



Journal of the Senate

Number 1—Special Session A

Monday, November 3, 1997

At a Special Session of the Florida Legislature convened under Article III, Section 3(c), of the Constitution of the State, as revised in 1968, begun and held at the Capitol, in the City of Tallahassee, on Monday, November 3, 1997, in the State of Florida.

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:00 a.m. A quorum present—36:

Madam President	Crist	Holzendorf	McKay
Bankhead	Dantzler	Horne	Meadows
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Childers	Grant	Kurth	Sullivan
Clary	Hargrett	Latvala	Thomas
Cowin	Harris	Lee	Williams

Excused: Senators Casas, Myers and Turner

PRAYER

The following prayer was offered by Senator Bankhead:

God of all people, we thank you for all the blessings you have given us.

We pray especially for the children you have entrusted to our care. Give us your wisdom and guidance in our decision-making this week.

Help us to use our talents and resources wisely so that each of our children will be provided with a good education in an environment where they can learn and grow.

May our efforts be pleasing to you, and may the children of Florida be blessed. Amen.

PLEDGE

Senator Thomas led the Senate in the pledge of allegiance to the flag of the United States of America.

By direction of the President, the Secretary read the following proclamation:

PROCLAMATION
State of Florida
Executive Department
Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE FLORIDA HOUSE OF REPRESENTATIVES:

WHEREAS, the Fifteenth Legislature of the State of Florida, under the Florida Constitution, 1968 Revision, convened in regular session on Tuesday, March 4, 1997, and adjourned sine die on May 2, 1997, and

WHEREAS, the Fifteenth Legislature adjourned sine die after passing legislation, House Bill 2121, which significantly changed the requirements for constructing school facilities in a manner that has proven to be unworkable, and

WHEREAS, the Fifteenth Legislature adjourned sine die without addressing urgent problems facing school systems in the provision of public school facilities that are necessary to the welfare of the citizens of the State of Florida, and

WHEREAS, school districts face critical problems in overcrowding, major renovations and repair, and fiscal capacity, and

WHEREAS, adequate funding and increased accountability for Florida's public education facilities is vital to the improvement of our education system, and

WHEREAS, legislation is required which establishes reasonable standards for the construction of school facilities and provides for adequate state funding and authorization for local funding of public school facilities, and

NOW, THEREFORE, I, Lawton Chiles, Governor of the State of Florida, by virtue of the power and authority vested in me by Article III, Section 3(c)(1), Florida Constitution, do hereby proclaim as follows:

Section 1.

The Legislature of the State of Florida is convened in Special Session commencing at 9:00 a.m. Monday, November 3, 1997 and ending at 5:00 p.m. Friday, November 7, 1997.

Section 2.

The Legislature of the State of Florida is convened for the sole and exclusive purpose of considering the following:

- a) Legislation amending Chapter 97-265 Laws of Florida 1997 (HB 2121 of the 1997 Regular Session of the Legislature).
- b) Legislation relating to public education facilities and finance.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 22nd day of October, 1997.

Lawton Chiles
GOVERNOR



ATTEST:
Sandra B. Mortham
SECRETARY OF STATE

ADOPTION OF RESOLUTIONS

MOTION TO INTRODUCE RESOLUTION

On motion by Senator Silver, by the required constitutional two-thirds vote of the membership the following resolution was admitted for introduction outside the purview of the Governor's call:

On motion by Senator Silver, by unanimous consent—

By Senators Silver, Gutman, Jennings, Bankhead, Bronson, Brown-Waite, Burt, Campbell, Casas, Childers, Clary, Cowin, Crist, Dantzler, Diaz-Balart, Dudley, Dyer, Forman, Grant, Hargrett, Harris, Holzen-dorf, Horne, Jenne, Jones, Kirkpatrick, Klein, Kurth, Latvala, Lee, McKay, Meadows, Myers, Ostalkiewicz, Rossin, Scott, Sullivan, Thomas, Turner and Williams—

SCR 24-A—A concurrent resolution commending the Florida Marlins.

WHEREAS, baseball is known as America's pastime, and was invented by Abner Doubleday while stationed at a military base in South Florida, and

WHEREAS, baseball was mostly a springtime guest in this state until 1990, when Marti and H. Wayne Huizenga stated their intention to aggressively pursue an expansion franchise, and

WHEREAS, on June 10, 1991, the baseball Commissioner, Fay Vincent, announced South Florida as an expansion team site, and on June 12-13, 1991, the major league owners unanimously approved the Florida Marlins as one of two new franchises in the National League, and

WHEREAS, Wayne Huizenga, Jr. and his wife Fonda, Harry and Jean Huizenga, Whit and Bonnie Hudson, and Steve and Pam Berrard became part of the ownership group, and

WHEREAS, Wayne Huizenga immediately hired his long-time friend, Carl Barger, as the Marlins' first president to assemble the Florida Marlins' organization, and

WHEREAS, the Florida Marlins revealed their team logo on July 18, 1991, and

WHEREAS, on September 18, 1991, Dave Dombrowski was named as the Marlins' first and only General Manager, and is the individual responsible for assembling the World Champion Marlins, and

WHEREAS, Rene Lacheman was introduced on October 23, 1992, as the team's first Manager, and

WHEREAS, the Florida Marlins selected 36 players in the expansion draft, among them two current team members, Jeff Conine and Alex Arias, and

WHEREAS, the Florida Marlins Inaugural season opener was played on April 5, 1993, and the Marlins defeated the Los Angeles Dodgers 6-3 before 42,334 fans, and

WHEREAS, the Marlins continued to acquire proven talent such as slugging star Gary Sheffield on June 24, 1993, in a trade with San Diego; pitcher Rob Nen on July 17, 1993, in a trade with the Texas Rangers; pitcher Al Leiter on December 14, 1995, followed a week later by pitcher Kevin Brown, and

WHEREAS, this all followed the visionary drafting of University of Miami catcher Charles Johnson in the first round of the 1992 player draft; Cuban pitching sensation Livan Hernandez who sought freedom and the American Dream following his defection from Cuba; third baseman Bobby Bonilla on November 22, 1996; Miami's homegrown star, pitcher Alex Fernandez on December 12, 1996; and outfielder Moises Alou on December 12, 1996, and

WHEREAS, following the untimely passing of Marti and Wayne Huizenga's best friend, Carl Barger, Donald Smiley was named President of the Marlins on February 21, 1994, and became the business brains behind the Florida Marlins' success, and

WHEREAS, Benito Santiago hit the first home run in the Marlins' history, a two-run shot at San Francisco on April 12, 1993, and

WHEREAS, Gary Sheffield and Bryan Harvey represent the Marlins as the club's first All-Star Game selections and Sheffield homers at bat in the Marlins' first All-Star Game on July 13, 1993, and

