

By Senator Mitchell

4-538-02

See HB 265

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A bill to be entitled
An act relating to district school board employees; amending s. 112.1915, F.S.; extending the benefits of the Barry Grunow Act to certain district school board employees and certain noninstructional personnel who provide indirect services to students, in addition to teachers and school administrators; providing an effective date.

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

Section 1. Section 112.1915, Florida Statutes, is amended to read:

112.1915 District school board employees, excluding certain noncertified noninstructional personnel and contract workers ~~Teachers and school administrators~~; death benefits.--Any other provision of law to the contrary notwithstanding:

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

(a) "Employee" means a secretary, cafeteria worker, janitor, school bus driver, or other employee of a district school board, but does not include a noncertified noninstructional employee or a contract worker.

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

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

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

~~(c)(d)~~ "Teaching Duties" means the actual performance of duties required by an employee's ~~a teacher's~~ employment

1 during his or her regularly scheduled working hours or
2 irregular working hours as required or assigned by the
3 employer.

4 ~~(e) "School administrator duties" means the actual~~
5 ~~performance of duties required by a school administrator's~~
6 ~~employment during his or her regularly scheduled working hours~~
7 ~~or irregular working hours as required or assigned by the~~
8 ~~employer.~~

9 ~~(d)(f)~~ "Beneficiary" means the person designated by
10 the employee ~~teacher or school administrator~~ in writing,
11 signed by the employee ~~teacher or school administrator~~ and
12 delivered to the employer during the employee's ~~teacher's or~~
13 ~~school administrator's~~ lifetime. If a beneficiary is not
14 designated, the beneficiary is the employee's ~~teacher's or~~
15 ~~school administrator's~~ estate.

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

22 (a) Such act is inflicted upon the employee ~~teacher or~~
23 ~~school administrator~~ while he or she is engaged in the
24 performance of the employee's ~~teaching duties or school~~
25 ~~administrator~~ duties; or

26 (b) The motivation for such act is related in whole or
27 in part to the fact that the individual is an employee of the
28 district school board ~~a teacher or school administrator~~.

29 (3) If an employee ~~a teacher or school administrator~~
30 dies under the conditions in subsection (2), benefits shall be
31 provided as follows:

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

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

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

26 1. At the time of the employee's ~~teacher's or school~~
27 ~~administrator's~~ death, the child is dependent upon the
28 employee ~~teacher or school administrator~~ for support; and

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

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

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

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

30 2. A student who becomes eligible for benefits under
31 the provisions of this paragraph while enrolled in an

1 institution must be in good standing with the institution to
2 receive the benefits provided herein.

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

6 (4) The State Board of Education shall adopt rules and
7 procedures necessary to implement the provisions of this
8 section, pursuant to ss. 120.536(1), and 120.54, and 120.541.

9 (5) State funding shall be provided annually in the
10 General Appropriations Act.

11 Section 2. This act shall take effect July 1, 2002.

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14 LEGISLATIVE SUMMARY

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16 Extends the benefits of the Barry Grunow Act to specified
17 district school board employees rather than just teachers
18 and school administrators. (See bill for details.)

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