

By Senator McKay

26-371-00

1 A bill to be entitled
2 An act relating to education; amending s.
3 231.40, F.S.; providing for payment into pretax
4 annuities for accumulated sick leave to certain
5 employees of district school systems; limiting
6 the amount of pay certain employees of district
7 school systems may receive for unused sick
8 leave upon termination of employment; providing
9 conditions on the use of sick leave; amending
10 s. 231.481, F.S.; limiting the amount of pay
11 certain employees of district school systems
12 may earn for unused vacation leave upon
13 termination of employment; prohibiting the
14 consideration of unused vacation leave for
15 retirement purposes; amending s. 240.343, F.S.;
16 providing for community college district boards
17 of trustees to adopt rules allowing payment for
18 unused sick leave into pretax retirement
19 accounts; limiting the amount of pay certain
20 employees of community college districts may
21 receive for unused sick leave upon termination
22 of employment; providing conditions on the use
23 of sick leave; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Paragraph (a) of subsection (3) of section
28 231.40, Florida Statutes, is amended to read:

29 231.40 Sick leave.--

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

1 (a) Extent of leave.--

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

29 2. A school board may establish policies and prescribe
30 standards to permit an employee to be absent 6 days each
31 school year for personal reasons. However, such absences for

1 personal reasons shall be charged only to accrued sick leave,
2 and leave for personal reasons shall be noncumulative.

3 3. District school boards are authorized to adopt
4 rules permitting the annual payment for accumulated sick leave
5 that is earned for that year and that is unused at the end of
6 the school year, based on the daily rate of pay of the
7 employee multiplied by up to 80 percent. Days for which such
8 payment is received shall be deducted from the accumulated
9 leave balance. However, for any full-time employee of the
10 district school board other than instructional staff or an
11 educational support employee as defined in this section, in
12 lieu of such authorized cash payment, that same amount may be
13 contributed annually by the employer, upon request by the
14 employee, to an approved pretax retirement account in the name
15 of the employee, pursuant to rules of the school board and in
16 compliance with federal tax laws and regulations.~~Such annual~~
17 ~~payment may apply only to instructional staff and educational~~
18 ~~support employees.~~

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

26 a. During the first 3 years of service, the daily rate
27 of pay multiplied by 35 percent times the number of days of
28 accumulated sick leave.

29 b. During the next 3 years of service, the daily rate
30 of pay multiplied by 40 percent times the number of days of
31 accumulated sick leave.

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

4 d. During the next 3 years of service, the daily rate
5 of pay multiplied by 50 percent times the number of days of
6 accumulated sick leave.

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

10 5. A school board may establish policies to provide
11 terminal pay for accumulated sick leave to any full-time
12 employee of the district school board other than instructional
13 staff or educational support employees as defined in this
14 section. If termination of the employee is by death of the
15 employee, any terminal pay to which the employee may have been
16 entitled may be made to the employee's beneficiary.

17 ~~a. However, for such employees hired on or after July~~
18 ~~1, 1995, Terminal pay shall not exceed an amount determined as~~
19 ~~follows:~~

20 ~~a. one-fourth of all unused sick leave accumulated on~~
21 ~~or after July 1, 2000, and may 1995; however, terminal pay~~
22 ~~allowable for such accumulated sick leave shall not exceed a~~
23 ~~maximum of 60 days of actual payment, in addition to the total~~
24 ~~amount of any disbursements that have been made at the end of~~
25 ~~each year pursuant to subparagraph 3. This limit does not~~
26 ~~impair any contractual agreement established before July 1,~~
27 ~~2000; however, a previously established contract renewed on or~~
28 ~~after July 1, 2000, shall be considered a new contract.~~

29 b. For unused sick leave accumulated before ~~prior to~~
30 July 1, 2000 ~~1995~~, terminal payment shall be made pursuant to
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1 a district school board's policies, contracts, or rules that
2 ~~which~~ are in effect on June 30, 2000 ~~July 1, 1995~~.

3 c. Employees must use all sick leave earned before
4 July 1, 2000, before using sick leave earned on or after July
5 1, 2000.

6 d. If an employee has an accumulated sick leave
7 balance of 60 days or more prior to July 1, 2000, sick leave
8 earned after that date may not be accumulated for terminal pay
9 purposes until the accumulated leave balance for leave earned
10 before July 1, 2000, is less than 60 days.

