

By Senator Wasserman Schultz

34-806-03

See HB 87

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A bill to be entitled  
An act relating to public school personnel;  
amending s. 1012.61, F.S.; authorizing annual  
payment for accumulated sick leave to any  
full-time employee of the district school  
board; revising provisions relating to terminal  
pay for accumulated sick leave to certain  
full-time employees of the district school  
board; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section  
1012.61, Florida Statutes, is amended to read:

1012.61 Sick leave.--

(2) 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 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 not be used before 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 shall thereafter  
be credited for 1 day of sick leave for each month of  
employment, which shall be credited to the employee at the end  
of the month and which may not be used before it is earned and  
credited to the employee. However, each member of the

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

15           2. A district school board may establish policies and  
16 prescribe standards to permit an employee to be absent 6 days  
17 each school year for personal reasons. However, such absences  
18 for personal reasons must be charged only to accrued sick  
19 leave, and leave for personal reasons is noncumulative.

20           3. District school boards may adopt rules permitting  
21 the annual payment for accumulated sick leave that is earned  
22 for that year and that is unused at the end of the school  
23 year, based on the daily rate of pay of the employee  
24 multiplied by up to 80 percent. Days for which such payment is  
25 received shall be deducted from the accumulated leave balance.  
26 Such annual payment may apply ~~only~~ to any full-time employee  
27 of the district school board ~~instructional staff and~~  
28 ~~educational support employees.~~

29           4. A district school board may establish policies to  
30 provide terminal pay for accumulated sick leave to any  
31 full-time employee ~~instructional staff and educational support~~

1 ~~employees~~ of the district school board. If termination of  
2 employment is by death of the employee, any terminal pay to  
3 which the employee may have been entitled may be made to his  
4 or her beneficiary. However, such terminal pay may not exceed  
5 an amount determined as follows:

6       a. During the first 3 years of service, the daily rate  
7 of pay multiplied by 35 percent times the number of days of  
8 accumulated sick leave.

9       b. During the next 3 years of service, the daily rate  
10 of pay multiplied by 40 percent times the number of days of  
11 accumulated sick leave.

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

15       d. During the next 3 years of service, the daily rate  
16 of pay multiplied by 50 percent times the number of days of  
17 accumulated sick leave.

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

21       ~~5. A district school board may establish policies to~~  
22 ~~provide terminal pay for accumulated sick leave to any~~  
23 ~~full-time employee of the district school board other than~~  
24 ~~instructional staff or educational support employees as~~  
25 ~~defined in this section. If termination of the employee is by~~  
26 ~~death of the employee, any terminal pay to which the employee~~  
27 ~~may have been entitled may be made to the employee's~~  
28 ~~beneficiary.~~

29       ~~a. Terminal pay may not exceed one-fourth of all~~  
30 ~~unused sick leave accumulated on or after July 1, 2001, and~~  
31 ~~may not exceed a maximum of 60 days of actual payment. This~~

1 ~~limit does not impair any contractual agreement established~~  
2 ~~before July 1, 2001; however, a previously established~~  
3 ~~contract renewed on or after July 1, 2001, constitutes a new~~  
4 ~~contract.~~

5       ~~b. For unused sick leave accumulated before July 1,~~  
6 ~~2001, terminal payment shall be made pursuant to a district~~  
7 ~~school board's policies, contracts, or rules that are in~~  
8 ~~effect on June 30, 2001.~~

9       ~~c. If an employee has an accumulated sick leave~~  
10 ~~balance of 60 days of actual payment or more prior to July 1,~~  
11 ~~2001, sick leave earned after that date may not be accumulated~~  
12 ~~for terminal pay purposes until the accumulated leave balance~~  
13 ~~for leave earned before July 1, 2001, is less than 60 days.~~

14       Section 2. This act shall take effect July 1, 2003.

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