

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 1203                      Department of Corrections/Career Service  
**SPONSOR(S):** Zapata  
**TIED BILLS:** None                      **IDEN./SIM. BILLS:** SB 2228

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>State Administration</u>	_____	<u>Williamson</u>	<u>Everhart</u>
2) <u>Public Safety Appropriations (Sub)</u>	_____	_____	_____
3) <u>Appropriations</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

Current law requires the Department of Management Services (DMS) to establish and maintain a classification and compensation program addressing Career Service, Selected Exempt Service (SES), and Senior Management Service positions. Certain managerial, confidential, and supervisory employees make up the SES. Those employees receive health benefits and insurance, but do not receive compensation for overtime worked.

This bill adds to SES the positions of colonel and major of an institution within the Department of Health (DOH), the Department of Children and Family Services (DCFS), and the Department of Corrections (DOC). It also removes from SES the positions of superintendent and assistant superintendent within DOH, DCFS, and DOC. Finally, this bill removes obsolete language regarding the Correctional Education Program within DOC.

This bill appears to result in an additional recurring cost of \$84,349 in the general revenue salaries and benefits category. See "FISCAL IMPACT ON STATE GOVERNMENT" and "FISCAL COMMENTS" for further details. This bill does not appear to have a fiscal impact on local governments.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

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

#### B. EFFECT OF PROPOSED CHANGES:

##### Background

Current law requires the Department of Management Services (DMS) to establish and maintain a classification and compensation program addressing Career Service, Selected Exempt Service (SES), and Senior Management Service positions.<sup>1</sup>

SES is created as a separate system of personnel administration that generally pays for an employee's health benefits and insurance, but does not compensate for over-time worked. Such positions are exempt from Career Service and the salaries and benefits are set by DMS in accordance with SES rules.<sup>2</sup> Certain managerial, confidential, and supervisory employees make up the SES.

During the 2002 Session, s. 110.205, F.S., was amended to include in SES managerial positions that were inadvertently left out of the 2001 reorganization of the Career Service system. However, certain managerial positions within the Department of Corrections (DOC) were not included in last year's changes.

##### Effect of Bill

As a result, this bill adds to SES the positions of colonel and major of a correctional institution within DOC because these are managerial positions that were inadvertently excluded during the reorganization of the Career Service system. This bill also removes from SES the positions of superintendent and assistant superintendent within DOC because such positions no longer exist. However, these changes unintentionally affect the Department of Children and Family Services and the Department of Health. See "DRAFTING ISSUES OR OTHER COMMENTS" for further details. Finally, this bill removes obsolete language regarding the Correctional Education Program within DOC.

#### C. SECTION DIRECTORY:

Section 1. Amends s. 110.205(2)(d), F.S., removing obsolete language.

Section 2. Amends s. 110.205(2)(m), F.S., adding to SES the positions of colonel and major within DOH, DCFS, and DOC. Removing from SES the positions of superintendent and assistant superintendent within DOH, DCFS, and DOC.

Section 3. Provides an effective date of July 1, 2003.

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<sup>1</sup> Section 110.2035(1), F.S.

<sup>2</sup> Section 110.602, F.S.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.

2. Expenditures:

This bill will result in an additional recurring cost of \$84,349 in the general revenue salaries and benefits category. Correctional officer colonels and majors currently receive on-call pay (over-time), but do not receive health benefits and insurance. If these classes convert to SES (estimated at \$271,549), they would no longer be eligible for on-call pay (estimated at \$187,200 per year), but would be eligible for such benefits.

The reduction in on-call pay was offset against the full cost of conversion to SES (estimated at \$271,549) to arrive at the \$84,349.<sup>3</sup> DOC projections are based on the current benefit structure. Changes could be made that would impact that number either positively or negatively.

<b>Amount and description</b>	<b>FY 03-04</b>	<b>FY 04-05</b>	<b>FY 05-06</b>
General Revenue			
Recurring			
Salaries and Benefits	\$84,349	\$84,349	\$84,349

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.

2. Expenditures: None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

### D. FISCAL COMMENTS:

DOC has stated it would assume the \$84,349 within its existing budget; hence, an additional appropriation for this bill is not required.<sup>4</sup>

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: Not applicable. This bill does not affect municipal or county government.

2. Other: None.

### B. RULE-MAKING AUTHORITY: None.

<sup>3</sup> Department of Corrections Bill Analysis at 2.

<sup>4</sup> *Id.*

C. DRAFTING ISSUES OR OTHER COMMENTS:

**Drafting Issues**

As drafted, this bill removes from SES superintendents and assistant superintendents within DOH and DCFS. DOH and DCFS have raised concerns because both have superintendents and assistant superintendents of institutions within their departments. The sponsor has filed an amendment to address this issue.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

Not applicable.