WHEREAS, with a crowd of 43,210 on October 2, 1993, the Marlins surpassed the 3-million mark in attendance, and

WHEREAS, on March 4, 1994, the Marlins opened the Space Coast Stadium in Brevard County as their spring home, and

WHEREAS, on July 11, 1995, Jeff Conine became the 10th player to hit a home run in his first All-Star Game at bat, which became a game winning solo homer, and he was named as the All-Star Game Most Valuable Player, and

WHEREAS, on May 11, 1996, Al Leiter fired the first no hitter in the Marlins' history against the Colorado Rockies, and

WHEREAS, on October 4, 1996, Jim Leyland was named as the Marlins' third manager, and

WHEREAS, in October 1996, Charles Johnson won his second consecutive Golden Glove award as a Florida Marlin, and

WHEREAS, Kevin Brown pitched a no-hitter for a 9-0 victory against the San Francisco Giants on June 10, 1997, and

WHEREAS, Livan Hernandez was promoted to the majors on July 18, 1997, and

WHEREAS, on July 21 and 27, respectively, the Marlins made trades to acquire first baseman Darren Daulton and Craig Counsell, and

WHEREAS, Charles Johnson broke the major-league record with 160 consecutive games without an error, and

WHEREAS, on September 16, 1997, Bobby Bonilla hit his third grand slam of the season with 2 outs in the ninth, and lifted the Marlins over the Rockies, 9-6, the twenty-fourth time in 1997 that the Marlins won in their last at-bat, and

WHEREAS, on September 23, 1997, the Marlins clinched their first playoff spot after only 5 years in existence by defeating the Montreal Expos, and

WHEREAS, Devon White hit a grand slam with two out in the sixth inning to lift the Marlins to a 6-2 victory over the San Francisco Giants in Game 3, completing a 3-0 Sweep of the Division Series, and

WHEREAS, Livan Hernandez set a National League Championship Series record of 15 strikeouts to beat the Atlanta Braves 2-1 in Game 5 of the National League Series Championships on October 12, 1997, and

WHEREAS, on October 14, 1997, the Marlins, under the leadership of Skipper Jim Leyland, defeated the Atlanta Braves 7-4 in Atlanta to earn their first World Series berth and win the National League pennant, and

WHEREAS, no team in the history of baseball has made it to the World Series in a mere 5 years, and

WHEREAS, the Florida Marlins won the World Series against the Cleveland Indians by defeating them by a score of 7-4 in Game 1, by a score of 14-11 in Game 3, by a score of 8-7 in Game 5, and by a score of 3-2 in Game 7, becoming World Champions, and

WHEREAS, Charles Johnson won his third consecutive Golden Glove and was the first Major Leaguer to play in a Little League, College, and Major League World Series, and

WHEREAS, Livan Hernandez was named as Most Valuable Player in the National League Championship and the World Series, and

WHEREAS, it is recognized that the team of Marti and Wayne Huizenga, owners; Donald Smiley, President; Dave Dombrowski, General Manager; and Jim Leyland, Manager, and his coaching staff are the best in the Major Leagues, and

WHEREAS, because the Major League Baseball Playoffs and World Series were played in South Florida, the direct economic benefit to the

state and local economy was a staggering \$150 million, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the Florida Marlins are commended and that the month of November 1997 be celebrated in this state as the Florida Marlins, World Series Champions, month.

—was introduced out of order and read by title. On motion by Senator Silver, by two-thirds vote **SCR 24-A** was read the second time in full, adopted and certified to the House.

SPECIAL GUESTS

Senator Silver introduced the following guests who were present in the chamber: Wayne Huizenga, owner; Wayne Huizenga, Jr.; Don Smiley, president; George Arrizurietta, business manager; Charles Johnson, catcher; his wife, Ronda Johnson; and Billy the Marlin.

Upon request of the President, Senators Scott, Jenne, Forman, Campbell, Thomas, Diaz-Balart, Klein, Meadows and Jones joined Senator Silver in escorting the guests to the rostrum where they were presented a copy of the resolution.

Wayne Huizenga, Don Smiley and Charles Johnson addressed the Senate.

MOTIONS

On motion by Senator Bankhead, all bills remaining on the Secretary's desk pending introduction outside the purview of the Governor's call were transmitted to the Committee on Rules and Calendar for examination and recommendation.

On motions by Senator Bankhead, the rules were waived and the Committee on Education was granted permission to meet this day from 10:30 a.m. until 6:00 p.m. to consider **SB 2-A**, **SB 4-A**, **SB 6-A**, **SB 8-A**, **SB 10-A**, **SB 12-A**, **SB 14-A**, **SB 16-A**, **SB 18-A**, **SB 20-A** and **SB 22-A**; and a deadline of 10:00 a.m. was set for filing amendments to be considered at the meeting.

On motion by Senator Holzendorf, the rules were waived and the Committee on Education was granted permission to consider **SB 28-A**, **SB 30-A** and **SB 32-A** at the meeting this day.

On motions by Senator Bankhead, the rules were waived and the Committee on Ways and Means was granted permission to meet November 4 from 9:00 a.m. until 12:00 noon to consider the bills reported favorably by the Committee on Education which were referred next to the Committee on Ways and Means; and a deadline of 8:00 a.m. Tuesday, November 4, was set for filing amendments to be considered at the meeting.

On motions by Senator Bankhead, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet November 4 from 12:15 p.m. until completion to establish the Special Order Calendar for the 2:00 p.m. until 6:00 p.m. session that day; and a deadline of 1:00 p.m. was set for filing amendments to be considered during the session.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Horne—

SB 2-A—A bill to be entitled An act relating to educational facilities and funding; creating the Florida Frugal Schools Program; providing criteria for recognizing school districts that implement Florida Frugal Schools Program; amending s. 212.055, F.S., relating to the school capital outlay surtax; requiring the ballot resolution to state a district's participation in the Florida Frugal Schools Program; limiting the surtax proceeds to uses assured under the Florida Frugal Schools; reenacting and amending s. 235.2155, F.S., relating to the School Infrastructure Thrift Program Act; revising limits on awards to school districts; revis-

ing reporting dates; requiring the Commissioner of Education to structure awards to reward districts that meet certain criteria for local effort and financial management; reenacting and amending s. 235.216, F.S.; revising criteria for funding under the School Infrastructure Thrift Program; limiting school construction costs to a maximum cost-per-student-station; amending s. 235.435, F.S.; revising the formula for allocating certain appropriations from the Public Education Capital Outlay Trust Fund to district school boards; providing an appropriation to the Department of Education for distribution through the Special Facility Construction Account; providing an appropriation for the Classrooms First Program; providing legislative intent regarding future appropriations; providing for the allocation of funds to district school boards for the Classrooms First Program; specifying uses of the funds; providing an appropriation to the Department of Education for the School Infrastructure Thrift Program; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Horne—

