

# THE VALENCIA SESSION REPORT



May 18, 2010

The full text of all bills is available online at <http://www.leg.state.fl.us>

Please Note: Unless otherwise noted, all matters reported are subject to Governor's Veto



Speaker-designate Dean Cannon, R-Winter Park, left, and Senate President-designate Mike Haridopolos, R-Melbourne, right, offer profiles of concentration while listening to Gov. Charlie Crist deliver his final state-of state, Tuesday evening March 2, 2010.

## 2010 Legislative Session Adjourns, Building 4 on Osceola Campus Receives \$21.7 Million

### Introduction

▶ On Friday evening, April 30<sup>th</sup>, the 2010 Session of the Florida Legislature was adjourned sine die, skipping the traditional fanfare of the “white hanky-dropping” ceremony, which usually occurs in the rotunda between the two chambers as they simultaneously conclude. The Governor was not present, as has been the custom. This was a contentious and partisan Session that saw lawmakers pass the second-lowest amount of bills since the

Republicans took control about twelve years ago. The Senate introduced 1,438 bills, resolutions and memorials, and the House accounted for 1,039, for a total of 2,477 pieces of legislation. A total of 301 Senate and House bills passed both chambers and were sent to the Governor.

▶ Legislators did agree on an almost \$70.4 million budget, approved a new gaming compact, passed comprehensive education reforms, and a jobs and tax relief bill.

▶ There was an unexpected influx of Public Education Capital Outlay (PECO) funds that provided higher education with enhanced facilities funding. The Senate proposed, and the House concurred, to swap the same percentage of tax from the communications sales tax to the gross receipts tax. While this resulted in an even exchange of funds, the gross receipts tax can be bonded and so yielded an additional \$270 million for the State University System and the community colleges. It boosted college facilities funding by \$127 million, which allowed a number of projects to be moved forward to be completely funded and removed from the project list. Accordingly, Valencia’s highest capital priority, Building 4 on the Osceola campus (108,000 sq. ft. library and high tech classrooms), received a \$21.7 million PECO appropriation. In an unprecedented action, House and Senate budget chiefs called on the universities and colleges that received such additional PECO funding to make formal public presentations regarding their respective construction and facilities needs. Valencia’s presentation, which emphasized student access and community needs, was well received.

### Funding Issues

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▶ When the Session began, there was a projected \$3.2 billion shortfall, yet lawmakers passed a \$70.4 billion budget which is almost a \$4 billion increase over last year's \$66.5 billion budget. They were able to achieve this by using all of the \$3 billion in federal stimulus funding, a revenue-sharing gambling compact agreed upon with the Seminole tribe, program cuts and the use of various trust funds including the transfer of \$160 million from the road-building fund. The legislature also authorized future spending contingent upon the anticipated \$270 million in the Federal Medical Assistance Program, which will become available if Congress passes the provision reducing the amount Florida has to provide for MEDICAID matching.

▶ Higher education fared well again this year in the budget. State universities received significant increases in their budget and an authorized 8% tuition increase with an optional, additional 7% available for implementation by their boards of trustees. Other university fees were also authorized at up to 15% to include such fees as student activity fees and health and safety fees.

▶ The Florida College System (FCS) was treated favorably and obtained an overall increase in state and federal funding of \$39 million in recognition of the enormous growth experienced over the last few years. Other new funds were added but were specifically allocated for operating costs of new facilities, increased employer contribution rates for retirement and replacement of non-recurring funds. The legislature replaced a significant amount of the non-recurring funds that were in the colleges' base budgets. The FCS also received the second and final installment of \$83 million in stimulus funds. In addition, an 8% tuition increase was also approved for local district boards of trustees to consider passing for their individual colleges. These actions will assist the FCS next year when all federal stimulus funds are gone and cuts will be necessary for all parts of the budget. Once again, there was no provision for the funding of the Facilities or Philip Benjamin matching grants programs.

▶ Next year's budget is commonly referred to as "the cliff year" because the level of funding for those receiving state funds will drop off sharply. Budget shortfalls for 2011-2012 could reach \$5 billion, according to some estimates. Lawmakers left \$1.4 billion in reserves and if Congress approves additional funding for the Medicaid matching program, that could add another \$600 million to the reserve fund. These reserves are non-recurring and depending upon the hurricane season and oil spill

clean-up issues along Florida's coastline, they could easily be depleted.

### ▶ Summary of Key Community College System and Related Budget Issues

The Legislature approved \$39,350,710 in new state/federal support to the Community College Program Fund. All cuts and a significant amount of the non-recurring appropriations from 2009-10 were restored, slightly improving funding prospects for next year. Depending on an individual college's funding for growth, operating cost for new facilities, baccalaureates, and retirement rates, increases per college ranged from 2.3% to 8.2% for operating costs in the lower division, with an average increase of 5%. Valencia's increase of \$4.3 million is calculated at 7.42%.

