

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CIVIL ENFORCEMENT | | | | 41100100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| SALARY RATE | | | | 000000 |
| SALARY RATE..... | 26,577,879 | | | |
| ===== | | | | |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND | | | | 1000 1 |
| -STATE | 696,682 | | | |
| -MATCH | 3,948,602 | | | 1000 2 |
| TOTAL GENERAL REVENUE FUND | 4,645,284 | | | 1000 |
| ===== | | | | |
| CRIMES COMPENSATION TF | | | | 2149 1 |
| -STATE | 241,582 | | | |
| ===== | | | | |
| FEDERAL GRANTS TRUST FUND | | | | 2261 3 |
| -FEDERL | 11,551,904 | | | |
| -RECPNT | 394,457 | | | 2261 9 |
| TOTAL FEDERAL GRANTS TRUST FUND | 11,946,361 | | | 2261 |
| ===== | | | | |
| LEGAL SERVICES TRUST FUND | | | | 2438 1 |
| -STATE | 11,159,498 | | | |
| ===== | | | | |
| LEGAL AFFAIRS REVOLVING TF | | | | 2439 1 |
| -STATE | 7,068,430 | | | |
| ===== | | | | |
| MOTOR VEHICLE WARRANTY TF | | | | 2492 1 |
| -STATE | 1,449,892 | | | |
| ===== | | | | |
| OPERATING TRUST FUND | | | | 2510 1 |
| -STATE | 739,514 | | | |
| ===== | | | | |
| TOTAL POSITIONS..... | 605.00 | | | |
| TOTAL APPRO..... | 37,250,561 | | | |
| ===== | | | | |
| OTHER PERSONAL SERVICES | | | | 030000 |
| GENERAL REVENUE FUND | | | | 1000 1 |
| -STATE | 23,184 | | | |
| -MATCH | 66,220 | | | 1000 2 |
| TOTAL GENERAL REVENUE FUND | 89,404 | | | 1000 |
| ===== | | | | |
| FEDERAL GRANTS TRUST FUND | | | | 2261 3 |
| -FEDERL | 125,709 | | | |
| ===== | | | | |
| LEGAL SERVICES TRUST FUND | | | | 2438 1 |
| -STATE | 240,834 | | | |
| ===== | | | | |
| MOTOR VEHICLE WARRANTY TF | | | | 2492 1 |
| -STATE | 85,512 | | | |
| ===== | | | | |

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CIVIL ENFORCEMENT | | | | 41100100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | <u>1203.00.00.00</u> |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| OTHER PERSONAL SERVICES | | | | 030000 |
| TOTAL APPRO..... | 541,459 | | | |
| EXPENSES | | | | 040000 |
| GENERAL REVENUE FUND | | | | |
| -STATE | 217,394 | | | 1000 1 |
| -MATCH | 596,614 | | | 1000 2 |
| TOTAL GENERAL REVENUE FUND | 814,008 | | | 1000 |
| CRIMES COMPENSATION TF | | | | |
| -STATE | 29,466 | | | 2149 1 |
| FEDERAL GRANTS TRUST FUND | | | | |
| -FEDERL | 1,757,876 | | | 2261 3 |
| -RECPNT | 71,912 | | | 2261 9 |
| TOTAL FEDERAL GRANTS TRUST FUND | 1,829,788 | | | 2261 |
| LEGAL SERVICES TRUST FUND | | | | |
| -STATE | 1,825,200 | | | 2438 1 |
| LEGAL AFFAIRS REVOLVING TF | | | | |
| -STATE | 5,539 | | | 2439 1 |
| MOTOR VEHICLE WARRANTY TF | | | | |
| -STATE | 427,384 | | | 2492 1 |
| OPERATING TRUST FUND | | | | |
| -MATCH | 7,830 | | | 2510 2 |
| TOTAL APPRO..... | 4,939,215 | | | |
| OPERATING CAPITAL OUTLAY | | | | 060000 |
| GENERAL REVENUE FUND | | | | |
| -STATE | 10,592 | | | 1000 1 |
| -MATCH | 101,939 | | | 1000 2 |
| TOTAL GENERAL REVENUE FUND | 112,531 | | | 1000 |
| FEDERAL GRANTS TRUST FUND | | | | |
| -FEDERL | 305,816 | | | 2261 3 |
| LEGAL SERVICES TRUST FUND | | | | |
| -STATE | 520,700 | | | 2438 1 |
| LEGAL AFFAIRS REVOLVING TF | | | | |
| -STATE | 51,938 | | | 2439 1 |

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CIVIL ENFORCEMENT | | | | 41100100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| OPERATING CAPITAL OUTLAY | | | | 060000 |
| MOTOR VEHICLE WARRANTY TF -STATE | | 44,114 | | 2492 1 |
| TOTAL APPRO..... | | 1,035,099 | | |
| SPECIAL CATEGORIES | | | | 100000 |
| ACQUISITION/MOTOR VEHICLES | | | | 100021 |
| GENERAL REVENUE FUND -MATCH | | 53,927 | | 1000 2 |
| FEDERAL GRANTS TRUST FUND -FEDERL | | 203,551 | | 2261 3 |
| TOTAL APPRO..... | | 257,478 | | |
| ANTITRUST INVESTIGATIONS | | | | 100119 |
| LEGAL AFFAIRS REVOLVING TF-STATE | | 1,479,256 | | 2439 1 |
| CONTRACTED SERVICES | | | | 100777 |
| GENERAL REVENUE FUND -STATE | | 66,529 | | 1000 1 |
| GENERAL REVENUE FUND -MATCH | | 5,450 | | 1000 2 |
| TOTAL GENERAL REVENUE FUND | | 71,979 | | 1000 |
| FEDERAL GRANTS TRUST FUND -FEDERL | | 144,731 | | 2261 3 |
| LEGAL SERVICES TRUST FUND -STATE | | 719,580 | | 2438 1 |
| MOTOR VEHICLE WARRANTY TF -STATE | | 74,281 | | 2492 1 |
| TOTAL APPRO..... | | 1,010,571 | | |
| ECONOMIC CRIME LITIGATION | | | | 101020 |
| LEGAL AFFAIRS REVOLVING TF-STATE | | 5,153,230 | | 2439 1 |

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CIVIL ENFORCEMENT | | | | 41100100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| SPECIAL CATEGORIES | | | | 100000 |
| RISK MANAGEMENT INSURANCE | | | | 103241 |
| GENERAL REVENUE FUND | -STATE | 14,242 | | 1000 1 |
| GENERAL REVENUE FUND | -MATCH | 32,101 | | 1000 2 |
| TOTAL GENERAL REVENUE FUND | | 46,343 | | 1000 |
| FEDERAL GRANTS TRUST FUND | -FEDERL | 101,080 | | 2261 3 |
| LEGAL SERVICES TRUST FUND | -STATE | 138,708 | | 2438 1 |
| LEGAL AFFAIRS REVOLVING TF | -STATE | 87,335 | | 2439 1 |
| MOTOR VEHICLE WARRANTY TF | -STATE | 9,740 | | 2492 1 |
| TOTAL APPRO..... | | 383,206 | | |
| SALARY INCENTIVE PAYMENTS | | | | 103290 |
| GENERAL REVENUE FUND | -STATE | 37,171 | | 1000 1 |
| GENERAL REVENUE FUND | -MATCH | 32,554 | | 1000 2 |
| TOTAL GENERAL REVENUE FUND | | 69,725 | | 1000 |
| CRIMES COMPENSATION TF | -STATE | 5,920 | | 2149 1 |
| FEDERAL GRANTS TRUST FUND | -FEDERL | 97,661 | | 2261 3 |
| TOTAL APPRO..... | | 173,306 | | |
| TR/DMS/HR SVCS/STW CONTRCT | | | | 107040 |
| GENERAL REVENUE FUND | -STATE | 34,687 | | 1000 1 |
| GENERAL REVENUE FUND | -MATCH | 23,543 | | 1000 2 |
| TOTAL GENERAL REVENUE FUND | | 58,230 | | 1000 |
| FEDERAL GRANTS TRUST FUND | -FEDERL | 78,310 | | 2261 3 |
| FEDERAL GRANTS TRUST FUND | -RECPNT | 3,208 | | 2261 9 |

| | COL A03 | COL A04 | COL A05 | |
|--|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CIVIL ENFORCEMENT | | | | 41100100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| SPECIAL CATEGORIES | | | | 1000000 |
| TR/DMS/HR SVCS/STW CONTRCT | | | | 107040 |
| TOTAL FEDERAL GRANTS TRUST FUND | 81,518 | | | 2261 |
| ===== | | | | |
| LEGAL SERVICES TRUST FUND -STATE | 71,343 | | | 2438 1 |
| ===== | | | | |
| LEGAL AFFAIRS REVOLVING TF-STATE | 36,078 | | | 2439 1 |
| ===== | | | | |
| MOTOR VEHICLE WARRANTY TF -STATE | 9,762 | | | 2492 1 |
| ===== | | | | |
| TOTAL APPRO..... | 256,931 | | | |
| ===== | | | | |
| SALARIES/BENEFIT-ARRA 2009 | | | | 109995 |
| FEDERAL GRANTS TRUST FUND -FEDERL | 204,349 | | | 2261 3 |
| ===== | | | | |
| DATA PROCESSING SERVICES | | | | 210000 |
| TRC - DMS | | | | 210010 |
| LEGAL AFFAIRS REVOLVING TF-STATE | 7,448 | | | 2439 1 |
| ===== | | | | |
| OTHER DATA PROCESSING SVCS | | | | 210014 |
| GENERAL REVENUE FUND -MATCH | 12,483 | | | 1000 2 |
| FEDERAL GRANTS TRUST FUND -FEDERL | 35,000 | | | 2261 3 |
| LEGAL SERVICES TRUST FUND -STATE | 192,081 | | | 2438 1 |
| ----- | | | | |
| TOTAL APPRO..... | 239,564 | | | |
| ===== | | | | |
| TOTAL: ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| TOTAL POSITIONS..... | 605.00 | | | |
| TOTAL ISSUE..... | 52,931,673 | | | |
| TOTAL SALARY RATE..... | 26,577,879 | | | |
| ===== | | | | |

| | COL A03 | COL A04 | COL A05 | |
|-----------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CIVIL ENFORCEMENT | | | | 41100100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| CASUALTY INSURANCE PREMIUM | | | | |
| ADJUSTMENT | | | | 1001090 |
| SPECIAL CATEGORIES | | | | 100000 |
| RISK MANAGEMENT INSURANCE | | | | 103241 |
| GENERAL REVENUE FUND -STATE | | 5,576- | | 1000 1 |
| FEDERAL GRANTS TRUST FUND -FEDERL | | 12,163- | | 2261 3 |
| LEGAL SERVICES TRUST FUND -STATE | | 16,690- | | 2438 1 |
| LEGAL AFFAIRS REVOLVING TF-STATE | | 10,509- | | 2439 1 |
| MOTOR VEHICLE WARRANTY TF -STATE | | 1,172- | | 2492 1 |
| TOTAL APPRO..... | | 46,110- | | |
| ADJUSTMENT TO STATE HEALTH | | | | |
| INSURANCE PREMIUM CONTRIBUTION - | | | | 1002000 |
| FISCAL YEAR 2009-10 | | | | 010000 |
| SALARIES AND BENEFITS | | | | |
| GENERAL REVENUE FUND -STATE | | 880 | | 1000 1 |
| -MATCH | | 4,985 | | 1000 2 |
| TOTAL GENERAL REVENUE FUND | | 5,865 | | 1000 |
| CRIMES COMPENSATION TF -STATE | | 302 | | 2149 1 |
| FEDERAL GRANTS TRUST FUND -FEDERL | | 14,819 | | 2261 3 |
| -RECPNT | | 498 | | 2261 9 |
| TOTAL FEDERAL GRANTS TRUST FUND | | 15,317 | | 2261 |
| LEGAL SERVICES TRUST FUND -STATE | | 14,066 | | 2438 1 |
| LEGAL AFFAIRS REVOLVING TF-STATE | | 8,910 | | 2439 1 |
| MOTOR VEHICLE WARRANTY TF -STATE | | 1,827 | | 2492 1 |
| OPERATING TRUST FUND -STATE | | 930 | | 2510 1 |
| TOTAL APPRO..... | | 47,217 | | |

| | COL A03 | COL A04 | COL A05 | |
|--|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CIVIL ENFORCEMENT | | | | 41100100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| NONRECURRING EXPENDITURES | | | | 2100000 |
| AMERICAN RECOVERY AND REINVESTMENT | | | | |
| ACT OF 2009 | | | | 2103056 |
| SALARIES AND BENEFITS | | | | 010000 |
| FEDERAL GRANTS TRUST FUND -FEDERL | 204,349- | | | 2261 3 |
| RESTORE CRIMES COMPENSATION TRUST | | | | |
| FUND AUTHORITY | | | | 2103057 |
| SALARIES AND BENEFITS | | | | 010000 |
| CRIMES COMPENSATION TF -STATE | 240,636- | | | 2149 1 |
| EXPENSES | | | | 040000 |
| CRIMES COMPENSATION TF -STATE | 29,466- | | | 2149 1 |
| SPECIAL CATEGORIES | | | | 100000 |
| SALARY INCENTIVE PAYMENTS | | | | 103290 |
| CRIMES COMPENSATION TF -STATE | 5,920- | | | 2149 1 |
| TOTAL: RESTORE CRIMES COMPENSATION TRUST | | | | 2103057 |
| FUND AUTHORITY | | | | |
| TOTAL ISSUE..... | 276,022- | | | |
| RESTORE TRUST FUND AUTHORITY | | | | 2103058 |
| SALARIES AND BENEFITS | | | | 010000 |
| OPERATING TRUST FUND -STATE | 739,514- | | | 2510 1 |

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CIVIL ENFORCEMENT | | | | 41100100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| NONRECURRING EXPENDITURES | | | | 2100000 |
| REALIGNMENT OF APPROPRIATION | | | | |
| CATEGORIES FOR THE AMERICAN | | | | |
| RECOVERY AND REINVESTMENT ACT OF | | | | |
| 2009 - DEDUCT | | | | 2103059 |
| SALARIES AND BENEFITS | | | | 010000 |
| FEDERAL GRANTS TRUST FUND -FEDERL | | 204,349 | | 2261 3 |
| ===== | | ===== | | ===== |
| REALIGNMENT OF APPROPRIATION | | | | |
| CATEGORIES FOR THE AMERICAN | | | | |
| RECOVERY AND REINVESTMENT ACT OF | | | | |
| 2009 - ADD | | | | 2103060 |
| SPECIAL CATEGORIES | | | | 100000 |
| SALARIES/BENEFIT-ARRA 2009 | | | | 109995 |
| FEDERAL GRANTS TRUST FUND -FEDERL | | 204,349- | | 2261 3 |
| ===== | | ===== | | ===== |
| ANNUALIZATION OF ADMINISTERED | | | | |
| FUNDS APPROPRIATIONS | | | | 26A0000 |
| ADJUSTMENT TO STATE HEALTH | | | | |
| INSURANCE FOR FY 2009-10 - 10 MONTH | | | | |
| ANNUALIZATION | | | | 26A1200 |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND | -STATE | 4,400 | | 1000 1 |
| GENERAL REVENUE FUND | -MATCH | 24,925 | | 1000 2 |
| TOTAL GENERAL REVENUE FUND | | 29,325 | | 1000 |
| ===== | | ===== | | ===== |
| CRIMES COMPENSATION TF | -STATE | 1,510 | | 2149 1 |
| FEDERAL GRANTS TRUST FUND | -FEDERL | 74,095 | | 2261 3 |
| FEDERAL GRANTS TRUST FUND | -RECPNT | 2,490 | | 2261 9 |
| TOTAL FEDERAL GRANTS TRUST FUND | | 76,585 | | 2261 |
| ===== | | ===== | | ===== |
| LEGAL SERVICES TRUST FUND | -STATE | 70,330 | | 2438 1 |
| LEGAL AFFAIRS REVOLVING TF | -STATE | 44,550 | | 2439 1 |
| MOTOR VEHICLE WARRANTY TF | -STATE | 9,135 | | 2492 1 |
| ===== | | ===== | | ===== |

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CIVIL ENFORCEMENT | | | | 41100100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| ANNUALIZATION OF ADMINISTERED | | | | |
| FUNDS APPROPRIATIONS | | | | 26A0000 |
| ADJUSTMENT TO STATE HEALTH | | | | |
| INSURANCE FOR FY 2009-10 - 10 MONTH | | | | |
| ANNUALIZATION | | | | 26A1200 |
| SALARIES AND BENEFITS | | | | 010000 |
| OPERATING TRUST FUND -STATE | | 4,650 | | 2510 1 |
| | ===== | ===== | ===== | |
| TOTAL APPRO..... | | 236,085 | | |
| | ===== | ===== | ===== | |
| AMERICAN RECOVERY AND REINVESTMENT | | | | |
| ACT OF 2009 | | | | 40S0000 |
| INCREASE AUTHORITY FOR THE | | | | |
| AMERICAN RECOVERY AND REINVESTMENT | | | | |
| ACT OF 2009 | | | | 40S0300 |
| SPECIAL CATEGORIES | | | | 100000 |
| STATE OPERATIONS-ARRA 2009 | | | | 109910 |
| | | | | |
| FEDERAL GRANTS TRUST FUND -FEDERL | | 19,000 | | 2261 3 |
| | ===== | ===== | ===== | |
| SALARIES/BENEFIT-ARRA 2009 | | | | 109995 |
| | | | | |
| FEDERAL GRANTS TRUST FUND -FEDERL | | 204,349 | | 2261 3 |
| | ===== | ===== | ===== | |
| TOTAL: INCREASE AUTHORITY FOR THE | | | | 40S0300 |
| AMERICAN RECOVERY AND REINVESTMENT | | | | |
| ACT OF 2009 | | | | |
| TOTAL ISSUE..... | | 223,349 | | |
| | ===== | ===== | ===== | |

AGENCY ISSUE NARRATIVE:

2010-2011 BUDGET YEAR NARRATIVE:

IT COMPONENT? NO

The Internet Crimes Against Children (ICAC) Task Force Program was established by Congress to support state and local law enforcement agencies that investigate and arrest internet predators and offenders engaging in the distribution of child pornography. Through the American Recovery and Reinvestment Act of 2009, Florida's ICAC Task Force Program was provided \$2.4 million. Through these funds, the Office of the Attorney General (OAG) (a member of the ICAC) received funding to support four Governmental Analyst positions to be assigned to the Child Predator CyberCrime Unit(CPCU). Authorization for these funds was approved by the Legislature in the FY 2009-10 General Appropriations Act. However, the appropriation was made non-recurring. This issue requests the continuation of these positions for a second year.

| | COL A03 | COL A04 | COL A05 | |
|---|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CIVIL ENFORCEMENT | | | | 41100100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 | | | | 40S0000 |
| INCREASE AUTHORITY FOR THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 | | | | 40S0300 |

In order to continue to utilize federal stimulus funds through the Internet Crimes Against Children (ICAC) Task Force Program, the Department of Legal Affairs is requesting \$204,349 trust authority in the Federal Grants Trust Fund, Salary and Benefits-ARRA 2009 and \$19,000 State Operations-ARRA 2009. These positions are assigned to the Milton, Orlando and Jacksonville Offices of the Child Predator CyberCrime Unit (CPCU).

Without the additional trust authority the agency will be unable to continue to take advantage of the funds provided through the American Recovery and Reinvestment Act of 2009, for Florida's ICAC Task Force Program. The CPCU has 14 law enforcement members and 4 attorneys across the state operating with inadequate administrative and technical support without these positions. With the duties of the four positions, investigators and prosecutors will be able to dedicate more time to investigating and prosecuting new cases, thereby protecting more children.

| | | | | |
|--------------------------------|---------|-------|-------|---------|
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE | | | | |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | 4009020 |
| SALARY RATE | | | | 000000 |
| SALARY RATE..... | 173,998 | | | |
| | ===== | ===== | ===== | |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND | 4.00 | | | |
| -STATE | 240,636 | | | 1000 1 |
| | ===== | ===== | ===== | |
| EXPENSES | | | | 040000 |
| GENERAL REVENUE FUND | | | | |
| -STATE | 29,466 | | | 1000 1 |
| | ===== | ===== | ===== | |

| | COL A03 | COL A04 | COL A05 | |
|---------------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CIVIL ENFORCEMENT | | | | 41100100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE | | | | |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | 4009020 |
| SPECIAL CATEGORIES | | | | 100000 |
| SALARY INCENTIVE PAYMENTS | | | | 103290 |
| GENERAL REVENUE FUND -STATE | 5,920 | | | 1000 1 |
| TOTAL: RESTORATION OF GENERAL REVENUE | | | | 4009020 |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | |
| TOTAL POSITIONS..... | 4.00 | | | |
| TOTAL ISSUE..... | | 276,022 | | |
| TOTAL SALARY RATE..... | | 173,998 | | |

AGENCY ISSUE NARRATIVE:

2010-2011 BUDGET YEAR NARRATIVE:

IT COMPONENT? NO

This issue is in five Budget Entities requesting 19 positions, 818,219 in rate and \$1,259,611 in General Revenue in total to continue the employment of these nineteen positions critical to the agency operations. The FY 2008-09 GAA and FY 2009-10 GAA transferred 19 positions 818,219 in rate and \$1,321,202 from General Revenue to the Crimes Compensation Trust Fund. This issue requests the transfer of these positions and the operating funds necessary to continue these positions back to the General Revenue fund. General Revenue is the most appropriate fund for the positions. The issue was input into the non-recurring column so the positions, rate and Crimes Compensation Trust Fund authority have been deleted from the budget of the Office of the Attorney General (OAG.)

