

Briefings



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Florida Legislators Should Take Their Salaries Off Auto-Pilot

Automatic Pay Hike Skirts Accountability

Since 1985, Florida legislators have enjoyed a pay increase almost every year, without ever having to vote on it. The Legislature should restore accountability to the voters and taxpayers by stopping this practice now. Florida's 1968 Constitution authorizes the Legislature - by majority vote - to set its own salary. In 1969, legislators raised their annual compensation from \$1,200 to \$12,000. It remained at that level until 1985, when it was increased to \$18,000.

This 50 percent raise was not unwarranted and probably overdue. However, legislators added a unique provision to state law - one that is an obvious conflict of interest. It assures them an automatic pay increase whenever they approve one for state employees. Florida became the only state in the nation where lawmakers are virtually guaranteed an annual pay raise without ever having to take another vote on their own compensation.

Based on our research and information from the National Conference of State Legislatures, it appears that Florida lawmakers still are the only ones in the country to enjoy what amounts to an automatic pay increase.

The law provides that on July 1 of each year, legislators' salaries are increased by the average percentage increase in the salaries of career service state employees for the past fiscal year. Under this system, the \$18,000 starting in 1986 has now risen to \$29,328, an increase of 63%. The Senate President and House Speaker are paid at a higher rate-their \$25,000 salary in 1986 is now \$40,668.

This has been a longstanding issue for Florida TaxWatch. Our May 1987 report, *Improving the Internal Management of the Florida Legislature*, recommended that the newly enacted law be repealed. There were attempts to do so soon after the law was passed, and one bill even passed the Senate. The auto-pilot feature has not been seriously threatened since.

Effective July 1, 1986, and each July 1 thereafter, the annual salaries of members of the Senate and House of Representatives shall be adjusted by the average percentage increase in the salaries of state career service employees for the fiscal year just concluded. The Appropriations Committee of each house shall certify to the Office of Legislative Services the average percentage increase in the salaries of state career service employees before July 1 of each year. The Office of Legislative Services shall, as of July 1 of each year, determine the adjusted annual salaries as provided herein.

Section 11.13(1)(b), Florida Statutes

During Session, legislators also receive expense allowances to cover meals and lodging. Representatives receive \$3,911 and Senators get \$4,397. They also are reimbursed for one round trip per week from their district to Tallahassee. Outside of session, legislators get \$50 per diem and a \$21 meal allowance when traveling on official business.

Members also receive an intradistrict expense allowance for the payment of office rental, utilities, telephones and other expenses necessary in the operation of their district offices. Representatives receive \$1,683 per month, and Senators receive \$2,229 because of larger districts. The Speaker and President receive an additional \$278.00 per month.

Senators and representatives also have additional budget allotments of \$7,500 and \$8,000, respectively, for expenses such as phone, postage, office supplies, furniture, computer and member and staff travel.

Legislative pay in other states varies considerably. Florida's current salary rate does not appear out of line with the rest of the nation (see table on page 3). Based on 2002 data from NCSL, twenty states and the District of Columbia pay their lawmakers more than Florida, topped by California (\$99,000), D.C. (\$92,500) and New York (\$79,500). By contrast, some states subscribe to, or at least close to, a volunteer legislature. New Mexico lawmakers receive no salary (with some per diem during session), and New Hampshire pays \$200 for a two-year term (with no per diem.)

One positive accountability issue: It should be noted that per diem expenses in Florida are vouchered, while they are not in many states.

Legislative Pay Cut in 2001 was Only Temporary

During the 2001 Special Session C, when the Legislature was meeting to balance the budget in the face of revenue shortfalls, it passed a bill, largely a symbolic move, to rescind the pay raise members received on July 1, 2001. On that date, members received a raise from \$27,900 to \$28,608 (2.5%). When the bill became law in December 2001, the salary went back to \$27,900.

However, because of the effective and expiration dates of the bill, the pay cut was short-lived. The

new law expired on June 30, 2002. So, the next day, July 1, legislators' salaries went back to \$28,608, and they received an annual adjustment (2.5%), bringing the new 2002-03 salary to \$29,328. This is the same level that salaries would have been, even without the pay cut.

Conclusion

Since the law was changed in 1985, Florida lawmakers have received a pay raise almost every year. They have not had to stand up and vote on their salaries. Automatically linking their pay hike to those given to state employees creates a clear conflict of interest and allows them to avoid scrutiny and accountability. **The Legislature should repeal the automatic pay increase law and require that future pay raises must be voted on by the full Legislature in a bill containing no other issue.**

2002 State Legislator Compensation and Living Expense Allowances During Session

State	Salary	Per Diem (Allowance for Daily Expenses)
Alabama	\$10/day (C)	\$2,280/month plus \$50/day for three days during each week that the legislature actually meets during any session (U).
Alaska	\$24,012/year	\$161/day (U) tied to federal rate. Legislators who reside in the Capitol area receive 75% of the federal rate.
Arizona	\$24,000/year	\$35/day for the 1st 120 days of regular session and for special session and \$10/day thereafter. Members residing outside Maricopa County receive an additional \$25/day for the 1st 120 days of reg. session and for special session and an additional \$10/day thereafter (V). Set by statute.
Arkansas	\$12,769/year	\$95/day (V) plus mileage tied to federal rate.
California	\$99,000/year	\$121/day (V) by roll call. Maximum allowable per diem is paid regardless of actual expenses.

