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GOVERNOR

STATE OF FLORIDA

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The Honorable Katherine Harris  
Secretary of State  
PL 02, The Capitol  
Tallahassee, Florida 32399

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 Committee Substitute/Senate Bill 2C, enacted during Special Session C of the 33rd Session of the Legislature of Florida convened under the Constitution of 1968 and entitled:

An act making special appropriations; providing appropriations and reductions in appropriations for the 2001 - 2002 fiscal year, 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 retroactive applicability for rescission of certain salary increases; providing effective dates.

The state of Florida is experiencing, as are many other states, slower economic growth. Although Florida still leads the nation in job creation and is better prepared to weather an economic downturn, the events of September 11<sup>th</sup> have impacted our state's economy more severely due to the precipitous decline in tourism and travel. This resulted in a current year budget shortfall, as planned expenditures exceeded anticipated revenues.

In early October, I issued a proclamation to convene a Special Session of the Legislature to address this shortfall. I also outlined principles that could be followed to solve our budget problem and maintain the priorities of the state. The Legislature responded during the first Special Session and passed a plan that followed many of the principles that my administration presented. However, we knew that we could produce a better budget for the state of Florida, and we continued our work to reach a consensus solution.

I am pleased to report that the Legislature reconvened and passed a fair, responsible plan to balance the current year state budget. We were able to achieve this without raising taxes or depleting our reserves. In fact, total reserves are currently \$2.862 billion, a 115 percent increase over the \$1.328 billion level three years ago. The new budget includes \$722 million in spending reductions, \$104 million in cash from the working capital fund, \$383 million in trust fund reserves, and \$128 million from the delay of the current year phase out of the intangibles tax.

The Legislature should be commended for their careful work to focus our resources on the state's highest priorities: protecting direct classroom instruction in our K-20 education system and preserving necessary services for our most frail and vulnerable citizens.



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Consistent with my outlined principles, the revised budget prioritizes direct classroom instruction for Florida's children and preserves a per-student increase over the level from fiscal year 2000-01. Last year's budget provided \$5,296 per student for 2,388,756 students; this year's budget provides \$5,327 per student for 2,455,065 students. Again, this represents an actual per-student spending increase from last year, and funds 66,309 additional students.

In addition, I proposed and will sign the K-20 education flexibility bill to allow universities, community colleges and school districts the ability to adjust their budgets to protect direct classroom instruction.

Preserving services for Florida's most frail and vulnerable citizens was a fundamental recommendation from the principles that I outlined. The budget still provides for a \$1.4 billion increase in total health and human services funding from last year's appropriation.

Further, I asked that the Legislature first reduce new programs and the expansion of current programs yet to be implemented, before making cuts in existing services. Instead of reducing vital programs, management efficiencies will also be utilized and maximized to reduce costs.

While many of the issues in the Special Session budget adhere to my principles, I believe that some revisions should be made in order to maintain the state's priorities. For example, the reductions in funding for standard probation would be the equivalent of an 18 percent decrease in their workforce, so I am eliminating the cut. I am also restoring funding for mentoring programs for the vulnerable children who participate in these life-changing programs.

In consideration of such concerns, I have decided to take the following actions:

The total state and local funds of \$12.2 billion budgeted for K-12 public school operations continues to reflect an increase over the previous year. For the 2001-02 fiscal year, funding will increase by \$446 million, or 3.8 percent, after the Legislature's Special Session C reductions of \$309 million in the Florida Education Finance Program (FEFP). At the same time, enrollment has increased by 2.8 percent. This level of funding covers enrollment growth and protects the classroom from reductions. However, mentoring programs did not fare quite as well for direct instruction programs. These programs help our at-risk students by providing one-on-one tutoring in schools. These children are among our most vulnerable. For that reason, I am withholding my approval for the following line items:

### **Specific Appropriation 3**

#### **Page 2 - A portion of proviso language**

" , -\$1,300,000 for Take Stock in Children, -\$1,000,000 for Big Brothers/Big Sisters,"

" , -\$500,000 for Boys and Girls Clubs,"

**Specific Appropriation 4**

Page 2

"4           SPECIAL CATEGORIES  
              GRANTS AND AIDS - COMMUNITIES IN SCHOOLS  
              FROM EDUCATIONAL ENHANCEMENT TRUST FUND           -500,000"

While the overall State University System Educational and General budget received a reduction of 5.3 percent, New College did not receive a reduction; it received an increase of 7.12 percent. It is not equitable for New College to receive additional funds while all other public universities received reductions. Therefore, a portion of the following proviso language is hereby vetoed:

**Specific Appropriations 115**

Page 22 - A portion of proviso language

"New College ..... 17,163"

**Specific Appropriations 115A**

Page 23 - A portion of proviso language

"New College ..... 734,275"

A portion of proviso language in Specific Appropriation 136 establishes a fraud and error reduction pilot project. This pilot project was funded using an inappropriate funding source - anticipated recoveries for new Medicaid fraud and abuse initiatives. The availability of sufficient resources to implement the pilot is questionable since these fraud initiatives are new and have not yet been implemented. Therefore, I hereby veto the following language:

**Specific Appropriation 136**

Page 27 - A portion of proviso language

"From the funds in Specific Appropriation 136, \$1,700,000 from the Administrative Trust Fund is provided to implement a fraud and error reduction pilot program using a drug information database in a wireless handheld application."

A portion of proviso attached to Specific Appropriation 155 expands a pilot program for diabetic mail order pharmacy supplies statewide prior to completion of an evaluation of the cost effectiveness of the program in the pilot area. This proviso language also appears to conflict with a statutory provision contained in section 8 of HB 29-C, which limits the expansion of this pilot program. Therefore, I hereby veto the following language:

**Specific Appropriation 155**

Pages 30 and 31 - A portion of proviso language

"The reduced appropriation in Specific Appropriation 155 includes reductions of \$957,227 from the General Revenue Fund and \$1,240,769 from the Medical Care Trust Fund to implement voluntary mail order pharmacy services for diabetic supplies and all generic and brand name drugs used by Medicaid patients with diabetes, effective January 1, 2002."

Specific Appropriations 244 and 245 would eliminate 409 Correctional Probation positions within the Department of Corrections, including approximately 324 Correctional Probation Officers in the next fiscal year. This cut represents an 18 percent decrease of the regular probation workforce. This reduction would adversely affect public safety by increasing the probation caseloads of these officers by approximately 31 percent; every probation officer would be supervising approximately 108 rather than 82 offenders. The men and women who serve Florida as Correctional Probation Officers are courageous people who risk their lives supervising offenders. In 2000, due to the danger of their work, I recommended and the Legislature granted "Special Risk" retirement benefits to our probation officers. Correctional Probation Officers serve a vital role as a law-enforcement presence throughout our state and helped drive down Florida's 2000 crime rate to its lowest level in 28 years. Therefore, the following items are vetoed:

**Specific Appropriations 244 and 245**

Page 50

"244	SALARIES AND BENEFITS	POSITIONS	-30
	FROM GENERAL REVENUE FUND		-3,873,209
	FROM GRANTS AND DONATIONS TRUST FUND		1,000,000
	FROM INMATE WELFARE TRUST FUND		-1,219"
"245	EXPENSES		
	FROM GENERAL REVENUE FUND		-829,723"

Florida should continue its commitment to reducing domestic violence. This appropriation provides funding for the collection and analysis of criminal justice data relating to domestic violence. Absent this specialized information, Florida's goal with respect to reducing domestic violence could be hampered, due to the impaired collection of data. I hereby veto Specific Appropriations 349, 350 and 351 which eliminate the positions within the Department of Law Enforcement that support domestic violence data analysis.

**Specific Appropriations 349, 350 and 351**

Page 66

"349	SALARIES AND BENEFITS	POSITIONS	-4
	FROM GENERAL REVENUE FUND		-74,260"
"350	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		-10,000"
"351	EXPENSES		
	FROM GENERAL REVENUE FUND		-95,000"

The entire appropriation for national association dues was eliminated in special session. Florida has received services from various associations for most of a year, and owes them payment for those services. Therefore, I hereby veto the following item:

**Specific Appropriation 457A**

Page 86

"457A	SPECIAL CATEGORIES	
	ASSOCIATION DUES	
	FROM GENERAL REVENUE FUND	-182,170"

The deficiency fund is appropriated for operations of a state agency or of the judicial branch when the workload or cost of the operation exceeds that anticipated by the Legislature and the determination has been made that the deficiency will result in an impairment of the activities of an agency or of the judicial branch to the extent that the agency is unable to carry out its program provided by the Legislature in the general appropriations act. During this time it is more important than ever to maintain an appropriation to meet unforeseen needs. Therefore, I hereby veto the following item:

**Specific Appropriation 458**

Page 86

"458	SPECIAL CATEGORIES	
	DEFICIENCY	
	FROM GENERAL REVENUE FUND	-400,000"

I hereby veto Section 27 which reverts \$632,000 from a Fixed Capital Outlay appropriation for Maintenance, Repairs and Construction-Statewide, appropriated in Specific Appropriation 956 of Chapter 99-226, Laws of Florida for the Department of Juvenile Justice. The reduction cannot be made as there is no longer \$632,000 remaining in the balance of the appropriation. This is a technical issue which can only be resolved by my veto.

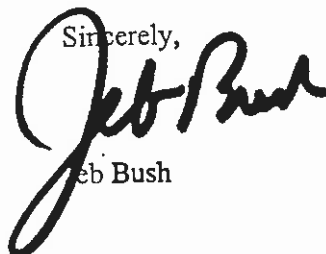
**Section 27**

Page 113

"SECTION 27. From the funds provided in Specific Appropriation 956 of Chapter 99-226, Laws of Florida, for Maintenance, Repairs and Construction-Statewide, \$632,000 shall revert to the General Revenue Fund."

The portions of Committee Substitute/Senate Bill 2C which are set forth herein with my objections are hereby vetoed, and all other portions of Committee Substitute/Senate Bill 2C are hereby approved.

Sincerely,



Jeb Bush