

# THE VALENCIA SESSION REPORT

• *A Publication for Trustees, Faculty, Staff, Students, and Friends of Valencia* •

May 19, 2009



*The full text of all bills is available online at <http://www.leg.state.fl.us>  
Please Note: All matters reported are subject to Governor's Veto*



*Rep. Dean Cannon is applauded by Gov. Charlie Crist, and others March 2, 2009. Cannon was formally selected by his Republican colleagues as the Florida House Speaker-designate for Nov. 2010.*

## ***2009 Legislative Session Adjourns, Economic Challenges Abound***

### **Introduction**

▶ At 2:57 p.m. on Friday afternoon, May 8, the 2009 Session of the Florida Legislature was

adjourned sine die. The House and Senate adopted a concurrent resolution on May 1, 2009 through HCR 8005 (Extension/2009 Regular Session of the Legislature), extending the 2009 Regular Session until Friday, May 8, 2009. The legislature was then limited to discussing the state budget and only bills that had been assigned to a conference committee. This meant the issues for the extended session only included the General Appropriations Act (GAA), proviso language in the GAA, implementing bills, conforming bills and substantive bills for which a conference committee had been appointed to resolve differences. As “conference bills,” they could not be amended and had to be voted up or down by the legislators.

▶ The Senate introduced 1,411 bills, resolutions and memorials, and the House accounted for 958 bills, for a total of 2,369 pieces of legislation. A total of 271 Senate and House bills passed both chambers.

▶ The session began with news that Florida’s General Revenue receipts continued to lag behind earlier expectations and that the State faced a shortfall of more than \$6 billion as compared to fiscal year 2008-2009. Members of the House and Senate struggled with the contentious issues of cutting expenditures, closing sales tax “loopholes,” increasing fees, increasing revenues from gambling,

and spending anticipated federal stimulus funds as a means to balance the budget.

► The original budgets proposed by the House and Senate reflected the shortfall, with cuts to college programs running as high as 20% in some areas. The message articulated by the presidents, trustees, lobbyists and other college staff, and by the Division of Florida Colleges – namely, our continued open door policy, tremendous growth in enrollment and the important role the System will play in the State’s economic recovery – resonated well with the Legislature. By the end of session, the Florida College System was successful in achieving an operational budget that was essentially level compared to 2008-2009 in total dollars, but greatly reduced in recurring revenue. In addition, the colleges received authority for a tuition increase of 8% to help fund growth during the coming year.

## Funding Issues

► The final \$66.5 billion state budget was achieved by using \$5.3 billion in federal stimulus funds, with the biggest share of \$2.7 billion going to education. Revenues were increased through various fee increases such as vehicle registration increases, drivers’ license and hunting license increases, court cost fee increases and many others totaling \$800 million. The \$1 additional cigarette tax will raise \$1 billion by itself if people continue to smoke at the current level. The gaming bills were the most contentious and were ultimately settled in the extended session with the plan to allow additional gambling to produce another \$150 million in annual revenue for the state. Additional revenues were also obtained by shifting money from trust funds, which are now dangerously low and may not be able to support the programs for which they were intended.

► Florida still faces serious economic challenges. The Legislature’s decision to spread the federal economic stimulus money over two years may help cushion next year’s budget. While the rate of revenue decline appears to have slowed, most observers expect that mid-year budget adjustments will be necessary later this year or early in 2010; special session(s) to cut this state budget are a real possibility.

► The Florida College System’s funding is down 1.24% when compared to operational funds for the current year. Lottery is also down 6.3% but the Community College Program Fund increased by 0.6%. Almost 11 % of college budgets will now be non-recurring funds from the State Fiscal Stabilization Fund. The system’s Public Education

Capital Outlay (PECO) request was fully-funded. The total amount of PECO funds available for the 2009-2010 fiscal year is one of the lowest amounts in recent memory.

► There was no provision for the funding of the Facilities or Philip Benjamin matching grants programs.

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

- Total State funds appropriated for the community college system was \$1,051,576,796, representing a decrease of 0.2% from this year’s adjusted budget. Community College System highlights:
- Distance Learning - \$324,668
- Federal Stabilization Funds – \$82,588,573
- Baccalaureate Degrees - \$ 9,535,201
- Foundation Matching Grants - \$0
- Facilities Matching Grants - \$0
- Commission on Community Service - \$589,845
- College Reach Out Program (CROP) - \$2,915,319 million
- Operating Costs for New Facilities - \$4,602,842
- First Generation in College - \$1.7 million
- PECO Funding - \$84,221,380 to the community college system

► The District Board of Trustees received authorization to increase college credit program student fees by 8% and workforce program student fees by 8%.



