

By the Committee on Education Appropriations and  
Representatives Lynn, Atwater, Murman, Wilson, Mayfield, Rich  
and Justice

1                                   A bill to be entitled  
2           An act relating to teacher and certain school  
3           administrator death benefits; creating the  
4           "Barry Grunow Act"; creating s. 112.1915, F.S.;  
5           providing definitions; providing death benefits  
6           with respect to certain teachers and school  
7           administrators; providing for payment of  
8           certain health insurance premiums; providing  
9           for the waiver of certain educational expenses  
10          for children of certain deceased teachers and  
11          school administrators; providing for rules;  
12          amending s. 732.402, F.S.; providing that the  
13          teacher and school administrator death benefits  
14          are exempt property under the Florida Probate  
15          Code; providing for reimbursement of benefits  
16          previously paid; providing for funding;  
17          providing for retroactive application;  
18          providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

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22           Section 1. Short title.--This act may be cited as the  
23 "Barry Grunow Act."

24           Section 2. Section 112.1915, Florida Statutes, is  
25 created to read:

26           112.1915 Teachers and school administrators; death  
27 benefits.--Any other provision of law to the contrary  
28 notwithstanding:

29           (1) As used in this section, the term:

30           (a) "Employer" means the district school board.  
31

1       (b) "Teacher" means any instructional staff personnel  
2 as described in s. 228.041(9).

3       (c) "School administrator" means any school  
4 administrator as described in s. 228.041(10)(c).

5       (d) "Teaching duties" means the actual performance of  
6 duties required by a teacher's employment during his or her  
7 regularly scheduled working hours or irregular working hours  
8 as required or assigned by the employer.

9       (e) "School administrator duties" means the actual  
10 performance of duties required by a school administrator's  
11 employment during his or her regularly scheduled working hours  
12 or irregular working hours as required or assigned by the  
13 employer.

14       (f) "Beneficiary" means the person designated by the  
15 teacher or school administrator in writing, signed by the  
16 teacher or school administrator and delivered to the employer  
17 during the teacher's or school administrator's lifetime. If a  
18 beneficiary is not designated, the beneficiary is the  
19 teacher's or school administrator's estate.

20       (2) The benefits described in subsection (3) shall be  
21 provided when a teacher or school administrator is killed or  
22 injured and dies as a result of an unlawful and intentional  
23 act, provided that such killing or injury and death is the  
24 result of an act of violence inflicted by another person, and  
25 provided that:

26       (a) Such act is inflicted upon the teacher or school  
27 administrator while he or she is engaged in the performance of  
28 teaching duties or school administrator duties; or

29       (b) The motivation for such act is related in whole or  
30 in part to the fact that the individual is a teacher or school  
31 administrator.

1           (3) If a teacher or school administrator dies under  
2 the conditions in subsection (2), benefits shall be provided  
3 as follows:

4           (a) The sum of \$75,000 shall be paid, whether secured  
5 by insurance or not, to the beneficiary. The payment shall be  
6 in addition to any other insurance, workers' compensation, or  
7 pension benefits or other benefits that teacher or school  
8 administrator beneficiaries and dependents are entitled to  
9 under state or federal statutes and shall be exempt from the  
10 claims and demands of creditors of such teacher or school  
11 administrator, pursuant to s. 732.402(2)(d).

12           (b) The sum of \$1,000 shall be paid, whether secured  
13 by insurance or not, to the beneficiary toward the funeral and  
14 burial expenses of such teacher or school administrator. The  
15 payment shall be in addition to any workers' compensation or  
16 pension benefits or other benefits that teacher or school  
17 administrator beneficiaries and dependents are entitled to  
18 under state or federal statutes and shall be exempt from the  
19 claims and demands of creditors of such teacher or school  
20 administrator, pursuant to s. 732.402(2)(d).

21           (c) Payment of the entire health insurance premium for  
22 the school district's health insurance plan shall continue for  
23 the teacher's or school administrator's surviving spouse until  
24 remarried, and for each dependent child of the teacher or  
25 school administrator until the child reaches the age of  
26 majority or until the end of the calendar year in which the  
27 child reaches the age of 25 if:

28           1. At the time of the teacher's or school  
29 administrator's death, the child is dependent upon the teacher  
30 or school administrator for support; and  
31

1           2. The surviving child continues to be dependent for  
2 support, or the surviving child is a full-time or part-time  
3 student and is dependent for support.

4  
5 The district school board that employed the teacher or school  
6 administrator who is killed shall pay the health insurance  
7 premiums. The district school board shall report annually to  
8 the Department of Education the amount of premiums paid  
9 pursuant to this paragraph. The Department of Education shall  
10 provide reimbursement to the district for the premium  
11 payments.

12           (d) Waiver of certain educational expenses which  
13 children of the deceased teacher or school administrator incur  
14 while obtaining a vocational-technical certificate or an  
15 undergraduate education shall be according to conditions set  
16 forth in this paragraph. The amount waived by the state shall  
17 be an amount equal to the cost of tuition and matriculation  
18 and registration fees for a total of 120 credit hours at a  
19 university. The child may attend a state vocational-technical  
20 school, a state community college, or a state university. The  
21 child may attend any or all of the institutions specified in  
22 this paragraph, on either a full-time or part-time basis. The  
23 benefits provided under this paragraph shall continue to the  
24 child until the child's 25th birthday.

25           1. Upon failure of any child benefited by the  
26 provisions of this paragraph to comply with the ordinary and  
27 minimum requirements of the institution attended, both as to  
28 discipline and scholarship, the benefits shall be withdrawn as  
29 to the child and no further moneys may be expended for the  
30 child's benefits so long as such failure or delinquency  
31 continues.

1           2. A student who becomes eligible for benefits under  
2 the provisions of this paragraph while enrolled in an  
3 institution must be in good standing with the institution to  
4 receive the benefits provided herein.

5           3. A child receiving benefits under this paragraph  
6 must be enrolled according to the customary rules and  
7 requirements of the institution attended.

8           (4) The State Board of Education shall adopt rules and  
9 procedures necessary to implement the provisions of this  
10 section, pursuant to ss. 120.536(1) and 120.54.

11           Section 3. Paragraph (d) is added to subsection (2) of  
12 section 732.402, Florida Statutes, to read:

13           732.402 Exempt property.--

14           (2) Exempt property shall consist of:

15           (d) All benefits paid pursuant to s. 112.1915.

16           Section 4. In any instance in which the Florida  
17 Education Foundation has previously paid benefits equivalent  
18 to those in this act to any beneficiary, any surviving spouse,  
19 or any dependent child covered under the provisions of this  
20 act, that organization shall be reimbursed rather than payment  
21 being made to any beneficiary, any surviving spouse, or any  
22 such dependent child.

23           Section 5. State funding shall be provided annually in  
24 the General Appropriations Act.

25           Section 6. This act shall take effect upon becoming a  
26 law and the provisions of section 2 of this act shall apply to  
27 incidents occurring on or after May 26, 2000.