

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 505 Tax Collectors

SPONSOR(S): Local Administration, Federal Affairs & Special Districts Subcommittee

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Local Administration, Federal Affairs & Special Districts Subcommittee		Roy	Darden

SUMMARY ANALYSIS

The Florida Constitution, requires the powers, duties, compensation and method of payment of state and county officers to be determined by general law. Current law provides a uniform salary schedule to ensure a fair and equitable payment of officers performing equal duties for the state across different counties. The final salary of county constitutional officers is calculated using a formula that includes a base salary, population adjustment, and variables based on wage growth over time.

Qualifying state employees, veterans, servicemembers, and law enforcement officers are eligible to receive a lump-sum monetary benefit for adopting a child within the child welfare system. This benefit, except for law enforcement officers, provides a payment of \$10,000 for adopting a child classified as difficult to place and \$5,000 for other children. Adoption benefits are awarded on a first-come, first-served basis and subject to appropriation.

Current law prohibits the payment of extra compensation to any public employee in the state for services that have been previously rendered. This provision has been interpreted to include the payment of a bonus to existing employees for services for which they have already performed and been compensated, in the absence of a preexisting employment contract making such bonuses a part of their salary.

The PCS makes the following revisions to current law concerning tax collectors:

- Increases the base salary used in the formula for calculating tax collector salaries by \$5,000;
- Allows tax collector employees to be eligible for a lump-sum monetary benefit for adopting a child on the same terms as qualifying state employees, veterans, and servicemembers;
- Allows tax collectors to budget for and pay a hiring or retention bonus to employees, if the expenditure is approved of by the Department of Revenue or the board of county commissioners; and
- Allows district school boards to contract with the county tax collector to authorize a tax collector employee to administer road test on school grounds.

The bill does not appear to impact state government and may have an insignificant negative fiscal impact on local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Compensation of County Officials

The Florida Constitution requires the powers, duties, compensation and method of payment of state and county officers to be determined by general law.¹

Current law provides a uniform salary schedule to ensure a fair and equitable payment of officers performing equal duties for the state across different counties.² The statutory salary schedule applies to all designated officers in all counties, except those officials whose salaries are set by a county charter or officials in a chartered consolidated form of government.³

The salary schedule classifies counties in six groups based on population.⁴ These groups range from population group I, consisting of counties with less than 50,000 residents, to population group VI, consisting of counties with 1,000,000 or more residents.⁵ The salary rate of the official is calculated by adding the base salary for the county's population group to the product of the county's group rate and the number of residents in excess of the minimum for the population group.⁶ The current rates for all county officers, except the sheriff, are:

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

The 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,⁷ the cumulative annual factor,⁸ and the initial factor.⁹ The annual factor and the cumulative annual factor are certified each year by the Department of Management Services.¹⁰ Each constitutional officer is eligible for an additional \$2,000 per year if that officer meets the certification requirement applicable to the office.¹¹

¹ See art. II, s. 5(c), Fla. Const. (requiring compensation of county officers to be fixed by law), art. III, s. 11(a)(21), Fla. Const. (prohibiting special acts and general laws of local application on any subject when prohibited by a general law passed by a three-fifths vote of the membership of each house), and s. 145.16, F.S. (prohibiting special laws and general laws of local application for county commissioners, county constitutional officers, school superintendents, and school board members).

² S. 145.011(2), F.S.

³ S. 145.012, F.S.

⁴ See ss. 145.011 and 145.11, F.S.

⁵ See s. 145.11(1), F.S.

⁶ See *id.*

⁷ S. 145.19(1)(a), F.S. The "annual factor" is 1 plus the lesser of the average percentage increase in the salaries of state career service employees for the current fiscal year or seven percent.

⁸ S. 145.19(1)(b), F.S. The "cumulative annual factor" is the product of all annual factors prior to the current fiscal year.

⁹ S. 145.19(1)(c), F.S. The "initial factor" is 1.292.

¹⁰ S. 145.19(2), F.S.

¹¹ See s. 145.11(2), F.S. (certification requirements for tax collector established by Dept. of Revenue).

