



Journal of the Senate

Number 1—Special Session B

Thursday, December 3, 2009

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 Thursday, December 3, 2009, in the State of Florida.

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CALL TO ORDER

The Senate was called to order by President Atwater at 9:00 a.m. A quorum present—29:

Mr. President	Dockery	Lynn
Alexander	Fasano	Negron
Altman	Gaetz	Oelrich
Baker	Garcia	Peaden
Bennett	Gardiner	Ring
Constantine	Gelber	Sobel
Crist	Haridopolos	Storms
Dean	Jones	Villalobos
Detert	Justice	Wise
Diaz de la Portilla	Lawson	

Excused: Senators Aronberg, Bullard, Deutch, Hill, Joyner, Rich, Richter, Siplin, Smith, Thrasher and Wilson

PRAYER

The following prayer was offered by Senator Lawson:

Our Father, which art in heaven, hallowed be thy holy name. Thank you for the privilege of serving the people of the State of Florida. We ask a special blessing for our Senate President and his family. We also ask a special blessing of this body, the Senators, and their families. We ask a special blessing for the Governor of this great state and the Speaker of the House of Representatives. We trust that you will give us the knowledge to do what is best for the citizens of the State of Florida as we enter this special session.

We have come this far by faith, leaning on the Lord, and he has never failed us yet. We also ask your special blessing as we enter this holiday season, for the poor, the destitute, all of those who depend on what we do here in this chamber and in other chambers, to help them live their lives to the fullest extent. We ask a special blessing for the staff of the Senate and the Legislature; those who labor hard and long to help us with very significant legislation. Father, we ask that you guide us through this special session, that we would change the course of transportation in this state for your benefit. We ask that we come together as a body, that if we disagree, that we not be disagreeable. We ask all of these blessings in your holy name. Amen.

PLEDGE

Senator Diaz de la Portilla led the Senate in the pledge of allegiance to the flag of the United States of America.

ELECTION OF NEW SENATORS

The Department of State notified the Secretary of the Senate that Senator Joe Negron, Stuart, had been elected on August 4, 2009, in a special general election as a Member of the Senate, filling the vacancy in District 28.

Senator Negron was administered the oath of office by First District Court of Appeals Judge Bradford L. Thomas in the Senate chamber on October 7, 2009.

The President appointed Senator Negron to the Committees on Judiciary, Chair; Policy and Steering Committee on Social Responsibility; Policy and Steering Committee on Ways and Means; Banking and Insurance; Communications, Energy, and Public Utilities; Health and Human Services Appropriations; Reapportionment; Rules; and the Select Committee on Florida's Economy.

The Department of State notified the Secretary of the Senate that Senator John Thrasher, St. Augustine, had been elected on October 6, 2009, in a special general election as a Member of the Senate, filling the vacancy in District 8.

Senator Thrasher was administered the oath of office by Chief Justice of the Florida Supreme Court, Peggy Quince, in the Senate chamber on November 4, 2009.

The President appointed Senator Thrasher to the Committees on Ethics and Elections, Chair; Policy and Steering Committee on Commerce and Industry; Policy and Steering Committee on Governmental Operations; Policy and Steering Committee on Ways and Means; Community Affairs; Criminal Justice; Education Pre-K - 12; Higher Education Appropriations; Reapportionment; Regulated Industries; Rules; and the Select Committee on Florida's Economy.

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

THE FLORIDA LEGISLATURE JOINT PROCLAMATION

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

We, Jeff Atwater, President of the Florida Senate, and Larry Cretul, 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:

Section 1. That the Legislature of the State of Florida is convened in Special Session at the Capitol in Tallahassee, Florida, beginning at 9:00 a.m. on Thursday, the 3rd day of December, 2009, and ending at noon on Friday, the 11th day of December, 2009.

Section 2. That the Legislature of the State of Florida is convened for the sole and exclusive purpose of considering legislation:

- (a) Relating to the Florida Department of Transportation's authority to acquire, own, construct, operate, market, promote, maintain, and manage existing and new passenger rail corridors;
- (b) Creating the Florida Rail Enterprise within the Florida Department of Transportation to oversee and manage the development and operations of state-owned passenger rail systems;
- (c) Creating the Statewide Passenger Rail Commission within the Florida Department of Transportation to monitor the efficiency, productivity, and management of all publicly-funded passenger rail systems and to advise the Department and the Legislature on policies and strategies relating to state-owned passenger rail systems;
- (d) Addressing the allocation and assumption of risks associated with state-owned passenger rail corridors;
- (e) Authorizing the Florida Department of Transportation to purchase insurance and establish a self-retention fund to insure against liability risks associated with state-owned passenger rail corridors;
- (f) Providing for the allocation of increased revenues to the State Transportation Trust Fund, based on the Revenue Estimating Conference's revised forecast dated November 2009, to fund existing passenger rail operations;
- (g) Addressing allocation of a portion of documentary stamp tax proceeds provided to the Transportation Regional Incentive Program pursuant to s. 201.15(1)(c)1.d., F.S., to fund the capital costs of future passenger rail systems and associated impacts; and
- (h) Reallocating documentary stamp tax proceeds provided pursuant to s. 201.15(1)(c) 1., F.S., to fund the Small County Outreach Program.

