

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 5007 PCB APC 24-04 Compensation of Elected Officers and Judges

SPONSOR(S): Appropriations Committee, Leek

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Appropriations Committee	26 Y, 0 N	Willson	Pridgeon

SUMMARY ANALYSIS

The bill conforms current law to the funding decisions related to the compensation of elected officer and judges included in the House proposed General Appropriations Act for Fiscal Year 2024-2025.

The Florida Constitution provides that the compensation and method of payment of state and county officers shall be fixed by law.

Currently, the General Appropriations Act (GAA) provides for the compensation of a number of elected officers and judges, but not elected members of the Legislature.

Section 11.13, F.S., provides for the annual salaries of members of the Senate and House of Representatives and requires that members' annual salaries be adjusted each July 1 by the average percentage increase in the salaries of state career service employees in the previous fiscal year.

Beginning in 2010, the Legislature has maintained the annual salaries for members at the levels in effect on July 1, 2010, through a provision in each year's bill implementing the General Appropriations Act.

The bill repeals s. 11.13(1), F.S., providing for:

- the annual salaries of members of the Senate and House of Representatives, and
- the annual adjustment of member salaries relative to the average salary increase for state career service employees in the previous fiscal year.

Additionally, the bill provides that, beginning in Fiscal Year 2027-2028, the Legislature will establish annual salaries, relative to the salary of a Supreme Court Justice, for the Governor, Lieutenant Governor, Cabinet members, and certain judges in the General Appropriations Act.

Section 8 of the proposed House General Appropriations Act establishes salaries for members of the Legislature at the same levels currently in effect. See FISCAL COMMENTS.

The bill provides for an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Compensation of Public Officers – Florida Constitution

The Florida Constitution provides that the powers, duties, compensation and method of payment of state and county officers shall be fixed by law.¹ The Constitution further provides that laws making appropriations for salaries of public officers and other current expenses of the state shall contain provisions on no other subject.²

General Appropriations Act

Section 8 of the General Appropriations Act (GAA) provides for the compensation of elected officers and judges, including the Governor, Lieutenant Governor, Chief Financial Officer, Attorney General, Commissioner of Agriculture,³ Supreme Court Justices, and District Courts of Appeal, Circuit, and County Court Judges.⁴ These salaries may be reduced on a voluntary basis.⁵

Members of the Legislature

In 1985,⁶ the Legislature amended s. 11.13(1), F.S., to adjust the annual salaries of members of the Senate and House of Representatives (members) as follows:

- The President of the Senate and Speaker of the House of Representatives, \$25,000 each.
- All other members of the Senate and House of Representatives, \$18,000 each.

In the same year, the Legislature specified that members' annual salaries must be adjusted annually by the average percentage increase in the salaries of state career service employees in the previous fiscal year.⁷

Beginning in 2010,⁸ the Legislature has maintained the annual salaries for members at the levels in effect on July 1, 2010, through a provision in each year's bill implementing the General Appropriations Act.⁹

Effect of Bill

The bill repeals s. 11.13(1), F.S., providing for:

- the annual salaries of members of the Senate and House of Representatives, and
- the annual adjustment of member salaries relative to the average salary increase for state career service employees in the previous fiscal year.

Additionally, the bill provides that, beginning in Fiscal Year 2027-2028, the Legislature will establish annual salaries for elected officers and judges in the General Appropriations Act, as follows:

¹ art. II, s. 5, Fla. Const.

² art. III, s. 12, Fla. Const.

³ Section 570.13, F.S., provides that the annual salary of the commissioner of agriculture "shall be the amount as provided by law."

⁴ Article V, section 14(a) of the Florida Constitution provides that "all justices and judges shall be compensated only by state salaries fixed by general law."

⁵ See, e.g., s. 8, ch. 2023-239, Laws of Fla. (Fiscal Year 2023-2024 General Appropriations Act)

⁶ s. 8, ch. 85-322, Laws of Fla.

⁷ *Id.*

⁸ s. 58, ch. 2010-153, Laws of Fla. (Fiscal Year 2010-2011 Implementing Bill)

⁹ See, e.g., s. 84., ch. 2022-137, Laws of Fla. (Fiscal Year 2023-2024 Implementing Bill)

Governor	At least 100% of Supreme Court Justice Salary
Lieutenant Governor	At least 95% of Governor Salary
Chief Financial Officer	At least 95% of Governor Salary
Attorney General	At least 95% of Governor Salary
Commissioner of Agriculture	At least 95% of Governor Salary
District Court of Appeal Judge	At least 90% of Supreme Court Justice Salary
Circuit Court Judge	At least 80% of Supreme Court Justice Salary
County Court Judge	At least 75% of Supreme Court Justice Salary

The bill specifies that these salaries may be reduced on a voluntary basis.

The bill provides for an effective date of July 1, 2024.

B. SECTION DIRECTORY:

Section 1 Amends s. 11.13, F.S., removing provisions specifying and providing for an annual adjustment of the annual salaries of members of the Senate and the House of Representatives.

Section 2 Requires the Legislature to establish annual salaries for elected officers and judges in a certain manner beginning in a certain fiscal year; specifies minimum annual salaries; authorizes the voluntary reduction of such salaries.

Section 3 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Section 8 of the proposed House General Appropriations Act establishes salaries for members of the Legislature at the same levels currently in effect, which are as follows:

- The President of the Senate and Speaker of the House of Representatives, \$41,181 each, and
- All other members of the Senate and House of Representatives, \$29,697 each.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:
Not applicable.

2. Other:
None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES