



Journal of the Senate

Number 1—Special Session A

Friday, December 8, 2000

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, and subsequently amended, at the Capitol, in the City of Tallahassee, on Friday, December 8, 2000, in the State of Florida.

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CALL TO ORDER

The Senate was called to order by President McKay at 12:00 noon. A quorum present—38:

Mr. President	Dawson	Lawson	Saunders
Bronson	Diaz de la Portilla	Lee	Sebesta
Brown-Waite	Dyer	Meek	Silver
Burt	Geller	Miller	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Carlton	Horne	Peaden	Villalobos
Clary	Jones	Posey	Wasserman Schultz
Constantine	King	Pruitt	Webster
Cowin	Klein	Rossin	
Crist	Latvala	Sanderson	

Excused: Senators Garcia and Laurent

PRAYER

The following prayer was offered by the Rev. Frederick A. Buechner, Rector, All Saints Episcopal Church, Thomasville, Georgia.

Let us pray for our country.

Almighty God, who hast given us this good land for our heritage, we humbly beseech thee that we may always prove ourselves a people mindful of thy favour and glad to do thy will. Bless our land with honourable industry, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogancy, and from every evil way. Defend our liberties, and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Endue with the spirit of wisdom those to whom in thy Name we entrust the authority of government, that there may be justice and peace at home, and that, through obedience to thy law, we may show forth thy praise among the nations of the earth. In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in thee to fail.

Most gracious God, we humbly beseech thee, for the State of Florida and her Senate here assembled—that thou wouldest be pleased to direct and prosper all their consultations to the advancement of thy glory, the good of thy Church, and the safety, honour, and welfare of thy people; that all things may be so ordered and settled by their endeavours, upon the best and surest foundations, that peace and happiness, truth and

justice, religion and piety may be established among us for all generations.

We beseech thee to bless and guide the Senators of this state, that they may deliberate and ordain for our governance—only such things as please thee, to the glory of thy Name, and the welfare of thy people.

These and all other necessities, for them and for us and for our country, we humbly beg in thy Name.

Amen.

Adapted from the *Book of Common Prayer, 1928*

PLEDGE

Senator Latvala 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:

THE FLORIDA LEGISLATURE JOINT PROCLAMATION

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

WHEREAS, it is of critical importance to the citizens of the State of Florida that they be represented by electors appointed to the electoral college and voting on December 18, 2000, and

WHEREAS, the election of electors for President and Vice President of the United States on November 7, 2000, has led to numerous recounts and challenges, and it is increasingly less likely that all legal challenges will have reached finality prior to December 12, 2000, as is necessary to make those election results conclusive when Congress counts the electoral votes, and

WHEREAS, actions by the courts may have rewritten provisions of the Florida Election Code and policies, procedures, or practices of local and state election officials after November 7, 2000, creating serious doubt as to whether the conduct of certain aspects of the recounting and reporting of the 2000 election for electors for President and Vice President of the United States were conducted in accordance with the laws, policies, procedures, and practices in existence prior to November 7, 2000, as required by Title 3, Section 5 of the United States Code, which could jeopardize the conclusiveness of Florida's electors and possibly result in all of the voters of the State of Florida being disenfranchised, and

WHEREAS, there remains serious doubt as to the validity and conclusiveness of any appointment of electors arising out of an election process which failed to fully comply with the laws, practices, and procedures in existence prior to November 7, 2000, and

WHEREAS, Article II, Section 1 of the United States Constitution provides that the Legislature of Florida shall provide for the manner in which electors shall be appointed to the electoral college to represent the voters of the State of Florida, and

WHEREAS, Title 3, Section 2 of the United States Code provides that in the event that an election for presidential electors fails to produce a choice of electors, the electors may be appointed on a subsequent day in such a manner as the legislature of such state may direct, and

WHEREAS, failure of the Florida Legislature to prepare for the possibility that the results of the 2000 General Election may still be in doubt on December 12, 2000, may disenfranchise and deny the citizens of Florida any voice in the selection of the 43rd President of the United States of America,

NOW, THEREFORE, We, John M. McKay, President of The Florida Senate, and Tom Feeney, Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Article III, Section 3(c), Florida Constitution, and Section 11.011, Florida Statutes, do hereby proclaim:

1. That the Legislature of the State of Florida is convened in Special Session pursuant to Article III, Section 3(c), Florida Constitution, and Section 11.011, Florida Statutes, at the Capitol in Tallahassee, Florida, at 12:00 noon on Friday, the 8th day of December 2000, for a period of 11 days ending on Monday, the 18th day of December, 2000.

