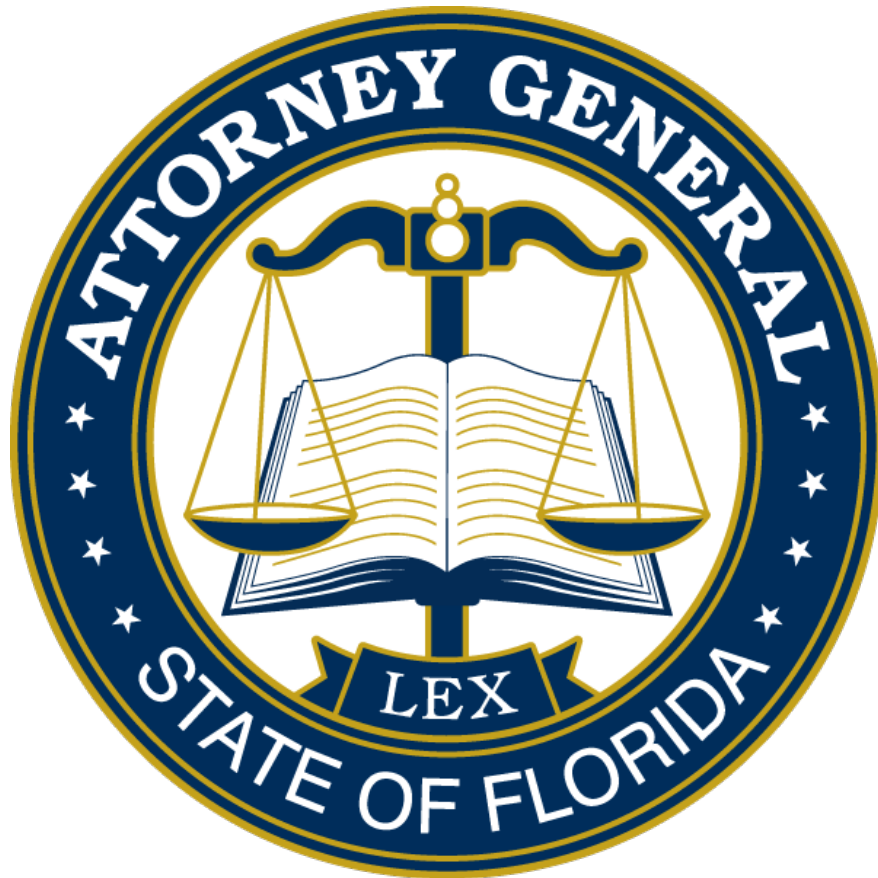


Long Range Program Plan FY 2022-23 through FY 2026-27



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

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



ASHLEY MOODY
ATTORNEY GENERAL
STATE OF FLORIDA

OFFICE OF THE ATTORNEY GENERAL

PL-01 The Capitol
Tallahassee, FL 32399-1050
Phone (850) 414-3300
<http://www.myfloridalegal.com>

Long Range Program Plan

Department of Legal Affairs

September 30, 2021

Chris Spencer, Policy Director
Office of Policy and Budget
Executive Office of the Governor
1603 Capitol
Tallahassee, Florida 32399-0001

Eric Pridgeon, Staff Director
House Appropriations Councils
221 Capitol
Tallahassee, Florida 32399-1300

Tim Sadberry, Staff Director
Senate Appropriations Committee
201 Capitol
Tallahassee, Florida 32399-1300

Dear Directors:

Pursuant to Chapter 216, Florida Statutes, our Long Range Program Plan for the Department of Legal Affairs is submitted in the format prescribed in the budget instructions. The information provided electronically and contained herein is a true and accurate presentation of our mission, goals, objectives and measures for the Fiscal Year 2022-23 through Fiscal Year 2026-27. 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 Ashley Moody.

Sincerely,

Sarah Nortelus
Deputy Director of Administration

AGENCY MISSION

Florida's Law Firm

Program: Office of the Attorney General Goals

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

GOAL #2: To improve service delivery to all crime victims.

Program: Office of the Attorney General

Objectives

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

Objective A: Improve the recruitment and retention of highly skilled Attorneys.

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

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

Objective D: Increase client satisfaction.

GOAL #2: To improve service delivery to all crime victims.

Objective A: Increase the efficiency in processing victim compensation claims.

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

Program: Office of the Attorney General

Service Outcomes & Performance

Projections Tables

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

Objective A: Improve the 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 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
60th percentile	90th percentile	90th percentile	90th percentile	90th percentile	90th percentile

Objective B: Broaden the 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 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
70%	75%	75%	75%	75%	75%

Objective C: Decrease the 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 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
30%	63%	63%	63%	64%	64%

Objective D: Increase client satisfaction.

Outcome: Percent increase in client satisfaction.

Baseline/Year 2001	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
90%	98%	98%	98%	98%	98%

Outcome: Maintain practice standard of 1,800 hours per year per attorney.

Baseline/Year 2003	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
1600+	1800+	1800+	1800+	1800+	1800+

GOAL #2: To 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 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
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 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
219	242	242	243	243	243

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

Baseline/Year 1999	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
135	815	815	815	815	815

ANTITRUST (AND COMPLEX ENFORCEMENT) DIVISION

Antitrust Enforcement Role and Statutory Authority

The Antitrust Division 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 investigative authority, including the power to investigate matters involving alleged restraints of trade and potential unlawful monopolies or conspiracies to monopolize. The latter provisions include the ability to review proposed mergers that may have a potential anti-competitive impact upon the state and its citizens. The statute specifically authorizes the Attorney General to 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, as well as obtain the appropriate injunctive or other equitable relief.

Additional Statutory Authority:

Securities Enforcement, Complex Civil Enforcement, and False Claims

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 Division also pursues civil complex enforcement of the Consumer Protection and Racketeering laws (Chapter 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, in 2013, Chapter 68, Florida Statutes, was amended 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 and one support staff FTE assigned to pursue those claims.

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 certain markets or industries, be held 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 violations caused by individual or corporate misconduct and that the conduct is stopped. In its false-claims enforcement role, the Division's focus is on recovering lost taxpayer dollars due to false claims regarding 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 active as of June 30, 2021 was 107. The number of matters closed by the Division in Fiscal Year 2020-2021 was 19 and 21 new matters were opened.

Recoveries

In Fiscal Year 2020-21, the Antitrust Division recovered \$246,207,123.19 from six major cases (including one, auto parts, with many related matters and the Tobacco litigation) up significantly from the \$27,318,541.85 from nine major cases in Fiscal Year 2019-20. It is not unusual for recoveries to fluctuate from year to year, as antitrust cases are more complicated and often take longer to resolve.

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. While not all proposed mergers and acquisitions are reviewed by the Attorney General's Office, those that may have a particularly anticompetitive impact in Florida or on Florida consumers, are closely scrutinized by the Division. These reviews are necessary and in the public interest, but do not typically generate any funding for the Legal Affairs Revolving Trust Fund, because fees and costs are not generally compensable.

Second, when there is an economic downturn as was experienced in 2008 and now during the COVID-19 crisis, 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. 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 been criticized for not being more aggressive in their enforcement efforts, which has put even more pressure on the states to stay aggressive in their collective efforts. As they have done for more than three decades, state attorneys general focus on those cases that most affect their state agencies and consumers, and the Antitrust Division continues to marshal all available resources to fulfill its enforcement mandate for the benefit of Floridians. In the past year there have been increased calls for legislative changes at both the

state and federal level to improve antitrust enforcement.

The fourth major trend is related to the need of the Division to step in on certain complex consumer protection cases from time to time. While these efforts are important to protect the public, there is no opportunity for the enforcer to collect fees and costs to compensate for the time and resources put into the enforcement activity as the defendant is usually defunct and the focus of recovery is on restitution to victims. This activity places additional burden on resources, as the Antitrust Division is entirely trust-funded and relies on the collection of reasonable fees and costs from its successes to replenish the fund.

To reduce duplication of effort and otherwise preserve its limited resources, the Division 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, 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 use of resources and can take years to resolve.

A fifth trend relates to the complexity of cases handled by the Division. Recent court decisions have imposed additional pleading and proof requirements upon plaintiffs to survive dismissal and summary judgment. Defendants have been increasing their requests for discovery from the state agencies on whose behalf we seek to recover. Certain kinds of damages cases have resulted in complicated settlement allocation and distribution models that can be difficult to achieve and expensive to administer. In some instances, it is becoming too costly to pursue lengthy antitrust cases that are less likely to sufficiently compensate consumers, public agencies and the Division.

