

By Senator Lawson

6-1358-04

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; amending s.
7 732.402, F.S., to conform; providing an
8 effective date.

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

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

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

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

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

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

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

3 (d) "Employer" means the district school board.

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

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

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

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

28 (c) Payment of the entire health insurance premium for
29 the school district's health insurance plan shall continue for
30 the employee's surviving spouse until remarried, and for each
31 dependent child of the employee until the child reaches the

1 age of majority or until the end of the calendar year in which
2 the child reaches the age of 25 if:

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

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

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

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

28 1. Upon failure of any child benefited by this
29 paragraph to comply with the ordinary and minimum requirements
30 of the institution attended, both as to discipline and
31 scholarship, the benefits shall be withdrawn as to the child

1 and no further moneys may be expended for the child's benefits
2 so long as such failure or delinquency continues.

3 2. A student who becomes eligible for benefits under
4 this paragraph while enrolled in an institution must be in
5 good standing with the institution to receive the benefits
6 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
11 necessary to administer this section pursuant to ss.
12 120.536(1), 120.54, and 120.541.

13 (5) State funding shall be as provided annually in the
14 General Appropriations Act.

15 Section 2. Paragraph (d) of subsection (2) of section
16 732.402, Florida Statutes, is amended to read:

17 732.402 Exempt property.--

18 (2) Exempt property shall consist of:

19 (d) All benefits paid pursuant to s. 112.1915 or s.
20 112.1916.

21 Section 3. This act shall take effect July 1, 2004.

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24 SENATE SUMMARY

25 Provides death benefits for district school board
26 employees who are killed, or who die as the result of
27 injuries incurred, while in the performance of their
28 duties.
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