



OFFICE OF THE
ATTORNEY GENERAL OF FLORIDA

Charlie Crist



Long Range Program Plan

FY 2006/07 through FY 2010/11

*Office of the Attorney General
Office of Statewide Prosecution*

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Mission Statement

People's Law Firm

*Office of the
Attorney General*

Program: Office of the Attorney General

Goals and Objectives

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

Objective 1A: Decrease state's reliance on costly outside legal counsel

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

<i>Baseline/Year 2001</i>	<i>FY 2006-07</i>	<i>FY 2007-08</i>	<i>FY 2008-09</i>	<i>FY 2009-10</i>	<i>FY 2010-11</i>
30%	45%	50%	55%	60%	60%

Objective 1B: Broaden scope of experience and specialization levels of legal staff

Outcome: Of eligible attorneys, percent who have attained AV rating, BV rating, and/or board certification

<i>Baseline/Year 2001</i>	<i>FY 2006-07</i>	<i>FY 2007-08</i>	<i>FY 2008-09</i>	<i>FY 2009-10</i>	<i>FY 2010-11</i>
70%	80%	85%	90%	90%	90%

Program: Office of the Attorney General

Goals and Objectives (continued)

Objective 1C: Increase client satisfaction

Outcome: Percent increase in client satisfaction

<i>Baseline/Year 2001</i>	<i>FY 2006-07</i>	<i>FY 2007-08</i>	<i>FY 2008-09</i>	<i>FY 2009-10</i>	<i>FY 2010-11</i>
90%	95%	95%	95%	95%	95%

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

<i>Baseline/Year 2003</i>	<i>FY 2006-07</i>	<i>FY 2007-08</i>	<i>FY 2008-09</i>	<i>FY 2009-10</i>	<i>FY 2010-11</i>
1600+	1800+	1800+	1800+	1800+	1800+

Objective 1D: Improve recruitment and retention of highly skilled attorneys

Outcome: Increase average salary of the OAG attorneys to achieve salary level within the 90th percentile of average salaries paid to other executive agency attorneys

<i>Baseline/Year 2001</i>	<i>FY 2006-07</i>	<i>FY 2007-08</i>	<i>FY 2008-09</i>	<i>FY 2009-10</i>	<i>FY 2010-11</i>
60th percentile	67th percentile	74th percentile	78th percentile	80th percentile	85th percentile

Program: Office of the Attorney General

Goals and Objectives (continued)

Goal #2: Improve service delivery to all crime victims

Objective 2A: Increase efficiency in processing victim compensation claims

Outcome: Decrease average turnaround time from receipt of claim to payment

<i>Baseline/Year 1999</i>	<i>FY 2006-07</i>	<i>FY 2007-08</i>	<i>FY 2008-09</i>	<i>FY 2009-10</i>	<i>FY 2010-11</i>
<i>19.8 weeks</i>	<i>5 weeks</i>	<i>5 weeks</i>	<i>5 weeks</i>	<i>5 weeks</i>	<i>5 weeks</i>

Objective 2B: Increase the outreach of VOCA grant program

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

<i>Baseline/Year 1999</i>	<i>FY 2006-07</i>	<i>FY 2007-08</i>	<i>FY 2008-09</i>	<i>FY 2009-10</i>	<i>FY 2010-11</i>
<i>253</i>	<i>250</i>	<i>250</i>	<i>250</i>	<i>250</i>	<i>250</i>

Pending federal legislation will decrease amount of funds available to the state for victim assistance grants

Outcome: Increase number of subgrantees serving minorities and underserved victims

<i>Baseline/Year 1999</i>	<i>FY 2006-07</i>	<i>FY 2007-08</i>	<i>FY 2008-09</i>	<i>FY 2009-10</i>	<i>FY 2010-11</i>
<i>46</i>	<i>50</i>	<i>50</i>	<i>50</i>	<i>50</i>	<i>50</i>

Underserved includes agencies that strictly serve victims who are children, elderly or disabled adults who were molested as children

Program: Office of the Attorney General

Trends and Conditions Statement

The Attorney General is the Chief Legal Officer for the State of Florida. The Office of the Attorney General is composed of several units whose chief goal is to economically and efficiently provide the highest quality legal services to the State of Florida and its agencies for the benefit of all Floridians.

Specific responsibilities enumerated in Article 4, Section 4 of the Florida Constitution and in Chapter 16, Florida Statutes, have been expanded through the years by the Florida Legislature and by amendment of the Constitution, for the protection of the public's interests. The functions of the Office of the Attorney General range across the legal landscape, from Capital Appeals and Medicaid Fraud to Child Support Enforcement, and Economic Crimes. However, the functions can most simply be divided into four broad categories: Civil Enforcement; Constitutional Legal Services; Criminal and Civil Litigation; and Victim Services.

Economic Crime Division

The ECONOMIC CRIME DIVISION targets those who prey on Floridians and visitors by victimizing them economically, and those who seek to infringe on the rights of innocent, law-abiding citizens. The division's attorneys, investigators and staff work in bureaus located throughout the state with a focus on the following areas of practice:

Deceptive and Unfair Trade Practices

The Attorney General's Office enforces Florida's Deceptive and Unfair Trade Practices Act, Chapter 501, Florida Statutes, which is designed to protect individual consumers and legitimate businesses from various types of unfair and deceptive practices in trade or commerce

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

Florida's large and growing elderly population is a particular target for consumer fraud. Focusing on the elderly as a special "at-risk" group has enhanced the ability of the Attorney General's Office, working in cooperation with senior advocate organizations, to prevent, identify and prosecute fraudulent scams directed at older victims. In areas with high concentrations of seniors, the Economic Crimes Division places a particular focus on consumer fraud and economic crimes against the elderly.

The Internet and other advances in rapid communication are generating an increased number of fraudulent schemes. Use of the Internet is growing exponentially, and the potential for illegal activity on the Internet is enormous. As use and availability of the Internet continue to expand, increasing numbers of individuals are certain to become victims of fraud. The ability to stem this growing problem will be a critical issue in the years ahead.

With natural disasters such as hurricanes and devastating wildfires come the recurring problems of home repair scams, price gouging, job scams, advance fee loan scams and door-to-door sales schemes. To curb these predatory practices and enforce Florida's price gouging statute, this office has established a toll-free hotline that is activated in times of natural disaster. Notices alerting consumers to potential scams and informing them of this hotline are widely distributed to the news media, cooperating retail merchants and other public locations in areas affected by the disaster. Thousands of complaints have been received, many as a result of these consumer-awareness initiatives.

The number and ever-changing variety of fraudulent schemes serve as a constant challenge. Current problems that will remain the focus of enforcement efforts are numerous, but they include telemarketing fraud, work-at-home scams, direct mail sweepstakes offers, moving companies, credit repair scams, negative option sales tactics, automobile sales and leasing practices, warranty sales practices, multi-level marketing and charitable solicitation scams.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

Many of these areas are being investigated and prosecuted by multi-state attorney general groups, with this office playing a lead role in several investigations. Many of these investigations, both multi state and Florida-only, produce large settlement agreements that direct substantial funds to the state or individual Florida consumers, while putting a halt to improper trade activities.

These consumer fraud issues will continue to require substantial and meaningful investigation and preparation. At current staffing levels, the Economic Crimes Division is under constant pressure to muster the necessary resources to combat these ever-increasing avenues of consumer fraud. Any reduction in attorneys, investigators or support staff would seriously hamper our efforts. Accordingly, the need to ensure adequate resources to properly investigate and prosecute consumer fraud will continue to be a significant priority.

RICO

The Florida Racketeer Influenced and Corrupt Organization Act (RICO), Chapter 895, Florida Statutes, authorizes the Attorney General's Office to investigate RICO violations and institute civil proceedings to enjoin such violations. Section 895.02 (1), Florida Statutes, defines "racketeering activity" to mean "to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit" a series of crimes ranging from offenses against the environment to computer-related crimes. Civil remedies under RICO include injunction, forfeiture and disgorgement.

Other statutes such as civil theft laws and the False Claims Act (Section 68.081, Florida Statutes) also provide for civil remedies, and in some circumstances the common law authorizes the Attorney General's Office to act.

The focus in RICO actions historically had been on enterprises associated with importing, delivering and distributing illicit drugs. While these efforts met with a great deal of success, the number of such cases referred to this agency by various law enforcement offices has significantly declined in recent years. Instead, many of these cases are now taken to federal agencies that can offer local authorities a greater share of forfeiture proceeds and do not have to follow Florida's sentencing guidelines, discovery procedures and homestead protections.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

As a result, the role of the Attorney General's Office in RICO matters has shifted toward the civil prosecution of legal corporate enterprises engaged in theft or various schemes to defraud. Complaints indicated that much of this conduct previously was ignored or handled administratively with little effect, but because they involve criminal activity they are better addressed by sanctions available under the RICO Act.

The results of these prosecutions, recoveries of more than \$403 million since 1986, show the existence of widespread corporate fraud. These practices exist in otherwise legitimate business, including financial institutions, utility companies, medical providers, insurance companies and transportation firms. They typically affect large numbers of people, suggesting that even more citizens can benefit from additional resources directed against corporate "white collar crime" that has long been undetected, ignored or ineffectively addressed.

The RICO Act has been effectively used to investigate several life insurance companies for conduct involving fraudulent sales practices of life insurance products, a practice known as "churning." This investigation focused considerable attention on a serious problem affecting thousands of Florida consumers.

Similarly, the Economic Crimes Division directed a series of cases against financial institutions for placing excessive insurance on automobile loans resulting in almost \$40 million in refunds to Florida consumers. Several investigations of telecommunications companies for the practice of slamming were settled for nearly \$10 million in payments to the state of Florida.

While the number of cases involving major corporate targets has grown from a single case in 1989 to over 60 in 2004, the efforts of this section are limited by existing resources and the time-consuming nature of these cases. Nevertheless, because of the positive impact these cases have on so many individual consumers, the Attorney General's Office will continue to address corporate misconduct and successfully generate its own cases rather than merely react to cases presented by other agencies. Reductions in staff or other investigative resources would jeopardize several existing cases and severely limit the ability of this office to proactively pursue those perpetrating widespread schemes to defraud the public.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

Antitrust Division

The Attorney General's Office is responsible for enforcing state and federal antitrust laws and works to stop violations that harm competition and adversely impact the citizens of the state. 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 efforts of the Attorney General's Office under this statute over the past two decades have yielded hundreds of millions of dollars in recoveries for various public entities and for Florida's consumers.

The Attorney General is broadly authorized to institute or intervene in civil proceedings and seek the "full range of relief" afforded by Chapter 542 or by federal laws pertaining to antitrust or restraints of trade. Chapter 542 also grants the Attorney General certain specific authority, including the power to target restraint of trade activities (Section 542.18, Florida Statutes); to investigate monopolies or conspiracies to establish monopolies, including the authority to review proposed mergers that may have a potential anti-competitive impact upon the state and its citizens (Section 542.19, Florida Statutes); to investigate potential violations of state or federal antitrust laws (Section 542.27(3), Florida Statutes); to issue investigative subpoenas, called Civil Investigative Demands, to anyone believed to be in possession, custody, or control of any documentation or other information relevant to an antitrust investigation (Section 542.28, Florida Statutes); and to bring actions on behalf of the state, public entities, and/or natural persons to recover damages and/or civil penalties, as warranted, and to obtain the appropriate injunctive or other equitable relief (Sections 542.27(2) and 542.21-23, Florida Statutes).

It is a priority of this office to ensure that those responsible for rigging bids on public entity procurement contracts, unlawfully fixing prices, or illegally monopolizing or attempting to monopolize a particular market or industry be held fully accountable for the overcharges or other harm suffered by Florida's public entities and citizens as a result of the unlawful conduct.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

Trends and conditions pertaining to our state antitrust enforcement effort are assessed on an annual basis through an analysis of the number of active cases worked by the Antitrust Division. While the number of cases worked by the Division during FY 2004-05 decreased slightly from 72 to 57 and cases closed decreased from 29 to 15 when compared to the previous year, the management of available resources still enabled the Division to recover significant sums for Florida. The Division recovered \$15,437,794.32 in FY 04-05 with seven major cases compared to \$19,570.396.67 from eight major cases in FY 03-04. These monies were recovered either on behalf of public entities and consumers or as reimbursement for attorneys' fees and costs after the matter was resolved.

Several recent developments have resulted in an increased need for consistent and effective antitrust enforcement. One such development is that there has been a dramatic increase over the last five years in the number of proposed mergers, acquisitions, and joint ventures as the nation's economic boom produced a record number of companies combining in a variety of industries. While not all proposed mergers and acquisitions are reviewed by the Attorney General's Office, those that may have a particular anti-competitive impact in Florida, thereby affecting Florida consumers, are most likely to be reviewed.

Consequently, state and federal antitrust enforcement efforts must be stepped up to address the increase in potentially unlawful actions. The Antitrust Division will marshal its resources to fulfill our commitment to the people of Florida.

The Attorney General's Office has addressed some of this need in recent years by combining resources with other state Attorneys General and federal antitrust enforcement agencies, where appropriate, to review, investigate, and litigate both traditional antitrust cases and proposed mergers. This consolidation of limited resources has allowed the Attorney General's Office to more thoroughly address antitrust concerns than would be possible without such a cooperative effort. The Attorney General was able to meet this increased need for resources by obtaining seven new positions from the 2000 Legislature.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

By the end of Fiscal Year 2004-05, the Division had generated a number of new cases and, assuming attorney turnover is kept to a minimum for the next few years, should be on pace to again reach, or approach, our standard performance measure of 62 active cases worked.

The Antitrust Division made significant recoveries during the fiscal year. For example, Florida distributed almost \$2 million to consumers who overpaid for the heart drug Cardizem as the result of an alleged unlawful monopolization by its manufacturer, Abbott Laboratories.

Another \$2,757,275 was distributed to consumers who overpaid for the anti-anxiety medication BuSpar as the result of similar conduct by that drug's maker Bristol-Myers Squibb. As a result of a settlement involving similar conduct by Bristol-Myers Squibb, \$1,545,542 went to state agencies and \$618,724 to local public entities for overcharges paid by health clinics and other public health care facilities for the breast cancer infusion drug Taxol. And, compact disks valued at \$4,225,798 were distributed to Florida's public schools and libraries as the result of a settlement between Florida and the major distributors of compact disks resolving concerns regarding certain restrictive pricing policies employed by the companies. Finally, six of the 57 active cases worked by the Division in FY 2004-05 were merger reviews. Such reviews, while typically producing no dollar recoveries, can, nonetheless, be very resource-intensive and time-consuming.

Any permanent reduction in staff, particularly after staff increases were authorized as recently as 2000 to meet the growing antitrust enforcement challenge of the new economy, would greatly impede the Attorney General's Office antitrust enforcement efforts on behalf of the people of Florida. Even with new staff additions, the Attorney General's resources to conduct thorough antitrust investigations and bring complex antitrust litigation remains limited. Antitrust investigations and litigation by their very nature are complicated, time-consuming, and extremely document-intensive.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

Antitrust cases can take several years to resolve, and it is not unusual to have one case temporarily require all the staff's attention because the particular task at hand is so monumental. This was certainly the case most of this fiscal year with the Hytrin case, which settled just five weeks before trial. The lead attorney assigned to the case departed the office just seven months before the scheduled trial date after working on the case for three years, and her replacement needed all of the months leading up to the trial to prepare. Additionally, in November, we began an investigation into the insurance industry, which has spawned at least six separate investigations, and is expected to continue to grow as we uncover more possible violations of antitrust and other laws.

Finally, as gas prices continue to rise, we have consistently devoted significant resources to aggressively monitoring gasoline prices and promptly responding to consumer complaints. Consequently, as we continue to make every effort to meet the needs of our citizens and aggressively pursue potential violations of the law that harm consumers and competition, any reduction in staff would greatly impact our antitrust enforcement efforts, especially at this time of economic unpredictability when it appears that antitrust activity is on the upswing. Investigations would not be brought, litigation would not be filed, financial recoveries would be lost and mergers would be consummated without adequate review, all to the detriment of the state and its citizens.

Cybercrime Unit

The Cybercrime Unit was established by the Attorney General in August 2005 in response to the alarming increase of child predation by means of computer, the internet, digital media and other electronic devices. In an effort to safeguard children from such exploitation, it is the mission of the Cybercrime Unit to investigate and prosecute computer facilitated child solicitation and predation, possession and proliferation of child pornography, and all internet-based sexual exploitation of children. In addition, the Cybercrime Unit is active in community outreach to educate parents, teachers, care-givers, and children about safe use of computers and the internet.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

The Cybercrime Unit consists of two Law Enforcement Investigators, a Lieutenant, and one Prosecuting Attorney, as Bureau Chief of the Unit. In this inaugural year, the Cybercrime Unit is operating without support staff, either for the sworn law enforcement officers or the attorney. The Unit works in close contact with the National Center for Missing & Exploited Children (NCMEC) and the Internet Crimes Against Children Task Forces (ICAC). Through federal grant funds administered by the North Florida ICAC, the Cybercrime Unit secured undercover computers and printers to conduct covert investigations without impacting General Revenue funds.

The Unit members will deal daily with the most heinous form of contraband in existence. Child pornography is defined as visual images of infants, toddlers, and children under 18, in graphic sexual poses or explicit sexual activity. The images are in fact memorialized images of child rape, molestation, and sexual abuse. Many images depict violence such as bondage, rape, or torture.

The investigations result in arrests ranging from possession or transmission of pornography, to cases where the predator actually travels to meet an undercover investigator, who he or she believes to be a child. The cases involve grave danger to the Investigators, as detection is often devastating to the predator. On many occasions experienced by law enforcement around the State, detection and arrest of sexual predators has resulted in spontaneous suicide, open gun fire, and police officer fatality. For this reason, the Cybercrime Unit members work to foster strong relationships with other law enforcement agencies around the State, and need to spend time establishing contacts and agreements to share critical resources. In addition, investigations such as these are not limited to the normal work day hours and may often lead to unusual hours for Investigators and travel where overtime and expenses are unavoidable.

The Bureau Chief of the Unit supervises all investigations and administrative responsibilities of the Unit, as well as overseeing all issues pertaining to re-certification and maintenance of the law enforcement officers. In addition, the Chief is a Special Designated Assistant Statewide Prosecutor, and seeks cross-designation from local State Attorneys as needed in order to handle the prosecution of predators arrested by the Cybercrime Unit.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

This results in travel throughout the State for court appearances, as well as all the normal cost of litigation, such as: court reporters, depositions, subpoena service, and trial presentation materials. To maintain a manageable case load, the Chief prepares cases for referral to either the local State Attorney's Offices, Office of the Statewide Prosecutor, or the U.S. Attorney's Offices and maintains involvement as needed to support successful prosecution.

Reductions in staff or other investigative resources would severely jeopardize the Attorney General's important objective of protecting children from internet based predation and sexual exploitation.

Medicaid Fraud Control Unit

Health care fraud is an immense societal problem, both nationally and within Florida's \$14 billion-a-year Medicaid program. The Medicaid Fraud Control Unit (MFCU) is responsible for policing the Medicaid Program, as well as investigating allegations of corruption and fraud in the program's management. 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 wide range of provider fraud involving doctors, dentists, psychologists, home health care companies, pharmacies, drug manufacturers, laboratories, and more. The most common forms of provider fraud involve billing for services that are not provided, overcharging for services that are provided, or billing for services that are medically unnecessary. Health care providers who are arrested by MFCU personnel are prosecuted by local state attorneys, the Office of Statewide Prosecution, the United States Attorney or MFCU attorneys who are Special Assistant State Attorneys or Special United States Attorneys cross-designated by those agencies. Since 1994, when the MFCU was moved to the Attorney General's Office, the unit has made more than 1,295 arrests, resulting in 898 convictions. Cases that may not be suitable for arrest and criminal prosecution are often litigated by unit attorneys using a variety of civil statutes. The MFCU has recovered more than \$50 million since 2003.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

The MFCU is also responsible for investigating the physical abuse, sexual abuse, neglect, and financial exploitation of patients residing in long-term care facilities such as nursing homes, facilities for the mentally and physically disabled, and assisted care living facilities. The quality of care being provided to Florida's ill, elderly, and disabled citizens is an issue of great concern and a priority within the MFCU.

In 2004, MFCU implemented its PANE (Patient Abuse, Neglect and Exploitation) Project in Miami-Dade County. This project is a collaborative effort among several agencies to address the abuse and exploitation of patients in long term care facilities and results have been very positive. PANE was expanded during fiscal year 2005 with additional units in Tallahassee and Tampa. Units will be established in Jacksonville, Orlando, West Palm Beach and Pensacola during fiscal year 2006.

The MFCU also continued its leadership role in a multi-state/federal investigation into the pharmaceutical industry. This investigation, which began in Florida, revealed that virtually every major drug manufacturer in the United States has been artificially inflating the prices of their drugs which are reported to the government in a scheme that has cost Medicare and Medicaid hundreds of millions of dollars. This ongoing investigation has already resulted in multi-million dollar settlements with several major drug companies and ongoing litigation involving other pharmaceutical manufacturers should result in additional recoveries.

Lemon Law

Florida's Lemon Law, Chapter 681, Florida Statutes, allows consumers to receive replacement motor vehicles or a refund of their purchase price when their new or demonstrator motor vehicles are subjected to repeated, unsuccessful warranty repairs for the same defect or are constantly in the shop for repair of one or more different defects. The Attorney General's Office enforces manufacturer and dealer compliance with the Lemon Law. The office also provides a forum for resolution of disputes between consumers and manufacturers that arise under the Lemon Law.

Arbitration hearings to resolve such disputes are conducted throughout the state by the New Motor Vehicle Arbitration Board, which is administered by the Lemon Law Arbitration Program.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

Manufacturers and sellers are required to disclose defects in repurchased “lemons” to consumers before selling them as used vehicles, and during the past year staff attorneys have continued to conduct training/educational seminars with manufacturer and dealer groups throughout the state. Manufacturer compliance with statutory resale notification requirements remained strong in FY 2004-2005. Information from these notices is researched, entered in a database and transferred to the Attorney General’s website for use by consumers as they shop for used motor vehicles. It is also a starting point for determining whether the subsequent buyers of these vehicles received disclosure notices from the sellers. The program has continued to monitor, notify and enforce manufacturer and seller practices in this area.

In 2005, the Legislature amended the Lemon Law to make the RV Mediation/Arbitration Program a permanent part of the statute. This had been a pilot program since 1997. The program provides mediation/arbitration of recreational vehicle disputes by a professional, privately contracted mediation/arbitration firm. The program is funded by the recreation vehicle industry. Qualification and monitoring of the program will continue to be carried out by the Attorney General's Office. The 1997 amendments to the statute that changed how trade-in allowances and the offset for use are calculated, continued to result in reduced recoveries to those consumers having trade-in vehicles with high debt or “lemon” vehicles with high mileage.

The Lemon Law Arbitration Program is highly active statewide, with 20 total full time employees and some 78-80 appointed Board Members. Since the program uses few resources other than people, any spending reductions would have to be made in the form of personnel cuts. The loss of just one full time position would significantly impair the ability of the program to function efficiently as claims would not be processed and heard as quickly and enforcement would be severely curtailed, thus providing less service to the public.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

Open Government Mediation

Open government litigation can be costly to both the citizen and the public agency that serves as the custodian of the record being sought. Florida laws covering public access to meetings and documents are among the broadest in the nation, and court decisions have afforded a liberal interpretation to the rights of access set forth in these laws. The Government in the Sunshine Law (Section 286.011, Florida Statutes) establishes a right of access to meetings of governmental boards or commissions, while the Public Records Law (Chapter 119, Florida Statutes) provides that public records shall be available for inspection or copying by any member of the public.

Both the Sunshine Law and the Public Records Law provide that a willful violation constitutes a misdemeanor, and violations can also be prosecuted by the State Attorney as noncriminal infractions. The two laws contain provisions providing for the payment of attorneys' fees in the event that a governmental agency denies access and is the losing party in subsequent litigation.

The consequences befalling an agency that violates the public records law are significant and potentially quite expensive. To address this problem, the government mediation program was established within the Attorney General's Office to serve as an alternative to litigation in open government disputes. A 1995 article in the Brechner Report, published by the Freedom of Information Center at the University of Florida, estimated that the program had saved thousands of dollars in public funds that otherwise might have been spent on legal fees in public records cases.

The open government mediation program is set forth in Section 16.60, Florida Statutes. The goal is to provide a vehicle for the government and a citizen to resolve public access controversies quickly and inexpensively. This priority ensures that the program can be an effective tool for those who are seeking to promptly address a dispute. No monies have been appropriated to fund this program, but in 1996 the program received a Davis Productivity Award in recognition of its effectiveness in averting litigation and saving public funds that might otherwise have been spent for payment of attorneys' fees.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

Civil Rights

The Office of Civil Rights (the Office or OCR), created in 1992, operates under Section 16.57, Florida Statutes, and the Florida Civil Rights Act, Chapter 760, Florida Statutes. OCR enforces civil rights laws on behalf of the State of Florida through litigation, education and outreach, and legislative proposals.

Civil rights enforcement has been a top priority of Attorney General Crist. In 2003, the Office successfully sponsored historic amendments to Florida's civil rights act. As a result of these amendments, Florida's civil rights act is now one of the strongest in the country. The amendments were signed into law on June 18, 2003. Modeled after the federal law, the amendments provide the Florida Attorney General with discretionary jurisdiction similar to the United States Attorney General to commence a civil action for damages, civil penalties, injunctive relief and prevailing party attorneys fees where there is either (1) a pattern or practice of discrimination or, (2) where an individual has been discriminated against and such discrimination raises an issue of great public interest. §760.021(1), Florida Statutes (2003).

The amendments also included an expanded definition of the term "place of public accommodation." The term now includes nearly all of the establishments recognized as such under federal law. Finally, the amendments changed the name of the state's civil rights act to "The Dr. Marvin Davies Florida Civil Rights Act." Dr. Davies was a prominent civil rights activist in the 50s and 60s and in 1966, was appointed the official spokesman for 138 NAACP branches in Florida.

In 2005, the Office focused on developing and prosecuting cases under the new laws. Predatory mortgage lending and other types of economic discrimination, discrimination in places of public accommodations and housing, and bias prevention remained enforcement priorities. However, the Office expanded its focus in 2005 to include discrimination in employment and education. The Office also initiated an investigation into the 1951 murder of civil rights activist and pioneer Harry Moore and his wife Harriette in an attempt to try to bring some justice and closure to the survivors.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

Cases:

The Office uses aggressive investigation and litigation strategies to enforce civil rights. This approach utilizes not just the Civil Rights Act but also such statutes as Florida's Deceptive and Unfair Trade Practices Act, which is not an anti-discrimination statute per se but can be an effective tool to combat discriminatory practices. OCR has used pre-suit discovery and mediation, as well as partnerships with various government agencies and private advocacy groups, to collect relevant evidence and develop cases. Example of recent cases/investigations include the following:

1. In re: Harry T. and Harriette V. Moore - Attorney General Crist announced the reopening of this unsolved 1951 murder case in December 2004. The Moores were civil rights activists in Florida during the 1930s and 40s and fought for equal salaries for teachers and voting rights for African Americans. They also protested the brutal lynchings of African Americans and police misconduct. In 1951, they were murdered when a bomb was placed under their bedroom in their home in Mims, Florida. Despite numerous investigations by other authorities, the perpetrators have never been identified. Thus far, the Office's examination has included a review of scores of documents concerning the case and related incidents, extensive interviews of Central Florida residents, law enforcement officers and members of the KKK. In August 2005, Attorney General Crist and CrimeStoppers announced the posting of a \$25,000 reward for information leading to the successful resolution of the case.

2. Raj Patel d/b/a Southern Inn Motel - this was the first lawsuit filed pursuant to the 2003 amendments to Florida's Civil Rights Act. The case was filed in Taylor County and alleged that the owner of a motel intentionally segregated African American patrons to the least desirable rooms in the motel and denied and/or limited access to the pool and other facilities. The case was settled in September 2005. The settlement included restitution for the victims and a permanent injunction prohibiting the owner from ever operating a motel in Florida again.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

3. *Quinn v Windemere* - this was the first housing settlement under the 2003 amendments. The case was filed in Collier county and involved familial status discrimination. It was referred to the Office following a cause finding from the Florida Commission on Human Relations. The Office discovered evidence of previous acts of harassment directed against families with children suggesting that the conduct was part of a pattern and practice of discrimination by the condominium association. The settlement included permanent injunctive relief and changes to the Association's rules, complaint monitoring, attorneys fees and fines.

4. *Grace Connors, et. al. vs Windley Key* - one of the first settlements in the county dealing with allegations of a hostile housing environment. The Complainants were a Hispanic couple of Cuban and Puerto Rican descent. A white neighbor repeatedly harassed them because of their national origin. Windley Key's managers, who were also residents of the trailer park, participated in the harassment by telling the couple that Hispanics were not welcome at the park and warning them not to sell their home to "any of those Cubans from Miami." The Complainants reported the harassment, which included an attempted assault, to the Monroe county police. They eventually sold their home and moved. The case was referred to the Office following a cause finding by the Florida Commission on Human Relations. The settlement included permanent injunctive relief, complaint monitoring, fair housing training, approximately \$22,000.00 in compensatory damages and attorneys fees and costs.

5. *Destin Water Users* - this was the Office's first case involving employment discrimination. The case involved allegations of an extremely hostile work environment at a north Florida utility company which included the frequent use of racial slurs and the display of a noose. It was settled for permanent injunctive relief and nearly \$400,000 for damages, attorneys fees and costs.

The Office recently opened an investigation of Asplundh's employment practices following notice of a complaint alleging two African American employees were repeatedly subjected to a racially hostile workplace including the open display of nooses and the frequent use of racial slurs.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

6. **Household Finance Company** - a subprime lender was sued for discriminatory and deceptive lending practices. A multistate group, ultimately consisting of representatives from attorneys general offices from every state and banking officials, was later formed and a nationwide settlement of \$484 million was reached. The settlement included \$23 million in consumer restitution for affected Floridians and permanent changes in the company's business practices. It was one of the largest predatory lending settlements in the country.
7. **Best Western Guest Inn** - this case involved racial discrimination wherein an African American couple was refused accommodations and told there were no vacancies. A few minutes later, a white couple was told rooms were available. The case was settled in 2004 for permanent injunctive relief and a \$10,000 donation to Bethune-Cookman College.
8. **First Student** - this case involved racial discrimination against a group of Muslim school children in Jacksonville. The Office commenced an investigation into an incident in October, 2003 where twenty-five Muslim students were removed from a Duval County school bus by the bus driver while non-Muslim students were driven home. Consequently, these middle school students had to walk more than six miles to their homes. This occurred during the month of Ramadan, when the students had been fasting. The case was settled with permanent injunctive relief to include complaint monitoring and policy changes. First student also made a \$10,000 charitable contribution to Communities in Schools, an after school program serving challenged children and schools in Jacksonville.

Education and Outreach:

The Office created a Jacksonville Bureau of Civil Rights in 2004 and developed two new education and outreach programs designed to educate the public about the 2003 amendments. The first program specifically targeted private and public agencies involved in civil rights issues. Attorneys for the Office conducted numerous educational sessions about the new legislation.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

A second phase involved collecting data from various agencies to assess whether the complaints raised issues of pattern or practice discrimination or great public interest. The second outreach program focused on restaurants, hotels, motels, theaters, stadiums, gasoline stations, places of entertainment, and other included places of public accommodations to inform the business community affected by the Act as to their rights and responsibilities concerning discriminatory practices.

The Office also publishes the Hate Crime Report annually and conducts training on how to investigate and respond to hate crimes. The program includes extensive training for law enforcement officers throughout the state as well as training for community leaders. The Office has trained more than 200 law enforcement departments throughout the state. In 2003, the Office expanded its efforts to address hate crimes by initiating active investigations of civil rights violations and hate crime activity in schools. Recent cases are the Lake County School Board and hate or bias motivated incidents by students in a Pasco County Public School (race), a Lee County Public School (race), and a Marion County Public School (race).

Disability Initiatives:

The Office, in conjunction with the Department of Justice and the Palm Beach County State Attorney's Office, is also investigating Moroso Motorsports Park in Jupiter, Florida, for allegedly denying a twelve year old wheelchair bound girl with spina bifida accessible seating. Finally, the OCR is closely monitoring appellate cases involving disability issues under the Act.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

Florida Commission on Human Relations & Fair Housing:

The Office continues to work with the Florida Commission on Human Relations to enforce the provisions of the Florida Fair Housing Act. Attorneys are working on numerous statewide Fair Housing cases, prosecuting disability, race, and religious discrimination. OCR also litigates or settles, as appropriate, fair housing cases following FCHR determinations of cause. The OCR served as legal advisor to the Commission in litigating issues relating to the Act on numerous occasions and has facilitated and participated in various educational programs presented by FCHR and other housing advocacy groups throughout the State.

The types of cases and projects initiated by the Office of Civil Rights are complex and time consuming. Many are very document intensive. Witnesses may be located across the state and/or country. There are presently three full time attorneys in South Florida, one part time attorney in Jacksonville and one in Tallahassee, one Investigator and one Administrative Assistant. Any reduction in resources would certainly impair the Office's ability to enforce civil rights for the State.

Solicitor General

The primary responsibility of the Office of the Solicitor General ("OSG") is to represent the State of Florida in significant litigation affecting the powers, duties, and responsibilities of all branches of state government. The Solicitor General directs, coordinates, and represents the State in cases of constitutional importance before the United States Supreme Court and the Florida Supreme Court, oversees complex civil litigation cases of statewide impact, prepares amicus curiae briefs in support of State policy goals in state and federal appellate court cases, and advises the Attorney General on legal and policy issues affecting the State. A national trend favors the establishment of a state-level office of Solicitor General, particularly among states that are proactively involved in protecting the interests of their respective states in state and federal courts.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

The Office of the Solicitor General was established in the General Appropriations Act on July 1, 1999, as requested by the Attorney General's Office in conjunction with The Florida State University College of Law. The current authority for the office is outlined in: 1) Appointment by the Attorney General to Christopher M. Kise; and 2) Letter of Assignment from Donald J. Weidner, Dean of The Florida State University College of Law, to Solicitor General Christopher M. Kise, dated January 29, 2003. The Solicitor General teaches one course of approximately 30 students during the Fall and Spring semesters at the College of Law. The Solicitor General's position as visiting academic faculty at The Florida State University is subject to the Rules and Regulations of the Florida Board of Education and The Florida State University, as well as the Constitution and Laws of the State of Florida.

The office established a system to identify, review, track, and monitor all state and federal civil cases that meet the criteria for potential interest or impact, based on the inclusion of constitutional issues or issues of great importance to the State of Florida or the Attorney General's Office. The OSG also facilitates communication with state agency directors, general counsels, and the Governor's legal staff to evaluate the progress and policy decisions involving all cases in which the Solicitor General is involved.

The cases in which the Solicitor General participates, by their nature, have statewide impact. In most instances, the impact of these cases on the public at large is indirect because they involve abstract, but important, constitutional issues such as the distribution of powers between the State and federal governments or among the branches of state government. In some instances, however, the Solicitor General will represent the State where its interests or the interests of its citizens will be directly affected by the outcome of the case.

The OSG, which includes the Complex Litigation and Civil Appeals Sections, currently consists of the Solicitor General, eight attorney positions, one administrative position, and four support staff positions. The unit draws assistance from other units of the Attorney General's Office on a case-by-case basis to maximize the range of legal expertise and minimize budgetary impacts. Reduction of staff would negatively impact the Attorney General's ability to focus highly-trained lawyers on the state's most important lawsuits and would greatly reduce the agency's ability to monitor and supervise all civil appeals, complex litigation, amicus curiae cases, and constitutional challenges.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

Opinions

The responsibility of the Attorney General to provide legal opinions is set forth in Section 16.01(3), Florida Statutes. Official written opinions are issued to state and local officials, boards, agencies, and their attorneys in response to questions regarding their official duties. In addition, the Attorney General is authorized by Sections 16.08 and 16.52(1), Florida Statutes, to provide legal advice to the state attorneys and to Florida's representatives in Congress.

The Attorney General's opinion process provides a direct means for inexpensive dispute resolution. The strategic objective is to resolve requests for opinions in a timely manner. The number of requests received by the office has remained relatively constant in recent years, as has the time frame for responding to such requests. This has been accomplished largely through the expanded use of computerized databases and email for tracking files, the peer review process, internal communication, and research. A newly implemented records management system will also result in faster retrieval of older files that are needed periodically for current projects.

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

Potential consequences of decreased productivity include:

Governmental entities would be more likely to incur substantial legal fees from litigation.

Misinterpretation or varying interpretations of statutes could result in violations of statutes including, but not limited to, Sunshine and/or public records law.

Varying interpretations of statutes could result in widely disparate practices by entities at all levels of government.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

A centralized legal resource for Department of Legal Affairs and other governmental entities could be lost.

The public's constitutional right of access could be hampered by delays in opinions clarifying Florida's Public Records Act and the Government in the Sunshine Law.

Confusion regarding the dual office-holding prohibition could result in either violations or individuals being deprived of their right to serve in office.

Cabinet Affairs

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

The Cabinet Affairs staff advises the Attorney General on all matters pertaining to his constitutional and statutory role as a member of the Florida Cabinet. The Governor and Cabinet, as a collegial body, sit as the head of the following: State Board of Executive Clemency; Division of Bond Finance; Department of Veterans' Affairs; Department of Highway Safety & Motor Vehicles; Department of Law Enforcement; Department of Revenue; Administration Commission; Florida Land & Water Adjudicatory Commission; Electrical Power Plant & Transmission Line Siting Board; Board of Trustees of the Internal Improvement Fund; and Financial Services Commission. The Governor, Attorney General and Chief Financial Officer sit as the head of the State Board of Administration. The Cabinet Affairs staff regularly meets with interested parties and private citizens and responds to inquiries from the public relating to factual, policy, and legal issues related to the areas of jurisdiction of the Governor and Cabinet.

Cabinet Affairs is staffed with the minimal number of personnel necessary to carry out its duties and responsibilities to the public and the Attorney General. Any reductions would significantly hamper the Attorney General's ability to carry out his constitutional duty as a member of the Florida Cabinet.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

General Civil Litigation

The GENERAL CIVIL LITIGATION DIVISION is charged by Section 16.01, Florida Statutes, with providing legal representation at the trial and appellate levels in both state and federal courts on behalf of the state and its agencies, officers, employees, and agents. The Attorney General also has common law duties and responsibilities to protect the public's interest, an obligation the Legislature declared to be in force pursuant to Section 2.01, Florida Statutes. The trends and conditions of the General Civil Litigation Division are assessed each fiscal year through measurement methods established division-wide and developed in conjunction with the Legislature.

As court dockets clearly show, litigation continues to grow in Florida. Litigation reform is a constant topic of debate. Contemporaneously with this growth in litigation, the state's traditional defense of sovereign immunity increasingly is being eroded by the courts or through legislation. This erosion, combined with the growth in complex class action litigation and the ongoing expansion of Florida's population, portends a continued steady growth in civil litigation in which the state and its agents or employees are parties. Historically, much of this litigation has been assigned to outside private counsel on a contract basis due to lack of staff or expertise within the government. More recently, with legislatively authorized but unfunded positions, the Office of the Attorney General is working with all state agencies to reduce the use of outside counsel by utilizing less costly in-house attorneys.

The goal of the General Civil Litigation Division is to provide quality legal representation on behalf of the State of Florida in civil litigation with 100% client satisfaction, and to produce meaningful cost savings to the taxpayers by reducing the state's reliance on outside legal services.

The division consists of the following bureaus:

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

Administrative Law Bureau

The Administrative Law Bureau, acting pursuant to Chapters 455 and 456, Florida Statutes, provides legal counsel to professional licensing and disciplinary boards within the Department of Health, Department of Business and Professional Regulation, Department of Education and the Department of Financial Services, as well as to the Florida Elections Commission, the State Retirement Commission and the Commission for Independent Education. The bureau's lawyers handle civil litigation on behalf of those boards, councils and commissions, in concert with the General Civil Litigation staff. In addition, this bureau represents the Department of Children and Families in Medicaid Waiver Fair Hearings and represents a variety of agencies in administrative law matters such as rule challenges and bid protests.

Child Support Enforcement Bureau

Pursuant to Chapters 287 and 409, Florida Statutes, the Child Support Enforcement Bureau represents the Department of Revenue's child support enforcement division in judicial and administrative hearings relating to the establishment and enforcement of paternity and child support orders. This service is performed in 21 counties and before all five of Florida's district courts of appeal and the Florida Supreme Court. The activities of this bureau involve both intrastate and interstate cases at the trial and appellate levels.

Children's Legal Services Bureau

The Children's Legal Services (CLS) Bureau of the Office of the Attorney General was established by the Legislature as a pilot project in 1995. This office is charged with the responsibility of litigating child abuse, abandonment and neglect cases for the Department of Children and Family Services in Broward, Hillsborough and Manatee counties.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

In their role as legal counsel to the Department of Children and Family Services, this bureau renders legal advice, which includes but is not limited to Florida Statutes Chapter 39, 61 and 409, to the Department of Children and Family Services, Broward County Sheriff's Office, Manatee County Sheriff's Office and the private child welfare agencies such as Hillsborough KIDS, Inc., ChildNet, Children's Home Society, and Kids In Distress. The attorneys in CLS are also responsible for litigating termination of parental rights petitions to establish permanency for children who have been long-time sufferers of abuse, abandonment or neglect.

CLS' top priorities are to ensure that the interests of the state are effectively represented in order to protect the safety and welfare of children who are involved in proceedings under Chapter 39, Florida Statutes; and to assist in efforts to find appropriate permanent placement for children, as defined by state and federal statutes. The overriding purpose of CLS is to protect the interests of Florida's children.

Corrections Litigation Bureau

The Corrections Litigation Bureau represents the State of Florida and its employees in civil actions brought on behalf of or by inmates in Florida's correctional institutions. Representation primarily involves defending lawsuits alleging civil rights violations, typically under the First, Eighth, and Fourteenth Amendments of the United States Constitution. This bureau also defends the constitutionality of state statutes and handles extraordinary writ petitions. The practice encompasses the full range of a trial practice, from initial pleadings in federal and state courts through trial and appeals. This bureau is one of the very few practice areas in the Office of the Attorney General where entry level (first year) attorneys are considered for employment. This dynamic practice gives young attorneys excellent opportunities for trial experience, as well as significant appellate experience.

Employment Litigation Bureau

The Employment Litigation Bureau provides a full range of legal services regarding employment law for all state agencies and officials, including legal advice, trial litigation, and appellate practice.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

Litigation includes complex issues before state and federal courts. The bureau's clients include all state departments and agencies for all three branches of state government, including individual officials and employees. This bureau routinely handles suits filed under Florida's Civil Rights Act and Whistle Blower's Act; federal claims filed under Title VII of the Civil Rights Act; the Americans with Disabilities Act; the Rehabilitation Act of 1973; the Age Discrimination in Employment Act; the Family and Medical Leave Act; and the Fair Labor Standards Act. The Employment Litigation Bureau also defends employment litigation suits that raise Due Process, Equal Protection or other federal or state constitutional claims, and suits that seek damages for tort claims, including those which are coupled with 42 U.S.C. §§ 1981 and 1983 civil rights issues; and handles specialized administrative litigation before the Public Employees Relations Commission and the Florida Commission on Human Relations. Additionally, this bureau provides internal support to the Department of Legal Affairs, with advice regarding all types of personnel issues, oversight of Unemployment Compensation hearings, preparation/edit of internal policies, assistance to the Inspector General, conducting investigations, and in-depth training for supervisors and employees regarding employment laws, liability, and policies.

State Programs Bureau

The State Programs Bureau defends a wide variety of actions in both state and federal court, at both the trial and appellate levels. The "clients" of this bureau are all the state departments and agencies from all three branches of state government, including their individual officials and employees. This bureau routinely handles: suits which challenge the constitutionality of the general laws of the state; suits that seek damages for tort claims which are coupled with §1983 civil rights issues; construction litigation involving the departments, agencies and the state universities; specialized administrative litigation before the Division of Administrative Hearings, including bid protests; the defense of judges and state attorneys in lawsuits, discovery and extraordinary writs; and occasionally as plaintiffs, sue individuals, groups or business entities on behalf of our state clients.

