

STORAGE NAME: h0579.edk

DATE: March 16, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
EDUCATION K-12
ANALYSIS**

BILL #: HB 579

RELATING TO: Florida Offsite Learning Grant Program

SPONSOR(S): Representative Sanderson

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) EDUCATION K-12
 - (2) GOVERNMENTAL RULES & REGULATIONS
 - (3) EDUCATION APPROPRIATIONS
 - (4)
 - (5)
-

I. SUMMARY:

Currently nonprofit and community-based museums and science centers must come before the Legislature annually to request specific line item appropriations.

HB 579 creates a competitive grant program, the Florida Offsite Learning Grant Program, to require the Commissioner of Education to annually appoint a review panel to review grant program applications, set up a forum for public comment, and rank and recommend projects that should be funded under the program. The Commissioner of Education must annually include in the Department's legislative budget request a recommendation for funding for the Florida Offsite Learning Grant Program. The recommendation must include the review panel's ranking of applicants and recommended funding levels for each.

HB 579 requires the Department of Education (DOE) to adopt rules to administer the grant program and to ensure that the methods used to evaluate applications do not violate federal and state discrimination or conflicts of interest laws. Furthermore, the DOE must execute a contract with each grant recipient containing requirements relative to each program funded, projected income and expenditures, and such other provisions deemed necessary.

Grant recipients are required to file an annual report and postaudit or independent attestation of its financial accounts with the DOE and may be required to furnish supplemental information if requested by DOE.

The DOE indicates that administration of the program will cost approximately \$16,000 a year. Funding for Florida Offsite Learning Grants is subject to legislative appropriations.

The bill provides an effective date of upon becoming law.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- 1. Less Government Yes No N/A
- 2. Lower Taxes Yes No N/A
- 3. Individual Freedom Yes No N/A
- 4. Personal Responsibility Yes No N/A
- 5. Family Empowerment Yes No N/A

The Commissioner of Education must establish a review panel to review applications for Florida Offsite Learning Grants, and the Department of Education must adopt rules to establish criteria for the program.

B. PRESENT SITUATION:

According to the Department of Education (DOE), there are currently several nonprofit, community-based organizations (museums and science centers) that receive funding through a specific line item appropriation in the General Appropriations Act each year. The counties of Broward, Dade, Duval, Hillsborough, Leon, Orange, and Pinellas each have a major museum or science center that has received legislative funding in the past. Listed below are some community-based museums that were to receive funding in the 1999-2000 GAA, but were vetoed:

Specific Approp.	Community-based Facility	Amount Vetoed
=====	=====	=====
43C	Broward Museum of Discovery	\$ 4,000,000
1672B	Museum of Science & History	\$ 460,000
2080A	Florida International Museum	\$ 3,000,000
2080A	Ybor City State Museum Complex	\$ 500,000
2080A	Smithsonian/Florida World Museum	\$ 150,000
2080A	Miami Museum of Science	\$ 100,000

C. EFFECT OF PROPOSED CHANGES:

HB 579 establishes the Florida Offsite Learning Grant program. This grant program provides incentive funding for nonprofit and community-based organizations to create and maintain learning opportunities for public school students in nontraditional settings. Organizations, including math, science, art, and environmental facilities, must submit an application to the Commissioner of Education to become eligible for the grant. The Commissioner of Education determines what information may be required from grant program applicants. Furthermore, the Florida Department of Education (DOE) must establish review criteria for grant program applications by rule so as to be in compliance with applicable state and federal laws relating to discrimination and conflicts of interest.

The bill establishes a review panel, appointed annually by the Commissioner of Education, to evaluate, rank, and provide information regarding the relative merits of applicants. The review panel also recommends funding levels for each applicant's proposed program to the Commissioner. The review panel is required to provide a forum for public comment before any recommendations for awards of grants are made. Members on the review panel serve one year terms and receive no compensation, but may be reimbursed for travel and expenses incurred as a result of service pursuant to s. 112.061, F.S. The review panel's reports provide the basis for the Commissioner of Education's funding recommendation of the grant program in the DOE's annual legislative budget request. The commissioner's funding recommendation must include the review panel's rankings and suggested funding levels for each applicant.

HB 579 requires DOE to execute a contract with each organization for which funding is included in the General Appropriations Act. The contract must detail requirements relative to the grant recipient's program, including projected operating income and expenses, and any other provisions the DOE considers necessary for administration of the program. No organization awarded a Florida Offsite Learning Grant may receive funding from the Public Education Capital Outlay and Debt Service Trust Fund, the School Infrastructure Thrift Program, or any other public capital outlay funding for public schools.

The bill requires recipients of Florida Offsite Learning Grants to prepare and submit an annual report to the DOE. These annual reports should detail recipients' expenditures of funds, educational components, and provide such other information as may be established by rules DOE must adopt for the administration and implementation of the Florida Offsite Learning Grant program. The bill also requires grant recipients to submit an annual postaudit or independent attestation of financial accounts, as specified in s. 216.349, F.S., by a certified public accountant to DOE for review. The DOE is authorized to request that any grant recipient provide additional information to supplement its annual report or audit data.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Creates s. 229.604, F.S., to establish the Florida Offsite Learning Grant Program to provide funding to enable nonprofit and community-based organizations to provide learning opportunities to public school students in nontraditional settings; provides for grant application and review process; requires Commissioner of Education to annually appoint a review panel for grant application reviewing and ranking; provides for the review panel to be reimbursed for travel and expenses; provides for the award of grants and requires each grant recipient to execute a contract with Department of Education; provides for funding of the program; requires grant recipients to furnish an annual report and postaudit; and authorizes the Department of Education to adopt rules.

Section 2: Establishes an effective date of upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Funding for Florida Offsite Learning Grants is subject to legislative appropriations. The Department of Education projects that .25 FTE of a Specialist position is necessary for staff administration of the duties defined under the bill. Since the number of review panel members is not specified in the bill, expenditures for reimbursement of travel and expenses for the review panel can only be approximated. Based on this data, the DOE estimates that salaries, benefits, expenses, and travel costs related to administration of the Florida Offsite Learning Grant Program will be \$16,000 a year.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Nonprofit and community-based organizations that apply and are recommended may receive funding to support offsite learning opportunities for public school students.

D. FISCAL COMMENTS:

See above.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

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C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the Department of Education to establish rules necessary to implement the Florida Offsite Learning Program pursuant to ss. 120.526(1) and 120.54, F.S.

C. OTHER COMMENTS:

The sponsor of the bill will be offering a strike-all amendment to do the following:

- make technical corrections,
- add DOE's recommended changes regarding accountability and terminology, and
- provide conformity with the Senate companion bill.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON EDUCATION K-12:

Prepared by:

Staff Director:

Raylene H. Strickler

Patricia W. Levesque