

Senate Bill No. 638

An act relating to education; providing an appropriation to the University of Miami-RSMAS Integrated Marine Research and Educational Program; 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; providing for use of employees' sick leave by their family members who also are district employees; providing for use of donated sick leave and restrictions; providing an effective date.

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

Section 1. There is hereby appropriated from the General Revenue Fund to the University of Miami-RSMAS Integrated Marine Research and Educational Program for fiscal year 2001-2002 a sum of \$200,000.

Section 2. Paragraph (a) of subsection (3) of section 231.40, Florida Statutes, is amended, and paragraph (e) is added to said subsection 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 of actual payment 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.

(e) Use by family member.—Each district school system must provide a policy under which a district employee may authorize his or her spouse, child, parent, or sibling who is also a district employee to use sick leave that has accrued to the authorizing employee. In developing the policy, the district school board must provide that the recipient may not use the donated sick leave until all of his or her sick leave has been depleted, excluding sick leave from a sick leave pool, if the recipient participates in a sick leave pool. Donated sick leave under this paragraph shall have no terminal value as provided in s. 231.40(3).

Section 3. This act shall take effect July 1, 2001.

Approved by the Governor June 13, 2001.

Filed in Office Secretary of State June 13, 2001.