

STORAGE NAME: h0579s1a.grr

DATE: April 13, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
GOVERNMENTAL RULES & REGULATIONS
ANALYSIS**

BILL #: CS/HB 579

RELATING TO: Offsite Learning Grant Program

SPONSOR(S): Committee on Education K-12, Representative Sanderson, and others

TIED BILL(S):

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

- (1) EDUCATION K-12 YEAS 10 NAYS 0
 - (2) GOVERNMENTAL RULES & REGULATIONS YEAS 7 NAYS 0
 - (3) EDUCATION APPROPRIATIONS
 - (4)
 - (5)
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I. SUMMARY:

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

CS/HB 579 creates a competitive grant program, the 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 of Education's (DOE or department) legislative budget request a recommendation for funding of the Offsite Learning Grant Program. The recommendation must include the review panel's ranking of applicants and recommended funding levels for each.

CS/HB 579 requires the Department of Education 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 project grant for each grant recipient containing information relating to the program, the projected operating income and expenses, and such other provisions deemed necessary by the DOE for administration of the program.

The bill requires recipients of Offsite Learning Grants to submit an annual report to the DOE, subject to the auditing provisions and rules of the DOE, detailing recipients' expenditures of funds, data on the impact of the project on student achievement, and other information that the DOE may require. The bill also requires grant recipients to comply with all provisions of statutes and rules outlined in the project grant.

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

The act becomes effective upon becoming a 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

Less Government

The Commissioner of Education must establish a review panel to review applications for 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, 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:

CS/HB 579 establishes the 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 and environmental facilities, must submit an application demonstrating the educational components of the program to the Commissioner of Education to become eligible for the grant. The Commissioner of Education determines which information may be required from grant program applicants. Furthermore, the Florida Department of Education 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.

CS/HB 579 requires DOE to execute a project grant award with each organization, for which funding is included in the General Appropriations Act. The project grant 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 an Offsite Learning Grant may receive funding from the Public Education Capital Outlay and Debt Service Trust Fund, the Classrooms First Program, the effort index grants, or the School Infrastructure Thrift Program.

The bill requires recipients of Offsite Learning Grants to submit an annual report to the DOE, detailing expenditures of funds, data on the impact of the project on student achievement, and other information that the DOE may require. Such annual reports are subject to the auditing provisions and rules of the DOE. The bill requires grant recipients to comply with all provisions of statutes and rules outlined in the project grant. The DOE must adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., as required to administer this program.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Creates s. 228.507, F.S., to direct the Commissioner of Education to make recommendations to the Legislature for funding Offsite Learning Grants; providing funding requirements; providing for a review panel; providing for the adoption of criteria for reviewing grant applications; requiring the commissioner of Education to include funding for the grants in the Department of Education's legislative budget request; providing requirements for grant recipients; requiring the compliance with certain statutes; and requiring the Department of Education to adopt rules.

Section 2: Provides that the act shall take effect upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Funding for 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 committee substitute. 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 Offsite Learning Grant Program will be approximately \$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 for and are recommended for grants 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 committee substitute does not require counties or municipalities to spend funds or take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

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

The committee substitute 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 Offsite Learning Program pursuant to ss. 120.526(1) and 120.54, F.S.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 27, 2000, the Committee on Education K-12 adopted a "strike all" amendment and reported the bill favorably as a committee substitute. The committee substitute differs from the original bill in the following ways:

- Conforms to the statutory structure of Florida laws so that this law will be added to Chapter 228 instead of Chapter 229;
- Eliminates the need for grant recipients to conduct an end-of-the-year postaudit or attestation, which was a redundant provision; and
- incorporates DOE recommendations to provide a more streamlined funding procedure and to evaluate grant recipients' programs by the impact their educational programs have on student achievement.

VII. SIGNATURES:

COMMITTEE ON EDUCATION K-12:

Prepared by:

Raylene H. Strickler

Staff Director:

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