

**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.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 696

INTRODUCER: Senator Ingoglia

SUBJECT: Local Officials

DATE: March 21, 2023

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Ryon	CA	<b>Pre-meeting</b>
2.			GO	
3.			RC	

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**I. Summary:**

SB 696 provides that certain local government employee contracts shall not be renewed, extended, or renegotiated within 12 months of an August primary election for members of the applicable governing body. This applies to:

- County administrators;
- County attorneys;
- Municipal chief executive officers;
- Municipal attorneys;
- School superintendents; and
- School board district attorneys.

The bill takes effect July 1, 2023.

**II. Present Situation:**

**Local Government Employees**

Local governments have broad authority to contract with or employ personnel for the wide variety of tasks they accomplish. This authority is limited only narrowly by statute, which generally forbids the payment of extra compensation and sets limits on severance pay for all employees of a governmental unit.<sup>1</sup> Severance pay may not exceed 20 weeks' compensation, and must not be granted when the employee has been fired for misconduct.<sup>2</sup>

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<sup>1</sup> Section 215.425, F.S.

<sup>2</sup> Section 215.425(4), F.S.

### ***County Administrator***

Counties are required to employ a county administrator, who acts as the administrative head of the county and is responsible for the administration of all departments of the county government.<sup>3</sup> The county administrator is appointed by a majority of the board of county commissioners, and must reside within the county during their tenure. The board of county commissioners fixes the county administrator's compensation.

### ***School Superintendents***

A school superintendent, the administrative head of a district school board, may be either appointed by the district school board or elected for four-year terms.<sup>4</sup> A district school board must enter into an employment contract with an appointed district school superintendent which provides a reasonable salary not exceeding \$225,000 in total remuneration.<sup>5</sup> These contracts are subject to the provisions of law limiting bonuses and severance pay.<sup>6</sup> An elected superintendent is not an employee, and receives a statutory salary similarly to other elected officials.<sup>7</sup>

### ***Local Government Attorneys and Municipal Chief Executive Officers***

While local governments are not required by law to employ an attorney, and municipalities are not required to employ a chief executive officer,<sup>8</sup> the practice of hiring such personnel is common, such that these roles are referred to by various statutes.<sup>9</sup> These roles may be full time employees, fulfilled through contract work as needed, or divided into several smaller roles, as needed by the local government.

### **Local Government Elections**

General elections are held each November, with a corresponding primary in the preceding August.<sup>10</sup> County commissioners and school board members are elected at general elections in staggered terms,<sup>11</sup> while the governing body of a municipality may be elected on a different schedule if altered by ordinance.<sup>12</sup>

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

The bill amends and creates various statutes to provide that certain local government employee contracts shall not be renewed, extended, or renegotiated within 12 months of an August primary election for members of the applicable governing body. The bill applies this provision to:

- County administrators;
- County attorneys;

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<sup>3</sup> Section 125.73, F.S.

<sup>4</sup> FLA. CONST. Art. IX, s. 5. Districts may decide which system to use, changing from one to the other by referendum.

<sup>5</sup> Section 1001.50(3) and (5), F.S.

<sup>6</sup> Section 1001.50(2), F.S.

<sup>7</sup> Section 1001.47, F.S.

<sup>8</sup> Often referred to as a city or town manager.

<sup>9</sup> See, e.g. ss 193.116 (referring to "the chief executive officer of each municipality"), 194.035 (referring to a school board attorney), and 409.2554 (referring to county and city attorneys), F.S.

<sup>10</sup> Sections 100.031 and 100.061, F.S.

<sup>11</sup> Section 100.041, F.S.

<sup>12</sup> Section 100.3605, F.S.

- Municipal chief executive officers;
- Municipal attorneys;
- School superintendents; and
- School board district attorneys.

The bill takes effect July 1, 2023.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Local government attorneys and municipal chief executive officers are not positions defined by law, and as such the provisions of the bill may apply unevenly among the wide variety of local governments depending on positions employed and duties those positions hold. Additionally, as not all employees have an employment contract, the provisions of the bill may not apply clearly in some situations.

As municipalities are not bound to the typical election schedule including even-year August primaries, and could choose to hold annual elections, some municipalities may be more severely constrained by the bill.

**VIII. Statutes Affected:**

This bill substantially amends sections 125.73, 166.021, 1001.50, and 112.061 of the Florida Statutes.

This bill creates sections 125.75 and 1012.336 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.