



OFFICE OF THE
ATTORNEY GENERAL OF FLORIDA

Charlie Crist



Long Range Program Plan

FY 2007/08 through FY 2011/12

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

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Mission Statement

People's Law Firm

Office of the Attorney General

Program: Office of the Attorney General Goals and Objectives

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

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

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

Baseline/Year 2001	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
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 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
70%	85%	90%	90%	90%	90%

Program: Office of the Attorney General Goals and Objectives (continued)

Objective 1C: Increase client satisfaction

Outcome: Percent increase in client satisfaction

Baseline/Year 2001	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
90%	95%	95%	95%	95%	95%

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

Baseline/Year 2003	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
1600+	1800+	1800+	1800+	1800+	1800+

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

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

Baseline/Year 2001	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
60 th percentile	74 th percentile	78 th percentile	80 th percentile	85 th percentile	90 th percentile

Program: Office of the Attorney General Goals and Objectives (continued)

Goal #2: Improve service delivery to all crime victims

Objective 2A: Increase efficiency in processing victim compensation claims

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

Baseline/Year 1999	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
19.8 weeks	5 weeks	5 weeks	5 weeks	5 weeks	5 weeks

Objective 2B: Increase the outreach of VOCA grant program

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

Baseline/Year 1999	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
253	250	250	250	250	250

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

Outcome: Increase number of subgrantees serving minorities and underserved victims

Baseline/Year 1999	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
46	50	50	50	50	50

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

Program: Office of the Attorney General Trends and Conditions Statement

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

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

Economic Crime Division

The ECONOMIC 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 a 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, F.S., the Florida Deceptive and Unfair Trade Practices Act ("FDUTPA" 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 Florida Deceptive and Unfair Trade Practices Act investigations of national companies in cooperation with other States and the Federal Trade Commission.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

Although the number of cases varies from day to day the current number of active Economic Crimes cases is 303.

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 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 undergoes heightened activity in times of natural disaster. Notices alerting consumers to potential scams and informing them of this hotline are widely distributed to the news media, cooperating retail merchants and other public locations in areas affected by the disaster. Thousands of complaints have been received, many as a result of these consumer-awareness initiatives.

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

Program: Office of the Attorney General Trends and Conditions Statement (continued)

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

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 has 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.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

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.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

Antitrust Division

The Attorney General's Office is responsible for enforcing state and federal antitrust laws by pursuing and prosecuting violations that harm competition and adversely impact the citizens of the state. Under the Florida Antitrust Act, Chapter 542, Florida Statutes, the Attorney General has the authority to bring actions against individuals or entities that violate state or federal antitrust laws. Such violations include bid-rigging, price-fixing, market or contract allocation schemes, and unlawful monopolies. The efforts of the Attorney General's Office under this statute over the past 25 years have yielded hundreds of millions of dollars in recoveries for Florida's consumers and public entities.

The Attorney General has broad authority to investigate potential antitrust violations and to institute or intervene in civil proceedings to seek the "full range of relief" afforded by Chapter 542 or by federal antitrust laws. Under the statute, the Attorney General has the power to investigate activities in restraint of trade (Section 542.18, Florida Statutes) as well as unlawful monopolies and attempts or conspiracies to monopolize. (Section 542.19, Florida Statutes). As part of this mandate, the Attorney General also reviews proposed mergers or acquisitions of state or local impact to determine if the transaction will have an adverse impact on competition and consumers in Florida. Remedies available to the Attorney General under the statute include the ability to recover monetary damages on behalf of the state, public entities, and/or natural persons as well as civil penalties. The statute also authorizes the Attorney General to obtain appropriate injunctive or other equitable relief. (Sections 542.27(2) and 542.21-23, Florida Statutes)

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

Program: Office of the Attorney General Trends and Conditions Statement (continued)

Trends and conditions pertaining to our state antitrust enforcement effort are assessed on an annual basis through an analysis of the number of active cases worked by the Antitrust Division. The number of cases worked by the Division during FY 2005-06 increased significantly to 77, from 57 in FY 2004-05, while the number of cases closed decreased only slightly from 15 to 12. The careful management of available resources throughout the fiscal year enabled the Division to recover significant sums for Florida. The Division recovered \$7,847,123.48 in FY 05-06 from seven different major cases. While this number is down from the \$15,437,794.32 in FY 04-05, also from seven major cases, it is still above the annual average for fiscal years prior to the Vitamins case, a massive multistate settlement which accounts for the bulk of the recoveries in FY 04-05. The FY 05-06 monies were recovered either on behalf of public entities or as reimbursement for attorneys' fees and costs after a matter was resolved.

Several recent developments have resulted in an increased need for consistent and effective state antitrust enforcement. There has been a dramatic increase over the last five years in the number of proposed mergers, acquisitions, and joint ventures. As the nation's economy continues to grow, a record number of companies have merged or consolidated in a variety of industries. While not all proposed mergers and acquisitions are reviewed by the Attorney General's Office, those that may have a particular anti-competitive impact in Florida, thereby affecting Florida consumers, are closely scrutinized by the Antitrust Division.

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

Program: Office of the Attorney General Trends and Conditions Statement (continued)

The Antitrust Division made significant recoveries during the fiscal year. For example, the Division distributed over \$3.5 million to the General Revenue Fund to reimburse state agencies that overpaid for the anti-anxiety drug BuSpar as the result of an alleged unlawful monopolization by its manufacturer, Bristol-Myers Squibb. (Florida consumers received \$2.7 million in restitution from the same case last year). As the result of three other settlements involving similar conduct by the makers of the prescription pain medication Relafen, the anti-depressant Paxil, and the antibiotic Augmentin, another \$1.18 million also went to General Revenue for the benefit of the state and its agencies. And, the Division obtained its first settlement in the amount of \$85,000 in its ongoing retail gasoline price-fixing lawsuit filed in the Panhandle. The litigation is continuing against the other defendants. Finally, eight of the 77 active cases worked by the Division in FY 2005-06 were merger reviews. Such reviews, which usually result in no dollar recoveries, can, nonetheless, be very resource-intensive and time-consuming.

Antitrust cases can take several years to resolve, and it is not unusual to have one case temporarily require all the staff's attention because the particular task at hand is so monumental. This was certainly the case most of this fiscal year with the Division's investigation of the insurance industry, which has now grown from one case, first opened in October, 2004, to 19 separate active cases. So far, the investigation has resulted in one state court case being filed against the broker Marsh & McLennan and one multistate settlement, which Florida took the lead in negotiating, with Zurich Insurance Company. The national settlement will repay \$157 million to Zurich policyholders that purchased excess commercial property and casualty insurance through Marsh & McLennan. While the settlement is sizable, it has not yet been approved by the court and Florida's share of the settlement will depend upon the number and dollar amount of claims made by Florida policyholders. In the meantime, the Division continues to investigate 17 other insurers and brokers and is actively pursuing its lawsuit against Marsh. Significant staffing will therefore continue to be devoted to these matters.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

The Division has consistently devoted significant resources to aggressively monitoring gasoline prices and promptly responding to consumer complaints. The effort paid off this fiscal year when a gasoline retail price-fixing case was uncovered by the Division in Okaloosa County. An antitrust lawsuit was filed in state court in May, 2006 and the litigation is ongoing. Despite settlement with one corporation (and its principal), it is unlikely that the case will be resolved completely without the devotion of significant staff hours.

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 other electronic devices. In an effort to safeguard children from such exploitation, the Child Predator CyberCrime Unit was created to investigate and prosecute computer facilitated child solicitation and predation, possession and proliferation of child pornography, and all Internet-based sexual exploitation of children. In addition, the Child Predator CyberCrime Unit conducts community outreach to educate parents, teachers, care-givers, and children about safe use of computers and the Internet.

In the past year, the Child Predator CyberCrime Unit has executed over forty-five (45) search warrants, arrested and prosecuted twenty-five (25) defendants, recovered thousands of images of child pornography, and educated over two-thousand (2000) adults and eleven-hundred (1100) children on Internet safety.

The Child Predator CyberCrime Unit consists of one Prosecuting Attorney, who is the Director for the Unit (JAX), one supervising Law Enforcement Lieutenant (JAX), three Law Enforcement Investigators (two in JAX and one in FtL), and one Administrative Assistant (JAX). In September 2006 the third Investigator, who is located in Ft. Lauderdale, was hired. This Investigator is a skilled computer forensic analyst who will expedite the analysis of computer evidence in all Unit cases. This will ensure that there is less time between the identification of a possible suspect and the ultimate arrest of a dangerous sex offender.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

The Unit is currently expanding, subject to final funding by a Victim Of Crime Act grant, to include a Victim Advocate Division. Four advocates will be located throughout the State. Advocates will travel to area schools, present 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, and the numerous instant messaging programs available on-line.

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 secured undercover laptop computers and printers to conduct covert investigations without impacting General Revenue funds. Through our partnership with the FBI Taskforce, we were also able to secure additional undercover vehicles and equipment.

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 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.

The investigations result in arrests ranging from possession or transmission of pornography, to cases where the predator actually travels to meet an undercover investigator, who he or she believes to be a child. The cases involve grave danger to the Investigators, as detection is often devastating to the predator. In Florida, detection and arrest of sexual predators has resulted in spontaneous suicide, open gun fire, and police officer fatality.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

For this reason, the Child Predator CyberCrime Unit members work to 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.

The Director of the Unit supervises all investigations and administrative responsibilities of the Unit, as well as overseeing all issues pertaining to re-certification and maintenance of the law enforcement officers. In addition, the Director is a Special Designated Assistant Statewide Prosecutor, a cross-designated Assistant State Attorney in the Fourth Judicial Circuit, and is pending special designation as an Assistant U.S. Attorney in order to prosecute the predators arrested by the Child Predator CyberCrime Unit.

This results in travel throughout the State for court appearances, as well as all the normal cost of litigation, such as: court reporters, depositions, subpoena service, and trial presentation materials. To maintain a manageable case load, the Director 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.

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.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

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 fiscal years 2005 and 2006 to Tallahassee, Tampa, Jacksonville, Orlando, West Palm Beach and Pensacola.

