



JEB BUSH
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

May 28, 2004

Ms. Glenda E. Hood
Secretary of State
Florida Department of State
R. A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399

Dear Ms. Hood:

I hereby transmit to you, without my signature, House Bill 1867, entitled:

An act relating to education funding . . .

In general, this bill codifies into Florida Statutes several issues that have been the subject of proviso in the General Appropriations Act for a number of years. However, I have strong concerns with the bill because it includes substantive changes to current law that (1) adversely impact students seeking to participate in one of the state's school choice programs, (2) attempt to expand the scope of a community college through a permanent name change, and (3) appear to authorize the construction of an educational facility that did not undergo the traditional review and approval process.

This bill unnecessarily reduces the total amount of scholarships that may be granted to economically disadvantaged students under the Corporate Income Tax Credit Scholarship Program by \$38 million during the 2004-05 fiscal year. This reduction is accomplished by decreasing from \$88 million to \$50 million the maximum amount of corporate income tax credits that may be granted to corporations that contribute funds to scholarship-funding organizations for the purpose of providing scholarships to low-income students. Proponents of this provision argue it is needed in order to prevent a deficit in general revenue funds. What proponents fail to recognize is that providing more than \$50 million in corporate income tax credits actually increases the amount of general revenue funds available to the state because the average amount of a private school scholarship is nearly 39 percent less than the average amount generated by a student under the state's public school funding formula. In essence, Florida's general revenue outlook improves when more scholarships are granted under this program.

Nevertheless, it is my avid hope the Legislature will not artificially limit participation in the scholarship program next year and will ultimately provide thousands of additional families the opportunity to select the educational setting that best meets the academic needs of their children.

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This bill also rightfully provides a permanent name change for three community colleges that are authorized to offer baccalaureate degree programs to no longer reflect that they are solely two-year institutions. Such a name change is required of postsecondary education institutions offering baccalaureate degrees and seeking accreditation. Unfortunately, this bill also provides a similar permanent name change for Edison Community College even though it isn't authorized to offer a baccalaureate degree program. Instead, Florida Gulf Coast University will offer a baccalaureate degree program through a partnership with the college. Authorizing the college to undergo a permanent name change is, at this time, premature and beyond its scope of authority.

I am asking the Legislature to revisit this inappropriate name change for Edison Community College next year and only approve such a name change in the future when the college is officially authorized to offer a baccalaureate degree program.

Additionally, this bill appears to authorize Florida State University to construct a classroom building using operational funds. This project was not included on the list of recommended university construction projects or in my 2004-05 budget recommendations.

The correct method for the Legislature to fund construction projects is through a specific appropriation in a fixed capital outlay category wherein the building and the amount of funding is identified. The method used in this bill appears to circumvent current law and only allows for more criticism of the legislative process. The classroom building was not recommended by the Board of Governors and the funding was not identified in either House or Senate appropriations bills nor was it discussed during the conference process. Unfortunately, the funding is included in the state budget in such a way that it cannot be vetoed without eliminating all state support for the institution. I hope in the future the Legislature will comply with the traditional review and approval process of all educational construction projects. Our duty as public servants requires that we provide open and fair access to matters of state concern.

While I have strong concerns with the bill because it includes the three aforementioned substantive changes to current law, the bill also includes several conforming provisions that codify current budgetary practices into law which have traditionally been included in the General Appropriations Act. One such practice authorizes the Commissioner of Education to enter into contracts for the continued administration of the statewide assessment, testing, and evaluation programs. Such contracts may be initiated in one fiscal year and continued into the next fiscal year and may be paid from either or both fiscal years. Without this authorization, I am gravely concerned that measuring student performance will be interrupted and the progress that students have achieved since the implementation of the A+ Plan will be jeopardized.

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For this reason, and the reasons set forth herein, I hereby allow House Bill 1867 to become law without my signature.

Sincerely,

Jeb Bush