Section 3. That committees or councils of either house of the Legislature are authorized to consider legislation within the purview of this proclamation from this date forward.



Jeff Atwater
President, The Florida Senate
November 30, 2009



Larry Cretul
Speaker, The Florida House
of Representatives
November 30, 2009



Duly filed with and received by the Florida Department of State this 30th day of November, 2009 by:

Kurt S. Browning
Secretary of State

tions, advise the Department of Transportation concerning a statewide system of passenger rail service, evaluate passenger rail policies, and provide advice and recommendations to the Legislature on passenger rail operations in the state; providing for membership and organization of the commission; authorizing reimbursement for travel and other expenses of members; prohibiting the commission and its members from taking part in operations of the department or a monitored authority; assigning the commission to the Office of the Secretary of the department for administrative purposes; providing that expenses of the commission shall be approved by the secretary; directing the department to provide administrative support and services to the commission; providing for a rail enterprise in the department to be headed by an executive director and headquartered in Leon County; providing that the executive director shall be appointed by the Secretary of Transportation; directing the secretary to assign to the executive director the responsibility for funding, developing, and operating high-speed and passenger rail systems under specified provisions and coordinating publicly funded passenger rail operations; exempting the enterprise from department policies, procedures, and standards; providing exceptions; amending s. 201.15, F.S.; revising allocation of certain moneys in the State Transportation Trust Fund by increasing the percentage to be allocated for purposes of the Small County Outreach Program and providing for an annual allocation to the Florida Rail Enterprise; amending s. 339.135, F.S.; providing a funding source for allocations to the South Florida Regional Transportation Authority under specified provisions; amending s. 343.58, F.S., relating to the South Florida Regional Transportation Authority; providing that funds dedicated by county governments may be used for certain purposes; providing for allocation of funds from the State Transportation Trust Fund to the authority; providing for cessation of the allocation under certain circumstances; amending s. 341.301, F.S.; revising the definition of "railroad" or "rail system" to include a high-speed rail system and providing definitions for purposes of provisions for rail programs; amending s. 341.302, F.S.; revising duties and responsibilities of the department to develop and implement a rail program; authorizing the department's rail system plan to include regional components for certain purposes; revising requirements for the plan to be updated; requiring a plan status report to the Legislature; directing the department to work with local communities to address impacts of passenger rail implementation, finalize alternative routes for through freight rail traffic in Central Florida, and provide technical assistance to a coalition of municipalities and counties in Central Florida for development of a regional rail system plan; providing parameters within which the department may by contract indemnify against loss a freight rail operator from whom it has acquired interest in a rail corridor; authorizing the department to purchase liability insurance including coverage for the department, any freight rail operator, commuter rail service providers, governmental entities, or any ancillary development and establish a self-insurance retention fund; limiting the amount of the insurance and self-insurance retention fund; providing that the insureds must make payments for the coverage; providing that the insurance may provide coverage for all damages and be maintained to provide a fund to cover liabilities arising from rail corridor ownership and operations; authorizing the department to incur certain marketing expenses relating to rail corridor acquisition, ownership, construction, and operation; providing that indemnification by contract, the purchase of insurance, or establishment of a self-insurance retention fund does not waive sovereign immunity or increase liability limits provided under specified provisions; providing that specified provisions apply to the purchase of insurance; providing that specified provisions relating to rail service apply to other governmental entities under contract with the department or designated by the department; providing for application of specified provisions to procurement contracts for the construction, operation, maintenance, and management of a rail corridor by the department, a governmental entity under contract with the department, or a governmental entity designated by the department; authorizing the department to complete an escrowed closing on the Central Florida Rail Corridor acquisition if Federal Transit Administration full-funding grant agreement approval is obtained for the proposed Central Florida Commuter Rail Transit Project Initial Operating Segment; amending s. 341.303, F.S.; revising provisions for distribution of rail funds; removing provisions for funding service development projects; authorizing the department to fund net operating costs of eligible intercity or commuter rail systems for a certain time period; authorizing the department, through the Florida Rail Enterprise, to use specified funds to fund certain costs of passenger rail capital improvement projects, passenger rail planning and development, the high-speed rail system, and projects necessary to identify or address anticipated impacts of increased freight

INTRODUCTION AND REFERENCE

FIRST READING

By Senators Ring, Constantine, Fasano, Gaetz, Gardiner, Lawson, Negron, Diaz de la Portilla, Thrasher, Altman, Haridopolos, Richter, and Wise—

