

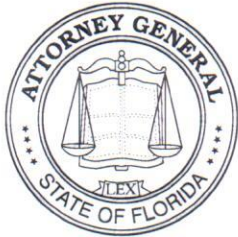
Long Range Program Plan

FY 2015-16 through FY 2019-20



Department of Legal Affairs
Office of the Attorney General

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Long Range Program Plan

Department of Legal Affairs

September 30, 2014

Cynthia Kelly, Director
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Executive Office of the Governor
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House Appropriations Councils
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Tallahassee, Florida 32399-1300

Cindy Kynoch, Staff Director
Senate Budget Committee
201 Capitol
Tallahassee, Florida 32399-1300

Dear Directors:

Pursuant to Chapter 216, Florida Statutes, our 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 2015-16 through Fiscal Year 2019-20. The internet website address that provides the link to the LRPP located on the Florida Fiscal Portal is <http://myfloridalegal.com/pages.nsf/Main/20AB6480E324FC5885257297006997E7>.

This submission has been approved by Attorney General Pam Bondi.

Sincerely,

Sarah Nortelus
Interim Director of Administration

AGENCY MISSION

Florida's Law Firm

Program: Office of the Attorney General Goals

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

Goal #2: Improve service delivery to all crime victims

Program: Office of the Attorney General Objectives

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

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

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

Objective C: Increase client satisfaction

Objective D: Improve recruitment and retention of highly skilled Attorneys

Goal #2: Improve service delivery to all crime victims

Objective A: Increase efficiency in processing victim compensation claims

Objective B: Increase the outreach of VOCA grant program

Program: Office of the Attorney General

Service Outcomes and Performance Projections Tables

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

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

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

Baseline/Year 2001	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
30%	62%	62%	63%	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 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
70%	75%	75%	75%	75%	75%

Objective C: Increase client satisfaction

Outcome: Percent increase in client satisfaction

Baseline/Year 2001	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
90%	98%	98%	98%	98%	98%

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

Baseline/Year 2003	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
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 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
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 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
19.8 weeks	4.4 weeks	4.4 weeks	4.4 weeks	4.4 weeks	4.4weeks

Objective B: Increase the outreach of VOCA grant program

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

Baseline/Year 1999	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
219	239	240	241	242	243

Outcome: Increase number of individuals participating in the Address Confidentiality Program

Baseline/Year 1999	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
135	800	805	810	815	820

Program: Office of the Attorney General Trends and Conditions Statements

The Attorney General is the Chief Legal Officer for the State of Florida. The Office of the Attorney General is comprised of several units that 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 to Medicaid Fraud and from Consumer Protection to Statewide Prosecution.

Antitrust (and Multistate Litigation) Division

Antitrust Enforcement

The Antitrust Division of the Attorney General's Office enforces state and federal antitrust laws and works to stop violations that harm competition and adversely impact Floridians. 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-Antitrust

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, Florida Statutes, or by federal laws pertaining to antitrust or restraints of trade. Chapter 542, Florida Statutes, 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.

Statutory Authority- Securities Enforcement, Complex Civil Enforcement, and False Claims

The Division has also taken on additional complex civil enforcement typically under Chapter 501, Part II, Florida Statutes, the Florida Deceptive and Unfair Practices Act. Additionally, 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 (OFR), the primary enforcing authority of the state's securities laws, and the Antitrust Division has undertaken several securities cases as a result either in conjunction with OFR or with its consent. Two attorneys and a financial investigator have been assigned to handle these matters as they arise. All of these new initiatives have continued through FY 2012-2013, as the sluggish economy has yielded increased opportunities for fraudulent activity. Finally, with amendments to the False Claims Act last Legislative Session, Chapter 68, Florida Statutes, providing for subpoena power, among other things, the Division expects to become more involved in *qui tam* actions.

Active and Closed Case Counts and Current Trends

The Division's antitrust enforcement 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 consumer protection and securities enforcement roles, the Division ensures that the State, its governmental entities, and its consumers are properly redressed for any unfair or deceptive trade practices or securities violations 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 and complex civil enforcement cases worked by the Division during Fiscal Year 2013-2014 was 114 slightly up from the 95 worked in Fiscal Year 2012-13. The number of antitrust and complex civil enforcement matters closed by the Division in Fiscal Year 2013-2014 increased from 19 in Fiscal Year 2012-2013 to 26.

Recoveries

In Fiscal Year 2013-2014, the Antitrust Division recovered an estimated \$39,324,075.59¹ from 11 major cases. As cases become more complicated, they take longer to resolve and, accordingly, our recoveries will continue to fluctuate, sometimes dramatically, from one fiscal year to the next depending upon when lengthy cases are successfully resolved.

Recent Developments Affecting the Division

Several recent developments have resulted in a significantly increased need for consistent and effective state antitrust and complex civil enforcement. At least six trends or conditions are apparent.

First, in the antitrust area, there has been a dramatic increase, over the past five years, and particularly in the past year, 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 economy. With a worsening economy comes more of a likelihood of collusion between 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 has not only resulted in

significant recoveries for Floridians and Florida governmental entities over the years, but also it has

¹ Unlike prior LRRPs, this one necessarily contains an estimated FY-end total as many of the settlements involve the resolution of escheatment cases worked with OFR and DFS. These agencies are in the best position to eventually determine the amount of monies ultimately paid to the escheatment fund by the insurance companies and claimed by consumers as the result of the settlements. At this time, the agencies do not have actual figures available. We therefore have determined estimates based upon prior similar cases.

potentially deterred collusive conduct in the first place.

A third trend with respect to antitrust enforcement, which has been in place for the past few years, is the failure of the federal antitrust enforcement agencies to be as aggressive in enforcing the federal antitrust laws as in years past. As a result, state attorneys general have had to fill the void whenever possible. 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.

The fourth major trend is 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 past five years, and the crisis has often been 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 Services (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 primary 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 other complex civil enforcement 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.

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, public agencies and 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. In April 2013, Florida filed suit to recover the significant economic loss it suffered as a result of this tragedy. Although the division has retained outside counsel, three of the Division's lawyers continue to give a significant portion of their time to the case. Pursuing the economic loss as well as the environmental and natural resource damage claims as the result of the Deepwater Horizon Oil Spill remain agency priorities.

Division Highlights

The Division attained significant recoveries during Fiscal Year 2013-2014. First, the Division successfully resolved seven more potential RICO matters with ING, New York Life, Aegon/Transamerica, Aviva, Lincoln National Life, and Genworth in conjunction with the Office of Insurance Regulation and the Department of Financial Services for an estimated \$38 million in consumer restitution and other payments. The settlements resolve concerns that the companies had not paid out death benefits to life insurance beneficiaries in a timely fashion. Second, the Division successfully negotiated a total of \$320,000 in fees in the two biggest merger reviews the Division did--something that is not always possible, but important if it can be accomplished. Finally, the division have continued our work in the false claims area, recovering nearly \$600,000 from two qui tam cases.

As noted above, not all cases handled by Antitrust generate dollars. Some cases are opened and then closed when it is determined that no action is warranted, but a review is required before making that determination. Others are pursued for the primary purpose of either stopping or modifying possible anticompetitive conduct but may not yield significant consumer or state agency restitution. Merger reviews are an example where the focus of the review is whether the proposed merger may have anticompetitive effects in Florida markets. Of the 114 active antitrust cases worked by the Division in Fiscal Year 2013-2014, 8 were merger reviews. This is slightly higher than the five cases that were worked in Fiscal Year 2012-2013. Such reviews, intended to ensure that the proposed mergers will not adversely affect competition, typically do not result in dollar recoveries. (This year was an exception.) These reviews can, nonetheless, be very resource-intensive and time-consuming despite our best efforts to reduce costs by sharing resources with other states or federal agencies also reviewing the proposed transaction.

