

By Senator Rodriguez

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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 requirements for use of leave
12 after exhaustion of maximum parental leave hours;
13 providing that parental leave runs concurrently with
14 the Family Medical Leave Act; making technical and
15 conforming changes; providing an effective date.

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

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

21 110.121 Sick leave pool.—

22 (1) Each department or agency of the state which has
23 authority to adopt rules governing the accumulation and use of
24 sick leave for employees and which maintains accurate and
25 reliable records showing the amount of sick leave that ~~which~~ has
26 been accumulated and is unused by employees shall ~~may~~, in
27 accordance with guidelines ~~which shall be~~ established by the
28 Department of Management Services, adopt rules for the
29 establishment of a plan allowing participating employees to pool

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30 sick leave and allowing any sick leave thus pooled to be used as
31 authorized in this section by a any participating employee ~~who~~
32 ~~has used all of the sick leave that has been personally accrued~~
33 ~~by him or her~~. Although not limited to the following, such rules
34 must specify the maximum number of days of sick leave in the
35 pool which any one employee may use and shall provide that:

36 (a) (1) That Employees are ~~shall be~~ eligible for
37 participation in the sick leave pool after 1 year of employment
38 with the state or agency of the state, + provided that such
39 employee has accrued the required a minimum amount of unused
40 sick leave, as ~~which minimum shall be~~ established by department
41 rule.

42 (b) (2) That Participation in the sick leave pool must
43 ~~shall~~, at all times, be voluntary on the part of the employees.

44 (c) (3) That Any sick leave pooled must ~~shall~~ be removed
45 from the personally accumulated sick leave balance of the
46 employee contributing such leave.

47 (d) (4) That Any sick leave in the pool which leave is used
48 by a participating employee may ~~shall~~ be used only for the
49 employee's personal illness, accident, or injury or for parental
50 leave.

51 (e) (5) Except as provided in subsection (2), That a
52 participating employee may ~~shall not be eligible to~~ use sick
53 leave accumulated in the pool until all of his or her personally
54 accrued sick, annual, and compensatory leave has been used.

55 ~~(6) A maximum number of days of sick leave in the pool~~
56 ~~which any one employee may use.~~

57 (f) (7) That A participating employee who uses sick leave
58 from the pool is ~~shall not be~~ required to recontribute such sick

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59 leave to the pool, except as otherwise provided in this section.

60 (g) ~~(8) That~~ An employee who cancels his or her membership
61 in the sick leave pool may ~~shall not be eligible to~~ withdraw the
62 days of sick leave contributed by that employee to the pool.

63 (h) ~~(9) That~~ An employee who transfers from one position in
64 state government to another position in state government may
65 transfer from one pool to another if the eligibility criteria of
66 the pools are comparable or the administrators of the pools have
67 agreed on a formula for transfer of credits.

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

74 (j) ~~(11) That~~ Sick leave credits may be drawn from the sick
75 leave pool by a part-time employee on a pro rata basis.

76 (2) The sick leave pool may be used by eligible employees
77 for parental leave. In the event that any other provision of law
78 or the model rule established by the Department of Management
79 Services under s. 110.1522 conflicts with this section, this
80 section must prevail, but only to the extent of the conflict.

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

84 (b) An employee may use the sick leave pool for parental
85 leave without having exhausted his or her personally accrued
86 sick, annual, or compensatory leave.

87 (c) An employee using the sick leave pool for parental

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88 leave does not accrue his or her personal sick, annual, or
89 compensatory leave while on parental leave, except as provided
90 in s. 110.221(3).

91 (d) An employee may take up to 4 consecutive weeks of
92 parental leave with full pay.

93 (e) An employee is eligible for parental leave only within
94 the first 12 weeks after the birth or adoption of a child.

95 (f) After the expiration of the 4 weeks of parental leave
96 authorized under paragraph (d), any additional parental leave
97 that an employee takes is treated as any other sick, annual, or
98 compensatory leave.

99 (g) Parental leave taken under this section runs
100 concurrently with the Family Medical Leave Act.

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