



Journal of the Senate

Number 1—Special Session A

Monday, December 13, 2004

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 Monday, December 13, 2004, in the State of Florida.

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CALL TO ORDER

The Senate was called to order by President Lee at 11:00 a.m. A quorum present—37:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Hill	Sebesta
Bennett	Jones	Siplin
Bullard	King	Smith
Campbell	Klein	Villalobos
Carlton	Lawson	Webster
Clary	Lynn	Wise
Constantine	Margolis	
Crist	Miller	

Excused: Senators Haridopolos and Wilson

PRAYER

The following prayer was offered by Senator Hill:

In those times of our feeling overwhelmed, speak to us, Lord. Help us remember that we do not travel distance all at one time, but step by step; day by day; hour by hour and minute by minute; and that we walk by faith, not sight.

As we face what is ahead, give to us a sense of priority and proper ordering so that we will keep the responsibilities of life and our own strength and abilities in proper focus. Keep our hearts and minds clear. Amen.

PLEDGE

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

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

THE FLORIDA LEGISLATURE JOINT PROCLAMATION

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

We, Tom Lee, President of the Florida Senate, and Allan G. Bense, Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Article III, Section 3(c), Florida Constitution, and Section 11.011, Florida Statutes, do hereby proclaim:

1. That the Legislature of the State of Florida is convened in Special Session pursuant to Article III, Section 3(c), Florida Constitution and Section 11.011, Florida Statutes, at the Capitol in Tallahassee, Florida beginning at 11:00 a.m. on Monday, the 13th day of December, 2004, for a period of 5 days, ending 11:59 p.m. on Friday, the 17th day of December, 2004.
2. That the Legislature is convened for the sole and exclusive purpose of considering the following:
 - a. Legislation addressing the topics raised in the Governor's July 9, 2004 veto message relating to the Voluntary Pre-kindergarten Education Program enacted as House Bill 821 during the 2004 regular session of the Florida Legislature.
 - b. Legislation addressing the operation of juvenile detention facilities for fiscal year 2004-05 and the funding responsibility of the counties as provided for in Senate Bill 2564 (2004).
 - c. Legislation extending the effective date of the requirement for licensure of Discount Medical Plan Organizations contained in §636.204, F.S., as created by Section 31 of Chapter 2004-297, Laws of Florida.
 - d. Legislation providing for the tax relief of hurricane victims whose primary residence was destroyed or damaged and rendered uninhabitable by a 2004 named hurricane or tropical storm.
 - e. Legislation providing for the compensation and relief of insured policyholders of residential property insurance for the cost of multiple deductibles for damage to insured residential property in Florida, arising out of two or more year 2004 named hurricanes.
 - f. Legislation amending the Florida Insurance Code to address imposition of the deductible for insured future losses sustained to property due to damage associated with a named hurricane.
 - g. Legislation appropriating funds for loans to school districts awaiting FEMA reimbursements to accelerate the rebuilding of public school facilities damaged or destroyed by a named hurricane or tropical storm during the 2004 hurricane season.
 - h. Legislation providing for the restoration of the state's Beach and Dune System damaged by a named hurricane or tropi-

cal storm during the 2004 hurricane season, and for related administrative support.

- i. Legislation providing for canker eradication efforts by the Department of Agriculture and Consumer Services, compensation for property owners for destroyed or damaged citrus crops, for completing a soybean rust survey and eradication effort, and for the Caribbean Fruit Fly Certification Program.
- j. Legislation providing for the Department of Elder Affairs, the Department of Children and Families, and the Agency for Persons with Disabilities, to support 2004 named hurricane and tropical storm relief efforts from federal funds.
- k. Legislation providing for the Department of Community Affairs to match FEMA funding for the Other Needs Assistance (ONA) grants for 2004 named hurricane and tropical storm relief efforts.
- l. Legislation to administer the Public Assistance Program and to provide grant assistance for the repair, replacement, or restoration of publicly owned facilities that incurred losses associated with the 2004 named hurricanes or tropical storms.
- m. Legislation to administer the Hazard Mitigation Grant Program and to provide assistance through such program to local governments for relief efforts resulting from a 2004 named hurricane or tropical storm.
- n. Legislation providing for the Agency for Workforce Innovation to assist workers displaced by a 2004 named hurricane or tropical storm.



The Honorable Tom Lee,
President, The Florida Senate
December 13, 2004



The Honorable Allan G. Bense,
Speaker, The Florida House
of Representatives
December 13, 2004



Duly filed with and received by the Florida Department of State this 13th day of December, 2004.