Similarly, some complex civil matters are pursued to ensure that an illegitimate operation is put out of business for its unlawful conduct. These include mortgage fraud cases, some securities violations, and construction defect cases. These cases are typically extremely complex, requiring significant resources, but will likely not result in reimbursement of all fees and costs incurred by the Division.

Consumer Protection Division

The Consumer Protection 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 the 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, Florida Statutes, 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 Consumer Protection cases is 329.

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.

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 Consumer Protection Division places a particular focus on consumer fraud and economic crimes against the elderly.

The Internet and social media is generating an increased number of fraudulent schemes. The ability to stem this growing problem will be a critical issue in the years ahead. To combat the trend in Internet Fraud, the Consumer Protection Division has focused on Internet advertising.

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, 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 Consumer Protection Division returned more than \$9 billion to consumers in restitution and other savings. Most of that total came from the National Foreclosure Settlement, which this Division helped to negotiate.

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".

Data Breaches

Tracking data breaches and the effect of those breaches on Florida's consumers has been assigned to the Consumer Protection Division under the new Florida Information Protection Act of 2014. This Division will be enforcing the new requirements on reporting data breaches, notifying the consumers affected by the breach, and determining if the company where the breach occurred had taken the proper steps to avoid such a breach.

Staffing

These consumer fraud issues will continue to require substantial and meaningful investigation and preparation. With its current staffing, the Consumer Protection 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 Consumer Protection 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.

Civil Rights

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

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

Cases

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

Examples of recent case settlements include:

Cain v. Quincy Square et al. - Mr. Cain is disabled within the meaning of the Florida Fair Housing Act. Mr. Cain requested an accommodation to Quincy Squares parking restrictions that requires all residents to park their cars and trucks in the garage. Mr. Cain was unable to park in his garage due to the height limitations of his wheelchair accessible pick-up truck. His request for a reasonable accommodation to park his truck outside the garage was denied. A complaint was filed with the Florida Commission on Human Relations. After a cause finding was issued, the Attorney General's Office of Civil Rights was elected to enforce the finding. The Office of Civil Rights filed a fair housing discrimination complaint in Circuit Court and a settlement has been reached.

Clock v Hawaiian Gardens - This case concerned familial status discrimination. The Association allegedly discriminated against Mr. and Mrs. Clock and their two children. The Clocks received a letter from the Hawaiian Gardens Board of Directors stating that the Clocks had ten (10) days notice to remove their two children, ages one (1) and three (3), from Hawaiian Gardens. On that date, Hawaiian Gardens was not a 55 and older community and could not legally restrict families with children from renting. Hawaiian Gardens also placed overly restrictive conditions or limitations on the clock children's access to and use of facilities. The Office of Civil Rights filed a fair housing discrimination complaint in Circuit Court and a settlement has been reached.

Education and Outreach

The office's education and outreach continues to focus on Preventing Bias crimes. Each Year, OCR is responsible for creating the Hate Crimes in Florida Report. This report contains data reported by law enforcement agencies 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 (Commission) to enforce the provisions of the Florida Fair Housing Act. It receives housing cases from the Commission where "cause" has been determined and the parties are unable to resolve the case amicably.

The types of cases and projects initiated by the Office of Civil Rights are often time consuming and document intensive. The attorneys travel throughout the state to attend hearings, meet with witnesses, and provide training and education for various organizations. The Office of Civil Rights is currently comprised of two attorney positions, which include the Director, an Assistant Attorney General and two support staff positions (a legal assistant and an administrative assistant).

Lemon Law

Florida's motor vehicle 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 vehicle does not meet certain statutory thresholds. A vehicle is a potential "lemon" if it is subjected to repeated, unsuccessful 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, and operates a toll-free "Lemon Law Hotline" telephone complaint line. Additionally, the office is statutorily responsible for reviewing and determining whether certification of manufacturer-sponsored informal dispute resolution programs are appropriate, and monitoring the RV Mediation/Arbitration Program, an industry-sponsored dispute resolution program currently administered by DeMars and Associates.

The New Motor Vehicle Arbitration Board

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, and any recreation vehicle manufacturers not participating in the RV Mediation/Arbitration Program. 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.

State Certification of Manufacturer-sponsored program

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. Currently, three programs were provisionally certified by the Attorney General's office for 10 manufacturers. Those provisional certifications are in effect until September 30, 2014, pending responses to notices of deficiencies sent to the sponsoring manufacturers by this office. The Lemon Law Arbitration division is currently reviewing manufacturer and program submissions.

Resale Disclosure

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 2013-14. 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.

RV Mediation/Arbitration Program

During FY 2012-13, the Collins Center for Public Policy, the administrator of the manufacturer-sponsored RV Mediation/Arbitration Program, ceased operations and, by statute, recreation vehicle disputes were filed with the Attorney General’s Office and heard by the New Motor Vehicle Arbitration Board for a portion of that year. In late 2012, DeMars and Associates applied to be qualified as the administrator of the RV Mediation/Arbitration Program and DeMars was deemed qualified in 2013. After DeMars was qualified as the RV Mediation/Arbitration Program administrator, claims filed by recreation vehicle consumers were filed with that Program, if the manufacturer(s) were participating in that program.

Moving forward

It will be necessary for the division to undertake some rule amendments in order to bring some of the hearing rules into consistency with the 2011 amendments to the statute. In addition, changes to the way motor vehicles are sold and repaired will soon necessitate legislative changes so that the arbitration process does not lag behind the issues that are sure to develop as a result of these changes. In particular, the use of the internet has opened the search and purchase process for new vehicles such that the current statutory definition of “motor vehicle” which restricts coverage to vehicles “sold in this state” needlessly limits Florida residents, military personnel and others who may purchase their new vehicles using virtual tools only to find that they are without coverage if their vehicles turn out to be lemons. A 2012 legislative proposal to amend the statutory “motor vehicle” definition to include vehicles registered in this state met with late resistance from the industry; however, it should be pursued again, along with an overall review of the law to bring its more aged provisions into the reality of 21st century practices. The last time such a review was undertaken was in 1996-97.

In addition, the goal of making available online filing and access to case documents by case parties, attorneys and Board Members remains unfulfilled. The inception of the Lotus Notes email intake boxes provided a very limited electronic filing capability; however, it is not the solution. Some type of secure cloud-based system which enables the parties/attorneys to file pleadings and other documents, and access them once filed, would reduce the amount of paper copying and emailing currently having to be done by arbitration staff, and would most likely speed case screening. The arbitration process is organized and compact enough to be a good test for the use of such a system.

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 the duties as the state's chief legal officer, the Attorney General serves as a member of the Florida Cabinet. The Attorney General 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; Division of Bond Finance; Department of Veterans' Affairs; Department of Highway Safety & Motor Vehicles; Department of Law Enforcement; Department of Revenue; Administration Commission; Florida Land & Water Adjudicatory Commission; Electrical Power Plant & Transmission Line Siting Board; Board of Trustees of the Internal Improvement Fund; and Financial Services Commission. The Governor, Attorney General and Chief Financial Officer also constitute the State Board of Administration.

The Cabinet Affairs staff advises the Attorney General on all matters pertaining to 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.

Criminal Appellate Division

Overview

The Attorney General represents and defends on appeal the prosecution of all Florida criminal appeals in the state and federal courts.

The Criminal Appellate Division of the Attorney General's Office 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 courts regarding all federal habeas corpus litigation involving criminal convictions and sentences, cases involving civil rights §1983 actions pertaining to criminal matters and all extraordinary writs in the United States Supreme Court.

