2003 Year in Review

Office of Attorney General
Charlie Crist
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February, 2004

To the people of Florida:

Our first year was both a busy and a memorable one. Within one hour after taking office on January 7, we kept a promise made to the citizens of Florida by providing a place for them to call to report fraud. The Fraud Hotline fielded more than 30,000 calls in its first year of operation, helping numerous citizens around the state.

The first legislative session of this administration brought positive advancements for the people of Florida. Passage of the Marvin Davies Civil Rights Act of 2003 provided the Attorney General of Florida, for the first time, authority to initiate civil rights investigations for a pattern or practice of discrimination or for an issue of great public importance. Prescription drug counterfeiting now carries significant penalties, along with strong preventive measures, under the 2003 Prescription Drug Protection Act. For those who steal the identities of others and run up large bills under someone else's credit, they now have a large obstacle before them: a stronger Florida law.

Governor Jeb Bush and the Florida Legislature were outstanding partners in our efforts and they deserve the gratitude of Florida citizens. They have mine.

Medicaid Fraud was a top priority as evidenced by significant recoveries exceeding $27 million and the arrests or convictions of 87 individuals for this crime. Economic Crimes recovered more than $23 million in restitution and penalties in 2003, while the Antitrust Division recovered more than $20 million.

There are many other highlights to share within these pages. The successes of our first year can be traced to the 1,100 public servants who serve the people of Florida at the Attorney General's office. There is a genuine desire to both serve and protect the public and to do so as champions of open government. I am proud of them and equally proud of our results.

Sincerely,

Charlie Crist
Attorney General
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CRIMINAL LITIGATION
And
VICTIM ASSISTANCE
Criminal Appeals Division

The Attorney General is the chief legal officer for the State of Florida and represents the prosecution in criminal appeals in state and federal courts. The most complex of these criminal appeals is the capital murder case where defendants have committed first degree murder and the death sentence is imposed. A separate, statewide Capital Appeals Bureau exists to handle these special cases. All capital murder cases are appealed to the Florida Supreme Court. On average, Florida houses more than 370 inmates on Death Row.

In all other cases, the Attorney General handles felony appeals from basic sentencing guidelines cases, to other non-capital murder cases in the District Courts of Appeal and the habeas corpus litigation in the federal trial and appellate courts. There are more than 10,000 of these appeals litigated per year.

Through 2003, a total of 233 capital criminal cases were active in the Criminal Appeals Division while there were 21,715 active non-capital cases. The Office of the Attorney General also handled a total of 155 active sexual predator commitment appeals during the same period.

Office of Statewide Prosecution

The Office of Statewide Prosecution was created by a constitutional amendment passed by Florida voters in 1986. The office was established to pursue organized criminal activity that crosses judicial circuit boundaries. The Statewide Prosecutor is appointed by the Attorney General for a four-year term that coincides with that of the Attorney General.
The mission of the Office is to investigate and prosecute multi-circuit organized crime and to assist other law enforcement officials in their efforts against these crimes, which include, among others, health care fraud, bribery, burglary, extortion, kidnaping, theft, murder, robbery, car-jacking, racketeering, and conspiracy to commit these crimes. Cases handled by the Office generally fall into three categories: 1) fraud against the government; 2) large scale consumer fraud; and 3) violent offenses. The Statewide Prosecutor and assistants also serve as legal advisors to the Statewide Grand Jury.

**2003 Highlights**

In February 2003, at Governor Jeb Bush’s request to the Florida Supreme Court, the Office of Statewide Prosecution empaneled the Seventeenth Statewide Grand Jury to investigate allegations of criminal activity involving prescription drugs. The Office of Statewide Prosecution led the Statewide Grand Jury's investigation. After careful scrutiny of problems enforcing existing prescription drug regulations, the Statewide Grand Jury issued the first interim report containing a series of recommendations for sweeping legislative changes to protect Florida consumers.

**PROMISE KEPT: THE FRAUD HOTLINE**

On his first day in office, Attorney General Charlie Crist kept a commitment by instituting the FRAUD HOTLINE. This tool was designed to provide citizens with a quick, convenient way to report potential criminal activity.

By calling toll free 1-866-966-7226 within Florida (or 850-414-3990), consumers can alert authorities to possible scams or other fraudulent actions. During its first year of operation, allegations of identity theft, deceptive trade practices and Medicaid Fraud were fielded.

In 2003, more than 30,000 calls were answered. Some of these calls prompted immediate preliminary investigations, while others resulted in prompt resolution of the caller’s concerns. A total of 25 full investigations were launched as a result of consumer tips.

In September, 2003, the Hotline staff became part of the new Office of Citizen Services. In addition to the 30,000 calls, more than 57,000 pieces of postal mail and electronic mail – including on-line consumer complaints – were processed in 2003.

Consumers responded to their opportunity to report fraud and provided useful tips to investigators. More are expected to take advantage of this tool in 2004.
Based on these recommendations, Florida law was improved. Among the changes included were stronger criminal laws for failing to verify where prescription drugs originated and failing to keep them under safe conditions. In many cases the criminal penalties were increased from third-degree felonies, punishable by no more than five years imprisonment, to first-degree felonies, punishable by 30 years in prison.

Also included were new crimes, punishable by up to life terms in prison, relating to the sale, or purchase, of adulterated prescription drugs resulting in death or great bodily harm. Drugs that were frequently noted to have been the subject of many adulterations and abuses immediately became subject to strict “pedigree paper” requirements. Finally, the Florida Department of Health received broader seize and destruction authority for adulterated drugs to ensure that only wholesome drugs be dispensed to consumers.

In July 2003, the grand jury returned indictments against a total of 19 defendants for crimes associated with prescription drugs. Some of these criminal charges were based on defendants selling mislabeled or diluted drugs used to treat cancer and HIV patients.

In December 2003, the grand jury issued the Second Interim Report that found significant criminal activity involving the Medicaid Program. Findings included evidence of coordinated fraud between doctors, clinics and Medicaid recipients resulting in millions of dollars in Medicaid fraud and a flood of prescription drugs on the black market. Significant recommendations for the Legislature were presented. Legislation designed to prevent, among other things, unauthorized doctors from prescribing drugs to Medicaid patients will be proposed to the 2004 legislature.

Grand Jury reports can be found on [http://myfloridalegal.com/swp](http://myfloridalegal.com/swp).
During 2003, Statewide Prosecution handled a total of 1,004 complex criminal investigations, including 633 filed cases, and worked in conjunction with 93 law enforcement agencies and numerous state and federal task forces. The conviction rate was 88%. Through December, 2003, the office had 656 active cases.