This issue was distributed across all budget entities containing General Revenue in the OAG proportionate to the General Revenue in the Budget Entity. The OAG is requesting:

- 4 FTE and \$276,022 in Civil Enforcement Budget Entity
- 1 FTE and \$ 89,303 in the Constitutional Legal Services Budget Entity
- 7 FTE and \$473,956 in the Criminal / Civil Litigation Defense Budget Entity
- 4 FTE and \$210,804 in the Executive Direction and Support Services Budget Entity
- 3 FTE and \$209,526 in the Statewide Prosecution / Multi-Circuit Crime Budget Entity

Impact of Not Funding In Civil Enforcement

The General Revenue in the Civil Enforcement Budget Entity is primarily used to match federal funds 25% to 75% for the Medicaid Fraud Control Unit. The Medicaid Fraud Control Unit provides enough General Revenue to the State to more than pay for the cost of the unit. However, as the General Revenue in the unit was included in the fund shift, OAG must make

| | COL A03 | COL A04 | COL A05 | |
|--------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CIVIL ENFORCEMENT | | | | 41100100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE | | | | |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | 4009020 |

cuts in the unit to meet cuts to Civil Enforcement. If the \$276,022 in General Revenue for these positions is eliminated the actual cut would require 16 positions and a reduction of \$1.1 million (\$828,066 Federal Grants Trust Fund) in this critical function. This reduction would further jeopardize the over \$15.2 million the unit has provided to General Revenue over the last fiscal year.

The Medicaid Fraud Control Unit (MFCU) investigates the business practices of doctors, dentists, clinics, and other health care providers who bill for services never performed or who charge more than authorized for services rendered. The unit also investigates the abuse, neglect, and exploitation of residents of long-term care facilities who are elderly, ill, and/or mentally or physically disabled.

Health care fraud is an immense societal problem, both nationally and within Florida's \$16 billion-a-year Medicaid program. The MFCU is responsible for policing the Medicaid Program, as well as investigating allegations of corruption and fraud in the program's management.

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.

The MFCU provides a Patient Abuse, Neglect and Exploitation (PANE) Project consisting of 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. 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.

Request

| | | |
|---------------------------|---------|------------|
| Rate: | 173,998 | |
| Salaries and Benefits | | \$ 240,636 |
| Expenses: | | 29,466 |
| Special Categories | | |
| Salary Incentive Payments | | 5,920 |

Total for B.E.: \$276,022

| | COL A03 | COL A04 | COL A05 | |
|--------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CIVIL ENFORCEMENT | | | | 41100100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE | | | | |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | 4009020 |

POSITION DETAIL OF SALARIES AND BENEFITS:

| | FTE | BASE RATE | ADDITIVES | BENEFITS | SUBTOTAL | LAPSE % | LAPSED SALARIES AND BENEFITS |
|------------------------------|------|-----------|-----------|----------|----------|---------|------------------------------|
| A03 - AGY REQUEST FY 2010-11 | | | | | | | |
| NEW POSITIONS | | | | | | | |
| P101 PROPOSED CLASS CODE | | | | | | | |
| R0001 101 | 4.00 | 173,998 | | 66,296 | 240,294 | 0.00 | 240,294 |
| TOTALS FOR ISSUE BY FUND | | | | | | | |
| 1000 GENERAL REVENUE FUND | | | | | | | 240,294 |
| | 4.00 | 173,998 | | 66,296 | 240,294 | | 240,294 |
| OTHER SALARY AMOUNT | | | | | | | |
| 1000 GENERAL REVENUE FUND | | | | | | | 342 |
| | | | | | | | 240,636 |

| | | | | | | | |
|-------------------------------------|---------|--|--|--|--|--|---------|
| RESTORATION OF GENERAL REVENUE FUND | | | | | | | |
| SHIFTS FROM NONRECURRING TRUST | | | | | | | |
| FUNDS | | | | | | | 4009030 |
| SALARIES AND BENEFITS | | | | | | | 010000 |
| GENERAL REVENUE FUND -STATE | 739,514 | | | | | | 1000 1 |

AGENCY ISSUE NARRATIVE:
 2010-2011 BUDGET YEAR NARRATIVE:
 Request

IT COMPONENT? NO

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CIVIL ENFORCEMENT | | | | 41100100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE FUND | | | | |
| SHIFTS FROM NONRECURRING TRUST | | | | |
| FUNDS | | | | 4009030 |

The Department of Legal Affairs/Office of Attorney General (OAG) requests \$5,827,596 in General Revenue to replace the non-recurring "Transfer Funding to Trust Funds from General Revenue" fund shift appropriated by the legislature for Fiscal Year 2008-09 and in Fiscal Year 2009-10. This fund shift comprises almost twenty percent (20%) of the recurring General Revenue in the OAG's operating budget. The legislature provided for a non-recurring transfer of \$5,796,203 in Salaries and Benefits and \$40,055 in Expenses to the Operating Trust fund, the Administrative Trust Fund and the Legal Services Trust fund. This fund shift was for two years using non-recurring funds. The approach used by the legislature and OAG for the fund shift of these positions was to utilize cash derived from judgments brought in from proceedings related to state or federal antitrust law or the Florida RICO Act and held in the account pending a final court decision or final distribution order. The monies recovered on behalf of consumers go to consumers or for their benefit. Monies recovered on behalf of local public entities go back to them. Monies recovered on behalf of state agencies must be deposited in the General Revenue Fund.

This issue requests the replacement of the trust funds appropriated in the following Budget Entities:

- \$739,514 in Civil Enforcement Budget Entity to the Operating Trust Fund
- \$104,614 in Constitutional Legal Services Budget Entity to the Operating Trust Fund
- \$3,550,879 in the Criminal / Civil Litigation Defense Budget Entity to the Operating Trust Fund
- \$852,289 in the Statewide Prosecution / Multi-Circuit Crime Budget Entity to the Operating Trust Fund
- \$275,000 in the Executive Direction and Support Services Budget Entity to the Administrative Trust Fund,
- \$50,000 in the Executive Direction and Support Services Budget Entity to the Legal Services Trust Fund, and
- \$255,000 in the Executive Direction and Support Services Budget Entity to the Operating Trust Fund

These fund shifts have resulted in temporarily moving thirty attorneys and numerous support positions from General Revenue to the non-recurring moneys from these trust funds. The majority of the positions are in the Criminal Division. The Criminal Division is responsible for representing the State in all criminal appeals, as well as in post-conviction litigation at both the trial and appellate levels before state and federal courts.

The majority of the General Revenue in the OAG funds the Criminal Division which consists of Criminal Appeals and Capital Appeals. In order to meet the reduction requirement the OAG calculates that the Criminal Division will have to be reduced by approximately 20 positions. This will add to the 32 positions already vacant due to reductions in funding and the seventeen (17) employees already cut from the division.

The Florida's Attorney General's Criminal and Capital Appellate Division, is the State's appellate prosecutor assigned to defend the judgments and sentences imposed by the trial court, in the state courts of appeal and federal habeas courts. Every appeal, from any of the 20 judicial circuits, filed by a criminal defendant challenging his conviction or length of sentence, is processed through this division, specifically each case is docketed, assigned a case number and assigned and prosecuted by attorneys specializing in this appellate discipline. The Criminal and Capital Appellate Division litigates

| COL A03 | | COL A04 | | COL A05 | | CODES |
|-------------------------------------|-------------|-------------|-------------|-------------|-------------|---------------|
| AGY REQUEST | AGY REQ N/R | AGY REQ N/R | AGY REQ ANZ | AGY REQUEST | AGY REQ ANZ | |
| FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS | AMOUNT | |
| LEGAL AFFAIRS/ATTY GENERAL | | | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | | | 41100000 |
| CIVIL ENFORCEMENT | | | | | | 41100100 |
| PUBLIC PROTECTION | | | | | | 12 |
| LEGAL REPRESENTATION | | | | | | 1203.00.00.00 |
| LEGAL AFFAIRS | | | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE FUND | | | | | | |
| SHIFTS FROM NONRECURRING TRUST | | | | | | |
| FUNDS | | | | | | 4009030 |

against the statewide appellate public defenders, the three Capital Collateral Regional Counsels, assigned conflict counsels in every judicial circuit, federal public defenders from the three federal districts and all private attorneys hired to do criminal appellate defense work and, of course, pro se litigants.

To date, the additional deletions in the attorney ranks has reduced the number of attorneys working on approximately 28,634 opened and current criminal cases and 895 opened and active capital cases--in 2008-2009 fiscal year, from 110 criminal attorneys and 16 capital attorneys in 2007-- to 85 criminal attorneys and 13.5 capital attorneys, in 2009, respectively. Besides the 4 attorneys that were laid off, the hiring freeze has resulted in an increase of 26 vacant attorney positions from the 14 vacancies last reported, and 9 staff losses up from 6. Two were laid off and one resigned.

The OAG criminal division has faced pressures from the state and federal courts to speed up the handling of backlogged cases. Calls for handling cases more expeditiously, have been impossible --due to the sheer number of cases per attorney caseloads. Unfortunately, this office has neither benefitted from the "lesser reductions in funding" legislatively mandated for the State judiciary nor does the OAG have the ability to retrieve attorney fees for litigation in federal court when prevailing in federal habeas litigation and ensuing appeals there from in the federal appellate courts. Without adequate funding from any quarter, and faced with continuing budget shortfalls from general revenue dollars, it would not appear likely that reduced backlogs of cases and shorter litigation time will occur without an infusion of necessary general revenue dollars with which to fill current-existing vacancies.

In 2009, the average caseloads for currently remaining/filled FTEs are:

| | Criminal (85 Atty.) Caseloads per atty. | Capital (13.5 Atty.) Caseloads per atty. |
|--------|--|---|
| FY2009 | 337 | 69 |

The depletion of the criminal appellate attorney ranks in this office has resulted in further delays in the processing of appellate cases, has strained the ability of the state to address complex legal issues, and brings into question whether appellate review is meaningful. The excessive case loads have challenged even the most seasoned appellate attorneys' abilities to competently process caseloads, thus placing unimaginable pressures on this office's ability to retain criminal appellate attorneys and their expertise, as well as meet the demands of the criminal justice system.

The fund shift in the Office of Statewide Prosecution (OSP) shifted nine positions from this office. Failure to restore these funds would severely reduce the effectiveness of the office in fighting multi-circuit crimes. The unit currently has nine vacant positions, at least eight of which must remain vacant the entire fiscal year in order to meet our previous cuts. Two of these nine vacancies are critical Bureau Chief positions that need to be filled with senior

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CIVIL ENFORCEMENT | | | | 41100100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE FUND | | | | |
| SHIFTS FROM NONRECURRING TRUST | | | | |
| FUNDS | | | | 4009030 |

attorneys. The unfilled vacancies currently leave one attorney to cover over 20 counties throughout North Florida and another Bureau staffed with only one prosecutor who is responsible for covering Southwest Florida. These current staffing levels do not allow us to meet our constitutional mission in those geographic areas.

The Office of Statewide Prosecution is focusing on two main priorities: gang violence and mortgage fraud. In the last three years we have made tremendous progress in both areas but there remains work to be done.

While violent crime is down in our key impact areas, it is still a threatening problem in parts of our state. Our success has been measured by the neighborhoods we have changed through arrests and successful prosecution and also through the awards earned by our investigative partners gang units of the year for the last two years for OSP cases.

Mortgage fraud is the biggest threat to our state's economy and overall fiscal well being. In the last two years we have prosecuted dozens of defendants in RICO cases resulting in convictions through trial and plea. The success we have garnered is measured by the lengthy prison terms handed down to our defendants and by the widespread tentacles to these schemes that we have uncovered in the mortgage, banking, appraisal, and real estate industries.

On top of these two priorities that we have tackled given the threats they pose to our state, OSP continues to handle complex criminal cases in our traditional areas of white collar crime and narcotics. Any further cuts to Statewide Prosecution would very likely have to result in the closing of offices and additional layoffs beyond the two people we had to layoff this year.

The Statewide Prosecutor is a Constitutional Officer, 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. This office helps law enforcement protect the public by working with local law enforcement and regulatory agencies to prosecute those accused of fraud against the government, large scale consumer fraud particularly against the elderly; and violent crime. Typical crimes prosecuted within these categories include computer crimes, racketeering, antitrust violations, crimes involving fraud and deceit, perjury, usury, bribery, extortion, burglary, robbery, home invasions, anti-fencing violations, gambling, kidnapping, theft, murder, prostitution, carjacking, narcotics and counterfeit pharmaceutical drug violations, and solicitations or conspiracies to commit any of these crimes. This Office, in conjunction with the Attorney General's Cyber Crimes Section, also assists law enforcement and other prosecutors in prosecuting computer pornography and other crimes involving the sexual exploitation of children by the use of the Internet and computer networks.

| | COL A03 | COL A04 | COL A05 | |
|--------------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CIVIL ENFORCEMENT | | | | 41100100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE FUND | | | | |
| SHIFTS FROM NONRECURRING TRUST FUNDS | | | | 4009030 |

POSITION DETAIL OF SALARIES AND BENEFITS:

| | FTE | BASE RATE | ADDITIVES | BENEFITS | SUBTOTAL | LAPSE % | LAPSED SALARIES AND BENEFITS |
|------------------------------|-----|-----------|-----------|----------|----------|---------|------------------------------|
| A03 - AGY REQUEST FY 2010-11 | | | | | | | |
| NEW POSITIONS | | | | | | | |
| OTHER SALARY AMOUNT | | | | | | | |
| 1000 GENERAL REVENUE FUND | | | | | | | 739,514 |
| | | | | | | | 739,514 |
| | | | | | | | ===== |

| | | | | | | | |
|-------------------------------|-----------|-------|-------|--|--|--|---------|
| MEDICAID FRAUD CONTROL UNIT - | | | | | | | |
| REWARDS FOR INFORMANTS | | | | | | | 4009040 |
| SPECIAL CATEGORIES | | | | | | | 100000 |
| MEDICAID FRAUD INFORM REWD | | | | | | | 100053 |
| OPERATING TRUST FUND -STATE | 2,000,000 | | | | | | 2510 1 |
| | ===== | ===== | ===== | | | | |

AGENCY ISSUE NARRATIVE:
 2010-2011 BUDGET YEAR NARRATIVE:
 Rewards to Informants

IT COMPONENT? NO

Request

The Department of Legal Affairs Medicaid Fraud Control Unit (MFCU) requests \$2,000,000 in additional budget authority in Special Category Medicaid Fraud Control Unit - Rewards for Informants to disburse money for rewards according to the terms of Section 2. of Senate Bill 1986 (Chapter 2009-223, Laws of Florida).

Section 2. Section 68.085, Florida Statutes, is amended to read:
 68.085 Awards to plaintiffs bringing action.

| COL A03 | | COL A04 | | COL A05 | | CODES |
|-------------------------------|-------------|-------------|-------------|------------|------------|---------------|
| AGY REQUEST | AGY REQ N/R | AGY REQ N/R | AGY REQ N/R | AG REQ ANZ | AG REQ ANZ | |
| FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS | AMOUNT | |
| LEGAL AFFAIRS/ATTY GENERAL | | | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | | | 41100000 |
| CIVIL ENFORCEMENT | | | | | | 41100100 |
| PUBLIC PROTECTION | | | | | | 12 |
| LEGAL REPRESENTATION | | | | | | 1203.00.00.00 |
| LEGAL AFFAIRS | | | | | | 4000000 |
| MEDICAID FRAUD CONTROL UNIT - | | | | | | |
| REWARDS FOR INFORMANTS | | | | | | 4009040 |

(1) If the department proceeds with and prevails in an action brought by a person under this act, except as provided in subsection (2), the court shall order the distribution to the person of at least 15 percent but not more than 25 percent of the proceeds recovered under any judgment obtained by the department in an action under s. 68.082 or of the proceeds of any settlement of the claim, depending upon the extent to which the person substantially contributed to the prosecution of the action.

(2) If the department proceeds with an action which the court finds to be based primarily on disclosures of specific information, other than that provided by the person bringing the action, relating to allegations or transactions in a criminal, civil, or administrative hearing; a legislative, administrative, inspector general, or auditor general report, hearing, audit, or investigation; or from the news media, the court may award such sums as it considers appropriate, but in no case more than 10 percent of the proceeds recovered under a judgment or received in settlement of a claim under this act, taking into account the significance of the information and the role of the person bringing the action in advancing the case to litigation.

(3) If the department does not proceed with an action under this section, The person bringing the action or settling the claim shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages. The amount shall be not less than 25 percent and not more than 30 percent of the proceeds recovered under a judgment rendered in an action under this act or in settlement of a claim under this act.

(4) Following any distributions under subsection (1), subsection (2), or subsection (3), the agency injured by the submission of a false or fraudulent claim shall be awarded an amount not to exceed its compensatory damages. If the action was based on a claim of funds from the state Medicaid program, 10 percent of any remaining proceeds shall be deposited into the Legal Affairs Revolving Trust Fund to fund rewards for persons who report and provide information relating to Medicaid fraud pursuant to s. 409.9203. Any remaining proceeds, including civil penalties awarded under s. 68.082, shall be deposited in the General Revenue Fund.

(5) Any payment under this section to the person bringing the action shall be paid only out of the proceeds recovered from the defendant.

| | COL A03 | COL A04 | COL A05 | |
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| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CIVIL ENFORCEMENT | | | | 41100100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| LEGAL AFFAIRS | | | | 4000000 |
| MEDICAID FRAUD CONTROL UNIT - | | | | |
| REWARDS FOR INFORMANTS | | | | 4009040 |

(6) Whether or not the department proceeds with the action, if the court finds that the action was brought by a person who planned and initiated the violation of s. 68.082 upon which the action was brought, the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action which the person would otherwise receive under this section, taking into account the role of the person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from his or her role in the violation of s. 68.082, the person shall be dismissed from the civil action and shall not receive any share of the proceeds of the action. Such dismissal shall not prejudice the right of the department to continue the action.

Chapter 409.9203 Florida Statutes, created by Sec. 3 of SB 1986, provides for the authority of the Director of MFCU to make the payments for these rewards. The Department of Legal Affairs requests recurring budget authority to make rewards as outlined in paragraph 4.

The Department of Legal Affairs is requesting these funds in the Operating Trust Fund and will be working with the legislature to revise the above section to change the use from the Legal Affairs Revolving Trust Fund to the Operating Trust Fund. \$2,000,000 is requested as an estimate of the authority required. MFCU already has identified approximately \$1,080,000 for these rewards.

Medicaid Fraud Control Unit Rewards to Informants - \$2,000,000

| | | | | |
|-------------------------------|---------|---------|-------|---------|
| MEDICAID FRAUD CONTROL UNIT - | | | | |
| FEDERAL ASSET-SHARING PROGRAM | | | | 4009050 |
| OPERATING CAPITAL OUTLAY | | | | 060000 |
| FED LAW ENFORCEMENT TF | -FEDERL | 51,000 | | 2719 3 |
| | | ===== | ===== | |
| SPECIAL CATEGORIES | | | | 100000 |
| CONTRACTED SERVICES | | | | 100777 |
| FED LAW ENFORCEMENT TF | -FEDERL | 100,000 | | 2719 3 |
| | | ===== | ===== | |

| | COL A03 | COL A04 | COL A05 | |
|--------------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CIVIL ENFORCEMENT | | | | 41100100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| LEGAL AFFAIRS | | | | 4000000 |
| MEDICAID FRAUD CONTROL UNIT - | | | | |
| FEDERAL ASSET-SHARING PROGRAM | | | | 4009050 |
| TOTAL: MEDICAID FRAUD CONTROL UNIT - | | | | 4009050 |
| FEDERAL ASSET-SHARING PROGRAM | | | | |
| TOTAL ISSUE..... | | 151,000 | | |

AGENCY ISSUE NARRATIVE:

2010-2011 BUDGET YEAR NARRATIVE:
 Request

IT COMPONENT? NO

\$151,000 for Additional Contracted Services and Equipment Needs from Federal Revenue Sharing Funds

The Department of Legal Affairs, Medicaid Fraud Control Unit (MFCU) requests a new trust fund be established and budget authority be provided to spend money received under the federal asset-sharing program with the US Department of Justice. These funds can be used only by the MFCU for restricted types of law enforcement enhancements. This budget will enhance MFCU's investigations in the area of multi-state/federal investigation of pharmaceutical pricing and Medicaid provider fraud. Contracted Services - Expert witnesses and court reporters are needed for complex civil cases that involve False Claims to the Florida Medicaid Program. OCO- Surveillance equipment will be used to transmit information to support investigations involving suspected Home Health Care fraud. Polecams will be used for long term surveillance (weeks or months.) The Polecams will allow investigators to continue their duties and tasks in other investigative areas. These cameras will provide continuous high resolution surveillance of specific residences, assisted living facilities, nursing home, and provider business locations.

