

By Senator Lawson

6-1329-03

See HB 7

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

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

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

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

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

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

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

(c) "Employee" means an employee of a district school board but does not include independent contractors, personnel employed by another entity who provide services to the district school board pursuant to contract, instructional staff personnel as described in s. 1012.01(2), or school administrators as described in s. 1012.01(3)(c).

1 (d) "Employer" means the district school board.
2 (2) The benefits described in subsection (3) shall be
3 provided when an employee is killed or injured and dies as a
4 result of an unlawful and intentional act, provided that such
5 killing or injury and death is the result of an act of
6 violence inflicted by another person, and provided that such
7 act is inflicted upon the employee while he or she is engaged
8 in the performance of the employee's duties.
9 (3) If an employee dies under the conditions described
10 in subsection (2), benefits shall be provided as follows:
11 (a) The sum of \$75,000 shall be paid, whether secured
12 by insurance or not, to the beneficiary. The payment shall be
13 in addition to any other insurance, workers' compensation, or
14 pension benefits or other benefits that employee beneficiaries
15 and dependents are entitled to under state or federal statutes
16 and shall be exempt from the claims and demands of creditors
17 of such employee, pursuant to s. 732.402(2)(d).
18 (b) The sum of \$1,000 shall be paid, whether secured
19 by insurance or not, to the beneficiary toward the funeral and
20 burial expenses of such employee. The payment shall be in
21 addition to any workers' compensation or pension benefits or
22 other benefits that employee beneficiaries and dependents are
23 entitled to under state or federal statutes and shall be
24 exempt from the claims and demands of creditors of such
25 employee, pursuant to s. 732.402(2)(d).
26 (c) Payment of the entire health insurance premium for
27 the school district's health insurance plan shall continue for
28 the employee's surviving spouse until remarried, and for each
29 dependent child of the employee until the child reaches the
30 age of majority or until the end of the calendar year in which
31 the child reaches the age of 25 if:

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

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 that
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
17 paragraph. The amount waived by the state shall be an amount
18 equal to the cost of tuition and matriculation and
19 registration fees for a total of 120 credit hours at a
20 university. The child may attend a state vocational-technical
21 school, a state community college, or a state university. The
22 child may attend any or all of the institutions specified in
23 this paragraph on either a full-time or part-time basis. The
24 benefits provided under this paragraph shall continue to the
25 child until the child's 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, 2003.
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