- Total State and Federal funds appropriated for the community college system was \$1,120,006,988. *Other Community College System highlights:*
- Distance Learning - \$595,534
- Federal Stabilization Funds - \$83,045,378
- Baccalaureate Degrees - \$ 5,598,095 (rolled into CCPF)
- Foundation Matching Grants - \$0
- Facilities Matching Grants - \$0
- College Reach Out Program (CROP) - \$2,236,166
- Operating Costs for New Facilities - \$6,219,974
- First Generation in College Matching - \$1.65 million
- PECO Funding - \$261,199,752 to system
- Public Financial Assistance - \$128,851,308
- FRS retirement contributions - \$12 million
- Colleges/Universities 2+2 partnerships - \$5 million
- Tuition - up to 8% increase authorized



*Rep. Mike Horner, R-Kissimmee, provided key support for the funding of Building 4, Osceola Campus.*

### **Valencia Appropriations**

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STATE ALLOCATED FUNDS	2009-10	2010-11
Community College Program Fund (CCPF) Lottery	\$ 7,128,558	\$ 7,836,135
CCPF General Revenue (recurring)	\$ 48,779,721	\$ 53,605,845
CCPF General Revenue (non-recurring)	\$ 1,748,576	\$ 495,626
Federal Stabilization Funds	\$ 5,033,701	\$ 5,080,776

**TOTAL**                      **\$ 62,690,556**        **\$ 67,018,382**

▶ **Foundation Matching Funds**

For the third consecutive year, the legislature declined to fund the community college system's challenge matching grants program. If funded, Valencia's Foundation would have received over \$3.6 million to match private contributions received by February 1, 2010.

▶ **Facilities Matching Funds**

For the third consecutive year, the legislature declined to fund fully the community college system's facilities matching grants program. If funded, Valencia would have received \$5,181,896 to match contributions received for the construction of Building 4, Osceola Campus.

**Public Educational Capital Outlay (PECO) Funds**

PROJECT	AMOUNT FUNDED
Gen ren/rem, infrastructure and site improvements	\$ 2,465,292
Library & High Tech Bldg 4 - Osceola (c)	\$ 21,716,599
Sum-of Digits (Maintenance)	\$ 1,210,847

**TOTAL PECO**                      **\$ 25,392,738**

▶ **Proviso Language**

In Sections 24-26 of the Appropriations bill, the language is included that provides Valencia with needed flexibility to repurpose up to \$4,775,380 of

PECO funds for college facilities priority projects such as Building 1 on the new Lake Nona Campus and key renovations on the West Campus.

**Legislative Issues:**

■ **Bills that Passed**

**NOTE: Governor's Approval or Veto**

▶ Bills which were passed by the legislature will be sent to the Governor to sign, veto, or to become law without his signature. Pursuant to Article III, Section 8, of the Florida Constitution, "[e]very bill passed by the legislature shall be presented to the governor for approval and shall become a law if the governor approves and signs it, or fails to veto it within seven consecutive days after presentation. If during that period or on the seventh day the legislature adjourns sine die or takes a recess of more than thirty days, the governor shall have fifteen consecutive days from the date of presentation to act on the bill. Most bills are passed during the last week of session and have not been signed by the President of the Senate and the Speaker of the House. Once signed, the bills are presented to the Governor for his action. This often takes a number of weeks. Usually, bills are sent in groups to the Governor to allow time for review in their final form. The Governor then has a 15 day period from the day each bill is received to take action.

**NOTE: Appropriations Proviso, Implementing Bills and Conforming Bills**

▶ The Legislature has three methods to reflect decisions made in the General Appropriations Act (GAA) process. First, proviso is language attached to a specific appropriation and directs or authorizes how the funds can be expended. Or, an implementing bill may provide instructions to enact specific provisions in the GAA language or proviso by changing the law on a temporary basis for one year. While the GAA cannot contradict current law, there may be a need to temporarily suspend some provision of law. Finally, a conforming bill may also travel with the GAA. It is different from the implementing bill in that it makes permanent changes to Florida laws. In summary, proviso language and implementing bills are law for only one year and then they expire, while a conforming bill is a permanent change in Florida law. While the Governor may veto the entire appropriations act or by "line item," he does not have line item veto in a conforming or implementing bill.

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## General Appropriations Act 2010, Conference Report on HB 5001

- Authorizes the \$70.4 billion state budget.

## HB 5003 Appropriation Implementing Bill for the 2010 Budget

- Provides specific authority for implementing the budget - expires in one year.

## HB 5201 Appropriations Conforming Bill: Postsecondary Education Funding

- Modifies laws related to appropriations that impact community colleges

## HB 5101 Appropriations Conforming Bill: Prekindergarten through Grade 12 Education Funding

- Modifies laws related to appropriations that impact K-12 public schools

### ▶ **Baccalaureate Issues**

- **Repeal of Language:** HB 5201 Section 26

This language officially moves baccalaureate funding into the Community College Program Fund (CCPF) rather than continuing separate line item funding; this is accomplished by striking existing statutory language that required bachelor's programs to be funded in the GAA by line item. The GAA reflects this change as well.

- **Reporting :** Proviso Line 112, GAA

Prior to the disbursement of funds, colleges shall submit an operating budget for the expenditure of these funds as provided in section 1011.30, Florida Statutes. The operating budget shall clearly identify planned expenditures for baccalaureate programs and shall include the sources of funds.

### ▶ **Finance, Reporting and Purchasing**

- **Community College Presidential Salaries:** HB 5201 Section 28

Community college presidents cannot be paid more than \$225,000 annually from "appropriated state funds." That limit includes salary, bonuses, and cash-equivalent compensation. Appropriated state funds are defined as funds appropriated from the General Revenue Fund or state trust funds. This provision does not prohibit any college from

providing cash or cash-equivalent compensation from funds that are not appropriated state funds in excess of the \$225,000 limit.