11 Section 2. Section 231.481, Florida Statutes, is
12 amended to read:

13 231.481 Terminal pay for accrued vacation leave.--A
14 district school board may establish policies to provide for a
15 lump-sum payment for accrued vacation leave to an employee of
16 the school board upon termination of employment or upon
17 retirement, or to the employee's beneficiary if service is
18 terminated by death. Effective July 1, 2000 ~~1995~~, terminal pay
19 for accrued vacation leave may not exceed a maximum of 60 days
20 of actual payment ~~for employees hired on or after that date.~~
21 This limit does not impair any contractual agreement
22 established before July 1, 2000. For unused vacation leave
23 accumulated before July 1, 2000, terminal payment shall be
24 made pursuant to the district school board's policies,
25 contracts, or rules that are in effect on June 30, 2000. The
26 payments made for accumulated annual leave under this section
27 may not be considered under any state-administered retirement
28 system as salary payments and may not be used in determining
29 the average final compensation of an employee under a
30 state-administered retirement system.

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

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

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

17 (e) For full-time employees other than instructional
18 staff or educational support employees, the board of trustees
19 may, by rule, authorize accumulated sick leave that is earned
20 during the year and is unused at the end of that year to be
21 paid into an approved pretax retirement account. The amount
22 paid annually into a pretax retirement account may not exceed
23 an amount equal to 80 percent of the accumulated sick leave
24 multiplied by the employee's daily rate of pay for the time
25 the sick leave was accumulated. Such payments must be made
26 pursuant to the rules of the board of trustees and must comply
27 with federal tax law. An employee eligible under such rules
28 has the option to participate provided the amount of sick
29 leave for which payment is made into a pretax retirement
30 account shall be deducted from the employee's accumulated
31 unused sick leave balance.~~A board of trustees may establish~~

1 ~~rules or policies to provide terminal pay for accumulated sick~~
2 ~~leave to any full-time employee of a community college other~~
3 ~~than instructional staff or educational support employees as~~
4 ~~defined in this section. If termination of employment is by~~
5 ~~death of the employee, any terminal pay to which the employee~~
6 ~~may have been entitled may be made to the employee's~~
7 ~~beneficiary. However, for such employees hired on or after~~
8 ~~July 1, 1995, terminal pay shall not exceed an amount~~
9 ~~determined as follows:~~

10 1. ~~One-fourth of all unused sick leave accumulated on~~
11 ~~or after July 1, 1995; however, terminal pay allowable for~~
12 ~~such accumulated sick leave shall not exceed a maximum of 60~~
13 ~~days of actual payment.~~

14 2. ~~For unused sick leave accumulated prior to July 1,~~
15 ~~1995, terminal payment shall be made pursuant to a board of~~
16 ~~trustees' policies which are in effect on July 1, 1995.~~

17 (f) The board of trustees may, by rule, provide for
18 terminal pay for accumulated unused sick leave to be paid to
19 any full-time employee of a community college, other than
20 instructional staff or educational support employees. If
21 termination of employment is by death of the employee, any
22 terminal pay to which the employee may have been entitled
23 shall be made to the employee's beneficiary.

24 1. For unused sick leave accumulated before July 1,
25 2000, terminal payment shall be made pursuant to rules or
26 policies of the board of trustees which are in effect on June
27 30, 2000.

28 2. For unused sick leave accumulated on or after July
29 1, 2000, terminal payment may not exceed an amount equal to
30 one-fourth of the employee's unused sick leave or 60 days of
31 the employee's pay, whichever amount is less.

1 3. If the employee has an accumulated sick leave
2 balance of 60 days or more on June 30, 2000, sick leave earned
3 after that date may not be accumulated for terminal pay
4 purposes until the accumulated leave balance as of June 30,
5 2000, falls below 60 days.

6 4. The employee must use all sick leave earned before
7 July 1, 2000, before using sick leave earned on or after that
8 date.

9 Section 4. This act shall take effect July 1, 2000.

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12 SENATE SUMMARY

13 Provides that, for district school board employees other
14 than instructional staff or educational support
15 employees, payment for unused sick leave may be paid into
16 an approved pretax annuity; authorizes community college
17 boards to provide by rule for similar payments for their
18 employees other than instructional or educational support
19 employees. Imposes limits on terminal pay for unused
20 sick or vacation leave for specified employees of school
21 districts and for unused sick leave for specified
22 employees of community college districts. Provides
23 conditions for the use of sick leave earned after July 1,
24 2000. Prohibits the consideration of unused annual leave
25 in determining compensation for retirement purposes.
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