

June 24, 2005

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

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby transmit with my signature Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 360, but withhold my approval of portions of Sections 25 and 40, comprising specific appropriations, enacted during the 37<sup>th</sup> Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2005, and entitled:

An act relating to infrastructure planning and funding . . .

I am very proud today to sign this significant piece of legislation into law. The good work of the Legislature to develop and pass this law has great potential to change the future of our state for many generations. In 1985, the Legislature passed landmark legislation to manage our future growth. This 2005 bill will be seen as a landmark point in time as well, where we get the most from the opportunities and meet the challenges of Florida's future growth. Growth in Florida will continue to support an attractive business climate, protect natural resources, and add to, not detract from, the high quality of life we enjoy in this state.

This bill addresses critical gaps in Florida's growth management act: concurrency for schools, water supply, improvements in transportation concurrency, and infrastructure funding. Amazing as it may seem, school capacity and water supply were not linked to development approvals (a linkage known as "concurrency") in the 1985 law, or since, until this bill. Given the road congestion that so much of Florida experiences each day, I felt very strongly that funding must not become a blank check. It needs to be accompanied by policy changes that link the funding to responsible decisions concerning future growth and associated infrastructure obligations. The Legislature agreed and tightened transportation concurrency provisions as well.

Very significantly, the Legislature appropriated \$1.5 billion in this legislation and made a recurring commitment to fund roads, school construction and water supply – the largest funding commitment to growth management since before 1985. I look forward to getting this program off to a solid start and commend the Legislature for recognizing that the

Glenda E. Hood  
June 24, 2005  
Page Two

time is now to overhaul and update our growth policies and commit the state to ongoing funding of critical infrastructure. Our citizens' quality of life depends on successful implementation of the reforms provided in this bill.

There are many appropriations in Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 360, most of which I wholeheartedly support. However, there are a few items that I find I must veto.

The appropriations for the High Growth District Capital Outlay Assistance Grant Program in Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 360 are based on one formula for determining eligibility to receive funds and another formula for the allocation of funds, which combined would result in only five school districts receiving funds in fiscal year 2005-2006. These formulas include components that apply unexplained time parameters, valuations, calculations, weighting of values, and restrictions on district student population. While the school districts slated to benefit from these formulas are indeed experiencing high rates of student growth, there are other rapidly growing districts that should be considered as well.

I have consistently expressed concern about the distribution of funds in the High Growth District Capital Outlay Assistance Program. The formula needs to be carefully debated and deliberated to ensure a fair distribution of limited resources. I am willing to approve the nonrecurring appropriation for fiscal year 2005-06, but I cannot approve a recurring annual appropriation based on the formula set forth in this bill. Therefore, I am hereby vetoing the following appropriation:

Section 25, subsection 1013.65(2)(a)4.c.

c. Thirty million dollars of such funds are hereby annually appropriated for expenditure to fund the High Growth County District Capital Outlay Assistance Grant Program created in s. 1013.738 and shall be distributed as provided in that section.

Further, Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 360 creates a School Concurrency Task Force to: review the requirements for school concurrency and make recommendations to streamline the process and procedures for implementation; examine the methodology and processes for funding construction of public schools; and recommend revisions to help ensure that schools are built and available when the expected demands of growth produce the need for new school facilities. I believe that sufficient guidance is provided in current law and within this legislation to implement school concurrency. I also fear that the prospect of pending changes to legislation as a result of this task force will delay implementation. I will ensure that the Department of Community Affairs and the Department of Education work closely with stakeholders to make certain that these provisions are implemented as efficiently as possible. Thus, I am hereby vetoing the following appropriation:

Ms. Glenda E. Hood  
June 24, 2005  
Page Three

Section 27, subsection (2)(d)3.

3. Fifty thousand dollars to support the School Concurrency Task Force.

Finally, Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 360 contains \$0.5 million in two separate appropriations of \$250,000 to fund the Century Commission. I believe this was a glitch and that \$250,000 is sufficient to fund the Commission. Therefore, I am hereby vetoing the following appropriation:

A portion of section 40.

and \$250,000 is hereby annually appropriated to support the Century Commission, created by section 163.3247, Florida Statutes.

I hereby transmit Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 360 with my signature, but withhold my approval of the above noted sections or portions thereof.

Sincerely,

Jeb Bush