

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 Appropriations Committee on Health and Human Services

BILL: SB 958

INTRODUCER: Senators Martin and Perry

SUBJECT: Local Government Employees

DATE: February 19, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	Favorable
2.	<u>Sneed</u>	<u>McKnight</u>	<u>AHS</u>	Favorable
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 958 raises the statutory base salary rates for tax collectors and district school superintendents by \$5,000. The bill also:

- Allows tax collector employees to be eligible for a lump-sum monetary benefit for adopting a child from the child welfare system;
- Allows county tax collectors to budget for and pay a hiring or retention bonus to employees, if such expenditure is approved by the Department of Revenue or board of county commissioners; and
- Allows district school boards to contract with the county tax collector for a tax collector employee to administer road tests for driver licensure on school grounds at schools within the district.

The bill has a significant negative fiscal impact on state government and may have an insignificant negative fiscal impact on local governments. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2024.

II. Present Situation:

Compensation of County Officials

Article II, s. 5(c), of the Florida Constitution, requires the powers, duties, compensation and method of payment of state and county officers to be determined by general law.¹ Chapter 145, F.S., conveys legislative intent to provide uniform compensation of county officials that have

¹ FLA. CONST. art. II, s. 5(c).

substantially equal duties and responsibilities across different counties.² Chapter 145, F.S., outlines the salary schedules for specified county officials “based on a classification of counties according to each county’s population.”³

The salary schedules for the following county officers are provided in ss. 145.031- 145.11, F.S.: board of county commissioners, clerk of the circuit court, county comptroller, sheriff, supervisor of elections, property appraiser, and tax collector (see below for *Salary Schedules for County Officials*). Each county officer receives a salary of the amount indicated in the schedule, based on the population of the officer’s respective county. Additional compensation is made “for population increments over the minimum for each population group, which shall be determined by multiplying the population in excess of the minimum for the group times the group rate.”⁴

The statutory salary provisions apply to all designated officers in all counties, except those officials whose salaries are not subject to being set by the Legislature due to the provisions of a county home rule charter or are officials of counties that have a chartered consolidated form of government as provided in h. 67-1320, L.O.F., (i.e., Duval County).⁵ The adoption of a charter provides the county’s electors with a mechanism to fundamentally alter the form of county government and the status of constitutional officers.

Salary Computation Methodology and Formula

Computation of a county official’s salary begins by determining the following amounts provided in the statutory salary schedules for county officials, outlined in ss.145.031-145.11, F.S.:

- The relevant population group number for the elected officer, based on the county’s population range;
- The official’s relevant base salary and group rate according to his or her prescribed salary schedule; and
- The difference between the county’s population estimate and the minimum group rate.⁶

After determining these figures, the following computation formula is then used to calculate the county official’s salary:⁷

$$\text{Salary} = [\text{Base Salary} + (\text{Population above Group Minimum} \times \text{Group Rate})] \times \text{Initial Factor} \times \text{Certified Annual Factor} \times \text{Certified Cumulative Annual Factor}$$

Section 145.19(1), F.S., defines the terms “annual factor,” “cumulative annual factor,” and “initial factor,” as follows:

² Section 145.011(3), F.S.

³ Section 145.011(4), F.S.

⁴ Sections 145.031, 145.051, 145.071, 145.09, 145.10 and 145.11, F.S.

⁵ Section 145.011, F.S.

⁶ Office of Economic and Demographic Research, *Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2022-23*, at 4. (Sept. 2022) available at <http://edr.state.fl.us/Content/local-government/reports/finsal22.pdf> (last visited Jan. 14, 2024).

⁷ *Id.*

- *Annual Factor* means 1 plus the lesser of either: 1) the average percentage increase in the salaries of state career service employees for the current fiscal year as determined by the Department of Management Services or as provided in the General Appropriations Act; or 2) 7 percent.
- *Cumulative Annual Factor* means the product of all annual factors certified under this act prior to the fiscal year for which salaries are being calculated.
- *Initial Factor* means a factor of 1.292, which is the product, rounded to the nearest thousandth, of an earlier cost-of-living increase factor authorized by Chapter 73-173, Laws of Florida, and intended by the Legislature to be preserved in adjustments to salaries made prior to the enactment of Chapter 76-80, Laws of Florida, multiplied by the annual increase factor authorized by Chapter 79-327, Laws of Florida.