House Sergeant-at-Arms and Senate Sergeant-at-Arms drop the traditional hankies at "sine die" ending the 2009 Legislature.

**Valencia 2008-2009 Appropriations**

STATE ALLOCATED FUNDS	2008-09	2009-10
Community College Program Fund (CCPF) Lottery	\$ 7,761,556	\$ 7,128,558
CCPF General Revenue (recurring)	\$ 54,706,631	\$ 48,779,721
CCPF General Revenue (non-recurring)	\$ 0	\$ 1,748,576
Federal Stabilization Funds	\$ 0	\$ 5,033,701

**TOTAL**                    \$ 62,468,187\*     \$ 62,690,556  
(state allocated funds)

*\*as adjusted*

▶ **Operating Costs of New Facilities**

The college receives as general revenue \$796,520 to be used specifically for operating costs of new facilities.

▶ **Foundation Matching Funds**

Unfortunately, for the second consecutive year, the legislature declined to fund the community college system's challenge matching grants program. If funded, Valencia's Foundation would have received \$2,394,561 to match private contributions received by February 1, 2009.

▶ **Facilities Matching Funds**

Unfortunately, for the second 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	\$ 1,368,476
Maj Ren/Rem,Emg repl-Chill w/loop,infrastr-East (pc)	\$ 2,718,484
Library & High Tech Bldg 4 - Osceola partial (spc)	\$ 1,000,000
Sum-of Digits (Maintenance)	\$ 730,576

**TOTAL PECO**                    \$ 5,817,536

▶ **Proviso Language**

In Section 74 of the Appropriations bill, the following language is included, providing Valencia with needed flexibility: "[w]hichever is less, the unexpended balance or \$1,000,000, from funds provided in Specific Appropriation 20 of chapter 2008-152, Laws of Florida, for Valencia Community College for Joint-use Classrooms/Labs/Student Services w/UCF - West complete (ce) for \$11,250,000, shall revert immediately and is appropriated to Valencia Community College for Renovation/Remodel in Buildings 7 and 9, West Campus."

**Legislative Issues:**

■ **Bills that Passed**

**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.

**General Appropriations Act 2009, Conference Report on SB 2600**

- Authorizes the \$66.5 billion state budget.

**SB 2602 Appropriation Implementing Bill for the 2009 Budget**

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

**SB 1676 Appropriations Conforming Bill: Education Funding**

- **FIRN:** provides that community colleges may requisition FIRN services from DOE who can then pass on savings for internet access services. In the past this was paid for out of DOE funds, now it must be paid for out of individual college budgets. Section 3.
- **Distance Learning:** adds to coordination duties the Florida Knowledge Network and other distance learning initiatives. Section 4.
- **CLAST Exam:** will no longer be offered by DOE, and instead the DOE and Board of Governors are to select a national test to replace it, expected to be the SAT/ACT. Students may still achieve a GPA of 2.5 on designated coursework. The college president is to establish a committee to consider waivers. Section 20.
- **K-12 Items of Interest:** districts may not allow any travel out of state without approval by the school board; no state funds to pay for cell phones; elected superintendents salaries are reduced by 2% and non-elected are reduced by 5%.

**SB 1696 Appropriations Conforming Bill: Higher Education Funding**

► **Florida College System Issues:**

- **Higher Education Challenge Grants (Philip Benjamin) Notice to Donors:** requires notice of state match delay for colleges' and state universities' challenge grant donations. Section 32.
- **Higher Education Challenge Grants Notice to Donors:** requires notice of state match delay for

colleges' and state universities' facilities and operating challenge grant donations. Section 29.