Requirements for MFCU receiving this money are listed below:

IX. What Are the Accounting Procedures and Requirements for Shared Cash, Proceeds, and Tangible Property?

All participating state and local law enforcement agencies must implement standard accounting procedures and internal controls (e.g., tracking share requests and receipts, electronically depositing shares into a separate revenue account or accounting code) to track equitably shared monies and tangible property. Those procedures must be consistent with those set forth below.

A. Bookkeeping procedures and internal controls

The state or local participating law enforcement agency must:

1. Establish a separate revenue account or accounting code through the agency's finance department for the proceeds from the Department of Justice Equitable Sharing Program. This account or accounting code will be used solely for funds from the Department of Justice Equitable Sharing Program. No other funds may be included in this account or with this

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CIVIL ENFORCEMENT | | | | 41100100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | <u>1203.00.00.00</u> |
| LEGAL AFFAIRS | | | | 4000000 |
| MEDICAID FRAUD CONTROL UNIT - | | | | |
| FEDERAL ASSET-SHARING PROGRAM | | | | 4009050 |

accounting code. This bank account information must be provided to the USMS on the ACH Vendor form. The process of electronic payments, known as E-Share, provides a fast, efficient, and secure method of making equitable sharing payments. Participation in the program is mandatory.

2. Not commingle Department of Justice equitable sharing funds with funds from any other source. Corrective measures must be taken if this occurs.

3. Deposit any interest income earned on equitably shared funds in the same revenue account or under the accounting code established solely for the shared funds.

4. Maintain a log and copies of all Forms DAG-71 forwarded to the Department of Justice. A consecutive numbering system should be used for control purposes. The log should contain seizure type (property or currency), amount, share amount requested, amount received, and date received.

5. Update the log when an E-Share notification is received. The amount received may differ from the amount requested.

Expert Witnesses \$75,000

Court Reporters \$25,000

Polecams 3 @ \$17,000 = \$51,000

We are requesting this appropriation to be in recurring budget authority to allow for participation in future federal revenue sharing cases.

| | | | | |
|-----------------------------|------------|-------|-------|----------------------|
| TOTAL: LEGAL REPRESENTATION | | | | <u>1203.00.00.00</u> |
| BY FUND TYPE | | | | |
| GENERAL REVENUE FUND | 7,019,064 | | | 1000 |
| TRUST FUNDS | 48,319,801 | | | 2000 |
| TOTAL POSITIONS..... | 609.00 | | | |
| TOTAL PROG COMP..... | 55,338,865 | | | |
| TOTAL SALARY RATE..... | 26,751,877 | | | |
| | ===== | ===== | ===== | |

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CONSTITUTIONAL LEGAL SVCS | | | | 41100200 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| SALARY RATE | | | | 000000 |
| SALARY RATE..... | 1,422,464 | | | |
| ===== | | | | |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND -STATE | 1,759,284 | | | 1000 1 |
| CRIMES COMPENSATION TF -STATE | 68,726 | | | 2149 1 |
| OPERATING TRUST FUND -STATE | 199,319 | | | 2510 1 |
| TOTAL POSITIONS..... | 22.50 | | | |
| TOTAL APPRO..... | 2,027,329 | | | |
| ===== | | | | |
| OTHER PERSONAL SERVICES | | | | 030000 |
| GENERAL REVENUE FUND -STATE | 15,529 | | | 1000 1 |
| CRIMES COMPENSATION TF -STATE | 6,225 | | | 2149 1 |
| TOTAL APPRO..... | 21,754 | | | |
| ===== | | | | |
| EXPENSES | | | | 040000 |
| GENERAL REVENUE FUND -STATE | 174,301 | | | 1000 1 |
| CRIMES COMPENSATION TF -STATE | 5,443 | | | 2149 1 |
| TOTAL APPRO..... | 179,744 | | | |
| ===== | | | | |
| OPERATING CAPITAL OUTLAY | | | | 060000 |
| GENERAL REVENUE FUND -STATE | 17,862 | | | 1000 1 |
| CRIMES COMPENSATION TF -STATE | 6,300 | | | 2149 1 |
| TOTAL APPRO..... | 24,162 | | | |
| ===== | | | | |

| | COL A03 | COL A04 | COL A05 | |
|--|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CONSTITUTIONAL LEGAL SVCS | | | | 41100200 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| SPECIAL CATEGORIES | | | | 100000 |
| CONTRACTED SERVICES | | | | 100777 |
| GENERAL REVENUE FUND -STATE | | 5,920 | | 1000 1 |
| RISK MANAGEMENT INSURANCE | | | | 103241 |
| GENERAL REVENUE FUND -STATE | | 13,585 | | 1000 1 |
| TR/DMS/HR SVCS/STW CONTRCT | | | | 107040 |
| GENERAL REVENUE FUND -STATE | | 6,999 | | 1000 1 |
| CRIMES COMPENSATION TF -STATE | | 2,260 | | 2149 1 |
| OPERATING TRUST FUND -STATE | | 472 | | 2510 1 |
| TOTAL APPRO..... | | 9,731 | | |
| TOTAL: ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| TOTAL POSITIONS..... | | 22.50 | | |
| TOTAL ISSUE..... | | 2,282,225 | | |
| TOTAL SALARY RATE..... | | 1,422,464 | | |
| CASUALTY INSURANCE PREMIUM | | | | 1001090 |
| ADJUSTMENT | | | | 100000 |
| SPECIAL CATEGORIES | | | | 103241 |
| RISK MANAGEMENT INSURANCE | | | | |
| GENERAL REVENUE FUND -STATE | | 1,635- | | 1000 1 |

| | COL A03 | COL A04 | COL A05 | |
|-----------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CONSTITUTIONAL LEGAL SVCS | | | | 41100200 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ADJUSTMENT TO STATE HEALTH | | | | |
| INSURANCE PREMIUM CONTRIBUTION - | | | | |
| FISCAL YEAR 2009-10 | | | | 1002000 |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND -STATE | | 1,715 | | 1000 1 |
| CRIMES COMPENSATION TF -STATE | | 67 | | 2149 1 |
| OPERATING TRUST FUND -STATE | | 194 | | 2510 1 |
| TOTAL APPRO..... | | 1,976 | | |
| NONRECURRING EXPENDITURES | | | | 2100000 |
| RESTORE CRIMES COMPENSATION TRUST | | | | |
| FUND AUTHORITY | | | | 2103057 |
| SALARIES AND BENEFITS | | | | 010000 |
| CRIMES COMPENSATION TF -STATE | | 68,726- | | 2149 1 |
| OTHER PERSONAL SERVICES | | | | 030000 |
| CRIMES COMPENSATION TF -STATE | | 6,225- | | 2149 1 |
| EXPENSES | | | | 040000 |
| CRIMES COMPENSATION TF -STATE | | 5,443- | | 2149 1 |
| OPERATING CAPITAL OUTLAY | | | | 060000 |
| CRIMES COMPENSATION TF -STATE | | 6,300- | | 2149 1 |
| SPECIAL CATEGORIES | | | | 100000 |
| TR/DMS/HR SVCS/STW CONTRCT | | | | 107040 |
| CRIMES COMPENSATION TF -STATE | | 2,260- | | 2149 1 |

| | COL A03 | COL A04 | COL A05 | |
|--|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CONSTITUTIONAL LEGAL SVCS | | | | 41100200 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| NONRECURRING EXPENDITURES | | | | 2100000 |
| RESTORE CRIMES COMPENSATION TRUST | | | | 2103057 |
| FUND AUTHORITY | | | | 2103057 |
| TOTAL: RESTORE CRIMES COMPENSATION TRUST | | | | 2103057 |
| FUND AUTHORITY | | | | |
| TOTAL ISSUE..... | 88,954- | | | |
| RESTORE TRUST FUND AUTHORITY | | | | 2103058 |
| SALARIES AND BENEFITS | | | | 010000 |
| OPERATING TRUST FUND | | | | 2510 1 |
| -STATE | 104,914- | | | |
| ANNUALIZATION OF ADMINISTERED | | | | 26A0000 |
| FUNDS APPROPRIATIONS | | | | 26A1200 |
| ADJUSTMENT TO STATE HEALTH | | | | 010000 |
| INSURANCE FOR FY 2009-10 - 10 MONTH | | | | 26A1200 |
| ANNUALIZATION | | | | 010000 |
| SALARIES AND BENEFITS | | | | 1000 1 |
| GENERAL REVENUE FUND | | | | 2149 1 |
| -STATE | 8,575 | | | 2510 1 |
| CRIMES COMPENSATION TF | | | | |
| -STATE | 335 | | | |
| OPERATING TRUST FUND | | | | |
| -STATE | 970 | | | |
| TOTAL APPRO..... | 9,880 | | | |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE | | | | 4009020 |
| FUND SHIFTS FROM THE CRIMES | | | | 000000 |
| COMPENSATION TRUST FUND | | | | |
| SALARY RATE | | | | |
| SALARY RATE..... | 52,341 | | | |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND | | | | 1000 1 |
| -STATE | 1.00 | | | |
| GENERAL REVENUE FUND | | | | |
| -STATE | 69,075 | | | |

| | COL A03 | COL A04 | COL A05 | |
|---------------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CONSTITUTIONAL LEGAL SVCS | | | | 41100200 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE | | | | |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | 4009020 |
| OTHER PERSONAL SERVICES | | | | 030000 |
| GENERAL REVENUE FUND -STATE | | 6,225 | | 1000 1 |
| EXPENSES | | | | 040000 |
| GENERAL REVENUE FUND -STATE | | 5,443 | | 1000 1 |
| OPERATING CAPITAL OUTLAY | | | | 060000 |
| GENERAL REVENUE FUND -STATE | | 6,300 | | 1000 1 |
| SPECIAL CATEGORIES | | | | 100000 |
| TR/DMS/HR SVCS/STW CONTRCT | | | | 107040 |
| GENERAL REVENUE FUND -STATE | | 2,260 | | 1000 1 |
| TOTAL: RESTORATION OF GENERAL REVENUE | | | | 4009020 |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | |
| TOTAL POSITIONS..... | 1.00 | | | |
| TOTAL ISSUE..... | | 89,303 | | |
| TOTAL SALARY RATE..... | 52,341 | | | |

AGENCY ISSUE NARRATIVE:
 2010-2011 BUDGET YEAR NARRATIVE:
 Request

IT COMPONENT? NO

This issue is in five Budget Entities requesting 19 positions, 818,219 in rate and \$1,259,611 in General Revenue in total to continue the employment of these nineteen positions critical to the agency operations. The FY 2008-09 GAA transferred 19 positions 818,219 in rate and \$1,321,202 from General Revenue to the Crimes Compensation Trust Fund. This issue requests the transfer of these positions and the operating funds necessary to continue these positions back to the General Revenue fund. General Revenue is the most appropriate fund for the positions. The issue was input into the non-recurring column so the positions, rate and Crimes Compensation Trust Fund authority have been deleted from the

| | COL A03 | COL A04 | COL A05 | |
|----------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| <u>CONSTITUTIONAL LEGAL SVCS</u> | | | | 41100200 |
| PUBLIC PROTECTION | | | | 12 |
| <u>LEGAL REPRESENTATION</u> | | | | <u>1203.00.00.00</u> |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE | | | | |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | 4009020 |

budget of the Office of the Attorney General (OAG.)

This issue was distributed across all budget entities containing General Revenue in the OAG proportionate to the General Revenue in the Budget Entity. The OAG is requesting:

- 4 FTE and \$276,022 in Civil Enforcement Budget Entity
- 1 FTE and \$ 89,303 in the Constitutional Legal Services Budget Entity
- 7 FTE and \$473,956 in the Criminal / Civil Litigation Defense Budget Entity
- 4 FTE and \$210,804 in the Executive Direction and Support Services Budget Entity
- 3 FTE and \$209,526 in the Statewide Prosecution / Multi-Circuit Crime Budget Entity

Impact of Not Funding In Constitutional Legal Services Budget Entity

The General Revenue in the Constitutional Legal Services Budget Entity is primarily used for the Solicitor General. The Solicitor General's office is currently holding three positions vacant to meet the reductions already made in the OAG and this would mean an additional position would be impacted.

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 and serve as the primary civil appellate attorney for the State. The OSG defends constitutional challenges to laws passed by this Legislature 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 briefs in support of State policy goals in state and federal appellate court cases, advises the Attorney General on legal and policy issues affecting the State and advises other divisions within the OAG who are litigating on behalf of state agencies.

Some examples of cases include the successful defense of the Sexual Predator Act when a convicted child molester and rapist challenged the constitutionality of the registration and notification requirements in statute for sexual predators. In addition, the OSG successfully defended a constitutional challenge from Wiccan regarding the Florida Statute that gives tax-exempt status to religious publications such as the bible or the torah.

The vital role of defending the constitutionality of Florida statutes and handling complex litigation with statewide impact would be severely jeopardized with the reduction from the Office of Solicitor General.

Request

Rate: 52,341

| | COL A03 | COL A04 | COL A05 | |
|--------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | AMOUNT | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CONSTITUTIONAL LEGAL SVCS | | | | 41100200 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | <u>1203.00.00.00</u> |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE | | | | |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | 4009020 |
| Salaries and Benefits | | \$ 69,075 | | |
| Other Personal Services: | | 6,225 | | |
| Expenses: | | 5,443 | | |
| Operating Capital Outlay: | | 6,300 | | |
| Special Categories | | | | |
| TR/DMS/HR SVCS/STW Contract | | 2,260 | | |
| | | ----- | | |
| Total for B.E.: | | \$ 89,303 | | |

POSITION DETAIL OF SALARIES AND BENEFITS:

| | FTE | BASE RATE | ADDITIVES | BENEFITS | SUBTOTAL | LAPSE % | LAPSED SALARIES AND BENEFITS |
|---|-------|-----------|-----------|----------|----------|---------|------------------------------|
| A03 - AGY REQUEST FY 2010-11 | | | | | | | |
| CHANGES TO CURRENTLY AUTHORIZED POSITIONS | | | | | | | |
| P101 PROPOSED CLASS CODE | | | | | | | |
| R0001 001 | 1.00 | 52,341 | | 18,141 | 70,482 | 0.00 | 70,482 |
| | ----- | ----- | ----- | ----- | ----- | ----- | ----- |
| TOTALS FOR ISSUE BY FUND | | | | | | | |
| 1000 GENERAL REVENUE FUND | | | | | | | 70,482 |
| | ----- | ----- | ----- | ----- | ----- | ----- | ----- |
| | 1.00 | 52,341 | | 18,141 | 70,482 | | 70,482 |
| | ===== | ===== | ===== | ===== | ===== | ===== | ===== |

| | COL A03 | COL A04 | COL A05 | |
|--------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CONSTITUTIONAL LEGAL SVCS | | | | 41100200 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE | | | | |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | 4009020 |

POSITION DETAIL OF SALARIES AND BENEFITS:

| | FTE | BASE RATE | ADDITIVES | BENEFITS | SUBTOTAL | LAPSE % | LAPSED SALARIES AND BENEFITS |
|------------------------------|-----|-----------|-----------|----------|----------|---------|------------------------------|
| A03 - AGY REQUEST FY 2010-11 | | | | | | | |
| NEW POSITIONS | | | | | | | |
| OTHER SALARY AMOUNT | | | | | | | |
| 1000 GENERAL REVENUE FUND | | | | | | | 1,407- |
| | | | | | | | ----- |
| | | | | | | | 1,407- |
| | | | | | | | ===== |

| | | | | | | | |
|-------------------------------------|--------|---------|-------|-------|--|--|---------|
| RESTORATION OF GENERAL REVENUE FUND | | | | | | | |
| SHIFTS FROM NONRECURRING TRUST | | | | | | | |
| FUNDS | | | | | | | 4009030 |
| SALARIES AND BENEFITS | | | | | | | 010000 |
| GENERAL REVENUE FUND | -STATE | 104,914 | | | | | 1000 1 |
| | | ===== | ===== | ===== | | | |

AGENCY ISSUE NARRATIVE:
 2010-2011 BUDGET YEAR NARRATIVE:
 Request

IT COMPONENT? NO

The Department of Legal Affairs/Office of Attorney General (OAG) requests \$5,827,596 in General Revenue to replace the non-recurring "Transfer Funding to Trust Funds from General Revenue" fund shift appropriated by the legislature for Fiscal Year 2008-09 and in Fiscal Year 2009-10. This fund shift comprises almost twenty percent (20%) of the recurring General Revenue in the OAG's operating budget. The legislature provided for a non-recurring transfer of \$5,796,203 in Salaries and Benefits and \$40,055 in Expenses to the Operating Trust fund, the Administrative Trust Fund and the Legal Services Trust fund. This fund shift was for two years using non-recurring funds. The approach used by the legislature and OAG for the fund shift of these positions was to utilize cash derived from judgments brought in from proceedings related to state or federal antitrust law or the Florida RICO Act and held in the account pending a final court decision or final distribution order. The monies recovered on behalf of consumers go to consumers or for their benefit. Monies

| COL A03 | | COL A04 | | COL A05 | | CODES |
|--------------------------------------|-------------|-------------|-------------|-------------|-------------|----------------------|
| AGY REQUEST | AGY REQ N/R | AGY REQ N/R | AGY REQ ANZ | AGY REQUEST | AGY REQ ANZ | |
| FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS | AMOUNT | |
| LEGAL AFFAIRS/ATTY GENERAL | | | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | | | 41100000 |
| <u>CONSTITUTIONAL LEGAL SVCS</u> | | | | | | 41100200 |
| <u>PUBLIC PROTECTION</u> | | | | | | 12 |
| <u>LEGAL REPRESENTATION</u> | | | | | | <u>1203.00.00.00</u> |
| LEGAL AFFAIRS | | | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE FUND | | | | | | |
| SHIFTS FROM NONRECURRING TRUST FUNDS | | | | | | 4009030 |

recovered on behalf of local public entities go back to them. Monies recovered on behalf of state agencies must be deposited in the General Revenue Fund.

This issue requests the replacement of the trust funds appropriated in the following Budget Entities:

- \$739,514 in Civil Enforcement Budget Entity to the Operating Trust Fund
- \$104,614 in Constitutional Legal Services Budget Entity to the Operating Trust Fund
- \$3,550,879 in the Criminal / Civil Litigation Defense Budget Entity to the Operating Trust Fund
- \$852,289 in the Statewide Prosecution / Multi-Circuit Crime Budget Entity to the Operating Trust Fund
- \$275,000 in the Executive Direction and Support Services Budget Entity to the Administrative Trust Fund,
- \$50,000 in the Executive Direction and Support Services Budget Entity to the Legal Services Trust Fund, and
- \$255,000 in the Executive Direction and Support Services Budget Entity to the Operating Trust Fund

These fund shifts have resulted in temporarily moving thirty attorneys and numerous support positions from General Revenue to the non-recurring moneys from these trust funds. The majority of the positions are in the Criminal Division. The Criminal Division is responsible for representing the State in all criminal appeals, as well as in post-conviction litigation at both the trial and appellate levels before state and federal courts.

The majority of the General Revenue in the OAG funds the Criminal Division which consists of Criminal Appeals and Capital Appeals. In order to meet the reduction requirement the OAG calculates that the Criminal Division will have to be reduced by approximately 20 positions. This will add to the 32 positions already vacant due to reductions in funding and the seventeen (17) employees already cut from the division.

The Florida's Attorney General's Criminal and Capital Appellate Division, is the State's appellate prosecutor assigned to defend the judgments and sentences imposed by the trial court, in the state courts of appeal and federal habeas courts. Every appeal, from any of the 20 judicial circuits, filed by a criminal defendant challenging his conviction or length of sentence, is processed through this division, specifically each case is docketed, assigned a case number and assigned and prosecuted by attorneys specializing in this appellate discipline. The Criminal and Capital Appellate Division litigates against the statewide appellate public defenders, the three Capital Collateral Regional Counsels, assigned conflict counsels in every judicial circuit, federal public defenders from the three federal districts and all private attorneys hired to do criminal appellate defense work and, of course, pro se litigants.

