

Calculation of qualifying fees for candidates

Number: AGO 76-146

Date: November 13, 1998

Subject:
Calculation of qualifying fees for candidates

ELECTIONS--CALCULATION OF QUALIFYING FEES FOR CANDIDATES FOR COUNTY OFFICE

To: Bruce A. Smathers, Secretary of State, Tallahassee

Prepared by: Michael M. Parrish, Assistant Attorney General

QUESTIONS:

1. Are the guidelines in AGO 074-177 for calculating the amount of qualifying fees of candidates for county offices in 1974 still applicable for calculation of such fees in 1976?
2. What cost-of-living adjustment, if any, should be used for the purpose of calculating the qualifying fees of candidates for such offices?
3. Should the 20 percent limitation provided by s. 145.18, F. S., be taken into consideration for the purpose of calculating the qualifying fees of candidates for such offices?

SUMMARY:

The "annual salary" for the purpose of computing the filing fee and committee assessment of candidates for offices the salaries of which are established by Ch. 145, F. S., consists of the base salary plus compensation for the population increments over the minimum for each population group, multiplied by a cost-of-living factor of 1.211. The population estimates as of July 1, 1975, should be used for this purpose. This method of computation should be applied to all county offices whose compensation is fixed by Ch. 145, even though a particular officer may not have yet attained the full amount of the maximum salary authorized under Ch. 145 by reason of the 20 percent limitation of s. 145.18(2). The computation should also take into consideration the special qualification salary provided by s. 145.10(2), where applicable.

Due to their interrelationship, your questions will be answered together. It should be noted at the inception that the general principles enunciated in AGO 074-177 continue to be applicable to the calculation of the amount of the qualifying fees of candidates for nomination and election to offices the salaries of which are established by Ch. 145, F. S., as amended by Ch. 76-80, Laws of Florida. However, factual and statutory changes since 1974 require a different procedure for the implementation of such general principles.

The first factual change which affects this matter is that the cost-of-living factor must now be

taken into account in computing the amount of the qualifying fees. Pursuant to s. 145.18(1), F. S. 1975 (repealed effective July 1, 1976, by Ch. 76-80, Laws of Florida), the salaries provided by the several sections of Ch. 145, F. S., have, since October 1, 1974, been adjusted annually by a cost-of-living factor certified by the Department of Administration. Accordingly, the maximum authorized salary for any officer whose compensation is set by Ch. 145 is determined by three elements: The base salary, the compensation for population increments, and the cost-of-living factor. The last factor certified -- which is the factor used to adjust salaries during the current fiscal year -- is 1.211. Inasmuch as application of this factor has the effect of an upwards adjustment of 21.1 percent of the sum of the base salary and the compensation for population increments, it must be taken into account in arriving at "the best measure of the financial possibilities of the office." See AGO's 072-217 and 074-177.

The second factual change which affects this matter is the change in the estimated population of the several counties of the state. Pursuant to s. 23.019, F. S., the Department of Administration annually prepares estimates of the population of each of the counties in this state. The most recent such population estimate -- and the one which will be used for the calculation of salaries under Ch. 145, F. S., for the fiscal year beginning October 1, 1976 -- is the estimate of population as of July 1, 1975, a copy of which is attached hereto as Appendix A. The population figures shown in Appendix A are the ones which should be used for the purposes of calculating the amount of the subject qualifying fees, because they are the population figures which will be used to compute the salaries of officials under Ch. 145 during the greater part of the first year in office of those who are elected in November of 1976.

The statutory change which bears on this matter is Ch. 76-80, Laws of Florida, section 1 of which has the effect of repealing subsection (1) of s. 145.18, F. S., as of July 1, 1976. Section 2 of Ch. 76-80 provides: "This act shall not affect cost-of-living adjustments certified prior to the effective date of this act." Accordingly, while Ch. 76-80 has the effect of disallowing any future fluctuation in the rate of cost-of-living adjustments to salaries established by Ch. 145, F. S., it specifically preserves the adjustments which have been previously certified.

