

Senate Bill No. 708

An act relating to education; amending s. 231.40, F.S.; limiting the amount of pay certain employees of district school systems may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; amending s. 231.481, F.S.; limiting the amount of pay certain employees of district school systems may earn for unused vacation leave upon termination of employment; amending s. 240.343, F.S.; limiting the amount of pay certain employees of community college districts may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; providing for payment to the employee's beneficiary under specified conditions; providing an effective date.

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

Section 1. Paragraph (a) of subsection (3) of section 231.40, Florida Statutes, is amended to read:

231.40 Sick leave.—

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

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

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

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

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

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

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

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

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

5. A district school board may establish policies to provide terminal pay for accumulated sick leave to any full-time employee of the district school board other than instructional staff or educational support employees as defined in this section. If termination of the employee is by death of the employee, any terminal pay to which the employee may have been entitled may be made to the employee's beneficiary. ~~However, for such employees hired on or after July 1, 1995,~~

a. Terminal pay ~~may shall~~ not exceed ~~an amount determined as follows:~~

a. ~~one-fourth of all unused sick leave accumulated on or after July 1, 2001, and may 1995; however, terminal pay allowable for such accumulated sick leave shall~~ not exceed a maximum of 60 days of actual payment. This limit does not impair any contractual agreement established before July 1, 2001; however, a previously established contract renewed on or after July 1, 2001, constitutes a new contract.

b. For unused sick leave accumulated ~~before~~ prior to July 1, 2001 1995, terminal payment shall be made pursuant to a district school board's policies, contracts, or rules that ~~which~~ are in effect on June 30, 2001 July 1, 1995.

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

Section 2. Section 231.481, Florida Statutes, is amended to read:

231.481 Terminal pay for accrued vacation leave.—A district school board may establish policies to provide for a lump-sum payment for accrued vacation leave to an employee of the district school board upon termination of employment or upon retirement, or to the employee's beneficiary if service is terminated by death. Effective July 1, 2001 1995, terminal pay for accrued vacation leave may not exceed a maximum of 60 days of actual payment ~~for employees hired on or after that date. This limit does not impair any contractual agreement established before July 1, 2001. For unused vacation leave accumulated before July 1, 2001, terminal payment shall be made pursuant to the district school board's policies, contracts, or rules that are in effect on June 30, 2001.~~

Section 3. Paragraph (e) of subsection (2) of section 240.343, Florida Statutes, is amended to read:

240.343 Sick leave.—Each community college district board of trustees shall adopt rules whereby any full-time employee who is unable to perform his or her duties at the college on account of personal sickness, accident disability, or extended personal illness, or because of illness or death of the employee's father, mother, brother, sister, husband, wife, child, or other close relative or member of the employee's own household, and who consequently has to be absent from work shall be granted leave of absence for sickness by the president or by the president's designated representative. The following provisions shall govern sick leave:

(2) EXTENT OF LEAVE WITH COMPENSATION.—

(e) A board of trustees may, by rule, establish rules or policies to provide for terminal pay for accumulated unused sick leave to be paid to any full-time employee of a community college other than instructional staff or educational support employees as defined in this section. If termination of employment is by death of the employee, any terminal pay to which the employee may have been entitled ~~shall~~ may be made to the employee's beneficiary.

1. For unused sick leave accumulated before July 1, 2001, terminal pay shall be made pursuant to rules or policies of the board of trustees which are in effect on June 30, 2001.

2. For unused sick leave accumulated on or after July 1, 2001, terminal payment may not exceed an amount equal to one-fourth of the employee's

unused sick leave or 60 days of the employee's pay, whichever amount is less.

3. If the employee has an accumulated sick leave balance of 60 days or more on June 30, 2001, sick leave earned after that date may not be accumulated for terminal-pay purposes until the accumulated leave balance as of June 30, 2001, is less than 60 days. However, for such employees hired on or after July 1, 1995, terminal pay shall not exceed an amount determined as follows:

1. ~~One-fourth of all unused sick leave accumulated on or after July 1, 1995; however, terminal pay allowable for such accumulated sick leave shall not exceed a maximum of 60 days of actual payment.~~

2. ~~For unused sick leave accumulated prior to July 1, 1995, terminal payment shall be made pursuant to a board of trustees' policies which are in effect on July 1, 1995.~~

Section 4. This act shall take effect July 1, 2001.

Approved by the Governor May 31, 2001.

Filed in Office Secretary of State May 31, 2001.