

By Senator Dean

3-00435-08

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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 statute or rule relating to government officials, may be
9 provided only if specifically appropriated or provided for
10 by statute; providing an effective date.

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

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

16 27.53 Appointment of assistants and other staff; method of
17 payment.--

18 (1) The public defender of each judicial circuit is
19 authorized to employ and establish, in such numbers as authorized
20 by the General Appropriations Act, assistant public defenders and
21 other staff and personnel pursuant to s. 29.006, who shall be
22 paid from funds appropriated for that purpose. Notwithstanding
23 the provisions of s. 790.01, s. 790.02, or s. 790.25(2)(a), an
24 investigator employed by a public defender, while actually
25 carrying out official duties, is authorized to carry concealed
26 weapons if the investigator complies with s. 790.25(3)(o).
27 However, such investigators are not eligible for membership in
28 the Special Risk Class of the Florida Retirement System. The
29 public defenders of all judicial circuits shall jointly develop a

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30 coordinated classification and pay plan which shall be submitted
31 on or before January 1 of each year to the Justice Administrative
32 Commission, the office of the President of the Senate, and the
33 office of the Speaker of the House of Representatives.
34 Notwithstanding s. 216.181(10)(b) or any other similar provision
35 of statute or rule governing judicial, executive, or legislative
36 branches, such plan shall be developed in accordance with
37 ~~policies and procedures of the Executive Office of the Governor~~
38 ~~established in~~ s. 216.181. Each assistant public defender
39 appointed by a public defender under this section shall serve at
40 the pleasure of the public defender. Each investigator employed
41 by a public defender shall have full authority to serve any
42 witness subpoena or court order issued, by any court or judge
43 within the judicial circuit served by such public defender, in a
44 criminal case in which such public defender has been appointed to
45 represent the accused.

46 Section 2. This act shall take effect July 1, 2008.