**Seniors vs. Crime Project**

The Seniors vs. Crime Project was established in 1989 as a direct result of a legislative task force report on crimes against the elderly. Seniors vs. Crime was incorporated as a non-profit organization to help prevent victimization of senior citizens through education and the creative involvement of seniors in their own protection. A key component of the Project is the group of volunteers known as “Senior Sleuths”, who assist law enforcement and the Attorney General by acting as “eyes and ears” to report new scams or unethical sales tactics, participating in covert investigations of unfair or illegal business practices, or by volunteering to staff offices known as Storefronts. More than 1,700 of Florida’s senior citizens are enrolled in the Senior Sleuth program.

Currently, 11 Storefronts are in operation in Palm Beach, Brevard, Orange, Pinellas, Citrus, Lake, Sumter, Marion and Pasco Counties. The Storefront Senior Sleuths have handled in excess of 2,500 complaints, recovering more than $2 million for seniors. In addition to cases successfully resolved by Sleuths, 40 cases were referred to law enforcement for criminal action.
The Victim Services Division serves as an advocate for victims and victims’ rights. It also administers a compensation program to provide financial assistance to innocent victims of crime. The Division also notifies victims of the status of any appellate decisions regarding their cases. Injured crime victims may be eligible to receive assistance for medical care, lost income, mental health services, funeral expenses and other out-of-pocket expenditures directly related to injuries received from criminal acts. Within the Division is the Bureau of Advocacy and Grants Management as well as the Bureau of Criminal Justice Programs.

2003 Highlights

Advocacy and Grants Management awarded 242 grants totaling $18.2 million to victim assistance agencies throughout the state. In 2003, services were provided to 216,202 individual victims of crime.

Criminal Justice Programs conducted 78 training courses through the Florida Crime Prevention Training Institute, which were attended by 6,081 participants representing law enforcement, school resource officers, victim advocates, allied professionals and interested citizens.

FIGHTING FOR CONSUMERS

The Attorney General appeared on behalf of consumers before the Public Service Commission in two significant matters involving millions of dollars. The Attorney General and Solicitor General urged the Commission to require Progress Energy to fully refund rate overcharges to 1.4 million consumers. The company sought a less-than-full refund. In the end, the Commission unanimously agreed with the Attorney General and determined that a full refund was due.

In another area, the Florida Legislature passed a new law in 2003 allowing three of the state’s major telephone companies to raise local telephone rates in exchange for reductions in other areas. The expectation was a revenue-neutral procedure with equal benefits for consumers.

When the companies sought the local rate inquiries, the Attorney General argued that the savings to consumers were vague and uncertain. The Attorney General and the Public Counsel argued that the uncertainty has produced rate increases that are not revenue neutral and do not conform with the statute. In December, the Commission allowed the rate increases to go forward, but the Attorney General appealed to the Florida Supreme Court, thereby putting the increases on hold.
School Resource Officers Response to Terrorism courses were attended by 1,200 law enforcement and school administration officials.

The Office awarded $3.7 million to 25 Crime Stopper organizations serving 46 Florida counties, while 20,388 victim compensation claims were received with $20.3 million paid to victims and treatment providers. Payments were made within 19.5 work days (average) of receipt of the claims.

Florida co-sponsored the 18th Annual National Conference on Preventing Crime in the Black Community held in Atlanta, Georgia in May. Attorney General Crist was the co-sponsor of the event along with Georgia Attorney General Thurbert Baker. Approximately 2,100 attended the event to exchange ideas and successful strategies.

The Attorney General’s role is to provide immediate crisis response for traumatic events that are natural, accidental or deliberate, as well as serve as liaison with other state and national emergency service providers, and develop and maintain procedures for mobilization under various emergency scenarios. A statewide Director of Crisis Response was hired in August and is housed in the Orlando office.

PROTECTING CIVIL LIBERTIES

When George Andres, a veteran of the Marine Corps, decided to fly his American flag on a flagpole in his yard, few could imagine the legal conflict that would arise. He was informed by his homeowner association that the flag could only be flown when attached to his home. His refusal to remove the flagpole led to his being sued and ultimately a legal action to recover the association’s legal fees. In the end, the association sought the forced sale of Mr. Andres’s home to pay those fees.

The Office of Solicitor General represented Attorney General Charlie Crist in court arguing that forcing a citizen to sell their home would deny them their homestead rights guaranteed by the Florida Constitution. The Andres home was scheduled for foreclosure on May 29, 2003, but on May 23, 2003, the procedure was canceled in Palm Beach Circuit Court. The judge ordered the parties to participate in mediation.

The Court subsequently issued a ruling ordering the foreclosure, which was appealed to the 4th District Court of Appeal. Attorney General Crist continues to support Mr. Andres’s right to fly the American flag in a “respectful manner” and that the forced foreclosure violates homestead rights. The Attorney General has filed an Amicus “Friend of the Court” brief with the Court of Appeal.
The Office of the Attorney General has hired a victim advocate for the Haitian community that is housed within the Sant La Haitian Neighborhood Center in Miami, thereby providing immediate personal advocacy to victims of crime in this community. The victim advocate has appeared on several live and pre-recorded creole radio and television programs in south Florida.
OPERATIONS
And
INTERGOVERNMENTAL
AFFAIRS
The Division of Administration and Technology provides support to all divisions of the Attorney General’s Office including policy, budget, finance and accounting, leasing, records management, telecommunications, purchasing, contracts, print operations, personnel, information technology and litigation support.

2003 Highlights and Initiatives

A key component of Attorney General Crist’s administration is responsible stewardship over taxpayer dollars. Areas of the department have generated more than $300,000 in savings during the first year of the Crist Administration including:

- Reduced cost and incidence of travel that saved between 10–20% on discretionary travel totaling approximately $100,000.

- Re-evaluation of equipment and maintenance contracts resulting in annual savings of $32,500.

- Renegotiation of computer assisted legal research at substantially lower rates resulting in annual savings of $69,000.

- Re-evaluation of computer vendor for enhanced services at lesser costs resulting in annual savings of $40,000.

- Cancellation of dues and subscriptions saving nearly $5,000.