A majority of the litigation handled by the Criminal Appellate Division is not within the jurisdiction of either the state attorneys' or the public defenders' offices, which primarily function in the trial courts of this state. The Criminal Appellate Division litigates in the various state appellate and federal courts for Florida. Therefore, due to the range of responsibilities handled by this Division, which are significantly different from the state attorneys' and public defenders' statewide caseloads, this Division handles larger caseloads that are more complex with far fewer attorneys and less staff in processing the criminal appeals filed in the state and federal courts.

Each Bureau is governed by the core missions of the Attorney General's Office, Chapter 16 Florida Statutes, Section 16.01 (4), (5) and (6), Florida Statutes, which specifically sets forth that authority, assigning the Attorney General's Criminal Appellate Division with the responsibilities of defending all criminal judgments and sentences, defending all state criminal 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 assigned additional duties which include: drafting, reviewing, and analyzing legislation; providing legal advice to the State Attorneys' Offices; and most importantly, 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 the State of Florida.

Additionally, this Division weekly publishes the "Criminal Alert" to client users statewide. The Division assists in training programs throughout the state criminal justice system 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 (1st DCA), Tampa (2nd DCA), Miami (3rd DCA), West Palm Beach (4th DCA) and Daytona (5th DCA). Each bureau is assigned to the state attorneys' offices within its district and handles all appeals emanating from the counties comprising those districts.

The Criminal Bureaus have consistently opened over 20,000 cases filed in the District Courts of Appeal, the Florida Supreme Court and the federal courts. The Criminal Bureaus have exceeded the approved standard caseload this year, opening 20,998 cases in FY 2013-2014, however, the actual workloads handled during this period far exceed that number when the current open cases processed are added to the number of cases currently active totaling, --25,134 cases which is the actual caseload for this period.

Inclusive in the criminal appeals cases are the active sexual predator/Ryce commitment appeals assigned to designated "Ryce" Assistant Attorney Generals statewide. Because these cases are captured by using the designation terms "Ryce" or "sexual predator" or "sexual offender" in searching the database, it is impossible to discern the actual *current* open cases accurately due to limitations of the available database.

Over the past two years, the Criminal Appellate Division has had a number of attorney positions restored to the criminal bureaus which has significantly helped in the distribution of case workloads. There has been an impact in reducing the time for processing and prosecuting the appeals however delays will continue in the completion of the appellate process due to the sheer volume of cases that are filed in the courts yearly. That is not to say that there have not been improvements, in fact, cases are processed more quickly and the number of days required to file a pleading has been reduced.

Capital Appeals

The Capital Appeals Bureau is a statewide bureau handling capital murder appeals from every circuit to the Florida Supreme Court on direct review, following the completion of the original trial and imposition of a death sentence by the trial circuit courts. 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 subsequent litigation, culminating in the executing of a death warrant, through the state and federal courts.

The statewide Capital Appeals Bureau caseloads also exceed the approved standard each year -- opening 200 cases. This year the Bureau opened 760 cases for FY 2013-2014, which far exceeds work load standards, due in significant part to the Capital Bureau's handling of a number of active death warrants during this reporting period. It should be noted that there is no correlation between the number of individuals sentenced to death and the plethora of litigation each individual will generate.

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.

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.

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, the Florida Election Commission, the Education Practice Commission, and other regulatory agencies and appointed commissions. The bureau represents state agencies in rule challenges, licensure hearings, bid protests, appellate proceedings, and in all other matters subject to Chapter 120. It also represents the Department of Children and Families in road to independence and transitional benefit hearings and AHCA in Medicaid Program Integrity claims. The bureau also offers litigation support in state and federal cases against such agencies.

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 Chapters 61, 88, 287, 409 and 742, Florida Statutes, 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 26,576 cases during the 2012-2013 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 Chapters 39, 61 and 409, in Broward and Hillsborough Counties. In providing these services the bureau works closely with the Broward County Sheriff's Office, Hillsborough County Sheriff's Office, and private child welfare agencies such as Eckerd Community Alternatives 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 or egregiously abuse, abandon, or neglect their children, so as to allow these children to find safe and permanent homes.

In Broward County, this Bureau has handled 2,041 cases with 12,416 hearings during the 2012-2013 Fiscal Year. In Hillsborough County, the Bureau handled 2,529 cases with 20,519 hearings during the same period. In total, Children's Legal Services has handled 4,570 cases and 32,935 hearings during Fiscal Year 2012-2013.

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 provides 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 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

Most state and local government employees, as well as elected and appointed officials, are subject to the Florida Commission on Ethics' jurisdiction, and its investigations of violations ranging from erroneous financial disclosure filings to misuse of office. The Ethics Bureau prosecutes complaints before the Commission and the Division of Administrative Hearings. This bureau provides 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 a DOAH administrative hearing under Chapter 120, Florida Statutes. Advocates also handle some appeals, and collect civil penalties when a violation has been found. Chapter 112.317(7), Florida Statutes, also requires Advocates to pursue the collection of attorney fees ordered against malicious complainants. The Ethics Bureau also serves as the Office of the Attorney General's Ethics office and advises OAG employees who have questions regarding their duties and obligations.

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 and handle civil forfeiture and civil RICO actions in conjunction with Statewide Prosecution's criminal cases. 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.

Additionally, within State Programs, a separate Foreclosure Unit has been set up to provide representation for the State of Florida in the large number of foreclosure actions where the State is named as a defendant in order to foreclose any interest created by judgment-liens in the name of the State of Florida. In most cases, the State is not the proper party, so a large part of what the Unit does is provide education (in the form of answers) about who the proper party is depending on the nature of the lien. In those instances where the State is the proper party, the Unit monitors these actions to determine whether there is a surplus of funds after sale of the property.

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.

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 not medically necessary.

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. 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 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 2013-2014, the Medicaid Fraud Control Unit issued 68 warrants for arrests, and reported 73 convictions/pre-trial interventions. 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 \$103.4 million during FY 2013-2014.

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)
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

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)

Central Florida Interagency Compliance Meeting

AHCA-MPI and Fraud Prevention
HHS-OIG
DEA Drug Diversion
DOH (HQA, Unlicensed Activity and EFORCSE)
Lee County SO
Sarasota County SO
HHS-OIG
Other local law enforcement (Pinellas Park PD)

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)

HHS/MFCU Medicare/Medicaid –4 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)
US Attorney's Office- Southern District of Florida

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)

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, sexual battery relocation, property losses, and sexual battery forensic examinations. During Fiscal Year 2013-14, the office received 3.68 percent fewer claims than the previous year (25,008 compared to 25,929 received during Fiscal Year 2012-2013), and the average processing time from receipt of a claim through initial payment totaled 38 days. Awards to claimants totaled \$18,241,075.

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 27 grants per employee. A total of 349,077 victims received services through VOCA-funded private or public organizations or agencies during FY 2013-14. 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 1,084 active program participants.

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 2013-14, this office conducted 72 training courses, including 1,627 classroom hours, with 3,015 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, 597 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 six training courses and reduced attendance at the annual Preventing Crime in the Black Community Conference due to the continued economic downturn. In addition, revised VOCA guidelines have limited the number of attendees, from victim and law enforcement professionals who may attend victim services training.

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.).