- **Higher Education Challenge Grants Project Starts:** allows colleges to spend existing donations for facilities projects. Section 29.
- **College Severance Payouts:** limits all college, state university, and Board of Governor employees (including presidents) severance payouts from state funds to one year of the employee's annual salary. Section 2 for college presidents and Section 34 for college employees.
- **Flexibility in College Fees:** removes requirement that the amount of tuition and fees charged from 10 to 15 percent above the standard tuition and fees be spent on safety and security. Section 8.
- **GI Bill Deferment of Tuition and Fees:** authorizes a deferment of tuition and fees for veterans enrolling under the new GI Bill. Section 10.
- **Distance Learning Reporting:** changes the reporting time for distance learning fees from "academic year" to "fiscal year." Section 8.
- **Financial Assistance Student Database:** requires institutions participating in FSAG (need-based aid) to report to DOE before February 2010 information on their student loans – including guarantor, lender, amount, total of loans. Section 27.
- **First Generation in College:** requires recipients to demonstrate financial need as required for FSAG. Section 25.
- **Residency -\_Section 7.**
  - Clarifies that initial enrollment is the first day of class.
  - 12 months of residence must be continuous.
  - Requires affirmative decision on residency, documented by written or electronic verification with two or more documents. Two tiers of documentation listed in statute, mostly tracking current state regulations, but not exactly.
  - Requires any reclassification to provide clear and convincing documentation

that supports permanent legal residency in this state for at least 12 consecutive months, such as documentation of full-time permanent employment for the prior 12 months or the purchase of a home in this state and residence therein

**SB 1696 Appropriations Conforming Bill:  
Higher Education Funding, continued -**

for the prior 12 months **while not enrolled.**

- States that a dependent child can be reclassified upon parents qualification of permanent residency, if in high school or after.
- Restates allowance for marriage to result in residency classification.
- Requires institutions to establish residency appeals committees with three members to consider student appeals of residency determinations. Determinations are sent to students in writing, with reasons.

► **Bright Futures Issues:**

- **Funding Level:** authorizes award amounts to be set in the GAA for FY 2009-10 for only one year. The amount established for 2009-10 is the same level as 2008-09 and is set in the GAA by credit hour. Any increase in fees must be paid for by the student. Sections 15 and 16.
- **Dropped Classes:** requires the institution to refund to the state within 30 days after the end of the semester any funds received for courses dropped by a student or courses from which a student has withdrawn after the end of the drop and add period, unless the student has been granted an exception by the Department. Such exception may include a verifiable illness or other documented emergency unless the institution's policy is to refund the cost of the courses. The Department shall notify eligible recipients of the provisions during the registration process. Section 18.
- **Credit Hours:** effective with students funded in the 2009-10 academic year and thereafter, students must earn at least 24 semester credit hours or a prorated number of hours if the student was enrolled less than full time, in the last academic year. If a student fails to earn the

minimum number of hours required to renew the scholarship, the student shall lose his or her eligibility for renewal for a period equivalent to one academic year. A student is eligible one time to restore the award the following year if the student earns the hours for which he or she was enrolled at the level defined by the Department and meets the grade point average for renewal. Students must be notified of this provision during registration. Students must reimburse or make satisfactory arrangements to reimburse the institution for the award amount received for courses dropped after the end of the drop and add period before the student may receive a Bright Futures award for the next term. Section 14.

- **Expense Awards:** removes college-related expense awards for academic scholars. Section 15.
- **Gold Seal Conversion:** eliminates option for conversion of Gold Seal Awards to Medallion Awards. Section 17.
- **Other Issues:**
  - **Excess Hours:** requires a 50% tuition surcharge after 120% of required credit hours for resident students at state universities. This will impact our students who transfer to the SUS, and the colleges must notify students regarding the provisions of the law upon initial enrollment. Section 11.
  - **Appropriations to Private Colleges and Universities:** Authorizes appropriations to private colleges and universities to provide access to residents seeking postsecondary education, to fulfill the state's need for graduates in specific disciplines. Requires expenditure plans and reports. Sections 31.



*New House members are sworn into office during Organization Session. From the left are Representatives: Ritch Workman, Steve Crisafulli, Scott Plakon, Dwayne Taylor, and John Tobia.*

**CS/CS/SB 2682 Florida College System (Pruitt)**

- Establishes the Division of Florida Colleges within the Department of Education.
- Defines the institutions which comprise the Florida College System and the counties that make up each institution’s service area.
- Establishes new names for the following colleges:
  - Daytona State College
  - Edison State College
  - Florida State College at Jacksonville
  - Indian River State College
  - State College of Florida, Manatee-Sarasota
  - Northwest Florida State College
  - Polk State College
- Authorizes a community college to change its name to “college” or “state college” if it has been authorized to grant baccalaureate degrees and has been accredited by the Southern Association of Colleges and Schools (SACS) to do so, or, alternatively, with board-of-trustees and State Board of Education (SBE) approval.
- Requires a college whose local board approves a name change to seek a statutory name change in the year following such a name change.
- Revises the primary mission of the community colleges to include upper level

instruction and awarding baccalaureate degrees as authorized by law.

