



Journal of the Senate

Number 1—Special Session A

Wednesday, January 5, 2000

At a Special Session of the Florida Legislature convened under Article III, Section 3(c), of the Constitution of the State, as revised in 1968, and subsequently amended, at the Capitol, in the City of Tallahassee, on Wednesday, January 5, 2000, in the State of Florida.

CONTENTS

Call to Order	1, 2
Communication	32
Introduction and Reference of Bills	5
Motions	2, 5
Point of Order	3
Point of Order, Disposition	3
Proclamation	1
Reports of Committees	5
Special Order Calendar	2
Vacancy in Office	1
Vetoed Bills	6

CALL TO ORDER

The Senate was called to order by President Jennings at 12:00 noon. A quorum present—36:

Madam President	Cowin	Jones	Meek
Bronson	Dawson	King	Mitchell
Brown-Waite	Diaz-Balart	Kirkpatrick	Myers
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Hargrett	Laurent	Silver
Childers	Holzendorf	Lee	Sullivan
Clary	Horne	McKay	Thomas

Excused: Senator Geller; Senators Rossin and Webster until 3:40 p.m.

Vacancy in Office: Senator Alberto Gutman, who represented Senate District 34, resigned from office October 27, 1999. A special election will be held January 25, 2000 to fill the vacancy.

PRAYER

The following prayer was offered by Faye Blanton, Secretary of the Senate:

Dear God, we are thankful for your presence as this special session begins. We ask for your divine guidance for these Senators as they deliberate and make important decisions for our state. Amen.

PLEDGE

Senator Myers, President Pro Tempore, led the Senate in the pledge of allegiance to the flag of the United States of America.

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

PROCLAMATION
State of Florida
Executive Department
Tallahassee

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

WHEREAS, the United States Supreme Court in the case of *Anthony Bryan v. Michael Moore* has granted review to determine the constitutionality of Florida's method of execution; and

WHEREAS, protracted postconviction litigation in capital cases has resulted in substantial unnecessary delay in the execution of death sentences and has frustrated the ends of justice; and

WHEREAS, the Legislature of the State of Florida should have the opportunity to address what actions by the state will assure that all court ordered sentences of death will be carried out in a timely and constitutional manner; and

WHEREAS, it is in the best interest of the citizens of the State of Florida to call a Special Session so that the Legislature may give full and adequate consideration to the item set forth below.

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

Section 1.

That the Legislature of the State of Florida is convened in Special Session commencing at 12:00 noon, Wednesday, January 5, 2000, and extending through 11:59 p.m., Friday, January 7, 2000.

Section 2.

That the Legislature of the State of Florida is convened for the sole and exclusive purpose of considering the following item of substantive legislation:

Legislation authorizing that death sentences be carried out by lethal injection or electrocution, and exemptions from the public records law related thereto; mandating the concurrent preparation and filing of postconviction and collateral claims with the direct appeal in all capital cases, and including further limitations on the filing of such claims; and requiring a nonbinding advisory jury recommendation in capital sentencing proceedings.

Section 3.

That the committees of either house of the legislature are authorized to consider legislation within the purview of this proclamation from this date forward.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this Proclamation convening the Legislature in Special Session at the Capitol, this 9th day of December, 1999.

Jeb Bush
GOVERNOR



ATTEST:
Katherine Harris
Secretary of State

MOTIONS

On motion by Senator McKay, the rules were waived and the Committee on Criminal Justice was granted permission to add **SB 10-A** and **SB 12-A** to the agenda at the meeting this day and to extend time of adjournment until 3:00 p.m., in lieu of 2:30 p.m. as scheduled.

On motion by Senator McKay, the rules were waived and by two-thirds vote **SB 10-A**, **SB 12-A** and **SB 4-A** were established as the Special Order Calendar for this day.

RECESS

On motion by Senator McKay, the Senate recessed at 12:43 p.m. to reconvene at 3:30 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 3:40 p.m. A quorum present—38:

Madam President	Dawson	Kirkpatrick	Rossin
Bronson	Diaz-Balart	Klein	Saunders
Brown-Waite	Dyer	Kurth	Scott
Burt	Forman	Latvala	Sebesta
Campbell	Grant	Laurent	Silver
Carlton	Hargrett	Lee	Sullivan
Casas	Holzendorf	McKay	Thomas
Childers	Horne	Meek	Webster
Clary	Jones	Mitchell	
Cowin	King	Myers	

SPECIAL ORDER CALENDAR

On motion by Senator Brown-Waite, by two-thirds vote—

SB 10-A—A bill to be entitled An act relating to the execution of the death sentence; amending ss. 922.10, 922.105, F.S.; providing for the death sentence to be executed by lethal injection; providing for a person who is sentenced to death to elect a death sentence executed by electrocution; providing a procedure for making such election; providing for a person whose warrant of execution is pending on a specified date to elect a sentence of death by electrocution; providing a procedure for making such election; amending s. 27.702, F.S.; providing an effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 1 (581982)—In title, on page 1, lines 12 and 13, delete “amending s. 27.702, F.S.”

Pursuant to Rule 4.19, **SB 10-A** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt, by two-thirds vote—

SB 12-A—A bill to be entitled An act relating to capital offenses; creating the “Death Penalty Reform Act of 2000”; amending s. 27.702, F.S.; providing limitation on the filing of postconviction and collateral actions; amending s. 119.19, F.S.; revising provisions relating to capital postconviction public records production; amending s. 922.095, F.S.; revising provisions with respect to grounds for a death warrant; providing a limitation on actions; amending s. 924.055, F.S.; revising provisions with respect to postconviction review in capital cases; providing for legislative findings and intent; creating s. 924.056, F.S.; providing for capital postconviction proceedings for which a sentence of death is imposed on or after the effective date of this act; creating s. 924.057, F.S.; providing for a limitation on postconviction cases in which the death sentence was imposed before the effective date of this act; creating s. 924.058, F.S.; providing for capital postconviction claims; creating s. 924.059, F.S.; providing for time limitations on judicial review in capital postconviction actions; repealing Rule 3.850, Florida Rules of Criminal Procedure, relating to the grant of a new trial to the extent it is inconsistent with this act; repealing Rule 3.851, Florida Rules of Criminal Procedure, relating

to collateral relief after the death sentence has been imposed; repealing Rule 3.852, Florida Rules of Criminal Procedure, relating to capital postconviction public records production; amending s. 27.710, F.S.; providing for the appointment of attorneys to represent persons in collateral actions; amending s. 27.51, F.S.; prohibiting specified public defenders from providing appellate representation for certain persons sentenced to death; amending s. 27.703, F.S.; providing for designation of alternative regional counsel when there is a conflict of interest; revising provisions governing the payment of such counsel; providing for the transfer of funds to be used for contracts with private attorneys and authorizing additional support positions; amending s. 27.709, F.S.; requiring the Commission on Capital Cases to compile and analyze case-tracking reports produced by the Supreme Court; amending s. 27.711, F.S.; revising provisions governing the payment of assigned counsel; providing for review of the billings of assigned counsel; creating s. 924.395, F.S.; providing for sanctions against any person within the court’s jurisdiction for certain actions taken in capital postconviction proceedings or appeals therefrom; creating s. 922.108, F.S.; providing for sentencing orders in capital cases; repealing s. 924.051(6)(b), F.S., which imposes limitations on the filing of motions for collateral or other postconviction relief and on the calling of expert witnesses; requesting the Supreme Court to study the feasibility of requiring all capital postconviction actions to be filed in the Supreme Court and requesting the Court to submit its recommendations by a specified date; providing for severability; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendments which were moved by Senator Burt and adopted:

Amendment 1 (593474)—On page 19, lines 5 and 6, delete those lines and insert: *postconviction counsel shall file an action in the Florida Supreme Court raising any claim of*

Amendment 2 (201374)—On page 20, line 9, after (2) delete everything after (2) and insert: *Except as provided in s. 924.056(5), in every case in which mandate has issued in the*

Amendment 3 (311186)—On page 21, line 17, delete “922.056(5)” and insert: *924.056(5)*

Senator Campbell moved the following amendment which failed:

Amendment 4 (091050)—On page 4, line 15, after “statute” insert: *, except as provided by the Florida Constitution*

Senators Meek, Hargrett, Dyer, Holzendorf, Campbell, Jones and Dawson offered the following amendment which was moved by Senator Meek:

Amendment 5 (300044)(with title amendment)—On page 35, between lines 8 and 9, insert:

Section 19. (1) *This section may be cited as the Florida Racial Justice Act.*

(2) *A person may not be given a sentence of death which was sought on the basis of race.*

(3) *A finding that race was the basis of a decision to seek a death sentence may be established if the court finds that race was a significant factor in decisions to seek the sentence of death in this state at the time the death sentence was sought.*

(4) *Evidence relevant to establish a finding that race was the basis of the decision to seek a death sentence may include statistical evidence and other evidence that death sentences were sought more frequently:*

(a) *Upon persons of one race than upon persons of another race; or*

(b) *As punishment for capital offenses against persons of one race than as punishment for capital offenses against persons of another race.*

(5) *A defendant must state with particularity how the evidence supports a claim that racial considerations played a significant part in the decision to seek a death sentence in his or her case. The claim shall be raised at the pretrial conference. The court shall schedule a hearing on the claim and shall prescribe a time for the submission of evidence by*

both parties. If the court finds that race was the basis for the decision to seek the death sentence, the court shall order that a death sentence not be sought.

(6) *The defendant has the burden of proving by clear and convincing evidence that race was the basis of the decision to seek the death penalty. The state may offer evidence in rebuttal of the claims or evidence of the defendant.*

(7) *This section applies only to sentences imposed after the effective date of this act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 29, after the semicolon (;) insert: prohibiting the imposition of death sentences sought on the basis of race; providing standards and evidentiary guidelines for finding that a sentence was sought on the basis of race; providing procedural guidelines and providing burden of proof standards; providing applicability;

POINT OF ORDER

Senator Sullivan raised a point of order that pursuant to Rule 7.1 **Amendment 5** was not germane to the bill and was outside the purview of the Governor's call.

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

DISPOSITION OF POINT OF ORDER

On motion by Senator Meek, **Amendment 5** was withdrawn and the point of order was therefore withdrawn.

Senators Dawson and Mitchell offered the following amendment which was moved by Senator Dawson:

Amendment 6 (091420)(with title amendment)—On page 35, between lines 26 and 27, insert:

Section 21. *If a court finds that a defendant has mental retardation, as the term "retardation" is defined in section 393.063(44), Florida Statutes, and that the defendant met that definition of retardation at the time of commission of the offense, the defendant may not be sentenced to death. The burden of production and persuasion to demonstrate mental retardation by a preponderance of the evidence is upon the defendant. The court may excuse the requirements for documentation under this section if the court finds that extraordinary circumstances exist. The defendant must file before trial a petition alleging that the defendant has mental retardation. When a defendant files a petition under this section, the court must order an evaluation of the defendant by a competent psychologist for the purpose of providing evidence of retardation.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 6, after the semicolon (;) insert: prohibiting the imposition of the death sentence on a defendant who has mental retardation at the time of commission of the offense; defining the term "retardation"; providing procedures;

POINT OF ORDER

Senator Latvala raised a point of order that pursuant to Rule 7.1 **Amendment 6** was not germane to the bill and was outside the purview of the Governor's call.

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

DISPOSITION OF POINT OF ORDER

On motion by Senator Dawson, **Amendment 6** was withdrawn and the point of order was therefore withdrawn.

Senator Meek moved the following amendment which failed:

Amendment 7 (221734)(with title amendment)—On page 35, between lines 26 and 27, insert:

Section 21. Section 921.141, Florida Statutes, is amended to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(1) **SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.**—Upon conviction or adjudication of guilt of a defendant of a capital felony, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or life imprisonment as authorized by s. 775.082. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge may summon a special juror or jurors as provided in chapter 913 to determine the issue of the imposition of the penalty. If the trial jury has been waived, or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose, unless waived by the defendant. In the proceeding, evidence may be presented as to any matter that the court deems relevant to the nature of the crime and the character of the defendant and shall include matters relating to any of the aggravating or mitigating circumstances enumerated in subsections (6) (5) and (7) (6). Any such evidence which the court deems to have probative value may be received, regardless of its admissibility under the exclusionary rules of evidence, provided the defendant is accorded a fair opportunity to rebut any hearsay statements. However, this subsection shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or the Constitution of the State of Florida. The state and the defendant or the defendant's counsel shall be permitted to present argument for or against sentence of death.

(2) **ADVISORY SENTENCE BY THE JURY.**—After hearing all the evidence, the jury shall deliberate and render an advisory sentence to the court, based upon the following matters:

(a) Whether sufficient aggravating circumstances exist as enumerated in subsection (6) (5);

(b) Whether sufficient mitigating circumstances exist which outweigh the aggravating circumstances found to exist; and

(c) Based on these considerations, whether the defendant should be sentenced to life imprisonment or death.

(3) **JURY RECOMMENDATION.**—*A jury recommendation of death must be by a vote of at least 10 to 2. If the jury vote for death is less than 10, a life recommendation is entered.*

(4)(3) **FINDINGS IN SUPPORT OF SENTENCE OF DEATH.**—Notwithstanding the recommendation of a majority of the jury, the court, after weighing the aggravating and mitigating circumstances, shall enter a sentence of life imprisonment or death, but if the court imposes a sentence of death, it shall set forth in writing its findings upon which the sentence of death is based as to the facts:

(a) That sufficient aggravating circumstances exist as enumerated in subsection (6) (5), and

(b) That there are insufficient mitigating circumstances to outweigh the aggravating circumstances.

In each case in which the court imposes the death sentence, the determination of the court shall be supported by specific written findings of fact based upon the circumstances in subsections (6) (5) and (7) (6) and upon the records of the trial and the sentencing proceedings. If the court does not make the findings requiring the death sentence within 30 days after the rendition of the judgment and sentence, the court shall impose sentence of life imprisonment in accordance with s. 775.082.

(5)(4) **REVIEW OF JUDGMENT AND SENTENCE.**—The judgment of conviction and sentence of death shall be subject to automatic review by the Supreme Court of Florida and disposition rendered within 2 years after the filing of a notice of appeal. Such review by the Supreme Court shall have priority over all other cases and shall be heard in accordance with rules promulgated by the Supreme Court.

(6)(5) AGGRAVATING CIRCUMSTANCES.—Aggravating circumstances shall be limited to the following:

(a) The capital felony was committed by a person previously convicted of a felony and under sentence of imprisonment or placed on community control or on felony probation.

(b) The defendant was previously convicted of another capital felony or of a felony involving the use or threat of violence to the person.

(c) The defendant knowingly created a great risk of death to many persons.

(d) The capital felony was committed while the defendant was engaged, or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, any: robbery; sexual battery; aggravated child abuse; abuse of an elderly person or disabled adult resulting in great bodily harm, permanent disability, or permanent disfigurement; arson; burglary; kidnapping; aircraft piracy; or unlawful throwing, placing, or discharging of a destructive device or bomb.

(e) The capital felony was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.

(f) The capital felony was committed for pecuniary gain.

(g) The capital felony was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws.

(h) The capital felony was especially heinous, atrocious, or cruel.

(i) The capital felony was a homicide and was committed in a cold, calculated, and premeditated manner without any pretense of moral or legal justification.

(j) The victim of the capital felony was a law enforcement officer engaged in the performance of his or her official duties.

(k) The victim of the capital felony was an elected or appointed public official engaged in the performance of his or her official duties if the motive for the capital felony was related, in whole or in part, to the victim's official capacity.

(l) The victim of the capital felony was a person less than 12 years of age.

(m) The victim of the capital felony was particularly vulnerable due to advanced age or disability, or because the defendant stood in a position of familial or custodial authority over the victim.

(n) The capital felony was committed by a criminal street gang member, as defined in s. 874.03.

(7)(6) MITIGATING CIRCUMSTANCES.—Mitigating circumstances shall be the following:

(a) The defendant has no significant history of prior criminal activity.

(b) The capital felony was committed while the defendant was under the influence of extreme mental or emotional disturbance.

(c) The victim was a participant in the defendant's conduct or consented to the act.

(d) The defendant was an accomplice in the capital felony committed by another person and his or her participation was relatively minor.

(e) The defendant acted under extreme duress or under the substantial domination of another person.

(f) The capacity of the defendant to appreciate the criminality of his or her conduct or to conform his or her conduct to the requirements of law was substantially impaired.

(g) The age of the defendant at the time of the crime.

(h) The existence of any other factors in the defendant's background that would mitigate against imposition of the death penalty.

(8)(7) VICTIM IMPACT EVIDENCE.—Once the prosecution has provided evidence of the existence of one or more aggravating circumstances as described in subsection (6)(5), the prosecution may introduce, and subsequently argue, victim impact evidence. Such evidence shall be designed to demonstrate the victim's uniqueness as an individual human being and the resultant loss to the community's members by the victim's death. Characterizations and opinions about the crime, the defendant, and the appropriate sentence shall not be permitted as a part of victim impact evidence.

(9)(8) APPLICABILITY.—This section does not apply to a person convicted or adjudicated guilty of a capital drug trafficking felony under s. 893.135.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 6, after the semicolon (;) insert: amending s. 921.141, F.S.; requiring that a jury recommendation of death be by a specified vote of the jury; providing for a life sentence if the jury vote is less than a specified vote;

Senator Campbell moved the following amendment:

Amendment 8 (971434)—On page 24, delete line 22 and insert: *trial court for a specified period, which must be commenced within 30 days and must be concluded within 90 days, for*

Senators Silver and Campbell offered the following substitute amendment which was moved by Senator Silver and adopted:

Amendment 9 (820594)—On page 24, delete line 22 and insert: *trial court for a specified period, which must be scheduled within 30 days and must be concluded within 90 days, for*

Pursuant to Rule 4.19, **SB 12-A** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt, by two-thirds vote—

SB 4-A—A bill to be entitled An act relating to public records exemptions; amending s. 922.106 and s. 945.10, F.S.; providing that information which, if released, would identify the person prescribing, preparing, compounding, dispensing, or administering a lethal injection pursuant to a death penalty sentence shall be exempt from public records requirements; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendments which were moved by Senator Burt and adopted:

Amendment 1 (665362)(with title amendment)—On page 1, delete lines 18 and 19 and insert: *any the person prescribing, preparing, compounding, dispensing, or administering the lethal injection pursuant to s.*

And the title is amended as follows:

On page 1, line 5, delete "the" and insert: *any*

Amendment 2 (973134)(with title amendment)—On page 2, delete lines 5-8 and insert: *administering a lethal injection pursuant to s. 922.105.*

Section 3. *The Legislature finds that the disclosure of information identifying a person prescribing, preparing, compounding, dispensing, or administering a lethal injection for purposes of death sentence execution would jeopardize the person's safety and welfare by exposing that person to potential harassment, intimidation, and harm and would constitute an unwarranted invasion into the person's privacy. Therefore, the Legislature finds that it is a public necessity that this information be kept confidential and exempt from disclosure under public records laws.*

Section 4. This act shall take effect on the same date that Senate Bill 6-A or similar legislation providing for execution of the death sentence by lethal injection takes effect, if such legislation is adopted in the same legislative session or an extension thereof.

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: providing a legislative finding of public necessity;

Pursuant to Rule 4.19, **SB 4-A** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

REPORTS OF COMMITTEES

The Committee on Criminal Justice recommends the following pass: SB 4-A with 2 amendments, SB 10-A, SB 12-A with 3 amendments

The bills were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

SB 2-A was withdrawn prior to introduction.

By Senators Burt, Campbell, Brown-Waite, Silver, Horne and Bronson—

SB 4-A—A bill to be entitled An act relating to public records exemptions; amending s. 922.106 and s. 945.10, F.S.; providing that information which, if released, would identify the person prescribing, preparing, compounding, dispensing, or administering a lethal injection pursuant to a death penalty sentence shall be exempt from public records requirements; providing an effective date.

—was referred to the Committee on Criminal Justice.

MOTION TO INTRODUCE BILL

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

By Senators Burt, Campbell, Brown-Waite, Silver, Horne and Bronson—

SB 6-A—A bill to be entitled An act relating to the death penalty; creating the "Death Penalty Reform Act of 2000"; amending s. 922.10, F.S., relating to the execution of the death sentence; creating s. 922.101, F.S.; providing for execution of death sentence by lethal injection if electrocution is not selected; prohibiting a reduction of the death sentence as a result of a determination that a method of execution is unconstitutional; creating s. 922.103, F.S.; providing legislative intent with respect to the interpretation of laws altering a method of execution of the death penalty; creating s. 922.104, F.S.; providing a procedure for execution of the death sentence by lethal injection; amending s. 922.105, F.S., relating to execution of the death sentence by lethal injection; amending s. 27.702, F.S.; prescribing the purpose for employing capital postconviction counsel; providing limitation on the filing of postconviction and collateral actions; amending s. 119.19, F.S.; revising provisions relating to capital postconviction public records production; amending s. 922.095, F.S.; revising provisions with respect to grounds for a death warrant; providing a limitation on actions; amending s. 924.055, F.S.; revising provisions with respect to postconviction review in capital cases; providing for legislative findings and intent; creating s. 924.056, F.S.; providing for capital postconviction proceedings for which a sentence of death is imposed on or after the effective date of this act; creating s. 924.057, F.S.; providing for a limitation on postconviction cases in which the death sentence was imposed before the effective date of this act; creating s. 924.058, F.S.; providing for capital postconviction claims; creating s. 924.059, F.S.; providing for time limitations on judicial review in capital postconviction actions; providing for production of evidence for DNA testing; repealing Rule 3.850, Florida Rules of Criminal Procedure, relating to the grant of a new trial to the extent it is inconsistent with this act; repealing Rule 3.851, Florida Rules of Criminal Procedure, relating to collateral relief after the death sentence has been imposed; repealing

Rule 3.852, Florida Rules of Criminal Procedure, relating to capital postconviction public records production; amending s. 27.710, F.S.; providing for the appointment of attorneys to represent persons in collateral actions; amending s. 27.51, F.S.; prohibiting specified public defenders from providing appellate representation for certain persons sentenced to death; amending s. 27.703, F.S.; providing for designation of alternative regional counsel when there is a conflict of interest; revising provisions governing the payment of such counsel; amending s. 27.709, F.S.; requiring the Commission on Capital Cases to compile and analyze case-tracking reports produced by the Supreme Court; amending s. 27.711, F.S.; revising provisions governing the payment of assigned counsel; providing for review of the billings of assigned counsel; creating s. 924.395, F.S.; providing for sanctions against inmates and their counsel for certain actions taken in capital postconviction proceedings or appeals therefrom; creating s. 922.107, F.S.; exempting policies and procedures for the execution of persons from the Administrative Procedure Act; creating s. 922.108, F.S.; providing for sentencing orders in capital cases; repealing s. 924.051(6)(b), F.S., which imposes limitations on the filing of motions for collateral or other postconviction relief and on the calling of expert witnesses; requesting the Supreme Court to study the feasibility of requiring all capital postconviction actions to be filed in the Supreme Court and requesting the Court to submit its recommendations by a specified date; providing for severability; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senators Klein and Geller—

SB 8-A—A bill to be entitled An act relating to the death penalty; creating the "Death Penalty Reform Act of 2000"; amending s. 922.10, F.S., relating to the execution of the death sentence; creating s. 922.101, F.S.; providing for execution of death sentence by lethal injection if electrocution is not selected; prohibiting a reduction of the death sentence as a result of a determination that a method of execution is unconstitutional; creating s. 922.103, F.S.; providing legislative intent with respect to the interpretation of laws altering a method of execution of the death penalty; creating s. 922.104, F.S.; providing a procedure for execution of the death sentence by lethal injection; amending s. 922.105, F.S., relating to execution of the death sentence by lethal injection; urging the Supreme Court to adopt procedural rules that will streamline the filing and handling of postconviction and collateral actions of persons under sentence of death and to submit certain recommendations to the Legislature; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senators Brown-Waite, Burt, Klein, Silver, Campbell, Bronson and Horne—

SB 10-A—A bill to be entitled An act relating to the execution of the death sentence; amending ss. 922.10, 922.105, F.S.; providing for the death sentence to be executed by lethal injection; providing for a person who is sentenced to death to elect a death sentence executed by electrocution; providing a procedure for making such election; providing for a person whose warrant of execution is pending on a specified date to elect a sentence of death by electrocution; providing a procedure for making such election; amending s. 27.702, F.S.; providing an effective date.

—was referred to the Committee on Criminal Justice.