The MFCU also continued its leadership role in a multi-state/federal investigation into 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.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

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, and during the past year staff attorneys have continued to conduct training/educational seminars with manufacturer and dealer groups throughout the state. Manufacturer compliance with statutory resale notification requirements remained strong in FY 2005-2006. Information from these notices is researched, entered in a database and transferred to the Attorney General's website for use by consumers as they shop for used motor vehicles. It is also a starting point for determining whether the subsequent buyers of these vehicles received disclosure notices from the sellers. The program has continued to monitor, notify and enforce manufacturer and seller practices in this area.

In 2005, the Legislature amended the Lemon Law to make the RV Mediation/Arbitration Program a permanent part of the statute. This had been a pilot program since 1997. The program provides mediation/arbitration of recreational vehicle disputes by a professional, privately contracted mediation/arbitration firm. The program is funded by the recreation vehicle industry. Qualification and monitoring of the program will continue to be carried out by the Attorney General's Office.

Program: Office of the Attorney General

Trends and Conditions Statement (continued)

The 1997 amendments to the statute that changed how trade-in allowances and the offset for use are calculated, continued to result in reduced recoveries to those consumers having trade-in vehicles with high debt or “lemon” vehicles with high mileage.

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.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

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 has been a top priority of Attorney General Charlie Crist. In 2006, the Office completed an investigation initiated in December 2004 concerning the 1951 murder of civil rights activist and pioneer Harry Moore and his wife Harriette. The 20 month investigation included an extensive document review, the posting of a \$25,000 reward for information leading to the identity of the killers, 100 witness/contact interviews, a complete excavation of the site of the bombing and extensive testing of available physical evidence.

In 2005, the Office focused on developing and prosecuting cases under new amendments to Florida's civil rights act. The historic amendments, signed into law on June 18, 2003, make Florida's Civil Rights Act one of the strongest in the country. Modeled after the federal law, the amendments provide the Florida Attorney General with discretionary jurisdiction similar to the United States Attorney General to commence a civil action for damages, civil penalties, injunctive relief and prevailing party attorneys fees where there is either (1) a pattern or practice of discrimination or, (2) where an individual has been discriminated against and such discrimination raises an issue of great public interest. §760.021(1), Florida Statutes (2003).

Program: Office of the Attorney General Trends and Conditions Statement (continued)

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

Predatory mortgage lending, discrimination in places of public accommodations and housing, and bias prevention remained enforcement priorities in 2006 and the Office filed suit, settled and/or otherwise addressed several cases involving these issues. Examples of recent investigations and cases include:

1. In re: Harry T. and Harriette V. Moore – Attorney General Crist announced the reopening of this unsolved 1951 murder case in December 2004. The Moores were civil rights activists in Florida during the 1930s and 40s and fought for equal salaries for teachers and voting rights for African Americans. They also protested the brutal lynchings of African Americans and police misconduct. In 1951, they were murdered when a bomb was placed under their bedroom in their home in Mims, Florida. Despite numerous investigations by other authorities, the perpetrators have never been identified. The investigation concluded in August 2006 with a detailed report identifying four of the likely participants.

2. Wal Mart – the Office settled another novel complaint involving the accessibility of “POS” machines last year. A POS machine is a payment system with a flat video screen that allows the customer to receive cash back from a purchase. Persons with vision impairments complained they were unable to enter their PIN independently as they could with systems providing raised numbers on the keypad. After extensive investigation and testing of alternative devices, OCR’s settlement with Wal Mart included monetary relief and provisions requiring Wal Mart to replace all of its inaccessible machines.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

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

4. Quinn v Windemere – this was the first housing settlement under the 2003 amendments. The case was filed in Collier County and involved familial status discrimination. It was referred to the Office following a cause finding from the Florida Commission on Human Relations. The Office discovered evidence suggesting that the conduct was part of a pattern and practice of discrimination by the condominium association. The settlement included permanent injunctive relief and changes to the Association’s rules, complaint monitoring, attorneys fees and fines.

5. Grace Connors, et. Al. vs Windley Key – one of the first settlements in the county dealing with allegations of a hostile housing environment. The Complainants were a Hispanic couple of Cuban and Puerto Rican descent. A white neighbor repeatedly harassed them because of their national origin. Windley Key’s managers, who were also residents of the trailer park, participated in the harassment by telling the couple that Hispanics were not welcome at the park and warning them not to sell their home to “any of those Cubans from Miami.”

The Complainants reported the harassment, which included an attempted assault, to the Monroe county police. They eventually sold their home and moved. The case was referred to the Office following a cause finding by the Florida Commission on Human Relations. The settlement included permanent injunctive relief, complaint monitoring, fair housing training, approximately \$22,000.00 in compensatory damages and attorneys fees and costs.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

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

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

7. Best Western Guest Inn - this case involved racial discrimination wherein an African American couple was refused accommodations and told there were no vacancies. A few minutes later, a white couple was told rooms were available. The case was settled for permanent injunctive relief and a \$10,000 donation to Bethune-Cookman College.

8. First Student - this case involved racial discrimination against a group of Muslim school children in Jacksonville. The Office investigated an incident where twenty-five Muslim students were removed from a Duval County school bus by the bus driver while non-Muslim students were driven home. The school students had to walk more than six miles to their homes during the month of Ramadan, when many of the students observe fasting. The case was settled with permanent injunctive relief to include complaint monitoring and policy changes. First student also made a \$10,000 charitable contribution to Communities in Schools, an after school program serving challenged children and schools in Jacksonville.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

Education and Outreach:

The Office created a Jacksonville Bureau of Civil Rights in 2004 to assist with cases in Northern Florida. The Office also publishes the Hate Crime Report annually and conducts training on how to investigate and respond to hate crimes. The program includes extensive training for law enforcement officers throughout the state as well as training for community leaders. The Office has trained more than 200 law enforcement departments throughout the state. The Office expanded its efforts to address hate crimes by initiating investigations of civil rights violations and hate crime activity in schools.

Florida Commission on Human Relations & Fair Housing:

The Office continues to work with the Florida Commission on Human Relations to enforce the provisions of the Florida Fair Housing Act. Attorneys are working on numerous statewide Fair Housing cases. OCR also serves as legal advisor to the Commission in litigating issues relating to the Act on numerous occasions and has facilitated and participated in various educational programs presented by FCHR, HUD and civil rights groups throughout the State.

The types of cases and projects initiated by the Office of Civil Rights are complex and time consuming. Many are very document intensive. Witnesses may be located across the state and/or country. There are presently three full time attorney positions in South Florida (one attorney position is vacant at this time) including the Director, one part time attorney in Jacksonville and one in Tallahassee. There are three support positions – an investigator, paralegal and administrative assistant. A reduction in resources is not recommended as it would impair the Office's ability to enforce civil rights for the State.

The office established a system to identify, review, track, and monitor all state and federal civil cases that meet the criteria for potential interest or impact, based on the inclusion of constitutional issues or issues of great importance to the State of Florida or the Attorney General's Office.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

Solicitor General

The primary responsibility of the Office of the Solicitor General (“OSG”) is to represent the State of Florida in significant litigation affecting the powers, duties, and responsibilities of all branches of state government. The Solicitor General directs, coordinates, and represents the State in cases of constitutional importance before the United States Supreme Court and the Florida Supreme Court, oversees complex civil litigation cases of statewide impact, prepares amicus curiae briefs in support of State policy goals in state and federal appellate court cases, and advises the Attorney General on legal and policy issues affecting the State.

A national trend favors the establishment of a state-level office of Solicitor General, particularly among states that are proactively involved in protecting the interests of their respective states in state and federal courts.

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 teaches one course of approximately 30 students during the Fall and Spring semesters at the College of Law. The Solicitor General’s position as eminent scholar or visiting academic faculty at The Florida State University is subject to the Rules and Regulations of the Florida Board of Education and The Florida State University, as well as the Constitution and Laws of the State of Florida. The OSG also facilitates communication with state agency directors, general counsels, and the Governor’s legal staff to evaluate the progress and policy decisions involving all cases in which the Solicitor General is involved.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

The cases in which the Solicitor General participates, by their nature, have statewide impact. In most instances, the impact of these cases on the public at large is indirect because they involve abstract, but important, constitutional issues such as the distribution of powers between the State and federal governments or among the branches of state government. In some instances, however, the Solicitor General will represent the State where its interests or the interests of its citizens will be directly affected by the outcome of the case. The OSG, which includes the Complex Litigation and Civil Appeals Sections, currently consists of the Solicitor General, eight attorney positions, one administrative position, and five full-time support staff positions and one part-time OPS position. The unit draws assistance from other units of the Attorney General's Office on a case-by-case basis to maximize the range of legal expertise and minimize budgetary impacts. Reduction of staff would negatively impact the Attorney General's ability to focus highly-trained lawyers on the state's most important lawsuits and would greatly reduce the agency's ability to monitor and supervise all civil appeals, complex litigation, amicus curiae cases, and constitutional challenges.

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.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

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

Potential consequences of decreased productivity include:

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

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

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

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

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

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

Cabinet Affairs

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

Program: Office of the Attorney General Trends and Conditions Statement (continued)

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

The General Civil Litigation Division is charged by Section 16.01, Florida Statutes, with providing legal representation at the trial and appellate levels in both state and federal courts on behalf of the state and its agencies, officers, employees, and agents. The Attorney General also has common law duties and responsibilities to protect the public's interest, an obligation the Legislature declared to be in force pursuant to Section 2.01, Florida Statutes.

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

Program: Office of the Attorney General Trends and Conditions Statement (continued)

The division consists of the following bureaus:

Administrative Law Bureau

The Administrative Law Bureau primarily serves as counsel to all professional licensure and disciplinary boards within the Department of Business and Professional Regulation and within the Department of Health; to the Education Practices Commission (Department of Education) and the Board of Funeral, Cemetery and Consumer Services (Department of Financial Services). In addition to these professional licensure boards, the bureau serves as counsel to the Florida Elections Commission, the State Retirement Commission, the Commission for Transportation Disadvantaged (Department of Transportation), and the Wireless 911 Board (Department of Management Services). As Board Counsel, lawyers in this bureau provide advice on the Sunshine Law, Administrative Procedures, rulemaking authority, substantive law issues, and litigate licensure, rule challenge and bid protest cases as well as any resulting appeals.

