



Journal of the Senate

Number 1—Special Session C

Wednesday, July 9, 2003

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 Wednesday, July 9, 2003, in the State of Florida.

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SPECIAL TRIBUTE

Senator Smith: Mr. President, I would request today that we recognize and have a moment of tribute to a good friend of mine, Jeffrey Wershow. His father, Jon, and I have known each other a long time before Jeffrey was born. His mother, Anne Marie, and my wife have known each other, probably, their whole lives. Jeffrey's grandfather taught me in law school and served as my senior sponsor.

We lost Jeffrey Sunday night. He was killed in Iraq. My heart goes out to Jon and Anne Marie, and to his whole family; his brother Daniel and his stepsisters.

I have watched this boy grow up and he was a great kid who loved life. He attended and graduated from Oak Hall High School and immediately joined the Army National Guard. He was proud of his country. He was proud of his community. He loved politics. He was a member of the Student Senate at Santa Fe Community College, talked about becoming the student body president there. He worked in every campaign that was in the area. He was a joy for everybody who ever knew him.

When I was thinking about my comments today, I wondered, why do we lose such fine young men? God knows we're glad we have them. I know in my heart that he will make a fine angel, because he was one here to his family and friends.

Mr. President, I request that Colonel Glen Sutphin of the Department of Veterans' Affairs make a brief tribute on the death of a fallen comrade.

TRIBUTE TO A FALLEN COMRADE Army National Guard, Specialist Jeffrey Mattison Wershow

Colonel Glen Sutphin: Today we honor a fallen comrade. Soldiers honor their fallen comrades with only a few time-honored traditions. Of these traditions, the most significant must surely be the one you are about to witness. It is the most significant because it is not conducted in a church or synagogue or even the soldier's treasured chapel. It is conducted on the very field of battle where that ultimate sacrifice took place. On the field of battle when the sounds have faded and the battle is done, brother must tend to brother, to honor and respect the one that has fought the good fight. The soldier's tools of battle are simple and basically have remained unchanged through the years. It is unique even to soldiers that the very tools of battle will mark their final resting place.

BOOTS:

Entering now are the boots of our fallen comrade, the boots that carried him so many miles; the boots that made so many jumps into that peril below. The boots that carried him to this place, this final resting place.

RIFLE:

The rifle symbolizes the firepower of the individual soldier, the burden, the savior, and the ultimate weapon to win, to survive. The bayonet is fixed—it is in place for the final fight. Today it symbolically penetrates the sacred soil of the soldier's final resting place. No more will this awesome tool be used to take a life, but now to mark the resting place of this dear comrade.

CALL TO ORDER

The Senate was called to order by President King at 1:00 p.m. A quorum present—34:

Mr. President	Dockery	Peadar
Alexander	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Diaz de la Portilla	Miller	

Excused: Senators Argenziano, Aronberg, Dawson, Hill, Siplin and Wasserman Schultz

PRAYER

The following prayer was offered by Senator Fasano:

Heavenly Father, we come before you this day to ask for your hand of blessing upon all that we have been called to do. We ask for your guidance during these difficult times. Please give us the wisdom to do what is right for all Floridians. May we set aside our own needs so that we can serve the greater good of our state. Please allow us to quickly complete our work and return home to serve our constituents. As we open this session may we be reminded that our actions in this chamber have the potential to impact millions of people far beyond the confines of this building. May we not forget the importance of what we have been summoned to accomplish. We thank you for the privilege of being your servants and we ask all these things in thy name. Amen.

PLEDGE

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

HELMET AND DOG TAGS:

Upon the rifle will rest the helmet of the soldier. That heavy, cursed helmet, that protector of life, that issue gear so valuable yet so miserable. Today it is transformed into a memorial, not marble or granite but yet a memorial.

Who lies here? What soldier has fallen? The dog tags placed on the rifle will tell us our comrade lies here.

Trooper Wershow! Trooper Wershow! Trooper Wershow!

Trooper Wershow's battle is done. His tools of battle are here. He would never leave them until his battle was done.

Rest our comrade, rest.

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

PROCLAMATION

State of Florida
Executive Office of the Governor
Tallahassee

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

WHEREAS, the 2003 regular session and Special Session B of the Legislature of the State of Florida adjourned without passing legislation on medical liability reform; and

WHEREAS, the lack of reform of medical liability has contributed to skyrocketing costs for health care providers, causing many doctors to practice without liability insurance, or to refuse to provide trauma care and other high risk services or to close their practices altogether; and

WHEREAS, such skyrocketing costs also have caused several hospitals throughout the state to eliminate their obstetrics/gynecology programs and many mammography practitioners to close their practices, forcing women to travel long distances to seek these critical services; and

WHEREAS, the elimination or reduction of critical medical services has created a health care crisis in the state, creating an overwhelming public necessity for medical liability reform; and

WHEREAS, the Governor's Task Force on Healthcare Professional Liability Insurance was created to study and make recommendations to address these problems and has made such recommendations; and

WHEREAS, it is in the best interests of the people of the State of Florida that the legislature act expeditiously to complete its work to consider and enact important changes to the medical liability laws of the state;

NOW, THEREFORE, I, Jeb Bush, 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 12:00 p.m., Wednesday, July 9, 2003, and extending through 11:59 p.m., Wednesday, July 16, 2003.

Section 2.

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

Legislation relating to the recommendations of the Governor's Task Force on Healthcare Professional Liability Insurance, and issues related to medical liability reform.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this Proclamation convening the Legislature in Special Session at the Capitol, this 27th day of June, 2003.

Jeb Bush
GOVERNOR

ATTEST:
Glenda E. Hood
SECRETARY OF STATE

INTRODUCTION AND REFERENCE OF BILLS**FIRST READING**

By Senators Jones and Saunders—

SB 2-C—A bill to be entitled An act relating to medical malpractice; providing legislative findings; amending s. 46.015, F.S.; revising requirements for setoffs against damages in medical malpractice actions if there is a written release or covenant not to sue; creating s. 381.0409, F.S.; providing that creation of the Florida Center for Excellence in Health Care is contingent on the enactment of a public-records exemption; creating the Florida Center for Excellence in Health Care; providing goals and duties of the center; providing definitions; providing limitations on the center's liability for any lawful actions taken; requiring the center to issue patient safety recommendations; requiring the development of a statewide electronic infrastructure to improve patient care and the delivery and quality of health care services; providing requirements for development of a core electronic medical record; authorizing access to the electronic medical records and other data maintained by the center; providing for the use of computerized physician order entry systems; providing for the establishment of a simulation center for high technology intervention surgery and intensive care; providing for the immunity of specified information in adverse incident reports from discovery or admissibility in civil or administrative actions; providing limitations on liability of specified health care practitioners and facilities under specified conditions; providing requirements for the appointment of a board of directors for the center; establishing a mechanism for financing the center through the assessment of specified fees; requiring the Florida Center for Excellence in Health Care to develop a business and financing plan; authorizing state agencies to contract with the center for specified projects; authorizing the use of center funds and the use of state purchasing and travel contracts for the center; requiring the center to submit an annual report and providing requirements for the annual report; providing for the center's books, records, and audits to be open to the public; requiring the center to annually furnish an audited report to the Governor and Legislature; amending s. 395.004, F.S., relating to licensure of certain health care facilities; providing for discounted medical liability insurance based on certification of programs that reduce adverse incidents; requiring the Office of Insurance Regulation to consider certain information in reviewing discounted rates; creating s. 395.0056, F.S.; requiring the Agency for Health Care Administration to review complaints submitted if the defendant is a hospital; amending s. 395.0193, F.S., relating to peer review and disciplinary actions; providing for discipline of a physician for mental or physical abuse of staff; limiting the liability of certain participants in certain disciplinary actions at a licensed facility; amending s. 395.0197, F.S., relating to internal risk management programs; requiring a system for notifying patients that they are the subject of an adverse incident; requiring risk managers or their designees to give notice; requiring licensed facilities to annually report certain information about health care practitioners for whom they assume liability; requiring the Agency for Health Care Administration and the Department of Health to annually publish statistics about licensed facilities that assume liability for health care practitioners; requiring a licensed facility at which sexual abuse occurs to offer testing for sexually transmitted diseases at no cost to the victim; creating s. 395.1012, F.S.; requiring facilities to adopt a patient safety plan; providing requirements for a patient safety plan; requiring facilities to appoint a patient safety officer and a patient safety committee and providing duties for the patient safety officer and committee; amending s. 456.025, F.S.; eliminating certain restrictions on the setting of licensure renewal fees for health care practitioners; directing the Agency for Health Care Administration to conduct or contract for a study to determine what information to provide to the public comparing hospitals, based on inpatient quality indicators developed by the federal Agency for Healthcare Research and Quality; creating s. 395.1051, F.S.; requiring certain facilities to notify patients about adverse incidents under specified conditions; creating s. 456.0575, F.S.; requiring licensed health care practitioners to notify patients about adverse incidents under certain conditions; amending s. 456.026, F.S., relating to an annual report published by the Department of Health; requiring that the department publish the report to its website; requiring the department