Colorado	\$30,000/year	\$45/day for members living in the Denver metro area. \$99/day for members living outside Denver (V). Per diem is determined by the legislature.
Connecticut	\$28,000/year	No per diem is paid.
Delaware	\$33,400/year	No per diem is paid.
Dist. of Columbia	\$92,500/year	No per diem is paid.
Florida	\$27,900/year*	\$99/day (V) tied to federal rate. Earned based on the number of days in session. Travel vouchers are filed to substantiate.
Georgia	\$16,200/year	\$128/day (U) set by the legislature.
Hawaii	\$32,000/year	\$80/day for members living outside Oahu; \$10/day for members living on Oahu (V) set by the legislature.
Idaho	\$15,646/year	\$99/day for members establishing second residence in Boise; \$38/day if no second residence is established and up to \$25/day travel (U) set by Compensation Commission.
Illinois	\$55,788/year	\$85/day (U) tied to federal rate.
Indiana	\$11,600/year	\$112/day (U) tied to federal rate.
Iowa	\$20,758/year	\$86/day (U). \$65/day for Polk County legislators (U) set by the legislature. State mileage rates apply.
Kansas	\$78.75/day (C)	\$85/day (U) tied to federal rate.
Kentucky	\$163.56/day (C)	\$93.50/day (U) tied to federal rate (110% Federal per diem rate).
Louisiana	\$16,800/year	\$116/day (U) tied to federal rate. Additional \$6,000/yr (U) expense allowance.
Maine	\$10,815/year for first session; \$7,725/year for second session.	\$38/day housing or reimbursement for mileage in lieu of housing at the rate of .28/mile up to \$38/day. \$32/day meals (V) set by the legislature.

Maryland	\$31,509/year	Lodging \$96/day; meals \$30/day (V) tied to federal rate and compensation commission.
Massachusetts	\$50,122.80/year	From \$10/day-\$100/day, depending on distance from State House (V) set by legislature.
Michigan	\$77,400/year	\$12,000 yearly expense allowance for session and interim (V) set by compensation commission.
Minnesota	\$31,140/year	Senators receive \$66/day and Representatives received \$56/legislative day (U) set by the legislature.
Mississippi	\$10,000/year	\$85/day (U) tied to federal rate.
Missouri	\$31,561/year	\$72/day (U) tied to federal rate. Verification of per diem is by roll call.
Montana	\$71,832/day (L)	\$58/day (U) plus trip mileage reimbursement.
Nebraska	\$12,000/year	\$85/day outside 50-mile radius from Capitol; \$30/day if member resides within 50 miles of Capitol (V) tied to federal rate.
Nevada	\$130/day maximum of 60 days	Federal rate for Capitol area (V). Legislators who live more than 50 miles from the capitol, if require lodging, will be paid HUD single-room rate for Carson City area for each month.
New Hampshire	\$200/two-year term	No per diem is paid.
New Jersey	\$49,000/year	No per diem is paid.
New Mexico	None	\$145/day (V) tied to federal rate & the constitution.
New York	\$79,500/year	Varies (V) tied to federal rate.
North Carolina	\$13,951/year	\$104/day (U) set by statute.

North Dakota	\$125/day (C)	Lodging reimbursement up to \$650/month (V). \$250/month additional compensation set by statute.
Ohio	\$51,674/year	No per diem is paid.
Oklahoma	\$38,400/year	\$103/day (U) tied to federal rate.
Oregon	\$15,396/year	\$85/day (U) tied to federal rate.
Pennsylvania	\$61,889.71/year	\$124/day (V) tied to federal rate. Can receive actual expenses or per diem.
Rhode Island	\$11,236/year	No per diem is paid.
South Carolina	\$10,400/year	\$95/day for meals and housing, for each statewide session day and cmte meeting (V) tied to federal rate.
South Dakota	\$12,000/two-yr term	\$110/legislative day (U) set by the legislature.
Tennessee	\$16,500/year	\$124/legislative day (U). Session attendance is verified by roll calls submitted by the House and Senate Chief Clerks. Committee attendance is verified by roll calls submitted by each standing committee's office.
Texas	\$7,200/year	\$124/day (U) set by Ethics Commission.
Utah	\$120/day (C)	\$75/day (U) lodging allotment for each calendar day, tied to federal rate. \$42/day (U) per diem for each calendar day.
Vermont	\$536/week during session	\$50/day for lodging and \$37/day for meals for non-commuters; commuters receive \$32/day for meals (U) set by the legislature.
Virginia	\$18,000/year Senate \$17,640/year House	\$115/day (U) tied to federal rate.
Washington	\$32,064/year	\$82/day (U) tied to federal rate (85% Olympia area).

West Virginia	\$15,000/year	\$115/day during session (U) set by compensation commission. \$150/Day for attendance during interim.
Wisconsin	\$44,333/year	\$88/day maximum (U) set by compensation commission (90% of federal rate).
Wyoming	\$125/day (L)	\$80/day (V) set by legislature, includes travel days for those outside Cheyenne.

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