

791-112AX-38

Bill No. HB 2017

Amendment No. 2 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Richardson offered the following:

Amendment (with title amendment)

On page 1775, between 8 and 9, of the bill

insert:

Section 1052. Effective upon this act becoming a law, 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) "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).

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

(c) "Duties" means the actual performance of duties required by an employee's employment during his or her

1 regularly scheduled working hours or irregular working hours
2 as required by the employer.

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

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

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

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

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

31 (c) Payment of the entire health insurance premium for

1 the school district's health insurance plan shall continue for
2 the employee's surviving spouse until remarried, and for each
3 dependent child of the employee until the child reaches the
4 age of majority or until the end of the calendar year in which
5 the child reaches the age of 25 if:

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

8 2. The surviving child continues to be dependent for
9 support, or the surviving child is a full-time or part-time
10 student and is dependent for support.

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

18 (d) Waiver of certain educational expenses which
19 children of the deceased employee incur while obtaining a
20 vocational-technical certificate or an undergraduate education
21 shall be according to conditions set forth in this paragraph.
22 The amount waived by the state shall be an amount equal to the
23 cost of tuition and matriculation and registration fees for a
24 total of 120 credit hours at a university. The child may
25 attend a state vocational-technical school, a community
26 college, or a state university. The child may attend any or
27 all of the institutions specified in this paragraph, on either
28 a full-time or part-time basis. The benefits provided under
29 this paragraph shall continue to the child until the child's
30 25th birthday.

31 1. Upon failure of any child benefited by the

1 provisions of this paragraph to comply with the ordinary and
2 minimum requirements of the institution attended, both as to
3 discipline and scholarship, the benefits shall be withdrawn as
4 to the child and no further moneys may be expended for the
5 child's benefits so long as such failure or delinquency
6 continues.

7 2. A student who becomes eligible for benefits under
8 the provisions of this paragraph while enrolled in an
9 institution must be in good standing with the institution to
10 receive the benefits provided herein.

11 3. A child receiving benefits under this paragraph
12 must be enrolled according to the customary rules and
13 requirements of the institution attended.

14 (4) The State Board of Education shall adopt rules and
15 procedures necessary to implement the provisions of this
16 section, pursuant to ss. 120.536(1), 120.54, and 120.541.

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

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21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 On page 5, line 11, after "references;"

24

25 insert:

26 creating s. 112.1916, F.S.; extending special
27 death benefits to certain district school board
28 employees who provide indirect services to
29 students;

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