

STORAGE NAME: h0265s1.ge.doc

DATE: January 22, 2002

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
GENERAL EDUCATION
ANALYSIS**

BILL #: CS/HB 265

RELATING TO: District School Board Employees

SPONSOR(S): Representative(s) Richardson

TIED BILL(S): None.

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

- (1) GENERAL EDUCATION YEAS 10 NAYS 0
 - (2) EDUCATION APPROPRIATIONS
 - (3) COUNCIL FOR LIFELONG LEARNING
 - (4)
 - (5)
-

I. SUMMARY:

CS/HB 265 provides special death benefits for all school district employees; however, independent contractors and personnel employed by another entity who provide services to the district school board pursuant to contract are excluded. The committee substitute also excludes coverage for instructional personnel and school administrators covered under the Barry Grunow Act.

The committee substitute provides special death benefits to the survivors of an employee of a district school board. The benefits must be provided if:

- The employee is killed or injured and dies as a result of an unlawful and intentional act;
- The killing or injury and death is the result of an act of violence inflicted by another person; and
- The act is inflicted upon the employee while performing required duties.

The special death benefits are:

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

The committee substitute increases the number of eligible employees covered for special death benefits from 160,030 full-time employees (covered under the Barry Grunow Act) to 275,096 full-time employees. This is a 72 percent increase. The committee substitute does not distinguish between part-time employees and full-time employees. The number of part-time employees is indeterminate.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input 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 checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

This bill does not support the principles of less government and personal responsibility because it expands an entitlement to a government service or benefit.

B. PRESENT SITUATION:

History of the Barry Grunow Act

The incident that generated interest in a bill for special death benefits for teachers, and which led to the passage of House Bill 279 in the 2001 Legislative Session, was the death of Barry Grunow, a teacher at Lake Worth Middle School in Lake Worth, Florida. Barry Grunow was shot and killed by a 13 year old boy with a .25 caliber automatic pistol, while just outside his classroom, on May 26, 2000. The Legislature made the benefits retroactive to May 26, 2000.

Definitions Applicable to the Barry Grunow Act

EMPLOYER – According to s. 112.1915(1)(a), F.S., employer means the district school board.

TEACHERS – Pursuant to s. 228.041(9), F.S., teachers are defined as any instructional staff, including classroom teachers, pupil personnel services staff, librarians and media specialists, other instructional staff, and instructional paraprofessionals.

SCHOOL ADMINISTRATORS – School administrators perform activities as the administrative head of a school and have been delegated responsibility for the coordination and administrative direction of instructional and noninstructional activities of the school (s. 228.041(10)(c)(1), F.S.). This employment classification also includes vocational center directors. Assistant principals, pursuant to s. 228.041(10)(c)(2), F.S., are also included in the classification of school administrators and are staff members who assist the administrative head of the school

TEACHING DUTIES – According to s. 112.1915(1)(d), F.S., teaching duties are defined as the actual performance of duties required by a teacher's employment during his or her regularly scheduled working hours or irregular working hours as required or assigned by the employer.

BENEFICIARY – According to s. 112.1915(1)(f), F. S., a beneficiary is a person designated by the teacher or school administrator in writing, signed by the teacher or school administrator and delivered to the employer during the teacher's or school administrator's lifetime.

Provisions of the Barry Grunow Act

Current law, s. 112.1915, F.S., establishes special death benefits for teachers and school administrators. According to s. 112.1915(2), F.S., the benefits must be provided when a teacher or school administrator is killed or injured and dies as a result of an unlawful and intentional act,

provided that the killing or injury and death is the result of an act of violence inflicted by another person, and provided that:

- The act is inflicted upon the teacher or school administrator while he or she is engaged in the performance of teaching duties or school administrator duties; or
- The motivation for the act is related in whole or in part to the fact that the individual is a teacher or school administrator.

Section 112.1915(3), F.S., specifies that special death benefits provided to the beneficiary include the following:

1. A cash payment of \$75,000 must be paid to the beneficiary or heirs of a deceased teacher or school administrator, and the payment must be in addition to any other insurance, workers' compensation, or pension benefits that the teacher or school administrator beneficiaries are entitled to under state or federal statutes. This payment must be exempt from the claims and demands of creditors of the teacher or school administrator, pursuant to s. 732.402(2)(d), F.S.
2. The sum of \$1,000 must be paid to the beneficiary toward funeral and burial expenses of the teacher or administrator, and the payment must be in addition to any other insurance, workers' compensation, or pension benefits that the teacher or school administrator beneficiaries are entitled to under state or federal statutes. This payment must be exempt from the claims and demands of creditors of the teacher or school administrator, pursuant to s. 732.402(2)(d), F.S.
3. Payment of the entire health insurance premium must continue for the surviving spouse until remarried and for each dependent child of the deceased teacher or school administrator until the children reaches majority or until the end of the calendar year in which the child reaches the age of 25 if the following conditions are met.
 - At the time of the teacher's or school administrator's death, the child is dependent upon the teacher or school administrator for support; and
 - The surviving child continues to be dependent for support, or the surviving child is a full-time or part-time student and is dependent for support.

