

II. Present Situation:

Pursuant to the Barry Grunow Act, survivors of teachers and school administrators currently receive benefits – including lump sum payments, health insurance and educational benefits – in the event that the teacher or administrator is killed or seriously injured while on the job or because of his or her status as a teacher or administrator. These state benefits have not previously been extended to other district school employees.

According to the Department of Education, there are no known beneficiaries of the Barry Grunow Act other than the family of Barry Grunow. According to the Risk Management Department of the School District of Palm Beach County, health insurance premiums of \$9,967.50 were paid for the Grunow family by the district and reimbursed by the Department of Education in FY 2001-2002. It is anticipated that premium costs will increase.

III. Effect of Proposed Changes:

SB 1484 would provide death benefits to school support staff basically identical to those currently provided to teachers and administrators. Benefits would be provided under the bill to all employees of a district school board, excluding independent contractors, personnel employed by other entities under contract to the school, instructional staff personnel or school administrators. Benefits payable to survivors under SB 1484 include:

- A lump sum of \$75,000, payable to the employee's beneficiary. This benefit is to be paid in addition to any other insurance, workers' compensation, pension benefits, or other benefits to which the beneficiaries may be entitled and is exempt from demands of the deceased employee's creditors.
- A lump sum of \$1,000, payable to the employee's beneficiary for funeral and burial expenses. This benefit is in addition to any workers' compensation, pension benefits, or other benefits to which the beneficiaries may be entitled and is exempt from demands of the deceased employee's creditors.
- Payment of the entire health insurance premium under the school district's health insurance plan for the employee's surviving spouse, until such person remarries, and dependent children. The coverage of dependent children terminates when the child reaches either the age of majority or age 25, provided that the child is dependent on the employee for support at the time of the death, continues to be dependent on the employee for support, or is a full- or part-time student and is dependent for support.

The district school board that employed the employee would be responsible for paying the health insurance premiums related to this benefit. The district school board would then report the amount of these premiums annually to the Department of Education, which would provide reimbursement to the district for the premium payments.

- Waiver of tuition and matriculation/registration fees for children of the employee for up to 120 credit hours at a state vocational-technical school, community college or university. The child may attend school full- or part-time. This benefit terminates when

the child reaches age 25. Benefits may be withdrawn if the child does not meet standard academic and discipline requirements of the institution attended. A student must be in good standing with the institution attended to receive these benefits, and must be enrolled according to customary rules and requirements of the institution attended.

These benefits are payable to beneficiaries or survivors of a deceased employee as described above if the employee was killed or is injured and dies as a result of an unlawful, intentional violent act of another person inflicted while the employee is performing his or her job duties. In this respect SB 1484 differs slightly from the Barry Grunow Act, which confers benefits in the event that a teacher/administrator is killed while performing job duties, as above, but also confers benefits if a teacher/administrator is killed as a result of that person's status as a teacher or administrator. SB 1484 does not provide benefits if an employee is killed as a result of that person's status as a school board employee.

"Duties" are defined under the section to include actual performance of duties required by an employee's employment during his or her regularly scheduled working hours or irregular working hours as required by the employer. "Beneficiaries" are persons designated as such in writing by the employee or, in the absence of such a designation, the employee's estate.

The State Board of Education would be required to adopt rules and procedures necessary to implement the section.

State funding is required to be provided annually in the General Appropriations Act.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

The bill specifies that funding shall be provided annually in the General Appropriations Act. The Legislature cannot bind future Legislatures.¹ By requiring that funding be provided annually in the General Appropriations Act, the bill may be construed as

¹ The Florida Senate, *Manual for Drafting General Bills*, 5th Ed. 1999, citing *Neu v. Miami Herald Pub. Co.*, 462 So.2d 821 (Fla. 1985).

binding future Legislatures to fund the bill. It may be advisable to amend the bill to provide that funding for the bill shall be “as provided in the General Appropriations Act.”

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Surviving family members of a slain school district employee will be eligible to receive the payments and benefits detailed above. Health insurance companies or self-insurance trusts would receive premiums in exchange for providing coverage.

C. Government Sector Impact:

The bill directs that state funding for the act be provided annually in the General Appropriations Act. In the event of a death of an employee, amounts would be paid as detailed above – a \$75,000 payment, \$1,000 for funeral expenses, waiver of tuition and certain fees for surviving dependent children, and costs of health insurance premiums for survivors.

The Legislature appropriated \$165,000 in FY 2002-2003 to cover the costs of the benefits provided under the Barry Grunow Act, and the Governor has requested \$165,000 in appropriations for these costs for FY 2003-2004. The Palm Beach County school district paid approximately \$10,000 in health insurance premiums for the Grunow family for FY 2001-2002. It is anticipated that these premium costs will increase.

Data are not available to estimate the continuing costs to the state for adding coverage for the additional employees included in this benefits plan by SB 1484.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.