

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
 20 to 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 which has been

26 accumulated and is unused by employees must ~~may~~, in accordance
 27 with guidelines ~~which shall be~~ established by the Department of
 28 Management Services, adopt rules for the establishment of a plan
 29 allowing participating employees to pool sick leave and allowing
 30 any sick leave thus pooled to be used by any participating
 31 employee as authorized in this section ~~who has used all of the~~
 32 ~~sick leave that has been personally accrued by him or her.~~

33 Although not limited to the following, such rules shall provide:

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

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

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

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

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

51 leave has been used, except as provided in subsection (2).

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

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

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

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

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

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

74 (2) The sick leave pool may be used by eligible employees
75 for parental leave. In the event that any other provision of law

76 or the model rule established by the Department of Management
77 Services under s. 110.1522 conflicts with this section, the
78 provisions of this section shall prevail, but only to the extent
79 of the conflict.

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

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

86 (c) An employee using the sick leave pool for parental
87 leave does not accrue his or her personal sick, annual, or
88 compensatory leave while on parental leave, except as provided
89 in s. 110.221(3).

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

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

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

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

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