MOTION TO INTRODUCE BILL

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

By Senators Burt, Brown-Waite, Silver, Campbell, Bronson and Horne—

SB 12-A—A bill to be entitled An act relating to capital offenses; creating the "Death Penalty Reform Act of 2000"; amending s. 27.702, F.S.; providing limitation on the filing of postconviction and collateral

actions; amending s. 119.19, F.S.; revising provisions relating to capital postconviction public records production; amending s. 922.095, F.S.; revising provisions with respect to grounds for a death warrant; providing a limitation on actions; amending s. 924.055, F.S.; revising provisions with respect to postconviction review in capital cases; providing for legislative findings and intent; creating s. 924.056, F.S.; providing for capital postconviction proceedings for which a sentence of death is imposed on or after the effective date of this act; creating s. 924.057, F.S.; providing for a limitation on postconviction cases in which the death sentence was imposed before the effective date of this act; creating s. 924.058, F.S.; providing for capital postconviction claims; creating s. 924.059, F.S.; providing for time limitations on judicial review in capital postconviction actions; repealing Rule 3.850, Florida Rules of Criminal Procedure, relating to the grant of a new trial to the extent it is inconsistent with this act; repealing Rule 3.851, Florida Rules of Criminal Procedure, relating to collateral relief after the death sentence has been imposed; repealing Rule 3.852, Florida Rules of Criminal Procedure, relating to capital postconviction public records production; amending s. 27.710, F.S.; providing for the appointment of attorneys to represent persons in collateral actions; amending s. 27.51, F.S.; prohibiting specified public defenders from providing appellate representation for certain persons sentenced to death; amending s. 27.703, F.S.; providing for designation of alternative regional counsel when there is a conflict of interest; revising provisions governing the payment of such counsel; providing for the transfer of funds to be used for contracts with private attorneys and authorizing additional support positions; amending s. 27.709, F.S.; requiring the Commission on Capital Cases to compile and analyze case-tracking reports produced by the Supreme Court; amending s. 27.711, F.S.; revising provisions governing the payment of assigned counsel; providing for review of the billings of assigned counsel; creating s. 924.395, F.S.; providing for sanctions against any person within the court's jurisdiction for certain actions taken in capital postconviction proceedings or appeals therefrom; creating s. 922.108, F.S.; providing for sentencing orders in capital cases; repealing s. 924.051(6)(b), F.S., which imposes limitations on the filing of motions for collateral or other postconviction relief and on the calling of expert witnesses; requesting the Supreme Court to study the feasibility of requiring all capital postconviction actions to be filed in the Supreme Court and requesting the Court to submit its recommendations by a specified date; providing for severability; providing an effective date.

—was referred to the Committee on Criminal Justice.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

VETOED BILLS 1999 REGULAR SESSION

The Honorable Katherine Harris Secretary of State June 8, 1999

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 19(b), of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Section 19, comprising a specific appropriation and related proviso, of Committee Substitute for Senate Bill 172, enacted during the 31st Session of the Legislature, convened under the Constitution of 1968, during the Regular Session of 1999, and entitled:

An act relating to taxation; . . .

The specific appropriation and accompanying proviso which comprise Section 19 of Committee Substitute for Senate Bill 172 are hereby vetoed. Committee Substitute for Senate Bill 172, which modifies various taxation provisions, including the sales tax sale-for-resale procedures, is a substantive bill containing an appropriation. Committee Substitute for Senate Bill 888 is also a substantive bill that modifies the sales tax sale-for-resale procedures and provides an appropriation to implement the changes. Therefore, the appropriation contained in Section 19 of Committee Substitute for Senate Bill 172 for this program is a duplicate and is not necessary.

Section 19. (1) There is appropriated from the General Revenue Fund to the Department of Revenue in fiscal year 1999-2000, to be used in implementing the changes to the resale certificate and related provisions of this act:

- (2) One and one-half full-time-equivalent positions and the sum of \$211,065 to be used for salaries, benefits, and expenses; and
- (3) The sum of \$23,455 to be used for operating capital outlay.

The portions of Committee Substitute for Senate Bill 172 which are set forth herein with my objections are hereby vetoed. All other portions of Committee Substitute for Senate Bill 172 are hereby approved.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris Secretary of State June 5, 1999

Dear Secretary Harris,

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval and transmit to you with my objections, Committee Substitute for Senate Bill 748, enacted during the 101st Session of the Legislature, since statehood in 1845, during the Regular Session of 1999, and entitled:

An act relating to pretrial detention . . .

This bill began as an excellent piece of legislation, named after an outstanding and dedicated law enforcement officer, who tragically lost his life in the line of duty when struck by a drunk driver. Trooper Robert Smith's life and career served as a shining example of the best resource our great state has to offer selfless and courageous individuals who tirelessly work for the public good. The "Trooper Robert Smith Act" began as legislation adding DUI manslaughter to the existing list of approximately 20 serious offenses for which a judge, under limited circumstances, can order a defendant to be detained in jail before trial without bond. The bill also made it easier for a judge to order pretrial detention for defendants charged with any one of these 20 serious offenses. These are worthwhile goals which I wholeheartedly support and were appropriately achieved in the name of one who so nobly gave his life while serving us all.

Unfortunately, at the last minute, an amendment was added to the bill which has caused me reluctantly to withhold my support of this fine bill. The amendment would eliminate public funding for pretrial services programs that exist in approximately half of Florida's counties, insofar as these programs concern the 20 offenses on the list. The amendment was offered at such a late stage that no legislative committee or staff member was able to analyze its effect and fiscal impact.

Almost without exception, prosecutors and sheriffs support the pretrial services programs eliminated by this amendment. These programs have been created at the behest of local officials and law enforcement officers as a way of supervising defendants who must be released before trial. These programs are used by some of our communities to help ensure safety from those who have been charged with crimes. For example, these programs allow judges to order defendants to wear electronic monitors to ensure that they comply with house arrest, to order random urinalysis to ensure that defendants do not use alcohol or illegal substances, to monitor defendants' activities to make sure they obey orders to stay away from alleged victims, and to monitor defendants' work and school schedules. All of these programs help make communities safer.

A few have argued that the amendment would increase public safety by making sure that more defendants are detained in jail before trial. But these arguments paint less than half the picture. Nothing in the amendment prevents a defendant from securing release from jail by posting bond. Moreover, under Florida law (even if I were to sign this bill), judges must offer bond to the vast majority of defendants they face, because the state Constitution affords the right to pretrial release in most circumstances. If I sign this bill, judges statewide would still have to allow bond for most of the defendants they face (including those charged with most of the 20 offenses on the list), but would not be able simultaneously to order electronic monitoring and other forms of supervision to keep track of these defendants before trial. In short, if I sign this bill, there would be more unsupervised defendants on the streets.

It may be true that this bill, as amended, would result in slight to moderate increases in jail populations, because the poorest of the poor could not afford bond. In counties which are currently not close to exceeding court-ordered jail population caps, this would mean increased costs—in other words, an unfunded mandate, yet another reason to veto

a bill containing an amendment that did not receive serious legislative scrutiny. But those supporters of the amendment who point to expected increases in pretrial detainees ignore the flip side of the equation: that every defendant who posts bond would walk the streets without supervision by local authorities. I am unwilling to take this risk to public safety, at least not until such time as the Legislature can take a close, hard look at this issue.

This was an extremely difficult decision for me because of my strong desire to honor Trooper Smith and because of the great merit found in the other portions of this bill. I respectfully, but strongly, urge the Legislature next session to pass the remainder of the Trooper Robert Smith Act. And to the extent there are pretrial services programs that are being abused or could stand improvement, I urge the Legislature to scrutinize them carefully next session, with due respect for local officials' opinions. It is, after all, these local officials and law enforcement officers who implemented these programs and believe they work for their communities. We should listen to them carefully as we all strive for increased safety for the citizens of our state.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris June 8, 1999
 Secretary of State

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Senate Bill 1846, enacted during the 31st Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 1999, and entitled:

An act relating to the tax on motor fuel; . . .

Committee Substitute for Senate Bill 1846 provides a refund of fuel taxes used by certain large motor coaches when idling for the purpose of running climate control systems and maintaining electrical systems for the motor coach. These provisions create inequitable tax treatment within the affected industry, provide no apparent economic development benefit, and implicitly encourage air pollution from idling buses.

It is for these reasons, I am withholding my approval of Committee Substitute for Senate Bill 1846 and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris May 27, 1999
 Secretary of State

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Senate Bill 2380, enacted during the 31st Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 1999, and entitled:

An act relating to local government comprehensive planning; . . .

Senate Bill 2380 contains provisions relating to local government comprehensive planning and hazardous walking conditions for school children.

My foremost concern with the bill relates to the criteria for determining hazardous walking conditions for school children. Senate Bill 2380 expands the definition of hazardous walking conditions found in Section 234.021(3), Florida Statutes, to include roadways that have six or more through lanes, excluding turn lanes, and the traffic volume exceeds 3,000 vehicles per hour through an intersection, whether or not crossing guards or other enforcement officers are also present during the times students walk to and from school.

This change in definition will increase the number of children eligible for school transportation. Although well intentioned, this provision will have a dramatic adverse impact on many Florida school districts. The General Appropriations Act provides a fixed amount of funds for public

school transportation which are formula allocated to districts. This formula is recalculated throughout the school year based on changes in student ridership. If this bill becomes law, many more students, primarily in the urban areas of the state, will qualify for funding. The increase in eligibility, without a corresponding increase in funding, will cause a substantial redistribution of funds from small districts to large urban districts and may require many districts to either reduce the level of transportation services provided or transfer funds from instructional activities to their transportation budget. Such modification in the law governing hazardous walking conditions should be adopted only after careful study so that the impact on the formula and the fiscal impact may be assessed. Any such legislation that clearly results in increased ridership should be accompanied by a budget increase to accommodate the workload.

The bottom line is that with the actual fiscal impact still undetermined, the proposed changes could result in millions of dollars being shifted from small and medium size districts to large urban districts. The amount shifted could easily exceed the sparsity supplement provided to small school districts and result in serious cost shortages. This unintended consequence has also raised the concerns of the Commissioner of Education and the Florida School Boards Association. Also, the potentially large number of new buses needed to implement the legislation would not be available until near the end of the next school year.

The safety of our children during, before and after school is of paramount concern. My action on this bill will in no way diminish my support for this important concern. I urge the Legislature to examine current policies regarding hazardous walking conditions and the two-mile standard for providing transportation in light of our changing landscape and society. If major changes are needed, we must ensure that the resources are available to successfully implement improvements without penalizing other school districts.

Senate Bill 2380 also provides for local governments to designate sites for future school locations, provides for local governments and school boards to agree to implement school concurrency, as a local option, and provides for collocating a new public educational facility with an existing public education facility. These three provisions are consistent with the intent of section 235.193(3), Florida Statutes, to promote the coordination of planning with local governing bodies. These provisions are also included in House Bill 17, which was enacted during the 31st Session of the Legislature, and which I intend to sign into law.

Another provision of Senate Bill 2380 was crafted to allow needed flexibility when siting school facilities. This flexibility is best created when local governments, school boards and parents work together to plan for the communities' future needs utilizing options available under current law. However, I am willing to review current statute to ensure that this flexibility exists and, if it does not, will support appropriate legislative changes in the future.

Finally, Senate Bill 2380 also brought an important issue to my attention as it relates to Section 163.3177(6)(c), Florida Statutes, which concerns local government comprehensive plans and the Department of Community Affairs' review of the suitability of soils for septic tanks. The Department of Environmental Protection, the Department of Health and the Department of Community Affairs each have some measure of control over the use, design and placement of onsite sewage disposal systems. However, this division of authority to regulate onsite sewage treatment systems between agencies as it presently exists results in unnecessary delay in the planning and permitting process and insufficient protection of water resources. In response to the Legislature's concern, I have directed my agencies to study this issue and to provide recommendations to resolve this problem. In vetoing Senate Bill 2380, this provision will not become law at this time. However, I intend to address this issue administratively, and, if needed, recommend a legislative change next year.

For reasons related to the uncertain and potentially disparate impacts of changing the hazardous walking conditions criteria, I am withholding my approval of Senate Bill 2380, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Katherine Harris
Secretary of State

May 27, 1999

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of portions of Senate Bill 2500, enacted during the 31st Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 1999, and entitled:

An act making appropriations; providing moneys for the annual period beginning July 1, 1999, and ending June 30, 2000, 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.

Florida has been fortunate. Blessed with a healthy economy and a Legislature that has recognized the needs of its children, working families and the neediest among us, we now have a fiscal plan for next year that will broadly sweep much good across our state. The fiscal year 1999-2000 budget tells the story of a state with a shared vision of its highest priorities. It is the story of a state ready and eager to face the challenges of a new century.

The story begins with education. The resources we will dedicate next year to the vital mission of teaching our children will exceed that of any prior administration at any prior point in our state's history. Over the next few years, we will begin the process of ensuring that a world-class education is not a reward for being well-off, but a right that comes with accessing a model public school system. To help jumpstart these reform efforts, the budget includes a public school funding increase of nearly \$1.4 billion, the largest increase in K-12 funding ever. With a 7.1% increase in education spending for operations, each student will receive \$206 more dollars this year to enhance their scholastic experience. Over \$525 million of the total will go to local schools without strings attached for remediation efforts, so students can get the help they need to be promoted to the next grade on time. To alleviate crowded classrooms, another \$1.6 billion will be available to fund school construction and maintenance.

And when our children graduate from high school next year, they will enter a higher education system that will also be experiencing record increases in funding. Our state university system will receive \$221.4 million more than the previous year to help implement the Board of Regents' strategic plan, and to broaden opportunities for all Floridians. Of course, in this year of historic increases in funding for state universities, it would be unfair to place the added financial burden of a possible 10% increase in tuition on university students and their families. Therefore, I am vetoing the across-the-board 5% tuition increase that would be levied at each Florida public university, but will let stand the 5% differential tuition increase. This action will pave the way for universities to raise tuition based on need and mission without unduly hindering efforts of students and families to pay for a quality higher education.

Florida's historically black colleges, will receive a 52% increase in state assistance so that they may provide more four-year college degrees to an often-underserved portion of our state population. Also, our community colleges, sometimes overlooked and overshadowed by Florida's prestigious universities, will now have an additional \$65.3 million to apply to improved education services for students completing the first two years of a four-year degree, and to workforce training for Floridians returning to the working world or being retrained for high-demand jobs.

And when these graduates enter the economy, they will indeed find jobs, high-skilled, high-wage jobs. Our business climate will be fueled by \$1 billion in tax relief, again a historic first. Property tax cuts totaling \$291 million, an unemployment compensation tax cut of \$187 million, and \$265 million in intangibles tax relief directed toward our state's elderly population and small businesses, will help to buoy investment, savings and job creation. The average Florida family will see a tax savings of almost \$50, and the average Florida business will be able to reinvest \$1,600 into salaries, improvements and expansions.

And these same hard-working Floridians will find this budget also greatly improves their quality of life in the areas relating to crime and our environment. There is additional funding to enhance civil commitment proceedings against violent sexual predators, and \$46.1 million more for drug treatment, prevention and enforcement programs, a 26% increase over last year. Specifically, our drug treatment funding will expand by 24%, allowing 27,000 more Floridians to receive services.

Floridians will also be able to enjoy more of our greenspaces and natural treasures such as newly acquired beaches, parks, preserves and trails. We will fund the final year of the Preservation 2000 program, and look forward to the implementation of its successor, Florida Forever, which will place a greater emphasis on urban greenspaces and water resource development. Until the implementation of Florida Forever, however, local parks will receive a boost of \$12.2 million for expansion and refurbishment, and SWIM water bodies will begin to receive \$21 million for restoration efforts, some of which will complement and enhance the Everglades Restudy.

And finally, when it is time to raise a family, or to care for a disabled loved one, a sick child or an aging parent, Floridians will be comforted by a state budget that has added value and compassion to the community around them. While compassion cannot be measured in dollars alone, the prior lack of funding in child welfare services, developmental services and elder programs has inhibited families and friends from advancing the quality of life for the neediest among us.

Gratefully, this Legislature has done what others have not. It has taken the first steps toward providing comprehensive relief and reform for our social services system. To the developmentally disabled, the new budget offers an unprecedented increase of \$205 million to draw down the 10,000 person waiting list of those needing basic services and to provide a choice-based, consumer-driven system that puts the disabled, not bureaucrats, in control of their own lives. This is the largest increase in developmental services in the history of Florida. To the abandoned, abused and neglected children of our state, it offers an additional \$145 million to improve foster care, child protection and adoption services—also an unprecedented increase of 35%. This will help to ensure that every child has a loving, caring place they can call home. For an additional 25,000 children in Florida, \$52 million will be used to enroll them in the state's Kidcare program. To the elderly, nearly \$10 million will be used to improve Florida's Community Care for the Elderly program. This will allow 8,000 out of 11,700 seniors on the waiting list to age in place, at home and in their communities. And finally, to the future generations of Floridians who will need the assistance of all these services, the Legislature established the Lawton Chiles Tobacco Endowment to expand the life and buying power of Florida's \$13 billion settlement with the tobacco industry. Interest earned by this \$1.7 billion endowment fund will be used to pay for the growth in Florida's human services needs.

In addition to the Legislature's awesome leadership role in addressing the aforementioned state priorities, the budget also includes its fair share of special projects—individual budget items that could amount to a questionable use of state funds.

Regardless of one's characterization of these funding items, my starting premise for consideration of these expenditures was rooted in two core beliefs about state government's relationship with the people it aspires to serve: **First, tax dollars received by the state are a limited resource that must be shown the greatest respect by the public servants entrusted to spend them.** It is a privilege to spend other people's money. We must take care to ensure that our appetite in exercising this privilege does not become ravenous. **And second, government cannot grow faster than our ability to pay for it.** What ultimately goes to fund a special project comes straight from the dinner tables of working class families, the desks of school children and the savings of our elderly.

The line-item veto power vested by Article III, Section 8, of our State's Constitution places ultimate responsibility for protecting the public's tax dollars with the Governor. And, as a first-term Governor going through his first budget, I can attest that this was a particularly difficult and time-consuming process. No decision was made without some degree of sympathy for legislators, citizens and advocates who worked hard to seek funding for these projects.

In total, my line-item vetoes represent approximately \$313 million, which will be placed into the state's reserve funds for future needs. This dollar amount is equal to the cumulative total of all funds vetoed in the last 5 years, and was the largest amount vetoed in the last two decades.

Unfortunately, a significant portion of taxpayers' hard-earned dollars that went toward these vetoed special projects were allocated without an open and full evaluation of merit. While many member projects may be valuable to their local communities, without an independent review of their merits and a fair, statewide allocation, it is impossible to fairly make sound determinations. There is simply no way to know whether

many of these projects are an effective use of the state's limited resources.

Keeping this in mind, and with literally hundreds upon hundreds of special projects to evaluate, we established a process aimed at depoliticizing and making more objective the manner in which we appropriate taxpayers' dollars.

First, we asked whether the project had an overall statewide benefit, as opposed to benefiting just one or a few select localities. This was the criterion that carried the greatest weight. Included in our state's budget were such worthy endeavors as Visionquest, a program that received \$750,000 to provide eyeglasses to poor children statewide, \$26.4 million to provide lifesaving medicine to an additional 2,500 HIV/AIDS patients statewide, \$3.5 million for statewide mentoring programs, and \$260,000 for emergency rescue teams to provide specialized statewide, national and international search and rescue services for catastrophic events such as hurricanes, earthquakes and terrorist attacks. On the other hand, those projects or programs with primarily a local benefit, we believe, should be more appropriately funded through local governments, not for profit organizations, or private entities.

Second, we asked whether the project possessed an overall public benefit to help the public at-large rather than narrowly defined special interests. Since social service areas, such as child welfare, children's health and developmental services, are already underfunded, many projects relating to these areas were determined to carry an overall public benefit, and further the priorities of my budget.

Third, we asked whether the project went through an objective, competitive review process already established. For example, we asked whether the project made a ranked list generated by a state agency, or met some objective criteria whereby the value of the project could be measured against other similarly situated programs or projects. Existing review processes, which often culminate at the state level, generally begin at the local level as an unmet need. These are compared with other unmet needs across the state, and recommended based on the limited resources available. Therefore, in terms of expanding Florida's cultural, literary and historical opportunities, we funded projects totaling \$97 million that were evaluated by the Department of State, but recommended by the Florida Historic Preservation Advisory Council, the Florida Museum Grants Advisory Committee, and/or the Florida Arts Council.

Finally, we asked whether there were any technical problems with funding a particular project such as using an inappropriate source of funding, or using an inappropriate agency for the function. For example, there were programs funded through the Department of Education that should have been funded through the Department of Children and Families.

Using these criteria, we reviewed each special project, line by line, program by program. The process was not infallible, and neither was I, but from an historical perspective, it was one of the most deliberate ever applied. During the constitutionally mandated 15 days I had to review the budget, I spent nearly 50 hours in briefings with my budget staff through long days and weekends personally evaluating special project appropriations. Each project was given a fair hearing as to whether it met the criteria, did not meet the criteria, or fell into a gray area where some prerequisites were met and others were not. To be as objective as possible, these budget items were also presented to me without the names of legislators, supporters or friends attached to each appropriation. As more information was gathered and processed, this review repeated itself throughout the course of the two weeks, leaving Floridians with a select list of projects and programs that had the benefit of an objective review process.

In the end, though, the greatest needs of the state are often the ones that are greatly underfunded. Despite this year's record funding for K-12 schooling, new students will continue to place increasing demands on our schools and school teachers. We need an additional \$100 million to address the most basic needs of our state's developmentally disabled. Seventy thousand children still remain without healthcare insurance. There will still be nearly 4,000 seniors on a waiting list, anxious to receive community-based care so they can keep living in their own homes instead of in nursing homes. And we are in dire need of a statewide comprehensive water policy that addresses stormwater, wastewater and surface water needs, including funding for the massive Everglades Restudy project. The monies that were earmarked for vetoed special projects were dollars that could have been, and should have been, applied to these pressing demands.

Instead, these dollars will now go to boost our state's reserve funds to further prepare for catastrophic events, such as natural disasters or the bottom falling out on our state's economy. I am more than satisfied with this result. Florida will now have a total of \$2.5 billion in its reserves, the best in the state's modern history. This is, again, sound conservative fiscal policy.

I regret, however, there will be legislators, and many good Floridians, who will be disappointed by my veto actions. Friendships may need mending, and good projects may be left with less funding. But government must mean something more than unfettered, unfiltered spending if it is to capture the confidence of our taxpayers. There must be a process where all projects and programs can be evaluated on their merits, and not their ability to hire expensive lobbyists or to prey on the consciences of hard-working, well-intentioned legislators.

Before the next legislative session, I will be working with the leadership in the House and Senate to establish processes at the state level where they do not exist, or in local communities through block grants, for providing a competitive, objective analysis of member projects. This will clearly mark the way next year for programs and communities seeking state funding for their pressing issues. It will also win the respect of taxpayers who look to their leaders to exercise the same prudence in expending tax dollars as they do in expending their own family income.

Again, this is an historic budget for many reasons, especially for the amazing good that we will accomplish with these resources. This Legislature helped to redefine the role of limited government, and establish our commitments for the next generation of Floridians. Nevertheless, for the reasons previously noted, I have decided to take the following actions:

SECTIONS 1 AND 2—EDUCATION

The healthy condition of both the national and state economies has allowed the state to allocate resources generously to education, my top priority. Total funding for the educational system, including state, local, and federal funds increased by \$1.4 billion. Total funding for education facilities is provided at \$1.6 billion. In the public school system, funding to support our A+ education initiative has been provided and the K-12 system has received an overall increase of 7.1% over the current year.

Our postsecondary education systems have also received significant funding increases to help them provide enhanced educational services to greater numbers of students seeking two- and four-year degrees and improve opportunities for workforce development training, goals that are critical to the continued economic development of the state. Our community colleges have benefited from the reduction in contribution rates to the state retirement system. With the more than \$36 million that the colleges will not have to pay in 1999-2000, the system reaped an overall increase in funding of 8.2%. The state university system received additional funding totaling \$221.4 million, a 10.4% increase over the current year.

My obligation to recommend and approve statewide policy relating to tuition requires that I examine the tuition increases appropriated in the budget to make sure they represent sound fiscal policy. I do not believe in times of fiscal prosperity that the state should increase students' education cost significantly. The Legislature has provided for a 5% across-the-board tuition increase in addition to a differential tuition increase for the state university system (SUS). Based on my review, an across-the-board 5% increase in matriculation and out-of-state fees in the SUS is not in the best interest of the university system because the system will receive a significant increase in state funding next year and because a large tuition increase, may place a financial hardship on many students and adversely impact access to higher education. In the State University System of Florida Strategic Plan: 1998-2003, the Board of Regents stated its intention to pursue funding to implement a 10% differential tuition increase and I recommended a 6.5% differential tuition increase in my Executive Budget. In implementing a differential tuition, the Board of Regents will consider requests from individual universities, including the needs of each institution's student population before making a decision. This approach will, I believe, more aggressively protect the interests of students.

Many commendable and needed education programs have been funded in this budget. With the 40% increase that is provided for the Safe Schools program, our schools will have resources to become safer places to learn. Statewide programs that provide mentoring services to children at risk of dropping out of school or who most need additional services to succeed in school have received funding. Examples of these

are Big Brothers and Big Sisters, the Black Males Explorers, and Boys and Girls Clubs. My recommendation to provide a flexible pool of funds which school districts may use for class size reduction, extended school year, tutoring, or summer school was accepted and funded at \$525 million.