- On-going renegotiations of office space leases at lesser cost resulting in annual savings of $59,000.
Attorney General Crist unveiled a new tool for the agency’s presence on the World Wide Web in July. The site can be read not only in English, but also in Spanish, Portuguese, German, Chinese, Japanese and French. Users may click onto http://myfloridalegal.com to access the home page. Near the top of the page will be six flags corresponding to the translation sought.

A new website designed to help prevent identity theft, and help victims of those crimes, was launched in October. Jointly developed by the Office of the Attorney General and the Florida Department of Law Enforcement, the Identity Theft Resource and Response Center provides valuable information to Florida citizens. The address is http://myfloridalegal.com/identitytheft.

The Central Records unit in conjunction with the staff from Information Technology is developing an electronic imaging system that would transfer enormous amounts of paper files to an electronic database. All case files, including criminal, civil, victims services, grants and administrative files would be part of the initiative. Instead of boxes of files stored and archived at the State Records Center for up to 25 years, high-speed electronic scanners will convert the files to indexed images and stored for easy access by attorneys on the Attorney General’s network. Public records E-mail will also be archived. The system is expected to result in annual savings exceeding $100,000.

The State of Florida has taken the lead in seeking to outsource the least strategic human resources functions through the People First initiative. The initiative provides tools and services to state employees and managers in the areas of staffing, human resource administration, payroll preparation and benefits administration. By outsourcing some of the tasks in these areas, the state’s human resource organization is better able to focus on the most strategic processes, such as performance management, policy development, change management and employee relations. Managers will also have electronic access to view and update information such as payroll, attendance and leave as well as position, employment and performance data for those employees in their direct line.
In addition to his duties as the state’s chief legal officer, the Attorney General serves as a member of the Florida Cabinet. Cabinet Affairs staff advised the Attorney General on all matters pertaining to his constitutional and statutory role as a member of the Cabinet. These roles include his membership on the:

- State Board of Executive Clemency
- State Board of Administration
- Division of Bond Finance
- Department of Veterans’ Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Electrical Power Plant and Transmission Line Siting Board
- Board of Trustees of the Internal Improvement Fund
- Financial Services Commission
2003 Highlights

- The Attorney General joined the Cabinet in voting to invest $136 million to protect in perpetuity approximately 89,100 acres of environmentally sensitive land. The Governor and Cabinet also voted unanimously to protect world-famous Cypress Gardens by placing it on the Florida Forever Land Acquisition List.

- The Governor and Cabinet voted unanimously to sign a contract on behalf of the State to create the Child Support Automated Management System that will increase support collections, reduce processing time and help deliver better service to clients. The contract was signed in an effort to increase collections by an additional $196 million within three years of implementation and $2.9 billion in 10 years.

- The Governor and Cabinet approved the confirmation of Guy Tunnell as the new Director of the Department of Law Enforcement to replace 15-year veteran Tim Moore, who retired. Florida is a leader in the area of Homeland Security and Forensic Examination and this appointment will continue a legacy of continued support for the highest level of commitment to our law enforcement agencies.

- In June, 2003, Cabinet members and the Governor gave approval for the conceptual design of the Florida World War II monument.
Office of External Affairs

The Office of External Affairs was created on January 7 and charged with responsibility for the Communications Office, the Office of Citizen Services and the content of the Attorney General’s World Wide Web site.

External Affairs was created to ensure that the public and news media receive the most accurate and prompt service and information possible. This was an important advance judging from the dramatic rise in the number of consumer complaints.

2003 Highlights

The Fraud Hotline was launched on January 7, the first day of the Crist Administration, to provide a tool for consumers to report possible scams or other examples of Fraud. The Fraud Hotline number is 1-866-9-NO-SCAM or 1-866-966-7226.

The Office of Citizen Services was created in 2003 by merging the Correspondence Section with the Fraud Hotline staff to properly receive and process thousands of communications between the public and the Attorney General’s Office. More than 30,000 calls were fielded, while an

COMBATING IDENTITY THEFT

The Office of Attorney General Charlie Crist took some aggressive steps to COMBAT IDENTITY THEFT in 2003. This rapidly growing crime is claiming thousands of victims in Florida and many more nationwide.

Prior to 2003, penalties for identity theft rarely included significant time behind bars for perpetrators. During the 2003 legislative session, the Attorney General worked with legislative leaders to significantly increase penalties for this crime. Second degree felony charges carrying a prison term of three years now await those who steal at least $5,000 with another’s identity. Those found guilty of first degree felony charges carry a mandatory 10 years to life prison terms.

On October 15, 2003, Attorney General Crist and Florida Department of Law Enforcement Commissioner Guy Tunnell announced the creation of Florida’s official web site for victims of identity theft. The Identity Theft Resource and Response Center offers a comprehensive collection of tools for Floridians to use in the immediate aftermath of becoming victims of identity thieves.

The site features an Identity Theft Victim Kit, a step-by-step resource guide for Floridians who have been victimized. The address is http://myfloridalegal.com/identitytheft.
additional 57,000 letters and emails were received and processed. A new on-line consumer complaint form was launched, which allows consumers to promptly notify the Attorney General’s office of suspicious activity. The form may be accessed through the website at http://myfloridalegal.com/contact.

For the first time in more than six years, the Attorney General’s web site was updated to provide not only a new look, but more importantly, improved access for consumers. The site may be viewed in six different languages (See Administration and Technology Division). The web address is http://myfloridalegal.com.

A weekly electronic newsletter detailing the Attorney General’s activities and relevant news was launched in March. News Briefs is available by electronic subscription through the Attorney General’s Homepage.

Legal Opinions Division

Through the Opinions Division, the Attorney General, upon written request, provides written opinions to public officials on questions of law relating to the requesting officer’s official duties. The Division is also responsible for the preparation of the petitions to the Florida Supreme Court for advisory opinions regarding the legal sufficiency of citizens’ initiatives to amend the Florida Constitution.

Attorney General Opinions may also serve to provide legal advice in writing on questions of statutory interpretation and can provide guidance to public bodies as an alternative to costly litigation. Staff is also available as a resource to state and local government for research and counsel in resolving complex legal issues. In 2003, a total of 63 formal opinions were issued by the Office of the Attorney General. Formal opinions are published in the Annual Report of the Attorney General. Formal opinions since 1974 are available online at http://myfloridalegal.com/opinions.
2003 Highlights

- A significant number of opinions concern the interpretation of open government laws. In Attorney General Opinion 03–18, the Attorney General advised the Legislature that the Florida Constitution requires a two-thirds majority vote by the Legislature to restrict the public's access to governmental records and meetings – whether through the initial creation of an exemption or the re-adoptions of such an exemption.