In 2022, the Office of Economic and Demographic Research provided the following sample computation for the Alachua County Clerk of Circuit Court, Property Appraiser, Supervisor of Elections, and Tax Collector:

Sample Computation of Salary⁸
Officer: Alachua County Clerk of Court, Property Appraiser, Supervisor of Elections, and Tax Collector
2021 Population Estimate: 284,607
Group Number Minimum (IV): 200,000
Corresponding Base Salary (Group IV): \$30,175
Corresponding Group Rate (Group IV): \$0.01575
Initial Factor: 1.292
Certified Annual Factor: 1.0700
Certified Cumulative Annual Factor: 3.6524

$$\text{Salary} = [\$30,175 + [(284,607 - 200,000) \times 0.01575]] \times 1.292 \times 1.0700 \times 3.6524 = \$159,089$$

Salary Schedules for County Officials:⁹

Elected County Constitutional Officers	Population Group Numbers	County Population Range		Base Salary	Group Rate
		Minimum	Maximum		
Clerk of Circuit Court Supervisor of Elections County Comptroller Property Appraiser Tax Collector (ss. 145.051, 145.09, 145.10, and 145.11, F.S.)	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
Sheriff ¹⁰ (s.145.071, F.S)	I	-0-	49,999	\$28,350	\$0.07875
	II	50,000	99,999	\$31,500	\$0.06300

⁸ Office of Economic and Demographic Research, *Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2022-23*, at 4. (Sept. 2022) available at <http://edr.state.fl.us/Content/local-government/reports/finsal22.pdf> (last visited Jan. 14, 2024).

⁹ Sections 145.031(1), 145.051(1), 145.071(1), 145.09(1), 145.10(1) and 145.11(1), F.S.

¹⁰ Sheriff salary base rates were raised by \$5,000 by the Legislature in 2022. See ch. 2022-23, Laws of Fla.

	III	100,000	199,999	\$34,650	\$0.02625
	IV	200,000	399,999	\$37,275	\$0.01575
	V	400,000	999,999	\$40,425	\$0.00525
	VI	1,000,000		\$43,575	\$0.00400

Compensation of Elected District School Superintendents

District school superintendents may be either an elected position or one employed by the district school board.¹¹ Elected district school superintendents are compensated as provided by s. 1004.47, F.S., which mirrors the compensation methodology and base salary rates for county Constitutional officers other than the Sheriff.

Bonuses and Severance Pay Prohibited

Section 215.425, F.S., prohibits state employers from paying extra compensation after a service has been rendered or a contract made unless such compensation is allowed by a law enacted by two-thirds of the members elected to each house of the Legislature.

Florida Law Enforcement Recruitment Bonus Payment Program

In 2022, the Legislature established the Law Enforcement Recruitment Bonus Payment Program, which administers one-time bonus payments of up to \$5,000 to newly employed officers in Florida, subject to legislative appropriation.¹² This program expires on July 1, 2025.

Adoption Benefits

Section 409.1664, F.S., provides a lump-sum monetary benefit to a qualifying adoptive employee,¹³ veteran, or servicemember who adopts a child within Florida’s child welfare system¹⁴ of \$10,000 for adopting a child who meets the definition of difficult-to-place¹⁵ or \$5,000 for adopting a child who does not meet the difficult-to-place definition. A Florida law enforcement officer is eligible for a lump-sum monetary benefit of \$25,000 for adopting from the child welfare system a difficult-to-place child or \$10,000 if the child is not considered difficult-to-place.

Adoption benefits are awarded on a first-come, first-served basis and subject to appropriation.¹⁶ To obtain the adoption benefit, a qualifying adoptive employee must apply to his or her agency head or to his or her school director. A veteran or servicemember must apply directly to the

¹¹ FLA. CONST., art. IX, s. 5.

¹² Section 445.08, F.S.