The additional extended school year program although well-intended, would require schools to extend the year to 210 days. Current law sets the school year at 180 days; schools would be required to make a change after already beginning a program designed for 180 days. Such a major change in a school's calendar requires prior planning and consensus building among parents, teachers, and the community before the beginning of the school year. It is inappropriate for schools to extend the school year in the same year they have began a 180 day calendar. I am letting stand, however, an appropriation for planning grants for school districts to determine whether an extended program is advisable for future years. This is still very much an open question. Flexible, equitable funds are provided in the Class Size/Supplemental Instruction and Extended School Year categorical to all districts to operate an extended school year program if they choose to implement such a strategy.

I am pleased, also, that funding is included in the education budget for facilities and other projects that have been evaluated and recommended for funding by the appropriate education systems and their governing boards. However, the education budget also includes funding for issues that target specific populations or areas of the state to the exclusion of other citizens; earmarks for specific programs and service providers that limit the agency's ability to weigh the merits of programs in making allocation decisions; funding for projects whose inclusion represents an attempt to circumvent an established statewide funding process; and items that simply do not demonstrate an educational purpose.

There are many items in the education budgets that serve a broad public purpose. There are also items that target a specialized population and provide a purely local benefit. All of our education systems receive lump sum state funds and each school district, community college or state university can decide whether to allocate funds to projects such as these from their allocation. Such items could also be funded from private, nonprofit, or local government funds. The following items are vetoed because they fall in this category.

I hereby veto portions of proviso language following Specific Appropriation 3 on pages 2 and 3 appropriating \$359,000 from the Educational Enhancement Trust Fund to the We Change Foundation Reading Program and for swimming instruction:

"From the funds provided in Specific Appropriation 3, that are allocated to Palm Beach County, \$159,000 shall be used for the We Change Foundation Reading Program.

From the funds provided in Specific Appropriation 3, that are allocated to Broward county, \$200,000 shall be used for swimming instruction for children with economic need as determined by the free lunch eligibility criteria."

I hereby veto portions of proviso language following Specific Appropriation 104 on pages 36 and 37 appropriating \$1,015,000 from the General Revenue Fund for Amer-I-Can, Foundation for Computer Education, and Florida African Cultural Education Program:

"From the funds provided in Specific Appropriation 104, \$900,000 is provided for the Amer-I-Can Program, Inc., to implement and operate its self-improvement and life skills training program in Dade, St. Lucie, and Gadsden counties.

From the funds provided in Specific Appropriation 104, \$40,000 shall be provided to the Foundation for Computer Education and \$75,000 shall be provided to the Florida African Cultural Education Program."

I hereby veto Specific Appropriation 117A on page 47 appropriating \$600,000 from the General Revenue Fund for SER/SABER/Youth Co-op:

"117A AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SER/SABER/YOUTH CO-OP FROM GENERAL REVENUE FUND	600,000"
--	----------

I hereby veto Specific Appropriation 122A on page 53 appropriating \$350,000 from the General Revenue Fund for the Children's Resource Fund:

"122A SPECIAL CATEGORIES GRANTS AND AIDS - CHILDREN'S RESOURCE FUND FROM GENERAL REVENUE FUND	350,000"
---	----------

I hereby veto Specific Appropriation 125A and accompanying proviso on pages 53 and 54 appropriating \$200,000 from the General Revenue Fund for World Class Schools:

"125A SPECIAL CATEGORIES GRANTS AND AIDS - WORLD CLASS SCHOOLS FROM GENERAL REVENUE FUND	200,000
--	---------

Funds appropriated in Specific Appropriation 125A are provided for the Jacksonville Chamber Foundation to implement the World Class Education program promoting business and community involvement in setting high educational standards for all students, implementing a standards-based accountability system in public schools and strengthening school system operations. These funds must be matched by cash funds from the Chamber of Commerce Foundation in an amount that is not less than one dollar of private funds for each dollar of state grant funds. All expenditures must be accounted for and a final report must be made to the President of the Senate and Speaker of the House of Representatives on the objectives achieved."

I hereby veto Specific Appropriation 133A and accompanying proviso on pages 55 and 56 appropriating \$750,000 from the General Revenue Fund for Work Keys:

"133A SPECIAL CATEGORIES GRANTS AND AIDS - WORK KEYS FROM GENERAL REVENUE FUND	750,000
--	---------

Funds appropriated in Specific Appropriation 133A are provided for a Work Keys program in Duval County. These funds will provide 50% of the support needed for the Work Keys System with the remainder of the funds provided from business or local funds. The goal of the Work Keys System is to create partnerships between the school system and chamber of commerce to help students in essential skills needed to successfully enter the work force and pursue higher education. The skills are to include: listening, applied mathematics, locating information, reading for information, applied technology, observation, teamwork, and writing. The System is to develop independent, self-directed students who will become productive, responsible citizens by attaining gainful employment in a career of their choice that matches their skills and interests; provide systemic change in the delivery of workplace skills to students; and to create a continuing partnership between business and education in support of the lifelong learning process. All expenditures must be accounted for and a final report must be made to the President of the Senate and the Speaker of the House of Representatives on the objectives achieved."

I hereby veto portions of proviso language following Specific Appropriation 134 on page 56 appropriating \$550,000 General Revenue Funds for Old Home Town and the Tropical Garden Educational Network:

"\$150,000 is provided for Old Home Town; \$400,000 is provided for the Tropical Garden Educational Network;"

I hereby veto Specific Appropriation 141A on page 58 appropriating \$95,000 from the General Revenue Fund for Sisters Community Education:

"141A AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SISTERS COMMUNITY EDUCATION FROM GENERAL REVENUE FUND	95,000"
---	---------

I hereby veto Specific Appropriation 142B on page 60 appropriating \$100,000 from the General Revenue Fund for Probationers Educational Growth:

"142B AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - PROBATIONERS EDUCATIONAL GROWTH FROM GENERAL REVENUE FUND	100,000"
---	----------

I hereby veto a portion of proviso language following Specific Appropriation 154 on page 69 appropriating \$200,000 from the General

Revenue Fund to Miami-Dade Community College for the Miami Book Fair:

"From the funds in Specific Appropriation 154 appropriated to Miami-Dade Community College, \$200,000 shall be expended for the Miami Book Fair."

Public tax dollars appropriated for the benefit of Florida's citizens must have a logical connection to the portion of the budget from which they are provided, and the item below fails this standard. The following item does not demonstrably serve any discernible educational purpose.

I hereby veto a portion of proviso language following Specific Appropriation 42C on page 20 appropriating \$300,000 from the General Revenue Fund for Fixed Capital Outlay Public Education Facilities:

"IFAS Bradenton Recreation Facilities - 66th St. Park 300,000"

Established, uniform statewide funding processes are provided in state law for the operations and capital outlay needs of Florida's educational institutions. State universities and community colleges develop annual priority lists for capital outlay funding and the establishment of academic and workforce education programs, which are modified and approved by state governing boards. Public schools receive funds from legally established state and local sources and are expected to use those sources to meet their capital outlay obligations. Regrettably, the uniform processes are not always followed in the state budget. The state university, community college, and K-12 items below attempt to circumvent established funding procedures and priorities. Other items below which do not benefit an educational institution or system run contrary to recent changes in Florida law. For example, section 235.196, F. S., which allowed the use of Public Education Capital Outlay funds for community education centers was repealed in 1995. To allow funding for these centers is contrary to the intended use of state dollars for educational facilities. For these reasons, I hereby veto the following items.

I hereby veto Specific Appropriation 31B and accompanying proviso on page 10 appropriating \$2,000,000 from the General Revenue Fund for increased access to the baccalaureate degree:

"31B SPECIAL CATEGORIES GRANTS AND AIDS - INCREASED ACCESS TO THE BACCALAUREATE DEGREE FROM GENERAL REVENUE FUND 2,000,000"

Funds in Specific Appropriation 31B are to be released by the Commissioner upon certification to him by the Postsecondary Education Planning Commission that a community college has successfully met the requirements for a baccalaureate degree granting institution to begin offering a new baccalaureate program at the community college's campus or center. Funds provided through this appropriation may be expended for start-up expenses related to the new degree program as described in the college's proposal reviewed and recommended by PEPC."

I hereby veto Specific Appropriation 34A and accompanying proviso on page 11 appropriating \$500,000 from the General Revenue Fund for Fixed Capital Outlay Vocational-Technical Facilities:

"34A FIXED CAPITAL OUTLAY VOCATIONAL-TECHNICAL FACILITIES FROM GENERAL REVENUE FUND 500,000"

From the funds provided in Specific Appropriation 34A, \$250,000 is appropriated to the Palm Beach County School Board for renovation and remodeling of vocational facilities to other student instructional space. \$250,000 is appropriated to the Palm Beach Community College for planning, site work and construction for new vocational instructional space."

I hereby veto a portion of proviso language following Specific Appropriation 37 on page 13 appropriating \$1,200,000 from the Public Education Capital Outlay and Debt Service Trust Fund for Edison Community College:

"Alternate Ingress/Egress - Collier County Campus 1,200,000"

I hereby veto a portion of proviso language following Specific Appropriation 37 on page 16 appropriating \$2,600,000 from the Public

Education Capital Outlay and Debt Service Trust Fund for Valencia Community College:

"Land Acquisition 2,600,000"

I hereby veto a portion of proviso language following Specific Appropriation 38 on page 17 appropriating \$7,590,000 from the Public Education Capital Outlay and Debt Service Trust Fund for University of Central Florida:

"Orlando Performing Arts and Education Center (partial) (P,C,E) 7,590,000"

I hereby veto portions of proviso language following Specific Appropriation 42B on page 19 appropriating \$14,500,000 from the General Revenue Fund for Fixed Capital Outlay Education Facilities Matching Grants:

"Florida State University New Research School 10,000,000
Indian River County School District Community Auditorium 3,500,000"
"Loxahatchee Preserve Educational Center 1,000,000"

I hereby veto portions of proviso language following Specific Appropriation 42C on pages 19 and 20 appropriating \$13,369,325 from the General Revenue Fund for Fixed Capital Outlay Public Education Facilities:

"Chipola Junior College/Jackson School District Classroom Lab Facility 1,600,000
Florida Atlantic University Henderson Lab School Addition (P,C,E) 1,700,000
St. Lucie County School District Agricultural Education Center (P,C,E) 4,219,325
BOR Regents Center/Lively Arts/Volusia County (P) 150,000"
"St. Lucie West/FAU extension 1,300,000
FAU Co-Ed Multi-Use Athletic Facility Planning 500,000"
"IFAS Lab Building Restoration Bradenton (P,C,E) 200,000"
"Valencia CC/UCF Jt. Use Learning Resource Ctr, Classrooms, Lab, with parking (P,C) 2,700,000
Tallahassee CC Land Acquisition 1,000,000"

"The \$150,000 provided from General Revenue Funds for the BOR Regents Center/Lively Arts/Volusia County in Specific Appropriation 42C is to conduct a feasibility study to establish a community fine arts, production, exhibit, and instructional facility in Daytona Beach. The study may include conceptual planning, operational planning, financial feasibility analysis, and preliminary architectural design work. The study shall be conducted by the Board of Regents and may include participation by the University of Central Florida, Florida State University, Daytona Beach Community College, and members of the community."

I hereby veto a portion of proviso language following Specific Appropriation 43B on page 21 appropriating \$3,000,000 from the General Revenue Fund for a joint charter technical center:

"Martin County School District/IRCC Charter Career Tech Center 3,000,000"

I hereby veto Specific Appropriation 43C on page 21 appropriating \$4,000,000 from the General Revenue Fund for Grants and Aids to Local Governments and Nonprofit Organizations—Fixed Capital Outlay Broward Museum of Discovery:

"43C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY BROWARD MUSEUM OF DISCOVERY FROM GENERAL REVENUE FUND 4,000,000"

I hereby veto a portion of proviso following Specific Appropriation 97 on pages 34 and 35 appropriating \$200,000 from funds provided for the Work Experience Program for Florida Community College at Jacksonville:

"From the funds provided in Specific Appropriation 97 for the Florida Work Experience Program, \$200,000 shall be allocated to Florida Community College at Jacksonville. FCCJ is authorized to develop a pilot project to expand access for vocational students enrolled in PSAV programs of at least 150 hours in length. The college shall determine financial need and submit an evaluation report including recommended rule revisions to the DOE upon completion of the project."

I hereby veto Specific Appropriation 147A and accompanying proviso on page 61 appropriating \$3,800,000 from the General Revenue Fund for Centers of Excellence:

"147A AID TO LOCAL GOVERNMENTS
CENTERS OF EXCELLENCE
FROM GENERAL REVENUE FUND 3,800,000

Funds appropriated in Specific Appropriation 147A are provided for Florida Community College to develop an aerospace technology program at Cecil Field. These funds may be used as needed for renovating buildings, purchasing equipment, and employing instructors. From the funds provided in Specific Appropriation 147A \$200,000 shall be provided under contract from Florida Community College to the Duval County School Board to develop a plan for a regional Federal Aviation Administration approved high school at Cecil Field to provide high skill workers for the aviation industry."

I hereby veto Specific Appropriation 162A and accompanying proviso on pages 72 and 73 appropriating \$2,500,000 from the General Revenue Fund for Business Incubator Centers:

"162A SPECIAL CATEGORIES
GRANTS AND AIDS - BUSINESS INCUBATOR
CENTERS
FROM GENERAL REVENUE FUND 2,500,000

Funds in Specific Appropriation 162A are provided as matching funds for funds from NASA and local sources to support the Florida Technology Business Incubation Center Network (FTBIC). These funds shall be administered by Technological Research and Development Authority (TRDA) and allocated as follows:

Florida Community College	460,000
Tallahassee Community College	350,000
Gulf Coast Community College	65,000
Valencia Community College	500,000
Indian River Community College	500,000
Seminole Community College	500,000
Program Administration (TRDA)	125,000"

I hereby veto portions of proviso language following Specific Appropriation 180 on page 82 appropriating \$954,000 from the General Revenue Fund for Lump Sum Educational and General Activities:

- "13) \$204,000 for Art Gallery Equipment and Lighting-UWF"
- "15) \$300,000 to the College of Human Sciences and the Chiropractic Biomechanical Research Center for chronic disease prevention-FSU
- 16) \$150,000 for Hands in Action/School and Friends-FIU
- 17) \$300,000 for FAU/Broward Performing Arts Center"

I hereby veto portions of proviso language following Specific Appropriation 183 on page 86 appropriating \$8,600,000 from the General Revenue Fund for Lump Sum University of Florida Health Center Operations:

- "5) \$1,600,000 for the Joint Allied Health Education Program-UF/FCCJ"
- "7) \$2,500,000 for Program Quality Enhancement-UF Health Center/Jacksonville
- 8) \$1,500,000 for the Gastrointestinal Disease Laboratory Expansion-UF Health Center/Jacksonville
- 9) \$3,000,000 for the Network Database- University Medical Center/Jacksonville"

Strong business and education partnerships can yield many benefits to the citizens and to Florida's economy. Although these partnerships

should be encouraged, a thorough long-term plan must be developed and accountability measures put in place before the state commits to projects that may require a recurring and growing state commitment. Although this item was included in the agency request, I am obligated to take a cautious approach to the commitment of state funds.

I hereby veto a portion of proviso language following Specific Appropriation 180 on page 82 appropriating \$500,000 from the General Revenue Fund for Lump Sum Educational and General Activities:

"12) \$500,000 for the I-95 Corridor-FAU, FIU"

I hereby veto Specific Appropriation 72A and accompanying proviso on page 28 appropriating \$500,000 from the General Revenue Fund for St. Thomas University Cuban American Oral History Project:

"72A SPECIAL CATEGORIES
GRANTS AND AIDS - ST. THOMAS UNIVERSITY/
CUBAN AMERICAN ORAL HISTORY PROJECT
FROM GENERAL REVENUE FUND 500,000

Funds provided in Specific Appropriation 72A shall not be released until an operational and specific tasks plan has been approved by the Postsecondary Education Planning Commission."

I hereby veto Specific Appropriation 211A on page 94 appropriating \$5,353,550 from the General Revenue Fund for Fixed Capital Outlay Florida State University:

"211A FIXED CAPITAL OUTLAY
FSU DEFERRED MAINTENANCE-SCIENCE BLDGS
FROM GENERAL REVENUE FUND 5,353,550"

I hereby veto portions of proviso language following Specific Appropriation 117C on pages 50 and 51 appropriating \$16,140,000 from the General Revenue Fund for operational grants for extended school year and \$500,000 for a summer training program:

"Each district shall receive an allocation for the operation of an extended school year which shall be calculated by (1) multiplying each district's FEFP base funding amount (2) times the number of weighted students participating in an extended school year divided by the total weighted student enrollment of the district, (3) times 1/6, and (4) times 1/2. If the amount required to fund planning grants and operations grants for all eligible schools exceeds the amount of the appropriation, the Commissioner shall fund the cost of extended school year operations on a first-come first-served basis. Only those 234 schools that indicated an interest in an extended school year in response to the Department of Education's February, 1999, extended school year survey shall be eligible to receive funds appropriated in Specific Appropriation 117C. In the event more than 50% of the 234 eligible schools submit an implementation plan by the January 1, 2000 deadline, the Commissioner of Education shall consult with the President of the Senate and the Speaker of the House of Representatives regarding the full annualized cost of implementing an extended school year for the 2000-2001 year for all schools that have submitted their implementation plans.

The Commissioner of Education shall not authorize the release of any funds for operations for any school until that school certifies that its planning process is complete and that it is ready to fully implement the extended school year.

Any school that operated a 210-day extended school year in 1998-99 shall receive funds for the operation of an extended school year for the 1999-2000 school year from the funds appropriated in Specific Appropriation 117C."

"From the funds appropriated in Specific Appropriation 117C, \$500,000 is provided for a summer training program for persons representing schools which have chosen to implement an extended school year and which qualify for extended year planning funds for 1999-2000."

However, I will let stand the \$23,360,000, provided to the 234 eligible schools for extended school year planning grants.

I hereby veto a portion of proviso language on page 76 preceding Specific Appropriation 179 providing a 5% across-the-board tuition increase for the state university system:

"Funds in Specific Appropriation 180 through 183 provide for a 5% increase in matriculation and out-of-state fees for a total of \$16,982,006."

SECTION 3—HUMAN SERVICES

This session, working with the Legislature, we achieved an historic funding increase in health and human services programs of nearly \$1 billion. This increase will move us toward our goals of protecting our children from abuse and neglect, allowing our seniors to age in their homes, expanding Kidcare to serve all eligible children, addressing the needs of the developmentally disabled, and reducing substance abuse in Florida. In addition, future funding needs of these programs will be protected through the creation of the Lawton Chiles Endowment, which will preserve tobacco settlement funds for future generations through spending only the earnings.

This budget also provides other health and human services benefits. We will be expanding access to dental care for both adult Medicaid recipients and for the uninsured in our health departments, funding heart transplants for adult Medicaid recipients, increasing Medicaid physician fees for emergency care and pediatric care, increasing reimbursement to nursing homes for patient care, assisting our level I trauma centers to obtain badly needed medical equipment, creating a system to assist rural hospitals in remaining financially viable, providing resources for children's hospitals, expanding services for the mentally ill, and keeping sexually violent predators confined and under treatment until they no longer represent a threat to the public.

Unlike other areas of the budget, I am approving many of the member projects within the health and human services section of the budget. I am doing this for several reasons.

First, health and human services programs have historically been underfunded in Florida. Therefore, there exists a significant unmet need for these services across the state. Approval of these projects will help us address some of these unmet needs, particularly in the critical areas of health care for kids, child welfare, aging-in-place programs for our seniors, developmental services enhancements, substance abuse treatment programs, and services for our citizens with mental illness.

Second, it is my policy to approve only those programs that have been systematically reviewed and selected for funding on a competitive basis. Due to the lack of new funding in the past, the previous administration had few adequate mechanisms in place to systematically review and evaluate the merits of proposals for health and human services programs. Therefore, I am approving these projects based on my review and determination that the projects are consistent with my goals for health and human services program enhancements.

Third, although the Legislature worked with me to provide historic funding for my priority health and human services programs, they fell just short of achieving my desired level of funding in some areas. For example, I requested \$26 million in enhanced funding for aging-in-place programs for the elderly, which will allow our seniors to attain independence and security by making sure their needs are met and engaging them in our neighborhoods, communities and economy. The Legislature, however, provided \$20 million in categorical new funding for this program. By approving 19 member projects totaling \$5 million, total funding increases for aging-in-place programs are \$25 million.

Likewise, I requested \$210 million in new funding for serving our citizens with developmental disabilities. The Legislature's appropriation fell short of my request by just \$10 million. Here again, by approving all 12 member projects for community-based services designed to serve the developmentally disabled, for a total of \$3.7 million, I will more closely approach the goal I have set.

In terms of child welfare enhancements, the Legislature exceeded my budget request of \$101 million by providing \$131 million in new funding. Still, we are learning the needs in this area are even greater than we originally anticipated. Approving 16 child welfare related member projects totaling \$14 million will assist us in meeting the rapidly growing need and increase total spending on child welfare by \$145 million, which is a 35% increase over the current year.

In the area of substance abuse and mental health services, the Legislature exceeded my request of \$35.8 million by providing \$56.4 million for prevention, intervention and treatment services. These funds include provisions for mental health equity, a juveniles incompetent to proceed program, and confinement and treatment for sexually violent predators. In addition, the approval of 19 substance abuse related and 24 mental health related member projects totaling over \$16.7 million will also assist the department in addressing current waiting lists and demands for these types of services.

For public health, this budget commits significant resources to addressing the critical needs I identified. This budget continues my goal of curtailing youth smoking through funding of the Florida Tobacco Pilot Program. Although funding for the program in this budget is less than I requested, the basic focus of the program will remain the same. I am approving the member issues in this budget that fund renovation or construction for 14 family health facilities, 13 county health departments, 2 children's Medical Services clinics, and fund 21 other local health care initiatives. Approval of these issues will enhance our ability to provide primary care to our uninsured children, as well as serve other vital health care needs. Finally, this budget includes my request for \$26.5 million for the AIDS Drug Assistance Program, which will allow us to provide drug therapy to approximately 2,500 additional HIV-infected persons.

Expanding health care for children is a major priority for my administration. Medical evidence suggests that children have better medical outcomes when provided care in a system designed specifically to meet their needs. Historically, federal funds have been available through the Medicare program to build general hospitals, but no major sources of specific funding have been available to construct children's hospitals. In addition, children are more likely to be uninsured than adults, making the financial viability of children's hospitals less certain. Therefore, I am approving member projects which fund children's hospitals.

Although I am approving many member projects, there are several types of member projects where I am withholding approval.

The Legislature presented me with a series of member projects that provide direct funding for public and private hospitals across the state. Funds are appropriated for indigent health care, purchase of specialized medical equipment, and support of service delivery. These hospitals are excellent facilities that provide state-of-the-art medical care. In addition, these facilities shoulder the burden in their communities for providing care to the uninsured. There are many other deserving hospitals across the state, however, which have not sought a direct legislative appropriation. Over the years state programs have been implemented to financially assist hospitals in a systematic fashion, such as the Medicaid Disproportionate Share program (DSH). Not only does the DSH program fund hospitals by type through a systematic, formula-driven process, it also combines local, state, and federal matching funds. Most communities with large health care systems provide funding through local sources, including special tax districts, a public health trust, or direct appropriation. It would be inequitable for the state to fund those hospitals that local communities with the means have failed to fund or failed to fund adequately. Therefore, I veto the following projects.

I hereby veto Specific Appropriation 464 and related proviso on page 159 appropriating \$4,000,000 from the Tobacco Settlement Trust Fund:

"464 SPECIAL CATEGORIES GRANTS AND AIDS-SHANDS TEACHING HOSPITAL FROM TOBACCO SETTLEMENT TRUST FUND	4,000,000
---	-----------

Funds in Specific Appropriation 464 are for indigent care at the Shands Hospital in Jacksonville."

I hereby veto portions of proviso language following Specific Appropriation 490A on page 164 appropriating \$650,000 from the Tobacco Settlement Trust Fund:

"Disease and Demand Management Program- South Broward Hospital District	200,000"
"Pulmonary Rehabilitation Program - Mount Sinai - Dade	300,000"
"Broward EMS Pre-Hospital Data Collection	150,000"

I hereby veto a portion of proviso language following Specific Appropriation 513B on page 170 appropriating \$500,000 from the Tobacco Settlement Trust Fund:

"Tampa General Hospital Cardiac Center	500,000"
--	----------

A few of the appropriations in the health and human services budget have technical problems, and are therefore vetoed. These problems include an unlicensed provider, duplicate appropriations to the same provider, no funding source for a trust fund, no information on use of funds,

or appropriations to the wrong state agency; that is, the agency is not statutorily authorized to implement the project.

I hereby veto proviso language following Specific Appropriation 225B on page 100 appropriating \$250,000 from the Administrative Trust Fund:

"From the funds in Specific Appropriation 225B, \$250,000 from the Administrative Trust Fund shall be used for research and treatment for arthritis patients utilizing growth hormone technology."

