

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 866
 SPONSOR: Education Committee and Senator Laurent
 SUBJECT: Barry Grunow Act
 DATE: March 13, 2001 REVISED: 3/21/01 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>O'Farrell</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable/CS</u>
2.	<u>Wilson</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/1 amendment</u>
3.	_____	_____	<u>AED</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill creates the Barry Grunow Act to provide certain designated benefits to the survivors of any teacher or school administrator killed while performing his or her job related duties, or if the act causing the death was motivated by the fact that the victim was a teacher or school administrator. Barry Grunow was a Lake Worth Middle School teacher who was killed while performing his teaching duties on May 26, 2000.

This bill substantially amends s. 732.402 and creates s.112.1915 of the Florida Statutes.

II. Present Situation:

Current state law provides special death benefits for members of the following public employee groups who are killed in the line of duty: police, correctional, and probation officers and firefighters. At the present time these benefits are not available for public school teachers or school administrators who are killed in the line of duty.

Barry Grunow, a Lake Worth Middle School teacher, was shot and killed on May 26, 2000, by a 13-year-old male student of the school. The incident occurred just outside the door of Mr. Grunow's classroom, on the last day of classes for the school year.

III. Effect of Proposed Changes:

The legislation creates the Barry Grunow Act, a new section of law providing certain benefits to the survivors of public school teachers and school administrators killed by a violent act while in the line of duty, or killed simply because they were teachers or school administrators. For

purposes of the bill, the word “teacher” means any instructional staff person defined in s. 228.041(9), F.S., and includes classroom teachers, pupil personnel services staff, librarians and media specialists, other instructional staff, and instructional paraprofessionals. School administrators are defined in s. 228.041(10)(c), F.S., to include principals or school directors, vocational center directors, and assistant principals.

The benefits to be provided are as follows:

- The sum of \$75,000 to the beneficiary. This money is in addition to any insurance, workers’ compensation, or pension benefits or any other benefits the beneficiary of the teacher or school administrator may be entitled to under state or federal law. These funds are to be exempt from the claims and demands of the slain employee’s creditors.
- The payment of \$1,000 to the beneficiary toward the teacher or administrator’s funeral and burial expenses. This money also is in addition to any other benefits the beneficiary may be entitled to, and is exempt from the creditors of the teacher or administrator.
- Payment of the entire health insurance premium for the surviving spouse and dependent children of the teacher or administrator. The health insurance coverage is to continue until the spouse remarries, and for each dependent child as long as the child remains dependent or reaches the age of 25. The school board that employed the deceased teacher or school administrator must pay the health insurance premium and report the annual amount paid to the Department of Education. The department must reimburse the local board for the premium costs.
- Waiver of any state tuition and matriculation fees for dependent children, up until the age of 25, at any public vocational-technical school, community college, or university. The child must remain a student in good standing at the institution being attended to retain the benefit. The total amount of this benefit per surviving child is up to the cost of tuition and matriculation fees at a state university for 120 credit hours.

“Beneficiary” is defined in the bill as the person designated by the teacher or administrator in a written and signed document that was delivered to the employing school board while the teacher was alive. In the absence of such a designation the surviving spouse and children will share in the benefits in equal portions, or if there is no surviving spouse or child, the teacher’s parents will receive the benefits. If none of these options are available, the beneficiary is the teacher’s estate.

The State Board of Education is authorized to adopt the administrative rules and procedures necessary to implement the benefit provisions.

Section 732.402, F.S., is amended to exempt the benefits provided under this act from claims against the decedent’s estate.

If the Florida Education Foundation has paid benefits to the beneficiary and survivors of a slain teacher or administrator, the organization is to be reimbursed for such expenses and no additional payments shall be made to the beneficiary or survivors. The Florida Education Foundation is the non-profit direct support group for the Department of Education.

The bill is to take effect upon becoming a law; however, the benefits and provisions of the act are to apply to incidents occurring on or after May 26, 2000. Thus the family of Barry Grunow is eligible to receive the benefits provided by the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Surviving family members of a slain teacher or administrator are eligible to receive a one-time payment of \$75,000, burial expenses of \$1,000, and a waiver of postsecondary education tuition for any dependent children up to age 25, up to the value of 120 credit hours at a public university.

C. Government Sector Impact:

The bill directs that state funding for the act shall be provided annually in the General Appropriations Act. The amount per slain affected personnel would be a \$75,000 payment, \$1,000 for funeral and burial expenses, the tuition and matriculation fees waived for surviving dependent children, plus the costs of the health insurance premium for the survivors.

The Governor included \$165,000 in his FY 2001-2002 budget recommendation to cover the cost of the benefits provided in this act. Data are not available to estimate what the continuing costs to the state would be under the original or amended version of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The effect of the language is to provide funding in subsequent appropriations acts, as circumstances dictate. It is accepted practice that no Legislature may bind a subsequent one.¹ It may create a continuing appropriation by placing the funding in general law, only to be subsequently undone by a later legislative change. Or it may make funding contingent upon future legislative appropriations, as is the case here.

VIII. Amendments:

#1 by Governmental Oversight and Productivity:

Expands coverage to include benefits for surviving family members of school administrators or non-instructional support personnel.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

¹The Florida Senate, *Manual for Drafting General Bills*. Tallahassee, FL: 1999, citing *Neu v. Miami Herald Pub. Co.*, 462 So.2d 821 (Fla.1985).