SB 2-B—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; creating the Florida Statewide Passenger Rail Commission to monitor passenger rail systems and associated opera-

rail traffic due to implementing passenger rail systems; providing that the enterprise shall be a single budget entity; providing that the enterprise's budget include all passenger rail funding and be submitted to the Legislature along with the department's budget; directing the Governor to certify forward unexpended funds of the enterprise; providing for use of unencumbered funds certified forward; amending s. 341.8201, F.S.; revising a short title; providing that specified provisions may be cited as the "Florida Rail Enterprise Act"; amending s. 341.8203, F.S.; providing definitions for purposes of such act; amending s. 341.822, F.S.; providing powers and duties of the enterprise in addition to the powers and duties of the department; authorizing the enterprise to plan, construct, maintain, repair, operate, and promote a high-speed rail system, to acquire corridors, and to coordinate the development and operation of publicly funded passenger rail systems; providing intent; authorizing the enterprise to cooperate, coordinate, partner, and contract with other entities to accomplish its purposes; authorizing the enterprise to employ certain procurement methods; authorizing the executive director to employ staff; providing that such staff are exempt from specified Career Service System provisions; providing for construction; providing that provisions for powers of the enterprise supersede other laws that are inconsistent; requiring rail enterprise projects or improvements to be developed in accordance with the Florida Transportation Plan and the department's work program; creating s. 341.8225, F.S.; providing that only the department may acquire, construct, maintain, or operate the high-speed rail system; providing for an exception with legislative authorization; authorizing local governmental entities to negotiate with the department for the design, right-of-way acquisition, and construction of components of the system; amending s. 341.836, F.S.; providing for the enterprise to undertake associated developments for certain purposes; amending s. 341.838, F.S.; authorizing the enterprise to establish and collect fares, rates, and other charges for services provided by the system; authorizing the enterprise to contract with other entities; directing the enterprise to review the fares, rates, and other charges annually; providing for use of moneys collected; providing that such fares, rates, and other charges are not subject to supervision or regulation by other entities; amending s. 341.839, F.S.; providing for construction of provisions granting powers to the enterprise; removing provisions relating to the Florida High-Speed Rail Authority; repealing ss. 341.8202, 341.821, 341.823, 341.824, 341.827, 341.828, 341.829, 341.830, 341.831, 341.832, 341.833, 341.834, 341.835, 341.837, and 341.841, F.S., relating to the Florida High-Speed Rail Authority, legislative findings and intent, criteria for assessment and recommendations, technical, scientific, or other assistance, service areas, segment designation, permitting, conflict prevention, mitigation, and resolution, procurement, prequalification, request for qualifications, request for proposals, award of contract, acquisition of property, rights-of-way, and disposal of land, payment of expenses, and reports and audits; amending s. 110.205, F.S.; conforming cross-references; providing effective dates.

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

REMARKS

President Atwater: Members, thank you for setting aside some of your valuable time to initiate this Special Session. I know this is an inconvenience, but I would not have impinged upon your schedules if I did not believe that the issue we are addressing is of paramount importance to Florida.

There may be a tendency to look at the legislation that has been drafted as merely a bill. I assure you that when you have had the opportunity to study the bill in detail, and engage in the workshop that immediately follows the proceedings this morning, you will recognize that this is nothing less than a unique opportunity to transform the economy of the state of Florida in both the short and long terms.

Of immediate concern, with unemployment exceeding 11 percent, we must find a mechanism for creating sustainable, high paying jobs upon which we will rebuild our state's economy. The construction, operation and maintenance of a comprehensive passenger rail system, that can complement our existing road system, will provide more than living wages for many thousands of Floridians for decades to come. Infrastructure projects have long been recognized as legitimate foundations upon which to build an economy.

It will also be transformative over the long term, evolving our business models to meet the needs of a new century and new global realities. Those major metropolitan areas in this country that drive the nation's economic engine all incorporate a robust rail system as a piece of their overall transportation system. With the exception of the United States, every one of the G20 nations, the group of countries that dominate the world's economic scene, have created integrated transit authorities and have effective passenger and high speed rail systems either in place now or well under development. These are the metropolitan areas and countries against which Florida will compete for business growth and expansion in the 21st Century. We can afford to ignore these facts only if we are prepared to accept a second tier role in the future of both our country and the world.

To those that would argue that we do not have the habits or patterns to sustain passenger rail, I would respond that no one relied on an Interstate Highway system until the investment was made to build and maintain such a system. No one traveled on Florida's Turnpike, or drove over the bays and inlets that dot our coasts until prior legislative bodies had the courage to set aside parochial concerns and fund these valuable infrastructure projects upon which so much of our connectivity and commerce now depends.

As our economy rebounds, the role of local communities is critical. The strength of this society has always been the freedom communities have to define their own vision, to pursue economic development that best suits the particular needs of their citizens.

The measure we will be considering over the next few days reinforces the important presumption that local and regional planning organizations have a legitimate role as partners with the state in determining local transportation models, particularly when they are critical to economic development. To the extent that a community or region is prepared to commit its own time, treasure and talent on a project, and the outcome is in line with the long term objectives of the state, the legislature's job should be to facilitate it, not to be an impediment. We should celebrate bold visions, encourage non-traditional thinking, and applaud innovative concepts.

This is indeed a time for visionaries. Men and women prepared to set aside business as usual and demonstrate leadership at a time when the people of Florida are demanding action and are desperate for relief. I will ask you to look at this anew, with an open mind and with the hope and promise of a renewed Florida.

MOTIONS

On motion by Senator Villalobos, the rules were waived to allow the procedure for establishing a Special Order Calendar during Special Session B to be by announcement or by publication in the Senate Calendar.

