

By Senator Smith

14-1534-03

See HB

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A bill to be entitled
An act relating to state attorneys; amending s.
27.25, F.S.; authorizing state attorneys to
employ process servers; providing for the power
of such process servers; amending s. 27.251,
F.S.; providing for special criminal task force
investigators employed by state attorneys;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 27.25, Florida Statutes, is amended
to read:

27.25 State attorney authorized to employ personnel;
funding formula.--

(1) The state attorney of each judicial circuit is
authorized to employ and establish, in such number as he or
she shall determine, assistant state attorneys, investigators,
and clerical, secretarial, and other personnel, who shall be
paid from funds appropriated for that purpose. The state
attorneys of all judicial circuits shall jointly develop a
coordinated classification and pay plan which shall be
submitted on or before January 1 of each year to the Justice
Administrative Commission, the office of the President of the
Senate, and the office of the Speaker of the House of
Representatives. Such plan shall be developed in accordance
with policies and procedures of the Executive Office of the
Governor established pursuant to s. 216.181.

(2) The state attorney of each judicial circuit is
authorized to employ an executive director. The salary of the
executive director shall be set by the state attorney in

1 accordance with the policies and procedures of the Executive
2 Office of the Governor established pursuant to s. 216.181 and
3 shall not exceed 90 percent of the state attorney's salary.
4 The duties of the executive director shall be as prescribed by
5 the state attorney.

6 (3) In any judicial circuit where a court reporter is
7 not available, any stenographer employed by a state attorney
8 is authorized and may be required to perform the services of a
9 court reporter and shall be entitled to receive the per diem
10 and fees provided by law for such services.

11 (4) The state attorney of each judicial circuit is
12 authorized to employ process servers. Such process servers may
13 serve, anywhere in the state, a witness subpoena issued by any
14 court or judge within the state or issued in connection with a
15 criminal investigation that arises anywhere within the state,
16 provided that prior notice is given to the sheriff in whose
17 county service will be attempted; however, failure to provide
18 this notice to the sheriff does not affect the validity of the
19 service. Process servers employed by a state attorney shall be
20 exempt from the provisions of s. 48.021(2).

21 ~~(5)(4)~~ All payments for the salary of the state
22 attorney and the necessary expenses of office, including
23 salaries of deputies, assistants, and staff, shall be
24 considered as being for a valid public purpose.

25 ~~(6)(5)~~ The appropriations for the offices of state
26 attorneys shall be determined by a funding formula based on
27 population and such other factors as may be deemed appropriate
28 in a manner to be determined by this subsection and any
29 subsequent appropriations act.

30 Section 2. Section 27.251, Florida Statutes, is
31 amended to read:

1 27.251 Special criminal task force ~~organized crime~~
2 investigators.--The state attorney of each judicial circuit is
3 authorized to employ any municipal or county police officer or
4 sheriff's deputy on a full-time basis as an investigator for
5 the state attorney's office with full powers of arrest
6 throughout the judicial circuit, provided such investigator
7 serves on a special task force to investigate any criminal
8 activity ~~matters involving organized crime~~, and, provided
9 further, that the salary of such municipal or county police
10 officer or sheriff's deputy shall be paid by the city, county,
11 or sheriff by which the investigator is principally employed,
12 and with the consent of the county, sheriff, or municipality.
13 The arrest powers granted herein shall be exercised only in
14 the furtherance of the conduct of the business of the special
15 task force to which such municipal or county police officer or
16 sheriff's deputy is assigned by the said state attorney.

17 Section 3. This act shall take effect upon becoming a
18 law.

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