

STORAGE NAME: h2341a.ed

DATE: April 26, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
EDUCATION APPROPRIATIONS
ANALYSIS**

BILL #: HB 2341 (PCB CU 00-05)

RELATING TO: The Florida Education Fund

SPONSOR(S): Committee on Colleges & Universities

TIED BILL(S): None

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

- (1) COLLEGES & UNIVERSITIES YEAS 9 NAYS 0
 - (2) EDUCATION APPROPRIATIONS YEAS 12 NAYS 0
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

The Florida Education Fund is a not-for-profit statutory corporation that is created from a challenge endowment grant from the McKnight Foundation. Current law establishes a legal education component of the Florida Education Fund in order to provide minorities with the opportunity to attain representation within the legal profession that is proportionate to their representation within the general population. This legal education component is more commonly known as the Minority Participation in Legal Education Program and consists of a law school scholarship program and a pre-law scholarship program.

This bill reflects recommendations proposed by the Postsecondary Education Planning Commission as a result of the Legislature's mandated review of the Minority Participation in Legal Education (MPLE) Program. The bill clarifies the types of student support services the law school scholarship program should provide, permits part-time students to participate in the law school scholarship program, guarantees each accredited law school in Florida three law school scholarship recipients per year, revises the use of funds appropriated for the pre-law scholarship program, and limits the administrative costs of the Minority Participation in Legal Education Program to no more than 10% of the funds appropriated to the program.

House Bill 2145 includes an appropriation of \$5.0 million for minority law scholarships (Specific Appropriation 176). A maximum of 8% of this appropriation may be used to support the administrative costs of the Minority Participation in Legal Education Program.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

B. PRESENT SITUATION:

CURRENT LAW

Section 240.498, Florida Statutes, establishes the Florida Education Fund as a not-for-profit statutory corporation that is created from a challenge endowment grant from the McKnight Foundation. The Fund operates on income derived from the investment of endowment gifts and matching funds provided by the State of Florida. The Fund is administered by a Board of Directors that consists of the following 12 members: two individuals appointed by the Governor, two individuals appointed by the Speaker of the House of Representatives, two individuals appointed by the President of the Senate, two representatives of the State University System appointed by the Board of Regents, two representatives of the Community College System appointed by the State Board of Community Colleges, and two representatives of independent colleges or universities appointed by the State Board of Independent Colleges and Universities.

Subsection 240.498(8), Florida Statutes, establishes a legal education component of the Florida Education Fund in order to provide minorities with the opportunity to attain representation within the legal profession that is proportionate to their representation within the general population. This legal education component is more commonly known as the Minority Participation in Legal Education (MPLE) Program and consists of a law school scholarship program and a pre-law scholarship program. Both of these programs are administered by the Board of Directors of the Florida Education Fund and receive a legislative appropriation. The Legislature appropriated \$2.3 million to the MPLE Program for the 1999-2000 fiscal year and the House of Representatives is currently recommending an appropriation of \$5.0 million to the MPLE Program for the 2000-2001 fiscal year.

The purpose of the law school scholarship program is to increase the number of minority students enrolled in law schools in the State of Florida by 200. The law school scholarship program provides financial, academic, and other support to students who are selected to participate in the program. According to the Postsecondary Education Planning Commission, the current award amount is \$15,651 per year for students attending a public law school and \$21,075 per year for students attending a private law school. Scholarships are directly awarded to students who are selected in accordance with rules adopted by the Board of Directors and demonstrate a potential for success, merit, and financial need. Students who are awarded scholarships must agree to practice law in the State of Florida for a maximum period of three years or repay the amount of assistance received.

The purpose of the pre-law scholarship program is to increase the opportunity of minority students to prepare for law school. The pre-law scholarship program provides funds to undergraduate minority students for fees, room and board, books, supplies, and academic and other support. Scholarships are annually awarded to 34 minority students for a period of four years. According to the Postsecondary Education Planning Commission, the current award amount is \$8,212 per year. Scholarships are awarded to students who are selected in accordance with rules adopted by the Board of Directors and demonstrate a potential for success, merit, and financial need. Students who are awarded scholarships must maintain a 2.75 grade point average during their freshman year and a 3.25 grade point average thereafter. Additionally, students who are awarded scholarships must agree to enroll at an eligible law school in the State of Florida within two years after graduation or repay the amount of assistance received plus interest at the prevailing rate.