SB 4-A—A bill to be entitled An act relating to school construction; amending s. 230.23025, F.S.; revising provisions relating to adopting and updating best financial management practices; providing for review of practices and for paying the costs of review; amending s. 235.011, F.S.; defining and redefining terms used in ch. 235, F.S.; amending s. 235.014, F.S., relating to the functions of the Department of Education; expanding exceptions to departmental recommendations of maximum square footage; revising standards for validating surveys of facilities; amending s. 235.056, F.S.; requiring a report with respect to the amount of leased space used by school districts; creating s. 235.061, F.S.; providing standards for relocatable buildings and manufactured buildings used for classroom space; creating s. 235.1491, F.S.; providing for a statewide need assessment calculation for educational capital outlay; amending s. 235.15, F.S.; specifying requirements for educational plant surveys and localized need assessment calculations; amending s. 235.155, F.S.; providing legislative intent with respect to exceptions from recommendations in educational plant surveys; creating s. 235.157, F.S.; providing for district construction advisory councils; creating s. 235.158, F.S.; providing for school district facilities work programs; amending s. 235.19, F.S.; prescribing criteria for selecting the sites of proposed educational centers or campuses; amending s. 235.198, F.S.; specifying criteria for determining the maximum estimated cost of each proposed satellite facility that is to be jointly developed by private industry and a district school board; amending s. 235.199, F.S.; specifying criteria for determining the maximum estimated cost of each proposed vocational educational facility; amending s. 235.26, F.S.; prescribing the requirements for standards that must be developed by the department as part of the State Uniform Building Code for Public Educational Facilities Construction; amending s. 235.33, F.S.; requiring certain fiscal information to be filed; amending s. 235.435, F.S.; prescribing criteria for determining allocations that are to be made to school boards from the Public Education Capital Outlay and Debt Service Trust Fund; creating s. 235.4351, F.S.; providing for waiver from requirements relating to plant surveys, need projections, and cost ceilings; amending s. 236.25, F.S., relating to the district school tax; decreasing the proportion of the optional 2-mill tax which may be applied to payments made under certain lease-purchase agreements; providing an exception for lease-purchase agreements entered into before a specified date; redefining the terms "materials" and "equipment" as applied to certain restrictions on spending the proceeds of the 2-mill tax; amending s. 12 of ch. 97-265, Laws of Florida; abrogating the repeal of s. 236.25, F.S., relating to the district school tax; providing an effective date.

—was referred to the Committee on Education.

By Senators Grant and Lee—

SB 6-A—A bill to be entitled An act relating to education; providing legislative intent regarding monetary awards for classroom teachers; establishing the Florida Teachers Lead program; providing duties of the Commissioner of Education and district school boards; providing criteria for the distribution of awards to teachers and groups of teachers; specifying purposes of the awards; requiring district school boards to publicize amounts and uses of the awards; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senators Latvala, Lee and Grant—

SB 8-A—A bill to be entitled An act relating to public education facilities; transferring, renumbering, and amending s. 985.402, F.S.; directing the Alternative Education Institute to serve as an educational facility for at-risk youth; reducing the size of the board of directors of the institute; providing for the expiration of the terms of office of the existing board; providing for the appointment of a new board; requiring the board to recommend a plan for future use of the facility; providing for the expiration of s. 985.402, F.S.; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senators Sullivan, Grant, Lee and Clary—

SB 10-A—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending s. 240.40202, F.S.; providing for additional weighting of certain courses; amending s. 240.40205, F.S.; restating eligibility standards for Florida Academic Scholars' awards; amending s. 240.40206, F.S.; restating eligibility standards for Florida Merit Scholars' awards; amending s. 240.40207, F.S.; restating eligibility standards for Florida Gold Seal Vocational Scholars' awards; amending s. 240.40208, F.S.; providing transitional eligibility standards for the Florida Bright Futures Scholarship Program; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Sullivan—

SB 12-A—A bill to be entitled An act relating to education; creating s. 240.4984, F.S.; establishing the Ethics in Business Scholarship Program to be administered by the Board of Regents; providing purposes of the program; providing an appropriation; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Campbell—

SB 14-A—A bill to be entitled An act relating to education facilities; amending s. 235.014, F.S.; excluding certain facilities from the assignment of full-time student stations; amending s. 235.15, F.S.; excluding relocatable facilities from consideration in school district facility inventories; providing an effective date.

—was referred to the Committee on Education.

By Senator Grant—

SB 16-A—A bill to be entitled An act relating to community colleges; amending s. 240.353, F.S.; revising standards for calculating instruction units in community colleges; providing an effective date.

—was referred to the Committees on Education; Transportation; and Ways and Means.

By Senator Kurth—

SB 18-A—A bill to be entitled An act relating to higher education; amending s. 240.299, F.S.; providing reporting requirements for university direct-support organizations; amending s. 240.311, F.S., relating to rules of the State Board of Community Colleges; requiring a community college district board of trustees to annually evaluate the college president; amending s. 240.319, F.S., relating to the powers and duties of community college district boards of trustees; conforming a provision to changes made by the act; limiting the length of a contract with a college president; providing for the contract to be terminated by the board of trustees at will; amending s. 240.324, F.S.; providing an additional requirement for the accountability plan for community colleges; amending

ss. 240.331, 240.3315, F.S.; prescribing membership of boards of directors and executive committees of community college direct-support organizations and statewide community college direct-support organizations; restricting activities of such direct-support organizations; providing reporting requirements for such organizations; amending s. 240.3335, F.S.; removing the authority of a board of directors of a center of technology innovation to acquire, lease, or sublease property; amending s. 240.363, F.S.; prohibiting community colleges from using or pledging public funds or property to direct-support organizations; providing an effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

By Senator Grant—

SB 20-A—A bill to be entitled An act relating to educational facilities; amending ss. 239.117 and 240.35, F.S.; allowing capital improvement fees to be bonded; specifying conditions; permitting new construction of educational facilities as a use for fee revenues; amending s. 240.319, F.S.; authorizing community college district boards of trustees to borrow funds and incur debt for the new construction of educational facilities; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Silver—

SB 22-A—A bill to be entitled An act relating to educational facilities; amending s. 229.513, F.S.; revising provisions relating to review of rules and statutes by the Commissioner of Education; amending s. 235.014, F.S., relating to functions of the Department of Education; deleting requirement that surveys be validated; amending s. 235.15, F.S.; revising provisions relating to educational plant surveys and the counting of relocatables; amending s. 235.216, F.S., relating to the square foot cost requirements of the School Infrastructure Thrift (SIT) Program, and reenacting s. 235.2155, F.S., relating to the SIT Program, to incorporate said amendment in references; amending s. 235.26, F.S.; revising certain standards of the State Uniform Building Code for Public Educational Facilities Construction; amending s. 235.435, F.S.; revising provisions relating to funds for comprehensive educational plant needs; revising requirements for construction and construction costs; amending s. 236.25, F.S., relating to district school tax; revising provisions relating to use of the 2-mill levy for capital outlay; authorizing use of proceeds for certain lease-purchase agreements; deleting penalties for violation of expenditure restrictions; amending s. 10, ch. 97-265, Laws of Florida; revising requirements for a public-private partnership program for school construction; repealing s. 12, ch. 97-265, Laws of Florida, relating to the prospective repeal of provisions relating to school district tax for capital outlay; providing an effective date.