- **Florida College System-- Use of Resources:** HB 5201 Section 7

Prohibits use of staff, faculty, land and facilities in support of establishing a new independent nonpublic educational institution.

- **Workforce Education Fees (CWE):** HB 5201 Sections 11 and 25

Requires Continuing Workforce Education courses to be fully supported by fees and no longer allow the course to be counted for purposes of funding full-time equivalent enrollment.

- **Community College Facilities Challenge Grant:** HB 5201 Section 23

Changes the date from September 1 to October 15 for the State Board of Education to transmit to the Legislature the projects that are eligible for match.

- **Purchasing:** HB 5003 Section 70

Ensures that the expenditure of state funds provided in the 2010-2011 GAA for any purchase of goods and services in excess of \$5 million shall give preference, to the maximum extent possible under state and federal laws, to vendors or businesses with a principal place of business in the State of Florida that commit contractually to maximize the use of Florida residents, products and other Florida-based businesses in the fulfillment of their contractual duties.

- **PECO - Tax on Communications and Utility Services:** [CS/SB 2024 Ways and Means Conforming](#)

Reduces the communications services tax rate levied under s. 202.12(1)(a), F.S., from 6.8 percent to 6.65 percent. Increases the gross receipts tax levied under s. 203.(1)(b), F.S., on those communications services subject to tax under s. 202.12(1)(a), F.S., by an offsetting amount. Provides that the limitation imposed on the amount of public education capital outlay (PECO) bonds that may be issued shall be adjusted to reflect revenues that would have been collected if any legislation enacted before the date of determination of the limit had been in effect for 24 months before the dates contemplated by the legislation. Impact – more money in PECO for this year.

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- **Federal Student Loan Reporting:** Proviso, Line 68 in Financial Aid

Requires any institution that participates in the Florida Student Assistance Grant (FSAG – state need-based financial aid) to report to the DOE prior to February 1, 2011, the following loan information for each student's Stafford and PLUS loan; guarantor, lender, number, amount, and overall total of loans to date for the 2010-2011 fiscal year. This information allows the Office of Student Financial Aid to obtain information about how much in total, students are borrowing from the federal government by institution.

### ▶ Retirement Issues

- **Planned Study**

The budget issue of employees contributing to the Florida Retirement System (FRS) is not included in the final state budget or the Conforming Bill. There will be an interim/actuarial study of the Florida Retirement System during the next year. Issues such as changing the average final compensation, employee participation/contribution in the FRS, elimination of a retirees Health Insurance Subsidy (HIS), capping final retirement benefits, changing or eliminating the automatic 3% annual cost of living benefit, eliminating the senior management retirement classification, eliminating the Deferred Retirement Option Program (DROP), and reducing what can be included (leave, overtime, faculty overloads, etc.) in the determination of final retirement benefits/costs could be included in the study.

- **Deferred Retirement Option Program (DROP):** [SB 5607 Retirement Conforming](#), Section 6

Changes the interest rate DROP participants earn on their monthly deposits from 6.5% to 3% annually, effective for those who enter DROP after July 1, 2010. All current participants and those that elect to participate before July 1, 2010 will earn at the current 6.5% annual rate. The annual cost of living increase of 3% remains unchanged. As a result of this change, DROP participants' annual percentage increase on deposits will change from 9.5% (cost of living plus interest rate of 6.5%) to 6% (cost of living plus interest rate of 3%) for new DROP participants effective on or after July 1, 2010. Also establishes retirement rates for 2010–2011 fiscal year.

### Library Issues

- **Library Automation:** Proviso, Line 112

Requires the College Center for Library Automation (CCLA-FCS) in collaboration with the Florida Center for Library Automation (FCLA – SUS) to expand its online discovery tool product to allow a user to search simultaneously the combined holdings and applicable electronic resources of CCLA and the Florida Center for Library Automation. In addition, library holdings currently available in SUNLINK, as well as library holdings available in standard machine readable bibliographic records of the State Library of Florida and the public libraries, should be included when and where feasible. The expanded search function shall be implemented by September 1, 2010.

- **K-12 Access:** HB 5101

Requires secondary students enrolled in acceleration courses like AP, DE, IB and ICE be provided access to state funded electronic library resources that are licensed for Florida colleges and state universities by the Florida Center for Library Automation and the College Center for Library Automation. Verification of eligibility shall be in accordance with rules established by the State Board of Education and regulations established by the Board of Governors and processes implemented by Florida colleges and state universities.

- **Library Data Ctr Relocation/Consolidation:** Proviso, Lines 112 and 132

Requires the College Center for Library Automation (CCLA-FCS) and the Florida Center for Library Automation (FCLA – SUS) to each develop and submit a transition plan by October 1, 2010 to the Governor, Chairs of Appropriations (House and Senate), SBOE, and the BOG for the relocation and consolidation of their computing services and associated resources to the Northwest Regional Data Center (NWRDC) by December 31, 2011.

