

**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 168

INTRODUCER: Senators Latvala and Steube

SUBJECT: Career Development for Officers and Firefighters

DATE: March 24, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ferrin	Ferrin	GO	<b>Pre-meeting</b>
2.			AGG	
3.			AP	

---

**I. Summary:**

SB 168 requires each state agency that employs officers and firefighters to establish a career development plan for law enforcement officers, correctional officers, correctional probation officers and firefighters in career service positions. Participation in the plan is to be voluntary for employees and must provide unspecified salary increases to employees who achieve and maintain specified levels that exceed minimum requirements for employment, as determined by each agency. Each agency will provide levels of achievement and develop standards through collective bargaining, if applicable, which will specify activities that must be successfully completed to attain each level.

In addition, each agency must document an officer's or firefighter's specific achievements, including earning post-secondary education credits and participation in approved activities that advance professional interests as specified in the employee's job description, and completion of a specified number of years of service.

The number of officers and firefighters who qualify for each level may not exceed the number of officers and firefighters covered by the bargaining unit for such classes in each agency.

The fiscal impact of the bill is indeterminate.

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:<sup>1</sup>

- 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.<sup>2</sup> 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.<sup>3</sup>

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

---

<sup>1</sup> 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).

<sup>2</sup> Section 943.085, F.S.

<sup>3</sup> Section 633.422(1), F.S.

enforcement officers, correctional officers, correctional probation officers,<sup>4</sup> and firefighters<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup> The maximum amount an officer can receive for a college degree or completion of career development courses is \$130 per month.<sup>8</sup>

### ***Tuition Waivers***

In order to facilitate educational attainment for the state workforce, all state employees,<sup>9</sup> including law enforcement officers and firefighters, are eligible to have tuition at state university and Florida College System institutions waived.<sup>10</sup> 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.<sup>11</sup>

### **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, Laws of Florida, implementing the

---

<sup>4</sup> "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.

<sup>5</sup> "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.

<sup>6</sup> Section 943.22(2)(d), F.S.

<sup>7</sup> Sections 943.17(1)(b) and (c), F.S.

<sup>8</sup> Section 943.22(2)(e), F.S.

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

<sup>10</sup> Section 1009.265, F.S.

<sup>11</sup> *Id.*

2016-2017 General Appropriations Act on behalf of the department and the Florida Police Benevolent Association (PBA).<sup>12</sup> 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.<sup>13</sup> 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.<sup>14</sup>

### ***Workgroup Recommendations***

The CDP work group met and agreed<sup>15</sup> 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:<sup>16</sup>

- 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.<sup>17</sup>

### **III. Effect of Proposed Changes:**

**Section 1** requires each state agency that employs officers and firefighters to establish a career development plan for law enforcement officers, correctional officers, correctional probation officers and firefighters in career service positions. Participation in the plan is to be voluntary for employees and must provide unspecified salary increases to employees who achieve and maintain specified levels that exceed minimum requirements for employment, as determined by each agency. Each agency will provide levels of achievement and develop standards through collective bargaining, if applicable, which will specify activities that must be successfully completed to attain each level.

In addition, each agency must document an officer's or firefighter's specific achievements, including earning post-secondary education credits and participation in approved activities that advance professional interests as specified in the employee's job description, and completion of a specified number of years of service.

---

<sup>12</sup> See *supra* note 1.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> The Police Benevolent Association attached a separate submission describing area in which the parties were unable to reach agreement.

<sup>16</sup> See *supra* note 1.

<sup>17</sup> *Id.*

The number of officers and firefighters who qualify for each level may not exceed the number of officers and firefighters covered by the bargaining unit for such classes in each agency.

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

**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 absence of a specified schedule for salary increases makes the recurring fiscal impact of the bill is indeterminate.

The bill requires individual state agencies that employ the specified officers and firefighters to develop their own individual career development plan. Differing career development plans could incentivize movement between agencies and hamper agencies' ability to retain personnel.

The bill requires each agency to collectively bargain regarding the achievements needed to reach each level of the CDP. Currently, DMS adheres to 447.309(1) and 447.203(9), F.S., to bargain on behalf of the Governor and it is unknown if each agency would be charged with that responsibility.<sup>18</sup>

---

<sup>18</sup> Department of Management Services, *SB 168 Legislative Bill Analysis* (March 15, 2017) (on file with the Senate Committee on Governmental Oversight and Accountability).

**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 Changes:**

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

None.

**B. Amendments:**

None.