

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 Committee on Governmental Oversight and Accountability

BILL: SB 862

INTRODUCER: Senator Martin

SUBJECT: Law Enforcement Officers, Correctional Officers, and Institutional Security Specialists

DATE: January 30, 2025 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney	McVaney	GO	Pre-meeting
2.	_____	_____	ACJ	_____
3.	_____	_____	AP	_____

I. Summary:

SB 862 sets a salary goal to pay state employed correctional officers, institutional security specialists, and correctional probation officers at least 97 percent of the salary of the average law enforcement officer employed by the state. This goal is intended to be met by July 1, 2030. Beginning July 1, 2027, the Department of Management Services must submit an annual compensation analysis report which measures the progress toward meeting the 97 percent salary goal.

The bill attempts to increase the salaries of all sworn law enforcement officers, correctional officers, correctional probation officers, and institutional security specialists by at least 3 percent annually beginning in FY 2026-27. These increases appear to be based on tenure rather than merit, retention, or parity.

The bill grants authority to the Governor to issue an executive order, in the event of a declared state or federal emergency, to authorize correctional officers, institutional security specialists, and correctional probation officers to assist state and federal agencies in enforcement or support operations. The executive order may be issued for up to 60 days initially and may be renewed in 30-day increments.

The bill appropriates no state funds for salary increases.

The Department of Management Services will have increased workload to complete the annual reports. The costs associated with the annual reports should be absorbed within current resources of the department.

This bill takes effect on July 1, 2026.

II. Present Situation:

Certified Officers

Section 943.10, F.S., defines the terms law enforcement officer, correctional officer, and correctional probation officer.

- A law enforcement officer is “any person . . . 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.”¹
- A correctional officer is “any person . . . whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution.”²
- A correctional probation officer is a “person . . . 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.”³

The term “institutional security specialist” is not defined statutorily but is a covered position within the Security Services bargaining unit. These positions are similar to correctional officers but are employed by the Department of Children and Families and the Agency for Persons with Disabilities in the forensic hospitals.

State Agencies that Employ Law Enforcement Officers and Correctional Officers

Law enforcement officers are employed by the following state agencies:

- Department of Highway Safety and Motor Vehicles (HSMV);
- Fish and Wildlife Conservation Commission (FWC);
- Department of Agriculture and Consumer Services (DACCS);
- Department of Law Enforcement (DLE);
- Business and Professional Regulation;
- Florida School for the Deaf and Blind (FSDB);
- Department of Financial Services;
- Department of Corrections (DOC);
- Department of Legal Affairs; and
- Department of Education.

Correctional officers, institutional security specialists, and correctional probation officers are employed by the following state agencies:

- DOC;
- Department of Children and Families (DCF); and
- Agency for Persons with Disabilities (APD).

¹ Section 943.10(1), F.S.

² Section 943.10(2), F.S.

³ Section 943.10(3), F.S.

Statutory Powers of Law Enforcement Officers

The most significant power that a law enforcement officer has been granted is the authority to arrest a person without a warrant.⁴ Generally, a sworn law enforcement officer has the authority to arrest without a warrant when the person has committed a felony or misdemeanor or violated a municipal or county ordinance in the presence of the officer. An arrest for the commission of a misdemeanor or a violation of an ordinance must be made immediately or in fresh pursuit.

A law enforcement officer employed by the FWC is a constituted peace officer with the power to make arrests for violations of the laws of this state when committed in the presence of the officer or when committed on lands under supervision and management by various state entities.⁵ These officers may enforce throughout the state all laws relating to game, nongame birds, fish, and furbearing animals and all rules and regulations of the FWC relating to wild animal life, marine life, and freshwater aquatic life.⁶

Law enforcement officers employed by the DHSMV serve in the Florida Highway Patrol. These officers are “declared to be conservators of the peace and law enforcement officers of the state, with the common law right to arrest.” Patrol officers “of the Florida Highway Patrol is subject to and has the same arrest and other authority provided to law enforcement officers generally in chapter 901 and has statewide jurisdiction.”⁷

Law enforcement officers employed by the DACS serve in the Office of Agricultural Law Enforcement. These officers have the primary responsibility for enforcing laws relating to agriculture and consumer services.⁸ These officers have full law enforcement powers granted to other peace officers of this state, including the authority to make arrests, carry firearms, serve court processes, and seize contraband and the proceeds of illegal activities.⁹

Statutory Powers of Correctional Officers and Institutional Security Specialists

Other than the duties described in the definitions of correctional officer and correctional probation officer (supervision, surveillance, protection, care, custody, and control, or investigation, of inmates, probationers, parolees, or community controllees) few specific powers are statutorily granted.