- Requires colleges to maintain an open-door policy for lower-division programs.
- Requires colleges to continue to offer lower level associate degree programs after receiving approval to offer a baccalaureate degree.
- Requires a college seeking to offer an initial baccalaureate degree to receive approval from the State Board of Education.
- Authorizes colleges to award baccalaureate degrees in accordance with law.
- Repeals section 1004.73, Florida Statutes, relating to the establishment of St. Petersburg College as an accredited baccalaureate degree granting institution and section 1004.23, Florida Statutes, creating a State College Pilot Project.
- Retains St. Petersburg College’s authority for their board of trustees to approve/provide baccalaureate degrees as determined to be necessary for its service area.
- Requires the statewide articulation agreement to provide for the admission of Associate of Arts (AA) degree graduates to a state college or university.
- 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:
  - Maintaining an open-door admissions policy for lower-division courses
  - Responding to local workforce needs
  - Submitting a budget and enrollment plan exhibiting cost savings to students and the state in comparison to state university and private institutional costs
  - Documenting sufficient classrooms, equipment, and library holdings

- Submitting a curriculum plan
  - Providing a plan of action if the program is terminated and
  - 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.

**HB 7121 Distance Learning (Education Policy Council)**

- Provides a definition of distance learning and clarifies that only students enrolled in courses meeting this definition can be assessed the distance learning fee. It defines distance learning as “at least 80 % of the direct instruction of the course is delivered utilizing some form of technology when the student and instructor are separated by time, space, or both.”
- Clarifies information about the placement of the catalog link for the Florida Distance Learning Catalog on an institution’s website.
- Establishes the Florida Distance Learning Consortium in statute and assigns specific duties. Though the Consortium has been in existence for 13 years and serves both the state universities and the community colleges, it has never been statutorily assigned duties with accountability until now. These duties include:
  - Management and promotion of the Florida Higher Education Distance Learning Catalog.
  - Development of a plan for a streamlined, automated, on-line registration process for undergraduate students.

- Negotiation of statewide preferred licensing agreements to reduce costs for institutions who choose to participate (this is optional, not mandatory).
- Develop and operate a central instructional content repository.
- Develop a plan for promoting and increasing the use of open access textbooks to reduce costs for students.

**HB 7117 Student Education Records (FERPA) (Education Policy Council and Culp)**

- In very general terms, FERPA gives college students and the parents or legal guardians of primary and secondary students the rights to control the disclosure of their (or child’s) “education records” to others; inspect and review their own (or child’s) “education records;” and seek amendment of their (or child’s) “education records.”
- This bill conforms Florida law to federal law and provides rulemaking authority to the State Board of Education for the K-12 system (rulemaking authority for colleges and universities already exists).

**HB 7119 Student Education Records (FERPA) (Education Policy Council and Culp)**

- Restates the longstanding public records exemption for education records for all public education sectors, now using the established FERPA definition of “records that are directly related to a student and that are maintained by an educational institution,” with FERPA exceptions.
- Provides for disclosure of education records as permitted by FERPA.
- Provides for public records exemption for applicant records for public postsecondary institutions. Applicant records of students who do not enroll are not education records under FERPA, but may contain many of the same records (academic transcripts, disciplinary reports, disability, etc.) maintained for enrolled students, which are confidential and exempt.
- Provides Florida College DBOTs with appropriate authority stating, “[e]ach public postsecondary educational institution may prescribe the content and custody of records and reports which the institution may maintain on its

students and applicants for admission," replacing the prior language which gave this authority to the State Board of Education.

#### **CS/SB 948 Emergency Medical Services (Jones)**

- Revises requirements for paramedic training programs relating to types of vehicles to be used and requirements to become an ambulance driver.
- Authorizes the Department of Health to determine, by rule, what portion of the paramedic field internship may be satisfied aboard an advanced life support permitted vehicle other than an ambulance.
- Revises the minimum requirements for drivers of basic life support vehicles, advanced life support vehicles, and air ambulances.
- Eliminates the ineligibility of a person who has been convicted of reckless driving within the past three years to become a driver.

