

By Senator Clary

4-357-04

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A bill to be entitled  
An act relating to employees of public schools;  
amending s. 1012.61, F.S.; deleting a  
restriction on who may receive annual payments  
for accumulated sick leave; revising  
restrictions on the amount of payment which an  
employee may receive for accumulated sick leave  
when his or her employment terminates;  
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 the employee. However, each member of the

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

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

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

28         4. A district school board may establish policies to  
29 provide terminal pay for accumulated sick leave to  
30 instructional staff and educational support employees of the  
31 district school board. If termination of employment is by

1 death of the employee, any terminal pay to which the employee  
2 may have been entitled may be made to his or her beneficiary.  
3 However, such terminal pay may not exceed an amount determined  
4 as follows:

5 a. During the first 3 years of service, the daily rate  
6 of pay multiplied by 35 percent times the number of days of  
7 accumulated sick leave.

8 b. During the next 3 years of service, the daily rate  
9 of pay multiplied by 40 percent times the number of days of  
10 accumulated sick leave.

11 c. During the next 3 years of service, the daily rate  
12 of pay multiplied by 45 percent times the number of days of  
13 accumulated sick leave.

14 d. During the next 3 years of service, the daily rate  
15 of pay multiplied by 50 percent times the number of days of  
16 accumulated sick leave.

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

20 5. A district school board may establish policies to  
21 provide terminal pay for accumulated sick leave to any  
22 full-time employee of the district school board other than  
23 instructional staff or educational support employees ~~as~~  
24 ~~defined in this section~~. If termination of the employee is by  
25 death of the employee, any terminal pay to which the employee  
26 may have been entitled may be made to the employee's  
27 beneficiary. For purposes of computing the amount of terminal  
28 pay for accumulated sick leave, sick leave accrued after June  
29 30, 2004, shall be compensated at no more than the daily rate  
30 of pay applicable at the time the sick leave was earned.

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1 a. ~~Terminal pay may not exceed one-fourth of all~~  
2 ~~unused sick leave accumulated on or after July 1, 2001, and~~  
3 ~~may not exceed a maximum of 60 days of actual payment. This~~  
4 ~~limit does not impair any contractual agreement established~~  
5 ~~before July 1, 2001; however, a previously established~~  
6 ~~contract renewed on or after July 1, 2001, constitutes a new~~  
7 ~~contract.~~

8 b. ~~For unused sick leave accumulated before July 1,~~  
9 ~~2001, terminal payment shall be made pursuant to a district~~  
10 ~~school board's policies, contracts, or rules that are in~~  
11 ~~effect on June 30, 2001.~~

12 c. ~~If an employee has an accumulated sick leave~~  
13 ~~balance of 60 days of actual payment or more prior to July 1,~~  
14 ~~2001, sick leave earned after that date may not be accumulated~~  
15 ~~for terminal pay purposes until the accumulated leave balance~~  
16 ~~for leave earned before July 1, 2001, is less than 60 days.~~

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18 As used in this section, the term "educational support  
19 employee" means any person employed by a district school board  
20 as a teacher assistant; an education paraprofessional; a  
21 member of the transportation, operations, maintenance, or food  
22 service department; a secretary; or a clerical employee.

23 Section 2. This act shall take effect July 1, 2004.

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26 SENATE SUMMARY

27 Deletes a restriction on which employees of public  
28 schools may receive annual payments for their accumulated  
29 sick leave. Revises restrictions on the amount of payment  
30 which an employee of a public school may receive for  
31 accumulated sick leave when his or her employment  
terminates.