Glenda E. Hood
Secretary of State

**INTRODUCTION AND
REFERENCE OF BILLS**

FIRST READING

By Senator Carlton—

SB 2-A—A bill to be entitled An act relating to early learning; creating part V of ch. 1002, F.S.; creating the Voluntary Prekindergarten Education Program; implementing s. 1(b) and (c), Art. IX of the State Constitution; providing definitions for purposes of the program; providing eligibility and enrollment requirements; authorizing parents to enroll their children in a school-year program delivered by a private prekindergarten provider, a summer program delivered by a public school or private prekindergarten provider, or a school-year program delivered by a public school; requiring school districts to admit all eligible children in the summer program; prohibiting specified acts of discrimination and certain limits on enrollment; specifying eligibility requirements for private prekindergarten providers and public schools that deliver the program; requiring minimum hours for the program; providing minimum requirements for prekindergarten instructors; providing for the adoption of rules; providing minimum and maximum class sizes; requiring appropriate adult supervision for prekindergarten classes; requiring the Department of Education to establish minimum standards for a credential for prekindergarten directors and for emergent literacy training courses for prekindergarten instructors; requiring the credential and course to provide training and resources containing strategies that maximize the program's benefits for students with disabilities and other special needs; providing that the credential and course satisfy certain credentialing and training requirements; providing limits on when a provider or school may deliver the summer prekindergarten program; specifying eligibility requirements for school districts that deliver the school-year prekindergarten program; providing legislative intent; authorizing providers and schools to select or design curricula used for the program; directing the Department of Education to adopt performance standards and approve curricula under specified conditions; requiring providers and schools to be placed on probation and use the approved curricula under certain circumstances; requiring improvement plans and corrective actions from providers and schools under certain circumstances; providing for the removal of providers or schools that remain on probation beyond specified time limits; requiring early learning coalitions and school districts to verify the compliance of private prekindergarten providers and public schools; authorizing the removal of providers and schools for noncompliance or misconduct; requiring interagency coordination for monitoring providers; requiring the Department of Education to adopt a statewide kindergarten screening; requiring certain students to take the statewide screening; specifying requirements for screening instruments and kindergarten readiness rates; directing the State Board of Education to establish minimum rates; providing funding and reporting requirements; specifying the calculation of per-student allocations; authorizing students to withdraw, reenroll, and receive additional per-student allocations under specified conditions; providing for advance payments to



The Honorable Tom Lee,
President, The Florida Senate
December 3, 2004



The Honorable Allan G. Bense,
Speaker, The Florida House
of Representatives
December 3, 2004



Duly filed with and received by the Florida Department of State this 3rd day of December, 2004.

Glenda E. Hood
Secretary of State

**THE FLORIDA LEGISLATURE
AMENDED JOINT PROCLAMATION**

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

We, Tom Lee, President of the Florida Senate and Allan G. Bense, Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Article III, Section 3(c) of the Florida Constitution and Section 11.011 of the Florida Statutes, do hereby proclaim:

- 1. That paragraph 2 of our Joint Proclamation filed December 3, 2004, is hereby amended by adding a subparagraph (o) to read:
 - o. Legislation eliminating redundant requirements for determining financial eligibility for the KidCare Program.
- 2. Except as amended by this Proclamation, the Joint Proclamation filed December 3, 2004, is ratified and confirmed.

