

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 1052

SPONSOR: Senator Latvala and others

SUBJECT: State Law Enforcement Officers

DATE: April 19, 2000

REVISED: 03/25/00 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rhea</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>FP</u>	_____
3.	_____	_____	_____	_____
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 that is consistent with the *Law Enforcement Advisory Committee Salary Recommendation Final Report for Fiscal Year 2000 - 2001*. That report concludes that the State of Florida is at a competitive disadvantage to population peer states and in the internal state market for counties and municipalities with populations of 100,000 or more. The report recommends that the salary level and ranges of each member of the law enforcement classes should be increased by \$5,000. The bill appropriates \$25,850,000 for this purpose.

This bill creates an unnumbered section of the Florida Statutes.

II. Present Situation:

Section 943.10(1), F.S., defines “law enforcement officer” to mean:

. . . 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 but does not include support personnel employed by the employing agency.

Law enforcement officers are employed by a number of state agencies in a number of roles, including the Department of Highway Safety and Motor Vehicles, the Florida Department of Law Enforcement, the state universities, the Department of Agriculture and Consumer Services’ vehicle weigh stations, the Department of Environmental Protection, the Marine Patrol, State

Attorney Investigators, Capitol Police and others. The Highway Patrol makes up the largest category of law enforcement officers with approximately 1,022 officers, followed by officers employed by the State University System, and the Fish and Wildlife Commission. Law enforcement officers, regardless of the agency or political entity for which they work, generally are organized into a single class and are compensated using the same state step pay plan.

Line item 1933A of the FY 1999-2000 General Appropriations Act required the Department of Management Services to

. . . 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 Law Enforcement Advisory Committee consisted of:

- ▶ Sergeant James M. Kirby - Florida Association of State Troopers
- ▶ Colonel Robert Edwards - Game and Fresh Water Fish Commission
- ▶ Mr. Hal Johnson - Florida Police Benevolent Association

The Department of Management Services (DMS) commissioned MGT of America, Inc. to assist the Law Enforcement Advisory Committee in determining the relative salary market for law enforcement officers. The recommendations made in the report, however, were drawn exclusively from the committee.¹

According to the *Law Enforcement Advisory Committee Salary Recommendation Final Report for Fiscal Year 2000 - 2001*,² the distribution of law enforcement officers within the collective bargaining unit across job titles, is as follows:

CLASS TITLE	EMPLOYEES
Law Enforcement Airplane Pilot I	9
Law Enforcement Airplane Pilot II	16
Law Enforcement Investigator I	342
Law Enforcement Investigator II	234

¹The *Law Enforcement Advisory Committee Salary Recommendation Final Report for Fiscal Year 2000 - 2001*, page 1-1.

²The *Law Enforcement Advisory Committee Salary Recommendation Final Report for Fiscal Year 2000 - 2001*, was assembled for Mr. Phil Spooner, Department of Management Services by MGT of America, Inc., November 23, 1999.

Law Enforcement Officer	1,802
Law Enforcement Sergeant	259
Law Enforcement Wildlife Inspector	3
TOTAL	2,665

According to the report, 67.6 percent of employees within the collective bargaining unit are from the Law Enforcement Officer class. Of the 1,802 persons in the Law Enforcement Officer class, the majority (1,022) are employed by the Department of Highway Safety and Motor Vehicles.³

As of August 1999, annual salaries for the State of Florida law enforcement officer class ranged from a minimum of \$25,654 to \$40,816. Trainees received \$22,870 per year.⁴ According to the report, salary levels exhibit a step function pattern:

. . . After an initial increase in the first two years, salary levels plateau until roughly the eighth year of service. Between years eight and 16, salary levels rise noticeably until they plateau again at approximately the 20 year service interval. . . Based on the salary information provided, it is apparent that minimum salary levels do not keep pace with increases in average salaries. Clearly, some employees with longer periods of service do not advance through the salary range as fast as others. Maximum salaries, however, do tend to mirror the increases in average salary.⁵

The report also measured the relative compensation of State of Florida law enforcement officers relative to other employers. The Law Enforcement Advisory Committee determined that a jurisdiction with population exceeding 100,000 and with over 500 FTE law enforcement officers should be utilized for comparison.⁶ The reasoning behind this decision included:

- ▶ large jurisdictions have a higher probability of needing to recruit from the State;
- ▶ large jurisdictions have a higher probability of paying more; and

³*Ibid*, page 2-4.

