

CS/HB 1053

2022

1 A bill to be entitled
2 An act relating to parental leave; amending s.
3 110.121, F.S.; requiring, rather than authorizing,
4 certain departments or agencies of the state to adopt
5 rules to establish a plan for a sick leave pool;
6 providing that eligible employees may use a sick leave
7 pool for parental leave; providing for priority of
8 application in case of conflict; defining the term
9 "parental leave"; providing requirements for parental
10 leave; providing the amount of parental leave
11 authorized; providing that parental leave runs
12 concurrently with the Family Medical Leave Act; making
13 technical and conforming changes; providing an
14 effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Section 110.121, Florida Statutes, is amended
19 to read:

20 110.121 Sick leave pool.—

21 (1) Each department or agency of the state which has
22 authority to adopt rules governing the accumulation and use of
23 sick leave for employees and which maintains accurate and
24 reliable records showing the amount of sick leave which has been
25 accumulated and is unused by employees must ~~may~~, in accordance

26 | with guidelines ~~which shall be~~ established by the Department of
 27 | Management Services, adopt rules for the establishment of a plan
 28 | allowing participating employees to pool sick leave and allowing
 29 | any sick leave thus pooled to be used by any participating
 30 | employee who has used all of the sick leave that has been
 31 | personally accrued by him or her. Although not limited to the
 32 | following, such rules shall provide:

33 | (a)~~(1)~~ That employees are ~~shall be~~ eligible for
 34 | participation in the sick leave pool after 1 year of employment
 35 | with the state or agency of the state; provided that such
 36 | employee has accrued a minimum amount of unused sick leave,
 37 | which minimum shall be established by rule.

38 | (b)~~(2)~~ That participation in the sick leave pool must
 39 | ~~shall~~, at all times, be voluntary on the part of the employees.

40 | (c)~~(3)~~ That any sick leave pooled must ~~shall~~ be removed
 41 | from the personally accumulated sick leave balance of the
 42 | employee contributing such leave.

43 | (d)~~(4)~~ That any sick leave in the pool which leave is used
 44 | by a participating employee may ~~shall~~ be used only for the
 45 | employee's personal illness, accident, or injury or for parental
 46 | leave.

47 | (e)~~(5)~~ That a participating employee may ~~shall~~ not be
 48 | ~~eligible to~~ use sick leave accumulated in the pool until all of
 49 | his or her personally accrued sick, annual, and compensatory
 50 | leave has been used.

51 ~~(f)(6)~~ Except as provided in paragraph (2) (b), the A
52 maximum number of days of sick leave in the pool which any one
53 employee may use.

54 ~~(g)(7)~~ That a participating employee who uses sick leave
55 from the pool is ~~shall~~ not be required to recontribute such sick
56 leave to the pool, except as otherwise provided in this section.

57 ~~(h)(8)~~ That an employee who cancels his or her membership
58 in the sick leave pool may ~~shall~~ not be ~~eligible to~~ withdraw the
59 days of sick leave contributed by that employee to the pool.

60 ~~(i)(9)~~ That an employee who transfers from one position in
61 state government to another position in state government may
62 transfer from one pool to another if the eligibility criteria of
63 the pools are comparable or the administrators of the pools have
64 agreed on a formula for transfer of credits.

65 ~~(j)(10)~~ That alleged abuse of the use of the sick leave
66 pool must ~~shall~~ be investigated, and, on a finding of
67 wrongdoing, the employee must ~~shall~~ repay all of the sick leave
68 credits drawn from the sick leave pool and is ~~shall be~~ subject
69 to such other disciplinary action as is determined by the agency
70 head.

71 ~~(k)(11)~~ That sick leave credits may be drawn from the sick
72 leave pool by a part-time employee on a pro rata basis.

73 (2) The sick leave pool may be used by eligible employees
74 for parental leave. In the event that any other provision of law
75 or the model rule established by the Department of Management

76 Services under s. 110.1522 conflicts with this section, the
77 provisions of this section shall prevail, but only to the extent
78 of the conflict.

79 (a) As used in this section, the term "parental leave"
80 means leave for the father or mother of a child who is born to
81 or adopted by that parent.

82 (b) An employee may take up to 4 consecutive weeks of
83 parental leave with full pay.

84 (c) An employee is eligible for parental leave only within
85 the first 12 weeks after the birth or adoption of a child.

86 (d) Parental leave taken under this section runs
87 concurrently with the Family Medical Leave Act.

88 Section 2. This act shall take effect upon becoming a law.