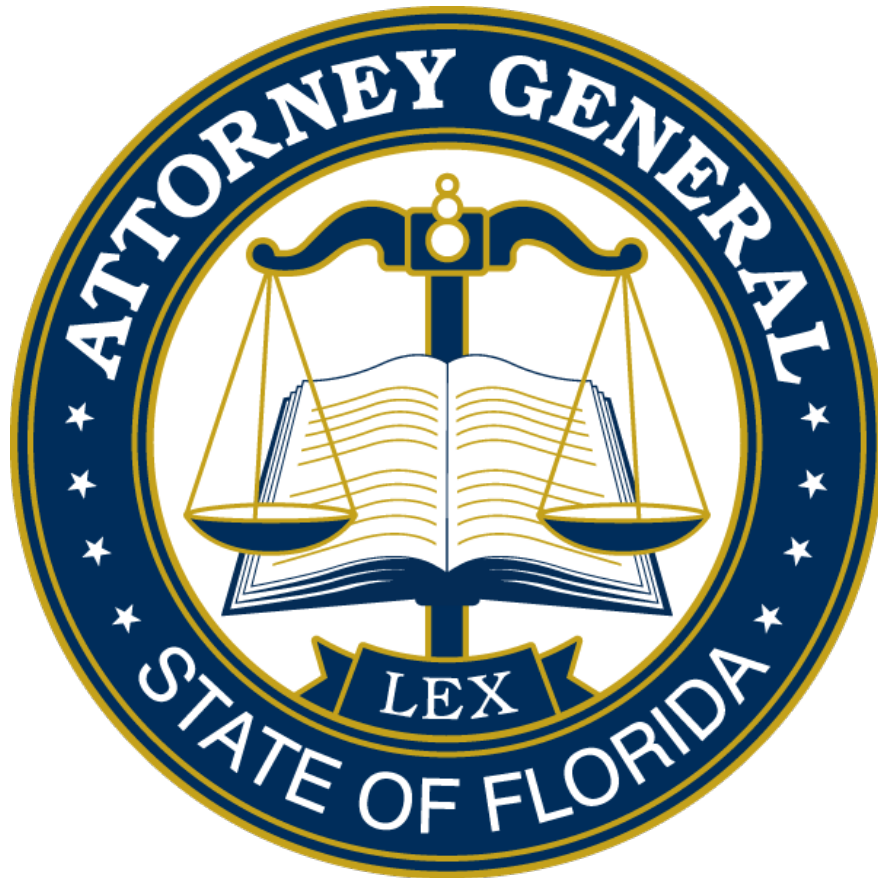


# **Long Range Program Plan FY 2023-24 through FY 2027-28**



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

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



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**Long Range Program Plan**

Department of Legal Affairs

September 30, 2022

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

John Shettle, Interim 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 2023-24 through Fiscal Year 2027-28. 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

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## Florida's Law Firm

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

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

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

# Program: Office of the Attorney General

## Objectives

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

**Objective A:** Improve 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

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**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 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27
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 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27
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 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27
30%	63%	63%	64%	64%	64%

**Objective D:** Increase client satisfaction.

**Outcome:** Percent increase in client satisfaction.

Baseline/Year 2001	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27
90%	98%	98%	98%	98%	98%

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

Baseline/Year 2003	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27
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 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27
19.8 weeks	4.4 weeks	4.4 weeks	4.4 weeks	4.4 weeks	4.0weeks

**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 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27
219	242	242	243	243	265

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

Baseline/Year 1999	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27
135	815	815	815	815	825

## **ANTITRUST 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 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 violations. 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.

The Attorney General has authority under the Florida Deceptive and Unfair Trade Practices Act, sections 501.201, *et. seq.*, to pursue monetary remedies on behalf of Floridians who were indirectly injured by violations of unfair methods of competition, including the antitrust laws.

The Attorney General’s efforts, under these statutes, have yielded hundreds of millions of dollars in recoveries for multiple Florida public entities and consumers over the past three decades.

### ***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 transactions 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 consumer protection and racketeering laws. *See, e.g.*, Chapters 501, Part II and Chapter 895, Florida Statutes.

In 2009, the Legislature amended Chapter 517, Florida Statutes, to give the Attorney General the authority to pursue securities enforcement in conjunction with OFR, the primary enforcing authority of the state’s securities laws. With respect to the False Claims Act, 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. Previously the Division dedicated one attorney to pursue those claims. Given staff turnover and to ensure continuity, the Division has moved to a team approach for handling False Claim Act enforcement. This change will enable the Division to investigate and prosecute more matters with increased efficiency, which



will in turn translate into more positive outcomes for Florida public entities.

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

One of the top priorities of the 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, 2022, was 107. The number of matters closed by the Division in Fiscal Year 2021-2022 was 13 and 12 new matters were opened.

### ***Recoveries***

In Fiscal Year 2021-22, the Division recovered \$3,162,134,650 primarily from the Opioid settlements, up significantly from the \$24,207,123.19 from six major cases in Fiscal Year 2020-2021. It is not unusual for recoveries to fluctuate from year to year, as antitrust, false claims and securities cases are complicated and often take years 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 funding for the Legal Affairs Revolving Trust Fund.

Second, during periods of economic downturn such as the COVID-19 crisis, there can be 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, there has been pressure on states to stay aggressive in their collective efforts. States have continued to serve a very important enforcement role. 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 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 assist with certain complex consumer protection cases from time to time. While these efforts are important to protect the public, there may be fewer opportunities for the Division to collect fees and costs to compensate for the time and resources put into the enforcement activity because the defendant(s) may be insolvent, and the Division focuses on restitution to victims. This activity places additional burden on resources because the 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 coordination of limited resources has allowed the Attorney General's Office to address more thoroughly antitrust, securities, and other complex civil enforcement concerns. 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 the Division seeks to recover. Certain damage cases have resulted in complicated settlement allocation and distribution models that can be difficult to achieve and expensive to administer. In some instances, the financial cost of enforcement outweighs the ability to sufficiently compensate consumers, public agencies and the Division's fees and costs.

Finally, a sixth recent development that limited the Division's resources was the investigation of 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 and required multiple personnel of the Division. In April 2022, the Opioids case went to trial against Walgreens, the sole remaining, non-settling defendant, who settled the case just before the end of plaintiff's case. Under the leadership of Chief Deputy John Guard, settlements exceeding \$3.1 billion were reached with all defendants in the Opioids litigation. Although the trial has successfully concluded, additional work remains. The agency filed a declaratory judgment action relating to its authority to release certain opioids-related claims of political subdivisions and school boards in the settlements. The defendant entities have filed counterclaims. Because the settlements included significant injunctive relief, monitoring is necessary to ensure compliance. Although these activities will not require the significant staff resources needed in the prior phases, they will nevertheless require adequate staffing.