2. That the Legislature is convened for the sole and exclusive purpose of exercising its power by resolving or enacting legislative measures:

Providing for the manner in which electors shall be appointed if the 2000 General Election fails to produce a final, constitutional choice of electors, conclusive under Title 3, Section 5, of the United States Code, in accordance with the Constitution of the United States and with statutes enacted, and policies, procedures, and practices in existence, prior to November 7, 2000.

Providing for the appointment of electors for President and Vice President of the United States.

Providing for any other matter necessary to fulfill the duty of the Florida Legislature under Article II, Section 1 of the United States Constitution or federal laws incidental thereto.

Making a final determination of any controversy or contest concerning the appointment of all or any of Florida's Electors for President and Vice President of the United States, appointed by the Legislature.



John M. McKay, President
The Florida Senate
December 6, 2000



Tom Feeney, Speaker
The Florida House of Representatives
December 6, 2000



Duly filed with and received by the Florida
Department of State this 6th day of December,
2000 by:
Katherine Harris
Secretary of State

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Sullivan—

SCR 2-A—A concurrent resolution providing for the manner of appointing electors for President and Vice President of the United States; providing for the appointment of such electors; providing for the filling of vacancies.

—was referred to the Committee on Ethics and Elections.

REMARKS BY PRESIDENT JOHN M. MCKAY

Senators, when we left here on November 21st not one of us expected to be back so soon, especially not on an issue so critically important to our nation as the one in which we find ourselves involved today.

As I shared my agenda for the Senate with you on Organizational Day, it did not include involvement with the highest office in this land. My agenda for this Senate was, and still is, zero-based budgeting, meaningful tax reform, appropriate elder housing and services, the challenge of the homeless, foster care, residential group care, and children with developmental disabilities.

These issues are, of course, in addition to our normal challenges of improving our education system, protecting the environment, and promoting economic development, just to name a few.

As I look across our chamber and the gallery today, for many, I guess, these issues pale in comparison to what we will do here in the next few days. I would like to tell you that in my mind they do not, because these are the issues that are most important to the citizens of our state. These are the issues this Senate will be working on long after the television satellite trucks have departed.

Nevertheless, we are here today to begin a journey that has not been taken by any state legislature since the late 1800s. No one should confuse my cautious and deliberate approach in evaluating this issue with timidity. Let me tell you why I have decided that it is necessary that we act. I will not attempt to explain that journey by leading you through the labyrinth of constitutional provisions and federal laws that govern the appointment of Florida's electors. There will be plenty of time for that next week.

What I must tell you today is that the commonly perceived mechanism for electing this country's leaders may be about to fail. For the votes cast by our citizens at the polls on November 7th to be conclusively accepted by Congress, three things must occur.

First, the appointment of electors based on the results of that election must have been done in accordance with the laws of Florida, as they existed on election day. Second, all lawsuits regarding the election must be resolved by December 12, just four days away. Third, the electors must be appointed in time to ensure that they can vote when the Electoral College meets on December 18th.

I do not think there is a member of this body who, in his or her most honest moments, believes that the controversies swirling around the courtrooms of this city can be put to rest, decidedly and without further challenge, within the next 96 hours. Particularly since new lawsuits have been filed just in the past few days.

If such finality cannot be achieved, and I hope that it is, there is a significant risk that this state's electoral votes may not be counted. I cannot abandon my constitutional duty and let the six million Floridians who voted for the candidate of his or her choice four weeks ago not be heard. Although others have suggested earlier action, now is the time to be prepared to exercise the unique authority and responsibility given directly to this body by the United States Constitution to call this special session for the purpose of making those votes heard.

While some will say that our actions over the next few days will be a partisan exercise, my view is that they are not. Rather, I am here performing my constitutional responsibility as I see it. Nothing more, nothing less.

Let me read a portion of a letter that I received from Senator Rossin the other day. I think that contemplation of his words will benefit this body. He wrote as follows, "It is my true belief that great men are not born great. Rather, they are put in positions of historic proportions, and then, make decisions no one expected they had the capacity to make."

If events unfold that require me to vote for someone other than George W. Bush, so be it. I am prepared to do so if that is what it takes to protect Florida's 25 electoral votes. I will not allow Florida's 6 million voters to be disenfranchised.