to include certain detailed information; amending s. 456.039, F.S.; revising requirements for the information furnished to the Department of Health for licensure purposes; amending s. 456.041, F.S., relating to practitioner profiles; requiring the Department of Health to compile certain specified information in a practitioner profile; establishing a timeframe for certain health care practitioners to report specified information; providing for disciplinary action and a fine for untimely submissions; deleting provisions that provide that a profile need not indicate whether a criminal history check was performed to corroborate information in the profile; authorizing the department or regulatory board to investigate any information received; requiring the department to provide an easy-to-read narrative explanation concerning final disciplinary action taken against a practitioner; requiring a hyperlink to each final order on the department's website which provides information about disciplinary actions; requiring the department to provide a hyperlink to certain comparison reports pertaining to claims experience; requiring the department to include the date that a reported disciplinary action was taken by a licensed facility and a characterization of the practitioner's conduct that resulted in the action; deleting provisions requiring the department to consult with a regulatory board before including certain information in a health care practitioner's profile; providing for a penalty for failure to comply with the timeframe for verifying and correcting a practitioner profile; requiring the department to add a statement to a practitioner profile when the profile information has not been verified by the practitioner; requiring the department to provide, in the practitioner profile, an explanation of disciplinary action taken and the reason for sanctions imposed; requiring the department to include a hyperlink to a practitioner's website when requested; providing that practitioners licensed under ch. 458 or ch. 459, F.S., shall have claim information concerning an indemnity payment greater than a specified amount posted in the practitioner profile; amending s. 456.042, F.S.; providing for the update of practitioner profiles; designating a timeframe within which a practitioner must submit new information to update his or her profile; amending s. 456.049, F.S., relating to practitioner reports on professional liability claims and actions; revising requirements for a practitioner to report claims or actions that were not covered by an insurer; requiring the department to forward information on liability claims and actions to the Office of Insurance Regulation; amending s. 456.051, F.S.; establishing the responsibility of the Department of Health to provide reports of professional liability actions and bankruptcies; requiring the department to include such reports in a practitioner's profile within a specified period; amending s. 456.057, F.S.; allowing the department to obtain patient records by subpoena without the patient's written authorization, in specified circumstances; amending s. 456.063, F.S.; authorizing regulatory boards or the department to adopt rules to implement requirements for reporting allegations of sexual misconduct; authorizing health care practitioner regulatory boards to adopt rules to establish standards of practice for prescribing drugs to patients via the Internet; amending s. 456.072, F.S.; providing for determining the amount of any costs to be assessed in a disciplinary proceeding; prescribing the standard of proof in certain disciplinary proceedings; amending s. 456.073, F.S.; authorizing the Department of Health to investigate certain paid claims made on behalf of practitioners licensed under ch. 458 or ch. 459, F.S.; amending procedures for certain disciplinary proceedings; providing a deadline for raising issues of material fact; providing a deadline relating to notice of receipt of a request for a formal hearing; amending s. 456.077, F.S.; providing a presumption related to an undisputed citation; amending s. 456.078, F.S.; revising standards for determining which violations of the applicable professional practice act are appropriate for mediation; amending ss. 458.311 and 459.0055, F.S.; requiring that specified information be provided to the Department of Health; amending s. 458.320, F.S., relating to financial responsibility requirements for medical physicians; requiring maintenance of financial responsibility as a condition of licensure of physicians; providing for payment of any outstanding judgments or settlements pending at the time a physician is suspended by the Department of Business and Professional Regulation; requiring the department to suspend the license of a medical physician who has not paid, up to the amounts required by any applicable financial responsibility provision, any outstanding judgment, arbitration award, other order, or settlement; amending s. 459.0085, F.S., relating to financial responsibility requirements for osteopathic physicians; requiring maintenance of financial responsibility as a condition of licensure of osteopathic physicians; providing for payment of any outstanding judgments or settlements pending at the time an osteopathic physician is suspended by the Department of Business and Professional Regulation; requiring that the department suspend the license of an osteopathic physician who has not paid, up to the amounts required by any applicable financial responsibility provision, any outstanding

judgment, arbitration award, other order, or settlement; providing civil immunity for certain participants in quality improvement processes; defining the terms "patient safety data" and "patient safety organization"; providing for use of patient safety data by a patient safety organization; providing limitations on use of patient safety data; providing for protection of patient-identifying information; providing for determination of whether the privilege applies as asserted; providing that an employer may not take retaliatory action against an employee who makes a good-faith report concerning patient safety data; requiring that a specific statement be included in each final settlement statement relating to medical malpractice actions; providing requirements for the closed claim form of the Office of Insurance Regulation; requiring the Office of Insurance Regulation to compile annual statistical reports pertaining to closed claims; requiring historical statistical summaries; specifying certain information to be included on the closed claim form; amending s. 458.331, F.S., relating to grounds for disciplinary action against a physician; redefining the term "repeated malpractice"; revising the standards for the burden of proof in an administrative action against a physician; revising the minimum amount of a claim against a licensee which will trigger a departmental investigation; amending s. 459.015, F.S., relating to grounds for disciplinary action against an osteopathic physician; redefining the term "repeated malpractice"; revising the standards for the burden of proof in an administrative action against an osteopathic physician; amending conditions that necessitate a departmental investigation of an osteopathic physician; revising the minimum amount of a claim against a licensee which will trigger a departmental investigation; amending s. 460.413, F.S., relating to grounds for disciplinary action against a chiropractic physician; revising the standards for the burden of proof in an administrative action against a chiropractic physician; providing a statement of legislative intent regarding the change in the standard of proof in disciplinary cases involving the suspension or revocation of a license; providing that the practice of health care is a privilege, not a right; providing that protecting patients overrides purported property interest in the license of a health care practitioner; providing that certain disciplinary actions are remedial and protective, not penal; providing that the Legislature specifically reverses case law to the contrary; requiring the Division of Administrative Hearings to designate administrative law judges who have special qualifications for hearings involving certain health care practitioners; amending s. 461.013, F.S., relating to grounds for disciplinary action against a podiatric physician; redefining the term "repeated malpractice"; amending the minimum amount of a claim against such a physician which will trigger a departmental investigation; amending s. 466.028, F.S., relating to grounds for disciplinary action against a dentist or a dental hygienist; redefining the term "dental malpractice"; revising the minimum amount of a claim against a dentist which will trigger a departmental investigation; amending s. 624.462, F.S.; authorizing health care providers to form a commercial self-insurance fund; amending s. 627.062, F.S.; providing that an insurer may not require arbitration of a rate filing for medical malpractice; providing additional requirements for medical malpractice insurance rate filings; providing that portions of judgments and settlements entered against a medical malpractice insurer for bad-faith actions or for punitive damages against the insurer, as well as related taxable costs and attorney's fees, may not be included in an insurer's base rate; providing for review of rate filings by the Office of Insurance Regulation for excessive, inadequate, or unfairly discriminatory rates; requiring insurers to apply a discount based on the health care provider's loss experience; amending s. 627.0645, F.S.; excepting medical malpractice insurers from certain annual filings; requiring the Office of Program Policy Analysis and Government Accountability to study and report to the Legislature on requirements for coverage by the Florida Birth-Related Neurological Injury Compensation Association; creating s. 627.0662, F.S.; providing definitions; requiring each medical liability insurer to report certain information to the Office of Insurance Regulation; providing for determination of whether excessive profit has been realized; requiring return of excessive amounts; amending s. 627.357, F.S.; providing guidelines for the formation and regulation of certain self-insurance funds; amending s. 627.4147, F.S.; revising certain notification criteria for medical and osteopathic physicians; requiring prior notification of a rate increase; authorizing the purchase of insurance by certain health care providers; creating s. 627.41491, F.S.; requiring the Office of Insurance Regulation to require health care providers to annually publish certain rate comparison information; creating s. 627.41492, F.S.; requiring the Office of Insurance Regulation to publish an annual medical malpractice report; creating s. 627.41493, F.S.; requiring a medical malpractice insurance rate rollback; providing for subsequent increases under certain circumstances; requiring approval for use of certain medical malpractice insurance rates; providing for a mechanism to

make effective the Florida Medical Malpractice Insurance Fund in the event the rollback of medical malpractice insurance rates is not completed; creating the Florida Medical Malpractice Insurance Fund; providing purpose; providing governance by a board of governors; providing for the fund to issue medical malpractice policies to any physician regardless of specialty; providing for regulation by the Office of Insurance Regulation of the Financial Services Commission; providing applicability; providing for initial funding; providing for tax-exempt status; providing for initial capitalization; providing for termination of the fund; providing that practitioners licensed under ch. 458 or ch. 459, F.S., must, as a licensure requirement, obtain and maintain professional liability coverage; creating s. 627.41495, F.S.; providing for consumer participation in review of medical malpractice rate changes; providing for public inspection; providing for adoption of rules by the Financial Services Commission; requiring the Office of Insurance Regulation to order insurers to make rate filings effective January 1, 2004, which reflect the impact of the act; providing criteria for such rate filing; amending s. 627.912, F.S.; amending provisions prescribing conditions under which insurers must file certain reports with the Department of Health; requiring the Financial Services Commission to adopt by rule requirements for reporting financial information; increasing the limitation on a fine imposed against insurers; creating s. 627.9121, F.S.; requiring certain claims, judgments, or settlements to be reported to the Office of Insurance Regulation; providing penalties; amending s. 766.102, F.S.; revising requirements for health care providers providing expert testimony in medical negligence actions; prohibiting contingency fees for an expert witness; amending s. 766.106, F.S.; providing for application of common law principles of good faith to an insurance company's bad-faith actions arising out of medical malpractice claims; providing that an insurer shall not be held to have acted in bad faith for certain activities during the presuit period and for a specified later period; providing legislative intent with respect to actions by insurers, insureds, and their assigns and representatives; providing for future repeal; revising requirements for presuit notice and for an insurer's or self-insurer's response to a claim; requiring that a claimant provide the Agency for Health Care Administration with a copy of the complaint alleging medical malpractice; requiring the agency to review such complaints for licensure noncompliance; permitting written questions during informal discovery; amending s. 766.108, F.S.; providing for mandatory mediation; creating s. 766.118, F.S.; providing a maximum amount to be awarded as noneconomic damages in medical negligence actions; providing exceptions; providing for cost-of-living adjustments to such maximum amount of noneconomic damages; providing that caps on noneconomic damages do not apply to any incident involving certain physicians under certain circumstances; providing for future repeal; amending s. 766.202, F.S.; redefining the terms "economic damages," "medical expert," "noneconomic damages," and "periodic payment"; amending s. 766.206, F.S.; providing for dismissal of a claim under certain circumstances; requiring the court to make certain reports concerning a medical expert who fails to meet qualifications; amending s. 766.207, F.S.; providing for the applicability of the Wrongful Death Act and general law to arbitration awards; amending s. 768.041, F.S.; revising requirements for setoffs against damages in medical malpractice actions if there is a written release or covenant not to sue; amending s. 768.13, F.S.; revising guidelines for immunity from liability under the "Good Samaritan Act"; amending s. 768.77, F.S.; prescribing a method for itemization of specific categories of damages awarded in medical malpractice actions; amending s. 768.81, F.S.; requiring the trier of fact to apportion total fault solely among the claimant and joint tortfeasors as parties to an action; preserving sovereign immunity and the abrogation of certain joint and several liability; requiring the Office of Program Policy Analysis and Government Accountability and the Office of the Auditor General to conduct an audit of the health care practitioner disciplinary process and closed claims and report to the Legislature; creating ss. 1004.08 and 1005.07, F.S.; requiring schools, colleges, and universities to include material on patient safety in their curricula if the institution awards specified degrees; amending s. 1006.20, F.S.; requiring completion of a uniform participation physical evaluation and history form incorporating recommendations of the American Heart Association; deleting revisions to procedures for students' physical examinations; creating a workgroup to study the health care practitioner disciplinary process; providing for workgroup membership; providing that the workgroup deliver its report by January 1, 2004; creating s. 766.1065, F.S.; providing for mandatory presuit investigations; providing that certain records be provided to opposing parties; providing subpoena power; providing for sworn depositions of parties and medical experts; providing for mandatory in-person mediation if binding arbitration has not been agreed to; providing for a mandatory presuit screening panel hearing in the event

