



Office of the  
**Attorney General of Florida**  
**Bill McCollum**



# Long Range Program Plan

**FY 2008-09 through FY 2012-13**

**Office of the Attorney General  
Office of Statewide Prosecution**

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# Mission Statement

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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

| Baseline/Year 2001 | FY 2008-09 | FY 2009-10 | FY 2010-11 | FY 2011-12 | FY 2012-13 |
|--------------------|------------|------------|------------|------------|------------|
| 30%                | 50%        | 55%        | 60%        | 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

| Baseline/Year 2001 | FY 2008-09 | FY 2009-10 | FY 2010-11 | FY 2011-12 | FY 2012-13 |
|--------------------|------------|------------|------------|------------|------------|
| 70%                | 85%        | 90%        | 90%        | 90%        | 90%        |

**Objective 1C:** Increase client satisfaction

**Outcome:** Percent increase in client satisfaction

| Baseline/Year 2001 | FY 2008-09 | FY 2009-10 | FY 2010-11 | FY 2011-12 | FY 2012-13 |
|--------------------|------------|------------|------------|------------|------------|
| 90%                | 95%        | 95%        | 95%        | 95%        | 95%        |

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

| Baseline/Year 2003 | FY 2008-09 | FY 2009-10 | FY 2010-11 | FY 2011-12 | FY 2012-13 |
|--------------------|------------|------------|------------|------------|------------|
| 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 90<sup>th</sup> percentile of average salaries paid to other executive agency attorneys

| Baseline/Year<br>2001 | FY 2008-<br>09     | FY 2009-10         | FY 2010-11         | FY 2011-<br>12     | FY 2012-<br>13     |
|-----------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| 60th<br>percentile    | 74th<br>percentile | 78th<br>percentile | 80th<br>percentile | 85th<br>percentile | 90th<br>percentile |

**Goal #2:** Protect children from those who would prey upon them through the Internet

**Objective 2A:** Expand programs that safeguard children from predatory criminals

**Outcome:** Increase number of active CyberCrime cases

| Baseline/Year<br>2006 | FY 2008-<br>09 | FY 2009-10 | FY 2010-11 | FY 2011-<br>12 | FY 2012-<br>13 |
|-----------------------|----------------|------------|------------|----------------|----------------|
| 40                    | 50             | 55         | 58         | 60             | 65             |

**Goal #3:** Improve service delivery to all crime victims

**Objective 3A:** Increase efficiency in processing victim compensation claims

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

| Baseline/Year<br>1999 | FY 2008-<br>09 | FY 2009-10 | FY 2010-11 | FY 2011-<br>12 | FY 2012-<br>13 |
|-----------------------|----------------|------------|------------|----------------|----------------|
| 19.8 weeks            | 5 weeks        | 4.9 weeks  | 4.8 weeks  | 4.7 weeks      | 4.6 weeks      |

**Objective 3B:** Increase the outreach of VOCA grant program

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

| Baseline/Year<br>1999 | FY 2008-<br>09 | FY 2009-10 | FY 2010-11 | FY 2011-<br>12 | FY 2012-<br>13 |
|-----------------------|----------------|------------|------------|----------------|----------------|
| 253                   | 255            | 260        | 265        | 270            | 275            |

**Outcome:** Increase number of subgrantees serving minorities and underserved victims

| Baseline/Year<br>1999 | FY 2008-<br>09 | FY 2009-10 | FY 2010-11 | FY 2011-<br>12 | FY 2012-<br>13 |
|-----------------------|----------------|------------|------------|----------------|----------------|
| 46                    | 50             | 51         | 52         | 53             | 54             |

# **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 Crimes Division**

The Economic Crimes Division is charged with protecting consumers from fraud and other financial exploitation. The division's attorneys, investigators and staff work in bureaus located throughout the state with primary focus on the following areas of practice:

### Deceptive and Unfair Trade Practices

The division targets those who prey on consumers through the enforcement authority of Chapter 501, the Florida Deceptive and Unfair Trade Practices Act ("FDUPTA" or "little FTC Act"). The division initiates investigations through subpoenas and legal actions against entities that commit unfair methods of competition and unfair practices in the conduct of any trade or commerce. The division investigates the activities of businesses and individuals involved in multi-circuit activities, as the State Attorneys have primary jurisdiction for single circuit activity. This includes price gouging enforcement during a declared state of emergency. The division also participates in FDUPTA investigations of national companies in cooperation with other States and the Federal Trade Commission. Although the number of cases varies from day to day the current number of active Economic Crimes cases is 288.

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 division 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. 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. Instead, these cases are now taken to federal agencies that can offer local authorities a

greater share of forfeiture proceeds and do not have to follow Florida's sentencing guidelines, discovery procedures and homestead protections. 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. 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.

Several years ago, the RICO Act was 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 investigated several financial institutions for placing excessive insurance on automobile loans resulting in almost \$40 million in refunds to Florida consumers. 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 significantly, 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 Economic Crimes Division will continue to address corporate misconduct. 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.

### **Antitrust Division**

The Attorney General's Office Antitrust Division 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.

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 Fiscal Year (FY) 2006-07 decreased slightly from 77 to 70, the number of cases closed remained about the same 16, up slightly from the 15 cases closed last fiscal year. Despite the slight decrease in the number of cases worked, the Division's total monetary recoveries were greater than last fiscal year's: \$10,704,557 in total recoveries from five major cases compared to \$7,847,123.48 from seven major cases in FY 2005-06. These monies were recovered on behalf of public entities and consumers, as civil penalties, 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 state antitrust enforcement. First, there has been a dramatic increase over the last five years in the number of proposed mergers, acquisitions, and joint ventures. Although the growth of the economy has slowed in recent months, corporate America has not been dissuaded from a recent trend to consolidate. While not all proposed mergers and acquisitions are reviewed by the Attorney General's Office, those that may have a particular anti-competitive impact in Florida, thereby affecting Florida consumers, are closely scrutinized by the Antitrust Division.

A second recent development is that the federal antitrust enforcement agencies have become less aggressive in enforcing the federal antitrust laws, which has caused state attorneys general to step up and fill the void wherever possible. Consequently, the Division has done everything possible to marshal available resources and fulfill its enforcement mandate for the benefit of Floridians.

The Attorney General's Office has addressed some of this need in recent years by combining resources with other state Attorneys General, certain other state regulators, 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.

Some of the Antitrust Division's significant recoveries during the past fiscal year include nearly \$6 million in recoveries for Florida public entities from the insurance broker Brown & Brown and the insurance company Zurich resolving joint investigations by this Office, the Department of Financial Services and Office of Insurance Regulations into whether brokers improperly steered commercial general liability business to particular insurance companies in return for undisclosed commissions or other hidden payments. The Division also distributed nearly \$750,000 to Florida consumers who paid too much for the anti-anxiety drug Remeron as the result of an allegedly unlawful effort by the drug maker to foreclose lower-priced generics from the market. In another significant development, the Division received a long awaited reimbursement of nearly \$2 million in fees and costs from a 2002 settlement with music compact disk distributors that were alleged by Florida and 49 other states to have fixed the price of music CDs sold at retail outlets. Finally, the Division recovered \$140,000 as a result of a second settlement in an ongoing gasoline price-fixing case currently under way in the Panhandle.

Not all cases generate dollars nor are they expected to. In addition to the cases that are opened and then closed when it is determined that no action is warranted, it is important to note that ten of the 70 active cases worked by the Division in FY 2006-07 were merger reviews, up from eight in FY 2005-06. Such reviews, intended to ensure that the proposed mergers will not adversely affect competition, typically do not result in dollar recoveries, but, can, nonetheless, be very resource-intensive and time-consuming, despite our efforts to share resources with other states or federal agencies also reviewing the proposed transaction.

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 remain limited. Antitrust investigations and litigation by their very nature are complicated, time-consuming, and extremely document-intensive.

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 FY 2006-07 with the Division's investigation of the insurance industry, which grew from just one major case, first opened in October, 2004, to 19 separate active cases. In addition to yielding the two settlements mentioned above, which the Division took the lead in negotiating, the investigation has resulted in litigation being filed against the broker Marsh & McLennan Companies and has spawned a number of continuing settlement negotiations.

Additionally, as gas prices continue to rise, the Division has consistently devoted significant resources to aggressively monitoring gasoline prices and promptly responding to consumer complaints. The effort paid off in late 2005, when a gasoline retail price-fixing case was uncovered by the Division in Okaloosa County. An antitrust suit was filed in state court in May, 2006 and portions of the case settled with some defendants in early 2006 and early 2007 for a total civil penalty recovery to date of \$225,000. The remaining defendant has refused to settle and in the spring of 2007, a second price-fixing case was filed against the same defendant

alleging a separate price-fixing violation in Walton County. It is unlikely that either of these cases will settle soon without the devotion of significant man hours.

Given the increasing resource demands on the Division, as it continues to make every effort to meet the needs of Florida citizens and aggressively pursue potential violations of the law that harm consumers and competition, any further reduction in staff would greatly impact the Division's antitrust enforcement efforts, especially at this time of economic unpredictability and anticipated resulting increase in antitrust activity. Investigations would not be brought; litigation would not be filed; significant financial recoveries for the benefit of the General Revenue Fund, state and local public entities and consumers would be lost; and mergers would be consummated without adequate review, all to the detriment of the state and its citizens.

### **Child Predator CyberCrime Unit**

The Child Predator CyberCrime Unit was established by the Attorney General in August 2005 in response to an alarming increase in crimes against children by means of computer, the internet, digital media, and/or other electronic devices. In an effort to safeguard children from such exploitation, the Child Predator CyberCrime Unit (CPCU) was created to investigate and prosecute computer facilitated solicitation and luring of children, the possession and distribution of child pornography, and all Internet-based sexual exploitation of children. In addition, the Child Predator CyberCrime Unit has within it a group of specially trained Victim Advocates, who identify child-victims of cyber-crime through cyber-safety presentations around the state in the public schools and provide intervention services to those children. The CPCU also conducts community outreach, providing education and training on internet crimes against children to: law enforcement, prosecutors, parents, teachers, care-givers, and children. The Attorney General is committed to making a difference in Florida to stop these crimes by both the aggressive arrest and prosecution of the offenders, and more importantly, by empowering Florida's children to recognize and avoid on-line predators. The mission of the CPCU is:

**Protecting children from computer facilitated sexual victimization by working cooperatively on a statewide basis with law enforcement and prosecution agencies to share resources and expertise, while serving the needs of child-victims of cybercrime and preventing the spread of these crimes through education and community awareness.**

The Unit members 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 positions or being subjected to explicit sexual activity. Child pornography consists of both photos and videos of actual child rape, molestation, and sexual abuse. Many images depict violence such as bondage, rape, bestiality, or torture of children as young as infants.

Supervising Assistant Attorney General / Criminal Prosecutors

The Assistant Attorney General (AAG) for each office supervises all operations, including: investigations and subsequent prosecutions, all administrative responsibilities and management

of the office. Each reports to the Director of the CPCU located in Jacksonville, the primary hub of the statewide operation. In addition, each AAG is a Special Designated Assistant Statewide Prosecutor, seeks to be cross-designated as an Assistant State Attorney in the local Judicial Circuit, and seeks special designation as an Assistant U.S. Attorney in order to prosecute the predators arrested by the Child Predator CyberCrime Unit in the forum best suited for the case. To maintain a manageable case load, the Supervising AAG prepares cases for referral to 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. During the past year, Prosecutors in the Unit have provided numerous educational seminars for State Attorneys through both local and statewide conferences. In addition, the Director of the CPCU provides assistance to the OAG Director of Legislative Affairs to support and provide expertise to members of the legislature regarding sex crimes against children and sexual predators. During the 2007 legislative session the Attorney General was instrumental in promoting legislation to increase penalties for internet crimes against children (see SB 1004).