private prekindergarten providers and public schools based upon student enrollment; providing for the documentation and certification of student attendance; requiring parents to verify student attendance and certify the choice of provider or school; providing for the reconciliation of advance payments based upon attendance; requiring students to comply with attendance policies and authorizing the dismissal of students for noncompliance; requiring the Agency for Workforce Innovation to adopt a uniform attendance policy for funding purposes; providing for administrative funds to be used by early learning coalitions; prohibiting certain fees or charges; limiting the use of state funds; providing powers and duties of the Department of Education and the Agency for Workforce Innovation; requiring the department and the agency to adopt procedures for the Voluntary Prekindergarten Education Program; creating the Florida Early Learning Advisory Council; providing for the appointment and membership of the advisory council; providing membership and meeting requirements; authorizing council members to receive per diem and travel expenses; requiring the Agency for Workforce Innovation to provide staff for the advisory council; providing for the adoption of rules; amending s. 411.01, F.S.; conforming provisions to the transfer of the Florida Partnership for School Readiness to the Agency for Workforce Innovation; deleting provisions for the appointment and membership of the partnership; redesignating school readiness coalitions as early learning coalitions; deleting obsolete references to repealed programs; deleting obsolete provisions governing the phase in of school readiness programs; deleting provisions governing the measurement of school readiness, the school readiness uniform screening, and performance-based budgeting in school readiness programs; specifying requirements for school readiness performance standards; clarifying rulemaking requirements; revising requirements for school readiness programs; specifying that school readiness programs must enhance the progress of children in certain skills; requiring early learning coalitions to obtain certain health information before enrolling a child in the school readiness program; requiring the Agency for Workforce Innovation to monitor and evaluate the performance of early learning coalitions and to identify best practices for the coalitions; requiring a reduction in the number of coalitions in accordance with specified standards; directing the Agency for Workforce Innovation to adopt procedures for the merger of coalitions; providing exceptions; authorizing the Agency for Workforce Innovation to dissolve a coalition under specified conditions; revising appointment and membership requirements for the coalitions; specifying that certain members are nonvoting; directing the Agency for Workforce Innovation to adopt criteria for the appointment of certain members; requiring each coalition to specify terms of coalition members; requiring a quorum of coalition members; prohibiting coalition members from voting under certain circumstances; providing a definition for purposes of the single point of entry; requiring early learning coalitions to use a statewide information system; requiring the Agency for Workforce Innovation to approve payment rates and consider the access of eligible children before approving proposals to increase rates; prioritizing the use of school readiness funds under certain circumstances; deleting requirements for the minimum number of children served; providing requirements for developmentally appropriate curriculum used for school readiness programs; authorizing contracts for the continuation of school readiness services under certain circumstances; requiring the Agency for Workforce Innovation to adopt criteria for the approval of school readiness plans; revising requirements for school readiness plans; providing requirements for the approval and implementation of plan revisions; revising competitive procurement requirements for early learning coalitions; authorizing the coalitions to designate certified public accountants as fiscal agents; clarifying age and income eligibility requirements for school readiness programs; revising eligibility requirements for certain at-risk children; deleting a requirement for consultation on performance standards and outcome measures; revising funding requirements; revising requirements for the adoption of a formula for the allocation of certain funds among the early learning coalitions; specifying allocations for fiscal year 2004-2005; deleting an obsolete provision requiring a report; deleting the expiration of eligibility requirements for certain children from families receiving temporary cash assistance; amending s. 11.45, F.S.; authorizing the Auditor General to conduct audits of the school readiness system; amending s. 20.50, F.S.; creating the Office of Early Learning within the Agency for Workforce Innovation; requiring the office to administer the school readiness system and operational requirements of the Voluntary Prekindergarten Education Program; amending s. 125.901, F.S.; conforming provisions to changes made by the act; amending ss. 216.133 and 216.136, F.S.; redesignating the School Readiness Program Estimating Conference as the Early Learning Programs Estimating Conference; requiring the estimating conference to develop certain estimates and forecasts for the Voluntary

Prekindergarten Education Program; directing the Agency for Workforce Innovation to provide certain information to the estimating conference; amending ss. 402.3016, 411.011, 411.226, 411.227, 1001.23, 1002.22, and 1003.54, F.S.; conforming provisions to the transfer of the Florida Partnership for School Readiness to the Agency for Workforce Innovation and to the redesignation of the school readiness coalitions as early learning coalitions; authorizing the agency to adopt rules; amending s. 1007.23, F.S.; requiring the articulation of certain programs into credit toward a postsecondary degree; abolishing the Florida Partnership for School Readiness; transferring all powers, rules, personnel, and property of the partnership to the Agency for Workforce Innovation; repealing ss. 411.012 and 1008.21, F.S., relating to the voluntary universal prekindergarten education program and the school readiness uniform screening; providing appropriations and authorizing additional positions; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from the lump-sum appropriations to appropriation categories; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Education; and Education Appropriations.

By Senator Crist—

SB 4-A—A bill to be entitled An act relating to juvenile detention; amending s. 985.2155, F.S.; revising the apportionment of certain costs between counties and the state of providing detention care for juveniles; deleting a requirement that the Chief Financial Officer withhold a portion of county funds if the county remits to the state less than the amount required; deleting provisions directing the Department of Juvenile Justice to negotiate with other states for certain costs and to pay the costs of detaining juveniles for whom no state of residence is established; amending s. 3 of chapter 2004-263, Laws of Florida; revising the effective date of chapter 2004-263, Laws of Florida, which has already occurred; providing an appropriation; requiring the Governor to adjust the approved operating budget for the Department of Juvenile Justice; providing legislative findings that the sanctions and services provided for juveniles who are alleged to have committed a violation of law are a necessary component of the criminal laws of the state and shall be considered as such for purposes of s. 18(d), Art. VII of the State Constitution; providing that the act fulfills an important state interest; providing effective dates.

—was referred to the Committee on Justice Appropriations.