Additionally, this bureau is charged with representing the state in class action civil rights lawsuits encompassing claims for prospective injunctive or declaratory relief, which seek systemic or institutional reform of state programs or systems.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

Often times such litigation seeks to alter the public policy of the state or to increase the available funding for a certain program or group of individuals on a statewide basis. Many such lawsuits have already been resolved through settlement agreements or “consent decrees” where the court, usually a federal district court, maintains jurisdiction over the parties to enforce the terms of the consent decree. Because systemic reform is often complicated, consent decrees routinely last for several years and, in some instances, may last for decades. It is the mission of this bureau to resolve these actions as expeditiously as possible so that the business of state government is able to function smoothly and efficiently.

Eminent Domain Bureau

The Eminent Domain Bureau provides a full range of legal services for governmental agencies exercising the power of eminent domain to acquire property for public use. The government is legally obligated to provide full compensation for private property taken for a public purpose. Through pre-suit advice, trial litigation and appellate practice, the bureau works to ensure that the amount of compensation is fair to both property owners and the taxpayers.

The bureau represents the university boards of trustees in the acquisition of land for expansion of state university campuses; the Department of Corrections in the acquisition of land for state correctional facilities; the Board of Trustees of the Internal Improvement Trust Fund in the acquisition of lands for the Conservation and Recreation Lands Program; the Department of Transportation in the acquisition of lands for transportation facilities; and the South Florida Water Management District in the acquisition of lands for the Kissimmee River Restoration project, the Everglades Restoration Project and other management purposes-related land acquisition actions. The bureau also provides defense of inverse condemnation actions brought against state agencies.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

Ethics Bureau

The Ethics Bureau provides legal and investigative assistance to the Florida Commission on Ethics by presenting and prosecuting complaints before the Commission. This bureau reviews complaints of violations of the Code of Ethics for Public Officers and Employees, and prepares a recommendation for each case. The bureau also represents the Ethics Commission in all litigation involving defense of the Code of Ethics and financial disclosure laws.

Revenue Litigation Bureau

Pursuant to Sections 16.015 and 20.21(4), Florida Statutes, the Revenue Litigation Bureau's primary function is to enforce and defend tax assessments issued by the Department of Revenue. This bureau also represents the Department of Revenue in ad valorem cases; represents the Department of Revenue as designee of the Office of the Comptroller in litigation pursuant to Section 215.26, Florida Statutes; advises the Attorney General on questions involving taxes; and, as assigned by the Attorney General, represents other state agencies in litigation pertaining to taxes.

Criminal Division

The CRIMINAL DIVISION consists of Criminal Appeals and Capital Appeals as described:

Criminal Appeals

Pursuant to Chapter 16, Florida Statutes, the Attorney General's Office is responsible for representing the State in all criminal appeals, as well as in postconviction litigation at both the trial and appellate levels before state and federal courts. The Criminal Division currently averages more than 20,000 open active cases per year, handled by 115 criminal attorneys located in five (5) offices around Florida. The current number of open active cases reflects ever-a constantly growing caseloads, which is commensurate with the number of case filings in the appellate courts and federal courts.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

Chapter 16, Florida Statutes, authorizes the Attorney General to represent the State in all criminal litigation in the state appellate courts and all federal courts. A major goal of this division is to ensure that minimum delays occur in the appellate process and these cases result in a speedy and just conclusion.

This section also handles the Jimmy Ryce cases at the trial and appellate levels. These cases, while civil, are handled by attorneys who have familiarity with the criminal justice system and the civil rules of procedure. There are more than 100 cases per year for the 5 attorney positions assigned to the unit. These cases are case specific and time intensive because they operate on abbreviated timetables mandated by statutes. The purpose of the Ryce Act is to, upon completion of sentence, house individuals designated as sexual predator/offenders for treatment and evaluation.

Capital Appeals

The Capital Appeals Bureau of the Criminal Division handles appeals in all capital murder cases in which the death penalty has been imposed. The 17 Capital Appeals Attorneys in this bureau are responsible for representing the state in all direct appeals; serve as co-counsel with Florida's 20 state attorneys statewide in postconviction cases in the trial courts; and litigate all collateral appeals and federal trial and appellate litigation.

The current average caseload for the bureau is approximately 30 open cases per attorney. As with other criminal appeals, the number of filings in capital cases is driven by the number of defendants who appeal or litigate their convictions and sentences in a timely manner.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

Victim Services

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 to victims. In addition, legislative intent set forth in Section 960.01, Florida Statutes, establishes the responsibility of the state to provide assistance to crime victims; Section 960.05(2), Florida Statutes, establishes the crime victim services office; and Section 960.21, Florida Statutes, creates the Crimes Compensation Trust Fund to provide funding for delivery of services to crime victims. Other statutory programs administered by the division include:

Sections 16.54, Florida Statutes - Florida Crime Prevention Training Institute to administer training for criminal justice agencies and citizens of the state

Section 860.154, Florida Statutes - Motor Vehicle Theft Prevention Authority to reduce the occurrence of motor vehicle thefts (Not funded)

Sections 741.401-409 and 741.465, Florida Statutes - Address Confidentiality Program

Sections 16.556, Florida Statutes - Crime Stoppers Trust Fund to assist local governments

Trends and conditions pertaining to victim compensation are assessed on an annual basis through an analysis of the number of claims filed and the number of violent crimes committed in the state. During FY 2004-2005, the number of claims filed remained constant (21,003 compared to 20,905 received during FY 2003-2004), and the processing time from receipt of a claim through payment averages 24.5 work days. This ensures that victims receive expedient assistance during a time of emotional and financial difficulty due to their victimization.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

Budget reductions in the area of victim compensation would ultimately result in an extended delay in processing claims and create a backlog, especially in light of the number of claims filed. The result would be a noticeable adverse effect on crime victims who are unable to pay medical bills and other expenses associated with their victimization, potentially leading to credit problems, financial hardship, and further impediments to the victims' recovery from the crime event. Although these payments accepted by providers are deemed payment in full by statute, the flip side of budget reductions would be that victims may experience difficulties in receiving treatment. Reduced funding may force victims to rely on other scarce local resources and social service functions, shifting the financial responsibility to agencies and organizations that may not be as well equipped to administer aid to these citizens.

Crime prevention, victim services, and associated programs are also a priority of the Attorney General's Office, as they are proven methods of helping to reduce the crime rate. Education and training in crime prevention are an essential part of reducing Florida's crime rate and rendering assistance to crime victims. Trends and conditions associated with these training programs are assessed by survey instruments distributed to law enforcement agencies, victim service organizations, and the general public. Training curriculum is established based on demand for services as indicated in the surveys. Trends include an emphasis on training additional school resource officers in conjunction with the Department of Education's safe schools initiatives and with local law enforcement agencies and school districts. The Attorney General's Office is the primary source for the delivery of crime prevention, victim services, and school resource officer (SRO) training.

During the period July 2004 through June 2005, this office conducted 77 workshops, including 1,537 classroom hours, with 4,704 individuals participating from law enforcement as well as other public and private sectors. This office also conducted eleven ongoing SRO training courses, with attendance by 310 SRO's.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

Crime Stoppers: For the first time in a couple of years, the legislature did not reallocate Crime Stoppers Trust Fund receipts to general revenue. In the past, legislative action resulted in the loss of \$1.3 million from 2003-2004 and \$1.4 million from 2004-2005 grant years, which had a significant impact on the program. While one may not be able to trace the success of this program back to an actual reduction in crime statistics, one must pose this question, "If each of the 28 programs receives tips that result in apprehension of only 28 murderers, is the program successful?" Here are statistics for the last three years:

	2004-05	2003-04	2002-03
TIPS RECEIVED	21,380	23,791	21,679
TIPS APPROVED FOR CITIZEN REWARDS	2,576	2,679	2,320
CASES CLEARED	5,804	5,948	5,227
ARRESTS MADE	3,543	3,911	3,154
VALUE OF PROPERTY RECOVERED	\$2,464,754	\$1,633,866	\$906,972
VALUE OF NARCOTICS REMOVED FROM THE STREET	\$5,131,627	\$7,158,061	\$5,329,903
DOLLAR VALUE OF REWARDS TO CITIZENS	\$629,550	\$648,315	\$389,770

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

Although it could be argued that a substantial amount has been spent on administrative costs, these statistics show that the unified effort by these programs, as a result of grant monies, has had a significant impact on crime in Florida. While the reduction of monies available to award to the crime stopper organizations in the counties will not terminate this program, it will impede its growth in those counties where no program currently exists as well as the expansion of already existing programs. This program should continue to be funded as a result of these impressive statistics and because of the protection it offers the citizens of Florida as these criminals continue to be taken off the streets.

Reduction in staff associated with the Victims of Crime Act would have adverse impacts on the division's ability to monitor grant activities to ensure fiscal responsibility. The current ratio is in excess of 35 grants per FTE, while other agencies average 20 grants per FTE. Reduction in this program function would result in backlogs to process grant applications and disburse grant money. The consequence of cutbacks would likely be the forfeiture of unused federal grant dollars from the U.S. Department of Justice, which would in turn reduce the services available to victims of crime at the state and local level.

*Office of
Statewide
Prosecution*

Program: Office of Statewide Prosecution

Goals and Objectives

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

Objective 1A: Assist law enforcement

Outcome: Number of law enforcement agencies assisted

<i>Baseline/Year FY 2001-01</i>	<i>FY 2006-07</i>	<i>FY 2007-08</i>	<i>FY 2008-09</i>	<i>FY 2009-10</i>	<i>FY 2010-11</i>
119	90	90	90	90	90

Objective 1B: Maintain substantial caseload of complex investigations

Outcome: Total inventory of drug cases

<i>Baseline/Year FY 2001-01</i>	<i>FY 2006-07</i>	<i>FY 2007-08</i>	<i>FY 2008-09</i>	<i>FY 2009-10</i>	<i>FY 2010-11</i>
338	250	250	250	275	275

Program: Office of Statewide Prosecution

Goals and Objectives (continued)

Goal #2: Effectively prosecute multi-circuit crime

Objective 2A: Maintain substantial caseload of complex prosecutions

Outcome: Total number of active cases handled (excluding drug cases)

<i>Baseline/Year FY 2001-01</i>	<i>FY 2006-07</i>	<i>FY 2007-08</i>	<i>FY 2008-09</i>	<i>FY 2009-10</i>	<i>FY 2010-11</i>
729	600	600	600	625	625

Objective 2B: Seek effective case results

Outcome: Number of defendants convicted

<i>Baseline/Year FY 2001-01</i>	<i>FY 2006-07</i>	<i>FY 2007-08</i>	<i>FY 2008-09</i>	<i>FY 2009-10</i>	<i>FY 2010-11</i>
410	355	355	355	375	375

Outcome: Conviction Rate

<i>Baseline/Year FY 2001-01</i>	<i>FY 2006-07</i>	<i>FY 2007-08</i>	<i>FY 2008-09</i>	<i>FY 2009-10</i>	<i>FY 2010-11</i>
90%	90%+	90%+	90%+	90%+	90%+

Baselines are taken from actual results. Estimates for future years are based on no new additional resources.

Program: Office of Statewide Prosecution

Trends and Conditions Statement

Mission

The Office of Statewide Prosecution is charged by Section 16.56, Florida Statutes, with the responsibility to investigate and prosecute multi-circuit criminal activity and to assist state and local law enforcement in their efforts to combat organized crime. Organized criminal activity that crosses judicial circuit boundaries exists in many forms and victimizes 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 on the premise that crime can be effectively addressed through proactive enforcement, education, and environmental or programmatic design.

Planning/Accountability

The Long Range Program Plan, as well as the statutorily required Annual Report, serves as the foundation for every activity performed by the Office of Statewide Prosecution. If the work does not serve to accomplish the stated goals and objectives, which are tied to impact or positive outcome results, the activities are not pursued. The reports have been used in the Performance-Based Budgeting process since 1992.

Each year, the Office adopts as priorities the investigation and prosecution of certain types of criminal activity, striving for a strong and positive impact against sophisticated and organized groups victimizing a large number of Florida's citizens or attacking Florida's public programs. While caseload numbers are certainly one measurement of performance, an equally important measure of success is the results achieved within those caseload numbers. Results are measured by disposition and sentencing data, but also the number of legislative or policy changes that are proposed and adopted to curtail or prevent future similar activity.

Program: Office of Statewide Prosecution

Trends and Conditions Statement (continued)

Trends and conditions are assessed by scanning relevant written materials, including detailed crime rate analysis and studies on crime in changing economic conditions, and by participating in training opportunities and engaging in discussions with colleagues in law enforcement and members of the Legislature and executive agencies.

Priorities

The priorities of the Office are: (1) white collar crime (including identity theft, health care fraud, government contract fraud, insurance fraud, and fraud against the elderly); (2) computer crimes (including child pornography, fraud, intrusions, and identity theft); and (3) narcotics trafficking, money laundering, and associated violent crimes.

In FY 2001- 2003, identity theft cases took the forefront as Governor Bush called for the creation of the Sixteenth Statewide Grand Jury to tackle the huge financial impact of these crimes on Floridians and businesses. Identity theft is considered the fastest growing crime in the world today, with billions in losses annually. The tragic events of September 11th, 2001, brought more attention to this issue, as false identities are used to facilitate crimes of domestic terrorism. As a result, the Office has served on task forces, investigated serious cases, prosecuted identity thieves, proposed legislation, and worked with executive agencies on the privacy of personal information and driver license regulations.

In February 2003, at Governor Jeb Bush's request to the Supreme court, this Office empaneled the Seventeenth Statewide Grand Jury to investigate allegations that adulterated prescription drugs were being sold in Florida by wholesalers who were failing to verify their authenticity and effectiveness. The Office of Statewide Prosecution led the Statewide Grand Jury's investigation. After careful scrutiny of problems enforcing existing prescription drug regulations, the Statewide Grand Jury issued an interim report containing a series of recommendations for sweeping legislative changes to protect Florida consumers. Grand Jury reports can be found on <http://myfloridalegal.com/swp>.