I hereby veto a portion of proviso language following Specific Appropriation 345 on page 122 appropriating \$300,000 from the Alcohol, Drug Abuse and Mental Health Trust Fund:

“, and \$300,000 in recurring funds from the Alcohol, Drug Abuse and Mental Health Trust Fund shall be used for the Health and Recovery Center in Dade County”

I hereby veto a portion of proviso language following Specific Appropriation 356A on page 125 appropriating \$35,000 from the Tobacco Settlement Trust Fund:

"Out of Bondage Substance Abuse Program - Dade County	35,000"
---	---------

I hereby veto portions of proviso language following Specific Appropriation 375A on pages 134 and 135 appropriating \$137,500 from the Tobacco Settlement Trust Fund:

"Mother Offenders Child Reunification, Agape Women's Center - Dade	100,000"
--	----------

"Miami Shores Village-Summer Jobs Program	37,500"
---	---------

I hereby veto a portion of proviso language following Specific Appropriation 375B on page 135 appropriating \$175,000 from the Tobacco Settlement Trust Fund:

"City of Miami Beach Youth Diversion Program	175,000"
--	----------

I hereby veto portions of proviso language following Specific Appropriation 490A on page 164 appropriating \$225,000 from the Tobacco Settlement Trust Fund:

"Healthy Mothers/Healthy Babies Coalition of Palm Beach County, Inc	25,000"
---	---------

"Project Vision	200,000"
-----------------	----------

I hereby veto portions of proviso language following Specific Appropriation 497 on page 166 appropriating \$75,000 from the Tobacco Settlement Trust Fund:

"From funds in Specific Appropriation 497, \$75,000 in non-recurring funds from the Tobacco Settlement Trust Fund is provided for the Reading Lab Program at Northwest Community Center in Orange County."

I hereby veto proviso language following Specific Appropriation 516 on pages 170 and 171 appropriating \$15,000:

"From funds in Specific Appropriation 516, \$15,000 is provided to South Florida Chapter of the Juvenile Diabetes Foundation International for administering health screenings."

Although the following items may have merit, these projects are more suitably funded from private, nonprofit sources or local government sources, than from state funding sources.

I hereby veto Specific Appropriation 295A on page 114 appropriating \$3,500,000 from the Tobacco Settlement Trust Fund:

"295A SPECIAL CATEGORIES LAWTON CHILES FOUNDATION FROM TOBACCO SETTLEMENT TRUST FUND	3,500,000"
--	------------

I hereby veto Specific Appropriation 333A and associated proviso language on page 118 appropriating \$100,000 from the Tobacco Settlement Trust Fund:

"333A SPECIAL CATEGORIES SPECIAL PROJECTS - CHILDREN AND FAMILIES FROM TOBACCO SETTLEMENT TRUST FUND	100,000
--	---------

The Tobacco Settlement Trust Funds in Specific Appropriation 333A shall be allocated to the Coordinating Council of Broward—"Healthy Communities Initiatives."

I hereby veto portions of proviso language following Specific Appropriation 356B on page 126 appropriating \$134,590 from the in Tobacco Settlement Trust Fund:

"Lock Towns CMHC, Inc. Lease Payments to South Florida State Hospital	69,918
Bayview Mental Health - Lease Payments to South Florida State Hospital	64,672"

I hereby veto portions of proviso language following Specific Appropriation 375A on page 134 appropriating \$50,000 from the Tobacco Settlement Trust Fund:

"Country Acres Children's Home - Brevard	50,000"
--	---------

I hereby veto proviso language following Specific Appropriation 475 on page 161 appropriating \$500,000 from the Tobacco Settlement Trust Fund:

"From funds in Specific Appropriation 475, \$500,000 in non-recurring funds from the Tobacco Settlement Trust Fund are provided to the Hollywood T.E.E.N. Society in Broward County for teenage pregnancy prevention."

I hereby veto a portion of proviso language following Specific Appropriation 484 on page 163 appropriating \$50,000 from the Tobacco Settlement Trust Fund:

"From funds in Specific Appropriation 484, \$50,000 in non-recurring funds from the Tobacco Settlement Trust Fund is provided for the Tampa Bay Research Institute for a viral hepatitis program."

I hereby veto a portion of proviso language following Specific Appropriation 497 on page 166 appropriating \$600,000 from the Tobacco Settlement Trust Fund:

"From funds in Specific Appropriation 497, \$600,000 in non-recurring funds from the Tobacco Settlement Trust Fund is provided for the Healthy Beaches Phase II-Pinellas County program."

Although the following project will continue to receive funds for its meals program, its contract was not renewed for adult day care.

I hereby veto proviso language following Specific Appropriation 441 on page 153 appropriating \$300,000 from the General Revenue Fund:

"From funds in Specific Appropriation 441, \$300,000 in recurring General Revenue is continued to be used for the Meals on Wheels Plus of Manatee, Inc. to provide adult day care services in Manatee County."

The following programs are inconsistent with my policy direction. In addition, traditional vision screening methods are more cost effective and have greater scientific validity for school aged children than the color photo refraction method.

I hereby veto portions of the proviso language following Specific Appropriation 452 on page 158 appropriating \$1,000,000 from the Tobacco Settlement Trust Fund:

"and \$1,000,000 in non-recurring funds from the Tobacco Settlement Trust Fund shall be provided to the Just The Facts Program."

I hereby veto Specific Appropriation 478 and related proviso language on page 161 appropriating \$1,700,000:

"478 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SCHOOL HEALTH SCREENINGS FROM GENERAL REVENUE FUND	1,700,000
--	-----------

From funds in Specific Appropriation 478, \$1,700,000 from recurring general revenue is provided for a vision screening for students in pre-kindergarten through first grade. The method of screening shall be color photo refraction as developed and patented by the National Aeronautics and Space Administration."

SECTION 4—CRIMINAL JUSTICE AND CORRECTIONS

DEPARTMENT OF CORRECTIONS

The Department of Corrections' budget reflects my commitment to ensure that inmates serve longer sentences and that those who are released are less likely to re-offend and victimize their communities. The department's budget adds \$6.1 million as part of my Four Fronts initiative to provide substance abuse treatment to those inmates who return to their communities. Overall, the 1999-2000 budget contains \$46.1 million in new funding for my Four Fronts initiative that also includes:

- \$33 million in Children and Family Services for substance abuse intervention and treatment for children, teenagers and adults;
- \$5 million in Juvenile Justice for prevention/diversion of which a portion will be for substance abuse programs;
- \$2.1 million in the Department of Law Enforcement for drug investigation squads;
- \$430,000 for narcotics units for State Attorneys and Public Defenders;
- \$275,000 for drug prosecution in the Department of Legal Affairs;
- \$150,000 for drug courts; and
- \$100,000 for counter-drug training in the Department of Military Affairs.

According to the Florida Sheriff's Association, most law enforcement officers estimate that drug use is a direct or indirect cause of at least 75% of all crimes. A study by the Department of Corrections shows that two years after their release, those who receive community-based drug treatment are significantly less likely to return to prison.

The department's budget also includes \$12.5 million to raise the salaries of correctional officers to decrease turnover and ensure a better trained staff to deal with the increasingly hostile prison environment; more than \$14 million to treat the 3.4% of the inmate population that has HIV/AIDS with medications based on guidelines by the Center for Disease Control; \$4.7 million for literacy, vocational and special education programs to increase employability and reduce recidivism; and \$7.55 million for fixed capital outlay projects that will enhance security and preserve current facilities through maintenance, repair and renovation. The department's budget contains three items that are inconsistent with its mission and are therefore vetoed.

I hereby veto portions of proviso language following Specific Appropriation 554 on page 178 appropriating \$150,000 from the General Revenue Fund for expenditures necessary to establish a headquarters for the Association of Women's and Girl's Clubs:

"From the funds provided in Specific Appropriation 554, \$150,000 from General Revenue provided for FY 1998-99 to transfer the three cottages at Forest Hills to the Florida Association of Women's and Girl's Clubs is hereby continued and is provided for FY 1999-00 for any additional expenditures necessary to establish a headquarters for the Association which shall be located in the City of Ocala on land owned by the Association. These funds are contingent upon the facility being made available to the City of Ocala on an as-needed basis for community-based programs including, but not limited to, school tutoring, aftercare, and service club activities."

I hereby veto portions of proviso language following Specific Appropriation 567B on page 182 appropriating \$200,000 from the General Revenue Fund for a distance learning program by the Florida Holocaust Museum:

"From the funds in Specific Appropriation 567B, \$200,000 from recurring General Revenue is provided for the Florida Holocaust Museum in St. Petersburg for the purpose of implementing holocaust and tolerance learning education programs through traditional and distance learning models to be targeted toward correctional officers and students."

I hereby veto Specific Appropriation 580C and associated proviso language on page 186 appropriating \$158,000 from the General Revenue Fund for the Salvation Army Community Services program in the City of Clearwater:

"580C AID TO LOCAL GOVERNMENTS COMMUNITY SERVICE PROGRAMS FROM GENERAL REVENUE FUND	158,000
---	---------

Funds in Specific Appropriation 580C are provided for the Salvation Army Community Services Program located in the City of Clearwater."

DEPARTMENT OF JUVENILE JUSTICE

Legislative appropriations for juvenile justice operations that I have approved amount to \$636.6 million, representing 7% over the amount appropriated last year. The Legislature provided for increased funding for key priority issues in my budget recommendations for juvenile justice operations, including \$1.1 million for contracted operations of residential commitment beds to meet the projected demand for FY 1999-2000; \$1.5 million for specialized services for juveniles in existing residential commitment facilities including sex offender, substance abuse, and mental health treatment; \$5 million for prevention intervention and diversion services; \$1.1 million for aftercare community supervision; and \$5.6 million to complete the development and implementation of the new juvenile offender information system which will be used to identify needs for youth, to track progress in education and other rehabilitative programs, and to link with other law enforcement agency data systems.

My budget recommendations considered that local communities would identify their highest priority needs for juvenile justice programs. Through a competitive grant award process, private providers can competitively bid to provide programs and services to meet local community needs. Contracts with private providers should be renewed only if the provider programs accomplish desired program outcomes specified under contract performance criteria. I am approving in this budget an additional \$1.5 million over last year's appropriations for local community grants that can be used by local communities to contract for prevention and early intervention program services to meet their highest priority needs. Florida law establishes local juvenile justice boards and county councils that include representatives from local county commissions, school systems, the judiciary, law enforcement agencies, the business community, and other interested parties. These entities are charged with identifying issues and developing and implementing delinquency prevention and early intervention strategies to meet the priority needs identified by the local communities. The Legislature designated several juvenile justice projects in proviso that I cannot approve because they were not included in the Department of Juvenile Justice's legislative budget request; did not go through a process to determine the highest priority needs of the state by either the Department of Juvenile Justice or the local juvenile justice boards and county councils; or the funding is appropriated in other agencies. Designation of specific projects in proviso bypasses the grassroots process to determine local needs and circumvents the competitive bidding and grant-award process. Moreover, juvenile justice programs should be initiated and implemented to meet the highest priority needs of the state and must demonstrate successful outcomes to reduce juvenile crime.

I hereby veto portions of proviso language following Specific Appropriation 949 on pages 237 through 240 appropriating \$8,307,526 from General Revenue for Grants and Aids—Contracted Services projects:

"Project H.U.G.S.—Having Understanding, Guidance, and Support, \$50,000 from non-recurring General Revenue;

MAD DADS of Florida, \$242,691 from recurring General Revenue for 12 months, of which \$80,000 is provided for Miami-Dade County.

PACE Center for Girls of Orange County, \$103,500 from recurring General Revenue for 12 months;"

"Boys and Girls Club After School and Summer Program, \$200,000 from recurring General Revenue for the Boys and Girls Club of St. Lucie County and \$1,750,000 from non-recurring General Revenue for statewide allocation;"

"Community Awareness and Response to Truancy, \$259,700 from recurring General Revenue for 12 months;

After School Misdemeanor Diversion Program, \$100,000 from recurring General Revenue for 12 months;

Arise Foundation—Secrets of Success, \$200,000 from recurring General Revenue for 12 months;

Juvenile Arrest and Monitor Program, \$744,135 from recurring General Revenue for 12 months;

Brevard County Drug Court Program, \$250,000 from recurring General Revenue for 12 months;

Ronald A. Silver Youth Enrichment Services Center, \$200,000 from non-recurring General Revenue;"

"Big Brothers/Big Sisters of Martin County, \$95,000 from recurring General Revenue for 12 months;

Youth Volunteer Corps, \$70,000 from recurring General Revenue for 12 months and \$20,000 from non-recurring General Revenue;

Pasco County Sheriff Domestic Violence Juvenile Project, \$150,000 from non-recurring General Revenue;

Youth Crime Watch, \$10,000 from recurring General Revenue for 12 months,"

"Weed and Seed of Dade County Aftercare Program, \$553,000 from recurring General Revenue for 12 months,"

"Summer School Jobs Program, \$37,500 from recurring General Revenue for 12 months;

Juvenile Justice Role Model Development Project, \$100,000 from non-recurring General Revenue;

D-FY-IT, \$150,000 from non-recurring General Revenue;

All American Foundation, \$175,000 from non-recurring General Revenue;

PACE Center for Girls—Duval County, \$207,000 from recurring General Revenue for 12 months;

Duval Police Athletic League, \$250,000 from recurring General Revenue for 12 months;

Jacksonville Center for Prevention of Urban Violence, \$250,000 from non-recurring General Revenue;

Community United for the Development of Our Youth, \$250,000 from non-recurring General Revenue;

Local Truancy Initiatives—Regional Truancy Program of Broward County, \$150,000 from recurring General Revenue for 12 months;

Miami-Dade Police Athletic League, \$50,000 from non-recurring General Revenue;

Cetary Project in Miami-Dade County, \$75,000 from non-recurring General Revenue;

Boca Raton Center for Youth Activities, \$100,000 from recurring General Revenue for 12 months;

Miami Rivers of Life Program, \$200,000 from non-recurring General Revenue;

Community Coalition—Employment Assistance for DJJ Referred Youth, \$415,000 from recurring General Revenue for 12 months;

Community Coalition—Drug Prevention for At-Risk Youth, \$600,000 from recurring General Revenue for 12 months;

Visions to Victory, \$200,000 from non-recurring General Revenue; and

Teen Radio Outreach, \$100,000 from non-recurring General Revenue."

The Legislature provided increased funding for key priority juvenile justice construction projects that I recommended, including \$27.6 million to construct residential commitment and detention facility beds to meet projected demand through FY 2000-01; \$3 million to construct consequence unit beds for youth who violate terms of their community supervision; and \$6.6 million for maintenance and repair of juvenile justice facilities statewide. Construction projects for local programs should be prioritized on a statewide basis and be reviewed by the agency for consistency with statewide priorities to ensure that the associated programs are performing in accordance with contract requirements, performance standards, and desired program outcomes. Designation of local fixed capital outlay construction projects, through the legislative appropriations process, circumvents this process. Therefore, unless the project had been through a formal process, I did not approve the project.

I hereby veto portions of proviso language following Specific Appropriation 957A on pages 241 and 242 appropriating \$6,241,000 from General Revenue for Grants and Aids To Local Governments and Nonprofit Organizations Fixed Capital Outlay projects:

"Florida Ocean Sciences Youth Development Center 500,000

PACE Center for Girls, Inc. Broward County	1,500,000"
"Gulf Coast Marine Institute of Manatee County	500,000
Orlando Juvenile Addictions Receiving Facility	55,000"
"Stewart-Marchman Center Level 6 Substance Abuse Treatment	425,000
Pinellas Marine Institute Juvenile Justice Program	46,000
Boys & Girls Club of Manatee County	175,000
Big Brothers/Big Sisters of Martin County	465,000
Boys and Girls Club of Saint Lucie County	750,000"
"Quality Life Center of Southwest Florida	250,000
Pinellas Runaway and Youth Crisis Shelter	250,000"
"Here's Help	200,000
Big Brothers/Big Sisters of St. Lucie County	250,000
Impact House Education Program expansion	250,000
Delray Beach Youth Council	200,000
Juvenile Crime Prevention and Florida Crime Information Center Program	275,000"
"Cape Coral Youth Center	150,000"

DEPARTMENT OF LAW ENFORCEMENT

My budget provides substantial assistance and improvements for law enforcement. True to my pledge of prioritizing drug enforcement, I have allocated more than \$2 million in funding for three investigative narcotic squads. This will allow for staffing of 36 new positions to work in this area of critical need. To enhance quality and morale among law enforcement, I provided for salary increases. The Department also received more than \$800,000 to provide employee background checks for those working with the elderly and children, which will protect the most vulnerable members of our society.

I had provided in my recommended budget \$400,000 in grant funding for local law enforcement agencies for small counties, with limited tax bases, to be used for individual projects as needed, of which the Legislature appropriated \$250,000. The Florida Department of Law Enforcement provides assistance to local law enforcement on an as-needed statewide basis. FDLE has discretion to distribute these grant dollars as appropriate. Rather than providing these funds to be granted to small counties, the Legislature designated specific counties to receive funds, without showing need or statewide benefit. I approve only those programs that have demonstrable statewide impact. Those programs that generally target a specialized population and provide a purely local benefit are not appropriately funded with state tax dollars. Items such as these are more suitably funded from private, nonprofit, or local government sources. Therefore, those projects that do not have apparent statewide impact and did not go through a specific process should not be funded. Though many of these projects have merit, to otherwise approve these items would constitute an unfair circumvention of the established funding process. The following items fall in this category:

I hereby veto portions of proviso language following Specific Appropriation 984 on page 249 appropriating \$475,000 from the General Revenue Fund for Grants and Aids for Special Project Grants:

"\$300,000 from non-recurring General Revenue for the Winter Park Public Safety Center planning study;

\$100,000 from non-recurring General Revenue for the National Police Corps Program—Super Cop, to supplement the \$50,000 provided in 1998-1999 which is to be continued and is hereby provided for fiscal year 1999-2000;"

"\$25,000 to provide English training to Haitian police and other law enforcement personnel with City of Orlando Police Department, Orange County Sheriff's Department and Seminole County Sheriff's Department."

I hereby veto Specific Appropriation 985A and associated proviso language on page 250 appropriating \$250,000 from the General Revenue Fund for Grants and Aids for Public Safety Enhancements:

"985A SPECIAL CATEGORIES GRANTS AND AIDS - PUBLIC SAFETY ENHANCEMENTS FROM GENERAL REVENUE FUND	250,000
--	---------

"Funds in Specific Appropriation 985A are provided for the Opa-Locka Street Lighting project."

I hereby veto Specific Appropriation 985B and associated proviso language on page 251 appropriating \$250,000 from the General Revenue Fund for Grants and Aids for Crime Prevention Services:

"985B SPECIAL CATEGORIES GRANTS AND AIDS - CRIME PREVENTION SERVICES FROM GENERAL REVENUE FUND	250,000
---	---------

Funds in Specific Appropriation 985B are provided for the Amer-I-Can program."

I hereby veto Specific Appropriation 985C and associated proviso language on page 251 appropriating \$699,000 from the General Revenue Fund for Grants and Aids for Local Law Enforcement Facilities and Equipment:

"985C SPECIAL CATEGORIES GRANTS AND AIDS - LOCAL LAW ENFORCEMENT FACILITIES & EQUIPMENT FROM GENERAL REVENUE FUND	699,000
--	---------

Funds in Specific Appropriation 985C are provided for the following:

\$250,000 from non-recurring General Revenue for the Palm Beach County computer-aided dispatch and geographical interface system;

\$300,000 from non-recurring General Revenue for the Indian River Police Training Facility and Equipment;

\$99,000 from non-recurring General Revenue for the Computer-Aided Dispatch Program in Indian River County; and

\$50,000 from non-recurring General Revenue for the City of Sweetwater Police Department improvement program."

DEPARTMENT OF LEGAL AFFAIRS

I have made a significant commitment to enhance the Office of the Attorney General in this budget through an increase of 39 positions and \$16.43 million over last year's appropriation. Legal Affairs has received more than \$690,000 to upgrade the department's computer equipment that will allow prosecutors to have better access for research increasing their productivity and efficiency. An \$8 million increase is provided for awards to individuals providing information that is later used to convict any person accused of committing a crime. In addition, I am providing five positions and \$300,000 to create the Solicitor General Office within the Office of the Attorney General. This office will represent the Attorney General in unusual constitutional law matters and appellate cases taken to the U.S. Supreme Court. By doing so, the Attorney General's office can concentrate on litigating cases and providing legal opinions more related to the immediate operation of the state. Programs for the prevention of crimes in minority communities funding is increased by \$1 million to \$2.3 million.

SECTION 5—NATURAL RESOURCES, ENVIRONMENT, GROWTH MANAGEMENT, AND TRANSPORTATION

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Fiscal Year 1999-2000 budget is very supportive of Florida's agricultural and consumer services. These specific appropriations are directed toward furtherance of the department's general responsibilities of safeguarding the public and supporting our agricultural community. The department ensures the safety of food and other consumer products, protects consumers from unfair and deceptive business practices, and provides consumer information, assists Florida's farmers and agricultural industries with the production and promotion of agricultural products, conserves and protects our agricultural and natural resources,

promotes environmentally safe agricultural practices, and manages public lands.

The department's budget supports activities that address Florida's most immediate needs for statewide action, including the department's efforts to reduce the likelihood of wildfires and be better equipped to respond to them when they do occur; citrus canker prevention and eradication to protect Florida's citrus industry; and prevention and control of destructive non-native pests like the medfly and invasive plants such as melaleuca, water hyacinth, and hydrilla. To help mitigate and suppress wildfires, \$13.2 million and 41 positions were provided for the Division of Forestry. Citrus canker eradication efforts received 10 additional positions, plus 1,000 temporary personnel and \$35.4 million. Funding of \$4.5 million was provided for research and development to control and eliminate invasive non-native pests and plants which threaten agricultural crops, the Everglades, our lakes, rivers, and streams.

The Department of Agriculture and Consumer Services budget contains two appropriations which were inadvertently duplicated in various sections of the appropriations bill or in other substantive legislation which I have already signed or intend to sign. Two of these duplicate appropriations are the Feasibility Study for the Centralized Training Facility in southwest Florida and the Indian River Aquaculture Program. House Bill 1535, relating to wildfires, appropriates \$140,000 to the Division of Forestry and creates the Florida Center for Wildfire and Forest Resource Management Training. This center will provide firefighting training to rural fire departments, volunteer fire departments and other local fire response units. Since the Division of Forestry will be providing training to all local fire response units statewide, a study to determine the feasibility of a regional firefighting training center is unnecessary. The Indian River Aquaculture Program for research using native sturgeon aquaculture as an alternative to land-based agriculture is also funded in Specific Appropriation 1221H through the Florida Marine Research Institute. These appropriations are unnecessary.

I hereby veto Specific Appropriation 1038M and the accompanying proviso language on page 264 appropriating \$100,000 from the General Revenue Fund for centralized fire training facility feasibility study:

"1038M SPECIAL CATEGORIES CENTRALIZED FIRE TRAINING FACILITY IN SOUTHWEST FL FEASIBILITY STUDY FROM GENERAL REVENUE FUND	100,000
---	---------

Funds in Specific Appropriation 1038M are provided for a feasibility study for a Centralized Fire and Training Facility in Southwest Florida."

I hereby veto Specific Appropriation 1068K on page 275 appropriating \$50,000 from the General Revenue Fund for an Indian River aquaculture program:

"1068K GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY INDIAN RIVER AQUACULTURE PROGRAM FROM GENERAL REVENUE FUND	50,000"
---	---------

There are many projects and programs funded in the Department of Agriculture and Consumer Services budget. In general, projects fell into these categories:

- State Projects
 - Projects that are of statewide benefit.
- Local Projects
 - Projects that are of primarily local benefit and traditionally funded through local government sources.
 - Projects relating to the State Farmers Markets, including both facility repairs and day-to-day operating expenses.
 - Projects that benefit specific industries through research and modernization.
 - Local projects for construction and expansion of aquaculture facilities and community centers.
 - Local projects for construction and repair of county extension service programs facilities, livestock markets, pavilions, and fair facilities.

Many of the state projects will receive state funding. Many of the local projects reviewed would enhance Florida's community-based agricultural heritage, but as worthwhile as they may be, some fail to meet the

criteria for statewide taxpayer funding that I outlined in January in my Executive Budget. Those projects that did not undergo an established review process with fair and agreed-upon criteria to establish priority ranking are vetoed.

I hereby veto Specific Appropriation 1038S on page 265 appropriating \$125,000 from the General Revenue Fund for the Holloway Road improvements:

"1038S FIXED CAPITAL OUTLAY HOLLOWAY ROAD IMPROVEMENTS - PUTNAM COUNTY FROM GENERAL REVENUE FUND	125,000"
--	----------

I hereby veto portions of proviso language following Specific Appropriation 1048C on page 267 appropriating \$250,000 from the General Revenue Fund for a mosquito control program:

"From the funds in Specific Appropriation 1048C, \$250,000 from General Revenue Fund is provided for the Midge Mosquito Control Program in Sanford, Florida."