By Senator Peadar—

SB 6-A—A bill to be entitled An act relating to discount medical plan organizations; delaying the date by which such an organization or marketer must comply with the requirements of part II of ch. 636, F.S., relating to the licensure and regulation of discount medical plan organizations; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senators Atwater and Lynn—

SB 8-A—A bill to be entitled An act relating to relief for persons whose primary residences were damaged by a named tropical system; providing for reimbursement of a portion of the ad valorem tax levied on a house or other residential building if the building is rendered uninhabitable due to a named tropical system; requiring that application for such reimbursement be made with the property appraiser; providing application requirements; requiring that the property owner provide documentation that the property was uninhabitable; requiring each property appraiser to determine an applicant's entitlement to reimbursement and the reimbursement amount; providing a formula for calculating the reimbursement amount; limiting the reimbursement amount; requiring property appraisers to submit reimbursement lists to the Chief Financial Officer by a specified date; requiring the Chief Financial Officer to calculate reimbursements in conformance with the amount appropriated and disperse reimbursement checks accordingly; providing a defini-

tion; providing a penalty for giving false information; providing an appropriation; providing an effective date.

—was referred to the Committee on Government Efficiency Appropriations.

By Senator Garcia—

SB 10-A—A bill to be entitled An act relating to hurricane deductibles; providing for the Department of Financial Services to reimburse policyholders of residential property insurance for multiple deductibles applied by insurers for two or more hurricanes; providing legislative findings and intent; establishing criteria for eligibility for reimbursement; requiring applications to be submitted to the department and to include certain information; limiting the maximum amount of reimbursement; limiting total reimbursement to the amount appropriated for this purpose; requiring payment to be made in a specified order of priority and providing for pro rata reimbursement; requiring insurers to provide the department with certain information related to the claim for reimbursement, subject to the policyholder's authorization; authorizing the department to contract with a third party for investigation or adjustment of a claim for reimbursement; requiring insurers to mail notice to certain policyholders of the reimbursement procedures; providing for emergency rules; providing that an application for reimbursement constitutes an insurance claim for purposes of determining insurance fraud; amending s. 627.701, F.S.; requiring that hurricane deductibles of residential property insurance policies be applied on an annual basis to all hurricane losses that occur during a calendar year; allowing insurers to apply an alternative deductible to subsequent hurricane losses after the annual deductible is met; providing the method by which the hurricane deductible is to be calculated if a hurricane deductible is changed for a new or renewal policy; allowing insurers to require policyholders to report hurricane losses or to maintain receipts or records in order to apply hurricane losses to a subsequent hurricane claim; providing appropriations; requiring the State Board of Administration to increase future premiums to the Florida Hurricane Catastrophe Fund; providing an effective date.

—was referred to the Committees on Banking and Insurance; and General Government Appropriations.

By Senator Alexander—

SB 12-A—A bill to be entitled An act relating to the restoration of educational facilities damaged by hurricanes in 2004; creating the Educational Facilities Hurricane Restoration Cash Flow Loan Program for the purpose of assisting district school boards in making timely payments in restoring educational facilities; providing eligibility requirements for receiving a cash flow loan; requiring the Department of Education to administer the loan program and distribute loan funds; requiring the Department of Community Affairs to notify the Department of Education when certain federal payments have been distributed; providing an appropriation; providing an effective date.

—was referred to the Committee on Education Appropriations.

By Senator Clary—

SB 14-A—A bill to be entitled An act relating to the restoration of hurricane-damaged beaches and dunes; providing legislative findings with respect to hurricane damage to the state's beach and dune systems; requiring the Department of Environmental Protection to provide a report on the repair and restoration of the state's beaches and dunes to the Governor and Legislature; providing appropriations; requiring a local match for certain appropriations; limiting the local match to counties and municipalities with a certain per capita personal income level; authorizing the Executive Office of the Governor to approve a waiver under certain conditions; restricting full release of funds until certain local match requirements are met; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from lump-sum appropriations to appropriation categories; authorizing the department to redistribute funds among activities and

projects; requiring that the department provide prior notice of and justification for such redistribution to the Governor and Legislature; directing the department to take the necessary steps to ensure the timely implementation and completion of certain beach repair and restoration projects; providing an effective date.

—was referred to the Committees on Environmental Preservation; and General Government Appropriations.

By Senator Argenziano—

SB 16-A—A bill to be entitled An act relating to hurricane impacts on specified agricultural programs; providing legislative findings with respect to the impact of the hurricanes and tropical storm of 2004 on the department's citrus canker eradication and compensation programs, the spread of an infestation of soybean rust resulting in the need to conduct surveys to determine the extent of such infestation, and a projected shortfall in revenues of the Plant Industry Trust Fund; requiring the department to provide a report on citrus canker eradication to the Governor and the Legislature; providing appropriations; requiring the department to maximize available federal funds for certain programs; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from lump-sum appropriations to appropriation categories; providing an effective date.

—was referred to the Committees on Agriculture; and General Government Appropriations.