Our journey will, at times, take us into uncharted waters. But we must not let ourselves be drawn into personal squabbles, for that would negatively affect our ability to work together.

Once the television cameras have been turned off, we will have much work to do and we must do it together if we are going to effectively address the needs of our state. A comment I made nearly three weeks ago when I assumed the office of Senate President bears repeating. When we show respect for each other, we show respect to those who elected us.

The task ahead of us will, at times, be arduous. But it should, at all times, be in the manner that reflects the respect and friendships that have been made on this floor.

I would again like to remind you of the spirit of our friend, Senator Pat Thomas, who believed that cordiality, decorum, and respect were not just words used to describe the Florida Senate but were, in fact, the very heart of the Florida Senate. I look forward to your joining with me in Senator Thomas' spirit over the next week. Thank you for your attention.

ANNOUNCEMENTS

Senator Lee announced that the Committee on Ethics and Elections will meet Monday, December 11 from 11:00 a.m. until 7:00 p.m. to consider **SCR 2-A**.

Senator Lee announced a deadline of 9:00 a.m. Monday, December 11, for filing amendments to be considered at the Committee on Ethics and Elections meeting that day.

Senator Lee announced that in the event the Senate receives a message from the House of Representatives containing a Concurrent Resolution passed by the House, the Committee on Ethics and Elections will meet Wednesday, December 13 from 9:00 a.m. until 11:00 a.m. to consider any measures received from the House and referred to this committee.

Senator Lee announced a deadline of 7:00 a.m. Wednesday, December 13, for filing amendments to be considered at the Committee on Ethics and Elections meeting that day.

Senator Lee announced that the Special Order Subcommittee of the Committee on Rules and Calendar will meet Monday, December 11 at 7:30 p.m., or 30 minutes following the adjournment of the Committee on Ethics and Elections meeting, until completion, to set the Special Order Calendar for a session on Wednesday, December 13, at 1:00 p.m.

Senator Lee announced a deadline of 12:00 noon Wednesday, December 13, for filing amendments to be considered at the 1:00 p.m. session that day.

POINT OF ORDER

Senator Geller raised a point of order which addressed four issues: failure to follow Senate precedent; violation of Article II, Section 1 of the U.S. Constitution; violation of Title III, Section 5 of the United States Code; and violation of the internal procedures of the Senate. The President requested Senator Geller provide the point of order in writing.

The President referred the point of order to the Chairman of the Committee on Rules and Calendar for evaluation.

POINT OF ORDER

Senator Campbell raised a point of order as to the method by which action is being proposed for this special session. The President requested Senator Campbell provide the point of order in writing.

The President referred the point of order to the Chairman of the Committee on Rules and Calendar for evaluation.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

VETOED BILLS 2000 REGULAR SESSION

The Honorable Katherine Harris
Secretary of State

June 14, 2000

Dear Secretary Harris:

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 114, enacted during the 32nd Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2000 and entitled:

An act relating to discretionary sales surtaxes; . . .

Under current law, "small counties" are authorized to levy a sales surtax for operating purposes at a rate of either 0.5 percent or 1 percent. These taxes may be levied by an extraordinary vote of the governing board of the county. For this purpose "small county" is defined as a county that had a population of 50,000 or less as of April 1, 1992. Senate Bill 114 expands the definition of "small county," and the ability to levy the sales surtax, to include any county with a population of 75,000 or less as of October 1, 2000. This applies to only one county.

The effect of Senate Bill 114 is to allow a single county to impose an additional sales tax on its citizens without the approval of the voters in that county. This is not the appropriate way to create new taxing authority and should not be encouraged. The county currently has the authority to raise an additional 1 percent surtax, by referendum, for infrastructure purposes such as transportation. The government's authority to tax must ultimately rest with the people. Instituting a new tax without voter approval, as proposed in Senate Bill 114, bypasses the most direct and clearest expression of the will of the people.

For these reasons I am withholding my approval of Senate Bill 114, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

June 14, 2000

Dear Secretary Harris:

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 714, enacted during the 32nd Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2000, and entitled:

An act relating to solid and hazardous waste management; . . .