#### **CS/SB 2666 Procurement Processes Construction Management and Design Professionals (Hairdopolos)**

- The bill primarily relates to the Department of Management Services. The bill revises section 255.103, Florida Statutes, by replacing the term "local government" in the definition with "governmental entity" and also expands the definition to include school districts. (Community colleges and state universities are not included in the definition.)
- Section 255.103, F.S., provides for the use of construction management services under the same process outlined in section 287.055, F.S., the Florida Consultants Competitive Negotiations Act. Under current law, community colleges may utilize the process under section 287.055, F.S., under State Requirements for Educational Facilities (SREF).
- Section 287.055, F.S., which does apply to community colleges, also increases the limit from \$1 million to \$2 million for each individual project and increases the amount for "study activities" under that same section from \$50,000 to \$200,000. In addition, it clarifies that a study activity is for "an individual study under the contract" and not an aggregate amount under the contract.

- Section 287.055, F.S., clarifies what a "continuous contract" is under section (g) of the statute. This has most recently been an audit issue in which some auditors have defined a continuing contract limited to \$1 million as being the total amount of the contract. This bill clarifies that each individual project under the contract is limited to the new statutory amount of \$2,000,000.
- Section 287.057, F.S., is amended to clarify that artistic services do not include advertising, which means that advertising is subject to competitive-solicitation under that section.

#### **HB 1209 Nursing Education (Grimsley)**

- The bill as originally filed removed the licensure requirement that Florida nurses graduate from Florida Board of Nursing (FBON) approved programs. It added terminology to allow licensure for students graduating from "eligible" programs and defined "eligible" programs as nursing programs offered by a school district, community college or state university, entities licensed by the Commission for Independent Education, or institutions in this state with national accreditation as recognized by the U.S. Department of Education.
- The bill was significantly modified to maintain the role of the FBON in the program approval process and significantly reduced FBON rule-making authority.
- The bill added to Florida Statutes most of the current FBON rules for program approval to ensure quality programs and quality graduates, including but not limited to:
  - Placing in statute that programs that have not met pass rates on the National Licensing Exam (NCLEX) shall remain on probationary status until achieving compliance. The program must achieve compliance within 2 consecutive years after being placed on probation by the FBON.
  - Maintaining \$1,000 program application fee.
- The bill grandfathers in program approval for programs approved through June 30, 2009 unless they are on probationary status due to inadequate student performance on the NCLEX. Those programs have until July 1, 2011 to comply or they will be terminated.



- Requires a report from all approved programs to include:
  - Affidavits certifying continued compliance and the provision of documentation about each nursing program for the prior academic year.
  - The number of student applications received, the number of qualified applicants, and the number of students accepted.
  - The number of program graduates; graduate pass rate on the NCLEX; retention rates; and accreditation status, including identification of the accrediting body.
- Requires that the FBON shall publish the data on its internet website including each program's approval or probationary status and the information shall be made available in a format that allows interactive searches and comparisons.
- Requires the Florida Center for Nursing and OPPAGA to submit a report to the legislative leadership and Governor's Office by February 2010 addressing data, the approval process, numbers of applications, denials, etc. This is for the purpose of evaluating the effectiveness of the bill in producing more nursing graduates.

**CS/CS HB 685 Education Dollars for Duty (Proctor)**

- Clarifies that the Education Dollars for Duty (EDD) program is for an active drilling member of the Florida National Guard and requires the member to continue to serve for the period specified in their enlistment or reenlistment contract instead of for 3 years after the exemption is granted.
- Authorizes the Department of Military Affairs to pay the full cost of tuition and fees for required courses.
- Expands eligibility to those seeking a master's degree; those with more than 15 years service; and to those who have not completed basic military training.
- Eliminates the State Tuition Exemption Program (STEP), and corresponding reference for fee waivers.
- Extends the program to include nonpublic institutions accredited by the Commission on

Colleges of the Southern Association of Colleges and Schools.

- Expands the program to include payment for college-preparatory courses.
- Limits the amount the Department pays to the average tuition and fees at a public postsecondary institution or public vocational-technical program.
- Removes certain restrictions on those who have 15 years or more of military service, creditable toward retirement, and on those who have not completed basic military training to make it more competitive with programs in other states.
- Extends residency status to all active drilling members of the Florida National Guard; not just to those participating in the education programs. Inactive members of the Florida National Guard and members of the Individual Ready Reserve (IRR) would not be eligible to participate.
- The member's obligation to reimburse the Department applies regardless of whether the obligation was incurred before, on, or after July 1, 2009.