⁴*Ibid*.

⁵*Law Enforcement Advisory Committee Salary Recommendation Final Report for Fiscal Year 2000 - 2001*, page 2-5.

⁶"The greater the information that can be gathered on the State's competitors, the more beneficial the findings can be. However, it is important to craft the sampling scheme so that the relevant market area serves as the focus. More specifically, the law enforcement agencies that recruit law enforcement officers from the State should be the core of the sample. Given the emphasis on retention, specific turnover data that accounted for the destination of departing employees would be very useful for determining the State's actual competitors and the relevant sample. While the turnover rate is known [approximately two percent on average for the last five years], neither the State nor the unions have collected data on the destination of these departing officers. As a result, a decision had to be made regarding the most probable competitors. The Law Enforcement Advisory Committee determined that a jurisdiction with population exceeding 100,000 and with over 500 FTE law enforcement officers should be utilized to capture the market." *Law Enforcement Advisory Committee Salary Recommendation Final Report for Fiscal Year 2000 - 2001*, page 3-1.

- ▶ large jurisdictions have more flexibility in offering compensation packages to potential employees.⁷

The minimum, maximum, and average hiring rate salaries of law enforcement officers among cities and counties with more than 100,000 in population are compared in the chart below:⁸

ORGANIZATION	MINIMUM	MAXIMUM	HIRING RATE
Broward Co. Sheriff	\$35,352	\$49,301	\$35,352
Hillsborough Co. Sheriff	\$32,891	\$50,996	\$32,891
Tampa Police Dept.	\$33,238	\$53,996	\$33,238
Orlando Police Dept.	\$30,100	\$47,900	\$30,100
Duval Co. Sheriff	\$30,084	\$49,236	\$30,084
Palm Beach Co. Sheriff	\$29,303	\$43,538	\$29,303
Dade Co. Sheriff	\$28,891	\$43,782	\$28,891
Miami Police Dept.	\$28,891	\$48,106	\$28,891
St. Petersburg Police Dept.	\$28,764	\$43,465	\$28,764
Orange Co. Sheriff	\$27,019	\$41,454	\$27,019
Pinellas Co. Sheriff	\$26,883	\$44,332	\$26,883
State of Florida (class)	\$25,654	\$40,817	\$25,654

According to the report, the average hiring rate for the sampled law enforcement officer jurisdictions is \$30,129. In comparison, the State of Florida average is \$25,654. The report also notes that the average county hiring rate for counties is \$30,060 while the State average in county jurisdictions is \$27,796. The municipal average is \$30,284, while the state rate for municipal areas is \$26,904.⁹ When adjusted for Competitive Area Differential (CAD), the State of Florida offers lower average hiring rates in five of seven county jurisdictions.¹⁰ When municipal rates are adjusted for CAD, the report finds that three of four city police departments offer a higher average hiring rate than the state.¹¹

⁷Law Enforcement Advisory Committee Salary Recommendation Final Report for Fiscal Year 2000 - 2001, page 3-2.

⁸Law Enforcement Advisory Committee Salary Recommendation Final Report for Fiscal Year 2000 - 2001, page 3-3.

⁹Law Enforcement Advisory Committee Salary Recommendation Final Report for Fiscal Year 2000 - 2001, page 3-4.

¹⁰Law Enforcement Advisory Committee Salary Recommendation Final Report for Fiscal Year 2000 - 2001, page 4-1.

¹¹Ibid.