This bureau also provides prosecutorial services for Emergency Medical Services under the Department of Health and represents the Agency for Persons With Disabilities in defense of adverse actions taken in the Home and Community-Based Services Waiver Programs and the Department of Children and Families in defense of actions taken in Independent Living cases.

Attorneys in this bureau also serve as Hearing Officers in hearings relating to garnishment of wages for collection of student loan debts by the Florida Department of Education. In addition, this bureau litigates licensure, rule challenge, bid protest, and other administrative matters in the Division of Administrative Hearings or before agency Hearing Officers upon the request of other state agencies.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

Child Support Enforcement Bureau

The Child Support Enforcement Bureau represents the Department of Revenue, Child Support Enforcement Division, in judicial and administrative hearings and appeals relating to the establishment and enforcement of paternity and support orders in twenty-one counties, the district courts of appeal, the Florida Supreme Court and the federal system. The bureau also represents the Clerk of Manatee County in child support enforcement cases.

Children's Legal Services Bureau

The Children's Legal Services Bureau was established as a pilot program in Broward County in 1996 and was extended to include Hillsborough and Manatee counties in 1997. The purpose of the program is to provide quality legal services to the Department of Children and Families (DCF) [while independently ensuring the staff works toward the goals and aims of the agency through training and legal counseling.] These CLS bureaus represent the Department of Children and Families and advise all private community-based care providers (i.e., Sheriff's Office; ChildNet, Hillsborough Kids Inc.; YMCA; Community Based Solutions; et al.) who contract with DCF in all dependency and termination of parental rights proceedings, handling the civil prosecution of all child abuse, neglect and abandonment cases in those counties.

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.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

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 is also available to provide representation for the Attorney General, the Governor, the Parole Commission, 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 efforts. 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. Proactively, this bureau provides legal counseling and education to the Department of Corrections on emerging law and issues.

Eminent Domain Bureau

This bureau provides a legal resource for the Governor, Cabinet and other governmental agencies exercising the power of eminent domain to acquire property for public use. 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 advises governmental agencies on the legal requirements for the proper exercise of the eminent domain power, inverse condemnation and legal strategies for minimizing the cost of the litigation.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

The bureau represents the Florida Board of Education (f/k/a State Board of Regents) in the acquisition of land for expansion of state university campuses, the Department of Corrections in the acquisition of land for state correctional facilities, the Board of Trustees of the Internal Improvement Trust Fund in the acquisition of lands for the Conservation and Recreation Lands Program, several districts of the Department of Transportation in the acquisition of lands for transportation facilities, and local governments working on state related acquisitions (i.e. City of Tampa road widening). The bureau also offers a full range of legal services for pre-suit advice, trial litigation and appellate practice.

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.

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 Department of Legal Affairs.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

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. Additionally, this bureau is charged with representing the state in class action civil rights lawsuits. It is the mission of this bureau to resolve these actions as expeditiously as possible so that the business of state government is able to function smoothly and efficiently.

Tampa and Fort Lauderdale/West Palm Beach Civil Litigation Bureaus

The Tampa Civil Litigation and the Fort Lauderdale/West Palm Beach Civil Litigation Bureaus provide defense legal services for state agencies, state officials, and judges, at both the trial and appellate levels, in the following areas of litigation: corrections, employment, tort, and state programs. In addition, the bureau defends 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 includes 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; foreclosures; forfeitures; probate and escheat; 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.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

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 bureau also handles the majority of the civil appeals in-house.

Criminal Division

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

Criminal Appeals

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

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

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

Program: Office of the Attorney General Trends and Conditions Statement (continued)

Capital Appeals

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

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

Program: Office of the Attorney General Trends and Conditions Statement (continued)

Victim Services

The *DIVISION OF VICTIM SERVICES AND CRIMINAL JUSTICE PROGRAMS* is charged with providing services to crime victims and educating the public about crime prevention. Article I, Section 16 of the Florida Constitution establishes the state's inherent responsibility regarding notification and assistance to victims. In addition, legislative intent set forth in Section 960.01, Florida Statutes, establishes the responsibility of the state to provide assistance to crime victims; Section 960.05(2), Florida Statutes, establishes the crime victim services office; and Section 960.21, Florida Statutes, creates the Crimes Compensation Trust Fund to provide funding for delivery of services to crime victims. Other statutory programs administered by the division include:

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

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

Sections 812.171, Florida Statutes – Convenience Business Security

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

During FY 2005-2006, the number of claims received increased by 11 percent (23,300 compared to 21,103 received during FY 2004-2005), and the processing time from receipt of a claim through payment averaged 23.5 work days. This ensures that victims receive expedient assistance during a time of emotional and financial difficulty due to their victimization.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

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

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

During the period July 2005 through June 2006, this office conducted 88 workshops, including 1,890 classroom hours, with 6,042 individuals participating from law enforcement as well as other public and private sectors. This office also conducted 13 ongoing SRO training courses, with attendance by 814 SRO's.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

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

	2005-06	2004-05	2003-04
TIPS RECEIVED	27,164	21,380	23,791
TIPS APPROVED FOR CITIZEN REWARDS	3,072	2,576	2,679
CASES CLEARED	6,969	5,804	5,948
ARRESTS MADE	4,004	3,543	3,911
VALUE OF PROPERTY RECOVERED	\$1,921,944	\$2,464,754	\$1,633,866
VALUE OF NARCOTICS REMOVED FROM THE STREET	\$5,788,970	\$5,131,627	\$7,157,061
DOLLAR VALUE OF REWARDS TO CITIZENS	\$625,654	\$629,550	\$648,315

Although it could be argued that a substantial amount has been spent on administrative costs, these statistics show that the unified effort by these programs, as a result of grant monies, has had a significant impact on crime in Florida. Consider these highlights:

Florida Association of Crime Stoppers, Inc., and Central Florida CrimeLine Program, Inc., joined with Attorney General Charlie Crist in an attempt to solve the 51-year-old murders of civil rights pioneers Harry T. Moore and his wife, Harriet Moore. A \$25,000 reward was offered to help generate information that may be used to help solve this case.

Program: Office of the Attorney General Trends and Conditions Statement (continued)

Treasure Coast Crime Stoppers increased the number of tips received during the second quarter by 131 percent, with 20 arrests during January 2006.

Southwest Florida Crime Stoppers received a tip that led to a major drug arrest and seizure of more than \$100,000 in heroin.

A tip received by Crime Stoppers Council of Broward County led to the arrest of a double murder suspect who had been on the run for nearly three years.

In March 2006 a Crime Stoppers tip led Sunrise detectives to a private residence where narcotics transactions were taking place. One suspect was arrested; over 400 grams of cocaine valued at \$21,000.00, and U.S. currency in the amount of \$12,458.00, were confiscated.

A tip to Crime Stoppers led Fort Lauderdale Police detectives to the identity and location of a suspect wanted for murder in the State of Alabama.

Polk County Crime Stoppers, d/b/a Heartland Crime Stoppers introduced cold case playing cards into local jails and have solved at least one cold case from information received as a result of these playing cards.

While the reduction of monies available to award to the crime stopper organizations in the counties will not terminate this program, it will impede its growth in those counties where no program currently exists as well as the expansion of already existing programs. This program should continue to be funded as a result of these impressive statistics and because of the protection it offers the citizens of Florida as these criminals continue to be taken off the streets.

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 FY 2001-01	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
119	90	90	90	90	90

Objective 1B: Maintain substantial caseload of complex investigations

Outcome: Total inventory of drug cases

Baseline/Year FY 2001-01	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
338	250	250	275	275	300

Program: Office of Statewide Prosecution Goals and Objectives (continued)

Goal #2: Effectively prosecute multi-circuit crime

Objective 2A: Maintain substantial caseload of complex prosecutions

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

Baseline/Year FY 2001-01	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
729	600	600	625	625	625

Objective 2B: Seek effective case results

Outcome: Number of defendants convicted

Baseline/Year FY 2001-01	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
410	355	355	375	375	375

Outcome: Conviction Rate

Baseline/Year FY 2001-01	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
90%	90%+	90%+	90%+	90%+	90%+

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

Program: Office of Statewide Prosecution Trends and Conditions Statement

Mission

The Office of Statewide Prosecution is charged by Section 16.56, Florida Statutes, with the responsibility to investigate and prosecute multi-circuit criminal activity and to assist state and local law enforcement in their efforts to combat organized crime. Organized criminal activity that crosses judicial circuit boundaries exists in many forms and victimizes many citizens of Florida. The Office utilizes the police-prosecutor team approach with many statewide and local law enforcement agencies, in order to systematically attack organized crime. In addition to proactive enforcement, the Office also utilizes educational and legislative approaches in the prevention of organized criminal activity on the premise that crime can be effectively addressed through proactive enforcement, education, and environmental or programmatic design.

Planning/Accountability

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

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

Program: Office of Statewide Prosecution Trends and Conditions Statement (continued)

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

Priorities

The priorities of the Office are: (1) Medicaid and other health care fraud;(2)Computer crimes (including child pornography, fraud, and intrusions;(3)Identity theft;(4)Other white collar crime (including government contract fraud, insurance fraud, securities fraud, fraud against the elderly); and(5)Narcotics trafficking, money laundering, and associated violent crimes.

Additionally, the Office will continue to call for empanelment of Statewide Grand Juries on issues requiring both comprehensive statutory review and criminal investigation and prosecution. For example, from 2001 to 2002, the Statewide Prosecutor served as the legal advisor to the Sixteenth Statewide Grand Jury which focused on the growing threat of ID Theft. The Sixteenth Statewide Grand Jury resulted in proposed legislation to strengthen Florida's ID Theft laws, and 19 indictments against 89 defendants. In 2003, at Governor Jeb Bush's request, this Office impaneled the Seventeenth Statewide Grand Jury to investigate allegations of adulterated prescription drugs being sold in Florida by wholesalers who were failing to verify their authenticity and effectiveness. The Seventeenth Statewide Grand Jury concluded its work in late 2004, after proposing legislative action to protect the safety of Florida's prescriptions drugs and returning indictments against a total of 19 defendants for crimes associated with prescription drugs. The Florida legislature subsequently enacted many of these recommendations, and today Florida has the toughest prescription drug "pedigree" laws in the nation.