Finally, a sixth recent development, that is expected to limit what the Division may accomplish on the antitrust enforcement side, came near the end of the 2016-17 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 the OAG currently and requires an all-hands-on-deck approach. Although, there is the possibility that some of the defendants may settle soon, it is expected that this matter will continue to require significant staffing and financial resources for the foreseeable future.

Division Highlights

During fiscal year 2020-21 the Division filed several major antitrust cases alleging anticompetitive conduct, including monopolization, against Facebook and Google. Additionally, the states' third complaint in the Generic Drug Price-Fixing litigation focusing on dermatological drugs, was chosen as the bellwether case for trial.

As noted above, not all cases handled by Antitrust generate monetary recoveries. 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. In these cases, the focus of the review is on whether the proposed merger may have anticompetitive effects in Florida markets. Of the 130 active cases worked by the Division in Fiscal Year 2020-21, at least 11 were merger reviews. Such reviews are intended to ensure that the proposed mergers will not adversely affect competition and typically do not result in any dollar recoveries, including recoveries for fees and costs. Despite efforts to reduce costs by sharing resources with other states or federal agencies, these reviews can be very resource-intensive and time-consuming.

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, than seeking a monetary recovery. These cases include some securities violations, and construction defect cases. All tend to be extremely complex matters, requiring significant resources, including the hiring of experts, 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 for victim restitution.

Staffing Needs

As noted above, as cases become more complex, they take longer to resolve. Additionally, the Division over the last decade has taken on securities, false claims, and select complex consumer protection cases in addition to maintaining its workload in antitrust enforcement. As a result, it is anticipated that if this trend continues, which is likely until separate units are established, additional attorney and paralegal FTEs may be needed over the next 3-5 years.

CONSUMER PROTECTION DIVISION

The Consumer Protection Division 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 and businesses 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 and state and federal enforcement agencies in joint enforcement efforts. In conjunction with its authority under FDUTPA, the Division also has authority to enforce a number of 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. The Attorney General also has direct enforcement authority of other state laws related to consumer protection and certain federal rules and statutes related to consumer protection.

Deceptive and Unfair Trade Practices

The primary enforcement tool of the Division is Chapter 501, Part II, 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. 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 2020-21 Fiscal Year, the Division opened a total of 79 cases (55 were new investigation cases assigned with an L#, 10 were cases involving enforcement of prior settlements or judgments and were assigned an E#, and 14 were Monitoring cases assigned an M#). The Division closed 85 cases and recovered over \$ 49 million in restitution, charitable contributions and other consumer relief, and over \$19 million in penalties and fees and costs. As of July 1, 2021, the Division has a total of 256 active L# investigations, with 48 of these cases in litigation, and an additional 7 cases involving litigation regarding subpoenas. In addition, there are currently 71 Enforcement cases, 42 Monitoring cases, and more than 25 matters under initial review. The monitoring cases include businesses that typically generate a high volume of consumer complaints, but no potential violation has yet been identified, and cases that have been resolved but the Division continues to monitor certain compliance obligations or payments being made over time pursuant to the terms of the settlement.

Price Gouging

When the Governor declares a state of emergency, the Division enforces the state's price gouging laws and any other violations of the Deceptive and Unfair Trade Practices Act, such as subsequent repair and recovery scams statewide, relating to the emergency. To curb these predatory practices and enforce Florida's price-gouging statute, the office has established a toll-free hotline and smartphone application 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.

During the 2020-2021 FY, the OAG received 1,134 potential price gouging reports relating to eight different states of emergency—six of which were declared during this fiscal year and two, Hurricane Michael and Covid-19, that were declared in the prior fiscal year and carried over to this year. We also received 2,561 consumer inquiries this fiscal year related to non-essential commodities during the Covid-19 state of emergency.

In this fiscal year, the Division opened five price gouging investigations resulting from Covid-19, one price gouging investigation resulting from the Colonial Pipeline, and 40 preliminary investigations resulting from various states of emergency. During the fiscal year, the Division resolved 15 price gouging investigations related to Covid-19, one investigation related to the Colonial Pipeline, and one investigation each for Hurricanes Irma, Mathew, Hermine, and Michael. These actions resulted in restitution for consumers totaling \$606,459.12, over \$61,000 in investigative costs, and \$25,750 in penalties. In addition, the Division recovered over \$2.9 million in voluntary refunds and credits for consumers who filed complaints against businesses relating to event and travel cancellations and other issues arising from Covid-19, \$550 in voluntary refunds and credits for consumers related to Tropical Storm Eta inquiries, and \$2,669 in voluntary refunds and credits for consumers related to Hurricane Sally inquiries, for a total of over \$3.5 million in restitution, refunds and credits across all states of emergency during the fiscal year.

Vulnerable Populations

Seniors -- The Division works with senior advocate organizations to prevent, identify and prosecute fraudulent scams directed at Florida's seniors. In particular, FDUTPA allows the Division to seek additional civil penalties against those who defraud victims 60 and older. Attorney General Moody launched the Senior Protection Team (SPT) initiative in 2019. It is currently staffed in CP with one Financial Investigator dedicated entirely to work on SPT complaints, a SPT Supervisor, 3 SPT Analysts, 1 OPS Investigative Research Assistant, and additional CP staff assigned to aid the SPT team. Through this initiative, the Division has enhanced its intake and tracking process for consumer complaints alleging illegal business practices that disproportionately impact Florida seniors or cause significant financial harm to seniors. The Division works closely with law enforcement, the Office of Statewide Prosecution, and local prosecutors to coordinate review and enforcement of SPT issues. The Division also works closely with other state agencies and the Senior v. Crime Project to refer and follow up on SPT complaints and issues. In addition, the Division is participating in numerous outreach events to the senior community and training to other agencies, law enforcement, and Senior v. Crime volunteers.

During FY 2020 - 2021, the Division received and processed over 1100 SPT consumer complaints. Through the handling of those complaints, the unit opened numerous investigations and assisted with more than \$165,000 in financial relief for seniors. Settlements of CP investigations impacting Florida seniors resulted in over \$700,000 in civil penalties.

Military and Veterans -- Nearly 100,000 active duty and selected reserve military members and more than 1.5 million veterans call Florida home. FDUTPA allows the Division to seek additional civil penalties against those who commit fraud or deceptive practices targeted at veterans or service members and their families. Since its launch in 2017, the Division's Military and Veterans Assistance Program ("MVAP") has been assisting the military community across the state by providing resources to servicemembers and veterans to protect them from scams. A dedicated MVAP team within CP reviews complaints from servicemembers and veterans to assist with resolving the complaint and to identify potential CP enforcement issues. The MVAP team has established relationships with other governmental agencies, military leadership, legal aid offices, and veterans' services offices throughout the state to ensure Florida veterans have every resource available to assist them. The Division also works with the Florida Veterans Legal Helpline, which offers a free statewide legal service for eligible Florida veterans and their families. As part of its mission to educate servicemembers, MVAP participates in outreach events and publishes an annual Military Consumer Protection Resource Guide that provides information related to scams targeting servicemembers and resources to support our servicemembers and veterans.

This Fiscal Year, MVAP opened 11 CP investigations, which involve deceptive retail tactics, moving companies that prey on veterans and servicemembers by claiming a military affiliation, charities scams, and unlawful business practices related to U.S. Department of Veterans Affairs benefit applications. Through MVAP's enforcement efforts, the Division has contributed to shutting down fraudulent and misleading veterans charities or their fundraisers and recovering nearly \$2.4 million in donations made. Recovered donations were distributed to reputable charities that provided veterans with transportation, housing, special and adaptive equipment, rehabilitation, service animals, and the creation of a smart home for a severely injured veteran. Additionally, in this Fiscal Year, the MVAP team has recovered thousands of dollars in refunds and services for veterans and active duty military members and their families through their consumer complaint resolution process.

Debt Collection

Florida is in the 10th percentile for highest consumer debt value and is among the top third for its increasingly indebted residents. Our debt collection team focuses on reviewing complaints to ensure compliance with laws protecting consumers from harassing, unfair or deceptive debt collection practices. Our team conducts a comprehensive review of consumer complaints involving both in state and out of state debt collectors. Since inception in 2018 of the CP debt collection initiative, the Division has received 4,551 consumer complaints. In the 2020-2021 Fiscal Year, the Division received 1,120 consumer complaints. This fiscal year, we opened three additional investigations and developed corporate liaisons with 22 of the largest complaint-producing companies to which we escalate complaints for review and resolution. Resolutions include verification of debt, agreeing to cease collection activity, deleting the debt from the

consumer's credit report, and agreeing to close and remove an account from the collector. In this fiscal year, the Division has obtained 107 resolutions.