A comparison of out-of-state jurisdictions was also conducted. These jurisdictions included southeastern states, as well as population-based peers.¹² According to the report, Florida is ranked in the middle with regard to average hiring salary. Florida is slightly higher than the regional average and is lower than its population peers.¹³

STATE	AVERAGE HIRING RATE
POPULATION PEERS	
New Jersey	\$42,905
North Carolina	\$39,273
Pennsylvania	\$39,203
California	\$37,872
New York	\$36,714
Ohio	\$31,387
Texas	\$31,824
Michigan	\$29,670
POPULATION PEERS AVERAGE	\$36,106
REGIONAL PEERS	
Missouri	\$27,468
Mississippi	\$23,976
Tennessee	\$23,916
Arkansas	\$23,433
South Carolina	\$20,839
Alabama	\$19,248
Louisiana	\$16,440
SOUTHEASTERN PEERS AVERAGE	\$22,189

¹²Regional peers that were compared were Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia. Population peers that were compared were Arizona, California, Illinois, Massachusetts, Michigan, Nevada, New Jersey, New York, Ohio, Pennsylvania, Texas, and Wisconsin. *Law Enforcement Advisory Committee Salary Recommendation Final Report for Fiscal Year 2000 - 2001*, page 3-5.

¹³*Law Enforcement Advisory Committee Salary Recommendation Final Report for Fiscal Year 2000 - 2001*, page 3-6.

FLORIDA	\$25,654
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The report concludes:

Overall, the State of Florida law enforcement officer class is below the relevant salary market as defined by the Committee. The state is currently a market leader within the southeastern United States but places at the bottom of the distribution for national peer states. Based on intra-state data, the state's law enforcement officer class is below the market defined by the Committee. Three of four municipal police departments compensate officers at higher levels than does the state, as do five of seven sheriffs' offices located within major metropolitan areas.¹⁴

The primary findings of the report are as follows:

- ▶ The State of Florida compensates its law enforcement class below market levels for county Sheriffs' Offices. In five out of seven jurisdictions, average salary levels for the State of Florida are lower than for the corresponding Sheriff's Office. In addition, the State's average hiring rates are lower in most of the major population centers, even when accounting for CAD supplements.
- ▶ The State of Florida compensates its law enforcement class below general market levels for municipal police departments. Three of the four surveyed departments had higher average hiring rates than does the State of Florida law enforcement class.
- ▶ The State of Florida compensates the law enforcement officer class at rates approximately \$3,000 over the southeastern state average. Relative to overall peer states, the State of Florida pays a lower average hiring salary.

As a result of these findings, the report concludes that the State of Florida is at a competitive disadvantage in relation to peer states but not the southeastern U.S. market. Florida will not have to adjust salaries to remain competitive with southeastern states, but will have to do so to remain competitive on a national basis. Further, the report concludes that the State of Florida is at a competitive disadvantage within the internal state market.

Based upon the report, the Committee recommended the following:

- ▶ The State of Florida should increase the salary level and ranges of each member of the law enforcement classes by \$5,000.
- ▶ The State of Florida should maintain its current classification structure for now.
- ▶ The State of Florida should investigate the feasibility of funding the step pay plan.¹⁵

The report concludes:

¹⁴Law Enforcement Advisory Committee Salary Recommendation Final Report for Fiscal Year 2000 - 2001, page 3-6.

¹⁵Law Enforcement Advisory Committee Salary Recommendation Final Report for Fiscal Year 2000 - 2001, page 4-3.

The Committee decided to recommend that each employee in the state's law enforcement officer class be given an annual \$5,000 increase. In order to maintain existing salary structures, an equal amount should be paid to other related positions. The total cost to implement the plan is approximately \$22,592,651 annually. By making this adjustment to current salary levels, the Committee believes the State of Florida can provide a more equitable and market-based salary structure to its law enforcement officer positions vis-a-vis other intra-state law enforcement jurisdictions while remaining a market leader in the southeastern United States.

