

**STORAGE NAME:** h0863.go

**DATE:** March 2, 2000

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
GOVERNMENTAL OPERATIONS  
ANALYSIS**

**BILL #:** HB 863

**RELATING TO:** Law Enforcement Dignity 2000 Act

**SPONSOR(S):** Representative Fasano and others

**TIED BILL(S):**

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) GOVERNMENTAL OPERATIONS
  - (2) LAW ENFORCEMENT & CRIME PREVENTION
  - (3) GENERAL APPROPRIATIONS
  - (4)
  - (5)
- 

**I. SUMMARY:**

This bill creates the "Law Enforcement Dignity 2000 Act".

It requires the Department of Management Services to develop a plan to invest additional resources in upgrading the salary ranges for certified law enforcement classes, consistent with the *Law Enforcement Advisory Committee Salary Recommendation Final Report*. This report was assembled for the Department of Management Services by MGT of America, Inc.

This report is subject to criticism with regard to the data selected by the three-person committee to be used in it, and the Department of Management Services disagrees with the recommendations made in this "Final" version of the report. MGT of America, Inc., provides disclaimer language in the introduction.

This report recommends that the salary ranges and individual salaries of certified law enforcement officers be increased by \$5,000 in a single increment.

This bill appropriates \$25,850,000 for this purpose, but the initial fiscal impact on state government will be approximately \$4.1 million higher due to the inclusion of qualifying law enforcement officers who are in the State University System, and State Attorney Investigators.

This bill provides an effective date of upon becoming a law.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |  |   |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

Generally, increasing annual expenditures by the amount necessary to fund the provisions of this bill results in a negative fiscal impact on alternate expense items, or results in a need for additional revenues.

B. PRESENT SITUATION:

**Florida Statute**

Section 943.10(1), F.S., defines "law enforcement officer" 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 auxilliary law enforcement officers but does not include support personnel employed by the employing agency."

**State of Florida Law Enforcement Officers and Position Description**

Florida has up to three thousand certified law enforcement officers in a variety of governmental entities. They can be found in high profile positions such as the Highway Patrol and the Florida Department of Law Enforcement, and in less well-known places like University Police Forces, Department of Agriculture and Consumer Services vehicle weigh stations, Department of Environmental Protection, Marine Patrol, State Attorney Investigators, and the Capitol Police, to mention a few.

Their duties are also varied, and include everything from escorting people, to controlling traffic; arresting and interviewing criminal suspects, to participating in court proceedings, to weighing and inspecting vehicles.

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The Highway Patrol has the largest group of law enforcement officers with a total of approximately 1, 022 officers, followed by the State University System's, and Florida Fish and Wildlife Conservation's law enforcement officer cadres.

Florida classifies most of its law enforcement officers into a single class. Whether a law enforcement officer works for the Highway Patrol, the Department of Education, or at the Florida School for the Deaf and Blind, the employee is classified in the same manner. Regardless of the nature or rigors of the duties, each is compensated using the same state step pay plan.

A description of the state "law enforcement officer" position is as follows:

"Law enforcement work involves enforcing highway, marine, wildlife, or motor carrier laws and regulations; providing security for state buildings, property, parking areas, and other facilities; or enforcing agricultural, horticultural, and livestock laws. Duties and responsibilities of positions allocated to this class must include work in the pursuit, apprehension, and arrest of law violators or suspected law violators."

### **Advisory Committee Recommendation & the Department of Management Services**

Pursuant to Specific Line Item 1933A of the Fiscal Year 1999-2000 General Appropriations Act, the Department of Management Services:

"shall review the pay grade and classification structure of those personnel employed by state agencies as sworn law enforcement officers, including personnel of the Florida Highway Patrol. The department shall review the salary and benefits available in the public sector and the private sector and shall make recommendations regarding implementation of a salary and benefit structure consistent statewide to recruit and retain high quality officers. The Governor shall appoint an advisory committee to the department for the purpose of this study. The committee shall consist of a member of FAST, a member of the PBA, and a representative of non-unit law enforcement personnel. These recommendations shall be available to the Executive Office of the Governor by November 1, 1999."

