

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 1684
 SPONSOR: Senator Cowin
 SUBJECT: DOC Employees/Additional Employment
 DATE: April 13, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Clodfelter</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
2.	<u>Wilson</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable</u>
3.	<u>Noble</u>	<u>Sadberry</u>	<u>ACJ</u>	<u>Favorable</u>
4.	_____	_____	<u>AP</u>	<u>Withdrawn: Favorable</u>
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill amends s. 944.38, F.S., to provide that an officer or employee of the Department of Corrections can take additional employment or engage in any pursuit that does not interfere with discharge of his or her duties. The bill also allows a department officer or employee to work for a department contractor as long as he or she is not involved in procurement or evaluation for the contract.

This bill substantially amends section 944.38 of the Florida Statutes.

II. Present Situation:

Section 944.38(1), F.S., prohibits officers or employees of the Department of Corrections from having a direct or indirect interest in any contract or purchase made, or authorized to be made, for or on behalf of the department. It also prohibits department officers or employees from receiving any compensation for any act or service that he or she does for or on behalf of any officer or employee or agent, or employee of a contractor.

III. Effect of Proposed Changes:

This bill amends s. 944.38(1), F.S., to create a new paragraph (b) clarifying that the section does not prevent a Department of Corrections officer or employee from accepting other employment or following any pursuit that does not interfere with the performance of his or her duties to the department. It also provides that an officer or employee may accept employment with a department contractor if he or she: (1) has no responsibility or involvement with the department's award or management of the contract; and (2) has no responsibility or involvement with the process of making referrals to or evaluating the contract entity.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill would have a positive economic impact upon any corrections employee who takes secondary employment that would otherwise have been prohibited. It would have a negative impact upon any non-employee who loses a position or whose wages are reduced because of increased competition for jobs. It would also have a positive impact on a contractor if it is able to reduce wages because of the larger pool of potential employees.

C. Government Sector Impact:

It does not appear that the bill would have a direct fiscal impact upon the government sector. However, the availability of additional secondary employment options may help reduce employee turnover, leading to savings in the costs of recruiting and training officers.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Correctional officers employed by the Department of Corrections are subject to the provisions of the collective bargaining agreements between the State of Florida, as the management representative, and the Security Services Unit of the Florida Police Benevolent Association, as the employee representative. This collective bargaining agreement does not preclude or authorize outside employment for remuneration of any kind.

The collective bargaining agreement in effect affecting law enforcement officers represented by the International Union of Police Associations does provide two separate statements on the subject of outside employment. Section 1 of Article 16 of the agreement governs non-police employment. An employee may engage in such employment subject to the employer's judgment as to the presence of a conflicting situation. Section 2 governs police-related employment and requires the state employer's prior approval before it may occur and the assurance that a conflicting circumstance is not present. The outside employer must make all arrangements for liability indemnification. Section 3 governs the use of state-provided vehicles and reimbursement for costs if the vehicle is used for outside employment.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