### ***Division Highlights***

During fiscal year 2021-22 the Division filed several major antitrust cases and continued to

prosecute its cases. These cases include allegations of monopolization and anticompetitive behavior against large technology companies Facebook and Google. Although the multistate Facebook complaint was dismissed by the trial court, the appellate court will hear argument this September. Additionally, the states' third complaint in the Generic Drug Price-Fixing litigation focusing on dermatological drugs was chosen as the bellwether case for trial. Fact discovery for the bellwether closes in January of 2023, which includes both offensive and defensive depositions.

As noted above, not all cases handled by the Division generate monetary recoveries. Some cases are closed when it is determined after review that no action is warranted. Others are pursued for the primary purpose of either stopping or modifying possible anticompetitive conduct but may not yield significant consumer or state agency monetary recovery. Merger reviews are an example. In these cases, the focus of the review is whether the proposed merger may have anticompetitive effects in Florida markets. Of the 107 active cases worked by the Division in Fiscal Year 2021-2022, at least 7 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.

In September 2021, one such case was filed by the Division. Florida joined a bipartisan multistate and federal enforcement action to prevent American Airlines and JetBlue from pursuing their northeast alliance. The complaint alleges that the challenged conduct will result in harm to consumers, including Florida consumers, by among other things increasing airfares in the relevant markets. This case is scheduled to go to trial in September 2022.

Similarly, some complex civil matters are pursued with the primary focus on ensuring that an offending operation is put out of business for its unlawful conduct. Obtaining an injunction stopping unlawful conduct is just as important, if not more so, than seeking a monetary recovery. These cases include securities violations and construction defects. All complex civil matters tend to require significant resources, including hiring 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 the little 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. Consequently, if this trend continues, 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 deceptive or unfair practices in any trade or commerce. In conjunction with its authority under FDUTPA, the Division also has authority to enforce several related statutes such as the civil provisions of the Racketeer Influenced and Corrupt Organization (RICO) Act, through which the Division, where appropriate, investigates 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 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 may be handled by the 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. The Division also often partners with other state attorneys general and state and federal enforcement agencies in joint enforcement efforts.

### ***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 (AVC), or a lawsuit may be filed in state or federal court.

In the 2021-22 fiscal year, the Division opened a total of 64 cases (51 were new investigation cases assigned an active investigation "L" number and 13 were Monitoring cases assigned an "M" number). The Division closed 90 cases and resolved 48 cases recovering over \$210 million in restitution, charitable contributions, and other consumer relief, and nearly \$4 million in penalties and fees and costs. As of July 1, 2022, the Division had a total of 237 active investigations, with 41 of these cases in litigation, and an additional six cases involving litigation regarding subpoenas. In addition, there are currently 58 Enforcement cases, 35 Monitoring cases, and 16 matters under initial review. The Enforcement cases include actions taken post AVC or judgment to enforce the terms of the settlement or judgment. The Monitoring cases include review of 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's enforcement authority under Florida's price gouging laws is activated. Florida's price gouging law prohibits excessive increases

in the price of commodities essential for use as a result of the emergency. To curb any predatory pricing practices during a state of emergency 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. The Division also maintains active contact with businesses and industry groups that are often affected by price gouging restrictions to ensure that the business community is aware of Florida laws and is responsive to consumer inquiries and concerns during an emergency event. Other deceptive or unfair business practices that emerge during the state of emergency may also fall within the Division's enforcement authority under Florida's Deceptive and Unfair Trade Practices Act, such as subsequent repair and recovery scams.

During the 2021-2022 fiscal year, the OAG received 63 potential price gouging reports relating to nine different states of emergency—four of which were declared during this fiscal year and five that were declared in prior fiscal years and carried over to this year (Hurricane Michael, COVID-19, Hurricane Sally, the Colonial Pipeline, and the Condo Collapse). The Division also received 415 consumer inquiries this fiscal year related to non-essential commodities during the COVID-19 state of emergency, and 116 complaints related to COVID-19 testing following the expiration of the COVID-19 state of emergency.

In this fiscal year, the Division opened four price gouging investigations resulting from COVID-19 and one price gouging investigation resulting from Hurricane Michael. The Division resolved seven investigations related to COVID-19, one investigation related to Hurricane Irma, and three investigations related to Hurricane Michael. These actions resulted in restitution for consumers totaling over \$7.1 million and recovery of over \$30,000 in investigative costs and \$42,000 in penalties. In addition, the Division recovered over \$386,000 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, \$10,782 in voluntary refunds and credits for consumers related to Hurricane Michael inquiries, and \$10,000 in voluntary refunds and credits for consumers related to Hurricane Sally inquiries, for a total of over \$7.5 million in restitution, refunds and credits across all states of emergency during the fiscal year.

### ***Vulnerable Populations***

**Seniors** -- The Division works to prevent, identify, and prosecute fraudulent scams directed at Florida's seniors. In particular, FDUTPA allows the Division to seek additional civil penalties if seniors aged 60 and older are impacted by deceptive or unfair business practices. Attorney General Moody launched the Senior Protection Team (SPT) initiative in 2019. It is currently staffed in the Division with one Financial Investigator dedicated entirely to work on SPT complaints, four SPT Analysts, one OPS Investigative Research Assistant, and additional Division 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 Seniors vs. 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 Seniors vs. Crime volunteers.

During 2021, the Division received and processed over 2,150 SPT consumer complaints or requests for assistance, a significant increase from the 153 complaints worked by SPT in 2020. The team referred over 1,100 complaints to Consumer Protection, the Medicaid Fraud Control Unit, or the Office of Statewide Prosecution within the Attorney General's Office and over 1,000 to outside agencies such as DACS, AHCA, DBPR, DOH, Long-Term Care Ombudsman Program, or DCF Abuse Hotline for assistance. As part of the effort, the team also referred 526 complaints to 148 various law enforcement agencies for criminal review. Through the handling of these complaints and requests, the unit assisted with more than \$527,000 in financial relief for seniors. There were two Division investigations opened by SPT in 2021, and both are currently active. The SPT hopes to expand the unit in 2022, so that the result and impact of law enforcement referrals can be researched and included in future reports.

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 service members and veterans to protect them from scams. A dedicated MVAP team within the Division has reviewed complaints from servicemembers and veterans to assist with resolving the complaint and to identify potential consumer protection 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 two consumer protection investigations involving deceptive or otherwise unlawful practices related to veterans' benefits applications. During this fiscal year, an agreement to settle a large joint FTC and multistate investigation was reached, which, once entered by the Court, will result in \$10.9 million in refunds to consumers who purchased jewelry and watch protection plans, \$2.7 million in consumer restitution, and a \$50,000 payment to the office to be used for related consumer education or other charitable contribution. The MVAP additionally resolved two benefits-related investigations, recovering \$5,000 in consumer restitution and \$11,804.18 in forgiven consumer debt. These settlements also ensured the businesses and individuals will no longer mislead veterans regarding their services and will no longer improperly charge veterans. Additionally, during this fiscal year, the MVAP team recovered \$13,454.86 in refunds, services, or other monetary relief for veterans, active-duty, and their families through their consumer complaint resolution process. Finally, during this fiscal year, the MVAP referred approximately 149 consumers to Bay Area Legal Services' Florida Veterans Legal Helpline.