—was referred to the Committee on Education.

SCR 24-A was introduced out of order and adopted this day.

SR 26-A—Not referenced.

By Senator Crist—

SB 28-A—A bill to be entitled An act relating to education; creating s. 236.0813, F.S.; authorizing school district grant programs to enable students in overcrowded public schools to attend private schools; providing for calculation of student membership; providing student and private school eligibility requirements; providing procedures for the award and payment of grants; providing for the distribution of funds; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Holzendorf—

SB 30-A—A bill to be entitled An act relating to trust funds; creating the Renovation and Repair Trust Fund within the Department of Education; providing for sources of moneys and purposes; providing a contingent effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Holzendorf—

SB 32-A—A bill to be entitled An act relating to trust funds; creating the Lottery Construction Trust Fund within the Department of Education; providing for sources of moneys and purposes; providing a contingent effective date.

—was referred to the Committees on Education; and Ways and Means.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

VETOED BILLS 1997 REGULAR SESSION

The Honorable Toni Jennings
President

October 28, 1997

Dear Madam President:

In compliance with the provisions of Article III, Section 8(b) of the State Constitution, I am transmitting to you for consideration of the Senate, the following 1997 vetoed bills, Regular Session. The Governor's objections are attached thereto:

SB 428 An act relating to Florida Statutes;...
CS for CS for SB 1660 An act relating to taxation;...

Sincerely,
Sandra B. Mortham
Secretary of State

The Honorable Sandra B. Mortham
Secretary of State

May 12, 1997

Dear Secretary Mortham:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Senate Bill 428, enacted during the 29th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 1997, and entitled:

An act relating to the Florida Statutes; ...

Senate Bill 428 purports to be a reviser's bill, intended merely to delete a provision of the Florida Statutes that has "expired." In fact, Section 1 of the bill, which would have repealed Section 106.32, Florida Statutes, goes further to repeal a portion of the law still in effect.

Section 106.32, Florida Statutes, contains an appropriation that funds the Florida Campaign Finance Act. Republican Party of Florida v. Jim Smith, 638 So. 2d 26, 28 (Fla. 1994). More recently, in Mortham v. Milligan and Chiles, Case No. 96-06660 (Fla. 2d Cir. Ct. 1997), the court held that in accordance with the modification of the Florida Election Campaign Financing Act by Article III, section 19(f)(2) of the Florida Constitution, the trust fund may logically be severed from the Act while not affecting the efficacy of the remaining valid appropriation contained in section 106.32(1).

For these reasons, I am withholding my approval of Senate Bill 428, and do hereby veto the same.

Sincerely,
LAWTON CHILES

The Honorable Sandra B. Mortham
Secretary of State

May 23, 1997

Dear Secretary Mortham:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Committee Substitute for Senate Bill 1660, enacted during the 29th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 1997, and entitled:

An act relating to taxation; ...

Despite legislative leaders' assurances that the end-of-session, log-rolling of tax giveaways were a thing of the past, this is a classic "tax train" made up of 29 separate provisions. Virtually the last bill passed by both houses, it contains seven measures never voted on by a Senate committee and one that was actually defeated. Likewise, eight of the issues were never heard in a House committee. The failure to have closely examined many of these issues in committee may account for the most glaring infirmity of the bill.

Based on the Legislature's own analysis, Committee Substitute for Committee Substitute for Senate Bill 1660 cannot be defended on economic development grounds, even though that is how it was depicted to legislators. The Senate analyzed six major "economic development" provisions in the bill using the Regional Economic Model. Their study indicates that over the next seven years, these six provisions lead to an average of 21 jobs lost per year at an average annual cost of \$19.2 million. Although the Legislature projected a gain of 128 jobs after the seventh year, this is at a cost of \$23.3 million or \$182,000 per job. The total cumulative revenue which is lost in order to gain these jobs is \$134 million, an unacceptable cost in a time of austere budgets.

Other aspects of the bill are likewise objectionable. There are numerous tax breaks targeted to very narrow special interests, some of which forgive tax liability for single taxpayers who did not comply with the tax laws. While there are some desirable measures contained in the bill, none of the provisions I recommended to close loopholes and insure the integrity of the tax based are included.

The total recurring cost of this bill according to official estimates is \$30.6 million. This is enough money to build over \$400 million in educational facilities if it was pledged by local school districts, without any increase in property taxes. Alternatively, these funds could provide health insurance through the Florida Healthy Kids Program for an additional 90,000 uninsured kids. While the most fundamental needs in this state continue to go unmet I cannot, in good conscience, allow this bill to become law.

For these reasons, I am withholding my approval of Committee Substitute for Committee Substitute for Senate Bill 1660, and hereby veto the same.

Sincerely,
LAWTON CHILES

The Honorable Toni Jennings
President

October 29, 1997

Dear Madam President:

In compliance with the provisions of Article III, Section 8(b) of the State Constitution, I am transmitting to you for consideration of the Senate, the following bill, 1997 Regular Session, with the Governor's objections attached thereto:

CS for CS for SB 1234 (Chapter 97-301, Laws of Florida).

We understand that the original law will be returned to this office following any legislative action which may be taken on the vetoed portions.

Sincerely,
Sandra B. Mortham
Secretary of State

The Honorable Sandra B. Mortham
Secretary of State

June 3, 1997

Dear Secretary Mortham:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 19(b), of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections to Section 6, comprising a specific appropriation and related proviso, of Committee Substitute for Committee Substitute for Senate Bill 1234, enacted during the 29th Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 1997, and entitled:

An act relating to Condominiums and Cooperatives, amending ss. 718.112, F.S.; ...

I have been granted the statutory authority to veto any specific appropriation in a substantive bill containing an appropriation under the provisions of Article III, Section 19(b) of the Constitution of the State of Florida.

The Specific Appropriation and accompanying proviso which comprise Section 6 of Committee Substitute for Committee Substitute for Senate Bill 1234 are hereby vetoed. Committee Substitute for Committee Substitute for Senate Bill 1234, which amends the arbitration process in disputes involving condominiums and cooperatives, is a substantive bill containing an appropriation. The 1997-98 General Appropriations Act provides an appropriation to implement changes to the Arbitration Section within the Division of Land Sales, Condominiums, and Mobile Homes at the Department of Business and Professional Regulation; therefore, the appropriation contained in Section 6 of Committee Substitute for Committee Substitute for Senate Bill 1234 for this program is a duplicate and is not necessary.