- Recognizing the Legislature’s efforts to restrict access to a private individual’s social security number, Attorney General Opinion 03–23 advised that the “legitimate business purpose” exception in the Florida Statutes does not authorize a town to release the social security numbers of its water and sewer system customers to a private company intending to enter the numbers into a computer database, access to which could be sold to other entities and individuals.

- Some opinions are concerned with issues involving constitutional amendments passed by voters. In 2002 voters approved an amendment allowing homeowners to deduct expenses involved in home improvements designed to provide living quarters for parents and grandparents. A county commission asked if those expenses could be capped at $25,000. Attorney General Opinion 03-45 stated that counties may not impose such an artificial limit.
The Legislative Affairs office works with each division of the agency, the Florida Legislature, the Office of the Governor and the private sector to insure legislation is adopted that will benefit the public and assist the Attorney General in the execution of his duties as chief legal officer for the State of Florida.

2003 Highlights

During the 2003 legislative sessions, three of the Attorney General’s initiatives became law.

- The Dr. Marvin Davies Civil Rights Act provides the Florida Attorney General with independent authority to initiate, upon reasonable cause, a civil action for damages, injunctive relief, civil penalties up to $10,000 per violation for:
  1. patterns or practices of discrimination, or
  2. discrimination that raises an issue of great public interest.

- Bill sponsors were Senator Alex Villalobos and Representative Jeff Kottkamp. The Act was named for a longtime civil rights leader who marched with Dr. Martin Luther King, Jr. and was the NAACP’s Florida Director during the 1960s. Dr. Davies died in April, 2003, as the Florida Legislature debated this historic legislation. The first investigation was launched in November following reports that family and friends of an African-American family were told “no colords in the pool” at a Perry, Florida motel.
ENSURING EQUAL JUSTICE

Following three high-profile cases involving discrimination, it was apparent in 2003 that the Attorney General of Florida needed new authority to initiate a civil rights action. Each of these cases were pursued by former Attorney General Bob Butterworth, but the only tools available were statutes that govern unfair and deceptive trade practices.

The Florida Legislature clearly understood the same. Amendments to the existing civil rights laws were passed and on June 18, 2003, Governor Bush signed the amendments into law, renaming the law “The Dr. Marvin Davies Florida Civil Rights Act” after a Florida civil rights pioneer of the 1960s and 70s.

Modeled after the federal law, the Act gives the Florida Attorney General discretionary jurisdiction similar to the United States Attorney General to commence a civil action for damages, civil penalties, injunctive relief and prevailing party attorneys fees where there is either (1) a pattern or practice of discrimination or, (2) where an individual has been discriminated against and such discrimination raises an issue of great public interest.

On October 30, 2003, after a preliminary investigation revealed the need for further information, the Attorney General issued the first subpoena pursuant to the new law to a motel in Perry, Florida. It is alleged that African American patrons were subjected to discriminatory and unfair treatment at the motel because of their race. The Office of Civil Rights is also investigating claims under the new law that an African-American veteran in Belle Glade was denied admission to the local American Legion because of his race.

Another new law targeting identity theft established a second degree felony, with a mandatory minimum sentence of three years imprisonment when a person willfully, and without authorization, fraudulently uses the identification information of an individual without first obtaining that individual's consent. This penalty applies if the amount of the injury or fraud is $5,000 or more or if the person fraudulently uses the identity of 10 or more individuals. A threshold for a first degree felony is established – with a five year mandatory sentence – for fraud between the levels of $50,000 – $100,000, or if the person fraudulently uses the identification information of 20 individuals or more. If the fraud exceeds $100,000, or the information of 30 individuals or more is used, a mandatory sentence of 10 years applies. The bill sponsors were Senator Victor Crist and Representative Leslie Waters.

Passage of the Prescription Drug Protection Act allows the state to now impose more stringent regulations on prescription drug wholesalers, create criminal offenses relating to illicit activities involving drug diversion and require criminal history background checks in connection with the permitting process. (See Office of Statewide Prosecution). Bill sponsors were Senator Durell Peaden and Representative Ed Homan.
The Office of Multi-State Litigation and Intergovernmental Affairs is responsible for Florida's cooperative enforcement and policy efforts with other state attorneys general, the U.S. Department of Justice and other state and federal government entities. The Office represents the Attorney General's views on complex enforcement issues and advocates state and local perspectives with the federal government. Additionally, the Office coordinates multi-state litigation, policy, and investigation activities among all units of the Florida Attorney General's Office.

**2003 Highlights**

- In May, the Attorney General announced a settlement of more than 200 consumer complaints against EchoStar Satellite Corporation involving its Dish Network sales practices. EchoStar will pay $5 million to Florida and 12 other states for deceptive trade practices, failing to refund money to consumers who legitimately cancelled their service and charging customers’ bank cards without their permission. Florida obtained a unique provision in the settlement when it obtained a commitment from EchoStar to provide Spanish language disclosures and contracts for customers.

- Florida reached settlement agreements with GlaxoSmithKline and the Bayer Corporation for violating the federal Medicaid drug rebate statute. Florida received a total of $10.3 million distributed between the Attorney General's Office and the Florida Agency for Healthcare Administration. The companies were accused of failing to report the “best price” information for their products and failed to pay sufficient rebates to the Medicaid program. The settlement was part of a National Association of Medicaid Fraud Control Units effort, which includes 47 states and the District of Columbia.
• In August, the Attorney General announced that thousands of Florida consumers who had home loans with Household or Beneficial Finance could claim settlement payments. Nearly 41,000 Floridians were advised of their potential ability to share in the state's $23-million settlement. Household International agreed to pay $484 million as part of a national settlement. The monetary settlement was the largest ever obtained by state attorneys general in a consumer protection case.

• Attorney General Crist joined several of his colleagues to express opinions on several important policy matters before the United States Congress. Most attorneys general jointly urged Congress to approve pending legislation that protected rights of crime victims; urged Congress to carefully examine the relationship between rising prescription drug costs and anti-competitive behavior by pharmaceutical companies; expressed concern over pending legislation designed to reduce Internet spam because it might hinder states' efforts; voiced opposition to “The Responsible Lending Act” based upon concerns that the Act would “completely preempt the states from regulating” predatory lending practices by mortgage lenders; and urged the U.S. Senate to restore full funding to the National White Collar Crime Center, a valuable asset to state and local law enforcement's efforts to fight cyber and economic crime.
Florida’s reputation as the “Sunshine State” is characterized by strong open government laws. The Florida Constitution and statutes establish the public's right of access to governmental proceedings and records. The Attorney General’s Office provides voluntary open government dispute mediation service intended to be useful to both the public and private sectors. Among the benefits of this service is saving tax dollars that may have otherwise been used to pay expensive legal fees and costs. The public interest is served through the preservation of the right to public access.