In the coming fiscal year, the Division plans to combine resources of the MVAP team and the SPT team for enhanced complaint handling and review. This will require adding one to two analysts to the complaint review team.

### ***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. The Division also 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 nationwide investigations against companies alleged to have defrauded consumers across the U.S.

In fiscal year 2021-2022, the Multistate and Privacy Bureau resolved seven investigations resulting in over \$12.5 million in monetary payments to the Office of the Attorney General. In addition, the Multistate and Privacy Bureau resolved a multistate investigation of Intuit, Inc., resulting in \$10.3 million dollars in restitution to Florida consumers.

During 2021, the Multistate and Privacy Bureau received 505 breach notice letters and requests for extensions from 399 separate covered entities reporting security incidents under the Florida Information Protection Act. As of June 30, 2022, the bureau has received approximately 227 breach notice letters and requests for extensions from 180 separate covered entities reporting security incidents under the Florida Information Protection Act.

### ***Mortgage Servicers***

Following the National Mortgage Settlement in 2012, the Division established a Mortgage Servicing Unit in Tampa that reviews consumer complaints to provide consumers with a mortgage complaint escalation process. The mortgage servicing unit also 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 2021, the mortgage servicing unit processed 1,759 residential mortgage consumer complaints and responded to telephonic inquiries from consumers and attorneys.

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. In 2021, the Mortgage Servicing Unit provided guidance to consumers following expiration of mortgage forbearances and extensions provided by the Federal Cares Act and related legislation. In February 2022, the Florida's Homeowners Assistance Fund, administered through the Department of Economic Opportunity, became and remains a viable source of housing related financial relief to qualifying Floridians to help stave off residential displacements attributable to the COVID-19 pandemic.

### ***Cyber Fraud Unit***

In 2020, Attorney General Moody established the Cyber Fraud Unit (CFU) to address emerging trends in frauds and scams that utilize new technologies and the increased collection of consumer data. The CFU in the Division currently includes one Consumer Protection attorney and one Cyber Fraud Investigator position, and the Division will be recruiting an additional Cyber Fraud Investigator and senior attorney. Currently, the CFU is assisting with investigations relating to consumer privacy issues and ransomware attacks, harms stemming from social media use, robocall and imposter scams, the prevention of digital “dark patterns” by online entities using manipulative user interface designs, and the protection of consumers using cryptocurrency and mobile payment systems.

The CFU uses a variety of technologies, including open-source intelligence technology (OSINT) as well as proprietary software, to accomplish its goals. The CFU recently obtained the ability to track cryptocurrency through an application called QLUE, which enables investigators to follow cryptocurrency transactions in real time and determine the location of scammed funds. When these funds are in law enforcement friendly crypto exchanges, we may identify the owner of the account to ultimately provide restitution to the victims.

### ***Vaccine Mandate Team***

On November 19, 2021, Governor DeSantis signed HB 1B into law creating section 381.00317, Florida Statutes (the “Private Employer Vaccine Mandate Law”). The Private Employer Vaccine Mandate Law prohibits private employers from imposing a COVID-19 vaccination mandate for any full-time, part-time, or contract employee without providing certain listed exemptions. The Attorney General’s office was tasked with the responsibility of investigating complaints by employees regarding business compliance with this new law.

The Division handles the initial intake and review of vaccine mandate complaints and responds to employee/third-party inquiries, and the Administrative Law Bureau handles final complaint review and enforcement. The Division recruited and hired three OPS Investigation Specialists to work in the vaccine mandate group in February and March 2022.

Since November 2021, the Division’s vaccine mandate group has received and reviewed 886 complaints and sent over 3,000 pieces of correspondence to complainants and individuals who submitted non-complaint inquiries regarding the Private Employer Vaccine Mandate Law. The new law expires June 1, 2023.

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

In addition to the specialized enforcement efforts and separate units of the Division identified above, the Division is developing enforcement initiatives in the following areas in response to an increase in the number of consumer complaints we are receiving and trends we have identified: moving industry practices, Auto-related issues, lending and financial scams, robocalling, pharmaceutical and health-related practices, negative options and other billing issues, government imposter and corporate records scams, and home contractors.



### ***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 Florida. 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.

The past year has proven very difficult to retain staff as well as to recruit suitable applicants who meet the minimum qualifications for the positions. This is across the board in all positions including attorneys, paralegals, investigators, and administrative and legal support positions. The investigative and paralegal skills as well as the civil litigation skills that are developed in the Division are in high demand in today's market and it is difficult to compete with the salaries and flexible job benefits of other employers. Lowering the minimum qualifications for the assistant attorney general positions has helped qualify attorneys and the recent salary increases appropriated in the FY 21-22 budget should help with retaining experienced attorneys, as well as recruiting experienced litigators; however, some of the salaries for other staff positions are below the private sector and even other state agencies. In addition, the Division has lost many employees who opted for other job opportunities offering remote work.

The Division is reviewing the minimum qualifications for most of our investigation and support positions to recommend revisions where appropriate to assist with recruitment and allow for internal promotions. As the Division is being tasked to take on more intake and consumer complaint review and assistance and a variety of other tasks requiring more in-depth financial analysis and knowledge of emerging technologies, the Division will need to develop a wider variety of investigative and support staff roles. In addition, the Division's current minimum qualifications for many investigative and support positions include significant education and experience but the positions do not offer salary ranges that would attract many candidates with the required minimum qualifications.

### ***Education Materials***

In fiscal year 2021-2022, the Division worked with the Executive Staff Communications Team to create guides, brochures, and alerts for Florida Consumers. In June, a new Scams at a Glance brochure was introduced in both English and Spanish to inform potential victims of HVAC/Heating and Cooling scams. This year, the Division also announced: Scams at a Glance: Robocalls and Robotexts, Scams at a Glance: Cryptocurrency Scams and Scams at a Glance: Charity Scams. In addition, the Division worked with the Communications team to roll out numerous Consumer Alerts and guides, including the annual Holiday and Hurricane guides.

For the majority of fiscal year 2021-2022, the Consumer Protection Outreach Coordinator position was vacant. In May, we hired a new coordinator who is assisting in updating the Division's current guides and identifying subject matter or complaint trends that may be suitable for consumer alerts or publications in the future. The Outreach Coordinator is also working with the communications team and IT to update and modernize the Division's webpage and subpages.

## **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, reviewing 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:

**Sevigny v. Stonebriar Homeowners Association, Inc.** This is a housing discrimination case based on familial status. The Homeowners Association allegedly discriminated against the Sevigny family 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 Sevigny family based on familial status. Ms. Sevigny 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 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.

**Dimoglis v. Shangri-La Partners, LLC d/b/a Shangri-La Mobile Estates et al.** This case involved disability discrimination. Dimoglis alleged that Shangri-La Mobile Estates discriminated against them, in violation of the Florida Fair Housing Act, by denying their request for a reasonable accommodation on the basis of disability. Dimoglis 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 is available to participate 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 programs***

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.

By statute, 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 was transferred by the Legislature 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 March 31, 2023, and will be renewed for additional six-month periods until rules are in place. In addition, there are two manufacturers that have applied for certification. The Division is 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***

Guidelines for manufacturer-sponsored program certification are needed. Although this responsibility was transferred to the Division several years ago, along with the responsibility to screen arbitration cases and to respond to Lemon Law hotline inquiries, no additional FTEs accompanied the transfer; as a result, the certification process has taken a back seat to other responsibilities.

Arbitration program rule updates are also needed to reflect changing times. Changes to the way motor vehicles are sold and repaired may necessitate legislative changes so that the arbitration process can more readily adapt 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," a prerequisite to whether the Board can consider a case. 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 special duties: 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 and Marsy's Law, which further amended Section 16 of Article I and Sections 8 and 21 of Article V of the Florida Constitution and add a new section to Article XII of the state constitution.

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 and federal courts. The significant difference between the caseloads handled by the various defense entities and the much larger criminal caseloads in the Criminal and Capital Appeals Division is due to the Attorney General's Criminal Division's responsibilities handling cases in the state and federal courts.

### ***Criminal Appeals***

The Criminal Appeals Division is comprised of five statewide bureaus generally 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), Daytona (5th DCA) and the new Sixth DCA (created in 2022). The Sixth DCA was legislatively configured from other DCAs, and the cases assigned to the new DCA are handled by the Tampa and Daytona Criminal Appeals Bureaus.

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. While in the past, the Criminal Bureaus' cases also include the active sexual predator/Ryce



commitment appeals, over the years those case numbers have dwindled to a handful, and they are now counted as part of the criminal cases.

### ***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.

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.

Note: It should be noted that last year's reporting cycle and the current reporting cycle were impacted as to the numbers of appeals filed and litigated due the closing of Florida's trial courts and appellate courts based upon COVID 19. Federal habeas corpus litigation slowed down, however the federal court were not completed closed. It is assumed that the caseload numbers will return once a full year without court closures returns.

## **CIVIL LITIGATION DIVISION**

As a result of restructuring by senior management, effective March 21, 2022, General Civil Division was divided into two divisions: Civil Litigation and Civil Legal Services. The Civil Litigation Division is now comprised of the following bureaus: Complex Litigation, Civil Litigation North, Civil Litigation Central, and Civil Litigation South. A plan is imminent to consolidate the Tort, Employment, and Corrections Bureaus, located in Tallahassee, into Civil Litigation North Bureau. Similarly, State Programs and Complex Litigation will be combined into a single bureau. The Civil Legal Services Division is comprised of Administrative Law, Child Support Enforcement, Ethics, and Revenue Litigation Bureaus.

The 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 Civil Litigation Division handles constitutional challenges to statutes, civil rights, employment discrimination, torts, contract disputes, eminent domain, forfeiture, prisoner litigation, declaratory judgment, charitable trusts, and class action suits. Clients include state officers and agencies from all three branches of state government.

The following provides a brief description for each of the Division's bureaus:

### ***Complex Litigation Bureau***

The Complex Litigation Bureau defends state departments and agencies, including their individual officials and employees, in a wide variety of actions in both state and federal court, at both the trial and appellate levels. . The bureau handles high-visibility litigation involving the environment, Native American gaming, tobacco, education, election laws, inverse condemnation, and constitutional challenges to Florida Statutes and Florida constitutional amendments. Cases routinely handled also include defense of judges and 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 civil rights class actions that seek to change funding for a program, or a group of individuals, on a statewide basis.

The 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.

Additionally, within the bureau, a Foreclosure Unit represents the State 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. 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.

### ***Civil Litigation - North Bureau***

The Civil Litigation North Bureau provides legal services for state agencies, state officials, and judges in the following areas of litigation: corrections, employment, and torts. In addition, the bureau defends the presumptive constitutionality of state statutes and handles civil forfeiture and civil RICO actions in conjunction with Statewide Prosecution's criminal cases.

Corrections litigation provides representation to the State and its employees in matters related to the state correctional and institutional system. Staff 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 appeals. While the Department of Corrections is the major client, the bureau also provides representation in corrections litigation of the Governor, the Florida Commission on Offender Review, the Department of Children and Families, and provides 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 provides state agencies defense 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.

Tort litigation within the 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.

### ***Civil Litigation Central, and South Bureaus***

The Civil Litigation Central and South 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.

## **CIVIL LEGAL SERVICES DIVISION**

The Civil Legal Services 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 Division consists of the following bureaus: Administrative Law, Child Support Enforcement, Ethics, and Revenue Litigation. 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.

### ***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.

### ***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. This Bureau also represents the Department of Revenue in ad valorem tax cases, enforcement of certain agency final orders, and in litigation involving tax refund claims. Pursuant to Section 215.26, Florida Statutes, representation related to refund claims results from a delegation of authority from the Office of the Comptroller to the Department of Revenue. On various occasions, the Revenue Litigation Bureau represents other State agencies in tax-related matters pursuant to a contract between the client agency and the Department of Legal Affairs. This Bureau also advises the Attorney General on questions involving taxes.

## **MEDICAID FRAUD CONTROL UNIT**

The Medicaid Fraud Control Unit (MFCU) is responsible for investigating fraud committed upon the Medicaid Program by providers and program administrators. This authority is granted under both federal and state law (Section 1903 of the Social Security Act, Section 42 of the Code of Federal Regulations, and Chapter 409, Florida Statutes).

The MFCU investigates a diverse mix of health care providers, including doctors, dentists, 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***

- 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***

- 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*

- 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*

- 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*

- 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*

- 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*

- 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*

- 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*

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

**SOUTHERN REGION –**

*HHS/MFCU Medicaid/Medicare Fraud Strike Force – Miami Region – 3 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)
- 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, F.S. - Florida Crime Prevention Training Institute

§402.181, F.S. - State Institutions Claims

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

§16.615, F.S. – Council on the Social Status of Black Men and Boys

§16.556, F.S. - Crime Stoppers Trust Fund

### ***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 2021-22, the office received 14,856 claims, which is 16% less than the previous year. The average processing time from receipt of a claim through initial payment totaled 33.75 days, which is 26% longer than the previous year, due to staff vacancies and more complex claims. The bureau also maintains a toll-free information and referral service, using an automated call distribution phone system and maintains designated lines for bilingual callers and treatment providers. A total of 90,568 calls were processed, which is an increase of 59.95% from the previous year.

