

By Senator Laurent

17-446A-01

1 A bill to be entitled
2 An act relating to teacher death benefits;
3 creating the "Barry Grunow Act"; creating s.
4 112.1915, F.S.; providing definitions;
5 providing death benefits with respect to
6 certain teachers; providing for payment of
7 certain health insurance premiums; providing
8 for the waiver of certain educational expenses
9 for children of certain deceased teachers;
10 providing for rules; amending s. 110.123, F.S.;
11 directing the Department of Education to pay
12 the entire premium for the state group health
13 insurance program for the surviving spouses of
14 certain deceased teachers; providing for
15 funding; providing for retroactive application;
16 providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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

22 Section 2. Section 112.1915, Florida Statutes, is
23 created to read:

24 112.1915 Teachers; death benefits.--Any other
25 provision of law to the contrary notwithstanding:

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

27 (a) "Employer" means the district school board.

28 (b) "Teacher" means any instructional staff person as
29 defined in s. 228.041(9).

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1 (c) "Insurance" means insurance procured from a stock
2 company or mutual company or association or exchange
3 authorized to do business as an insurer in this state.

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

8 (e) "Beneficiary" means the person designated by the
9 teacher in writing, signed by the teacher and delivered to the
10 employer during the teacher's lifetime. If no such designation
11 is made, the beneficiary is the surviving child or children
12 and spouse in equal portions, or if there is not a surviving
13 child or spouse, the teacher's parent or parents. If a
14 beneficiary is not designated and there is not a surviving
15 child, spouse, or parent, the beneficiary is the teacher's
16 estate.

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

22 (a) Such act is inflicted upon the teacher while he or
23 she is engaged in the performance of teaching duties; or

24 (b) The motivation for such act is related in whole or
25 in part to the fact that the individual is a teacher.

26 (3) If a teacher dies under the conditions in
27 subsection (2), benefits shall be provided as follows:

28 (a) The sum of \$75,000 shall be paid, whether secured
29 by insurance or not, to the beneficiary. The payment shall be
30 in addition to any other insurance, workers' compensation, or
31 pension benefits or other benefits that teacher beneficiaries

1 and dependents are entitled to under state or federal statutes
2 and shall be exempt from the claims and demands of creditors
3 of such teacher.

4 (b) The sum of \$1,000 shall be paid, whether secured
5 by insurance or not, to the beneficiary toward the funeral and
6 burial expenses of such teacher. The payment shall be in
7 addition to any workers' compensation or pension benefits or
8 other benefits that teacher beneficiaries and dependents are
9 entitled to under state or federal statutes and shall be
10 exempt from the claims and demands of creditors of such
11 teacher.

12 (c) Payment of health insurance premiums shall be
13 continued for the teacher's surviving spouse until remarried,
14 and for each dependent child of the teacher until the child
15 reaches the age of majority or until the end of the calendar
16 year in which the child reaches the age of 25 if:

17 1. At the time of the teacher's death, the child is
18 dependent upon the teacher for support; and

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

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23 The district school board that employed the teacher who is
24 killed shall continue to pay the health insurance premiums
25 until the end of the current fiscal year or until the end of
26 the district's health plan contract, whichever is later. After
27 the expiration of the current health plan contract or at the
28 end of the fiscal year, the Department of Education shall pay
29 the cost of the premium for the teacher's surviving spouse and
30 for each dependent child according to conditions set forth in
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1 this paragraph to be covered under the state group health
2 insurance program.

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

16 1. Upon failure of any child benefited by the
17 provisions of this paragraph to comply with the ordinary and
18 minimum requirements of the institution attended, both as to
19 discipline and scholarship, the benefits shall be withdrawn as
20 to the child and no further moneys may be expended for the
21 child's benefits so long as such failure or delinquency
22 continues.

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

27 3. A child receiving benefits under this paragraph
28 must be enrolled according to the customary rules and
29 requirements of the institution attended.

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

4 Section 3. Paragraph (e) of subsection (4) of section
5 110.123, Florida Statutes, is amended to read:

6 110.123 State group insurance program.--

7 (4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE;
8 LIMITATION ON ACTIONS TO PAY AND COLLECT PREMIUMS.--

9 (e) No state contribution for the cost of any part of
10 the premium shall be made for retirees or surviving spouses
11 for any type of coverage under the state group insurance
12 program. However, any state agency that employs a full-time
13 law enforcement officer, correctional officer, or correctional
14 probation officer who is killed or suffers catastrophic injury
15 in the line of duty as provided in s. 112.19, or a full-time
16 firefighter who is killed or suffers catastrophic injury in
17 the line of duty as provided in s. 112.191, shall pay the
18 entire premium of the state group health insurance plan for
19 the employee's surviving spouse until remarried, and for each
20 dependent child of the employee, subject to the conditions and
21 limitations set forth in s. 112.19 or s. 112.191, as
22 applicable. Furthermore, in the case of a teacher who is
23 killed pursuant to s. 112.1915, the Department of Education
24 shall pay the entire premium of the state group health
25 insurance program for the teacher's surviving spouse until
26 remarried, and for each dependent child of the teacher,
27 subject to the conditions and limitations set forth in s.
28 112.1915.

29 Section 4. In any instance in which the Florida
30 Education Foundation has previously paid benefits equivalent
31 to those in this act to any beneficiary, any surviving spouse,

1 or any dependent child covered under the provisions of this
2 act, that organization shall be reimbursed rather than payment
3 to any beneficiary, any surviving spouse, or any such
4 dependent child.

5 Section 5. Funding.--State funding shall be provided
6 annually in the General Appropriations Act.

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

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12 SENATE SUMMARY

13 Provides for benefits to be paid to the survivors of
14 teachers killed as the result of unlawful acts committed
15 against them while engaged in teaching duties or as a
16 consequence of their teaching position. Benefits include
17 lump-sum cash, health benefits, and educational benefits.
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