

By the Committees on Governmental Oversight and Productivity;
Education; and Senator McKay

302-1823A-99

1 A bill to be entitled
2 An act relating to education; amending s.
3 231.40, F.S.; providing for payment into pretax
4 annuities for accumulated sick leave to certain
5 employees of district school systems; limiting
6 the amount of pay certain employees of district
7 school systems may receive for unused sick
8 leave upon termination of employment; amending
9 s. 231.481, F.S.; limiting the amount of pay
10 certain employees of district school systems
11 may earn for unused vacation leave upon
12 termination of employment; amending s. 240.343,
13 F.S.; providing for community college district
14 boards of trustees to adopt rules allowing
15 payment for unused sick leave into pretax
16 retirement accounts; limiting the amount of pay
17 certain employees of community college
18 districts may receive for unused sick leave
19 upon termination of employment; providing an
20 effective date.

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

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24 Section 1. Paragraph (a) of subsection (3) of section
25 231.40, Florida Statutes, 1998 Supplement, is amended to read:

26 231.40 Sick leave.--

27 (3) PROVISIONS GOVERNING SICK LEAVE.--The following
28 provisions shall govern sick leave:

29 (a) Extent of leave.--

30 1. Each member of the instructional staff employed on
31 a full-time basis shall be entitled to 4 days of sick leave as

1 of the first day of employment of each contract year and shall
2 thereafter earn 1 day of sick leave for each month of
3 employment, which shall be credited to the member at the end
4 of that month and which shall not be used prior to the time it
5 is earned and credited to the member. Each other employee
6 shall be credited with 4 days of sick leave at the end of the
7 first month of employment of each contract year and shall
8 thereafter be credited for 1 day of sick leave for each month
9 of employment, which shall be credited to the employee at the
10 end of the month and which shall not be used prior to the time
11 it is earned and credited to the employee. However, each
12 member of the instructional staff and each other employee
13 shall be entitled to earn no more than 1 day of sick leave
14 times the number of months of employment during the year of
15 employment. If the employee terminates his or her employment
16 and has not accrued the 4 sick days available to him or her,
17 the school board may withhold the average daily amount for the
18 sick days used ~~utilized~~ but unearned by the employee. Such
19 leave shall be taken only when necessary because of sickness
20 as herein prescribed. Such sick leave shall be cumulative
21 from year to year. There shall be no limit on the number of
22 days of sick leave which a member of the instructional staff
23 or an educational support employee may accrue, except that at
24 least one-half of this cumulative leave must be established
25 within the district granting such leave.

26 2. A school board may establish policies and prescribe
27 standards to permit an employee to be absent 6 days each
28 school year for personal reasons. However, such absences for
29 personal reasons shall be charged only to accrued sick leave,
30 and leave for personal reasons shall be noncumulative.

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1 3. District school boards are authorized to adopt
2 rules permitting the annual payment for accumulated sick leave
3 that is earned for that year and that is unused at the end of
4 the school year, based on the daily rate of pay of the
5 employee multiplied by up to 80 percent. Days for which such
6 payment is received shall be deducted from the accumulated
7 leave balance. However, for any full-time employee of the
8 district school board other than instructional staff or an
9 educational support employee as defined in this section, in
10 lieu of such authorized cash payment, that same amount may be
11 contributed annually by the employer, upon request by the
12 employee, to an approved pretax retirement account in the name
13 of the employee, pursuant to rules of the school board and in
14 compliance with federal tax laws and regulations.~~Such annual~~
15 ~~payment may apply only to instructional staff and educational~~
16 ~~support employees.~~

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

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

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

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

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

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

10 5. A school board may establish policies to provide
11 terminal pay for accumulated sick leave to any full-time
12 employee of the district school board other than instructional
13 staff or educational support employees as defined in this
14 section. If termination of the employee is by death of the
15 employee, any terminal pay to which the employee may have been
16 entitled may be made to the employee's beneficiary.