I hereby veto portions of proviso language following Specific Appropriation 1052B on pages 269 and 270 appropriating \$10,350 to assist a mobile spay/neuter clinic program:

"From the funds in Specific Appropriation 1052B, \$10,350 from General Revenue Fund is provided for assistance for the Mobile Spay/Neuter Clinic Program in Palm Beach County."

I hereby veto Specific Appropriation 1052D on page 270 appropriating \$80,000 from the General Revenue Fund for IFAS-Everglades Research Center—Save Our Agricultural Roots (SOAR):

"1052D AID TO LOCAL GOVERNMENTS IFAS-EVERGLADES RESEARCH CENTER - SAVE OUR AGRICULTURAL ROOTS (SOAR) FROM GENERAL REVENUE FUND	80,000"
---	---------

I hereby veto Specific Appropriation 1068G and the accompanying proviso language on page 274 appropriating \$100,000 from the General Revenue Fund for the Florida Seafood Festival:

"1068G GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY FLORIDA SEAFOOD FESTIVAL FROM GENERAL REVENUE FUND	100,000
---	---------

Funds in Specific Appropriation 1068G are provided for site improvements for the Apalachicola Seafood Festival at Battery Park."

I hereby veto Specific Appropriation 1068H on page 274 appropriating \$140,000 from the General Revenue Fund for the Pasco County Food Bank Extension:

"1068H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY PASCO COUNTY FOOD BANK EXTENSION FROM GENERAL REVENUE FUND	140,000"
---	----------

I hereby veto Specific Appropriation 1068I on page 274 appropriating \$125,000 from the General Revenue Fund for the Migrant Association of South Florida Education Building:

"1068I GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY MIGRANT ASSOCIATION OF SOUTH FLORIDA EDUCATION BUILDING FROM GENERAL REVENUE FUND	125,000"
---	----------

I hereby veto Specific Appropriation 1068J on page 274 appropriating \$5,000,000 from the General Revenue Fund for the Ocala/Marion County Civic Center:

"1068J GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY OCALA/MARION COUNTY CIVIC CENTER FROM GENERAL REVENUE FUND	5,000,000"
---	------------

The State Farmers Markets are regionally located, state-owned facilities which provide farmers with readily available wholesale markets for their agricultural produce. The markets charge their tenants rent and use the rent proceeds to fund market operating expenses. Since 1994, market operating margins have slowly improved. Their goal is to become totally self-sufficient, being able to fund not only their operating expenses but also the maintenance and repair of facilities as well. The state currently funds the maintenance and repair of these facilities. Three million dollars are included in the budget for these repairs. These type of expenses, such as security personnel, should be paid from the rent proceeds as are all other operating expenses. Issues funding the repair of private facilities near a farmers market should be funded by the owners of the private facility.

I hereby veto portions of proviso language following Specific Appropriation 1052A on page 269 appropriating \$150,000 from the General Revenue Fund for security services:

"From the funds in Specific Appropriation 1052A, \$150,000 from General Revenue Fund is provided for additional crime prevention services at the Pompano State Farmers Market."

I hereby veto portions of proviso language following Specific Appropriation 1068F on page 274 appropriating \$200,000 from the General Revenue Fund to replace drainage pipes:

"Paradise Fruit Outfall Project - replace drainage pipe	200,000"
---	----------

Projects that provide a purely local benefit or provide direct benefits only to specific private industries and organizations are more appropriately funded from the local communities or private industries and organizations. For these reasons, the following budget items are vetoed.

I hereby veto portions of proviso language following Specific Appropriation 1052A on page 269 appropriating \$125,000 from the General Revenue Fund for beef cattle research and education:

"From the funds in Specific Appropriation 1052A, \$125,000 from the General Revenue Fund is provided for Beef Cattle research and education at the Marianna IFAS Beef Test Center."

I hereby veto portions of proviso language following Specific Appropriation 1052B on pages 269 and 270 appropriating \$175,000 from the General Revenue Fund for the Tropical Fruit Advisory Council:

"From the funds in Specific Appropriation 1052B, \$175,000 from General Revenue Fund is provided for the Tropical Fruit Advisory Council."

I hereby veto Specific Appropriation 1052C on page 270 appropriating \$100,000 from the General Revenue Fund for the caladium research program:

"1052C AID TO LOCAL GOVERNMENTS CALADIUM RESEARCH PROGRAM FROM GENERAL REVENUE FUND	100,000"
---	----------

I hereby veto Specific Appropriation 1054A and the accompanying proviso language on pages 270 and 271 appropriating \$62,500 from the General Revenue Fund for support to the Thoroughbred Breeders Cup committee:

"1054A SPECIAL CATEGORIES THOROUGHBRED BREEDERS CUP FROM GENERAL REVENUE FUND	62,500
---	--------

Funds in Specific Appropriation 1054A are provided to the South Florida Breeder's Cup Committee for the promotional activities related to the 1999 Breeder's Cup to be held November 5-7, 1999."

I hereby veto Specific Appropriation 1059A and the accompanying proviso language on page 271 appropriating \$169,308 from the General Revenue Fund for endangered plant species:

"1059A SPECIAL CATEGORIES ENDANGERED PLANT SPECIES FROM GENERAL REVENUE FUND	169,308
--	---------

From the funds provided in Specific Appropriation 1059A, \$99,500 is provided for Fairchild Tropical Gardens and \$69,808 is provided for Bok Tower Gardens."

I hereby veto Specific Appropriation 1067A and the accompanying proviso language on page 273 appropriating \$550,000 from the General Revenue Fund for aquaculture development:

"1067A SPECIAL CATEGORIES AQUACULTURE DEVELOPMENT FROM GENERAL REVENUE FUND	550,000
---	---------

From the funds in Specific Appropriation 1067A, \$500,000 from General Revenue Fund is provided for the Mote Marine Sturgeon/Aquaculture Program. This program must be conducted in collaboration with the Department of Agriculture and Consumer Services and the University of Florida Department of Fisheries."

I hereby veto Specific Appropriation 1068D on page 273 appropriating \$50,000 from the General Revenue Fund for diagnostic laboratories:

"1068D FIXED CAPITAL OUTLAY REPAIRS, RENOVATIONS, REPLACEMENT - DIAGNOSTIC LABORATORIES FROM GENERAL REVENUE FUND	50,000"
--	---------

I hereby veto portions of proviso language following Specific Appropriation 1068L on page 275 appropriating \$3,176,500 from the General Revenue Fund for agriculture/community facilities:

"Fisheries and Aquaculture Technology Institute - Wakulla Co	1,000,000
Levy Co. 4-H Project FEAT (Fishing Education and Aquaculture Training)	25,000"
"Parker Urban Agriculture, Forestry and Aquaculture Demonstration Center	500,000
Dover Project Challenge	776,500
Hillsborough Cooperative Extension Services Auditorium	375,000"
"Indian River County Fairground Agricultural Arena	500,000"

During the 1998 legislative session, a committee was established in the proviso language of the appropriations act to review facilities such as county extension services, livestock pavilions, and fair facilities, and set a priority ranking for them based on local match rates. The \$4.4 million in projects with local match rates of 50% or greater are funded. Those less than 50% are vetoed.

I hereby veto Specific Appropriation 1067B and the accompanying proviso on page 273 appropriating \$250,000 from the General Revenue Fund for 4-H youth development camping facilities:

"1067B FIXED CAPITAL OUTLAY 4-H YOUTH DEVELOPMENT CAMPING FACILITIES FROM GENERAL REVENUE FUND	250,000
--	---------

Funds in Specific Appropriation 1067B are provided for 4-H program camping facilities in Alachua County."

I hereby veto portions of proviso language following Specific Appropriation 1068M on pages 275, 276, and 277 appropriating \$10,038,500 from the General Revenue Fund for livestock markets, pavilions, and centers:

"Arena Cover: East Milton Park	300,000
Blackman Community Center & Volunteer Fire Dept facility	200,000
Bradford County Fair - Construction of new dressing and restrooms on fair grounds	75,000"
"Century Agricultural Center	250,000"
"DeSoto County Agri-Civic Center	300,000"
"Fl. Future Farmers of America Dining/Conference Center Building	300,000
Gadsden County Agricultural/Multipurpose Center Renovations	300,000"

"Hendry County Farm and Livestock Pavilion	250,000
Hendry County Rodeo Grounds Improvements	154,000
Hernando County Fairgrounds Facility Renovations	300,000
Holmes County Fairgrounds	300,000
Madison County Agricultural Center	103,000"

"North Florida Fairgrounds - Additions and renovations	56,500
North Walton County Community Agricultural Center - Cluster Springs	300,000
Northeast Fl Fair Assoc. Renovation and Expansion	300,000
Oak Grove Community Center Renovation	80,000
Okaloosa County Fairgrounds - Purchase Land	300,000
Okeechobee Agri-center/Fairgrounds	300,000"

"Polk County Agricultural Center	300,000"
Portland Community Agriculture Center	150,000
Putnam County Fairgrounds Parking Lot Improvements	30,000"

"Suwannee County Livestock Arena	225,000"
----------------------------------	----------

"Volusia County Fair Association - Livestock Storage Bldg	40,000
Wakulla County Extension Service Facility Renovations	300,000"

"Washington County Agricultural Center and Auditorium - renovations and improvements	100,000
Winter Haven Farmers Market	300,000"

DEPARTMENT OF COMMUNITY AFFAIRS

The Department of Community Affairs budget submitted by the Legislature addresses many timely concerns of Florida in a manner that furthers the department's general mission. In recent years, Florida's communities have been subjected to a significant number of natural disasters which have resulted in a heightened need for public assistance and hazard mitigation. The department is responsible for ensuring that the standards for building construction in hazard prone areas are adequate to withstand wind resistance. The department also assists in providing affordable housing for Florida's low-income residents. The department attends to development-related concerns in areas that have been identified by the state as particularly sensitive to the impacts of development, such as supporting efforts that will ensure appropriate levels of wastewater treatment for existing development in an area. The department also administers federal revenues to support community efforts for crime prevention, drug abatement, and other community-oriented programs around the state.

Specific Appropriation 1102A in the Department of Community Affairs budget proposes funding of a municipal sewer project and a drainage project on a state road. There are established processes for the evaluation of these types of projects. Drainage projects on state roads are evaluated through the Department of Transportation's Work Program process. The local Metropolitan Planning Organization, which proposes state road plans to the DOT determines the priority of these projects for funding. The Department of Environmental Protection administers a revolving loan program with evaluation criteria, to which local governments can apply for funding of municipal sewer projects. The projects did not undergo the established review process, and are in the wrong agency budgets.

I hereby veto Specific Appropriation 1102A and the accompanying proviso language on page 280 appropriating \$890,000 from the General Revenue Fund for local infrastructure projects:

"1102A SPECIAL CATEGORIES GRANTS AND AIDS - LOCAL INFRASTRUCTURE IMPROVEMENT FROM GENERAL REVENUE FUND	890,000
---	---------

Funds in Specific Appropriation 1102A are provided for the following local infrastructure improvement initiatives:

Drainage Improvements - SR 17/92	500,000
Municipal Sewer Project-Indian River	390,000"

Specific Appropriation 1118A provides funding for a statewide plan for hurricane mitigation and protection for public schools designated as hurricane shelters for one county. Since hurricane preparation is a statewide concern, specifying the level of funding for one county without evaluating the overall statewide need in a strategic fashion appears to be unfair. The department will work with federal partners to leverage these funds in a manner that will provide statewide benefits.

I hereby veto portions of proviso language following Specific Appropriation 1118A on pages 282 and 283 appropriating \$1,000,000 from the Grants and Donations Trust Fund for public school hurricane mitigation projects:

"From funds in Specific Appropriation 1118A, \$1,000,000 shall be provided for upgrading of 10 school evacuation sites to American Red Cross standards in Osceola County. The Department of Community Affairs shall apply for additional federal mitigation or disaster relief matching grant funds where practical and appropriate. The Department may request a budget amendment under chapter 216, F.S., to appropriate any award of federal matching grants."

Over the last several years the state has faced a staggering number of natural disasters. Florida's citizens have been forced to deal with hurricanes, floods, tornados, wildfires, and droughts. The loss in lives and property damage has been enormous. To help meet local emergency management needs, the Legislature enacted the Emergency Management and Assistance Grant Program. This is a competitive program that provides funds to local governments for facility and equipment upgrades to help prepare for, and more effectively respond to, natural disasters. The projects appropriated in the Legislature's budget were not evaluated through the established competitive process. While these projects may have merit, approving them would be a circumvention of the established review process, and an unjustified waiver of the standards by which other similar projects are evaluated.

I hereby veto Specific Appropriation 1126A and the accompanying proviso language on page 285 appropriating \$1,499,674 from the General Revenue Fund for local emergency management:

"1126A SPECIAL CATEGORIES GRANTS AND AIDS - LOCAL EMERGENCY MANAGEMENT NEEDS FROM GENERAL REVENUE FUND	1,499,674
---	-----------

Funds in Specific Appropriation 1126A are provided for the following local emergency management initiatives:

Port Orange Technology Project	59,674
Osceola County Facility	1,310,000
Madison County Fire Dept	60,000
Bay Harbor Islands Broad Causeway	20,000
Flagler County Emergency Mitigation	50,000"

Community centers and conference centers benefit local residents. Projects such as these would be more appropriately funded with local government or other local private sources. Even though these proposed facilities could provide significant public benefit to their local communities, approving funding for these projects without a strategic evaluation of statewide needs would be unjustified. For these reasons, they are vetoed.

I hereby veto Specific Appropriation 1141A and the accompanying proviso language on page 288 appropriating \$4,610,000 from the General Revenue Fund for community development projects:

"1141A SPECIAL CATEGORIES GRANTS AND AIDS - COMMUNITY DEVELOPMENT SERVICES PROJECTS FROM GENERAL REVENUE FUND	4,610,000
--	-----------

Funds in Specific Appropriation 1141A are provided for the following community development services projects:

City of Starke Community Development	175,000
Morningside Center	100,000
Community Center CDC/Hillsborough	200,000
Family Learning Center	100,000
Rubonia Community Center	50,000

Parrish Community Center	50,000
13th Avenue Community Center	50,000
Blackwater Community Center	150,000
OakGrove Community Center	80,000
Holt Multi-Purpose Community Center	150,000
Central Park Village Youth Center	200,000
Multi-Use Community Center/Glades	100,000
Centro Campesino Neighborhood Center	25,000
Human Dev. & Resource Center/Ft Pierce	500,000
City of Jax Beach Comm./Conf. Center	400,000
Community Center - Lonnie Miller	500,000
Metro Miami Action Plan	625,000
P.U.L.S.E	80,000
Gifford Youth Activities Center	1,000,000
Public Library Assistance/Opa-Locka	75,000"

I hereby veto Specific Appropriation 1141B and the accompanying proviso language on page 288 appropriating \$2,260,000 from the General Revenue Fund for urban revitalization projects:

"1141B SPECIAL CATEGORIES GRANTS AND AIDS - URBAN REVITALIZATION INITIATIVES FROM GENERAL REVENUE FUND	2,260,000
---	-----------

Funds in Specific Appropriation 1141B are provided for the following Urban Revitalization Initiatives:

Brandon Storefront	140,000
Broward Boulevard Revitalization Project	200,000
North Dade Amphitheater	200,000
Opa-Locka Train Station	100,000
Melvin Anglin Square Improvements	200,000
Sebastian Riverfront Development	90,000
Flagler Street Corridor Improvements	430,000
Miami Springs Downtown Revitalization.	500,000
Miami Springs Safety Revitalization	150,000
Cape Coral Sidewalks	250,000

Funds provided in Specific Appropriation 1141B for the North Dade Amphitheater are for a cultural facility in Opa-Locka and shall be provided as a grant to the Miami-Dade Cultural Affairs Council upon submission of a plan."

In the wake of Hurricane Andrew, the Florida Hurricane Catastrophe (CAT) Fund was established to provide funding for projects and activities that would improve hurricane preparedness, reduce potential losses from hurricane events, provide public information, and determine the types of upgrades that are needed to buildings and infrastructure to minimize hurricane damage. The department has programs that provide funding for worthy mitigation activities and last year funded a study to be conducted by the University of South Florida to investigate the feasibility and methodology of replacing existing aboveground utility lines with underground utility service. There are no findings yet available from the study, and the department has not requested funding for any of the projects below. Further, the activities and plans contemplated seem to be of greater benefit to several local developments and private industry with respect to avoided costs, and would be too prohibitive financially to implement statewide. While projects of this type may have merit as mitigation against hurricane damage to utility services, this appears to be an inappropriate use of state funds.

I hereby veto Specific Appropriation 1147A and the accompanying proviso language on page 291 appropriating \$1,200,000 from the Grants and Donations Trust Fund for underground utilities:

"1147A SPECIAL CATEGORIES GRANTS AND AIDS - UNDERGROUND UTILITIES PROJECTS/HURRICANE MITIGATION FROM GRANTS AND DONATIONS TRUST FUND	1,200,000
---	-----------

Funds provided in the Grants and Donations Trust Fund in Specific Appropriation 1147A reflect the transfer of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to s. 215.555(7)(c), F.S. Funds are provided for the following Underground Utilities Demonstration Projects:

City of Miami Beach	400,000
Davis Island	400,000
Winter Park & Clearwater	400,000"

The Department of Community Affairs has a program to provide competitive and noncompetitive grants for projects that reduce energy costs, promote the use of renewable energy sources, and develop alternative fuels for transportation. The following projects are directed to private entities for profit-making activities.

I hereby veto portions of proviso language following Specific Appropriation 1154 on page 292 appropriating \$1,500,000 from the Energy Consumption Trust Fund for energy efficiency projects:

"\$1,000,000 shall be utilized for the Electrochromic Commercialization Program, and \$500,000 shall be utilized for the Mag-Lev Project in Brevard County."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Legislature has recognized the vital importance of Florida's natural environment to all Floridians in the budget submitted for my review. The Department of Environmental Protection (DEP) is the state's principal environmental and natural resources agency. Its mission includes protecting, conserving, and managing Florida's environment and natural resources in service to and in partnership with the public. The department carries out its mission through programs related to air quality; solid and hazardous waste management; land acquisition and management; state parks, greenways, and trails; marine resources; aquatic preserves; stormwater and wastewater management; surfacewater and groundwater protection; and environmental law enforcement. The department is responsible for administering the Preservation 2000 land acquisition program, a 10-year \$3 billion dollar effort to preserve the state's natural resource heritage for future generations, and will be administering its successor program, Florida Forever. The department also works with the water management districts to carry out state water policy regarding water supply, water quality, flood protection, and natural systems. This includes implementation of the Surface Water Improvement and Management (SWIM) program.

The budget includes: \$12.2 million to fund 149 recreation and development projects, \$32 million for designated surface water improvement projects, \$140.4 million on state parks, \$122 million for wastewater treatment facilities revolving loan program, \$37 million for drinking water facilities revolving loan program, \$10.5 million for St. Johns River restoration, \$92 million for petroleum tanks cleanup, \$20 million for beach projects, and \$10 million for aquatic plant control.

The budget provides for the creation of the Fish and Wildlife Conservation Commission as mandated by constitutional amendment, transferring more than 800 people from the Department of Environmental Protection to the new commission. To better coordinate and implement DEP's plant management program with the U.S. Army Corps of Engineers, the water management districts, local governments and other state agencies, an increase of about \$1 million is appropriated. This should provide for better navigation, recreation, public health and safety, and conservation of natural resources around and on our waterways. To provide for cleaner waters and ensure the health of our citizens, the Legislature funded an additional \$6 million in low interest loans for planning, designing and constructing sewage treatment facilities, and \$10 million in additional revenue for petroleum tank cleanups.

Projects in the Department of Environmental Protection legislative appropriations fall into the following categories:

- Projects and programs that are clearly of statewide benefit for which there is a comprehensive strategy in place, such as land acquisition projects accomplished under the Preservation 2000 program, beach renourishment projects, wastewater and drinking water facility development efforts, petroleum tank cleanup efforts, SWIM waterbodies, FRDAP projects, and aquatic plant control projects. These projects will receive funding.
- Projects that are of statewide benefit but for which no statewide funding strategy or program exists, such as the development and renovation of stormwater systems. These projects will also receive funding.
- Projects that are primarily local in scope, not benefiting the state as a whole. Some of these include local parks, community centers, aquariums, and environmental learning centers. The local projects are vetoed.
- Projects that should have been subjected to or should directly pertain to an existing process for funding or establishing funding priorities, such as parks projects that were not submitted for consideration

under the Florida Recreation Development Assistance Program and surface water improvements projects that are not within listed SWIM priority waterbodies. These projects are vetoed.

- Projects that are funded under inappropriate categories or funding sources, or within inappropriate agencies are vetoed.

I hereby veto portions of proviso language following Specific Appropriation 1185 on pages 296 and 297 appropriating \$4,416,423 from the Ecosystem Management Trust Fund for surface water improvements projects:

"Biscayne Bay Cleanup	25,000"
"City of Clearwater/Stevenson Creek Estuary Restoration Project	1,500,000
Davie Canal Revegetation-Reforest Canal Banks	135,000
Hudson Channel Dredging	180,000"
"Little Wekiva River Restoration, Seminole County	1,000,000"
"North Fork of the New River Restoration Project, Broward County	450,000
Port Orange/Improve Water Quality in Rose Bay/Volusia County	450,423"
"Restoration-Worthington Springs Park	75,000"
"Sunswept Lake Restoration	10,000
Wares Creek - Urban Flood Control Project	500,000
Wastewater Utility Feasibility Evaluation for the Ichetucknee Springs and River Recharge Area	91,000"

I hereby veto Specific Appropriation 1185A on page 297 appropriating \$500,000 from the Land Acquisition Trust Fund for the construction of a youth center:

"1185A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY CAROL CITY YOUTH CENTER FROM LAND ACQUISITION TRUST FUND	500,000"
---	----------

I hereby veto Specific Appropriation 1186A on page 297 appropriating \$100,000 from the Coastal Protection Trust Fund for the purchase of a local law enforcement vessel:

"1186A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY MARINE LAW ENFORCEMENT VESSEL FOR CITY OF NORTH BAY VILLAGE FROM COASTAL PROTECTION TRUST FUND	100,000"
---	----------

I hereby veto Specific Appropriation 1186B on page 298 appropriating \$250,000 from the Land Acquisition Trust Fund for the construction of an aquarium:

"1186B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY NATIVE FLORIDA AQUARIUM - BREVARD COUNTY FROM LAND ACQUISITION TRUST FUND	250,000"
--	----------

I hereby veto Specific Appropriation 1186C on page 298 appropriating \$50,000 from the Marine Resources Conservation Trust Fund for a marine biology education and research complex:

"1186C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY MARINE BIOLOGY EDUCATION AND RESEARCH COMPLEX FROM MARINE RESOURCES CONSERVATION TRUST FUND	50,000"
--	---------

I hereby veto Specific Appropriation 1186D on page 298 appropriating \$750,000 from the General Revenue Fund for the creation of an environmental learning center:

"1186D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
WORLD OF AMERICA LIFE AND TIMES AND
ENVIRONMENTAL LEARNING CENTER
FROM GENERAL REVENUE FUND 750,000"

I hereby veto Specific Appropriation 1186E on page 298 appropriating \$1,000,000 from the Land Acquisition Trust Fund for the purchase of property:

"1186E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
LAND ACQUISITION - PERFORMING ARTS CENTER -
MIAMI-DADE COUNTY
FROM LAND ACQUISITION TRUST FUND 1,000,000"

I hereby veto Specific Appropriation 1186F on page 298 appropriating \$75,000 from the General Revenue Fund for dredging canals:

"1186F GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
DREDGE CANALS IN PORT ST. LUCIE
FROM GENERAL REVENUE FUND 75,000"

I hereby veto Specific Appropriation 1186H on page 298 appropriating \$500,000 from the Land Acquisition Trust Fund for youth services:

"1186H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
CENTRAL PARK VILLAGE YOUTH SERVICES
FROM LAND ACQUISITION TRUST FUND 500,000"

I hereby veto Specific Appropriation 1186I on page 298 appropriating \$1,000,000 from the Land Acquisition Trust Fund to develop a training center:

"1186I GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
NATIONAL TRAINING CENTER FACILITY - LAND
ACQUISITION
FROM LAND ACQUISITION TRUST FUND 1,000,000"

I hereby veto Specific Appropriation 1186J on page 299 appropriating \$500,000 from the Land Acquisition Trust Fund for a boat ramp/park acquisition:

"1186J GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
MULTI-COUNTY BOAT RAMP/PARK ACQUISITION
AND DEVELOPMENT
FROM LAND ACQUISITION TRUST FUND 500,000"

I hereby veto Specific Appropriation 1186K on page 299 appropriating \$100,000 from the Land Acquisition Trust Fund for land acquisition:

"1186K GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
PALM BEACH SEAPORT AQUARIUM
FROM LAND ACQUISITION TRUST FUND 100,000"

I hereby veto Specific Appropriation 1186L on page 299 appropriating \$25,000 from the General Revenue Fund for the construction of a community center:

"1186L GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL

OUTLAY
CITY OF SOUTH BAY COMMUNITY CENTER
FROM GENERAL REVENUE FUND 25,000"

Pursuant to 1997 legislation, the Southwest Florida Water Management District and the Tampa Bay Water Authority (Tampa Bay Water) are working together to address the water supply needs of the Tampa Bay Region. Under the terms of a consolidated wellfield permit issued by the district, Tampa Bay Water will monitor the environmental impacts of its water withdrawals, with oversight and enforcement by the district. Hillsborough County, a member of Tampa Bay Water, perceives deficiencies in this monitoring program and has chosen to conduct a separate monitoring program for the Alafia River, Hillsborough River, and related natural systems. Proviso language in Specific Appropriation 1205 provides \$100,000 in state funds to Hillsborough County for this monitoring program. Although Hillsborough County has the right to conduct its own monitoring program, providing state funding for this activity would undermine cooperative efforts in the Tampa Bay region and would suggest that when a local government is dissatisfied with the good-faith efforts of another governmental entity the state will step in and choose sides. In addition to these policy concerns, funding for the Hillsborough monitoring program is erroneously appropriated from a trust fund designated for land acquisition and management.