To date, the additional deletions in the attorney ranks has reduced the number of attorneys working on approximately 28,634 opened and current criminal cases and 895 opened and active capital cases--in 2008-2009 fiscal year, from 110 criminal attorneys and 16 capital attorneys in 2007-- to 85 criminal attorneys and 13.5 capital attorneys, in 2009, respectively. Besides the 4 attorneys that were laid off, the hiring freeze has resulted in an increase of 26 vacant attorney positions from the 14 vacancies last reported, and 9 staff losses up from 6. Two were laid off and one resigned.

| COL A03 | | COL A04 | | COL A05 | | CODES |
|-------------------------------------|-------------|-------------|-------------|------------|------------|----------------------|
| AGY REQUEST | AGY REQ N/R | AGY REQ N/R | AGY REQ N/R | AG REQ ANZ | AG REQ ANZ | |
| FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS | AMOUNT | |
| LEGAL AFFAIRS/ATTY GENERAL | | | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | | | 41100000 |
| CONSTITUTIONAL LEGAL SVCS | | | | | | 41100200 |
| PUBLIC PROTECTION | | | | | | 12 |
| <u>LEGAL REPRESENTATION</u> | | | | | | <u>1203.00.00.00</u> |
| LEGAL AFFAIRS | | | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE FUND | | | | | | |
| SHIFTS FROM NONRECURRING TRUST | | | | | | |
| FUNDS | | | | | | 4009030 |

The OAG criminal division has faced pressures from the state and federal courts to speed up the handling of backlogged cases. Calls for handling cases more expeditiously, have been impossible --due to the sheer number of cases per attorney caseloads. Unfortunately, this office has neither benefitted from the "lesser reductions in funding" legislatively mandated for the State judiciary nor does the OAG have the ability to retrieve attorney fees for litigation in federal court when prevailing in federal habeas litigation and ensuing appeals there from in the federal appellate courts. Without adequate funding from any quarter, and faced with continuing budget shortfalls from general revenue dollars, it would not appear likely that reduced backlogs of cases and shorter litigation time will occur without an infusion of necessary general revenue dollars with which to fill current-existing vacancies.

In 2009, the average caseloads for currently remaining/filled FTEs are:

| | Criminal (85 Atty.) Caseloads per atty. | Capital (13.5 Atty.) Caseloads per atty. |
|--------|--|---|
| FY2009 | 337 | 69 |

The depletion of the criminal appellate attorney ranks in this office has resulted in further delays in the processing of appellate cases, has strained the ability of the state to address complex legal issues, and brings into question whether appellate review is meaningful. The excessive case loads have challenged even the most seasoned appellate attorneys' abilities to competently process caseloads, thus placing unimaginable pressures on this office's ability to retain criminal appellate attorneys and their expertise, as well as meet the demands of the criminal justice system.

The fund shift in the Office of Statewide Prosecution (OSP) shifted nine positions from this office. Failure to restore these funds would severely reduce the effectiveness of the office in fighting multi-circuit crimes. The unit currently has nine vacant positions, at least eight of which must remain vacant the entire fiscal year in order to meet our previous cuts. Two of these nine vacancies are critical Bureau Chief positions that need to be filled with senior attorneys. The unfilled vacancies currently leave one attorney to cover over 20 counties throughout North Florida and another Bureau staffed with only one prosecutor who is responsible for covering Southwest Florida. These current staffing levels do not allow us to meet our constitutional mission in those geographic areas.

The Office of Statewide Prosecution is focusing on two main priorities: gang violence and mortgage fraud. In the last three years we have made tremendous progress in both areas but there remains work to be done.

While violent crime is down in our key impact areas, it is still a threatening problem in parts of our state. Our success has been measured by the neighborhoods we have changed through arrests and successful prosecution and also through the awards earned by our investigative partners - gang units of the year for the last two years for OSP cases.

| COL A03 | | COL A04 | | COL A05 | | CODES |
|-------------------------------------|-------------|-------------|-------------|------------|------------|---------------|
| AGY REQUEST | AGY REQ N/R | AGY REQ N/R | AGY REQ N/R | AG REQ ANZ | AG REQ ANZ | |
| FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS | AMOUNT | |
| LEGAL AFFAIRS/ATTY GENERAL | | | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | | | 41100000 |
| CONSTITUTIONAL LEGAL SVCS | | | | | | 41100200 |
| PUBLIC PROTECTION | | | | | | 12 |
| LEGAL REPRESENTATION | | | | | | 1203.00.00.00 |
| LEGAL AFFAIRS | | | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE FUND | | | | | | |
| SHIFTS FROM NONRECURRING TRUST | | | | | | |
| FUNDS | | | | | | 4009030 |

Mortgage fraud is the biggest threat to our state's economy and overall fiscal well being. In the last two years we have prosecuted dozens of defendants in RICO cases resulting in convictions through trial and plea. The success we have garnered is measured by the lengthy prison terms handed down to our defendants and by the widespread tentacles to these schemes that we have uncovered in the mortgage, banking, appraisal, and real estate industries.

On top of these two priorities that we have tackled given the threats they pose to our state, OSP continues to handle complex criminal cases in our traditional areas of white collar crime and narcotics. Any further cuts to Statewide Prosecution would very likely have to result in the closing of offices and additional layoffs beyond the two people we had to layoff this year.

The Statewide Prosecutor is a Constitutional Officer, 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. This office helps law enforcement protect the public by working with local law enforcement and regulatory agencies to prosecute those accused of fraud against the government, large scale consumer fraud particularly against the elderly; and violent crime. Typical crimes prosecuted within these categories include computer crimes, racketeering, antitrust violations, crimes involving fraud and deceit, perjury, usury, bribery, extortion, burglary, robbery, home invasions, anti-fencing violations, gambling, kidnapping, theft, murder, prostitution, carjacking, narcotics and counterfeit pharmaceutical drug violations, and solicitations or conspiracies to commit any of these crimes. This Office, in conjunction with the Attorney General's Cyber Crimes Section, also assists law enforcement and other prosecutors in prosecuting computer pornography and other crimes involving the sexual exploitation of children by the use of the Internet and computer networks.

POSITION DETAIL OF SALARIES AND BENEFITS:

| FTE | BASE RATE | ADDITIVES | BENEFITS | SUBTOTAL | LAPSE % | LAPSED SALARIES AND BENEFITS |
|------------------------------|-----------|-----------|----------|----------|---------|------------------------------|
| A03 - AGY REQUEST FY 2010-11 | | | | | | |
| NEW POSITIONS | | | | | | |
| OTHER SALARY AMOUNT | | | | | | |
| 1000 GENERAL REVENUE FUND | | | | | | 104,914 |
| | | | | | | ----- |
| | | | | | | 104,914 |
| | | | | | | ===== |

| | COL A03 | COL A04 | COL A05 | |
|----------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| <u>CONSTITUTIONAL LEGAL SVCS</u> | | | | 41100200 |
| PUBLIC PROTECTION | | | | 12 |
| <u>LEGAL REPRESENTATION</u> | | | | <u>1203.00.00.00</u> |
| TOTAL: LEGAL REPRESENTATION | | | | <u>1203.00.00.00</u> |
| BY FUND TYPE | | | | |
| GENERAL REVENUE FUND | | 2,196,352 | | 1000 |
| TRUST FUNDS | | 96,443 | | 2000 |
| TOTAL POSITIONS..... | 23.50 | | | |
| TOTAL PROG COMP..... | | 2,292,795 | | |
| TOTAL SALARY RATE..... | | 1,474,805 | | |
| | ===== | ===== | ===== | |

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CRIMINAL/CIVIL LIT DEFENSE | | | | 41100300 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| SALARY RATE | | | | 000000 |
| SALARY RATE..... | 18,407,669 | | | |
| ===== | | | | |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND -STATE | 9,116,731 | | | 1000 1 |
| CRIMES COMPENSATION TF -STATE | 429,440 | | | 2149 1 |
| LEGAL SERVICES TRUST FUND -STATE | 11,087,689 | | | 2438 1 |
| OPERATING TRUST FUND -STATE | 3,510,824 | | | 2510 1 |
| TOTAL POSITIONS..... | 357.50 | | | |
| TOTAL APPRO..... | 24,144,684 | | | |
| ===== | | | | |
| OTHER PERSONAL SERVICES | | | | 030000 |
| GENERAL REVENUE FUND -STATE | 46,057 | | | 1000 1 |
| LEGAL SERVICES TRUST FUND -STATE | 806,161 | | | 2438 1 |
| TOTAL APPRO..... | 852,218 | | | |
| ===== | | | | |
| EXPENSES | | | | 040000 |
| GENERAL REVENUE FUND -STATE | 1,402,845 | | | 1000 1 |
| CRIMES COMPENSATION TF -STATE | 44,508 | | | 2149 1 |
| LEGAL SERVICES TRUST FUND -STATE | 1,975,081 | | | 2438 1 |
| OPERATING TRUST FUND -STATE | 40,055 | | | 2510 1 |
| TOTAL APPRO..... | 3,462,489 | | | |
| ===== | | | | |
| OPERATING CAPITAL OUTLAY | | | | 060000 |
| GENERAL REVENUE FUND -STATE | 187,380 | | | 1000 1 |
| LEGAL SERVICES TRUST FUND -STATE | 362,691 | | | 2438 1 |
| TOTAL APPRO..... | 550,071 | | | |
| ===== | | | | |

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| <u>CRIMINAL/CIVIL LIT DEFENSE</u> | | | | 41100300 |
| <u>PUBLIC PROTECTION</u> | | | | 12 |
| <u>LEGAL REPRESENTATION</u> | | | | <u>1203.00.00.00</u> |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| LUMP SUM | | | | 090000 |
| ATTY GEN'L - RESERVE FTE | | | | 090218 |
| | 50.00 | | | |
| | ===== | ===== | ===== | |
| SPECIAL CATEGORIES | | | | 100000 |
| CONTRACTED SERVICES | | | | 100777 |
| GENERAL REVENUE FUND -STATE | 104,367 | | | 1000 1 |
| LEGAL SERVICES TRUST FUND -STATE | 1,273,819 | | | 2438 1 |
| | ----- | ----- | ----- | |
| TOTAL APPRO..... | 1,378,186 | | | |
| | ===== | ===== | ===== | |
| LITIGATION EXPENSES | | | | 101981 |
| LEGAL SERVICES TRUST FUND -STATE | 46,500 | | | 2438 1 |
| | ===== | ===== | ===== | |
| RISK MANAGEMENT INSURANCE | | | | 103241 |
| GENERAL REVENUE FUND -STATE | 96,483 | | | 1000 1 |
| LEGAL SERVICES TRUST FUND -STATE | 79,675 | | | 2438 1 |
| | ----- | ----- | ----- | |
| TOTAL APPRO..... | 176,158 | | | |
| | ===== | ===== | ===== | |
| TR/DMS/HR SVCS/STW CONTRCT | | | | 107040 |
| GENERAL REVENUE FUND -STATE | 77,137 | | | 1000 1 |
| LEGAL SERVICES TRUST FUND -STATE | 69,408 | | | 2438 1 |
| | ----- | ----- | ----- | |
| TOTAL APPRO..... | 146,545 | | | |
| | ===== | ===== | ===== | |
| DATA PROCESSING SERVICES | | | | 210000 |
| OTHER DATA PROCESSING SVCS | | | | 210014 |
| LEGAL SERVICES TRUST FUND -STATE | 30,972 | | | 2438 1 |
| | ===== | ===== | ===== | |

| | COL A03 | COL A04 | COL A05 | |
|--|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CRIMINAL/CIVIL LIT DEFENSE | | | | 41100300 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| TOTAL: ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| TOTAL POSITIONS..... | 407.50 | | | |
| TOTAL ISSUE..... | 30,787,823 | | | |
| TOTAL SALARY RATE..... | 18,407,669 | | | |
| ===== | | | | |
| CASUALTY INSURANCE PREMIUM | | | | 1001090 |
| ADJUSTMENT | | | | 100000 |
| SPECIAL CATEGORIES | | | | 103241 |
| RISK MANAGEMENT INSURANCE | | | | |
| GENERAL REVENUE FUND -STATE | 11,610- | | | 1000 1 |
| LEGAL SERVICES TRUST FUND -STATE | 9,587- | | | 2438 1 |
| TOTAL APPRO..... | 21,197- | | | |
| ===== | | | | |
| ADJUSTMENT TO STATE HEALTH | | | | 1002000 |
| INSURANCE PREMIUM CONTRIBUTION - | | | | 010000 |
| FISCAL YEAR 2009-10 | | | | |
| SALARIES AND BENEFITS | | | | |
| GENERAL REVENUE FUND -STATE | 10,616 | | | 1000 1 |
| CRIMES COMPENSATION TF -STATE | 500 | | | 2149 1 |
| LEGAL SERVICES TRUST FUND -STATE | 12,910 | | | 2438 1 |
| OPERATING TRUST FUND -STATE | 4,088 | | | 2510 1 |
| TOTAL APPRO..... | 28,114 | | | |
| ===== | | | | |

| | COL A03 | COL A04 | COL A05 | |
|--|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| <u>CRIMINAL/CIVIL LIT DEFENSE</u> | | | | 41100300 |
| PUBLIC PROTECTION | | | | 12 |
| <u>LEGAL REPRESENTATION</u> | | | | <u>1203.00.00.00</u> |
| NONRECURRING EXPENDITURES | | | | 2100000 |
| RESTORE CRIMES COMPENSATION TRUST | | | | |
| FUND AUTHORITY | | | | 2103057 |
| SALARIES AND BENEFITS | | | | 010000 |
| CRIMES COMPENSATION TF | -STATE | 429,440- | | 2149 1 |
| EXPENSES | | | | 040000 |
| CRIMES COMPENSATION TF | -STATE | 44,508- | | 2149 1 |
| TOTAL: RESTORE CRIMES COMPENSATION TRUST | | | | 2103057 |
| FUND AUTHORITY | | | | |
| TOTAL ISSUE..... | | 473,948- | | |
| RESTORE TRUST FUND AUTHORITY | | | | 2103058 |
| SALARIES AND BENEFITS | | | | 010000 |
| OPERATING TRUST FUND | -STATE | 3,510,824- | | 2510 1 |
| EXPENSES | | | | 040000 |
| OPERATING TRUST FUND | -STATE | 40,055- | | 2510 1 |
| TOTAL: RESTORE TRUST FUND AUTHORITY | | | | 2103058 |
| TOTAL ISSUE..... | | 3,550,879- | | |

| | COL A03 | COL A04 | COL A05 | |
|---------------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| <u>CRIMINAL/CIVIL LIT DEFENSE</u> | | | | 41100300 |
| PUBLIC PROTECTION | | | | 12 |
| <u>LEGAL REPRESENTATION</u> | | | | <u>1203.00.00.00</u> |
| ANNUALIZATION OF ADMINISTERED | | | | |
| FUNDS APPROPRIATIONS | | | | 26A0000 |
| ADJUSTMENT TO STATE HEALTH | | | | |
| INSURANCE FOR FY 2009-10 - 10 MONTH | | | | |
| ANNUALIZATION | | | | 26A1200 |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND -STATE | | 53,080 | | 1000 1 |
| CRIMES COMPENSATION TF -STATE | | 2,500 | | 2149 1 |
| LEGAL SERVICES TRUST FUND -STATE | | 64,550 | | 2438 1 |
| OPERATING TRUST FUND -STATE | | 20,440 | | 2510 1 |
| TOTAL APPRO..... | | 140,570 | | |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE | | | | |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | 4009020 |
| SALARY RATE | | | | 000000 |
| SALARY RATE..... | | 320,489 | | |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND -STATE | | 7.00 | | |
| GENERAL REVENUE FUND -STATE | | 429,448 | | 1000 1 |
| EXPENSES | | | | 040000 |
| GENERAL REVENUE FUND -STATE | | 44,508 | | 1000 1 |
| TOTAL: RESTORATION OF GENERAL REVENUE | | | | 4009020 |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | |
| TOTAL POSITIONS..... | | 7.00 | | |
| TOTAL ISSUE..... | | 473,956 | | |
| TOTAL SALARY RATE..... | | 320,489 | | |

| COL A03 | | COL A04 | | COL A05 | | CODES |
|--------------------------------|-------------|-------------|-------------|------------|------------|---------------|
| AGY REQUEST | AGY REQ N/R | AGY REQ N/R | AGY REQ N/R | AG REQ ANZ | AG REQ ANZ | |
| FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS | AMOUNT | |
| LEGAL AFFAIRS/ATTY GENERAL | | | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | | | 41100000 |
| CRIMINAL/CIVIL LIT DEFENSE | | | | | | 41100300 |
| PUBLIC PROTECTION | | | | | | 12 |
| LEGAL REPRESENTATION | | | | | | 1203.00.00.00 |
| LEGAL AFFAIRS | | | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE | | | | | | |
| FUND SHIFTS FROM THE CRIMES | | | | | | |
| COMPENSATION TRUST FUND | | | | | | 4009020 |

AGENCY ISSUE NARRATIVE:
 2010-2011 BUDGET YEAR NARRATIVE:
 Request

IT COMPONENT? NO

This issue is in five Budget Entities requesting 19 positions, 818,219 in rate and \$1,259,611 in General Revenue in total to continue the employment of these nineteen positions critical to the agency operations. The FY 2008-09 GAA transferred 19 positions 818,219 in rate and \$1,321,202 from General Revenue to the Crimes Compensation Trust Fund. This issue requests the transfer of these positions and the operating funds necessary to continue these positions back to the General Revenue fund. General Revenue is the most appropriate fund for the positions. The issue was input into the non-recurring column so the positions, rate and Crimes Compensation Trust Fund authority have been deleted from the budget of the Office of the Attorney General (OAG.)

This issue was distributed across all budget entities containing General Revenue in the OAG proportionate to the General Revenue in the Budget Entity. The OAG is requesting:

- 4 FTE and \$276,022 in Civil Enforcement Budget Entity
- 1 FTE and \$ 89,303 in the Constitutional Legal Services Budget Entity
- 7 FTE and \$473,956 in the Criminal / Civil Litigation Defense Budget Entity
- 4 FTE and \$210,804 in the Executive Direction and Support Services Budget Entity
- 3 FTE and \$209,526 in the Statewide Prosecution / Multi-Circuit Crime Budget Entity

Impact of Not Funding In Criminal / Civil Litigation Defense Budget Entity

The General Revenue in the Criminal / Civil Litigation Defense Budget Entity funds the Criminal Division. The majority of all the General Revenue in the OAG funds the Criminal Division which consists of Criminal Appeals and Capital Appeals. This seven position cut will add to the 32 positions already vacant due to reductions in funding. In 2008 and 2009, ten employees were laid off to meet the 4% holdback by the legislature in addition seven positions were cut by attrition.

The Criminal Division is responsible for representing the State in all criminal appeals, as well as in post-conviction litigation at both the trial and appellate levels before state and federal courts. The Criminal Division has had increased workload each year over the last ten years with the growth in the budgets of the Court and State Attorneys and the increases in the number of persons entering prison and seeking appeals. However, they have had no increases and must handle appeals for all cases. The Criminal Division currently averages more than 28,000 open active cases per year, handled by 850 remaining 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.

| | COL A03 | COL A04 | COL A05 | |
|-----------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| <u>CRIMINAL/CIVIL LIT DEFENSE</u> | | | | 41100300 |
| PUBLIC PROTECTION | | | | 12 |
| <u>LEGAL REPRESENTATION</u> | | | | <u>1203.00.00.00</u> |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE | | | | |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | 4009020 |

This division also represents 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 245 cases per year for the 5 attorney positions assigned to the unit. These cases are case specific and time intensive because they operate on abbreviated timetables mandated by statutes. The purpose of the Ryce Act is to, upon completion of sentence, house individuals designated as sexual predator/offenders for treatment and evaluation.

The Capital Appeals Bureau of the Criminal Division handles appeals in all capital murder cases in which the death penalty has been imposed. The 13.5 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 post-conviction 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 69 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.