Section 6. Upon this act becoming law, the sum of \$173,647 is appropriated from the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund to the Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, and 3 positions are authorized for the purposes of implementing the provisions of this act.

The portions of Committee Substitute for Committee Substitute for Senate Bill 1234 which are set forth herein with my objections are hereby vetoed, and all portions of Committee Substitute for Committee Substitute for Senate Bill 1234 are hereby approved.

Sincerely,
LAWTON CHILES

The Honorable Toni Jennings
President

October 28, 1997

Dear Madam President:

In compliance with the provisions of Article III, Section 8(b) of the State Constitution, I am transmitting to you for consideration of the Senate the following bill, 1997 Regular Session, with the Governor's objections attached thereto:

SB 2400 (Chapter 97-152, Laws of Florida).

We understand that the original law will be returned to this office following any legislative action which may be taken on the vetoed portions.

Sincerely,
Sandra B. Mortham
Secretary of State

The Honorable Sandra B. Mortham
Secretary of State

May 28, 1997

Dear Secretary Mortham:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval of portions of Senate Bill 2400, enacted during the 29th Session of the Legislature, convened under the Constitution of 1968, during the Regular Session of 1997, and entitled:

"An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date."

I have examined Senate Bill 2400, the General Appropriations Act, in detail. On the whole, it represents a well balanced approach to the challenges facing our state. It provides increased funding for public schools, community colleges and universities. Following my recommendation, it funds a significant new scholarship program using Lottery funds and puts a renewed emphasis on teaching our youngest students to read. It continues the state's efforts to reduce crime, strengthens the juvenile justice system, provides for the acquisition of environmentally sensitive land, and makes timely investments in wastewater treatment systems and transportation infrastructure. Notably, the bill builds on the approach toward economic development over which the Legislature and I labored last year and funds efforts to provide better jobs for Floridians through a partnership between the state and the private sector.

Significantly, SB 2400 casts aside the pattern of recent years and avoids making further damaging reductions in the state's already fragile system of social services. It continues the commitment to meaningful welfare reform made in 1996, funds a substantial expansion in subsidized child care, and provides additional resources to address the waiting list in our adoption program. It also expands the Healthy Start program to offer services to an additional 7,500 children ages 1 through 3 and pregnant women. Similarly it expands the Healthy Kids program, providing health coverage to uninsured school age children and their siblings. The new Department of Health and the child welfare activities of the Department of Children and Families are stronger for the funding provided in this legislation.

For all its merits, this budget neglects a number of pressing policy concerns. Perhaps none is more significant than educational facilities. Together with the Speaker of the House of Representatives and the President of the Senate, I have resolved to consider this issue further this year. But the importance of educational facilities should not cause us to overlook other issues which merit our attention. This budget virtually ignores the need for maintenance and repair of the state's juvenile detention and commitment facilities. It fails to fund the next step in the completion of the statewide law enforcement radio system, leaving all of the West Coast and North Florida outside the coverage area needed for effective statewide response. It does not increase funding for need-based student assistance grants, thereby continuing a troublesome trend in the state's approach to financial aid. And once again, this budget does not sufficiently address the funding needs of many of the state's social service programs with long waiting lists. Children's substance abuse and mental health, adult substance abuse and mental health, together with a variety of other prevention programs, still lack the resources necessary to secure a better future for our citizens.

Such omissions are troubling, but not consuming. This budget deserves my support. In most cases, the Legislature has struck a good balance among the many priorities competing for state resources. There are, nonetheless, instances where the case for state funding is not compelling. For example, I believe projects whose benefit is primarily local should provide evidence of substantial local interest and commitment. Absent such evidence, they should not be supported by the state. In similar fashion, I believe the state should be wary of supporting activities that have not gone through an objective competitive process assessing their merit, relative importance and likelihood of success. There are items in this budget which do not meet such tests. In consideration of such concerns, I have decided to take the following actions:

I hereby veto portions of proviso language following Specific Appropriation 33 on page 9 appropriating \$250,000 from the General Revenue Fund for the Quest Center for Autistic children in Orange County. While the center may offer valuable services, their activities should be properly coordinated with existing state services. The state currently provides services to students with autism through five regional autism centers which together will receive over \$1.6 million from the General Revenue Fund. Local school districts may contract with the Quest Center for additional services as needed.

"In addition, \$250,000 is to be allocated to the Quest Center for Autistic Children in Orange County."

Specific Appropriation 71A on page 22 appropriating \$250,000 from the General Revenue fund for St. Thomas University - Institute for Workforce Enhancement is hereby vetoed. This newly created institute has not been coordinated with the new model for workforce education in Florida's public institutions, created by SB 1688. In addition, these scholarships would be awarded only to St. Thomas students; they would not be available to students at other institutions. To provide funding for this program would be inconsistent with state policy.

"71A SPECIAL CATEGORIES
GRANTS AND AIDS - ST. THOMAS UNIVERSITY -
INSTITUTE FOR WORKFORCE ENHANCEMENT
FROM GENERAL REVENUE FUND 250,000"

Specific Appropriation 107A and the associated proviso language on page 36 appropriating \$3,000,000 from the General Revenue Fund for School Choice incentive grants is hereby vetoed. The agency request for this issue totaled \$22 million; this appropriation is clearly insufficient to adequately fund implementation of School Choice Plans statewide. In the absence of a more detailed plan and clear criteria, it is not clear that this appropriation would meaningfully advance public school choice.

"107A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL CHOICE
FROM GENERAL REVENUE FUND 3,000,000"

The funds in Specific Appropriation 107A shall be used for the public school choice incentive grant program. The Department must develop a competitive process to support school districts that choose to implement a controlled open enrollment plan."

Specific Appropriation 115B on page 40 appropriating \$125,000 from the General Revenue Fund for the Palm Beach Deaf and Blind School is hereby vetoed. This item was not requested by the Department of Education. The State of Florida operates the School for the Deaf and Blind in St. Augustine which serves the needs of students from across the state. The Palm Beach Deaf and Blind School is a private facility; if their services are needed by public school students, either the local school district or the School for the Deaf and Blind should contract with them.

"115B SPECIAL CATEGORIES
GRANTS AND AIDS - PALM BEACH DEAF/BLIND
SCHOOL
FROM GENERAL REVENUE FUND \$125,000"

I hereby veto portions of proviso language following Specific Appropriation 118A on page 40 appropriating \$500,000 from the General Revenue Fund for the Hernando County Adult Vocational Technical Center. This project was not requested by the Department of Education nor was it in the Governor's recommendations. This appropriation circumvents the Department of Education's planning, prioritization and needs assessment process for capital facilities. In addition, it is unclear whether this facility will meet the needs of the new workforce development structure enacted in SB 1688.