Committee Substitute for Committee Substitute for Senate Bill 714 relates primarily to waste disposal and transfer in the State of Florida. On its face, it provides added protections to the regulation of hazardous waste transfer facilities. Specifically, Committee Substitute for Committee Substitute for Senate Bill 714 defines hazardous waste transfer facilities as storage facilities and requires that these facilities be permitted like other hazardous waste storage facilities in the state.

At the same time, however, Committee Substitute for Committee Substitute for Senate Bill 714 includes a provision that runs up against the Administration's position on budgeting and contracting. Currently, Florida provides funding to the Southern Waste Information Exchange, Inc (SWIX), a not-for-profit corporation, to serve as a clearinghouse for information on waste recycling, use, and reuse opportunities for Florida waste generators. These services are offered to encourage sound environmental and cost-effective alternatives to landfilling, incineration and the treatment of solid waste. Arguably, the assistance provided by SWIX to public and private businesses is worthwhile and important to our environment. Where Committee Substitute for Committee Substitute for Senate Bill 714 goes too far, however, is in specifically naming in

statute SWIX as the provider of solid and hazardous waste management assistance to Florida's public and private sector. Furthermore, it requires the Department of Environmental Protection to request legislative funding for SWIX in its annual legislative budget request.

By writing this organization into law as the state's provider and by requiring the Department of Environmental Protection to include SWIX in its legislative budget request, Committee Substitute for Committee Substitute for Senate Bill 714 essentially discourages alternatives to these particular services or competition from other providers for these services. It also provides SWIX with an unfair advantage over any other entity that currently provides or would like to provide these services in the future.

For the last three budget cycles, SWIX has received state funding, and most recently received \$300,000 to render services to the state and private entities. So long as SWIX continues to perform in a manner acceptable to the state and so long as the state determines that this is a necessary public service, SWIX should remain in good standing.

Nevertheless, by restricting the state's flexibility as it relates to waste management assistance programs, Committee Substitute for Committee Substitute for Senate Bill 714 unfairly provides something akin to a "guarantee" to one provider. In the final analysis, that is not something that we should encourage among providers and other entities receiving state funding.

I encourage the Department of Environmental Protection and the legislative sponsors and co-sponsors of this bill to return next year to pass legislation that would include the hazardous waste transfer facility provisions of this bill. For the reasons provided above, I am withholding my approval of Committee Substitute for Committee Substitute for Senate Bill 714, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

June 9, 2000

Dear Secretary Harris:

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, subsections (b), (c), (d), (e) and (f) of Section 8, comprising specific appropriations and related proviso, of Committee Substitute for Committee Substitute for Senate Bill 862, enacted during the 32nd Session of the Legislature, convened under the Constitution of 1968, during the Regular Session of 2000, and entitled:

An act relating to innovative transportation financing; . . .

The specific appropriations and accompanying proviso which comprise subsections (b), (c), (d), (e) and (f) of Section 8 of Committee Substitute for Committee Substitute for Senate Bill 862 are hereby vetoed. Committee Substitute for Committee Substitute for Senate Bill 862, which provides financial resources for the state's transportation program, is a substantive bill containing appropriations related to transportation projects. Although the appropriations provided in Committee Substitute for Committee Substitute for Senate Bill 862 are well-intended, earmarking dollars for specific transportation projects outside the priorities established through existing evaluation processes, takes away from the Department of Transportation's ability to administer the state's transportation program based on the authority given the department by s. 339.135, Florida Statutes, regarding how transportation resources should be specifically allocated to produce the most effective results possible.

Section 8.

- (b) 79th Street Station—Hialeah—Dade Co. (\$2,000,000);
- (c) Hollywood Intermodal Initiative—Broward Co.—(\$1,000,000);
- (d) Melbourne Airport—New Hanger Construction—Brevard Co. (\$834,937);
- (e) South Florida Rail Feasibility Study—Palm Beach/Broward/Dade (\$500,000). Funds provided for the South Florida Rail Corridor Feasibility Study are to review the CSX, FEC and I-95 Corridors and their relation to land use in Palm Beach, Broward and Dade

Counties. The department shall contract with the South Florida Regional Transportation Organization. The study shall be competitively bid under chapter 287;

(f) Atlantic Corridor—City of Miami Beach—Dade Co. (\$450,000).

The portions of Committee Substitute for Committee Substitute for Senate Bill 862 which are set forth herein with my objections are hereby vetoed. All other portions of Committee Substitute for Committee Substitute for Senate Bill 862 are hereby approved.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

June 21, 2000

Dear Secretary Harris:

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 990, enacted during the 32nd Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2000, and entitled:

An act relating to education; . . .