¹³ “Qualifying adoptive employee” means a full-time or part-time employee of a state agency, a charter school, or the Florida Virtual School, who is not an independent contractor and who adopts a child within the child welfare system pursuant to ch 63, F.S. Section 409.1664(1)(b), F.S.

¹⁴ “Child within the child welfare system” means a difficult-to-place child and any other child who was removed from the child's caregiver due to abuse or neglect and whose permanent custody has been awarded to the department or to a licensed child-placing agency. Section 409.166(2)(c), F.S.

¹⁵ For purposes of the adoption benefit program, a child who has special needs is a child whose permanent custody has been awarded to the Department of Children and Families or to a licensed child-placing agency and who has established significant emotional ties with his or her foster parents or is not likely to be adopted. Section 409.166(2), F.S.

¹⁶ Section 409.1664(2)(c) and (3), F.S.

Department of Children and Families (DCF) to receive the benefit, while a law enforcement officer must apply to the Florida Department of Law Enforcement.¹⁷

Child Welfare System Adoption Benefits (Fiscal Years 2019-2020 through 2022-2023):

Fiscal Year	Child Welfare Adoptions	Number of Awards	Awards as a Percent of Child Welfare Adoptions	Appropriations	Expenditures
2019-20	4,548	275	6%	\$2,750,000	\$2,732,000
2020-21	3,904	263	7%	\$2,750,000	\$2,674,370
2021-22	3,888	323	8%	\$3,233,700	\$3,225,000
2022-23	3,602	412	11%	\$8,377,470	\$4,345,000

The DCF holds an annual open enrollment period to receive applications for the adoption monetary benefit between the first business day in January and the last business day of March. For multiple adoptions, the applicant must submit a separate application for each child. The DCF must review all timely applications and determine who is eligible to receive the benefit. Applications¹⁸ are processed in the order they were received during the open enrollment period.¹⁹

Applicants must include in their application packets a certified copy of the final order of adoption naming the applicant as the adoptive parent. While the Chief Financial Officer of the DCF transfers the funds to award recipients, not every applicant can apply for the adoption monetary benefit directly to the DCF. Current law requires veterans and servicemembers to apply directly to the DCF to receive the benefit; however, state employees must apply to their own agency head, employees at a charter school²⁰ or the Florida Virtual School²¹ must apply to their respective school director, and a law enforcement officer must apply to the Florida Department of Law Enforcement.²²

When the demand for the adoption benefit exceeds the supply of appropriated funds, denied applicants do not have to submit a new application during the next open enrollment period. Instead, the DCF will automatically consider this pool of eligible applicants for future appropriations.²³

Instruction in Motor Vehicle Operation

Each school district is responsible for providing a course of study and instruction in the safe and lawful operation of a motor vehicle that is available to students in secondary schools.²⁴ The

¹⁷ Section 409.1664(3), F.S.

¹⁸ Florida Department of Children and Families, *CF-FSP 5327 Adoption Benefits For State Employees And Other Eligible Applicants*, (Oct. 21, 2022) <https://www.flrules.org/Gateway/reference.asp?No=Ref-14887> (last visited Feb. 7, 2024).

¹⁹ R. 65C-16.021; *see* s. 409.1664(6), F.S.

²⁰ All charter schools in Florida are public schools and part of the state’s program of public education. s. 1002.33(1), F.S.

²¹ The Florida Virtual School provides online and distance learning education. The school is governed by a board of trustees appointed by the Governor, and the board of trustees is a public agency. Current law advises that all employees except temporary, seasonal, and student employees may be classified as state employees for purposes of Florida Retirement System benefits. S. 1002.37, F.S.

²² Ss. 409.1664(3), (7), F.S.

²³ R. 65C-16.021; *see* s. 409.1664(6), F.S.

²⁴ S. 1003.48(1), F.S.

course may use instructional personnel employed by the school district or contract with a commercial driving school or instructor certified under ch. 488, F.S.²⁵ The courses are financed by a \$0.50 annual fee charged to each driver as part of the driver license fee.²⁶

III. Effect of Proposed Changes:

Section 1 amends s. 145.11, F.S., to raise the salary base rates for tax collectors by \$5,000.