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 is charged with tracking data breaches and their effect on Florida consumers. The Division enforces the law requiring that businesses report breaches and notify affected consumers and investigates 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.

In this fiscal year, the Multistate and Privacy Bureau resolved data breach investigations including Anthem, Bombas, Community Health Systems, Home Depot, Retrieval-Masters Creditors Bureau, and Sabre Hospitality Solutions, resulting in over \$2.15 million in monetary payments to the Office of the Attorney General. In addition, in 2020, the Multistate and Privacy Bureau received 300 breach notice letters from entities reporting security incidents under the Florida Information Protection Act. As of June 30, 2021, the bureau has received approximately 200 notice letters this calendar year.

Mortgage Servicers

Following the National Mortgage Settlement in 2012, the Division established a Mortgage Servicing Unit in Tampa that reviews consumer complaints to ensure settlement compliance and provide consumers with a mortgage complaint escalation process. The mortgage servicing unit investigates new allegations of loan servicer misconduct, instances of mortgage-servicing and housing-related misconduct associated with natural disasters, and scams related to foreclosure relief or "rescue." In 2020 the mortgage servicing unit processed 1,562 residential mortgage consumer complaints.

In addition to working with consumers to resolve complaints regarding their mortgage loans, the mortgage servicing unit helps develop consumer guidance related to changes in mortgage servicing. With the outbreak of Covid-19 and resulting economic disruptions, the Unit has monitored state and federal programs aimed at assisting impacted borrowers avoid foreclosure and eviction.

The Mortgage Servicing Unit currently monitors compliance with the terms of the final consent judgment entered in October of 2020 by the U.S. District Court for the Southern District of Florida, resolving the lawsuit brought by the Florida Attorney General's Office and the Office of Financial Regulation against Ocwen, k/n/a PHH Mortgage Corporation. The settlement provides in part more than \$11 million in financial relief for Floridians harmed as a result of Ocwen's alleged improper mortgage servicing conduct.

The mortgage servicing unit also works in partnership with other Attorneys General offices in mortgage-related consumer protection initiatives. On December 8, 2020 the United States District Court for the District of Columbia approved an agreement reached between Nationstar

Mortgage, L.L.C., d/b/a Mr. Cooper and the Attorneys General of all 50 states plus the District of Columbia. The Consent Judgment obligates Nationstar to adhere to mortgage servicing standards designed to safeguard consumers' rights and compensates certain eligible consumers adversely affected by Nationstar's past mortgage servicing transfers and property preservation practices. The Consent Judgment provides \$86 million in consumer remediation.

Cyber Fraud Unit

In 2020, Attorney General Moody established the Cyber Fraud Unit to address fraud and scams that are emerging with new technology and increasing data collection. The Unit currently includes one Consumer Protection attorney and a vacant Cyber Fraud Financial Investigator position. Currently the Unit is assisting with investigations relating to consumer privacy issues and ransomware attacks, robocall and imposter scams, and potential consumer protection issues relating to crypto currency and mobile payment systems.

Top Consumer Complaints

The top consumer protection-related complaints received in the 2020 calendar year included complaints related to COVID-19, telecommunications and robocalls, builders and contractors, timeshare issues, imposter scams, auto dealers, internet-related issues involving online retailers, moving companies, and auto rentals. Additional ongoing initiatives in the Division include debt collection, tech support scams, rental car fee disclosures, lending and financial scams, privacy, robocalling, pharmaceutical and health related practices, mortgage-related scams, negative options and other billing issues, corporate records scams, home contractors and movers.

Staffing

Consumer fraud issues continue to require substantial, meaningful investigation as well as negotiation or litigation when appropriate. As technology grows and allows fraudsters to engage in more frequent and more complex schemes, the Division faces increasing demands to provide the necessary resources to investigate and take action to combat them. The Division continues to be responsive to consumer complaints and works to assist consumers in resolving issues in ever-growing areas of significant consumer impact. The Division also provides educational materials addressing deceptive practices and scams prevalent in our State. Staffing needs often grow exponentially during declared states of emergency when attention must be turned to urgent price gouging and related 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.

Education Materials

In FY 2020-2021, the Consumer Protection Division has produced pamphlets on the topics of imposter scams, price gouging, and Census imposters in both English and Spanish. An Auto Fraud Guide was also created in both English and Spanish to provide tips and consumer information to those who may be purchasing a vehicle. In addition, the Division has updated and released yearly consumer protection booklets on the topics of seniors, military members and veterans, hurricane season, and the holiday season. In response to the global health crisis and legislative action related to COVID-19, the Division also crafted a flyer on Coronavirus scams as

well as FAQs for consumers to better understand their rights and benefits under state and federal aid packages.

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, reviews matters concerning all aspects of fair housing discrimination, including discrimination in sales, rentals and policies; and discrimination against persons with disabilities. 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 OCR are often time consuming and document intensive. The attorneys travel throughout the state to attend hearings, meet with witnesses and to meet with various individuals and organizations. The OCR is currently comprised of two attorney positions, which include the Director, an Assistant Attorney General and three support staff positions (a legal assistant, an administrative assistant and a Senior Investigator).

Examples of recent case settlements include:

Street et al v. Provincetown Condominium Association, Inc et al. This is a housing discrimination case based on familial status and national origin. The Condominium Association and the property management company allegedly discriminated against the Streets by publishing Rules and Regulations that showed a preference for families without children; by denying terms, conditions, and privileges, and services and facilities to the Streets based on familial status and based on their national origin. The Streets filed a housing discrimination complaint with the U.S. Department of Housing and Urban Development and the Florida Commission on Human Relations alleging familial status and national origin discrimination. After a cause finding was issued, OCR was elected to enforce the finding. The OCR filed a fair housing discrimination complaint in Circuit Court and a settlement was reached.

McIlvaine v Nettles Island, Inc. This case involved disability discrimination. Ms. McIlvaine alleged that Nettles Island, Inc discriminated against her, in violation of the Florida Fair Housing Act, by denying her request for a reasonable accommodation on the basis of her disability. Ms. Mcilvaine filed a housing discrimination complaint with the Florida Commission on Human Relations on the basis of disability discrimination. After a cause finding was issued, OCR was elected to enforce the finding. The OCR filed a fair housing discrimination complaint in Circuit Court and a settlement was reached.

Education and Outreach

OCR'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. OCR 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.

LEMON LAW

Florida's motor vehicle Lemon Law is established in Chapter 681, Florida Statutes. The law provides that when a consumer's new or demonstrator motor vehicle does not meet certain statutory thresholds, it is considered to be a "lemon" and the vehicle manufacturer must provide the consumer with either a replacement motor vehicle or a purchase price refund. 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 compliance with the Lemon Law by providing a forum for resolution of disputes between consumers and manufacturers that arise under the Lemon Law. The Office also provides a toll-free "Lemon Law Hotline" to provide the public with information concerning the Lemon Law. The Office is statutorily responsible for reviewing and determining whether certification of manufacturer-sponsored informal dispute resolution programs is appropriate, and monitoring the RV Mediation/Arbitration Program, an industry-sponsored dispute resolution program.

The Florida New Motor Vehicle Arbitration Board

The Florida New Motor Vehicle Arbitration Board, which is administered by the Lemon Law Arbitration Division, conducts arbitration hearings throughout the state to resolve disputes arising between consumers and motor vehicle 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 screens all consumer claims to determine whether they are eligible for arbitration, and rejects those claims found to be fraudulently filed or outside the scope of the Board's authority. The Division manages the administrative and clerical functions related to running the arbitration program, provides legal advice and yearly training to the Board, and enforces Board decisions. Yearly statistics for disputes submitted to the Board are compiled and reported. 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 Florida 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, 2021 and will be renewed for an additional six-month period. In addition, there are two manufacturers that have applied for certification. The 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 remains strong. 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 practices in this area.

RV Mediation/Arbitration Program

Since 2013, DeMars and Associates has been the administrator of the manufacturer-sponsored RV Mediation/Arbitration Program. Lemon Law claims filed by recreational vehicle owners are filed with that Program, provided that all manufacturer(s) involved with the claim have signed up to participate. If one or more of the manufacturers of an RV involved in a dispute have not signed up with the RV Mediation/Arbitration Program, the dispute is filed with the Attorney General's Office and heard by the Florida New Motor Vehicle Arbitration Board.

Trends and Future Actions

The Division is in the process of updating its existing rules to conform hearing rules to the 2011 statutory amendments, as well as develop guidelines for manufacturer-sponsored program certification. In addition, changes to the way motor vehicles are sold and repaired may necessitate legislative changes so that the arbitration process adapts to these changes. For example, Internet sales of new motor vehicles have changed the way that the Board looks at whether vehicles have been "sold in this state." The ability to have some vehicle repairs conducted "over the air" rather than in a dealership garage has expanded the concept of a "repair attempt" and "out of service" day under the statute.

The Division's goal of making available online filing and access to case documents by case parties, attorneys and Board Members is currently under discussion with the contractors tasked with updating the OAG's case tracking and management systems. The Division is exploring the potential use of the technology updates planned for the agency to enable an electronic filing system.

The program has seen a large increase in the number of consumers utilizing the Lemon Law program who speak only Spanish. The Division plans to explore expanding the availability of interpreters to assist consumers and arbitration panels in efficiently conducting proceedings, as well as providing program documents in Spanish for consumers who would benefit from that assistance.

In response to office closures and personal protective measures necessitated by the Covid-19 pandemic, the Division has been holding all arbitration hearings via video teleconference, rather than conducting in-person proceedings as had been the practice for the program. As infection rates have fallen and restrictions have been lifted, the issue of whether to resume in-person hearings, or perhaps create an opportunity for the parties to choose a video teleconference hearing, will need to be considered and addressed.

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, specially to defend all state statutes under constitutional challenge, to defend the Constitution of the State of Florida and the United States Constitution, to handle state criminal appeals and federal habeas corpus litigation and appeals, and to litigate all extraordinary writs. The 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.

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 initiate appellate review in cases where adverse rulings occur against the State that emanate 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 this Division's scope of litigation responsibilities in state and federal courts.

Criminal Appeals

The Criminal Appeals Division is comprised of five statewide bureaus located in proximity to the District Courts of Appeal (DCA) in Tallahassee (1st DCA), Tampa (2nd DCA), Miami (3rd DCA), West Palm Beach (4th DCA) and Daytona (5th DCA). Each bureau is assigned to the state attorneys' offices within the specific districts, and handles all appeals emanating from the counties comprising those districts.

The Criminal Appeals 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. The Bureaus' cases also include the active sexual predator/Ryce commitment appeals assigned to designated attorneys statewide.

Current resources have enhanced the ability of the attorneys and staff to handle the large number of appeals each year. Criminal appeals are being processed in less time therefore lessening the delays in the completion of the appellate process.

As a result of legislation passed in 2020, it is anticipated that additional cases will be allocated to the Bureaus resulting from the expansion of appellate jurisdiction to include appeals from county courts. The extent of the workload increase is uncertain at this time, and will be monitored in the coming fiscal years.

Capital Appeals

The Capital Appeals Bureau, the only statewide criminal bureau, prosecutes appeals and defends capital murder convictions from each of the state circuit court 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.

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 of the Florida Supreme Court's opinions on the retroactive application of *Hurst/Ring*, 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. Additionally, ancillary issues regarding the impact of the 2016 Legislation modifying the death penalty procedures have created significant litigation regarding the application of the modifications to those inmates whose sentences are final.

The Capital Appeals Assistant Attorneys General have successfully defended challenges to Florida's revised lethal injection protocol and dealt with extensive public records litigation, §1983 actions, constitutional challenges to the death penalty statutes, litigated competency to be executed claims and an assortment of other unique death penalty related claims in the state and federal courts.

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.

The General Civil Litigation Division handles constitutional challenges to statutes, civil rights, employment discrimination, torts, contract disputes, eminent domain, forfeiture, 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, Employment Litigation, Ethics, Revenue Litigation, State Programs, Tort Litigation, General Civil - Tampa, General Civil – Ft. Lauderdale and West Palm Beach, and E-Discovery and Litigation Support Center. 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 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.

Complex Litigation Bureau

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 State and its employees in matters related to the state correctional and institutional system. The bureau primarily defends against lawsuits filed by prison inmates alleging civil rights violations, typically under the First, Eighth, and Fourteenth Amendments of the United States Constitution.

The bureau's attorneys 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 Florida Commission on Offender Review, 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. § 1983. The bureau has experience in employment and civil rights issues involving public employees.

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 Eleventh 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 and 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.

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 completed a decreased number of opinions in FY 2020-2021 as compared to FY 2019-2020, which correlated with the COVID-19 pandemic.

Over the fiscal year 2020-2021, this unit transitioned back to the office from a remote working environment while continuing to work to reduce the timeframe for responses, to utilize computerized databases for purposes of researching issues raised by opinion requests, to engage in a peer review process, and to maintain internal communications.

The Division intends to continue these practices over the next 5 years while striving to respond in an efficient and timely manner to opinion requests. At this time, there are no foreseeable revised or proposed programs or services, policy changes that affect the agency budget request, or changes that would require legislative action. This Division is also not involved in task forces, studies or other activities outside of the duties described above.

Attorney General Opinions issued from 1913 onward are available on the Department of Legal Affairs website. All opinions, including those issued prior to 1974, are also published in the bound volumes of the Attorney General Biennial 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.

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, 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 alleged physical abuse, neglect and financial exploitation of patients residing in health care facilities receiving payments under the Medicaid program. The MFCU is concerned with the quality of care being provided for Florida's 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 the Office of Statewide Prosecution as Special Assistant Statewide Prosecutors, local state attorney's offices as Special Assistant State Attorneys or by the United States Attorney's office as Special Assistant United States Attorneys. Cases that may not be suitable for arrest and criminal prosecution may be litigated by MFCU attorneys, using the Florida False Claims Act. The MFCU also continued its leadership role in a variety of multi-state false claims investigations.

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

NORTHERN REGION –

The Northwest Florida Financial Crimes Working Group – 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 Investigative & Forensic Services
- 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 Investigative & Forensic Services
- 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)

Northern District USAO Tallahassee Economic Crimes Initiative

- United States Attorney's Office for the Northern District of Florida (USAO)
- United States Attorney's Office Middle District of Florida
- Florida Medicaid Fraud Control Unit (MFCU)
- Florida Department of Law Enforcement (FDLE)
- Florida Department of Financial Services (DFS)
- Florida Department of Agriculture (DOA)
- Leon County Sheriff's Office (LCSO)
- Tallahassee Police Department (TPD)

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 –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)
- Office of the United States Attorney for the Middle District of Florida (USAO)

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 –

HHS/MFCU Medicaid/Medicare Fraud Strike Force – Miami Region – 9 members

- US Department of Justice- Criminal Section
- US Attorney’s Office- Southern District of Florida
- Federal Bureau of Investigation (FBI)
- US Department of Health and Human Services - Office of the Inspector General - Office of Investigations (HHS-OIG)
- Florida Medicaid Fraud Control Unit (MFCU)
- Social Security Administration – Office of the Inspector General
- Department of Homeland Security
- United States Postal Inspector Service
- Department of Defense - Defense Criminal Investigative Services (DCIS)

Drug Enforcement Administration Tactical Diversion Task Force - 2 Members

- US Department of Justice- Drug Enforcement Administration (DEA)
- Florida Medicaid Fraud Control Unit (MFCU)

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

§§960.01 - 960.28, F.S. – Crimes Compensation Act

§§960.001 – 960.003, F.S. – Victim Assistance

§16.54, Florida Statutes - Florida Crime Prevention Training Institute

\$402.181, Florida Statutes - State Institutions Claims

§§741.401 -741.4651, F.S. - Address Confidentiality Program

§§812.1701- 812.176, F.S. - Convenience Business Security

§16.556, Florida Statutes - Crime Stoppers Trust Fund

§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; death/burial expenses; domestic violence, sexual battery, and human trafficking relocation; tangible property losses; and pays for sexual battery forensic examinations. During Fiscal Year 2020-21, the office received 17,434 claims, which is 17.76% less than the previous year. The average processing time from receipt of a claim through initial payment totaled 26 days which is an increase of 13.04%. 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 56,623 calls were processed, which does not include calls returned while employees were working from home during the global health pandemic.

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 31 grants per employee. A total of 1,086,405 victims received services through VOCA-funded private or public organizations or agencies during FY 2020-21. 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, Florida Network of Children's Advocacy Centers, 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 1,852 active program participants. The ACP was transferred from Victim Advocacy and Grants Management to Criminal Justice Programs in November 2019.