**HB 509 Veterans (Zapata)**

- Authorizes an eligible student who receives benefits as a veteran who served on active duty in the Armed Forces after September 11, 2001, to defer college tuition & fees under certain circumstances. Effective Date: July 1, 2009

**HB 739 Community College Student Fees (Chestnut)**

- Allows each Florida College System District Board of Trustees to establish a transportation access fee to provide transportation services for students.
- This fee may not exceed \$6.00 per credit hour.
- An increase in the transportation fee may only occur once each fiscal year and must be implemented beginning in the Fall Term.
- The transportation fee shall not be included in calculating the amount a student receives from the following:
  - Florida Academic Scholars Award
  - Florida Medallion Scholars Award
  - Florida Gold Seal Vocational Scholars Award

**CS/CS SB 1616 Career and Adult Education (Oelrich)**

- Renames the Division of Workforce Education, the Division of Career and Adult Education.
- Amends career academy funding language to reflect industry certifications.
- Refines membership of State Apprenticeship Advisory Council.
- Amends requirements for the General Education Diploma to allow an elective credit in lieu of a performing arts credit.
- Repeals section 1003.431, F.S., relating to career education certification.
- Requires OPPAGA to conduct a study comparing public and private career training programs NOT on the targeted occupations lists. Review to include student outcomes including:
  - Program completion and licensure passage rates;
  - Placement rates and wages earned, including sampling of students;
  - Impact of self employment on wages , and impact of commissions on wages;
  - Comparison of demand rates to other professions;
  - Cost-effectiveness of state funding versus financial assistance, including cost to student;
  - Review of the funding model for school district workforce programs to ensure equity among districts and access to these programs for students.

**CS/HB 135 Public Records/Insured Dependents/Agency Group Plans (McKeel)**

- Provides an exemption from public records requirements for personal identifying information of certain insured dependents and provides for retroactive application of exemption.
- Creates an exemption to the Florida's Public Records Act to preclude the disclosure of personal identifying information of minor dependents of current or former agency (including colleges) employees when such

minor dependents are insured under an agency group insurance plan.

- The bill is a result of a case decided in 2008 in which the School Board of Polk County was ordered to disclose, in response to a public records request, public records regarding the school district's health insurance policy, and the name, addresses, gender, age, title, and telephone number of both agency employees and dependents covered by the policy.
  - The circuit court found the Health Insurance Portability and Accountability Act of 1996 (HIPAA) inapplicable to the case at hand and that the request sought only nonexempt information under Florida law. Upon review, the Florida Attorney General concluded that while information relating to an insurance program participant's medical condition is clearly protected from disclosure; it is unclear whether the protection from disclosure extends to an enrollee's personal identifying information.
- CS/CS/HB 479 Retirement (Schenck)**
- The Bill is directed at prohibiting so-called "double dipping" by retirees in the Florida Retirement System (FRS). The terms of the bill apply to any person retiring from a state funded (whether in whole or in part) retirement system. This includes the various optional retirement programs.
  - The effective date of the bill is July 1, 2009, but most provisions have an effective date of July 1, 2010.
  - The Bill redefines termination as occurring when a member ceases all employment relationships with an employer, however:
    - For retirements or DROP termination dates on or before June 30, 2010, if a retiree returns to work for an FRS employer within 30 calendar days, termination is deemed not to have occurred.
    - For retirements or DROP termination dates on or after July 1, 2010, if a retiree returns to work for an FRS employer within 6 months, termination is deemed not to have occurred.
  - A Leave of Absence is considered a continuation of the employment relationship except for a

leave of absence without pay under the disability retirement provisions of Law.

- Special provisions relating to disability retirements are retained from current statute.
- Persons who retire or terminate DROP participation on or before June 30, 2010 are eligible to return to work after 30 calendar days and may draw salary/compensation. The retiree may draw retirement benefits beginning 12 calendar months after the termination date. Retirees may return to work as an adjunct instructor for not more than 780 hours during the first 12 months of retirement (after laying out for 30 days) and draw both compensation and retirement benefits. Exceeding the 780 hours will result in suspension of benefits until a 12 month exclusion is met.
- For persons retiring or terminating DROP participation on or after July 1, 2010:
  - If a retiree returns to work in any capacity for an FRS employer within 6 months, termination is deemed not to have occurred and such person is not considered a retiree.
  - After meeting the definition of termination, i.e., severing all employment relationships with the employer and sitting out 6 months, the retiree may return to work for an FRS employer and draw both compensation and retirement benefits. *(The House sponsor believes that a retiree must sit out 1 year after termination. This issue ultimately may have to be decided by FRS or the Courts.)*
  - Re-employed retirees are NOT eligible to re-enroll in FRS.
  - Employers are required to make contributions as though the employee were enrolled.
  - The Bill imposes repayment penalties for employees and employers who violate certain terms and requires notice from each in the event of re-

employment beyond that permitted within the bill.

#### **CS/SB 1802 Retirement (Alexander)**

- Establishes retirement rates with no change of rates for 2009–2010 fiscal year.



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

#### **■ Bills that Failed**

##### **Nonpublic Postsecondary Accreditation CS/SB 156 by Ring and HB 619 by Heller**

- Would have required licensed independent postsecondary educational institutions to notify the Commission on Independent Education (CIE) of changes in its accreditation status.
- Would have required accreditation within a specified period after licensure.
- Would have required CIE to revoke the license when an institution does not meet requirements concerning accreditation.

##### **Statewide Articulation Agreements (Commission for Independent Education) CS/HB 751 by Patterson and SB 920 by Baker**

- Would have required statewide articulation agreements govern transfer of credit between public and private institutions licensed by CIE.
- Would have authorized School Districts to enter into articulation agreements with private institutions for Dual Enrollment credit. (Section 1007.235, F.S. Dual Enrollment).
- Would have provided requirements for faculty members of private institutions to join

committees that review courses and transfer credit in the statewide course numbering system.

- Would have required the State Board of Education to monitor and report violations, report trend data, and track progression from secondary into public and private postsecondary education.

**Non-Public Postsecondary Education Institutions SB 2096 by Oelrich and HB 7055 by State Colleges and Workforce Committee**

- Would have related to License by Means of Accreditation (LBMA). Allows proprietary institutions from out of state to set up in Florida without extra reports and accountability to CIE.
- Would have deleted the requirement for proprietary institutions to be a Florida Corporation, so if they go fail, they are harder to pursue because their assets are in another state.
- Staff analysis states current law is unconstitutional – interstate commerce/unfair trade restriction

**Construction Bonds SB 560 by Bennett and HB 299 by Tobia**

- Would have shifted recording responsibility of public construction to the surety instead of the contractor (current law).
- Would have provided that the permitting authority cannot inspect until the permitting authority has a copy of the recorded bond on file or the contracting public entity has filed a notarized statement that the contract is exempt from the requirement for payment bond

**Practice of Architecture and Interior Design CS/CS/HB 1303 by Troutman and SB 1542 by Bennett**

- Would have revised definitions of "interior design" and "space planning" to exempt certain drawings and activities related to manufacture, sale, and installation of cubicle workstations and similar modular furniture and fixtures from provisions regulating interior design.
- Would have required applicant for licensure by endorsement as architect or interior designer to meet certain educational and internship requirements if the applicant was licensed in another state after a specified date.

- Would have exempted certain persons engaged in the manufacture, sale, and installation of cubicle workstations and similar modular furniture and fixtures from provisions regulating architecture and interior design – See HB 425 because part of this did pass. Section 24)

**State Employee Fee Waivers CS 2216 by Gaetz and HB 1441 by Coley**

- Would have provided that online courses are included in the types of courses available for state employee fee waivers.
- Would have required a state employee receive approval from his or her supervisor before using the waiver to take a course during normal working hours

**Discretionary Sales Surtaxes CS HB 787 by Zapata and CS/SB 1576 by Villalobos**

- Would have provided an opportunity for the residents of Miami-Dade County to vote on whether to assess a local option discretionary sales tax for the benefit of Miami Dade College

**Data Destruction HB 1081 by Long and SB 1366 by Fasano**

- Would have required all state agencies and private entities that collect personal information to adhere to specified guidelines and to maintain a copy of the guidelines.
- Would have required all state agencies to submit sampling of sanitized media to third-party vendor for verification of data destruction

**Early Voting Sites (Various Bills)**

There were several failed bills on early voting.

**Space Industry HB 69 by Hukill and SB 888 by Lynn**

- Would have been designated "Space Transportation Research and Development Institute Act"; would have revised duties of Space Florida to include supporting development and operation of Space Transportation Research and Development Institute.
- Would have established Space Transportation Research and Development Institute within OTTED as multi-university initiative led by Embry Riddle to pursue federal sponsorship of space transportation research and technology programs

**Public Employees Charitable Campaigns HB 195 by Rouson and SB 870 by Sobel**

- Would have created Florida Public Employees' Charitable Campaign for public employers.
- Would have required public employers to conduct charitable campaign as sole fundraising drive conducted during work hours; provides for public employee payroll deductions and workplace campaign activities; requires all campaign contributions to be voluntary;
- Would have provided that participation must be limited to certain not-for-profit charitable federations and member agencies; excludes certain charitable organizations from participation;
- Would have authorized specified percentage of gross receipts to be withheld to pay costs of public employer and fiscal agent; provides for distribution of contributions.