A correctional officer is justified in the use of force, including deadly force, which he or she reasonably believes to be necessary to prevent the escape from a penal institution of a person whom the officer reasonably believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.¹⁰

⁴ Section 901.15, F.S.

⁵ Section 379.3311(1), F.S.

⁶ Section 379.3311(5), F.S.

⁷ Section 321.05, F.S.

⁸ Section 570.65(1), F.S.

⁹ Section 570.65(2), F.S.

¹⁰ Section 776.07, F.S.

In case of an emergency and when necessary to provide protection and security to any client, personnel, equipment, buildings, or grounds of a department or agency facility, or to citizens in the surrounding community, institutional security personnel may, when authorized by the administrator of the facility or her or his designee when the administrator is not present, use a chemical weapon against a patient housed in a forensic facility. However, such weapons should be used only to the extent necessary to provide protection and security.¹¹

Training of Law Enforcement Officers, Correctional Officers and Correctional Probation Officers

The Criminal Justice Standards and Training Commission within the DLE sets the training requirements of laws enforcement officers, correctional officers and institutional security specialists, and correctional probation officers.

Section 943.13, F.S., establishes statutory requirements for these officers. Officers must:

- Be at least 19 years of age, except that a correctional officer must be at least 18 years of age.
- Be a citizen of the United States.
- Be a high school graduate or its equivalent as the commission defines the term by rule.
- Not have been convicted on any felony or of a misdemeanor involving perjury or false statement, have received a dishonorable discharge from any Armed Forces of the United States.
- Have documentation of processed fingerprints on file with employing agency.
- Have passed a physical examination by a licensed medical provider based on specifications established by the commission by rule.
- Have a good moral character as determined by a background investigation under procedures established by the commission.
- Execute and submit to the employing agency an affidavit-of-applicant form attesting to compliance with the requirements above.
- Complete a commission-approved basic recruit training program for the applicable criminal justice discipline, unless otherwise exempt under this statute.
- Achieve an acceptable score on the officer certification examination for the applicable criminal justice discipline.
- Comply with any continuing training or education requirements.

Section 943.18, F.S., directs the Criminal Justice Standards and Training Commission to make a comprehensive study of the compensation and benefits paid to law enforcement officers and correctional officers throughout the state. The commission is charged with making recommendations to the Legislature for achieving uniformity in compensation for officers with equal or comparable responsibilities, experience, education, and training.

Training of Law Enforcement Officers, Correctional Officers, and Correctional Probation Officers

Table 1 below shows the training hours required to meet the respective certification. The “Basic Recruit” courses show the level of knowledge and skills that must be attained for the various

¹¹ Section 916.1091, F.S.

careers with law enforcement having the more intensive training program with 770 hours. Officers can “crossover” to have more than one certification. But the “Crossover” courses show that the positions are in fact different, with law enforcement and probation officers needing another 223 hours of training (above those certification training periods) to be certified as a correctional officer.

Table 1. Training Hours for Certification¹²

Training	Hours	Other Requirements
Law Enforcement Basic Recruit	770	
Correctional Probation Officer Basic Recruit	562	Must have a bachelor’s degree.
Correctional Officer Basic Recruit	445	
Crossover for LEO to Correctional Officer	223	
Crossover for Correctional Officer to LEO	518	
Crossover for Correctional Officer to Corr. Probation Officer	336	
Crossover for Corr. Probation Officer to Correctional Officer	223	
Crossover to Corr. Probation Officer to LEO	520	

State Employment for Law Enforcement Officers, Correctional Officers, Institutional Security Specialists, and Correctional Probation Officers.

Table 2 below shows number of law enforcement officers (class codes 8515 and 8330) employed by state agencies. These class codes represent the basic law enforcement officers and troopers.

Table 2. Law Enforcement Officer Positions and Salaries by Agency

Agency	Class Code	Class Title	Filled Positions	Average Salary	Lowest Salary	Highest Salary
DACS	8515	L. E. Officer	118	\$62,662	\$60,231	\$82,819
FWC	8515	L. E. Officer	322	\$61,056	\$60,231	\$103,063
DLE	8515	L. E. Officer	56	\$63,643	\$54,755	\$85,523
HSMV	8330	Trooper	1230	\$71,424	\$60,000	\$107,505
FSDB	8515	L. E. Officer	5	\$78,938	\$71,592	\$94,590
Totals			1731	\$68,668	\$54,755	\$107,505

¹² For the purposes of Table 1, LEO means law enforcement officer.

Table 3 below shows the number of correctional officers, institutional security specialists, and correctional probation officers employed by state agencies.