Request

| | | |
|------------------------|---------|-----------|
| Rate: | 320,489 | |
| Salaries and Benefits: | | \$429,448 |
| Expenses: | | 44,508 |
| | | ----- |
| Total for B.E.: | | \$473,956 |

| | COL A03 | COL A04 | COL A05 | |
|--------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CRIMINAL/CIVIL LIT DEFENSE | | | | 41100300 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE | | | | |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | 4009020 |

POSITION DETAIL OF SALARIES AND BENEFITS:

| | FTE | BASE RATE | ADDITIVES | BENEFITS | SUBTOTAL | LAPSE % | LAPSED SALARIES AND BENEFITS |
|------------------------------|------|-----------|-----------|----------|----------|---------|------------------------------|
| A03 - AGY REQUEST FY 2010-11 | | | | | | | |
| NEW POSITIONS | | | | | | | |
| P101 PROPOSED CLASS CODE | | | | | | | |
| R0001 001 | 7.00 | 320,489 | | 118,851 | 439,340 | 0.00 | 439,340 |
| TOTALS FOR ISSUE BY FUND | | | | | | | |
| 1000 GENERAL REVENUE FUND | | | | | | | 439,340 |
| | 7.00 | 320,489 | | 118,851 | 439,340 | | 439,340 |
| OTHER SALARY AMOUNT | | | | | | | |
| 1000 GENERAL REVENUE FUND | | | | | | | 9,892- |
| | | | | | | | 429,448 |

| | | | | | | | |
|-------------------------------------|-----------|--|--|--|--|--|---------|
| RESTORATION OF GENERAL REVENUE FUND | | | | | | | |
| SHIFTS FROM NONRECURRING TRUST | | | | | | | |
| FUNDS | | | | | | | 4009030 |
| SALARIES AND BENEFITS | | | | | | | 010000 |
| GENERAL REVENUE FUND -STATE | 3,510,824 | | | | | | 1000 1 |

| | COL A03 | COL A04 | COL A05 | |
|--|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| CRIMINAL/CIVIL LIT DEFENSE | | | | 41100300 |
| PUBLIC PROTECTION | | | | 12 |
| <u>LEGAL REPRESENTATION</u> | | | | <u>1203.00.00.00</u> |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE FUND | | | | |
| SHIFTS FROM NONRECURRING TRUST | | | | |
| FUNDS | | | | 4009030 |
| EXPENSES | | | | 040000 |
| GENERAL REVENUE FUND -STATE | | 40,055 | | 1000 1 |
| TOTAL: RESTORATION OF GENERAL REVENUE FUND | | | | 4009030 |
| SHIFTS FROM NONRECURRING TRUST | | | | |
| FUNDS | | | | |
| TOTAL ISSUE..... | | 3,550,879 | | |

AGENCY ISSUE NARRATIVE:

2010-2011 BUDGET YEAR NARRATIVE: IT COMPONENT? NO
 Request

The Department of Legal Affairs/Office of Attorney General (OAG) requests \$5,827,596 in General Revenue to replace the non-recurring "Transfer Funding to Trust Funds from General Revenue" fund shift appropriated by the legislature for Fiscal Year 2008-09 and in Fiscal Year 2009-10. This fund shift comprises almost twenty percent (20%) of the recurring General Revenue in the OAG's operating budget. The legislature provided for a non-recurring transfer of \$5,796,203 in Salaries and Benefits and \$40,055 in Expenses to the Operating Trust fund, the Administrative Trust Fund and the Legal Services Trust fund. This fund shift was for two years using non-recurring funds. The approach used by the legislature and OAG for the fund shift of these positions was to utilize cash derived from judgments brought in from proceedings related to state or federal antitrust law or the Florida RICO Act and held in the account pending a final court decision or final distribution order. The monies recovered on behalf of consumers go to consumers or for their benefit. Monies recovered on behalf of local public entities go back to them. Monies recovered on behalf of state agencies must be deposited in the General Revenue Fund.

This issue requests the replacement of the trust funds appropriated in the following Budget Entities:

- \$739,514 in Civil Enforcement Budget Entity to the Operating Trust Fund
- \$104,614 in Constitutional Legal Services Budget Entity to the Operating Trust Fund
- \$3,550,879 in the Criminal / Civil Litigation Defense Budget Entity to the Operating Trust Fund
- \$852,289 in the Statewide Prosecution / Multi-Circuit Crime Budget Entity to the Operating Trust Fund
- \$275,000 in the Executive Direction and Support Services Budget Entity to the Administrative Trust Fund,
- \$50,000 in the Executive Direction and Support Services Budget Entity to the Legal Services Trust Fund, and
- \$255,000 in the Executive Direction and Support Services Budget Entity to the Operating Trust Fund

These fund shifts have resulted in temporarily moving thirty attorneys and numerous support positions from General Revenue to the non-recurring moneys from these trust funds. The majority of the positions are in the Criminal Division.

| COL A03 | | COL A04 | | COL A05 | | CODES |
|-------------------------------------|-------------|-------------|-------------|-------------|-------------|----------------------|
| AGY REQUEST | AGY REQ N/R | AGY REQ N/R | AGY REQ ANZ | AGY REQUEST | AGY REQ ANZ | |
| FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS | AMOUNT | |
| LEGAL AFFAIRS/ATTY GENERAL | | | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | | | 41100000 |
| <u>CRIMINAL/CIVIL LIT DEFENSE</u> | | | | | | 41100300 |
| <u>PUBLIC PROTECTION</u> | | | | | | 12 |
| <u>LEGAL REPRESENTATION</u> | | | | | | <u>1203.00.00.00</u> |
| LEGAL AFFAIRS | | | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE FUND | | | | | | |
| SHIFTS FROM NONRECURRING TRUST | | | | | | |
| FUNDS | | | | | | 4009030 |

The Criminal Division is responsible for representing the State in all criminal appeals, as well as in post-conviction litigation at both the trial and appellate levels before state and federal courts.

The majority of the General Revenue in the OAG funds the Criminal Division which consists of Criminal Appeals and Capital Appeals. In order to meet the reduction requirement the OAG calculates that the Criminal Division will have to be reduced by approximately 20 positions. This will add to the 32 positions already vacant due to reductions in funding and the seventeen (17) employees already cut from the division.

The Florida's Attorney General's Criminal and Capital Appellate Division, is the State's appellate prosecutor assigned to defend the judgments and sentences imposed by the trial court, in the state courts of appeal and federal habeas courts. Every appeal, from any of the 20 judicial circuits, filed by a criminal defendant challenging his conviction or length of sentence, is processed through this division, specifically each case is docketed, assigned a case number and assigned and prosecuted by attorneys specializing in this appellate discipline. The Criminal and Capital Appellate Division litigates against the statewide appellate public defenders, the three Capital Collateral Regional Counsels, assigned conflict counsels in every judicial circuit, federal public defenders from the three federal districts and all private attorneys hired to do criminal appellate defense work and, of course, pro se litigants.

To date, the additional deletions in the attorney ranks has reduced the number of attorneys working on approximately 28,634 opened and current criminal cases and 895 opened and active capital cases--in 2008-2009 fiscal year, from 110 criminal attorneys and 16 capital attorneys in 2007-- to 85 criminal attorneys and 13.5 capital attorneys, in 2009, respectively. Besides the 4 attorneys that were laid off, the hiring freeze has resulted in an increase of 26 vacant attorney positions from the 14 vacancies last reported, and 9 staff losses up from 6. Two were laid off and one resigned.

The OAG criminal division has faced pressures from the state and federal courts to speed up the handling of backlogged cases. Calls for handling cases more expeditiously, have been impossible --due to the sheer number of cases per attorney caseloads. Unfortunately, this office has neither benefitted from the "lesser reductions in funding" legislatively mandated for the State judiciary nor does the OAG have the ability to retrieve attorney fees for litigation in federal court when prevailing in federal habeas litigation and ensuing appeals there from in the federal appellate courts. Without adequate funding from any quarter, and faced with continuing budget shortfalls from general revenue dollars, it would not appear likely that reduced backlogs of cases and shorter litigation time will occur without an infusion of necessary general revenue dollars with which to fill current-existing vacancies.

In 2009, the average caseloads for currently remaining/filled FTEs are:

| | |
|---------------------|----------------------|
| Criminal (85 Atty.) | Capital (13.5 Atty.) |
| Caseloads per atty. | Caseloads per atty. |

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| <u>CRIMINAL/CIVIL LIT DEFENSE</u> | | | | 41100300 |
| <u>PUBLIC PROTECTION</u> | | | | 12 |
| <u>LEGAL REPRESENTATION</u> | | | | <u>1203.00.00.00</u> |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE FUND | | | | |
| SHIFTS FROM NONRECURRING TRUST | | | | |
| FUNDS | | | | 4009030 |
| FY2009 | 337 | | 69 | |

The depletion of the criminal appellate attorney ranks in this office has resulted in further delays in the processing of appellate cases, has strained the ability of the state to address complex legal issues, and brings into question whether appellate review is meaningful. The excessive case loads have challenged even the most seasoned appellate attorneys' abilities to competently process caseloads, thus placing unimaginable pressures on this office's ability to retain criminal appellate attorneys and their expertise, as well as meet the demands of the criminal justice system.

The fund shift in the Office of Statewide Prosecution (OSP) shifted nine positions from this office. Failure to restore these funds would severely reduce the effectiveness of the office in fighting multi-circuit crimes. The unit currently has nine vacant positions, at least eight of which must remain vacant the entire fiscal year in order to meet our previous cuts. Two of these nine vacancies are critical Bureau Chief positions that need to be filled with senior attorneys. The unfilled vacancies currently leave one attorney to cover over 20 counties throughout North Florida and another Bureau staffed with only one prosecutor who is responsible for covering Southwest Florida. These current staffing levels do not allow us to meet our constitutional mission in those geographic areas.

The Office of Statewide Prosecution is focusing on two main priorities: gang violence and mortgage fraud. In the last three years we have made tremendous progress in both areas but there remains work to be done.

While violent crime is down in our key impact areas, it is still a threatening problem in parts of our state. Our success has been measured by the neighborhoods we have changed through arrests and successful prosecution and also through the awards earned by our investigative partners - gang units of the year for the last two years for OSP cases.

Mortgage fraud is the biggest threat to our state's economy and overall fiscal well being. In the last two years we have prosecuted dozens of defendants in RICO cases resulting in convictions through trial and plea. The success we have garnered is measured by the lengthy prison terms handed down to our defendants and by the widespread tentacles to these schemes that we have uncovered in the mortgage, banking, appraisal, and real estate industries.

On top of these two priorities that we have tackled given the threats they pose to our state, OSP continues to handle complex criminal cases in our traditional areas of white collar crime and narcotics. Any further cuts to Statewide Prosecution would very likely have to result in the closing of offices and additional layoffs beyond the two people we had to layoff this year.

The Statewide Prosecutor is a Constitutional Officer, 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. This office helps law enforcement protect the public by working with local law enforcement and regulatory agencies to prosecute those accused of fraud against the government, large scale consumer

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| VICTIM SERVICES | | | | 41100400 |
| GOV OPERATIONS/SUPPORT | | | | 16 |
| EXEC LEADERSHIP/SUPPRT SVC | | | | 1602.00.00.00 |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| SALARY RATE | | | | 000000 |
| SALARY RATE..... | 3,836,490 | | | |
| ===== | | | | |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND -STATE | | 318 | | 1000 1 |
| CRIMES COMPENSATION TF -STATE | 4,716,993 | | | 2149 1 |
| CRIME STOPPERS TF -STATE | 88,689 | | | 2202 1 |
| FEDERAL GRANTS TRUST FUND -RECPNT | 46,835 | | | 2261 9 |
| FL.CRIME PREV TR IN REV TF-STATE | 319,792 | | | 2302 1 |
| ----- | | | | |
| TOTAL POSITIONS..... | 90.00 | | | |
| TOTAL APPRO..... | 5,172,627 | | | |
| ===== | | | | |
| OTHER PERSONAL SERVICES | | | | 030000 |
| CRIMES COMPENSATION TF -STATE | 55,060 | | | 2149 1 |
| CRIME STOPPERS TF -STATE | 5,100 | | | 2202 1 |
| FL.CRIME PREV TR IN REV TF-STATE | 155,796 | | | 2302 1 |
| ----- | | | | |
| TOTAL APPRO..... | 215,956 | | | |
| ===== | | | | |
| EXPENSES | | | | 040000 |
| CRIMES COMPENSATION TF -STATE | 783,053 | | | 2149 1 |
| CRIME STOPPERS TF -STATE | 63,415 | | | 2202 1 |
| FEDERAL GRANTS TRUST FUND -FEDERL | 75,000 | | | 2261 3 |
| FL.CRIME PREV TR IN REV TF-STATE | 99,596 | | | 2302 1 |
| ----- | | | | |
| TOTAL APPRO..... | 1,021,064 | | | |
| ===== | | | | |
| OPERATING CAPITAL OUTLAY | | | | 060000 |
| CRIMES COMPENSATION TF -STATE | 123,407 | | | 2149 1 |
| CRIME STOPPERS TF -STATE | 2,380 | | | 2202 1 |
| FL.CRIME PREV TR IN REV TF-STATE | 7,695 | | | 2302 1 |
| ----- | | | | |

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| VICTIM SERVICES | | | | 41100400 |
| GOV OPERATIONS/SUPPORT | | | | 16 |
| EXEC LEADERSHIP/SUPPRT SVC | | | | 1602.00.00.00 |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| OPERATING CAPITAL OUTLAY | | | | 060000 |
| TOTAL APPRO..... | 133,482 | | | |
| SPECIAL CATEGORIES | | | | 100000 |
| AWARDS TO CLAIMANTS | | | | 100189 |
| CRIMES COMPENSATION TF -STATE | 24,842,082 | | | 2149 1 |
| FEDERAL GRANTS TRUST FUND -FEDERL | 6,897,000 | | | 2261 3 |
| TOTAL APPRO..... | 31,739,082 | | | |
| CONTRACTED SERVICES | | | | 100777 |
| GENERAL REVENUE FUND -STATE | 2,131,192 | | | 1000 1 |
| CRIMES COMPENSATION TF -STATE | 106,834 | | | 2149 1 |
| FEDERAL GRANTS TRUST FUND -FEDERL | 30,000 | | | 2261 3 |
| FL.CRIME PREV TR IN REV TF-STATE | 108,408 | | | 2302 1 |
| TOTAL APPRO..... | 2,376,434 | | | |
| G/A-MINORITY CRIME PREV. | | | | 102015 |
| GENERAL REVENUE FUND -STATE | 4,389,055 | | | 1000 1 |
| G/A-CRIME STOPPERS | | | | 102700 |
| CRIME STOPPERS TF -STATE | 4,500,000 | | | 2202 1 |
| RISK MANAGEMENT INSURANCE | | | | 103241 |
| CRIMES COMPENSATION TF -STATE | 45,625 | | | 2149 1 |
| CRIME STOPPERS TF -STATE | 1,025 | | | 2202 1 |
| FL.CRIME PREV TR IN REV TF-STATE | 1,538 | | | 2302 1 |
| TOTAL APPRO..... | 48,188 | | | |

| | COL A03 | COL A04 | COL A05 | |
|--|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| VICTIM SERVICES | | | | 41100400 |
| GOV OPERATIONS/SUPPORT | | | | 16 |
| EXEC LEADERSHIP/SUPPRT SVC | | | | 1602.00.00.00 |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| SPECIAL CATEGORIES | | | | 100000 |
| G/A-VICTIM ASSISTANCE SVCS | | | | 104133 |
| | | | | |
| FEDERAL GRANTS TRUST FUND -FEDERL | 25,000,000 | | | 2261 3 |
| ===== | | | | |
| | | | | |
| TR/DMS/HR SVCS/STW CONTRCT | | | | 107040 |
| | | | | |
| CRIMES COMPENSATION TF -STATE | 33,094 | | | 2149 1 |
| CRIME STOPPERS TF -STATE | 294 | | | 2202 1 |
| FL.CRIME PREV TR IN REV TF-STATE | 2,243 | | | 2302 1 |
| ----- | | | | |
| TOTAL APPRO..... | 35,631 | | | |
| ===== | | | | |
| | | | | |
| TOTAL: ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| TOTAL POSITIONS..... | 90.00 | | | |
| TOTAL ISSUE..... | 74,631,519 | | | |
| TOTAL SALARY RATE..... | 3,836,490 | | | |
| ===== | | | | |
| | | | | |
| CASUALTY INSURANCE PREMIUM | | | | 1001090 |
| ADJUSTMENT | | | | 100000 |
| SPECIAL CATEGORIES | | | | 103241 |
| RISK MANAGEMENT INSURANCE | | | | |
| | | | | |
| CRIMES COMPENSATION TF -STATE | 5,490- | | | 2149 1 |
| CRIME STOPPERS TF -STATE | 123- | | | 2202 1 |
| FL.CRIME PREV TR IN REV TF-STATE | 185- | | | 2302 1 |
| ----- | | | | |
| TOTAL APPRO..... | 5,798- | | | |
| ===== | | | | |

| | COL A03 | COL A04 | COL A05 | |
|-----------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| VICTIM SERVICES | | | | 41100400 |
| GOV OPERATIONS/SUPPORT | | | | 16 |
| EXEC LEADERSHIP/SUPPRT SVC | | | | <u>1602.00.00.00</u> |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ADJUSTMENT TO STATE HEALTH | | | | |
| INSURANCE PREMIUM CONTRIBUTION - | | | | |
| FISCAL YEAR 2009-10 | | | | 1002000 |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND -STATE | | 1 | | 1000 1 |
| CRIMES COMPENSATION TF -STATE | | 6,442 | | 2149 1 |
| CRIME STOPPERS TF -STATE | | 121 | | 2202 1 |
| FEDERAL GRANTS TRUST FUND -RECPNT | | 64 | | 2261 9 |
| FL.CRIME PREV TR IN REV TF-STATE | | 437 | | 2302 1 |
| TOTAL APPRO..... | | 7,065 | | |
| NONRECURRING EXPENDITURES | | | | 2100000 |
| INCREASE SERVICES FOR VICTIMS OF | | | | |
| SEXUAL ASSAULT | | | | 2103015 |
| SPECIAL CATEGORIES | | | | 100000 |
| CONTRACTED SERVICES | | | | 100777 |
| GENERAL REVENUE FUND -STATE | | 250,000- | | 1000 1 |
| RESTORE CRIMES COMPENSATION TRUST | | | | |
| FUND AUTHORITY | | | | 2103057 |
| SPECIAL CATEGORIES | | | | 100000 |
| CONTRACTED SERVICES | | | | 100777 |
| CRIMES COMPENSATION TF -STATE | | 61,591- | | 2149 1 |

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| VICTIM SERVICES | | | | 41100400 |
| GOV OPERATIONS/SUPPORT | | | | 16 |
| EXEC LEADERSHIP/SUPPRT SVC | | | | <u>1602.00.00.00</u> |
| ANNUALIZATION OF ADMINISTERED | | | | |
| FUNDS APPROPRIATIONS | | | | 26A0000 |
| ADJUSTMENT TO STATE HEALTH | | | | |
| INSURANCE FOR FY 2009-10 - 10 MONTH | | | | |
| ANNUALIZATION | | | | 26A1200 |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND -STATE | | 5 | | 1000 1 |
| CRIMES COMPENSATION TF -STATE | | 32,210 | | 2149 1 |
| CRIME STOPPERS TF -STATE | | 605 | | 2202 1 |
| FEDERAL GRANTS TRUST FUND -RECPNT | | 320 | | 2261 9 |
| FL.CRIME PREV TR IN REV TF-STATE | | 2,185 | | 2302 1 |
| TOTAL APPRO..... | | 35,325 | | |
| TOTAL: EXEC LEADERSHIP/SUPPRT SVC | | | | <u>1602.00.00.00</u> |
| BY FUND TYPE | | | | |
| GENERAL REVENUE FUND | | 6,270,571 | | 1000 |
| TRUST FUNDS | | 68,085,949 | | 2000 |
| TOTAL POSITIONS..... | 90.00 | | | |
| TOTAL PROG COMP..... | | 74,356,520 | | |
| TOTAL SALARY RATE..... | | 3,836,490 | | |

| | COL A03 | COL A04 | COL A05 | |
|--|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| EXECUTIVE DIR/SUPPORT SVCS | | | | 41100500 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | <u>1203.00.00.00</u> |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| SALARY RATE | | | | 000000 |
| SALARY RATE..... | 6,894 | | | |
| ===== | | | | |
| SALARIES AND BENEFITS | | | | 010000 |
| OPERATING TRUST FUND -STATE | 262,688 | | | 2510 1 |
| ===== | | | | |
| TOTAL: ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| TOTAL ISSUE..... | 262,688 | | | |
| TOTAL SALARY RATE..... | 6,894 | | | |
| ===== | | | | |
| NONRECURRING EXPENDITURES | | | | 2100000 |
| RESTORE TRUST FUND AUTHORITY | | | | 2103058 |
| SALARIES AND BENEFITS | | | | 010000 |
| OPERATING TRUST FUND -STATE | 255,000- | | | 2510 1 |
| ===== | | | | |
| TOTAL: LEGAL REPRESENTATION | | | | <u>1203.00.00.00</u> |
| BY FUND TYPE | | | | |
| TRUST FUNDS..... | 7,688 | | | 2000 |
| SALARY RATE..... | 6,894 | | | |
| ===== | | | | |

