	<b>448</b>	<b>441</b>	<b>80 %</b>	<b>96 %</b>	<b>155</b>
<b>2005/06</b>	<b>274</b>	<b>250</b>	<b>80%</b>	<b>77 %</b>	<b>183</b>
<b>2006/07</b>	<b>483</b>	<b>424</b>	<b>80 %</b>	<b>90 %</b>	<b>180</b>
<b>2007/08</b>	<b>276</b>	<b>303</b>	<b>80 %</b>	<b>79 %</b>	<b>157</b>
<b>2008/09</b>	<b>417</b>	<b>404</b>	<b>80 %</b>	<b>89 %</b>	<b>169</b>
<b>2009/10</b>	<b>181</b>	<b>245</b>	<b>80 %</b>	<b>81 %</b>	<b>105</b>
<b>2010/11</b>	<b>383</b>	<b>330</b>	<b>80%</b>	<b>91%</b>	<b>158</b>
<b>2011/12</b>	<b>266</b>	<b>278</b>	<b>80%</b>	<b>90%</b>	<b>151</b>

In fiscal year 2002/03, the Commission established two additional measures: an outcome measure, the conviction rate where the Commission has found probable cause; and an output measure, the ratio of active cases to attorneys on staff. 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 2011/12, the percentage of cases the Commission closes in which it finds violations or offenses is 99%, and the fiscal year 2011/12 caseload is 128 cases per attorney.

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 2013/14. 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**

