

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 Appropriations

BILL: HB 5007

INTRODUCER: House Appropriations Committee and Representative Leek

SUBJECT: Compensation of Elected Officers and Judges

DATE: February 14, 2024

REVISED: 2/15/24

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Urban</u>	<u>Sadberry</u>	<u>AP</u>	Fav/1 amendment

Please see Section IX. for Additional Information:

AMENDMENTS - Amendments were recommended

I. Summary:

HB 5007 conforms current law to the funding decisions related to the compensation of elected officer and judges included in the House 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.¹ 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.² The bill repeals s. 11.13(1), F.S., which establishes the salaries for members of the Senate and the House of Representatives.

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.

¹ Article II, s. 5, Fla. Const.

² See e.g., ch. 2023-240, s. 74, Laws of Florida.

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

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

II. Present 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.³ 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.⁴

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,⁵ Supreme Court Justices, and District Courts of Appeal, Circuit, and County Court Judges.⁶ These salaries may be reduced on a voluntary basis.⁷

Members of the Legislature

In 1985,⁸ 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.⁹

Beginning in 2010,¹⁰ 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.¹¹

³ Article II, s. 5, Fla. Const.

⁴ Article III, s. 12, Fla. Const.

⁵ Section 570.13, F.S., provides that the annual salary of the Commissioner of Agriculture "shall be the amount as provided by law."

⁶ Article V, s. 14(a) of the Florida Constitution provides that "all justices and judges shall be compensated only by state salaries fixed by general law."

⁷ See, e.g., ch. 2023-239, s. 8, Laws of Florida.

⁸ Chapter 85-322, s. 8, Laws of Florida.

⁹ *Id.*

¹⁰ Chapter 2010-153, s. 58, Laws of Florida.

¹¹ See e.g., ch. 2023-240, s. 74, Laws of Florida.

III. Effect of Proposed Changes:

The bill repeals s. 11.13(1), F.S., which establishes the annual salaries for members of the Senate and the House of Representatives.

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:

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

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.

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:

None.

VIII. Statutes Affected:

This bill substantially amends section 11.13 of the Florida Statutes.

This bill creates an undesignated section of law.

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:

Barcode 619680 by Appropriations on February 15, 2024:

This amendment deletes everything and does not insert additional language.