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| <u>EXECUTIVE DIR/SUPPORT SVCS</u> | | | | 41100500 |
| GOV OPERATIONS/SUPPORT | | | | 16 |
| <u>EXEC LEADERSHIP/SUPPRT SVC</u> | | | | <u>1602.00.00.00</u> |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| SALARY RATE | | | | 000000 |
| SALARY RATE..... | 6,215,311 | | | |
| ===== | | | | |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND -STATE | 4,950,108 | | | 1000 1 |
| ADMINISTRATIVE TRUST FUND -STATE | 3,429,945 | | | 2021 1 |
| CRIMES COMPENSATION TF -STATE | 200,065 | | | 2149 1 |
| LEGAL SERVICES TRUST FUND -STATE | 50,117 | | | 2438 1 |
| TOTAL POSITIONS..... | 133.00 | | | |
| TOTAL APPRO..... | 8,630,235 | | | |
| ===== | | | | |
| OTHER PERSONAL SERVICES | | | | 030000 |
| GENERAL REVENUE FUND -STATE | 50,000 | | | 1000 1 |
| ADMINISTRATIVE TRUST FUND -STATE | 140,826 | | | 2021 1 |
| TOTAL APPRO..... | 190,826 | | | |
| ===== | | | | |
| EXPENSES | | | | 040000 |
| GENERAL REVENUE FUND -STATE | 306,157 | | | 1000 1 |
| ADMINISTRATIVE TRUST FUND -STATE | 958,004 | | | 2021 1 |
| CRIMES COMPENSATION TF -STATE | 13,659 | | | 2149 1 |
| FEDERAL GRANTS TRUST FUND -FEDERL | 5,851 | | | 2261 3 |
| LEGAL SERVICES TRUST FUND -STATE | 23,941 | | | 2438 1 |
| LEGAL AFFAIRS REVOLVING TF-STATE | 3,335 | | | 2439 1 |
| OPERATING TRUST FUND -STATE | 2,431 | | | 2510 1 |
| TOTAL APPRO..... | 1,313,378 | | | |
| ===== | | | | |

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| <u>EXECUTIVE DIR/SUPPORT SVCS</u> | | | | 41100500 |
| GOV OPERATIONS/SUPPORT | | | | 16 |
| <u>EXEC LEADERSHIP/SUPPRT SVC</u> | | | | <u>1602.00.00.00</u> |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| OPERATING CAPITAL OUTLAY | | | | 060000 |
| | | | | |
| GENERAL REVENUE FUND -STATE | | 90,461 | | 1000 1 |
| ADMINISTRATIVE TRUST FUND -STATE | | 472,801 | | 2021 1 |
| CRIMES COMPENSATION TF -STATE | | 9,061 | | 2149 1 |
| FEDERAL GRANTS TRUST FUND -FEDERL | | 21,712 | | 2261 3 |
| LEGAL SERVICES TRUST FUND -STATE | | 88,837 | | 2438 1 |
| LEGAL AFFAIRS REVOLVING TF-STATE | | 12,371 | | 2439 1 |
| OPERATING TRUST FUND -STATE | | 9,019 | | 2510 1 |
| | | | | |
| TOTAL APPRO..... | | 704,262 | | |
| | | | | |
| SPECIAL CATEGORIES | | | | 100000 |
| ATTY GENERAL'S LAW LIBRARY | | | | 100001 |
| | | | | |
| GENERAL REVENUE FUND -STATE | | 282,676 | | 1000 1 |
| | | | | |
| COMMISSION/STATUS OF WOMEN | | | | 100120 |
| | | | | |
| GENERAL REVENUE FUND -STATE | | 105,827 | | 1000 1 |
| | | | | |
| CONTRACTED SERVICES | | | | 100777 |
| | | | | |
| GENERAL REVENUE FUND -STATE | | 125,531 | | 1000 1 |
| ADMINISTRATIVE TRUST FUND -STATE | | 55,268 | | 2021 1 |
| CRIMES COMPENSATION TF -STATE | | 51,349 | | 2149 1 |
| FEDERAL GRANTS TRUST FUND -FEDERL | | 3,234 | | 2261 3 |
| LEGAL SERVICES TRUST FUND -STATE | | 13,230 | | 2438 1 |
| LEGAL AFFAIRS REVOLVING TF-STATE | | 1,843 | | 2439 1 |
| OPERATING TRUST FUND -STATE | | 1,344 | | 2510 1 |
| | | | | |
| TOTAL APPRO..... | | 251,799 | | |
| | | | | |
| RISK MANAGEMENT INSURANCE | | | | 103241 |
| | | | | |
| GENERAL REVENUE FUND -STATE | | 54,460 | | 1000 1 |
| ADMINISTRATIVE TRUST FUND -STATE | | 28,195 | | 2021 1 |

| | COL A03 | COL A04 | COL A05 | |
|--|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| <u>EXECUTIVE DIR/SUPPORT SVCS</u> | | | | 41100500 |
| GOV OPERATIONS/SUPPORT | | | | 16 |
| <u>EXEC LEADERSHIP/SUPPRT SVC</u> | | | | <u>1602.00.00.00</u> |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| SPECIAL CATEGORIES | | | | 100000 |
| RISK MANAGEMENT INSURANCE | | | | 103241 |
| TOTAL APPRO..... | 82,655 | | | |
| TR/DMS/HR SVCS/STW CONTRCT | | | | 107040 |
| GENERAL REVENUE FUND -STATE | 41,321 | | | 1000 1 |
| ADMINISTRATIVE TRUST FUND -STATE | 15,357 | | | 2021 1 |
| TOTAL APPRO..... | 56,678 | | | |
| DATA PROCESSING SERVICES | | | | 210000 |
| OTHER DATA PROCESSING SVCS | | | | 210014 |
| GENERAL REVENUE FUND -STATE | 135,441 | | | 1000 1 |
| ADMINISTRATIVE TRUST FUND -STATE | 157,876 | | | 2021 1 |
| TOTAL APPRO..... | 293,317 | | | |
| TOTAL: ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| TOTAL POSITIONS..... | 133.00 | | | |
| TOTAL ISSUE..... | 11,911,653 | | | |
| TOTAL SALARY RATE..... | 6,215,311 | | | |
| CASUALTY INSURANCE PREMIUM | | | | 1001090 |
| ADJUSTMENT | | | | 100000 |
| SPECIAL CATEGORIES | | | | 103241 |
| RISK MANAGEMENT INSURANCE | | | | |
| GENERAL REVENUE FUND -STATE | 6,553- | | | 1000 1 |
| ADMINISTRATIVE TRUST FUND -STATE | 3,393- | | | 2021 1 |
| TOTAL APPRO..... | 9,946- | | | |

| | COL A03 | COL A04 | COL A05 | |
|--|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| <u>EXECUTIVE DIR/SUPPORT SVCS</u> | | | | 41100500 |
| GOV OPERATIONS/SUPPORT | | | | 16 |
| <u>EXEC LEADERSHIP/SUPPRT SVC</u> | | | | <u>1602.00.00.00</u> |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ADJUSTMENT TO STATE HEALTH | | | | |
| INSURANCE PREMIUM CONTRIBUTION - | | | | |
| FISCAL YEAR 2009-10 | | | | 1002000 |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND -STATE | | 6,173 | | 1000 1 |
| ADMINISTRATIVE TRUST FUND -STATE | | 4,277 | | 2021 1 |
| CRIMES COMPENSATION TF -STATE | | 250 | | 2149 1 |
| LEGAL SERVICES TRUST FUND -STATE | | 62 | | 2438 1 |
| TOTAL APPRO..... | | 10,762 | | |
| NONRECURRING EXPENDITURES | | | | 2100000 |
| CUBAN-AMERICAN BAR ASSOCIATION | | | | 2103016 |
| SPECIAL CATEGORIES | | | | 100000 |
| CONTRACTED SERVICES | | | | 100777 |
| CRIMES COMPENSATION TF -STATE | | 50,000- | | 2149 1 |
| RESTORE CRIMES COMPENSATION TRUST | | | | |
| FUND AUTHORITY | | | | 2103057 |
| SALARIES AND BENEFITS | | | | 010000 |
| CRIMES COMPENSATION TF -STATE | | 199,587- | | 2149 1 |
| EXPENSES | | | | 040000 |
| CRIMES COMPENSATION TF -STATE | | 11,217- | | 2149 1 |
| TOTAL: RESTORE CRIMES COMPENSATION TRUST | | | | 2103057 |
| FUND AUTHORITY | | | | |
| TOTAL ISSUE..... | | 210,804- | | |

| | COL A03 | COL A04 | COL A05 | |
|-----------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| <u>EXECUTIVE DIR/SUPPORT SVCS</u> | | | | 41100500 |
| GOV OPERATIONS/SUPPORT | | | | 16 |
| <u>EXEC LEADERSHIP/SUPPRT SVC</u> | | | | <u>1602.00.00.00</u> |
| NONRECURRING EXPENDITURES | | | | 2100000 |
| RESTORE TRUST FUND AUTHORITY | | | | 2103058 |
| SALARIES AND BENEFITS | | | | 010000 |
| ADMINISTRATIVE TRUST FUND -STATE | 275,000- | | | 2021 1 |
| LEGAL SERVICES TRUST FUND -STATE | 50,000- | | | 2438 1 |
| TOTAL APPRO..... | 325,000- | | | |
| INFORMATION TECHNOLOGY FILE | | | | 2103061 |
| STORAGE CAPACITY | | | | 040000 |
| EXPENSES | | | | |
| CRIMES COMPENSATION TF -STATE | 2,442- | | | 2149 1 |
| FEDERAL GRANTS TRUST FUND -FEDERL | 5,851- | | | 2261 3 |
| LEGAL SERVICES TRUST FUND -STATE | 23,941- | | | 2438 1 |
| LEGAL AFFAIRS REVOLVING TF-STATE | 3,335- | | | 2439 1 |
| OPERATING TRUST FUND -STATE | 2,431- | | | 2510 1 |
| TOTAL APPRO..... | 38,000- | | | |
| OPERATING CAPITAL OUTLAY | | | | 060000 |
| CRIMES COMPENSATION TF -STATE | 9,061- | | | 2149 1 |
| FEDERAL GRANTS TRUST FUND -FEDERL | 21,712- | | | 2261 3 |
| LEGAL SERVICES TRUST FUND -STATE | 88,837- | | | 2438 1 |
| LEGAL AFFAIRS REVOLVING TF-STATE | 12,371- | | | 2439 1 |
| OPERATING TRUST FUND -STATE | 9,019- | | | 2510 1 |
| TOTAL APPRO..... | 141,000- | | | |
| SPECIAL CATEGORIES | | | | 100000 |
| CONTRACTED SERVICES | | | | 100777 |
| CRIMES COMPENSATION TF -STATE | 1,349- | | | 2149 1 |
| FEDERAL GRANTS TRUST FUND -FEDERL | 3,234- | | | 2261 3 |
| LEGAL SERVICES TRUST FUND -STATE | 13,230- | | | 2438 1 |
| LEGAL AFFAIRS REVOLVING TF-STATE | 1,843- | | | 2439 1 |
| OPERATING TRUST FUND -STATE | 1,344- | | | 2510 1 |

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| EXECUTIVE DIR/SUPPORT SVCS | | | | 41100500 |
| GOV OPERATIONS/SUPPORT | | | | 16 |
| EXEC LEADERSHIP/SUPPRT SVC | | | | 1602.00.00.00 |
| NONRECURRING EXPENDITURES | | | | 2100000 |
| INFORMATION TECHNOLOGY FILE | | | | |
| STORAGE CAPACITY | | | | 2103061 |
| SPECIAL CATEGORIES | | | | 100000 |
| CONTRACTED SERVICES | | | | 100777 |
| TOTAL APPRO..... | | 21,000- | | |
| TOTAL: INFORMATION TECHNOLOGY FILE | | | | 2103061 |
| STORAGE CAPACITY | | | | |
| TOTAL ISSUE..... | | 200,000- | | |
| ANNUALIZATION OF ADMINISTERED | | | | |
| FUNDS APPROPRIATIONS | | | | 26A0000 |
| ADJUSTMENT TO STATE HEALTH | | | | |
| INSURANCE FOR FY 2009-10 - 10 MONTH | | | | |
| ANNUALIZATION | | | | 26A1200 |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND -STATE | | 30,865 | | 1000 1 |
| ADMINISTRATIVE TRUST FUND -STATE | | 21,385 | | 2021 1 |
| CRIMES COMPENSATION TF -STATE | | 1,250 | | 2149 1 |
| LEGAL SERVICES TRUST FUND -STATE | | 310 | | 2438 1 |
| TOTAL APPRO..... | | 53,810 | | |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE | | | | |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | 4009020 |
| SALARY RATE | | | | 000000 |
| SALARY RATE..... | | 144,250 | | |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND -STATE | | 4.00 | | |
| GENERAL REVENUE FUND -STATE | | 199,587 | | 1000 1 |

| | COL A03 | COL A04 | COL A05 | |
|---------------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| <u>EXECUTIVE DIR/SUPPORT SVCS</u> | | | | 41100500 |
| GOV OPERATIONS/SUPPORT | | | | 16 |
| <u>EXEC LEADERSHIP/SUPPRT SVC</u> | | | | <u>1602.00.00.00</u> |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE | | | | |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | 4009020 |
| EXPENSES | | | | 040000 |
| GENERAL REVENUE FUND | -STATE | 11,217 | | 1000 1 |
| TOTAL: RESTORATION OF GENERAL REVENUE | | | | 4009020 |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | |
| TOTAL POSITIONS..... | 4.00 | | | |
| TOTAL ISSUE..... | | 210,804 | | |
| TOTAL SALARY RATE..... | 144,250 | | | |

AGENCY ISSUE NARRATIVE:
 2010-2011 BUDGET YEAR NARRATIVE: IT COMPONENT? NO
 Request

This issue is in five Budget Entities requesting 19 positions, 818,219 in rate and \$1,259,611 in General Revenue in total to continue the employment of these nineteen positions critical to the agency operations. The FY 2008-09 GAA transferred 19 positions 818,219 in rate and \$1,321,202 from General Revenue to the Crimes Compensation Trust Fund. This issue requests the transfer of these positions and the operating funds necessary to continue these positions back to the General Revenue fund. General Revenue is the most appropriate fund for the positions. The issue was input into the non-recurring column so the positions, rate and Crimes Compensation Trust Fund authority have been deleted from the budget of the Office of the Attorney General (OAG.)

This issue was distributed across all budget entities containing General Revenue in the OAG proportionate to the General Revenue in the Budget Entity. The OAG is requesting:

- 4 FTE and \$276,022 in Civil Enforcement Budget Entity
- 1 FTE and \$ 89,303 in the Constitutional Legal Services Budget Entity
- 7 FTE and \$473,956 in the Criminal / Civil Litigation Defense Budget Entity
- 4 FTE and \$210,804 in the Executive Direction and Support Services Budget Entity
- 3 FTE and \$209,526 in the Statewide Prosecution / Multi-Circuit Crime Budget Entity

Impact of Not Funding In Executive Direction and Support Services Budget Entity

The General Revenue in the Executive Direction and Support Services Budget Entity supports a variety of executive staff functions required for a Cabinet member. The executive staff is already down by nine critical positions and cannot take

| COL A03 | | COL A04 | | COL A05 | | CODES |
|-----------------------------------|-------------|-------------|-------------|------------|------------|----------------------|
| AGY REQUEST | AGY REQ N/R | AGY REQ N/R | AGY REQ N/R | AG REQ ANZ | AG REQ ANZ | |
| FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS | AMOUNT | |
| LEGAL AFFAIRS/ATTY GENERAL | | | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | | | 41100000 |
| <u>EXECUTIVE DIR/SUPPORT SVCS</u> | | | | | | 41100500 |
| GOV OPERATIONS/SUPPORT | | | | | | 16 |
| <u>EXEC LEADERSHIP/SUPPRT SVC</u> | | | | | | <u>1602.00.00.00</u> |
| LEGAL AFFAIRS | | | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE | | | | | | |
| FUND SHIFTS FROM THE CRIMES | | | | | | |
| COMPENSATION TRUST FUND | | | | | | 4009020 |

the four additional reductions and still allow the Attorney General to meet his core duties.

The Attorney General is required to provide official written opinions 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 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.

A reduction in Opinions staff would decrease productivity and cause governmental entities to incur substantial legal fees from litigation. In addition, misinterpretation or varying interpretations of statutes could result in violations of statutes including, but not limited to, Sunshine and/or public records law. A centralized legal resource for Department of Legal Affairs and other governmental entities could be lost.

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

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

Request

| | | |
|-----------------------|---------|-----------|
| Rate: | 144,250 | |
| Salaries and Benefits | | \$199,587 |
| Expenses: | | 11,217 |
| | | ----- |
| Total for B.E.: | | \$210,804 |

| | COL A03 | COL A04 | COL A05 | |
|-----------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| <u>EXECUTIVE DIR/SUPPORT SVCS</u> | | | | 41100500 |
| GOV OPERATIONS/SUPPORT | | | | 16 |
| <u>EXEC LEADERSHIP/SUPPRT SVC</u> | | | | <u>1602.00.00.00</u> |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE | | | | |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | 4009020 |

POSITION DETAIL OF SALARIES AND BENEFITS:

| | FTE | BASE RATE | ADDITIVES | BENEFITS | SUBTOTAL | LAPSE % | LAPSED SALARIES AND BENEFITS |
|------------------------------|------|-----------|-----------|----------|----------|---------|------------------------------|
| A03 - AGY REQUEST FY 2010-11 | | | | | | | |
| NEW POSITIONS | | | | | | | |
| P101 PROPOSED CLASS CODE | | | | | | | |
| R0001 001 | 4.00 | 144,250 | | 61,026 | 205,276 | 0.00 | 205,276 |
| TOTALS FOR ISSUE BY FUND | | | | | | | |
| 1000 GENERAL REVENUE FUND | | | | | | | 205,276 |
| | 4.00 | 144,250 | | 61,026 | 205,276 | | 205,276 |
| OTHER SALARY AMOUNT | | | | | | | |
| 1000 GENERAL REVENUE FUND | | | | | | | 5,689- |
| | | | | | | | 199,587 |

| | | | | | | | |
|-------------------------------------|---------|--|--|--|--|--|---------|
| RESTORATION OF GENERAL REVENUE FUND | | | | | | | |
| SHIFTS FROM NONRECURRING TRUST | | | | | | | |
| FUNDS | | | | | | | 4009030 |
| SALARIES AND BENEFITS | | | | | | | 010000 |
| GENERAL REVENUE FUND -STATE | 580,000 | | | | | | 1000 1 |

AGENCY ISSUE NARRATIVE:
 2010-2011 BUDGET YEAR NARRATIVE:
 Request

IT COMPONENT? NO

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| <u>EXECUTIVE DIR/SUPPORT SVCS</u> | | | | 41100500 |
| GOV OPERATIONS/SUPPORT | | | | 16 |
| <u>EXEC LEADERSHIP/SUPPRT SVC</u> | | | | <u>1602.00.00.00</u> |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE FUND | | | | |
| SHIFTS FROM NONRECURRING TRUST | | | | |
| FUNDS | | | | 4009030 |

The Department of Legal Affairs/Office of Attorney General (OAG) requests \$5,827,596 in General Revenue to replace the non-recurring "Transfer Funding to Trust Funds from General Revenue" fund shift appropriated by the legislature for Fiscal Year 2008-09 and in Fiscal Year 2009-10. This fund shift comprises almost twenty percent (20%) of the recurring General Revenue in the OAG's operating budget. The legislature provided for a non-recurring transfer of \$5,796,203 in Salaries and Benefits and \$40,055 in Expenses to the Operating Trust fund, the Administrative Trust Fund and the Legal Services Trust fund. This fund shift was for two years using non-recurring funds. The approach used by the legislature and OAG for the fund shift of these positions was to utilize cash derived from judgments brought in from proceedings related to state or federal antitrust law or the Florida RICO Act and held in the account pending a final court decision or final distribution order. The monies recovered on behalf of consumers go to consumers or for their benefit. Monies recovered on behalf of local public entities go back to them. Monies recovered on behalf of state agencies must be deposited in the General Revenue Fund.

This issue requests the replacement of the trust funds appropriated in the following Budget Entities:

- \$739,514 in Civil Enforcement Budget Entity to the Operating Trust Fund
- \$104,614 in Constitutional Legal Services Budget Entity to the Operating Trust Fund
- \$3,550,879 in the Criminal / Civil Litigation Defense Budget Entity to the Operating Trust Fund
- \$852,289 in the Statewide Prosecution / Multi-Circuit Crime Budget Entity to the Operating Trust Fund
- \$275,000 in the Executive Direction and Support Services Budget Entity to the Administrative Trust Fund,
- \$50,000 in the Executive Direction and Support Services Budget Entity to the Legal Services Trust Fund, and
- \$255,000 in the Executive Direction and Support Services Budget Entity to the Operating Trust Fund

These fund shifts have resulted in temporarily moving thirty attorneys and numerous support positions from General Revenue to the non-recurring moneys from these trust funds. The majority of the positions are in the Criminal Division. The Criminal Division is responsible for representing the State in all criminal appeals, as well as in post-conviction litigation at both the trial and appellate levels before state and federal courts.