Program: Office of Statewide Prosecution Trends and Conditions Statement (continued)

Major Prosecutorial Efforts

1. Health Care Fraud

The investigation and prosecution of those who commit health care fraud remains a priority for the Office of Statewide Prosecution. This 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 2004-05, Florida spent approximately \$15 billion on Medicaid, and this represented approximately 25% of the State's total general revenue expenditures. (It should be noted that since Florida's share of the program is only 41%, and the federal share of Medicaid expenditures is 59%, the true annual cost to the people of Florida is significantly higher than \$15 billion.) 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.

It is clear that when the Office of Statewide Prosecution was established by the Legislature in 1986, one of the intended missions of the Office was the investigation and prosecution of Medicaid fraud and other fraud upon the government. This conclusion is supported by Section 409.920(8)(d), Florida Statutes, which provides that the Medicaid Fraud Control Unit shall report all potential criminal violations to the Office of Statewide Prosecution or to the appropriate State Attorney Office for prosecution. Accordingly, this Office accepts and prosecutes all Medicaid fraud cases that fall within our jurisdiction.

Program: Office of Statewide Prosecution Trends and Conditions Statement (continued)

The Office is currently handling a total of 53 criminal filed cases or investigations involving Medicaid fraud. In addition, we are pursuing another 27 cases involving other types of health care fraud. In 2005, the Office achieved convictions in 14 health care fraud cases, involving 27 defendants who were sentenced to substantial terms of state prison and probation, and ordered to pay \$4.5 million in restitution to the Florida Agency for Health Care Administration (“AHCA”), as well as \$3.1 million to other victims and \$263,000 for costs of investigation.

One recent notable success involving non-Medicaid health care fraud was the racketeering information filed against the principals of TRG Marketing, LLC. The defendants marketed an unauthorized, self-insured health plan to the citizens of Florida and 43 other states, claiming the plan was exempt from the licensing and certification requirements. The insurance plan, however, was substantially under-funded and the company failed to pay millions of dollars in unpaid claims. Over 7,000 Floridians were left without health insurance. Florida, through the Office of Statewide Prosecution, was the only state to prosecute this enterprise under criminal laws, and in June 2005 the two principals pled guilty to racketeering or conspiracy to commit racketeering, as well as multiple counts of unlawful transactions of insurance. The defendants were sentenced to State prison terms and were ordered to pay \$2.9 million to the victims.

The Medicaid fraud cases prosecuted by the Office of Statewide Prosecution in 2005 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; 6) Using the fraudulent sale of a pharmacy to bill Medicaid for prescriptions that were never issued or filled; and 6) Fraudulent dispensation of prescription drugs not based on sound medical diagnoses.

Program: Office of Statewide Prosecution Trends and Conditions Statement (continued)

It should be noted that the Office of Statewide Prosecution has been presented with several challenges in the last two years in the investigation and prosecution of Medicaid cases. Historically, the Office has used the Medicaid Fraud statute itself (Section 409.920, Florida Statutes) where appropriate to prosecute offenders defrauding the Medicaid program. In late 2004, however, in *Harden v. State*, 873 So.2d 352, the Third District Court of Appeal raised an obstacle to the State using Section 409.920. In that case, the Medicaid Fraud Control Unit brought a criminal case against Harden, alleging violations of the Medicaid Anti-Kickback Law [Section 409.920(2)(e), Florida Statutes]. The Third District adopted a lower court's ruling that the definition of "willfully" used in the statute deprived the defendant of due process because non-intentional conduct could arguably be punished as criminal. That reduced burden of intent was lower than the federal Medicaid fraud burden, and the Third District held that it thus violated the Florida Constitution. The Florida Supreme Court subsequently upheld this decision.

While the *Harden* decision at the Third District was being appealed to the Florida Supreme Court, the Legislature quickly changed the existing definition of "willfully" to meet the Third District's objections. Since July 1, 2004, new cases have been governed by a new definition that clearly states that to be punished criminally an act must be done "...voluntarily and intentionally and not because of mistake or accident...with the specific intent to do something the law forbids and that the act was committed with bad purpose either to disobey or discredit the law." Thus there should be no problem in using Section 409.920, Florida Statutes, to prosecute offenders for offenses occurring after July 1, 2004.

2. Computer Crime Prosecutions

The Office continues to handle an array of computer crime cases. Among these are the distribution of child pornography, on-line solicitation of minors for sexual purposes, communications fraud, intellectual property crimes, Internet identity theft, and fraud cases. In 2005, successful OSWP prosecutions included, for example, two jury trial convictions of Walter Ludwig Hammel, resulting in his imprisonment for 40 years. Hammel had solicited an undercover officer for sex while believing that the officer was a young boy.

Program: Office of Statewide Prosecution Trends and Conditions Statement (continued)

In 2005, the Office, through its technical expertise and input, 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. These efforts resulted in the creation of the Attorney General's Child Predator CyberCrime Unit. Since its inception in August 2005, the Child Predator CyberCrime Unit has focused upon the investigation and apprehension of those who prey on-line upon our youth, resulting in over 27 filed cases as of September 2006. Further, the bureau chief of the Attorney General's Child Predator CyberCrime Unit accumulated expertise in computer crime investigations and prosecutions as an Assistant Statewide Prosecutor and still serves in that specially-designated capacity.

Attorneys and financial analysts with the Office often assist other law enforcement agencies and prosecutors on computer related investigations and prosecutions, and, in 2005 OSWP personnel assisted with the training of law enforcement personnel and the public on how to prevent and investigate computer-related and technology-assisted crimes. Prosecutors with the Office attended numerous computer related training classes such as: the Florida Prosecuting Attorneys Association's "Internet Predator's Seminar," a seminar on "Protecting Children On-line," the "Electronic Crime Seminar" sponsored by the U.S. Secret Service, the U.S. Postal Service's "Identity Theft Seminar," and the "Computer Based I.D. Theft" seminar sponsored by the National Association of Attorneys General.

Representatives from the Office participate with the Secret Service's Miami Electronic Crimes Task force, South Florida's Law Enforcement Against Child Harm Task Force (LEACH), and Jacksonville's FBI CyberCrime Task Force and network with the North Florida Internet Crimes Against Children Task Force and Tallahassee's and Orlando's InfraGard chapters.

The Office has also partnered with NetSmartz, the Boys and Girls Clubs, and the Florida Board of Education to create and implement a curriculum for children and a program for parents to help keep children safe on the Internet. A NetSmartz link is included on the Attorney General's webpage, <http://www.myfloridalegal.com>.

Program: Office of Statewide Prosecution Trends and Conditions Statement (continued)

3. Identity Theft Prosecutions

In 1998, this Office drafted and pursued the sponsorship and passage of legislation to criminalize the act of identity theft in Florida. As a result, Section 817.568, Florida Statutes, became law on July 1, 1999. Section 817.568, F.S., criminalizes the use of another person's personal identifying information as defined in the statute.

Currently, Florida 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 exceed 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 2005, the Office handled a total of 146 identity fraud cases with 36 defendants being sentenced to a total of 92.68 years in prison, more than 1,429 days in county jail, and 179 years probation with over \$9,603,205 in criminal financial damages. Identity theft is the fastest growing crime in Florida and the United States, and the number of such cases accepted by this Office grew substantially in 2005. They are expected to continue to grow.

Program: Office of Statewide Prosecution Trends and Conditions Statement (continued)

The Office continues to focus on cases involving multiple defendants or multiple victims, and in 2005 a number of defendants received minimum mandatory state prison sentences pursuant to the 2003 amendments to the identity theft statute described above.

For example, in one case, the defendant was convicted at trial of two counts of identity theft for obtaining a drivers license in the victim's name and then obtaining two mortgages on the victim's real property. One was for \$350,000 and the other was a \$2.3 million mortgage. On November 17, 2005, this defendant received a sentence of 15 years in state prison on each count, together with minimum mandatory sentences of 10 years, to be served consecutively. The victim's losses were limited to her attorney's fees, but the Attorney's Title Insurance Fund incurred the remainder of the losses.

Another defendant, who was prosecuted for identity theft and racketeering for obtaining credit cards in hundreds of victims' names, was sentenced to 10 years in state prison. However, based on additional criminal conduct he engaged in prior to this conviction, the Office charged him again with racketeering and identity theft for opening two private schools and enrolling students while obtaining "McKay" scholarships from the Department of Education. The evidence indicates that no actual schools existed, and the identities of the students and their parents were stolen. These two examples are representative of the types of identity theft offenses being prosecuted, which also include cases involving check cashing schemes, credit card schemes, employees "skimming" customers' personal identification information through the use of electronic devices, employees stealing customers' or other employees' personal identification information, mailbox thieves, and even dumpster divers.

In October 2003, Attorney General Crist also created new online information on the Office of the Attorney General's website in order to help victims of identity theft and to provide information on how to avoid becoming a victim of identity theft. This information includes an "Identity Theft Victim Kit" and can be found under the "Identity Theft Resource and Response Center," which can be obtained at <http://www.myfloridalegal.com>.

Program: Office of Statewide Prosecution Trends and Conditions Statement (continued)

Since September 2002, there have been 2,685 identity theft related complaints received from the general public. Many of these were received by the Attorney General's new "866-9-No-Scam" hotline designed to detect and prosecute fraud.

In 2002, by virtue of a federal Victims of Crime Act (VOCA) grant, the Office created a victims' advocate position dedicated solely to victims of identity theft. The victims of identity theft are often left as emotionally devastated as are victims of violent crime, and it often requires hundreds of hours to rebuild their financial reputations. This was believed to be the first such identity theft victims advocate in Florida, and in FY 2003-2004, the Office employed two such dedicated identity theft victims advocates in our Orlando office. These two victims advocates, together with several criminal financial analysts, have assisted many of the victims referenced above in organizing their case histories, having their cases presented to law enforcement, and taking the necessary steps to regain their credit histories. The Office plans to continue the work being done by the victims advocates.

In 2005, the victims advocate provided fifteen presentations to service providers including banking institutions, colleges, retirement communities, and professional groups and organizations throughout Florida where many victims of identity theft were identified and assisted.

4. Narcotics Prosecutions

The Office handled 72 new cases involving narcotics and other dangerous drugs during 2005, filing 44 cases against 151 defendants. These cases targeted the trafficking of heroin, cocaine, methamphetamine, GBL, ecstasy (MDMA), marijuana, anabolic steroids, and prescription pain killers such as oxycontin and hydrocodone.

