

By Senator Smith

14-334-04

1 A bill to be entitled
2 An act relating to state attorneys; amending s.
3 27.25, F.S.; authorizing state attorneys to
4 employ process servers; providing powers and
5 duties of such process servers; exempting those
6 process servers from the requirements
7 applicable to process servers employed by a
8 sheriff; amending s. 27.251, F.S.; providing
9 for special criminal task force investigators
10 employed by state attorneys; providing an
11 effective date.

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

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15 Section 1. Section 27.25, Florida Statutes, as amended
16 by section 9 of chapter 2003-402, Laws of Florida, is amended
17 to read:

18 27.25 State attorney authorized to employ personnel;
19 funding formula.--

20 (1) The state attorney of each judicial circuit is
21 authorized to employ and establish, in such number as is
22 authorized by the General Appropriations Act, assistant state
23 attorneys and other staff pursuant to s. 29.005. The state
24 attorneys of all judicial circuits shall jointly develop a
25 coordinated classification and pay plan which shall be
26 submitted on or before January 1 of each year to the Justice
27 Administrative Commission, the office of the President of the
28 Senate, and the office of the Speaker of the House of
29 Representatives. Such plan shall be developed in accordance
30 with policies and procedures of the Executive Office of the
31 Governor established pursuant to s. 216.181.

1 (2) The state attorney of each judicial circuit is
2 authorized to employ an executive director. The salary of the
3 executive director shall be set by the state attorney in
4 accordance with the policies and procedures of the Executive
5 Office of the Governor established pursuant to s. 216.181 and
6 shall not exceed 90 percent of the state attorney's salary.
7 The duties of the executive director shall be as prescribed by
8 the state attorney.

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

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

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

28 ~~(6)~~(5) The appropriations for the offices of state
29 attorneys shall be determined by a funding formula based on
30 population and such other factors as may be deemed appropriate
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1 in a manner to be determined by this section and the General
2 Appropriations Act.

3 Section 2. Section 27.251, Florida Statutes, is
4 amended to read:

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

21 Section 3. This act shall take effect July 1, 2004.

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24 SENATE SUMMARY

25 Authorizes state attorneys to employ process servers.
26 Provides for power of such process servers. Provides for
27 special criminal task force investigators employed by
28 state attorneys.
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