The version of the study eventually accepted by the committee, styled as the "Law Enforcement Advisory Committee Salary Recommendation" "Final" [version] , does not address all "law enforcement" officers on the state payroll, as defined in s. 943.10(1), F.S., nor does the "Final" version of the study include a representative universe of public and private sector salaries and benefits.

This version uses only a part of the originally defined universe of peer groups from counties and municipalities with populations of 100,000 people or more.

The final version does not appear to review the salary and benefits available in the private sector at all (such as those for corporate plant or other physical security officers, private investigators, corporate counter-intelligence personnel, personal security personnel, corporate in-house or agricultural inspectors, and others).

There does not appear to be pertinent ancillary data such as turnover rates, either. For example, the Department of Management Services reports that recently conducted studies

indicate the employment turnover rate for state "law enforcement officers" has been approximately 2 percent per year for at least 5 years.

By comparison, the overall turnover rate for state employees has been over 8 percent for years. This last year, the turnover rate broke the 8 percent barrier, and is now under 8 percent.

In its conclusion in the original report, when market-based comparisons were made to regional peers, the Department of Management Services found that Florida's law enforcement officer class is well placed within the market. The department found that the state is currently a market leader in the southeastern United States, and places within the middle of the distribution for national peer states (which included population-based peers).

Based on the intra-state data, the state's law enforcement officer class is slightly below the market defined by the law enforcement study team.

The draft version used all 12 cities in Florida with populations of 100,000 or more, and all 29 counties with similar populations. The final version of the study uses only 4 selected cities, and 7 selected counties. The larger group used in the draft version produces significantly different salary and benefit comparisons than the final version.

In the draft version, Eight of the cities had higher average hiring rates than the state, even including a \$5,000 cost of living adjustment paid to state law enforcement officers. However, only nine of 25 counties had higher average hiring rates.

The Department of Management Services policy regarding benefits and salaries is that all Career Service classes should have a market-based benefit and salary structure. The Law Enforcement step pay plan is currently funded by the legislature as are all state step pay plans, and all other Career Service classes.

The Legislature generally appropriates funds for state employee increases based on the Governor's recommendations and after negotiating sessions have been held with all employee associations having agreements with the State. The Governor's recommendations are based on a Department of Management Services analysis of survey and market data.

The consulting firm engaged to conduct this study, believing the "Final" version of the seminal report did not provide all the pertinent data necessary for the Legislature and Governor to formulate an appropriate remedy to the salary issue, was careful to make a disclaimer in the introduction to the final version of the report. Further, the Department of Management Services added a response disagreeing with several recommendations reached by the three-person committee, which had sole ultimate decision making authority in the selection of data to be presented in the report.

#### C. EFFECT OF PROPOSED CHANGES:

**Section 1** - This bill creates an unnumbered section of the Florida Statutes to be cited as the "Law Enforcement Dignity 2000 Act."

**Section 2** - This bill codifies certain existing compensation policy relative to certified law enforcement officers employed in public safety occupations by the state, and described in s. 943.10(1), F.S. It declares the state's policy to provide a market-based, continuously

competitive salary for the defined law enforcement officers. See V. C., OTHER COMMENTS, 1.).

**Section 3** - This bill requires the Department of Management Services to develop a plan to invest additional resources to upgrade the minimum and maximum of the salary ranges for all certified law enforcement classes for the Fiscal Year 2000-2001 in an amount consistent with the recommendations contained in the Law Enforcement Advisory Committee Salary Recommendation Final Report (Final version) discussed above. See V. C., OTHER COMMENTS, 2.) & 3.).

Using data presented in the Final version, rather than all collected data, the amount of the recommended increase in the minimum and maximum of the salary ranges is \$5,000, and the amount of increase for each member of the law enforcement classes would also be \$5,000.

This bill provides that the Department of Management Services shall develop a compensation package providing a grant which would be the cash equivalent of a one-step pay increase to the covered classes. See V. C., OTHER COMMENTS, 4.).

This bill also provides that calculations of amounts required to fund this act shall continuously require that the salaries of law enforcement officers employed by the state be equal to the average salaries of the equivalent positions in the ten most populous municipalities in this state.