Convenience Business Security

The Convenience Business Security program has been unfunded since 1992 (See §812.1725-§812.176, Florida Statutes), the Bureau staff continued to handle the administrative responsibilities of the Act, processing 244 technical assistance contacts, 14 violations and 0 inspectors certifications during Fiscal Year 2013-2014. Transfer of these functions to local control would allow local governments to conduct regularly scheduled inspections and directly file relevant paperwork with the local courts. In addition, the Office of the Attorney General recommends the repeal of §812.174, Florida Statutes, eliminating the need for this office to review and approve convenience store training curriculum. The stores should be required to utilize “industry standard” training curricula provided by industry professionals

Council on the Social Status of Black Men and Boys

In January 2007, the division was tasked with administering the Council on the Social Status of Black Men and Boys, created by the 2006 Legislature. This nineteen-member council is charged with conducting a systematic study of the adverse conditions affecting black men and boys, including homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, health issues and school performance. The goal of the council is to propose measures to alleviate and correct the underlying causes of these conditions. The council is mandated to issue an annual report to discuss its findings, conclusions, and recommendations to the Governor, the President of the Senate, and the Speaker of the House. The Council published its inaugural annual report in January 2008. During Fiscal Year 2013-14, the Council conducted 17 full Council meetings, 14 executive committee meetings and 15 ad hoc committee meetings throughout the state.

Crime Stoppers

There are twenty-eight 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 the recipient organizations regarding the use of funds. The Office of the Attorney General performs annual training and orientation to assist the organizations in understanding statutory and regulatory spending requirements of state funds. In addition, staff conducts monthly reimbursement monitoring of all grant recipients, conducts on-site performance reviews and desk audits. All grant recipients receive an on-site monitoring visit once every three years, at minimum, regardless of the grant award amount.

Success over the past four years, of the Crime Stopper program, reflects the unified effort and significant impact the program has had on crime in Florida. These outcomes are made possible through the grant funding of \$4,482,788 for Fiscal Year 2013-2014

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.

	2013-2014	2012-2013	2011-2012	2010-2011
Tips received	56,069	53,202	58,040	54,295
Tips approved for citizen rewards	3,885	3,902	4,455	9,211
Cases cleared	9,857	9,129	11,894	14,652
Arrests made	4,679	4,471	5,463	5,530
Value of property recovered	\$2,103,270	\$1,486,569	\$3,792,932	\$3,599,938
Value of narcotics removed from the street	\$13,054,639	\$6,909,709	\$16,990,152	\$17,198,243
Dollar value of rewards to citizens	\$674,576	\$575,149	\$709,504	\$787,807

The Crime Stopper program has had many highlights over the last fiscal year. For example, a tip to Crime Stoppers of Tampa Bay lead to detectives conducting a year-long investigation following which a search warrant was executed on a residence. Inside the house they found 45 pounds of marijuana packaged for sale and \$12,000. An individual was arrested and charged with trafficking in marijuana, possession of marijuana with intent to deliver within 1000' of a church, and possession over (20) grams. On May 16, 2014, Southwest Florida Crime Stoppers was able to state that one of their top most wanted fugitives was apprehended by the U.S. Marshal's Service Florida/Caribbean Regional Fugitive Task Force in Haiti. He was returned to Fort Myers, to face justice for attempted murder and a triple homicide he is alleged to have committed in 2007. He had been on the run for seven years.

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 27,187 community residents/participants; 2,161 crime prevention-related meetings, workshops, and conferences; 1,731 out-of-agency contacts; and the utilization of 1,439 volunteers.

Department of Legal Affairs
Office of the Attorney General

**Performance
Measures and
Standards**

LRPP Exhibit II

LRPP Exhibit II - Performance Measures and Standards

Department: DEPARTMENT OF LEGAL AFFAIRS AND ATTORNEY GENERAL

41100400 Victim Services

Approved Performance Measures for FY 2014-15 (Words)	Approved Prior Standards for FY 2013-14 (Numbers)	Prior Year Actual FY 2013-14 Standard (Numbers)	Approved Standards for FY 2014-15 (Numbers)	Requested FY 2015-16 Standard (Numbers)
Number of victim compensation claims received	21,000	25,008	21,000	21,000
Number of days from application to payment of victim compensation claim	45	38	45	45
Number of victims served through grants	200,000	349,077	200,000	200,000
Number of people attending victims and crime prevention training	4,000	3,015	4,000	3,500

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 2014-15 (Words)	Approved Prior Standards for FY 2013-14 (Numbers)	Prior Year Actual FY 2013-14 Standard (Numbers)	Approved Standards for FY 2014-15 (Numbers)	Requested FY 2015-16 Standard (Numbers)
Percent of eligible attorneys, who have attained AV rating, BV rating, and or board certification	70%	23%	70%	70%

LRPP Exhibit II - Performance Measures and Standards

Department: DEPARTMENT OF LEGAL AFFAIRS AND ATTORNEY GENERAL
41100000 Program: Office of Attorney General
41101000 Criminal and Civil Litigation

Approved Performance Measures for FY 2014-15 (Words)	Approved Prior Standards for FY 2013-14 (Numbers)	Prior Year Actual FY 2013-14 Standard (Numbers)	Approved Standards for FY 2014-15 (Numbers)	Requested FY 2015-16 Standard (Numbers)
Number of hearings held before the court- Children's Legal Services	32,000	25,991	32,000	32,000
Number of active ethics cases	120	190	120	120
Number of active child support enforcement cases	65,000	50,706	65,000	65,000
Number of active eminent domain cases	1,000	208	400	400
Number of active tax cases	800	2,060	800	800
Number of active civil appellate cases	323	1,159	323	323
Number of active inmate cases	1,651	2,614	1,651	1,651
Number of active state employment cases	113	90	113	113
Number of capital cases - briefs/state & federal responses/oral arguments	200	760	200	200
Number of noncapital cases - briefs/state & federal responses/oral arguments	19,000	20,998	19,000	19,000
Number of active sexual predator commitment appeals	150	130	150	150
Number of active economic crime cases, including consumer and RICO cases	186	322	186	200
Number of active antitrust cases	62	114	62	62
Number of active civil rights cases	42	42	42	42
Percent of lemon law cases resolved in less than one year	95%	98%	95%	95%
Number of repurchase disclosure/enforcement cases	1,400	1,535	1,400	1,400
Number of active lemon law cases	450	474	450	450
Number of active Medicaid Fraud cases	900	969	900	900
Number of days for opinion response	28	9	28	28
Number of opinions issued	150	359	150	150
Number of active Solicitor General cases	390	385	390	390
Percent of clients expressing satisfaction with criminal and civil legal defense services	70%	100%	70%	70%
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

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

**Assessment of
Performance for
Approved
Performance
Measures**

LRPP Exhibit III

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal
Program: Office of the Attorney General
Service/Budget Entity: Victim Services/Criminal Justice Programs
Measure: Output – Number of People Attending Training (Crime Prevention, Victims, School Resource Officer, Conference)

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
4000	3015	985	-13.85%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

Due to the continued economic downturn and other factors beyond our control, 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. Funding at the state and local levels continues to decrease, resulting in fewer agencies sending fewer officers to the OAG training. Staff continues to reduce 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. We also continue to reduce the size of course notebooks and by utilizing our new on-line registration process, we have cut costs for paper and postage. Approximately 95% of all course registrations are received on-line through our website, www.fcpti.com.

We continue to improve our recordkeeping for the annual Preventing Crime in the Black Community Conference providing a more accurate accounting of participation in the conference. Thus, lower numbers of conference participants continue to be reflected.

In addition, revised VOCA guidelines have reduced the number of eligible participants from victims and law enforcement professionals from attending victim service training.

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 participate 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 2013-2014. However, new contracts have been established for 2013-2014, in Orlando, Miami-Dade and Miramar.