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 National Conference on Preventing Crime, (which was cancelled this year due to COVID-19), and the Human Trafficking Summit. In addition, three programs were transferred from Victim Advocacy and Grant Management to Criminal Justice Programs to manage. Those programs are the Address Confidentiality Program, General Revenue/Special Grants and the Victims' Rights Ceremony.

Florida Crime Prevention Training Institute

During Fiscal Year 2020-21, this office conducted training courses for law enforcement and other public and private sector organizations with 780 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 cancellation of 18 courses and the crime prevention conference due to COVID-19. 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 everyone's respective related organizational entity (such as the Florida Association of School Resource Officers, the Florida Bar, 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 2020-21. The program has been moved to DBPR beginning July 1, 2021.

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-seven Crime Stoppers organizations currently serving sixty-one 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. 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 \$4,324,522 for Fiscal Year 2020-2021.

Urban League

The Florida Consortium of Urban League Affiliates received a state appropriation of \$2,437,835 to develop and implement a proactive initiative. This initiative addresses and impacts crime in the black community. The program operates in Fort Lauderdale, Jacksonville, Miami, Orlando, St. Petersburg, Tallahassee, West Palm Beach and Tampa through the Derrick Brooks Charities. The Youth Crime Prevention and Intervention Program targets specific proactive strategies and activities to address and impact the problem of juvenile crime. In addition, it fosters collaboration and improves communication among various agencies.

General Revenue Grants

Nine General Revenue Grants were transferred from Victim Advocacy and Grants Management to Criminal Justice Programs in November 2019. The grants receive \$7,968,240 of funding. 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.

There were also five General Revenue Grants transferred from Administrative Services to Criminal Justice Programs on July 1, 2020. These grants receive \$3,810,000.00 in funding. In addition, staff conducts quarterly 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.

Department of Legal Affairs Office of the Attorney General

Performance Measures and Standards

LRPP Exhibit II

LRPP Exhibit II - Performance Measures and Standards

Department: DEPARTMENT OF LEGAL AFFAIRS AND ATTORNEY GENERAL

41100400 Victim Services

Approved Performance Measures for FY 2021-22 (Words)	Approved Prior Standards for FY 2020-21 (Numbers)	Prior Year Actual FY 2020-21 Standard (Numbers)	Approved Standards for FY 2021-22 (Numbers)	Requested FY 2022-23 Standard (Numbers)
Number of victim compensation claims received	21,000	17,434	21,000	21,000
Number of days from application to payment of victim compensation claim	45	26	45	45
Number of victims served through grants	200,000	1,086,405	200,000	200,000
Number of people attending victims and crime prevention training	3,500	768	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 2021-22 (Words)	Approved Prior Standards for FY 2020-21 (Numbers)	Prior Year Actual FY 2020-21 Standard (Numbers)	Approved Standards for FY 2021-22 (Numbers)	Requested FY 2022-23 Standard (Numbers)
Percent of eligible attorneys, who have attained AV rating, BV rating, and or board certification	50%	30%	50%	50%

LRPP Exhibit II - Performance Measures and Standards

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

Approved Performance Measures for FY 2021-22 (Words)	Approved Prior Standards for FY 2020-21 (Numbers)	Prior Year Actual FY 2020-21 Standard (Numbers)	Approved Standards for FY 2021-22 (Numbers)	Requested FY 2022-23 Standard (Numbers)
Number of active ethics cases	120	119	120	120
Number of active child support enforcement cases	65,000	30,299	50,000	48,000
Number of active eminent domain cases	50	0	10	10
Number of active tax cases	800	1,586	800	800
Number of active civil appellate cases	323	781	323	323
Number of active inmate cases	1,651	1,429	1,651	1,651
Number of active state employment cases	113	62	113	113
Number of days for opinion response	120	74	120	120
Number of opinions issued	60	20	60	60
Number of active antitrust cases	62	107	62	62
Number of active consumer protection cases, including consumer and RICO cases	250	454	250	250
Number of active Solicitor General cases	200	220	200	200
Number of active civil rights cases	42	22	42	42
Percent of lemon law cases resolved in less than one year	95%	98%	95%	95%
Number of repurchase disclosure/enforcement cases	1,400	901	1,400	1,400
Number of active lemon law cases	450	392	450	450
Number of active Medicaid Fraud cases	900	1,264	850	850
Number of capital cases - Opened Active Cases	200	731	200	200
Number of noncapital cases - Opened Active Cases	19,000	15,846	19,000	19,000
Number of active sexual predator commitment appeals - Opened Active Cases	40	22	30	30

Department of Legal Affairs Office of the Attorney General

Assessment of Performance for Approved Performance Measures

LRPP Exhibit III

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Legal Affairs

Program: Division of Victim Services and Criminal Justice Programs

Service/Budget Entity: Bureau of Victim Compensation (BVC)

Measure: Number of Claims Received

Action:

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

Approved Standard	Actual Performance Results	Actual Difference Over/Under	Percentage Difference
21,000	17,434	Under 3,566	18.56%

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:

During Fiscal Year 2020-2021, the Bureau of Victim Compensation awarded \$11,610,668.65 in benefits, which is 23.36% less than the prior year. Over the past few years, benefits payable from the Crimes Compensation Trust Fund (CCTF) have increased numerous times by both legislative action and improved outreach. Trending decriminalization and criminal justice reform rendered fewer collections from fines, fees, and restitution. Effective March 1, 2021, the department set forth 2A-2.2001(43), F.A.C., and 2A-2.2002(4)(c), F.A.C., which limited how relocation assistance could be used and required documentation from the onset of the claim. The diminished volume of relocation compensation claims and payments is the direct result of those modifications.

External Factors (check all that apply):

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

Explanation:

This significant decrease was partially the result of the global health pandemic which may have affected access normally available to crime victims. Coupled by the fact that some victims may not have been able to leave their homes for fear of contracting or

exposing others to COVID-19, fewer referrals were made for victims to apply for compensation benefits.

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

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

Recommendations:

The Bureau of Victim Compensation leveraged the existing technological capacity to maintain normal operations from the onset of the global health pandemic. The agency quickly redirected resources to achieve a work-from-home platform, ensuring the department suffered no interruption in operations. The department also engaged in discussions and collaborated with leadership at victim service organizations to foster practical solutions to various challenges. One example was to obtain a legal opinion to accept electronic signatures when victims could not otherwise sign documents in person. Victim service organizations are resuming normal operations, and the department continues its public outreach efforts, including expanding hybrid/virtual trainings to continue educating victim advocates, service providers, law enforcement support staff, and community partners who engage victims of crime.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

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

Action:

- | | |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| X 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
3500	768	2732	-78%

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 | X Other (Identify) |

Explanation: During Fiscal Year 2020-21, this office conducted training courses for law enforcement and other public and private sector organizations with 768 individuals participating. Participation in Florida Crime Prevention Training Institute courses continue to be adversely impacted due to COVID-19. 16 courses are already scheduled for the remainder of 2021, with 8 contracted classes included. We are on track to return to our standard course numbers during the next fiscal year and are also in the process of developing virtual trainings to assure more availability for training.

External Factors (check all that apply):

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

Explanation:

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

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

Recommendations:

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: 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
50%	30%	20% under	40%

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: Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Criminal and Civil Litigation / 41101000
Measure: Number of repurchase disclosure/enforcement cases

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
1,400	901	499 under	36%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

External Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input checked="" 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: Repurchase disclosures are provided to the Agency by motor vehicle manufacturers. These are required when a manufacturer repurchases a vehicle from a consumer as a result of vehicle defects. The repurchase may come about as a result of an arbitration decision, the settlement of an arbitration case, or other “goodwill” repurchase. Because manufacturer offices across the country closed for extended periods due to the Covid-19 pandemic, we have assumed that the decrease in repurchase disclosures filed is due to a decrease in repurchases made during the office closures and unavailability of manufacturer staff.

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: Because the results appear directly related to the pandemic, no changes appear necessary at this time.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation / 41101000

Measure: Number of active lemon law cases

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
450	392	58 under	13%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

External Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input checked="" 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: The Covid-19 pandemic appears to have reduced the number of cases filed during the calendar year 2020, thereby impacting the total active cases for FY 2020-21. Only 506 cases were filed in 2020, in contrast with higher numbers filed in previous years (2019: 585 cases; 2018: 557 cases; 2017: 583 cases; 2016: 591).

