

STORAGE NAME: h0279.ge.doc

DATE: January 27, 2001

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

BILL #: HB 279

RELATING TO: Teacher death benefits

SPONSOR(S): Representative Lynn and others

TIED BILL(S):

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

- (1) COMMITTEE ON GENERAL EDUCATION
 - (2) EDUCATION APPROPRIATIONS
 - (3) COUNCIL FOR LIFELONG LEARNING
 - (4)
 - (5)
-

I. SUMMARY:

The bill provides special benefits for any teacher who is killed while engaged in the performance of teaching duties, or who dies in the line of duty. 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 decedent teacher's beneficiary or heirs.
- \$1,000 to be paid toward the funeral and burial expenses of such teacher.
- Payment of health insurance premiums for the teacher's surviving spouse and dependent children.
- Waiver of any state matriculation and tuition fees for the teacher's dependent children admitted into a state vocational-technical school, community college, or university.

Two of the benefits, the payment of the health insurance premiums and the educational benefits, are retroactive to May 26, 2000.

Two of the death benefits for teachers (the \$75,000 lump sum payment, and the educational fee waivers) apply to teachers "engaged in the performance of teaching duties," and "in the line of duty." The other two benefits (the \$1,000 funeral expense payment and the health insurance premium payments) are specifically limited to teachers "killed in the line of duty as a result of an act of violence inflicted by another person while the teacher is engaged in the performance of teaching duties. (See Comments section of this analysis for a discussion).

The Governor has \$165,000 in his 2001-2002 budget recommendation for this program. However, the bill does not specify a funding source.

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 slain or die in the line of duty. There are, however, currently no such benefits for teachers who are killed or die in similar circumstances.

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.

The Governor has publicly supported a program for benefits for slain teachers and, in his budget request, the Governor has provided \$165,000 in funding for this program.

C. EFFECT OF PROPOSED CHANGES:

The bill provides special death benefits if a teacher, while engaged in the performance of his teaching duties, is killed or dies in the line of duty. See section-by-section portion of this analysis for details

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Creates the "Barry Grunow Act."

Section 2. Creates s. 112.1915, F.S., providing special death benefits if a teacher, while engaged in the performance of his teaching duties, is killed or dies in the line of duty. The section defines "teachers" as all instructional personnel included under s. 228.041(9), (a)-(d), 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).

There are four benefits:

- o \$75,000 is paid to the decedent teacher's beneficiary or heirs. 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 teachers.

- \$1,000 is paid toward the funeral and burial expenses of such teacher (*note: this benefit is limited to instances of teachers killed in the line of duty by an act of violence from another person while the teacher is engaged in the performance of teaching duties.*).
- Payment of health insurance premiums for the teacher's surviving spouse and dependent children are made by the employer of the decedent teacher 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 (*note: this benefit is limited to instances of teachers killed in the line of duty by an act of violence from another person while the teacher is engaged in the performance of teaching duties.*).
- Waiver of any state matriculation and tuition fees for the teacher's dependent children (up until age 25) 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 health care and educational benefits are retroactively applied to any incidents on or after May 26, 2000, making the benefits applicable to Barry Grunow's family. However, the two lump sum dollar amount benefits (\$75,000 and \$1,000) are not applied in a similar retroactive fashion, under the current bill language.

The section provides that the 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. Provides that the act will become effective upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Governor's budget request provides for \$165,000 to fund this program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

School districts will be required to pay insurance premiums for a decedent teacher's spouse and dependent children for up to one year.

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 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:

There are several concerns that are addressed in an amendment to be offered by the sponsor:

1. In HB 279, two of the death benefits (the \$75,000 lump sum payment, and the educational fee waivers) apply to a teacher who "while engaged in the performance of teaching duties, is killed or dies in the line of duty." This language could include those teachers accidentally killed, intentionally killed, who commit suicide, *or who die from natural causes on the job*. However, as noted in the section-by-section portion of this analysis, two of the benefits (the \$1,000 funeral expense payment and the health insurance premium payments) are specifically limited to teachers "killed in the line of duty as a result of an act of violence inflicted by another person while the teacher is engaged in the performance of teaching duties."
2. HB 279 provides that only two of the four teacher death benefits, the health care and educational benefits, are applied retroactively to any incidents on or after May 26, 2000, making the benefits applicable to Barry Grunow's family. However, the two lump sum dollar amount benefits are not applied in a similar retroactive fashion, under the current bill language.

STORAGE NAME: h0279.ge.doc

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PAGE: 5

3. The language in HB 279 does not provide for a funding source.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON COMMITTEE ON GENERAL EDUCATION:

Prepared by:

Staff Director:

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