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 continues to be extended due to other agency priorities. A new target date has not been set. In addition, the OAG will receive federal funding through the Bureau of Justice Assistance to increase scholarships to cover tuition costs for law enforcement to attend the National Conference on Preventing Crime in the Black Community. 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%	23%	67% under	67%

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

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Criminal Office of the Attorney General

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

Measure: Number of active sexual predator commitment appeals

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
150	130	-20	-14%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

The number of cases opened is limited based on the nature these cases present. Because these cases are captured in the general criminal database; the number will vary from different reporting periods since litigation occurring in these civil commitment cases depends upon release dates and whether cause has been shown to support further commitment.

External Factors (check all that apply):

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

Explanation:

There is really nothing the agency can do to modify the external nature of case filings by criminal defendants, conviction of crimes in the trial courts of the state.

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

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

Recommendations:

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

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Criminal Office of the Attorney General
Service/Budget Entity: Criminal and Civil Litigation Defense / 41101000
Measure: Number of active child support enforcement 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
65,000	50,706	-14,294	22%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

None

External Factors (check all that apply):

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

Explanation: In January 2012, DOR transitioned from using The Florida Online Recipient Integrated Data Access (FLORIDA) System and the Performance Accountability and Invoicing for Legal Services (PAILS) system to the Child Support Enforcement Automated Management System (CAMS) to enhance case management through the use of automated tools. Although we have seen an overall decrease in the amount of referrals received from DOR since the transition from FLORIDA and PAILS to CAMS in January 2012, we have seen a gradual increase in the referral numbers each year.

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

- Training Technology
- Personnel Other (Identify)

Recommendations:

The OAG's CSE Unit continues to meet regularly with DOR Management to discuss referral numbers and strategies to increase the amount of referrals being sent to the OAG.

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 Solicitor General 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
390	385	5 under	1.28%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

Number of cases handled is not a precise measure, and it ignores the significance and importance of individual cases. The precise number is also difficult to ascertain because of the nature of the work this office performs

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 action should be taken at this time.

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
1,000	208	792 Under	79%

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

Explanation:

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.

Management Efforts to Address Differences/Problems (check all that apply): Training Technology Personnel Other (Identify)**Recommendations:**

Request reduction in standard to fifty.

Office of Policy and Budget – July 2014

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	25,991	6,009 under	18%

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:

Number of cases handled is not a precise measure, and it ignores the significance and importance of individual cases. The precise number is also difficult to ascertain because of the nature of the work this office performs

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: 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 action should be taken 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 active state employment cases

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
113	90	23 under	20%

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:

Number of cases handled is not a precise measure, and it ignores the significance and importance of individual cases. The precise number is also difficult to ascertain because of the nature of the work this office performs

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:

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 action should be taken at this time.

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

**Performance Measure
Validity and
Reliability**

LRPP Exhibit IV

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of victim compensation claims received

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of days from application to payment of victim compensation claim

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of victims served through grants

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of people attending victims and crime prevention training

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Percent of eligible attorneys, who have attained AV rating, BV rating, and or board certification

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of hearings held before the court – Children’s Legal Services

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of active ethics cases

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of active child support enforcement cases

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of active eminent domain cases

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of active tax cases

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of active civil appellate cases

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of active inmate cases

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of active state employment cases

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of capital cases – briefs/state & federal responses/oral arguments

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of noncapital cases – briefs/state & federal responses/oral arguments

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of active sexual predator commitment appeals

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

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

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of active antitrust cases

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of active civil rights cases

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Percent of lemon law cases resolved in less than one year

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of repurchase disclosure/enforcement cases

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of active lemon law cases

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of active Medicaid Fraud cases

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of days for opinion response

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of opinions issued

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of active Solicitor General Cases

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Percent of clients expressing satisfactions with criminal and civil enforcement legal services

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Total fees and costs expanded for legal services with private outside counsel

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Percentage of State of Florida legal services conducted private v. public

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Salaries, benefits and costs of in-house legal units for each state agency

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

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

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

LRPP Exhibit V: Identification of Associated Activity Contributing to Performance

Measure Number	Approved Performance Measures for FY 2014-15		Associated Activities Title
1	Number of victim compensation claims received		Victim Compensation
2	Number of days from application to payment of victim compensation claim		Victim Compensation
3	Number of victims served through grants		Grants - VOCA
4	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 2014-15		Associated Activities Title
1	Percent of eligible attorneys, who have attained AV rating, BV rating, and or board certification		Encompasses entire agency

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

Measure Number	Approved Performance Measures for FY 2014-15	Associated Activities Title
1	Number of hearings held before the court - Children's Legal Services	Children's Legal Services
2	Number of active ethics cases	Commission on Ethics Prosecutions
3	Number of active child support enforcement cases	Child Support Enforcement
4	Number of active eminent domain cases	Eminent Domain
5	Number of active tax cases	Revenue Litigation
6	Number of active civil appellate cases	Civil Litigation Defense of State Agencies
7	Number of active inmate cases	Civil Litigation Defense of State Agencies
8	Number of active state employment cases	Civil Litigation Defense of State Agencies
9	Number of capital cases - briefs/state & federal responses/oral arguments	Capital Appeals
10	Number of noncapital cases - briefs/state & federal responses/oral arguments	Non-Capital Criminal Appeals
11	Number of active sexual predator commitment appeals	Sexual Predator Civil Commitment Appeals
12	Number of active economic crime cases, including consumer and RICO cases	RICO - Consumer
13	Number of active antitrust cases	Antitrust
14	Number of active civil rights cases	Civil Rights
15	Percent of lemon law cases resolved in less than one year	Lemon Law
16	Number of repurchase disclosure/enforcement cases	Lemon Law
17	Number of active lemon law cases	Lemon Law
18	Number of active Medicaid Fraud cases	Health Care/Medicaid Fraud
19	Number of days for opinion response	Opinions
20	Number of opinions issued	Opinions
21	Number of active Solicitor General cases	Solicitor General and Complex Litigation
22	Percent of clients expressing satisfaction with criminal and civil enforcement legal services	Lemon Law Child Support Enforcement Antitrust RICO - Consumer Commission on Ethics Prosecutions Health Care/Medicaid Fraud Children's Legal Services Civil Rights

Measure Number	Approved Performance Measures for FY 2014-15		Associated Activities Title
23	Total fees and costs expended for legal services with private outside counsel		N/A
24	Percentage of State of Florida legal services conducted private v. public		N/A
25	Salaries, benefits and costs of in-house legal units for each state agency		N/A