### ***Victim Advocacy***

The Victims of Crime Act (VOCA) grants specialists administer grants totaling more than \$130,000,000 and 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 1,013,933 victims received services through VOCA-funded private or public organizations or agencies during FY 2021-22. 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 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. The ACP is also intended to prevent public access to client information through voting records. This year's activities included 2,200 active program participants.

### ***Criminal Justice Programs***

In addition to victim services, crime prevention and associated programs are also a priority of the Attorney General's Office, since they are proven methods of helping to reduce crime and its impact on the Florida's citizenry. Education and training in crime prevention are both essential to reducing Florida's crime rate and rendering assistance to crime victims and is provided by FCPTI. Trends and conditions associated with these training programs are assessed by survey instruments distributed to law enforcement agencies, victim service organizations, and the general public. The training curriculum is established based on the demand for services as indicated in these surveys. A current trend emphasizes a coordinated initiative to train law enforcement officers in conjunction with local school districts, particularly in gang-related violence, pill mills and human trafficking. Numerous practitioner designation programs are offered to include Crime Prevention, Crime Prevention through Environmental Design, Elderly Crime, School Resource Officer, and Victim Services. A new Human Trafficking designation has been statutorily mandated this fiscal year. 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. We also organize and facilitate the annual National Conference on Preventing Crime, the Human Trafficking Summit, the Address Confidentiality Program, General Revenue/Special Grants, and the Victims' Rights Ceremony.

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

During Fiscal Year 2021-22, this office conducted training courses for law enforcement and other public and private sector organizations with 1,345 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 courses 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.).

### ***Council on the Social Status of Black Men and Boys***

In January 2007, the division was tasked with administering the Council on the Social Status of Black Men and Boys, created by the 2006 Legislature. This nineteen-member council is charged with conducting a systematic study of the adverse conditions affecting black men and boys, including homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, health issues and school performance. The goal of the council is to propose measures to alleviate and correct the underlying causes of these conditions. The

council is mandated to issue an annual report to discuss its findings, conclusions, and recommendations to the Governor, the President of the Senate, and the Speaker of the House.

### ***Crime Stoppers***

There are twenty-eight Crime Stoppers organizations currently serving sixty-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 \$4,390,112 for Fiscal Year 2021-2022.

### ***Urban League***

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

Grant staff oversees 18 General Revenue Crime Prevention and Victim grants totaling \$15,051,486. Staff conducts monthly reimbursement monitoring of all grant recipients, conducts on-site performance reviews and desk audits.

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

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## **Performance Measures and Standards**

### **LRPP Exhibit II**

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

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

**41100400 Victim Services**

Approved Performance Measures for FY 2022-23 (Words)	Approved Prior Standards for FY 2021-22 (Numbers)	Prior Year Actual FY 2021-22 Standard (Numbers)	Approved Standards for FY 2022-23 (Numbers)	Requested FY 2023-24 Standard (Numbers)
Number of victim compensation claims received	21,000	14,856	21,000	21,000
Number of days from application to payment of victim compensation claim	45	33.75	45	45
Number of victims served through grants	200,000	1,013,933	200,000	200,000
Number of people attending victims and crime prevention training	3,500	1,345	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 2022-23 (Words)	Approved Prior Standards for FY 2021-22 (Numbers)	Prior Year Actual FY 2021-22 Standard (Numbers)	Approved Standards for FY 2022-23 (Numbers)	Requested FY 2023-24 Standard (Numbers)
Percent of eligible attorneys, who have attained AV rating and or board certification	50%	17%	50%	50%

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

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

Approved Performance Measures for FY 2022-23 (Words)	Approved Prior Standards for FY 2021-22 (Numbers)	Prior Year Actual FY 2021-22 Standard (Numbers)	Approved Standards for FY 2022-23 (Numbers)	Requested FY 2023-24 Standard (Numbers)
Number of active Medicaid Fraud cases	900	1,133	850	850
Number of active antitrust cases	62	107	62	62
Number of active ethics cases	120	169	120	120
Number of active child support enforcement cases	50,000	40,883	48,000	48,000
Number of active tax cases	800	1,500	900	900
Number of active consumer protection cases, including consumer and RICO cases	250	417	250	250
Percent of lemon law cases resolved in less than one year	95%	90%	95%	95%
Number of repurchase disclosure/enforcement cases	1,400	947	1,400	1,400
Number of active lemon law cases	450	590	450	450
Number of active civil rights cases	42	30	42	42
Number of active eminent domain cases	10	6	10	10
Number of active civil appellate cases	323	400	323	323
Number of active civil lower tribunal cases		1,730		
Number of active inmate cases	1,651	1,457	1,651	1,651
Number of active state employment cases	113	34	113	113
Number of capital cases - Opened Active Cases	200	1,437	200	200
Number of noncapital cases - Opened Active Cases	19,000	16,651	19,000	19,000
Number of active sexual predator commitment appeals - Opened Active Cases	30	10	30	30
Number of days for opinion response	120	70	120	120
Number of opinions issued	60	4	60	60
Number of active Solicitor General cases	200	220	200	200

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

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## **Assessment of Performance for Approved Performance Measures**

### **LRPP Exhibit III**

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Legal Affairs

**Program:** 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	14,856	Under 6,144	34.27%

**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 2021-2022, the Bureau of Victim Compensation received 15.97% fewer applications than the prior fiscal year yet awarded \$12,213,364 or 5.06% more in compensation benefits. The reduction in claims was a direct result of the administrative code revisions which took effect March 1, 2021. Specifically, sections 2A-2.2001(43), F.A.C., and 2A-2.2002(4)(c), F.A.C., modified relocation benefits from nearly all costs to restrictions for interim shelter and housing. Other relocation expenses and ancillary costs were redirected to reimbursements through subgrantee contracts administered by the Bureau of Advocacy and Grants Management. This reduced the potential for fraud and misuse while introducing a significant cost savings enabling the bureau to increase compensation amounts for most benefits by 30-50%. The outcome rendered fewer claims received but more compensation being awarded.

**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:**

During fiscal year 2021-2022, the Bureau of Victim Compensation received 34.27% fewer claims than the approved standard output. In addition to the administrative code

revisions explained above, the decrease may be a residual outcome of the ongoing global health pandemic which has severely affected access normally available to crime victims. Victims may have been unable to seek services from victim service organizations in their communities due to temporarily suspended operations, reduced open office hours, scheduled appointments instead of accepting walk-in business, and various layers of protection necessary to foster safe operations. 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 checked="" type="checkbox"/> Training | <input checked="" type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel           | <input type="checkbox"/> Other (Identify)      |

**Recommendations:**

The Bureau of Victim Compensation is working with victim advocates, service providers, law enforcement support staff, and community partners to promote and encourage referrals for compensation. Travel authorization for purposes of training victim service professionals has resumed which expands the capacity to conduct outreach. In addition, the bureau continuously promotes the use of the VANext web portal to assist crime victims and their families with applying for compensation benefits.