The majority of the General Revenue in the OAG funds the Criminal Division which consists of Criminal Appeals and Capital Appeals. In order to meet the reduction requirement the OAG calculates that the Criminal Division will have to be reduced by approximately 20 positions. This will add to the 32 positions already vacant due to reductions in funding and the seventeen (17) employees already cut from the division.

The Florida's Attorney General's Criminal and Capital Appellate Division, is the State's appellate prosecutor assigned to defend the judgments and sentences imposed by the trial court, in the state courts of appeal and federal habeas courts. Every appeal, from any of the 20 judicial circuits, filed by a criminal defendant challenging his conviction or length of sentence, is processed through this division, specifically each case is docketed, assigned a case number and assigned and prosecuted by attorneys specializing in this appellate discipline. The Criminal and Capital Appellate Division litigates

| COL A03 | | COL A04 | | COL A05 | | CODES |
|-------------------------------------|-------------|-------------|-------------|-------------|-------------|----------------------|
| AGY REQUEST | AGY REQ N/R | AGY REQ N/R | AGY REQ ANZ | AGY REQUEST | AGY REQ ANZ | |
| FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS | AMOUNT | |
| LEGAL AFFAIRS/ATTY GENERAL | | | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | | | 41100000 |
| <u>EXECUTIVE DIR/SUPPORT SVCS</u> | | | | | | 41100500 |
| GOV OPERATIONS/SUPPORT | | | | | | 16 |
| <u>EXEC LEADERSHIP/SUPPRT SVC</u> | | | | | | <u>1602.00.00.00</u> |
| LEGAL AFFAIRS | | | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE FUND | | | | | | |
| SHIFTS FROM NONRECURRING TRUST | | | | | | |
| FUNDS | | | | | | 4009030 |

against the statewide appellate public defenders, the three Capital Collateral Regional Counsels, assigned conflict counsels in every judicial circuit, federal public defenders from the three federal districts and all private attorneys hired to do criminal appellate defense work and, of course, pro se litigants.

To date, the additional deletions in the attorney ranks has reduced the number of attorneys working on approximately 28,634 opened and current criminal cases and 895 opened and active capital cases--in 2008-2009 fiscal year, from 110 criminal attorneys and 16 capital attorneys in 2007-- to 85 criminal attorneys and 13.5 capital attorneys, in 2009, respectively. Besides the 4 attorneys that were laid off, the hiring freeze has resulted in an increase of 26 vacant attorney positions from the 14 vacancies last reported, and 9 staff losses up from 6. Two were laid off and one resigned.

The OAG criminal division has faced pressures from the state and federal courts to speed up the handling of backlogged cases. Calls for handling cases more expeditiously, have been impossible --due to the sheer number of cases per attorney caseloads. Unfortunately, this office has neither benefitted from the "lesser reductions in funding" legislatively mandated for the State judiciary nor does the OAG have the ability to retrieve attorney fees for litigation in federal court when prevailing in federal habeas litigation and ensuing appeals there from in the federal appellate courts. Without adequate funding from any quarter, and faced with continuing budget shortfalls from general revenue dollars, it would not appear likely that reduced backlogs of cases and shorter litigation time will occur without an infusion of necessary general revenue dollars with which to fill current-existing vacancies.

In 2009, the average caseloads for currently remaining/filled FTEs are:

| | Criminal (85 Atty.) Caseloads per atty. | Capital (13.5 Atty.) Caseloads per atty. |
|--------|--|---|
| FY2009 | 337 | 69 |

The depletion of the criminal appellate attorney ranks in this office has resulted in further delays in the processing of appellate cases, has strained the ability of the state to address complex legal issues, and brings into question whether appellate review is meaningful. The excessive case loads have challenged even the most seasoned appellate attorneys' abilities to competently process caseloads, thus placing unimaginable pressures on this office's ability to retain criminal appellate attorneys and their expertise, as well as meet the demands of the criminal justice system.

The fund shift in the Office of Statewide Prosecution (OSP) shifted nine positions from this office. Failure to restore these funds would severely reduce the effectiveness of the office in fighting multi-circuit crimes. The unit currently has nine vacant positions, at least eight of which must remain vacant the entire fiscal year in order to meet our previous cuts. Two of these nine vacancies are critical Bureau Chief positions that need to be filled with senior

| COL A03 | | COL A04 | | COL A05 | | CODES |
|-------------------------------------|-------------|-------------|-------------|------------|------------|----------------------|
| AGY REQUEST | AGY REQ N/R | AGY REQ N/R | AGY REQ N/R | AG REQ ANZ | AG REQ ANZ | |
| FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS | AMOUNT | |
| LEGAL AFFAIRS/ATTY GENERAL | | | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | | | 41100000 |
| <u>EXECUTIVE DIR/SUPPORT SVCS</u> | | | | | | 41100500 |
| GOV OPERATIONS/SUPPORT | | | | | | 16 |
| <u>EXEC LEADERSHIP/SUPPRT SVC</u> | | | | | | <u>1602.00.00.00</u> |
| LEGAL AFFAIRS | | | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE FUND | | | | | | |
| SHIFTS FROM NONRECURRING TRUST | | | | | | |
| FUNDS | | | | | | 4009030 |

attorneys. The unfilled vacancies currently leave one attorney to cover over 20 counties throughout North Florida and another Bureau staffed with only one prosecutor who is responsible for covering Southwest Florida. These current staffing levels do not allow us to meet our constitutional mission in those geographic areas.

The Office of Statewide Prosecution is focusing on two main priorities: gang violence and mortgage fraud. In the last three years we have made tremendous progress in both areas but there remains work to be done.

While violent crime is down in our key impact areas, it is still a threatening problem in parts of our state. Our success has been measured by the neighborhoods we have changed through arrests and successful prosecution and also through the awards earned by our investigative partners - gang units of the year for the last two years for OSP cases.

Mortgage fraud is the biggest threat to our state's economy and overall fiscal well being. In the last two years we have prosecuted dozens of defendants in RICO cases resulting in convictions through trial and plea. The success we have garnered is measured by the lengthy prison terms handed down to our defendants and by the widespread tentacles to these schemes that we have uncovered in the mortgage, banking, appraisal, and real estate industries.

On top of these two priorities that we have tackled given the threats they pose to our state, OSP continues to handle complex criminal cases in our traditional areas of white collar crime and narcotics. Any further cuts to Statewide Prosecution would very likely have to result in the closing of offices and additional layoffs beyond the two people we had to layoff this year.

The Statewide Prosecutor is a Constitutional Officer, 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. This office helps law enforcement protect the public by working with local law enforcement and regulatory agencies to prosecute those accused of fraud against the government, large scale consumer fraud particularly against the elderly; and violent crime. Typical crimes prosecuted within these categories include computer crimes, racketeering, antitrust violations, crimes involving fraud and deceit, perjury, usury, bribery, extortion, burglary, robbery, home invasions, anti-fencing violations, gambling, kidnapping, theft, murder, prostitution, carjacking, narcotics and counterfeit pharmaceutical drug violations, and solicitations or conspiracies to commit any of these crimes. This Office, in conjunction with the Attorney General's Cyber Crimes Section, also assists law enforcement and other prosecutors in prosecuting computer pornography and other crimes involving the sexual exploitation of children by the use of the Internet and computer networks.

| | COL A03 | COL A04 | COL A05 | |
|--------------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: OFF/ATTORNEY GENERAL | | | | 41100000 |
| <u>EXECUTIVE DIR/SUPPORT SVCS</u> | | | | 41100500 |
| GOV OPERATIONS/SUPPORT | | | | 16 |
| <u>EXEC LEADERSHIP/SUPPRT SVC</u> | | | | <u>1602.00.00.00</u> |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE FUND | | | | |
| SHIFTS FROM NONRECURRING TRUST FUNDS | | | | 4009030 |

POSITION DETAIL OF SALARIES AND BENEFITS:

| | FTE | BASE RATE | ADDITIVES | BENEFITS | SUBTOTAL | LAPSE % | LAPSED SALARIES AND BENEFITS |
|-----------------------------------|--------|------------|-----------|----------|----------|---------|------------------------------|
| A03 - AGY REQUEST FY 2010-11 | | | | | | | |
| NEW POSITIONS | | | | | | | |
| OTHER SALARY AMOUNT | | | | | | | |
| 1000 GENERAL REVENUE FUND | | | | | | | 580,000 |
| | | | | | | | ----- |
| | | | | | | | 580,000 |
| | | | | | | | ===== |
| ***** | | | | | | | |
| TOTAL: EXEC LEADERSHIP/SUPPRT SVC | | | | | | | <u>1602.00.00.00</u> |
| BY FUND TYPE | | | | | | | |
| GENERAL REVENUE FUND | | 6,963,271 | | | | | 1000 |
| TRUST FUNDS | | 5,008,008 | | | | | 2000 |
| | | ----- | | | | | |
| TOTAL POSITIONS..... | 137.00 | | | | | | |
| TOTAL PROG COMP..... | | 11,971,279 | | | | | |
| TOTAL SALARY RATE..... | | 6,359,561 | | | | | |
| | | ===== | | | | | |
| TOTAL: EXECUTIVE DIR/SUPPORT SVCS | | | | | | | 41100500 |
| BY FUND TYPE | | | | | | | |
| GENERAL REVENUE FUND | | 6,963,271 | | | | | 1000 |
| TRUST FUNDS | | 5,015,696 | | | | | 2000 |
| | | ----- | | | | | |
| TOTAL POSITIONS..... | 137.00 | | | | | | |
| TOTAL BUREAU..... | | 11,978,967 | | | | | |
| TOTAL SALARY RATE..... | | 6,366,455 | | | | | |
| | | ===== | | | | | |

| | COL A03 | COL A04 | COL A05 | |
|--|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: STATEWIDE PROSECUTION | | | | 41200000 |
| <u>PROS/MULTI-CIRCUIT CRIME</u> | | | | 41200100 |
| PUBLIC PROTECTION | | | | 12 |
| <u>DRUG CONTRL/SUBSTNCE ABUSE</u> | | | | <u>1201.00.00.00</u> |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| SALARY RATE | | | | 000000 |
| SALARY RATE..... | 285,708 | | | |
| | ===== | ===== | ===== | |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND | 4.00 | | | |
| -STATE | | 228,021 | | 1000 1 |
| | ===== | ===== | ===== | |
| SPECIAL CATEGORIES | | | | 100000 |
| STATEWIDE PROSECUTION | | | | 100118 |
| GENERAL REVENUE FUND | | | | |
| -STATE | | 75,846 | | 1000 1 |
| | ===== | ===== | ===== | |
| TOTAL: ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| TOTAL POSITIONS..... | 4.00 | | | |
| TOTAL ISSUE..... | | 303,867 | | |
| TOTAL SALARY RATE..... | 285,708 | | | |
| | ===== | ===== | ===== | |
| ADJUSTMENT TO STATE HEALTH | | | | |
| INSURANCE PREMIUM CONTRIBUTION - | | | | 1002000 |
| FISCAL YEAR 2009-10 | | | | 010000 |
| SALARIES AND BENEFITS | | | | |
| GENERAL REVENUE FUND | | | | |
| -STATE | | 307 | | 1000 1 |
| | ===== | ===== | ===== | |

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: STATEWIDE PROSECUTION | | | | 41200000 |
| <u>PROS/MULTI-CIRCUIT CRIME</u> | | | | 41200100 |
| PUBLIC PROTECTION | | | | 12 |
| <u>DRUG CONTRL/SUBSTNCE ABUSE</u> | | | | <u>1201.00.00.00</u> |
| ANNUALIZATION OF ADMINISTERED | | | | |
| FUNDS APPROPRIATIONS | | | | 26A0000 |
| ADJUSTMENT TO STATE HEALTH | | | | |
| INSURANCE FOR FY 2009-10 - 10 MONTH | | | | |
| ANNUALIZATION | | | | 26A1200 |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND -STATE | | 1,535 | | 1000 1 |
| | ===== | ===== | ===== | |
| TOTAL: DRUG CONTRL/SUBSTNCE ABUSE | | | | <u>1201.00.00.00</u> |
| BY FUND TYPE | | | | |
| GENERAL REVENUE FUND..... | 4.00 | 305,709 | | 1000 |
| SALARY RATE..... | | 285,708 | | |
| | ===== | ===== | ===== | |

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: STATEWIDE PROSECUTION | | | | 41200000 |
| PROS/MULTI-CIRCUIT CRIME | | | | 41200100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| SALARY RATE | | | | 000000 |
| SALARY RATE..... | 3,506,531 | | | |
| ===== | | | | |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND -STATE | 3,462,454 | | | 1000 1 |
| -MATCH | 74,815 | | | 1000 2 |
| TOTAL GENERAL REVENUE FUND | 3,537,269 | | | 1000 |
| CRIMES COMPENSATION TF -STATE | 176,254 | | | 2149 1 |
| FEDERAL GRANTS TRUST FUND -RECPNT | 252,965 | | | 2261 9 |
| OPERATING TRUST FUND -STATE | 1,000,581 | | | 2510 1 |
| TOTAL POSITIONS..... | 61.50 | | | |
| TOTAL APPRO..... | 4,967,069 | | | |
| ===== | | | | |
| SPECIAL CATEGORIES | | | | 100000 |
| STATEWIDE PROSECUTION | | | | 100118 |
| GENERAL REVENUE FUND -STATE | 733,939 | | | 1000 1 |
| -MATCH | 10,101 | | | 1000 2 |
| TOTAL GENERAL REVENUE FUND | 744,040 | | | 1000 |
| CRIMES COMPENSATION TF -STATE | 26,415 | | | 2149 1 |
| FEDERAL GRANTS TRUST FUND -RECPNT | 39,602 | | | 2261 9 |
| OPERATING TRUST FUND -STATE | 367,371 | | | 2510 1 |
| TOTAL APPRO..... | 1,177,428 | | | |
| ===== | | | | |

| | COL A03 | COL A04 | COL A05 | |
|--|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: STATEWIDE PROSECUTION | | | | 41200000 |
| PROS/MULTI-CIRCUIT CRIME | | | | 41200100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| SPECIAL CATEGORIES | | | | 100000 |
| RISK MANAGEMENT INSURANCE | | | | 103241 |
| GENERAL REVENUE FUND -STATE | | 36,404 | | 1000 1 |
| FEDERAL GRANTS TRUST FUND -FEDERL | | 1,538 | | 2261 3 |
| OPERATING TRUST FUND -STATE | | 1,025 | | 2510 1 |
| TOTAL APPRO..... | | 38,967 | | |
| TR/DMS/HR SVCS/STW CONTRCT | | | | 107040 |
| GENERAL REVENUE FUND -STATE | | 19,653 | | 1000 1 |
| CRIMES COMPENSATION TF -STATE | | 6,600 | | 2149 1 |
| OPERATING TRUST FUND -STATE | | 2,327 | | 2510 1 |
| TOTAL APPRO..... | | 28,580 | | |
| TOTAL: ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| TOTAL POSITIONS..... | | 61.50 | | |
| TOTAL ISSUE..... | | 6,212,044 | | |
| TOTAL SALARY RATE..... | | 3,506,531 | | |
| CASUALTY INSURANCE PREMIUM | | | | |
| ADJUSTMENT | | | | 1001090 |
| SPECIAL CATEGORIES | | | | 100000 |
| RISK MANAGEMENT INSURANCE | | | | 103241 |
| GENERAL REVENUE FUND -STATE | | 4,380- | | 1000 1 |
| FEDERAL GRANTS TRUST FUND -FEDERL | | 1,538- | | 2261 3 |
| OPERATING TRUST FUND -STATE | | 123- | | 2510 1 |
| TOTAL APPRO..... | | 6,041- | | |

| | COL A03 | COL A04 | COL A05 | |
|--|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: STATEWIDE PROSECUTION | | | | 41200000 |
| PROS/MULTI-CIRCUIT CRIME | | | | 41200100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ADJUSTMENT TO STATE HEALTH | | | | |
| INSURANCE PREMIUM CONTRIBUTION - | | | | |
| FISCAL YEAR 2009-10 | | | | 1002000 |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND | -STATE | 4,154 | | 1000 1 |
| -MATCH | | 90 | | 1000 2 |
| TOTAL GENERAL REVENUE FUND | | 4,244 | | 1000 |
| CRIMES COMPENSATION TF | -STATE | 212 | | 2149 1 |
| FEDERAL GRANTS TRUST FUND | -RECPNT | 303 | | 2261 9 |
| OPERATING TRUST FUND | -STATE | 1,200 | | 2510 1 |
| TOTAL APPRO..... | | 5,959 | | |
| NONRECURRING EXPENDITURES | | | | 2100000 |
| RESTORE CRIMES COMPENSATION TRUST | | | | 2103057 |
| FUND AUTHORITY | | | | 010000 |
| SALARIES AND BENEFITS | | | | |
| CRIMES COMPENSATION TF | -STATE | 176,254- | | 2149 1 |
| SPECIAL CATEGORIES | | | | 100000 |
| STATEWIDE PROSECUTION | | | | 100118 |
| CRIMES COMPENSATION TF | -STATE | 26,415- | | 2149 1 |
| TR/DMS/HR SVCS/STW CONTRCT | | | | 107040 |
| CRIMES COMPENSATION TF | -STATE | 6,600- | | 2149 1 |
| TOTAL: RESTORE CRIMES COMPENSATION TRUST | | | | 2103057 |
| FUND AUTHORITY | | | | |
| TOTAL ISSUE..... | | 209,269- | | |

| | COL A03 | COL A04 | COL A05 | |
|--|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: STATEWIDE PROSECUTION | | | | 41200000 |
| PROS/MULTI-CIRCUIT CRIME | | | | 41200100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| NONRECURRING EXPENDITURES | | | | 2100000 |
| RESTORE TRUST FUND AUTHORITY | | | | 2103058 |
| SALARIES AND BENEFITS | | | | 010000 |
| OPERATING TRUST FUND | -STATE | 852,289- | | 2510 1 |
| ANNUALIZATION OF ADMINISTERED FUNDS APPROPRIATIONS | | | | 26A0000 |
| ADJUSTMENT TO STATE HEALTH INSURANCE FOR FY 2009-10 - 10 MONTH ANNUALIZATION | | | | 26A1200 |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND | -STATE | 20,770 | | 1000 1 |
| -MATCH | | 450 | | 1000 2 |
| TOTAL GENERAL REVENUE FUND | | 21,220 | | 1000 |
| CRIMES COMPENSATION TF | -STATE | 1,060 | | 2149 1 |
| FEDERAL GRANTS TRUST FUND -RECPNT | | 1,515 | | 2261 9 |
| OPERATING TRUST FUND | -STATE | 6,000 | | 2510 1 |
| TOTAL APPRO..... | | 29,795 | | |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE | | | | |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | 4009020 |
| SALARY RATE | | | | 000000 |
| SALARY RATE..... | | 127,141 | | |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND | -STATE | 3.00 | | 176,511 |
| | | | | 1000 1 |

| | COL A03 | COL A04 | COL A05 | |
|---------------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: STATEWIDE PROSECUTION | | | | 41200000 |
| PROS/MULTI-CIRCUIT CRIME | | | | 41200100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE | | | | |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | 4009020 |
| SPECIAL CATEGORIES | | | | 100000 |
| STATEWIDE PROSECUTION | | | | 100118 |
| GENERAL REVENUE FUND -STATE | 26,415 | | | 1000 1 |
| TR/DMS/HR SVCS/STW CONTRCT | | | | 107040 |
| GENERAL REVENUE FUND -STATE | 6,600 | | | 1000 1 |
| TOTAL: RESTORATION OF GENERAL REVENUE | | | | 4009020 |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | |
| TOTAL POSITIONS..... | 3.00 | | | |
| TOTAL ISSUE..... | | 209,526 | | |
| TOTAL SALARY RATE..... | 127,141 | | | |

AGENCY ISSUE NARRATIVE:
 2010-2011 BUDGET YEAR NARRATIVE:
 Request

IT COMPONENT? NO

This issue is in five Budget Entities requesting 19 positions, 818,219 in rate and \$1,259,611 in General Revenue in total to continue the employment of these nineteen positions critical to the agency operations. The FY 2008-09 GAA transferred 19 positions 818,219 in rate and \$1,321,202 from General Revenue to the Crimes Compensation Trust Fund. This issue requests the transfer of these positions and the operating funds necessary to continue these positions back to the General Revenue fund. General Revenue is the most appropriate fund for the positions. The issue was input into the non-recurring column so the positions, rate and Crimes Compensation Trust Fund authority have been deleted from the budget of the Office of the Attorney General (OAG.)