CCLA and FCLA shall work with the Agency for Enterprise Info Technology and NWRDC in developing their plans to include an inventory of all resources, including but not limited to, all computing equipment; a description of resources proposed to remain in their centers; the budget, full-time personnel, and contracted services associated with the cost of its current computing services; the necessary budget adjustments required to accomplish the transfer of computing resources and a timeline with milestones for the completion of the relocation.

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- **Libraries-Electronic Resources by CCLA and FCLA: HB 5201 Section 9**

Requires a new collaborative process for FCS, SUS, school districts and public libraries to annually identify electronic library core resources and gain advantageous pricing for resources needed by more than one sector. The core resources to be identified include postsecondary education both at the four year and two year degree levels. It expands negotiated pricing models for electronic library resources and ensures advantageous pricing is available to all institutions within the SUS, FCS, as well as K-12 and public libraries as appropriate.



*Rep. John Tobia, R-Satellite Beach, left, serves as a professor on Valencia's Osceola Campus and is a vocal advocate for Florida's community colleges.*

### ► **Bright Futures Issues**

- **Bright Futures Scholarship Program: HB 5201 Section 13**

In response to concerns that the cost of the Bright Futures program has continued to rise, consuming more of the educational budget than considered sound, changes were adopted to increase the standards and tighten up on usage. The changes included:

- Academic requirements for all levels of the award are raised starting in 2011 or 2012, and continue to increase through 2014. The scores are phased in gradually so that current high school students will have time to prepare academically.
- New recipients have five, instead of seven, years to use the award.

- New applicants only have one opportunity to restore the award if they lose academic eligibility.
- New applicants have 100% of their baccalaureate credits covered, rather than the 110% for current awardees.
- New applicants who utilize acceleration hours to graduate in less than 4 years can use up to 15 of those saved credit hours (in one semester) for graduate courses (paid at Academic or Medallion rates) in targeted graduate programs.

- **Bright Futures FMAP Funds: HB 5201 Section 33**

Appropriates \$25 million of the non-recurring funds for Bright Futures should the Federal Medical Assistance Percentage (FMAP) funding become available. If the funds are not forthcoming, the Department of Education is to prorate the award levels accordingly.

### ► **Distance Learning, Virtual and On-Line Education Issues**

- **Distance Learning Consortium: HB 5201 Section 5**

Requires a plan to be developed by the Florida Distance Learning Consortium and submitted by December 1 for implementing a streamlined, automated, online registration process for online classes in the Consortium catalog to be implemented by the 2011-12 academic year. Specifies the plan must include: student financial aid, variations in fees, admission and readmission, registration prioritization, transfer of credit, and graduation requirements with attention to guidelines for students who attend multiple institutions for a degree.

- **School District Virtual Instruction: SB 5101 Sections 9 and 12**

- Adds community colleges as an approved provider of virtual instruction. Districts may contract with state/community colleges as a provider for the virtual instructional programs they are required to offer.
- Districts are encouraged to use virtual instruction as a means of addressing class size.

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- Colleges would be paid by the District and could not report the FTE for funding in the CCPF. This will include grades 9-12 in offering core curricula courses to meet class size requirements.
- Allows “part-time students in grades 9-12 who are enrolled in dropout prevention and academic intervention programs under s. 1003.53, core curricula courses to meet class size requirements under 1003.03, or community colleges.”
- **NOTE:** These provisions will apply to dual enrollment students taking courses online.
- Provides that community college AA degree graduates are to receive priority over out-of-state students for admission to an institution within the Florida College System (FCS) for upper division programs.
- Provides criteria for the evaluation of a baccalaureate degree proposal:
  - o Maintaining an open-door admissions policy for lower-division courses
  - o Responding to local workforce needs
  - o Submitting a budget and enrollment plan exhibiting cost savings to students and the state in comparison to state university and private institutional costs
  - o Documenting sufficient classrooms, equipment, and library holdings
  - o Submitting a curriculum plan
  - o Providing a plan of action if the program is terminated and
  - o Providing a plan for achieving Level II accreditation from SACS;
- Provides for exceptions from the requirement for State Board of Education approval of baccalaureate degree programs under certain conditions and after the college has been offering baccalaureate degrees three years. Once conditions are met, the college may request approval from the SBOE to authorize the BOT to approve subsequent baccalaureate degrees. The Division of Florida Colleges reviews eligibility criteria and makes a recommendation to the SBOE who has the

final decision to authorize colleges to approve their own baccalaureate degrees.

- Conforms other sections of law to reflect the new name of the Division of Florida Colleges and to the name changes for specific colleges.

### ► **Miscellaneous Issues in Conforming Bills or GAA**

#### **OPPAGA Study, Merger of Workforce Programs: HB 5201 Section 31**

Requires OPPAGA to conduct a study of merging workforce programs from School District Vocational Tech Centers with the Florida College System. A series of questions are provided.

#### **Energy Consumption Reduction: HB 5201 Section 30**

Encourages reduction of campus wide energy consumption by 10 percent, requires a benchmark from 2007-08, allows the counting of activities already implemented and requires report by January 1, 2011.

#### **Textbook Affordability: HB 5201 Section 4**

Adds “open-access” textbook availability to that section of law that relates to the requirements that instructors or academic departments must observe when considering the adoption of a textbook. It also requires that policies addressing the availability of textbooks to students unable to afford the cost include consideration of open-access textbooks. The bill encourages course instructors and academic departments to also participate in the development or adaptation of open-access textbooks for high-demand general education courses.

