

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Criminal Justice Committee

BILL: SB 502

INTRODUCER: Senator Aronberg

SUBJECT: Special Organized Crime Investigators

DATE: December 23, 2009 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------|----------------|-----------|------------------|
| 1. | Erickson | Cannon | CJ | Favorable |
| 2. | _____ | _____ | JU | _____ |
| 3. | _____ | _____ | JA | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ | _____ |

I. Summary:

Currently s. 27.251, F.S., authorizes the state attorney of each judicial circuit to employ any municipal or county police officer or sheriff's deputy on a full-time basis as an investigator for the state attorney's office with full powers of arrest throughout the judicial circuit provided such investigator serves on a special task force to investigate matters involving organized crime.

The bill expands explicit statutory language to allow for broader use of special investigator appointments by specifying that organized crime includes gang violence and that the matters investigated by the special task force on which the investigator serves may include other criminal activity the detection of which might benefit from an interagency task force.

This bill substantially amends section 27.251, Florida Statutes.

II. Present Situation:

Section 27.251, F.S., authorizes the state attorney of each judicial circuit to employ any municipal or county police officer or sheriff's deputy on a full-time basis as an investigator for the state attorney's office with full powers of arrest throughout the judicial circuit provided such investigator serves on a special task force to investigate matters involving organized crime, and, provided further, that the salary of such municipal or county police officer or sheriff's deputy is paid by the city, county, or sheriff by which the investigator is principally employed, and with the consent of the county, sheriff, or municipality. The arrest powers granted by this section are only in the furtherance of the conduct of the business of the special task force to which the municipal or county police officer or sheriff's deputy is assigned by the employing state attorney.

Section 27.255, F.S., provides that a special investigator appointed by a state attorney pursuant to the provisions of s. 27.251, F.S. is a certified Florida law enforcement officer under the direction and control of the employing state attorney and is authorized to make arrests and serve arrest and search warrants and other documents as specified in the section.

Staff of the State Attorney for the 15th Judicial Circuit has described how special investigators are used and the benefits accruing from such use:

Currently, State Attorneys use state attorney investigators to assist and supplement other investigative law enforcement efforts in developing and prosecuting cases in their respective jurisdictions. State attorneys are authorized and employ their own staff of law enforcement officers. See Fl. Stat. 27.255. However, state attorneys also use specially sworn investigators pursuant to Fl. Stat. 27.251 in any matter involving “organized crime.” Of course, “organized crime” is a broad term which can include a wide range of criminal activities which involve a degree of organization and structure. The special investigators perform duties in furtherance of the task force under the direction of the state attorney, but remain paid by their respective local agencies.

The advantage of this practice is that the State Attorney can guide and coordinate important investigative matters while not having to bear the financial burden of employing the investigators full-time on a permanent basis. The arrangement works well and is fiscally responsible.¹

III. Effect of Proposed Changes:

Currently s. 27.251, F.S., authorizes the state attorney of each judicial circuit to employ any municipal or county police officer or sheriff’s deputy on a full-time basis as an investigator for the state attorney’s office with full powers of arrest throughout the judicial circuit provided such investigator serves on a special task force to investigate matters involving organized crime.

The bill amends s. 27.251, F.S., to expand explicit statutory language to allow for broader use of special investigator appointments by specifying that organized crime includes gang violence and that the matters investigated by the special task force on which the investigator serves may include other criminal activity the detection of which might benefit from an interagency task force.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹ E-mail from Michael Edmondson, Sate Attorney’s Office, 15th Judicial Circuit, to Senate professional staff, dated December 21, 2009.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill will not have a fiscal impact on state attorneys and will only have a fiscal impact on local law enforcement agencies or counties or municipalities to the extent they consent to the appointment of an officer or deputy as a special investigator with the state attorney's office.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.