of mediation impasse; creating s. 766.1066, F.S.; creating the Office of Presuit Screening Administration; providing for a database of volunteer panel members; prescribing qualifications for panel membership; providing a funding mechanism; providing panel procedures; providing for determination and recordation of panel findings; providing for disposition of panel findings; providing immunity from liability for panel members; creating s. 624.156, F.S.; providing that certain consumer protection laws apply to the business of insurance; amending s. 456.013, F.S.; requiring, as a condition of licensure and license renewal, that physicians and physician assistants complete a continuing education course relating to misdiagnosed conditions; amending s. 766.209, F.S.; revising applicable damages available in voluntary binding arbitration relating to claims of medical negligence; providing appropriations and authorizing positions; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session or a 2003 special session of the Legislature; providing for severability; providing for retroactive application; providing effective dates.

—was referred to the Committee on Health, Aging, and Long-Term Care.

By Senators Jones and Saunders—

SB 4-C—A bill to be entitled An act relating to public records and meetings; creating s. 381.04091, F.S.; providing that patient records obtained by, and other documents identifying a patient by name and contained in patient safety data held by, the Florida Center for Excellence in Health Care are exempt from public-record requirements; providing that meetings held by the center at which such information is discussed are exempt from public-meeting requirements; authorizing the release of information under specified circumstances, including the release to a health care research entity or licensed health insurer; providing for future legislative review and repeal under the Open Government Sunset Review Act of 1995; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committee on Health, Aging, and Long-Term Care.

By Senators Jones and Saunders—

SB 6-C—A bill to be entitled An act relating to public records; amending s. 395.0198, F.S.; which provides an exemption from public-records requirements for the information contained in the notification of an adverse incident provided to the Agency for Health Care Administration by a facility licensed under ch. 395, F.S.; specifying information covered under the exemption; authorizing the use of the information as part of certain disciplinary proceedings; removing the repeal of the exemption scheduled under the Open Government Sunset Review Act of 1995; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session or a 2003 Special Session of the Legislature; providing an effective date.

—was referred to the Committee on Health, Aging, and Long-Term Care.

MOTIONS

On motion by Senator Lee, the rules were waived and the procedure for establishing a Special Order Calendar during Special Session C will be by distribution and publication in the calendar.

On motion by Senator Lee, the rules were waived and committees will be allowed to notice and meet without announcement from the floor, if necessary.

On motion by Senator Lee, the rules were waived and amendment deadlines for committee meetings and sessions will be by announcement and publication.

On motion by Senator Lee, the rules were waived and committees were permitted to meet later than 7:00 p.m. if necessary.

On motion by Senator Lee, the rules were waived and all bills filed for introduction outside the call of the Governor were referred to the Committee on Rules and Calendar.

ANNOUNCEMENTS

Senator Lee announced a joint meeting of the Democratic and Republican caucus in the Senate chamber 30 minutes after recess until completion this day.

Senator Lee announced the following meetings scheduled for Thursday, July 10: from 9:00 a.m. to 11:00 a.m., the Committee on Judiciary; and from 3:00 p.m. until completion, the Committee on Health, Aging, and Long-Term Care.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

VETOED BILLS 2003 REGULAR SESSION

The Honorable Glenda E. Hood
Secretary of State

June 26, 2003

Dear Secretary Hood:

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 90, enacted during the 35th Session of the Legislature of Florida and convened under the Constitution of 1968, during the Regular Session of 2003 and entitled:

An act relating to parent-child privilege...

The bill creates a statutory parent-child privilege which would allow a parent and a child to refuse to disclose certain communications between them that were intended to be confidential.

I understand that the relationship between a parent and a child is unique and that free and open communication between a parent and child should be encouraged. However, I have concerns that the privilege created by this bill is overly broad. While a privilege limited to communications between a parent and a minor child may be entirely appropriate, this legislation does not limit the privilege to communications between parents and minor children. Instead, the privilege would apply to communications between a parent and a child of any age, including an adult child. I agree with the view of the state prosecutors that this broad language would adversely affect criminal investigations and would ultimately result in the delay of prosecutions in legal proceedings.

For this reason, I am withholding my approval of Senate Bill 90, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood
Secretary of State

June 26, 2003

Dear Secretary Hood:

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 204, enacted during the 35th Session of the Legislature of Florida and convened under the Constitution of 1968, during the Regular Session of 2003 and entitled:

An act relating to credit reports and credit scores...

This bill is intended to regulate and limit the use of credit reports and credit scores by insurers for underwriting and rating personal lines motor vehicle insurance and personal lines residential insurance.

Senate Bill 204 was passed during the 2003 regular session but was contingent upon the passage of a public records exemption for proprietary rate making methodologies. The public records exemption bill failed to pass, making Senate Bill 204 ineffective. Provisions identical to those in Senate Bill 204 passed during the special session as Senate Bill 40-A and the public records exemption passed as Senate Bill 42-A. The bill sponsor agrees that a veto is in order to Senate Bill 204 to prevent unnecessary clutter of the Florida Statutes.

For this reason, I withhold my approval of Senate Bill 204, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood
Secretary of State

June 25, 2003

Dear Secretary Hood:

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 Bills 870, 890, 892, 902, 908, 922 and 926 enacted during the 105th Session of the Legislature, since statehood in 1845, during the Regular Session of 2003, and entitled:

An act relating to trust funds...

Article III, section 19(f)(1) of the Florida Constitution prohibits trust funds being created without three-fifths (3/5) vote of the membership of each house of the Legislature. Except for those trust funds exempt from automatic termination, each trust fund sunsets after four years requiring a continual review process. The bills shown above recreate trust funds which are scheduled for termination in 2004.

Trust funds account for approximately 60 percent of the appropriations within the State of Florida. Florida has approximately 450 trust funds earmarked for specific purposes and continues to deal with a very complex budget process which takes away policy makers' ability to scrutinize and prioritize a large percentage of the state's budget. In periods of revenue shortfalls, this results in only one solution—initiate general revenue cuts in critical areas while a large portion of the state's budget continues to be "off limits." Consequently, the discretionary budget grows smaller each year.

The volume of trust funds also creates an onerous accounting task for the agencies, the Chief Financial Officer and the Office of Policy and Budget in the Governor's Office.

I support the necessity for certain trust funds such as those established by constitution, funds that are required for bonding purposes, trust funds mandated by the federal government, the Educational Enhancement Trust Fund, the Tobacco Settlement Trust Fund, and certain other major types of trust funds. However, continuous efforts will be ongoing to reduce the number of trust funds in the state.

For this reason, I am withholding my approval of the above listed Senate Bills, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood
Secretary of State

June 26, 2003

Dear Secretary Hood:

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 Senate Bill 1632, enacted during the 35th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2003, and entitled:

An act relating to county governments...

Fundamentally, Senate Bill 1632 seeks to remedy private contract disputes among property owners by allowing government's taxing authority to be used to fund a homeowners' association's effort when they seek to enforce violations of their neighborhood covenants and agreements. While many mandatory homeowners' associations have assessment powers, they have contractual agreements among the property owners through their covenants to do so. The non-mandatory associations, in this bill, do not have similar powers because of shortcomings in their covenants.

The motivation for the bill is certainly understandable. Homeowners have made substantial investments in their property and are rightfully concerned that valuable investments could be eroded by the failure of some to abide by neighborhood agreements. Proponents of the bill suggest that county government should take sides in these private contract disputes, but these types of disputes are private matters concerning private contracts.

I recognize that homeowners' associations in Florida are facing a variety of difficult issues; however, I believe it is inappropriate and fundamentally unfair to use the government's taxation power to compensate for shortcomings in private contractual arrangements to the benefit of one party and to the detriment of another. Instead, I have asked Secretary Carr of the Department of Business and Professional Regulation to form a task force to examine the challenges that associations face. It is my hope that practical solutions to these issues, like those in this bill, can be found.

For these reasons, I therefore withhold my approval of Senate Bill 1632.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood
Secretary of State

June 11, 2003

Dear Secretary Hood:

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 1838, enacted during the 105th Session of the Legislature, since statehood in 1845, during the Regular Session of 2003 and entitled:

An act relating to instructional materials for K-12 public education...

In general, this bill modifies the instructional materials adoption cycle by moving up deadlines relating to the appointment of members to the State Instructional Materials Committee; the advertisement of bid solicitations for instructional materials; the receipt of bids for instructional materials; the notification to the Department of Education of which materials will be requisitioned; the commencement of the six-year term of adoption for instructional materials; and the schedule authorizing school districts to issue purchase orders for instructional materials in an amount not exceeding 90 percent of the current year's allocation for instructional materials. Additionally, this bill requires publishers to provide and price adopted instructional materials on an individual basis.

I am reluctant to reduce the period of time that school districts have to thoroughly review and select instructional materials for the subsequent school year. School districts should be afforded the opportunity to carefully evaluate and select instructional materials in order to best meet the educational and curricular needs of their students. Although proponents of the bill argue that the bill should provide school districts with local control and flexibility, I believe, the opposite will occur. In fact, this bill reduces the current flexibility that school districts have to select instructional materials prior to the statutory deadline by restricting the amount of time they will have to select those materials.

For the reasons provided above, I am withholding my approval of Committee Substitute for Senate Bill 1838, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood
Secretary of State

June 20, 2003

Dear Secretary Hood:

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 2178, enacted during the 35th Session of the Legislature, since statehood in 1845, during the Regular Session of 2003, and entitled:

An act relating to trust funds...

This bill creates a new trust fund, the Digital Divide Trust Fund, in the Department of Management Services for the State Technology Office on behalf of the Digital Divide Council.

While I fully support the efforts of the Digital Divide Council, there is no need to create a new trust fund. The Grants and Donations Trust Fund already exists in the Department of Management Services and should be used for this purpose.

For this reason, I am withholding my approval of Senate Bill 2178, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood
Secretary of State

June 26, 2003

Dear Secretary Hood:

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 2334, enacted during the 35th Session of the Legislature of Florida and convened under the Constitution of 1968, during the Regular Session of 2003 and entitled:

An act relating to municipal police and firefighters pensions...

In general, this bill authorizes certain municipalities to provide extra benefits to police officers pension plans and firefighters pension plans prior to the receipt of additional premium tax revenues under certain circumstances.

First, the criteria provided in this general bill limits its application only to the police officers' and firefighters' pensions in one city, New Smyrna Beach. Therefore, the bill should have been introduced as a local bill. While I support extending extra benefits to our police officers and firefighters, this bill bypasses the specific policy criteria and process to evaluate local bills established in my Local Bill Policy which was distributed to all members of the Florida Legislature prior to the session. Two of my highest priority criteria for local bills are such bills must comply with the policies and procedures identified in the State of Florida, House of Representatives Local Bill Policies and Procedures Manual and must provide for a referendum of the citizens in the affected area if a change in authorized use of revenues is proposed. Committee Substitute for Senate Bill 2334 has not complied with these criteria.

Second, the bill authorizes the City of New Smyrna Beach to "pre-fund" extra benefits and be reimbursed from future premium tax receipts plus interest prior to the receipt of the premium tax receipts. I am reluctant to authorize a local government to redirect funds for extra benefits and encumber future premium tax revenues to pay interest on a local government's contributions for extra benefits.

For these reasons, I am withholding my approval of Committee Substitute for Senate Bill 2334, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood
Secretary of State

June 26, 2003

Dear Secretary Hood:

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 2348, enacted during the 35th Session of the Legislature of Florida and convened under the Constitution of 1968, during the Regular Session of 2003 and entitled:

An act relating to the Advisory Council for a Fit Florida...

This bill would create an Advisory Council for a Fit Florida to promote physical fitness.

First, it should be noted that a similar advisory council was abolished in 1999. Second, the bill does not specify where this newly created council would be housed or who would pay for and administer the new council's activities. Third, the bill is duplicative of the state's current activities; the Florida Sports Foundation, a not-for-profit corporation operating under the Office of Tourism, Trade, and Economic Development, is authorized to promote and develop professional, amateur, recreation sports, and physical fitness programs and opportunities in the state. The Department of Health is also engaged in this effort.

While I certainly support physical fitness in Florida's youth and understand the need for greater resolve, I am opposed to creating a statutory council that would only duplicate the activities of an existing council.

For these reasons, I am withholding my approval of Senate Bill 2348, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

VETOED BILL 2003 SPECIAL SESSION A

The Honorable Glenda E. Hood
Secretary of State

June 23, 2003

Dear Secretary Hood:

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 portions of Senate Bill 2-A, enacted during the 35th Session of the Legislature of Florida convened under the Constitution of 1968, during the Special Session A of 2003, and entitled:

An act making appropriations; providing moneys for the annual period beginning July 1, 2003, and ending June 30, 2004, 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.

The Legislature deserves great credit for crafting a budget that funds the state's top priorities in a very difficult year. Around the nation, states have been forced into one or more of the following unfortunate alternatives: steep budget cuts in education and key services; higher state taxes despite an uncertain economic climate; or for those states that have them, depleting state reserves.

Florida, on the other hand, can be very proud of this Fiscal Year 2003-04 state budget, for three primary reasons. First, this budget does not raise taxes on our people and in fact, represents an historic commitment to fiscal discipline on the part of the Legislature. Second, revenue growth, though more modest than in years past, is allowing our state budget to grow. Third, this budget distributes those funds in a way that reflects Florida's enduring funding priorities, such as education and services for our most vulnerable.

Legislative Fiscal Discipline

This year I will veto fewer items in this budget than in any of the previous four budgets sent to me by the Legislature. The Legislature has admirably put the needs of the state and our people above the concerns - many of them worthy - of individual members. With very few exceptions, each new project in this budget appears to have a statewide impact, has been subject to a competitive process and will be implemented by an agency within appropriate statute.

Those relatively few items for which I withhold approval, in fact, represent honest differences of opinion over policy. The Legislature's commitment to fiscal discipline allowed them to craft a budget without raising taxes on our people.

Cumulative tax reductions are estimated to be in excess of \$8.0 billion over five years, which has allowed Florida to continue to lead the nation in total job growth, and lead the ten most populous states in rate of job growth. For Fiscal Year 2003-04, the Legislature has agreed to continue the accelerated corporate investment depreciation that was part of the President's economic stimulus package, and continue to phase out the Estate Tax. An increase in the tax credit for corporations that offer scholarships to students leaving public schools to attend private ones is an education program. This program already benefits over 16,000 students, and it creates incentives for greater private sector involvement in education funding, and reduces the number of enrolled students in public schools, saving money and reducing class sizes. The bottom line is that Florida will retain its status as a taxpayer-friendly state, even as other states are moving to raise taxes by record amounts.

Limiting member projects and protecting tax relief are not the only ways the Legislature demonstrated fiscal discipline in this budget. Reserves will grow to \$3 billion, including the new federal aid projected to impact the state Fiscal Year 2003-04 budget. Total reserves will then represent over 14 percent of the General Revenue budget, and 5.6 percent of the total budget. By contrast, other states year-end General Revenue fund balances are expected to average around 2.9 percent of General Revenue.

In addition, the surplus in the retirement fund has grown from \$3.8 billion in July 1998 to an estimated \$12.9 billion in July 2002, or 15

percent of system liabilities. This surplus has followed decades of unfunded liabilities in the state's pension fund, and has allowed an \$895 million reduction in Fiscal Year 2003-04 of contributions that state and local governments would have paid into the retirement system. These resources have now been freed up for other state and local priorities.

In terms of debt management, the Fiscal Year 2003-04 budget remains within the established debt affordability benchmark of seven percent, despite the implementation of the first year of the class-size amendment. Specifically, this budget avoids creating \$300 million in additional debt by using \$100 million in cash reserves to pay for one-third of the annual installment of the Florida Forever program, plus \$200 million in cash to pay for two years of Save Our Everglades funding.

Lastly, the Legislature also committed, for the first time in years, to a thorough review of the entire budget, including the roughly three-fifths of it funded through trust funds.

Florida's Growing Budget

Fiscal discipline has allowed our economy, our state revenues, and therefore our budget to grow. This is sadly not the experience of many other states, which have given in to the temptation to grow government faster than the people's ability to pay for it, and which are now faced with tremendous deficits as a result.

The General Revenue budget will increase by approximately \$575 million (2.8 percent) to \$21.2 billion in Fiscal Year 2003-04, compared to 5.2 percent projected growth in personal income. Over the past five years (since Fiscal Year 1998-99), the General Revenue budget will have increased by over \$3.2 billion, averaging an estimated 3.3 percent annual growth compared to the 5.1 percent average annual growth in total personal income in Florida over the same five-year period. The total state budget will grow by over \$3.2 billion (6.3 percent) to \$53.5 billion during Fiscal Year 2003-04.

The growing revenues generated by a growing economy have allowed us to fund Florida's priorities. I am particularly proud of the commitments made in the following policy areas:

Education:

Education clearly remains Florida's top priority, and this budget properly reflects that vision. Education represents 32.1 percent of the total Fiscal Year 2003-04 budget, compared to 31.5 percent of the total budget in the current year. Education funding comprises 52.7 percent of the Fiscal Year 2003-04 General Revenue budget, compared to 52.6 percent of General Revenue budget in Fiscal Year 2002-03.

Significantly, over half the funding increase for public education next year will be consumed by the demands of the class size amendment. Teacher salaries and all other K-12 initiatives have been reduced in priority because of its passage.

- **Reading:** Reading programs receive \$119.6 million in total funding in this budget. For Just Read, Florida!, this includes \$50 million in state funds, including \$25 million for summer reading camps, a \$39 million (355 percent) increase over the current year, and \$50 million in federal funds, a \$5 million increase. The budget also includes \$18 million in earmarked teacher professional development funds to train teachers in teaching reading and \$1.6 million for the Florida Center for Reading Research at Florida State University.
- **Teachers:** Programs supporting teachers receive \$276.8 million in total funding in Fiscal Year 2003-04. This includes \$69.5 million for the Excellent Teaching Program, a \$20.8 million (42.7 percent) increase along with \$129 million in federal funds. Florida is currently ranked second in the nation in the number of nationally certified teachers; this budget will fund an additional 2,500 teachers. Other teaching programs supported include \$16 million for the Teacher Lead Program; \$36 million for Teacher Professional Development (half of that earmarked for reading); \$1.2 million for teacher liability insurance; \$165,000 to fund the Barry Grunow Act; and \$25 million for the BEST teacher program.
- **Mentoring:** This budget allocates \$12.25 million to support mentoring through such programs as: Big Brothers/Big Sisters, Boys and Girls Clubs, the Governor's Mentoring Initiative, Take Stock in Children and Best Buddies.
- **K-12 Public Schools Funding:** Florida's public schools will see an \$837.4 million (6.35 percent) increase in total funds next year, which exceeds statewide student enrollment growth of 1.7 percent. This represents a \$241 average per student increase (4.56 percent) next year, including the projected enrollment increase of 42,730 additional

students. \$14.9 billion in total funds will be available for districts in the 2003-04 school year, which includes state and local funds and retirement contribution savings. Over five years, public school operational funding has risen by \$3.7 billion, a 34 percent increase.

- **A+ Plan/School Recognition Funds:** This performance incentive program is fully funded in Fiscal Year 2003-04. An estimated \$140 million in lottery dollars will be awarded to schools that have improved by a letter grade or more this year, or that maintained an A grade. Recently released FCAT scores demonstrated the largest improvement in student achievement our state has yet seen. Today, Florida is home to six times as many A schools as 1999.
- **Assistance to Low Performing Schools (College Board Partnership):** This budget allocates \$5.5 million for these programs. Florida currently leads the nation in the number of African American students taking and passing AP courses. Activities funded include tutoring, administration of the PSAT exam, preparation programs for the SAT exam, early identification of potential Advanced Placement students, and family information on colleges and other education opportunities for all students.
- **Amendment 9 - Class Size Reduction:** This budget faithfully implements year one of the class-size amendment by allocating \$468.2 million to a new Class Size Reduction operating category, and funding \$600 million in Class Size Reduction facilities funds (lottery bonds).
- **Community Colleges:** Florida's nationally recognized Community College system will receive \$1.43 billion in total funding in Fiscal Year 2003-04, a 4.4 percent increase from the current year. This includes tuition, fees, FRS savings and \$24 million in challenge grants. Over the past five years, Community College funding has risen by over 31 percent.
- **State Universities:** Florida's 11 state universities will receive \$2.6 billion in total funding, an increase of 3.7 percent from the current year. This includes tuition, fees and \$40 million in challenge grants. The budget also includes a \$1.3 million increase for the FAMU law school, a \$687,500 increase for the FIU law school, and a \$4.3 million increase for FSU medical school.
- **Private Colleges and Universities:** These institutions will receive support in the next fiscal year through \$79.8 million for the Florida Resident Access Grant and \$8.9 million for Historically Black Colleges and Universities. Over the past five years, total funding for private colleges and universities has risen by over 131 percent.
- **Student Financial Aid:** The Fiscal Year 2003-04 budget includes \$235.7 million for Bright Futures, which fully funds all students and all tuition increases, as well as \$93.4 million in need-based aid. Over the past five years, total funding for Student Financial Aid has risen by over 42 percent.
- **Facilities:** Educational infrastructure improvements are supported through \$931.7 million for K-12 facility construction, maintenance, repairs, renovations and remodeling. This fully funds traditional public schools as well as \$27.7 million for charter school capital outlay, and the Florida School for the Deaf and Blind, Special Facilities, and class size reduction. In addition, the budget allocates \$202 million for community colleges and \$207.9 million for universities

Health and Human Services:

- **Child Welfare:** Child welfare funding will grow by 8.4 percent this year to a total of \$941.4 million. This funding covers the Governor's Blue Ribbon Panel Recommendations, including an additional \$12 million for prevention initiatives, including \$6 million for the Healthy Families Florida Program. Total funding for Healthy Families will reach \$28.2 million next year, an increase of 26.2 percent over the current fiscal year and a 182 percent increase since Fiscal Year 1998-99. Also included in the child welfare funding is \$10 million for wrap-around services for residential group care; \$28.4 million and 376 positions to address the workload in child protective investigations, supervision, foster care and adoption services; \$32 million for better pay for frontline workers, \$2.7 million for background screening, \$2.7 million to provide a vehicle allowance for caseworkers; \$2 million for frontline worker retention strategies; and \$4.3 million for child welfare legal services staffing. Over the past five years, total funding has risen by \$520.6 million or 123.7 percent.
- **KidCare:** This critical program will receive \$3.1 billion in this budget, an increase of \$231.4 million (8.0 percent). Over the five year period since Fiscal Year 1998-99, KidCare has received a \$1.7 billion, 88 percent increase.

- **Community-Based Long Term Care for Elders:** This program will receive \$412.3 million in total funding for Fiscal Year 2003-04, an increase of 2.5 percent. This funding will maintain the current level of services to existing clients, increase funds for the new Alzheimer's Home and Community Based Waiver as well as more funding for local service projects. Over the past five years, total funding has risen by \$159.7 million, or 66.2 percent. This level of funding will serve 267,096 clients next year, an increase of 44,848 since Fiscal Year 1998-99. In addition, 1,800 new community placements will be funded through our nursing home diversion program.
- **Silver Lifesaver Rx Program:** This program will receive \$137.6 million in total funding for Fiscal Year 2003-04, an increase of 35.3 percent over the current year. The Silver Lifesaver Rx program provides up to \$160 per month of prescription drug coverage for seniors with incomes at or below 120 percent of the Federal Poverty Level (FPL), and next year adds a benefit for seniors between 120 to 200 percent of the FPL. Persons in this income range will have an unlimited discount on drugs which is correlated to their income. Silver Lifesaver Rx currently serves over 49,000 seniors. This budget will provide sufficient funding to reach 100,000 low-income seniors next year.
- **Medically Needy:** This program will receive \$508.6 million in funding for Fiscal Year 2003-04, an increase of 28.5 percent over the current year. Over the past five years, total funding has risen by \$345.7 million or 212.2 percent.
- **Developmental Services:** Next year, Developmental Services will receive \$1.1 billion in total projected funding. This level of funding will continue services to those already receiving services, while also permitting an additional 30 clients per month who are determined to be in crisis. Over the past five years, total funding has risen by \$591.1 million or 117.5 percent, and the total number of clients served has risen by 252 percent.
- **Veterans:** The Department of Veterans' Affairs will be allocated \$44.5 million in this budget, an increase of 34 percent. This budget includes start-up funding for two new nursing homes in Bay and Charlotte counties which will bring the total number of beds for veterans receiving services to 750 total beds. This is an increase of 240 beds over current year and 360 beds over the past five years. This budget also adds state funding for the construction of the World War II Memorial. Over the past five years, total funding for veterans has risen by \$21 million or 89 percent.
- **Mental Health:** These programs will be allocated \$1 billion next year, an increase of 6 percent. This is a \$254.9 million or 34.2 percent increase over five years. Along with the continuation of existing services, this budget provides a \$3.9 million increase for Community Forensic Services to serve low risk individuals who are in jail but are ruled incompetent to proceed.
- **Substance Abuse:** The Governor's three-pronged strategy of prevention, treatment and law enforcement will receive total projected funding of \$277.1 million, an increase of 0.6 percent over current year. This represents a \$109.3 million or 65 percent increase over the last five years.
- **Domestic Violence:** Total projected funding to combat domestic violence next year is \$32.4 million, which continues the current funding less the one-time only capital improvement expenditures of the current year. Over the last five years, funding to help end domestic violence has risen by \$15.3 million or 89.3 percent.

Public Safety

- **Domestic Security:** Next year's budget includes \$180.6 million in funding to continue implementing the domestic security strategy for the state of Florida that has become a national model. This funding will be used to meet the critical needs of initiatives that will carry Florida to an enhanced level of prevention and response capability. This totals \$310 million for domestic security since 9/11, including \$129.4 million over the last two years.
- **Prison Staffing and Operations:** Florida remains committed to ensuring that prisoners serve at least 85 percent of their sentences. Therefore, the Department of Corrections will receive a \$28.6 million increase in this budget to provide security staffing (383 new FTEs), food, health care, utilities, and other operational prison costs. The Criminal Justice Estimating Conference estimated that the Department of Corrections will receive an additional 2,678 inmates by the end of the next fiscal year. This funding increase will be minimally

sufficient to meet this estimated increase. Any increase in prison population beyond this number will require supplemental funding. The increase in prison population is a direct result of tougher sentencing policies which have helped drive down Florida's Index-Crime Rate to its lowest level in 30 years.

Although these issues go a long way towards meeting the demands of Florida's growing prison population, the Governor is concerned that this budget does not keep pace with the current trends in prison admissions. Today we have 700 inmates more than were contemplated by the Criminal Justice Estimating Conference. If current trends continue, the Department of Corrections will have to feed, house, medically treat and secure 2,800 more inmates that are not provided for in this budget. All while keeping our correctional institutions safe for our dedicated correctional officers.

Additionally, this budget reduces inmate education and programs. Cuts in education and programs translate to give incarcerated felons far too much idle time and increase the risk in our institutions. Also, historically under funded expenses such as inmate health care have forced the department to subsidize these costs with scarce security dollars. This budget fails to fully fund inmate health care, ostensibly expecting the Department to again absorb these costs within an already tight budget.

The Governor is very concerned with this portion of the budget. It is imperative that over the next few months the legislature consider options for filling the gaps in the Corrections budget. We cannot close our eyes to these concerns because the effect of inaction in this area can lead to dire consequences for our citizens.

- **Prison Construction:** In Fiscal Year 2003-04 \$14.1 million in General Revenue and \$53 million from trust funds will be allocated to construct 4,128 new prison beds. About 6,300 more inmates are projected by the Criminal Justice Estimating Conference to be in the Florida prison system from July 2003 to June 2008. This additional funding will allow 3,042 publicly-constructed beds to be completed by June 2005 and will include the completion of a 1,280 prison annex at Columbia Correctional Institution, the completion of Wakulla work camp and a new 1,500 bed prison in Franklin County. The remaining 1,086 prison beds will be added to existing private prison facilities.

Natural Resources and Agriculture

- **Everglades:** Florida's record of funding Everglades restoration and keeping its promises to our partners speaks for itself. The \$100 million allocated in the Fiscal Year 2003-04 budget, combined with the \$125 million allocated by the South Florida Water Management District exceeds Florida's annual \$200 million commitment for Everglades restoration. In five years we have partnered to provide \$715.9 million for Everglades restoration. This funding will be used to purchase the lands necessary for restoration.
- **Florida Forever and P2000:** These programs will once again be allocated \$300 million to support these programs. This funding will be used to acquire conservation lands to protect our natural resources. An estimated 100,000 acres could be purchased next year, assuming smooth negotiations, willing sellers, and timely closings.
- **Water Restoration Projects:** Water projects, including those within the Everglades, will receive \$243.5 million in Fiscal Year 2003-04. This means that \$1.6 billion has been appropriated over the last 5 years, with this year's funding representing a 13 percent increase over Fiscal Year 1999-00. Funding will be used for Everglades restoration, grants and loans to local governments for drinking water programs, waste water treatment and storm water protection.
- **Manatee Protection:** This effort will receive \$8.9 million in this budget, making the total funding over the last five years equal \$41.5 million, a 72 percent increase over Fiscal Year 1999-2000. Funding will be used next year to fund law enforcement, research and avoidance technology. These dollars will help protect over 3,000 manatees in Florida's waters.

Economic Development, Transportation and General Government

- **Economic Development:** Florida's economy will receive \$84.7 million to continue economic stimulus programs next year. Funded initiatives include: \$3 million for Front Porch Communities; \$28.4 million for economic development incentive programs, including Qualified Target Industries, Qualified Defense Contractors, and High Impact Performance Incentive; \$18.3 million for Visit Florida; \$10 million for economic development road fund projects; \$4.4 million for military

base protection; \$11.2 million for Enterprise Florida; \$500,000 for rural community infrastructure; \$2.5 million for the Florida Sports Foundation; and \$2.3 million to support Florida's space industry.

- **Workforce Development:** Workforce programs will receive \$466.1 million next year, which includes an additional \$42 million for six federal grants -- Personal Reemployment Account, Nurses Now, and other training programs for Floridians in need of job training and those unemployed.
- **Transportation:** Infrastructure improvements will receive \$6.26 billion in this budget, an overall increase of 20 percent. This includes growth in the state's Five-Year Work Plan to \$5.56 billion.
- **Early Childhood Education:** Approximately 162,744 children next year will take part in local school readiness coalitions. Although school readiness programs will receive \$687.2 million in this budget, I am disappointed that readiness funding was not increased in anticipation of the implementation of universal pre-kindergarten for four-year-olds in 2005.
- **Community Planning and Land Acquisition:** The budget allocated \$66 million for the Florida Communities Trust program to assist local governments in implementing their comprehensive plans for open space, parks and recreation. This brings the Florida Forever total funding for this program over the past five years to \$302.5 million. Additionally, this budget continues \$400,000 as recommended by the Governor for the Department of Community Affairs to provide technical assistance to local governments for growth management and planning issues. In total, \$6.6 million is provided to the Division of Community Planning in Fiscal Year 2003-04, for a five year total of \$39.3 million.
- **State Employee Issues:** The budget provides a two percent annual pay increase for most state employees, with each employee receiving a minimum of \$500 and a maximum of \$1,400 in additional salary. Funding is also provided to cover the rising cost of health insurance. The state and employee health insurance contribution rates will increase with the state contribution buffering the amount that will be charged to the employee. The Legislature should also be commended for cutting its own pay raise.

Causes for Concern

While this budget incorporates many items that reflect the Legislature's commitment to fund Florida's priorities in a fiscally responsible way, it also embodies several elements that should be cause for concern among all Floridians concerned not only about this year's priorities, but also those in years to come.

First among these is language in the budget that may represent undue interference by the Legislature in the operation of Executive Branch agencies, particularly the Department of Children and Families. This language may hobble the Department's ability to function and may also violate several provisions in the Constitution of Florida, such as the separation of powers, the prohibition against unlawful delegation of authority and the single subject requirement.

Second, this budget fails to recognize that, beginning as soon as the next fiscal year, the high cost of several constitutional amendments threatens the good principles of fiscal discipline that this budget embodies. While the Fiscal Year 2003-04 faithfully implements Year One of the class-size amendment, for example, Year Two costs are currently projected to be even higher. In addition, high-speed rail, the Article V amendment and universal pre-kindergarten are also due to consume vast amounts of state revenue in Fiscal Year 2004-05 and beyond. This budget I sign today in many ways fails to recognize or plan for these tremendous obligations the state must address in the future.

Third, this budget exacerbates the challenge we will face in Fiscal Year 2004-05 regarding educational facility funds (PECO). Available funds that year will experience a one-time drop due to economic conditions and the acceleration of projects associated with the economic stimulus package passed by the Legislature following the terrorist attacks on September 11, 2001. In addition, the class size amendment places extraordinary demand on our infrastructure resources. Yet this budget begins several new university construction projects, particularly at FSU and FAMU that may well experience a delay in completion due to the hiatus in funding during subsequent years. Fourth, while this budget in general represents an extraordinary commitment to fiscal discipline on the part of the Legislature, several items do not meet my approval for the reasons articulated below, and are vetoed.

In 2001, the Legislature established the State Technology Office giving it, among other things, primary responsibility and accountability for the planning, budgeting, acquisition, development, implementation, use and management of information technology within the state. Unfortunately, we continue to fall short in our implementation of this initiative. We cannot hold the State Technology Office accountable unless we are also willing to give it the authority necessary to realize this vision. Designating large projects for special monitoring purposes by the Legislature is often warranted, and can and should continue under the auspices of the Auditor General's Office. However, setting aside funds for special monitoring contracts with outside consultants while not fully funding and utilizing the State Technology Office is unnecessary. Therefore, the following items are vetoed:

Specific Appropriation 234

Pages 63 and 64 - A portion of proviso language

"Of the funds provided in Specific Appropriation 234 for the Home-Safenet project, which is designated for special monitoring as a critical information resource management project under s. 282.322, Florida Statutes, \$118,125 from the General Revenue Fund and \$118,125 from the Federal Grants Trust Fund are provided for the special monitoring contract. These funds shall be transferred to the Legislative Technology Review Workgroup by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes."

Specific Appropriation 467

Page 96 - A portion of proviso language

"The Children's Medical Service project and the Information Technology Infrastructure Project are designated for special monitoring as a critical information resource management project as authorized under s. 282.322, Florida Statutes. Of the funds provided in Specific Appropriation 467 for the Information Technology Infrastructure Project, \$135,000 are provided for the special monitoring contract necessary to monitor the projects. These funds shall be transferred to the legislative Technology Review Workgroup by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes."

Specific Appropriation 1176

Pages 164 and 165 - A portion of proviso language

"Of the funds provided in Specific Appropriation, 1176 for the Integrated Criminal History System Project, which is designated for special monitoring as a critical information resource management project under s. 282.322, Florida Statutes, \$126,000 from the Operating Trust Fund is provided for the special monitoring contract. These funds shall be transferred to the legislative Technology Review Workgroup by the Executive Office of the Governor pursuant to the provisions of Chapter 216, Florida Statutes."

Specific Appropriation 2107

Page 258 - A portion of proviso language

"Of the funds provided in Specific Appropriation 2107 for the On-Line Licensing System and Call Center Services project, which is designated for special monitoring as a critical information resource management project under s. 282.322, Florida Statutes, \$135,000 from the Administrative Trust Fund is provided for the special monitoring contract. These funds shall be transferred to the legislative Technology Review Workgroup by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes."

Specific Appropriation 2286AT

Pages 276 and 277 - A portion of proviso language

"Of the funds provided in Specific Appropriation 2286AT for the FLAIR and CMS Replacement project, which is designated for special monitoring as a critical information resource management project under s. 282.322, Florida Statutes, \$350,000 from the Insurance Commissioners Regulatory Trust Fund is provided for the special monitoring contract. These funds shall be transferred to the legislative Technology Review Workgroup by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes."

Specific Appropriation 2369

Page 296 - A portion of proviso language

"From the funds in Specific Appropriation 2369, \$200,000 from the Highway Safety Operating Trust Fund is provided for the special monitoring contract for the Secure Driver License System Project, which is designated for special monitoring as a critical information resource management project under section 282.322, Florida Statutes. These funds shall be transferred to the legislative Technology Review Workgroup by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes."

Specific Appropriation 2810

Page 325 - A portion of proviso

"Of the funds provided in Specific Appropriation 2810 for the Child Enforcement Automated Management System Project, which is designated for special monitoring as a critical information resource management project under s. 282.322, Florida Statutes, \$283,500 is provided for special monitoring and independent validation and verification services required in 45 CFR 307.15(b)(10), the special monitoring contract. The funds shall be transferred to the legislative Technology Review Workgroup by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes."

SECTION 3 - HUMAN SERVICES

The Fiscal Year 2003-04 state budget for health and human services demonstrates the Legislature's commitment to implementing cost-saving measures and exercising restraint in expanding services in order to maintain currently provided health care services to our most vulnerable citizens and support our child welfare initiatives. The following creates an unfunded mandate that expands Medicaid services beyond those we currently have and are struggling to make affordable. Therefore, I hereby veto the following items:

Specific Appropriation 194

Page 57 - A portion of proviso language

"From the funds in Specific Appropriation 194, \$3,651,412 is provided to implement Medicaid coverage for enhanced assistive care services for individuals with severe and persistent mental illness enrolled in or eligible for the Medicaid program. The Agency is authorized to seek federal approval of an amendment to assistive care services under the Title XIX State Plan to allow coverage of enhanced services for individuals residing in assisted living facilities with the limited mental health license who meet additional qualifications. The Medicaid coverage may be designed to permit limits on services, establish provider qualifications, and limit the groups eligible for coverage. Funds appropriated are contingent on the availability of state match being provided in Specific Appropriation 384A and approval of the plan by the Legislative Budget Commission."

Specific Appropriation 384A

Page 86 - A portion of proviso language

"From the funds in Specific Appropriation 384A, the Department of Children and Family Services is authorized to transfer funds to the Agency for Health Care Administration as necessary to implement Medicaid coverage for assistive care services. The department shall transfer \$1,500,000 to the Agency for Health Care Administration from the Administrative Trust Fund to implement Medicaid coverage for enhanced assistive care services upon approval and implementation of the state plan described in Specific Appropriation 194."

Twenty-three line items and accompanying proviso language for the Department of Children and Family Services will make vulnerable citizens wait for months to receive critical services. This language requires that any future federal funding opportunities must await the approval of the Legislative Budget Commission which meets seldom and intermittently, severely hampers the department in its ability to respond and act in an effective manner. I have therefore decided to veto those line items which, but for this language, would have been subject, at worst, to a two week consultation period. The Legislature, via the consultation period,

will still have an opportunity to review the department's budget decisions while permitting the agency to respond and carry out its mission in a timely manner. Therefore, I hereby veto the following items:

Specific Appropriation 220A

Pages 61 and 62

"220A LUMP SUM	
RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM ADMINISTRATIVE TRUST FUND	116,323

The budget authority in Specific Appropriation 220A has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission."

Specific Appropriation 234A

Page 64

"234A LUMP SUM	
RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM ADMINISTRATIVE TRUST FUND	824,501

The budget authority in Specific Appropriation 234A has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission."

Specific Appropriation 245A

Page 66

"245A LUMP SUM	
RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM ADMINISTRATIVE TRUST FUND	391,351
FROM OPERATIONS AND MAINTENANCE TRUST FUND	1,372,705

The budget authority in Specific Appropriation 245A has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission."

Specific Appropriation 262A

Page 68

"262A LUMP SUM	
RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM FEDERAL GRANTS TRUST FUND	34,407

The budget authority in Specific Appropriation 262A has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with

the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission."

Specific Appropriation 281A

Page 72

"281A LUMP SUM	
RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM ADMINISTRATIVE TRUST FUND	206,985
FROM FEDERAL GRANTS TRUST FUND	34,379

The budget authority in Specific Appropriation 281A has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission."

Specific Appropriation 294A

Page 75

"294A LUMP SUM	
RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM OPERATIONS AND MAINTENANCE TRUST FUND	508,889

The budget authority in Specific Appropriation 294A has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission."

Specific Appropriation 304A

Pages 76 and 77

"304A LUMP SUM	
RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM OPERATIONS AND MAINTENANCE TRUST FUND	40,407

The budget authority in Specific Appropriation 304A has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission."

Specific Appropriation 342A

Page 81

"342A LUMP SUM	
RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM ADMINISTRATIVE TRUST FUND	1,827
FROM FEDERAL GRANTS TRUST FUND	825,827

The budget authority in Specific Appropriation 342A has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with

the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission."

Specific Appropriation 368A

Page 85

"368A LUMP SUM	
RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM ADMINISTRATIVE TRUST FUND	967,579
FROM REFUGEE ASSISTANCE TRUST FUND	3,984

The budget authority in Specific Appropriation 368A has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission."

Specific Appropriation 372A

Page 85

"372A LUMP SUM	
RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM GRANTS AND DONATIONS TRUST FUND	3,000,000

The budget authority in Specific Appropriation 372A has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission."

Specific Appropriation 390A

Page 87

"390A LUMP SUM	
RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM ADMINISTRATIVE TRUST FUND	300,000

The budget authority in Specific Appropriation 390A has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission."

Specific Appropriation 397A

Page 87

"397A LUMP SUM	
RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM FEDERAL GRANTS TRUST FUND	60,706

The budget authority in Specific Appropriation 397A has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with

the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission."

Specific Appropriation 406A

Page 88

"406A LUMP SUM	
RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM OPERATIONS AND MAINTENANCE TRUST FUND	67,745

The budget authority in Specific Appropriation 406A has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission."

**SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/
GROWTH MANAGEMENT/TRANSPORTATION**

In the Fiscal Year 2003-04 state budget, the Legislature demonstrated Florida's commitment to protecting its natural environment, maintaining healthy habitats for fish and wildlife, and facilitating the continued growth and vitality of agriculture. All of Florida's top priorities in these areas were funded. These include: protection and restoration of the Everglades; acquisition and management of environmentally sensitive land and water areas under the Florida Forever program; protection of the manatee; and water resource protection. In addition, I just signed into law the diversion of marina-generated fuel taxes to the Fish and Wildlife Conservation Commission for law enforcement officers, boats, motors and law enforcement operations. The level of funding provided in this budget will allow our resource management agencies to achieve their priorities. This year's budget included very few items that were not considered priorities for the next fiscal year; however there were items approved in the legislative budget that are either not essential to accomplish agency missions, represent an inappropriate expansion of agency programs, duplicate the services or programs of other entities; or, which would be more appropriately carried out either in the private sector or by regional and local governments. Some of these issues enjoy public support. One is a recycling program that should, more appropriately, compete for the innovative recycling funds currently in the budget. However, in these challenging fiscal times, these issues are those that represent the tough choices that must be made if we are to maintain fiscal discipline. For these reasons, I do hereby veto the following items:

Specific Appropriation 1287B

Page 175

"1287B FIXED CAPITAL OUTLAY	
HEATING, VENTILATION AND AIR CONDITIONING	
REPLACEMENT FOR CONNER COMPLEX LAB BUILDINGS	
FROM GENERAL REVENUE FUND	1,000,000"

Specific Appropriation 1303A

Page 178

"1303A SPECIAL CATEGORIES	
ACQUISITION OF MOTOR VEHICLES	
FROM RELOCATION AND CONSTRUCTION TRUST FUND	650,000

Funds in Specific Appropriation 1303A shall be used to purchase heavy equipment for fire prevention or suppression."

Specific Appropriation 1307B

Page 178

"1307B FIXED CAPITAL OUTLAY	
RELOCATE WACCASASSA FORESTRY CENTER HEADQUARTERS -	
GAINESVILLE	
FROM RELOCATION AND CONSTRUCTION TRUST FUND	1,635,000"

Specific Appropriation 1677B

Page 218

"1677B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
RECYCLE LEAD ACID PRODUCTS
FROM SOLID WASTE MANAGEMENT TRUST FUND 400,000"

Specific Appropriation 1771A
Page 226

"1771A SPECIAL CATEGORIES
TRANSFER FLORIDA FISH & WILDLIFE
CONSERVATION COMMISSION DERELICT VESSEL REMOVAL
FROM COASTAL PROTECTION TRUST FUND 866,311"

Specific Appropriation 1824
Page 231

"1824 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND
TRAILERS
FROM GENERAL REVENUE FUND 500,000
FROM MARINE RESOURCES CONSERVATION TRUST
FUND 141,500
FROM STATE GAME TRUST FUND 141,500"

Specific Appropriation 1831A
Page 232

"1831A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
DERELICT VESSEL REMOVAL PROGRAM
FROM MARINE RESOURCES CONSERVATION TRUST FUND 866,311"

Specific Appropriation 1841
Page 233

"1841 SPECIAL CATEGORIES
MANAGEMENT AREA LEASE PAYMENTS
FROM STATE GAME TRUST FUND 315,577"

Specific Appropriation 1843
Page 233

"1843 SPECIAL CATEGORIES
TRANSFER DEPARTMENT OF AGRICULTURE -
ALLIGATOR MARKETING AND EDUCATION
FROM STATE GAME TRUST FUND 100,000"

Specific Appropriation 1852A
Page 234

"1852A FIXED CAPITAL OUTLAY
WILDLIFE MANAGEMENT AREA STORAGE FACILITY
CONSTRUCTION - DMS MGD
FROM STATE GAME TRUST FUND 649,000"

Specific Appropriation 1901J relates to high-speed rail, an objective that the people have articulated is a priority for our state by amending the Constitution of Florida to that effect. Although I called in my 2003 State of the State Address for another opportunity for the voters to consider how high a priority this should be in our state given high-speed rail's tremendous projected costs, we elected officials nevertheless have a responsibility to implement the amendment. This we must faithfully do.

We also have a responsibility to address our state's transportation needs comprehensively and to ensure that taxpayer dollars are spent efficiently. For this reason, I have insisted that high-speed rail must be a public-private partnership, with investors from the private sector investing funds based on the projected revenues expected from the riders of the system. Bids have been submitted from several private firms, and they confirm the concern that high-speed rail will have an even greater impact on our budget than was previously projected.

We can and should continue meeting our regional transportation needs, so that we can provide an affordable, efficient and reliable mode of transportation for our employees, especially in our service industry and for our seniors. For this reason I have approved Specific Appropriation 1901H, which includes \$4.9 million for the "planning, design and engineering phases of intermodal centers necessary to implement Florida's High Speed Rail System." Intermodal centers are facilities built to accommodate various modes of transportation such as automobiles, buses, taxis and rail systems. In addition, we can continue to pursue all required federal approvals including securing a record of decision (the federal approval of a project so that federal monies can be used on it in the future) by the U.S. Department of Transportation, an effort that will be aided by the imminent choice of a preferred route for high speed rail.

However, I am vetoing Specific Appropriation 1901J regarding high-speed rail, primarily because I have promised to do so. On April 11, 2002, I transmitted to the Secretary of State, with my signature, Council Substitute for House Bill 261 along with a letter stating the reasons for signing that bill. The letter identified concerns with certain provisions of that bill expanding the powers of the High Speed Rail Authority and providing a broad tax exemption (allowing private businesses to be tax exempt) to development associated with the high speed rail system. I expressly called for this tax exemption to be removed from law, and pledged to veto every dollar of High Speed Rail Authority money in this year's budget if that tax exemption was not removed. Although the High Speed Rail Authority did recommend removal of the tax exemption, and the Department of Transportation and my office raised the issue several times during the 2003 Regular Session, the Legislature failed to act. Therefore, the following item is vetoed:

Specific Appropriation 1901J
Page 241

"1901J FIXED CAPITAL OUTLAY
HIGH SPEED RAIL DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 7,200,000"

Funds in Specific Appropriation 1901J are provided for the operation of the Florida High Speed Rail Authority and the Project Development and Environmental (PD&E) studies associated with implementation of the Tampa to Orlando phase of Florida's High Speed Rail system. Of these funds, \$2,150,000 is contingent upon the receipt of federal funds for Next Generation High Speed Rail.

The Florida High Speed Rail Authority shall review proposed alignments as identified in the Request for Proposal for Phase I, Part I, and shall ensure that National Environmental Policy Act requirements have been met and all required public hearings have been held. The Florida High Speed Rail Authority shall not enter a contract to Design, Build, Operate, Maintain and Finance a high speed rail system until funds are appropriated by the Legislature for the contract for Phase 1, Part 1 of the system."