#### Law Enforcement Investigators

The investigations, conducted by the CPCU Investigators 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. In Florida, detection and arrest of sexual predators has resulted in spontaneous suicide, open gun fire, and police officer fatality. In the past year, CPCU members have had one search warrant execution result in a spontaneous suicide by shotgun of a suspect. For this reason, the Child Predator CyberCrime Unit members foster strong relationships with other law enforcement agencies around the State, and establish contacts and agreements to share critical resources. In addition, investigations such as these are not limited to the normal work day hours and often lead to unusual hours for Investigators and travel where overtime and expenses are unavoidable.

Statistics: In the past year, the Child Predator CyberCrime Unit has executed over thirty-five (35) search warrants, arrested and prosecuted twenty-four (24) defendants, conducted over ten (10) computer forensic exams, recovered thousands of images of child pornography and educated over thirteen-hundred (1300) adults on Internet safety. In addition, Special Agents have created the ***“Internet Student Advisory Council”*** which matches cyber-savvy students with CyberCrime Special Agents for informal quarterly meetings to gather critical information about the most current activities of children on the internet. Finally, Agents have conducted training for numerous members of the law enforcement community, including, School Resource Officers, Victim Advocates, local law enforcement agencies, and other ICAC (Internet Crimes Against Children) Task-Force members.

#### The Victim Advocate Section

Victim Advocates were added to the CPCU in February 2007 after securing a grant from VOCA (Victim's of Crime Act). Eight advocates will be located throughout the State. Advocates travel to area schools, conduct cyber-safety presentations, and provide children a safe forum to disclose any history of cyber: stalking, sexual abuse, or sexual exploitation. Predators are using the

innocence of these children to lure them to meetings for the purpose of sexual exploitation. In addition, children are being exposed to pornographic and other harmful materials on the Internet. Contact is made easy for predators through the use of programs and web-sites such as: My Space, other social networking sites, online games, and the numerous instant messaging programs available on-line.

In October, 2007 Victim Advocates will be facilitating the second statewide operation to increase the presence of cyber-safety training in Florida's school system. Through a partnership with the Florida Association of District School Superintendents, representatives from the Office of the Attorney General will present the Attorney General's fifty-minute Cyber-Safety program to students during the school day. Victim Advocates will be training more than one-hundred-and-twenty (120) OAG staff members to present the program in schools throughout the State.

Statistics: In just the past seven months, CPCU Victim Advocates have worked directly with ninety-six (96) child-victims of cyber-crime, providing each with information and referrals to community service providers for counseling, support, or therapy designed to address the specific type of victimization to which the child was exposed. In the past fiscal year, the Victim Advocate Division has educated more than 1500 children on Cyber Safety.

Future projects include working directly with the 30 known victims of child pornography who reside in Florida. These victims have been sexually abused and the abuse resulted in the creation and distribution of the images of that sexual abuse. The cyber crime victim advocates will assure that these victims, who are continually abused by the possession and distribution of the images of their abuse, are provided their rights as victims of crime pursuant to Chapter 960, Florida Statutes, and are provided any support, services, or compensation they need and deserve.

#### Expansion of the CPCU

The 2007 Budget request from the Attorney General proposed expansion of the CPCU offices around the state, requesting six new offices and fifty new employees. This request was granted, and the statewide expansion is underway. Once completed in July 2008, there will be offices in Jacksonville, Tallahassee, Pensacola, Orlando, Tampa, Ft. Lauderdale/ Miami, Fort Myers/Sarasota.

#### Budget Concerns

The Unit works 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 Child Predator CyberCrime Unit receives funding for numerous training opportunities and equipment, avoiding use of General Revenue funds. Through our partnership with the FBI Taskforce, we have also been able to secure additional undercover vehicles and equipment. The following are a list of concerns for the future:

1. Vehicles: Funding for the expanded CPCU was provided at significantly less than the amounts requested for the full operation. While law enforcement in the state are routinely provided vehicles for the performance of their duties, only half the number

of vehicles for the CPCU Special Agents were funded this year. Therefore, the expansion requires alternative funding be located within the agency to fund the remaining vehicles.

Reductions in staff or other investigative or prosecution resources would severely jeopardize the Attorney General's important objective of protecting Florida's children from Internet based sexual exploitation. To effectively stop the near epidemic spread of these crimes, and distinguish Florida as a national leader in this area, the Child Predator CyberCrime Unit must maintain all existing resources.

### **Medicaid Fraud Control Unit**

Health care fraud is an immense societal problem, both nationally and within Florida's \$16 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. Some of the most common forms of provider fraud involve billing for services that are not provided, overcharging for services that are provided, or billing for services that are 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 2003, the Medicaid Fraud Control Unit has made more than 200 arrests, resulting in 123 convictions. Sometimes 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 \$168 million since 2003.

The MFCU is also responsible for investigating the physical abuse, neglect, and financial exploitation of patients residing in long-term care facilities such as nursing homes, facilities for the mentally and physically disabled, and assisted care living facilities. The 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 FY 2005-06 and FY 2006-07 to Tallahassee, Tampa, Jacksonville, Orlando, West Palm Beach and Pensacola.

The MFCU also continued its leadership role in a multi-state/federal investigation into the pharmaceutical pricing. This investigation, which began in Florida, revealed that several generic



drug manufacturers have 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.

Manufacturers and sellers are required to disclose defects in repurchased "lemons" to consumers before selling them as used vehicles. Manufacturer compliance with statutory resale notification requirements remained strong in FY 2006-07. 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.

The 1997 amendments to the statute 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 continued to monitor the manufacturer-sponsored RV Mediation/Arbitration Program in FY 2006-07.

## **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.

## **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 continues to be a top priority for the Agency. Our focus has returned to developing and prosecuting cases following completion of the Moore Homicide investigation last year. We are particularly focused on developing cases pursuant to the 2003 amendments to the Florida Civil Rights Act and partnering with other divisions and agencies, where appropriate, to improve civil rights enforcement.

Substantively, we are focusing on housing because of the housing crisis in Florida. Specifically, we are looking at mortgage lending and servicing cases, discrimination in sales, rentals and policies. Predatory mortgage lending, other types of economic discrimination and discrimination against persons with disabilities remain enforcement priorities. Finally, we are increasing efforts to prevent bias crimes through increased education and partnerships.

Cases:

The Office uses aggressive investigation and litigation strategies to enforce civil rights. It uses non traditional civil rights statutes, where appropriate, in addition to traditional civil rights laws

to maximize opportunities for success. It also uses its presuit subpoena power to investigate cases where voluntary compliance is not received.

Examples of case settlements and investigations initiated since Attorney General Bill McCollum was sworn into office in January 2007 include:

*Vignati v. High Vista at Ridgewood Lakes*, a senior community in Central Florida refused to approve an elderly couples' son for residency because he was under age 55. One of the first cases addressing the issue of whether an under age 55 care giver may be considered a reasonable accommodation in a senior community. The case also presented the issue of whether an Association may be bound by a developer's promise to allow a person under 55 to reside in a senior community. The settlement included an agreement allowing the son and his finance to reside in the community plus costs and attorneys fees.

*Majercsik v. The Palace Management Group*, a community failed to make reasonable accommodations for a disabled resident. This is one of the first cases addressing the issue of whether an Independent Living Facility must make accommodations for disabled residents. The community prohibits wheelchairs, walkers and other mobility devices, even though its residents are primarily senior citizens. If a resident required a mobility device, s/he would be asked to transfer to the Assisted Living Facility, which cost more money and provided a different quality of life. The settlement included monetary damages, injunctive relief, costs and fees.

*Richter v. The Port Condominium*, a South Florida Condominium Association demands the removal of a religious symbol (Mezuzah) from the homeowners' door. The issue of a Mezuzah display is a growing issue, currently being litigated in other states. This case was resolved with an agreement to allow the display.

*In re: Cornerstone*, an investigation of allegations of familial status discrimination against a large developer that is believed to be illegally limiting the number of person permitted to occupy its properties. Cornerstone is ranked by the National Association of Homebuilders as the tenth largest multifamily developer in the United States and the fifth largest in Florida. Forty-eight subpoenas were issued to Cornerstone properties in South Florida.

*White v. Solivita at Poinciana*, a central Florida senior community refuses to change its parking policies to accommodate a resident with disabilities. This is an example of a disturbing trend in senior communities catering to "active" adults and discriminating against those who may need mobility devices or other accommodations. This community fought hard. The Office appealed an erroneous ruling by the trial judge applying ADA standards to the Fair Housing issues. After the appeal was fully briefed and argued, the Association agreed to settle. The settlement included structural and policy modifications in addition to monetary damages. The modifications went beyond those initially raised by Mrs. White as the Office exercised its increased authority under FS 760.021.

## Education and Outreach:

Attorneys and staff lecture around the state on civil rights issues as part of the Office's ongoing Education and Outreach program. For over a decade, the Office has had a Hate Crime Training Program for law enforcement officers as well as training for community leaders. To date, the Office has trained more than 200 law enforcement departments throughout the state. Other educational programs include presentations on Fair Housing, Predatory Lending and Enforcement Strategies for Civil Rights cases.

This year, the Office developed an E Newsletter and expanded its brochure offerings. The Office also publishes the Annual Hate Crime Report, detailing hate activity throughout the state. Finally, attorneys are involved in a number of local and state wide task forces charged with improving civil rights enforcement.

## Florida Commission on Human Relations:

The Office continues to work with the Florida Commission on Human Relations ("Commission") to enforce the provisions of the Florida Fair Housing Act. It receives housing cases from the Commission where "Cause" has been found and the parties are unable to resolve the case amicably. OCR also serves as legal advisor to the Commission in certain fair housing matters.

The types of cases and projects initiated by the Office of Civil Rights are often time consuming and document intensive. There are presently five people - two full time attorneys, one investigator, one paralegal, and one administrative assistant - to cover the entire state. Any reduction in resources would severely impair the Office.

## **Solicitor General**

The primary responsibility of the Office of the Solicitor General ("OSG") is to represent the State of Florida in significant litigation affecting the powers, duties, and responsibilities of all branches of state government. The Solicitor General directs, coordinates, and represents the State in cases of constitutional importance before the United States Supreme Court, the Florida Supreme Court, the Eleventh Circuit Court of Appeals, and the Florida district courts of appeal. The Solicitor General also is involved at the trial level in significant civil litigation cases of statewide impact. The Solicitor General also reviews and 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.

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 the Solicitor General; and 2) Semester Assignment letters from Dean of The Florida State University College of Law to the Solicitor General. The Solicitor General holds the Richard W. Ervin Eminent Scholar Chair at the College of Law and teaches one course of approximately 15 students during the Fall and Spring semesters. The Solicitor General's academic position at The Florida State University is subject to the Rules and Regulations of the Florida Board of Education and The Florida State University, as well as the Constitution and Laws of the State of Florida.

The office has a system to identify, review, track, and monitor all state and federal civil cases that meet the criteria for potential interest or impact, based on the inclusion of constitutional issues or issues of great importance to the State of Florida or the Attorney General's Office. The OSG also facilitates communication with state agency directors, general counsels, the Governor's legal staff and the legislative branch to evaluate 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 currently consists of the Solicitor General, a chief deputy solicitor general, four deputy solicitor general positions, and three full-time support staff positions. The unit draws assistance from other units of the Attorney General's Office on a case-by-case basis to maximize the range of legal expertise and minimize budgetary impacts. Reduction of attorneys or 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, amicus curiae cases, and constitutional challenges.

## **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.

## **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.

## **General Civil Litigation Division**

The General Civil Litigation Division is charged by Section 16.01, Florida Statutes, with providing statewide representation on behalf of the state, its agencies, officers, employees and agents at the trial and appellate level. The Attorney General also has common law 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 division handles cases involving constitutional challenges to statutes, civil rights, employment discrimination, torts, contract disputes, eminent domain, tax, child support and paternity, ethics, administrative law, prisoner litigation, declaratory judgment, child dependency, charitable trusts, and class action suits. Clients include constitutional agencies from all three branches of state government.

The division consists of the following bureaus: Administrative Law, Child Support Enforcement, Children's Legal Services, Complex Litigation, Corrections Litigation, Eminent Domain, Employment Litigation, Ethics, Revenue Litigation, State Programs and Torts. The goal of the 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 private legal services.

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

#### Administrative Law Bureau

The Administrative Law Bureau serves as general counsel to licensing regulatory boards and other regulatory agencies, prosecutes licensees for disciplinary violations, represents state agencies in rule challenge proceedings and bid protest proceedings, represents the Department of Children and Families and the Agency for Persons With Disabilities in Medicaid waiver hearings, and offers litigation support in state and federal cases against agencies. The bureau also serves as general counsel to the State Retirement Commission and several appointed commissions.

#### Child Support Enforcement Bureau

The Child Support Enforcement Bureau represents the Department of Revenue in 21 of Florida's 67 counties, as well as the Clerk of Manatee County, in cases establishing and enforcing child support orders. The Child Support Enforcement Bureau provides legal services in accordance with Florida Statutes 61, 88, 287, 409 and 742, in cases involving children who reside in Florida as well as the other 49 states, the U.S. territories, and foreign countries. These services include cases referred by the client agencies for:

- Establishment of Paternity
- Establishment of Support
- Establishment of Paternity & Support
- Enforcement of Child Support Obligations
- Modification of Child Support Obligations

In addition to providing representation at the trial level and in administrative hearings, this bureau also serves as appellate counsel in Florida's five district courts of appeal, the Florida Supreme Court, and in the federal appellate court system. With offices located in Ft. Lauderdale, Tallahassee, St. Petersburg and West Palm Beach, the Child Support Enforcement Bureau handles approximately 65,000 cases per year.

#### Children's Legal Services Bureau

The Children's Legal Services Bureau was established by the Legislature as a pilot project in 1995. This bureau is charged with litigating child abuse, abandonment, and neglect cases for the Department of Children and Families in Broward, Hillsborough and Manatee County.

In their role as legal counsel to the Department of Children and Families, this bureau renders legal advice on Florida Statutes Chapter 39, 61 and 409, to the Department of Children and Family Services in Broward, Hillsborough and Manatee County, Broward County Sheriff's Office, Manatee County Sheriff's Office, Hillsborough County Sheriff's Office, and the private

child welfare agencies such as Hillsborough KIDS, Inc. and ChildNet. The attorneys in the Children's Legal Services Bureau 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.

#### Corrections Litigation Bureau

The Corrections Litigation Bureau represents the interests of the State of Florida and its employees in matters related to the state correctional and institutional system. Representation primarily involves defending against lawsuits filed by criminal offenders alleging civil rights violations, typically under the First, Eighth, and Fourteenth Amendments of the United States Constitution.

The attorneys in this bureau also defend the constitutionality of state statutes and handle extraordinary writ petitions, replevin, and negligence actions. The practice encompasses the full range of a trial practice, from initial pleadings in federal and state courts through trial and appeals. While most service is rendered to the Department of Corrections, the bureau also handles representation of the Governor, the Parole Commission, the Department of Children and Families, and Baker Act appellate defense.

As a centralized practice, the Corrections Litigation Bureau maintains a working knowledge of inmate litigation history, allowing the Office of the Attorney General (OAG) to track identical claims in different venues to avoid duplication of effort. Centralization likewise allows us to monitor the legal treatment of correctional issues within the United States District Courts of Florida and throughout the state court system. This bureau also provides legal counseling and education to the Department of Corrections on emerging law and issues.

#### Eminent Domain Bureau

The Eminent Domain Bureau was established in 1990 to provide a legal resource for governmental agencies exercising the power of eminent domain to acquire property for public use, while ensuring that landowners receive fair compensation for their property. Eminent domain, or condemnation, is the power of the government to take private property for a public purpose, with the payment of full compensation for the property taken. This bureau offers the full range of legal services for presuit advice, trial litigation, and appellate practice.

This bureau provides legal advice to governmental agencies on the legal requirements for the proper exercise of the eminent domain power and legal strategies for minimizing the cost of the litigation. The bureau represents the University Boards of Trustees in the acquisition of land for expansion of state university campuses, the Board of Trustees of the Internal Improvement Trust Fund in the acquisition of lands for conservation, the Department of Transportation in the acquisition of lands for transportation facilities, and the City of Tampa in the acquisition of land for roadway expansions. Also represented are the Board of Trustees of the Internal Improvement Trust Fund, under the Department of Environmental Protection, in the acquisition of conservation land, and the acquisition of land used for the Everglades Restoration Project.



## Ethics Bureau

The Ethics Bureau prosecutes complaints before the Florida Commission on Ethics. This bureau provides attorneys who serve as the Ethics Commission's prosecutors, or "Advocates." Once the Commission has received and investigated a sworn complaint alleging that a public officer or employee has breached the public trust, the Advocate assigned to the case makes a recommendation as to whether the case should go forward. If it does, it is the Advocate who conducts the prosecution, through an administrative hearing under Chapter 120. Advocates also handle some appeals, and collect civil penalties when a violation is found. Most state and local government employees, as well as elected and appointed officials, are subject to the Commission's jurisdiction, and the types of violations investigated range from erroneous financial disclosure filings to misuse of office.

## Fort Lauderdale/West Palm Beach Civil Litigation Bureau

The Ft. Lauderdale and West Palm Beach Civil Litigation Bureau provides defense legal services for state agencies, state officials, and judges in the following areas of litigation: corrections, employment, tort, and state programs. In addition, the units defend the constitutionality of state statutes. Corrections litigation includes claims under 42 U.S.C. 1983; state and federal constitutions; writs of mandamus, habeas corpus, and prohibition. Tort cases range from trip and fall cases, automobile accidents, rail corridor accidents, to wrongful death cases – and include the full range of prisoner tort claims. Employment litigation encompasses Title VII claims (race, color, national origin, sex, religion, and retaliation), Americans with Disabilities Act, Age Discrimination in Employment Act, Family and Medical Leave Act, Fair Labor Standards Act, Title VI issues, and whistle blower cases. State Programs litigation includes defense of judges; defending against constitutional challenges to statutes; appellate consultation contracts with other units and state agencies; class action litigation; forfeitures; probate; civil rights and constitutional rights claims against state agencies and state officials; quiet title actions; breach of contract; Baker Act appeals; and declaratory judgment actions.

The units also handle administrative law matters, such as representing APD in administrative fair hearings under the Medicaid Home and Community-Based Waiver Services Program and DCF in the Independent Road to Living. The Ft. Lauderdale unit also handles the majority of the civil appeals for the units.

## Revenue Litigation Bureau

The Revenue Litigation Bureau, pursuant to Sections 16.015 and 20.21(4), Florida Statutes, represents the Department of Revenue in ad valorem tax cases and in litigation involving tax refund claims pursuant to Section 215.26, Florida Statutes. Representation related to refund claims results from a delegation of authority from the Office of the Comptroller to the Department of Revenue. Occasionally, the Revenue Litigation Bureau undertakes representation of other State agencies in tax-related matters pursuant to a contract between the client agency and the Office of the Attorney General.

## State Programs Bureau

The State Programs Bureau is the "generalist" bureau of the General Civil Litigation Division of the OAG and is charged with defending a wide variety of actions in both state and federal court, at both the trial and appellate levels. The clients of this bureau are state departments and agencies from all three branches of state government, including their individual officials and employees.

Cases routinely handled include suits which challenge the constitutionality of the general laws of the state; defense of judges and state attorneys in lawsuits; specialized administrative litigation before the Division of Administrative Hearings, including bid protests; and the initiation of litigation as plaintiffs on behalf of our state clients. In addition, the bureau represents the state in class action civil rights lawsuits that seek to change funding for a certain program or group of individuals on a statewide basis.

## Tampa Civil Litigation Bureau

The Tampa Civil Litigation Bureau provides defense legal services for state agencies, state officials, and judges in the following areas of litigation: corrections, employment, tort, and state programs. In addition, the units defend the constitutionality of state statutes. Corrections litigation includes claims under 42 U.S.C. 1983; state and federal constitutions; writs of mandamus, habeas corpus, and prohibition. Tort cases range from trip and fall cases, automobile accidents, rail corridor accidents, to wrongful death cases – and include the full range of prisoner tort claims. Employment litigation encompasses Title VII claims (race, color, national origin, sex, religion, and retaliation), Americans with Disabilities Act, Age Discrimination in Employment Act, Family and Medical Leave Act, Fair Labor Standards Act, Title VI issues, and whistle blower cases. State Programs litigation includes defense of judges; defending against constitutional challenges to statutes; appellate consultation contracts with other units and state agencies; class action litigation; forfeitures; probate; civil rights and constitutional rights claims against state agencies and state officials; quiet title actions; breach of contract; Baker Act appeals; and declaratory judgment actions.

The units also handle administrative law matters, such as representing APD in administrative fair hearings under the Medicaid Home and Community-Based Waiver Services Program and DCF in the Independent Road to Living. In addition, the attorneys handle the majority of civil appeals for the bureau.

## Torts Bureau

The Tort Litigation Bureau provides high quality, low cost legal defense to agencies and employees of the State of Florida primarily in state court tort actions in North Florida. The types of suits typically handled include wrongful death, automobile accidents, slip and falls, defamation and various other negligence claims. The litigation engaged in by this bureau regularly involves the interpretation and application of Florida's limited waiver of sovereign immunity statute, Section 768.28, Florida Statutes and other challenging legal issues of significance to state and local government, statewide. The attorneys in the bureau regularly

appear in court and are responsible for the full range of a trial practice, from initial pleadings, through jury trial and appeals.

### Employment Litigation Bureau

The Employment Litigation Bureau defends state agencies in suits brought under any of the various federal and state employment laws. These laws include, Title VII of the Civil Rights Act of 1964, Florida's Civil Rights Act, whistle blower retaliation, Age Discrimination in Employment Act, Americans With Disabilities Act, and constitutional civil rights challenges such as those brought through 42 U.S.C. sec. 1983.

As with all bureaus of the Office of the Attorney General, this bureau provides high quality, cost effective, and experienced legal defense to agencies and employees of the State of Florida. The types of suits typically handled include workplace discrimination (race, sex, national origin, religion, age, disability, etc.), harassment and hostile work environments, and retaliation relating to any of these statutes. The litigation engaged in by this bureau regularly involves the interpretation and application of Florida's limited waiver of sovereign immunity statute, Section 768.28, Florida Statutes, Immunity in federal courts under the 11th Amendment, and other challenging legal issues of significance to state and local government, statewide. The attorneys in the bureau regularly appear in court and are responsible for the full range of a trial practice, from initial pleadings, through jury trial and appeals.

Additionally, attorneys in this bureau provide legal advice to the General Counsels and/or senior agency leaders of other state agencies regarding individual situations that develop, as well as prevention, policies, and discipline. Training is also available, typically for groups of supervisors/managers, regarding the current interpretations of employment statutes, parameters of the laws, and areas where managers need to apply additional caution.

### **Criminal Division**

The Criminal Division consists of Criminal Appeals and Capital Appeals as described:

#### Criminal Appeals

The Office of the Attorney General Criminal Appeals Division is comprised of six statewide bureaus located in close proximity to the District courts of Appeal (DCA), in Tallahassee (1<sup>st</sup> DCA), Tampa (2<sup>nd</sup> DCA), Miami (3<sup>rd</sup> DCA), West Palm Beach (4<sup>th</sup> DCA) and Daytona (5<sup>th</sup> DCA) as well as the statewide Capital Bureau. Each bureau is assigned to the state attorneys' offices within these districts and handles all appeals emanating from the counties comprising those regions.

The Criminal Bureaus; main responsibility is to defend all judgments and sentences that are appealed to the appellate courts and litigate all federal cases in the federal district courts and Eleventh Circuit Court of Appeals. Authority is derived from Article IV, Section 4(b), Constitution State of Florida, which provides that the Attorney General shall be the chief state

legal officer and, Chapter 16 Florida Statutes, specifically Section 16.01 (4), (5) and (6), Florida Statutes, sets forth his authority.

