



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

**OFFICE OF THE ATTORNEY GENERAL**  
**Department of Legal Affairs**  
**Division of Administrative Services**

**Plaza Level 01, The Capitol**  
**Tallahassee, FL 32399-1050**  
**<http://www.myfloridalegal.com>**

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## **LONG RANGE PROGRAM PLAN**

September 29, 2017

Cynthia Kelly, Director  
Office of Policy and Budget  
Executive Office of the Governor  
1701 Capitol  
Tallahassee, Florida 32399-0001

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

Mike Hansen, Staff Director  
Senate Appropriations Committee  
201 Capitol  
Tallahassee, Florida 32399-1300

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 2018-19 through Fiscal Year 2022-23. The internet website address that provides the link to the LRPP located on the Florida Fiscal Portal is <http://floridafiscalportal.state.fl.us/Publications.aspx>.

This submission has been approved by Attorney General Pam Bondi.

Sincerely,

  
Sarah Nortelus, Budget Director  
Division of Administrative Services

# Long Range Program Plan FY 2018-19 through FY 2022-23



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

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

# AGENCY MISSION

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**Florida's Law Firm**

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

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

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

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

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

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

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

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

**Objective D:** Increase client satisfaction

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

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

**Objective B:** Increase the outreach of Victims of Crime Act grant program

# Program: Office of the Attorney General

## Service Outcomes & Performance

### Projections Tables

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

**Objective A:** 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 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
60th percentile	90th percentile	90th percentile	90th percentile	90th percentile	90th percentile

**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 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
70%	75%	75%	75%	75%	75%

**Objective C:** 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 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
30%	62%	63%	63%	63%	63%

**Objective D:** Increase client satisfaction

**Outcome:** Percent increase in client satisfaction

Baseline/Year 2001	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
90%	98%	98%	98%	98%	98%

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

Baseline/Year 2003	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
1600+	1800+	1800+	1800+	1800+	1800+

**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 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
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 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
219	239	241	242	242	243

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

Baseline/Year 1999	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
135	800	805	815	815	815

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

## **Trends and Conditions Statements**

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The Attorney General is the Chief Legal Officer for the State of Florida. The Office of the Attorney General is 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 Complex Enforcement) Division**

### ***Antitrust Enforcement Role and Statutory Authority***

The Antitrust Division of the Attorney General's Office primarily 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 Attorney General has broad authority 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 including the power to target alleged conduct in restraint of trade, investigate potential unlawful monopolies or conspiracies to establish unlawful monopolies, review proposed mergers that may have a potential anti-competitive impact upon the state and its citizens, investigate potential violations of state or federal antitrust laws, issue investigative subpoenas to anyone believed to be in possession, custody, or control of any documentation or other information relevant to an antitrust investigation, and 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.

### ***Additional Statutory Authority- Securities Enforcement, Complex Civil Enforcement, and False Claims***

In recent years, the Division has also expanded its efforts to include occasional enforcement of the state securities law (Chapter 517, Florida Statutes), when consent is provided by the Office of Financial Regulation (OFR), and non-Medicaid Fraud enforcement of the False Claims Act (Chapter 68, Florida Statutes). From time to time, as necessary, the unit also pursues civil complex enforcement of the Consumer Protection and Racketeering laws (Chapters 501, Part II and Chapter 895, Florida Statutes).

In 2009, the Legislature amended Chapter 517, Florida Statutes, to give the Attorney General the authority to pursue securities enforcement in conjunction with OFR, the primary enforcing authority of the state's securities laws. With respect to the False Claims Act, the Attorney General's Office pursued amendments to Chapter 68, Florida Statutes in 2013 to add enhanced enforcement tools, such as subpoena power, to more effectively pursue recoveries of taxpayer dollars lost to false claims, and now has a dedicated attorney in the Antitrust Division assigned to pursue those claims. Finally, the Division has assisted the Consumer Protection Division on many complex civil enforcement matters in recent years as well as independently begun pursuing its own such matters under the Florida Deceptive and Unfair Practices Act (Chapter 501, Part II, Florida Statutes), and, with enhancements to the Florida Racketeering Act in 2016 (Chapter 895, Florida Statutes), under that law as well.

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

One of the top priorities of the Antitrust Division 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 conducts is stopped and recover lost taxpayer dollars due to false claims affecting state agency purchases.

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 cases worked by the Division during Fiscal Year 2016-2017 was 118, slightly up from the 113 in Fiscal Year 2015-16. The number of matters closed by the Division in Fiscal Year 2016-2017 increased from 22 in Fiscal Year 2015-2016 to 32 this fiscal year.

### ***Recoveries***

In Fiscal Year 2016-2017, the Antitrust Division recovered an estimated \$10,663,402.86 from seven major cases, substantially up from the \$3,359,049.43 from 10 major cases in Fiscal Year 2015-2016. This fluctuation from fiscal year to fiscal year is not unusual, and can be dramatic, as cases become more complicated and take longer to resolve. But, this year, the substantial increase was due largely to the resolution of two cases, Libor (Barclay's) and DRAM, along with a variety of auto parts price fixing cases.

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

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

First, in the antitrust area, there has been a dramatic increase over the past several years in the number of proposed mergers, acquisitions, and joint ventures. As the growth of the economy remains slow, 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, and Florida consumers, are closely scrutinized by the Antitrust Division. These reviews are necessary and in the public interest, but do not typically generate any funding for the Legal Affairs Revolving Trust Fund, since fees and costs are not generally easily compensable.

Second, when there is an economic downturn, there is a higher likelihood of collusion between competitors to fix prices, rig bids, or otherwise violate antitrust laws 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 potentially deterred collusive conduct in the first place.