Senate Bill 990 revises the reporting of student grades on report cards and substantially revises the high school grading system currently established in law. While the bill has a number of provisions, most of the discussion and debate has focused on the statewide grading scale provisions. Senate Bill 990 deletes the current high school grading system and scale (which 94% to 100% equates to an A; 85% to 93% a B; 77% to 84% a C; 70% to 77% a D; and below 70% equates to an F) and stipulates that for the purposes of interpreting grades when teachers do not assign letter grades, school districts should use a grading scale that is similar to those used by other states ("A" equals 90-100%, has a grade point average value of 4, and is defined as outstanding progress). It is this provision that gives me concern.

The education reforms that have been implemented over the last few years, have been grounded on four key components: high academic standards and expectations; annual assessment of progress toward mastery of the Sunshine State Standards; a benchmark goal that students gain at least a year's worth of knowledge in a year of schooling; and accountability for student performance. Posted up against these components, I believe Senate Bill 990 has the very real potential of negatively affecting the high academic standards and expectations teachers have worked so diligently to implement. Therefore, I have decided to exercise my authority to veto this bill for the following reasons.

First, Senate Bill 990 takes us back to the original problem that led to the creation of a statewide grading scale. In 1987, the Florida Legislature enacted a statewide grading scale in which 94% to 100% equates to an A; 85% to 93% a B; 77% to 84% a C; 70% to 77% a D; and below 70% would equate to an F. The purpose of this change was to end the perceived inequity and unfairness caused by different school districts using different grading scales. By making a new grading scale permissive for school districts, Senate Bill 990 returns us to the original problem—the possibility of each school board setting its own grading scale in a way that treats students inconsistently throughout the state. Supporters of the bill argue that providing for a new grading scale is necessary to level the playing field with other states that use the suggested scale. Yet in trying to create consistency with the rest of the nation, we will end up creating inconsistent grading scales throughout Florida's own public school system. In our own conversations with school districts, this much is clear. Many school systems are comfortable with the current grading scale system and have adjusted to its requirements, while on the other hand, some school districts would like to move to a new grading scale.

Second, by enacting a new grading scale, we send the wrong message to our children and ignore the limited impact the current grading scale may have. Last year, the Florida Senate conducted a study of high school grading practices concluding that teachers tend to adjust their assignments and tests to the grading scale, thus producing a similar number of A's, B's, etc., with one scale as with another. This finding indicates that the grading scale matters little in the overall outcome of student grades. If this is true, in a best-case scenario, Senate Bill 990 will not affect the distribution of grades. Nevertheless, if this finding is correct,

why then suggest a replacement scale in law that provides a lower threshold for each grade? What message does that send to teachers, students and parents?

On the other hand, if the grading scale does matter, which some proponents of this bill believe, we would see more A's and B's as a result of the change. Today's C would become tomorrow's B, and today's B would become tomorrow's A. According to the Senate study, 53% of the grades issued by Florida's public high schools in 1997/1998 were A's and B's. Under Senate Bill 990, it is quite possible that this percentage would increase even further. With Florida's lower than average SAT scores and high rate of students (41%) who are not prepared for college level courses, it does not make sense to have more students earning higher grades with the same level of achievement, or more students earning higher grades while mastering less content than last year. Unfortunately, if this is the impact of Senate Bill 990, it encourages the very thing it set out to eliminate—grade inflation.

I understand that supporters of this legislation believe strongly that something should be done with Florida's current grading scale. In response to that concern, Senator Anna Cowin and I have agreed to work together in the interim for a better solution. In addition, I am asking the Commissioner of Education to further study this complex issue and make recommendations to the 2001 Florida Legislature.

In summary, Senate Bill 990 fails to contribute positively to our goal of raising standards and improving student achievement. It sends a mixed signal that may have a negative impact on grading policies and practices throughout the state. At its best, Senate Bill 990 will have little impact on grade distribution. At its worst, it will lead to grade inflation.

For these reasons, I am withholding my approval of Senate Bill 990, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

June 7, 2000

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provision of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval and transmit to you my objections, Committee Substitute for Senate Bill 1230, enacted during the 32nd Session of the Legislature, convened under the Constitution of 1968, during the Regular Session of 2000, and entitled:

An act relating to eminent domain; . . .