I hereby veto portions of proviso language following Specific Appropriation 1205 on page 302 appropriating \$100,000 from the Water Management Lands Trust Fund for a hydrobiological monitoring program:

"From the funds in Specific Appropriation 1205, \$100,000 from the Water Management Lands Trust Fund may be provided to the Southwest Florida Water Management District for Hillsborough County's proposed hydrobiological monitoring program for the Alafia River, Hillsborough River and related natural systems."

I hereby veto proviso language following Specific Appropriation 1207 on page 303 appropriating up to \$1,750,000 from the Conservation and Recreation Lands Trust Fund for the purchase of the Snodgrass Island Indian burial mounds:

"From the funds provided in Specific Appropriation 1207, up to \$1,750,000 from the Conservation and Recreation Lands Trust Fund may be used for the acquisition and interim management of the Snodgrass Island Indian burial mounds upon recommendation by the Secretary of State."

The Marine Resources Conservation Trust Fund is comprised of many revenue streams, including federal Wallop-Breaux dollars from federal license fee revenues. Section 372.7701(2), Florida Statutes, provides that the "revenues in fees paid by hunters and sport fishers may not be diverted to purposes other than the administration of fish and wildlife programs by the Department of Environmental Protection and the Game and Fresh Water Fish Commission. Administration of the state fish and wildlife programs includes only those functions of fish and wildlife management as are the responsibility and under the authority of the Department of Environmental Protection and the Game and Fresh Water Fish Commission." In addition, Federal Code, 50 CFR, Part 80 states that a diversion of license fees occurs when any portion of the federal revenues are used for any purpose other than the administration of the state fish and wildlife agency. Furthermore, if a diversion of license revenues occurs, the state becomes ineligible to participate under the pertinent federal law from the date the diversion is declared until either legislative prohibitions are set in state statute or revenues are repaid by the state. Appropriations that could be identified as diversions of revenue to inappropriate projects are vetoed.

I hereby veto Specific Appropriation 1221K and the accompanying proviso language on page 308 appropriating \$500,000 from the Marine Resources Conservation Trust Fund for dolphin research and seagrass study:

"1221K SPECIAL CATEGORIES
HARBOR BRANCH OCEANOGRAPHIC INSTITUTION
FROM MARINE RESOURCES CONSERVATION TRUST
FUND 500,000"

From the funds in Specific Appropriation 1221K, \$400,000 is provided for Dolphin Research—Marine Mammal Hospital, and \$100,000 is provided for Marine Science—Indian River Sea Grass Study."

I hereby veto Specific Appropriation 1221AA on page 310 appropriating \$424,800 from the Marine Resources Conservation Trust Fund for funding of a natural history museum:

"1221AA GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY SMITHSONIAN MARINE INSTITUTE FROM MARINE RESOURCES CONSERVATION TRUST FUND	424,800"
---	----------

Senate Bill 2038 dealing with red tide and other harmful algal bloom research provides \$3 million for this effort. Specific Appropriation 1221S funds the same effort and is therefore duplicative.

I hereby veto Specific Appropriation 1221S on page 309 appropriating \$500,000 from the Marine Resources Conservation Trust Fund for red tide research:

"1221S SPECIAL CATEGORIES SPECIAL STUDIES/RESEARCH PROGRAMS FROM MARINE RESOURCES CONSERVATION TRUST FUND	500,000"
--	----------

Save the Manatee Trust Fund dollars are to be used only for environmental education, manatee research, facilities, and manatee protection and recovery pursuant to Florida law. The state's manatee program should take precedence with respect to funding. Additional clarification of the uses of this fund were placed in law during the 1998 session, when it was further stipulated that, effective July 1, 1999, the funds deposited in the Save the Manatee Trust Fund may be used only for manatee-related environmental education, manatee research, and facility reimbursement of the cost of activities related to manatee rehabilitation. Facility expansions should be related to manatee rescue, treatment, stabilization, maintenance, release, and monitoring. As proposed, the projects for the expansion of facilities at the sites identified in the following appropriations are inappropriate projects for this funding source, particularly since the funding source is in imminent danger of being depleted from basic program expenses this fiscal year.

I hereby veto Specific Appropriation 1221Z on page 310 appropriating \$395,450 from the Save the Manatee Trust Fund for education center expansion:

"1221Z GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY MANATEE OBSERVATION AND EDUCATION CENTER EXPANSION FROM SAVE THE MANATEE TRUST FUND	395,450"
---	----------

I hereby veto Specific Appropriation 1221AB on page 310 appropriating \$500,000 from the Save the Manatee Trust Fund for the Lowry Park Zoo:

"1221AB GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY LOWRY PARK ZOO FROM SAVE THE MANATEE TRUST FUND	500,000"
---	----------

The Department of Environmental Protection's legislative budget contains fixed capital outlay park projects that were not included in the Department of Environmental Protection's 5-year plans and did not go through the DEP's planning process. Further, the proposed budget includes several local park projects not deemed appropriate for state funding, as well as several projects at sites listed as state parks that have not been identified as state parks.

I hereby veto Specific Appropriation 1242A on page 313, appropriating \$237,500 from the General Revenue Fund for beach improvements:

"1242A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY VOLUSIA COUNTY BEACH IMPROVEMENTS FROM GENERAL REVENUE FUND	237,500"
--	----------

I hereby veto Specific Appropriation 1242B on page 314, appropriating \$250,000 from the General Revenue Fund for beach stabilization:

"1242B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY EGMONT KEY BEACH STABILIZATION - HILLSBOROUGH COUNTY FROM GENERAL REVENUE FUND	250,000"
--	----------

I hereby veto portions of proviso language following Specific Appropriation 1296A on page 324, appropriating \$1,537,170 from the Land Acquisition Trust Fund for park improvements:

"Chief Tomokie/Tomoka State Park	100,000
Gasparilla Island State Recreation Area Seawall Restoration	600,000"
"Pasco County State Park	837,170"

I hereby veto Specific Appropriation 1300A on page 324 appropriating \$450,000 from the Land Acquisition Trust Fund for the Anclote Key Lighthouse:

"1300A FIXED CAPITAL OUTLAY ANCLOTE KEY LIGHTHOUSE FROM LAND ACQUISITION TRUST FUND	450,000"
---	----------

I hereby veto Specific Appropriation 1302A on page 324 appropriating \$2,000,000 from the General Revenue Fund and \$3,000,000 from the Land Acquisition Trust Fund for park development:

"1302A FIXED CAPITAL OUTLAY NAVARRE BEACH STATE PARK DEVELOPMENT FROM GENERAL REVENUE FUND	2,000,000
FROM LAND ACQUISITION TRUST FUND	3,000,000"

I hereby veto Specific Appropriation 1327A on page 327 appropriating \$300,000 from the Land Acquisition Trust Fund for causeway restoration:

"1327A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY HONEYMOON ISLAND DUNEDIN CAUSEWAY RESTORATION FROM LAND ACQUISITION TRUST FUND	300,000"
--	----------

I hereby veto Specific Appropriation 1327B on page 327 appropriating \$2,000,000 from the Land Acquisition Trust Fund for local park development:

"1327B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY SISTER CREEK AQUATIC PARK ENHANCEMENT FROM LAND ACQUISITION TRUST FUND	2,000,000"
---	------------

The expenditure of state funds should be made for the benefit of all Florida citizens. The following projects are vetoed because they are of local benefit only and/or are in the wrong budget.

I hereby veto Specific Appropriation 1242C on page 314 appropriating \$395,000 from the Water Quality Assurance Trust Fund for remapping and a stormwater study:

"1242C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY LEON COUNTY AQUIFER PROTECTION ASSESSMENT FROM WATER QUALITY ASSURANCE TRUST FUND	395,000"
--	----------

I hereby veto Specific Appropriation 1242E on page 314 appropriating \$225,000 from the Ecosystem Management and Restoration Trust Fund to extend water mains:

"1242E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL	
--	--

OUTLAY
CITY OF CENTER HILL WATER SYSTEM
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 225,000"

I hereby veto Specific Appropriation 1242F on page 314 appropriating \$1,000,000 from the General Revenue Fund to develop a bridge for a county road:

"1242F GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
GULF COUNTY - ST. JOSEPH PENINSULA
FROM GENERAL REVENUE FUND 1,000,000"

The Department of Environmental Protection budget submitted to me by the Legislature contains approximately \$18 million in small county wastewater treatment grants to various municipal and county governments and nonprofit organizations providing wastewater treatment services. While no grant program exists, a loan program makes available approximately \$120 million in budget authority to provide assistance to all local governments operating wastewater treatment facilities. Although the many listed projects in the budget provide public benefit and there is arguably a need for them, they impact very small communities which usually do not qualify for this program. A small municipal grant assistance program is provided in Florida Statutes which will be effective in fiscal year 2001-2002. This program will enable small municipal governments with a population under 7,500 and a per capita income under \$15,000 to be eligible for grant awards. With the grant process soon to be available, wastewater grants in the 1999-2000 budget should focus primarily on those municipal governments that would be eligible under the impending program and are under state and/or federal consent orders. Four million dollars will be provided for the most critical projects.

I hereby veto portions of proviso language following Specific Appropriation 1243 on pages 314 and 315 appropriating \$13,200,000 from the General Revenue Fund and \$550,000 from the Grants and Donations Trust Fund to small county wastewater treatment grants:

"Carrabelle Wastewater System	150,000"
"City of Moore Haven Wastewater System	100,000
City of Sanibel Sewer System Expansion	500,000"
"East Palatka Water Sewer	475,000
Enterprise Wastewater Utility at Stone Island	625,000
Glen St. Mary Water/Sewer System	250,000
Greensboro Water System	175,000
Groveland Utility System Improvement, Lake County	250,000
Homosassa Wastewater Treatment System	250,000
Lake Okeechobee Wastewater Trust Fund	750,000
Merritt Park Place Sewer & Drainage	250,000
Midway Wastewater System	425,000
Monticello Water and Sewer System	50,000
Municipal Wastewater System-City of High Springs	1,750,000
Ocala Sewer Restoration Project	250,000
Opa-Locka Sewer System Improvements	250,000
Septic Tank Replacement, St. Johns County	350,000
Septic Tank Replacement/Phillippi Creek Drainage Basin, Sarasota County	3,000,000"
"Taylor County Wastewater Feasibility Study	25,000
Astor/Astor Park Regional Wastewater Treatment Facility, Lake County	1,500,000
Wakulla County Sewer Extension	375,000
Walton County Wastewater	1,500,000"
"Sewer Collection System Installation, Miami Shores Village	500,000"

The state provided \$3 million in Fiscal Year 1998-99, which was combined with federal funding, for the repair of damages to the Pensacola Beach Pier sustained during Hurricane Opal. An additional \$500,000

has been provided in the legislature's budget for anticipated increased construction costs.

I hereby veto Specific Appropriation 1243A on page 315 appropriating from the General Revenue Fund \$500,000 for pier repair:

"1243A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
PENSACOLA BEACH-HURRICANE OPAL-REPAIR PIER
DAMAGE
FROM GENERAL REVENUE FUND 500,000"

The Department of Environmental Protection has a process for determining the order in which contaminated sites will be cleaned up using state revenue. Several projects were proposed for funding in this budget that circumvent this process and are, therefore, inappropriate for inclusion in the budget for this fiscal year.

I hereby veto Specific Appropriation 1272B on page 319 appropriating \$150,000 from the Water Quality Assurance Trust Fund for water remediation:

"1272B SPECIAL CATEGORIES
ORANGE COUNTY WATER REMEDIATION PROGRAM
FROM WATER QUALITY ASSURANCE TRUST FUND 150,000"

I hereby veto portions of proviso language following Specific Appropriation 1275 on pages 319 and 320 appropriating \$750,000 from the Water Quality Assurance Trust Fund for cleanup efforts:

"From the funds in Specific Appropriation 1275, up to \$500,000 is provided for the Panama City Port Authority for testing and developing a remediation plan for the Panama City/Bay County intermodal economic development project."

"From the funds in Specific Appropriation 1275, \$250,000 is provided for Miami Shores Village Underground Storage Tank Cleanup."

I hereby veto Specific Appropriation 1277D on page 321 appropriating \$125,000 from the General Revenue Fund for cleanup efforts:

"1277D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
PETROLEUM CONTAMINATION CLEANUP - SUWANNEE COUNTY
FROM GENERAL REVENUE FUND 125,000"

The state applauds the efforts of Keep Florida Beautiful, and does not reject the general request to offer some state support in conjunction with local government and private industry participation. However, the projects specified are not deemed to be projects with statewide solid waste management benefit, and therefore should not be funded with Solid Waste Management Trust Fund revenue as is provided in Specific Appropriation 1277.

I hereby veto portions of proviso language following Specific Appropriation 1277 on pages 320 and 321 appropriating \$602,000 from the Solid Waste Management Trust Fund:

"From the funds in Specific Appropriation 1277, \$600,000 shall be used to implement pilot projects to be administered by Keep Florida Beautiful, Inc., in support of the Governor's Front Porch Florida Initiative. Each project shall be used to further develop best practices for cleaning up urban communities and to measure their effectiveness. Each project shall facilitate the removal of debris and to conduct other clean-up activities designed to improve the quality of life of residents and assist existing businesses, as well as to encourage new economic development and to contribute to the reduction of crime. No more than \$300,000 may be used for each pilot project.

From the funds in Specific Appropriation 1277, \$2,000 is provided for the Beaches Are Not Ashtrays Project."

Solid waste reduction and recycling projects benefit private industry, university research, and local government operations, as disposal costs and concerns are avoided and byproducts become products for alternative use as well as sale and profit. This is particularly true of the composting and other possible reuses of organic matter. Therefore, two specific appropriations are deemed inappropriate for state funding in the budget for this fiscal year.

I hereby veto Specific Appropriation 1277A on page 321 appropriating \$273,000 from the Solid Waste Management Trust Fund for a recycling center:

"1277A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
FLORIDA ORGANICS RECYCLING CENTER - SUMTER
COUNTY
FROM SOLID WASTE MANAGEMENT TRUST FUND 273,000"

I hereby veto Specific Appropriation 1277C on page 321 appropriating \$800,000 from the Solid Waste Management Trust Fund for a solid waste facility:

"1277C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
SUMTER COUNTY SOLID WASTE FACILITY
FROM SOLID WASTE MANAGEMENT TRUST FUND 800,000"

The Chattahoochee Trace Advertising Consortium funding proposed in this budget is not of statewide public benefit nor is it a component of the Department of Environmental Protection's park plans. It is therefore not an appropriate use of State Park Trust Fund revenue.

I hereby veto proviso language following Specific Appropriation 1283B on pages 322 and 323 appropriating \$100,000 from the State Park Trust Fund for advertising:

"From funds in Specific Appropriation 1283B, \$100,000 from the State Park Trust Fund is provided for the Chattahoochee Trace Advertising Consortium (with Alabama and Georgia)."

The Department of Environmental Protection's budget includes funding for a variety of local government assistance projects to acquire or develop land for public outdoor recreation through the Land Acquisition Trust Fund. The most appropriate avenue for funding such projects is the Florida Recreation Development Assistance Program administered by the department. Each year under this program, the department uses at least 5% of the funds credited to the Land Acquisition Trust Fund (approximately \$4.4 million for FY 1999-2000). The department has adopted rules to govern the program, including a competitive selection process for awarding funds. The criteria under section 375.075, Florida Statutes, evaluate how the projects meet the outdoor recreational elements and needs in various regions as specified in the State Comprehensive Outdoor Recreation Plan. A further requirement is that funds from the Land Acquisition Trust Fund may not be released until the projects have been selected through the competitive process. The FY 1999-2000 budget for the Florida Recreation Development Assistance Program includes 149 projects funded for \$12.2 million which have been competitively selected. Another appropriation of \$25 million is also available for projects in State Parks. These two components of the budget total \$37.2 million and will result in significant improvements in Florida's outdoor recreational opportunities.

Specific Appropriation 1327C proposes to fund an additional 128 local government projects at \$22.4 million. These projects did not go through the Florida Recreation Development Assistance Program process, were inappropriate for funding as outdoor recreation projects, or were reviewed but not recommended for funding in the competitive selection process. If approved through this specific appropriation, funding for several of these projects would be duplicated since they are also recommended for funding through the Florida Recreation Development Assistance Program.

While these projects may benefit their communities, the proposed funding would constitute an unwarranted circumvention of the established review process. A fair policy for evaluating meritorious recreation projects must follow the standards used in the established competitive selection process.

I hereby veto Specific Appropriation 1327C and the accompanying proviso language on pages 328 through 331 appropriating \$22,428,754 from the Land Acquisition Trust Fund for local parks:

"1327C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
LOCAL PARKS
FROM LAND ACQUISITION TRUST FUND 22,428,754

Funds in Specific Appropriation 1327C are provided for the following public recreation grants which provide direct public benefits and emphasize local government sponsorship and support. Grant recipients must submit a Florida Recreation Development Assistance Program application and provide a project plan and budget for the completion and on-going operating costs of the project.

A Family Empowerment Community Center, Quincy	200,000
Acreage Community Park-Indian Trail Improvement District	200,000
Amelia Earhart Park, Dade County	200,000
Anne's Beach Park Enhancements, Monroe County	100,000
Babe Ruth Baseball 1999 National World Series, Tallahassee	100,000
Barber Street Park, Sebastian	200,000
Beach Community Center, City of Ft. Lauderdale	200,000
Bicentennial Recreation Complex, Oldsmar	150,000
Big Tree Rd. Ballfield/Recreation Area Development, Volusia County	101,582
Biscayne Park Family Project, Dade County	130,000
Cantonment Athletic Complex	200,000
Caporella Bridge Project - City of Tamarac	62,000
Centennial Park	200,000
Choctawhatchee Bay Recreation Facility	200,000
Citrus County Soccer Complex	100,000
City of Aventura Park Site Purchase	200,000
City of Miramar Center	100,000
Cliff Stephens Park, Pinellas County	150,000
Colorado Park, Indian River County	60,000
Community Sports Complex Improvements, Suwannee County	100,000
Coral Gables Park	200,000
Coral Springs Gymnasium, Broward County	200,000
Coral Springs Safety Surfacing of Slide and Glide Playground	100,000
Crestview Twin Hill Park, Okaloosa County	200,000
Croom Park, Sumter County	87,000
Cross Seminole Trail, Seminole County	200,000
Dante Fascell Park & Palmer Field Master Plan, Miami - Dade	50,000
Deltona Ball Park/Dixie League/Hernando	100,000
Dog Island Replace Ferry/Public Dock	125,000
Duck Point Park, Indian River	200,000
Earl Brown Park Sports Facilities Improvements	200,000
Environmental Learning Center, Wabasso	98,000
Environmental Learning Center-Boardwalk Park	200,000
Fairview Park Improvement, Okaloosa County	100,000
Field of Dreams - Phase II, Gilchrist County	136,100
Florida City Park	100,000
Florida Keys Marina, Master Plan	100,000
Football/Soccer Stadium, Port St. Lucie	200,000
Fred Lippman Multi-Purpose Center and Shuffleboard Complex	200,000
Ft. Lauderdale Stadium	200,000
Ft. Myers/Lee County Ballpark Facility	200,000
Grant Park Restoration, Fellsmere	85,000
Gretna Park	100,000
Guana Park Environmental Center, Jacksonville	200,000
Hallandale Community Center	63,500
Heritage Park Foundation, Land O' Lakes	200,000
Holiday Park Facilities, City of Ft. Lauderdale	200,000
Holly Hill Gymnasium/Activity Center, Volusia County	200,000
Hopkins Landing Park at Lake Talquin	50,572
Indian River Park, North Indian River	200,000

Indian Riverside Park, Martin County	200,000
Ingram Park & Gymnasium	200,000
James Weldon Johnson & A. Philip Randolph Memorial Park	140,000
Joseph Carter Park, City of Fort Lauderdale	200,000
Jupiter Riverwalk	200,000
Kendall Wellfield Soccer Park-Phase 2	200,000
Lake Okahumpka S-44 Park	200,000
Legion Park, Dade County	200,000
Linear Parks for the C-9 and C-8 Canals, Dade County	200,000
Lipton International Park	200,000
Lonnie Miller Park	100,000
Manatee County 66th Street Athletic Complex	200,000
Manatee County YMCA Pool Complex	200,000
Marjory Stoneman Douglas Museum	200,000
Miami Lakes Park Improvements	200,000
Miami Springs Open Space Pedestrian and Bicycle Path	200,000
Midway Park	100,000
Millennium Community Development Grants - Pinellas County	200,000
Morikami Gardens, Palm Beach County	200,000
New River Launch Ramps and Docks, Broward County	100,000
Niles Gardens	200,000
North Shore Park Youth Center	200,000
North Shorecrest Park, Dade County	200,000
Northbank Regional Riverfront Park, Duval County	200,000
Northwest Jacksonville Regional Training and Development Center	200,000
Palm Beach Zoo at Dreher Park	200,000
Palma Sola Botanical Park	100,000
Pasco County Coastal Preserve	100,000
Patricia A. Mishcon Athletic Field	200,000
Peanut Island Park	100,000
Pinehurst Park Improvement	200,000
Police Athletic League, City of Port St. Lucie	200,000
Port Orange Bushman Urban Stormwater Wetlands Enhancement Park	200,000
Property Purchase for Park Facilities, City of Sebastian, Indian River County	200,000
Recreation Center, City of Port St. Lucie	200,000
Recreation Trail/Bike Path Pensacola Beach and Navarre Beach, Escambia Regional Park, Martin County	200,000
Riverview Park Land Acquisition, City of Sebastian	200,000
Riverwalk, City of Port St. Lucie	200,000
Roseland Park	200,000
Rotary Park, City of Port St. Lucie	200,000
Royal Palm Park II, City of Margate	200,000
Russell Harbor Landing/Recreation Area - City of Milton (Santa Rosa Co.)	200,000
Sabal Pines Park II, City of Coconut Creek	200,000
Santa Rosa Island Recreational Trail	200,000
Sarasota-Bradenton Children's Zoo, Manatee County	100,000
Sebastian Riverfront Development, Indian River County	90,000
Sherbondy Park	200,000
Silver Shores Park, City of Miramar	200,000
Sisters Community Park	100,000
South Levy Recreational Park Trail/Bike Path	200,000
Southside Dunedin Playground	50,000
Spanish Trail Park Pavilion Park, Okaloosa County	200,000
Sports Park - City of Lauderhill	200,000
Sportsmans' Park, North Indian River	200,000
Sunrise Tennis Club Park	200,000
Temple Terrace Town Center	200,000

Tennis Center Complex, City of Palm Beach Gardens	200,000
Tequesta Trace Park/City of Weston	200,000
Three Lakes Park Soccer Complex, Miami	200,000
Todd A. Robiner Park, Palm Beach County	100,000
Trail Glades Park, Dade County	200,000
Tree Island Park Land Acquisition, Dade County	200,000
Troy Moody Park, Vero Beach	200,000
Veterans' Memorial Park, Liberty County	100,000
Village of El Portal Park Enhancements	100,000
Virrick Park Community Center, Dade County	200,000
Volusia County Beach Improvements	200,000
Wabasso Causeway Park	200,000
Walton County Geopark Bike Trail	1,000,000
Wee Care Children's Park, Walton County	200,000
Wellington Recreational Facility	200,000
West-Land Gardens Park Expansion-City of Hialeah Gardens	200,000
Woodville Community Recreation Center	200,000
World War II Veterans' Memorial	200,000
Youth Motorized Sports Safety Facility, Brevard County	200,000
Youth Sports Facility Park, St. Johns	200,000
Zora Neale Hurston Nature Trail Recreational Park	200,000"

FISH AND WILDLIFE CONSERVATION COMMISSION

The FY 1999-2000 budget implements the creation of the Fish and Wildlife Conservation Commission (FWCC) on July 1, 1999, as mandated by constitutional amendment. This provides the new FWCC the extent of programs and responsibilities intended by the amendment. This statutory and appropriation shift of more than 800 positions and personnel from the Department of Environmental Protection was an enormous undertaking. Though not without conflict in its development, this achievement is notable and deserves mention for the thoroughness and deliberation with which it was accomplished.