"118A SPECIAL CATEGORIES
GRANTS AND AIDS - ADULT VOCATIONAL
TECHNICAL - HERNANDO
FROM GENERAL REVENUE FUND \$500,000"

Specific Appropriation 162A on page 54 appropriating \$100,000 from the General Revenue Fund for Pasco-Hernando Community College is hereby vetoed. It is the responsibility of individual institutions to implement their own distance learning plans unless they have been reviewed and approved by the Florida Distance Learning Network and the Institute for Public Postsecondary Distance Learning. This project circumvented the normal legislative budget request process and was not included in the Governor's Budget Recommendations.

"162A SPECIAL CATEGORIES
GRANTS AND AIDS - PASCO - HERNANDO COMMUNITY COLLEGE
FROM GENERAL REVENUE FUND 100,000"

Specific Appropriation 163A on page 54 appropriating \$100,000 from the General Revenue Fund for Compact for Faculty Diversity is hereby vetoed. This appropriation would fund a newly created grant program within the community college system to provide opportunities for college

faculty to pursue advanced degrees. Although this appears to be a worthwhile program and one that the Division of Community Colleges has sought for years to establish, there was no associated proviso language to provide guidance as to its implementation, and SB 894 which set forth the model for this program failed to pass the Legislature.

"163A SPECIAL CATEGORIES
COMPACT FOR FACULTY DIVERSITY
FROM GENERAL REVENUE FUND 100,000"

Specific Appropriation 165B and accompanying proviso language on page 55 appropriating \$550,000 from the General Revenue Fund for Black Beam Interferometer - Brevard Community College is hereby vetoed. This investment in high technology requires careful evaluation via the complete legislative budget request process. Failure to thoroughly review the financial and other obligations of this project would make funding premature and inconsistent with state policy. This item should be coordinated with and through other statewide economic development issues.

"165B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - BLACK BEAM
INTERFEROMETER/BREVARD COMMUNITY COLLEGE
FROM GENERAL REVENUE FUND 550,000"

Funds provided in Specific Appropriation 165B shall be matched by private funds."

I hereby veto portions of proviso language following Specific Appropriation 173 on page 62 appropriating \$103,826 from the General Revenue Fund to develop a program in Entrepreneurship and Management of Technology at the University of South Florida. The university should show its commitment to this worthwhile program by providing support within its existing allocation. This appropriation did not go through the full legislative budget request process, circumvented the normal analysis and review conducted by the Board of Regents, and was not included in the Governor's Budget Recommendations.

"12) \$103,826 for Entrepreneurship and Management of Technology Program - USF"

I hereby veto portions of proviso language following Specific Appropriation 174 on page 63 appropriating \$50,000 from the General Revenue Fund to allow Homestead Research and Education Center to collaborate and cooperate in ornamental research projects undertaken in Dade County. Since IFAS has assigned the lead role for ornamental research to its Research and Education Centers in Fort Lauderdale, Bradenton and Apopka, it would be a duplication of effort to start a similar program at this center. This project did not go through the full legislative budget request process, circumvented the normal analysis and review conducted by the Board of Regents, and was not included in the Governor's Budget Recommendations.

"3) \$50,000 for the Homestead Research and Education Center"

I hereby veto portions of proviso language following Specific Appropriation 177 on page 65 appropriating \$500,000 from the General Revenue Fund to assist in physical plant maintenance and operation of the EYE Institute Facility at Moffitt Research Center. This appropriation will restore plant operation and maintenance funds for this facility while similar needs are not being restored for other facilities within the State University System. This project did not go through the full legislative budget request process, circumvented the normal analysis and review conducted by the Board of Regents, and was not included in the Governor's Budget Recommendations.

"1) \$500,000 for operations and maintenance"

I hereby veto portions of proviso language following Specific Appropriation 177 on page 65 appropriating \$250,000 from the General Revenue Fund to maintain a pediatric cancer registry at the Moffitt Research Center. This service has been funded for the past eighteen years through a contract with the Department of Health; additional funding for this project would be more appropriately sought through the same avenue. This project did not go through the full legislative budget request process, circumvented the normal analysis and review conducted by the Board of Regents, and was not included in the Governor's Budget Recommendations.

"2) \$250,000 for the pediatric tumor program"

Specific Appropriation 183A and the associated proviso language on page 66 appropriating \$250,000 from the Phosphate Research Trust Fund for the Port of St. Petersburg is hereby vetoed. The uses of the Phosphate Research Trust Fund are clearly enumerated in section 378.101, Florida Statutes. This appropriation for a vessel tracking system at the Port of St. Petersburg is an inappropriate use of these funds.

"183A SPECIAL CATEGORIES
TRANSFER TO PORT OF ST. PETERSBURG
FROM PHOSPHATE RESEARCH TRUST FUND 250,000"

Funds provided in Specific Appropriation 183A shall not be released by the Executive Office of the Governor until documentation has been submitted by the Port of St. Petersburg that; (1) sufficient funds are available on a recurring basis to fully operate the Vessel Tracking Information System; (2) the Florida Seaport Transportation and Economic Council has contributed \$250,000 to the Port of St. Petersburg as match; and (3) the Implementation Plan prepared by the Tampa Bay Area VTIS Consortium has been approved by the U.S. Coast Guard."

Specific Appropriation 451B on page 132 appropriating \$100,000 from the General Revenue Fund for Mobile Dental Care is hereby vetoed. Intent language included in the 1997-98 General Appropriations Act and Letter of Intent clarifies that the appropriation made in Specific Appropriation 451B was made in error and duplicates funding provided in Specific Appropriation 485C.

"451B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - MOBILE DENTAL CARE
FROM GENERAL REVENUE FUND 100,000"

Specific Appropriation 572B and accompanying proviso language on page 150 appropriating \$200,000 from the General Revenue Fund to the Drug Punishment Center are hereby vetoed. The proviso language indicates that these recurring general revenue funds shall be used for a drug offender diversion/rehabilitation program in Orange County. While substance abuse intervention and treatment programs are generally effective, the client population to be served by this appropriation and the expected results have not been specified. Furthermore, this appropriation was not included in the agency's legislative budget request and circumvented the normal legislative budget request review process.

"572B SPECIAL CATEGORIES
GRANTS AND AIDS TO LOCAL GOVERNMENTS -
DRUG PUNISHMENT CENTER
FROM GENERAL REVENUE FUND 200,000"

The funds in Specific Appropriation 572B shall be used for a drug offender diversion/rehabilitation program located in Orange County."