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: Because the results appear directly related to the pandemic, no changes appear necessary at this time.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Criminal and Civil Litigation / 41101000
Measure: Number of active child support enforcement cases

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
65,000	30,299	-34,701	59.39%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation: The approved standard has not varied since the implementation of Department of Revenue's (DOR) automated system (CAMS) in 2012.

External Factors (check all that apply):

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

Explanation: Since the implementation of CAMS, the amount of cases/referrals has decreased overall. OAG cannot take action on a case without a referral from DOR; OAG processes all legally viable referrals that are received from DOR. DOR made changes to their procedures and now resolve a certain amount of their cases administratively in lieu of referring them to OAG for judicial action. Additionally, due to the adjustments in office procedures during the ongoing COVID-19 pandemic and the affect the pandemic had on the job market; referrals, court hearings, etc. were temporarily halted and remain decreased.

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

- Training Technology
 Personnel Other (Identify)

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

Office of Policy and Budget – July 2021

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Criminal and Civil Litigation / 41101000
Measure: Number of active civil rights cases

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 type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
42	22	20	-47%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

External Factors (check all that apply):

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

Explanation:

As part of the calculation for our performance measures, the office of Civil Rights includes in its projection, Fair Housing Discrimination Cases received from the Florida Commission on Human Relations(FCHR). This past fiscal year, our office only received one(1) case from FCHR. This case was received in May/2021. FCHR is still dealing with a substantial backlog and only has one attorney reviewing fair housing cases. This has continued to have a substantial impact on the number of cases, as well as the impact of COVID-19 on our ability to develop of cases from other sources.

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:

As of March 12, 2021, the Office of Civil Rights has signed a Memorandum of Understanding(MOU) with FCHR and is currently providing attorney reviews of its housing discrimination cause cases.

Office of Policy and Budget – June 2021

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation / 41101000

Measure: Number of active sexual predator commitment appeals

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
40	22	18 under	-45%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input 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 2021

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation / 41101000

Measure: Number of noncapital cases

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
19,000	15,846	3,154 under	16%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

External Factors (check all that apply):

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

Explanation:

Due to the closure of the state due to the global pandemic and the staged reopening, trial and appellate courts worked remotely and the defendants have slowed down the filings. For example, the 90 days allowed for filings of cert. petitions in the USSC has increased to 150 days for filings. These sorts of delays have occurred both in state and federal litigation.

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

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

Recommendations:

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

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Criminal and Civil Litigation / 41101000
Measure: Number of Active Ethics Cases

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
120	119	1 under	-0.01%

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

Explanation:

This measure is largely dependent upon external factors and will fluctuate year to year.

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

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

Recommendations:

No change at this time.

Office of Policy and Budget – July 2021

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Criminal and Civil Litigation / 41101000
Measure: Number of Active Child Support Enforcement Cases

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
65,000	30,299	34,701 under	-53%

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. Recommend reducing cases down to 48,000.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Criminal and Civil Litigation / 41101000
Measure: Number of Active State Employment Cases

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
113	62	51 under	-45%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

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

External Factors (check all that apply):

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

Explanation:

This measure is largely dependent upon external factors and will fluctuate year to year.

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

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

Recommendations:

No action should be taken at this time.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Criminal and Civil Litigation / 41101000
Measure: Number of Opinions Issued

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
60	20	40 under	-67%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

External Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input checked="" 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:

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:

Performance results decreased for FY 2020-21 as compared to FY 2019-20. This change may be attributable to the Covid-19 pandemic. This performance result excludes informal requests from citizens and media sources and withdrawn requests. The performance results reflect instances where (1) the office issues a formal or informal legal opinion, and (2) the office declines in writing to issue an opinion to an authorized requesting party. Since the decline in the number of opinions issued was directly correlated to the Covid-19 pandemic, and the

Division issued opinion responses below the approved standard number of days to respond, the division has concluded that 60 opinions remains an appropriate measure for the number of opinions to be issued in FY 2021-22 and does not suggest a change in this regard.

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

Training

Technology

Personnel

Other (Identify)

Recommendations:

No action should be taken at this time.

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

Training

Technology

Personnel

Other (Identify)

Recommendations:

No action should be taken at this time.

Office of Policy and Budget – July 2021

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Criminal and Civil Litigation / 41101000
Measure: Number of Active Eminent Domain Cases

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
50	0	50 under	-100%

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

Explanation:

This measure is largely dependent upon external factors and will fluctuate year to year.

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

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

Recommendations:

Standard has been revised to 10 cases.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Criminal and Civil Litigation / 41101000
Measure: Number of Active Inmate Cases

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
1,651	1,429	222 under	-13%

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

Explanation:

This measure is largely dependent upon external factors and will fluctuate year to year.

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

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

Recommendations:

Because the results appear directly related to the pandemic, no changes appear necessary at this time.

Department of Legal Affairs Office of the Attorney General

Performance Measure Validity and Reliability

LRPP Exhibit IV

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services / 41100400

Measure: Number of victim compensation claims received

Action (check one): N/A

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

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2021

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 2021

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:

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 2021

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 2021

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation / 41101000

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: Criminal and Civil Litigation / 41101000

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 2021

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation / 41101000

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 2021

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation / 41101000

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:

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation / 41101000

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 2021

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation / 41101000

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 2021

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation / 41101000

Measure: Number of active state employment cases

Action (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: Criminal and Civil Litigation / 41101000

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:

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation / 41101000

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 2021

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation / 41101000

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 2021

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation / 41101000

Measure: Number of active consumer protection cases including 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: Criminal and Civil Litigation / 41101000

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 2021

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation / 41101000

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: Criminal and Civil Litigation / 41101000

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 2021

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation / 41101000

Measure: Number of repurchase disclosure/enforcement cases

Action (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: Criminal and Civil Litigation / 41101000

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 2021

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation / 41101000

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:

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation / 41101000

Measure: Number of days for opinion response

Action (check one): N/A

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

Data Sources and Methodology:

Validity:

Reliability:

Office of Policy and Budget – July 2021

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation / 41101000

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:

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

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 (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 2021

Department of Legal Affairs Office of the Attorney General

Associated Activities Contribution to Performance Measures

LRPP Exhibit V

LRPP Exhibit V: Identification of Associated Activity Contributing to Performance

Measure Number	Approved Performance Measures for FY 2021-22		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 2021-22		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 2021-22	Associated Activities Title
1	Number of active ethics cases	Commission on Ethics Prosecutions
2	Number of active child support enforcement cases	Child Support Enforcement
3	Number of active eminent domain cases	Eminent Domain
4	Number of active tax cases	Revenue Litigation
5	Number of active civil appellate cases	Civil Litigation Defense of State Agencies
6	Number of active inmate cases	Civil Litigation Defense of State Agencies
7	Number of active state employment cases	Civil Litigation Defense of State Agencies
8	Number of capital cases - opened and continued	Capital Appeals
9	Number of noncapital cases - opened and continued	Non-Capital Criminal Appeals
10	Number of active sexual predator commitment appeals	Sexual Predator Civil Commitment Appeals
11	Number of active consumer protection and RICO cases	RICO - Consumer
12	Number of active antitrust cases	Antitrust
13	Number of active civil rights cases	Civil Rights
14	Percent of lemon law cases resolved in less than one year	Lemon Law
15	Number of repurchase disclosure/enforcement cases	Lemon Law
16	Number of active lemon law cases	Lemon Law
17	Number of active Medicaid Fraud cases	Health Care/Medicaid Fraud
18	Number of days for opinion response	Opinions
19	Number of opinions issued	Opinions
20	Number of active Solicitor General cases	Solicitor General and Complex Litigation