Program: Office of Statewide Prosecution

Trends and Conditions Statement (continued)

In July 2003, the Seventeenth Statewide Grand Jury returned two indictments against a total of 19 defendants for crimes associated with prescription drugs. Some of these criminal charges were based on defendants selling mislabeled or diluted drugs used to treat cancer and HIV patients. In December 2003, the Seventeenth Statewide Grand Jury issued its second and final report entitled "Recipient Fraud in Florida's Medicaid Program." Pursuant to its findings of rampant fraud and corruption in Florida's Medicaid Program, the Grand Jury made a list of recommendations to the Florida Legislature. Through the leadership of Attorney General Charlie Crist, Senator Burt Saunders, and Representative Gus Bilirakis, the legislature responded in the 2004 legislative session by passing the bulk of the Statewide Grand Jury's recommendations in SB 1064. The legislative highlights include: criminalizing the sale or purchase of Medicaid drugs by recipients; criminalizing the trafficking in goods or services paid for by Medicaid, and enhancing the criminal offense to a 1st degree felony if over \$100,000; authorizing the Agency for Health Care Administration (AHCA) to require second opinions; authorizing AHCA to deny eligibility to recipients that defraud Medicaid; and authorizing Medicaid to deny reimbursement to non-Medicaid doctors, with certain exceptions.

In Fiscal Year 2002-2003, the Office received a 10% budget cut and the loss of 7 positions, which went into effect July 1, 2003. The Office accomplished these cuts through attrition, and was able to improve the overall productivity of staff.

In Fiscal Year 2003-2004, the Office received an additional three attorney positions and two support staff positions to prosecute 2003-2004 identity theft and health care fraud cases. Although current staffing levels are not up to the level they were prior to the 10% budget cut, the Office has continued to make gains in fighting organized criminal activity.

Program: Office of Statewide Prosecution

Trends and Conditions Statement (continued)

Major Prosecutorial Efforts

1. Computer Crime Prosecutions

In FY 200-2001, the legislature funded two prosecutors devoted to cases involving fraud and theft, system intrusions, on-line solicitations and threats, and child pornography. The Office is currently handling 27 active cases. These prosecutors conduct numerous computer crime training and awareness sessions for law enforcement, prosecutors, judges, government agencies, and the public. In conjunction with the National Cyber-crime Training Partnership and the National White Collar Crime Center, the Office assisted in the continued training for computer evidence recovery and computer crimes investigations.

Prosecutors from the Office serve on numerous state and federal task forces addressing computer crimes, such as Miami Electronics Crimes Task Force, North Florida Internet Crimes Against Children Task Force, Tallahassee Chapter of InfraGard, and the Law Enforcement Against Child Harm (LEACH) Task Force.

The impact of the work of the Office on computer crime in this State can best be described as follows: increased awareness of criminal liability through prosecution of hackers; increased public awareness as to safety on the Internet; increased government awareness as to security of electronic information, the vulnerabilities in computer systems, and the potential danger to the State's infrastructure; and increased awareness for business on potential victimization.

Sexual predators have increasingly used the Internet to prey upon our vulnerable youth. The technical savvy of our youth sometimes exceeds their judgment, such as when they befriend strangers on-line and even agree to meet in person with strangers whose clandestine intent is sexual predation. The protection of our youth from these predators remains a very high OSWP priority. Accordingly, OSWP prosecutors have teamed up with various law enforcement agencies not only through ongoing task forces, but also by assisting them with investigations and initiatives. For example, FDL'E's requests for subpoenas to find the predators behind the keyboards are handled as a top priority.

Program: Office of Statewide Prosecution

Trends and Conditions Statement (continued)

In 2005, OSWP's legal and technical expertise was harnessed in support of a legislative initiative adding significant law enforcement resources to combating child sexual predation, resulting in the formation of a Cybercrime Unit in Florida's Attorney General's Office. OSWP will continue to allocate substantial resources to protect our youth, adapting its expertise and techniques to reflect the rapidly changing technology employed by cyber criminals.

Computer based crime is projected to continue to increase at a rapid rate.

2. Identity Theft Prosecutions

In FY 2001-2002, the Legislature appropriated three new positions for the prosecution of identity theft cases. The Office is currently handling 83 identity theft cases, many of which involve multiple victims.

The Sixteenth Statewide Grand Jury, which focused on identity theft, was called into existence by the Florida Supreme Court upon petition of Governor Bush and was impaneled in July of 2001. The first report of the SWGJ was issued in January 2002. News releases on the reports, indictments, arrests, and case dispositions are posted on <http://legal.firn.edu/swp>.

The Office was directed by the Legislature to assist in the creation of a fraud proof driver license. The Office issued a report in January 2003 on a comparison of licenses throughout the country and the security issues involved in production. The Statewide Grand Jury issued recommendations for changes in the issuance process. Following these reports, the Office worked with the Department of Highway Safety and Motor Vehicles on the bidding process for the vendor contract for the new driver license.

Program: Office of Statewide Prosecution

Trends and Conditions Statement (continued)

In Fiscal Year 2002-2003, the Office of Statewide Prosecution assisted in the drafting of legislation significantly increasing the criminal penalties for identity theft offenses. The legislation was titled "An Act relating to ID Theft and Internet Fraud, Prevention, Investigation, and Prosecution", and became law in Chapter 2003-71, Laws of Florida. In 2004, the Office assisted the Office of the Attorney General in forming a new public/private partnership to fight ID Theft by hosting Florida's first ID Theft Summit. During the 2005 Legislative session, the Office continued its active role in shaping additional identity theft legislation.

3. Narcotics Prosecutions

In FY 2000-2001, the Legislature appropriated four new GR positions for the prosecution of narcotics trafficking and money laundering offenses. As of September 2003, the Office has maintained a high level of activity in this area, and currently has 158 active narcotics trafficking cases.

The Statewide Prosecutor also serves on the Attorney General's representative on the Drug Policy Advisory Council and the Violent Crime and Drug Control Council. The expansion of the Violent Crime Council, recommended by the Fifteenth Statewide Grand Jury, is being supported at the local level by Office participation in the regional teams. In addition, prosecutors are working closely with several local, state, and federal Task Forces, including the Diversion Response Team, the High Intensity Drug Trafficking Areas (HIDTA), and the South Florida Money Laundering Strike Force.

In one of the Office's most significant prosecutions, a nine-month investigation organized by the Office and conducted by FDLF, DEA and DOH, led to the arrest in mid-2005 of twenty-two persons for their involvement in a Miami organization distributing controlled substances ordered over the Internet. Investigators allege that several pharmacies that were owned, controlled, or corrupted by the organization ordered and received wholesale pharmaceuticals, and then diverted them to back room or off-site locations, where they were dispensed and packed for distribution throughout the United States without the involvement of pharmacists or presence of legitimate prescriptions.

Program: Office of Statewide Prosecution

Trends and Conditions Statement (continued)

All were charged with Conspiracy to Commit Trafficking, Dispensing Drugs Without a Pharmacist's License, Dispensing Drugs Without a Prescription, Fraudulent Drug Labeling, and Distribution of Misbranded Drugs. Two of the defendants are also charged with conspiring to traffic in 30 kilograms or more, which subjects them to a minimum mandatory term of life in prison, and three are charged with Money Laundering. Eight defendants are charged with Racketeering. Investigators believe this effectively dismantled the entire operation, which allegedly mailed at least 2,000 drug orders per week from each location during the 12 months ending in November 2004. This prosecution of an Internet pharmacy organization is believed to be one of the largest such cases in the United States.

In keeping with the Governor's Drug Control Strategy, the work of law enforcement and prosecutors in this area will continue.

4. White Collar Crime Prosecutions

In FY 1999-2000, the Legislature funded an expiring federal grant program for the investigation and prosecution of white collar crime. The Office has used these resources to focus on medicaid fraud, insurance fraud, fraud against the elderly, securities fraud, and fraud against the government.

The unit has access to the databases of the Florida Crime Information Center (FCIC) and the Florida Medicaid Management Information Service (FA4MIS). The Office is active in the National White Collar Crime Center and the National Health Care Anti-Fraud Association, and has access to Bank Fraud Net databases as well as the Financial Crimes Enforcement Network (FINCEN) AND Infragard, a project sponsored by the FBI for both government and business. Its purpose is to exchange information and technology to protect the computer network in the United States.

In January 2003, the "Stone Cold Task Force" was formed. It is comprised of the Office of Statewide Prosecution, Florida Department of Law Enforcement, Metro-Dade Police Department, Medicaid Fraud Control Unit of the OAG, Federal Drug Administration, and the Department of Health.

Program: Office of Statewide Prosecution

Trends and Conditions Statement (continued)

In 2004, this task force seized or assisted in the seizure of \$930,000 in cash and \$4.1 million in adulterated and diverted pharmaceuticals. Many of the investigations from 2003 matured into the arrests and prosecutions of numerous individuals in 2004. Many more drug diversion prosecutions are anticipated in 2005.

The Office actively assists the Medicaid Fraud Control Unit of the Office of Attorney General in the investigation and prosecution of Medicaid fraud cases. The Office currently has a number of active Medicaid fraud investigations and filed cases, and it is anticipated the number of these cases will also increase significantly in 2005.

Legislative Initiatives

During 2004-2005, the Attorney General's Office of Statewide Prosecution worked closely with the Legislature and other stakeholders to maintain and improve Florida's laws concerning high-tech crime and identity theft. For example, the Office worked with Rep. Waters and Senator Aronberg in drafting HB 481/SB 284 (which became law as LOF 2005-229), which created multiple new identity theft crimes in FS 817.568. These new crimes include preventing identity thieves from using information from deceased persons to try to commit ID theft; preventing ID thieves from using counterfeit or fictitious information to try to defraud victims; and providing police with a new tool to break up ID Theft rings by allowing minimum mandatory prison sentences to be waived by the prosecutor when ID thieves assist in the prosecution of their co-conspirators. This bill also protected consumers from having their personal identification information lost or stolen from businesses without the consumer's knowledge by enacting tough, new laws requiring that any possessor of a consumer's personal identification information that becomes aware of a breach in security endangering consumers' personal identification information must notify the affected consumers of the breach within 45 days, or be subject to stiff monetary penalties, beginning at \$1000 per day for failing to disclose the breach to consumers, and rising to \$500,000 if the breach is not disclosed within 6 months.

Program: Office of Statewide Prosecution

Trends and Conditions Statement (continued)

In addition to these successful legislative efforts, the Office assisted the efforts of the Director of Drug Control Policy to help Senator Peaden and Representative Zapata pass SB 874/HB 489 (now law as LOF 2005-248), thereby moderating a broad-based attempt to re-write changes to the prescription drug laws originally suggested by the Sixteenth Statewide Grand Jury and passed in LOF 2003-155. As a result, the majority of Florida's pedigree papers requirements remain scheduled to go into effect on July 1, 2006, and will protect consumers from the possibility of having unwholesome drugs sold to them. These pedigree paper requirements remain the toughest in the United States.

Participation in Anti-Terrorist Task Forces

The Office has participated in the multi-agency anti-terrorist task forces created after September 11, 2002. Specific assistance consisted of advice on jurisdiction and authority, evidence analysis, interpretations of existing laws, and recommendations for statutory changes.

Achievements

The work of the Office has been recognized in seven Florida Cabinet Resolutions and eight Davis Productivity Awards. Most recently, in March 2003, the Office received Davis Productivity Awards for its efforts against identity theft and narcotics trafficking, and in 2004 the Office was once again awarded for their work fighting insurance fraud.

Prosecutors and Financial Analysts are sought as trainers by many state and national organizations.

The annual conviction rate consistently exceeds the national average of 90%. These trends are expected to continue.

Appendices

GLOSSARY

Appendix A

- **Attorney General Opinions:** Section 16.01, F.S. provides that the Attorney General shall provide official opinions and legal advice on questions of law from designated public officials.
- **Antitrust:** Refers to laws and regulations designed to protect trade and commerce from unfair business practices which adversely impact the citizens of the state.
- **Cabinet:** The Florida Cabinet is created in Art. 1V, Section 4, Florida Constitution. The Cabinet is composed of an elected secretary of state, attorney general, comptroller, treasurer, commissioner of agriculture and commissioner of education. On January 7, 2003, the composition of the Florida Cabinet changes pursuant to Constitutional amendment. The Florida Cabinet, along with Florida's Governor, sit as the head of several state agencies, commissions and boards.
- **Child Support Enforcement:** Refers to the Child Support Enforcement Division of the Florida Department of Revenue charged with the administration of the child support enforcement program, Title IV-D of the Social Security Act, 42 U.S.C. ss. 651 et seq.
- **Churning:** The practice of using life insurance policy or contract annuity values to purchase another policy or contract with the same insurer for the purpose of earning additional premiums, fees, commissions, or other compensation.
- **Children's Legal Services:** a division within the Attorney General's Office.
- **Eminent Domain:** The power of the government to take private property for a public purpose, with the payment of full compensation for the property taken.
- **False Claims Act:** s. 68.081 - 68.09, F.S. The purpose of the Act is to deter persons from knowingly causing or assisting in causing state government to pay claims that are false.
- **Florida Civil Rights Act:** Refers to ch. 760, Florida Statutes. The Act's general purposes are to secure for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status and thereby to protect their interest in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights, and privileges of individuals within the state.

GLOSSARY

Appendix A

- **Florida Crimes Compensation Act:** Pursuant to ch. 960, F. S., provides that innocent victims of crime who, as a result of the crime, suffer physical, financial, mental or emotional hardship may be eligible to receive aid, care, and support from the state.
- **Florida Deceptive and Unfair Trade Practices Act:** s. 501.201 - 501.213, F.S. Purpose of the Act is to protect the consuming public and legitimate businesses from those who engage in unfair methods, or unconscionable, deceptive or unfair acts or practices in the conduct of any trade or commerce.
- **Government in the Sunshine Law:** Commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings at both the state and local levels. See s. 286.011, F.S. and Article I, s. 24, Florida Constitution.
- **Hate Crimes:** Incidents of criminal acts that evidence of prejudice based on race, religion, ethnicity, color, ancestry, sexual orientation, or national origin. (see s.877.19, F.S.)
- **Lemon Law:** Refers to the provisions of ch. 681, F.S., providing remedies to a consumer whose new motor vehicle (referred to as a “lemon”) has defects which cannot be brought into conformity with the warranty provided.
- **Lemon Law Arbitration Program:** An unit within the Attorney General’s Office.
- **New Motor Vehicle Arbitration Board:** Pursuant to s. 681.1095, the board is established within the Department of Legal Affairs and appointed by the Attorney General to arbitrate disputes between consumers and automobile manufacturers and/or dealers.
- **Price Gouging:** Refers to practices prohibited in s. 501.160, F.S., during a declared state of emergency. Practices include the “unconscionable” increase in sale price or rental cost of goods, services, dwelling units, and other specified commodities during a declared state of emergency. The increase is generally deemed “unconscionable” if the amount charged represents a gross disparity between the increased price and that which was charged during the 30 days immediately prior to the declaration of a state of emergency.

