

STORAGE NAME: h0279s1.llc.doc
DATE: February 26, 2001

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE
COUNCIL ON LIFELONG LEARNING
ANALYSIS**

BILL #: CS/HB 279

RELATING TO: Teacher and certain school administrator death benefits

SPONSOR(S): Committee on Education Appropriations, Representative Lynn and others

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMITTEE ON GENERAL EDUCATION YEAS 13 NAYS 0
 - (2) EDUCATION APPROPRIATIONS YEAS 14 NAYS 0
 - (3) COUNCIL FOR LIFELONG LEARNING YEAS 15 NAYS 0
 - (4)
 - (5)
-

I. SUMMARY:

The bill provides designated benefits for any teacher or school-based administrator who is killed while engaged in the performance of teaching duties. The bill is memorialized as the "Barry Grunow Act." Barry Grunow was a Lake Worth Middle School teacher who was killed while performing his teaching duties on May 26, 2000.

The bill provides four benefits:

- \$75,000 to the beneficiary or heirs of a decedent teacher or administrator.
- \$1,000 to be paid toward the funeral and burial expenses of such teacher or administrator.
- Payment of health insurance premiums for the spouse and dependent children of the decedent teacher or administrator.
- Waiver of any state matriculation and tuition fees for the teacher's or administrator's dependent children admitted into a public funded vocational-technical school, community college, or university.

The Governor has recommended \$165,000 in his FY 2001-2002 budget to fund the benefits authorized in the bill.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Presently, there are special death benefits for police, correctional, and probation officers (s.112.19, F.S.), as well as for firefighters (s.112.191, F.S.) who are killed in the line of duty. There are, however, currently no such benefits for teachers who are killed in the line of duty.

On May 26, 2000, Barry Grunow, a teacher at Lake Worth Middle School in Lake Worth Florida, was shot and killed by a 13 year old boy with a .25 caliber automatic pistol, while just outside his classroom, on the last day of classes.

In his budget, the Governor proposes to provide benefits to the families of slain teachers; he recommends \$165,000 to fund the benefits authorized in this bill.

C. EFFECT OF PROPOSED CHANGES:

The bill provides special death benefits if a teacher or school-based administrator is killed while engaged in the performance of his or her teaching duties. See section-by-section portion of this analysis for details

D. SECTION-BY-SECTION ANALYSIS:

The section-by-section analysis covers the original bill.

Section 1. Creates the "Barry Grunow Act."

Section 2. Creates s. 112.1915, F.S., providing special death benefits if a teacher or school-based administrator, while engaged in the performance of teaching duties, is killed in the line of duty.

The section defines "teachers" as all instructional personnel included under s. 228.041(9), F.S. This would include classroom teachers, staff members responsible for pupil personnel services (placement personnel, guidance counselors, school psychologists, social workers, etc.), librarians and media specialists, and other instructional staff (learning resource specialists, instructional trainers, and similar positions). It also makes the bill applicable to school administrators (i.e., "school based" administrators), as defined in s. 228.041(10)(c), F.S.

There are four benefits:

- \$75,000 is paid to the beneficiary or heirs or the decedent teacher or school administrator. This payment is to be in addition to any workers' compensation or pension benefits and shall be exempt from the claims and demands of creditors of such teacher or administrator.
- \$1,000 is paid toward the funeral and burial expenses of such teacher or administrator.
- Payment of health insurance premiums for the surviving spouse and dependent children of the decedent teacher are made by the employer of the decedent teacher or administrator till the end of the fiscal year, or until the end of the health plan contract. Once the employer no longer pays the health insurance premiums, the state assumes responsibility for the payment. The spouse's premiums are paid until remarriage, and the dependent children's premiums are paid so long as the children remain dependent, and up until the age of 25.
- Waiver of any state matriculation and tuition fees for the dependent children (up until age 25) of the teacher or administrator admitted into a state vocational-technical school, community college, or university. It provides that the recipient of the waiver must maintain satisfactory discipline and scholarship standards, or the waiver benefit will be withdrawn.

The section provides that the benefits are retroactively applied to any incidents on or after May 26, 2000, making the benefits applicable to Barry Grunow's family.

The section provides that the State Board of Education and the Department of Education shall adopt rules and procedures as necessary to implement the provisions related to the \$75,000 payment and the educational benefits.

Section 3. Amends s. 732.402(2), F.S., establishing a cross-reference modification relating to the exempt status of the \$75,000 lump-sum payment.

Section 4. Provides that in any instance in which the Florida Education Foundation has previously paid any of the benefits equivalent to those in this act, that organization shall be reimbursed rather than payment made to the family. This relates to the fact that the Florida Education Foundation has already provided tuition grants to the Grunow children.

Section 4. Provides that the act will become effective upon becoming a law, and that the provisions setting forth the benefits and the rule-making authority shall apply to incidents occurring on or after May 26, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Governor's FY 2001-2002 budget recommends \$165,000 to fund the benefits authorized in this bill.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend or take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority that counties or municipalities have to raise revenue in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill gives authority to the State Board of Education to adopt rules necessary to implement the payment of the \$75,000. Additionally, the bill gives the Department of Education rule making authority for the implementation of the provision of educational benefits.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On February 6, 2000, the House Committee on General Education adopted one "strike everything amendment," retaining all of the central elements and intent of the original bill, while fixing several problems. The amendment:

- Provides that the benefits will be triggered in any instance of a teacher being killed on the job or if the teacher is killed *because* he or she is a teacher.
- Provides that all four benefits are retroactive to May 26, 2000 (the date of Barry Grunow's death).
- Provides that the funding for the act shall be provided in the General Appropriations Act.
- Includes teachers' aides in the act, making it applicable to *all* instructional personnel.
- Requires educational benefits provided by the Florida Education Foundation to the Grunow family shall be reimbursed to the foundation, rather than paid to the family.

On February 9, 2001, the House Committee on Education Appropriations adopted several amendments, including the amendments traveling with the bill, making the bill a Committee Substitute (CS). The CS retains the purpose of the original bill, while making the following changes. The bill:

- Adds school-based administrators as being eligible for benefits.
- Changes the way the health insurance premiums are paid in order to comply with the federal IRS code and prevent premiums and benefits from being taxable income for the beneficiaries.
- Provides that if a beneficiary is not designated, the beneficiary is the deceased's estate.
- Removes the definition of "insurance," which is not needed in this bill.

VII. SIGNATURES:

COMMITTEE ON COMMITTEE ON GENERAL EDUCATION:

Prepared by:

Gip Arthur

Staff Director:

Ouida Ashworth

AS REVISED BY THE COMMITTEE ON EDUCATION APPROPRIATIONS:

Prepared by:

William Cecil Golden

Staff Director:

John Newman

STORAGE NAME: h0279s1.llc.doc

DATE: February 26, 2001

PAGE: 6

AS REVISED BY THE COUNCIL ON LIFELONG LEARNING:

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Patricia Levesque