

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 Community Affairs Committee

BILL: SB 800

INTRODUCER: Senator Diaz de la Portilla

SUBJECT: Education and Training Opportunities for Public Employees

DATE: March 9, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wolfgang	Yeatman	CA	Pre-meeting
2.			HE	
3.			BC	
4.				
5.				
6.				

I. Summary:

This bill expands education and training opportunities to certain local government employees. Eligible local government employees include law enforcement officers, correctional officers, firefighters, and emergency medical technicians or paramedics as further defined in statute. The bill includes a definition of state employee to include an employee of the executive or judicial branch of state government except for state university employees.

The bill includes certain local government employees as fee waiver beneficiaries.

This bill substantially amends the following sections of the Florida Statutes: 110.1099 and 1009.265.

II. Present Situation:

Education and Training Opportunities for State Employees

The Legislature recognizes that the application of productivity-enhancing technology and practice demands continuous educational and training opportunities. Therefore s. 110.1099, F.S., allows state employees to be authorized to receive a voucher or grant, for matriculation fees, to attend work-related courses at public community colleges, public career centers, or public universities. The Department of Management Services (DMS) may implement s. 110.1099, F.S., by rule and from funds appropriated by the Legislature. State agencies may support the training and education needs of its employees from funds appropriated to the agency.

When evening and weekend training and educational programs are not available, an employee may be authorized to take paid time off during his or her regular working hours for training and career development, as provided in s. 110.105(1), F.S., if such training benefits the employer as determined by that employee's agency head. An employee who exhibits superior aptitude and performance may be authorized by that employee's agency head to take a paid educational leave of absence for up to 1 academic year at a time, for specific approved work-related education and training. That employee must enter into a contract to return to state employment for a period of time equal to the length of the leave of absence or refund salary and benefits paid during his or her educational leave of absence.

An agency or the judicial branch may require an employee to enter into an agreement that requires the employee to reimburse the agency or judicial branch for the registration fee or similar expense for any training or training series when the cost of the fee or similar expense exceeds \$1,000 if the employee voluntarily terminates employment or is discharged for cause from the agency or judicial branch within a specified period of time not to exceed 4 years after the conclusion of the training unless attendance was required by the employer.

State Employee Fee Waivers

Subject to approval by an employee's agency head or the equivalent, each state university and community college must waive tuition and fees for state employees¹ to enroll for up to 6 credit hours of courses per term on a space-available basis.²

The Chief Financial Officer, in cooperation with the community colleges and state universities, identifies and implements ways to ease the administrative burden to community colleges and state universities, including, but not limited to, providing easier access to verify state employment. Currently, colleges and universities are able to verify eligibility for tuition waivers for state employees only utilizing an online web application. This website is maintained by the Department of Financial Services (DFS) and contains only those employees paid through the Bureau of State Payrolls.³ DFS does not have access to the payroll and/or employee information for the over 2,100 local government entities throughout the state.⁴

From funds appropriated by the Legislature for administrative costs to implement s. 1009.265, F.S., community colleges and state universities shall be reimbursed on a pro rata basis according to the cost assessment data developed by the Department of Education. The Auditor General reviews the cost assessment data in conjunction with his or her audit responsibilities for community colleges, state universities, and the Department of Education. However, the Auditor General has had limited responsibilities under this section as the Legislature has not appropriated moneys under s. 1009.265(4), F.S., in recent years.⁵

¹ Employees of the state include employees of the executive, legislative, and judicial branches of state government, except for persons employed by a state university.

² Section 1009.265, F.S.

³ Department of Financial Services, Bill Analysis for SB 800 (2011) on file with the Senate Committee on Community Affairs.

⁴ *Id.*

⁵ Auditor General, Bill Analysis for SB 800 (2011) on file with the Senate Committee on Community Affairs.