This issue was distributed across all budget entities containing General Revenue in the OAG proportionate to the General Revenue in the Budget Entity. The OAG is requesting:

- 4 FTE and \$276,022 in Civil Enforcement Budget Entity
- 1 FTE and \$ 89,303 in the Constitutional Legal Services Budget Entity
- 7 FTE and \$473,956 in the Criminal / Civil Litigation Defense Budget Entity
- 4 FTE and \$210,804 in the Executive Direction and Support Services Budget Entity
- 3 FTE and \$209,526 in the Statewide Prosecution / Multi-Circuit Crime Budget Entity

| | COL A03 | COL A04 | COL A05 | |
|--------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: STATEWIDE PROSECUTION | | | | 41200000 |
| PROS/MULTI-CIRCUIT CRIME | | | | 41200100 |
| PUBLIC PROTECTION | | | | 12 |
| <u>LEGAL REPRESENTATION</u> | | | | <u>1203.00.00.00</u> |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE | | | | |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | 4009020 |

Impact of Not Funding In Statewide Prosecution / Multi-Circuit Crime Budget Entity

The unit currently has nine vacant positions, at least eight of which must remain vacant the entire fiscal year in order to meet our previous cuts. Two of these nine vacancies are critical Bureau Chief positions that need to be filled with senior attorneys. The unfilled vacancies currently leave one attorney to cover over 20 counties throughout North Florida and another Bureau staffed with only one prosecutor who is responsible for covering Southwest Florida. These current staffing levels do not allow us to meet our constitutional mission in those geographic areas.

The Office of Statewide Prosecution (OSP) is focusing on two main priorities: gang violence and mortgage fraud. In the last three years we have made tremendous progress in both areas but there remains work to be done.

While violent crime is down in our key impact areas, it is still a threatening problem in parts of our state. Our success has been measured by the neighborhoods we have changed through arrests and successful prosecution and also through the awards earned by our investigative partners - gang units of the year for the last two years for OSP cases.

Mortgage fraud is the biggest threat to our state's economy and overall fiscal well being. In the last two years we have prosecuted dozens of defendants in RICO cases resulting in convictions through trial and plea. The success we have garnered is measured by the lengthy prison terms handed down to our defendants and by the widespread tentacles to these schemes that we have uncovered in the mortgage, banking, appraisal, and real estate industries.

On top of these two priorities that we have tackled given the threats they pose to our state, OSP continues to handle complex criminal cases in our traditional areas of white collar crime and narcotics. Any further cuts to Statewide Prosecution would very likely have to result in the closing of offices and additional layoffs beyond the two people we had to layoff this year.
 Request

| | | |
|-----------------------------|---------|-----------|
| Rate: | 127,141 | |
| Salaries and Benefits | | \$176,511 |
| Special Categories | | |
| Statewide Prosecution: | 26,415 | |
| Special Categories | | |
| TR/DMS/HR SVCS/STW Contract | 6,600 | |

 Total for B.E.: \$209,526

| | COL A03 | COL A04 | COL A05 | |
|--------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: STATEWIDE PROSECUTION | | | | 41200000 |
| PROS/MULTI-CIRCUIT CRIME | | | | 41200100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE | | | | |
| FUND SHIFTS FROM THE CRIMES | | | | |
| COMPENSATION TRUST FUND | | | | 4009020 |

POSITION DETAIL OF SALARIES AND BENEFITS:

| | FTE | BASE RATE | ADDITIVES | BENEFITS | SUBTOTAL | LAPSE % | LAPSED SALARIES AND BENEFITS |
|---|------|-----------|-----------|----------|----------|---------|------------------------------|
| A03 - AGY REQUEST FY 2010-11 | | | | | | | |
| CHANGES TO CURRENTLY AUTHORIZED POSITIONS | | | | | | | |
| P101 PROPOSED CLASS CODE | | | | | | | |
| R0001 001 | 3.00 | 127,141 | | 49,126 | 176,267 | 0.00 | 176,267 |
| TOTALS FOR ISSUE BY FUND | | | | | | | |
| 1000 GENERAL REVENUE FUND | | | | | | | 176,267 |
| | 3.00 | 127,141 | | 49,126 | 176,267 | | 176,267 |

| | | | | | | | |
|---------------------------|--|--|--|--|--|--|-----|
| NEW POSITIONS | | | | | | | |
| OTHER SALARY AMOUNT | | | | | | | |
| 1000 GENERAL REVENUE FUND | | | | | | | 244 |
| | | | | | | | 244 |

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: STATEWIDE PROSECUTION | | | | 41200000 |
| PROS/MULTI-CIRCUIT CRIME | | | | 41200100 |
| PUBLIC PROTECTION | | | | 12 |
| LEGAL REPRESENTATION | | | | 1203.00.00.00 |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE FUND | | | | |
| SHIFTS FROM NONRECURRING TRUST | | | | |
| FUNDS | | | | 4009030 |
| SALARIES AND BENEFITS | | | | 010000 |
| GENERAL REVENUE FUND | -STATE | 852,289 | | 1000 1 |

AGENCY ISSUE NARRATIVE:

2010-2011 BUDGET YEAR NARRATIVE:
 Request

IT COMPONENT? NO

The Department of Legal Affairs/Office of Attorney General (OAG) requests \$5,827,596 in General Revenue to replace the non-recurring "Transfer Funding to Trust Funds from General Revenue" fund shift appropriated by the legislature for Fiscal Year 2008-09 and in Fiscal Year 2009-10. This fund shift comprises almost twenty percent (20%) of the recurring General Revenue in the OAG's operating budget. The legislature provided for a non-recurring transfer of \$5,796,203 in Salaries and Benefits and \$40,055 in Expenses to the Operating Trust fund, the Administrative Trust Fund and the Legal Services Trust fund. This fund shift was for two years using non-recurring funds. The approach used by the legislature and OAG for the fund shift of these positions was to utilize cash derived from judgments brought in from proceedings related to state or federal antitrust law or the Florida RICO Act and held in the account pending a final court decision or final distribution order. The monies recovered on behalf of consumers go to consumers or for their benefit. Monies recovered on behalf of local public entities go back to them. Monies recovered on behalf of state agencies must be deposited in the General Revenue Fund.

This issue requests the replacement of the trust funds appropriated in the following Budget Entities:

- \$739,514 in Civil Enforcement Budget Entity to the Operating Trust Fund
- \$104,614 in Constitutional Legal Services Budget Entity to the Operating Trust Fund
- \$3,550,879 in the Criminal / Civil Litigation Defense Budget Entity to the Operating Trust Fund
- \$852,289 in the Statewide Prosecution / Multi-Circuit Crime Budget Entity to the Operating Trust Fund
- \$275,000 in the Executive Direction and Support Services Budget Entity to the Administrative Trust Fund,
- \$50,000 in the Executive Direction and Support Services Budget Entity to the Legal Services Trust Fund, and
- \$255,000 in the Executive Direction and Support Services Budget Entity to the Operating Trust Fund

These fund shifts have resulted in temporarily moving thirty attorneys and numerous support positions from General Revenue to the non-recurring moneys from these trust funds. The majority of the positions are in the Criminal Division. The Criminal Division is responsible for representing the State in all criminal appeals, as well as in post-conviction litigation at both the trial and appellate levels before state and federal courts.

The majority of the General Revenue in the OAG funds the Criminal Division which consists of Criminal Appeals and Capital Appeals. In order to meet the reduction requirement the OAG calculates that the Criminal Division will have to be reduced

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: STATEWIDE PROSECUTION | | | | 41200000 |
| <u>PROS/MULTI-CIRCUIT CRIME</u> | | | | 41200100 |
| <u>PUBLIC PROTECTION</u> | | | | 12 |
| <u>LEGAL REPRESENTATION</u> | | | | <u>1203.00.00.00</u> |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE FUND | | | | |
| SHIFTS FROM NONRECURRING TRUST | | | | |
| FUNDS | | | | 4009030 |

by approximately 20 positions. This will add to the 32 positions already vacant due to reductions in funding and the seventeen (17) employees already cut from the division.

The Florida's Attorney General's Criminal and Capital Appellate Division, is the State's appellate prosecutor assigned to defend the judgments and sentences imposed by the trial court, in the state courts of appeal and federal habeas courts. Every appeal, from any of the 20 judicial circuits, filed by a criminal defendant challenging his conviction or length of sentence, is processed through this division, specifically each case is docketed, assigned a case number and assigned and prosecuted by attorneys specializing in this appellate discipline. The Criminal and Capital Appellate Division litigates against the statewide appellate public defenders, the three Capital Collateral Regional Counsels, assigned conflict counsels in every judicial circuit, federal public defenders from the three federal districts and all private attorneys hired to do criminal appellate defense work and, of course, pro se litigants.

To date, the additional deletions in the attorney ranks has reduced the number of attorneys working on approximately 28,634 opened and current criminal cases and 895 opened and active capital cases--in 2008-2009 fiscal year, from 110 criminal attorneys and 16 capital attorneys in 2007-- to 85 criminal attorneys and 13.5 capital attorneys, in 2009, respectively. Besides the 4 attorneys that were laid off, the hiring freeze has resulted in an increase of 26 vacant attorney positions from the 14 vacancies last reported, and 9 staff losses up from 6. Two were laid off and one resigned.

The OAG criminal division has faced pressures from the state and federal courts to speed up the handling of backlogged cases. Calls for handling cases more expeditiously, have been impossible --due to the sheer number of cases per attorney caseloads. Unfortunately, this office has neither benefitted from the "lesser reductions in funding" legislatively mandated for the State judiciary nor does the OAG have the ability to retrieve attorney fees for litigation in federal court when prevailing in federal habeas litigation and ensuing appeals there from in the federal appellate courts. Without adequate funding from any quarter, and faced with continuing budget shortfalls from general revenue dollars, it would not appear likely that reduced backlogs of cases and shorter litigation time will occur without an infusion of necessary general revenue dollars with which to fill current-existing vacancies.

In 2009, the average caseloads for currently remaining/filled FTEs are:

| | |
|---------------------|----------------------|
| Criminal (85 Atty.) | Capital (13.5 Atty.) |
| Caseloads per atty. | Caseloads per atty. |

| | | |
|--------|-----|----|
| FY2009 | 337 | 69 |
|--------|-----|----|

The depletion of the criminal appellate attorney ranks in this office has resulted in further delays in the processing of appellate cases, has strained the ability of the state to address complex legal issues, and brings into question whether appellate review is meaningful. The excessive case loads have challenged even the most seasoned appellate attorneys'

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: STATEWIDE PROSECUTION | | | | 41200000 |
| <u>PROS/MULTI-CIRCUIT CRIME</u> | | | | 41200100 |
| <u>PUBLIC PROTECTION</u> | | | | 12 |
| <u>LEGAL REPRESENTATION</u> | | | | <u>1203.00.00.00</u> |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE FUND | | | | |
| SHIFTS FROM NONRECURRING TRUST | | | | |
| FUNDS | | | | 4009030 |

abilities to competently process caseloads, thus placing unimaginable pressures on this office's ability to retain criminal appellate attorneys and their expertise, as well as meet the demands of the criminal justice system.

The fund shift in the Office of Statewide Prosecution (OSP) shifted nine positions from this office. Failure to restore these funds would severely reduce the effectiveness of the office in fighting multi-circuit crimes. The unit currently has nine vacant positions, at least eight of which must remain vacant the entire fiscal year in order to meet our previous cuts. Two of these nine vacancies are critical Bureau Chief positions that need to be filled with senior attorneys. The unfilled vacancies currently leave one attorney to cover over 20 counties throughout North Florida and another Bureau staffed with only one prosecutor who is responsible for covering Southwest Florida. These current staffing levels do not allow us to meet our constitutional mission in those geographic areas.

The Office of Statewide Prosecution is focusing on two main priorities: gang violence and mortgage fraud. In the last three years we have made tremendous progress in both areas but there remains work to be done.

While violent crime is down in our key impact areas, it is still a threatening problem in parts of our state. Our success has been measured by the neighborhoods we have changed through arrests and successful prosecution and also through the awards earned by our investigative partners - gang units of the year for the last two years for OSP cases.

Mortgage fraud is the biggest threat to our state's economy and overall fiscal well being. In the last two years we have prosecuted dozens of defendants in RICO cases resulting in convictions through trial and plea. The success we have garnered is measured by the lengthy prison terms handed down to our defendants and by the widespread tentacles to these schemes that we have uncovered in the mortgage, banking, appraisal, and real estate industries.

On top of these two priorities that we have tackled given the threats they pose to our state, OSP continues to handle complex criminal cases in our traditional areas of white collar crime and narcotics. Any further cuts to Statewide Prosecution would very likely have to result in the closing of offices and additional layoffs beyond the two people we had to layoff this year.

The Statewide Prosecutor is a Constitutional Officer, 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. This office helps law enforcement protect the public by working with local law enforcement and regulatory agencies to prosecute those accused of fraud against the government, large scale consumer fraud particularly against the elderly; and violent crime. Typical crimes prosecuted within these categories include computer crimes, racketeering, antitrust violations, crimes involving fraud and deceit, perjury, usury, bribery, extortion, burglary, robbery, home invasions, anti-fencing violations, gambling, kidnapping, theft, murder, prostitution, carjacking, narcotics and counterfeit pharmaceutical drug violations, and solicitations or conspiracies to commit any of these crimes. This Office, in conjunction with the Attorney General's Cyber Crimes Section, also assists law enforcement

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| POS | AMOUNT | POS | AMOUNT | POS |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: STATEWIDE PROSECUTION | | | | 41200000 |
| <u>PROS/MULTI-CIRCUIT CRIME</u> | | | | 41200100 |
| PUBLIC PROTECTION | | | | 12 |
| <u>LEGAL REPRESENTATION</u> | | | | <u>1203.00.00.00</u> |
| LEGAL AFFAIRS | | | | 4000000 |
| RESTORATION OF GENERAL REVENUE FUND | | | | |
| SHIFTS FROM NONRECURRING TRUST | | | | |
| FUNDS | | | | 4009030 |

and other prosecutors in prosecuting computer pornography and other crimes involving the sexual exploitation of children by the use of the Internet and computer networks.

POSITION DETAIL OF SALARIES AND BENEFITS:

| | FTE | BASE RATE | ADDITIVES | BENEFITS | SUBTOTAL | LAPSE % | LAPSED SALARIES AND BENEFITS |
|---------------------------------|-------|-----------|-----------|----------|----------|---------|------------------------------|
| A03 - AGY REQUEST FY 2010-11 | | | | | | | |
| NEW POSITIONS | | | | | | | |
| OTHER SALARY AMOUNT | | | | | | | |
| 1000 GENERAL REVENUE FUND | | | | | | | 852,289 |
| | | | | | | | ----- |
| | | | | | | | 852,289 |
| | | | | | | | ===== |
| ***** | | | | | | | |
| TOTAL: LEGAL REPRESENTATION | | | | | | | <u>1203.00.00.00</u> |
| BY FUND TYPE | | | | | | | |
| GENERAL REVENUE FUND | | 5,420,265 | | | | | 1000 |
| TRUST FUNDS | | 821,749 | | | | | 2000 |
| | | ----- | | | | | ----- |
| TOTAL POSITIONS..... | 64.50 | | | | | | |
| TOTAL PROG COMP..... | | 6,242,014 | | | | | |
| TOTAL SALARY RATE..... | | 3,633,672 | | | | | |
| | | ===== | | | | | ===== |
| TOTAL: PROS/MULTI-CIRCUIT CRIME | | | | | | | 41200100 |
| BY FUND TYPE | | | | | | | |
| GENERAL REVENUE FUND | | 5,725,974 | | | | | 1000 |
| TRUST FUNDS | | 821,749 | | | | | 2000 |
| | | ----- | | | | | ----- |
| TOTAL POSITIONS..... | 68.50 | | | | | | |
| TOTAL BUREAU..... | | 6,547,723 | | | | | |
| TOTAL SALARY RATE..... | | 3,919,380 | | | | | |
| | | ===== | | | | | ===== |

| | COL A03 | COL A04 | COL A05 | |
|-------------------------------------|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: FL ELECTIONS COMM | | | | 41300000 |
| CAMPAIGN FIN/ELECTN FRAUD | | | | 41300100 |
| GOV OPERATIONS/SUPPORT | | | | 16 |
| EXEC LEADERSHIP/SUPPRT SVC | | | | 1602.00.00.00 |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| SALARY RATE | | | | 000000 |
| SALARY RATE..... | 702,039 | | | |
| ===== | | | | |
| SALARIES AND BENEFITS | | | | 010000 |
| | 14.00 | | | |
| ELECTIONS COMMISSION TF -STATE | 949,041 | | | 2511 1 |
| ===== | | | | |
| OTHER PERSONAL SERVICES | | | | 030000 |
| ELECTIONS COMMISSION TF -STATE | 76,354 | | | 2511 1 |
| ===== | | | | |
| EXPENSES | | | | 040000 |
| ELECTIONS COMMISSION TF -STATE | 232,821 | | | 2511 1 |
| ===== | | | | |
| OPERATING CAPITAL OUTLAY | | | | 060000 |
| ELECTIONS COMMISSION TF -STATE | 10,000 | | | 2511 1 |
| ===== | | | | |
| SPECIAL CATEGORIES | | | | 100000 |
| TRANS TO DIV ADM HEARINGS | | | | 100565 |
| ELECTIONS COMMISSION TF -STATE | 17,977 | | | 2511 1 |
| ===== | | | | |
| CONTRACTED SERVICES | | | | 100777 |
| ELECTIONS COMMISSION TF -STATE | 13,348 | | | 2511 1 |
| ===== | | | | |
| RISK MANAGEMENT INSURANCE | | | | 103241 |
| ELECTIONS COMMISSION TF -STATE | 7,690 | | | 2511 1 |
| ===== | | | | |

| | COL A03 | COL A04 | COL A05 | |
|--|-------------|-------------|------------|---------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: FL ELECTIONS COMM | | | | 41300000 |
| CAMPAIGN FIN/ELECTN FRAUD | | | | 41300100 |
| GOV OPERATIONS/SUPPORT | | | | 16 |
| EXEC LEADERSHIP/SUPPRT SVC | | | | 1602.00.00.00 |
| ESTIMATED EXPENDITURES | | | | 1000000 |
| ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| SPECIAL CATEGORIES | | | | 100000 |
| TR/DMS/HR SVCS/STW CONTRCT | | | | 107040 |
| ELECTIONS COMMISSION TF -STATE | | 6,349 | | 2511 1 |
| TOTAL: ESTIMATED EXPENDITURES - OPERATIONS | | | | 1001000 |
| TOTAL POSITIONS..... | 14.00 | | | |
| TOTAL ISSUE..... | | 1,313,580 | | |
| TOTAL SALARY RATE..... | 702,039 | | | |
| CASUALTY INSURANCE PREMIUM | | | | 1001090 |
| ADJUSTMENT | | | | 100000 |
| SPECIAL CATEGORIES | | | | 103241 |
| RISK MANAGEMENT INSURANCE | | | | |
| ELECTIONS COMMISSION TF -STATE | | 926- | | 2511 1 |
| ADJUSTMENT TO STATE HEALTH | | | | 1002000 |
| INSURANCE PREMIUM CONTRIBUTION - | | | | 010000 |
| FISCAL YEAR 2009-10 | | | | |
| SALARIES AND BENEFITS | | | | |
| ELECTIONS COMMISSION TF -STATE | | 1,328 | | 2511 1 |
| ANNUALIZATION OF ADMINISTERED | | | | 26A0000 |
| FUNDS APPROPRIATIONS | | | | |
| ADJUSTMENT TO STATE HEALTH | | | | 26A1200 |
| INSURANCE FOR FY 2009-10 - 10 MONTH | | | | 010000 |
| ANNUALIZATION | | | | |
| SALARIES AND BENEFITS | | | | |
| ELECTIONS COMMISSION TF -STATE | | 6,640 | | 2511 1 |

| | COL A03 | COL A04 | COL A05 | |
|-----------------------------------|-------------|-------------|------------|----------------------|
| | AGY REQUEST | AGY REQ N/R | AG REQ ANZ | |
| | FY 2010-11 | FY 2010-11 | FY 2010-11 | |
| | POS | AMOUNT | POS | AMOUNT |
| | | | | AMOUNT |
| | | | | CODES |
| LEGAL AFFAIRS/ATTY GENERAL | | | | 41000000 |
| PGM: FL ELECTIONS COMM | | | | 41300000 |
| <u>CAMPAIGN FIN/ELECTN FRAUD</u> | | | | 41300100 |
| GOV OPERATIONS/SUPPORT | | | | 16 |
| <u>EXEC LEADERSHIP/SUPPRT SVC</u> | | | | <u>1602.00.00.00</u> |
| TOTAL: EXEC LEADERSHIP/SUPPRT SVC | | | | <u>1602.00.00.00</u> |
| BY FUND TYPE | | | | |
| | | 14.00 | | |
| TRUST FUNDS..... | | 1,320,622 | | 2000 |
| SALARY RATE..... | | 702,039 | | |
| | | ===== | ===== | ===== |