GLOSSARY

Appendix A

- **Public Records Law:** Refers to state policy that all state, county and municipal records shall be open for personal inspection by any person in accordance with ch. 119, F.S.
- **Pyramid Scheme:** A sales or marketing plan whereby a person makes an investment in excess of \$100 and acquires the opportunity to receive a benefit, not based on quantity of goods or services sold, but by inducing additional persons to participate and invest in the same sales or marketing plan.
- **Racketeering Activity:** Means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit a series of crimes as enumerated in s.895.02, F.S.
- **Solicitor General:** Office created in conjunction with the Florida State University College of Law. The Solicitor General represents and advises the Attorney General on complex constitutional issues before the Florida Supreme Court and the United States Supreme Court.
- **Statewide Prosecutor:** The position of Statewide Prosecutor is created in Article IV, Section 4(c), Florida Constitution. The Statewide Prosecutor is appointed by the Attorney General and has jurisdiction to prosecute violations of criminal laws occurring or having occurred in two or more judicial circuits.
- **Sovereign Immunity:** Refers to the doctrine, originated in common law, that prohibits suits against the government without the government's consent.
- **Victims of Crime Advocacy:** Victims grant program. Funds are awarded by the United States Department of Justice to the Office of the Attorney General, as the agency designated to administer the grants to local victim services programs.

ACRONYMS

■	<i>AG</i>	<i>Attorney General</i>
■	<i>AGOs</i>	<i>Attorney General Opinions</i>
■	<i>ACLF</i>	<i>Assisted Care Living Facilities</i>
■	<i>CIP</i>	<i>Capital Improvements Plan</i>
■	<i>CLS</i>	<i>Children's Legal Services</i>
■	<i>DCFS</i>	<i>Department of Children and Families</i>
■	<i>EOG</i>	<i>Executive Office of the Governor</i>
■	<i>FCHR</i>	<i>Florida Commission on Human Relations</i>
■	<i>F.S.</i>	<i>Florida Statutes</i>
■	<i>FY</i>	<i>Fiscal Year</i>
■	<i>GAA</i>	<i>General Appropriations Act</i>
■	<i>GR</i>	<i>General Revenue</i>
■	<i>LBRR</i>	<i>Legislative Budget Request</i>
■	<i>L.O.F.</i>	<i>Laws of Florida</i>
■	<i>LRPP</i>	<i>Long-Range Program Plan</i>
■	<i>MFCU</i>	<i>Medicaid Fraud Control Unit</i>
■	<i>OCR</i>	<i>Office of Civil Rights</i>
■	<i>OPPAGA</i>	<i>Office of Program Policy Analysis and Government Accountability</i>
■	<i>OPB</i>	<i>Office of Policy and Budget in the Executive Office of the Governor</i>
■	<i>OSWP</i>	<i>Office of Statewide Prosecutor</i>
■	<i>RICO</i>	<i>Racketeer Influenced and Corrupt Organization</i>
■	<i>TF</i>	<i>Trust Fund</i>
■	<i>YMCA</i>	<i>Young Men's Christian Association</i>
■	<i>VOCA</i>	<i>Victims of Crime Act</i>

Exhibits

Exhibit I
(no submission this year)

Exhibit II

LRPP Exhibit II - Performance Measures and Standards

Department: DEPARTMENT OF LEGAL AFFAIRS AND ATTORNEY GENERAL

41100000 Program: Office of Attorney General

41100100 Civil Enforcement

Approved Performance Measures (Words)	Approved Prior Year Standards FY 2004-05 (Numbers)	Prior Year Actual FY 2004-05 (Numbers)	Approved Standards for FY 2005-06 (Numbers)	Requested FY 2006-07 Standard (Numbers)
Percent of mediated open government cases resolved in 3 weeks or less	70%	65%	70%	70%
Percent of lemon law cases resolved in less than one year	80%	100%	90%	90%
Percent of clients expressing satisfaction with civil enforcement legal services	95%	TBD	95%	95%
Number of open government cases handled	75	100	100	100
Percent of open government disputes resolved through mediation	75%	75%	75%	75%
Number of repurchase disclosure/enforcement cases	2,000	3,865	2,000	2,000
Number of active lemon law cases	1,425	1,239	1,425	1,300
Number of active antitrust cases	50	57	62	62
Number of active economic crime cases, including consumer and RICO cases	866	174	242	242
Number of active Medicaid Fraud cases	500	1,365	900	900
Number of hearings held before the court- Children's Legal Services	32,000	35,834	32,000	32,000
Number of active ethics cases	33	140	33	120
Number of active child support enforcement	65,000	62,855	65,000	65,000
Number of active civil rights cases	38	55	38	38

41100200 Constitutional Legal Services

LRPP Exhibit II - Performance Measures and Standards

Department: DEPARTMENT OF LEGAL AFFAIRS AND ATTORNEY GENERAL

Approved Performance Measures (Words)	Approved Prior Year Standards FY 2004-05 (Numbers)	Prior Year Actual FY 2004-05 (Numbers)	Approved Standards for FY 2005-06 (Numbers)	Requested FY 2006-07 Standard (Numbers)
Number of days for opinion response	28	22	28	30
Percent of clients expressing satisfaction with constitutional legal services	95%	TBD	95%	95%
Number of opinions issued	300	245	300	150
Number of active Solicitor General cases	245	567	390	390
New Measure - Number of active civil appellate cases	N/A	N/A	N/A	300

41100300 Criminal and Civil Litigation Defense

Approved Performance Measures (Words)	Approved Prior Year Standards FY 2004-05 (Numbers)	Prior Year Actual FY 2004-05 (Numbers)	Approved Standards for FY 2005-06 (Numbers)	Requested FY 2006-07 Standard (Numbers)
Percent of clients expressing satisfaction with criminal and civil legal defense services	95%	TBD	95%	95%
Total fees and costs expended for legal services with private outside counsel	TBD	TBD	TBD	TBD
Percentage of State of Florida legal services conducted, private v. public	TBD	TBD	TBD	TBD
Salaries, benefits, and costs of in-house legal units for each state agency	TBD	TBD	TBD	TBD
Number of capital cases - briefs/state & federal responses/oral arguments	200	211	200	200
Number of noncapital cases - briefs/state & federal responses/oral arguments	19,000	18,572	19,000	19,000
Number of active sexual predator commitment appeals	175	108	175	150

LRPP Exhibit II - Performance Measures and Standards

Department: DEPARTMENT OF LEGAL AFFAIRS AND ATTORNEY GENERAL

Number of active eminent domain cases	1,456	974	1,456	1,000
Number of active tax cases	1,373	1,140	1,373	1,200
Number of active civil appellate cases	323	931	323	323
Number of active inmate cases	1,651	1,193	1,651	1,651
Number of active state employment cases	113	122	113	113
Number of active tort cases	395	190	395	delete

41100400 Victim Services

Approved Performance Measures (Words)	Approved Prior Year Standards FY 2004-05 (Numbers)	Prior Year Actual FY 2004-05 (Numbers)	Approved Standards for FY 2005-06 (Numbers)	Requested FY 2006-07 Standard (Numbers)
Number of victim compensation claims received	22,100	21,003	21,000	21,000
Number of days from application to payment of victim compensation claim	58	34	58	58
Number of victims served through grants	200,000	207,333	200,000	200,000
Number of people attending victims and crime prevention training	6,000	4,707	5,000	5,000

41100500 Executive Direction and Support Services

Approved Performance Measures (Words)	Approved Prior Year Standards FY 2004-05 (Numbers)	Prior Year Actual FY 2004-05 (Numbers)	Approved Standards for FY 2005-06 (Numbers)	Requested FY 2006-07 Standard (Numbers)
Of eligible attorneys, percent who have attained rating, BV rating, and or board certification	70%	75%	70%	70%

41200000 Program: Office of Statewide Prosecution

LRPP Exhibit II - Performance Measures and Standards

Department: DEPARTMENT OF LEGAL AFFAIRS AND ATTORNEY GENERAL

41200100 Prosecution of Multi-Circuit Organized Crime

Approved Performance Measures (Words)	Approved Prior Year Standards FY 2004-05 (Numbers)	Prior Year Actual FY 2004-05 (Numbers)	Approved Standards for FY 2005-06 (Numbers)	Requested FY 2006-07 Standard (Numbers)
Conviction rate for defendants who reached final disposition	90%	96%	90%	90%
Of the defendants who reached disposition, the number of those convicted	391	341	391	391
Number of law enforcement agencies assisted	75	80	75	75
Total number of active cases, excluding drug cases	650	795	650	650
Total number of active drug related multi-circuit organized criminal cases	275	328	275	275

Exhibit III

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Civil Enforcement/Open Government Mediation
Measure: Outcome – Percent of Mediated Open Government Cases Resolved in 3 Weeks or Less

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
70%	65%	(5%)	(7%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

External Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological |
| <input type="checkbox"/> 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 nature of mediation is such that it can take more time to resolve some disputes. Generally, the more complex the issue, the more difficult it can be to successfully resolve a case within 3 weeks.

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:

None

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Civil Enforcement/Lemon Law
Measure: Outcome – Percent of Lemon Law Cases Resolved In Less Than One Year

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
80%	100%	20%	25%

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 expeditious resolution of arbitration cases is legislatively mandated and is a top priority of the Lemon Law Arbitration Program.

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 Program generally controls the scheduling of arbitration hearings and attempts to facilitate settlements; however, the Program has no control over the decisions of the arbitration board, the parties' willingness or ability to settle, or such factors as decision compliance, appeals and bankruptcies, all of which affect case resolution and the timing thereof.

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:

Management has requested revision of standard upward from 80% to 90%.

Office of Policy and Budget – July 2005

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Civil Enforcement/Open Government Mediation

Measure: Output – Number of Open Government Cases Handled

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
75	100	25	33%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation: This measure serves to assess the value of this program to members of the public and agencies who are affected by disputes over access to public records and meetings. The number of cases handled reflects the number of individuals who have considered mediation as an alternative to other more costly alternatives to resolve controversies. The more cases that are initiated, the greater the value the program has to those who are involved in access controversies.

The standard for this measure was changed to 100 for FY 05/06 .

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:

None

Office of Policy and Budget – July 2005

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Civil Enforcement/Open Government Mediation
Measure: Output – Percent of Open Government Disputes Resolved Through Mediation

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
75%	75%	0%	0%

Factors Accounting for the Difference: N/A

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) | |

External Factors (check all that apply):

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

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: None

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Civil Enforcement/Lemon Law

Measure: Output – Number of Repurchase Disclosure/Enforcement 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
2,000	3,865	1,865	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 Problems | <input type="checkbox"/> Technological |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation: This measure is largely dependent upon external factors, such as the number of resale disclosure forms received from motor vehicle manufacturers and sellers.

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 recommendations.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Civil Enforcement/Lemon Law
Measure: Output – Number of Active Lemon Law Cases

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
1,425	1,239	(186)	(13%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

External Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological |
| <input type="checkbox"/> 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 lemon law arbitration program has no control over the number of arbitration claims consumers will file with the Dept. of Agriculture & Consumer Services, Division of Consumer Services (DCS), nor is there any control over the number of those claims DCS will deem eligible and forward to this Program.

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: Management has made a request to revise this standard from 1,425 to 1,300 to reflect expected caseload.

Office of Policy and Budget – July 2005

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Civil Enforcement/Antitrust
Measure: Output – Number of Active Antitrust Cases

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
50	57	7	14%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

The standard for this measure has remained unchanged for at least 3 years. The actual performance results in FY 04/05 were due to a variety of factors. First, while a number of long-term cases were closed, several new cases were opened. At the same time, however, the Division experienced significant attorney turnover which slowed the progress of our investigations in the early stages. Several of the matters opened by the Division were sizeable requiring the full time commitment of most of the Division's personnel and other resources. Despite this, the Division was able to exceed its approved Performance 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:

Requesting revision of standard from 50 to 62.

Office of Policy and Budget – July 2005

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Civil Enforcement/RICO/Consumer
Measure: Output – Number of Active Economic Crimes Cases, Including Consumer and RICO 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
866	174	(692)	(80%)

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 Standard for FY 2004-05 was not valid due to a change in methodology. A revision to 242 cases per year was requested for FY 2005-06 and approved by the Legislature in recognition of the greater validity the new methodology would bring to the measure. Due to the timing of revision requests and approval by the Legislature, however, management operated in FY 2004-05 under the old standard with the new methodology.

The old methodology involved opening a case for every unsolicited fax complaint received by Economic Crimes. The new methodology entails opening a case only for those complaints where an investigation ensues, yielding a more valid measure of program goals.

External Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Resources Unavailable Problems | <input type="checkbox"/> Technological |
| <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 | |

Current Laws Are Working Against The Agency Mission

Explanation:

The Economic Crimes division is tasked with handling price gouging enforcement for the Office of the Attorney General. During Fiscal Year 2004-05 the division reviewed 8,912 price gouging complaints. Significant resources were diverted to this enforcement priority resulting in fewer Economic Crimes cases.

In the current year, FY 2005-06, Economic Crimes continues to handle a significant load of price gouging complaints (2,061 as of late September 2005) due to the active hurricane season. Should the level of hurricane activity persist as a long-term trend, this standard will have to be revisited.

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

Training

Technology

Personnel

Other (Identify)

Recommendations:

Management will continue to assess this pattern for one more year. If it continues, the current standard for active cases (242) should be reduced to account for the diversion in resources necessitated by high price gouging complaint volume.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Civil Enforcement/Medicaid Fraud Control Unit
Measure: Output – Number of Active Medicaid Fraud 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
500	1,365	865	173%

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

Explanation: Staffing increases, initial and on-going training and amended policies redefining case management/processing all affected the results this fiscal year.

External Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological |
| <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: Improved communication and coordination with other agencies and local entities positively affected the results.

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 requested an upward revision to the standard to 900 reflect expected results due to additional staff, the higher level of

training, new policies and procedures and the effects of improved communications. This upward revision was approved for FY 2005-06.

Office of Policy and Budget – July 2005

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Civil Enforcement/Children's Legal Services
Measure: Output – Number of Hearings Held Before the Court-Children's Legal Services

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
32,000	35,834	3,834	12%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation: During the past year, CLS has seen an increase in the number of new cases where children are sheltered and placed in out of home care. There has also been an increase in non-shelter petitions in which children remain at home but are under court ordered supervision. Finally, dependency cases that were ordered closed to supervision have been re-opened. This increase in caseloads has a direct correlation to the number of court hearings required. It cannot be determined at this time if this increase in cases will continue or eventually decrease therefore, the current standard should be maintained.

External Factors (check all that apply):

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

Explanation:

The underlying problems that result in children being removed by DCF and entering the court system relate to social issues which are outside the purview of CLS. CLS is focused in decreasing the amount of time children remain in the foster care system and achieving permanency as statutorily mandated. If the CLS goal is successful it may result in less court cases thereby affecting the performance results. The current performance standards remain valid.

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

- Training Technology
 Personnel Other (Identify)

Recommendations: No corrective action needed. The CLS bureau continues to accomplish its goals with the same personnel despite an increased caseload.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Civil Enforcement/Commission on Ethics Prosecutions

Measure: Output – Number of Active Ethics Cases

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
33	140	107	324%

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: In the past, only those cases with probable cause were considered active cases. At this time, all non-probable cause ethics violations are now captured as active cases. Therefore, we request that the standard for this measure be increased to 120.