Department of Legal Affairs Office of the Attorney General

Agency-Level Unit Cost Summary

LRPP Exhibit VI

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL		FISCAL YEAR 2020-21			
SECTION I: BUDGET		OPERATING		FIXED CAPITAL OUTLAY	
TOTAL ALL FUNDS GENERAL APPROPRIATIONS ACT		296,741,104		0	
ADJUSTMENTS TO GENERAL APPROPRIATIONS ACT (Supplementals, Vetoes, Budget Amendments, etc.)		70,071,173		0	
FINAL BUDGET FOR AGENCY		366,812,277		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		392	4,949.88	1,940,352	
Child Support Enforcement * Number of final orders obtained representing the Department of Revenue in child support enforcement proceedings.		30,299	272.64	8,260,745	
Antitrust * Number of cases enforcing provisions of the Antitrust Act		107	55,049.84	5,890,333	
Racketeer Influenced And Corrupt Organization (rico)/ Consumer Fraud * Cases enforcing the Racketeer Influenced and Corrupt Act and Unfair and Deceptive Trade Practices Act.		454	29,498.99	13,392,541	
Commission On Ethics Prosecutions * Number of cases prosecuted before the Florida Commission on Ethics		119	2,639.79	314,135	
Medicaid Fraud Control * Number of cases investigated involving Medicaid fraud activities		1,264	16,211.94	20,491,898	
Children's Legal Services * Number of cases representing the Department of Children and Families in juvenile dependency and termination of parental rights proceedings		46,019	217.18	9,994,413	
Civil Rights * Number of cases investigated and prosecuted involving violations of civil rights		22	37,756.50	830,643	
Solicitor General And Complex Litigation * Number of cases		781	2,908.60	2,271,618	
Opinions * Number of Opinions Issued		20	41,866.70	837,334	
Cabinet Support Services * Number of Cabinet Meetings		12	49,722.83	596,674	
Eminent Domain * Cases representing the Department of Transportation and other government agencies in eminent domain proceedings.		1	401,966.00	401,966	
Sexual Predator Civil Commitment Appeals * Number of cases		22	16,087.05	353,915	
Non-capital Criminal Appeals * Number of cases - non-capital appellate litigation		15,846	1,192.34	18,893,818	
Capital Appeals * Number of cases - capital appellate litigation		731	5,080.38	3,713,761	
Administrative Law * Number of cases		214	12,973.73	2,776,378	
Tax Law * Number of cases enforcing, defending and collecting tax assessments		1,586	1,034.75	1,641,119	
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.		2,407	4,977.78	11,981,524	
Grants-victims Of Crime Advocacy * Number of victims served through grants.		1,086,405	94.07	102,197,987	
Victim Notification * Number of criminal and capital appellate services provided		19,107	202.41	3,867,392	
Victim Compensation * Number of victim compensation claims recieved		17,434	877.16	15,292,494	
Minority Crime Prevention Programs * Number of crime prevention programs and local funding initiative assisted		3	2,843,691.67	8,531,075	
Grants-crime Stoppers * Number of Crime Stopper agencies assisted		26	187,399.50	4,872,387	
Crime Prevention/Training * Number of people attending training		768	904.99	695,031	
Investigation And Prosecution Of Multi-circuit Organized Crime * Annual volume of investigations handled		1,015	9,574.80	9,718,419	
Prosecution Of Violations Of The Florida Election Code * Number of cases handled.		879	1,770.66	1,556,410	
TOTAL				251,314,362	
SECTION III: RECONCILIATION TO BUDGET					
PASS THROUGHS					
TRANSFER - STATE AGENCIES					
AID TO LOCAL GOVERNMENTS					
PAYMENT OF PENSIONS, BENEFITS AND CLAIMS					
OTHER					
REVERSIONS				115,498,209	
TOTAL BUDGET FOR AGENCY (Total Activities + Pass Throughs + Reversions) - Should equal Section I above. (4)				366,812,571	

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.

SECTION III - PASS THROUGH ACTIVITY ISSUE CODES SELECTED:

TRANSFER-STATE AGENCIES ACTIVITY ISSUE CODES SELECTED:

1-8:

AID TO LOCAL GOVERNMENTS ACTIVITY ISSUE CODES SELECTED:

1-8:

AUDIT #1: THE FOLLOWING STATEWIDE ACTIVITIES (ACT0010 THROUGH ACT0490) HAVE AN OUTPUT STANDARD
(RECORD TYPE 5) AND SHOULD NOT:

*** NO ACTIVITIES FOUND ***

AUDIT #2: 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 ***

AUDIT #3: THE ACTIVITIES LISTED IN AUDIT #3 DO NOT HAVE AN ASSOCIATED OUTPUT STANDARD. IN ADDITION, THE
ACTIVITIES WERE NOT IDENTIFIED AS A TRANSFER-STATE AGENCIES, AS AID TO LOCAL GOVERNMENTS, OR A PAYMENT OF
PENSIONS, BENEFITS AND CLAIMS (ACT0430). ACTIVITIES LISTED HERE SHOULD REPRESENT TRANSFERS/PASS THROUGH
THAT ARE NOT REPRESENTED BY THOSE ABOVE OR ADMINISTRATIVE COSTS THAT ARE UNIQUE TO THE AGENCY AND
ARE NOT APPROPRIATE TO BE ALLOCATED TO ALL OTHER ACTIVITIES.

*** NO ACTIVITIES FOUND ***

AUDIT #4: TOTALS FROM SECTION I AND SECTIONS II + III:

DEPARTMENT: 41	EXPENDITURES	FCO
FINAL BUDGET FOR AGENCY (SECTION I):	366,812,277	
TOTAL BUDGET FOR AGENCY (SECTIONS II + III):	366,812,571	
	-----	-----
DIFFERENCE:	294-	
(MAY NOT EQUAL DUE TO ROUNDING)	=====	=====

Glossary of Terms and Acronyms

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: A unit within the Attorney General’s Office.

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

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

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

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

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

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

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

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

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

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

Acronyms

AAG	Assistant Attorney General
ACP	Address Confidentiality Program
AHCA	Agency for Health Care Administration
APD	Adult Protective Division
CLS	Children's Legal Services
DCF	Department of Children and Families
DEA	Drug Enforcement Agency
DOH	Department of Health
DRTs	Diversion Response Teams
FCHR	Florida Commission on Human Relations
FCIC	Florida Crime Information Center
FDLE	Florida Department of Law Enforcement
FDUTPA	Florida Deceptive & Unfair Trade Practices Act
F.S.	Florida Statutes
FTE	Full Time Equivalent
FY	Fiscal Year
HIDTA	High Intensity Drug Trafficking Area
HUD	Department of Housing and Urban Development
ICAC	Internet Crimes Against Children
L.O.F.	Laws of Florida
MFCU	Medicaid Fraud Control Unit
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 2022-23 through FY 2026-27



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

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

MISSION

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

Program: Office of Statewide Prosecution

Goals

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

Goal #2: Effectively prosecute multi-circuit crime

Program: Office of Statewide Prosecution Objectives

- Goal #1:** Coordinate effectively with multi-jurisdictional enforcement efforts
- Objective A:** Assist law enforcement Outcome
 - Objective B:** Maintain substantial caseload of complex investigations
- Goal #2:** Effectively prosecute multi-circuit crime
- Objective A:** Maintain substantial caseload of complex prosecutions
 - Objective B:** Seek effective case results

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

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

Objective A: Assist law enforcement Outcome

Outcome: Number of requests for assistance

Baseline/Year 2000-01	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24
199	150	150	150	150	150

Objective B: Maintain substantial caseload of complex investigations

Outcome: Total number of defendants charged

Baseline/Year 2000-01	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
338	380	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 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
729	700	700	700	700	700

Objective B: Seek effective case results

Outcome: Number of defendants convicted

Baseline/Year 2000-01	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
410	385	385	385	385	385

Outcome: Conviction Rate

Baseline/Year 2000-01	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
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 many 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, crimes against seniors, prescription drug/opioid trafficking, criminal gangs and violent crime, fraud and theft, and illicit narcotics/synthetics and fentanyl drug trafficking. The office is also pursuing priorities in prosecuting internet fraud, cybercrime and organized retail theft. The goal of the Office is to dismantle criminal organizations through effective prosecution, as well as any other legal efforts, 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 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 to investigate and prosecute criminal gangs using Florida'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. Our fraud efforts continue to focus on large scale criminal frauds. We have increased our work combatting crimes against senior citizens and consumer frauds. OSP has initiated the cyber-fraud division to attach such criminal activity using both criminal and civil enforcement statutes. 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. We have designated an organized retail theft specialist to address the office's efforts against these crimes full time.

Finally, Human Trafficking is a significant focus of The Office of Statewide Prosecution. Efforts are being made throughout the state, along with our law enforcement partners, to locate and prosecute 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, the Office of Statewide Prosecution has continued to utilize the laws passed during the last several legislative sessions and will continue to identify ways in which the laws could be altered further, through legislative action, 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 {with a recent emphasis on Fentanyl} and identity theft.

