

CHAMBER ACTION

1 The Committee on State Administration recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to employees of public schools; amending  
7 s. 1012.61, F.S.; deleting a restriction on who may  
8 receive annual payment for accumulated sick leave;  
9 revising restrictions regarding terminal pay for  
10 accumulated sick leave to certain employees; providing an  
11 effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Paragraph (a) of subsection (2) of section  
16 1012.61, Florida Statutes, is amended to read:

17 1012.61 Sick leave.--

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

20 (a) Extent of leave.--

21 1. Each member of the instructional staff employed on a  
22 full-time basis is entitled to 4 days of sick leave as of the  
23 first day of employment of each contract year and shall

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

48 2. A district school board may establish policies and  
49 prescribe standards to permit an employee to be absent 6 days  
50 each school year for personal reasons. However, such absences

51 for personal reasons must be charged only to accrued sick leave,  
52 and leave for personal reasons is noncumulative.

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

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

68 a. During the first 3 years of service, the daily rate of  
69 pay multiplied by 35 percent times the number of days of  
70 accumulated sick leave.

71 b. During the next 3 years of service, the daily rate of  
72 pay multiplied by 40 percent times the number of days of  
73 accumulated sick leave.

74 c. During the next 3 years of service, the daily rate of  
75 pay multiplied by 45 percent times the number of days of  
76 accumulated sick leave.

77 d. During the next 3 years of service, the daily rate of  
78 pay multiplied by 50 percent times the number of days of  
79 accumulated sick leave.

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

83 5. A district school board may establish policies to  
84 provide terminal pay for accumulated sick leave to any full-time  
85 employee of the district school board other than instructional  
86 staff or educational support employees ~~as defined in this~~  
87 ~~section~~. If termination of the employee is by death of the  
88 employee, any terminal pay to which the employee may have been  
89 entitled may be made to the employee's beneficiary. For terminal  
90 pay purposes, sick leave accrued after June 30, 2004, shall be  
91 compensated at no more than the salary applicable at the time  
92 the sick leave was earned. Sick leave used during a year shall  
93 be deducted from the most recent leave accrued.

94 ~~a. Terminal pay may not exceed one-fourth of all unused~~  
95 ~~sick leave accumulated on or after July 1, 2001, and may not~~  
96 ~~exceed a maximum of 60 days of actual payment. This limit does~~  
97 ~~not impair any contractual agreement established before July 1,~~  
98 ~~2001; however, a previously established contract renewed on or~~  
99 ~~after July 1, 2001, constitutes a new contract.~~

100 ~~b. For unused sick leave accumulated before July 1, 2001,~~  
101 ~~terminal payment shall be made pursuant to a district school~~  
102 ~~board's policies, contracts, or rules that are in effect on June~~  
103 ~~30, 2001.~~

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104 ~~e. If an employee has an accumulated sick leave balance of~~  
105 ~~60 days of actual payment or more prior to July 1, 2001, sick~~  
106 ~~leave earned after that date may not be accumulated for terminal~~  
107 ~~pay purposes until the accumulated leave balance for leave~~  
108 ~~earned before July 1, 2001, is less than 60 days.~~

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