#### **Determination of Resident Status for Tuition: HB 5201 Section 10**

Authorizes colleges to rely upon residency determination from another institution when a student transfers without having to re-verify residency (unless there is some reason to question it). The Higher Education Coordinating Council will continue to review residency issues to determine if further efficiencies are possible.

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### State Lands: SB 1561 General Government Conforming, Section 7

Modifies FS 253.034 to require “Before a building or parcel of land is offered for lease, sublease, or sale to a local or federal unit of government or a private party, it shall first be offered for lease to state agencies, state universities, and community colleges, with priority consideration given to state universities and community colleges. A state university or community college must submit a plan for review and approval by the Board of Trustees of the Internal Improvement Trust Fund regarding the intended use of the building or parcel of land before approval of a lease.”

### Florida College Name Changes CS/SB 436 by Baker

- Changes the name of Central Florida Community College to College of Central Florida.
- Changes the name of Lake City Community College to Florida Gateway College.
- Changes the name of Palm Beach Community College to Palm Beach State College.
- Changes the name of Seminole Community College to Seminole State College of Florida.
- Effective April 20, 2010.
- SIGNED BY THE GOVERNOR  
Chapter 2010-23, Laws of Florida.

### Higher Education Coordinating Council HB 7237 by Weatherford and the Education Policy Council

- Creates the Higher Education Coordinating Council to identify unmet needs and facilitate solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers.
- Members of the Council include
  - Commissioner of Education
  - Chancellor of the State University System
  - Chancellor of the Florida College System
  - Executive Director of the Commission for Independent Education
  - President of the Independent Colleges and Universities of Florida
  - Two representatives of the business community

- The Council serves as an advisory board to the Legislature, State Board of Education, and Board of Governors
- Guiding principles include:
  - Achieve seamless educational system that fosters integrated continuum of education
  - Promote consistent education policy, focusing on students
  - Promote improved articulation
  - Promote educational access to high-quality education
  - Promote transfer of credit and data collection for improved accountability
- SIGNED BY THE GOVERNOR  
Chapter 2010-78, Laws of Florida.

### Nursing Education CS/CS/HB 1337 by Grimsley

In 2009 the Legislature passed HB 1209 with the intent to streamline the nursing education approval and regulatory processes. The bill repealed the Board of Nursing (BON) rulemaking authority. The 2010 legislation, CS/CS/HB 1337, builds on the 2009 bill by further streamlining these processes.

- Amended definitions are as follows:
  - “Approved program” is “a program for the pre-licensure education of practical or professional nurses that is conducted in the state at an educational institution and that is approved under s. 464.019.”
  - “Accredited program” is defined as a program for the pre-licensure education of professional or practical nurses that is conducted in the United States (U.S.) at an educational institution, whether in this state, another state, or the District of Columbia, and that is accredited by the a nursing accreditation agency recognized by USDOE to accredit nursing programs.
  - “Required passage rate” is 10 percentage points, rather than 10 percent in current law, below the national average pass rate on the National Council Licensing Exam (NCLEX) for U.S. educated, first-time test takers.
  - Specifies that the applicable national average passage rate is based on the type of program, i.e. an associate degree, a bachelor’s degree, a diploma professional nursing program or a practical nursing program.



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- Definition for “clinical preceptor” is amended to include License Practical Nurses (LPNs) to act as clinical preceptors in LPN programs and to require an RN as preceptor for RUN program.
- “Graduate passage rate” is defined to mean “the percentage of a program’s graduates who, as first-time test takers, pass the NCLEX during a calendar year, as calculated by the contract testing service of the NCSBN.”
- A nursing education program that is accredited by either the NLNAC or the CCNE is no longer subject to the BON regulations as long as the program maintains its accreditation. BON is prohibited from imposing any condition or requirement on an “accredited program” except as expressly authorized in statute.
- BON regulation is required for “approved programs”, and timeframes are provided for BON action on applications.
- Graduate passage rate requirement only applied prospectively beginning with the 2010 calendar year. Programs placed on probation for inadequate NCLEX graduate passage rates should be removed from probation after attaining the required passage rate for one calendar year.
- Programs placed on probation must disclose such status in communication with students and applications.
- Specify that the program application must require provision of the legal name for the educational institution and nursing education program and the name of any accrediting agencies for the program.
- If a program ceases to be accredited, the educational institution must provide written notice on the date that the program ceased to be accredited to the BON, students and applicants, and each clinical training site or clinical-based site within 10 days.
- Amends the faculty educational requirements
  - Program director and 50 percent of the faculty members for an RN program must have a master’s or higher degree in nursing or a bachelor’s degree in nursing and a master’s of higher degree in a field related to nursing; and for an LPN program must have a bachelor’s or higher degree in nursing.
  - Faculty education credentials for a nursing program may be “documented” by an official transcript or a written statement from an educational institution verifying degree.

- The bill was amended to allow OPPAGA to assume all reporting responsibilities required by 2009’s HB 1207 if the Florida Center for Nursing did not receive an appropriation.
- **SIGNED BY THE GOVERNOR**  
Chapter 2010-37, Laws of Florida.

*Footnote:* The \$450,000 annual appropriation for the Florida Center for Nursing was eliminated from the General Appropriations Act. The Center was established in 2001 to address issues of supply and demand in nursing for the state. FCN does have other grant and private funds and will continue to operate as they can with existing resources.

### [Fee Exemptions Foster Care CS/HB 1363 by Glorioso](#)

Amends the fee exemption statute, 1009.25, to clarify that students in the following categories retain the exemption until reaching 28 years of age:

- Is or was, at the time reaching age 18, in the custody of DCFS,
- Was placed in a guardianship by the court after spending six months in custody of DCFS after reaching 16,
- In custody of a relative under the Relative Caregiver Program at the time reaching age 18,
- Adopted from DCFS after May 5, 1997.
- **SIGNED BY THE GOVERNOR**  
Chapter 2010-68, Laws of Florida.

### [Military Children - Interstate Compact Educational Opportunity HB 521 by Proctor](#)

Extends sunset review date on the Compact, which governs member states in several areas for K-12 students, including school placement, enrollment, records transfer, and graduation for children of active-duty military families. Currently, 26 states are members of the compact.

- **SIGNED BY THE GOVERNOR**  
Chapter 2010-52, Laws of Florida.

### [Teacher Education Tuition Waiver/Credit Card Convenience Fees CS/CS/HB 723 by Sachs](#)

Allows state university or community college to waive tuition and fees for a classroom teacher, under the following:

- Meets university or college academic requirements

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- Up to 6 credit hours per term on a space available basis
- Undergraduate courses approved by the Department of Education, limited to special education, mathematics, or science
- The course cannot be taken during the school day
- State Board to determine process for approval of courses by the Department
- 
- Amends FS 1009.23 to allow colleges to recover a convenience fee for online credit card transactions for the payment of tuition and fees. Existing statute 1009.23 (12) (a) reads in part: "A community college may not charge any fee except as authorized by law." The amendment to 1009.23 (15) now allows colleges to recover a convenience fee for accepting credit card transactions for only online payments. However, the bill did not amend the second statute, 1009.22 in the workforce fees section, so before this fee can be utilized a glitch bill will be needed during the 2011 session to also amend that statute.



*Democratic Leader-pro tempore Rep. Geraldine Thompson, who retired from a fine career at Valencia, debates a measure considered on the House floor.*

### High School Graduation Standards: CS/CS/SB 4 by Detert, HB 7037 by Coley

- Increases the high school graduation requirements, beginning with students entering the 9<sup>th</sup> grade in the following years, to include: Geometry for the 2010 year; Biology I for the 2011 year; Algebra II for the 2012 year; Chemistry or Physics for the 2013 year. It also requires the development of the End-of-Course (EOC) assessment. Successful completion of the

courses is not contingent upon the performance on the EOC for the first year in 2010 but will be in subsequent years. The bill also provides for the discontinuance of the FCAT for mathematics in grades 9 and 10 and science in grade 11 as EOC assessments are developed.

- Mandates the students' personalized academic and career plan to include all of these changes to the standards as well as acceleration options such as dual enrollment.
- The subsequent impact on the remediation levels of students graduating with these additional course requirements and entering a postsecondary institution will not be clear for a number of years. It is however, anticipated that the need for remediation at Florida colleges for these high school graduates in the future will be diminished.
- SIGNED BY THE GOVERNOR, Chapter 2010-22, Laws of Florida (CS/CS/SB 4).
- SIGNED BY THE GOVERNOR Chapter 2010-70, Laws of Florida (HB 7037).

### Sovereign Immunity SB 2060 by Bennett

For the first time in nearly 30 years, the legislature agreed to increase the sovereign immunity limits for lawsuits filed against state and local governments (including community colleges) from \$100,000 per individual claim and \$200,000 in the aggregate to \$200,000/\$300,000. The law takes effect in October 2011. SIGNED BY THE GOVERNOR Chapter 2010-26, Laws of Florida

### ■ Bills and Proviso that Failed

#### **Free Application for Federal Student Financial Aid (FAFSFA) GAA Proviso**

Would have required all Bright Futures students to complete the form and enable the State to know the income levels of students and their families.

#### **Transportation Fee: HB 255 by Chestnut and SB 208 by Oelrich**

Passed all committees in the House and Senate but died on the calendar. The bill would have authorized the Board of Trustees to decide whether to implement a fee to be used solely to improve public transportation to the college.

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### Fire Safety: HB 531 by Weinstein and SB 1074 by Wise

- For the second year, the FCS and K-12 have worked with the State Fire Marshal (SFM) to reach consensus on legislation that would provide cost efficiencies, eliminate unnecessary reports, eliminate duplicative inspections, clarify fire code inspection responsibilities, align certification requirements for those that inspect schools, expand educational opportunities for management level fire safety inspectors and provide site plan documents needed by local fire officials.
- The bill was well received in the Senate Committee hearings. There was full support by the State Fire Marshal's office and there was no opposition to the bill. It passed 3 different Senate Committees unanimously. Unfortunately there was a roadblock in the House and it was never heard.

### Charter Technical Center Associate Degree: SB 228 by Wise and HB 353 by Patterson.

- Would have allowed the two Charter Technical Centers (First Coast Technical College and Lake Technical Center) to award Associate Degrees including Associate of Science transferable degrees.
- Would have allowed use of designation "technical college" rather than "center" and start programs for two years prior to application for candidate status with the Southern Association of Colleges and Schools.
- Would not have required SBOE approval or consideration of alternate proposals by other higher education institutions.

### Education Related to Personnel: SB 6 by Thrasher

(Passed both Chambers but was vetoed by the Governor on April 15, 2010).

- Would have impacted Colleges having Charter Schools by:
  - Prohibiting issuance of a professional services (continuing) contract for faculty hired on or after July 1, 2010.
  - Requiring a Charter school to adopt a salary schedule by 2014-15 school year which would base compensation of faculty and administration on performance; length of service and degrees held could not be used as factors in setting compensation.

- Required Charter schools to meet certain assessment criteria as set forth in the bill.
- Would have required Charter schools to meet the same performance criteria as school districts (as established within the Bill) as a requirement for obtaining funding from the Department of Education.
- Would have impacted Teacher Education programs (including EPIs) by measuring success based on performance of graduates as measured by student learning gains, using criteria established in the act; this assessment would be used, in part, to determine continued operation of the program.

### Charter Virtual School: SB 2262 by Thrasher

- Defined "entity" as a municipality or other public entity authorized to operate a charter school, a private not for-profit, a 501C.3 corporation or a private, for-profit corporation
- Would have allowed a charter school's governing body to oversee more than one charter school in more than one school district
- Would have provided funding and reporting full-time equivalent (FTE) students through the Florida Education Finance Program (FEFP), and an annual allocation for operations. Under the bill, a charter virtual school would receive an allocation that is equivalent to the funds per unweighted student for the Florida Virtual School (FLVS).
- Defined "High-performing education service provider" as an entity which operates at least two high-performing charter schools in this state, has received a school grade of "A" or "B" during the previous three years for at least 75% of the charter schools it operates in this state and has not received a school grade of "F" during the previous three years for any charter school operated by the entity in this state
- Defined "high-performing" charter school as one which in the three previous years has received a school grade of "A" or "B" and did not have certain negative audit issues; allows

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- financial statements quarterly, instead of monthly
- Would have provided a charter qualified as high performing to increase enrollment to up to 25% more than authorized capacity and to receive charter school capital outlay funds
  - Would have allowed high-performing education service providers to establish a new charter school to replicate an existing high-performing charter school. Subsequent charter schools approved by the sponsor shall be for a period of 15 years and be designated as high performing (subject to annual review and maintaining requirements listed above)
  - Would have allowed charter schools-in-the-workplace to receive charter school capital outlay funding. Requires OPPAGA to conduct a study comparing funding of charter schools with public schools

### **Matching Grants to For-Profits - Talent and Economic Advancement Matching Grant Program (TEAM): HB 1409 by Dorworth and Waldman, SB 1960 by Bennett**

- Would have authorized dollar-for-dollar match by state funds for scholarships/grants (as appropriated by the GAA), for approximately 444 schools governed by CIE. The schools must be accredited by a regional or national accreditation body, prepares students for STEM careers, and is on the Targeted Occupational List. However, it is wide open for almost any career training. Unmatched funds would accumulate from year to year and be available for the state to match it. Students required to attend 6 hours per term. Grants could have been up to \$4,000 per student.
- Sen. Bennett's original bill gave 100% tax credits to companies for donation, amendment was filed to make it identical to the House where it was removed because of the fiscal impact.

### **First Generation Matching Grant Program Adding For-Profits: SB 1046 by Thrasher and Gaetz and HB 685 by Nehr and Waldman**

Current law only allows First Generation Matching (FGM) grants for public colleges and universities. The institutions raise private money that is matched by state appropriations. This bill would have added ICUF (non-profit) schools, for-profit schools and out-

of-state not for profits that are SACS accredited. The grants would have been for undergraduates with financial aid and whose parents have not earned a baccalaureate degree.

### **Resident Status for Tuition Purposes: CS/HB 1243 by Tobia and SB 2398 by Ring**

Would have reduced from five to four years the amount of time a student must live with a relative to qualify as a resident for tuition purposes. Would have allowed students who just graduated from public high school, had attended that school for two years, and are US citizens, to be granted residency on the transcript alone

### **Bright Futures: HB 1415 by Tobia and SB 2462 by Baker**

Would have established five levels of awards.

### **Bright Futures: HB 667 by Tobia and SB 1966 by Baker**

Students are required to reimburse colleges for award amounts received for Bright Futures Courses from which the student dropped or withdrew, but colleges are now required to reimburse the state for these amounts regardless of whether the colleges successfully collected the reimbursements from the students. Under this bill, the institutions only would have been required to send to the state the funds collected from students.