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

**Agency-Level Unit
Cost Summary**

LRPP Exhibit VI

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL		FISCAL YEAR 2013-14			
SECTION I: BUDGET		OPERATING		FIXED CAPITAL OUTLAY	
TOTAL ALL FUNDS GENERAL APPROPRIATIONS ACT			187,590,262	0	
ADJUSTMENTS TO GENERAL APPROPRIATIONS ACT (Supplementals, Vetoes, Budget Amendments, etc.)			16,926,987	0	
FINAL BUDGET FOR AGENCY			204,517,249	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		474	3,238.61	1,535,103	
Child Support Enforcement * Number of final orders obtained representing the Department of Revenue in child support enforcement proceedings.		50,706	144.93	7,348,843	
Antitrust * Number of cases enforcing provisions of the Antitrust Act		114	26,476.56	3,018,328	
Racketeer Influenced And Corrupt Organization (rico) Consumer Fraud * Cases enforcing the Racketeer Influenced and Corrupt Act and Unfair and Deceptive Trade Practices Act.		322	27,843.35	8,965,560	
Commission On Ethics Prosecutions * Number of cases prosecuted before the Florida Commission on Ethics		190	1,432.85	272,241	
Medicaid Fraud Control * Number of cases investigated involving Medicaid fraud activities		969	17,128.66	16,597,669	
Children's Legal Services * Number of cases representing the Department of Children and Families in juvenile dependency and termination of parental rights proceedings		25,991	330.56	8,591,508	
Civil Rights * Number of cases investigated and prosecuted involving violations of civil rights		42	14,364.67	603,316	
Solicitor General And Complex Litigation * Number of cases		385	4,445.64	1,711,572	
Opinions * Number of Opinions Issued		359	1,771.81	636,078	
Cabinet Support Services * Number of Cabinet Meetings		13	34,274.23	445,565	
Eminent Domain * Cases representing the Department of Transportation and other government agencies in eminent domain proceedings.		208	2,022.57	420,695	
Sexual Predator Civil Commitment Appeals * Number of cases		130	1,906.55	247,851	
Non-capital Criminal Appeals * Number of cases - non-capital appellate litigation		20,998	656.33	13,781,531	
Capital Appeals * Number of cases - capital appellate litigation		760	3,524.17	2,678,366	
Administrative Law * Number of cases		1,158	2,057.80	2,382,931	
Tax Law * Number of cases enforcing, defending and collecting tax assessments		2,060	688.72	1,418,761	
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.		3,863	2,535.80	9,795,781	
Grants-victims Of Crime Advocacy * Number of victims served through grants.		349,077	69.97	24,424,040	
Victim Notification * Number of appellate services provided		6,752	334.96	2,261,682	
Victim Compensation * Number of victim compensation claims paid		25,008	870.37	21,766,192	
Minority Crime Prevention Programs * Number of crime prevention programs assisted		3	1,700,417.00	5,101,251	
Grants-crime Stoppers * Number of Crime Stopper agencies assisted		29	159,601.76	4,628,451	
Crime Prevention/Training * Number of people attending training		3,015	167.85	506,055	
Civil Legal Assistance * Number of people receiving legal assistance		7,546	524.20	3,955,600	
Investigation And Prosecution Of Multi-circuit Organized Crime-drugs * Annual volume of investigations handled		113	273.44	30,899	
Investigation And Prosecution Of Multi-circuit Organized Crime * Annual volume of investigations handled		744	8,824.61	6,565,512	
Prosecution Of Violations Of The Florida Election Code * Number of cases handled.		546	2,536.07	1,384,694	
TOTAL				151,076,075	
SECTION III: RECONCILIATION TO BUDGET					
PASS THROUGHS					
TRANSFER - STATE AGENCIES					
AID TO LOCAL GOVERNMENTS					
PAYMENT OF PENSIONS, BENEFITS AND CLAIMS					
OTHER					
REVERSIONS				47,397,136	
TOTAL BUDGET FOR AGENCY (Total Activities + Pass Throughs + Reversions) - Should equal Section I above. (4)				198,473,211	

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):	204,517,249	
TOTAL BUDGET FOR AGENCY (SECTION III):	198,473,211	
	-----	-----
DIFFERENCE:	6,044,038	
(MAY NOT EQUAL DUE TO ROUNDING)	=====	=====

* \$10,000,000 was appropriated in Fiscal Year 2013-14 in Chapter 2013-106 Laws of Florida as part of the National Mortgage Foreclosure Settlement. This was a two year special appropriation. Unexpended funds reverted and were reappropriated. The unexpended amount as of June 30, 2014, was \$6,044,400.

Glossary of Terms

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

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

Cabinet: In 1998 the Constitutional Revision Commission proposed a rewrite of Article IV, Section IV of the Florida Constitution that reduced the Florida Cabinet from six elected officials to three. Effective January 7, 2003, the Florida Cabinet consists of the Attorney General, the Chief Financial Officer and the Commissioner of Agriculture. The Cabinet offices of Secretary of State and Commissioner of Education became appointed offices and their respective agencies became the responsibility of the Governor. The revised constitution also created a new State Board of Education with seven members appointed by the Governor to oversee the Department of Education. The Cabinet offices of Treasurer and Comptroller were merged into the new position of Chief Financial Officer who serves as agency head for the newly created Department of Financial Services.

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.

Qui Tam: A lawsuit brought by a private citizen, popularly called a “whistle blower”, against a person or company who is believed to have violated the law in the performance of a contract with the government or in violation of a government regulation, when there is statute which provide for a penalty for such violations.

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

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

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

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

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

Acronyms

AAG	Assistant Attorney General
ACP	Address Confidentiality Program
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 At
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
OAG	Office of the Attorney General
OCR	Office of Civil Rights
OFR	Office of Financial Regulation
OSG	Office of the Solicitor General
OSWP	Office of Statewide Prosecutor
PANE	Patient Abuse, Neglect and Exploitation
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 2015-16 through FY 2019-20



Department of Legal Affairs
Office of Statewide Prosecution

PL 01 The Capital
Tallahassee, Florida 32399-1050

MISSION

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

Program: Office of Statewide Prosecution Goals

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

Goal #2: Effectively prosecute multi-circuit crime

Program: Office of Statewide Prosecution Objectives

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

Objective A: Assist law enforcement Outcome: Number of requests for assistance

Objective B: Maintain substantial caseload of complex investigations

Goal #2: Effectively prosecute multi-circuit crime

Objective A: Maintain substantial caseload of complex prosecutions

Objective B: Seek effective case results

Program: Office of Statewide Prosecution

Service Outcomes and Performance Projections Tables

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

Objective A: Assist law enforcement Outcome

Outcome: Number of requests for assistance

Baseline/Year 2000-01	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
199	95	95	95	150	150

Objective B: Maintain substantial caseload of complex investigations

Outcome: Total number of defendants charged

Baseline/Year 2000-01	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
338	300	300	380	380	380

Goal #2: Effectively prosecute multi-circuit crime

Objective A: Maintain substantial caseload of complex prosecutions

Outcome: Total number of active

Baseline/Year 2000-01	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
729	650	650	675	700	700

Objective B: Seek effective case results

Outcome: Number of defendants convicted

Baseline/Year 2000-01	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
410	380	385	385	385	385

Outcome: Conviction Rate

Baseline/Year 2000-01	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
90%	90%+	90%+	90%+	90%+	90%+

Program: Office of Statewide Prosecution

Trends and Conditions Statements

Mission

The Office of Statewide Prosecution is charged by Section 16.56, Florida Statutes, with the responsibility 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 with local 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. Additionally, we are adding two positions strictly dedicated to the efforts of the office, to focus on the prosecution of pill related cases.

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 continues to result 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>.

Another 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 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. Additionally, the Office of Statewide Prosecution has further focused upon the effort of combating Organized Retail Theft. Because organized retail theft is a \$30 billion industry nationally and creates a significant financial burden upon both businesses and consumers, resources will continue to be utilized in combating this type of criminal activity.

Finally, Human Trafficking has become a significant focus of The Office of Statewide Prosecution and efforts are being made throughout the state, along with our law enforcement

partners, to focus on and eliminate those criminals who are preying on the weak, whether it be children or adults forced into sexual activities or labor through coercion or otherwise. To this end we have continued to utilize the laws passed during the last several legislative sessions and we continue to identify ways in which the laws could be altered further, through legislative action, in order to better assist in the arrest and prosecution of these perpetrators.

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 continuing and growing problems of synthetic drugs and of identity theft. This office will continue its enhanced efforts during these fiscally constrained times.

Department of Legal Affairs
Office of Statewide Prosecution

**Performance
Measures and
Standards**

LRPP Exhibit II

LRPP Exhibit II - Performance Measures and Standards

Department: DEPARTMENT OF LEGAL AFFAIRS AND ATTORNEY GENERAL

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

Approved Performance Measures for FY 2014-15 (Words)	Approved Prior Standards for FY 2013-14 (Numbers)	Prior Year Actual FY 2013-14 Standard (Numbers)	Approved Standards for FY 2014-15 (Numbers)	Requested FY 2015-16 Standard (Numbers)
Conviction rate for defendants who reached final disposition	90%	91%	90%	90%
Of the defendants who reached disposition, the number of those convicted	350	404	325	325
Total number of requests for assistance	300	393	300	300
Total number of active cases	700	744	700	700
Total number of defendants charged	400	436	400	400

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

**Performance Measure
Validity and
Reliability**

LRPP Exhibit IV

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Statewide Prosecution

Service/Budget Entity: Statewide Prosecution / 41200100

Measure: Conviction rate for defendants who reach final disposition

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Statewide Prosecution

Service/Budget Entity: Statewide Prosecution / 41200100

Measure: Of the defendants who reach disposition, the number of those convicted

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Statewide Prosecution

Service/Budget Entity: Statewide Prosecution / 41200100

Measure: Total number of requests for assistance

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Statewide Prosecution

Service/Budget Entity: Statewide Prosecution / 41200100

Measure: Total number of active cases

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2014

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Statewide Prosecution

Service/Budget Entity: Statewide Prosecution / 41200100

Measure: Total number of defendants charged

Action (check one): N/A

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

Reliability:

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

**Associated Activities
Contribution to
Performance
Measures**

LRPP Exhibit V

LRPP Exhibit V: Identification of Associated Activity Contributing to Performance

Measure Number	Approved Performance Measures for FY 2014-15		Associated Activities Title
1	Conviction rate for defendants who reached final disposition		Investigation and Prosecution of Multi-Circuit Organized Crime - Drugs
2	Of the defendants who reached disposition, the number of those convicted		Investigation and Prosecution of Multi-Circuit Organized Crime
3	Total Number of requests for assistance		Investigation and Prosecution of Multi-Circuit Organized Crime - Drugs
4	Total number of active cases		Investigation and Prosecution of Multi-Circuit Organized Crime
5	Total number of defendants charged		Investigation and Prosecution of Multi-Circuit Organized Crime

Exhibit VI

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

Glossary of Terms and Acronyms

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



FLORIDA ELECTIONS COMMISSION

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

LONG RANGE PROGRAM PLAN

Florida Elections Commission
Tallahassee, Florida

September 12, 2014


Cynthia Kelly, 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

Cindy Kynoch, Staff Director
Senate Committee on Appropriations
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 2015-16 through Fiscal Year 2019-2020. The internet website address that provides the link to the LRPP located on the Florida Fiscal Portal is www.fec.state.fl.us. This submission has been approved by Amy McKeever Toman, Executive Director of the Florida Elections Commission.



Amy McKeever Toman, J.D.
Executive Director

Long-Range Program Plan

Fiscal Years 2015-16 through 2019-20

FLORIDA ELECTIONS COMMISSION



September 2014

Mission Statement

**“Ensuring Transparency in
Florida’s Elections”**

*The Florida Elections Commission is charged
with enforcing Chapters 104 and 106
effectively and efficiently.*

AGENCY GOAL

Goal #1: Maintain a high level of agency productivity.

AGENCY OBJECTIVES

Goal #1: Maintain a high level of agency productivity.

Objective A: Maintain a high percentage of cases closed in a 12 month period.

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

AGENCY SERVICE OUTCOMES AND PERFORMANCE PROJECTION TABLES

Goal #1: Maintain a high level of agency productivity.

Objective A: Maintain a high percentage of cases closed in a 12 month period.

Outcome: Percent of cases that are closed within a year of being opened.

Baseline/Year 2001	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
80%	80%	80%	80%	80%	80%

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

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

Baseline/Year 2010	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
90%	90%	90%	90%	90%	90%

FLORIDA ELECTIONS COMMISSION

TRENDS AND CONDITIONS STATEMENTS

Introduction

The Florida Elections Commission (FEC or Commission) was created in 1973 and is charged with enforcing Chapters 104 and 106, Florida Statutes, as well as Section 105.071, Florida Statutes.¹

The Commission is composed of nine members appointed by the governor for four year terms. The Governor appoints all of 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 chambers. 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 terms.

The Commission acts as the agency head and appoints an Executive Director to employ and supervise all staff and the day-to-day operations of the agency. The Commission's staff includes the Executive Director, a General Counsel, two Associate General Counsels, an Investigations Manager, five Investigators, a Business Manager, an Agency Clerk, a Deputy Agency Clerk, and two Administrative Assistants (15 FTE).

The Commission is administratively housed in the Department of Legal Affairs, Office of the Attorney General. However, the Commission is a separate budget entity. It is not subject to the control, supervision, or direction of the Department of Legal Affairs or the Attorney General in the performance of its duties.

Primary Responsibilities

Pursuant to Section 106.25, Florida Statutes, FEC has jurisdiction to investigate and determine violations of Chapters 104 (corrupt practices) and 106 (campaign finance), but only upon receipt of a sworn complaint or a referral from the Division of Elections. The Executive Director reviews every sworn complaint and referral filed with the Commission and makes a determination as to its legal sufficiency. Commission staff investigates all legally sufficient complaints and makes a recommendation to the Commission as to whether there is probable cause to believe Florida's election laws were violated. If the Commission finds probable cause, an FEC attorney prosecutes the case in an administrative hearing, either before the Division of Administrative Hearings or before the Commission.

One significant category of cases over which the Commission has jurisdiction is "auto-fine"

¹ Section 105.071, F.S., prescribes limitations on political activities of judicial candidates. The section also charges FEC with enforcement. However, FEC's general jurisdiction statute in s. 106.25, F.S., only references Chapters 104 and 106; it is silent on the Chapter 105 provision. FEC has proposed legislation to address this ambiguity, but it has not passed.

cases. Chapter 106, Florida Statutes, prescribes a reporting structure for candidates and political entities. The statutes provide for the automatic, non-discretionary imposition of fines by filing officers for late-filed campaign treasurer's reports. The statutes also allow candidates and political entities to dispute or "appeal" the automatic fines based on "unusual circumstances" surrounding the failure to file. Commission staff prepares auto-fine appeals for presentation to the Commission, presenting the underlying facts, as well as the circumstances claimed by the appellant to have caused the late filing. The Commission decides in each case whether to uphold, reduce or waive the fine imposed.

Pursuant to Section 106.265(3), Florida Statutes, the Commission is also responsible for collecting the civil penalties imposed in its cases. The collection process involves reducing FEC Final Orders to judgments in circuit court and recording judgment liens against debtors' real property. In some cases, FEC seeks wage garnishment or other statutorily authorized means of debt collection. All fines and settlement proceeds collected by FEC are deposited into the General Revenue Fund.

Priorities and Policies

The Commission's mission is to ensure transparency in Florida's elections. The agency fulfills its mission by maintaining a consistently high level of productivity (*i.e.*, agency goal). Productivity is demonstrated by the successful investigation and prosecution of cases in the shortest amount of time possible (*i.e.*, agency objectives).

Efficiency: Cases Closed within 12 Months

The outcome measure used to gauge the Commission's success with respect to **efficiency** is the number of cases closed in a timely manner. Specifically, it is the Commission's objective to close at least 80% of the cases it closes during a fiscal year within 12 months of the date the cases were opened.

Since FY 09/10, the Commission has opened an average of 459 cases during election years and 258 cases during non-election years. Until FY 13/14, the Commission consistently exceeded the outcome standard and closed at least 80% of its cases within a year.

One of the Commission's priorities has been and is to identify and address the factors contributing to its inability to meet the standard for this outcome measure for FY 13/14.