On motion by Senator Villalobos, the rules were waived to allow the amendment deadlines for session to be set by announcement or by publication.

On motion by Senator Villalobos, the rules were waived to allow committees and the Senate to meet after 6:00 p.m.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

VETOED BILLS 2009 REGULAR SESSION

The Honorable Kurt S. Browning
Secretary of State

June 24, 2009

Dear Secretary Browning:

By the authority vested in me as the Governor of Florida, and under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you my objections to, Senate Bill 166, enacted during the 41st Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 2009 and entitled:

An act relating to public records...

Senate Bill 166 creates a public records exemption for information that identifies a donor or a prospective donor of a donation made to benefit a publically-owned building or facility if the donor wants to remain anonymous. While Florida law currently provides several exemptions for donors under specific circumstances, all of those exemptions are for donations made to direct support organizations that must comply with federal reporting requirements. Federal reporting requirements provide an opportunity for public oversight without compromising the donor's confidentiality. This bill does not provide a sufficient mechanism for public oversight and accountability that would override the state's strong public policy for open and transparent government operations.

For this reason, I withhold my approval of Senate Bill 166, and do hereby veto the same.

Sincerely,
Charlie Crist, Governor

The Honorable Kurt S. Browning
Secretary of State

June 1, 2009

Dear Secretary Browning:

By the authority vested in me as the Governor of Florida, and under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you my objections to, Committee Substitute for Committee Substitute for Senate Bill 714, enacted during the 41st Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 2009 and entitled:

An act relating to Condominiums...

This bill makes several changes to laws that are important to Floridians residing in condominiums, including modifying the requirement that condominium unit owners maintain property insurance coverage on items located within the boundaries of their units. The bill generally clarifies insurance provisions as they relate to unit owners and condominium associations and the requirements governing board members of condominium associations. However, the bill also includes changes that give me, as they did my predecessor, great concern.

This bill, similar to House Bill 391 passed during the 2006 Session and vetoed by Governor Bush, extends the date after which local authorities may require the retrofit of applicable residential common areas with a fire sprinkler system from 2014 to 2025. I share Governor Bush's concerns that this delay presents an unacceptable safety risk, especially to Florida's elderly condominium residents. I am sensitive to the costs associated with installing the fire sprinkler systems, especially in these challenging economic times. However, in the event of a fire, public safety for residents and for the firefighters and emergency medical personnel who lay their lives on the line to provide services greatly outweigh all other considerations.

I am directing the Department of Business and Professional Regulation to initiate a comprehensive review of actual retrofit costs and the impacts that retrofitting may have on insurance premiums. The department may conduct workshops, as necessary, to solicit input from all stakeholders and must report its finding and recommendations to myself and the President of the Senate and the Speaker of the House of Representatives by October 1, 2009.

For this reason, I withhold my approval of Committee Substitute for Committee Substitute for Senate Bill 714, and do hereby veto the same.

Sincerely,
Charlie Crist, Governor

The Honorable Kurt S. Browning
Secretary of State

June 10, 2009

Dear Secretary Browning:

By the authority vested in me as the Governor of Florida, and under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you my objections to, Committee Substitute for Senate Bill 718, enacted during the 41st Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 2009 and entitled:

An act relating to discretionary sales surtaxes...

This bill allows a discretionary sales surtax to be levied without voter approval. I firmly believe that every discretionary sales surtax, or more commonly known as a local option sales tax, must be subject to voter approval.

For this reason, I withhold my approval of Committee Substitute for Senate Bill 718, and do hereby veto the same.

Sincerely,
Charlie Crist, Governor

The Honorable Kurt S. Browning
Secretary of State

May 27, 2009

Dear Secretary Browning:

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 2600, enacted during the 41st Regular Session of the Legislature convened under the Constitution of 1968, and entitled:

An act making appropriations; providing moneys for the annual period beginning July 1, 2009, and ending June 30, 2010, 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.

Developing Florida's budget for Fiscal Year 2009-2010 has presented a historical challenge to state government and, most importantly, to the people we serve. Under the leadership of President Jeff Atwater and Speaker Larry Cretul, the Legislature passed a spending plan that keeps in place Florida's core services: assistance for our most vulnerable and needy citizens; protecting the population from the predations of criminals; and maintaining the investment in our future by continuing our commitment to education, strengthening Florida's economy, and preserving and protecting of our fragile environment.

I look forward to negotiating a compact with Seminole Indian Tribe of Florida. Following ratification, this compact, which I have long advocated, will bring in a minimum of \$150 million annually for education. This funding is absolutely critical for our educational system during our current economic crisis. When the economy improves, as it surely will, this funding will provide the foundation for a truly world-class educational system.

SECTION 8 - OTHER SECTIONS

Under the Legislature's mandate to cut the salaries of state employees making more than \$45,000 per year, more than 28,000 employees and their families would be adversely affected. While the salary reduction is a well-intended effort by the Legislature to balance the state budget, the timing is unfortunate for families trying to balance their own budgets. In an effort to minimize the negative impact on the state budget and on the individual state employee, I will leave in place the reductions made to state agencies' budgets; however, I am eliminating the two percent pay reduction.

