



HB 0247

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CHAMBER ACTION

The Committee on Education K-20 recommends the following:

Committee Substitute

Remove the entire bill and insert:

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; revising 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.*--



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28 | 1. Each member of the instructional staff employed on a
29 | full-time basis is entitled to 4 days of sick leave as of the
30 | first day of employment of each contract year and shall
31 | thereafter earn 1 day of sick leave for each month of
32 | employment, which shall be credited to the member at the end of
33 | that month and which may not be used before it is earned and
34 | credited to the member. Each other employee shall be credited
35 | with 4 days of sick leave at the end of the first month of
36 | employment of each contract year and shall thereafter be
37 | credited for 1 day of sick leave for each month of employment,
38 | which shall be credited to the employee at the end of the month
39 | and which may not be used before it is earned and credited to
40 | the employee. However, each member of the instructional staff
41 | and each other employee is entitled to earn no more than 1 day
42 | of sick leave times the number of months of employment during
43 | the year of employment. If the employee terminates his or her
44 | employment and has not accrued the 4 days of sick leave
45 | available to him or her, the district school board may withhold
46 | the average daily amount for the days of sick leave used but
47 | unearned by the employee. Such leave may be taken only when
48 | necessary because of sickness as prescribed in this section. The
49 | sick leave shall be cumulative from year to year. There shall be
50 | no limit on the number of days of sick leave which a member of
51 | the instructional staff or an educational support employee may
52 | accrue, except that at least one-half of this cumulative leave
53 | must be established within the district granting such leave.

54 | 2. A district school board may establish policies and
55 | prescribe standards to permit an employee to be absent 6 days



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56 each school year for personal reasons. However, such absences
57 for personal reasons must be charged only to accrued sick leave,
58 and leave for personal reasons is noncumulative.

59 3. District school boards may adopt rules permitting the
60 annual payment for accumulated sick leave that is earned for
61 that year and that is unused at the end of the school year,
62 based on the daily rate of pay of the employee multiplied by up
63 to 80 percent. Days for which such payment is received shall be
64 deducted from the accumulated leave balance. ~~Such annual payment~~
65 ~~may apply only to instructional staff and educational support~~
66 ~~employees.~~

67 4. A district school board may establish policies to
68 provide terminal pay for accumulated sick leave to instructional
69 staff and educational support employees of the district school
70 board. If termination of employment is by death of the employee,
71 any terminal pay to which the employee may have been entitled
72 may be made to his or her beneficiary. However, such terminal
73 pay may not exceed an amount determined as follows:

74 a. During the first 3 years of service, the daily rate of
75 pay multiplied by 35 percent times the number of days of
76 accumulated sick leave.

77 b. During the next 3 years of service, the daily rate of
78 pay multiplied by 40 percent times the number of days of
79 accumulated sick leave.

80 c. During the next 3 years of service, the daily rate of
81 pay multiplied by 45 percent times the number of days of
82 accumulated sick leave.



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83 d. During the next 3 years of service, the daily rate of
84 pay multiplied by 50 percent times the number of days of
85 accumulated sick leave.

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

89 5. A district school board may establish policies to
90 provide terminal pay for accumulated sick leave to any full-time
91 employee of the district school board other than instructional
92 staff or educational support employees as defined in this
93 section. If termination of the employee is by death of the
94 employee, any terminal pay to which the employee may have been
95 entitled may be made to the employee's beneficiary. For terminal
96 pay purposes, sick leave accrued after June 30, 2003, shall be
97 compensated at no more than the daily rate of pay applicable at
98 the time the sick leave was earned.

99 ~~a. Terminal pay may not exceed one-fourth of all unused~~
100 ~~sick leave accumulated on or after July 1, 2001, and may not~~
101 ~~exceed a maximum of 60 days of actual payment. This limit does~~
102 ~~not impair any contractual agreement established before July 1,~~
103 ~~2001; however, a previously established contract renewed on or~~
104 ~~after July 1, 2001, constitutes a new contract.~~

105 ~~b. For unused sick leave accumulated before July 1, 2001,~~
106 ~~terminal payment shall be made pursuant to a district school~~
107 ~~board's policies, contracts, or rules that are in effect on June~~
108 ~~30, 2001.~~

109 ~~e. If an employee has an accumulated sick leave balance of~~
110 ~~60 days of actual payment or more prior to July 1, 2001, sick~~



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111 ~~leave earned after that date may not be accumulated for terminal~~
112 ~~pay purposes until the accumulated leave balance for leave~~
113 ~~earned before July 1, 2001, is less than 60 days.~~

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