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Bill No. SB 1162, 1st Eng.

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Diaz-Balart offered the following:

**Amendment (with title amendment)**

On page 1, between lines 17 and 18, of the bill

insert:

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

231.40 Sick leave.--

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

(a) Extent of leave.--

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

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

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

26         3. District school boards may adopt rules permitting  
27 the annual payment for accumulated sick leave that is earned  
28 for that year and that is unused at the end of the school  
29 year, based on the daily rate of pay of the employee  
30 multiplied by up to 80 percent. Days for which such payment  
31 is received shall be deducted from the accumulated leave

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1 balance. Such annual payment may apply only to instructional  
2 staff and educational support employees.

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

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

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

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

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

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

26 5. A district school board may establish policies to  
27 provide terminal pay for accumulated sick leave to any  
28 full-time employee of the district school board other than  
29 instructional staff or educational support employees as  
30 defined in this section. If termination of the employee is by  
31 death of the employee, any terminal pay to which the employee

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1 may have been entitled may be made to the employee's  
2 beneficiary. ~~However, for such employees hired on or after~~  
3 ~~July 1, 1995,~~

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

6 ~~a.~~ one-fourth of all unused sick leave accumulated on  
7 or after July 1, 2001, and may 1995; ~~however, terminal pay~~  
8 ~~allowable for such accumulated sick leave shall not exceed a~~  
9 maximum of 60 days of actual payment. This limit does not  
10 impair any contractual agreement established before July 1,  
11 2001; however, a previously established contract renewed on or  
12 after July 1, 2001, constitutes a new contract.

13 b. For unused sick leave accumulated before ~~prior to~~  
14 July 1, 2001 ~~1995~~, terminal payment shall be made pursuant to  
15 a district school board's policies, contracts, or rules that  
16 ~~which~~ are in effect on June 30, 2001 ~~July 1, 1995~~.

17 c. If an employee has an accumulated sick leave  
18 balance of 60 days of actual payment or more prior to July 1,  
19 2001, sick leave earned after that date may not be accumulated  
20 for terminal-pay purposes until the accumulated leave balance  
21 for leave earned before July 1, 2001, is less than 60 days.

24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 On page 80, lines 11 and 12,  
27 remove from the title of the bill: all of said lines

28  
29 and insert in lieu thereof:

30 An act relating to education; amending s.  
31 231.40, F.S.; limiting the amount of pay

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certain employees of district school systems  
may receive for unused sick leave upon  
termination of employment; providing conditions  
on the use of sick leave; amending s. 231.621,  
F.S.;