Committee Substitute for Senate Bill 1230 gives municipalities the authority to exercise eminent domain for the purpose of obtaining lands for a public school and provides a hospital district with the authority to take possession and title in advance of the entry of a final judgment in eminent domain actions. First, municipalities would be authorized to exercise the power of eminent domain for obtaining lands to be conveyed by the municipality to the school board of the school district for the county within the municipality is located, if the school board requests in writing that the municipality obtain such lands for conveyance to the school board and promises to use the land to establish a public school. Both entities currently have eminent domain authority. This provision would be repealed January 1, 2003. Second, Committee Substitute for Senate Bill 1230 temporarily expands the eminent domain authority to take private property under quick-take provisions to a specific hospital district created by a special act of the Legislature. The quick-take authority will allow the hospital to take possession and title in advance of the entry of final judgment on the value of the property. This provision would be repealed July 1, 2003.

The power of government to take property is perhaps the most severe of all governmental powers. Eminent domain often runs in direct conflict with the rights of private property owners, and though our laws provide for just compensation, state government must be frugal in the exercise of this power, and conscientious when it is expanded.

In this particular bill, eminent domain authority is expanded to benefit the North Broward Hospital District. Essentially, the district's current eminent domain authority would be broadened to include the right to take possession and title to property in advance of the entry of a final judgment for a specific situation—the expansion of Broward General

Hospital. Broward General Hospital serves many indigent citizens in Broward County and is in need (sic) of major expansion. It has planned to expand to provide improved services to a growing population. This is undoubtedly a worthwhile and needed project. The hospital has begun negotiations with local property owners to purchase their properties.

My objection to this well-intended bill, however, is that the hospital has begun this process under the current set of rules governing their eminent domain authority. To change these rules, giving them an expanded advantage over local property owners, would not be in the spirit of fair play. Withholding approval of the bill would still allow the project to continue to move forward under existing law. The needed property can be acquired successfully to make this needed expansion a reality.

Additionally, allowing this bill to become law would set a precedent inviting other specific governmental entities currently prohibited from exercising quick-take proceedings to seek one-time expansions of eminent domain authority. I believe this sets a dangerous precedent and is a poor basis for creating new statutes. If the expansion of quick-take authority is an issue that needs addressing, the Legislature should do so as a policy debate for statewide application. The Legislature has historically prided itself in ensuring that state laws were only created as a last resort to address local concerns. Thus, in turn, local entities should seek assistance through state law only after all options and avenues have been exhausted.

The use of eminent domain authority is one of the most harsh proceedings known therefore the justification for expanding the scope of existing eminent domain authority must be proven to be essential, not just convenient or economical. For reasons provided above and out of concern over the precedent this bill might set, I am withholding my approval of Committee Substitute for Senate Bill 1230, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

June 16, 2000

Dear Secretary Harris:

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 my objection to Section 6, comprising specific appropriations and related proviso, of Committee Substitute for Senate Bill 1412, enacted during the 32nd Session of the Legislature, convened under the Constitution of 1968, during the Regular Session of 2000, and entitled:

An act relating to public swimming and bathing places; . . .

Although the appropriations provided in Committee Substitute for Senate Bill 1412 are well intended, there are funds provided to the Department of Health in the Fiscal Year 2000-2001 General Appropriations Act for a similar purpose. Moreover, the Ecosystem Management and Restoration Trust Fund, which funds the appropriation, does not have a positive fund balance that would allow it to meet this additional obligation.

The objectionable appropriations provided in Committee Substitute for Senate Bill 1412 are as follows:

Section 6. *The sum of \$745,000 is appropriated from the Ecosystem Management and Restoration Trust Fund to the Department of Environmental Protection, Division of Water Resource Management, Beach Management Program, for fiscal year 2000-2001. These funds shall be transferred to the Department of Health. The sum of \$745,000 is appropriated from the County Health Department Trust Fund in the Department of Health during fiscal year 2000-2001 for a 2-year "Healthy Beaches" study in the coastal waters of Escambia and Santa Rosa Counties and the Tampa Bay area of Pinellas County. The purpose of the study is to determine which indicator organism is best suited to be used with respect to Florida's waters and to establish a statewide model to help predict when possible water-quality problems will occur.*

The portion of Committee Substitute for Senate Bill 1412 that is set forth herein with my objection is hereby vetoed. All other portions of Committee Substitute for Senate Bill 1412 are hereby approved.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

June 21, 2000

Dear Secretary Harris:

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, Section 9, comprising specific appropriations and related proviso, of Committee Substitute for Senate Bill 1604, enacted during the 32nd Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2000 and entitled:

An act relating to community-based development organizations; . . .