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: We recommend that the standard be increased to 120 active cases.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Civil Enforcement/Child Support Enforcement

Measure: Output – Number of Active Child Support Enforcement Cases

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
65,000	62,855	(2,145)	(3%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

External Factors (check all that apply):

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

Explanation:

With the opening of our new Child Support office in St. Petersburg, the standard for this bureau was estimated by our client, the Florida Department of Revenue. However, due to the fact that the St. Pete office was being phased in during FY 04/05, the number of cases should increase and the standard should be met for FY05/06.

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

- Training Technology
- Personnel Other (Identify)

Recommendations: It is recommended that the standard remain the same for this measure.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Civil Enforcement/Civil Rights
Measure: Output – Number of Active Civil Rights 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
38	55	17	45%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

External Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological |
| <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 number of cases is dependent on the number of cases from the Florida Commission on Human Relations.

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 recommendations.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Constitutional Legal Services
Measure: Outcome – Number of Days for Opinion Response

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
28	22	(6)	(21%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

Previous Estimate Incorrect: Old standard was based on workload which included miscellaneous citizen correspondence (quick turn-around time) which is now handled by Citizen Services section. Some citizen correspondence was handled by Opinions this last FY during the hurricane season when C.S. was overloaded, but those were unusual circumstances which should not be reflected in our future performance measures.

Other: Review process under current administration for formal opinions is taking longer due to additional reviewers, therefore we have requested an upward revision for FY 06/07.

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 checked="" type="checkbox"/> Other (Identify) |

Recommendations:

Requesting adjustment of standard from 28 to 30 days for FY 06/07.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Constitutional Legal Services/Opinions

Measure: Output – Number of Opinions Issued

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
300	245	(55)	(18%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

Old standard was based on workload which included miscellaneous citizen correspondence which is now handled by Citizen Services section. Some citizen correspondence was handled by Opinions this last FY during the hurricane season when C.S. was overloaded, but those were unusual circumstances which should not be reflected in our future performance measures.

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 checked="" type="checkbox"/> Other (Identify) |

Recommendations:

Request revision of measure for FY 06/07 downward to 150 opinions. This will more accurately reflect number of Informal/Formal opinion requests only.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Constitutional Legal Services/Solicitor General
Measure: Output – Number of Active Solicitor General 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
245	567	322	131%

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:

When the Approved Standard was originally developed, the target number included agency-wide civil appeal cases reviewed by the Office of the Solicitor General (OSG). Those cases are now reported separately with a new Approved Standard. The net result is a greater caseload reviewed and managed by the OSG.

External Factors (check all that apply):

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

Explanation:

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

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

Recommendations:

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation Defense/Capital Appeals

Measure: Output – Number of Capital Cases – Briefs/State and Federal Responses/Oral Arguments

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
200	211	11	6%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

N/A

External Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Resources Unavailable Problems | <input type="checkbox"/> Technological |
| <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:

External forces governed by the number of cases prosecuted in the trial courts as capital-first degree murder cases; deadlines for filing post-conviction litigation; deadlines for filing federal habeas corpus litigation, active death warrants and opinions rendered by the courts, all impact the numbers of cases litigated in a given period.

Management Efforts to Address Differences/Problems

- Training
- Personnel

- Technology
- Other (Identify)

Recommendations:

No recommendation needed.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation Defense/Non-Capital Criminal Appeals

Measure: Output – Number of Non-Capital Cases – Briefs/State and Federal Responses/Oral Arguments

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
19,000	18,572	(428)	(2%)

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
Problems | <input type="checkbox"/> Technological |
| <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:

External forces governed by the number of cases prosecuted in the trial courts; deadlines for filing post-conviction litigation; deadlines for filing federal habeas corpus litigation, and opinions rendered by the courts, all impact the numbers of cases litigated in a given period.

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 recommendation needed.

Office of Policy and Budget – July 2005

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Criminal and Civil Litigation Defense
Measure: Output – Number of Active Sexual Predator Commitment Appeals

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
175	108	(67)	(38%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

N/A

External Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological |
| <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 civil commitment of sexual predators commenced with the enactment of Sec. 394.10 et. al. (1998) effective January 1, 1999. Based on the prison population at the time of its effective date, the litigation surrounding the statute, involved facial and applied constitutional challenges, to the applicability of the statute. The number of cases captured initially and for the preceding periods are those initial cases that were litigated in the civil trial courts and those that percolated to the appellate courts, both the district courts and the Florida Supreme Court and the United States Supreme Court. To date, the statute has successfully been

upheld and currently the numbers of cases reported are based on the present prison population containing inmates subject to the Ryce Act.

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

Training

Technology

Personnel

Other (Identify)

Recommendations:

Management has requested a downward revision in the standard to 150. Albeit the trend or numbers appear to be downward, they actually are reflective of an evening out of the numbers of Ryce cases potentially available in the prison population. It is suggested that the assessment of case numbers be reviewed next reporting period if the current downward trend becomes constant.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation Defense/Eminent Domain

Measure: Output – Number of Active Eminent Domain Cases

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
1,456	974	(482)	(33%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

The Eminent Domain Bureau has decreased from 41 positions in FY04/05 to 32 positions at the beginning of FY 05/06.

External Factors (check all that apply):

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

Explanation: The number of cases received from our client, the Florida Department of Transportation, decreased in FY 04/05. We have been advised by that client that within the period of one year, the number of cases should increase again. The Eminent Domain Bureau has contracted with other condemnors and will be handling more and more cases under those contracts.

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

- Training Technology

Personnel

Other (Identify)

Recommendations: Management has requested revision of standard to 1000. It is recommended that the measure and approved standard remain thereafter, with monitoring for FY06/07 to determine if the standard should be adjusted for FY 07/08.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation Defense/Tax Law

Measure: Output – Number of Active Tax Cases

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
1,373	1,140	(233)	(17%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

External Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Resources Unavailable Problems | <input type="checkbox"/> Technological |
| <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 number of active revenue litigation cases has decreased as a result of the tax amnesty program.

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: Management has requested a revision of standard downward to 1,200 to reflect the decrease in cases. It is recommended that the measure and proposed standard remain unchanged thereafter, with monitoring to determine whether the performance standard should be changed for FY 07/08.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Constitutional Legal Services/Solicitor General

Measure: Output – Number of Active Civil Appellate 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
323	931	608	188%

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:

Difference is due to a change in cases reported due to internal reorganization. A portion of these cases will be captured in the new measure being requested by the Office of Solicitor General.

External Factors (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Resources Unavailable Problems | <input type="checkbox"/> Technological |
| <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 is requested to current standard.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation Defense/Civil Litigation Defense of State Agencies

Measure: Output – Number of Active Inmate Cases

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
1,651	1,193	(458)	(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 |
| <input type="checkbox"/> 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 a result of the case Schmidt v. Crusoe, 878 So.2d 361, the number of cases being referred to the OAG for representation of the Department of Corrections has increased and we expect this number to continue to increase.

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: It is recommended that the measure and proposed standard remain unchanged, with monitoring to determine whether the performance standard should be changed for FY 07/08.

Office of Policy and Budget – July 2005

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation Defense/Civil Litigation Defense of State Agencies

Measure: Output – Number of Active State Employment Cases

Action:

- | | |
|--|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure
Measure | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure
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	122	9	8%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation: In previous years, we have not captured in-house employment issues as active cases and we are now tracking each of these as an active case. Thus, the increase in the actual results.

External Factors (check all that apply):

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

Explanation:

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

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

Recommendations: It is recommended that the measure and proposed standard remain unchanged, with monitoring to determine whether the performance standard should be changed for FY 07/08.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation Defense/Civil Litigation Defense of State Agencies

Measure: Output – Number of Active Tort 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 checked="" type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
395	190	(205)	(52%)

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 Problems | <input type="checkbox"/> Technological |
| <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 reduction in the standards for this measure is due to the decision of the Department of Financial Services, Division of Risk Management, to refer these type cases to private counsel rather than to the Office of the Attorney General. We are in the process of reorganizing our tort litigation branch to better meet the needs of the OAG and current tort cases are being handled through attrition and the tort lawyers are being reassigned to other bureaus.

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: It is requested that this measure and standard be completely removed.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Victim Services/Victim Compensation
Measure: Outcome – Number of Victim Compensation Claims Received

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
22,100	21,003	(1,097)	(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 checked="" type="checkbox"/> Other (Identify) | |

Explanation:

Staff is well trained, efficiently processes claims, and makes efficient use of technological resources.

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:

Workload volume is outside the control of the agency.

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: Victim Services/Victim Compensation

Measure: Outcome – Number of Days From Application to Payment of Victim Compensation Claim

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
58	34	(24)	(41%)

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

Explanation:

This level of performance is made possible because of retention of capable and knowledgeable staff, extensive internal training, and efficient use of technological resources.

External Factors (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Resources Unavailable Problems | <input type="checkbox"/> Technological |
| <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: Workload volume is outside the control of the agency.

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:

None

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Victim Services/Grants-Victims of Crime Advocacy
Measure: Output – Number of Victims Served Through Grants

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
200,000	207,333	7,333	4%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

Met standard.

External Factors (check all that apply):

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

Explanation:

The number of victims served by Victims of Crime Act (VOCA) funded programs is provided by the sub-grantee agencies. The current funding levels allow for services to an increased number of victims, but that funding base is contingent upon congressional action.

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

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

Recommendations:

No recommendations made.

Office of Policy and Budget – July 2005

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Victim Services/Victim Compensation
Measure: Output – Number of People Attending Training (Victims/Crime Prevention)

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
6,000	4,707	(1,293)	(22%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

Staff is very proficient in delivering training to law enforcement, victim services, and allied professionals. Core curricula are developed and coordinated with the appropriate external entities. When increased funding is available, the training calendar is expanded to accommodate additional requests for specialized training.

External Factors (check all that apply):

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

Explanation:

When funding for training is reduced in the agencies served by the Florida Crime Prevention Training Institute (FCPTI), there is a resultant decrease in the number of individuals attending the training programs. However, FCPTI is the sole source provider of some law enforcement training, ensuring that the law

enforcement community will consistently participate in these courses. With changes in the economy, due to financial issues, there has been a reduced level of participation in the Annual National Conference on Preventing Crime in the Black Community.

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

Training

Technology

Personnel

Other (Identify)

Recommendations:

The agency requested a change in this standard, which has been approved for FY 2005-06. Additionally, the agency is aggressively seeking others sources of funding for major programs.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Executive Leadership and Support Services
Measure: Outcome – Of Eligible Attorneys, Percent Who Have Attained Rating, BV Rating, and/or Board Certification

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
70%	75%	5%	7%

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 FL Bar. These accomplishments are strictly voluntary and are not required to practice law in the State of FL 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

- | | |
|-----------------------------------|-------------------------------------|
| <input type="checkbox"/> Training | <input type="checkbox"/> Technology |
|-----------------------------------|-------------------------------------|

Personnel

Other (Identify)

Recommendations:

The results achieved for this outcome are satisfactory and no additional efforts are needed to address this difference.

Office of Policy and Budget – July 2005

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Statewide Prosecution/Investigation & Prosecution of Multi-Circuit Organized Crime

Measure: Outcome – Conviction Rate for Defendants Who Reached Final Disposition

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
90%	96%	6%	6%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

The Office of Statewide Prosecution is placing emphasis on making the correct charging decisions. 90% conviction rate is the appropriate standard due to the high burden of proof required in criminal cases.

External Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Resources Unavailable Problems | <input type="checkbox"/> Technological |
| <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:

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 corrective action needed.

Office of Policy and Budget – July 2005

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Statewide Prosecution/Investigation & Prosecution of Multi-Circuit Organized Crime

Measure: Outcome – Of the Defendants Who Reached Disposition, the Number of Those Convicted

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
391	341	(50)	(13%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

The Office of Statewide Prosecution has recently hired staff into vacancies that previously remained vacant due to budget constraints. Due to the complex nature of these cases, there has not been time to bring additional cases to fruition and realize the actual performance results anticipated.

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:

It is requested that this measurement remain unchanged until the program performance results are known for FY 2006-07. If needed, an adjustment will be requested.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Statewide Prosecution/Investigation & Prosecution of Multi-Circuit Organized Crime

Measure: Output – Number of Law Enforcement Agencies Assisted

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
75	80	5	7%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

External Factors (check all that apply):

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

Explanation:

This measure is dependent upon the receipt of requests for assistance (RFA) from primary and secondary law enforcement agencies from each region of the state.

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

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

Recommendations:

The standard for this measure was adjusted for FY 2004-05 to 75. It is requested that this measurement remain unchanged until the program performance results are known for FY 2006-07. If needed, an adjustment will be requested.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Statewide Prosecution/Investigation & Prosecution of Multi-Circuit Organized Crime

Measure: Output – Total Number of Active Cases, Excluding Drug Cases

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
650	795	145	22%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

The Office of Statewide Prosecution has recently hired staff into vacancies that previously remained vacant due to budget constraints. This has provided additional staff to process more cases. The actual performance results may decline due to OSWP efforts to focus on larger multi-circuit criminal activity that could result in fewer, but larger cases.

External Factors (check all that apply):

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

Explanation:

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

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

Recommendations:

It is requested that this measurement remain unchanged until the program performance results are known for FY 2006-07. If needed, an adjustment will be requested.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Statewide Prosecution/Investigation & Prosecution of Multi-Circuit Organized Crime

Measure: Output – Total Number of Active Drug Related Multi-Circuit Organized Criminal 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
275	328	53	19%

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:

The Office of Statewide Prosecution has recently hired staff into vacancies that previously remained vacant due to budget constraints. This has provided additional staff to process more cases. The actual performance results may decline due to OSWP efforts to focus on larger multi-circuit criminal activity that could result in fewer, but larger cases.

External Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Resources Unavailable Problems | <input type="checkbox"/> Technological |
| <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:

OSWP aggressively pursues drug trafficking cases, including drug diversion cases. The office relies on law enforcement agencies to bring such cases to this Office. Therefore, results will vary year-to-year.

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

- Training
- Personnel

- Technology
- Other (Identify)

Recommendations:

This measure was revised upward to 275 for FY 2005-06. It is requested that this measurement remain unchanged until the program performance results are known for FY 2006-07. If needed, an adjustment will be requested.

Exhibit IV

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Civil Enforcement/Lemon Law

Measure: Output – Number of Active Lemon Law Cases

Action (check one):

- Requesting revision to approved performance measure.
Requesting a revision in current standard from 1,425 to 1,300.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

Arbitration requests are submitted to the Department of Agriculture and Consumer Services, Division of Consumer Services by consumers. The Division screens the requests to determine eligibility pursuant to Section 681.109, Florida Statutes, and forwards the eligible requests to the Lemon Law Arbitration Program of the Department of Legal Affairs.

