

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 Fiscal Policy

BILL: CS/CS/SB 514

INTRODUCER: Community Affairs Committee; Ethics and Elections Committee; and Senator Richter

SUBJECT: Supervisor of Elections Salaries

DATE: February 9, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Roberts	EE	Fav/CS
2.	Cochran	Yeatman	CA	Fav/CS
3.	Jones	Hrdlicka	FP	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 514 addresses the base salaries and group rates used to calculate the salary of Florida's supervisors of elections. A supervisor's salary is determined by the size of the population served. This bill makes the base salaries and group rates used to calculate a supervisor's salary the same as the current base salaries and group rates used to calculate the salaries of the clerks of circuit court, property appraisers, and tax collectors.

The Office of Economic and Demographic Research has indicated that the statewide total would be \$1.2 million in salary increases, which averages to an \$18,540 increase per county. The average percentage increase in salary is estimated at 18.7 percent.

II. Present Situation:

Supervisor of Elections

The supervisor of elections (supervisor) is a county office created by the Florida Constitution.¹ The specific duties and responsibilities of the office are defined in ch. 98, F.S. (Registration Office, Officers, and Procedures).² The supervisor is responsible for administering all elections in their respective counties, conducting voter registration, voter education, issuing voter

¹ Article VIII, s. 1(d), Fla. Const. The other county constitutional officers are the sheriff, tax collector, property appraiser, and clerk of the circuit court.

² Chapter 98, F.S.

information cards, providing absentee voting, maintaining election equipment, hiring and training election workers, renting and equipping polling places, providing information and statistics on voter registration, voting and elections, qualifying candidates for office, and receiving campaign finance reports.³

Compensation of County Officials

The practice of determining the compensation of Florida's county constitutional officers by state law was sanctioned by the Constitution of 1885, and has been maintained since the 1986 constitutional revision.⁴ The current system applies to all officials, except for those whose salary is set by a county home rule charter and officials of counties with a chartered consolidated form of government (Duval County).⁵

The salaries of county elected officials are funded at the county level by a resolution of the board of county commissioners with concurrence of the elected official involved.⁶ This resolution remains in effect for the official's current term of office, but may be rescinded at the end of each fiscal year by an agreement between the official and the board of county commissioners.⁷ The payment of the official's salary comes from the budget for his or her office, but the county is liable for paying the officer's salary from the general revenue fund if the budget for the office is insufficient.⁸ If this occurs, the county must notify the Department of Financial Services and the deficiency is listed in the comptroller's annual report of county finances and county fee officers.⁹

The final salary paid to each county constitutional officer is determined by the product of the salary rate calculated from the relevant section of ch. 145, F.S., the annual factor, the cumulative annual factor, and the initial factor.¹⁰ The annual factor and the cumulative annual factor are certified each year by the Department of Management Services.¹¹ Each constitutional officer is eligible for an additional \$2,000 per year if that officer meets the certification requirement applicable to the office.¹²

The salary of a supervisor is established pursuant to a formula in s. 145.09, F.S. This formula has not been changed since 1988.¹³ Six population groups are each assigned a base salary; then, a group rate is established for each population group. The group rate is additional compensation for each additional person above the minimum population for that population group. The salary of a supervisor is the base salary for his or her population group plus the group rate adjustment.¹⁴

³ Florida State Association of Supervisors of Elections, About Us, Who We Are, *Membership and Officers*, available at <http://www.myfloridaelections.com/About-Us/Who-We-Are/Membership-and-Officers> (last visited February 5, 2016).

⁴ Article II, s. 5, Fla. Const.

⁵ The Florida Legislature's Office of Economic and Demographic Research, *Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2015-16*, (October 2015), page 1, available at <http://edr.state.fl.us/Content/local-government/reports/finsal15.pdf> (last visited February 5, 2016).

⁶ Section 145.022, F.S.

⁷ *Id.*

⁸ Section 145.141, F.S.

⁹ *Id.*

¹⁰ *Supra* note 5 at 1-2.

¹¹ *Id.* at 2.

¹² *Id.* at 4.

¹³ Chapter 88-175, s. 1, L.O.F. (amending s. 145.09, F.S., effective July 1, 1988).

¹⁴ Section 145.09, F.S.

Currently, all county constitutional officers except for the supervisor¹⁵ have the same group rate for each population group.¹⁶

The current population groups, base salary, and group rates for supervisors are:¹⁷

Population Group	County Population Range		Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	49,999	\$17,228	\$0.075
II	50,000	99,999	20,228	0.060
III	100,000	199,999	23,228	0.025
IV	200,000	399,999	25,728	0.015
V	400,000	999,999	28,728	0.005
VI	1,000,000		31,728	0.004

III. Effect of Proposed Changes:

The bill amends the base salaries and group rates for supervisors as follows:

Population Group	County Population Range		Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	49,999	\$21,250	\$0.07875
II	50,000	99,999	24,400	0.06300
III	100,000	199,999	27,550	0.02625
IV	200,000	399,999	30,175	0.01575
V	400,000	999,999	33,325	0.00525
VI	1,000,000		36,475	0.00400

These amended base salaries and group rates would match the current base salaries and group rates used to calculate the salaries of the clerks of circuit court, property appraisers, and the tax collectors.

The bill is effective October 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Because this bill requires counties to expend funds, it falls within the purview of Section 18(a), Article VII, of the Florida Constitution, which provides that counties are not bound by certain general laws that require the expenditure of funds unless certain exceptions or exemptions are met. Subsection (d) provides an exemption from this prohibition for laws

¹⁵ Duval County’s Charter provides that the city council determines the supervisor’s compensation. Miami-Dade’s supervisor is appointed by the Mayor and compensation is not determined by s. 145.09, F.S. See Florida Association of Counties, About Florida’s Counties, *Charter County Information*, available at <http://www.fl-counties.com/about-floridas-counties/charter-county-information> (last visited February 5, 2016).

¹⁶ See ss. 145.09, 145.10, 145.11, and 145.051, F.S.

¹⁷ Section 145.09, F.S.

determined to have an “insignificant fiscal impact,” and this bill appears to have an insignificant impact.

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 base salary and group rate changes would result in additional compensation to the supervisors of elections. The Office of Economic and Demographic Research has indicated that the statewide total would be \$1.2 million in salary increases, which averages to an \$18,540 increase per county. The average percentage increase in salary is estimated at 18.7 percent.¹⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 145.09 of the Florida Statutes.

¹⁸ E-mail spreadsheet from the Office of Economic and Demographic Research, (Dec. 2, 2015) (on file with the Senate Committee on Community Affairs).

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Community Affairs on January 11, 2016:

Amends the effective date to October 1, 2016.

CS by Ethics and Elections on November 17, 2015:

Amends the base salaries for supervisors to match the current base salaries of the clerks of circuit court, property appraisers, and the tax collectors.

- B. **Amendments:**

None.