

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 183

Special Organized Crime Investigators

SPONSOR(S): Pafford

TIED BILLS:

IDEN./SIM. BILLS: SB 502

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Public Safety & Domestic Security Policy Committee	12 Y, 0 N	Krol	Cunningham
2)	Criminal & Civil Justice Appropriations Committee			
3)	Criminal & Civil Justice Policy Council			
4)				
5)				

SUMMARY ANALYSIS

Currently s. 27.251, F.S., authorizes the state attorney of each judicial circuit to employ any municipal or county police officer or sheriff s deputy on a full-time basis as an investigator for the state attorney's office with full powers of arrest throughout the judicial circuit provided such investigator serves on a special task force to investigate matters involving "organized crime."

HB 183 expands s. 27.251, F.S., to allow for broader use of special investigator appointments by specifying that organized crime includes gang violence and that the special investigators may investigate other criminal activities where the use of an interagency task force may be beneficial.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Section 27.251, F.S., authorizes the state attorney of each judicial circuit to employ any municipal or county police officer or sheriff's deputy on a full-time basis as an investigator for the state attorney's office with full powers of arrest throughout the judicial circuit provided such investigator serves on a special task force to investigate matters involving organized crime. Consent from the county, sheriff or municipality must be given in order for the municipal or county police officer or sheriff's deputy to become an investigator for the state attorney. The salary of such municipal or county police officer or sheriff's deputy is paid by the city, county, or sheriff by which the investigator is principally employed.

The arrest powers granted by this section are only in the furtherance of the conduct of the business of the special task force to which the municipal or county police officer or sheriff's deputy is assigned by the employing state attorney.

Section 27.255, F.S., provides that a special investigator appointed by a state attorney pursuant to the provisions of s. 27.251, F.S., is a certified Florida law enforcement officer under the direction and control of the employing state attorney and is authorized to make arrests and serve arrest and search warrants and other documents as specified in the section.

Staff of the State Attorney for the 15th Judicial Circuit has described how special investigators are used and the benefits accruing from such use:

Currently, State Attorneys use state attorney investigators to assist and supplement other investigative law enforcement efforts in developing and prosecuting cases in their respective jurisdictions. State attorneys are authorized and employ their own staff of law enforcement officers. See Fl. Stat. 27.255. However, state attorneys also use specially sworn investigators pursuant to Fl. Stat. 27.251 in any matter involving "organized crime." Of course, "organized crime" is a broad term which can include a wide range of criminal activities which involve a degree of organization and structure. The special investigators perform duties in furtherance of the task force under the direction of the state attorney, but remain paid by their respective local agencies. The advantage of this practice is that the State Attorney can guide and coordinate important investigative matters while not having to bear the financial burden of employing the investigators full-time on a permanent basis. The arrangement works well and is fiscally responsible.¹

¹ E-mail from Nicky Solimene, State Attorney's Office, 15th Judicial Circuit, to House staff, dated December 2, 2009.

Proposed changes

HB 183 amends s. 27.251, F.S., to allow for broader use of special investigator appointments by specifying that organized crime includes gang violence and that the special investigators may investigate other criminal activities where the use of an interagency task force may be beneficial.

B. SECTION DIRECTORY:

Section 1. Amends s. 27.251, F.S.; relating to special organized crime investigators.

Section 2. Provides for an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See "Fiscal Comments."

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See "Fiscal Comments."

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This bill will not have a fiscal impact on state attorneys. This bill will have a fiscal impact on local law enforcement agencies or counties or municipalities to the extent that they consent to appoint an officer or deputy as a special investigator with the state attorney's office.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The term “or other criminal activity the detection of which might benefit from an interagency task force” on lines 18 and 19 of the bill may be unclear.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES