

By Representative Diaz-Balart

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; providing conditions
7 on the use of sick leave; amending s. 231.481,
8 F.S.; limiting the amount of pay certain
9 employees of district school systems may earn
10 for unused vacation leave upon termination of
11 employment; amending s. 240.343, F.S.; limiting
12 the amount of pay certain employees of
13 community college districts may receive for
14 unused sick leave upon termination of
15 employment; providing conditions on the use of
16 sick leave; providing for payment to the
17 employee's beneficiary under specified
18 conditions; providing an effective date.

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

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22 Section 1. Paragraph (a) of subsection (3) of section
23 231.40, Florida Statutes, is amended to read:

24 231.40 Sick leave.--

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

27 (a) Extent of leave.--

28 1. Each member of the instructional staff employed on
29 a full-time basis is ~~shall be~~ entitled to 4 days of sick leave
30 as of the first day of employment of each contract year and
31 shall thereafter earn 1 day of sick leave for each month of

1 employment, which shall be credited to the member at the end
2 of that month and which may ~~shall~~ not be used before ~~prior to~~
3 ~~the time~~ it is earned and credited to the member. Each other
4 employee shall be credited with 4 days of sick leave at the
5 end of the first month of employment of each contract year and
6 shall thereafter be credited for 1 day of sick leave for each
7 month of employment, which shall be credited to the employee
8 at the end of the month and which may ~~shall~~ not be used before
9 ~~prior to the time~~ it is earned and credited to the employee.
10 However, each member of the instructional staff and each other
11 employee is ~~shall be~~ entitled to earn no more than 1 day of
12 sick leave times the number of months of employment during the
13 year of employment. If the employee terminates his or her
14 employment and has not accrued the 4 ~~sick~~ days of sick leave
15 available to him or her, the district school board may
16 withhold the average daily amount for the days of sick leave
17 used ~~days utilized~~ but unearned by the employee. Such leave
18 may ~~shall~~ be taken only when necessary because of sickness as
19 herein prescribed in this section. The sick leave shall be
20 cumulative from year to year. There shall be no limit on the
21 number of days of sick leave which a member of the
22 instructional staff or an educational support employee may
23 accrue, except that at least one-half of this cumulative leave
24 must be established within the district granting such leave.
25 2. A district school board may establish policies and
26 prescribe standards to permit an employee to be absent 6 days
27 each school year for personal reasons. However, such absences
28 for personal reasons must ~~shall~~ be charged only to accrued
29 sick leave, and leave for personal reasons is ~~shall be~~
30 noncumulative.
31

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

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

17 a. During the first 3 years of service, the daily rate
18 of pay multiplied by 35 percent times the number of days of
19 accumulated sick leave.

20 b. During the next 3 years of service, the daily rate
21 of pay multiplied by 40 percent times the number of days of
22 accumulated sick leave.

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

26 d. During the next 3 years of service, the daily rate
27 of pay multiplied by 50 percent times the number of days of
28 accumulated sick leave.

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

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

10 a. Terminal pay may ~~shall~~ not exceed ~~an amount~~
11 ~~determined as follows:~~

12 ~~a.~~ one-fourth of all unused sick leave accumulated on
13 or after July 1, 2001, and may 1995; however, terminal pay
14 allowable for such accumulated sick leave shall not exceed a
15 maximum of 60 days of actual payment. This limit does not
16 impair any contractual agreement established before July 1,
17 2001; however, a previously established contract renewed on or
18 after July 1, 2001, constitutes a new contract.

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

23 c. If an employee has an accumulated sick leave
24 balance of 60 days or more prior to July 1, 2001, sick leave
25 earned after that date may not be accumulated for terminal-pay
26 purposes until the accumulated leave balance for leave earned
27 before July 1, 2001, is less than 60 days.

28 Section 2. Section 231.481, Florida Statutes, is
29 amended to read:

30 231.481 Terminal pay for accrued vacation leave.--A
31 district school board may establish policies to provide for a

1 lump-sum payment for accrued vacation leave to an employee of
2 the district school board upon termination of employment or
3 upon retirement, or to the employee's beneficiary if service
4 is terminated by death. Effective July 1, 2001 ~~1995~~, terminal
5 pay for accrued vacation leave may not exceed a maximum of 60
6 days of actual payment ~~for employees hired on or after that~~
7 date. This limit does not impair any contractual agreement
8 established before July 1, 2001. For unused vacation leave
9 accumulated before July 1, 2001, terminal payment shall be
10 made pursuant to the district school board's policies,
11 contracts, or rules that are in effect on June 30, 2001.

12 Section 3. Paragraph (e) of subsection (2) of section
13 240.343, Florida Statutes, is amended to read:

14 240.343 Sick leave.--Each community college district
15 board of trustees shall adopt rules whereby any full-time
16 employee who is unable to perform his or her duties at the
17 college on account of personal sickness, accident disability,
18 or extended personal illness, or because of illness or death
19 of the employee's father, mother, brother, sister, husband,
20 wife, child, or other close relative or member of the
21 employee's own household, and who consequently has to be
22 absent from work shall be granted leave of absence for
23 sickness by the president or by the president's designated
24 representative. The following provisions shall govern sick
25 leave:

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

27 (e) A board of trustees may, by rule, ~~establish rules~~
28 ~~or policies to provide for~~ terminal pay for accumulated unused
29 sick leave to be paid to any full-time employee of a community
30 college other than instructional staff or educational support
31 employees ~~as defined in this section.~~ If termination of

1 employment is by death of the employee, any terminal pay to
2 which the employee may have been entitled shall ~~may~~ be made to
3 the employee's beneficiary.

4 1. For unused sick leave accumulated before July 1,
5 2001, terminal pay shall be made pursuant to rules or policies
6 of the board of trustees which are in effect on June 30, 2001.

7 2. For unused sick leave accumulated on or after July
8 1, 2001, terminal payment may not exceed an amount equal to
9 one-fourth of the employee's unused sick leave or 60 days of
10 the employee's pay, whichever amount is less.

11 3. If the employee has an accumulated sick leave
12 balance of 60 days or more on June 30, 2001, sick leave earned
13 after that date may not be accumulated for terminal-pay
14 purposes until the accumulated leave balance as of June 30,
15 2001, is less than 60 days.~~However, for such employees hired~~
16 ~~on or after July 1, 1995, terminal pay shall not exceed an~~
17 ~~amount determined as follows:~~

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

22 ~~2. For unused sick leave accumulated prior to July 1,~~
23 ~~1995, terminal payment shall be made pursuant to a board of~~
24 ~~trustees' policies which are in effect on July 1, 1995.~~

25 Section 4. This act shall take effect July 1, 2001.

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SENATE SUMMARY

Limits the amount of pay that specified school employees may receive for unused sick leave upon termination of employment. Prescribes conditions for the use of sick leave. Limits the amount of pay that such employees may receive for unused vacation leave upon termination of employment. Limits the amount of pay specified employees of community colleges may receive for unused sick leave upon termination of employment. Provides conditions for use of the sick leave.