

1 A bill to be entitled

2 An act relating to classification and pay plans for public
3 defenders; amending s. 27.53, F.S.; requiring that
4 coordinated classification and pay plans for public
5 defenders in each judicial circuit be developed in
6 accordance with s. 216.181, F.S., notwithstanding that
7 lump-sum salary bonuses, or other similar provisions of
8 law or rule relating to government officials, may be
9 provided only if specifically appropriated or provided for
10 by law; authorizing public defenders to award lump-sum
11 bonuses according to specified criteria; requiring
12 reporting of payment of bonuses; amending s. 27.25, F.S.;
13 requiring that coordinated classification and pay plans
14 for state attorneys in all judicial circuits be developed
15 in accordance with s. 216.181, F.S., notwithstanding that
16 lump-sum salary bonuses, or other similar provisions of
17 law or rule relating to government officials, may be
18 provided only if specifically appropriated or provided for
19 by law; authorizing state attorneys to award lump-sum
20 bonuses according to specified criteria; requiring
21 reporting of payment of bonuses; providing an effective
22 date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Subsection (1) of section 27.53, Florida
27 Statutes, is amended to read:

28 27.53 Appointment of assistants and other staff; method of

29 payment.--

30 (1) The public defender of each judicial circuit is
31 authorized to employ and establish, in such numbers as
32 authorized by the General Appropriations Act, assistant public
33 defenders and other staff and personnel pursuant to s. 29.006,
34 who shall be paid from funds appropriated for that purpose.
35 Notwithstanding the provisions of s. 790.01, s. 790.02, or s.
36 790.25(2)(a), an investigator employed by a public defender,
37 while actually carrying out official duties, is authorized to
38 carry concealed weapons if the investigator complies with s.
39 790.25(3)(o). However, such investigators are not eligible for
40 membership in the Special Risk Class of the Florida Retirement
41 System. The public defenders of all judicial circuits shall
42 jointly develop a coordinated classification and pay plan which
43 shall be submitted on or before January 1 of each year to the
44 Justice Administrative Commission, the office of the President
45 of the Senate, and the office of the Speaker of the House of
46 Representatives. Notwithstanding s. 216.181(10)(b) or any other
47 similar provision of law or rule governing the judicial,
48 executive, or legislative branches, such plan shall be developed
49 in accordance with ~~policies and procedures of the Executive~~
50 ~~Office of the Governor established in s. 216.181.~~ End of fiscal
51 year lump-sum salary bonuses may be awarded by a public defender
52 from funds appropriated for salaries, with eligibility for such
53 bonuses to be determined pursuant to the eligibility criteria in
54 s. 110.1245(2)(b). Any public defender who authorizes lump-sum
55 salary bonuses shall report the payment of such bonuses,
56 including the date, amount, recipient, and the reasons and

57 justification for his or her decision to award such bonuses,
58 quarterly to the Justice Administrative Commission, the office
59 of the President of the Senate, and the office of the Speaker of
60 the House of Representatives. Each assistant public defender
61 appointed by a public defender under this section shall serve at
62 the pleasure of the public defender. Each investigator employed
63 by a public defender shall have full authority to serve any
64 witness subpoena or court order issued, by any court or judge
65 within the judicial circuit served by such public defender, in a
66 criminal case in which such public defender has been appointed
67 to represent the accused.

68 Section 2. Subsection (1) of section 27.25, Florida
69 Statutes, is amended to read.

70 27.25 State attorney authorized to employ personnel;
71 funding formula.--

72 (1) The state attorney of each judicial circuit is
73 authorized to employ and establish, in such number as is
74 authorized by the General Appropriations Act, assistant state
75 attorneys and other staff pursuant to s. 29.005. The state
76 attorneys of all judicial circuits shall jointly develop a
77 coordinated classification and pay plan which shall be submitted
78 on or before January 1 of each year to the Justice
79 Administrative Commission, the office of the President of the
80 Senate, and the office of the Speaker of the House of
81 Representatives. Notwithstanding s. 216.181(10) (b) or any other
82 similar provision of law or rule governing the judicial,
83 executive, or legislative branches, such plan shall be developed
84 in accordance with ~~policies and procedures of the Executive~~

85 ~~Office of the Governor established pursuant to s. 216.181. End~~
86 of fiscal year lump-sum salary bonuses may be awarded by the
87 state attorney from funds appropriated for salaries, with
88 eligibility for such bonuses to be determined pursuant to the
89 eligibility criteria in s. 110.1245(2)(b), F.S. Any state
90 attorney that authorizes lump-sum salary bonuses shall report
91 the payment of such bonuses, including the date, amount,
92 recipient, and the reasons and justification for his or her
93 decision to award such bonuses, quarterly to the Justice
94 Administrative Commission, the office of the President of the
95 Senate, and the office of the Speaker of the House of
96 Representatives.

97 Section 3. This act shall take effect July 1, 2008.