The Commission is required by statute to provide respondents with at least seven different case-related documents throughout the pendency of a case. Of the cases closed by the Commission during FY 13-14, 73% were closed within twelve months. Of the 27% that were not closed within one year, 48% were delayed as the result of service-related issues, often caused by the (inadvertent or otherwise) failure of respondents to keep their addresses updated or by the deliberate avoidance of service by respondents.

In 2014, the Commission proposed legislative changes that would have required respondents to keep current mailing addresses on file. The legislation would have resulted in the more timely disposition of cases and made it more likely that the Commission would have met this standard. The proposed legislation did not pass.

Within the boundaries of the current law, the Commission revised its business practices and now only serves the initial document (*i.e.*, the complaint) on the respondent. Subsequent documents are delivered via regular mail to the address at which the respondent was served. It is anticipated that this change will decrease the length of time it takes to close cases by reducing service-related delays.

Effectiveness: Percentage of Cases Successfully Resolved

The Commission's performance with respect to **effectiveness** is reflected in the number of cases it successfully resolves. Specifically, this outcome measure tracks the number of legally sufficient complaints which are either successfully prosecuted (*i.e.*, a violation is found) following a determination of probable cause or in which a settlement agreement is executed before probable cause is considered. This performance measure tracks the ability of Commission staff to effectively prosecute or settle cases and, thereby, demonstrates its effectiveness in enforcing the election laws.

Over the past three fiscal years, the Commission has successfully prosecuted well over 90% of its cases successfully, as measured by this outcome measure.²

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 free and fair elections are a cornerstone of our democracy. Any reduction in resources would impair the Commission's ability to ensure fair elections, meaningful campaign regulation and effective election law enforcement for the citizens of Florida.

² FY 11/12: 99%; FY 12/13: 99%; FY 13/14: 97%. Standard is 90%.

LRPP Exhibit II - Performance Measures and Standards

Department: Department of Legal Affairs	Department No.: 41100000
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Program: Florida Elections Commission	Code: 41400000
Service/Budget Entity: Campaign Finance and Election Fraud Enforcement	Code: 41300100

NOTE: Approved primary service outcomes must be listed first.

Approved Performance Measures for FY 2014-15 (Words)	Approved Prior Year Standard FY 2013-14 (Numbers)	Prior Year Actual FY 2013-14 (Numbers)	Approved Standards for FY 2014-15 (Numbers)	Requested FY 2015-16 Standard (Numbers)
Percent of cases that are closed within 12 months	80%	73%	80%	80%
Percentage of cases the commission closes in which it finds violations or offenses	90%	97%	90%	90%
Ration of active cases to attorneys	115 to 1	182 to 1	115 to 1	115 to 1

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

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

Measure: Percentage of Cases that are Closed within 12 Months

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
80%	73%	UNDER	7%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

External Factors (check all that apply):

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

Explanation:

The Commission is required by statute to provide respondents with at least seven different case-related documents throughout the pendency of a case. The statute does not specify the delivery method for any of the documents. Cases are often delayed when respondents fail to notify their filing officers or the Commission of a changed address or, as is often the case, when respondents intentionally avoid service. In many cases, the Commission must resort to process servers to hand-deliver documents to respondents in order to move a case forward; sometimes, even this expensive and time-consuming method fails.

Of the cases closed by the Commission during FY 13-14, 73% were closed within one year. Of the 27% that were not closed within one year, 48% were delayed as the result of service-related issues.

In 2014, the Commission proposed legislative changes that would have required respondents to keep current mailing addresses on file with their filing officers until the statute of limitations had run, and on file with the Commission once an investigation had been opened. In addition, the changes would have clarified the delivery methods the Commission can rely upon to effectuate “good service” of documents throughout a case. The legislation would have resulted in more efficient disposition of cases and made it more likely that the Commission would have met the standard of closing, within one year, at least 80% of the cases it closed during the fiscal year.

The proposed legislation was not passed.

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:

Within the boundaries of the current law, the Commission revised its business practices and now only “serves” (*i.e.*, confirms delivery via certified mail or process server) the *initial* document (*i.e.*, the complaint) on the respondent. Upon service, the Commission advises respondents that all subsequent case-related material will be sent via regular mail to the address at which the respondent was served unless the respondent provides a different address. It is anticipated that this change will decrease the length of time it takes to close cases, especially to the extent it is likely to lessen the number of cases delayed by respondents who “duck service” once they have been notified of the pendency of a case.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

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

Measure: N/A

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

Validity:

N/A

Reliability:

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

Measure Number	Approved Performance Measures for FY 2014-15 (Words)		Associated Activities Title
1	Percentage of Cases that are Closed within 12 months		Campaign Finance and Election Enforcement
2	Percentage of cases the commission closes in which it finds violations or offenses		Campaign Finance and Election Enforcement
3	Ratio of Active Cases to Attorneys		Campaign Finance and Election Enforcement
4			
5			

Exhibit VI

Agency-Level Unit Cost Summary

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

Glossary of Terms

Auto-fine: Automatic, non-discretionary fine imposed by a filing officer for a late-filed campaign treasurer's report.

Appeal: Notice filed by a candidate, chairman of a political committee, or treasurer of an electioneering communication organization disputing an auto-fine and documenting the underlying facts and circumstances that resulted in the late filing of a campaign treasurer's report.

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

Campaign Treasurer's Reports: Reports filed on designated due dates by or on behalf of a candidate or political committee that detail all contributions received and expenditures made during a specified time period.

Civil Penalties: Fines not to exceed \$1,000 that are imposed by the Commission or, by the Division of Administrative Hearings pursuant to 106.25(5), Florida Statutes, for violations of Chapters 104 and 106, and Section 105.071, Florida Statutes. All collected civil penalties are deposited in the General Revenue Fund.

Complaint: An original signed and notarized document alleging violations of the Florida Election Code.

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

Division of Administrative Hearings (DOAH): An entity that provides independent administrative law judges to conduct hearings pursuant to Sections 120.69 and 120.57(1), Florida Statutes.

Final Order: A written, administrative decision which results from a proceeding and has been filed with the agency clerk. Final orders represent final agency actions which are affirmative, negative, injunctive, or declaratory in form.

Florida Elections Commission: Referred to as the Commission or FEC, the Florida Elections Commission is the entity created for the purpose of enforcing Chapters 104 and 106, and Section 105.071, Florida Statutes. The Commission is administratively housed in the Department of Legal Affairs, Office of the Attorney General.

Judgment: A final order from a Florida state court or from a United States District Court, which contains conclusive and customary language establishing that judicial labor is at an end and the order is truly dispositive and final. FEC administrative final orders must be reduced to judgment before they can be enforced against a Respondent who has not complied with the terms of a Final Order.

Judgment Lien on Real Property: A judgment, order, or decree becomes a lien on real property in any county when a certified copy of it is recorded in the official records or judgment lien record of the county, whichever is maintained at the time of recordation, provided that the judgment, order, or decree contains the address of the person who has a lien as a result of such judgment, order, or decree or a separate affidavit is recorded simultaneously with the judgment, order, or decree stating the address of the person who has a lien as a result of such judgment, order, or decree.

Legally Sufficient: A sworn and notarized complaint that meets specific criteria as specified in Rule 2B-1.0025, Florida Administrative Code.

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

Respondent: The individual against whom an official complaint is filed.

Settlement Agreement: A consent order executed between the Respondent and the Commission in which the Respondent is not required to admit a violation of law within the jurisdiction of the Commission. All settlement proceeds are deposited in the General Revenue Fund.

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

Acronyms

Commission	Florida Elections Commission
FEC	Florida Elections Commission
FTE	Full Time Equivalent
FY	Fiscal Year