By Senator Saunders—

SB 18-A—A bill to be entitled An act relating to the state's health and human services agencies; providing legislative findings with respect to the need to provide nutritional, medical, and social services to the elderly, children, families, individuals with disabilities, and low-income individuals due to the impact of hurricanes and a tropical storm in this state during 2004; providing appropriations to the Department of Elderly Affairs, the Department of Children and Family Services, and the Agency for Persons with Disabilities; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from lump-sum appropriations to appropriation categories; providing an effective date.

—was referred to the Committee on Health and Human Services Appropriations.

By Senator Constantine—

SB 20-A—A bill to be entitled An act relating to hurricane-relief funding; amending s. 252.37, F.S., relating to emergency management; requiring that the state and the affected local government provide certain amounts of matching funds following acceptance of federal public assistance funds that are conditioned upon such match; authorizing the Executive Office of the Governor to waive the requirement under certain circumstances; requiring that the recipient provide a required match before receiving federal hazard-mitigation funds; providing for certain exceptions; providing for retroactive application of the requirements for providing matching funds; providing appropriations; providing requirements for local governments with respect to matching funds; authorizing future payments or a deduction from the local government's revenue-sharing allocation; specifying that the nonrecurring appropriations are to meet needs caused by hurricanes and a tropical storm; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from lump-sum appropriations to appropriation categories; providing an effective date.

—was referred to the Committees on Community Affairs; and Transportation and Economic Development Appropriations.

By Senator Fasano—

SB 22-A—A bill to be entitled An act relating to emergency funding for temporary jobs for displaced workers affected by the 2004 hurricane

season; requiring the Agency for Workforce Innovation to report to the Governor and the Legislature on the expenditure of federal funds received for the purpose of providing temporary jobs and assisting in the restoration efforts following the tropical storm and hurricanes in this state; requiring monitoring by the agency and regional workforce boards to ensure compliance with federal law; providing an appropriation; providing budget authority to the agency with respect to the expenditure of federal funds; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from the lump-sum appropriation to appropriation categories; providing an effective date.

—was referred to the Committee on Transportation and Economic Development Appropriations.

By Senator Lynn—

SB 24-A—A bill to be entitled An act relating to ad valorem taxation; providing for the partial refund of ad valorem taxes on homestead property rendered uninhabitable due to a named tropical system; providing procedures and deadlines; providing duties of property appraisers; requiring the Chief Financial Officer to disburse refund checks under certain conditions; providing for the proration of refunds if the appropriation is insufficient to cover the total amount of the requested refunds; defining terms; providing for the expiration of the act; providing an appropriation; providing for applicability; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Siplin—

SB 26-A—A bill to be entitled An act relating to hurricane property insurance deductibles; amending s. 627.701, F.S.; limiting application of hurricane deductible amounts in a calendar year; requiring the Florida Hurricane Catastrophe Fund to develop a deductible-loss reimbursement program for insurance companies; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senators Posey and Rich—

SB 28-A—A bill to be entitled An act relating to the Florida KidCare program; amending s. 409.814, F.S.; revising requirements for documenting family income for purposes of determining a child's eligibility for the program; providing an effective date.

—was referred to the Committee on Health Care.

MOTIONS

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

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

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

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

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Pruitt, the rules were waived and the following committees were granted permission to meet this day: from 1:30 p.m. until 3:30 p.m., the Committees on Criminal Justice; Governmental Oversight and Productivity; Health Care; and Judiciary; and from 4:00 p.m. until 6:00 p.m., the Committees on Children and Families;

Environmental Preservation; Regulated Industries; and Transportation.

On motion by Senator Pruitt, the rules were waived and the following committees were granted permission to meet December 14: from 9:00 a.m. until 1:00 p.m., the Committees on Agriculture; Banking and Insurance; Commerce and Consumer Services; and Domestic Security; and from 2:00 p.m. until 4:00 p.m., the Committees on Communications and Public Utilities; Community Affairs; and Ethics and Elections.

On motion by Senator Pruitt, the rules were waived and the following committees were granted permission to meet December 15: from 9:00 a.m. until 12:00 noon, the Committee on Education; and from 3:00 p.m. until 5:00 p.m., the Committees on Education Appropriations; General Government Appropriations; Government Efficiency Appropriations; Health and Human Services Appropriations; Justice Appropriations; and Transportation and Economic Development Appropriations.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

VETOED BILLS 2004 REGULAR SESSION

The Honorable Glenda E. Hood
Secretary of State

May 25, 2004

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 220, enacted during the 36th Session of the Legislature of Florida and convened under the Constitution of 1968, during the Regular Session of 2002 and entitled:

An act relating to Official State Designations...

Senate Bill 220 would designate the merchant marine vessel the *SS American Victory* as the official state flagship of Florida. Launched in 1945, the *SS American Victory* was active during World War II, the Korean Conflict, and Vietnam. This 455-foot vessel currently rests in Tampa Bay, adjacent to the Florida Aquarium, where it will be the centerpiece of the American Victory Mariners Memorial and Museum Ship.