I will direct my agency heads to manage their salary spending by utilizing the legal means available to them, which may include using their authority under section 216.292, Florida Statutes, transferring funds from other categories. In addition, a variety of options can be applied, such as holding positions vacant, reducing or eliminating all non-essential travel and purchases. I am also encouraging the heads of cabinet agencies and the Judicial Branch to adopt a similar approach. Accordingly, I am vetoing the following section of the General Appro-

priations Act that mandates a salary cut for employees making more than \$45,000 annually.

Section 8 (1) (a)
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"(a) Effective July 1, 2009, the annual base rate of pay for each employee with an annual base rate of pay in excess of \$45,000 shall be reduced by 2 percent; however, in no instance shall the employee's annual base rate of pay be reduced below \$45,000 solely by implementation of this paragraph. For part-time employees, the full-time equivalent value of the base rate of pay shall be used to determine the reduction."

Applications for gun ownership have risen precipitously in recent years causing unprecedented backlogs. Current permit backlogs continue to exceed Fiscal Year 2007-2008 levels by more than four times. I strongly support protecting gun owner rights for individuals in Florida consistent with the 2nd Amendment to the Constitution of the United States. Florida's Concealed Weapons and Firearms Licensing Program is a self-sustaining trust fund paid for by gun owner fees for the past 22 years. There has never been a need for a General Revenue Fund subsidy for this program. The Legislature has now authorized a \$6 million transfer of funds from the Licensing Trust Fund to General Revenue in order to help balance the state budget. Even though I suggested similar action in my recommendations, revenues now available to fund state expenditures eliminates the need for additional funds from the Licensing Trust Fund. Therefore, I agree with Commissioner Bronson and veto the transfer of \$6 million to the General Revenue Fund.

Section 59
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"DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
Division of Licensing Trust Fund..... 6,000,000"

The portions of Senate Bill 2600 identified above with my objections are vetoed, and all other portions of Senate Bill 2600 are approved.

Sincerely,
Charlie Crist, Governor

The Honorable Kurt S. Browning
Secretary of State

May 27, 2009

Dear Secretary Browning:

By the authority vested in me as the Governor of Florida, and under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you my objections to, Committee Substitute for Committee Substitute for Senate Bill 2694, 1st Engrossed, enacted during the 41st Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 2009 and entitled:

An act relating to State Financial Matters...

I understand and appreciate that the legislative branch has concerns with some specific contracts that have been in place for several years. I also appreciate that during these very challenging economic times, making the difficult choices on where we can reduce spending has been frustrating.

I am concerned that this bill imposes additional contracting requirements on state agencies and those who do business with the state at a time when we should be doing everything we can to streamline bureaucracy and stimulate economic growth. This bill hinders the ability of the executive and judicial branches to implement state policy by requiring prior legislative approval of certain contracts for which funds may have already been appropriated. The bill injects unnecessary uncertainty into the contracting process due to the time necessary to obtain the Legislature's express approval of certain contracts. This may adversely affect the ability of agencies to negotiate contracts, which could unintentionally increase costs to the state.

It is important for the executive and judicial branches to ensure that contract decisions are based on sound business cases and that the state is receiving the full benefit for its contracts without unnecessarily binding appropriations and limiting legislative flexibility, particularly during times of limited revenues. It may be appropriate for the executive and judicial branches to consider alternative methodologies for reviewing major contracts and selected large purchases, as well as an approval mechanism to address the concerns identified in the bill.

I have based my administration on transparency and open access to information, and have directed state agencies to conduct open, competitive and transparent procurements. While I share the commitment to make state procurements competitive and based on sound decision-making, I do not believe that further restricting state procurement and purchase agreement practices will achieve the goal of improving how contracts and agreements are written and implemented.

I am committed to working with the Florida Legislature to continue to bring greater transparency, competitiveness, and accountability to the procurement process while at the same time ensuring that Florida Taxpayers are not burdened with unnecessary costs.

For this reason, I withhold my approval of Committee Substitute for Committee Substitute for Senate Bill 2694, 1st Engrossed, and do hereby veto the same.

Sincerely,
Charlie Crist, Governor

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

EXECUTIVE BUSINESS

The following Executive Orders were filed with the Secretary:

EXECUTIVE ORDER NUMBER 09-143
(Executive Order of Suspension)

WHEREAS, Randall Wade Acevedo, Sr., is presently serving as a member of the Superintendent of the Monroe County School District; and

WHEREAS, on June 10, 2009, the Grand Jury in the Circuit Court of the Sixteenth Judicial Circuit in and for Monroe County, Florida, issued an Indictment charging Randall Wade Acevedo, Sr. with one count of official misconduct, a violation of section 838.022(1)(c), Florida Statutes; and

WHEREAS, a violation of section 838.022(1)(c), Florida Statutes, constitutes a felony of the third degree; and,

WHEREAS, it is in the best interest of the residents of Monroe County, and the citizens of the State of Florida that Randall Wade Acevedo, Sr. be immediately suspended from the public office, which he now holds, upon the grounds set forth in this executive order;

NOW, THEREFORE, I, Charlie Crist, Governor of Florida, pursuant to Article IV, Section 7, Florida Constitution, find as follows:

A. Randall Wade Acevedo, Sr. is, and at all times material was, Superintendent for Monroe County School District in Monroe County, Florida.