*If you have questions regarding The Session Report or need additional information, please contact [William J. Muldowney, Esq.](#) in the Office of the Vice President for Policy and General Counsel. Dr. Muldowney can be reached at 407-582-3450.*

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**Valencia's State Legislative Delegation**

*Please extend thanks to all of the members of Valencia's local legislative delegation –  
Their names and contact information are listed below.*

**SENATE**

**District 022 Senator Lee Constantine**

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Committees:  
-Environmental Preservation and  
Conservation, Chair  
- Select Committee on Florida Inland  
Water, Chair  
-Policy and Steering Committee on  
Energy, Environment, and Land Use --  
Policy and Steering Committee on  
Social Responsibility  
-Education Pre-K - 12  
-Higher Education Appropriations  
Rules  
-Transportation  
-Joint Committee on Public Counsel  
Oversight, Chair  
-Joint Legislative Budget Commission  
- Ethics & Elections  
- Higher Education

**District 015 Senator Paula Dockery**

Majority (Republican) Whip  
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Environment, and Land Use  
-Policy and Steering Committee on Social  
Responsibility  
Environmental Preservation and  
Conservation  
-Transportation  
-Transportation and Economic ---  
Development Appropriations  
-Joint Committee on Public Counsel  
Oversight

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-Reapportionment, Chair  
-Policy and Steering Committee on -  
Energy, Environment, and Land Use  
-Policy and Steering Committee on Ways  
and Means

# THE VALENCIA SESSION REPORT

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- Communications, Energy, and Public Utilities
- Health and Human Services Appropriations
- Judiciary
- Transportation
- Select Committee on Florida's Economy
- Florida Legislative Committee on Intergovernmental Relations
- Joint Select Committee on Collective Bargaining, Co-Chair

## District 024 Senator Thad Altman

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Committees:

- Finance and Tax, Chair
- Policy and Steering Committee on Energy, Environment, and Land Use
- Policy and Steering Committee on Ways and Means
- Community Affairs
- Health Regulation
- Transportation
- Joint Committee on Public Counsel Oversight
- Joint Legislative Sunset Committee

## District 019 Senator Gary Siplin

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- Community Affairs, Vice Chair
- Education Pre-K - 12 Appropriations, Vice Chair
- Governmental Oversight and Accountability, Vice Chair
- Policy and Steering Committee on Energy, Environment, and Land Use
- Policy and Steering Committee on Social Responsibility
- Policy and Steering Committee on Ways and Means
- Criminal Justice
- Rules
- Transportation
- Joint Legislative Committee on Everglades Oversight, Chair
- Reapportionment

## District 009 Senator Andy Gardiner

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- Policy and Steering Committee on Commerce and Industry
- Community Affairs
- Ethics and Elections
- Health Regulation
- Rules
- Transportation and Economic Development Appropriations
- Joint Legislative Auditing Committee
- Reapportionment

# THE VALENCIA SESSION REPORT

MAY 18, 2010

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Committees:

- Criminal & Civil Justice
  - Appropriations Committee, Chair
- Public Safety & Domestic Security Policy Committee
- Select Committee on Seminole Indian Compact Review, Vice Chair
- Criminal & Civil Justice Policy Council
- Full Appropriations Council on General Government & Health Care
- Rules & Calendar Council
- Full Appropriations Council on Education & Economic Development

### District 079 Representative Mike Horner

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Committees:

- Economic Development and Community Affairs Policy Committee
- Energy & Utilities Policy Committee
- Transportation & Economic Development -Appropriations Committee

### District 035 Representative Dean Cannon

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- Select Policy Council on Strategic & Economic Planning, Chair
- Office of Reapportionment
- Policy Council
- Rules & Calendar Council
- Finance & Tax Council
- Government Accountability Act Council
- Joint Legislative Budget Commission

### District 034 Representative Chris Dorworth

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Committees:

- Military & Local Affairs Policy Committee, Vice Chair
- Economic Development & Community Affairs Policy Council
- Finance & Tax Council
- Health Care Services Policy Committee
- State Universities & Private Colleges Policy Committee

# THE VALENCIA SESSION REPORT

MAY 18, 2010

## District 040 Representative Eric Eisnaugle

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### Committees:

- Economic Development Policy
- Civil Justice & Courts Policy
- Criminal & Civil Justice
- Appropriations Committee
- Criminal & Civil Just Policy Council
- Insurance, Business & Financial
- Affairs Policy Committee

## District 038 Representative Bryan Nelson

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- Economic Development Policy
- Government Operations
- Appropriations Committee
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- Energy & Utilities Policy Committee
- General Government Policy Council
- Joint Committee on Public Counsel
- Oversight
- Natural Resources Appropriations
- Roads, Bridges & Ports Policy Committee
- Select Policy Council on Strategic &
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- Governmental Affairs Policy Committee
- Health Care Services Policy Committee

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# THE VALENCIA SESSION REPORT

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- Agriculture & Natural Resources Policy Committee
- Economic Development Policy
- General Government Policy Council
- Natural Resources Appropriations

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- Governmental Affairs Policy
- Health Care Services Policy Committee
- Joint Administrative Procedures
- Natural Resources Appropriations
- PreK-12 Policy Committee

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- Criminal & Civil Justice Approps
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- Economic Development & Community Affairs Policy Council
- Full Appropriations Council on Education & Economic Development
- Full Appropriations Council on General Government & Health Care
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- Finance & Tax Council
- Health Care Services Policy Committee
- Joint Legislative Auditing Committee
- State Universities & Private Colleges Policy Committee

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Chair, Senate Ways and Means**

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-Ethics and Elections, Chair  
-Policy and Steering Committee on  
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-Banking and Insurance  
-Rules  
-Select Committee on Florida's  
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**District 112 Representative David Rivera  
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Chair  
-Full Appropriations Council on General  
Government & Health Care, Chair  
-Joint Legislative Budget Commission,  
Alternating Chair  
-Rules & Calendar Council