

By Representative Maygarden

1                                   A bill to be entitled  
2           An act relating to education; amending s.  
3           231.40, F.S.; limiting the amount of pay  
4           certain employees of district school systems  
5           may receive for unused sick leave upon  
6           termination of employment; amending s. 231.481,  
7           F.S.; limiting the amount of pay certain  
8           employees of district school systems may  
9           receive for unused vacation leave upon  
10          termination of employment; amending s. 240.343,  
11          F.S.; limiting the amount of pay certain  
12          employees of community college districts may  
13          receive for unused sick leave upon termination  
14          of employment; providing an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18           Section 1. Paragraph (a) of subsection (3) of section  
19   231.40, Florida Statutes, is amended to read:

20           231.40 Sick leave.--

21           (3) PROVISIONS GOVERNING SICK LEAVE.--The following  
22   provisions shall govern sick leave:

23           (a) Extent of leave.--

24           1. Each member of the instructional staff employed on  
25   a full-time basis shall be entitled to 4 days of sick leave as  
26   of the first day of employment of each contract year and shall  
27   thereafter earn 1 day of sick leave for each month of  
28   employment, which shall be credited to the member at the end  
29   of that month and which shall not be used prior to the time it  
30   is earned and credited to the member. Each other employee  
31   shall be credited with 4 days of sick leave at the end of the

1 first month of employment of each contract year and shall  
2 thereafter be credited for 1 day of sick leave for each month  
3 of employment, which shall be credited to the employee at the  
4 end of the month and which shall not be used prior to the time  
5 it is earned and credited to the employee. However, each  
6 member of the instructional staff and each other employee  
7 shall be entitled to earn no more than 1 day of sick leave  
8 times the number of months of employment during the year of  
9 employment. If the employee terminates his or her employment  
10 and has not accrued the 4 sick days available to him or her,  
11 the school board may withhold the average daily amount for the  
12 sick days used ~~utilized~~ but unearned by the employee. Such  
13 leave shall be taken only when necessary because of sickness  
14 as herein prescribed. Such sick leave shall be cumulative  
15 from year to year. There shall be no limit on the number of  
16 days of sick leave which a member of the instructional staff  
17 or an educational support employee may accrue, except that at  
18 least one-half of this cumulative leave must be established  
19 within the district granting such leave.

20 2. A school board may establish policies and prescribe  
21 standards to permit an employee to be absent 6 days each  
22 school year for personal reasons. However, such absences for  
23 personal reasons shall be charged only to accrued sick leave,  
24 and leave for personal reasons shall be noncumulative.

25 3. District school boards are authorized to adopt  
26 rules permitting the annual payment for accumulated sick leave  
27 that is earned for that year and that is unused at the end of  
28 the school year, based on the daily rate of pay of the  
29 employee multiplied by up to 80 percent. Days for which such  
30 payment is received shall be deducted from the accumulated  
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1 leave balance. Such annual payment may apply only to  
2 instructional staff and educational support employees.

3 4. A school board may establish policies to provide  
4 terminal pay for accumulated sick leave to instructional staff  
5 and educational support employees of the district school  
6 board. If termination of employment is by death of the  
7 employee, any terminal pay to which the employee may have been  
8 entitled may be made to his or her beneficiary. However, such  
9 terminal pay shall not exceed an amount determined as follows:

10 a. During the first 3 years of service, the daily rate  
11 of pay multiplied by 35 percent times the number of days of  
12 accumulated sick leave.

13 b. During the next 3 years of service, the daily rate  
14 of pay multiplied by 40 percent times the number of days of  
15 accumulated sick leave.

16 c. During the next 3 years of service, the daily rate  
17 of pay multiplied by 45 percent times the number of days of  
18 accumulated sick leave.

19 d. During the next 3 years of service, the daily rate  
20 of pay multiplied by 50 percent times the number of days of  
21 accumulated sick leave.

22 e. During and after the 13th year of service, the  
23 daily rate of pay multiplied by 100 percent times the number  
24 of days of accumulated sick leave.

