

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 Appropriations Subcommittee on General Government

BILL: CS/SB 168

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Latvala and others

SUBJECT: Salaries of Specified Officers and Firefighters

DATE: April 12, 2017 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ferrin</u>	<u>Ferrin</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AGG</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 168 requires each state agency that employs law enforcement, correctional officers, correctional probation officers, or firefighters to offer a monthly salary enhancement equal to the full amount provided to officers and firefighters who participate in the established incentive programs for credit earned towards a postsecondary degree or completion of approved career development program training classes.

Doubling the existing monthly salary enhancement is intended to strengthen the ability of state agencies to provide career development incentives and to retain well-qualified officers and firefighters.

The bill provides a new benefit that is expected to cost approximately \$13.5 million annually for eligible employees of state agencies filling career service positions. Each state agency that employs law enforcement officers, correctional probation officers, correctional officers, or firefighters will incur new costs equal to the amount the agency currently spends on career service positions for the current salary incentive programs.

The bill provides an effective date of July 1, 2017.

II. Present Situation:

Career Development Programs

Outside of the provisions in ss. 943.22 and 1009.265, F.S., there is not a uniform approach to career development. Efforts are primarily agency-specific and limited in scope. Some examples are:¹

- Filling higher level sworn supervisor vacancies from within internal sworn ranks;
- Agency training academies and trainee programs which unit employee must complete before they perform law enforcement duties and responsibilities;
- Mentoring new officers through Field Training Officer programs;
- Requiring maintenance of certain certifications and ongoing training requirements (e.g., firearms);
- Providing opportunities for additional voluntary training online and in person, including training candidates for specialty positions; and
- Providing clear career paths to officers and the training requirement associated with specific ranks.

Incentive Pay for Law Enforcement Officers and Firefighters

The Legislature has expressed intent to attract and retain competent, qualified, and experienced officers in law enforcement agencies and correctional institutions, and to provide for a statewide minimum salary, monetary supplement, and educational and training standards for these officers.² Similarly, the Legislature has recognized the need for supplemental compensation for firefighters who pursue educational opportunities that directly relate to the improvement of the health, safety, and welfare of firefighters and those who firefighters protect.³

Section 943.22, F.S., and s. 633.422, F.S., provide salary incentive increases for law enforcement officers and firefighters who successfully complete and are awarded an Associate Degree or a Bachelor Degree. The following increases or supplements are available to all full-time law

¹ Joint Submission by the Department of Management Services and the Florida Police Benevolent Association in Accordance with Ch. 2016-62, Section 65, Laws of Florida, Implementing the 2016-2017 General Appropriations Act, dated January 17, 2017 (on file with the Senate Committee on Governmental Accountability and Oversight).

² Section 943.085, F.S.

³ Section 633.422(1), F.S.

enforcement officers, correctional officers, correctional probation officers,⁴ and firefighters⁵ employed by any municipality of the state or any political subdivision thereof:

- \$30 per month for law enforcement officers with an Associate Degree;
- \$50 per month for law enforcement officers with a Bachelors Degree;
- \$50 per month for firefighters with an Associate Degree; and
- \$110 per month for firefighters with a Bachelors Degree.

Law enforcement officers can also receive incentive increases up to \$120 per month for completion of 480 hours of approved career development program training classes.⁶ Such training completed after June 30, 1985 must be in courses established to enhance an officer's knowledge, skills, and abilities for the job he or she performs or is related to promotion to a higher rank or position.⁷ The maximum amount an officer can receive for a college degree or completion of career development courses is \$130 per month.⁸

Tuition Waivers

In order to facilitate educational attainment for the state workforce, all state employees,⁹ including law enforcement officers and firefighters, are eligible to have tuition at state university and Florida College System institutions waived.¹⁰ Participation in the program is subject to approval by an employee's agency head, and limited to up to six credit hours per term on a space-available basis.¹¹

Career Development Plan Workgroup

On January 17, 2017, the Department of Management Services (DMS) submitted a career development plan, as required by Chapter 2016-62, L.O.F., implementing the

⁴ "Law enforcement officer" is defined in s. 943.10(1), F.S. as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. "Correctional probation officer" is defined in 943.10(3), F.S. as a person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level. "Correctional officer" is defined in 943.10(2), F.S. as any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term "correctional officer" does not include any secretarial, clerical, or professionally trained personnel.

⁵ "Firefighter" is defined in s. 633.102(9), F.S. as an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the Division of State Fire Marshall within the Department of Financial Services.

⁶ Section 943.22(2)(d), F.S.

⁷ Sections 943.17(1)(b) and (c), F.S.

⁸ Section 943.22(2)(e), F.S.

⁹ Section 1009.265(5), F.S. excludes persons employed by a state university.

¹⁰ Section 1009.265, F.S.

¹¹ *Id.*

Fiscal Year 2016-2017 General Appropriations Act on behalf of the DMS and the Florida Police Benevolent Association (PBA).¹² The referenced implementing bill directed DMS to organize a work group to develop a sworn law enforcement officers' Career Development Plan (CDP) to attract and retain quality employees that emphasizes job training, job skills, educational attainment, experience and retention.¹³ The 2016 legislation did not include correctional officers, correctional probation officers or firefighters. Therefore, the work group's focus included the Highway Patrol, Law Enforcement Officer, Lottery, and Florida Department of Law Enforcement Special Agent bargaining units represented by the PBA.¹⁴

Workgroup Recommendations

The CDP work group met and agreed¹⁵ upon the following concepts to recommend as potential plan components that will attract and retain quality employees and improve job training, job skills, educational attainment, experience and retention. They are listed in the order in which the work group participants believed will have the greatest impact. The work group recommended the Legislature consider:¹⁶

- Revising the hiring minimum for entry level classes and consider salary compression impacts within the adjusted and higher level classes;
- Reviewing Salary Incentive Program pay amounts that have not been adjusted since its inception in 1974;
- Establishing consistent career pathing requirements across state agencies; and
- Reviewing Competitive Area Differential (CAD) additive amounts and approved locations, which are currently \$4999.80 per year in Broward, Dade, Monroe, and Palm Beach counties.

The work group also recommended the establishment of metrics to determine the level of effectiveness of the CDP.¹⁷

III. Effect of Proposed Changes:

Section 1 requires each state agency that employs law enforcement, correctional officers, correctional probation officers, or firefighters to provide a monthly salary enhancement equal to the full amount provided to officers and firefighters who participate in the established salary incentive and supplemental compensation programs provided in ss. 943.22, F.S. and 633.422, F.S.

The bill states that the additional monthly salary enhancement is intended to strengthen the ability of state agencies to provide career development incentives and to retain well-qualified officers and firefighters.

Section 2 establishes the effective date for this bill of July 1, 2017.

¹² See *supra* note 1.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ The Police Benevolent Association attached a separate submission describing areas in which the parties were unable to reach agreement.

¹⁶ See *supra* note 1.

¹⁷ *Id.*

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

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 provides a new benefit that is expected to cost approximately \$13.5 million statewide for eligible employees of state agencies filling career service positions. Each state agency that employs law enforcement officers, correctional probation officers, correctional officers, or firefighters can expect to incur new costs equal to the amount the agency currently spends on career service positions for the current salary incentive programs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 110.2035 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on March 27, 2017:

The amendment adopted by the Senate Committee on Governmental Oversight and Accountability requires each state agency that employs law enforcement, correctional officers, correctional probation officers, or firefighters to offer a monthly salary enhancement equal to the full amount provided to officers and firefighters who participate in the established incentive programs for credit earned towards a postsecondary degree or completion of approved career development program training classes.

- B. **Amendments:**

None.