SECTION 6 - GENERAL GOVERNMENT

House Bill 113A provides an appropriation of \$200,000 from the Insurance Regulatory Trust Fund for expenses related to the review of Article V financial data submitted by counties pursuant to the Uniform Chart of Accounts. The following item is duplicative of the appropriation in House Bill 113A and, therefore, unnecessary and is vetoed:

Specific Appropriation 2286AP

Page 276 - A portion of proviso language

"From the funds provided in Specific Appropriation 2286AP, \$100,000 from the General Revenue Fund shall be used for expenses related to the review of Article V financial data submitted by counties pursuant to the Uniform Chart of Accounts."

SECTION 7 - JUDICIAL BRANCH

The following item was added to the appropriations bill during conference, thus circumventing the scrutiny of the entire appropriations process and was not justified in a difficult budget year, and therefore is hereby vetoed:

Specific Appropriation 2942A

Page 341
"2942A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 12,300"

OTHER SECTIONS

The following paragraph in Section 8 grants a pay raise to a select group of employees in addition to the 2.0 percent increase granted to them and to all other state employees, and therefore is hereby vetoed:

Section 8

Page 348 - A portion of proviso language

"4) From the funds in Specific Appropriation 1945L, \$1,217,241 from the General Revenue Fund is provided to the Judicial Branch to grant each judicial assistant in the circuit and county courts a \$1,330 increase to the employee's base rate of pay, effective July 1, 2003."

The reversion called for in Section 29 will bring to a halt the Citrus Canker Tree Compensation Program, and is hereby vetoed:

Section 29

Page 357

"SECTION 29. The unexpended balance of \$12,000,000 from funds provided to the Department of Agriculture in Specific Appropriation 1480A of Chapter 2002-394, Laws of Florida, for the Citrus Canker Tree Compensation Program is hereby reverted."

Last year I vetoed state funding for agriculture facilities that did not meet established criteria. One of those projects was the Florida City Farmers' Market. The following section is hereby vetoed:

Section 34

Page 358

"SECTION 34. The \$500,000 provided to the Department of Agriculture and Consumer Services in Specific Appropriation 1068F in Chapter 99-226, Laws of Florida for the Florida City Farmers' Market Land Purchase, is hereby reappropriated as the Florida City Farmers' Market."

The reappropriation called for in Section 41 is unnecessary as the Department of Transportation and local government will enter a contract within the statutorily allowed timeframe. For this reason, the following item is vetoed:

Section 41

Page 359

"SECTION 41. The unexpended balance of the funds appropriated in the Fiscal Year 2002-2003 General Appropriations Act in Specific Appropriation 2091A in the amount of \$1.5 million for U.S. 319 is hereby reappropriated for improvements to U.S. 319."

I hereby veto the following:

Section 43

Page 359 - A portion of proviso language

"Projects, Contracts and Grants TF 13,300,000"

UNCONSTITUTIONAL PROVISIO LANGUAGE

Enacting a budget reflects the partnership enshrined in the Constitution between the Legislative and Executive Branches. Separation of powers as well as checks and balances are essential for this partnership to function effectively and in concert with the will of the people as articulated in the Constitution, Article II, section 3. However, the third branch, the Judicial Branch of our state government, may need to take action in the near future to reaffirm how these principles apply in the context of our state budget.

I refer specifically to proviso language in this budget which represents an attempt by the Legislature to exert undue influence in the operation of Executive Branch agencies. Proviso language, properly used, articulates how the Legislature directs specific appropriations to be spent. However, this year's budget continues a recent legislative trend of using proviso language to change substantive law not directly related to specific appropriations. The Legislature, of course, retains the power to modify substantive law, but only as outlined in the Constitution. The single subject requirement of Article III, section 12, for example, may well be violated each time the Legislature seeks to use proviso language

in the budget to change substantive law not directly related to specific appropriations.

The proviso language below relating to the Department of Children and Families illustrates the problem. It represents legislative direction beyond the allocation of funds and thus undue control over an executive agency's implementation and management of its programs. This proviso is not rationally related to the purpose of the appropriation, but is merely a device to further a legislative objective unrelated to the funds appropriated. The effect of this language will be to unduly interfere in the functioning of the Department of Children and Families, impeding the Department's ability to expend appropriated funds to help the most vulnerable in our society.

While I have chosen not to veto these provisions, I am considering taking appropriate legal action to seek a judicial declaration that this proviso language constitutes an unlawful violation of the separation of powers, an unlawful delegation of authority and violation of the single subject requirement of the Constitution of Florida.

DEPARTMENT OF CHILDREN AND FAMILIES

Specific Appropriation 251A

Pages 66 and 67

"251A LUMP SUM	
RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM FEDERAL GRANTS TRUST FUND	93,319

The budget authority in Specific Appropriation 251A has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission."

Specific Appropriation 256A

Page 67

"256A LUMP SUM	
RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM ADMINISTRATIVE TRUST FUND	48,500
FROM FEDERAL GRANTS TRUST FUND	9,202,035

The budget authority in Specific Appropriation 256A has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission."

Specific Appropriation 268B

Pages 69 and 70

"268B LUMP SUM	
RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM ADMINISTRATIVE TRUST FUND	1,470,913
FROM FEDERAL GRANTS TRUST FUND	11,474,370
FROM GRANTS AND DONATIONS TRUST FUND	102,337

The budget authority in Specific Appropriation 268B has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and de-

scribing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission.”

Specific

Appropriation 286B
Page 73

"286B LUMP SUM

RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM ADMINISTRATIVE TRUST FUND	254,592
FROM CHILD WELFARE TRAINING TRUST FUND	170,515
FROM FEDERAL GRANTS TRUST FUND	1,119,101
FROM GRANTS AND DONATIONS TRUST FUND	89,192

The budget authority in Specific Appropriation 286B has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission.”

Specific Appropriation 313A

Pages 77 and 78

"313A LUMP SUM

RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM FEDERAL GRANTS TRUST FUND	39,720
FROM GRANTS AND DONATIONS TRUST FUND	279,857
FROM OPERATIONS AND MAINTENANCE TRUST FUND	8,103

The budget authority in Specific Appropriation 313A has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission.”

Specific Appropriation 325A

Page 79

"325A LUMP SUM

RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM FEDERAL GRANTS TRUST FUND	1,085,946
FROM OPERATIONS AND MAINTENANCE TRUST FUND	2,681,228

The budget authority in Specific Appropriation 325A has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission.”

Specific Appropriation 332A

Pages 79 and 80

"332A LUMP SUM

RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM GRANTS AND DONATIONS TRUST FUND	651,999

The budget authority in Specific Appropriation 332A has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission.”

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Specific Appropriation 348A

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"348A LUMP SUM

RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM FEDERAL GRANTS TRUST FUND	16,953
FROM GRANTS AND DONATIONS TRUST FUND	11,859

The budget authority in Specific Appropriation 348A has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission.”

Specific Appropriation 356A

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"356A LUMP SUM

RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM GRANTS AND DONATIONS TRUST FUND	637,300

The budget authority in Specific Appropriation 356A has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission.”

Specific Appropriation 414A

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"414A LUMP SUM

RESERVE FOR FEDERAL FUNDING OPPORTUNITIES	
FROM ADMINISTRATIVE TRUST FUND	15,859
FROM OPERATIONS AND MAINTENANCE TRUST FUND	6,418,885

The budget authority in Specific Appropriation 414A has been identified by the Department of Children and Family Services as unfunded budget. It is provided as a reserve for future federal funding opportunities. This budget is to be placed in Executive Office of the Governor reserve and shall not be released prior to the submission of a plan from the Department containing documentation of the funding that is available to support the budget authority and describing the proposed expenditure of funds. The plan and any proposed budget amendments shall be submitted in accordance with the provisions of s. 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in s. 216.177, Florida Statutes, for final approval by the Legislative Budget Commission.”

Specific Appropriation 242

Page 65 - A portion of proviso language

“The funds in Specific Appropriation 242 are contingent on the Department not transferring up to ten percent of the total district budget pursuant to s. 20.19, Florida Statutes.”

Specific Appropriation 294

Pages 74 and 75 - A portion of proviso language

“Funds from Specific Appropriations 294 and 297 shall not be utilized for administrative costs, including but not limited to further design, implementation, or monitoring of the rate study unless a proposal for such expenditures has been submitted to the Executive Office of the Governor and the Senate and House Appropriations Committees for review and approval. Additionally, any proposal to purchase utilization management and on-site monitoring to achieve cost effectiveness shall be approved through this same process before expenditures are incurred.”

Specific Appropriation 297

Pages 75 and 76 - A portion of proviso language

“Funds from Specific Appropriations 294 and 297 shall not be utilized for administrative costs, including but not limited to further design, implementation, or monitoring of the rate study unless a proposal for such expenditures has been submitted to the Executive Office of the Governor and the Senate and House Appropriations Committees for review and approval under the provisions of Chapter 216, Florida Statutes. Additionally, any proposal to purchase utilization management and on-site monitoring to achieve cost effectiveness shall be approved through this same process.”

I also am concerned that the following proviso language [Section 23] is an attempt by the legislature to draft the appropriations bill as to unduly and unreasonably preclude the exercise of my executive power to “veto any specific appropriation in a general appropriation bill,” in violation of Article III, section 8 of the Florida Constitution. I am considering taking appropriate legal action to seek a judicial determination as to the constitutionality of this language.

Section 23

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“SECTION 23. Funds provided in Specific Appropriations 217 through 419 in the Department of Children and Family Services utilizing unrestricted trust fund cash are limited to the continuation appropriation level and specified additional amounts and purposes contained in the General Appropriations Act. The department is not authorized to use unrestricted trust fund cash beyond these levels or for purposes not specified on the approved listing, and is hereby restricted from doing so.”

The portions of Senate Bill 2-A which are set forth herein with my objections are hereby vetoed, and all other portions of Senate Bill 2-A are hereby approved.

Sincerely,
Jeb Bush, Governor

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

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 19, Special Session B, was corrected and approved.

RECESS

On motion by Senator Lee, the Senate recessed at 1:24 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, July 11 or upon call of the President.