

By Senator Crist

12-1668-03

See HB 247

1 A bill to be entitled
2 An act relating to public school personnel;
3 amending s. 1012.61, F.S.; deleting a
4 restriction that permits annual payment for
5 accumulated sick leave only to instructional
6 staff and educational support employees;
7 deleting restrictions regarding terminal pay
8 for accumulated sick leave to employees other
9 than instructional staff or educational support
10 employees; providing an effective date.

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

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14 Section 1. Paragraph (a) of subsection (2) of section
15 1012.61, Florida Statutes, is amended to read:

16 1012.61 Sick leave.--

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

19 (a) Extent of leave.--

20 1. Each member of the instructional staff employed on
21 a full-time basis is entitled to 4 days of sick leave as of
22 the first day of employment of each contract year and shall
23 thereafter earn 1 day of sick leave for each month of
24 employment, which shall be credited to the member at the end
25 of that month and which may not be used before it is earned
26 and credited to the member. Each other employee shall be
27 credited with 4 days of sick leave at the end of the first
28 month of employment of each contract year and shall thereafter
29 be credited for 1 day of sick leave for each month of
30 employment, which shall be credited to the employee at the end
31 of the month and which may not be used before it is earned and

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

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

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

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