I hereby veto portions of proviso language following Specific Appropriation 904 on page 187 appropriating \$441,000 from the General Revenue Fund for the Juvenile Justice Curriculum Development Project. This project is intended to develop curricula to provide life skills training to youth in the juvenile justice system through designing game software. There are existing educational programs to teach life skills currently being used in both the Department of Corrections and the Department of Education. Rather than spend additional funds to develop new educational software, it would be more appropriate to utilize existing programs. Additionally, this appropriation was not included in the agency's legislative budget request and it circumvents the process for establishing the highest priority needs of the state.

"and \$441,000 from General Revenue is provided for the Juvenile Justice Curriculum Development Project"

I hereby veto Specific Appropriation 917A on page 188 appropriating \$500,000 from the General Revenue Fund for At-Risk Academy operation contracts. This appropriation would fund residential academies for youth who are at-risk of dropping out of school and who have not been adjudicated for a delinquency offense. The residential academies would be created for the purpose of assisting youth in being successful in school and preparing for postsecondary education or training. This is a new program requiring the passage of substantive legislation, which did not

pass. Although I have strongly supported this program, I must reluctantly withhold my approval of this appropriation because substantive legislation did not pass.

"917A SPECIAL CATEGORIES
GRANTS AND AIDS - AT RISK ACADEMY
OPERATION CONTRACTS
FROM GENERAL REVENUE FUND 500,000"

I hereby veto portions of proviso language following Specific Appropriation 918 on page 189 appropriating \$125,000 from the General Revenue Fund for the First Coast Community Consortium, Inc. Project for suspension programs in Duval County. This appropriation was not included in the agency's legislative budget request, it circumvents the process for establishing the highest priority needs of the state, and it specifies a provider which circumvents the competitive bidding process.

"From the funds in Specific Appropriation 918, \$125,000 from General Revenue Fund shall be used to contract with First Coast Community Consortium, Inc. Project for suspension programs in Duval County."

I hereby veto portions of proviso language following Specific Appropriation 918 on page 190 appropriating \$150,000 from the General Revenue Fund for the Kid's Central Manuel Artime Community Center Program. This program proposes to bring Latin entertainers into Dade County to engage in cultural events and to serve as role models for youth. The statewide benefit of this program has not been adequately demonstrated. Additionally, this appropriation was not included in the agency's legislative budget request, and it circumvents the process for establishing the highest priority needs of the state.

"\$150,000 from General Revenue Fund is provided for the Kid's Central Manuel Artime Community Center program;"

I hereby veto portions of proviso language following Specific Appropriation 918 on page 190 appropriating \$175,000 from the General Revenue Fund for a youth prevention program in Spring Hill. A plan for how these funds will be spent and the expected outcomes from this appropriation have not been specified. Additionally, this appropriation was not included in the agency's legislative budget request, and it circumvents the process for establishing the highest priority needs of the state.

"\$175,000 from General Revenue Fund is provided for 12 months funding for a youth prevention program in Spring Hill."

I hereby veto portions of proviso language following Specific Appropriation 918 on page 190 appropriating \$369,000 from the General Revenue Fund for the Troy Academy Diversion Program of Dade County. This appropriation was not included in the agency's legislative budget request, it circumvents the process for establishing the highest priority needs of the state, and it specifies a provider which circumvents the competitive bidding process.

"\$369,000 of recurring General Revenue is provided for an additional site of the Troy Academy Diversion Program of Dade County;"

I hereby veto portions of proviso language following Specific Appropriation 921 on page 192 appropriating \$95,000 from the General Revenue Fund for a rate increase for current Outward Bound programs. It is inappropriate for the state to fund rate increases for specific providers when there are other providers who could competitively bid and let the market determine the appropriate rate. Additionally, this appropriation was not included in the agency's legislative budget request and it circumvents the process for establishing the highest priority needs.

"\$95,000 from General Revenue Fund is provided for a rate increase for current Outward Bound programs"

I hereby veto Specific Appropriation 924D on page 194 appropriating \$12,000,000 from the Grants and Donations Trust Fund for construction of at-risk academy facilities. This appropriation would fund residential academies for youth who are at-risk of dropping out of school or who have not been adjudicated for a delinquency offense. The residential academies would be created for the purpose of assisting youth in being successful in school and preparing for postsecondary education or training because this is a new program requiring the passage of substantive legislation, which did not pass. Although I have strongly supported this program, I must reluctantly withhold my approval of this appropriation because substantive legislation did not pass.

"924D FIXED CAPITAL OUTLAY
AT RISK ACADEMY CONSTRUCTION
FROM GRANTS AND DONATIONS TRUST FUND

12,000,000"

I hereby veto proviso language following Specific Appropriation 946C on pages 196 and 197 appropriating \$102,000 from the General Revenue Fund for local law enforcement equipment at the West Miami Police Department. Funding for basic activities and equipment of local police departments is more properly the role of local governments. Additionally, this appropriation was not included in the agency's legislative budget request and circumvents the process for establishing the highest priority needs of the state.

"From the funds in Specific Appropriation 946C, \$102,000 from nonrecurring General Revenue is provided for local law enforcement equipment to the West Miami Police Department."

Specific Appropriation 956C on page 205 appropriating \$250,000 from the General Revenue Fund is hereby vetoed. This appropriation is to provide the Santa Fe Community College a facility to train law officers in flat road pursuit chases. In the past, similar projects have been funded from the Criminal Justice Standards and Training Trust Fund in accordance with general law. The General Revenue Fund is an inappropriate source of funds to use for this appropriation.

"956C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
SANTA FE COMMUNITY COLLEGE CRIMINAL
JUSTICE CENTER/REGIONAL PURSUIT AND
DEFENSIVE DRIVING FACILITY
FROM GENERAL REVENUE FUND

250,000"

I hereby veto portions of proviso language following Specific Appropriation 959 on page 206 appropriating \$150,000 from the General Revenue Fund to be used to fund the Simon Bolivar Institute. This institute targets the Hispanic youth and teaches the precepts and nonviolence philosophy of the Martin Luther King Institute. The funding of the Simon Bolivar Institute would duplicate the efforts already provided by the Martin Luther King Institute and should more properly be coordinated with the activities of that entity.

"From the Funds in Specific Appropriation 959, \$150,000 from the General Revenue Fund shall be used to fund the Simon Bolivar Institute."

I hereby veto Specific Appropriation 1017K on page 217 appropriating \$40,000 from the General Revenue Fund for the Brandon Balloon Festival. This project should be subject to the same evaluation process as the other festival projects. This project circumvented the normal legislative budget request process and was not included in the Governor's Budget Recommendations.

"1017K GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
BRANDON BALLOON FESTIVAL
FROM GENERAL REVENUE FUND

40,000"

I hereby veto Specific Appropriation 1017L on page 217 appropriating \$40,000 from the General Revenue Fund for the Temple Arts Festival. This project should be subject to the same evaluation process as the other festival projects. This project circumvented the normal legislative budget request process and was not included in the Governor's Budget Recommendations.