Since the program’s creation in the mid-1990s, hundreds of disputes between citizens and public agencies over access to governmental records or meetings have been settled without resorting to lawsuits. Each fiscal year, the Attorney General’s Office provides statistics indicating the total number of mediated cases, cases resolved, cases resolved in three weeks or less and the total number of cases exceeding the three-week goal.

Statistics for the period of January 1, 2003 to December 30, 2003 include:

- Total number of mediation cases 148
- Total number of cases resolved 109 (74%)
- Total number resolved in 3 weeks or less 72 (66% resolved in 3 weeks or less)
- Total number unresolved cases 39 (26%)
The Attorney General’s Office publishes several manuals and guides for the public and governmental agencies, and also participates in numerous open government seminars and educational programs. Florida’s strong open government laws – known as Sunshine Laws – are among the country’s best. These laws provide the public with a high degree of access. This message is carried and explained through various publications and outreach efforts.

- The Government in the Sunshine Manual is published each year to serve as a guide for those seeking information about the requirements of open meetings and open records statutes. The manual is prepared by the Attorney General’s Office and published by the First Amendment Foundation.

- The Law Enforcement Public Records Guide is published annually to address the particular public records issues that involve law enforcement and prosecutorial agencies.

- A 2001 act of the Legislature requires the Commission on Ethics and the Attorney General’s Office to provide training in ethics and open government laws for elected public officials and persons appointed to hold public office. Over 500 public officials have taken this course. Online course materials covering Florida’s code of Ethics, Sunshine Law and Public Records Act is prepared by the Attorney General’s Office and administered by the Florida State University Institute of Government.

- The Attorney General’s Office conducts numerous presentations on open government. Some are part of continuing legal education courses offered by the Florida Bar, while others involve briefings for newly appointed board members. Associations and government attorneys at the state and local level also request open government presentations as part of their educational programs. Media organizations have also asked the Attorney General’s Office to assist with educational programs on open government issues.
ECONOMIC
And
CIVIL
LITIGATION
The Antitrust Division is responsible for enforcing state and federal antitrust laws. The division focuses on potential violations that harm competition and adversely impact our citizens, our public entities or the public interest. Among the areas monitored include bid-rigging, price-fixing, monopolization or attempts and conspiracies to monopolize. In the past two decades, the Office of the Attorney General has recovered more than $200 million on behalf of consumers and state and local public entities.

During 2003, the Antitrust Division effected $20.5 million in recoveries from just seven cases. Since January, 2003, the Division has conducted eight different merger reviews. In addition, the Division has worked with the Federal Trade Commission and the U.S. Department of Energy in an effort to determine the basis for rapid spikes in gasoline prices on two different occasions.

2003 Highlights

- In January, an $80 million multi-state settlement with Aventis and Andrx involving the popular heart medication Cardizem CD was announced. The settlement resolved allegations that Aventis and Andrx were working to keep a lower priced generic version of Cardizem CD off the market, resulting in higher prices to consumers. Through a strong public awareness campaign, more Florida consumers have filed claims than any other state and will receive an estimated $1.5 million in recoveries.
• Florida also played a major role in the $100 million settlement of multistate litigation against Bristol-Myers Squibb, who was accused of exploiting patent and drug laws that forced patients to purchase BuSpar at higher prices than would have normally been paid. More Floridians have filed claims than any other state and it is estimated they will share a total of $2.75 million when claims are distributed some time in 2004.

• The Attorney General entered into a stipulated consent decree with HCA, Inc. and Cleveland Clinic of Florida, resolving charges that the two health care providers had conspired to allocate health care services. The decree required the companies to pay a combined $200,000 for the benefit of local health-related charities.

• The Attorney General completed the distribution of nearly $100,000 to 512 property owners who were victims of a conspiracy to rig bids at a tax certificate auction in Lee County (Florida v. Saul & Co., et al.). An additional $500,000 in settlement monies will ultimately be distributed to four Lee County charities or public entities for housing-related projects.

• Nearly 50,000 Floridians took advantage of the benefits package offered by Bausch & Lomb and Johnson & Johnson as the result of a settlement with the Attorney General. In this case, consumers were paying unnecessarily inflated prices for replacement contact lenses because of suspected coordination between manufacturers and eye care specialists for more than a decade. Floridians were in the top tier of beneficiaries from the settlement, with a total value of more than $5 million.
Complaints of discriminatory behavior are investigated by personnel from the Office of Civil Rights. The Office of Civil Rights works with the Florida Commission on Human Relations and other housing advocacy groups to enforce the provisions of the Florida Fair Housing Act. For nearly a decade the Office has conducted hate crime training for law enforcement officers throughout the state and prepared the State’s Annual Hate Crime Report.

The Office of Civil Rights has also developed hate crimes training programs for presentation at the elementary, middle and high school levels. The programs are designed to teach students how to recognize hate crimes, explain the laws that protect victims of hate crimes, and to demonstrate how such crimes affect their community. A total of 1,355 law enforcement officers and agencies, a record number, have now been trained in how to detect, investigate and prosecute hate crimes.

2003 Highlights

• In 2003, the Florida Legislature passed significant improvements to the state’s civil rights law. Under the Dr. Marvin Davies Civil Rights Act of 2003 – the top legislative priority of Attorney General Crist – the Florida Attorney General will have authority similar to that of the United States Attorney General. For the first time, the Florida Attorney General may institute a civil action against patterns or practices of discrimination. Previous attorneys general were often forced to rely on economic crime statutes in order to combat discrimination. The new law is now one of the strongest in the country. (See Office of Legislative Affairs).
The Attorney General’s Office was invited to participate in the revision of Florida Department of Law Enforcement Standards and Training basic training manual. The result was that, for the first time, a section on hate crimes training became a part of that manual.

Among the most significant case settlements was the development and implementation of a distribution plan from a settlement with Household Finance. The Office worked in conjunction with the Economic Crimes Division and the Office of Multi-state Litigation and Intergovernmental Affairs in obtaining $23 million in restitution to consumers.

