



HB 0087

2003

1 A bill to be entitled

2 An act relating to public school personnel; amending s.
3 1012.61, F.S.; authorizing annual payment for accumulated
4 sick leave to any full-time employee of the district
5 school board; revising provisions relating to terminal pay
6 for accumulated sick leave to certain full-time employees
7 of the district school board; providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Paragraph (a) of subsection (2) of section
12 1012.61, Florida Statutes, is amended to read:

13 1012.61 Sick leave.--

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

16 (a) *Extent of leave.*--

17 1. Each member of the instructional staff employed on a
18 full-time basis is entitled to 4 days of sick leave as of the
19 first day of employment of each contract year and shall
20 thereafter earn 1 day of sick leave for each month of
21 employment, which shall be credited to the member at the end of
22 that month and which may not be used before it is earned and
23 credited to the member. Each other employee shall be credited
24 with 4 days of sick leave at the end of the first month of
25 employment of each contract year and shall thereafter be
26 credited for 1 day of sick leave for each month of employment,
27 which shall be credited to the employee at the end of the month
28 and which may not be used before it is earned and credited to
29 the employee. However, each member of the instructional staff
30 and each other employee is entitled to earn no more than 1 day



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

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

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

56 4. A district school board may establish policies to
 57 provide terminal pay for accumulated sick leave to any full-time
 58 employee instructional staff and educational support employees
 59 of the district school board. If termination of employment is by
 60 death of the employee, any terminal pay to which the employee



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61 may have been entitled may be made to his or her beneficiary.

62 However, such terminal pay may not exceed an amount determined
63 as follows:

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

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

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

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

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

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

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



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90 ~~2001; however, a previously established contract renewed on or~~
91 ~~after July 1, 2001, constitutes a new contract.~~

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

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

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