"1017L GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
TEMPLE ARTS FESTIVAL
FROM GENERAL REVENUE FUND

40,000"

I hereby veto portions of proviso language following Specific Appropriation 1114 on page 230 appropriating \$300,000 from the U.S. Contributions Trust Fund to be used for the Bonifay Flood Project. Funds in this trust fund are for approved federal projects and this project has not been approved by the Federal Emergency Management Agency.

"From the funds provided in Specific Appropriation 1114 from the U.S. Contributions Trust Fund, \$300,000 shall be utilized for the Bonifay Flood Project."

I hereby veto portions of proviso language following Specific Appropriation 1149 on page 236 appropriating \$450,000 from the Economic Opportunity Trust Fund for a natural gas conversion project in Hernando County. There is no statewide benefit and no significant local financial support for this project. This item did not go through the normal Legislative budget request process and circumvented the agency's evaluation of need.

"From funds provided in Specific Appropriation 1149, \$450,000 is to be used for the Electric to Natural Gas Energy Conversion Project in Hernando County."

I hereby veto Specific Appropriation 1203H on page 245 appropriating \$180,000 for acquisition of a cultural facility, development of a community park, and debris removal in Miami Shores Village. Various state agencies administer programs in which local governments can submit proposals for funding for these types of projects. The Department of State administers programs that would be appropriate for funding the cultural project. The city may also wish to consider submitting an application for park facility funding through the Florida Recreation Development Assistance Program administered by the Department of Environmental Protection.

"1203H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
MIAMI SHORES VILLAGE - COMMUNITY PARK
FROM GENERAL REVENUE FUND

180,000"

I hereby veto portions of proviso language following Specific Appropriation 1273 on pages 256 and 257 appropriating \$2,822,400 from the Grants and Donations Trust Fund for beach projects. The source of funding for these projects is the transfer of funds from the Florida Hurricane Catastrophe Fund. Funding of these projects from these funds would set the wrong precedent; these funds should be for the purpose of enhancing residential mitigation.

"Funds in Specific Appropriation 1273 from the Grants and Donations Trust Fund reflect the transfer of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to section 215.555 (7)(c), Florida Statutes. The legislature finds that dune restoration is an integral component both of reducing potential losses in the event of a hurricane and of protecting local infrastructure from potential damage from a hurricane. Funding is provided for the following projects:

Palm Beach/South Palm Beach/Lantana Dune Restoration	511,550
Brevard County Dune Restoration	457,537
Crandon Park Dune Restoration	237,500
Riviera Beach Dune Restoration	135,500
Seventh Beach Dune Protection	65,313
Brevard County Shore Protection Design	250,000
Miami Beach Erosion Emergency Rescue	250,000
Singer Island Shore Protection	915,000"

I hereby veto proviso language following Specific Appropriation 1332 on page 265 appropriating \$100,000 for the City of Ormond Beach State Road 40/Halifax River Pedestrian Underpass Walkway. While I am sympathetic to providing outdoor recreational activities to our state's citizens and visitors, this project is funded from an inappropriate source. This project did not go through the competitive application process provided for by law. Funding for the Ormond Beach project is provided for from the Conservation and Recreation Lands Trust Fund, an inappropriate source of funding.

"From funds in Specific Appropriation 1332, \$100,000 from the Conservation and Recreation Lands Trust Fund is provided for the City of Ormond Beach SR40/Halifax River Pedestrian Underpass Walkway."

I hereby veto Specific Appropriation 1338A and proviso language on page 267 establishing an incentive program to encourage the purchase of electric vehicles. While I am supportive of the potential environmental benefits that could be realized with this technology, the program contemplated in this language will involve major policy issues which should be based on a plan and substantive legislation.

"1338A SPECIAL CATEGORIES
ELECTRIC VEHICLE INCENTIVE PROGRAM
FROM AIR POLLUTION CONTROL TRUST FUND

900,000

From funds provided in Specific Appropriation 1338A an incentive program is hereby established to encourage the purchase of electric vehicles. Such funds shall be administered by the Secretary of the Department of Environmental Protection and shall be distributed to the first 300 individual consumers of electric vehicles at an equal rate."

I hereby veto portions of proviso language following Specific Appropriation 1490N on page 279 from the State Transportation Trust Fund appropriating \$125,000 for the environmental mitigation and restoration of transportation impacts to the St. Lucie River and its tributaries. This appropriation is contrary to section 338.26(3), Florida Statutes, which states excess funds generated from toll revenue on Alligator Alley can only be used for Everglades Restoration. The project mentioned in this language is not included in the Everglades Construction Project.

"From funds in Specific Appropriation 1490N, \$125,000 shall be allocated for the environment mitigation and restoration of transportation impacts to the St. Lucie River and its tributaries."

I hereby veto the accompanying proviso language to Specific Appropriation 1490AT on page 284 from the State Transportation Trust Fund for Seaport - Economic Development. The proviso specifies that \$10,000,000 is contingent upon HB 1997 or similar legislation becoming law. Both SB 2060 and SB 1754 were adopted by the 1997 Legislature and require that \$10,000,000 to be earmarked for seaports "...on July 1, 2001, and annually thereafter." The proviso language conflicts with these enactments.

"Funds in Specific Appropriation 1490AT include \$10,000,000 contingent upon HB 1997 or similar legislation becoming law. The Executive Office of the Governor is authorized to place these funds in reserve and release them when the Department of Transportation demonstrates that expenditure of these funds will not impact the projects contained in the 1997-98 Work Program adopted pursuant to chapter 339, F.S., and that the release and expenditure of these funds will not cause the cash balance in the State Transportation Trust Fund to drop below the \$50,000,000 minimum required in section 339.135(6)(b), F.S."

I hereby veto portions of proviso language following Specific Appropriation 1649C on page 322 appropriating \$200,000 from the Economic Development Trust Fund for the Florida Foreign Trade Association. This issue was not reviewed during the legislative budget request process and would have been more properly funded through the established public-private partnerships. Funding this initiative may result in a fragmented approach to economic development and undermines the coordinated approach to economic development outlined during the privatization of the Department of Commerce.

"From the funds provided in Specific Appropriation 1649C the sum of \$200,000 from funds appropriated for Rural Community Development Grants shall be allocated and granted to the Florida Foreign Trade Association for purposes of increasing exports from rural areas of the state by assisting Florida businesses from counties with populations of 75,000 persons or fewer to participate in major international trade shows in this hemisphere."

The portions of Senate Bill 2400 which are set forth herein with my objections are hereby vetoed, and all other portions of Senate Bill 2400 are hereby approved.

With kind regards, I am

Sincerely,
LAWTON CHILES

The bills, together with the Governor's objections thereto, were referred to the Committee on Rules and Calendar.

RECESS

On motion by Senator Bankhead, the Senate recessed at 10:01 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 2:00 p.m., Tuesday, November 4 or upon call of the President.