## Capital Appeals

The Capital Appeals Bureau is a statewide bureau handling capital murder appeals from every state jurisdiction to the Florida Supreme Court. This Bureau litigates all cases following the completion of the original trial and imposition of a death sentence. Pursuant to Section 16.01 (6), Florida Statutes, this Bureau is also co-counsel in all post-conviction litigation in the trial courts.

## General Information

Each Bureau has additional responsibilities to defend all statutes under attack; defend the Constitutions of the State of Florida and the United States; handle state appeals and respond to all extraordinary writs. This Division is tasked with drafting, reviewing and analyzing legislation; provides legal advice to the State Attorneys' Offices and informs and protects the rights of all victims of crime, as set forth in the Declaration of Rights found in Article I, Section 16, Constitution State of Florida.

The Division weekly publishes the "Criminal Alert" to client/users statewide. The Division assists in training programs throughout state criminal justice including local state attorneys' offices, the Florida Prosecuting Attorneys Association (FPAA) seminars on capital litigation and post-conviction litigation, and addresses legal issues that may impact law enforcement and other topics impacting the criminal justice system.

## **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

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

Section 812.171, Florida Statutes – Convenience Business Security

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

## Section 16.615, Florida Statutes – Council on the Social Status of Black Men and Boys

During FY 2006-07, the number of claims received increased by six percent (24,701 compared to 23,300 received during FY 2005-06), and the processing time from receipt of a claim through payment averaged 29.4 work days. This ensures that victims receive expedient assistance during a time of emotional and financial difficulty due to their victimization.

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. A current trend emphasizes a coordinative initiative to train law enforcement officers in conjunction with local school districts, particularly in gang-related violence. Numerous practitioner designation programs are offered to include Crime Prevention, Crime Prevention through Environmental Design, Elderly Crime, and Victims Services. In addition, this office provides a certification to law enforcement officers in Convenience Store Security. The Attorney General's Office is the primary source for the delivery of crime prevention, victim services, elderly issues, and school resource officer (SRO) training statewide and is a leader nationally.

During the period July 2006 through June 2007, this office conducted 87 workshops, including 1,663 classroom hours, with 5,816 individuals participating from law enforcement as well as other public and private sectors. This office also conducted 12 ongoing SRO training courses (with 639 SRO attendees) and certified 82 individuals as convenience store inspectors. In addition, 398 students received their practitioner designation certificates.

Budget reductions in the area of training would ultimately result in the elimination of approximately 15 percent of our training classes. This would reduce our training numbers to 2001 levels. The decrease in the amount of trainings would drastically affect the number of individuals trained and thus, fewer law enforcement officers, victim advocates and others would be able to go into their communities and educate the public on crime prevention and victim

issues. These individuals play a vital role through community education in reducing crime and victimization statewide, thus this important program should continue to receive funding.

In January 2007, the division was tasked with administering the Council on the Social Status of Black Men and Boys, created by the 2006 Legislature. This nineteen-member council is charged with conducting a systematic study of the conditions affecting black men and boys including homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, health issues and school performance. The goal of the council is to propose measures to alleviate and correct the underlying causes of the conditions described above. These measures may consist of changes to the law or systematic changes that can be implemented without legislative action. The council is mandated to issue an annual report to discuss its findings, conclusions, and recommendations to the Governor, the President of the Senate, and the Speaker of the House as outlined in Section 16.615, Florida Statutes.

Budget reduction in the Council would ultimately result in reduction of one OPS position and/or reduce the funding for required meetings and reports, thus preventing the Council from accomplishing its Legislative mandates.

Crime Stoppers:

Following are the statistics that reflect the impact of the Crime Stoppers Trust Fund on communities throughout the state during the last three years.

|   | <b>2006-07</b> | <b>2005-06</b> | <b>2004-05</b> |
|---|----------------|----------------|----------------|
| <b>Tips Received</b>                              | 34,536         | 27,164         | 21,380         |
| <b>Tips approved for citizen rewards</b>          | 3,739          | 3,072          | 2,576          |
| <b>Cases cleared</b>                              | 7,801          | 6,969          | 5,804          |
| <b>Arrests Made</b>                               | 4,763          | 4,004          | 3,543          |
| <b>Value of Property Recovered</b>                | \$1,697,844    | \$1,921,944    | \$2,464,754    |
| <b>Value of Narcotics Removed from the Street</b> | \$8,478,625    | \$5,788,970    | \$5,131,627    |
| <b>Dollar Value of Rewards to Citizens</b>        | \$840,897      | \$625,654      | \$629,550      |

These statistics reflect the unified effort and significant impact of these programs on crime in Florida, made possible through the of grant funding. Consider these highlights:

- Florida Association of Crime Stoppers, Inc., Polk County Crime Stoppers, Inc., d/b/a Heartland Crime Stoppers, the Office of the Attorney General, Department of Corrections, and Florida Department of Law Enforcement, in a joint venture on July 24, 2007, distributed the first "Cold Case Playing Cards" to the Wakulla Correctional Institute. These "Cold Case Playing Cards" will ultimately be distributed to all State of Florida correctional institutions. The goal of this combined effort is to assist the missing or deceased victims' families get

some answers and provide a measure of closure. In addition, these cards have already prompted several tips to law enforcement agencies regarding some of the featured cases.

- A Crime Stoppers tip provided information to Miami-Dade Police Department homicide detectives that led to the arrest of five suspects responsible for the murder of a 7-year-old boy and his mother at the child's birthday party. These suspects are also responsible for shooting four other people, including two children, who were attending the party.
- A tip to Big Bend Crime Stoppers led to the recovery of a gun at a local high school.
- Crime Stoppers of Suwannee County is averaging the capture of one fugitive a month and is working closely with the Probation and Parole to secure absconding fugitives in their area.
- A gang shooting homicide of three people killed and four others wounded was solved through a tip to Crime Stoppers of Palm Beach County.

Reduction of funding available for the crime stopper organizations currently serving sixty counties would drastically impede the growth of the programs in those counties as well as decrease the expansion of programs into the remaining seven counties, three of which have made inquiries for future funding. In addition, the reduction of funding would adversely affect the joint efforts of the crime stopper organizations and law enforcement agencies to successfully investigate and solve crimes and remove criminals from the communities. 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.

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 approximately 33 grants per FTE, while other agencies average 20 grants per FTE. Because of the VOCA funding, 214,580 victims received services from private or public organizations/agencies during FY 2006-07.

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

| Baseline/Year<br>2000-01 | FY 2008-<br>09 | FY 2009-10 | FY 2010-11 | FY 2011-<br>12 | FY 2012-<br>13 |
|--------------------------|----------------|------------|------------|----------------|----------------|
| 199                      | 90             | 90         | 90         | 90             | 90             |

**Objective 1B:** Maintain substantial caseload of complex investigations

**Outcome:** Total inventory of drug cases

| Baseline/Year<br>2000-01 | FY 2008-<br>09 | FY 2009-10 | FY 2010-11 | FY 2011-<br>12 | FY 2012-<br>13 |
|--------------------------|----------------|------------|------------|----------------|----------------|
| 338                      | 250            | 250        | 275        | 275            | 300            |

**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)

| Baseline/Year<br>2000-01 | FY 2008-<br>09 | FY 2009-10 | FY 2010-11 | FY 2011-<br>12 | FY 2012-<br>13 |
|--------------------------|----------------|------------|------------|----------------|----------------|
| 729                      | 600            | 600        | 625        | 625            | 625            |

**Objective 2B:** Seek effective case results

**Outcome:** Number of defendants convicted

| Baseline/Year<br>2000-01 | FY 2008-<br>09 | FY 2009-10 | FY 2010-11 | FY 2011-<br>12 | FY 2012-<br>13 |
|--------------------------|----------------|------------|------------|----------------|----------------|
| 410                      | 355            | 355        | 375        | 375            | 375            |

**Outcome:** Conviction Rate

| Baseline/Year<br>2000-01 | FY 2008-<br>09 | FY 2009-10 | FY 2010-11 | FY 2011-<br>12 | FY 2012-<br>13 |
|--------------------------|----------------|------------|------------|----------------|----------------|
| 90%                      | 90%+           | 90%+       | 90%+       | 90%+           | 90%+           |

# 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.

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) Violent offenses perpetrated by organized groups, which often includes narcotics trafficking and money laundering; 2) Computer crimes, especially crimes against children and child pornography; 3) White collar crimes (including identity theft, government contract fraud, insurance fraud, telemarketing fraud, securities fraud, auto theft, and fraud against the elderly); and 4) Health care fraud. The goal of the Office is to dismantle criminal organizations through effective prosecution and civil, administrative, and regulatory sanctions when appropriate.

In August 2007, at Governor Charlie Crist's request to the Supreme Court, this Office empanelled the Eighteenth Statewide Grand Jury to investigate numerous cases of organized

criminal activity, including but not limited to gang activity, throughout the State. The term of the Statewide Grand Jury is twelve months. Statewide Grand Jury reports can be found at: <http://www.myfloridalegal.com>.

## Major Prosecutorial Efforts

### 1. Narcotics Prosecutions

The Statewide Prosecutor serves as 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 High Intensity Drug Trafficking Areas (HIDTA), and the South Florida Money Laundering Strike Force.

The Office also works closely with regional Diversion Response Teams (DRTs) formed in July 2004 following legislative authorization. The DRT is comprised of several law enforcement agencies including the Office, the Florida Department of Law Enforcement, the Florida Department of Health, the Attorney General's Medicaid Fraud Control Unit, and the U.S. Drug Enforcement Administration. While DRTs target prescription drug trafficking, many of the cases they investigate involve a component of Medicaid fraud, where prescription drugs are being paid for by the Medicaid program but are not going to recipients in need but instead, are being resold on the black market.

In 2006 the Office continued to provide legal support and expertise to the Attorney General's Florida Alliance. The Alliance serves to provide law enforcement services and support to children abused and neglected by and through the manufacture and use of illegal drugs. Its work is targeted to assist those parts of the State particularly hard-hit by the increase in methamphetamine trafficking. An Assistant Statewide Prosecutor participated in two DEC training sessions of law enforcement and child welfare investigators in 2006, and represented the Attorney General at the National Conference for Drug Endangered Children in Nashville in November.

Assistant Statewide Prosecutors also participated in and provided other training in narcotics investigation and prosecution to law enforcement personnel and other prosecutors, including drug gang investigations, internet pharmacies, and laundering of narcotics proceeds. Office attorneys also actively participated in law enforcement meetings and community events relating to drug control throughout the State, such as the Governor's Drug Summit, the Statewide Violent Crime and Drug Control Advisory Committee, regional Violent Crime and Drug Control Advisory committees, Florida Investigative Unit meetings, and regional Florida Intelligence Unit meetings.

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

## 2. Computer Crimes

The Office has increased its focus on computer crime cases in all areas. The highest priority among these is investigating and prosecuting the possession and distribution of child pornography, on-line solicitation of minors for sexual purposes, and operating a web site containing child pornography. We also have followed criminal organizations in their shift from engaging in crime on the streets to crime on the World Wide Web through the use of internet pharmacies for trafficking in narcotics, e-Bay fraud, internet identity theft, Medicaid fraud, and a myriad of other computer-facilitated fraud cases.

In 2005, through its technical expertise and input, the Office supported the Attorney General's and the Legislature's efforts to marshal additional resources to pursue criminals who stalk children on-line and distribute child pornography. In 2005, these efforts resulted in the creation of the Attorney General's Child Predator CyberCrime Unit, and in 2006, culminated in the passage of Section 16.61, Florida Statutes, which dedicated the unit to the investigation and prosecution of child predators. Assistant Statewide Prosecutors assist the unit with legal guidance and prosecutorial resources. Child Predator CyberCrime Director Maureen Horkan, who is also an Assistant Statewide Prosecutor, accumulated expertise in computer crime investigations and prosecutions as an Assistant in the Office before she took on her full-time role as Director.

Attorneys and financial analysts with the Office often assist other law enforcement agencies and prosecutors on computer related investigations and prosecutions. In 2006, OSWP prosecutors lectured on computer crimes at the Florida Prosecuting Attorneys Association's seminar on Internet Pharmacy and Fraud Issues and at the Central Florida Intelligence Unit's annual conference. Prosecutors partnered with several sheriffs' offices, U.S. Postal Inspectors, and Immigration and Customs Enforcement (ICE) agents in the "Operation Libertine" task force, which targets child-sexual-predator "travelers."

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

## 3. Identity Theft Prosecutions

The Sixteenth Statewide Grand Jury focused on identity theft and issued two interim reports and a final report addressing identity theft and related issues. Many of the recommendations were adopted into law by the Florida Legislature. This Office has remained active in revising or proposing further enhancements to Florida's identity theft statutes, such as the legislation passed in 2003 and 2005.

As a result, Florida now has some of the toughest criminal identity theft laws in the country. For example, in 2003 Florida enacted new minimum mandatory prison sentences that require convicted defendants to serve minimum mandatory sentences of three to ten years in state prison if they victimize a certain number of individuals or if the amount of monetary damages exceeds certain thresholds. Other pro-victim provisions in Florida law include the requirement that law enforcement must take an offense report for all identity theft allegations, and the provision that identity theft charges may be brought either in the county where the crimes occurred or in the county where the victim lives.

In 2005, Florida also enacted new legislation to protect consumers from any leaks of personal identification information. Under Section 817.5681, Florida Statutes, businesses must notify consumers of any breach of security concerning such personal confidential information. If such notification does not occur within 45 days of the breach, then the business becomes liable for administrative fines starting at \$1,000 a day, and rising to \$500,000.

In 2006, legislation was enacted to allow Florida residents to place a freeze on their consumer reports. Section 502.005, Florida Statutes, prohibits a consumer reporting agency from releasing a credit report, credit score or any information contained within the report to a third party without authorization by the consumer or victim. There is no fee for this service if you have documentation from a law enforcement agency that you are a victim of identity theft or if you are over the age of 65.

#### 4. Health Care Fraud

The investigation and prosecution of those who commit health care fraud remains a priority for the Office of Statewide Prosecution. This effort includes cases involving fraud against the Medicaid program as well as other types of health care fraud. The Office works closely with the Medicaid Fraud Control Unit in support of the Attorney General's efforts to stem the losses in the program due to fraud.

Medicaid fraud presents a particular threat to the citizens of Florida due to the rapidly escalating costs of the Medicaid program. In FY 2005-06, Florida spent approximately \$15.9 billion on Medicaid which represents approximately 22% of the State's total expenditures. Furthermore, the annual growth in Medicaid expense is so large that it continues to require an increasing share of Florida's annual budget. Therefore, the combined efforts to prosecute and deter Medicaid fraud will have a significant positive impact on Florida's budget.

In 2004, the Legislature enacted 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 (ACHA) 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.

The overall health care fraud cases prosecuted by the Office of Statewide Prosecution in 2006 involved a variety of criminal activity. The cases included: 1) Health care workers who billed for services not provided; 2) Health care providers who billed for therapy and services either not provided or provided by non-authorized personnel; 3) Upcoding by providers; 4) Fraudulent billing under Medicaid group provider numbers of dentists or other medical professionals who were not employed by the provider; 5) Fraudulent billing using forged signatures; and 6) Using the fraudulent sales by a pharmacy to bill Medicaid for prescriptions that were never issued or filled.

## Legislative Initiatives

The Office will continue to serve as subject matter experts on Attorney General McCollum's legislative initiatives.

## 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 eight Florida Cabinet Resolutions and numerous Davis Productivity Awards. Most recently, Chief Assistant Luis Bustamante was awarded a Davis Productivity Award for working cooperatively with the Florida Department of Law Enforcement on an initiative to institute a new data sharing system between law enforcement agencies in North Florida. This was a seven month project that involved 28 agencies. David Gillespie, Assistant Statewide Prosecutor, was honored with a Davis Productivity award for the prosecution of a defendant who created two fictional charter schools and then used the personal identification information of numerous people across the country to apply with the Florida Department of Education for McKay Scholarships to cover the costs of tuition at these fictitious charter schools. 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.

Chief Assistant Statewide Prosecutor Thomas Smith was honored by the Florida Department of Law Enforcement and the Manatee County Sheriff's Office for his work with a regional task force combating gang violence in Southwest Florida.

Assistant Statewide Prosecutor Anne Wedge-McMillen was recently awarded a commendation by the Orlando Police Department for her work on a number of wiretap cases. The department rarely presents this award to non-law enforcement personnel.

Barbara Goodson, a senior criminal financial analyst in the Fort Lauderdale Office recently graduated as the Valedictorian of the Class VIII at the Law Enforcement Analyst Academy on June 22, 2007. Her GPA was 99.63 percent.

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.

# Glossary

Attorney General Opinions: Section 16.01, Florida Statutes, 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 Article 1V, Section 4, Florida Constitution. The Cabinet is composed of an attorney general, comptroller, commissioner of agriculture. 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.

Child Predator CyberCrime Unit: 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: Section 68.081 - 68.09, Florida Statutes. 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 Chapter 760, Florida Statutes. The Act's general purposes are to secure for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status and thereby to protect their interest in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights, and privileges of individuals within the state.

Florida Crimes Compensation Act: Pursuant to Chapter 960, Florida Statutes, 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: Sections 501.201 - 501.213, Florida Statutes. 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 Section 286.011, Florida Statutes, and Article I, Section 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 Section 877.19, Florida Statutes)

Lemon Law: Refers to the provisions of Chapter 681, Florida Statutes, providing remedies to a consumer whose new motor vehicle (referred to as a “lemon”) has defects which cannot be brought into conformity with the warranty provided.

Lemon Law Arbitration Program: A unit within the Attorney General’s Office.

New Motor Vehicle Arbitration Board: Pursuant to Section 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 Section 501.160, Florida Statutes, during a declared state of emergency. Practices include the “unconscionable” increase in sale price or rental cost of goods, services, dwelling units, and other specified commodities during a declared state of emergency. The increase is generally deemed “unconscionable” if the amount charged represents a gross disparity between the increased price and that which was charged during the 30 days immediately prior to the declaration of a state of emergency.

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

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 Section 895.02, Florida Statutes.

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, which 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

|        |  |
|--------|--|
| AHCA   | Agency for Health Care Administration            |
| d/b/a  | Doing business as                                |
| DCF    | Department of Children and Families              |
| DEA    | Drug Enforcement Agency                          |
| DOH    | Department of Health                             |
| DRTs   | Diversion Response Teams                         |
| FCHR   | Florida Commission on Human Relations            |
| FCIC   | Florida Crime Information Center                 |
| FDLE   | Florida Department of Law Enforcement            |
| FDUTPA | Florida Deceptive & Unfair Trade Practices Act   |
| F.S.   | Florida Statutes                                 |
| FTE    | Full Time Equivalent                             |
| FY     | Fiscal Year                                      |
| HIDTA  | High Intensity Drug Trafficking Area             |
| HUD    | Department of Housing and Urban Development      |
| ICAC   | Internet Crimes Against Children                 |
| L.O.F. | Laws of Florida                                  |
| LEACH  | Law Enforcement Against Child Harm               |
| MFCU   | Medicaid Fraud Control Unit                      |
| NCMEC  | National Center for Missing & Exploited Children |
| OAG    | Office of the Attorney General                   |
| OCR    | Office of Civil Rights                           |

|      |   |
|------|---|
| OSG  | Office of the Solicitor General               |
| OSWP | Office of Statewide Prosecutor                |
| PANE | Patient Abuse, Neglect and Exploitation       |
| RICO | Racketeer Influenced and Corrupt Organization |
| RV   | Recreational Vehicle                          |
| SRO  | School Resource Officer                       |
| SWGJ | Statewide Grand Jury                          |
| VOCA | Victims of Crime Act                          |

# Exhibits

## 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 for<br>FY 2007-08<br>(Words)                       | Approved Prior<br>Year Standard<br>FY 2006-07<br>(Numbers) | Prior Year Actual<br>FY 2006-07<br>(Numbers) | Approved<br>Standards for<br>FY 2007-08<br>(Numbers) | Requested<br>FY 2008-09<br>Standard<br>(Numbers) |
|--|--|--|--|--|
| Percent of mediated open government cases resolved in 3 weeks or less            | 70%  | 64%  | 70%  | 70%  |
| Percent of lemon law cases resolved in less than one year                        | 95%  | 100%   | 95%  | 95%  |
| Percent of clients expressing satisfaction with civil enforcement legal services | 95%  | TBD*   | 95%  | 95%  |
| Number of open government cases handled  | 100  | 101  | 100  | 100  |
| Percent of open government disputes resolved through mediation                   | 75%  | 74%  | 75%  | 75%  |
| Number of repurchase disclosure/enforcement cases                                | 2,000  | 3,254  | 2,000  | 2,000  |
| Number of active lemon law cases   | 1,300  | 1,084  | 1,300  | 1,300  |
| Number of active antitrust cases   | 62   | 70**   | 62   | 62   |
| Number of active economic crime cases, including consumer and RICO cases         | 242  | 169**  | 242  | 186  |
| NEW - Number of active cybercrime cases  | N/A  | N/A  | N/A  | 50   |
| Number of active Medicaid Fraud cases  | 900  | 1,478**                                      | 900  | 900  |
| Number of hearings held before the court- Children's Legal Services              | 32,000   | 37,227**                                     | 32,000   | 32,000   |
| Number of active ethics cases  | 120  | 71**   | 120  | 120  |
| Number of active child support enforcement                                       | 65,000   | 68,674**                                     | 65,000   | 65,000   |
| Number of active civil rights cases  | 38   | 93**   | 38   | 38   |

|   |
|---|
|   |
| <b>41100200 Constitutional Legal Services</b> |

| Approved Performance Measures for<br>FY 2007-08<br>(Words)                    | Approved Prior<br>Year Standard<br>FY 2006-07<br>(Numbers) | Prior Year Actual<br>FY 2006-07<br>(Numbers) | Approved<br>Standards for<br>FY 2007-08<br>(Numbers) | Requested<br>FY 2008-09<br>Standard<br>(Numbers) |
|---|--|--|--|--|
| Number of days for opinion response   | 28   | 16   | 28   | 28   |
| Percent of clients expressing satisfaction with constitutional legal services | 95%  | 96%  | 95%  | 95%  |
| Number of opinions issued   | 150  | 307  | 150  | 150  |
| Number of active Solicitor General cases                                      | 390  | 301**  | 390  | 390  |
| Number of active civil appellate cases  | 300  | 708**  | 300  | 300  |

|   |
|---|
|   |
| <b>41100300 Criminal and Civil Litigation Defense</b> |

| Approved Performance Measures for<br>FY 2007-08<br>(Words)                                | Approved Prior<br>Year Standard<br>FY 2006-07<br>(Numbers) | Prior Year Actual<br>FY 2006-07<br>(Numbers) | Approved<br>Standards for<br>FY 2007-08<br>(Numbers) | Requested<br>FY 2008-09<br>Standard<br>(Numbers) |
|---|--|--|--|--|
| Percent of clients expressing satisfaction with criminal and civil legal defense services | 95%  | 100%   | 95%  | 95%  |
| Total fees and costs expended for legal services with private outside counsel             | TBD  | N/A  | TBD  | TBD  |
| Percentage of State of Florida legal services conducted, private v. public                | TBD  | N/A  | TBD  | TBD  |
| Salaries, benefits, and costs of in-house legal units for each state agency               | TBD  | N/A  | TBD  | TBD  |
| Number of capital cases - briefs/state & federal responses/oral arguments                 | 200  | 202  | 200  | 200  |

|  |        |         |        |        |
|--|--------|---------|--------|--------|
| Number of noncapital cases - briefs/state & federal responses/oral arguments | 19,000 | 17,336  | 19,000 | 19,000 |
| Number of active sexual predator commitment appeals                          | 150    | 293     | 150    | 150    |
| Number of active eminent domain cases  | 1,000  | 1,276   | 1,000  | 1,000  |
| Number of active tax cases   | 1,200  | 818**   | 1,200  | 800    |
| Number of active civil appellate cases                                       | 323    | 1,399   | 323    | 323    |
| Number of active inmate cases  | 1,651  | 1,798** | 1,651  | 1,651  |
| Number of active state employment cases                                      | 113    | 283**   | 113    | 113    |
| Number of active tort cases  | 200    | 370**   | 200    | Delete |

|                                 |
|---------------------------------|
|                                 |
| <b>41100400 Victim Services</b> |

| Approved Performance Measures for<br>FY 2007-08<br>(Words)              | Approved Prior<br>Year Standard<br>FY 2006-07<br>(Numbers) | Prior Year Actual<br>FY 2006-07<br>(Numbers) | Approved<br>Standards for<br>FY 2007-08<br>(Numbers) | Requested<br>FY 2008-09<br>Standard<br>(Numbers) |
|---|--|--|--|--|
| Number of victim compensation claims received                           | 21,000   | 24,701                                       | 21,000   | 21,000   |
| Number of days from application to payment of victim compensation claim | 45   | 29   | 45   | 45   |
| Number of victims served through grants                                 | 200,000  | 214,582                                      | 200,000  | 200,000  |
| Number of people attending victims and crime prevention training        | 4,750  | 4,799  | 4,750  | 4,750  |