The Office had a successful intervention in a case involving protecting the rights of foster children following a homeowner association’s eviction action against the child’s foster parents. The association argued that housing foster children amounted to running a business, which was prohibited under association rules. The Attorney General, through the Office of Civil Rights, argued that this was not a business and that foster children were part of the family as defined in the fair housing laws. The court agreed.

**RIGHTS OF THE HANDICAPPED**
A Polk County high school senior was looking forward to the county youth fair, where he planned to show his prized pig in competition with others. Justin Kelly was just like any other teenager with several goals – with one exception: he suffers from cerebral palsy and must use a wheelchair and a walker.

Eight days after taking office, Attorney General Crist learned that Justin was denied the opportunity to show his pig by fair officials, who claimed it had safety, litigation, and liability concerns. The Attorney General and the civil rights unit was concerned about a denial based upon Justin’s disability.

Within 24 hours, the Attorney General had delivered to the fair authorities a letter detailing their obligations to accommodate the disabled, reminding them that activities such as the fair are designed to encourage self-reliance and an active life and praising Justin for overcoming his handicap.

The Attorney General was represented at the fair authority meeting, urging members to follow the law and fulfill the goals of the fair by permitting Justin to compete. That same day, authorities changed their position and voted to allow Justin to compete. While Justin’s pig did not win, his participation made him and all participants a winner.
• In another significant case, an Arab-American realtor presented a qualified Arab student – after 9/11 – to rent a condominium listed as available for rent. The condo association refused to approve the student because he was Arab. Testimony included detailed discriminatory remarks made against the student. The case was successfully settled resulting in a change in policies and procedures and a donation to a Fair Housing Center for training and testing.

Economic Crimes Division

The Economic Crimes Division is charged with protecting Florida’s citizens and visitors from consumer fraud and other financial exploitation. It is charged with enforcement of the Florida Deceptive and Unfair Trade Practices Act and the Racketeer Influenced and Corrupt Organizations Act (RICO). The Division investigates cases both independently and in coordination with other state and federal agencies. Currently the Division has more than 400 active cases.

The Division resolved 141 cases during 2003 with $23,014,820 in recoveries through settlements and judgments, including restitution of more than $9,202,068.

2003 Highlights

• Attorney General Charlie Crist leads 53 jurisdictions in administering a $30 million fund for an SUV Safety Awareness campaign designed to raise public awareness of the dangers posed by the unsafe operation of sport utility vehicles.
The campaign will be launched in 2004. General Crist also sent a warning letter on behalf of 40 states and U.S. territories to 16 manufacturers of SUVs expressing concern about industry advertising for these popular vehicles. Florida led the efforts to resolve a 53-jurisdiction investigation of the Ford Motor Company, which stemmed from a rash of Ford Explorer rollovers following highway tread separations. Ford agreed to pay $51.5 million and change its advertising practices.

- The Office of the Attorney General, in conjunction with the Florida Department of Law Enforcement and the Florida Department of Financial Services, investigated and resolved actions stemming from the mishandling of burials at Palm Beach County and Broward County cemeteries owned and operated by Service Corporation International and subsidiary SCI Funeral Services of Florida, Inc. Following a year-long investigation, both entities were charged with incompetence and misconduct in failing to manage Menorah Gardens and another south Florida cemetery. Some remains were discovered by investigators in a nearby wooded area. SCI agreed to provide up to $14 million in damages, penalties and consumer restitution. The company also agreed to allow greater oversight.

- The Division was a major component in cooperative efforts with other states, the Office of Multi-state Litigation and Intergovernmental Affairs and the Office of Civil Rights. Both the Household International and EchoStar settlements provided consumer benefits through restitution and improved business practices (see pages 21 and 22).
The General Legal Division provides statewide representation on behalf of the state, its agencies, officers, employees and agents at the trial and appellate level. The Division handles cases involving constitutional challenges to statutes, civil rights, employment discrimination, torts, contract disputes, prisoner litigation, declaratory judgment, child dependency, charitable trusts, admiralty, and class action suits. The Division spends 75 percent of its time on defense litigation, 15 percent to plaintiff litigation (including child support enforcement) and 10 percent in administrative law litigation. Clients include constitutional agencies from all three branches of state government. The Division consists of the following units: Administrative Law, Child Support Enforcement, Children's Legal Services, Corrections Litigation, Eminent Domain, Ethics, General Civil, Revenue Litigation, State Programs and Tort.

**Administrative Law**

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

During 2003, Administrative Law attorneys prepared for and attended 660 days of noticed public meetings of the Boards, Commissions and Councils represented, prepared Final Orders on 29 Petitions for Declaratory Statement, represented the agency in nine
rule challenge proceedings at the Division of Administrative Hearings and reviewed and responded to 77 letters of comment on proposed rules from the Joint Administrative Procedures Committee. In addition, the Section received 633 Department of Children and Families “fair hearing” cases. Of those, 523 have been closed and 110 remain active.

**Administrative Law – Practitioner Regulation**

The Practitioner Regulation Unit reviews and prosecutes disciplinary cases against licensed health care practitioners on behalf of the Department of Health in the professions of acupuncture, athletic trainers, chiropractic, clinical laboratory personnel, hearing aid specialists, massage therapy, nursing home administrators, occupational therapy, opticianry, orthoist and prosthetists, physical therapy, respiratory care and speech language pathology and audiology. During 2003, the unit received 693 cases and closed 400, with 965 cases pending, and attended 94 public meetings.

**Child Support Enforcement**

The Child Support Enforcement Section's primary function is to represent the Department of Revenue in proceedings relating to the establishment and enforcement of paternity and support orders in 20 counties, as well as the Clerk of Manatee County. This includes the collection of child support from deadbeat parents. The Section also serves as appellate counsel in Florida's five district courts of appeal, the Florida Supreme Court and in the federal appellate court system. In October, 2003, the Section opened a branch office in St. Petersburg to handle cases for the Department of Revenue's Region 3, which covers Hillsborough, Pinellas, Pasco, DeSoto and Sarasota Counties. In 2003, a total of 34,635 cases were received with a total of 19,539 orders entered. During 2003 there were 22,269 court hearings; 3,229 continuance hearings and 19,539 concluding orders. As of December 15, 2003, there were 1,000 pending cases awaiting a judge's signature to conclude the case.
Children's Legal Services

The Children’s Legal Services Division is responsible for litigating abuse, abandonment and neglect cases. The Division represents the Department of Children and Families, Camelot Community Care, ChildNet, Children’s Home Society, Kids in Distress, Manatee Sheriff’s Office, Neighbors to Families and The Safe Children’s Coalition in their respective counties. On December 31, 2003, the Division had 7,955 open cases with 1,661 new petitions. In 2003, there were a total of 474 mediations, 920 trials (with a 92% success rate), 363 children freed for adoption, 422 finalized adoptions (which includes children freed for adoption in 2002) and 1,981 closed cases.