Subsection (2) of s. 145.18, F. S., limits the amount by which salaries established by Ch. 145, F. S., may increase from one year to the next to 20 percent of the previous year's compensation. The effect of this limitation is that the salary payable to an officer whose compensation is set by Ch. 145 may not in any given fiscal year be more than a total of 120 percent of his salary for the preceding fiscal year. See AGO 075-88. However, although the provisions of s. 145.18 may impose limitations on the amount of the salary increases of an officer who has not yet attained the maximum salary authorized by Ch. 145, such provisions do not enter into the calculation of qualifying fees of candidates for election to public office. Accordingly, I am of the view that the amount of the qualifying fees should be calculated on the basis of the maximum salary authorized for that office by Ch. 145, irrespective of whether the incumbent of the office has yet attained such maximum salary level.

It must also be noted that s. 145.10(2), F. S. 1975, provides, with respect to the salaries of property appraisers:

"(2) Special qualification salary shall be an additional \$2,000 per year to each [property appraiser] who has met the requirements of the Department of Revenue and has been

designated a certified Florida [property appraiser]. . . ."

Therefore, in calculating the amount of the filing fee and committee assessment of a candidate for the office of property appraiser, this special qualification salary should be included as part of the estimate of annual salary with respect to all candidates who would be eligible to receive it if successful in their bid for election.

In an effort to simplify the implementation of the foregoing, I am attaching hereto as Appendix B a suggested procedure for calculation of the subject qualifying fees. Also attached as Appendix C is a sample calculation following the procedure set out in Appendix B, which uses as an example the office of member of the board of county commissioners of Alachua County.

Appendix A

Estimates of Population, by County in Florida: July 1, 1975

April 1, 1970 Census Estimate July 1, 1975 Percent Change

Florida.....	6,791,418	8,485,230	24.9
County			
Alachua.....	104,764	130,838	24.9
Baker.....	9,242	12,256	32.6
Bay.....	75,283	91,606	21.7
Bradford.....	14,625	16,265	11.2
Brevard.....	230,006	251,986	9.6
Broward.....	620,100	876,296	41.3
Calhoun.....	7,624	8,328	9.2
Charlotte.....	27,559	42,190	53.1
Citrus.....	19,196	35,252	83.6
Clay.....	32,059	47,706	48.8
Collier.....	38,040	62,734	64.9
Columbia.....	25,250	28,793	14.0
Dade.....	1,267,792	1,437,993	13.4
DeSoto.....	13,060	18,190	39.3
Dixie.....	5,480	6,638	21.1
Duval.....	528,865	578,347	9.4
Escambia.....	205,334	224,893	9.5
Flagler.....	4,454	6,634	48.9
Franklin.....	7,065	7,855	11.2
Gadsden.....	39,184	39,068	.3
Gilchrist.....	3,551	5,052	42.3

Glades.....	3,669	5,148	40.3
Gulf.....	10,096	10,920	8.2
Hamilton.....	7,787	8,641	11.0
Hardee.....	14,889	18,511	24.3
Hendry.....	11,859	15,875	33.9
Hernando.....	17,004	28,546	67.9
Highlands.....	29,507	42,787	45.0
Hillsborough.....	490,265	605,597	23.5
Holmes.....	10,720	12,518	16.8
Indian River.....	35,992	46,254	28.5
Jackson.....	34,434	41,224	19.7
Jefferson.....	8,778	9,442	7.6
Lafayette.....	2,892	3,116	7.7
Lake.....	69,305	86,718	25.1
Lee.....	105,216	156,499	48.7
Leon.....	103,047	133,204	29.3
Levy.....	12,756	15,630	22.5
Liberty.....	3,379	3,925	16.2
Madison.....	13,481	14,423	7.0
Manatee.....	97,115	123,506	27.2
Marion.....	69,030	93,469	35.4
Martin.....	28,035	47,726	70.2
Monroe.....	52,586	55,706	5.9
Nassau.....	20,626	29,149	41.3
Okaloosa.....	88,187	102,017	15.7
Okeechobee.....	11,233	16,950	50.9
Orange.....	344,311	424,556	23.3
Osceola.....	25,267	36,668	45.1
Palm Beach.....	348,993	477,751	36.9
Pasco.....	75,955	130,190	71.4
Pinellas.....	522,329	666,595	27.6
Polk.....	228,515	275,973	20.8
Putnam.....	36,424	43,494	19.4
St. Johns.....	31,035	40,220	29.6
St. Lucie.....	50,836	69,079	35.9
Santa Rosa.....	37,741	46,892	24.2
Sarasota.....	120,413	163,172	35.5
Seminole.....	83,692	136,447	63.0
Sumter.....	14,839	20,589	38.7