The district school board that employed the teacher or school administrator who is killed must pay the health insurance premiums. The district school board must report the amount of the premiums to the Department of Education each year, and the Department of Education must reimburse the district for the premium.

4. The state must waive any state matriculation and tuition fees for a total of 120 hours for the teacher's or school administrator's dependent children who are admitted into a publicly funded vocational-technical school, community college, or university. The benefits must continue until the child's 25th birthday or unless the child who benefits fails to comply with the ordinary and minimum requirements of the institution attended, both as to discipline and scholarship.

Special Death Benefits for Law Enforcement Officers

According to current law, s.112.19, F.S., special death benefits are provided for the beneficiary of law enforcement, correctional probation officers, if while engaged in the performance of his or her duties, the officer is unlawfully and intentionally killed or dies as a result of such unlawful and intentional act.

Special Death Benefits for Firefighters

Pursuant to s 112.191, F.S., special death benefits for the beneficiaries of firefighters are provided, if while engaged in the performance of his or her duties, a firefighter is unlawfully and intentionally killed and dies as a result of a fire which has been determined to have been caused by an act of arson, or subsequently dies as a result of injuries sustained therefrom.

C. EFFECT OF PROPOSED CHANGES:

CS/HB 265 provides special death benefits for all school district employees; however, independent contractors and personnel employed by another entity who provide services to the district school board pursuant to contract are excluded. The committee substitute also excludes coverage to instructional personnel and school administrators covered under the Barry Grunow Act.

The committee substitute provides special death benefits to the survivors of an employee of a district school board. The benefits must be provided if:

- The employee is killed or injured and dies as a result of an unlawful and intentional act;
- The killing or injury and death is the result of an act of violence inflicted by another person; and
- The act is inflicted upon the employee while performing required duties.

The special death benefits are:

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- Waiver of any state matriculation and tuition fees for a decedent district school board employee's dependent children admitted into a publicly funded vocational-technical school, community college, or university.

The committee substitute increases the number of eligible employees covered for special death benefits from 160,030 full-time employees (covered under the Barry Grunow Act) to 275,096 full-time employees. This is a 72 percent increase. The committee substitute does not distinguish between part-time employees and full-time employees. The number of part-time employees is indeterminate.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Creates s. 112.1916, F.S., to provide special death benefits to the survivors of an employee of a district school board employee if: (1) the employee is killed or injured and dies as a result of an unlawful and intentional act; (2) the killing or injury and death is the result of an act of violence inflicted by another person; and (3) the act is inflicted upon the employee while performing required duties.

Section 2: Provides an effective date of July 1, 2002.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The special death benefits per slain district school board employee include: a \$75,000 payment, \$1,000 for funeral and burial expenses, tuition and matriculation fees waived for surviving dependent children, plus the cost of health insurance premium for the survivors. The committee substitute increases the number of eligible employees covered for special death benefits from 160,030, covered under the Barry Grunow Act, to 275,096, or approximately 72 percent. The committee substitute specifies funding shall be *as provided in the General Appropriations Act*.

The 2001 Legislature appropriated \$165,000 to fund the Barry Grunow Act.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Private health insurance companies will receive annual insurance premiums. Beneficiaries will receive a one-time payment of \$75,000 and funeral and burial expenses of \$1,000.

D. FISCAL COMMENTS:

From the \$165,000 appropriated by the 2001 Legislature for the Barry Grunow Act, payments in the amount of \$22,921 have been made to reimburse the school district for insurance and to pay the prepaid college tuition for the Barry Grunow Family. The current balance is \$142,079, but \$76,000 of this balance will be used to pay special death benefits to the Barry Grunow Family.

According to the Department of Education, approximately 160,030 teachers and school-based administrators are covered under the current law. CS/HB 265 will make the law applicable to all district employees. Currently, there are 275,096 full-time employees. The number of part-time employees that the committee substitute will extend special death benefits to is indeterminate.

The payment of special death benefits is contingent upon how many school district employees, while performing required duties, *may be* killed as the result of an unlawful and intentional act of violence. Since the number of employees that *may be* killed is unknown, the fiscal impact could range from zero to substantial.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

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

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

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

This 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:

This bill does not grant additional rule-making authority.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On January 9, 2002, the Committee on General Education adopted a strike-all amendment to HB 265 and passed the bill as a committee substitute. The committee substitute differs from the original bill in the following ways:

- Creates s. 112.1916, F.S., to provide special death benefits to all district school board employees except independent contractors, personnel employed by a contractual service, or instructional personnel or school administrators covered in the Barry Grunow Act;
- Removes "assigned" from the definition of duties;
- Removes the phrase "*if the motivation is related in whole or in part to the fact that the individual is an employee of the district school board*" from the conditions under which benefits are to be provided; and
- Removes the exception "*if the death occurs as a result of an act of terrorism.*"

VII. SIGNATURES:

COMMITTEE ON GENERAL EDUCATION:

Prepared by:

Staff Director:

Elsie J. Rogers

Ouida Ashworth

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