The Game and Fresh Water Fish Commission (GFC) which will be folded into the new Commission, has constitutionally been charged with the responsibility of protecting wildlife, fresh water fish and aquatic life species, as well as regulating the taking of these species through licensing and enforcement. GFC reviews the impact of proposed development projects on fish and wildlife resources, provides preventive patrol and law enforcement and protects and restores wildlife fish and habitat. GFC also provides opportunities for consumptive use activities like hunting and fishing as well as non-consumptive use activities like hiking, canoeing and photography on its wildlife management areas. All of these responsibilities remain, however the essence of the creation of the new commission is that the management of fresh and salt water aquatic life, as well as upland animal species, will be within the purview of this new commission, shifting some of the current authorities of the Department of Environmental Protection to the new commission, and absorbing the responsibilities currently addressed by the Marine Fisheries Commission.

In addition, the Legislature funded the GFC's number one priority, which provides for prescribed burning on GFC managed properties. These efforts, combined with the Department of Agriculture and Consumer Services' fire prevention and response activities, will help to alleviate the buildup of the leaf litter and organic debris that fuels disastrous wildfires in state forests. Also, five positions were provided for nature-based recreation program services to residents, tourists, and nature-based recreation businesses in the state.

The GFC administers the Environmental Educational Grant program designed to aid in the development of environmental education throughout the state. This budget provides specific funding for projects that have not been evaluated through the established process. Approving them would be a circumvention of the established review process, and an unjustified waiver of the standards by which other similar projects funded in this budget were evaluated.

I hereby veto proviso language following Specific Appropriation 1352 on page 337 appropriating \$125,000 from the Florida Panther Research and Management Program Trust Fund for environmental education:

"From the funds in Specific Appropriation 1352, \$25,000 is provided for the Tropical Garden Education Network and \$100,000 is provided for the Young at Art Children's Museum-Broward County."

I hereby veto Specific Appropriation 1356A and accompanying proviso language on page 338 appropriating \$99,000 from the Florida Panther Research and Management Program Trust Fund for environmental education:

"1356A SPECIAL CATEGORIES
 ENVIRONMENTAL EDUCATION DISPLAYS/
 ENVIRONMENTAL LEARNING CENTER
 FROM FLORIDA PANTHER RESEARCH AND
 MANAGEMENT TRUST FUND 99,000

Funds provided in Specific Appropriation 1356A are for environmental education displays and kiosks at the Environmental Learning Center."

I hereby veto Specific Appropriation 1382A and accompanying proviso language on page 340 appropriating \$145,000 from the Florida Panther Research and Management Program Trust Fund for environmental education:

"1382A AID TO LOCAL GOVERNMENTS
 GRANTS AND AIDS - WILDLIFE SANCTUARY/
 ENVIRONMENTAL EDUCATION
 FROM FLORIDA PANTHER RESEARCH AND
 MANAGEMENT TRUST FUND 145,000

From the funds in Specific Appropriation 1382A, \$95,000 is provided for the Busch Wildlife Sanctuary and \$50,000 is provided for Octagon Wildlife Sanctuary."

The following local projects appear to have no statewide benefit and are vetoed.

I hereby veto specific Appropriation 1360A on page 339 appropriating \$25,000 from the State Game Trust Fund for a shooting range:

"1360A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
 NONPROFIT ORGANIZATIONS - FIXED CAPITAL
 OUTLAY
 ALACHUA COUNTY SHOOTING RANGE
 FROM STATE GAME TRUST FUND 25,000"

I hereby veto proviso language following Specific Appropriation 1382B on pages 340 and 341 appropriating \$75,000 from the State Game Trust Fund for a conflict mitigation program:

"From funds in Specific Appropriation 1382B, \$75,000 from the State Game Trust Fund shall be used for a conflict mitigation pilot program in areas where there exists the potential for conflict between private land and public land on which hunting with dogs is or may be authorized. The intent of the pilot program is to protect and to expand public hunting lands where hunting with dogs is allowed without detracting from other programs or negatively impacting private lands. Conflict mitigation measures may include, but are not limited to, the installation of fencing to isolate private property from public lands where hunting with dogs is allowed."

I hereby veto specific Appropriation 1397A on page 343 appropriating \$75,000 from the General Revenue Fund for a demonstration project:

"1397A AID TO LOCAL GOVERNMENTS
 GRANTS AND AIDS - INTERNATIONAL GAME FISH
 ASSOCIATION
 FROM GENERAL REVENUE FUND 75,000"

Encouraging the citizens of Florida to enjoy our fishing resources is a worthy goal. However, the expenditure of state General Revenue funds is inappropriate for this purpose. Although the facility funded by Specific Appropriation 1401A would serve a public purpose and there may be a need for it, the target population is local and should be funded through a more appropriate funding source.

I hereby veto Specific Appropriation 1401A on page 339 appropriating \$285,196 from the General Revenue Fund for a fishing outreach center:

"1401A FIXED CAPITAL OUTLAY
 WEST FLORIDA ANGLER OUTREACH CENTER
 FROM GENERAL REVENUE FUND 285,196"

DEPARTMENT OF TRANSPORTATION

The Florida Legislature funded the transportation Five-Year Work Program, which contains many transportation-related projects that help the department to provide a safe, interconnected, statewide transportation system that ensures mobility of people and goods while enhancing economic prosperity and maintaining the quality of Florida's environment. The department is involved in activities relating to public transit, aviation, intermodal development, and rail activities and seaports. In addition, the department directs the design, construction, and maintenance of highway facilities and regulates vehicle size and weight and commercial motor vehicles.

The Legislature provided \$3.8 billion for the work program to cover projects such as highway and bridge construction and maintenance, airports, and seaport funding. This budget provides for \$706 million more in Work Program funding than the state's Fiscal Year 1998-99 budget. This represents a 22.6% increase and is primarily from additional funding for the work program provided through the federal Transportation Equity Act for the 21st Century, most commonly called TEA-21. Furthermore, my decision to terminate the high speed rail project released \$130 million in transportation funds for public transit and intermodal projects.

Projects are placed in each of the Department of Transportation's districts' work programs after they have been developed cooperatively with the various metropolitan planning organizations of the state which include project priorities. Prior to the district work plan submission to the department's central office, a public hearing is held for any requests for new projects and any changes or deletions to projects in the plan. All district work programs are then submitted to the central office and combined and reviewed to ensure the work program is in compliance with the department's work program instructions and do not exceed revenues available for expenditure based on the department's 36-month forecast and expenditures and 5-year finance plan.

Many meritorious projects and programs were funded in the Department of Transportation Budget that have been presented to me by the 1999 Legislature. I categorized these projects as follows:

- Projects that support the 3,760 mile Florida Intrastate Highway System (FIHS) and were part of the approved 5-year work program. The FIHS represents only 3% of all roads in Florida but carries almost one-third of all the state's traffic.
- Projects that maintain the public's investment in its highway system, such as road resurfacing, bridge repair and replacement, and highway maintenance.
- Projects that enhance the state's airports and seaports to maintain Florida's competitive edge in international trade; and additional intermodal projects, linking various modes of transportation to increase the state's economic opportunities.
- Projects that support the development of alternatives to the automobile to improve the livability of Florida's cities and advance the state's environmental protection efforts, especially those aimed at preserving clean air.

In Specific Appropriation 1437, three positions were appropriated to create a Seaport Office in the Department of Transportation. These positions were contingent upon passage of HB 1147 or similar legislation, which did not occur. Therefore, this proviso is not necessary.

I hereby veto proviso language following Specific Appropriation 1437 on page 348 appropriating \$224,683 from the State Transportation (Primary) Trust Fund for three positions:

"From the funds provided in Specific Appropriations 1434, 1436, and 1437, 3 positions and \$224,683 are contingent upon HB 1147 or similar legislation becoming law creating a Seaport Office in the Department of Transportation."

Specific Appropriation 1511 provides funding to the Charlotte County Airport for debt retirement on bonds that were issued in 1990 to support the airport's development. Later, the Legislature removed the airport's taxing authority, leaving the authority with the debt but without a designated tax to repay the bonds. However, the airport authority has been able to make payments on the bonds with revenues generated from

airport operations. To approve funding for the Charlotte County Airport for this purpose would be an unprecedented and inappropriate use of state taxpayers dollars to retire the existing bonded indebtedness of a local government. If I were to sanction such an arrangement, the state could be subject to requests for additional appropriations totaling hundreds of millions of dollars, all to reduce debt obligations that are the responsibilities of the local governments.

Funding for the Melbourne International Airport was requested for improvements to encourage Spirit Airlines to relocate its corporate headquarters and maintenance facility to the airport. Spirit Airlines has decided to relocate its corporate headquarters to Miramar, Florida near the Fort Lauderdale Airport so the Melbourne Airport's need for this funding is questionable. In addition to the concerns I have already stated, neither of these projects were included in the Department of Transportation's Five-Year Work Program, and have not been reviewed within the evaluation process established in section 339.135, Florida Statutes.

I hereby veto portions of proviso language following Specific Appropriation 1511 on page 358 appropriating \$3,100,000 from the State Transportation (Primary) Trust Fund for aviation development grants:

"Charlotte County Airport Debt Retirement	2,100,000
Melbourne International Airport	1,000,000"

On January 14, 1999, I announced that I was withholding \$70 million in funding for the high speed rail project in my upcoming 1999-2000 budget and I would not seek this release of \$60 million previously appropriated for high speed rail related work. Questions regarding the ridership levels, the financing of the project that would obligate Florida taxpayers to billions of dollars, the questionable economic development benefits, and the uncertain impact on Florida's environment helped me to conclude that at this point in time the uncertainty and risk to Florida's taxpayers were too great. These tax dollars should be rerouted to projects that relieve congestion, enhance economic development, transport the working poor and welfare- to-work participants to jobs, assist urban communities with congestion, and promote intermodal projects that will link airports and seaports. The application of these funds needs to be reviewed by the process set up in section 339.135, Florida Statutes, which requires projects to be reviewed and included in the local Metropolitan Planning Organization Transportation Improvement Plan and the Department of Transportation's District Work Program Plan. The Legislature used the majority of high speed rail funds to address the transportation needs outlined in my budget recommendations.

I did not recommend funding for transit greenways, however they were included in the budget by the Legislature. Transit greenways are transportation corridors designed for the movement of pedestrian, bicycle, and specialized transit greenway vehicles. While several Department of Transportation districts are providing funds for transit greenway conceptual master plans, the ultimate cost for these projects could cost from \$35 million to \$250 million per project which I feel would be inappropriate given all the other transportation needs in Florida. In addition, the transit greenway projects listed in the proviso for Specific Appropriation 1516 were not included in the Department of Transportation's Five-Year Work Program. To approve these projects would constitute an unwarranted circumvention of the evaluation process established in section 339.135, Florida Statutes, which requires a project to be reviewed and included in the local Metropolitan Planning Organization Transportation Improvement Plan, the Department of Transportation's District Work Program Plan, and the department's 36-month forecast of cash and expenditures and 5-Year Finance Plan.

I hereby veto portions of proviso language following Specific Appropriation 1516 on page 360 appropriating \$8,950,000 from the State Transportation (Primary) Trust Fund for transit greenways:

"Funds in Specific Appropriation 1516, are provided for the following Transit Greenways from funds formerly allocated to High Speed Rail in the DOT Work Program.

City of Sebastian	100,000
Town of Marineland	100,000
North Palm Beach	150,000
City of Fort Pierce IDA	1,500,000
Northwest Ft Lauderdale	150,000
Town of Orange Park IDA	2,000,000
City of Altamonte Springs	150,000

S. St. Petersburg/PSTA	250,000
E. Tampa/HARTline	750,000
North Jax	800,000
Eatonville Towncenter	200,000
St Augustine IDA	2,000,000
Daytona Beach	800,000

Funds provided in Specific Appropriation 1516, for Transit Greenway Studies are for analyzing land use, market factors, architectural and urban design, and community development plans in the context of developing an innovative intermodal transportation and transit access system that will reduce traffic congestion, air quality problems and fuel consumption; and also improve the economic condition, educational opportunities and crime prevention characteristics of the community where the application of transit greenways is being reviewed so as to positively impact all racial, ethnic, economic, historic and social elements of the community consistent with the Federal Transit Administration's Planning Emphasis Areas. The studies must demonstrate local government commitment to implement land use, zoning and other governmental changes where necessary to support the recommended projects."

Specific Appropriation 1516 also provides funds for a study of transit and/or passenger service along the FEC Railway Corridor in Palm Beach, Broward and Dade Counties. Proviso requires the Department of Transportation to contract with the South Florida Regional Planning Council for this study. While this may be a worthy project, little local support has been demonstrated for this project. This project was not included in the Department of Transportation's Five-Year Work Program Legislative Budget Request nor was it included in my budget recommendations to the Legislature. In addition, this proviso language circumvents the process established in section 339.135, Florida Statutes, which requires the project be reviewed and included in the local Metropolitan Planning Organization Transportation Improvement Plan, the Department of Transportation's District Work Program Plan and the department's balanced 36-month forecast of cash and expenditures and 5-Year Finance Plan.

I hereby veto portions of proviso language following Specific Appropriation 1516 on page 360 appropriating \$350,000 from the State Transportation (Primary) Trust Fund for the railway corridor study:

"FEC Railway Corridor Study	350,000
-----------------------------	---------

Funds provided in Specific Appropriation 1516 for the FEC Railway Corridor Study are for preserving the FEC Railway Corridor including Palm Beach, Broward, and Dade counties. The department shall contract with the South Florida Regional Planning Council who shall work jointly with the Treasure Coast Planning Council to conduct the cost analysis and to draft a Request for Proposal (RFP)."

Specific Appropriation 1517 provides funding for seaport projects for the cost of environmental due diligence studies to assess the scope and magnitude of soil and groundwater contamination to property located near these ports. These projects should have been funded from the Department of Environmental Protection's budget since that agency oversees and is responsible for the brownfields program. The Department of Transportation is an inappropriate agency to fund these types of projects and they were not included in the Department of Transportation's Five-Year Work Program Legislative Budget Request, nor were they included in my budget recommendations to the Legislature. In addition, this proviso language circumvents the process established in section 339.135, Florida Statutes, which requires a project to be reviewed and included in the local Metropolitan Planning Organization Transportation Improvement Plan, the Department of Transportation's District Work Program Plan, and the department's balanced 36 month forecast of cash and expenditures and 5-Year Finance Plan.

I hereby veto proviso language following Specific Appropriation 1517 on page 361 appropriating \$1,000,000 from the State Transportation (Primary) Trust Fund for intermodal/rail development:

"From funds in Specific Appropriation 1517, the following projects are appropriated from funds previously allocated to High Speed Rail in the Department of Transportation Work Program:

Jax Shipyard Brownfield	500,000
Port of St. Joe Seaport Brownfield	500,000"

SECTION 6—GENERAL GOVERNMENT

ECONOMIC DEVELOPMENT

The Florida Legislature has realized several noteworthy accomplishments in the economic development section of the budget. They have given policy makers some degree of flexibility in implementing programs by providing \$83 million for economic development in lump sums. They have added language to these lump sums that ensures good accountability before the funds are fully released. In critical policy areas such as commercial space industry development and military base retention, the legislature has increased funding to give Florida a competitive edge against our rival states which also desire these industries. The Legislature has supported me in the creation of "Front Porch Florida," which will give this state a new vision of how community redevelopment should be done. They have appropriated over \$5 million for Front Porch Florida to revitalize our urban core communities in a program that is comprehensive and community-based.

There are many fine projects and programs that are in the economic development portion of the budget as passed by the Florida Legislature. I categorized these projects as being:

- Largely programmatic or technical, implementing law in other bills passed by the legislature;
- Projects that have previously been funded in the economic development budget. They may have legitimate policy objectives and meet the criteria outlined in the budget summary;
- Member issues that are strictly local in their fiscal and policy scope, not benefiting the general population and not easily measurable as to performance;
- Local projects that involve purchasing or improving industrial development parks;
- Local and/or regional economic development organizations;
- Local events that could have merit, should have gone through a review process, and in some instances are appropriated in the wrong agency;
- Festivals and conferences that are worthy but strictly local in benefit and economic impact; and
- Economic development transportation projects that bypass a statutorily defined process for evaluating the fiscal benefit.

These projects fill specific local community needs, celebrate the cultural diversity of our state, and attempt to provide economic growth in local areas. But as worthwhile as these projects may be, they do not provide a statewide benefit.

What is clear is that, in most instances, there are economic development programs within Enterprise Florida and the Office of Tourism, Trade and Economic Development with criteria in place for reviewing and ranking economic development projects. These programs have clearly stated goals and performance expectations. We can and should follow established criteria to ensure that the best projects are incorporated into the programs which meet these goals and receive funding.

I hereby veto portions of proviso language following Specific Appropriation 1670C on page 386 appropriating \$400,000 from the General Revenue Fund for Communities with Special Needs/Economic Opportunities:

"\$300,000 is designated for the Florida Institute for Inner City Economic Development,"

"\$50,000 is designated for Tampa Bay Incubator and Business Development Program, and \$50,000 is designated for Southwest United Communities, Inc."

I hereby veto a portion of proviso language following Specific Appropriation 1670D on page 387 appropriating \$100,000 from the Tourism Promotion Trust Fund for Industries Critical to Florida's Economic Base and Future Growth:

"From funds allocated to the Tourism Commission/VISIT FLORIDA program, \$100,000 shall be used for the Discover America International Pow-Wow '99 to be held in Miami-Dade County."

I hereby veto portions of proviso language following Specific Appropriation 1672A on pages 389 and 390 appropriating \$2,430,000 from the General Revenue Fund for Local Economic Development Initiatives:

"Central Commerce Park - Escambia Co	900,000
FL Center for Intern'l Prof. Svcs	180,000
Florida Association of Not for Profits	45,000"

"West African Consulate/Central Florida	80,000
City of Belle Glade Business Park	200,000
Santa Rosa County Commerce Park	250,000
Project Vision	200,000
Workforce-Streets to Work	100,000"
"Hialeah Hispanic Chamber of Commerce	150,000
Hialeah Chamber of Commerce & Ind	150,000"
"San Carlos Institute	75,000
Perrine Cutler Ridge Council, Inc	50,000"
"Aviation Industry Workforce Task Force	50,000"

"From funds in Specific Appropriation 1672A the \$900,000 provided for Central Commerce Park—Escambia County is contingent on the approval of the Pensacola Area Chamber of Commerce. Funds in Specific Appropriation 1672A, for the Aviation Industry Task Force are provided to the Jobs and Education Partnership which shall be the lead organization in the Task Force. The Task Force shall develop recommendations and legislative and operational action plans to ensure that the aviation industry will have access to skilled and certified workers to meet the demands of business and industry. Members of the Task Force will include a representative from the Jobs and Education Partnership, the Florida Chamber of Commerce, the Florida Department of Education Workforce Division, the Division of Community Colleges, the Superintendents Association, and the School Board Association. Additional members of the Task Force shall be from employers in the aviation business and industry. Business and industry employers should constitute a majority of the members. The Jobs and Education Partnership shall provide the Task Force's action plan to the Legislature by February 1, 2000.

From funds in Specific Appropriation 1672A for Seaport Training, up to \$100,000 shall be used to assist minority small business participation in the development of a World Trade Center for Palm Beach County and the Treasure Coast communities. This shall be in coordination with the Port of Palm Beach and the Business, Economic Development and Revitalization Corporation."

I hereby veto a portion of proviso language following Specific Appropriation 1672B on pages 390 and 391 appropriating \$1,475,000 from the General Revenue Fund for Festivals/ Events/ Attractions:

"Miami Goombay Festival	100,000
99/00 Black Enterprise Entrepreneur.Conf	100,000
Juneteenth Freedom Day Celebration	40,000
Zora Neal Hurston	50,000
PAST Juneteenth	50,000
Orlando Carnival	50,000
Intern'l Tennis Center at Crandon Park	100,000
Florida Sports Hall of Fame	250,000
MOSH (Museum of Science & History)	460,000
Arabian Festival	50,000
Miami Carnival	100,000
Florida African Dance Festival	50,000
Harambee/MLK Festival	75,000"

I hereby veto the proviso language following Specific Appropriation 1673 on page 391 appropriating \$7,200,000 from the Economic Development Transportation Trust Fund for Economic Development Transportation Projects:

"From funds provided in Specific Appropriation 1673, the following projects shall be funded:

JaxPort Authority-Airfield Improvements	1,200,000
Capitol Center Downtown Pedestrian and Vehicular Improvements	1,000,000
Daytona Beach Pedestrian Overpass	3,000,000
Yulee Road Bypass	2,000,000"

DEPARTMENT OF INSURANCE

Through the programs of the Department of Community Affairs funded in this budget, the state has made a significant commitment to prevent and minimize the damage caused by hurricanes and windstorms. Specific Appropriation 1715A would be used to purchase and store large amounts of plastic sheeting, which after a hurricane would be applied to damaged homes in the affected areas to minimize further wind and

water damage. Specific Appropriation 1715B would be used to construct a hurricane and windstorm resistant demonstration home in Pinellas County. Although well-intended, the probability of success for these projects is questionable, and therefore so is the public benefit. Given the destruction that hurricanes often inflict upon roads and related infrastructure, it is highly unlikely that the sheeting could be transported and installed on affected homes in time to be of significant value. As for the demonstration home, a similar hazard resistant demonstration house has just been completed in St. Lucie County. It would be inappropriate to fund the building of another demonstration home before the benefits, if any, of the St. Lucie house have been evaluated. In the final analysis, it is the local property owners themselves who are in the best position to determine how they should go about preventing damage to their property before, during, and after a hurricane. Therefore, funding for both of these projects is vetoed.

I hereby veto Specific Appropriation 1715A on page 399 appropriating \$990,000 from the Insurance Commissioner's Regulatory Trust Fund for the Post Wind Storm Damage Mitigation Project:

"1715A	LUMP SUM	
	POST WIND STORM DAMAGE MITIGATION PROJECT	
	FROM INSURANCE COMMISSIONER'S REGULATORY	
	TRUST FUND	990,000"

I hereby veto Specific Appropriation 1715B on page 399 appropriating \$540,000 from the Insurance Commissioner's Regulatory Trust Fund for Hazard Resistant Construction Materials and Methods:

"1715B	LUMP SUM	
	HAZARD RESISTANT CONSTRUCTION MATERIALS	
	AND METHODS - PILOT PROGRAM	
	FROM INSURANCE COMMISSIONER'S REGULATORY	
	TRUST FUND	540,000"

DEPARTMENT OF LABOR/WAGES

The State Work And Gain Economic Self Sufficiency (WAGES) Board and the local WAGES Coalitions have processes by which they competitively bid grants to providers who work to help the unemployed and underemployed find and maintain employment. While the following projects may have worthiness, these items are funded outside the established review process and would have unfair advantage over projects that properly followed grant procedures.

I hereby veto portions of proviso language following Specific Appropriation 1817 on page 416 appropriating \$10,000,000 from the Employment Security Administration Trust Fund:

"In addition, \$10,000,000 from the Employment Security Administration Trust Fund shall be used for the Noncustodial Parent Employment Program which provides unemployed and under employed noncustodial parents with training, education and job placement assistance. From the funds appropriated for this program, \$2,000,000 is provided to the Fourth Judicial Circuit in Duval County, \$1,500,000 is provided for the expansion of the program in the Eleventh Judicial Circuit by the current provider, and \$100,000 for a similar program for noncustodial parents in Brevard County."

"The program in the Fourth Judicial Circuit is to be sited and housed in an Enterprise Zone and administered at a facility that has already received a WAGES grant and has a day care and charter school at the facility.

For the remaining \$6,400,000, the WAGES State Board shall develop the criteria and determine through a competitive process the award of Temporary Assistance for Needy Families funding for the WAGES Noncustodial Parent Employment Program."

THE DEPARTMENT OF MANAGEMENT SERVICES

The Department of Management Services (DMS) is responsible for providing services related to the state's office space requirements. These needs are evaluated statewide and documented in the department's Five-Year Capital Improvement Plan for state agencies. In their evaluation, DMS considers the life and safety of state employees, the demand and need for consolidation of services, the cost of private sector rents, and the availability in the private sector of required specialized space. I am approving funding for three DMS office space projects totaling over \$35 million—the Duval County Regional Service Center, the West Palm

Beach Regional Service Center, and repairs and renovations to the Capitol Building—because they all meet the criteria utilized in the department's evaluation. However, the other three DMS office space projects contained in this budget—the St. Lucie County Client Service Center, the Immokalee All-Purpose Government Facility, and the Life Cycle Cost Analysis on the Turnpike Authority building—while containing some degree of merit, fail to rise to the standard of an immediate pressing need based on the criteria laid out in the department's five-year plan. Therefore, funding for these three projects is vetoed.