Table 3. Correctional Officers Positions and Salaries by Agency

Agency	Class Code	Class Title	Filled Positions	Average Salary	Lowest Salary	Highest Salary
DCF	8237	Institutional Security Specialist	80	\$48,714	\$46,167	\$61,999
APD	8237	Institutional Security Specialist	37	\$47,505	\$43,848	\$54,629
DOC	8003	Correctional Officer	10,612	\$48,281	\$45,936	\$60,203
Total			10,729	\$48,281	\$43,848	\$61,999
DOC	8036	Correctional Probation Officer	511	\$48,771	\$45,936	\$61,618

In addition to base salary, law enforcement officers and correctional officers receive various pay additives. Law enforcement officers may receive pay additives for serving as a K-9 handler, regional recruiter, breath test operator/inspector, special operations group member, felony officer, criminal interdiction officer, criminal investigations and intelligence officer, drug recognition expert, or hazardous material squad member. Law enforcement officers may also receive critical market pay if the officer resides and works in certain counties. Correctional officers also receive special pay additives, most notably for those officers assigned to Rapid Response Team (including the baton, shotgun, and chemical agent teams) and the Correctional Emergency Response Teams and those officers certified in correctional mental health. Correctional officers may be eligible for \$1,000 hiring bonuses (if employed in an institution with at least a 10 percent vacancy rate for correctional officer positions during the preceding quarter) or a \$5,000 one-time bonus for correctional officers hired or retained in one of the 15 highest “understaffed” institutions.

III. Effect of Proposed Changes:

Section 1 provides that this act may be cited as the “Correctional and Probation Officer Fairness Act.”

Section 2 provides that beginning July 1, 2030, the average salary for correctional officers, correctional probation officers, and institutional security specialists may not be less than 97 percent of the average base salary of sworn officers employed by law enforcement agencies of this state. As noted in Table 1, the average salary of a state law enforcement officer in class codes 8515 and 8330 is \$68,880. As noted in Table 2, the average base salary of a state correctional officer in class codes 8003 and 8237 is \$48,281. To meet the 97 percent goal, correctional officer salaries would need to be increased to roughly \$66,814 (or \$18,533 or 38.3 percent). That equates to roughly \$208 million annualized (without accounting for associated retirement and Federal Insurance Contribution Act costs). If on the other hand, the goal is based on starting salaries (\$60,000 for law enforcement officers and \$48,133 for the correctional officers) the cost of meeting the 97 percent goal is roughly \$10,067 per position or roughly \$113 million annualized.

This section requires the Department of Management Services, by July 1, 2027, and annually thereafter, to submit a compensation analysis to the Governor and the presiding officers of the Legislature to measure the progress toward achieving the stated goal of 97 percent.

Section 2 mandates that, beginning with the 2026-27 fiscal year, sworn law enforcement officers, correctional officers, correctional probation officers, and institutional security specialists will receive an annual salary increase of at least three percent. This salary increase must be made in addition to any bonuses and merit, retention, or parity increases separately authorized by law or policy. This in effect implements a step pay plan which requires automatic pay increases that are based on longevity rather than merit.

Section 2 also makes legislative findings and provides legislative intent.

Section 3 amends s. 252.36, F.S., to grant the Governor the authority, in the event of a declared state or federal emergency, to issue an executive order for up to 60 days which allows correctional officers, correctional probation officers, and institutional security specialists to assist state or federal agencies in enforcement or support operations. The Governor may renew this executive order in 30-day increments as necessary.

To be eligible to assist state and federal agencies under this new provision, the officer must be employed by the state, be certified by the Criminal Justice Standards and Training Commission, and have at least five years of continuous service in a full-time capacity as a correctional officer, correctional probation officer, institutional security specialist, or sworn law enforcement officer of this state.

Section 4 provides that this bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. **Other Constitutional Issues:**

None identified.

V. Fiscal Impact Statement:

A. **Tax/Fee Issues:**

None.

B. **Private Sector Impact:**

None identified.

C. **Government Sector Impact:**

While the bill sets goals for parity between law enforcement officers' salaries and the salaries of correctional officers and correctional probations officers, no funds are appropriated in this bill to meet that goal. Likewise, the bill requires three percent annual raises to those same positions beginning in FY 2026-2027, but no funds are appropriated in this bill.

On the other hand, the Department of Management Services will experience increased workload associated with issuing annual reports regarding any progress made in meeting this goal. The costs associated with the increased workload should be absorbed within current resources.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 252.36 of the Florida Statutes and creates an unnumbered section of law.

IX. Additional Information:

A. **Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