In 2002, the "Stone Cold Task Force" was created in South Florida to study prescription drug diversion and fraud, and its work formed the basis for the Seventeenth Statewide Grand Jury's two reports in 2003 regarding the safety of prescription drugs in Florida.

Program: Office of Statewide Prosecution Trends and Conditions Statement (continued)

Office members of Stone Cold continue to prosecute and help further investigate the distribution of prescription drugs with false “pedigree papers” (proof of origin and proper manufacture), including several additional arrests made this year. This task force continues to work with state and federal agencies on a national level, and in 2005 its work resulted in the arrests of over a dozen individuals in Florida, Texas, New York, New Hampshire, Missouri, and Puerto Rico, as well as the seizure of several million dollars.

The Office works closely with regional Diversion Response Teams (DRTs) which target prescription drug trafficking. Many of those cases involve a component of Medicaid fraud as well. Prescription drugs are being paid for by the Medicaid program but are not going to recipients in need, and are instead being resold in the black market. In July 2005, a DRT case resulted in the arrest of the owner of a local Miami pharmacy chain, together with his wife and two sons, and 18 others who operated and profited from the sales of pharmaceutical drugs, including the synthetic opiate Hydrocodone, to persons who placed their orders over the Internet. This case is being prosecuted by this Office and is the largest known state prosecution of its kind. It resulted from Assistant Statewide Prosecutors working closely with task force members from the Florida Department of Law Enforcement, the Attorney General’s Medicaid Fraud Control Unit, the Florida Department of Health, and the U.S. Drug Enforcement Administration.

Sentences obtained by the Office in cases involving narcotics and other dangerous drugs totaled 1,720 years in prison and 276 years of probation in 2005. Financial obligations ordered in these cases totaled \$132,989 in costs of investigation and prosecution, and \$1.8 million in fines.

Assistant Statewide Prosecutors participated in and provided training in narcotics investigation and prosecution to law enforcement personnel and other prosecutors, including drug gangs 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.

Program: Office of Statewide Prosecution Trends and Conditions Statement (continued)

In 2005 the Office also began providing legal support and expertise to the Attorney General's campaign to organize a Florida DEC-Meth ("Drug Endangered Children-Methamphetamine") Alliance. This Alliance will serve to provide law enforcement services and support to children abused and neglected by and through the manufacture and use of methamphetamine and is targeted to assist those parts of the State particularly hard-hit by the increase in methamphetamine trafficking.

Legislative Initiatives

During 2004-2005, the Attorney General's Office of Statewide Prosecution worked closely with the Legislature and other stakeholders to maintain and improve Florida's laws concerning high-tech crime and identity theft. For example, the Office assisted in drafting HB 481/SB 284 (which became law as LOF 2005-229), which created multiple new identity theft crimes in section 817.568, Florida Statutes. These new crimes include preventing identity thieves from using information from deceased persons to commit identity theft, preventing identity thieves from using counterfeit or fictitious information to defraud victims, and providing police with a new tool to break up identity theft rings by allowing minimum mandatory prison sentences to be waived by the prosecutor when ID thieves assist in the prosecution of their co-conspirators. This bill also protected consumers from having their personal identification information lost or stolen from businesses without the consumer's knowledge by enacting tough, new laws requiring that any possessor of a consumer's personal identification information that becomes aware of a breach in security endangering consumers' personal identification information must notify the affected consumers of the breach within 45 days, or be subject to stiff monetary penalties, beginning at \$1,000 per day for failing to disclose the breach to consumers, and rising to \$500,000 if the breach is not disclosed within 6 months.

In addition to these successful legislative efforts, the Office assisted the efforts of the Attorney General and the Office of Drug Control Policy to fight efforts to weaken Florida's prescription drug pedigree laws originally suggested by the Sixteenth Statewide Grand Jury and passed in LOF 2003-155.

Program: Office of Statewide Prosecution Trends and Conditions Statement (continued)

As a result, the majority of Florida's pedigree papers requirements went into effect on July 1, 2006, and will protect consumers from the possibility of having unwholesome drugs sold to them. These pedigree paper requirements remain the toughest in the United States.

This Office also assisted the Attorney General in drafting legislation which sought to revise the procedures under which probation violators with violent crime convictions are handled. Under the proposed legislation, any forcible felony violator arrested for a probation violation could not be released or placed back on probation without a finding by the court that the violator is not a danger to the community. In 2005 this legislation made it through most of the process, but died on the calendar.

During the 2005 legislative session, the Office assisted in crafting legislation that would increase the ability of prosecutors to aggregate multiple instances of drug sales into more serious drug trafficking crimes. The bill would also provide that courts throughout the state could take into account the source of bond funds to make sure that only legally obtained monies are used to bond out accused drug dealers. The bill also would have reversed the statutory presumption of release on non-monetary conditions where an arrestee was already out on bond for a drug sales offense, and would have created a new minimum mandatory sentence for situations where a drug dealer has been twice convicted of a drug sales offense and is arrested for another. These bills have not yet passed, but the Office will continue to work on these new provisions.

Finally, the Office of Statewide Prosecution has drafted legislation of two additional bills that it intends to pursue in future legislative sessions. One bill amends Florida's money laundering laws to make it clear that prosecutions may either aggregate money laundering offenses into more serious charges, or prosecute each act of money laundering separately. The second proposed bill would create a criminal RICO forfeiture law in Florida similar to the Federal law. This would allow both the criminal prosecution and civil forfeiture action to proceed together, instead of current Florida law which requires two separate legal actions.

Program: Office of Statewide Prosecution Trends and Conditions Statement (continued)

Participation in Anti-Terrorist Task Forces

The Office continues to participate in the multi-agency anti-terrorist task forces created after September 11, 2002, and is called upon to provide such assistance as advice on jurisdiction and authority, evidence analysis, interpretations of existing laws, and recommendations for statutory changes.

Achievements

The Office of Statewide Prosecution has taken a statewide and national lead on the investigation and prosecution of prescription drug diversion and fraud. This includes work through the 17th Statewide Grand Jury in 2003-04 that led to indictments against 19 defendants and the drafting of legislation that strengthened the Department of Health's regulatory power, imposed tougher licensing requirements on drug wholesalers, and required pedigree papers on all prescription drugs by July 1, 2006. This legislation was subsequently passed into law through the leadership of the Attorney General. The Office also filed one of the largest Internet Pharmacy cases in the nation in 2005.

The Office has also renewed its efforts to fight all fraud against the citizens of Florida, with health care fraud being the top target. By working closely with the Attorney General's Medicaid Fraud Control Unit, the Office has continued its aggressive efforts against Medicaid fraud. The Office has also developed a leadership role in the prosecution of Identity Theft, and continues to investigate and prosecute organized criminal enterprises engaged in Identity Theft.

In 2005, the Office of Statewide Prosecution focused on crime involving the use of the Internet to prey on children, and has dramatically increased the number of child predator and child pornography prosecutions, in partnership with the Attorney General's Child Predator CyberCrime Unit.

Over the past several years, the Office has improved working relationships with the 20 State Attorney's offices and the three United State Attorney's offices in Florida.

Program: Office of Statewide Prosecution Trends and Conditions Statement (continued)

Also, the Office of Statewide Prosecution has strengthened working relationships with the major white collar crime law enforcement agencies, including the Florida Department of Law Enforcement (FDLE), the Division of Insurance Fraud, the Office of Financial Regulations, the Department of Highway Safety and Motor Vehicles, the Department of Agriculture, and the Medicaid Fraud Control Unit, as well as many major Federal law enforcement agencies. Additionally, the Office continues to work with, and respond to requests for assistance from over 75 local law enforcement agencies each year.

Prosecutors and financial analysts from the Office are sought as trainers by many state and national organizations. The Office's Identity Theft victim advocates continue to assist hundreds of victims in repairing their financial reputation each year, and are often invited to address groups of consumers throughout the State.

The annual conviction rate consistently exceeds the legislatively imposed goal of 90%, due to increased emphasis on making correct initial charging decisions.

These trends are expected to continue through 2012.

Appendices

GLOSSARY

- **Attorney General Opinions:** Section 16.01, F.S. provides that the Attorney General shall provide official opinions and legal advice on questions of law from designated public officials.
- **Antitrust:** Refers to laws and regulations designed to protect trade and commerce from unfair business practices which adversely impact the citizens of the state.
- **Cabinet:** The Florida Cabinet is created in Art. 1V, Section 4, Florida Constitution. The Cabinet is composed of an elected secretary of state, attorney general, comptroller, treasurer, commissioner of agriculture and commissioner of education. On January 7, 2003, the composition of the Florida Cabinet changes pursuant to Constitutional amendment. The Florida Cabinet, along with Florida's Governor, sit as the head of several state agencies, commissions and boards.
- **Child Support Enforcement:** Refers to the Child Support Enforcement Division of the Florida Department of Revenue charged with the administration of the child support enforcement program, Title IV-D of the Social Security Act, 42 U.S.C. ss. 651 et seq.
- **Churning:** The practice of using life insurance policy or contract annuity values to purchase another policy or contract with the same insurer for the purpose of earning additional premiums, fees, commissions, or other compensation.
- **Children's Legal Services:** a division within the Attorney General's Office.
- **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:** s. 68.081 - 68.09, F.S. The purpose of the Act is to deter persons from knowingly causing or assisting in causing state government to pay claims that are false.

GLOSSARY

- **Florida Civil Rights Act:** Refers to ch. 760, Florida Statutes. The Act's general purposes are to secure for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status and thereby to protect their interest in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights, and privileges of individuals within the state.
- **Florida Crimes Compensation Act:** Pursuant to ch. 960, F. S., provides that innocent victims of crime who, as a result of the crime, suffer physical, financial, mental or emotional hardship may be eligible to receive aid, care, and support from the state.
- **Florida Deceptive and Unfair Trade Practices Act:** s. 501.201 - 501.213, F.S. Purpose of the Act is to protect the consuming public and legitimate businesses from those who engage in unfair methods, or unconscionable, deceptive or unfair acts or practices in the conduct of any trade or commerce.
- **Government in the Sunshine Law:** Commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings at both the state and local levels. See s. 286.011, F.S. and Article I, s. 24, Florida Constitution.
- **Hate Crimes:** Incidents of criminal acts that evidence of prejudice based on race, religion, ethnicity, color, ancestry, sexual orientation, or national origin. (see s.877.19, F.S.)
- **Lemon Law:** Refers to the provisions of ch. 681, F.S., providing remedies to a consumer whose new motor vehicle (referred to as a "lemon") has defects which cannot be brought into conformity with the warranty provided.
- **Lemon Law Arbitration Program:** An unit within the Attorney General's Office.
- **New Motor Vehicle Arbitration Board:** Pursuant to s. 681.1095, the board is established within the Department of Legal Affairs and appointed by the Attorney General to arbitrate disputes between consumers and automobile manufacturers and/or dealers.