Eligible Arbitration Requests are received, analyzed and reviewed by the Program based on criteria established by the Florida Statutes, Administrative Rules and Lemon Law Arbitration Program processing procedures. The requests are entered into and tracked in the Lotus Notes Arbitration Case Tracking database.

The Division of Consumer Services screens the cases to determine eligibility. The eligible cases are then sent to the central (Tallahassee) office and the Lemon Law Arbitration Program Specialist and Financial Investigator review the data. In addition, if the final disposition is a settlement or arbitration award, outcome data is verified with the consumer to ensure accuracy. The Director of Lemon Law reviews the quarterly and annual reports of the data. All data entered is verified either by information contained in the Lotus Notes database, the case files or received directly from the parties involved. Data errors are corrected as identified.

The total number of requests received between July 1 and June 30 is calculated.

Validity:

The measure is reported by the Lemon Law program not to be an appropriate indicator for the success of the program or production efforts as it is completely

dependent upon external factors and because it represents only cases approved for arbitration, not all cases handled by the program.

There is a logical relation between the name of the measure, the definition and the data collected with the exception that it does not capture all cases, only those approved for arbitration. The formula used to calculate the measure is consistent. The measure is well-documented and specific. This measure is assessed as having a medium probability of validity as it is not a robust measure of program productivity, efficiency and effectiveness.

Reliability:

The data collection methodology is clear and well-documented. The reporting system structure appears to be clear, documented and uniformly implemented. Review levels performed and controls reported by management allow for data correction and enhance reliability. This measure is assessed as having a high probability of reliability.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Civil Enforcement/Commission on Ethics Prosecutions

Measure: Output – Number of Active Ethics Cases

Action (check one):

- Requesting revision to approved performance measure.
- Requesting increase in standard from 33 to 120 active cases.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

Complaints submitted by the Ethics Commission, an appeal from a finding by the Commission of a law violation, and a civil action for collection of a civil penalty recommended by the Commission.

The open case date is entered into the Lotus Notes General Legal Case Tracking database. A judicial or quasi-judicial forum initiates the close of a case by issuing a settlement or an order.

Data is entered by the Ethics Bureau paralegal and reviewed by the Ethics Advocate. All data entry is reviewed and compiled by the Assistant Deputy Attorney General's Senior Management Analyst before generating statistical reports. Data errors are corrected as identified.

The total number of active cases between July 1 and June 30.

Validity:

The Office of Inspector General employed information provided by management in evaluating the validity and reliability of the performance measure.

There is a logical relation between the name of the measure, the definition and the data collected. The formula used to calculate the measure is consistent with the definition. The measure is well-documented, clear and specific. This measure is assessed as having a high probability of validity.

Reliability:

The data collection methodology is clear and well-documented. The reporting system structure appears to be clear, documented and uniformly implemented.

Review levels performed and controls reported by management allow for data correction and enhance reliability. This measure is assessed as having a high probability of reliability.

Office of Policy and Budget – July, 2005

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Constitutional Legal Services/Opinions

Measure: Outcome – Number of Days for Opinion Response

Action (check one):

- Requesting revision to approved performance measure.
Requesting revision of standard from 28 to 30.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

1. Date opinion is entered into the system and the required memorandum is received;
and
2. Date opinion is issued

An opinion request is received and entered into the Active Correspondence Lotus Notes database by Citizen Services, assigned/routed to Opinions. A memorandum of law detailing 1) the opinion of the requesting party's own legal counsel, and 2) a discussion of the legal issues involved is usually required to continue the process. Once the MOL is received, the Director of Opinions reviews the request to make a determination of whether the opinion will be formal or informal. Requests are assigned by the Administrative Assistant or Executive Secretary to section attorneys based on a rotating basis, and the draft/review process begins.

Standard operating procedures are in place to ensure the process is followed correctly (attempt to respond to all opinions within 30 days). Preliminary Review Sheets are used before the on-line process begins. The system automatically pushes the draft opinion through the review process, maintaining all dates and signatures. An Executive Secretary, Administrative Assistant, Opinions attorneys, Opinion Review Committee, Deputy Attorney General and the Attorney General generally review all formal opinions. Data are reviewed for errors and corrected as identified.

The number of days from data entry date to issuing date for each opinion issued is calculated and divided by the number of opinions issued from July 1 through June 30.

Validity:

The Office of Inspector General employed information provided by management in evaluating the validity and reliability of the performance measure.

There is a logical relation between the name of the measure, the definition and the data collected. The formula used to calculate the measure is consistent with the definition.

The measure is well-documented, clear and specific. This measure is assessed as having a high probability of validity.

Reliability:

The data collection methodology is clear and well-documented. The reporting system structure appears to be clear, documented and uniformly implemented. Review levels performed and controls reported by management allow for data correction and enhance reliability. This measure is assessed as having a high probability of reliability.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Constitutional Legal Services/Opinions

Measure: Output – Number of Opinions Issued

Action (check one):

- Requesting revision to approved performance measure.
Requesting revision of standard from 300 to 150.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

Opinions requested by the:

- 1) Governor,
- 2) Member of Cabinet,
- 3) Head of a Department,
- 4) Speaker of the House of Representatives,
- 5) President of the Senate,
- 6) Minority Leader of the House of Representatives,
- 7) Minority Leader of the Senate,
- 8) Members of the Legislature,
- 9) State and Local Governments,
- 10) State Attorneys, and
- 11) Florida Congressional Representatives.

An opinion request is received and entered into the Active Correspondence Lotus Notes database by Citizen Services, assigned/routed to Opinions. Once received, the Director of Opinions reviews the request to make a determination of whether the opinion will be formal or informal. Requests are assigned by the Administrative Assistant or Executive Secretary to section attorneys based on a rotating basis, and the draft/review process begins.

Standard operating procedures are in place to ensure the process is followed correctly (attempt to respond to all opinions within 30 days). Preliminary Review Sheets are used before the on-line process begins. The system automatically pushes the draft opinion through the review process, maintaining all dates and signatures. An Executive Secretary, Administrative Assistant, Opinions attorneys, Opinion Review Committee, Deputy Attorney General and the Attorney General generally review all formal opinions. Data are reviewed for errors and corrected as identified.

The measure reports the total number of opinions issued between July 1 through June 30.

Validity:

The Office of Inspector General employed information provided by management in evaluating the validity and reliability of the performance measure.

There is a logical relation between the name of the measure, the definition and the data collected. The formula used to calculate the measure is consistent with the definition. The measure is well-documented, clear and specific. This measure is assessed as having a high probability of validity.

Reliability:

The data collection methodology is clear and well-documented. The reporting system structure appears to be clear, documented and uniformly implemented. Review levels performed and controls reported by management allow for data correction and enhance reliability. This measure is assessed as having a high probability of reliability.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Constitutional Legal Services/Solicitor General

Measure: Output – Number of Active Civil Appellate Cases

Action (check one):

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

Requesting measure that accounts for civil appellate cases handled by the Office of the Solicitor General.

Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

Active civil appellate cases pending in state or federal courts.

All Assistant Attorneys General who receive notification by the court, an agency client, or through performed service that one of their assigned non-criminal cases is on appeal (with certain exceptions), must submit a Notification of Appeal form to the Office of the Solicitor General (“OSG”). All notifications are reviewed by the Solicitor General and the Chief of Civil Appeals, one of whom will assign the appeal to an Assistant Attorney General or to a Deputy Solicitor General, with general directions for managing the case. A Senior Management Analyst II maintains the Notification database on the Lotus Notes Case Tracking system.

The Solicitor General and staff evaluate and monitor each case. All data entry is reviewed and compiled by the Senior Management Analyst II before generating statistical reports. Cases are reviewed on a regular basis during group or individual meetings with staff. Additionally, the National Association of Attorneys General provides a Supreme Court Report on a regular basis which summarizes all pending cases before that court. Data errors are corrected as identified.

Cases are categorized according to their assignment and case status for tracking and reporting purposes. Cases assigned to the OSG are automatically assigned a unique case number in the OSG Caseload database. All assigned attorneys are responsible for completing any necessary case report information. At the termination of litigation services and upon issuance of a settlement or court order, the case is closed.

The total number of active civil appellate cases between July 1 and June 30.

Validity:

The Office of Inspector General employed information provided by management in evaluating the validity and reliability of the proposed performance measure.

The request for a new measure is logical in that it accounts for civil appellate cases handled by the Solicitor General separately from those currently handled by the Criminal and Civil Litigation Defense program. Given the information provided by management, the new measure *is expected to be* logical related to the definition of the cases it will measure and the data collected. The formula to be used to calculate the measure is expected to be consistent with the definition. The measure is expected to be well-documented, clear and specific. The requested new measure is expected to have a high probability of validity, but the Office of Inspector General will make an appropriate assessment once the measure is approved and implemented.

Reliability:

Based upon the information provided, the data collection methodology is clear and well-documented. The reporting system structure is expected to be clear, documented and uniformly implemented. Review levels to be performed and controls reported by management should allow for data correction and enhance reliability. This measure is expected to have a high probability of reliability; however, the Office of Inspector General will make an appropriate assessment once the measure is approved and implemented.

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 Defense

Measure: Output – Number of Active Sexual Predator Commitment Appeals

Action (check one):

- Requesting revision to approved performance measure.
Requesting a revision downward of standard from 175 to 150 to reflect the expected flow of Ryce cases remaining in the population.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

Sexual Predator Commitment Appeals filed (Jimmy Ryce).

Notice of Appeal is filed. Data are entered into a Lotus Notes Criminal Appeals Case Tracking database and monitored by the Bureau Chief until the brief is received. Once the brief is received, the case is assigned to a designated attorney and the database assigns a unique case number. The core issue of the case is recorded by the handling attorney. The Assistant enters the docket information. Court issues final ruling for case.

The total number of active Sexual Predator Commitment Appeals filed between July 1 and June 30.

Validity:

The Office of Inspector General employed information provided by management in evaluating the validity and reliability of the performance measure. There is a logical relation between the name of the measure, the definition and the data collected. The formula used to calculate the measure is consistent with the definition. The measure is well-documented, clear and specific. This measure is assessed as having a high probability of validity.

Reliability: The data collection methodology is clear and well-documented. The reporting system structure appears to be clear, documented and uniformly implemented. Review levels performed and controls reported by management allow for data correction and enhance reliability. This measure is assessed as having a high probability of 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 Defense/Eminent Domain

Measure: Output – Number of Active Eminent Domain Cases

Action (check one):

- Requesting revision to approved performance measure.
Requesting decrease in standard from 1,456 to 1,000 active cases
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

Data sources are lawsuits referred to the Department pending in State or Federal courts; DOAH; PERC; EEOC; or Florida Commission on Human Relations.

Lawsuits are received, reviewed and entered into a Lotus Notes General Legal Case Tracking system database within the General Civil Litigation Division. The case is assigned to a bureau of the division and the system automatically assigns a unique case number. The assigned attorney is responsible for completing the necessary case report information. At the termination of litigation services and upon issuance of a settlement or court order, the case is closed.

The handling attorney reviews data entered by the Assistant. The Bureau Chief verifies the handling of attorneys' data. All data entry is reviewed and compiled by the Assistant Deputy Attorney General's Senior Management Analyst before generating statistical reports. Data errors are corrected as identified.

The total number of active eminent domain cases between July 1 and June 30.

Validity:

The Office of Inspector General employed information provided by management in evaluating the validity and reliability of the performance measure.

There is a logical relation between the name of the measure, the definition and the data collected. The formula used to calculate the measure is consistent with the definition. The measure is well-documented, clear and specific. This measure is assessed as having a high probability of validity.

Reliability:

The data collection methodology is clear and well-documented. The reporting system structure appears to be clear, documented and uniformly implemented. Review levels performed and controls reported by management allow for data correction and enhance reliability. This measure is assessed as having a high probability of reliability.

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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 Defense/Tax Law

Measure: Output – Number of Active Tax Cases

Action (check one):

- Requesting revision to approved performance measure. - - Requesting decrease in standard from 1,373 to 1,200 active cases.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure not previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

Data sources are lawsuits referred to the Department that are pending in State or Federal courts; DOAH; PERC; EEOC; or Florida Commission on Human Relations.

Lawsuits are received, reviewed and entered into a Lotus Notes General Legal Case Tracking system database within the General Civil Litigation Division. The case is assigned to a bureau of the division and the system automatically assigns a unique case number. The assigned attorney is responsible for completing the necessary case report information. At the termination of litigation services and upon issuance of a settlement or court order, the case is closed.

The handling attorney reviews data entered by the Assistant. The Bureau Chief verifies the handling of attorneys' data. All data entry is reviewed and compiled by the Assistant Deputy Attorney General's Senior Management Analyst before generating statistical reports. Data errors are corrected as identified.

The total number of active tax cases between July 1 and June 30.

Validity:

The Office of Inspector General employed information provided by management in evaluating the validity and reliability of the performance measure.

There is a logical relation between the name of the measure, the definition and the data collected. The formula used to calculate the measure is consistent with the definition. The measure is well-documented, clear and specific. This measure is assessed as having a high probability of validity.

Reliability:

The data collection methodology is clear and well-documented. The reporting system structure appears to be clear, documented and uniformly implemented. Review levels performed and controls reported by management allow for data correction and enhance reliability. This measure is assessed as having a high probability of reliability.

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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 Defense/Civil Litigation Defense of State Agencies

Measure: Output – Number of Active Tort Cases

Action (check one):

- Requesting revision to approved performance measure.
- Requesting deletion of this measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

Lawsuit that is referred to the Department that is pending in State or Federal courts; DOAH; PERC; EEOC; or Florida Commission on Human Relations.

Lawsuits are received, reviewed and entered into a Lotus Notes General Legal Case Tracking system database within the General Civil Litigation Division. The case is assigned to a bureau within the division and the system automatically assigns a unique case number. The assigned attorney is responsible for completing the necessary case report information. At the termination of litigation services and upon issuance of a settlement or court order, the case is closed.

The handling attorney reviews data entered by the Assistant. The Bureau Chief verifies the handling of attorneys' data. All data entry is reviewed and compiled by the Assistant Deputy Attorney General's Senior Management Analyst before generating statistical reports. Data errors are corrected as identified. Data reliability is assured by comparison of court records to case tracking records within the program.

The total number of active tort cases between July 1 and June 30.

Validity:

The Office of Inspector General employed information provided by management in evaluating the validity and reliability of the performance measure.

There is a logical relation between the name of the measure, the definition and the data collected. The formula used to calculate the measure is consistent with the definition. The measure is well-documented, clear and specific. This measure is assessed as having a high probability of validity.

Reliability:

The data collection methodology is clear and well-documented. The reporting system structure appears to be clear, documented and uniformly implemented. Review levels performed and controls reported by management allow for data correction and enhance reliability. This measure is assessed as having a high probability of reliability.

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