

STORAGE NAME: h0279s1.eda.doc
DATE: February 16, 2001

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
EDUCATION APPROPRIATIONS
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 YEAS 13 NAYS 0
 - (2) EDUCATION APPROPRIATIONS YEAS 14 NAYS 0
 - (3) COUNCIL FOR LIFELONG LEARNING
 - (4)
 - (5)
-

I. SUMMARY:

The bill provides designated benefits for any teacher 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 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 spouse and dependent children.
- Waiver of any state matriculation and tuition fees for the teacher's dependent children admitted into a public funded vocational-technical school, community college, or university.

Although the original bill language presented several concerns, all were addressed in the strike-everything amendment. The amendment:

1. 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.
2. Provides that all four benefits are retroactive to May 26, 2000 (the date of Barry Grunow's death).
3. Provides that the funding for the act shall be provided in the General Appropriations Act.
4. Includes *all* instructional personnel.
5. 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.

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 is killed while engaged in the performance of his 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, 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), (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:

- \$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 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:

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:

The following concerns in the original bill were addressed in a strike-everything amendment offered by the sponsor in the General Education Committee.

1. In the original language of 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 in the line of duty." 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." **The strike-everything amendment resolves this issue.**

2. The original language of 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. **The strike-everything amendment resolves this issue.**
3. The original language in HB 279 does not provide for a funding source. **The strike-everything amendment resolves this issue.**

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On February 6, 2000, the House Committee on General Education adopted one "strike everything amendment." The amendment was not engrossed, and is traveling with the bill. The amendment retains 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 heard this bill and adopted one "strike everything amendment." The amendment retains the purpose of the original bill and the "strike everything amendment" traveling with the bill while making the following changes:

1. Adds school based administrators in the category of employees eligible for benefits.
2. 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.
3. Provides that if a beneficiary is not designated, the beneficiary is the deceased's estate.
4. Removes the definition of "insurance" which is not needed in this bill.

On motion to make the bill as amended into a Committee Substitute for HB 279 the committee passed the bill unanimously.

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VII. SIGNATURES:

COMMITTEE ON COMMITTEE ON GENERAL EDUCATION:

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AS REVISED BY THE COMMITTEE ON EDUCATION APPROPRIATIONS:

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