## 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 |
| <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
3500	1,345	2155	-62%

**Factors Accounting for the Difference:**

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

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

**Explanation:** During Fiscal Year 2021-22, this office conducted training courses for law enforcement and other public and private sector organizations with 1,345 individuals participating, which is almost double the number of participants from the previous year. 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 continues to be adversely impacted by reduced funding for training at the local level and the lack of agencies sending individuals to our courses due to the continued concern of COVID-19. For the second consecutive year, the crime prevention conference was cancelled due to COVID-19 (this event normally draws over 1,000 attendees) and the cancellation of numerous courses as well. In addition, during COVID-19 we had 3 of our 4 training facilitators resign or retire and we were unable to fill these positions due to lack of qualified applicants. Currently, we have just hired two new facilitators and interviewing for the final opening. 16 courses are already scheduled for the remainder of 2022, with 4 contracted classes included. It is our hope we will return to our standard course number of 3500 during the next fiscal year, and once again reach our approved standard.

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

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

**Explanation:**

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

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

**Recommendations:**

*Office of Policy and Budget – July 2022*

## 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%	17%	33% under	66%

**Factors Accounting for the Difference:**

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

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

**Explanation:**

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

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

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

**Explanation:**

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

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

**Recommendations:**

No change requested at this time



## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs  
**Program:** Office of the Attorney General  
**Service/Budget Entity:** Lemon Law Arbitration /41101000  
**Measure:** Percent of lemon law cases resolved in less than one year

**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
95%	90%	-5%	5%

**Factors Accounting for the Difference:**

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

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training |
| <input 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 Lemon Law Arbitration program stopped holding hearings for almost 8 months in 2020, due to Covid-19, but continued to accept and process applications. This resulted in a significant hearing backlog.

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

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

**Recommendations:** Once it became clear that the Covid pandemic would not quickly abate, the division revamped the arbitration program from an in-person format to online. Once a program was identified that would meet our needs, policies and procedures were updated, staff and arbitrators were trained, and opportunities for our constituents to familiarize themselves with the new format were provided. Caseloads were also adjusted to tackle the backlog.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs  
**Program:** Office of the Attorney General  
**Service/Budget Entity:** Lemon Law Arbitration /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
1400	947	-453	32%

**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:** It would be reasonable to assume that the decrease in the number of buybacks reported to the division is a result of the Covid-19 pandemic. Auto manufacturers, like other businesses, migrated employees out of their facilities and cut back on functions requiring in-person contact.

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

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

**Recommendations:**

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs  
**Program:** Office of the Attorney General  
**Service/Budget Entity:** Eminent Domain Case 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
10	6	-4	40%

**Factors Accounting for the Difference: Staffing**

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

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

**Explanation:** The bureaus have struggled to compete with market salaries and as a result have experienced high turnover.

**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:** The agencies have been handling Eminent Domain matters in-house, and consequently there is less of a need for OAG representation.

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

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

**Recommendations:** The division's minimum salaries have increased, and it is hopeful that the increases will aid in employee retention.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs  
**Program:** Office of the Attorney General  
**Service/Budget Entity:** Employment Case Litigation /41101000  
**Measure:** Number of active state employment cases

**Action:**

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
113	34	-79	69.9%

**Factors Accounting for the Difference: Staffing**

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

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

**Explanation:** The bureaus have struggled to compete with market salaries and as a result have experienced high turnover.

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

**Recommendations:** The division's minimum salaries have increased, and it is hopeful that the increases will aid in employee retention.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs  
**Program:** Office of the Attorney General  
**Service/Budget Entity:** Inmate Case 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
1651	1457	-194	11.75%

**Factors Accounting for the Difference: Staffing**

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

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

**Explanation:** The bureaus have struggled to compete with market salaries and as a result have experienced high turnover.

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

**Recommendations:** The division's minimum salaries have increased, and it is hopeful that the increases will aid in employee retention.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs  
**Program:** Office of the Attorney General  
**Service/Budget Entity:** Civil Rights/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	30	-12	28.5%

**Factors Accounting for the Difference:**

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

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training |
| <input 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 three (3) new cases from FCHR. This has a large impact on the number of cases currently being handled by our office.

**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 2021, the Office of Civil Rights signed a Memorandum of Understanding(MOU) with FCHR and is currently providing attorney reviews of its housing discrimination cause cases. Our office is looking at ways to educate the public regarding the anti-discrimination laws in the State of Florida and our office's enforcement role in protecting those rights.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs  
**Program:** Office of the Attorney General  
**Service/Budget Entity:** Criminal Appellate Division/41101000  
**Measure:** Number of Non-capital 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
19,000	16,651	-2,349	13.4%

**Factors Accounting for the Difference:**

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

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

**Explanation:**

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

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

**Explanation:**

Last year's reporting cycle and the current reporting cycle were impacted, regarding the numbers of appeals filed and litigated, due to the closing of Florida's trial courts and appellate courts pursuant to COVID-19. The non-capital caseloads are based initially on trial court litigation. With the state trial court closures the number of new capital cases dropped because prosecutions did not happen, and post-conviction litigation occurred based only on written pleadings. Federal habeas corpus litigation did drop however the federal courts were not completely closed therefore, habeas litigation continued due to court ordered deadlines. Cases that did not require hearings or oral arguments were litigated and resolved.

It is assumed that the caseload numbers will return once a full year without court closures returns.

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

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

**Recommendations:**

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs  
**Program:** Office of the Attorney General  
**Service/Budget Entity:** Criminal Appellate Division/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	10	-30	75%

**Factors Accounting for the Difference:**

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

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



## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs  
**Program:** Office of the Attorney General  
**Service/Budget Entity:** Opinions/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	4	-56	93%

**Factors Accounting for the Difference:**

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

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

**Explanation:**

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

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

**Explanation:**

Performance results decreased for FY 2021-22 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 2022-23 and does not suggest a change in this regard.

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

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

**Recommendations:**

No action should be taken at this time.



