



HB 0247

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A bill to be entitled
 An act relating to public school personnel; amending s. 1012.61, F.S.; deleting restriction that permits annual payment for accumulated sick leave only to instructional staff and educational support employees; deleting restrictions regarding terminal pay for accumulated sick leave to employees other than instructional staff or educational support employees; 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



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31 the employee. However, each member of the instructional staff
32 and each other employee is entitled to earn no more than 1 day
33 of sick leave times the number of months of employment during
34 the year of employment. If the employee terminates his or her
35 employment and has not accrued the 4 days of sick leave
36 available to him or her, the district school board may withhold
37 the average daily amount for the days of sick leave used but
38 unearned by the employee. Such leave may be taken only when
39 necessary because of sickness as prescribed in this section. The
40 sick leave shall be cumulative from year to year. There shall be
41 no limit on the number of days of sick leave which a member of
42 the instructional staff or an educational support employee may
43 accrue, except that at least one-half of this cumulative leave
44 must be established within the district granting such leave.

45 2. A district school board may establish policies and
46 prescribe standards to permit an employee to be absent 6 days
47 each school year for personal reasons. However, such absences
48 for personal reasons must be charged only to accrued sick leave,
49 and leave for personal reasons is noncumulative.

50 3. District school boards may adopt rules permitting the
51 annual payment for accumulated sick leave that is earned for
52 that year and that is unused at the end of the school year,
53 based on the daily rate of pay of the employee multiplied by up
54 to 80 percent. Days for which such payment is received shall be
55 deducted from the accumulated leave balance. ~~Such annual payment~~
56 ~~may apply only to instructional staff and educational support~~
57 ~~employees.~~

58 4. A district school board may establish policies to
59 provide terminal pay for accumulated sick leave to instructional
60 staff and educational support employees of the district school



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61 board. If termination of employment is by death of the employee,
62 any terminal pay to which the employee may have been entitled
63 may be made to his or her beneficiary. However, such terminal
64 pay may not exceed an amount determined as follows:

65 a. During the first 3 years of service, the daily rate of
66 pay multiplied by 35 percent times the number of days of
67 accumulated sick leave.

68 b. During the next 3 years of service, the daily rate of
69 pay multiplied by 40 percent times the number of days of
70 accumulated sick leave.

71 c. During the next 3 years of service, the daily rate of
72 pay multiplied by 45 percent times the number of days of
73 accumulated sick leave.

74 d. During the next 3 years of service, the daily rate of
75 pay multiplied by 50 percent times the number of days of
76 accumulated sick leave.

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

80 5. A district school board may establish policies to
81 provide terminal pay for accumulated sick leave to any full-time
82 employee of the district school board other than instructional
83 staff or educational support employees as defined in this
84 section. If termination of the employee is by death of the
85 employee, any terminal pay to which the employee may have been
86 entitled may be made to the employee's beneficiary.

87 ~~a. Terminal pay may not exceed one-fourth of all unused~~
88 ~~sick leave accumulated on or after July 1, 2001, and may not~~
89 ~~exceed a maximum of 60 days of actual payment. This limit does~~
90 ~~not impair any contractual agreement established before July 1,~~



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91 ~~2001; however, a previously established contract renewed on or~~
 92 ~~after July 1, 2001, constitutes a new contract.~~

93 ~~b. For unused sick leave accumulated before July 1, 2001,~~
 94 ~~terminal payment shall be made pursuant to a district school~~
 95 ~~board's policies, contracts, or rules that are in effect on June~~
 96 ~~30, 2001.~~

97 ~~e. If an employee has an accumulated sick leave balance of~~
 98 ~~60 days of actual payment or more prior to July 1, 2001, sick~~
 99 ~~leave earned after that date may not be accumulated for terminal~~
 100 ~~pay purposes until the accumulated leave balance for leave~~
 101 ~~earned before July 1, 2001, is less than 60 days.~~

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