In 2023, 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:¹²

Sample Computation of Salary	
2022 Countywide Population Estimate	287,872
Group Number (IV) Minimum	200,000
Corresponding Base Salary (i.e., Group IV)	\$30,175
Corresponding Group Rate (i.e., Group IV)	0.01575
Initial Factor	1.292
Certified Annual Factor	1.0577
Certified Cumulative Annual Factor	3.9081

$$\text{Salary} = [\$30,175 + [(287,872 - 200,000) \times 0.01575]] \times 1.292 \times 1.0577 \times 3.9081 = \$168,544$$

Adoption Benefits

A qualifying state employee, veteran, or servicemember who adopts a child within the child welfare system is eligible to receive a lump-sum monetary benefit per child: \$10,000 for child who are classified as difficult to place and \$5,000 for other children.¹³ Law enforcement officers are also eligible for this benefit, except the lump-sums received are \$25,000 and \$10,000, respectively.

Adoption benefits are awarded on a first-come, first-served basis and subject to appropriation.¹⁴ To obtain the adoption benefit, a qualifying adoptive employee must apply to his or her agency head or to his or her school director.¹⁵ A veteran or servicemember must apply directly to the Department of Children and Families to receive the benefit, while a law enforcement officer must apply to the Florida Department of Law Enforcement. Applications must be on forms approved by the Department of Children and Families and must include a certified copy of the final order of adoption naming the applicant as the adoptive parent.

Employee Bonuses

Current law generally prohibits the payment of extra compensation to any public employee in the state for services that have been previously rendered.¹⁶ Numerous Florida Attorney General opinions have been issued interpreting this prohibition, including one that found a bonus to existing employees for services for which they have already performed and been compensated, in the absence of a preexisting employment contract making such bonuses a part of their salary violated the prohibition.¹⁷

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 is available to students in secondary schools.¹⁸ The course may use instructional personnel employed by the school district or contract with a commercial driving school or instructor certified under chapter 488.¹⁹ The courses are financed by 50 cent annual fee charged to each driver as part of the driver license fee.²⁰

Effect of Proposed Changes

¹² Office of Economic and Demographic Research, *Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2023-24*, at 3, at <http://edr.state.fl.us/Content/local-government/reports/finsal23.pdf> (last visited Jan. 20, 2024).

¹³ S. 409.1664(2), F.S.

¹⁴ S. 409.1664(2)(c) and (3), F.S.

¹⁵ S. 409.1664(3), F.S.

¹⁶ See s. 215.425(1), F.S. (prohibiting extra compensation and providing a list of exceptions).

¹⁷ Op. Att'y Gen. Fla. 91-51(1991).

¹⁸ S. 1003.48(1), F.S.

¹⁹ S. 1003.48(2), F.S.

²⁰ S. 1003.48(4), F.S.

The PCS increases the base salary for tax collectors in each population group by \$5,000. If this base salary had been in effect during the 2022-23 fiscal year, the total salary of each county tax collector would have increased by approximately \$26,703 relative to current law.

The PCS adds tax collector employees to the list of individuals who may qualify for a lump-sum monetary benefit of \$10,000 for adopting a difficult to place child in the welfare system, or \$5,000 for other children, the same level as currently provided for qualifying state employees, veterans, and servicemembers. The tax collector employee must be domiciled in the state and may only receive the benefit if they adopt the child on or after July 1, 2024. A tax collector employee must apply to the Department of Children and Families to receive the benefit.

The PCS authorizes tax collectors, notwithstanding any other law to the contrary, to budget for and pay a hiring or retention bonus to employees if the expenditure is approved of by the Department of Revenue in the respective tax collector's budget or by the board of county commissioners after the budget is submitted to the Department of Revenue.

Lastly, the PCS allows district school boards to contract with the county tax collector to authorize a tax collector employee to administer road test on school grounds at one or more secondary schools in the district.

B. SECTION DIRECTORY:

- Section 1: Amends s. 145.11, F.S., relating to tax collector salaries.
- Section 2: Amends s. 409.1664, F.S., relating to adoption benefits.
- Section 3: Creates s. 445.09, F.S., relating to bonuses for tax collector employees.
- Section 4: Amends s. 1003.48, F.S., relating to instruction in operation of motor vehicles.
- Section 5: Provides an effective date of July 1, 2024.

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:
The PCS may have an indeterminate negative fiscal impact on counties due to an increase in the base salary rate for tax collectors and to what extent, if any, the county provides bonuses for tax collector employees.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply because this bill increases the salary of tax collectors. However, an exception may apply, as laws having an insignificant fiscal impact are exempt from the requirements of Art. VII, s. 18 of the Florida Constitution.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.