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

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## **Performance Measure Validity and Reliability**

### **LRPP Exhibit IV**

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

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

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

**Measure:** Number of victim compensation claims received

**Action** (check one): N/A

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

**Data Sources and Methodology:**

**Validity:**

**Reliability:**

*Office of Policy and Budget – July 2022*

## **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 2022*

## **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 2022*

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

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Executive Direction / 41100500

**Measure:** Percent of eligible attorneys, who have attained AV 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 2022*



## **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:**

*Office of Policy and Budget – July 2022*

**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:**

## **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 2022*

## **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:**

*Office of Policy and Budget – July 2022*

## **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 2022*

**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 2022*

**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:**

*Office of Policy and Budget – July 2022*

**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:**

## **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 2022*

## **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:**

*Office of Policy and Budget – July 2022*

**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 2022*

**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:**

*Office of Policy and Budget – July 2022*

**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 2022*

## **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:**

*Office of Policy and Budget – July 2022*

**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 2022*



**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:**

*Office of Policy and Budget – July 2022*

**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 2022*

**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:**

*Office of Policy and Budget – July 2012*

## **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 2012*

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

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## **Associated Activities Contribution to Performance Measures**

### **LRPP Exhibit V**

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

Measure Number	Approved Performance Measures for FY 2022-23		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 2022-23		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**

<b>Measure Number</b>	<b>Approved Performance Measures for FY 2022-23</b>	<b>Associated Activities Title</b>
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**

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## **Agency-Level Unit Cost Summary**

### **LRPP Exhibit VI**

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL		FISCAL YEAR 2021-22			
SECTION I: BUDGET		OPERATING		FIXED CAPITAL OUTLAY	
TOTAL ALL FUNDS GENERAL APPROPRIATIONS ACT		367,622,795		0	
ADJUSTMENTS TO GENERAL APPROPRIATIONS ACT (Supplementals, Vetoes, Budget Amendments, etc.)		15,555,109		0	
FINAL BUDGET FOR AGENCY		383,177,904		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		590	3,187.87	1,880,846	
Child Support Enforcement * Number of final orders obtained representing the Department of Revenue in child support enforcement proceedings.		40,883	195.92	8,009,720	
Antitrust * Number of cases enforcing provisions of the Antitrust Act		107	69,395.83	7,425,354	
Racketeer Influenced And Corrupt Organization (rico)/ Consumer Fraud * Cases enforcing the Racketeer Influenced and Corrupt Act and Unfair and Deceptive Trade Practices Act.		417	32,822.43	13,686,952	
Commission On Ethics Prosecutions * Number of cases prosecuted before the Florida Commission on Ethics		169	1,783.14	301,350	
Medicaid Fraud Control * Number of cases investigated involving Medicaid fraud activities		1,133	18,130.10	20,541,408	
Civil Rights * Number of cases investigated and prosecuted involving violations of civil rights		30	28,473.67	854,210	
Solicitor General And Complex Litigation * Number of cases		620	3,989.61	2,473,561	
Opinions * Number of Opinions Issued		4	205,579.50	822,318	
Cabinet Support Services * Number of Cabinet Meetings		6	101,997.33	611,984	
Eminent Domain * Cases representing the Department of Transportation and other government agencies in eminent domain proceedings.		6	64,387.67	386,326	
Sexual Predator Civil Commitment Appeals * Number of cases		10	36,605.50	366,055	
Non-capital Criminal Appeals * Number of cases - non-capital appellate litigation		16,651	1,175.52	19,573,528	
Capital Appeals * Number of cases - capital appellate litigation		1,437	2,692.94	3,869,756	
Administrative Law * Number of cases		214	13,083.18	2,799,801	
Tax Law * Number of cases enforcing, defending and collecting tax assessments		1,500	1,025.64	1,538,459	
Civil Litigation Defense Of State Agencies * Number of cases defending the state and its agents in litigation of appellate, corrections, employment, state programs and tort.		3,221	3,526.08	11,357,492	
Grants-victims Of Crime Advocacy * Number of victims served through grants.		1,021,721	120.74	123,358,078	
Victim Notification * Number of criminal and capital appellate services provided		14,927	262.97	3,925,388	
Victim Compensation * Number of victim compensation claims relieved		12,214	1,310.25	16,003,381	
Local Initiatives * Number of crime prevention programs and local funding initiatives assisted.		13	1,093,889.77	14,220,567	
Grants-crime Stoppers * Number of Crime Stopper agencies assisted		27	175,359.81	4,734,715	
Crime Prevention/Training * Number of people attending training		1,198	544.49	652,302	
Investigation And Prosecution Of Multi-circuit Organized Crime * Annual volume of investigations handled		908	11,427.34	10,376,024	
Florida Elections Commission * Number of cases pursuant to Chapters 104 and 106, Florida Statutes.		889	2,017.29	1,793,372	
TOTAL				271,562,947	
SECTION III: RECONCILIATION TO BUDGET					
PASS THROUGHS					
TRANSFER - STATE AGENCIES					
AID TO LOCAL GOVERNMENTS					
PAYMENT OF PENSIONS, BENEFITS AND CLAIMS					
OTHER					
REVERSIONS				111,614,959	
TOTAL BUDGET FOR AGENCY (Total Activities + Pass Throughs + Reversions) - Should equal Section I above. (4)				383,177,906	

### 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):	383,177,904	
TOTAL BUDGET FOR AGENCY (SECTIONS II + III):	383,177,906	
	-----	-----
DIFFERENCE:	2-	
(MAY NOT EQUAL DUE TO ROUNDING)	=====	=====

# Glossary of Terms and Acronyms

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

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

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

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

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

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AAG	Assistant Attorney General
ACP	Address Confidentiality Program
AHCA	Agency for Health Care Administration
APD	Adult Protective Division
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 2023-24 through FY 2027-28**



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

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



# MISSION

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

# **Program: Office of Statewide Prosecution**

## **Goals**

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

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

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

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

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

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

**Objective A:** Assist law enforcement Outcome

**Outcome:** Number of requests for assistance

Baseline/Year 2000-01	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27
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 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27
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 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27
729	700	700	700	700	700

**Objective B:** Seek effective case results

**Outcome:** Number of defendants convicted

Baseline/Year 2000-01	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27
410	385	385	385	385	385

**Outcome:** Conviction Rate

Baseline/Year 2000-01	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27
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 elections fraud, illegal gaming, 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.

With the legislature's recent addition of prosecutors to handle elections fraud and illegal gaming we will be increasing our efforts in investigations and prosecutions in those areas. 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**

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**Performance  
Measures and  
Standards**

**LRPP Exhibit II**



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

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

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

Approved Performance Measures for FY 2021-22 (Words)	Approved Prior Standards for FY 21-22 (Numbers)	Prior Year Actual FY 2021-22 Standard (Numbers)	Approved Standards for FY 2022-23 (Numbers)	Requested FY 2023-24 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	354	350	350
Total number of requests for assistance	300	363	300	300
Total number of active cases	800	908	800	800
Total number of defendants charged	400	289	400	400

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

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**Performance Measure**  
**Assessment**

**LRPP Exhibit III**

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs  
**Program:** Statewide Prosecution  
**Service/Budget Entity:** Statewide Prosecution / 41200100  
**Measure:** Total Number of Defendants Charged

**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
400	289	-111	-28%

**Factors Accounting for the Difference:**

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

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

OSP believes this to be residual effect of the courts and other agencies being shut down during the COVID 19 pandemic. During that time investigations stalled. It will take time to catch up this back log and get cases to the point of being ready to be filed.

**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:**

Management will keep an eye on this measure and do whatever possible to move investigations along to filing status as quickly as feasible.

