

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1484

SPONSOR: Governmental Oversight and Productivity Committee and Senator Lawson

SUBJECT: Death Benefits for District School Board Employees

DATE: April 1, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dormady</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable</u>
2.	<u>White</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable/CS</u>
3.	_____	_____	<u>AED</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The committee substitute amends s. 112. 1915, F.S., entitled the “Barry Grunow Act,” to extend death benefits that are currently provided for teachers and school administrators to other district school board employees, except those who are independent contractors or who are employed by a third party entity to provide services to the board pursuant to contract. These death benefits are available when an employee is killed as a result of a violent act related to his or her employment and include:

- A lump sum payment of \$75,000;
- A lump sum payment of \$1,000 payable for burial expenses;
- Health insurance for the employee’s surviving spouse and dependent children; and
- Waiver of vocational-technical and undergraduate costs at state schools for children of the employee.

The bill amends s. 112.1915 of the Florida Statutes.

II. Present Situation:

Chapter 2001-180, L.O.F., created the “Barry Grunow Act” in 2001, in memory of Mr. Grunow, a Lake Worth Middle School teacher, who was shot and killed on May 26, 2000, by a 13 year old male student. This Act, which is codified at s. 112.1915, F.S., provides benefits that are payable to the beneficiaries, spouse, and dependents of a teacher or school administrator who dies as a result of an unlawful and intentional act of violence inflicted by another person if: (1) the act is inflicted while the teacher or school administrator is engaged in the performance of teaching or school administrator duties; or (2) the motivation for the act is related in whole or in part to the fact that the individual is a teacher or school administrator.

The term “teacher” is defined in the act as any instructional staff personnel described in s. 1012.091(2), F.S., which refers to classroom teachers, guidance counselors, social workers, occupational/placement specialists, school psychologists, librarians/media specialists, primary specialists, learning resource specialists, instructional trainers, certain adjunct educators, and education paraprofessionals.¹ The term “school administrator” is defined in the act as any school administrator described in s. 1012.01(3), F.S., which refers to district-based instructional and noninstructional administrators, school principals, school directors, and assistant vice principals.²

The benefits provided under the act are:

- \$75,000 is to be paid to the decedent’s designated beneficiary;
- \$1,000 is to be paid toward the decedent’s funeral and burial expenses;
- Health insurance premiums are to be paid for the decedent’s spouse until remarried and for the decedent’s dependent child until the child reaches the age of majority or until the child reaches the age of 25 if the child continues to be dependent for support; and
- Vocational-technical and undergraduate expenses are to be waived for the decedent’s children until age 25 at state schools for up to 120 credit hours.³

The act exempts the \$75,000 and \$1,000 payments from the claims and demands of the decedent’s creditors.⁴ Further, the act provides that the district school board that employed the decedent is responsible for paying the health insurance premium benefits, but that these payments are to be reimbursed by the Department of Education on annual basis.⁵

Funding for the act is contingent upon an appropriation in the General Appropriations Act.⁶

III. Effect of Proposed Changes:

The bill extends the death benefits currently provided in s. 112.1915, F.S., for teachers and school administrators employed by a district school board to other district school board employees.

Specifically, the bill creates two new definitions providing that the term: (a) “‘Employee’ means a district school board employee, but does not include an independent contractor or a person who is employed by an entity other than the district school board to provide services to a district school board pursuant to contract;” and (b) “‘Duties’ means the employee’s actual performance of duties required by his or her employment during his or her regularly scheduled working hours or irregular working hours as required or assigned by the employer.”

The bill also: (a) alphabetizes the definitions contained in subsection (1); (b) strikes the definitions for “teacher” in subsection (1)(b) and “school administrator” in subsection (1)(c) as

¹ Section 112.1915(1)(b), F.S.

² Section 112.1915(1)(c), F.S.

³ Section 112.1915(3), F.S.

⁴ Section 112.1915(3)(a) and (b), F.S.

⁵ Section 112.1915(3), F.S.

⁶ Section 112.1915(5), F.S.

those definitions are no longer necessary due to the bill's new definition of "employee;" (c) strikes the definitions for "teaching duties" in subsection (1)(d) and "school administrator duties" in subsection (1)(e) as those definitions are no longer necessary due to the bill's new definition of "duties;" and (d) makes conforming changes throughout the section.

Finally, the bill amends subsection (5), which currently provides that, "State funding shall be provided annually in the General Appropriations Act." This subsection appears to require future Legislatures to annually appropriate funds; however, one Legislature cannot bind another Legislature.⁷ Accordingly, this bill clarifies this provision by amending this provision to specify, "*as* provided annually in the General Appropriations Act."

The bill takes effect on July 1, 2003.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Beneficiaries, the spouse, and dependents of specified school district employees who are violently killed while working will be eligible under this bill to receive a \$75,000 lump sum payment, \$1,000 for funeral and burial expenses, health insurance benefits, and educational benefits. 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 as provided annually in the General Appropriations Act. Thus, payment of any benefits required by the bill is contingent upon an appropriation.

⁷ *Neu v. Miami Herald Pub. Co.*, 462 So.2d 821 (Fla. 1985).

During FY 2002-2003, the Legislature appropriated \$165,000 for the benefits provided under the current "Barry Grunow Act." The Governor has requested \$165,000 in appropriations for these benefits in FY 2003-2004.

To date, the only beneficiaries of the act have been the Grunow family. This bill would add approximately 118,000 support staff to the 167,695 current potential beneficiaries of the act.⁸ The fiscal impact of the bill's addition of potential beneficiaries is indeterminate, as it is unknown how many violent deaths may occur in the future.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

⁸ According to information provided by the Department of Education, there are currently 9,714 school administrators and 157,981 instructional staff in Florida.