While I applaud the *SS American Victory* and her crew for their service to our country in times of both war and peace, I must reluctantly decline to designate it as Florida's Official Flagship. Its history is broad and vast, but the ship's time in Florida spans only three years. To designate the *SS American Victory* as our state flagship would be to disregard the other great ships that have occupied our ports and served as symbols of freedom along our coasts for the last century.

At this time I would like to ask the Legislature to join with my office to develop a process for designating entities with our state seal. As there are direct and indirect economic benefits to be gained by a designation, scrutiny and deliberation will help ensure that we have analyzed and designated the most appropriate candidates. I would encourage *SS American Victory's* advocates to pursue a recommended official designation through this process, once established.

For the reasons provided above, I am hereby withholding my approval of Senate Bill 220, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood
Secretary of State

June 24, 2004

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 Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 506, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

I remain sensitive to the concerns of farmers and local land owners. To that end, the concerns of the supporters of this bill for protection of property rights must be incorporated into future discussions on growth management issues. We must ensure that state oversight of land use decisions remains focused on state priorities, and carefully balances the importance of resource protection with rights of property owners to appropriately use and develop their properties. Additionally, Commissioner Bronson recently announced his intent to closely examine issues surrounding our agricultural industry, an effort which I believe is necessary and timely. I look forward to working with the Commissioner and his team on this endeavor.

For the reasons cited above, I hereby withhold my approval of Committee Substitute for Committee Substitute for Senate Bill 1712, and do veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood
Secretary of State

May 28, 2004

Dear Secretary Hood:

I hereby transmit to you, with my signature, Committee Substitute for Senate Bill 1762, entitled:

An act relating to trauma care-

Committee Substitute for Senate Bill 1762 addresses the organization and funding of trauma services by authorizing an optional sales surtax for counties with less than 800,000 residents, revising and updating the statutes related to the designation of trauma centers and the planning and operation of a trauma system, and by appropriating funds for an assessment of the trauma system as well as one-time payments to trauma centers.

The sponsors have initiated this step toward continuous state funding of trauma care based on their belief in the financial vulnerability of trauma centers. Clearly, the legislation is well intended, but the funding at this time is not justified. The bill properly calls for a study. This study must be completed before any commitment of additional state funds.

I cannot conclude immediate additional funding of the centers is necessary. While some trauma centers indeed face growing financial pressures, a review of the hospitals' financial reports reveals that all are operating in the black. All 17 hospitals for which data is available reported surplus revenue in FY 2003, with total margins ranging from 0.3% to 21%. Four hospitals reported double-digit margins. As a group, the 17 hospitals posted net incomes in excess of \$401 million for FY 2003. These numbers may mask variations among hospitals and fluctuations over time, but the bill's allocation ignores such diversity and hands \$1 million to each center without regard to financial need. If need is the reason, how can this approach be the answer?

Other reasons are offered to fund trauma care, but these too require more careful study. The statutes in place prior to the amendments in Committee Substitute for Senate Bill 1762 indicated that hospitals are inadequately compensated for trauma services. This bill deletes that assertion, but the contention of an unsustainable burden due to uninsured and underinsured trauma patients persists. Uncompensated care is a serious issue for all hospitals, not just trauma centers.

Trauma centers already receive specific financial assistance. More than \$44 million has been awarded since 1998 through special Medicaid payments to hospitals with trauma centers and another \$11.6 million is slated for FY 2004-05. Additionally, all but two trauma centers qualify for higher Medicaid reimbursement rates compared to other hospitals, a privilege that is estimated to generate an extra \$191 million in revenues in the next fiscal year for the 21 hospitals targeted by this bill. Some may argue these funds are not enough, but we cannot blindly increase the already substantial state funding without more careful consideration.

Three areas demand particular attention as we continue to examine this issue. The bill acknowledges two and overlooks the other. The first issue relates to the distribution of trauma centers, the second addresses the local responsibility for trauma care, and the third relates to performance.

(1) The bill calls for an assessment which includes evaluation of the number and distribution of trauma centers. The funding allocation in

the bill preempts the study of this question and equally funds each center. The results are illogical. For example, the three centers serving the 300,000 residents of Escambia County receive a total of \$3 million under the bill while the nearly one million residents of Orange County benefit from just one-third of that amount because only one trauma center is located in their area.

(2) Another basic issue is the responsibility of local governments to fund trauma care. The current situation is uneven with five counties providing local tax funds to hospitals that provide trauma care and the rest choosing not to do so. In other program areas, we use state funds as an incentive for local participation. While the bill calls for study of this important question, the one-time equal funding ignores the differences and gives money to all centers without regard to local commitment. This approach sends the wrong message to communities that may be unwilling to contribute in order to preserve services that benefit them the most.