B. The office of Superintendent of the Monroe County School District is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

C. The attached Indictment alleges that Randall Wade Acevedo, Sr. committed acts in violation of the Laws of the State of Florida. This executive order is predicated upon the attached Indictment which is incorporated as if fully set forth in this executive order.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective today:

Section 1. Randall Wade Acevedo, Sr. is suspended from the public office, which he now holds, to wit: Superintendent of the Monroe County School District.

Section 2. Randall Wade Acevedo, Sr. is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from today, until a further executive order is issued, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 11th day of June, 2009.

Charlie Crist
GOVERNOR

ATTEST:

Kurt S. Browning
SECRETARY OF STATE

EXECUTIVE ORDER NUMBER 09-215
(Executive Order of Suspension)

WHEREAS, Josephus "Joe" Eggleton, is presently serving as a Broward County Commissioner; and

WHEREAS, on September 22, 2009, the United States District Court, Southern District of Florida, issued a Criminal Complaint charging Josephus "Joe" Eggleton with Laundering of Monetary Instruments in violation of Title 18, United States Code, Section 1956(a)(3)(B) and Conspiracy to Launder Monetary Instruments in violation of Title 18, United States Code, Section 1956(h); and

WHEREAS, Article IV, Section 7, Florida Constitution provides that the Governor may suspend from office any county officer for "malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony [.]"

WHEREAS, violations of Title 18, United States Code, Sections 1956(a)(3)(B) and (h), constitute felonies, malfeasance or misfeasance; and

WHEREAS, it is in the best interest of the residents of the County of Broward, and the citizens of the State of Florida that Josephus "Joe" Eggleton be immediately suspended from the public office, which he now holds, upon the grounds set forth in this executive order;

NOW, THEREFORE, I, CHARLIE CRIST, Governor of Florida, pursuant to Article IV, Section 7, Florida Constitution, find as follows:

A. Josephus "Joe" Eggleton is, and at all times material hereto was, a Broward County Commissioner.

B. The office of County Commissioner for the County of Broward, Florida is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

C. The attached Criminal Complaint alleges that Josephus "Joe" Eggleton committed acts in violation of the Laws of the United States. This suspension is predicated upon the attached Criminal Complaint which alleges the commission of felonies, and which alleged conduct constitutes malfeasance or misfeasance, and is incorporated as if fully set forth in this executive order.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective today:

Section 1. Josephus "Joe" Eggleton is suspended from the public office which he now holds, to wit: Broward County Commissioner.

Section 2. Josephus "Joe" Eggleton is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from today, until a further Executive Order is issued, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 23rd day of September, 2009.

Charlie Crist
GOVERNOR

ATTEST:

Kurt S. Browning
SECRETARY OF STATE

EXECUTIVE ORDER NUMBER 09-216
(Executive Order of Suspension)

WHEREAS, Beverly Gallagher is presently serving as a member of the Broward County School Board; and

WHEREAS, on September 22, 2009, the United States District Court, Southern District of Florida, issued a Criminal Complaint charging Beverly Gallagher with Wire Fraud by Depriving Citizens of Honest Services in violation of Title 18, United States Code, Section 1343, Extortion Under Color of Official Right in violation of Title 18, United States Code, Section 1951, and Bribery in Programs Receiving Federal Funds in violation of Title 18, United States Code, Section 666; and

WHEREAS, Article IV, Section 7, Florida Constitution provides that the Governor may suspend from office any county officer for "malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony [.]"

WHEREAS, violations of Title 18, United States Code, Sections 666, 1343 and 1951, constitute felonies, malfeasance or misfeasance; and

WHEREAS, it is in the best interest of the residents of County of Broward, and the citizens of the State of Florida that Beverly Gallagher be immediately suspended from the public office, which she now holds, upon the grounds set forth in this executive order;

NOW, THEREFORE, I, CHARLIE CRIST, Governor of Florida, pursuant to Article IV, Section 7, Florida Constitution, find as follows:

A. Beverly Gallagher is, and at all times material hereto was, a member of the Broward School Board.

B. The office of School Board for the County of Broward, is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

C. The attached Criminal Complaint alleges that Beverly Gallagher committed acts in violation of the Laws of the United States. This suspension is predicated upon the attached Criminal Complaint which alleges the commission of felonies, and which alleged conduct constitutes malfeasance or misfeasance, and is incorporated as if fully set forth in this executive order.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective today:

Section 1. Beverly Gallagher is suspended from the public office which she now holds, to wit: Member of the Broward County School Board.

Section 2. Beverly Gallagher is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period

shall be from today, until a further Executive Order is issued, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 23rd day of September, 2009.

