

By the Committee on General Education and Representatives
Richardson, Pickens, Justice, Wiles, Fields, Jordan and Gannon

1 A bill to be entitled
2 An act relating to district school board
3 employees; creating s. 112.1916, F.S.;
4 extending special death benefits to certain
5 district school board employees who provide
6 indirect services to students; providing an
7 effective date.

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

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11 Section 1. Section 112.1916, Florida Statutes, is
12 created to read:

13 112.1916 District school board employees; death
14 benefits.--Any other provision of law to the contrary
15 notwithstanding:

16 (1) As used in this section, the term:

17 (a) "Employee" means an employee of a district school
18 board but does not include independent contractors, personnel
19 employed by another entity who provide services to the
20 district school board pursuant to contract, instructional
21 staff personnel as described in s. 228.041(9), or school
22 administrators as described in s. 228.041(10)(c).

23 (b) "Employer" means the district school board.

24 (c) "Duties" means the actual performance of duties
25 required by an employee's employment during his or her
26 regularly scheduled working hours or irregular working hours
27 as required by the employer.

28 (d) "Beneficiary" means the person designated by the
29 employee in writing, signed by the employee and delivered to
30 the employer during the employee's lifetime. If a beneficiary
31 is not designated, the beneficiary is the employee's estate.

1 (2) The benefits described in subsection (3) shall be
2 provided when an employee is killed or injured and dies as a
3 result of an unlawful and intentional act, provided that such
4 killing or injury and death is the result of an act of
5 violence inflicted by another person, and provided that such
6 act is inflicted upon the employee while he or she is engaged
7 in the performance of the employee's duties.

8 (3) If an employee dies under the conditions in
9 subsection (2), benefits shall be provided as follows:

10 (a) The sum of \$75,000 shall be paid, whether secured
11 by insurance or not, to the beneficiary. The payment shall be
12 in addition to any other insurance, workers' compensation, or
13 pension benefits or other benefits that employee beneficiaries
14 and dependents are entitled to under state or federal statutes
15 and shall be exempt from the claims and demands of creditors
16 of such employee, pursuant to s. 732.402(2)(d).

17 (b) The sum of \$1,000 shall be paid, whether secured
18 by insurance or not, to the beneficiary toward the funeral and
19 burial expenses of such employee. The payment shall be in
20 addition to any workers' compensation or pension benefits or
21 other benefits that employee beneficiaries and dependents are
22 entitled to under state or federal statutes and shall be
23 exempt from the claims and demands of creditors of such
24 employee, pursuant to s. 732.402(2)(d).

25 (c) Payment of the entire health insurance premium for
26 the school district's health insurance plan shall continue for
27 the employee's surviving spouse until remarried, and for each
28 dependent child of the employee until the child reaches the
29 age of majority or until the end of the calendar year in which
30 the child reaches the age of 25 if:

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1 1. At the time of the employee's death, the child is
2 dependent upon the employee for support; and

3 2. The surviving child continues to be dependent for
4 support, or the surviving child is a full-time or part-time
5 student and is dependent for support.

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7 The district school board that employed the employee who is
8 killed shall pay the health insurance premiums. The district
9 school board shall report annually to the Department of
10 Education the amount of premiums paid pursuant to this
11 paragraph. The Department of Education shall provide
12 reimbursement to the district for the premium payments.

13 (d) Waiver of certain educational expenses which
14 children of the deceased employee incur while obtaining a
15 vocational-technical certificate or an undergraduate education
16 shall be according to conditions set forth in this paragraph.
17 The amount waived by the state shall be an amount equal to the
18 cost of tuition and matriculation and registration fees for a
19 total of 120 credit hours at a university. The child may
20 attend a state vocational-technical school, a state community
21 college, or a state university. The child may attend any or
22 all of the institutions specified in this paragraph, on either
23 a full-time or part-time basis. The benefits provided under
24 this paragraph shall continue to the child until the child's
25 25th birthday.

26 1. Upon failure of any child benefited by the
27 provisions of this paragraph to comply with the ordinary and
28 minimum requirements of the institution attended, both as to
29 discipline and scholarship, the benefits shall be withdrawn as
30 to the child and no further moneys may be expended for the
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1 child's benefits so long as such failure or delinquency
2 continues.
3 2. A student who becomes eligible for benefits under
4 the provisions of this paragraph while enrolled in an
5 institution must be in good standing with the institution to
6 receive the benefits provided herein.
7 3. A child receiving benefits under this paragraph
8 must be enrolled according to the customary rules and
9 requirements of the institution attended.
10 (4) The State Board of Education shall adopt rules and
11 procedures necessary to implement the provisions of this
12 section, pursuant to ss. 120.536(1), 120.54, and 120.541.
13 (5) State funding shall be as provided annually in the
14 General Appropriations Act.
15 Section 2. This act shall take effect July 1, 2002.
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