Section 4 amends s. 1001.47, F.S., to raise the salary base rates for district school superintendents by \$5,000.

The table below reflects salary adjustments made by the bill:

Elected County Officials	Population Group #	County Population Range		Current Law Base Salary	Base Salary Under Bill
		Minimum	Maximum		
Tax Collectors and District School Superintendents	I	-0-	49,999	\$21,250	\$26,250
	II	50,000	99,999	\$24,400	\$29,400
	III	100,000	199,999	\$27,550	\$32,550
	IV	200,000	399,999	\$30,175	\$35,175
	V	400,000	999,999	\$33,325	\$38,325
	VI	1,000,000		\$36,475	\$41,475

Section 2 amends s. 409.1664, F.S., to add tax collector employees who are domiciled in Florida and who adopt a child within the child welfare system on or after July 1, 2024, as eligible for the lump-sum monetary benefit.

The benefit is \$25,000 for adopting a child who is “difficult-to-place” and \$10,000 for adopting a child who is not “difficult-to-place.” The bill requires a tax collector employee to apply to the Florida Department of Children and Families to obtain the adoption benefit.

Section 3 creates s. 445.09, F.S., to provide that, notwithstanding any other law, a county tax collector may budget for and pay a hiring or retention bonus if such expenditure is approved by the department of Revenue in the respective budgets of the property appraiser and the tax collector.

Section 5 amends s. 1003.48, F.S., to provide that a district school board may contract with the county tax collector for a tax collector employee to administer road tests for driver licensure on school grounds at one or more schools within the district.

Section 6 provides the bill takes effect July 1, 2024.

²⁵ S. 1003.48(2), F.S.

²⁶ S. 1003.48(4), F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. Under the bill salaries for constitutional officers will rise. The mandate requirement does not apply to laws having an insignificant impact,²⁷ which for Fiscal Year 2024-2025 is forecast at approximately \$2.3 million.²⁸

Fiscal impact on local governments from this bill are indeterminate at this time. If costs imposed by through raising the base rate of compensation for certain elected county officials exceed \$2.3 million, the mandates provisions may apply. If the bill does qualify as a mandate, in order to be binding upon counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

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.

²⁷ FLA. CONST. art. VII, s. 18(d).

²⁸ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Jan. 14, 2024).

C. Government Sector Impact:

Tax collectors and district school superintendents will have higher salaries under the bill. While the base rate increases by \$5,000, actual salaries will increase by a larger amount due to calculations involved in setting those salaries. As the effect of base statutory salaries vary per county based on population and chartered status, the cumulative fiscal impact of the bill is indeterminate at this time.

The Department of Children and Families (DCF) submitted a Fiscal Year 2024-2025 budget request²⁹ to include in-state health care practitioners with an active license and an income at or below \$150,000, as well as tax collector employees to the list of individuals eligible for lump-sum monetary adoption benefits of \$25,000 for adopting a difficult-to-place child in the welfare system, or \$10,000 for other children. Although the DCF did not provide a projected cost solely for tax collector employees, the department's legislative budget request estimates an additional need of \$9,822,530 in recurring funds from the General Revenue Fund for the increased costs anticipated with the expanded eligibility.³⁰

The funding in the Senate proposed General Appropriations Bill for Fiscal Year 2024-2025 includes \$2,250,000 in recurring funds from the General Revenue Fund to the DCF to increase lump-sum monetary adoption benefit payments for existing eligible adoptive employees, veterans, and servicemembers to those received by law enforcement officers. This would increase adoption benefit payments for individuals currently eligible under s. 409.1664, F.S., from \$10,000 to \$25,000 for adopting a difficult-to-place child in the child welfare system and from \$5,000 to \$10,000 for a child not considered difficult-to-place. The funding does not contemplate expanding eligibility to tax collector employees.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 145.11, 409.1664, 1001.47, and 1003.48.

This bill creates section 445.09 of the Florida Statutes.

²⁹ The Department of Children and Families Agency Legislative Budget Request for Fiscal Year 2024-2025, Issue 4003200.

³⁰ *Id.*

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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