Third, with more opportunity for collusion comes more pressure on enforcement agencies to remain aggressive in enforcement. Over the last few years, both the Federal Trade Commission and the Department of Justice have stepped up their enforcement efforts, but these efforts still leave much to be done at the state level. As they have done for more than three decades, state attorneys general focus upon those cases where our state agencies and consumers are most affected and OAG Antitrust Division continues to marshal all available resources to 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 related to mortgage fraud. Florida has been ranked number one in mortgage fraud and number two in mortgage foreclosures for a majority of the past decade, 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 pursue civilly 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 several 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 than would be possible without such a cooperative effort. Despite this collaboration, the sheer complexity and size of cases the Division undertakes can still 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 sufficiently compensate consumers, public agencies and the Division. Hopefully, this is temporary, as it remains important that the Division continue its antitrust

enforcement mandate, particularly given the many devastating effects of the recent poor economy.

Finally, a sixth recent development, that is expected to limit what the Division may accomplish on the antitrust enforcement side, came near the end the past fiscal year. In early 2017, a large contingent of the Antitrust Division was tasked with working with the Consumer Protection multistate team to begin investigating the opioids industry and their marketing practices. This assignment was necessary given the expected breadth of the investigation and the number of documents that ultimately would need to be reviewed. The opioids epidemic and its impact on Floridians is the number one enforcement priority of this office currently and requires an all-hands on deck approach. It is expected that this matter will continue to require a significant number of staff for the foreseeable future.

### ***Division Highlights***

The Division's significant recoveries during Fiscal Year 2016-2017 are largely attributable to the conclusion of two significant antitrust cases: a settlement with Barclay's in the Libor case that netted \$4.1 million for Florida and the final resolution of the long-running DRAM price fixing case that resulted in a restitution reported in fiscal year 2015-2016 and the recovery of \$1.5 million in attorney's fees for our Office this past fiscal year.

The remaining recoveries are mostly the result of several settlements with auto parts manufacturers in our ongoing auto parts price-fixing conspiracy investigation and a \$422,853 attorneys fee award following a successful challenge to the proposed Aetna/Humana merger.

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 118 active cases worked by the Division in Fiscal Year 2016-2017, at least 5 were major merger reviews, half the 10 cases actively worked in Fiscal Year 2015-2016. Such reviews, intended to ensure that the proposed mergers will not adversely affect competition, typically do not result in any dollar recoveries, including recoveries for fees and costs, although we were fortunate enough to obtain a fees recovery in Aetna/Humana this fiscal year which went through a full trial before being resolved. 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 transactions.

Similarly, some complex civil matters are pursued with the primary focus on ensuring that an illegitimate operation is put out of business for its unlawful conduct. Obtaining an injunction stopping unlawful conduct is just as important, if not more so, in some cases that seeking a money recovery. These cases include mortgage fraud cases, some securities violations, and construction defect cases. All tend to be extremely complex matters, requiring significant resources, but generally do not result in reimbursement of all fees and costs incurred by the Division, either because there is no money available or any money that is available is directed to victim restitution first.

### ***Staffing Needs***

As noted above, as cases become more complex, they take longer to resolve. Additionally, the Division over the last six years has taken on securities, false claims, and complex consumer protection cases in addition to maintaining its workload in antitrust enforcement. As a result, it is anticipated that if this trend continues, additional attorney and paralegal FTEs may become necessary over the next 3-5 years. For those cases that are important to do but that may not result in a reimbursement of attorneys' fees and costs, such as some complex securities or false claims cases, it may also be necessary to consider creating separate units focused on those areas that are fully funded by General Revenue.

## **Consumer Protection Division**

The Consumer Protection Division of the Office of the Attorney General is the civil enforcement authority for all multi-circuit violations of the Florida Deceptive and Unfair Trade Practices Act (FDUTPA). The Division's attorneys, investigators and support staff protect Florida consumers by pursuing individuals and entities that engage in unfair methods of competition or unconscionable, deceptive and unfair practices in any trade or commerce. The Division also often partners with other state attorneys general, other state agencies, and the federal consumer protection enforcement agencies in joint enforcement efforts. In conjunction with its authority under the Unfair and Deceptive Trade Practices law, the Division also has authority to enforce several related statutes including the civil provisions of the Racketeer Influenced and Corrupt Organization (RICO) Act, through which the Division, where appropriate, pursues the conduct of "enterprises" engaged in continuing patterns of statutorily enumerated illegal activities, such as fraud, theft and misleading advertising. Additionally, the Attorney General has co-enforcement authority under the Florida False Claims Act to pursue non-Medicaid Fraud so called "whistleblower" cases. The bulk of False Claims cases typically fall within the purview of the Medicaid Fraud Control Unit, but those dealing with consumer protection issues are handled by the Consumer Protection Division.

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

The primary enforcement tool of the Division is Chapter 501, Florida Statutes, the Florida Deceptive and Unfair Trade Practices Act. The Division initiates investigations based on information gathered or consumer complaints alleging unfair or deceptive business practices, including allegations of price gouging during a declared state of emergency. Using its subpoena authority and other investigative tools, the Division engages in fact finding prior to bringing an enforcement action. Through its investigations, the Division works to enforce FDUTPA and provide remedies to victimized consumers. The Division may also attempt to assist consumers in resolving disputes prior to or in lieu of an enforcement action. Formal investigations may be resolved through acceptance of an Assurance of Voluntary Compliance or a lawsuit may be filed in state or federal court. In the 2016-17 Fiscal Year, the Division opened 95 cases, closed 115 cases, and recovered more than \$400 million in ordered restitution and other consumer relief, such as loan forgiveness or satisfied judgments. As of the time of this writing, the Division has a total of 267 open investigations and 75 litigation cases.

### ***Price Gouging***

When the Governor declares a state of emergency, the Division is tasked with investigating issues of potential price gouging and subsequent repair and recovery scams statewide. During the 2010 Legislative Session, the Attorney General's Office and state attorneys became the sole enforcers of the state's price gouging laws. The Department of Agriculture and Consumer Services is no longer a statutory enforcing agency under the law. To curb these predatory practices and enforce Florida's price-gouging statute, the office has established a toll-free hotline that is activated and widely publicized following the declaration of a state of emergency. Notices alerting consumers to potential scams and informing them of the resources available are widely distributed. In the 2016-2017 FY, following Hurricanes Hermine and Matthew, more than 3,000 complaints of price gouging were received and investigated. Subsequently, the Division opened 22 investigations and has, as of September 5, 2017, resolved 14 of those investigations to the benefit of Floridians through

settlements or litigation. Additional refunds have been obtained for consumers through investigative efforts and investigations remain ongoing.

### ***Vulnerable Populations***

Florida's large and growing elderly population is frequently targeted by fraudsters. The Division works with senior advocate organizations to prevent, identify and prosecute fraudulent scams directed at older victims. In particular, FDUTPA allows the Division to seek additional civil penalties against those who defraud victims 60 and older. With more than 90,000 active duty members and more than 1.5 million veterans residing in the state of Florida, another frequently targeted community is veterans and military members. As with seniors, FDUTPA allows the Division to seek additional civil penalties against those who defraud veterans and active duty military members. Additionally, in May 2017, the Division launched the Military and Veterans Assistance Program to directly serve the military community across the state by helping service members and veterans learn how to protect themselves from scams and file complaints.

### ***Multistate and Privacy***

With every major data breach, millions of consumers' personal identifying information becomes available for misuse by bad actors. Under the Florida Information Protection Act of 2014, the Office of the Attorney General was charged with tracking data breaches and their effect on Florida consumers. The Division is tasked with enforcing the law's requirements that businesses report breaches and notify affected consumers as well as determine whether the company had taken proper steps to avoid such a breach. Additionally, the Division's Multistate and Privacy Bureau coordinates with other state attorneys general to pursue massive, nationwide investigations against companies alleged to have defrauded consumers across the U.S.

### ***Mortgage Servicers***

In response to the mortgage foreclosure crisis of 2008, the Division investigated mortgage servicing and related businesses for misconduct in the handling of consumer mortgages and processes relating to defaulted loans and foreclosures. Following the National Mortgage Settlement in 2012 and similar agreements with two additional loan servicers in 2013, the Division established a Mortgage Servicing Unit in Tampa that reviews consumer complaints to ensure these companies are compliant with the settlements and assists consumers in obtaining a response and, if appropriate, a resolution from these servicers. Mortgage-related complaints remain a top concern and were the number 3 consumer complaint reported in the 2016 calendar year. Thus, in addition to compliance monitoring duties, the Unit investigates new allegations of loan servicer misconduct as well as scams related foreclosure relief or "rescue."

### ***Top Consumer Complaints***

The ever-changing landscape of fraudulent schemes and technologies that make them possible serve as a constant challenge. The top consumer protection-related complaints received in the 2016 calendar year included imposter scams, auto dealers and manufacturers, mortgage servicers and mortgage fraud, internet-related complaints such as online retailers and negative option subscription services, timeshares, builders and contractors, auto rentals, insurance, travel and hospital and medical bills. Additional ongoing initiatives include debt collection, tech support scams, rental car fee disclosures, negative options, corporate records scams, contractors and movers.

## *Staffing*

These consumer fraud issues continue to require substantial, meaningful investigation as well as negotiation or litigation when founded. As technology grows and allows fraudsters to engage in more frequent and more complex schemes, the Division remains under constant pressure to muster the necessary resources to combat them. The Division continues to be responsive to consumer complaints as well as works to assist consumers in resolving complaints in ever-growing issues or areas of significant consumer impact and to continually provide educational materials addressing deceptive practices and scams prevalent in our State. These everyday needs grow exponentially during declared states of emergency, when attention must be turned to urgent price gouging matters. Nevertheless, the Division continues to strive for excellence in addressing corporate misconduct and outright scams to continue to obtain the positive outcomes for Floridians, including injunctions against deceptive businesses and fraudsters as well as restitution to consumers. Additional staffing will continue to be necessary in the coming years as the Division expects to face increases in the number, type and complexity of consumer fraud investigations.



## **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***

Examples of recent case settlements include:

*D'Silva v. Destiny Owners Association*- This case concerned familial status discrimination. The Association allegedly discriminated against the D'Silvas and their son by imposing limitations on the use of facilities (fitness room, pool, etc.) by children under the age of eighteen (18). The D'Silvas filed a housing discrimination complaint with the U.S. Department of Housing and Urban Development (HUD), which was subsequently filed with the Florida Commission on Human Relations (FCHR) on the basis of familial status discrimination. 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.

*Tramutola v. Naples Harbour Club et al*- This case concerned familial status discrimination. The Prospective landlords allegedly discriminated against the Tramutolas by publishing Rules and Regulations that showed a preference for families without children. The Tramutolas filed a housing discrimination complaint with the U.S. Department of Housing and Urban Development (HUD), which was subsequently filed with the Florida Commission on Human Relations (FCHR) on the basis of familial status discrimination. 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.

### ***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. The Office is also a member of the United States Attorney for the Middle District of Florida's Hate Crimes Working Group.