GLOSSARY

- **Price Gouging**: Refers to practices prohibited in s. 501.160, F.S., during a declared state of emergency. Practices include the “unconscionable” increase in sale price or rental cost of goods, services, dwelling units, and other specified commodities during a declared state of emergency. The increase is generally deemed “unconscionable” if the amount charged represents a gross disparity between the increased price and that which was charged during the 30 days immediately prior to the declaration of a state of emergency.
- **Public Records Law**: Refers to state policy that all state, county and municipal records shall be open for personal inspection by any person in accordance with ch. 119, F.S.
- **Pyramid Scheme**: A sales or marketing plan whereby a person makes an investment in excess of \$100 and acquires the opportunity to receive a benefit, not based on quantity of goods or services sold, but by inducing additional persons to participate and invest in the same sales or marketing plan.
- **Racketeering Activity**: Means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit a series of crimes as enumerated in s.895.02, F.S.
- **Solicitor General**: Office created in conjunction with the Florida State University College of Law. The Solicitor General represents and advises the Attorney General on complex constitutional issues before the Florida Supreme Court and the United States Supreme Court.
- **Statewide Prosecutor**: The position of Statewide Prosecutor is created in Article IV, Section 4(c), Florida Constitution. The Statewide Prosecutor is appointed by the Attorney General and has jurisdiction to prosecute violations of criminal laws occurring or having occurred in two or more judicial circuits.
- **Sovereign Immunity**: Refers to the doctrine, originated in common law, that prohibits suits against the government without the government’s consent.
- **Victims of Crime Advocacy**: Victims grant program. Funds are awarded by the United States Department of Justice to the Office of the Attorney General, as the agency designated to administer the grants to local victim services programs.

ACRONYMS

- AHCA Agency for Health Care Administration
- APD Adult Protective Division
- CLS Children's Legal Services
- 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/k/a Formerly known as
- 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
- KKK Ku Klux Klan
- L.O.F. Laws of Florida

ACRONYMS

- LEACH Law Enforcement Against Child Harm
- MDMA Methylenedioxymethamphetamine
- 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
- PIN Personal Identification Number
- RICO Racketeer Influenced and Corrupt Organization
- RV Recreational Vehicle
- SRO School Resource Officer
- SWGJ Statewide Grand Jury
- YMCA Young Men's Christian Association
- VOCA Victims of Crime Act

Exhibits

Exhibit I

**(No submission will
be provided)**

Exhibit II

LRPP Exhibit II - Performance Measures and Standards

Department: DEPARTMENT OF LEGAL AFFAIRS AND ATTORNEY GENERAL

41100000 Program: Office of Attorney General

41100100 Civil Enforcement

Approved Performance Measures for FY 2006-07 (Words)	Approved Prior Year Standard FY 2005-06 (Numbers)	Prior Year Actual FY 2005-06 (Numbers)	Approved Standards for FY 2006-07 (Numbers)	Requested FY 2007-08 Standard (Numbers)
Percent of mediated open government cases resolved in 3 weeks or less	70%	78%	70%	70%
Percent of lemon law cases resolved in less than one year	90%	100%	95%	95%
Percent of clients expressing satisfaction with civil enforcement legal services	95%	TBD*	95%	95%
Number of open government cases handled	100	121	100	100
Percent of open government disputes resolved through mediation	75%	75%	75%	75%
Number of repurchase disclosure/enforcement cases	2,000	3,538	2,000	2,000
Number of active lemon law cases	1,425	1,169	1,300	1,300
Number of active antitrust cases	62	77	62	62
Number of active economic crime cases, including consumer and RICO cases	242	215	242	208
NEW - Number of active cybercrime cases	N/A	N/A	N/A	50
Number of active Medicaid Fraud cases	900	1,766	900	1,000
Number of hearings held before the court- Children's Legal Services	32,000	38,268	32,000	32,000
Number of active ethics cases	33	125	120	120
Number of active child support enforcement	65,000	62,366	65,000	65,000
Number of active civil rights cases	38	58	38	38

41100200 Constitutional Legal Services

LRPP Exhibit II - Performance Measures and Standards

Department: DEPARTMENT OF LEGAL AFFAIRS AND ATTORNEY GENERAL

Approved Performance Measures for FY 2006-07 (Words)	Approved Prior Year Standard FY 2005-06 (Numbers)	Prior Year Actual FY 2005-06 (Numbers)	Approved Standards for FY 2006-07 (Numbers)	Requested FY 2007-08 Standard (Numbers)
Number of days for opinion response	28	28	28	28
Percent of clients expressing satisfaction with constitutional legal services	95%	TBD*	95%	95%
Number of opinions issued	200	249	150	175
Number of active Solicitor General cases	390	498	390	390
Number of active civil appellate cases	N/A	480	300	300

41100300 Criminal and Civil Litigation Defense

Approved Performance Measures for FY 2006-07 (Words)	Approved Prior Year Standard FY 2005-06 (Numbers)	Prior Year Actual FY 2005-06 (Numbers)	Approved Standards for FY 2006-07 (Numbers)	Requested FY 2007-08 Standard (Numbers)
Percent of clients expressing satisfaction with criminal and civil legal defense services	95%	TBD*	95%	95%
Total fees and costs expended for legal services with private outside counsel	TBD	N/A	TBD	Delete
Percentage of State of Florida legal services conducted, private v. public	TBD	N/A	TBD	Delete
Salaries, benefits, and costs of in-house legal units for each state agency	TBD	N/A	TBD	Delete
Number of capital cases - briefs/state & federal responses/oral arguments	200	219	200	200
Number of noncapital cases - briefs/state & federal responses/oral arguments	19,000	19,547	19,000	19,000
Number of active sexual predator commitment appeals	175	215	150	150

LRPP Exhibit II - Performance Measures and Standards

Department: DEPARTMENT OF LEGAL AFFAIRS AND ATTORNEY GENERAL

Number of active eminent domain cases	1,456	1,276	1,000	1,000
Number of active tax cases	1,373	1,270	1,200	1,200
Number of active civil appellate cases	323	1,399	323	1,000
Number of active inmate cases	1,651	2,524	1,651	2,500
Number of active state employment cases	113	306	113	113
Number of active tort cases	395	278	200	Delete

41100400 Victim Services

Approved Performance Measures for FY 2006-07 (Words)	Approved Prior Year Standard FY 2005-06 (Numbers)	Prior Year Actual FY 2005-06 (Numbers)	Approved Standards for FY 2006-07 (Numbers)	Requested FY 2007-08 Standard (Numbers)
Number of victim compensation claims received	21,000	23,300	21,000	23,500
Number of days from application to payment of victim compensation claim	58	33	45	45
Number of victims served through grants	200,000	231,358	200,000	200,000
Number of people attending victims and crime prevention training	5,000	6,042	4,750	5,000

41100500 Executive Direction and Support Services

Approved Performance Measures for FY 2006-07 (Words)	Approved Prior Year Standard FY 2005-06 (Numbers)	Prior Year Actual FY 2005-06 (Numbers)	Approved Standards for FY 2006-07 (Numbers)	Requested FY 2007-08 Standard (Numbers)
Of eligible attorneys, percent who have attained rating, BV rating, and or board certification	70%	69%	70%	70%

41200000 Program: Office of Statewide Prosecution

LRPP Exhibit II - Performance Measures and Standards

Department: DEPARTMENT OF LEGAL AFFAIRS AND ATTORNEY GENERAL

41200100 Prosecution of Multi-Circuit Organized Crime

Approved Performance Measures for FY 2006-07 (Words)	Approved Prior Year Standard FY 2005-06 (Numbers)	Prior Year Actual FY 2005-06 (Numbers)	Approved Standards for FY 2006-07 (Numbers)	Requested FY 2007-08 Standard (Numbers)
Conviction rate for defendants who reached final disposition	90%	98%	90%	90%
Of the defendants who reached disposition, the number of those convicted	391	337	391	350
Number of law enforcement agencies assisted	75	91	75	80
Total number of active cases, excluding drug cases	650	832	650	700
Total number of active drug related multi-circuit organized criminal cases	275	346	275	290

*** 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.**

Exhibit III

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

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

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
70%	78%	8%	11%

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: Technology advances in communications expedited information exchange.

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 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: Outcome – Percent of Lemon Law Cases Resolved In Less Than One Year

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
90%	100%	10%	10%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation: The expeditious resolution of arbitration cases is legislatively mandated and is a top priority of the Lemon Law Arbitration Program. A change to increase the standard upward to 95% as of the 2006-2007 fiscal year has been approved.

External Factors (check all that apply):

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

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

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

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

Recommendations:

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 – 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	121	21	21%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input 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%	75%	0%	0%

Factors Accounting for the Difference: N/A

Internal Factors (check all that apply):

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

External Factors (check all that apply):

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

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
2,000	3,538	1,538	77%

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

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

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

Recommendations:

No recommendations 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
1,425	1,169	(256)	(18%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | |
| <input 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 requested and received approval to revise this standard from 1,425 to 1,300 to reflect expected caseload as of fiscal year 2006-2007.

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	77	15	24%

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.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

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

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
242	215	(27)	(11%)

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:

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

External Factors (check all that apply):

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

Explanation:

During FY 2005-06, Economic Crimes continued to handle a significant load of price gouging complaints (2,061 as of late September 2005) due to a prior active hurricane season.

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

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

Recommendations:

Requesting an decrease in Standard to 208 to more suitably gauge the performance of this measure.

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 |
| <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 2007-2008.

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	1,766	866	104%

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

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.