I support the bill's provisions giving greater flexibility for counties to raise local funds for trauma centers. This targeted sales surtax can be initiated by county ordinance and is appropriately subject to voter approval. If the four eligible counties with trauma centers used this option, more than \$66 million would be raised for trauma centers.

(3) Outcome-based performance measurement is the other significant unanswered question. The trauma statutes create a comprehensive framework for an organized system of care and the underlying justification for this governmental superstructure is to save lives. The system has been in place for nearly 15 years, but no comparative analysis exists to demonstrate unequivocally that our system delivers results. Trauma centers save lives, but so do hospitals that are not designated trauma centers. What is the difference derived from adherence to our regulations? If state government is to initiate trauma-center unique payments, we must first know we are paying for performance.

Florida's spending must be more responsible and targeted to specific goals that can be monitored and measured. For these reasons, I hereby sign Committee Substitute for Senate Bill 1762 and veto the appropriation of \$20,700,000 for payments to trauma centers.

Section 11. The sum of \$20,700,000 is appropriated from the General Revenue Fund to the Administrative Trust Fund for the the Department of Health to provide equal funding for each to exceed 70 percent of the amount received by an existing 24 trauma center for a hospital with a Level I trauma center application pending with the department as of April 1, 2004.

The portion of Committee Substitute for Senate Bill 1762 is set forth herein with my objections is hereby vetoed. All other portions of Committee Substitute for Senate Bill 1762 are hereby approved.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood
Secretary of State

May 20, 2004

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 2056, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to Corporations Not For Profit . . .

This bill would allow not-for-profit corporations to make distributions to other not-for-profit corporations that are organized and operated for similar purposes; entities that are operated exclusively for charitable, benevolent, educational, or similar purposes as the distributing corporation; or federal, state, or local governments.

While the bill is intended to address a 1999 Attorney General opinion (AGO 99-23) that interprets current law to prohibit a subsidiary not-for-profit corporation from distributing funds to a parent organization, I am concerned that the scope of the bill is too broad. The language in the bill goes far beyond the issue raised in the Attorney General's opinion. Because it could fundamentally change the relationships between non-profit organizations, the likelihood of unintended consequences appears

high. Fraudulent activity at the expense of the public, negative tax consequences, and accounting and auditing problems might result.

Although this bill is well intended, the potential for broad unintended consequences outweighs the narrowly aimed benefits. For this reason, and the reasons set forth herein, I hereby veto, Senate Bill 2056.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood
Secretary of State

July 1, 2004

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 Committee Substitute for Senate Bill 2572, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to airport zoning . . .

This bill allows Miami-Dade County to circumvent the existing process for local government approval of school construction within airport flight paths. Although Florida law prohibits construction of schools within airport flight paths and certain noise zones, section 333.03, Florida Statutes, allows exceptions—provided certain local actions are taken. Specifically, the local government must make findings addressing health and safety concerns and the airport's governing body must conduct a noise study. Based on the legislative scheme embodied in section 333.03, these exceptions to the county's existing airport zoning regulations need not be made on a facility-specific (case-by-case) basis but instead may simply identify those areas within the flight path that the community deems appropriate for placement of schools. Indeed, section 333.03 speaks of "airport zoning regulations" in general and the creation of exceptions thereto.

The state's overarching policy presumes the paramount importance of protecting our children and teachers by forbidding construction of schools under flight paths. At the same time, the law recognizes that local governments are best equipped to make the final decision and therefore allows counties, upon certain findings of fact and noise studies, to permit school construction under flight paths. A process therefore exists by which Miami-Dade can approve school construction under flight paths. The state should not circumvent that process. Such would be bad policy and an invitation for others to seek similar such exemptions.

For these reasons, I therefore withhold my approval of Committee Substitute for Senate Bill 2572 and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood
Secretary of State

June 18, 2004

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 2640, enacted during the 36th session of the Legislature, convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to Parenting Coordination. . .

Committee Substitute for Senate Bill 2640 authorizes courts to appoint a parenting coordinator when the court finds the parties have not implemented the court-ordered parenting plan, mediation has not been successful, and the court finds the appointment is in the best interest of the children involved.

I applaud the dedicated efforts of many whose mission is to identify alternatives to assist families in conflict. I also recognize that some circuit courts are currently utilizing parenting coordinators without statutory authority, and I commend them for seeking legislative direction.

