

By the Committee on Education and Senators Laurent and Klein

304-1445-01

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled

An act relating to teacher and certain school administrator death benefits; creating the "Barry Grunow Act"; creating s. 112.1915, F.S.; providing definitions; providing death benefits with respect to certain teachers and school administrators; providing for payment of certain health insurance premiums; providing for the waiver of certain educational expenses for children of certain deceased teachers and school administrators; providing for rules; amending s. 732.402, F.S.; providing that the teacher and school administrator death benefits are exempt property under the Florida Probate Code; providing for reimbursement of benefits previously paid; providing for funding; providing for retroactive application; providing an effective date.

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

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

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

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

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

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

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 for this act shall be
24 provided annually in 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 866

There were four substantive changes made to the original legislation:

School-based administrators were added to the list of school district employees eligible for the benefits provided by the act.

The school district pays the health insurance premium for the beneficiaries and is reimbursed annually by the Department of Education. This change satisfies Internal Revenue Code requirements, and avoids premiums and benefits from being considered taxable income for the beneficiaries.

If the employee has not provided the school district with a written designation of a beneficiary, the beneficiary is the deceased's estate.

The definition of the term "insurance" is deleted.