**■ Appropriations Proviso, Implementing and Conforming Bill Issues that FAILED**

**Education Estimating Conference for Average Tuition and Fees**

- Would have required the education estimating conference to develop official information on the national average of tuition and fees at public postsecondary educational institutions

**Community College Presidents Salaries**

- Would have limited community college president salaries to \$225,000 from appropriated state funds

**Community College Baccalaureate Programs**

- Would have temporarily suspended approval of new programs and also would have required that funds could only be spent on baccalaureate programs approved by the State Board of Education on or before March 28, 2009. Conforming and proviso.



**Senator  
Mike Haridopolos**



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

## **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  
-Judiciary, 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

#### **District 015 Senator Paula Dockery**

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Energy, 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

#### **District 026 Senator Mike Haridopolos**

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Governmental Operations, Chair
- Governmental Oversight and  
Accountability, Chair
- Reapportionment, Chair
- Policy and Steering Committee on -  
Energy, Environment, and Land Use
- Policy and Steering Committee on  
Ways and Means
- 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  
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- Criminal Justice
- Rules
- Transportation
- Joint Legislative Committee on  
Everglades Oversight, Chair

**District 009 Senator Andy Gardiner**

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-Transportation, Chair  
-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

## HOUSE

### **District 033 Representative Sandra Adams**

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Committees:  
-Criminal & Civil Justice  
Appropriations Committee, Chair  
-Public Safety & Domestic Security  
Policy Committee, Vice Chair  
-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

### **District 079 Representative Mike Horner**

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Committees:  
-Economic Development Policy  
Committee

-Energy & Utilities Policy Committee  
-Florida Legislative Committee on  
Intergovernmental Relations  
-State & Community Colleges &  
Workforce Appropriations Committee  
-State Universities & Private Colleges  
Policy Committee  
-Transportation & Economic  
Development -Appropriations  
Committee

### **District 035 Representative Dean Cannon**

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Committees:  
-Select Policy Council on Strategic &  
Economic Planning, Chair  
-Office of Reapportionment  
-Policy Council  
-Rules & Calendar Council

### **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
- Joint Committee on Public Counsel Oversight
- Public Safety & Domestic Security Policy Committee
- State Universities & Private Colleges Policy Committee

**District 040 Representative Eric Eisnaugle**

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Committees:

- Civil Justice & Courts Policy Committee
- Criminal & Civil Justice Appropriations Committee
- Governmental Affairs Policy Committee
- Health Care Regulation Policy Committee

**District 038 Representative Bryan Nelson**

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Committees:

- Joint Administrative Procedures Committee, Chair
- Economic Development Policy Committee, Vice Chair
- Economic Development & Community Affairs Policy Council
- Government Operations Appropriations Committee
- Insurance, Business & Financial Affairs Policy Committee
- State & Community Colleges & Workforce Policy Committee

**District 041 Representative Stephen Precourt**

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Committees:

- State Universities & Private Colleges Policy Committee, Chair
- State Universities & Private Colleges Appropriations Committee, Vice Chair
- Economic Development Policy Committee
- Education Policy Council
- Energy & Utilities Policy Committee
- Full Appropriations Council on Education & Economic Development

**District 36 Representative Scott Randolph**

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- Government Accountability Act Council
- Energy & Utilities Policy Committee
- Finance & Tax Council
- Joint Legislative Auditing Committee

**District 032 Representative Steve Crisafulli**

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Committees

- Agriculture & Natural Resources Policy Committee
- Economic Development Policy Committee
- Elder & Family Services Policy Committee
- Joint Committee on Public Counsel Oversight
- Natural Resources Appropriations Committee

**District 037 Representative Scott Plakon**

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Committees

- Governmental Affairs Policy Committee
- Insurance, Business & Financial Affairs Policy Committee
- Natural Resources Appropriations Committee
- PreK-12 Policy Committee

**District 049 Representative Darren Soto**

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- Health Care Services Policy Committee
- Criminal & Civil Justice Appropriations Committee
- Energy & Utilities Policy Committee
- Health & Family Services Policy Council

**District 039 Rep. Geraldine F. Thompson**

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- Economic Development & Community Affairs Policy Council
- Full Appropriations Council on Education & Economic Development
- State & Community Colleges & Workforce Appropriations Committee