### ***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, as well as 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 also sponsor its own informal dispute resolution program. These manufacturer-sponsored informal dispute resolution programs are run through private companies that contract to provide dispute resolution services to the motor vehicle manufacturers. In Florida, there are currently three programs operating: the Better Business Bureau's AUTOLINE, the National Center for Dispute Settlement, and CAP-Motors. These programs are operated pursuant to contracts between the company and the manufacturer. By statute, the program decisionmakers, in rendering their decisions, are to consider "all legal and equitable factors germane to a fair and just decision, including, but not limited to, the warranty; the rights and remedies conferred [under federal law]; the provisions of [the Lemon Law]; and any other equitable considerations appropriate under the circumstances." The manner in which the programs consider and apply these variables varies greatly.

A 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 that program before they can file a claim with the state-run New Motor Vehicle Arbitration Board. Responsibility for certification of these programs has been transferred to the Attorney General's office. Currently, the 10 manufacturer programs previously certified by the Department of Agriculture and Consumer Services have been provisionally certified by the Attorney General's office. Those provisional

certifications are in effect until September 30, 2017, and will be renewed for an additional six-month period. In addition, there are three manufacturers that have applied for certification. The Lemon Law Arbitration division will be developing standards for full certification, in order to finalize the status of the provisional certifications and act on the pending applications.

### ***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 2014-15. 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.

Finally, the program has seen a large increase in the number of consumers utilizing the Lemon Law

program who speak only Spanish. This impacts both staffing considerations, as we now need employees who are fluent in Spanish, and hearing procedures. While our rules currently require these consumers to provide their own interpreters, and provide guidance on the qualification of those individuals, we continue to see problems at hearings with consumers who bring unqualified interpreters to hearings. This results in added costs to the program, as well as delays in the process, because these hearings frequently must be continued and rescheduled, with additional guidance provided to the consumer in question. Consideration of alternatives to solving this problem need to be considered.

## **Opinions**

Section 16.01(3), Florida Statutes, sets forth the responsibility of the Attorney General to provide legal opinions. The Opinions Division serves to research and draft responses on behalf of the Attorney General. 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.

Additionally, 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.

As a direct means for obtaining legal advice, Attorney General Opinions may serve as an alternative to expensive litigation. Striving to respond in a timely manner in order to preserve the relevancy of the question posed is a primary objective of the Opinions Division. The Division has received a relatively constant flow of requests for an Attorney General opinion in recent years. This office has worked to reduce the time frame for responses, utilizing computerized databases, web-based legal research tools, a peer review process, and internal communication. The office's records management system also assists in the retrieval of archival files useful in the completion of current projects.

Attorney General Opinions issued from 1974 onward are available on the Department of Legal Affairs website. Opinions issued prior to 1974 are published in the bound volumes of the Attorney General Annual Report. 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.

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

### ***Overview***

The Criminal Appellate Division consists of the five regional Criminal Appeals Bureaus and one statewide Capital Appeals Bureau, which comprise the State’s appellate prosecution component of Florida’s criminal justice system. Each Bureau is governed by the core mission of the Attorney General’s Office, §16.01 (4), (6) Florida Statutes; specifically tasked with defending all state statutes under constitutional challenge, defending the Constitution of the State of Florida and the United States Constitution, handling state criminal appeals and federal habeas corpus litigation and appeals, and all extraordinary writs. The Attorney General’s Criminal Appellate Division defends all direct criminal appeals and post-conviction appeals in the state appellate courts and defends state judgments and sentences in post-conviction throughout the federal district and appellate courts in all federal habeas corpus litigation; litigates cases involving civil rights actions under §1983 in the state capital cases and litigates extraordinary writs in the United States Supreme Court.

Attorneys in this division are also assigned duties which include: drafting, reviewing and analyzing legislation; providing legal advice to the State Attorneys’ Offices and informing and protecting the rights of all victims of crime, as set forth in the Declaration of Rights found in Article I, Section 16, Constitution of Florida.

In summary, the Criminal and Capital Appeals Bureaus constitute the state’s appellate arm in the criminal justice system. Unlike the limited jurisdiction of the state attorneys’ and public defenders’ offices statewide, the Attorney General’s Criminal Division defends all criminal judgments and sentences imposed by the state trial courts against all challenges filed by the defense, including public defenders’ offices, private defense lawyers, the regional conflict counsels’ offices, the capital collateral regional counsels’ offices and pro se defendants. Additionally, attorneys in the criminal bureaus also initiate appellate review in cases where adverse rulings occur against the State that emanates from the state trial or appellate courts or federal courts. Not surprisingly, there is a significant difference between the caseloads handled by the various defense entities and the much larger criminal caseloads in this office due to the scope of litigation responsibilities in state and federal courts.

### ***Criminal Appeals***

The Criminal Appeals Division is comprised of five statewide bureaus located in close proximity to the District Courts of Appeal (DCA) in Tallahassee (1<sup>st</sup> DCA), Tampa (2<sup>nd</sup> DCA), Miami (3<sup>rd</sup> DCA), West Palm Beach (4<sup>th</sup> DCA) and Daytona (5<sup>th</sup> DCA). Each bureau is assigned to the state attorneys’ offices within the specific districts, and handles all appeals emanating from the counties comprising those districts. Although the Criminal Bureaus normally exceeds the 19,000 opened cases/standard caseload each year, this reporting period opened less than the standard. In FY 2015-2016, the Criminal Appeals Bureaus opened **21,708** cases. The actual workloads handled during this period were still excessive when the *current open active* cases are added to the number of cases opened for this period. Approximately **25,398** cases were processed in some detail for FY 2015-2016.

Included in the criminal appeals numbers are the active sexual predator/Ryce commitment appeals assigned to designated attorneys statewide. Because these cases are captured by using the “Ryce” or “sexual predator” or “sexual offender” terms in searching the database, the *current* open cases are **45** due to limitations of the available database. The numbers of Ryce cases are fewer each year, because



the well-vetted litigation which has resulted in clear rules as to the process and refined the nature and issues of the appeals generated. This is not surprising in that most of the litigation occurs in the trial courts and does not generate a plethora of appeals.