While the intent of the bill is laudable, I am vetoing the bill for the following reasons:

1. I am concerned that the bill does not adequately protect families as they try to resolve their conflicts. By authorizing courts to require families to use parenting coordinators, this legislation allows the judicial branch to order parenting coordination without the consent of all parties involved.
2. I share the concerns expressed by domestic violence advocates that this bill fails to provide adequate safeguards for victims of domestic violence.
3. I cannot approve legislation that delegates judicial authority to a parenting coordinator and which allows these parenting coordinators to serve in the dual role of judge and jury of parents' or children's rights.
4. I am concerned about funding these parenting coordinating programs in the future.
5. I believe that parenting coordinators should serve as volunteers and not be limited to an exclusive class of licensed professionals.

I will support a revised bill during the 2005 legislative session that makes the appointment and selection of a parenting coordinator subject to the consent of both parents. Also, I believe that we must limit the risk of "professionalization" of the parenting coordinator role by limiting it to volunteers. While I respect the Legislature's policy choice to allow only licensed professionals, clergy or attorneys to qualify as parenting coordinators, I believe that any volunteer, especially any faith-based volunteer, who meets certain minimum criteria should be allowed to serve as a parenting coordinator.

Basic training and standards are important. I support language, some contained in the current bill, regarding domestic violence training, family-court procedures, and mediation.

I am committed to working with the sponsors of this legislation to create a program that can assist parents, preserve their rights, protect the best interests of the children involved, and address the concerns noted above.

Furthermore, by this letter, I respectfully request the Chief Justice of the Florida Supreme Court and all chief circuit judges to consider revising these programs to ensure that parents' paramount rights are not compromised, regardless of the well-intentioned motives of the program.

For these reasons, and the reasons set forth herein, I am withholding my approval of Committee Substitute for Senate Bill 2640, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood
Secretary of State

May 25, 2004

Dear Secretary Hood:

By the Authority (sic) 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 Committee Substitute for Committee Substitute for Senate Bill 2804, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to greenways and trails.

The bill recognizes and extends the Florida National Scenic Trail. The bill refines the terms for members of Florida Greenways and Trails Council, provides for some efficiencies within the Office of Greenways and Trails, and creates a Conserve by Bicycle Program with the Florida Department of Transportation. All of these are commendable legislative efforts and I would recommend the Department of Environmental Protection consider these issues for the next legislative session.

However, the bill exempts a non-profit corporation from state fiscal controls that have been established in statute and ensure accountability for taxpayer dollars. These established fiscal controls include: the requirement that services or goods be received by the state; that travel expenses be reimbursed as provided by general law; the prohibitions against nepotism and using state dollars to lobby the legislature; and provisions requiring competitive bidding. These exemptions could create

a potentially dangerous precedent by removing oversight of recipients of taxpayer funding.

While Florida Mining-Recreation, Inc. is a non-profit corporation that performs the admirable task of transforming mining lands into recreational areas to be enjoyed by all our people, these exemptions are not good public policy. Furthermore, the withholding of my approval for this legislation will not prevent the Florida Mining-Recreation, Inc. from continuing its activities under the current grant process that currently exists at the Department of Environmental Protection.

Lastly, the bill provides a sales tax exemption for Florida Mining-Recreation, Inc. that is not justified. While reducing the tax burden of all Floridians remains a top priority, granting a sales tax exemption to a specific non-profit sets a bad precedent and only increases the tax burden, albeit incrementally, on the remaining taxpayers.

It is for these reasons above that I withhold my approval of Committee Substitute for Committee Substitute for Senate Bill 2804.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood
Secretary of State

June 18, 2004

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 3188, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to North Lauderdale Water Control District . . .

The bill codifies the district's authority into a single comprehensive act and provides certain amendments to the district's charter. The amendments to the charter include a boundary change so that the district's boundary mimics that of the municipality that controls the dependent special district. The district boundary change also mirrors recent annexations by the City of North Lauderdale. These annexations were supported by a voter approved referendum. However, no referendum was

conducted nor proposed to support the special district's boundary revision.

My review of local bills is guided by a long standing local bill policy. One of the pillars of my policy is local control and awareness of changes to a special district's authority. A bill should provide for a referendum (of the citizens in the affected area(s)) if it proposes a change in boundaries for local governments, commissions, special districts or school districts. A change to a district boundary has the potential to change fees and assessments for both taxpayers in the current district and taxpayers in the expanded district. The strongest means to demonstrate local support and awareness for such a change is a voter approved referendum.

Without a voter approved referendum, I am unwilling to approve this bill. It is my hope that this change will be considered by a voter referendum and brought forward during the next legislative session.

For these reason, I therefore withhold my approval of Senate Bill 3188 and veto the same.

Sincerely,
Jeb Bush, Governor

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

CORRECTION AND APPROVAL OF JOURNAL

The Journal of November 16 was corrected and approved.

CO-INTRODUCERS

Senator Lynn—SB 14-A

RECESS

On motion by Senator Pruitt, the Senate recessed at 11:23 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, December 16 or upon call of the President.