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2 An act relating to education; providing an
3 appropriation to the University of Miami-RSMAS
4 Integrated Marine Research and Educational
5 Program; amending s. 231.40, F.S.; limiting the
6 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; providing
10 for use of employees' sick leave by their
11 family members who also are district employees;
12 providing for use of donated sick leave and
13 restrictions; providing an effective date.
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15 Be It Enacted by the Legislature of the State of Florida:
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17 Section 1. There is hereby appropriated from the
18 General Revenue Fund to the University of Miami-RSMAS
19 Integrated Marine Research and Educational Program for fiscal
20 year 2001-2002 a sum of \$200,000.

21 Section 2. Paragraph (a) of subsection (3) of section
22 231.40, Florida Statutes, is amended, and paragraph (e) is
23 added to said subsection 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.

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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 of actual payment or more prior to July 1,
25 2001, sick leave earned after that date may not be accumulated
26 for terminal pay purposes until the accumulated leave balance
27 for leave earned before July 1, 2001, is less than 60 days.

28 (e) Use by family member.--Each district school system
29 must provide a policy under which a district employee may
30 authorize his or her spouse, child, parent, or sibling who is
31 also a district employee to use sick leave that has accrued to

1 the authorizing employee. In developing the policy, the
2 district school board must provide that the recipient may not
3 use the donated sick leave until all of his or her sick leave
4 has been depleted, excluding sick leave from a sick leave
5 pool, if the recipient participates in a sick leave pool.
6 Donated sick leave under this paragraph shall have no terminal
7 value as provided in s. 231.40(3).

8 Section 3. This act shall take effect July 1, 2001.

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