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	38,268	6,268	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 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 Problems | <input type="checkbox"/> Technological |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input type="checkbox"/> Other (Identify) |
| <input 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):

Training

Technology

Personnel

Other (Identify)

Recommendations: No recommendation 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/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
33	125	92	279%

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, only those cases with probable cause were considered active cases. As of FY 2004-2005, the program captured all non-probable cause ethics violations as active cases and the number of active ethics cases increased. An increase to raise the standard for this measure to 120 was approved for FY 2006-2007. In FY 2006-2006 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.

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:

- | | |
|---|--|
| <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
65,000	62,366	(2,634)	(4%)

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:

During FY 2005-2006, 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):

- | | |
|------------------------------------|---|
| <input type="checkbox"/> Training | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> 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	58	20	53%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

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.

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	28	0	0%

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 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
200	249	49	24%

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. A revision to the standard of 175 for the fiscal year 2007-2008 would more accurately reflect the number of Informal/formal opinion requests only.

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:

That the standard for this measure be adjusted upward to 175 to more accurately reflect the measure number.

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	498	108	28%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

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
New Measure for 2006-2007	480	N/A	N/A

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:

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	219	19	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:

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	19,547	547	3%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

N/A

External Factors (check all that apply):

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

Explanation:

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:

- | | |
|---|--|
| <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
175	215	40	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 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
1,456	1276	(180)	(12%)

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:

Eminent Domain Bureau work staff decreased from 41 positions in FY 04/05 to 32 positions at the beginning of FY 05/06. The approved standard was decreased to 1,000 as of FY 2006-2007.

External Factors (check all that apply):

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

Explanation: Cases are received from the Florida Department of Transportation and other condemners contracted with by the Eminent Domain Bureau. In the fiscal year 2006-2007, it is expected that the Eminent Domain Bureau will fall below 1,000 cases. Currently, 600 cases are pending for the Department of Environmental Protection (DEP) and the Bureau has no new cases for the Department for at least 18 months. These 600 cases are projected to be settled or taken to trial in the next year. 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.

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
1,373	1270	(103)	(8%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

External Factors (check all that apply):

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

Explanation: The number of 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 and should remain in place.

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 Civil Appellate 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
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:

It is recommended that the Standard for this measure be decreased to 1,000.

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 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
1,651	2,524	873	53%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

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. The program desires to increase the Standard to 2,500.

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: That this standard be increased to 2,500 for FY 2007-2008 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: 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	306	193	170%

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 for FY 2008 - 2009.

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
395	278	(117)	(30%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

External Factors (check all that apply):

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

Explanation: The reduction in the standards for this measure is due to the decision of the Department of Financial Services, Division of Risk Management, to refer these type cases to private counsel rather than to the Office of the Attorney General. 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: That, since the Tort Bureau no longer exists, this measure and standard be removed.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services/Victim Compensation

Measure: Outcome – Number of Victim Compensation Claims Received

Action:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input 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
21,000	23,300	2,300	11%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

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

External Factors (check all that apply):

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

Explanation:

Workload volume is outside the control of the agency. 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):

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

Recommendations:

Management requests an increase from the measure's current standard of 21,000 to 23,500 for the fiscal year 2007-2008 to more accurately gauge performance.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs
Program: Office of the Attorney General
Service/Budget Entity: Victim Services/Victim Compensation
Measure: Outcome – Number of Days From Application to Payment of Victim Compensation Claim

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
58	33	25	43%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

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

External Factors (check all that apply):

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

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

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

Recommendations:

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	231,358	31,358	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:

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 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
5,000	6,042	1,042	21%

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):

- Training
- Personnel

- Technology
- Other (Identify)

Recommendations:

Management requests an increase from the measure's 2006-2007 fiscal year Standard of 4,750 to 5,000 for the fiscal year 2007-2008 to more accurately gauge performance.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

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

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
70%	68.6%	1.4%	2%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

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

External Factors (check all that apply):

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

Explanation:

Management Efforts to Address Differences/Problems

- | | |
|------------------------------------|---|
| <input type="checkbox"/> Training | <input type="checkbox"/> Technology |
| <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 – 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%	98%	8%	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 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.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Department of Legal Affairs

Program: Office of the Attorney General

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

Measure: Output – Number of Law Enforcement Agencies Assisted

Action:

- | | |
|---|---|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <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
75	91	16	21%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Recommendations:

That this standard be increased to 80 for FY 2007-2008 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:

- | | |
|---|---|
| <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
650	832	182	28%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

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

External Factors (check all that apply):

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

That this standard be increased to 700 for FY 2007-2008 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	346	71	26%

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:

That the Standard be adjusted upward to 290 to provide a more appropriate gauge for the performance of this measure.

Exhibit IV

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Civil Enforcement/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 increase Standard from 242 to 208.
- 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.

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

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 high probability of reliability.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

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

Measure: Output – Number of Active CyberCrime Cases

Action (check one):

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

Data Sources and Methodology:

The Child Predator CyberCrime Unit, created by *Section 16.61, Florida Statutes*, authorizes the Office of Attorney General to investigate violations of state law pertaining to the sexual exploitation of children that are facilitated by or connected to the use of any device capable of storing electronic data. Investigators employed by the CyberCrime Office are certified in accordance with s. [943.1395](#) as law enforcement officers of the state and have authority to conduct criminal investigations, bear arms, make arrests, and apply for, serve, and execute search warrants, arrest warrants, capias, and all necessary service of process throughout the state. Using the Internet or related media, Investigators conduct undercover investigations of crimes involving child sexual exploitation and luring, and of creation, possession or distribution of child pornography. CPCU members consist of both law enforcement and attorneys who respectively assist federal and local agencies with Internet crimes against children investigations and assist with or pursue prosecuting the individuals arrested. A case is opened when evidence of a crime has been discovered by an undercover Investigator, or received as a referral from another agency and the opening of a case is authorized by the supervision Lieutenant. Information related to cases is entered into the CyberCrime Database by each Investigator. Case information is reviewed monthly by the Director and this measure will be reported on a quarterly basis. Oversight of cases is provided by supervisory review of the data on the CyberCrime Case Tracking Database. All case information is contained in the confidential database and is reviewed by the appropriate supervisor at all critical stages of the investigation such as the initial report, search warrant, arrest, prosecution or referral and case closure.

A case is considered active if it is on-going during the reporting period. The measure is a count of the total number of active CyberCrime cases between July 1 and June 30.

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

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

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 (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
Request to increase Standard from 900 to 1,000.
- Requesting new measure.
- Backup for performance measure not previously approved or for which validity, reliability and/or methodology information has not been provided.

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.

The measure is a count of the total number of Medicaid Fraud cases between July 1 and June 30.

Data Sources and Methodology:

Referrals by the Agency for Health Care Administration and citizen complaints concerning fraud in the administration of the Medicaid program, medical assistance or in the activities of providers of health care initiate a Medicaid Fraud investigation and are entered into the Lotus Notes Case Tracking Database and open a case. A case is closed once the Investigative Closing Report and Closed Case Profile is received which demonstrates a filed complaint, when a settlement agreement is reached or when the case is deemed to be unsubstantiated.

The number of active cases are compiled as follows:

1. Cases opened in the reporting period and remaining active the entire time period.
2. Cases opened prior to the reporting period and remaining active after the time period.
3. Cases opened in the reporting period and closed during the reporting period.
4. Cases opened prior to the reporting period and closed during the reporting period.

The Data Source is the Lotus Notes Case Tracking Database. The Investigator Supervisor is responsible for running the report on a quarterly and annual basis.

Each quarter the Investigator Supervisor verifies and reconciles the report. The numbers have historically been provided to the Audit Manager for inclusion on the final OIG report.

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

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Constitutional Legal Services/Opinions

Measure: Output – Number of Opinions Issued

Action (check one):

- Requesting revision to approved performance measure.
Requesting revision of standard from 150 to 175.
- 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.

Previous standards were based on a large volume of consumer correspondence that Opinions used to handle for what has now become Citizen Services. That assistance is no longer provided on a regular basis. A new standard based strictly on Informal and Formal AG opinions and that would provide a more accurate gauge of the unit's current workload.

Data Sources and Methodology:

Opinions are requested by the:

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

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

The measure count is the total number of opinions issued between July 1 through July 31.

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

The 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.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation Defense

Measure: Output – Number of Active Civil Appellate Cases

Action (check one):

- Requesting revision to approved performance measure.
- Requesting an adjustment of standard from 323 to 1,000.
- 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.

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.

The number of active appeals has increased due largely 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 to provide a better gauge for performance of this measure.

Data Sources and Methodology:

Active civil appellate cases pending in state or federal courts. Lawsuits referred to the Department that are pending in State or Federal Courts: DOAH, PERC, EEOC; or Florida commission of Human Relations.

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

The measure count is the total number of active civil appellate cases between July 1 and June 30.

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

Validity:

The request for a revised standard is logical in that it accounts for civil appellate cases handled by the Criminal and Civil Litigation Defense program separately from those currently handled by the Solicitor General. There is a clear definition of the cases and the data collected. The formula to be used to calculate the measure is expected to be consistent with the definition. The measure is well-documented, clear and specific. There is a high probability of validity.

Reliability:

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

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Criminal and Civil Litigation Defense

Measure: Output – Number of Active Inmate Cases

Action (check one):

- Requesting revision to approved performance measure.
Requesting an adjustment of standard from 1,651 to 2,500.
- 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.

As a result of the case Schmidt v. Crusoe, 878 So.2d 361, the number of cases being referred to the Office of the Attorney General for representation of the Department of Corrections increased in the prior period of assessment and is expected to continue to increase. Revising this standard upward will provide a better gauge of performance.

Data Sources and Methodology:

Lawsuits referred to the Department that are pending in State or Federal Courts: DOAH, PERC, EEOC; or Florida commission of Human Relations.

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

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

The handling attorney reviews data entered by the Assistant. The Section Chief verifies the handling of attorney's data. All data entry is reviewed and compiled by the Lotus Notes Coordinator before generating statistical reports. Data errors are corrected as identified. Previous testing of automated records indicated sufficient controls in place to assure data accuracy. Data reliability is assured by comparison of court records to case tracking records within the program. An active civil litigation defense case is a valid indicator of workload. The data measured is reported quarterly and annually.