Training for Law Enforcement, Correctional Officers, Firefighters, and EMTs or Paramedics

Chapter 943, F.S., specifies the standards and training requirements for law enforcement and correctional officers.⁶ The training can be supplemented by grant programs.⁷ An employing agency is authorized to pay: any costs of tuition of a trainee in attendance at an approved basic recruit training program, certain exam fees, or other course expenses. An employee may be required to reimburse the agency if they leave within two years, but this requirement may be waived.⁸

Chapter 633, F.S., specifies the standards and training requirements for firefighters. Employing agencies are authorized to pay part or all of the costs of tuition of trainees in attendance at approved training programs,⁹ and supplemental compensation to each full-time firefighter who receives an associate or bachelor's degree in fire-related subjects.¹⁰

Chapter 401, F.S., sets up numerous training requirements for emergency medical technicians, paramedics, and first responders. Certain types of training programs are subsidized by grant programs.¹¹

A 2005 Florida Attorney General Opinion addressed the question of whether a county may pay for EMT or paramedic training for volunteer firefighters, even though there is no assurance that they will continue to provide volunteer services after certification.¹² The opinion reasoned that in order to satisfy Art. VII, s. 10, the expenditure of county funds must be for a public purpose. “Ultimately, however, the determination of whether the expenditure of county funds fulfills a county purpose is one that the board of county commissioners, as the legislative body of the county, must make.”¹³ Therefore, the opinion concluded that if the county commission concluded that the expenditure served a public purpose it would be valid.¹⁴

III. Effect of Proposed Changes:

Section 1 amends s. s. 110.1099, F.S., to allow local government employees to receive education and training opportunities currently allowed for state employees under s. 110.1099, F.S. The bill defines:

- State employee as an employee of the executive or judicial branch of state government, except for a person employed by a state university.
- Local government employee as a full-time employee of a county or municipality who is a law enforcement officer, a correctional officer, a firefighter, or an emergency medical technician or paramedic.

⁶ See also s. 11B-35.001, F.A.C.

⁷ Section 943.031, F.S.

⁸ Section 943.16, F.S.

⁹ Section 633.37, F.S.

¹⁰ Section 633.382, F.S.

¹¹ Section 401.113 and 401.24 F.S.

¹² Op. Att’y Gen. Fla. 2005-02 (2005)

¹³ *Id.*

¹⁴ *Id. but see* Op. Att’y Gen. Fla. 82-13 (1983) (prior to passage of s. 110.1099, F.S., finding a tuition payment for the clerk of the court did not serve a public purpose authorized by law).

Section 2 retitles s. 1009.265, F.S., as “Fee waivers.” It expands the tuition waivers in s. 1009.265, F.S., from state employees to state and local employees. The Chief Financial officer would be required to identify and implement ways to ease the administrative burden to colleges and state universities, including providing easier access to verify *both* state and *local government* employment. It includes the same definitions for state and local employees used in section 1.

Section 3 provides an effective date of July 1, 2011.

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 Department of Financial Services (DFS) estimates that it will cost \$220,550 in nonrecurring revenue to implement the amendments to s. 1009.265(2), F.S. According to the DFS, “For the Bureau of State Payrolls (BOSP) part, estimated costs to implement SB 0800 would be 5 employees working a total of 1000 hours at a blended rate of \$23.39 per hour or \$23,390. This would involve coordinating with over 2,100 local government entities as well as testing the website once it is developed. This would be an enormous project to undertake and could take years to fully implement.” In addition, Division of Information Systems (DIS) has provided an estimated total of \$197,160 for the costs of implementing s. 1009.265(2), F.S.

The cost to community colleges and universities is a negative indeterminate value. Local government employees would take class space but not pay full tuition.

VI. Technical Deficiencies:

None.

VII. Related Issues:

DFS recommends “[r]emoving the ‘and local government’ language from line 94 will remove DFS’s requirement to verify local government employment which can’t be done with existing resources because each independent entity has its own personnel system that will not interface with our system.”

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.