



HB 0061A

2003

1 A bill to be entitled

2 An act relating to public school employment; amending s.
3 1012.61, F.S.; revising provisions relating to annual
4 payment for sick leave for school district personnel;
5 providing for construction of the act in pari materia with
6 laws enacted during the 2003 Regular Session of the
7 Legislature; 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 instructional staff and educational support~~
55 ~~employees.~~

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



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61 may be made to his or her beneficiary. However, such terminal
62 pay may not exceed an amount determined as follows:

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

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

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

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

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

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

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



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

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

100 Section 2. If any law amended by this act was also amended
 101 by a law enacted at the 2003 Regular Session of the Legislature,
 102 such laws shall be construed as if they had been enacted at the
 103 same session of the Legislature, and full effect shall be given
 104 to each if possible.

105 Section 3. This act shall take effect July 1, 2003.