The DMS, in keeping with the requirement of Line item 1933A of the General Appropriations Act, responded to the report and made recommendations regarding implementation of a salary and benefit structure. The recommendations were in keeping with the DMS position, that all Career Services classes should have market-based pay ranges under s. 110.209(2)(a), F.S. Further, the DMS recommended:

- ▶ The benefit structure for law enforcement classes should remain unchanged.
- ▶ The minimum, maximum, and steps of the pay grade for the entry level class of Law Enforcement Officer be adjusted commensurate with the market as defined by the 1999 Career Service Salary Survey. This survey is the vehicle used to determine the market for all other Career Service Classes. This amount is six percent.
- ▶ The minimums, maximums, and steps of the pay grade for all other related law enforcement classes should also be adjusted by six percent to prevent salary compression problems within the certified law enforcement class series.
- ▶ The cost to adjust the minimums, maximums, and steps of the pay grades for the law enforcement classes by six percent is approximately \$9,725,499, including benefits.

III. Effect of Proposed Changes:

The bill creates the "Law Enforcement Dignity 2000 Act." The bill establishes that it is the public policy of the state to provide a market-based, continuously competitive salary for full-time certified law enforcement officers¹⁶ who are employed in public safety occupations by the state and certified under s. 943.10(1), F.S.¹⁷

The bill requires the Department of Management Services (DMS) to develop a plan to invest additional resources to upgrade the minimum and maximum salary ranges for all certified law enforcement classes July 1, 2000.

¹⁶"Law enforcement officer" is defined by s. 943.10(1), F.S., to mean 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.

¹⁷Chapter 943, F.S., is the Department of Law Enforcement Act. Section 943.10(1), F.S., defines the term "law enforcement officer."

The bill requires the minimum and maximum salary ranges for all certified law enforcement classes to be adjusted, for FY 2000-2001, in an amount consistent with the recommendations contained in the Law Enforcement Advisory Committee Salary Recommendation Final Report dated December 8, 1999.

For FY 2001-2002 and thereafter, the bill requires the DMS to develop a compensation package sufficient to grant the cash equivalent of a one-step increase to the covered classes.

Funds to implement the act are to be supplemental to additional salary provided to state employees in the General Appropriations Act or other legislation implementing that act.

In calculating the amounts required to fund the act, the bill requires the DMS to require that the salary of law enforcement officers employed by the state be equal to the average salary of the equivalent positions in the ten most populous municipalities in Florida.

The bill appropriates from the General Revenue Fund \$25,850,000 to provide a \$5,000 adjustment to the salaries of state certified law enforcement officers, and associated benefits, beginning July 1, 2000.

The act takes effect upon becoming law.

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:

None.

C. Government Sector Impact:

The bill appropriates from the General Revenue Fund the sum of \$25,850,000 to provide a \$5,000 adjustment to the salaries of state certified law enforcement officers, and associated benefits, beginning July 1, 2000. The study, however, does not appear to include all law enforcement officers on the state payroll, as defined in s. 943.10(1), F.S. Neither law enforcement officers employed by the State University System nor State Attorney Investigators I-VI, who are also law enforcement officers, were included in the study.

Staff of the Senate Committee on Fiscal Policy recalculated the cost of the \$5,000 annual pay increase for all law enforcement classes, including those that were not included in the study, and calculated the cost of the increase as follows:

COST OF \$5,000 ANNUAL PAY INCREASE FOR ALL LAW ENFORCEMENT CLASSES	
Career Service	\$22,592,651
State Attorney Investigators	\$1,907,220
State University System	\$3,154,356
TOTAL	\$27,654,227

As noted previously, the bill appropriates the sum of \$25,850,000, which is \$1,804,227 less than the total cost of the across-the-board \$5,000 annual increase for all law enforcement classes.

VI. Technical Deficiencies:

Section 1. 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 section defines the term “law enforcement officer,” but does not provide a certification process. Either the word “defined” should be substituted for “certified” or another section referencing the certification process should be inserted.

VII. Related Issues:

The bill directs certain actions by the DMS in the request of salary items in successive legislative budget requests. It is not a requirement of law that the Governor’s Recommended Budget adhere to such requests or that a subsequent Legislature be obliged to fund them.

VIII. Amendments:

#1 by Governmental Oversight and Productivity:

Clarifies that the pay increase plan is subject to specific appropriation. Makes two technical corrections to the bill. The first technical correction amends a statement in the bill that state law enforcement officers are certified by s. 943.10(1), F.S.; the section defines the term. The second technical correction clarifies that the increase is for state law enforcement officers.

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