Corrections Litigation

The Corrections Litigation Unit is primarily responsible for defending the Florida Department of Corrections and its employees who are sued in their official and individual capacities by inmates incarcerated in the state prison system. Between January and December, 2003, the Unit opened 527 cases, closed 688 active cases with 886 remaining open.

Eminent Domain

The Eminent Domain Section’s primary function is to provide legal advice to governmental agencies on the legal requirements for the proper exercise of their eminent domain authority and legal strategies for minimizing the cost of the acquisition. The Section represents the university board of trustees, the Department of Corrections and the
Department of Transportation in the acquisition of land for specific purposes. Also represented are the Board of Trustees of the Internal Improvement Trust Fund in the acquisition of conservation land, and the South Florida Water Management District in acquiring land used for the Everglades Restoration Project.

On January 1, 2003, acquisition of 1,001 parcels were yet to be concluded, while 250 additional parcels were added by December 30. During that same period, 207 parcel files were closed leaving 1,044 parcels open. The Section conducted 86 mediations in 2003 and obtained 556 final judgements covering land with an additional 199 covering Fees and Costs Orders. These settlements saved Florida taxpayers more than $65 million between the defendants’ claim and the final settlement. Four trials resulted in verdicts that saved taxpayers more than $3.3 million in purchases costs, representing the difference between the verdict and the price demanded by defendants.

Ethics

The Attorney General’s Office assists the Florida Commission on Ethics by providing attorneys who serve as the Commission’s prosecutors or “Advocates.” Most state and local government employees, as well as elected and appointed officials, are subject to the Commission’s jurisdiction. The types of violations investigated range from erroneous financial disclosure filings to misuse of office. During the previous year, 104 new cases were received while 125 cases were closed.

In 2003, the office produced the “Ethics Card,” a guide to some of the most frequently referenced provisions of the Code of Ethics for Public Officers and Employees. The card was provided to all managers within the attorney general’s office.
**General Civil Litigation**

The General Civil Litigation Unit provides legal services in the defense of state agencies, state officials and judges in the following areas of litigation: corrections, employment, tort, and state programs. The Unit also defends the constitutionality of state statutes and handles administrative law matters, such as representing the Department of Children and Families in fair hearings and waiver cases involving reduction or termination of services to developmentally disabled clients. Civil appeals work is also conducted.

In 2003, General Civil opened 1,055 new cases, while 1,236 cases were closed through litigation.

**Revenue Litigation**

The Revenue Litigation Section primarily enforces and defends tax assessments issued by the Department of Revenue. In addition, the Section represents the Department of Revenue in litigation involving refunds of all taxes. The Section's representation also includes ad valorem tax cases in conjunction with county property appraisers and tax collectors. The Section is also involved in representing other state agencies in litigation connected with taxes or other related matters and advises the Attorney General on questions involving taxation.

On January 1, 2003, a total of 993 open case files existed. Between January 1 and December 30, 2003, a total of 297 new cases were opened and 556 closed, leaving 734 open case files. During that period there were 29 trials and decisions on appeal that recovered $11.9 million.
**State Programs**

The State Programs Branch is charged with defending a wide variety of actions in both state and federal court, at both the trial and appellate levels. The clients of this branch are state departments and agencies from all three branches of government, including individual officials and employees. Cases routinely handled include suits which challenge the constitutionality of the general laws of the state; defense of judges and state attorneys in lawsuits; specialized administrative litigation before the Division of Administrative Hearings, including bid protests; and the initiation of litigation as plaintiffs on behalf of our state clients.

In 2003, a total of 160 new cases were opened, along with 99 new forfeitures and 111 new foreclosures. During that same period, 266 cases were closed. Among those new cases involved Sultaana Freeman v. Department of Highway Safety and Motor Vehicles, who sought a driver’s license without providing the legally prescribed photograph. The State prevailed at the trial court level.

**Tort**

The Tort Branch provides defense to state agencies and employees in insurance-related litigation. The types of suits typically handled included wrongful death, automobile accidents, slip and falls, defamation and various other negligence claims. This litigation regularly involved the interpretation of Florida’s limited waiver of sovereign immunity statutes.

In 2003, Tort closed 56 cases, handled 11 mediations and participated in three trials. Total damages sought amounted to more than $16.2 million. The State of Florida ultimately paid $777,088, representing a $15.5 million savings (95%) for the state.
The Lemon Law Arbitration Program provides a forum, via the New Motor Vehicle Arbitration Board, for the resolution of disputes arising between new vehicle consumers and motor vehicle manufacturers under Florida’s “Lemon Law”. The Arbitration Program monitors and enforces manufacturer and dealer compliance with the Lemon Law and educates the public and the industry regarding their rights and responsibilities under the law. More than 15,500 consumer arbitration claims have been processed since the Program’s inception in 1989, resulting in consumer recoveries totaling more than $275 million.

The Program publishes an annual report of arbitration cases outcomes per manufacturer. The most current report is available by contacting the Lemon Law Arbitration Program, Office of the Attorney General, The Capitol, Tallahassee, FL 32399.

The Florida Medicaid Fraud Control Unit (MFCU) investigates and prosecutes fraud involving physicians, pharmacists, hospitals, durable medical equipment suppliers and others suspected of intentionally defrauding the State’s Medicaid program. The Florida MFCU also investigates abuse, neglect and exploitation of patients residing in long-term care facilities within the State of Florida.
MFCU investigations and prosecutions involve a wide range of misconduct, from common schemes to defraud the Medicaid program through phantom billing (where the medical provider bills for services not rendered) or up-coding (where a medical provider bills for providing a costly medical service when only a less expensive procedure was performed), to very complex conspiracies to commit health care fraud (such as attempts by pharmaceutical manufacturers to illegally manipulate pharmaceutical prices throughout the United States). On a more personal level, the MFCU also investigates crimes of abuse, neglect and exploitation of elder citizens confined to long-term care facilities.