I hereby veto proviso language following Specific Appropriation 1905A on pages 432 and 433 appropriating \$45,000 from the General Revenue Fund for a Life Cycle Analysis of a building housing the Turnpike Authority:

"From the General Revenue Fund in Specific Appropriation 1905A, \$45,000 is appropriated to appraise and prepare a life cycle cost analysis on the facility currently housing the Turnpike Authority located on Governors Square Boulevard in Tallahassee. Any agency seeking space from the private sector in Leon County during fiscal year 1999-2000 should take into consideration the location of this facility in developing their bid specifications."

I hereby veto Specific Appropriation 1921A on page 434 appropriating \$453,859 from the General Revenue Fund and \$2,646,814 from the Public Facilities Financing Trust Fund for the St. Lucie County Client Service Center:

"1921A	FIXED CAPITAL OUTLAY	
	ST. LUCIE COUNTY CLIENT SERVICE CENTER -	
	DMS MGD	
	FROM GENERAL REVENUE FUND	453,859
	FROM PUBLIC FACILITIES FINANCING TRUST	
	FUND	2,646,814"

I hereby veto Specific Appropriation 1927A on page 435 appropriating \$125,000 from the General Revenue Fund for the Immokalee All-Purpose Government Facility:

"1927A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND	
	NONPROFIT ORGANIZATIONS - FIXED CAPITAL	
	OUTLAY	
	IMMOKALEE ALL-PURPOSE GOVERNMENT FACILITY	
	FROM GENERAL REVENUE FUND	125,000"

Many of Florida's rural counties struggle to come up with the money required to provide emergency 911 services, which are vital to the safety of residents and visitors alike. Specific Appropriation 1955A is intended to assist three Florida counties in providing 911 service. While well-intended, the source of this appropriation is the trust fund used to receive state agency payments for long distance telephone service. Federal Communication Commission regulations specifically prohibit the use of funds collected as payment for long distance service for any other purpose. However, although this appropriation conflicts with Federal law this does not mean the problem it was intended to address should be ignored. In its last session, the Legislature passed House Bill 182, which creates a trust fund for the provision of enhanced 911 services, and specifically allocates a portion of the trust fund's receipts to Florida's rural counties to meet their 911 needs. I have signed this bill into law; therefore, this appropriation is not needed and is vetoed.

I hereby veto Specific Appropriation 1955A and the accompanying proviso on page 444 appropriating \$275,000 from the Communications Working Capital Trust Fund for 911 Service Enhancement Grants and Improvements:

"1955A	SPECIAL CATEGORIES	
	911 SERVICE ENHANCEMENT GRANTS AND	
	IMPROVEMENTS	
	FROM COMMUNICATIONS WORKING CAPITAL	
	TRUST FUND	275,000

From the funds in Specific Appropriation 1955A, \$50,000 is provided to Dixie County, \$150,000 is provided to Hendry County, and \$75,000 is provided to Calhoun County for implementation of 911 service."

The closing of the Gulf Coast Paper Company in Gulf County was a disastrous economic event, resulting in the loss of hundreds of vital jobs in that area. In addition to the loss of employment, there have been other negative impacts as well, including the County's loss of property tax

revenue from the closing of the paper mill. Specific Appropriation 2002A is intended to make up for the County's tax revenue loss by replacing it with general state funds. While directed to a worthy cause, it is inappropriate to establish a funding mechanism that replaces property tax losses in a single locality with revenues collected from all parts of the state, including many areas with depressed economic conditions of their own. Also, this appropriation is a short-term measure that does not address the overall economic conditions in Gulf County. Several state agencies have and are responding to this problem, taking actions to help Gulf County by providing economic-related aid that is more substantial and self-sustaining. Therefore, this appropriation is vetoed.

I hereby veto Specific Appropriation 2002A and the accompanying proviso on page 450 appropriating \$1,501,755 from the General Revenue Fund for Economic Relief for Counties:

"2002A SPECIAL CATEGORIES ECONOMIC RELIEF FOR COUNTIES FROM GENERAL REVENUE FUND	1,501,755
--	-----------

Funds in Specific Appropriation 2002A are provided for economic relief for Gulf County. These funds may be released to Gulf County up to the amount certified by the Gulf County Board of Commissioners that was due but not received from the Gulf Coast Paper Company for ad valorem taxes."

DEPARTMENT OF STATE

Senate Bill 2500 contains over \$39 million for local libraries, over \$22 million for historic preservation, and over \$36 million for arts and culture, all part of grant programs administered by the Department of State. This totals over \$97 million in funding for Florida's rich historic, cultural, and literary heritage. Each year millions of dollars in funding are approved for historical and cultural projects, but only after they have been submitted to the department for review, evaluation, and recommendation by the Florida Historic Preservation Advisory Council, the Florida Museum Grants Advisory Committee, or the Florida Arts Council. All historical and cultural projects that were approved by the department through its evaluation process received funding in this budget. However, all the historical and cultural projects listed in proviso under Specific Appropriation 2054A and Specific Appropriation 2080A, totaling over \$10 million, either did not go through the department's review process, or would receive funding in addition to the amount the department approved through its grant programs. While many of these projects are meritorious, to approve these items without compelling justification would constitute an unwarranted circumvention of the established review process, and would unfairly hold these projects to a less rigorous standard than those that properly followed grant procedures and were approved to receive funding.

However, because of their unique circumstances I have decided to approve funding for four projects listed in these specific appropriations. The first is for restoration of the Citrus County Courthouse because of the state's significant prior investment in the Courthouse's renovation and the fact that this funding would complete the project. The second is for the Cuban History Documentation Project at St. Thomas University, due to the statewide significance of preserving the history of the Cuban exile community by recording the testimonials of those who have lived through the experience. The third and fourth are for Holocaust education programs conducted by the Tampa Bay Holocaust Memorial and the Miami Beach Holocaust Memorial. Both of these programs contribute towards the fulfillment of a statewide statutory mandate to teach Holocaust education in Florida's schools; also, they provide instruction on the evils of prejudice and the benefits of racial tolerance, which are invaluable lessons for the children of Florida's ethnically diverse citizenry. Funding for the remaining projects is vetoed.

I hereby veto portions of proviso language following Specific Appropriation 2054A on page 460 appropriating \$2,340,000 from the General Revenue Fund for Grants and Aids to Historic Preservation Projects:

"Old School Restoration-Indian River	700,000
Heritage Park Land Acquisition	100,000
House of Seven Gables/Historic	100,000
Sanford Memorial Stadium	180,000
Anclote Lighthouse Restoration	150,000
Gamble Mansion	50,000"

"City Hall Restoration-Madison County	60,000
Coconut Grove Playhouse Repairs	1,000,000

Funds provided in Specific Appropriation 2054A for the Coconut Grove Playhouse are contingent upon a local match in the amount of one-half cash and one-half noncash."

I hereby veto portions of proviso language following Specific Appropriation 2080A on pages 465 and 466 appropriating \$7,035,000 from the General Revenue Fund for Grants and Aids to Cultural Projects:

"Cultural Alliance/Preservation of the Arts	90,000
Treasure Coast Opera Society	50,000
AE Beanie Backus Gallery and Museum	100,000
Boca Raton Museum of Art	500,000
CHAMP Concert Hall at Mizner Park	800,000
LINKS of Broward County	75,000
Cummer Galleries Educational Outreach	150,000
Maitland Art Center	60,000"
"Smithsonian/Florida World Museum	150,000
Ybor City State Museum Complex	500,000
LaVilla Cultural Museum	100,000
YWCA AL Lewis Center	100,000
African-American/Library/Cultural Center	700,000
New World Symphony Lobby Redesign	150,000
Manatee Agricultural Museum	250,000
Cuban Tradition	50,000
Florida Shakespeare Theatre	110,000
Miami Museum of Science/Smithsonian	100,000
FL International Museum	3,000,000"

SECTION 7—JUDICIAL BRANCH

STATE COURT SYSTEM

The budget for the State Court System includes my recommendation of complete funding for 32 new judgeships (more than \$4.5 million). Additionally, it provides more than \$1.8 million in workload increases, more than \$4.2 million for small county courthouse construction and renovation, and more than \$8.6 million for other courthouse construction and maintenance. The bill also contains \$3.1 million in additional funding in the Justice Administration and Legal Affairs budgets to litigate civil commitment cases arising from the Jimmy Ryce Act. This will help to ensure that dangerous sexual predators are not released back into our communities. The funding for our State Court System provides the resources necessary to effectively serve Florida's judicial needs. However, there are some items within the State Courts budget approved by the Legislature that are improperly designated within the context of the specific appropriations line item, or simply should not be funded from the budget of the State Court System. The following items are improperly designated within this budget.

Highlands and Manatee counties were provided appropriations among a group of small counties for courthouse improvement projects, although both counties are larger than the 75,000 population threshold that constitutes small counties for planning purposes.

I hereby veto portions of proviso language following Specific Appropriation 2106 on pages 470 and 471 appropriating \$457,000 for small county courthouse projects:

"Highlands	275,000"
"Manatee	182,000"

SECTION 19

I hereby veto the proviso language of Section 19 on pages 490 and 491. There are times when projects undertaken with the best of intentions fail to live up to the original expectations; the Adam Payne Academy in Hillsborough County, conceived as a rehabilitation environment for juveniles who have had trouble with the law, is one such project. After spending almost \$20 million in construction costs on the Academy, the state has little to show and many problems with which to contend. While the good intentions remain, there is little to be gained from sinking additional millions of dollars into this project. Guided by substantive legislation, I intend to address this situation through my executive powers in a way that is in the state's best interest.

"SECTION 19. The balance of funds from Specific Appropriation 2012A of Chapter 94-357, Laws of Florida, are hereby appropriated to the Department of Management Services to be used to stabilize, protect, dry in, and/or complete the state facilities originally contracted by the Alternative Education Institute for construction of the Adam Payne Academy in Hillsborough County. Pursuant to Chapter 216, funds remaining after the exterior has been completed shall be released only upon the approval by the Governor, President of the Senate and Speaker of the House of a plan to utilize the facility."

SECTION 30

I hereby veto Section 30 on page 492 reappropriating funds to Brevard Community College. In 1997-98, Brevard Community College was appropriated \$1 million for acquisition of a black beam interferometer. The funds were not expended and Section 30 would reappropriate the funds to remodel a clean-room, to include construction of offices for business incubators. The State Board of Community Colleges and workforce development education programs have established processes to fund construction and workforce development projects. State statutes prescribe the methods for determining construction needs and establishing schedules of construction.

"SECTION 30. The unencumbered balance of funds appropriated from the General Revenue Fund to Brevard Community College by section 8 of Chapter 98-99, Laws of Florida, is hereby reappropriated to the college to support those economic development initiatives that are approved by the college's Board of Trustees."

SECTION 36

I hereby veto Section 36 on page 493 providing \$400,000 to Monroe County to compensate the school district for a loss of Florida Education Finance Program funds attributable to a decline in enrollment following natural disasters. The Florida Education Finance Program formula currently provides a supplemental allocation to districts which experience declining enrollment. Providing additional state funds for a district experiencing an enrollment decline is not sound state policy and sets an unwarranted precedent.

"SECTION 36. There is hereby appropriated to the school board of Monroe County the sum of \$400,000 for the 1998-99 school year to compensate that school district for a loss of Florida Education Finance Program (FEFP) funds attributable to a decline in student enrollment following natural disasters that have affected Monroe County during the 1998-99 school year."

The portions of Senate Bill 2500 which are set forth herein with my objections are hereby vetoed, and all other portions of Senate Bill 2500 are hereby approved.

Sincerely,
Jeb Bush, Governor

COMMUNICATION

Honorable Toni Jennings, President
The Florida Senate

January 3, 2000

Dear President Jennings:

This letter is to advise you of the Secretary of State's actions pursuant to the Florida Supreme Court's Order of October 28, 1999, directing the Secretary of State "to expunge from the official records of the State the Governor's veto of the portions of the proviso relating to operations grants."

The official documents maintained by this office, namely the enrolled and certified original SB 2500; the original of the Governor's objection letter dated May 27, 1999; and the Court's opinion dated October 28, 1999, now officially appended to and an integral part of the Governor's veto, correctly reflect the current status of the legislation, with the Court's reinstatement of portions of the vetoed language. A copy of the Court's opinion is enclosed.

Sincerely,
Katherine Harris
Secretary of State

Supreme Court of Florida

No. 95,960

THE FLORIDA SENATE, et al.,
Petitioners/Cross-Respondents,

vs.

KATHERINE HARRIS, etc., et al.,
Respondents/Cross-Petitioners.

[October 28, 1999]

HARDING, C.J.

The Florida Senate and Senate President Toni Jennings petition this Court for a writ of mandamus ordering the Florida Secretary of State to expunge from the official records the gubernatorial veto directed at portions of the proviso language in Line Item 117C of the 1999-2000 General Appropriations Act, chapter 99-226, Laws of Florida (the Act). Petitioners also request that the writ order the Florida Comptroller to ensure that this expunction is reflected in the state financial operations. Governor Jeb Bush¹ counterpetitions for a writ of mandamus which would require the expunction of a proviso to Line Item 117C of the Act as unconstitutional. We have jurisdiction. Art. V, § 3(b)(8), Fla. Const.

Line Item 117C involves a \$40 million appropriation for an extended school year program in Florida public schools. Under this program, participating schools would extend the academic year for students from 180 to 210 days. A sum of \$500,000 was earmarked for summer training programs for representatives from the schools implementing the extended school year. The remaining fund of \$39.5 million was earmarked "for both planning and operations grants" for participating schools. Fla. SB 2500, §2, at 49, line 117C (1999). The proviso specifies that eligibility for such grants is limited to the 234 schools that expressed an interest in an extended school year in response to a February 1999 survey by the Department of Education. However, in order to receive funds from this appropriation, the eligible schools were required to submit to the Commissioner of Education by August 1, 1999, a letter of commitment to extend the school year and to file an implementation plan by January 1, 2000. The proviso also includes a formula for determining how much money will be available for planning grants to participating schools based upon student population and a second formula for calculating each school district's allocation for the operation of an extended school year. In the event that the amount required to fund the planning and operation grants for all eligible schools exceeds the amount of the appropriation, the proviso authorizes the Commissioner to "fund the cost of extended school year operations on a first-come first-served basis." *Id.* at 50.

In his May 27, 1999, veto message, Governor Bush vetoed the \$500,000 summer training program and \$16,140,000 for operation grants. The Governor let stand \$23,360,000 for extended school year planning grants. The Senate challenges the veto of the operation grants as a violation of the Florida Constitution.

Article III, section 8(a) of the Florida Constitution provides in pertinent part that "[t]he governor may veto any specific appropriation in a general appropriation bill, but may not veto any qualification or restriction without also vetoing the appropriation to which it relates." As explained by this Court in *Brown v. Firestone*, 382 So. 2d 654, 664 (Fla. 1980), the governor's constitutional "veto power is intended to be a negative power, the power to nullify, or at least suspend, legislative intent. It is not designed to alter or amend legislative intent." *See also Chiles v. Children A, B, C, D, E, and F*, 589 So.2d 260, 265 (Fla. 1991) ("[I]t is well settled that the executive branch does not have the power to use the veto to restructure an appropriation."). Thus, where the Legislature attaches "a rationally and directly related qualification or restriction to [an] appropriation . . . the governor [must] make the hard choice whether to give up the appropriation entirely or to follow the legislative direction for its use." *Brown*, 382 So. 2d at 667.

In *Brown*, this Court adopted the following rule to determine what constitutes a "specific appropriation" for purposes of a gubernatorial veto:

A specific appropriation is an identifiable, integrated fund which the legislature has allocated for a specified purpose.

Id. at 668. However, we later recognized that “[t]his rule, while simple in theory, has been somewhat more difficult to apply in actual practice.” Florida House of Representatives v. Martinez, 555 So. 2d 839, 843 (Fla. 1990). This difficulty increases when the Legislature appropriates a sum of money “under a vague or broad line-item category and then specifies in proviso language the precise way this money may be spent.” Id. As explained in Martinez, proviso language which expressly breaks the line item into a definite unit intended for a stated purpose clearly constitutes a specific appropriation. See id. In contrast, where the proviso language does not identify a sum of money but merely specifies that some unidentified portion of the line item shall be used for particular purposes, the governor is not permitted to veto the language. See id. at 844.

In the instant case, the parties agree that the Governor’s veto of the summer training program was permissible. The proviso language at issue in this veto clearly falls within the first category discussed above: the proviso broke the line item appropriation of \$40 million into the smaller definite unit of \$500,000, which was earmarked for the stated purpose of the summer training program. This proviso, thus, constituted a specific appropriation as stated in Brown and could properly be vetoed by the Governor pursuant to article III, section 8(a).

The real issue in the instant case is the constitutionality of the Governor’s veto of the operations grants. Unlike the summer training program, the proviso does not expressly state the amount of the remaining \$39.5 million that has been assigned to the operations grants. The proviso does explain the formula by which the planning grants for the participating schools will be calculated² and includes a formula for calculating the allocation to districts for the operation of an extended school year. The Governor contends that this operations grants funding formula unconstitutionally amends the statutory funding process of the Florida Education Finance Program (FEFP).³ The Governor vetoed the operations grants for this reason.

In assigning a dollar amount to the operations grants, the Governor calculated a figure of \$23,360,000 for planning grants for the 234 eligible schools based upon school population information supplied by the Department of Education to the Senate and the formula contained in the proviso. The Governor then subtracted this figure and the summer training program figure from the \$40 million fund and vetoed the remainder of \$16,140,000 that he calculated to be earmarked for the operations grants. The Senate contends that there was no amount specified for operations grants alone and that the entire \$39.5 million fund is a specific appropriation.

In calculating the amount he vetoed for the operations grants, the Governor had to look beyond the face of the proviso itself. As stated in his brief, the Governor referred to documents from the Department of Education and the Senate’s working papers and intent documents. As we explained in Martinez, “no matter how accurate the Governor’s monetary estimate [of a proviso] might be,” he may not veto a proviso or portion of a proviso by “supplying his own ‘estimate’ of its monetary cost.” 555 So. 2d at 844. Before the Governor can veto specific proviso language “that language on its face must create an identifiable integrated fund—an exact sum of money—that is allocated for a specific purpose.” Id.

Here, the proviso language itself also convinces us that the \$39.5 million was “an identifiable, integrated fund which the legislature has allocated for [the] specific purpose” of an extended school year program. See Brown, 382 So. 2d at 668. The proviso language specifically states that the “[f]unds in Specific Appropriation 117C are provided for both planning and operations grants.” Fla. SB 2500, §2, at 49, line 117C (1999) (emphasis added). Moreover, the legislature intentionally structured the funding scheme to encompass both the planning and operations grants. While 234 schools were eligible to participate in the extended school year program, the Legislature did not know the exact number that would choose to participate and apply for the grants. In order to accommodate this uncertainty, the Legislature created a fund that was fluid between the planning and operations grants. After the planning grants were distributed to the participating schools, the remaining funds would be used for operations grants. In fact, the Legislature recognized that if every eligible school chose to participate in the program and received a planning grant, then the allocation would not provide operations grants for all of the participating schools. Thus, the Legislature authorized the Commissioner of Education to “fund the cost of extended school year operations on a first-come first-served basis.” Fla. SB 2500, §2, at 50, line 117C (1999). This funding structure indi-

cates that the \$39.5 million is a specific appropriation as defined in Brown.

Moreover, “a fund is not ‘integrated’—it is not a ‘specific appropriation’—unless it consists of all those elements necessary to achieve the stated purpose.” Martinez, 555 So. 2d at 845. Here the Legislature’s purpose was to expend this money for an extended school year program, during both the planning and the operations phases. The Governor could properly have vetoed the whole appropriation for the extended school year program, thereby nullifying the legislative intent. However, he may not alter or amend this legislative intent by separating out the operations component from the appropriation. Thus, we conclude that the Governor’s veto of the operations grants was unconstitutional.

The Governor has filed a counterpetition for a writ of mandamus, arguing that the operations grants proviso language is unconstitutional because the funding formula amends the statutory scheme of the FEFP. The Governor contends that this Court need not rule on the Senate’s writ petition if we determine that the operations grants proviso language in the Act changes or amends existing law on a subject other than appropriations in violation of the one subject requirement of article III, section 12 of the Florida Constitution.⁴ For the reasons discussed below, we deny the Governor’s petition but recognize that he may pursue his claim of unconstitutionality in circuit court.

Mandamus is the appropriate vehicle for addressing the constitutionality of the provisos only “where the functions of government will be adversely affected without an immediate determination.” Division of Bond Finance v. Smathers, 337 So. 2d 805, 807 (Fla. 1976); see also Dickinson v. Stone, 251 So. 2d 268, 271 (Fla. 1971). While this Court has entertained mandamus petitions involving constitutional challenges of provisos, “[o]rordinarily the initial challenge to the constitutionality of a statute should be made before a trial court.” Smathers, 337 So. 2d at 807. In Smathers, the Court accepted jurisdiction because both parties agreed that the State Bond Program and the Environmentally Endangered Lands Bond Program were jeopardized by the questionable constitutionality of a proviso and the doubt over the effectiveness of the Governor’s veto. Id. In a footnote we elaborated on these adverse effects to the functions of government, noting that the proviso in question “has caused, and on a daily basis continues to cause the State to be in arrears on a previously executed contract with the government of the United States for the purchase of environmentally endangered lands in the State, and that it is only by grace of a federal extension of time that a default has not been declared.” Id. at 807 n.1. Indeed, the Court cautioned that “[w]e would hesitate long before accepting jurisdiction in different circumstances.” Id.

We do not find that the instant case involves circumstances of direct and immediate adverse effect and thus deny the Governor’s petition for mandamus. “If the governor believes that the appropriations to which these vetoes were directed are unconstitutional, his recourse lies in the filing of a suit for declaratory decree in circuit court.” Martinez, 555 So. 2d at 848 (Grimes, J., concurring in part, dissenting in part).

For the foregoing reasons, we grant the Senate’s request for a writ of mandamus, but deny the Governor’s request. We hereby direct the Secretary of State to expunge from the official records of the State the Governor’s veto of the portions of the proviso relating to operations grants. Additionally, we direct the Comptroller to ensure that the expunction of this veto is reflected in the financial operations of the State. Because we believe the parties to this action will fully comply with this opinion, we withhold the formal issuance of the writ of mandamus at this time.

It is so ordered.

SHAW, WELLS, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION, AND IF FILED, DETERMINED.

Original Proceeding - Writ of Mandamus

Alan C. Sundberg, Tallahassee, Florida; Cynthia S. Tunnicliff of Pennington, Moore, Wilkinson, Bell & Dunbar, Tallahassee, Florida; and D. Stephen Kahn, General Counsel, The Florida Senate, Tallahassee, Florida,

for Petitioners/Cross-Respondents

Deborah K. Kearney, General Counsel, Office of the Secretary of State, Tallahassee, Florida; and Harry Hooper, General Counsel, Office of the Comptroller, Tallahassee, Florida,

for Respondents/Cross-Petitioners

Carol A. Licko, General Counsel, Frank R. Jimenez, Deputy General Counsel, and Reginald J. Brown and Daniel J. Woodring, Assistant General Counsels, Tallahassee, Florida,

for Governor Jeb Bush, Intervenor-Respondent/Counterpetitioner

Tatjana L. Martinez, Tallahassee, Florida,

for the Florida School Boards Association, Amicus Curiae

¹ Governor Bush was permitted to intervene as a respondent.

² The third paragraph of the proviso language provides that schools with 500 or fewer students will receive an \$80,000 planning grant; schools with 500 to 1,000 students will receive \$100,000; and schools with greater than 1,000 students will receive \$120,000.

³ Section 236.081, Florida Statutes (Supp. 1998), governs funds for the operation of schools. Subsection (1) describes the procedure to be followed in computing the annual allocation to each district for school operation.

⁴ Article III, section 12 of the Florida Constitution provides that "[l]aws making appropriations for salaries of public officers and other current expenses of the state shall contain provisions on no other subject." This Court has explained that two major considerations underlie this one subject requirement: to prevent logrolling in appropriations bills; and to

ensure the integrity of the legislative process in substantive lawmaking. See Brown v. Firestone, 382 So. 2d 654, 663 (Fla. 1980).

The Honorable Katherine Harris
Secretary of State

May 26, 1999

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Senate Bill 2706, enacted during the 31st Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 1999, and entitled:

An act relating to Okaloosa County and the Mid-Bay Bridge Authority; ...

I am withholding my approval of Senate Bill 2706, and do hereby veto the same to allow the community to address issues of concern.

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 April 30, 1999, was corrected and approved.

RECESS

On motion by Senator McKay, the Senate recessed at 5:38 p.m. to reconvene at 9:30 a.m., Thursday, January 6.