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|  |
| <b>41100500 Executive Direction and Support Services</b> |

| Approved Performance Measures for<br>FY 2007-08<br>(Words)                                     | Approved Prior<br>Year Standard<br>FY 2006-07<br>(Numbers) | Prior Year Actual<br>FY 2006-07<br>(Numbers) | Approved<br>Standards for<br>FY 2007-08<br>(Numbers) | Requested<br>FY 2008-09<br>Standard<br>(Numbers) |
|--|--|--|--|--|
| Of eligible attorneys, percent who have attained rating, BV rating, and or board certification | 70%  | 62%**  | 70%  | 70%  |

|  |
|--|
| <b>41200000 Program: Office of Statewide Prosecution</b>     |
| <b>41200100 Prosecution of Multi-Circuit Organized Crime</b> |

| Approved Performance Measures for<br>FY 2007-08<br>(Words)                 | Approved Prior<br>Year Standard<br>FY 2006-07<br>(Numbers) | Prior Year Actual<br>FY 2006-07<br>(Numbers) | Approved<br>Standards for<br>FY 2007-08<br>(Numbers) | Requested<br>FY 2008-09<br>Standard<br>(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  | 337**  | 391  | 350  |
| Number of law enforcement agencies assisted                                | 75   | 83   | 75   | 80   |
| Total number of active cases, excluding drug cases                         | 650  | 747  | 650  | 700  |
| Total number of active drug related multi-circuit organized criminal cases | 275  | 321  | 275  | 300  |

\* Client satisfaction surveys have not been completed for last fiscal year. When the surveys are complete and the percentages are calculated we will update information.

\*\* Prior Year Actual updated since original submission of the LRPP



### 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:**

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

| Approved Standard | Actual Performance Results | Difference (Over/Under) | Percentage Difference |
|-------------------|----------------------------|-------------------------|-----------------------|
| 70%               | 64%                        | (6%)                    | (9%)                  |

**Factors Accounting for the Difference:**

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

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

**Explanation:** Technology advances in communications expedited information exchange.

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

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

**Explanation:**

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

- Training
- Personnel
- Technology
- Other (Identify)

**Recommendations:**

No changes requested at this time.

*Office of Policy and Budget – July 2007*

**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:**

- 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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 95%               | 100%                       | 5%                      | 5%                    |

**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 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):

- 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 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):

- Training  Technology  
 Personnel  Other (Identify)

**Recommendations:**

No changes requested at this time.

*Office of Policy and Budget – July 2007*

### 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 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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 100               | 101                        | 1                       | .01%                  |

**Factors Accounting for the Difference:**

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

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

**Explanation:**

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

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

**Explanation:**

This measure 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 initiated, the greater the value the program has to those who are involved in access controversies.

**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 changes requested at this time.

### 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%               | 74%                        | (1%)                    | (1%)                  |

**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)            |  |

**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 |   |

**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 changes requested at this time.

### 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:**

- 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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 2,000             | 3,254                      | 1,254                   | 63%                   |

**Factors Accounting for the Difference:**

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

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

**Explanation:**

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

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

**Explanation:** 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<br><input type="checkbox"/> Personnel | <input type="checkbox"/> Technology<br><input type="checkbox"/> Other (Identify) |
|---|--|

**Recommendations:**

No recommendations at this time.

### 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 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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 1,300             | 1,084                      | (216)                   | (20%)                 |

**Factors Accounting for the Difference:**

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

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

**Explanation:**

**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 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. Certain manufacturers of cars now have certified informal dispute settlement procedures through which consumers must process before they can become eligible for the state lemon law arbitration program and this factor reduces the number of arbitration claims

**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 changes requested at this time.

## 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 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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 62                | 70*                        | 8                       | 13%                   |

**Factors Accounting for the Difference:**

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

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

**Explanation:**

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

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems      |
| <input type="checkbox"/> Legal/Legislative Change                            | <input 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 increase is the result of an additional sixteen cases being opened during the fiscal year that all stemmed from investigations of the insurance industry. Such a development is unusual and is not something the program expects to see with regularity.

**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 changes requested at this time.

*Office of Policy and Budget – July 2007*

\*Updated as of 12/6/07

**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:**

- 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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 242               | 169*                       | (73)                    | (30%)                 |

**Factors Accounting for the Difference:**

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

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

**Explanation:**

Cases are opened only for those complaints where an investigation ensues.

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

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

**Explanation:**

Economic Crimes continued to handle a significant load of price gouging complaints due to natural disasters.

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

- Training
- Personnel
- Technology
- Other (Identify)

**Recommendations:**

Requesting a decrease in the Standard to 186 to more suitably gauge the performance of this measure.

*Office of Policy and Budget – July 2007*

\*Updated as of 12/6/07



### LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity Service/Budget Entity:** Child Predator CyberCrime Unit (CPCU)

**Measure:** Output – Number of Active CyberCrime 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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 50                |                            |                         |                       |

**Factors Accounting for the Difference:**

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

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

**Explanation:**

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

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

**Explanation:**

**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:**

This is a new measure requested for fiscal year 2008-2009.

*Office of Policy and Budget – July 2007*

### 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 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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 900               | 1,478*                     | 578                     | 64%                   |

**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:**

**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:** Improved communication and coordination with other agencies and local entities positively affected the results. During the previous reporting period, management requested and was approved for an upward revision to the standard to 900 to reflect expected results due to additional staff, the higher level of training, new policies and procedures and the effects of improved communications.

**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 changes requested at this time.

*Office of Policy and Budget – July 2007*

\*Updated as of 12/6/07

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

| Approved Standard | Actual Performance Results | Difference (Over/Under) | Percentage Difference |
|-------------------|----------------------------|-------------------------|-----------------------|
| 32,000            | 37,227*                    | 5,227                   | 16%                   |

**Factors Accounting for the Difference:**

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

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

**Explanation:** Many additional hearings were requested by the courts due to absent case workers, missing reports or needed case information. The Department’s client the Department of Children and Families and its subcontractors have been working with the OAG addressing the problems specified above and at developing diversion programs designed to reduce the amount of cases being channeled through the judicial system. It is anticipated that this collective effort will result in fewer hearings being held and, therefore, the standard should not be changed.

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

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

**Explanation:**

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.

**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 at this time.

*Office of Policy and Budget – July 2007*

\*Updated as of 12/6/07

### 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 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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 120               | 71*                        | 49                      | 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 type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect |  |
| <input checked="" type="checkbox"/> Other (Identify) |  |

**Explanation:** In FY 2006-2007 the number of active ethics cases has leveled out and approximates the standard of 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:**

No changes requested at this time.

*Office of Policy and Budget – July 2007*

\*Updated as of 12/6/07

**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            | 62,366                     | (2,634)                 | (4%)                  |

**Factors Accounting for the Difference:**

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

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

**Explanation:**

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

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

**Explanation:**

The Program, in partnership with the client, the Florida Department of Revenue (DOR), developed a model quality referral which reduces the number of multiple referrals. Also, during this period, the program focused on reconciling its pending inventory with DOR. DOR is currently in the process of rolling out a new database which may greatly determine the number of referrals received over the coming fiscal year.

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

- Training
- Personnel
- Technology
- Other (Identify)

**Recommendations:** It is recommended that the standard remain the same for this measure but that it be monitored and reviewed at the close of the next fiscal year.

### 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                | 93*                        | 55                      | 145%                  |

**Factors Accounting for the Difference:**

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

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

**Explanation:**

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

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

**Explanation:**

There was an unanticipated increase in the number of cases referred by the Florida Commission on Human Relations due to its progress in clearing out a backlog.

**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 changes requested at this time.

*Office of Policy and Budget – July 2007*

\*Updated as of 12/6/07

### 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 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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 28                | 16                         | (12)                    | (42%)                 |

**Factors Accounting for the Difference:**

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

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

**Explanation:**

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

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

**Explanation:**

**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 changes at this time.

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

| Approved Standard | Actual Performance Results | Difference (Over/Under) | Percentage Difference |
|-------------------|----------------------------|-------------------------|-----------------------|
| 150               | 3,079                      | 157                     | 105%                  |

**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 this measure was originally based on workload which included miscellaneous citizen correspondence that is now being handled by the Department's Citizen Services section.

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

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

**Explanation:**

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

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

**Recommendations:**

No change at this time.

*Office of Policy and Budget – July 2007*



### 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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 390               | 301*                       | (89)                    | (23%)                 |

**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. Additionally, the OSG recently assumed greater management and oversight over constitutional challenges and during this reporting period, updated the agency-wide database to review and record existing challenge cases.

**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:**

Recommend this measurement remain unchanged until actual program performance results are known for next reporting periods. If needed, an adjustment will be requested.

*Office of Policy and Budget – July 2007*

\*Updated as of 12/6/07

## 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 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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 300               | 708*                       | 408                     | 136%                  |

**Factors Accounting for the Difference:**

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

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

**Explanation:** This was the first complete reporting period during which the Office of the Solicitor General ("OSG") was responsible for reviewing and assigning all non-criminal appeals. In doing so, some previously assigned non-criminal appeals were reviewed and entered into the OSG databases to bring those databases current.

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

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

**Explanation:**

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

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

**Recommendations:** No change requested at this time.

*Office of Policy and Budget – July 2007*

\*Updated as of 12/6/07

### 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               | 202                        | 2                       | 1%                    |

**Factors Accounting for the Difference:**

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

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

**Explanation:**

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

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

**Explanation:**

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 litigation 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 changes requested at this time.

### LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** Criminal and Civil Litigation 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            | 17,336                     | (1,664)                 | (10%)                 |

**Factors Accounting for the Difference:**

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

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

**Explanation:**

N/A

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

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

**Explanation:**

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 litigation 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 changes requested at this time.

### **LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT**

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

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

**Measure:** Output – Number of Active Sexual Predator Commitment Appeals

**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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 175               | 293                        | 118                     | 68%                   |

**Factors Accounting for the Difference:**

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

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

**Explanation:**

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

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

**Explanation:**

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):

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

**Recommendations:**

No changes requested at this time.

### LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

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

**Measure:** Output – Number of Active Eminent Domain Cases

**Action:**

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

| Approved Standard | Actual Performance Results | Difference (Over/Under) | Percentage Difference |
|-------------------|----------------------------|-------------------------|-----------------------|
| 1,000             | 1276                       | 276                     | 27%                   |

**Factors Accounting for the Difference:**

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

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

**Explanation:**

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

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

**Explanation:** Cases are received from the Florida Department of Transportation and other condemners contracted with by the Eminent Domain Bureau. Several promising contracts with other condemners have not materialized as expected and so, the downturn in Eminent Domain may last longer than originally anticipated.

**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 changes requested at this time.

*Office of Policy and Budget – July 2007*

### 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 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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 1,200             | 818*                       | (382)                   | (32%)                 |

**Factors Accounting for the Difference:**

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

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

**Explanation:**

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

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems      |
| <input type="checkbox"/> Legal/Legislative Change                            | <input 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 (tax) cases continues to decrease as a result of the tax amnesty program. A revision of standard downward to 1,200 was approved for the FY 2006-2007 to reflect the decrease in cases.

**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 changes requested at this time.

*Office of Policy and Budget – July 2007*

\*Updated as of 12/6/07

## 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 Civil Appellate 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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 323               | 1,399                      | 1,076                   | 300%                  |

**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 prior reporting periods, the number of cases provided for this measure consisted only of cases assigned to the Civil Appellate Bureau. In addition to the appeals assigned to this bureau, appeals were also handled by the individual bureaus and were included in the data for each individual bureau. The civil Appellate Bureau no longer exists and the appeals being handled by the individual bureaus are now captured for this measure. Because of this, the number of active appeals has increased. This is largely due to the number of new inmate and state program appeals. At the same time, the Solicitor General is taking more appeals that will likely decrease the number of appeals handled by the General Civil Litigation Division in the future. The program requests that the standard for the number of active civil appellate cases be changed to 1,000.

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

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

**Explanation:**

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

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

**Recommendations:**

No change requested at this time.



### LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Legal Affairs

**Program:** Office of the Attorney General

**Service/Budget Entity:** 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             | 1,798*                     | 147                     | 9%                    |

**Factors Accounting for the Difference:**

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

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

**Explanation:**

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

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

**Explanation:**

As 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 increased in the prior period of assessment and is expected 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:** No change at this time.

*Office of Policy and Budget – July 2007*

\*Updated as of 12/6/07

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

| Approved Standard | Actual Performance Results | Difference (Over/Under) | Percentage Difference |
|-------------------|----------------------------|-------------------------|-----------------------|
| 113               | 283*                       | 170                     | 150%                  |

**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 previous years, in-house employment issues were not captured as active cases. The program is now tracking each of these as an active case and this increases the actual results.

**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 recommended that the measure and proposed standard remain unchanged, with monitoring and review to determine whether the performance standard should be changed.

*Office of Policy and Budget – July 2007*

\*Updated as of 12/6/07

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

| Approved Standard | Actual Performance Results | Difference (Over/Under) | Percentage Difference |
|-------------------|----------------------------|-------------------------|-----------------------|
| 200               | 370*                       | 170                     | 85%                   |

**Factors Accounting for the Difference:**

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

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

**Explanation:**

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

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

**Explanation:** Department of Financial Services, Division of Risk Management, made a decision to refer these type cases to private counsel rather than to the Office of the Attorney General. As a result, the Office of Attorney General has reorganized and the Tort Bureau no longer exists. The tort lawyers have been reassigned to other bureaus. Current tort cases are being handled through attrition and should become negligible.

**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:** Since the Tort Bureau no longer exists, this measure and standard should be removed.

*Office of Policy and Budget – July 2007*

\*Updated as of 12/6/07

**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:**

- 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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 21,000            | 24,701                     | 3,701                   | 18%                   |

**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:**

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

**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:**

Workload volume is outside the control of the agency. Increased claims are a result of heightened awareness of the victim’s compensation program and the longevity of operations and efficiency of victims’ services programs.

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

- Training  Technology
- Personnel  Other (Identify)

**Recommendations:**

No change recommended

*Office of Policy and Budget – July 2007*

### 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:**

- 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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 45                | 29                         | 16                      | 36%                   |

**Factors Accounting for the Difference:**

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

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

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

**Explanation:** Workload volume is outside the control of the agency.

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

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

**Recommendations:**

No changes at this time.

### 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           | <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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 200,000           | 214,582                    | 14,582                  | 7%                    |

**Factors Accounting for the Difference:**

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

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

**Explanation:**

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

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems      |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster            |
| <input type="checkbox"/> Target Population Change                            | <input 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 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"/> Technology       |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> Other (Identify) |

**Recommendations:**

No changes at this time.

## 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 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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 4,750             | 7,799                      | 49                      | 1%                    |

**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. Upon the agency's aggressively seeking other sources of funding for major programs, federal funding became available that enabled law enforcement officers, who would not otherwise have been able to attend, to participate in the conference.

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

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

**Recommendations:**

No change at this time.

*Office of Policy and Budget – July 2007*

**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:**

- 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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 70%               | 62%*                       | (8%)                    | (11%)                 |

**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:**

Martindale-Hubbell ratings are based on attorney peer review and Board Certification is attained through a certification process maintained by the Florida Bar. These accomplishments are strictly voluntary and are not required to practice law in the State of 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):

- 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:**

**Management Efforts to Address Differences/Problems**

- Training  Technology
- Personnel  Other (Identify)

**Recommendations:**

No changes at this time.

*Office of Policy and Budget – July 2007*

\*Updated as of 12/6/07



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

**Explanation:**

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

**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:**

**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 changes at this time.

### 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 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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 391               | 337*                       | (54)                    | (14%)                 |

**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:**

Because of the complex nature of these cases along with the hiring and training of new staff, additional cases have not yet been finalized and so actual performance results anticipated by the program have not materialized.

**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 standard be adjusted to 350 to more realistically gauge the program performance.

*Office of Policy and Budget – July 2007*

\*Updated as of 12/6/07

### 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:**

- 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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 75                | 83                         | 8                       | 11%                   |

**Factors Accounting for the Difference:**

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

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

**Explanation:**

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

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

**Explanation:**

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. A law enforcement agency may contact us several times with several cases, but they are only counted once in this exercise.

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

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

**Recommendations:**

That this standard be increased to 80 to give a more suitable gauge of measure performance.

**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:**

- 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 |
|-------------------|----------------------------|-------------------------|-----------------------|
| 650               | 747                        | 97                      | 15%                   |

**Factors Accounting for the Difference:**

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

- Personnel Factors
- Competing Priorities
- Previous Estimate Incorrect
- Other (Identify)
- Staff Capacity
- 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):

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

**Explanation:**

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

- Training
- Personnel
- Technology
- Other (Identify)

**Recommendations:**

This standard should be increased to 700 to give a more suitable gauge of measure performance.

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

| Approved Standard | Actual Performance Results | Difference (Over/Under) | Percentage Difference |
|-------------------|----------------------------|-------------------------|-----------------------|
| 275               | 321                        | 46                      | 17%                   |

**Factors Accounting for the Difference:**

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

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

**Explanation:**

Office of Statewide Prosecution (OSWP) 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 could 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"/> 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:**

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

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

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

**Recommendations:**

Standard should be adjusted upward to 300 to provide a more appropriate gauge for the performance of this measure.

*Office of Policy and Budget – July 2007*

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**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** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Request to decrease Standard from 242 to 186.
- Requesting new measure.
- Backup for performance measure not previously approved or for which validity, reliability and/or methodology information has not been provided.

This measure is a count of the total number of Active Economic Crimes cases including RICO and Consumer for the period July 1 through June 30.

A change in methodology in 2004-2005 as well as the diversion of significant division resources during the 2004-2005 and 2005-2006 hurricane seasons has resulted in unanticipated fluctuations in the number of active cases. Management has continued to monitor and assess this standard over the last several years to arrive at a meaningful number. The average of the last three years is a more reliable measure of division activity.

### **Data Sources and Methodology:**

The Case Tracking System of the Economic Crimes Division, a Lotus Notes based system, is the primary source of data for this measure. The Division also maintains a compilation of settlements in the Case Tracking System with the original documents maintained in Tallahassee. The Case Tracking System generates a number for every Economic Crimes case opened. The number stays with the case forever. Information and updates are entered into the database by designated staff routinely as activity occurs on cases. The Case Tracking System is maintained by attorney and investigator staff and case reports are periodically reviewed by management. Measure information is collected and reported on a quarterly basis. Active cases are defined as cases that are open and are being actively worked or monitored and closed cases which were active and completed during the same time period.

### **Validity:**

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 moderate probability of reliability.

*Office of Policy and Budget – July 2007*

## **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:** Number of active tax cases

**Action** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Request to decrease Standard from 1,200 to 800
- Requesting new measure.
- Backup for performance measure.

### **Data Sources and Methodology:**

The number of active revenue litigation (tax) cases continues to decrease as a result of the tax amnesty program. A revision of the standard downward is necessary to reflect the decrease in cases.

### **Validity:**

There is a clear definition of the cases and the data collected. The formula used to calculate the measure is consistent with the definition. The measure is well-documented, clear and specific. There is 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 moderate probability of reliability.

*Office of Policy and Budget – July, 2007*

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

**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** (check one):

- Requesting revision to approved performance measure.
- Requesting revision of standard from 391 to 350
- 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.

Because of the complex nature of these cases along with the hiring and training of new staff, additional cases have not yet been finalized and so actual performance results anticipated by the program have not materialized.

This data is collected through the OSP case tracking system (CTS) entries. The data comes from court and case files and is input into the CTS by the case attorney or secretary. Each SWP Office inputs their own data. The criminal financial analyst in Tallahassee reviews the data in the CTS every few months and there is a yearly audit of CTS. The Statewide Prosecutor reviews this data.

The Office of Inspector General talked with program staff and reviewed information updates provided by them in evaluating the validity and reliability of the performance measure.

### **Validity:**

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, 2007*



## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**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** (check one):

- Requesting revision to approved performance measure.
- Request that Standard be increased to 300
- 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.

Office of Statewide Prosecution (OSP) 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 could decline due to OSP efforts to focus on larger multi-circuit criminal activity that could result in fewer, but larger cases. OSP aggressively pursues drug trafficking cases, including drug diversion cases. The office relies on law enforcement agencies to bring such cases to this Office and, therefore, results will vary from year-to-year.

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

### **Data Sources and Methodology:**

The source is all cases (e.g., Requests for Assistance (RFA), investigations, monitors, filed cases) handled that are designated as narcotics or money laundering cases. The status of the case must be designated as a RFA, investigation, or monitor at the time of intake. At this time, the lead counsel designates the case in the Lotus Notes Statewide Prosecutor Case Tracking System (CTS) by case type. Case types are searchable fields. CTS is searched for a particular time period for all active cases that are designated as narcotics or money laundering cases to obtain this value. An active case is a case that is open at any time during the reporting period.

The Office of Inspector General interviewed program staff and reviewed information provided by management in evaluating the validity and reliability of the proposed performance measure.

### **Validity:**

There is a clear definition of the cases and the data collected. The formula used to calculate the measure is consistent with the definition. The measure is well-documented, clear and specific. There is a high probability of validity.

### **Reliability:**

Based upon the information provided, the data collection methodology is clear and well-documented. The reporting system structure is clear, documented and uniformly implemented. Review levels to be performed and controls reported by management will allow for data correction and enhance reliability. This measure has a high probability of reliability.

*Office of Policy and Budget – July, 2007*

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

**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** (check one):

- Requesting revision to approved performance measure.
- Requesting revision of standard from 650 to 700.
- 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.

This measure is a count of active cases, excluding drug cases, during the period July 1 through June 30.

The Office of Inspector General talked with program staff and reviewed information updates provided by them in evaluating the validity and reliability of the performance measure.

### **Data Sources and Methodology:**

The source is all cases (e.g., Requests For Assistance (RFA), investigations, monitors, filed cases) handled that are not specifically designated as drug or money laundering cases. The status of the case must be designated as a RFA, investigation, or monitor at the time of intake. At this time, the lead counsel designates the case in the Lotus Notes Statewide Prosecutor Case Tracking System (CTS) by case type. Case types are searchable fields. CTS is searched for a particular time period for all active cases that are not designated as narcotics or money laundering cases to obtain this value.

An active case is a case that is open at any time during the reporting period.

### **Validity:**

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, 2007*

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**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** (check one):

- Requesting revision to approved performance measure.
- Requesting revision of standard from 650 to 700.
- 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.

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.

### **Data Sources and Methodology:**

Primary and secondary law enforcement agencies assisted in a case.