Charlie Crist
GOVERNOR

ATTEST:
Kurt S. Browning
SECRETARY OF STATE

EXECUTIVE ORDER NUMBER 09-264
(Executive Order of Suspension)

WHEREAS, Scott Rothstein, on August 25, 2008 was appointed to serve as a Commissioner for the fourth Appellate District Judicial Nominating Commission; and

WHEREAS, my administration has been monitoring the federal investigation by the United States Attorney's offices concerning Mr. Rothstein's business and financial affairs. Mr. Rothstein has agreed to permanent disbarment from the Florida Bar due to allegations of disciplinary violations of the Rules Regulating the Florida Bar, including the misappropriation of funds from trust accounts; and

WHEREAS, Florida Statue 43.291(5) provides that the Governor may suspend, for cause, member of the judicial nominating commission, consistent with Article IV, Section 7, Florida Constitution which provides that the Governor may suspend from office any state officer for "malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony [;]" and

WHEREAS, Mr. Rothstein's agreement to permanent disbarment from the Florida Bar due to allegations of Rules Regulating the Florida Bar, including the misappropriation of funds from trust accounts, constitutes malfeasance or misfeasance in relation to his duties as a Commissioner by reflecting discredit upon the judicial selection process; and

WHEREAS, it is in the best interest of the residents of Fourth Judicial District, and the citizens of the State of Florida, that Scott Rothstein be immediately suspended from the public office, to which he has been appointed, upon the grounds set forth in this executive order

NOW, THEREFORE, I, CHARLIE CRIST, Governor of Florida, pursuant to the Article IV, Section 7, Florida Constitution, find as follows:

A. Scott Rothstein was appointed to serve as Commissioner for the Fourth Appellate District Judicial Nominating Commission.

B. The Commissioner for the Fourth Appellate District Judicial Nominating Commission is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

C. This suspension is predicated upon Mr. Rothstein's agreement to permanent disbarment from the Florida Bar due to allegations of disciplinary violations of the Rules Regulating the Florida Bar, including the misappropriation of funds from trust accounts, and which constitutes malfeasance or misfeasance in relation to his duties as a Commissioner by reflecting discredit upon the judicial selection process.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective today:

Section 1. Scott Rothstein is suspended from the public office, to which he has been elected, to wit: Commissioner for the Fourth Appellate District Judicial Nominating Commission.

Section 2. Scott Rothstein is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privi-

leges of public office during the period of this suspension, which period shall be from today, until a further Executive Order is issued, or as otherwise provided by law.

Section 3. Pursuant to Article IV, Section 7, Florida Constitution, I hereby appoint William Berger, Esq. to fill this public office for the period of the suspension.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 24th day of November, 2009.

Charlie Crist
GOVERNOR

ATTEST:
Kurt S. Browning
SECRETARY OF STATE

[Referred to the Committee on Ethics and Elections.]

COMMITTEES OF THE SENATE
(With Revisions)

Policy and Steering Committee on Commerce and Industry
Senator Bennett, Chair; Senator Ring, Vice Chair; Senators Deutch, Garcia, Gardiner, Jones, Joyner, Justice, Lynn, Peaden, Richter, Smith and Thrasher

Banking and Insurance
Senator Richter, Chair; Senator Smith, Vice Chair; Senators Alexander, Bennett, Fasano, Lawson, Negron, Ring, Storms and Villalobos

Commerce
Senator Garcia, Chair; Senator Gelber, Vice Chair; Senators Crist, Detert, Justice, Lynn, Oelrich, Peaden, Rich and Sobel

Regulated Industries
Senator Jones, Chair; Senator Deutch, Vice Chair; Senators Aronberg, Dean, Diaz de la Portilla, Hill, Thrasher and Wise

Transportation
Senator Gardiner, Chair; Senator Bullard, Vice Chair; Senators Altman, Baker, Constantine, Dockery, Haridopolos, Joyner and Siplin

Policy and Steering Committee on Energy, Environment, and Land Use
Senator Haridopolos, Chair; Senator Rich, Vice Chair; Senators Altman, Aronberg, Constantine, Dean, Detert, Diaz de la Portilla, Dockery, Gaetz, Siplin, Sobel and Villalobos

Agriculture
Senator Dean, Chair; Senator Bullard, Vice Chair; Senators Aronberg, Baker and Peaden

Communications, Energy, and Public Utilities
Senator Diaz de la Portilla, Chair; Senator Joyner, Vice Chair; Senators Fasano, Gelber, Haridopolos, Negron, Oelrich, Richter and Smith

Community Affairs
Senator Bennett, Chair; Senator Siplin, Vice Chair; Senators Altman, Deutch, Garcia, Gardiner, Hill, Ring, Storms, Thrasher and Wise

Environmental Preservation and Conservation
Senator Constantine, Chair; Senator Sobel, Vice Chair; Senators Detert, Dockery, Jones and Rich

Policy and Steering Committee on Governmental Operations
Senator Jones, Chair; Senator Aronberg, Vice Chair; Senators Alexander, Bennett, Dean, Deutch, Fasano, Hill, Lawson, Oelrich, Ring and Thrasher

Ethics and Elections
Senator Thrasher, Chair; Senator Justice, Vice Chair; Senators Alexander, Baker, Constantine, Diaz de la Portilla, Fasano, Gardiner, Joyner, Rich and Richter

Governmental Oversight and Accountability

Senator Ring, Chair; Senator Siplin, Vice Chair; Senators Crist, Dean, Fasano, Jones, Lawson and Sobel