Department of Legal Affairs
Office of Statewide Prosecution

**Performance
Measures and
Standards**

LRPP Exhibit II

LRPP Exhibit II - Performance Measures and Standards

Department: DEPARTMENT OF LEGAL AFFAIRS AND ATTORNEY GENERAL

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

Approved Performance Measures for FY 2021-22 (Words)	Approved Prior Standards for FY 20-21 (Numbers)	Prior Year Actual FY 2020-21 Standard (Numbers)	Approved Standards for FY 2021-22 (Numbers)	Requested FY 2022-23 Standard (Numbers)
Conviction rate for defendants who reached final disposition	90%	100%	90%	90%
Of the defendants who reached disposition, the number of those convicted	350	224	350	350
Total number of requests for assistance	300	357	300	300
Total number of active cases	800	1015	800	800
Total number of defendants charged	400	359	400	400

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

**Assessment of Performance
for Approved Performance
Measures**

LRPP Exhibit III

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation / 41101000

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

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
350	224	126 under	-36%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

External Factors (check all that apply):

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

Explanation:

Due to the closure of the state due to the global pandemic and the staged reopening, trial and appellate courts worked remotely and the defendants have slowed down the filings. These sorts of delays have occurred both in state and federal litigation.

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:

No change at this time.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Criminal and Civil Litigation / 41101000
Measure: Total Number of Defendants Charged

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
400	359	41 under	-10%

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

Explanation:

This measure is largely dependent upon external factors and will fluctuate year to year.

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

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

Recommendations:

No change at this time.

Office of Policy and Budget – July 2021

Department of Legal Affairs
Office of Statewide Prosecution

Performance Measure
Validity and
Reliability

LRPP Exhibit IV

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of 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 2021

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 2021

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 2021

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:

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:

Office of Policy and Budget – July 2021

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

**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 2021-22		Associated Activities Title
1	Conviction rate for defendants who reached final disposition		Investigation and Prosecution of Multi-Circuit Organized Crime
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
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

Department of Legal Affairs Office of Statewide Prosecution

**Agency-Level Unit Cost
Summary is included
in the Office of the
Attorney General's**

LRPP Exhibit VI

Glossary of Terms and Acronyms

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

LONG RANGE PROGRAM PLAN

Florida Elections Commission Tallahassee,
Florida

September 30, 2021

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

Eric Pridgeon, Staff Director House
Appropriations Committee 221 Capitol
Tallahassee, Florida 32399-1300

Cynthia Kynoch, Staff Director Senate
Committee on Appropriations 201 Capitol
Tallahassee, Florida 32399-1300

Dear Directors:

Pursuant to Chapter 216, *Florida Statutes*, the 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 2022-23 through Fiscal Year 2026-27. The internet website address that provides the link to the LRPP located on the Florida Fiscal Portal is www.fec.state.fl.us. This submission has been approved by Tim Vaccaro, Executive Director of the Florida Elections Commission.

Tim Vaccaro Executive Director

A handwritten signature in blue ink that reads "Tim Vaccaro". The signature is written in a cursive style and is positioned below the typed name.

Long-Range Program Plan

Fiscal Years 2022-2023 through 2026-27

FLORIDA ELECTIONS COMMISSION



2021

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 a high percentage of cases in which the Commission 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 (12 months) of the date opened.

Baseline/Year 2010	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27
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 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27
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.¹

The Commission is composed of nine members appointed by the governor to four-year terms. With the exception of the Chair, the Governor appoints each member 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 is appointed by the Governor and 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 agency staff and oversee 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 Counsel, an Investigations Manager, six Investigators, an Agency Clerk, a Deputy Agency Clerk, and one administrative support position (15 FTE).

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

Primary Responsibilities

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

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

¹ Section 105.071, F.S., 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 State's 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 20/21, the Commission closed 70% of its cases within one year. This performance measure was impacted by several factors, the most significant of which was the volume of incoming cases, which include sworn complaints and referrals received from the Division of Elections, and holdover effects from Covid-19.

Historically, the number of referrals and complaints filed with the Commission escalates in correlation with election cycles. The escalation is even more exaggerated following more substantial election years, *e.g.*, Statewide and Presidential races. In FY 16/17, the Commission opened a total of 933 cases, 352 in FY 17/18, 780 in FY 18/19, 335 in FY 19/20 and 880 in FY 20/21. The number of referrals from the Division of Elections alone, has reflected the same trend; FY 16/17 (464), FY 17/18 (162), FY 18/19 (450), FY 19/20 (235) FY 20/21 (598).

The agency implemented improvements to mitigate the effects of increased case numbers, including changes to Investigations. Internal procedures include streamlined investigative techniques and the use of report of investigation (ROI) templates, which have increased productivity and reduced older case numbers. The agency also converted an administrative FTE to an additional Investigator position, which has also resulted in fewer older case numbers.

The agency also recommends dismissal in cases where service appears futile.

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 98% of its cases, as measured by this outcome measure.²

Impact Statement

At this time, the Florida Elections Commission is not creating new programs; however, due to increasing case numbers and the increased output of ROIs, the agency is requesting an additional Senior Attorney position. It should be noted that the agency's approved ratio of active cases to attorneys is 115:1. However, the last time the agency met this ratio was in 2010. The FY 20/21 ratio was 273:1. The Commission believes that the service it provides the public in enforcing Florida's election laws is an important one, because free and fair elections are a cornerstone of our democracy. Any reduction in resources would impair the Commission's ability to ensure fair elections, meaningful campaign regulation and effective election law enforcement for the citizens of Florida.

² FY18/19 98%; FY 19/20 98%; FY 20/21-98% Standard is 90%.

LRPP Exhibit II - Performance Measures and Standards

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

NOTE: Approved primary service outcomes must be listed first.

Approved Performance Measures for FY 2020-21 (Words)	Approved Prior Year Standard FY 2020-21 (Numbers)	Prior Year Actual FY 2020-21 (Numbers)	Approved Standards for FY 2021-22 (Numbers)	Requested FY 2022-23 (Standard Numbers)
Percentage of cases that are closed within 12 months.	80%	70%	80%	80%
Percentage of cases the commission closes in which it finds violations or offenses.	90%	98%	90%	90%
Ratio of active cases to attorneys.	115:1	273:1	115:1	115:1

Office of Policy and Budget

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Florida Elections Commission
Service/Budget Entity: 41300100
Measure: Percentage of cases that are closed within 12 months.

Action:

X Performance Assessment of Outcome Measure Revision of

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
80%	70%	Under	10%

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:

This performance measure was impacted primarily by the volume of cases opened in connection with the 2020/2021 fiscal year and the far-reaching impacts of the COVID-19, pandemic.

Historically, the number of referrals and complaints filed with the Commission escalates in correlation with election cycles. The escalation is even more exaggerated following more substantial election years, *e.g.*, Statewide and Presidential races. In FY 16/17, the Commission opened a total of 933 cases, 352 in FY 17/18, 780 in FY 18/19, 335 in FY 19/20 and 880 in FY 20/21. The number of referrals from the Division of Elections alone, has reflected the same trend; FY 16/17 (464), FY 17/18 (162), FY 18/19 (450), FY 19/20 (235) FY 20/21 (598).

External Factors (check all that apply):

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

Explanation:

The most significant factor in the Commissions ability to close cases within 12 months has been the global coronavirus pandemic, COVID-19.

Typically, the Commission meets quarterly. During FY 19/20, the Commission had to cancel two in-person meetings, and only certain limited cases could be resolved by teleconference. This resulted in certain cases being postponed to future meetings, the effects of which continued into FY20-21. Due to health safety protocols and measures taken by State and Local authorities, the first, third and fourth quarter meetings of FY 20/21 were held via teleconference.

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:

In an effort to manage the increased workload in 2018 and in future election years, the agency reorganized its legal and administrative units, and cross-trained staff so that resources could be readily shifted among functions in order to avoid backlog at any point in the process of resolving complaints.

In addition, in August 2017, the Commission promulgated a rule that defines as “minor” (and prescribes a set fine for) a violation that was the basis for hundreds of complaints opened since early 2016. This rule makes cases alleging that violation more likely to settle and close without multiple hearings before the Commission. The Commission continues to see positive impact of this rule on its operations.

Internal procedures include streamlined investigative techniques and the use of report of investigation (ROI) templates, which have increased productivity and reduced older case numbers. The agency also converted an administrative FTE to an additional Investigator position, which has also resulted in fewer older case numbers.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs
Program: Florida Elections Commission
Service/Budget Entity: 41300100 Measure:
N/A

Action (check one):

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

Data Sources and Methodology:

Validity:

N/A

Reliability:

Office of Policy and Budget

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

Measure Number	Approved Performance Measures for FY 2021-22 (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

Exhibit VI Agency- Level Unit Cost Summary

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

Glossary of Terms

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acronyms

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