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

The added resources provided in the past have enhanced the ability of the attorneys and staff to, timelier, handle the large number of appeals each year. Criminal appeals are being processed in less time, thus lessening the delays in the completion of the appellate process.

### ***Capital Appeals***

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

The statewide Capital Appeals Bureau also exceeds the approved standard of 200 cases. While **501** cases were opened in Fiscal Year 2015-2016, actually **783** cases were processed, exceeding workload standards based on a more comprehensive tabulation.

On January 12, 2016, the U.S. Supreme Court, decided *Hurst v. Florida*, 136 S.Ct. 616 (2016), determining that Florida's sentencing process violated *Ring v. Arizona*, because a jury not a trial judge must determine that a defendant is death eligible under the Sixth Amendment to the U.S. Constitution. As a result, from July, 2016, through June 2017, no new warrants were signed due to the *Hurst* decision as determined by the Florida Supreme Court in *Hurst v. State*, 202 So.3d 40 (2016).

The Florida Supreme has now decided the extent of the impact the *Hurst v. Florida*, decision. The Court held that *Hurst v. Florida*, applied to all cases post-*Ring*, the pipe line cases. As to cases which were final prior to the U.S. Supreme Court decision in *Ring*, the Court held that *Hurst v. Florida*, did not apply. As a result of the Florida Supreme Court's opinion, a plethora of litigation has occurred in the trial courts, the Florida Supreme Court and the federal courts as to whether *Hurst v. Florida*, applies to an individual case. The copious *Hurst* litigation which has occurred continues, resulting in supplemental briefs filed in the Florida Supreme Court by these defendants, -- both in the state trial courts, the Florida Supreme Court and the federal courts. Additionally, ancillary issues regarding the impact of the 2016 Legislation modifying the death penalty procedures has created a significant litigation as to its application to those inmates whose sentences are final.

## **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 those 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 the 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 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, 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.

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, Torts, E-Discovery and Litigation Support. 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 44,900 cases during the 2016-2017 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 2,356 cases with 14,681 hearings during the 2014-2015 Fiscal Year. In Hillsborough County, the Bureau handled 2,200 cases with 12,173 hearings during the same period. In total, Children's Legal Services has handled 4,570 cases and 32,935 hearings during Fiscal Year 2014-2015.

### ***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.

In addition, this 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.

### ***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.

### ***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 2016-2017, the Medicaid Fraud Control Unit issued 75 warrants for arrests, and reported 68 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 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 – 14 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)
- State Attorney's Office - First Judicial Circuit
- United States Postal Service - Office of Inspector General (USPS-OIG)
- Florida Department of Law Enforcement (FDLE)
- Florida Department of Financial Services - Division of Insurance Fraud
- Federal Deposit Insurance Corporation (FDIC)
- Escambia County Sheriff's Office
- Santa Rosa County Sheriff's Office
- Okaloosa County Sheriff's Office
- Walton County Sheriff's Office
- Better Business Bureau (BBB)
- Local bank and credit union representatives

*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)

**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

*Medicaid Nexus Group- 2 members*

Florida Medicaid Fraud Control Unit (MFCU)  
Department of Homeland Security

**SOUTHERN REGION** –

*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

*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)  
Department of Financial Services – Division of Insurance Fraud

*Managed Care Quarterly Meetings*

Florida Medicaid Fraud Control Unit (MFCU)  
Agency for Health Care Administration (AHCA)  
Compliance and Special Investigative Units (SIU) of Managed Care Plans

*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 administers financial assistance to victims who suffer economic losses; medical and mental health expenses; burial expenses; domestic violence, sexual battery, and human trafficking relocation; tangible property losses; and pays for sexual battery forensic examinations. During State Fiscal Year 2016-17, the office received 21,171 claims, which is 0.09% more than the previous year. The average processing time from receipt of a claim through initial payment totaled 31.64 days which is an increase of 7.95%. The bureau also maintains a toll-free information and referral service (1-800-226-6667) using an Automated Call Distribution phone system, and maintains designated lines for bilingual callers and treatment providers. A total of 108,350 calls were processed which is a decrease of 14.69% over the previous year.

### ***Victim Advocacy***

The Victims of Crime Act (VOCA) grants specialists monitor grant activities to ensure compliance with federal and state laws and regulations. The current ratio is approximately 30 grants per employee. A total of 482,363 victims received services through VOCA-funded private or public organizations or agencies during FY 2016-17. 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 1,199 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 and is provided by FCPTI. 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, pill mills and human trafficking. 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. Also, we organize and facilitate the annual Preventing Crime in the Black Community Conference, which was held this year in Orlando, Florida, along with the Human Trafficking Summit, which was cancelled last year due to a hurricane.

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

During Fiscal Year 2016-17, this office conducted training courses, for law enforcement and other public and private sector organizations with 3,531 individuals participating. These trainings included Crime Prevention, Crime Prevention through Environmental Design, Elderly crime, School Resource Officer, and Victim Services. Participation in Florida Crime Prevention Training Institute courses continue to be adversely impacted by the reduced funding for training at the local level.

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). However, the Bureau staff continued to handle the administrative

responsibilities of the Act during Fiscal Year 2016-17. Proper funding needs to be provided to administer this program or 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.

### ***Crime Stoppers***

There are twenty-eight Crime Stoppers organizations currently serving sixty-three of Florida’s sixty-seven 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 should receive an on-site monitoring visit once every three years, at minimum, regardless of the grant award amount. However, due to continued staffing issues, the on-site monitoring has not been accomplished.

Success over the past five 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 \$4,327,194 for Fiscal Year 2016-2017.