Although current statutory provisions do not prohibit a part-time student from receiving a Minority Participation in Legal Education scholarship, policies developed and approved by the Board of Directors of the Florida Education Fund require scholarship recipients to “carry a full academic load each semester...”

POSTSECONDARY EDUCATION PLANNING COMMISSION STUDY

The 1999 Legislature directed the Postsecondary Education Planning Commission to conduct a review of the Minority Participation in Legal Education (MPLE) Program in order to determine the most appropriate entity to administer the program and assess the effectiveness of the MPLE Program in increasing the number of minority students who enroll in the State of Florida’s accredited law schools and who practice law in Florida.

The Commission concludes that the MPLE Program has been successful in increasing the number of minority students attending law schools in the State of Florida and is in accordance with the state’s ongoing commitment to increasing and maintaining access to higher education for all of its citizens. The Commission outlines several recommendations intended to improve, expand, and strengthen the MPLE Program. These recommendations include:

- Change the name of the Minority Participation in Legal Education Program to the Full Participation in Legal Education Program.
- Maintain the current administration of the Full Participation in Legal Education (FPLE) Program but create an advisory group known as the Board of Advisors that is comprised of 10 members representing the legal community.
- Limit the administrative costs for the FPLE Program to no more than 10% of the total program costs.
- Modify the purpose of the law school scholarship program so that an increase occurs in the number of students who are currently under-represented in Florida’s law schools, particularly African-Americans and Hispanics.
- Provide law school scholarships to students enrolled on a part-time basis.
- Clarify the types of student support services the law school scholarship program should provide to include a beginning law scholars’ orientation, first year campus meetings, a law scholars’ annual meeting, a resume directory, bar passage support, and supplemental bar preparation clinics.

- Modify the selection process for the law school scholarship program so that each accredited law school in Florida is guaranteed three “seats” per year from the total number of scholarships awarded.
- Revise the use of funds appropriated for the pre-law scholarship program to include student fees, tuition for a Law School Admission Test preparation course, and a pre-law summer program that is held at an American Bar Association accredited law school in Florida per year.

LEGAL EDUCATION ADVISORY COUNCIL INTERIM REPORT

In October 1999, the chancellor of the State University System appointed the Legal Education Advisory Council to study ways to increase minority enrollment in Florida’s law schools. The Council is composed of a group of legal professionals and law school faculty and staff. The Council addressed several areas relating to the enhancement of minority student participation in legal education in Florida and issued an interim report that includes recommendations that were approved by a majority of the members comprising the Council. Portions of the interim report focus on the Minority Participation in Legal Education (MPLE) Program and include the following recommendations:

- Maintain the current name of the MPLE Program.
- Maintain the current administration of the MPLE Program.
- Double the funding level for the law school scholarship program to provide an additional 60-70 scholarships annually to minority students accepted to law schools in the State of Florida.
- Expand the eligibility criteria for the law school scholarship program so that scholarships are awarded to part-time students and out-of-state students.
- Maintain the current centralized review process for the selection of law school scholarship recipients.
- Expand the eligibility criteria for the pre-law scholarship program so that scholarships are awarded to part-time students, out-of-state students, and freshmen and sophomore students.
- Permit students who receive a pre-law scholarship to renew their scholarship if they maintain a 3.0 grade point average.
- Provide an exception under special circumstances to the stipulation requiring students who are awarded pre-law scholarships to enroll at an eligible law school in the State of Florida within two years after graduation or repay the amount of assistance received plus interest at the prevailing rate.

FLORIDA EDUCATION FUND RECOMMENDATIONS

Upon reviewing the Postsecondary Education Planning Commission’s study of the Minority Participation in Legal Education (MPLE) Program and the Legal Education Advisory Council’s interim report on minority participation in legal education in Florida, the Florida Education Fund submitted several recommendations intended to enhance the MPLE Program to committee staff. These recommendations include:

- Maintain the current name of the MPLE Program.
- Maintain the current administration of the MPLE Program but create an advisory group known as the Board of Advisors that is comprised of 10 members representing the legal community.
- Limit the administrative costs for the MPLE Program to no more than 10% of the total program costs.
- Expand the eligibility criteria for the MPLE program so that scholarships are awarded to part-time students.
- Modify the purpose of the law school scholarship program so that an increase occurs in the number of students who are currently under-represented in Florida's law schools, particularly African-Americans and Hispanics.
- Clarify the types of student support services the law school scholarship program should provide to include a beginning law scholars' orientation, first year campus meetings, a law scholars' annual meeting, a resume directory, bar passage support, and supplemental bar preparation clinics.
- Require each law school graduate who receives a law school scholarship to serve as a mentor to a new law school scholarship recipient for a minimum of three years.
- Maintain the current centralized review process for the selection of law school scholarship recipients rather than allocate a guaranteed number of scholarships to each accredited law school in Florida.
- Clarify the type of student support service the pre-law scholarship program should provide and include, at a minimum, an orientation meeting.
- Revise the use of funds appropriated for the pre-law scholarship program to include student fees, tuition for a Law School Admission Test preparation course, and a pre-law summer program that is held at an American Bar Association accredited law school in Florida per year.
- Permit students who receive a pre-law scholarship to renew their scholarship if they maintain a 3.0 grade point average.

C. EFFECT OF PROPOSED CHANGES:

The provisions of this bill clarify the types of student support services the law school scholarship program should provide and include a beginning law scholars' orientation, first year campus meetings, a law scholars' annual meeting, a resume directory, bar passage support, and supplemental bar preparation clinics. The bill also permits part-time students to participate in the law school scholarship program and guarantees each accredited law school in Florida three law school scholarship recipients per year. Law schools experiencing a decrease in the number of enrolled African-American and Hispanic students during three consecutive years will lose their guaranteed law school scholarship recipients. The bill further revises the use of funds appropriated for the pre-law scholarship program to include student fees, tuition for a Law School Admission Test preparation course, and a pre-law summer program that is held at an American Bar Association accredited law school in Florida per year.

Lastly, the bill limits the administrative costs of the Minority Participation in Legal Education Program to no more than 10% of the funds appropriated to the program.

D. SECTION-BY-SECTION ANALYSIS:

SECTION 1: Amends subsection 240.498(8), Florida Statutes, in order to (a) clarify the types of student support services the law school scholarship program should provide and include a beginning law scholars' orientation, first year campus meetings, a law scholars' annual meeting, a resume directory, bar passage support, and supplemental bar preparation clinics; (b) permit part-time students to participate in the law school scholarship program; (c) guarantee each accredited law school in Florida three law school scholarship recipients per year; (d) revise the use of funds appropriated for the pre-law scholarship program to include student fees, tuition for a Law School Admission Test preparation course, and a pre-law summer program that is held at an American Bar Association accredited law school in Florida per year; and (d) limit the administrative costs of the Minority Participation in Legal Education Program to no more than 10% of the funds appropriated to the program.

SECTION 2: Establishes an effective date of July 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. **Revenues:**

This bill does not appear to have a fiscal impact on state revenues.

2. **Expenditures:**

House Bill 2145 includes an appropriation of \$5.0 million for minority law scholarships. A maximum of 8% of this appropriation may be used to support the administrative costs of the Minority Participation in Legal Education Program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. **Revenues:**

This bill does not appear to have a fiscal impact on local revenues.

2. **Expenditures:**

This bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill permits minority students who can only attend law school on a part-time basis to receive a law school scholarship from the Minority Participation in Legal Education Program.

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action which requires the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties or municipalities have to raise revenues.

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

This 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:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 3, 2000, the Committee on Colleges & Universities adopted an amendment without objection that guarantees each accredited law school in Florida three law school scholarship recipients per year. Law schools experiencing a decrease in the number of enrolled African-American and Hispanic students during three consecutive years will lose their guaranteed law school scholarship recipients.

On April 26, 2000, the Education Appropriations Committee adopted two amendments. The first amendment provides that a student who practices law for two years as an employee of a State Attorney, a Public Defender or the Office of the Attorney General shall be considered to have satisfied the MPLE repayment requirement. The second amendment directs the Division of Statutory Revision to prepare a revisors bill for introduction at the 2001 Regular Session of the Legislature to change the name of the "Florida Merit Scholarship" to the "Florida Medallion

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Scholarship”, and to change “Florida Merit Scholar” to the “Florida Medallion Scholar”, effective for the 2002-2003 school year.

VII. SIGNATURES:

COMMITTEE ON COLLEGES & UNIVERSITIES:

Prepared by:

Staff Director:

Daniel Furman

Betty H. Tilton, Ph.D.

AS REVISED BY THE COMMITTEE ON EDUCATION APPROPRIATIONS:

Prepared by:

Staff Director:

John Newman

John Newman