Military Affairs and Domestic Security

Senator Aronberg, Chair; Senator Oelrich, Vice Chair; Senators Bennett, Deutch, Hill, Lynn, Peaden and Villalobos

Reapportionment

Senator Haridopolos, Chair; Senator Smith, Vice Chair; Senators Bennett, Dean, Gardiner, Lawson, Negron, Ring, Siplin, Storms, Thrasher and Wilson

Policy and Steering Committee on Social Responsibility

Senator Gaetz, Chair; Senator Justice, Vice Chair; Senators Baker, Constantine, Detert, Dockery, Garcia, Gelber, Haridopolos, Negron, Siplin, Storms, Wilson and Wise

Children, Families, and Elder Affairs

Senator Storms, Chair; Senator Wilson, Vice Chair; Senators Detert, Diaz de la Portilla, Garcia, Hill, Justice and Wise

Criminal Justice

Senator Dockery, Chair; Senator Wilson, Vice Chair; Senators Crist, Dean, Deutch, Siplin, Thrasher and Villalobos

Education Pre-K - 12

Senator Detert, Chair; Senator Wilson, Vice Chair; Senators Bullard, Constantine, Gaetz, Storms, Thrasher and Wise

Health Regulation

Senator Gaetz, Chair; Senator Sobel, Vice Chair; Senators Altman, Bennett, Gardiner, Jones and Lawson

Higher Education

Senator Oelrich, Chair; Senator Smith, Vice Chair; Senators Aronberg, Bullard, Constantine and Lynn

Judiciary

Senator Negron, Chair; Senator Joyner, Vice Chair; Senators Baker, Fasano, Gelber, Haridopolos, Peaden, Richter and Ring

Policy and Steering Committee on Ways and Means

Senator Alexander, Chair; Senator Deutch, Vice Chair; Senators Altman, Baker, Bennett, Crist, Fasano, Gaetz, Garcia, Gelber, Haridopolos, Hill, Justice, Lawson, Lynn, Negron, Peaden, Rich, Siplin, Sobel, Thrasher, Villalobos, Wilson and Wise

Criminal and Civil Justice Appropriations

Senator Crist, Chair; Senator Wilson, Vice Chair; Senators Jones, Joyner and Villalobos

Education Pre-K - 12 Appropriations

Senator Wise, Chair; Senator Siplin, Vice Chair; Senators Bullard, Detert, Garcia and Richter

Finance and Tax

Senator Altman, Chair; Senator Justice, Vice Chair; Senators Bennett, Ring and Storms

General Government Appropriations

Senator Baker, Chair; Senator Lawson, Vice Chair; Senators Aronberg, Dean and Oelrich

Health and Human Services Appropriations

Senator Peaden, Chair; Senator Rich, Vice Chair; Senators Gaetz, Haridopolos, Negron and Sobel

Higher Education Appropriations

Senator Lynn, Chair; Senator Gelber, Vice Chair; Senators Constantine, Deutch and Thrasher

Transportation and Economic Development Appropriations

Senator Fasano, Chair; Senator Hill, Vice Chair; Senators Diaz de la Portilla, Dockery, Gardiner and Smith

Rules

Senator Villalobos, Chair; Senator Aronberg, Vice Chair; Senators Alexander, Constantine, Crist, Deutch, Gaetz, Garcia, Gardiner, Jones, Justice, Lawson, Lynn, Negron, Siplin, Smith, Sobel, Storms, Thrasher and Wise

Joint Legislative Committees:**Florida Legislative Committee on Intergovernmental Relations**

Senator Hill, Alternating Chair; Senators Detert, Haridopolos and Wilson

Joint Administrative Procedures Committee

Senator Joyner, Alternating Chair; Senators Dean and Villalobos

Joint Committee on Public Counsel Oversight

Senator Constantine, Chair; Senators Altman, Dockery, Garcia, Gelber and Smith

Joint Legislative Auditing Committee

Senator Diaz de la Portilla, Alternating Chair; Senators Gardiner, Justice, Ring and Wise

Joint Legislative Committee on Everglades Oversight

Senator Siplin, Alternating Chair; Senators Oelrich and Richter

Joint Legislative Sunset Committee

Senator Storms, Co-Chair; Senators Altman, Peaden, Rich and Sobel

Select Committees:**Select Committee on Florida's Economy**

Senator Gaetz, Chair; Senator Ring, Vice Chair; Senators Alexander, Bennett, Gelber, Haridopolos, Hill, Negron, Richter, Sobel and Thrasher

Select Committee on Florida's Inland Waters

Senator Constantine, Chair; Senator Lawson, Vice Chair; Senators Baker, Bullard, Dean, Dockery, Garcia, Justice and Oelrich

Joint Legislative Budget Commission

Senator Garcia, Chair; Senators Alexander, Constantine, Fasano, Justice, Lawson and Ring

COMMITTEE MEMBERSHIP CHANGE

The President announced the appointment of Senator Fasano to the Committee on Transportation.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 8, 2009, Regular Session, was corrected and approved.

RECESS

On motion by Senator Villalobos, the Senate recessed at 9:34 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:30 p.m., Tuesday, December 8 or upon call of the President.