### ***Urban League***

The Florida Consortium of Urban League Affiliates received a state appropriation of \$3,179,247 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 ag



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

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**Performance  
Measures and  
Standards**

**LRPP Exhibit II**

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

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

**41100400 Victim Services**

Approved Performance Measures for FY 2016-17 (Words)	Approved Prior Standards for FY 2015-16 (Numbers)	Prior Year Actual FY 2016-17 Standard (Numbers)	Approved Standards for FY 2017-18 (Numbers)	Requested FY 2018-19 Standard (Numbers)
Number of victim compensation claims received	21,000	21,171	21,000	21,000
Number of days from application to payment of victim compensation claim	45	32	45	45
Number of victims served through grants	200,000	482,363	200,000	200,000
Number of people attending victims and crime prevention training	4,000	3,531	3,500	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 2017-18 (Words)	Approved Prior Standards for FY 2016-17 (Numbers)	Prior Year Actual FY 2016-17 Standard (Numbers)	Approved Standards for FY 2017-18 (Numbers)	Requested FY 2018-19 Standard (Numbers)
Percent of eligible attorneys, who have attained AV rating, BV rating, and or board certification	70%	25%	70%	70%

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

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

Approved Performance Measures for FY 2017-18 (Words)	Approved Prior Standards for FY 2016-17 (Numbers)	Prior Year Actual FY 2016-17 Standard (Numbers)	Approved Standards for FY 2017-18 (Numbers)	Requested FY 2018-19 Standard (Numbers)
Number of active antitrust cases	62	118	62	62
Number of active consumer protection cases, including RICO cases	186	449	200	250
Number of active civil rights cases	42	42	42	42
Percent of lemon law cases resolved in less than one year	95%	96%	95%	95%
Number of repurchase disclosure/enforcement cases	1,400	1,508	1,400	1,400
Number of active lemon law cases	450	591	450	450
Number of capital cases - briefs/state & federal responses/oral arguments	200	783	200	200
Number of noncapital cases - briefs/state & federal responses/oral arguments	19,000	25,398	19,000	19,000
Number of active sexual predator commitment appeals	150	40	50	40
Number of days for opinion response	28	14	28	28
Number of opinions issued	150	120	150	150
Number of active Medicaid Fraud cases	900	930	900	850
Number of hearings held before the court- Children's Legal Services	32,000	44,664	32,000	32,000
Number of active ethics cases	120	336	120	120
Number of active child support enforcement cases	65,000	44,900	65,000	65,000
Number of active eminent domain cases	50	107	50	50
Number of active tax cases	800	1,329	800	800
Number of active Solicitor General cases	390	368	390	390
Number of active civil appellate cases	323	1,058	323	323
Number of active inmate cases	1,651	1,836	1,651	1,651
Number of active state employment cases	113	120	113	113

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

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**Assessment of  
Performance for  
Approved  
Performance  
Measures**

**LRPP Exhibit III**

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** 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%	25%	66% under	65%

**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:** Attorney General  
**Program:** Criminal Appellate Division-Ryce Cases  
**Service/Budget Entity:** General Revenue  
**Measure:** Handling core mission

**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	45	-105	-66%

**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. The appellate litigation from these civil commitment cases depends upon release dates and whether cause has been shown to support further commitment. Because in years past the litigation has been more robust, the cases that result in an appeal has diminished significantly. Changes are being made to reduce the approved standard to properly reflect the differences in appellate activities in this specialty area.

**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.

*Office of Policy and Budget – July 2017*



## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department: Legal Affairs**

**Program: Office of the Attorney General - Constitutional Legal Services**

**Service/Budget Entity: Opinions Division**

**Measure: Number of Opinions Issued**

**Action:**

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
150	120	30	20

**Factors Accounting for the Difference:**

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

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

**Explanation:**

Actual requests dropped from 178 (FY 2015-16) to 120 (FY 2016-17).

**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 checked="" 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:**

Two factors appear to have influenced performance result: 1) readily available web-based research affects need to contact the Attorney General and 2) informal telephone discussions assist in the resolution.

**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:**

Identification and calculation of number of telephone conversations which provide assistance to public officials and agencies.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department: General Civil**

**Program: Child Support Enforcement**

**Service/Budget Entity:** DOR/CSE APPELLATE/CONFLICT CASES A9901 (41608020000)  
 CHILD SUPPORT ENFORCEMENT LEON (41608000000)  
 CSE/DOR CONFLICT CASES TAMPA AREA COUNTIES (41608013000)  
 DOR/CSE BROWARD (41608017000)

**Measure: FY 2016-2017**

**Action:**

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
65,000	44,900	-20,100	31%

**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:**

N/A

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

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Resources Unavailable                    | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input 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:**

Since the implementation of the Department of Revenue's automated system (CAMS) in 2012, the amount of cases/referrals has decreased. OAG cannot take action on a case without a referral from DOR; OAG processes all referrals that are received from DOR. Additionally, the Department of Revenue has made changes to their procedures and now attempt to resolve a certain amount of their cases administratively in lieu of referring them to OAG for judicial action.

**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:**

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

*Office of Policy and Budget – July 2017*

## 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	368	-22	-5%

**Factors Accounting for the Difference:**

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

- |   |  |
|---|--|
| <input type="checkbox"/> Personnel Factors                      | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities                   | <input type="checkbox"/> Level of Training |
| <input 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.

