

By Senator Gelber

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1 A bill to be entitled

2 An act relating to investigators employed by a state
3 attorney; amending ss. 27.255 and 316.640, F.S.;
4 authorizing such an investigator to enforce the state
5 traffic laws on the streets and highways within the
6 boundaries of the judicial circuit served by the state
7 attorney employing the investigator; providing an
8 effective date.

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

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12 Section 1. Subsection (1) of section 27.255, Florida
13 Statutes, is amended to read:

14 27.255 Investigators; authority to arrest, qualifications,
15 rights, immunities, bond, and oath.—

16 (1) Each investigator employed on a full-time basis by a
17 state attorney and each special investigator appointed by the
18 state attorney pursuant to the provisions of s. 27.251 is hereby
19 declared to be a law enforcement officer of the state and a
20 conservator of the peace, under the direction and control of the
21 state attorney who employs him or her, with full powers of
22 arrest, in accordance with the laws of this state. Such
23 investigator may arrest any person for violation of state law or
24 applicable county or city ordinances when such violation occurs
25 within the boundaries of the judicial circuit served by the
26 state attorney employing the investigator, except that arrests
27 may be made out of said judicial circuit when hot pursuit
28 originates within said judicial circuit. Such investigator
29 shall, within the boundaries of the judicial circuit served by

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30 such state attorney, have full authority to serve any arrest
31 warrant, search warrant, capias, or court order issued by any
32 court or judge within such judicial circuit in a criminal case,
33 or in connection with a criminal investigation, when the same is
34 directed to him or her. The investigator may enforce all traffic
35 laws of this state on all streets and highways and wherever the
36 public has the right to travel by motor vehicle within the
37 boundaries of the judicial circuit served by the state attorney
38 employing the investigator. The investigator may serve, anywhere
39 within the state, a witness subpoena issued by any court or
40 judge within the state or issued in connection with a criminal
41 investigation that arises anywhere within the state, provided
42 that prior notice is given to the sheriff in whose county
43 service will be attempted; however, failure to provide this
44 notice to the sheriff does not affect the validity of the
45 service. The investigator may carry weapons on or about his or
46 her person in the same manner as other law enforcement officers.

47 Section 2. Paragraph (a) of subsection (1) of section
48 316.640, Florida Statutes, is amended to read:

49 316.640 Enforcement.—The enforcement of the traffic laws of
50 this state is vested as follows:

51 (1) STATE.—

52 (a)1.a. The Division of Florida Highway Patrol of the
53 Department of Highway Safety and Motor Vehicles; the Division of
54 Law Enforcement of the Fish and Wildlife Conservation
55 Commission; the Division of Law Enforcement of the Department of
56 Environmental Protection; law enforcement officers of the
57 Department of Transportation; and the agents, inspectors, and
58 officers of the Department of Law Enforcement each have

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59 authority to enforce all of the traffic laws of this state on
60 all the streets and highways thereof and elsewhere throughout
61 the state wherever the public has a right to travel by motor
62 vehicle.

63 b. University police officers shall have authority to
64 enforce all of the traffic laws of this state when such
65 violations occur on or about any property or facilities that are
66 under the guidance, supervision, regulation, or control of a
67 state university, a direct-support organization of such state
68 university, or any other organization controlled by the state
69 university or a direct-support organization of the state
70 university, except that traffic laws may be enforced off-campus
71 when hot pursuit originates on or adjacent to any such property
72 or facilities.

73 c. Community college police officers shall have the
74 authority to enforce all the traffic laws of this state only
75 when such violations occur on any property or facilities that
76 are under the guidance, supervision, regulation, or control of
77 the community college system.

78 d. Police officers employed by an airport authority shall
79 have the authority to enforce all of the traffic laws of this
80 state only when such violations occur on any property or
81 facilities that are owned or operated by an airport authority.

82 (I) An airport authority may employ as a parking
83 enforcement specialist any individual who successfully completes
84 a training program established and approved by the Criminal
85 Justice Standards and Training Commission for parking
86 enforcement specialists but who does not otherwise meet the
87 uniform minimum standards established by the commission for law

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88 enforcement officers or auxiliary or part-time officers under s.
89 943.12. Nothing in this sub-sub-subparagraph shall be construed
90 to permit the carrying of firearms or other weapons, nor shall
91 such parking enforcement specialist have arrest authority.

92 (II) A parking enforcement specialist employed by an
93 airport authority is authorized to enforce all state, county,
94 and municipal laws and ordinances governing parking only when
95 such violations are on property or facilities owned or operated
96 by the airport authority employing the specialist, by
97 appropriate state, county, or municipal traffic citation.

98 e. The Office of Agricultural Law Enforcement of the
99 Department of Agriculture and Consumer Services shall have the
100 authority to enforce traffic laws of this state.

101 f. School safety officers shall have the authority to
102 enforce all of the traffic laws of this state when such
103 violations occur on or about any property or facilities which
104 are under the guidance, supervision, regulation, or control of
105 the district school board.

106 g. Investigators employed by a state attorney, as provided
107 in s. 27.255, shall have the authority to enforce all of the
108 traffic laws of this state when such violations occur within the
109 boundaries of the judicial circuit served by the state attorney
110 employing the investigator.

111 2. An agency of the state as described in subparagraph 1.
112 is prohibited from establishing a traffic citation quota. A
113 violation of this subparagraph is not subject to the penalties
114 provided in chapter 318.

115 3. Any disciplinary action taken or performance evaluation
116 conducted by an agency of the state as described in subparagraph

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117 1. of a law enforcement officer's traffic enforcement activity
118 must be in accordance with written work-performance standards.
119 Such standards must be approved by the agency and any collective
120 bargaining unit representing such law enforcement officer. A
121 violation of this subparagraph is not subject to the penalties
122 provided in chapter 318.

123 4. The Division of the Florida Highway Patrol may employ as
124 a traffic accident investigation officer any individual who
125 successfully completes instruction in traffic accident
126 investigation and court presentation through the Selective
127 Traffic Enforcement Program as approved by the Criminal Justice
128 Standards and Training Commission and funded through the
129 National Highway Traffic Safety Administration or a similar
130 program approved by the commission, but who does not necessarily
131 meet the uniform minimum standards established by the commission
132 for law enforcement officers or auxiliary law enforcement
133 officers under chapter 943. Any such traffic accident
134 investigation officer who makes an investigation at the scene of
135 a traffic accident may issue traffic citations, based upon
136 personal investigation, when he or she has reasonable and
137 probable grounds to believe that a person who was involved in
138 the accident committed an offense under this chapter, chapter
139 319, chapter 320, or chapter 322 in connection with the
140 accident. This subparagraph does not permit the officer to carry
141 firearms or other weapons, and such an officer does not have
142 authority to make arrests.

143 Section 3. This act shall take effect July 1, 2009.