A law enforcement RFA is received by the handling attorney and entered into the Lotus Notes Statewide Prosecution Case Tracking System (CTS). At this time the primary law enforcement agency is entered. If there is more than one assisting agency, the secondary agency is entered into the other agencies assisted field. The criminal financial analyst reviews data quarterly for accuracy.

The total number of primary and secondary law enforcement agencies assisted between July 1 and June 30.

The Office of Inspector General talked with program staff and reviewed information updates provided by them in evaluating the validity and reliability of the performance measure.

### **Validity:**

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

| Measure Number | Approved Performance Measures for<br>FY 2006-07<br>(Words)                       | Associated Activities Title   |
|----------------|--|---|
| 1              | Percent of mediated open government cases resolved in 3 weeks or less            | Open Government Mediation   |
| 2              | Percent of lemon law cases resolved in less than one year                        | Lemon Law   |
| 3              | Percent of clients expressing satisfaction with civil enforcement legal services | Lemon Law<br>Child Support Enforcement<br>Antitrust<br>RICO - Consumer<br>Commission on Ethics Prosecutions<br>Open Government Mediation<br>Health Care/Medicaid Fraud<br>Children's Legal Services<br>Civil Rights |
| 4              | Number of open government cases handled  | Open Government Mediation   |
| 5              | Percent of open government disputes resolved through mediation                   | Open Government Mediation   |
| 6              | Number of repurchase disclosure/enforcement cases                                | Lemon Law   |
| 7              | Number of active lemon law cases   | Lemon Law   |
| 8              | Number of active antitrust cases   | Antitrust   |
| 9              | Number of active economic crime cases, including consumer and RICO cases         | RICO - Consumer   |
| proposed       | New Measure - Number of active cybercrime cases                                  | New Activity - Child Predator CyberCrime Unit   |
| 10             | Number of active Medicaid Fraud cases  | Health Care/Medicaid Fraud  |
| 11             | Number of hearings held before the court - Children's Legal Services             | Lemon Law   |
| 12             | Number of active ethics cases  | Commission on Ethics Prosecutions   |
| 13             | Number of active child support enforcement                                       | Child Support Enforcement   |
| 14             | Number of active civil rights cases  | Civil Rights  |

|          |  |  |
|----------|--|--|
| 15       | Number of days for opinion response  | Opinions                                   |
| 16       | Percent of clients expressing satisfaction with constitutional legal services  | Solicitor General                          |
|          |  | Opinions                                   |
|          |  | Cabinet Support Services                   |
| 17       | Number of opinions issued  | Opinions                                   |
| 18       | Number of active Solicitor General cases   | Solicitor General                          |
| 19       | Number of active civil appellate cases   | Solicitor General                          |
| 20       | Percent of clients expressing satisfaction with criminal and civil legal defense services  | Eminent Domain                             |
|          |  | Sexual Predator Civil Commitment Appeals   |
|          |  | Non-Capital Criminal Appeals               |
|          |  | Capital Appeals                            |
|          |  | Administrative Law                         |
|          |  | Revenue Litigation                         |
|          |  | Civil Litigation Defense of State Agencies |
|          |  |  |
| 21       | Total fees and costs expended for legal services with private outside counsel  | N/A  |
| 22       | Percentage of State of Florida legal services conducted private v. public  | N/A  |
| 23       | Salaries, benefits and costs of in-house legal units for each state agency   | N/A  |
| 24       | Number of capital cases - briefs/state & federal responses/oral arguments  | Capital Appeals                            |
| 25       | Number of noncapital cases - briefs/state & federal responses/oral arguments   | Non-Capital Criminal Appeals               |
| 26       | Number of active sexual predator commitment appeals  | Sexual Predator Civil Commitment Appeals   |
| 27       | Number of active eminent domain cases  | Eminent Domain                             |
| 28       | Number of active tax cases   | Revenue Litigation                         |
| 29       | Number of active civil appellate cases   | Civil Litigation Defense of State Agencies |
| 30       | Number of active inmate cases  | Civil Litigation Defense of State Agencies |
| 31       | Number of active state employment cases  | Civil Litigation Defense of State Agencies |
| 32       | Number of active tort cases  | Civil Litigation Defense of State Agencies |
| proposed | There is no performance measure associated with this activity and no grants have been awarded since FY 2002/03. We request this activity be deleted. | Grants - Motor Vehicle Theft Prevention    |

|    |  |  |
|----|--|--|
| 33 | Number of victim compensation claims received  | Victim Compensation  |
| 34 | Number of days from application to payment of victim compensation claim                        | Victim Compensation  |
| 35 | Number of victims served through grants  | Grants - VOCA  |
| 36 | Number of people attending victims and crime prevention training                               | Crime Prevention/Training  |
| 37 | Of eligible attorneys, percent who have attained rating, BY rating, and or board certification | Encompasses entire agency  |
| 38 | Conviction rate for defendants who reached final disposition                                   | Investigation and Prosecution of Multi-Circuit Organized Crime - Drugs |
|    |  | Investigation and Prosecution of Multi-Circuit Organized Crime         |
| 39 | Of the defendants who reached disposition, the number of those convicted                       | Investigation and Prosecution of Multi-Circuit Organized Crime - Drugs |
|    |  | Investigation and Prosecution of Multi-Circuit Organized Crime         |
| 40 | Number of law enforcement agencies assisted  | Investigation and Prosecution of Multi-Circuit Organized Crime - Drugs |
|    |  | Investigation and Prosecution of Multi-Circuit Organized Crime         |
| 41 | Total number of active cases - excluding drug cases  | Investigation and Prosecution on Multi-Circuit Organized Crime         |
| 42 | Total number of active drug related multi-circuit organized criminal cases                     | Investigation and Prosecution of Multi-Circuit Organized Crime - Drugs |

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| LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL  |  | FISCAL YEAR 2006-07 |               |                              |         |
|---|--|---------------------|---------------|------------------------------|---------|
| SECTION I: BUDGET   |  | OPERATING           |               | FIXED CAPITAL OUTLAY         |         |
| TOTAL ALL FUNDS GENERAL APPROPRIATIONS ACT  |  |                     | 171,489,976   | 0                            |         |
| ADJUSTMENTS TO GENERAL APPROPRIATIONS ACT (Supplementals, Vetoes, Budget Amendments, etc.)  |  |                     | 2,643,864     | 0                            |         |
| FINAL BUDGET FOR AGENCY   |  |                     | 174,133,840   | 0                            |         |
| SECTION II: ACTIVITIES * MEASURES   |  | Number of Units     | (1) Unit Cost | (2) Expenditures (Allocated) | (3) FCO |
| <i>Executive Direction, Administrative Support and Information Technology (2)</i>   |  |                     |               |                              | 0       |
| Lemon Law * Number of Arbitration Hearings Conducted  |  | 1,084               | 1,511.68      | 1,638,658                    |         |
| Child Support Enforcement * Number of final orders obtained representing the Department of Revenue in child support enforcement proceedings.                                  |  | 62,366              | 124.68        | 7,775,591                    |         |
| Antitrust * Number of cases enforcing provisions of the Antitrust Act   |  | 77                  | 25,035.60     | 1,927,741                    |         |
| Racketeer Influenced And Corrupt Organization (RICO)/ Consumer Fraud * Cases enforcing the Racketeer Influenced and Corrupt and Unfair and Deceptive Trade Practices Act.     |  | 215                 | 41,209.82     | 8,860,111                    |         |
| Commission On Ethics Prosecutions * Number of cases prosecuted before the Florida Commission on Ethics  |  | 125                 | 2,559.71      | 319,964                      |         |
| Open Government Mediation * Number of cases settled or mediated   |  | 101                 | 2,176.61      | 219,838                      |         |
| Medicaid Fraud Control * Number of cases investigated involving Medicaid fraud activities   |  | 1,766               | 11,338.09     | 20,023,074                   |         |
| Children's Legal Services * Number of cases representing the Department of Children and Families in juvenile dependency and termination of parental rights proceedings        |  | 38,268              | 228.35        | 8,738,548                    |         |
| Civil Rights * Number of cases investigated and prosecuted involving violations of civil rights   |  | 58                  | 10,212.00     | 592,296                      |         |
| Solicitor General * Number of cases   |  | 498                 | 3,036.69      | 1,512,272                    |         |
| Opinions * Number of Opinions Issued  |  | 307                 | 1,510.12      | 463,608                      |         |
| Cabinet Support Services * Number of Cabinet Meetings   |  | 20                  | 14,743.30     | 294,866                      |         |
| Eminent Domain * Cases representing the Department of Transportation and other government agencies in eminent domain proceedings.   |  | 1,276               | 1,729.89      | 2,207,334                    |         |
| Sexual Predator Civil Commitment Appeals * Number of cases  |  | 293                 | 901.32        | 264,087                      |         |
| Non-capital Criminal Appeals * Number of cases - non-capital appellate litigation   |  | 17,336              | 820.36        | 14,221,775                   |         |
| Capital Appeals * Number of cases - capital appellate litigation  |  | 202                 | 13,630.99     | 2,753,459                    |         |
| Administrative Law * Number of cases  |  | 2,492               | 921.76        | 2,297,029                    |         |
| Tax Law * Number of cases enforcing, defending and collecting tax assessments   |  | 1,270               | 975.70        | 1,239,138                    |         |
| Civil Litigation Defense Of State Agencies * Number of cases defending the state and its agents in litigation of appellate, corrections, employment, state programs and tort. |  | 2,015               | 4,208.96      | 8,481,049                    |         |
| Grants-victims Of Crime Advocacy * Number of victims served through grants.   |  | 214,582             | 106.96        | 22,952,333                   |         |
| Victim Notification * Number of appellate services provided   |  | 6,818               | 396.16        | 2,701,006                    |         |
| Victim Compensation * Number of victim compensation claims paid   |  | 24,701              | 1,062.65      | 26,248,413                   |         |
| Minority Crime Prevention Programs * Number of crime prevention programs assisted   |  | 5                   | 1,417,746.00  | 7,088,730                    |         |
| Grants-crime Stoppers * Number of crime stopper agencies assisted   |  | 28                  | 160,344.25    | 4,489,639                    |         |
| Crime Prevention/Training * Number of people attending training   |  | 4,799               | 156.48        | 750,944                      |         |
| Investigation And Prosecution Of Multi-circuit Organized Crime-drugs * Annual volume of investigations handled  |  | 351                 | 111.40        | 39,101                       |         |
| Investigation And Prosecution Of Multi-circuit Organized Crime * Annual volume of investigations handled/financial assessments  |  | 747                 | 9,801.73      | 7,321,894                    |         |
| Prosecution Of Violations Of The Florida Election Code * Number of prosecutions handled.  |  | 274                 | 4,942.94      | 1,354,365                    |         |
| <b>TOTAL</b>  |  |                     |               | <b>156,776,863</b>           |         |
| SECTION III: RECONCILIATION TO BUDGET   |  |                     |               |                              |         |
| PASS THROUGHS   |  |                     |               |                              |         |
| TRANSFER - STATE AGENCIES   |  |                     |               |                              |         |
| AID TO LOCAL GOVERNMENTS  |  |                     |               |                              |         |
| PAYMENT OF PENSIONS, BENEFITS AND CLAIMS  |  |                     |               |                              |         |
| OTHER   |  |                     |               |                              |         |
| REVERSIONS  |  |                     |               | 17,357,038                   |         |
| <b>TOTAL BUDGET FOR AGENCY (Total Activities + Pass Throughs + Reversions) - Should equal Section I above. (4)</b>  |  |                     |               | <b>174,133,901</b>           |         |

SCHEDULE XI: AGENCY-LEVEL UNIT COST SUMMARY

(1) Some activity unit costs may be overstated due to the allocation of double budgeted items.

(2) Expenditures associated with Executive Direction, Administrative Support and Information Technology have been allocated based on FTE. Other allocation methodologies could result in significantly different unit costs per activity.

(3) Information for FCO depicts amounts for current year appropriations only. Additional information and systems are needed to develop meaningful FCO unit costs.

(4) Final Budget for Agency and Total Budget for Agency may not equal due to rounding.