17 ~~a. However, for such employees hired on or after July~~
18 ~~1, 1995, Terminal pay shall not exceed an amount determined as~~
19 ~~follows:~~

20 ~~a. one-fourth of all unused sick leave accumulated on~~
21 ~~or after July 1, 1999, and may 1995; however, terminal pay~~
22 ~~allowable for such accumulated sick leave shall not exceed a~~
23 ~~maximum of 60 days of actual payment, in addition to the total~~
24 ~~amount of any disbursements that have been made at the end of~~
25 ~~each year pursuant to subparagraph 3. This limit does not~~
26 ~~impair any contractual agreement established before July 1,~~
27 ~~1999; however, a previously established contract renewed on or~~
28 ~~after July 1, 1999, shall be considered a new contract.~~

29 b. For unused sick leave accumulated before ~~prior to~~
30 July 1, 1999 ~~1995~~, terminal payment shall be made pursuant to

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1 a district school board's policies, contracts, or rules that
2 ~~which~~ are in effect on June 30, 1999 ~~July 1, 1995~~.

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

5 231.481 Terminal pay for accrued vacation leave.--A
6 district school board may establish policies to provide for a
7 lump-sum payment for accrued vacation leave to an employee of
8 the school board upon termination of employment or upon
9 retirement, or to the employee's beneficiary if service is
10 terminated by death. Effective July 1, 1999 ~~1995~~, terminal pay
11 for accrued vacation leave may not exceed a maximum of 60 days
12 of actual payment ~~for employees hired on or after that date~~.
13 This limit does not impair any contractual agreement
14 established before July 1, 1999. For unused vacation leave
15 accumulated before July 1, 1999, terminal payment shall be
16 made pursuant to the district school board's policies,
17 contracts, or rules that are in effect on June 30, 1999.

18 Section 3. Paragraph (e) of subsection (2) of section
19 240.343, Florida Statutes, is amended, and paragraph (f) is
20 added to that subsection, to read:

21 240.343 Sick leave.--Each community college district
22 board of trustees shall adopt rules whereby any full-time
23 employee who is unable to perform his or her duties at the
24 college on account of personal sickness, accident disability,
25 or extended personal illness, or because of illness or death
26 of the employee's father, mother, brother, sister, husband,
27 wife, child, or other close relative or member of the
28 employee's own household, and who consequently has to be
29 absent from work shall be granted leave of absence for
30 sickness by the president or by the president's designated
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1 representative. The following provisions shall govern sick
2 leave:

3 (2) EXTENT OF LEAVE WITH COMPENSATION.--

4 (e) For full-time employees other than instructional
5 staff or educational support employees, the board of trustees
6 may, by rule, authorize accumulated sick leave that is earned
7 during the year and is unused at the end of that year to be
8 paid into an approved pretax retirement account. The amount
9 paid annually into a pretax retirement account may not exceed
10 an amount equal to 80 percent of the accumulated sick leave
11 multiplied by the employee's daily rate of pay for the time
12 the sick leave was accumulated. Such payments must be made
13 pursuant to the rules of the board of trustees and must comply
14 with federal tax law. An employee eligible under such rules
15 has the option to participate provided the amount of sick
16 leave for which payment is made into a pretax retirement
17 account shall be deducted from the employee's accumulated
18 unused sick leave balance.~~A board of trustees may establish~~
19 ~~rules or policies to provide terminal pay for accumulated sick~~
20 ~~leave to any full-time employee of a community college other~~
21 ~~than instructional staff or educational support employees as~~
22 ~~defined in this section. If termination of employment is by~~
23 ~~death of the employee, any terminal pay to which the employee~~
24 ~~may have been entitled may be made to the employee's~~
25 ~~beneficiary. However, for such employees hired on or after~~
26 ~~July 1, 1995, terminal pay shall not exceed an amount~~
27 ~~determined as follows:~~

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