Suwannee.....	15,559	18,866	21.3
Taylor.....	13,641	14,553	6.7
Union.....	8,112	10,395	28.1
Volusia.....	169,487	212,417	25.3
Wakulla.....	6,308	8,837	40.1
Walton.....	16,087	18,043	12.2
Washington.....	11,453	14,072	22.9

Appendix B

SUGGESTED PROCEDURES FOR CALCULATION OF QUALIFYING FEES OF CANDIDATES FOR OFFICES THE SALARIES OF WHICH ARE ESTABLISHED BY CHAPTER 145, FLORIDA STATUTES

Step 1: Identify the Base Salary of the office in question for the Population Group of your county.

Step 2: Subtract the *minimum* population for your county's Population Group from the population of your county as shown on the attached estimate of population as of July 1, 1975.

Step 3: Multiply the figure obtained in Step 2 by the Group Rate for your county's Population Group.

Step 4: Add the Base Salary (Step 1) and the product of the computation in Step 3.

Step 5: Multiply the sum obtained in Step 4 by a cost-of-living adjustment factor of 1.211. (Note: In the case of candidates for the office of property appraiser who, if elected, would be eligible for the special qualification salary authorized by s. 145.10(2), F. S., add \$2,000 to the result obtained in Step 5 before proceeding to Step 6.)

Step 6: Multiply the result obtained in Step 5 by three percent (3%) to obtain the amount of the filing fee.

Step 7: Multiply the result obtained in Step 5 by two percent (2%) to obtain the amount of the committee assessment.

Step 8: Add the results obtained in Step 6 and Step 7. The result of this computation is the full amount of the qualifying fees of a candidate for nomination to a particular office in your county.

Appendix C

SAMPLE COMPUTATION OF THE QUALIFYING FEES OF A CANDIDATE FOR THE OFFICE OF MEMBER OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY

Step 1: The July 1, 1975, estimate of population shows Alachua County to have an estimated population of 130,838. This places it in Population Group IV (minimum 100,000 to a maximum of

199,999), which provides for a base salary of \$12,000.

Step 2: Subtraction of the minimum population from the actual population is as follows:

$$\begin{array}{r} 130,838 \text{ (actual population)} \\ -100,000 \text{ (minimum for Population Group IV)} \\ \hline = 30,838 \end{array}$$

Step 3: The applicable Group Rate for Population Group IV is \$0.045, which multiplies the figure obtained in Step 2 as follows:

$$\begin{array}{r} 30,838 \text{ (figure obtained in Step 2)} \\ \times \$ 0.045 \\ \hline = \$1,387.71 \end{array}$$

Step 4: Addition of the Base Salary (Step 1) and the product of Step 3 is as follows:

$$\begin{array}{r} \$12,000.00 \\ + 1,387.71 \\ \hline = \$13,387.71 \end{array}$$

Step 5: Multiplication of the sum obtained in Step 4 by the cost-of-living factor as follows:

$$\begin{array}{r} \$13,387.71 \\ \times 1.211 \\ \hline = \$16,212.52 \end{array}$$

Step 6: Multiplication of the result obtained in Step 5 by 3% is as follows:

$$\begin{array}{r} \$16,212.52 \\ \times .03 \\ \hline = \$ 486.38 \end{array}$$

Step 7: Multiplication of the result obtained in Step 5 by 2% is as follows:

$$\begin{array}{r} \$16,212.52 \\ \times .02 \\ \hline = \$ 324.25 \end{array}$$

Step 8: The addition of the results obtained in Step 6 and Step 7 is as follows:

$$\begin{array}{r} \$486.38 \\ + \$324.25 \\ \hline = \$810.63 \end{array}$$

Note: All computations in the foregoing example have been rounded upward to the next full cent.