Complaints of Medicaid fraud come from a variety of sources, including Florida’s Agency for Health Care Administration (AHCA), the single state agency responsible for administering Florida’s Medicaid program, citizen complaints received through the Attorney General’s “Fraud Hotline” and from law suits filed primarily by “whistleblowers” seeking to bring actions for civil fraud on behalf of the State of Florida.

2003 Highlights

- In July, 2003, the United States Attorney’s Office, in conjunction with the MFCU, investigated a complaint brought by a private party (whistleblower) on behalf of the United States and Florida against Jackson Memorial Hospital. The investigation revealed the hospital was double billing the State of Florida’s Medicaid program through several of its outpatient clinics using different provider numbers for the same covered service and billing for services not performed. Settlement of the law suit resulted in a recovery of $16.8 million for the Medicare and Medicaid programs.
• The 510 Project is a compilation of case investigations initially involving 13 Medicaid provider hospitals. These 510 cases were uncovered by the MFCU Fort Myers office based on information that some 67 hospitals may have been billing revenue code 510 inappropriately. Medicaid’s “Hospital Limitations Handbook” restricts billing under revenue code 510 to seven specific therapies performed as outpatient services. The violating hospitals used revenue code 510 to bill for routine treatment typically performed in a physician’s office.

• One case involving illegal billing under revenue code 510 involved Tampa General Hospital. That case settled for $4,000,000; 1.6 times the actual damages. The illegal use of revenue code 510 has become part of a Statewide MFCU effort with each office addressing the providers in its jurisdiction. Of the thirteen cases initially opened, ten cases have been resolved resulting in recoveries totaling $4,368,142.39. Three cases remain open at this time and it is anticipated four additional cases will be opened in the near future.

• An MFCU investigation has revealed that Gregory Knowles and Ambucare Infusion, a Fort Lauderdale pharmacy, improperly billed the Medicaid program in a pharmaceutical drug diversion scheme resulting in more than $2,000,000 in stolen Medicaid funds. This investigation led to charges against Knowles, who later entered a plea of guilty to grand theft and conspiracy to commit racketeering and agreed to forfeit $1.15 million in assets seized by the Attorney General’s Office. In addition, he must also pay $250,000 in penalties over the next 24 months and cease his attempt to collect more than $900,000 in pending Medicaid claims.
Investigators with the MFCU focused on the false Medicaid billings for pharmaceutical drugs that were never purchased by a pharmacy nor dispensed to Medicaid recipients. As a result of this investigation, Ovidio Pena was arrested in Miami and charged with Medicaid Fraud and related criminal offenses. Mr. Pena was convicted and sentenced to 5 years in State prison. As part of his probationary term, he was ordered to pay $500,000.00 in restitution, approximately half of which he paid at the time of his sentencing in the early part of 2003.

The investigative and prosecutorial efforts of MFCU have resulted in 87 criminal convictions of individuals or entities charged, in state and/or federal courts, with defrauding the State of Florida’s Medicaid Program. In calendar year 2003, the MFCU has substantially increased the recoveries of money, collecting in excess of $27 million in restitution and penalties on behalf of the State of Florida’s Medicaid program.
The primary responsibility of the Office of the Solicitor General is to represent the State of Florida in significant civil litigation affecting the powers, duties, and responsibilities of all branches of state government. The Solicitor General directs, coordinates, and represents the State of Florida in cases of constitutional importance before the United States Supreme Court and the Florida Supreme Court, preparing amicus curiae briefs in support of State policy goals in state and federal appellate court cases, and advising the Attorney General on legal and policy issues affecting the State. In 2003, the Solicitor General reviewed or supervised 524 Amicus, Appellate, and Constitutional Challenge cases.

The Civil Appeals Section of the Solicitor General’s Office represents the State of Florida and its agencies and officers in civil cases at the appellate level in both state and federal court. Attorneys in this branch directly handle, review, or manage cases encompassing a wide range of subject areas, including torts, revenue recovery, land use, employment discrimination, and other equitable damage or monetary claims, as well as cases involving significant state and federal constitutional issues.

The Complex Litigation Section leads Agency efforts in civil litigation involving complex issues of significant fiscal, constitutional, or statutory importance to the State of Florida.
2003 Highlights

- The Attorney General and Solicitor General intervened on behalf of a homeowner facing the threat of the foreclosure on his home stemming from a dispute with his homeowner’s association. This citizen wished to fly his American flag from a flagpole in his yard, but was prohibited by the homeowner’s association. When the threat of the loss of the citizen’s home, the Attorney General’s Office, through the Solicitor General, argued on the citizen’s behalf. As of now, the case is still pending, but foreclosure proceedings have been halted.

- The Attorney General and the Solicitor General appeared before the Florida Public Service Commission urging the Commission to require Progress Energy Florida to refund rate overcharges to 1.4 million Florida consumers. The utility had earlier agreed on a refund procedure, but their proposed refunds fell far short of what consumers had been promised. The Attorney General’s argument for the full refund was presented to the Commission during a formal hearing. The Commission unanimously agreed that a full refund was due.

- The Solicitor General is representing the State of Florida in several cases to defend the constitutionality of a law commonly known as the “Dale Earnhardt Law” that exempts autopsy photos and video recordings from unauthorized disclosure and publication under Florida’s public records law.

- The Complex Litigation Section continues to defend the State in on-going multi-million dollar litigation related to the State of Florida’s denial of off-shore drilling permits in the Gulf of Mexico. In November, the First District Court of Appeal sided with the Attorney General, finding there was no liability on the part of the State for denying the permit.
PROTECTING FLORIDA’S BEACHES

For more than a decade, Florida has been fighting attempts to drill for oil near its pristine beaches. In one case, drilling rights were sought a mere 10 miles from the Florida coast.

The state denied a permit sought by Coastal Petroleum to conduct drilling operations within part of a vast lease area that Coastal held stretching from the panhandle to southwest Florida. The company filed suit alleging that the permit denial amounted to a “taking” of their property.

The Attorney General has aggressively defended the state for years, winning at the trial level. Attorneys representing Attorney General Charlie Crist argued before the First District Court of Appeal that the permit denial was not a “taking.” On December 3, 2003, the Court rejected the company’s claim and agreed with the Attorney General that the state was well within its rights to deny the permit as a way to protect the local environment.

In this case, a strong defense of the application of Florida environmental law led to sound public policy.
Office of Attorney General
Charlie Crist

Fighting for the People

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