25 5. A school board may establish policies to provide  
26 terminal pay for accumulated sick leave to any full-time  
27 employee of the district school board other than instructional  
28 staff or educational support employees as defined in this  
29 section. If termination of the employee is by death of the  
30 employee, any terminal pay to which the employee may have been  
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1 entitled may be made to the employee's beneficiary. ~~However,~~  
2 ~~for such employees hired on or after July 1, 1995,~~

3 a. Terminal pay shall not exceed ~~an amount determined~~  
4 ~~as follows:~~

5 ~~a.~~ one-fourth of all unused sick leave accumulated on  
6 or after July 1, 1997, and may 1995; ~~however, terminal pay~~  
7 ~~allowable for such accumulated sick leave shall not exceed a~~  
8 maximum of 60 days of actual payment. This limit shall not  
9 impair any contractual agreement established before July 1,  
10 1997; however, a previously established contract renewed on or  
11 after July 1, 1997, shall be considered a new contract.

12 b. For unused sick leave accumulated before ~~prior to~~  
13 July 1, 1997 ~~1995~~, terminal payment shall be made pursuant to  
14 a district school board's policies that ~~which~~ are in effect on  
15 July 1, 1997 ~~1995~~.

16 Section 2. Section 231.481, Florida Statutes, is  
17 amended to read:

18 231.481 Terminal pay for accrued vacation leave.--A  
19 district school board may establish policies to provide for a  
20 lump-sum payment for accrued vacation leave to an employee of  
21 the school board upon termination of employment or upon  
22 retirement, or to the employee's beneficiary if service is  
23 terminated by death. Effective July 1, 1997 ~~1995~~, terminal pay  
24 for accrued vacation leave may not exceed a maximum of 60 days  
25 of actual payment ~~for employees hired on or after that date.~~  
26 This limit shall not impair any contractual agreement  
27 established before July 1, 1997. For unused vacation leave  
28 accumulated before July 1, 1997, terminal payment shall be  
29 made pursuant to the district school board's policies that are  
30 in effect on July 1, 1997.

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1           Section 3. Paragraph (e) of subsection (2) of section  
2 240.343, Florida Statutes, is amended to read:

3           240.343 Sick leave.--Each community college district  
4 board of trustees shall adopt rules whereby any full-time  
5 employee who is unable to perform his or her duties at the  
6 college on account of personal sickness, accident disability,  
7 or extended personal illness, or because of illness or death  
8 of the employee's father, mother, brother, sister, husband,  
9 wife, child, or other close relative or member of the  
10 employee's own household, and who consequently has to be  
11 absent from work shall be granted leave of absence for  
12 sickness by the president or by the president's designated  
13 representative. The following provisions shall govern sick  
14 leave:

15           (2) EXTENT OF LEAVE WITH COMPENSATION.--

16           (e) A board of trustees may establish rules or  
17 policies to provide terminal pay for accumulated sick leave to  
18 any full-time employee of a community college other than  
19 instructional staff or educational support employees as  
20 defined in this section. If termination of employment is by  
21 death of the employee, any terminal pay to which the employee  
22 may have been entitled may be made to the employee's  
23 beneficiary. ~~However, for such employees hired on or after~~  
24 ~~July 1, 1995,~~

25           1. Terminal pay shall not exceed ~~an amount determined~~  
26 ~~as follows:~~

27           ~~1.~~ one-fourth of all unused sick leave accumulated on  
28 or after July 1, 1997, and may 1995; ~~however, terminal pay~~  
29 ~~allowable for such accumulated sick leave shall not exceed a~~  
30 maximum of 60 days of actual payment.

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1           2. For unused sick leave accumulated before ~~prior to~~  
2 July 1, 1997 ~~1995~~, terminal payment shall be made pursuant to  
3 the ~~a~~ board of trustees' policies that ~~which~~ are in effect on  
4 July 1, 1997 ~~1995~~.

5           Section 4. This act shall take effect July 1, 1997.

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SENATE SUMMARY

Provides that limits on payment for unused sick or vacation leave upon termination of an employee of a district school system, or for unused sick leave upon termination of an employee of a community college district, will apply to all employees, regardless of the date of their hiring, with respect to leave earned after July 1, 1997, except that the limits may not impair preexisting contractual obligations.