Committee Substitute for Senate Bill 1604 creates the Community-Based Development Organization Grant Program. This program is essentially the same as the Community Development Support and Assistance Program which the Legislature allowed to sunset on June 30, 1998. The program was determined to be inefficient by the Office of Program Policy Analysis and Government Accountability and the grants served primarily to augment other sources of government assistance. Further, the loan program was not widely used or when it was used had experienced high loss rates. The bill requires the Department of Community Affairs to administer this new program without providing program administrative resources. In addition, based on further analysis, funding for the grant program is premature as the rule-making/public hearing process must be accomplished before funds can be distributed. It is doubtful that any funds can be disbursed during the upcoming 2000-01 Fiscal Year.

The objectionable appropriations provided in Committee Substitute for Senate Bill 1604 are as follows:

Section 9. There is hereby appropriated from the General Revenue Fund the sum of \$1 million to be distributed as grants to community-based development organizations as provided by this act.

The portion of Committee Substitute for Senate Bill 1604 that is set forth herein with my objection is hereby vetoed. All other portions of Committee Substitute for Senate Bill 1604 are hereby approved.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

May 30, 2000

Dear Secretary Harris:

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, subsections (3), (5), (6), and (7) of Section 163, comprising specific appropriations and related proviso, of Committee Substitute for Senate Bill 2050, enacted during the 32nd Session of the Legislature, convened under the Constitution of 1968, during the Regular Session of 2000, and entitled:

An act relating to workforce innovation; . . .

The specific appropriations and accompanying proviso which comprise subsections (3), (5), (6), and (7) of Section 163 of Committee Substitute for Senate Bill 2050 are hereby vetoed. Committee Substitute for Senate Bill 2050, which makes substantial changes to the state's workforce development program, is a substantive bill containing appropriations related to workforce development, economic development, and welfare transition services. Committee Substitute for Senate Bill 2050 also creates a new entity, Workforce Florida, Inc., that is given responsibility for policy development and planning for Florida's workforce development system. Although the appropriations provided in Committee Substitute for Senate Bill 2050 are well-intended, earmarking dollars for specific workforce-related programs takes away from Workforce Florida, Inc.'s ability to utilize the authority provided by this bill to make decisions regarding how workforce development resources should be specifically allocated to produce the most effective results possible.

The objectionable appropriations provided in Senate Bill 2050 are as follows:

Section 163.

(3) For diversion services for needy families authorized by section 445.018, Florida Statutes, the sum of \$8 million is appropriated from recurring Temporary Assistance for Needy Families funds to the Agency for Workforce Innovation.

(5) For the Careers for Florida's Future Incentive Grant Program established pursuant to sections 445.012-445.0125, Florida, Statutes, the sum of \$12 million in recurring General Revenue is appropriated to the Agency for Workforce Innovation.

(6) For the Small Business Workforce Service Initiative established pursuant to section 445.014, Florida, Statutes, the sum of \$500,000 in nonrecurring General Revenue is appropriated to the Agency for Workforce Innovation.

(7) For grants to support local economic development projects that lead to jobs for needy Florida families pursuant to section 445.015, Florida Statutes, the sum of \$5 million is appropriated from nonrecurring Temporary Assistance for Needy Families funds to the Agency for Workforce Innovation.

The portions of Committee Substitute for Senate Bill 2050 which are set forth herein with my objections are hereby vetoed. All other portions of Committee Substitute for Senate Bill 2050 are hereby approved.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

June 16, 2000

Dear Secretary Harris:

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 Senate Bill 2368, enacted during the 32nd Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2000, and entitled:

An act relating to traffic control; . . .

Committee Substitute for Senate Bill 2368 was intended by its sponsors to promote traffic safety and reduce motor vehicle accidents through increased driver improvement education. For the most part, the bill increases the occasions when a Florida driver *must* attend a driver improvement course. While some of these provisions could have a positive impact on driver safety, other provisions were overly-broad with the potential to weaken penalties for bad drivers as well as mandate driving school for those who do not warrant such a sanction.

