

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 322

SPONSOR: Senator Lynn

SUBJECT: District School Board Employee/Legislator

DATE: March 18, 2003

REVISED: 03/19/03

|    | ANALYST                | STAFF DIRECTOR   | REFERENCE | ACTION                  |
|----|------------------------|------------------|-----------|-------------------------|
| 1. | <u>deMarsh-Mathues</u> | <u>O'Farrell</u> | <u>ED</u> | <u>Fav/ 1 amendment</u> |
| 2. | <u></u>                | <u></u>          | <u>GO</u> | <u></u>                 |
| 3. | <u></u>                | <u></u>          | <u>RC</u> | <u></u>                 |
| 4. | <u></u>                | <u></u>          | <u></u>   | <u></u>                 |
| 5. | <u></u>                | <u></u>          | <u></u>   | <u></u>                 |
| 6. | <u></u>                | <u></u>          | <u></u>   | <u></u>                 |

## I. Summary:

The bill requires a district school board employee who is a member of the Legislature to take unpaid administrative leave while on legislative business. The leave must be taken for any period of time away from his or her place of employment due to legislative duties and responsibilities. The bill provides an effective date of upon becoming a law.

This bill creates an undesignated section of law.

## II. Present Situation:

Current law (s. 11.12, F.S.) allows the Treasurer to pay the salary, subsistence, and mileage of the members of the Legislature, as is allowed by law, upon receipt of a warrant of the Comptroller for the stated amount. Compensation for legislative members is established in s. 11.13, F.S. Chapter 67-602, L.O.F., provided for the repeal of all laws or parts of laws (both general and local) which provide a monetary supplement to state legislators from county funds, either as a direct salary supplement or as an expense allowance or as reimbursement for expenses. This provision is codified as s. 11.131, F.S.

Section 1012.66, F.S., provides that all leaves of absence for all district school board employees, except those leaves prescribed by law, must be granted with or without compensation under rules adopted by the district school board. This includes professional leave and extended professional leave, personal leave, military leave granted under chapter 115, F.S., and maternity leave.

An Attorney General opinion noted that personal leave could be granted by a local school board to a teacher to attend a legislative session as a member of the Legislature but the teacher could not be compensated by the board during such leave, and the leave could be granted only in

accord with local school board and state board regulations.<sup>1</sup> According to the Florida School Boards Association, most school board employees take unpaid leave while serving in the Legislature. However, this is subject to the discretion of local school board policy.

### **III. Effect of Proposed Changes:**

**Section 1.** The bill requires a district school board employee who is a member of the Legislature to take unpaid administrative leave while on legislative business. The leave must be taken for any period of time away from his or her place of employment due to legislative duties and responsibilities.

**Section 2.** The bill provides an effective date of upon becoming a law.

### **IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. Other Constitutional Issues:**

It is unknown as to whether administrative leave is considered in the negotiations for the employee's union contract. State and federal constitutional impairment of contract clauses prohibit the passage of laws that impair contractual obligations. Changes to employee leave policies are usually prospective.

### **V. Economic Impact and Fiscal Note:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

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<sup>1</sup> AGO 066-24, March 18, 1966.

**C. Government Sector Impact:**

The bill requires the district school board employee to take unpaid administrative leave and does not contemplate the use of any other type of leave. The extent to which the provisions of the bill will result in any cost savings is unknown.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Education

Limits the provisions of the bill to classroom teachers as defined in s. 1012.01(2)(a), F.S., and to principals. (WITH TITLE AMENDMENT)

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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