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

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**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 2017*

## **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 2017*

## **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 2017*



## **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 2017*

**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 2017*

**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:**

**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:**

**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 2017*

## **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 2017*

## **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 2017*

**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 2017*



## **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 2017*

## **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 2017*

**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 2017*

## **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 2017*

## **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 2017*

**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:**

## **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 2017*

**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:**



## **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 2017*

## **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 2017*

## **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 2017*

## **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 2017*

**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:**

**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 2017*

## **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 2017*

## **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 2017*



## **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 2017*

**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 2017*

**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 2017*

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

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**Associated Activities  
Contribution to  
Performance  
Measures**

**LRPP Exhibit V**

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

Measure Number	Approved Performance Measures for FY 2017-18		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 2017-18		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 2017-18	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 2017-18		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**

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**Agency-Level Unit  
Cost Summary**

**LRPP Exhibit VI**

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL		FISCAL YEAR 2016-17			
SECTION I: BUDGET		OPERATING		FIXED CAPITAL OUTLAY	
TOTAL ALL FUNDS GENERAL APPROPRIATIONS ACT			308,599,318	0	
ADJUSTMENTS TO GENERAL APPROPRIATIONS ACT (Supplementals, Vetoes, Budget Amendments, etc.)			-42,606,945	0	
FINAL BUDGET FOR AGENCY			265,992,373	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 Active Lemon Law Cases		591	2,847.82	1,683,064	
Child Support Enforcement * Number of final orders obtained representing the Department of Revenue in child support enforcement proceedings.		44,900	173.95	7,810,311	
Antitrust * Number of cases enforcing provisions of the Antitrust Act		118	33,058.34	3,900,884	
Racketeer Influenced And Corrupt Organization (rico) Consumer Fraud * Cases enforcing the Racketeer Influenced and Corrupt Act and Unfair and Deceptive Trade Practices Act.		450	24,850.46	11,182,708	
Commission On Ethics Prosecutions * Number of cases prosecuted before the Florida Commission on Ethics		336	872.78	293,254	
Medicaid Fraud Control * Number of cases investigated involving Medicaid fraud activities		930	20,281.50	18,861,792	
Children's Legal Services * Number of cases representing the Department of Children and Families in juvenile dependency and termination of parental rights proceedings		44,664	206.98	9,244,408	
Civil Rights * Number of cases investigated and prosecuted involving violations of civil rights		42	16,632.05	698,546	
Solicitor General And Complex Litigation * Number of cases		519	3,727.07	1,934,351	
Opinions * Number of Opinions Issued		120	6,049.83	725,980	
Cabinet Support Services * Number of Cabinet Meetings		11	46,235.82	508,594	
Eminent Domain * Cases representing the Department of Transportation and other government agencies in eminent domain proceedings.		107	4,165.97	445,759	
Sexual Predator Civil Commitment Appeals * Number of cases		40	7,068.40	282,736	
Non-capital Criminal Appeals * Number of cases - non-capital appellate litigation		25,398	623.96	15,847,289	
Capital Appeals * Number of cases - capital appellate litigation		783	3,970.74	3,109,088	
Administrative Law * Number of cases		550	4,669.91	2,568,452	
Tax Law * Number of cases enforcing, defending and collecting tax assessments		1,329	1,150.59	1,529,133	
Civil Litigation Defense Of State Agencies * Number of cases defending the state and its agents in litigation of appellate, corrections, employment, state programs and tort.		4,283	2,495.88	10,689,845	
Grants-victims Of Crime Advocacy * Number of victims served through grants.		482,363	76.48	36,891,992	
Victim Notification * Number of criminal and capital appellate services provided		10,775	184.45	1,987,467	
Victim Compensation * Number of victim compensation claims recieved		21,171	895.93	18,967,642	
Minority Crime Prevention Programs * Number of crime prevention programs and local funding initiative assisted		9	1,020,947.56	9,188,528	
Grants-crime Stoppers * Number of Crime Stopper agencies assisted		27	173,351.15	4,680,481	
Crime Prevention/Training * Number of people attending training		3,531	151.40	534,589	
Investigation And Prosecution Of Multi-circuit Organized Crime * Annual volume of investigations handled		932	8,717.47	8,124,686	
Prosecution Of Violations Of The Florida Election Code * Number of cases handled.		934	1,505.71	1,406,333	
TOTAL				173,097,912	
SECTION III: RECONCILIATION TO BUDGET					
PASS THROUGHS					
TRANSFER - STATE AGENCIES					
AID TO LOCAL GOVERNMENTS					
PAYMENT OF PENSIONS, BENEFITS AND CLAIMS					
OTHER					
REVERSIONS				92,894,354	
TOTAL BUDGET FOR AGENCY (Total Activities + Pass Throughs + Reversions) - Should equal Section I above. (4)				265,992,266	

### 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.

NUCSSP03 LAS/PBS SYSTEM  
BUDGET PERIOD: 2008-2019  
STATE OF FLORIDA

SP 09/14/2017 19:14  
SCHED XI: AGENCY-LEVEL UNIT COST SUMMARY  
AUDIT REPORT LEGAL AFFAIRS/ATTY GENERAL

-----  
ACTIVITY ISSUE CODES SELECTED:

TRANSFER-STATE AGENCIES ACTIVITY ISSUE CODES SELECTED:

1-8:

AID TO LOCAL GOVERNMENTS ACTIVITY ISSUE CODES SELECTED:

1-8:

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

\*\*\* NO ACTIVITIES FOUND \*\*\*

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

\*\*\* NO OPERATING CATEGORIES FOUND \*\*\*

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

\*\*\* NO ACTIVITIES FOUND \*\*\*

-----  
TOTALS FROM SECTION I AND SECTIONS II + III:

DEPARTMENT: 41	EXPENDITURES	FCO
FINAL BUDGET FOR AGENCY (SECTION I):	265,992,373	
TOTAL BUDGET FOR AGENCY (SECTION III):	265,992,266	
	-----	-----
DIFFERENCE:	107	
(MAY NOT EQUAL DUE TO ROUNDING)	=====	=====

# Glossary of Terms

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

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

Cabinet: 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

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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 2017-18 through FY 2021-22**



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

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



# MISSION

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

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

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

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

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

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

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

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**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 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
199	95	150	150	150	150

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

**Outcome:** Total number of defendants charged

Baseline/Year 2000-01	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
338	300	380	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 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
729	675	700	700	700	700

**Objective B:** Seek effective case results

**Outcome:** Number of defendants convicted

Baseline/Year 2000-01	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
410	385	385	385	385	385

**Outcome:** Conviction Rate

Baseline/Year 2000-01	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
90%	90%+	90%+	90%+	90%+	90%+

## **Office of Statewide Prosecution**

### ***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***

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

### ***Major Prosecutorial Efforts***

One of the primary focuses 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 also with federal authorities. This effort continues, and has contributed to reported reductions in the level of abuse of highly addictive prescription drugs.