For example, Florida is currently one of the few states in the nation that allows drivers who commit a traffic violation to "elect" to attend driving improvement school in lieu of a court appearance. If the driver takes this election, points are not assessed and adjudication is withheld. While this election provides drivers with more education, it can also be viewed as an opportunity for a driver to avoid tough penalties such as increased insurance rates or suspension of his or her license. For that reason, drivers are limited to taking the election only one time a year and only five times over the course of an individual's driving history. Originally, under state law, drivers could take this election only three times over the course of one's driving history. Committee Substitute for Senate Bill 2368, however, would not only increase the current limit of five elections but eliminate the cap altogether, thereby allowing for an unlimited amount of driving school elections over a driver's lifetime.

Unfortunately, by allowing an unlimited amount of elections over one's life, we would be weakening penalties for the worst drivers on the road. Drivers can avoid points, increased insurance rates, and adjudication by electing to attend driving school. But at some point, and certainly after five trips to driving school, there must be a greater penalty or a greater disincentive for poor driving. In cases where a driver has already used up his or her five opportunities to go to driving school and is still driving carelessly, the only effective deterrent at that point may be the very real threat of rising insurance rates or the loss of a driver's license. While driving schools can certainly have a positive impact, there does come a point where we must admit their ineffectiveness to influence the driving of some individuals, especially drivers who have high recidivism rates in spite of attending driving school on numerous occasions. Leniency for consistently bad drivers, even in the name of more driver's education, is something that causes me concern.

Additionally, another provision of Committee Substitute for Senate Bill 2368 would change Florida's current law in a way that would make driving school mandatory for first time offenders if that offender was the cause of a traffic accident. Currently, the law requires mandatory driving school for an individual who has been the cause of a traffic accident *twice* within a period of two years and caused property damage of at least \$500 in the second crash. The policy behind this provision is to require driver's education for drivers who have been the cause of repeat accidents. This policy can be justified on the basis that an individual who causes two accidents within a limited amount of time should probably receive additional driving education.

Committee Substitute for Senate Bill 2368, however, would change this policy so that those who have been the cause of a traffic accident only once would be required to attend driving school if the damages amount to at least \$2,500. This change would most certainly sweep in drivers who have had good driving records with the exception of one isolated accident or drivers who have been unfortunate enough to be involved in a one-time "fender bender" with an expensive car. Again, I believe in this circumstance the bill sweeps to (sic) broadly in mandating that first time offenders attend driving school.

At the same time, there are other provisions of Committee Substitute for Senate Bill 2368 that ostensibly can accomplish some good. The bill provides for increased awareness of the option Floridians have to "elect" driving school over points and adjudication. In addition, the bill also requires driving school for drivers under 21 years of age who are guilty of or plead no contest to two non-criminal moving infractions within the period of one year. In many cases, however, these young drivers will already be required to attend driving school. In the end, however, it was the overly-broad nature of this bill in terms of mandatory driving attendance and the potential to weaken penalties for consistently bad drivers that has convinced me to withhold my support.

For the reasons provided above, I am withholding my approval of Committee Substitute for Senate Bill 2368, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

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

MAJORITY LEADER APPOINTED

On November 27, 2000, the President appointed Senator Jim King, of District 8, Jacksonville, as Senate Majority Leader.

COMMITTEES APPOINTED

ETHICS AND ELECTIONS

On December 7, 2000, the President announced the appointment of Senator Carlton, Chairman; Senator Smith, Vice Chairman; Senators Holzendorf, Horne, Laurent, Rossin and Webster to the Committee on Ethics and Elections.

RULES AND CALENDAR

On December 7, 2000, the President announced the appointment of Senator Lee, Chairman; Senator Brown-Waite, Vice Chairman; Senators Burt, Campbell, Clary, Geller, Holzendorf, Jones, King, Laurent, Rossin, Saunders, Silver, Sullivan and Webster to the Committee on Rules and Calendar.

JOINT SELECT COMMITTEE APPOINTED

On November 25, 2000, the President announced the appointment of Senator Carlton, Co-Chairman; Senators Webster, Laurent, Horne, Rossin, Holzendorf and Smith to the Joint Select Committee on the Manner of Appointment of Presidential Electors.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of November 21, 2000 was corrected and approved.

RECESS

On motion by Senator Lee, the Senate recessed at 12:44 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:00 p.m., Wednesday, December 13 or upon call of the President.