State law enforcement officers are employed in virtually every municipal, and most rural areas of the state, which have significant differences in demographics, and costs of living. The duties of state law enforcement officers tend to be much more varied than those of local law enforcement officers. Considering that the average salaries of the ten most populous municipalities are among the highest in the state, the effect of such an across-the-board, general increase may result in unforeseen salary disparities in most of the other geographic areas of Florida.

Funds to implement this bill are supplemental to additional salary otherwise provided to state employees in the General Appropriations Act (or implementing legislation).

**Section 4** - This bill provides an appropriation from the General Revenue Fund of \$25,850,000 to provide a \$5,000 increase in the salaries of state certified law enforcement officers, and associated benefits, beginning July 1, 2000.

**Section 5** - This bill provides an effective date of upon becoming a law.

D. SECTION-BY-SECTION ANALYSIS:

See C. EFFECT OF PROPOSED CHANGES.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Department of Management Services estimates the fiscal impact associated with the agencies it monitors to be approximately \$25, 850,000. Appropriations staff of the House of Representatives secured additional information from the State University System and the State Attorneys which would increase the number of qualified state employee law enforcement officer positions by approximately 751. The attendant fiscal impact the first year for these positions is approximately \$4,100,000, raising the total initial year fiscal impact to approximately \$29,950,000.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

This bill results in no evident immediate fiscal impact on local governments, but associations representing local law enforcement indicate that they believe the pay differentials created by this bill will be significant enough that they will lead to similarly significant increases in the salaries of most sheriff and municipal police departments' employees.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The Final Version of the Law Enforcement Advisory Committee Salary Recommendation did not provide private sector salary and benefit information for positions, such as corporate plant or othe physical security officers, private investigators, corporate counter-intelligence personnel, personal security personnel, corporate and plant factory or agricultural inspectors, and others. This information was not secured by staff from other sources, either.

Without such information, it is not possible to determine what impact state law enforcement officer salary and benefit increases will have on private sector entities with related personnel.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds, or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

The Department of Management Services notes in its analysis of this bill that there might be a Separation of Powers issue if the Chief Negotiator for the state initiates negotiations on the compensation provisions prior to implementation of the provisions.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

1.) Section 2 of the bill provides that it is the public policy of the state to provide a market-based, competitive salary for full-time law enforcement officers who are "...*certified under* section 943.10(1), Florida Statutes." This statutory section is used to define the term "law enforcement officer", but does not provide the actual certification process or requirements. Perhaps the term "defined" could be substituted for "certified", or another method of referencing the fact that law enforcement officers as described in this section are the subjects of the proposed benefit provisions.

2.) Section 3 of the bill provides that the "Department of Management Services shall develop a plan to invest additional resources in upgrading the *minimum and maximum salary ranges* for all certified law enforcement classes beginning July 1, 2000, as follows:" This section may appear to be referring to a minimum salary range and a maximum salary range. Perhaps a phrase such as "*upgrading the minimums and maximums of applicable salary ranges*" could be substituted.

3.) Section 3. (1), of the bill makes a reference to salary ranges for "*all certified law enforcement classes*". While much of the context refers to state employees, this section might be interpreted to mean all certified law enforcement officers in the state. According

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to the sponsor of the bill, this bill was intended to apply only to law enforcement officers employed by the state. Perhaps a phrase such as "*all certified law enforcement classes employed by the state*", could be substituted.

4.) Section 3. (2), of the bill refers to the cash equivalent of a one-step increase to the covered classes. It is unclear what the basis for a one-step increase is.

5.) Section 4. of the bill refers to an appropriation from the General Revenue Fund of \$25,850,000 to provide a \$5,000 increase in the salaries of *state certified* law enforcement officers, According to the sponsor, this provision, and every other provision, is intended to apply only to certified law enforcement officers who are *employees of the state*, and not all law enforcement officers who are certified *by the state* (ie: "state certified").

The sponsor is expected to offer appropriate amendments to remedy these essentially technical issues.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON GOVERNMENTAL OPERATIONS:

Prepared by:

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