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

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

**LRPP Exhibit IV**

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

**Department:** Department of Legal Affairs

**Program:** Office of Statewide Prosecution

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

**Measure:** Conviction rate for defendants who reached final disposition

**Action** (check one): N/A

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

**Data Sources and Methodology:**

**Validity:**

**Reliability:**

*Office of Policy and Budget – July 2022*

## **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 2022*

## **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:**

## **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:**

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

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**Associated Activities  
Contributing to Performance  
Measures**

**LRPP Exhibit V**

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

Measure Number	Approved Performance Measures for FY 2022-23		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**

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

**LRPP Exhibit VI**

## **Glossary of Terms and Acronyms**

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

# **Long-Range Program Plan**

**Fiscal Years 2023-2024 through 2027-28**

## **FLORIDA ELECTIONS COMMISSION**



**2022**

# LONG RANGE PROGRAM PLAN

Florida Elections Commission  
Tallahassee, Florida

September 29, 2022

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

John Shettle, Interim 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 2023-24 through Fiscal Year 2027-28. The internet website address that provides the link to the LRPP located on the Florida Fiscal Portal is [www.fec.state.fl.us](http://www.fec.state.fl.us). This submission has been approved by Tim Vaccaro, Executive Director of the Florida Elections Commission.



Tim Vaccaro  
Executive Director

# 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 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28
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 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28
90%	90%	90%	90%	90%	90%

# FLORIDA ELECTIONS COMMISSION

## TRENDS AND CONDITIONS STATEMENTS

### Introduction

The Florida Elections Commission (FEC or Commission) was created in 1973 and is charged with enforcing Chapters 104 and 106, Florida Statutes.<sup>1</sup>

The Commission is composed of nine members appointed by the Governor to four-year terms. With the exception of the Chair, the Governor appoints each member from lists of nominees 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, three Associate General Counsel, an Investigations Manager, six Investigators, an Agency Clerk, a Deputy Agency Clerk, and one administrative support position (16 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" 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.

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<sup>1</sup> Section 105.071, F.S., which prescribes limitations on political activities of judicial candidates, also charges FEC with enforcement. However, FEC's general jurisdiction statute in s. 106.25, F.S., only references Chapters 104 and 106; it is silent on the Chapter 105 provision. In 2010, the Commission found that it did not have jurisdiction over a case alleging a violation of Section 105.071, Florida Statutes, and complaints making such allegations have been dismissed as legally insufficient since that time. Over several years, FEC has proposed legislation to address this ambiguity, but it has not passed.

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 21/22, the Commission closed 54% of its cases within one year, a 23% decrease from its FY 20/21 percentage. This performance measure was impacted by several factors, the most significant of which was the Commission's efforts to resolve pre-2020 cases. The Commission resolved 82 cases, dating from 2017 to 2019, which accounted for 17% of the 470 cases closed. The Commission's ability to resolve older cases resulted from adding a sixth investigator and developing report templates and uniform procedures to streamline all investigations. During the 2022 Legislative Session, the Florida Legislature also appropriated an additional attorney FTE to address the higher volume of cases as investigations are completed more efficiently.<sup>2</sup>

The Commission also dismissed 23 cases - or five percent of cases closed - that were two years old, because the Commission was unable to complete service of process.<sup>3</sup> Florida Statutes do not require candidates or entities to report their current addresses to the Commission. Therefore, staff completes periodic address and contact information searches throughout the year. In some cases, such as the 23 identified, Commission staff is unable to find current addresses for service, or intended recipients avoid service.

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 FY18/19, the Commission opened a total of 780 cases, 335 in FY 19/20, 882 in FY 20/21 and 255 in FY 21/22. The number of referrals from the Division of Elections alone, has reflected the same trend; FY18/19 (450), FY19/20 (234), FY 20/21 (600), and FY 21/22 (139). The Commission anticipates higher numbers as the 2022 and 2024 elections draw closer.

In addition to the process improvements outlined above, the Commission is considering rulemaking in the coming year to facilitate more efficient scheduling of hearings. The Commission also delegated final order signature authority to the Executive Director, which in most cases, allows orders to be filed and cases to be closed quickly following Commission meetings.

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<sup>2</sup> The FEC per-attorney case load ratio for FY21/22 was 273:1.

<sup>3</sup> Internal procedures including enhanced tracking and staffing resources have been directed towards completing service of process in a timelier manner. For FY 21/22, the agency completed service of process within an average of 3 weeks.

As FEC continues to focus on resolving older cases, its percentage of cases closed within 12 months may continue to be under 80% in the short term. However, the process improvements outlined herein will ultimately assist the Commission in meeting its objective to close at least 80% of its cases within 12 months.

### *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.

### **Impact Statement**

Beyond the process improvements outlines in this report, the Florida Elections Commission is neither creating new programs nor requesting additional staff. The Commission believes that the service it provides the public in enforcing Florida's election laws is an important one, because free and fair elections are a cornerstone of our democracy. Any reduction in resources would impair the Commission's ability to ensure fair elections, meaningful campaign regulation and effective election law enforcement for the citizens of Florida.



## 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%	54%	Under	26%

**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 by the Commission’s efforts to resolve pre-2020 cases. The Commission resolved 82 cases, dating from 2017 to 2019, which accounted for 17% of the 470 cases closed.

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 FY18/19, the Commission opened a total of 780 cases, 335 in FY 19/20, 882 in FY 20/21 and 255 in FY 21/22. The number of referrals from the Division of Elections alone, has reflected the same trend; FY18/19 (450), FY19/20 (234), FY 20/21 (600), and FY 21/22 (139). The Commission anticipates higher numbers as the 2022 and 2024 elections draw closer.



**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:**

The Commission dismissed 23 cases - or five percent of cases closed - that were two years old, because the Commission was unable to complete service of process. Florida Statutes do not require candidates or entities to report their current addresses to the Commission. Therefore, staff must complete periodic address searches throughout the year. In some cases, such as the 23 identified, Commission staff is unable to find current addresses for service, or intended recipients avoid service.

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

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

**Recommendations:**

The Commission added a sixth investigator and developed report templates and uniform procedures to streamline all investigations. During the 2022 Legislative Session, the Florida Legislature also appropriated an additional attorney to address the higher volume of cases as investigations are completed more efficiently.

Other improvements include the Commission's consideration of rulemaking in the coming year to facilitate efficient scheduling of hearings. The Commission also delegated final order signature authority to the Executive Director, which in most cases, allows orders to be filed and cases to be closed quickly following Commission meetings. These improvements should have a positive impact upon the Commission's performance and should ultimately result in 80% or higher case closures within 12 months.

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

**Department: Department of Legal Affairs**

**Program: Florida Elections Commission**

**Service/Budget Entity: 41300100/Campaign Finance and Election Fraud Enforcement**

**Measure: N/A**

**Action** (check one):

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

**Data Sources and Methodology:**

**Validity:**

**N/A**

**Reliability:**

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

Measure Number	Approved Performance Measures for FY 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			

# **Exhibit VI**

## **Agency-Level Unit Cost Summary**

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

## Glossary of Terms

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Acronyms

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