The Office of Statewide Prosecution continues its commitment of significant time and resources to investigate and prosecute criminal gangs using the state's RICO laws. This focus will

continue throughout the state in the years ahead. This effort continues to result in significant dispositions involving long term prison sentences.

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. 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, as well as the continuing and growing problems of synthetic drugs and identity theft.

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

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**Performance  
Measures and  
Standards**

**LRPP Exhibit II**



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

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

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

Approved Performance Measures for FY 2016-17 (Words)	Approved Prior Standards for FY 2016-17 (Numbers)	Prior Year Actual FY 2016-17 Standard (Numbers)	Approved Standards for FY 2017-18 (Numbers)	Requested FY 2018-19 Standard (Numbers)
Conviction rate for defendants who reached final disposition	90%	96%	90%	90%
Of the defendants who reached disposition, the number of those convicted	350	512	350	350
Total number of requests for assistance	300	369	300	300
Total number of active cases	800	932	800	800
Total number of defendants charged	400	410	400	400

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

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**Performance Measure**  
**Validity and**  
**Reliability**

**LRPP Exhibit IV**

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

**Department:** Department of Legal Affairs

**Program:** Office of Statewide Prosecution

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

**Measure:** Conviction rate for defendants who reached 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 2017*

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

**Department:** Department of Legal Affairs

**Program:** Office of 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 2017*

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

**Department:** Department of Legal Affairs

**Program:** Office of 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:**

*Office of Policy and Budget – July 2017*

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

**Department:** Department of Legal Affairs

**Program:** Office of 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 2017*

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

**Department:** Department of Legal Affairs

**Program:** Office of 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**

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**Associated Activities**  
**Contributing to**  
**Performance**  
**Measures**

**LRPP Exhibit V**



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

Measure Number	Approved Performance Measures for FY 2017-18		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 - Drugs
			Investigation and Prosecution of Multi-Circuit Organized Crime

## Exhibit VI

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

## **Glossary of Terms and Acronyms**

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



**FLORIDA ELECTIONS COMMISSION**

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

**LONG RANGE PROGRAM PLAN**

Florida Elections Commission  
Tallahassee, Florida

September 18, 2017

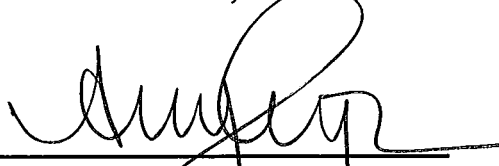
Cynthia Kelly, Director  
Office of Policy & Budget  
Executive Office of the Governor  
1701 Capitol  
Tallahassee, Florida 32399-0001

JoAnne Leznoff, Staff Director  
House Appropriations Committee  
221 Capitol  
Tallahassee, Florida 32399-1300

Mike Hansen, 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 2018-19 through Fiscal Year 2022-2023. The internet website address that provides the link to the LRPP located on the Florida Fiscal Portal is [www.fec.state.fl.us](http://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 2018-19 through 2022-23**

## **FLORIDA ELECTIONS COMMISSION**



**September 2017**

# **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 percentage of cases in which the Commissions finds a violation after it finds 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 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
80%	80%	80%	80%	80%	80%

**Objective B:** Maintain a high percentage of cases in which the Commission finds a violation after it finds probable cause.

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

Baseline/Year 2010	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
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.<sup>1</sup>

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 Chief of Staff, a General Counsel, two Associate General Counsels, an Investigations Manager, five Investigators, 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"

<sup>1</sup> Section 105.071, F.S., which prescribes limitations on political activities of judicial candidates, 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. In 2010, the Commission found that it did not have jurisdiction over a case alleging a violation of Section 105.071, Florida Statutes, and complaints making such allegations have been dismissed as legally insufficient since that time. Over several years, 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 it closes in a timely manner. Specifically, it is the Commission's objective to close at least 80% of its cases within 12 months.

For FY 16/17, the Commission closed 91% of its cases within one year.

#### *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 or after 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.<sup>2</sup>

### **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

<sup>2</sup> FY 14/15: 96%; FY 15/16 92%; FY 16/17: 99%; Standard is 90%.

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.



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

**Department: Department of Legal Affairs**

**Program: Florida Elections Commission**

**Service/Budget Entity: Florida Elections Commission / Campaign Finance**

**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:**

**N/A**

**Validity:**

**Reliability:**

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

Measure Number	Approved Performance Measures for FY 2017-18 (Words)		Associated Activities Title
1	Percentage of cases that are closed within 12 months.		Campaign Finance and Election Fraud Enforcement
2	Percentage of cases the commission closes in which it finds violations or offenses.		Campaign Finance and Election Fraud Enforcement
3	Ratio of active cases to attorneys.		Campaign Finance and Election Fraud Enforcement
4			
5			

Office of Policy and Budget – July 2017

# **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

<b>Commission</b>	Florida Elections Commission
<b>FEC</b>	Florida Elections Commission
<b>FTE</b>	Full Time Equivalent
<b>FY</b>	Fiscal Year