The Office of Inspector General interviewed program staff and reviewed information previously 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 to be used to calculate the measure is expected to be 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

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

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

Measure: Output – Number of Active Tort Cases

Action (check one):

- Requesting revision to approved performance measure.
Request that this measure be deleted.
- 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.

The reduction in the standards for this measure is due to the decision of the Department of Financial Services, Division of Risk Management, to refer these type cases to private counsel rather than to the Office of the Attorney General. 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.

Data Sources and Methodology:

Non-Applicable.

Validity:

Non-Applicable

Reliability:

Non-Applicable

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

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 (check one):

- Requesting revision to approved performance measure.
Requesting an adjustment of standard from 21,000 to 23,500.
- 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.

Increased claims are a result of heightened awareness of the victim compensation program and the longevity of operations and efficiency of victims' services programs.

Data Sources and Methodology:

Victim Compensation claims are received in the daily mail and via facsimile directly from victims or via victim advocates. Support staff complete a criminal history (FCIC) check on the claimant and manually enter claim information from the application and supplemental documentation (i.e., law enforcement reports, bills, employment reports) into the Lotus Notes based Victim Assistance Network (VAN), then forward the application and supporting documentation to be scanned into the SIRE imaging system. Program analysts are notified via e-mail on a daily basis listing the claims that have been assigned to them for review and eligibility determination. The program analysts review the claim via the SIRE system and determine eligibility. If all eligibility requirements have been met and it is determined that bills are crime related, the program analyst will authorize payment for 66% of the bill. Each day a benefit payment record (BPR) is generated for all payments authorized. The BPR is signed by the Division Director and forwarded to Finance and Accounting (F&A), who electronically voucher the payments through the Comptroller's Office. A Voucher Schedule is received daily from F&A which lists the payments that have been uploaded from the BPR. Staff receives a weekly electronic payment upload Excel file from F&A via e-mail. The Comptroller's Office issues the warrants, which are returned to and mailed by F&A staff. There is a time period of 7-10 days between when the program authorizes payment and when it receives notification from F&A that the warrants (payments) have been mailed to the payees. The Department's Information Technology (IT) staff run queries and generates reports for the program upon request. Each quarter, victims' staff request reports to be generated for the current quarter, calendar year-to-date, fiscal year-to-date, and federal fiscal year-to-date. Statistics from these reports are used for reporting

quarterly performance information to the Inspector General's Office to compile into a management report and for completing the federal performance report required by the U.S. Department of Justice, Office for Victims of Crime. The Office of Inspector General interviewed program staff and reviewed information provided by management in evaluating the validity and reliability of the performance measure.

Validity:

There is a clear definition of the cases and the data collected. The formula to be used to calculate the measure appears 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 performed and controls reported by management should allow for data correction and enhance reliability. This measure has a moderate to high probability of reliability

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Department of Legal Affairs

Program: Office of the Attorney General

Service/Budget Entity: Victim Services/Victim Compensation

Measure: Outcome – Number of People Attending Victims and Crime Prevention Training

Action (check one):

- Requesting revision to approved performance measure.
Requesting an adjustment of standard from 4,750 to 5,000.
- 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.

The Florida Crime Prevention Training Institute (FCPTI) is the sole source provider of some law enforcement training. Federal funding became available which enabled law enforcement officers who would not otherwise have been able to attend to participate in the conference.

Data Sources and Methodology:

Registrations to attend victims and crime prevention training are received from individuals in the mail and via facsimiles. Upon receipt of each registration, the Staff Assistant or Administrative Assistant enter the name, course and contact information into the Florida Crime Prevention Training Institute (FCPTI) Excel spreadsheet and print out a registration form for the Training Specialist. When preparing to lead a class the Training Specialist compares his/her registration forms with the class roster produced from the FCPTI to identify any duplicates or discrepancies. Walk-ins are accepted for these classes with a registration form filled out on site that is later used as a billing invoice. After each class is held, the Training Specialist forwards course completion data from training and class rosters to the administrative staff who enter it into the FCPTI. The approximate period of time from the completion of each class to the completing entry into the FCPTI is approximately ten days. The spreadsheet has formulas built in that are used to calculate the data needed for statistical reporting. Information is obtained for reporting monthly, quarterly and annually through an Excel query. This measure is governed by F.S. 16.54 and internal procedures.

This measure is a count of the number of individuals attending FCPTI training programs from July 1 through June 30.

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

Validity:

There is a clear definition of the unit and collection system. The calculation of the measure is consistent with the definition. The measure is documented, clear and specific. There is a high probability of validity.

Reliability:

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

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 nor 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 SWP 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.

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 75 to 80.
- 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:

This measure counts the total number of primary and secondary law enforcement agencies assisted in a case during the period July 1 through June 30.

A law enforcement Request For Assistance (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 Office of Inspector General talked with program staff and reviewed information 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.

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.

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 290
- 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 (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. 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.

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

Exhibit V

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

Measure Number	Approved Performance Measures for FY 2006-07 (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 Child Support Enforcement Antitrust RICO - Consumer Commission on Ethics Prosecutions Open Government Mediation Health Care/Medicaid Fraud Children's Legal Services 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
Measure Number	Approved Performance Measures for FY 2006-07 (Words)		Associated Activities Title
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
43	Ratio of active cases to attorneys		Prosecutions of violations of the Florida Elections Code
44	Conviction rate where the Commission has found probable cause		Prosecutions of violations of the Florida Elections Code
45	Percent of cases that are closed within 12 months		Prosecutions of violations of the Florida Elections Code

Office of Policy and Budget – July, 2006

Exhibit VI

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL		FISCAL YEAR 2005-06			
SECTION I: BUDGET		OPERATING		FIXED CAPITAL OUTLAY	
TOTAL ALL FUNDS GENERAL APPROPRIATIONS ACT			167,983,632	0	
ADJUSTMENTS TO GENERAL APPROPRIATIONS ACT (Supplementals, Vetoes, Budget Amendments, etc.)			2,903,682	0	
FINAL BUDGET FOR AGENCY			170,887,314	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		1,169	1,362.05	1,592,240	
Child Support Enforcement * Number of final orders obtained representing the Department of Revenue in child support enforcement proceedings.		62,366	114.47	7,139,175	
Antitrust * Number of cases enforcing provisions of the Antitrust Act		77	32,820.91	2,527,210	
Racketeer Influenced And Corrupt Organization (rico) Consumer Fraud * Cases enforcing the Racketeer Influenced and Corrupt Act and Unfair and Deceptive Trade Practices Act.		215	45,507.81	9,784,180	
Commission On Ethics Prosecutions * Number of cases prosecuted before the Florida Commission on Ethics		125	2,347.21	293,401	
Open Government Mediation * Number of cases settled or mediated		121	1,773.51	214,595	
Medicaid Fraud Control * Number of cases investigated involving Medicaid fraud activities		1,766	10,189.38	17,994,452	
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	218.16	8,348,397	
Civil Rights * Number of cases investigated and prosecuted involving violations of civil rights		58	13,541.64	785,415	
Solicitor General * Number of cases		567	3,004.20	1,703,379	
Opinions * Number of Opinions Issued		249	2,044.29	509,028	
Cabinet Support Services * Number of Cabinet Meetings		20	16,244.60	324,892	
Eminent Domain * Cases representing the Department of Transportation and other government agencies in eminent domain proceedings.		1,276	1,923.26	2,454,080	
Sexual Predator Civil Commitment Appeals * Number of cases		128	1,738.30	222,503	
Non-capital Criminal Appeals * Number of cases - non-capital appellate litigation		18,390	680.32	12,511,018	
Capital Appeals * Number of cases - capital appellate litigation		315	7,759.38	2,444,205	
Administrative Law * Number of cases		2,492	1,036.27	2,582,390	
Tax Law * Number of cases enforcing, defending and collecting tax assessments		1,270	1,098.58	1,395,197	
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	4,578.94	9,226,561	
Grants-victims Of Crime Advocacy * Number of victims served through grants.		231,358	83.41	19,298,314	
Victim Notification * Number of appellate services provided		6,818	481.34	3,281,748	
Victim Compensation * Number of victim compensation claims paid		23,300	1,062.21	24,749,567	
Minority Crime Prevention Programs * Number of crime prevention programs assisted		5	980,407.60	4,902,038	
Grants-crime Stoppers * Number of crime stopper agencies assisted		28	139,392.46	3,902,989	
Crime Prevention/Training * Number of people attending training		6,042	106.47	643,321	
Investigation And Prosecution Of Multi-circuit Organized Crime-drugs * Annual volume of investigations handled		337	105.38	35,513	
Investigation And Prosecution Of Multi-circuit Organized Crime * Annual volume of investigations handled/financial assessments		832	8,142.27	6,774,365	
Prosecution Of Violations Of The Florida Election Code * Number of prosecutions handled.		274	4,416.80	1,210,205	
TOTAL				146,850,378	
SECTION III: RECONCILIATION TO BUDGET					
PASS THROUGHS					
TRANSFER - STATE AGENCIES					
AID TO LOCAL GOVERNMENTS					
PAYMENT OF PENSIONS, BENEFITS AND CLAIMS					
OTHER					
REVERSIONS				24,037,378	
TOTAL BUDGET FOR AGENCY (Total Activities + Pass Throughs + Reversions) - Should equal Section I above. (4)				170,887,756	

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.

IUCSSP03 LAS/PBS SYSTEM
BUDGET PERIOD: 1997-2008
STATE OF FLORIDA

SP 09/28/2006 13:47
SCHED XI: AGENCY-LEVEL UNIT COST SUMMARY
AUDIT REPORT LEGAL AFFAIRS/ATTY GENERAL

ACTIVITY ISSUE CODES SELECTED:

TRANSFER-STATE AGENCIES ACTIVITY ISSUE CODES SELECTED:

1-8:

AID TO LOCAL GOVERNMENTS ACTIVITY ISSUE CODES SELECTED:

1-8:

TOTALS FROM SECTION I AND SECTIONS II + III:

DEPARTMENT: 41	EXPENDITURES	FCO
FINAL BUDGET FOR AGENCY (SECTION I):	170,887,314	
TOTAL BUDGET FOR AGENCY (SECTION III):	170,887,756	
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DIFFERENCE:	442-	
(MAY NOT EQUAL DUE TO ROUNDING)	=====	=====