

June 27, 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 withhold my approval of and transmit to you with my objections, Committee Substitute for Senate Bill 2146, enacted during the 37th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2005, and entitled:

An act relating to state planning and budgeting . . .

Committee Substitute for Senate Bill 2146 implements the provisions of Committee Substitute for Senate Joint Resolution 2144, which has yet to be considered by Florida's voters. Both the joint resolution and the bill significantly revise the state budgeting process. Committee Substitute for Senate Bill 2146 amends the duties, powers, selection and service criteria of the Legislative Budget Commission ("LBC"), creates a Government Efficiency Task Force, creates provisions for the development of a long range financial outlook and requires the financial outlook to be the basis for agency legislative budget requests.

I commend the Legislature's effort to responsibly plan for Florida's fiscal future. Our current year-over-year state revenue growth reflects the strength of Florida's economy. There are also increasing demands upon our resources, so proactive forecasting and planning is essential to the development of sound, long-term, fiscal policy. The bill's focus on long-term planning is welcome and well-intentioned.

However, I am troubled by the bill's circumvention of executive and legislative authority. The bill charges the Legislative Budget Commission, a 14-member body, with preparation of a long-range financial outlook, including forecasts of future needs and associated fiscal strategies. The bill then requires agencies to base their legislative budget requests on this financial outlook. Though perhaps a means of effectuating coordinated planning, it creates an imbalance of power within the branches of government.

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Through their elected legislative and executive representatives, all Floridians currently have a fairly equitable voice in the state budget process. Committee Substitute for Senate Bill 2146 would fundamentally alter this equitability by placing development of the state budget primarily in the hands of a 14-member LBC.

Consider the alteration contemplated by this legislation. Currently, each executive agency and the judiciary is responsible for preparing its own budget request based upon the conditions and requirements of existing law. These requests are often the basis for the development of the Governor's proposed budget and the Legislature's analysis thereof.

Under this bill, the fiscal strategies of the LBC, rather than the conditions and requirements of current law, would have predominant influence over the design of budget requests. Committee Substitute for Senate Bill 2146 empowers the LBC by charging it with development of a proposed financial outlook – a planning process and document that would circumvent the ordinary bill process and never even be considered by the full Legislature or subject to executive veto. Its plans or fiscal strategies would have a binding impact on each executive agency's ensuing year budget request. Consequently, 14 legislators would be empowered to frame information resulting in decisions affecting all of state government with little or no input from the other 146 legislators, the Cabinet, the Governor or the judiciary.

This raises significant separation of powers issues: the balance of political power will tip toward a small minority of legislators and necessarily lessen the influence of not only the other branches of government, but the Legislature itself.

While I strongly support the goal of long-term planning and improvements in Florida's budget process, I do not believe changes made by this legislation to the agency budget preparation process are consistent with the separation of powers doctrine.

By working with House and Senate leadership, I am confident that these concerns can be resolved and legislation enacting the financial outlook and other good provisions of this bill can be approved during the next legislative session. However, given my concerns with the processes established in the bill, I am withholding my approval of Committee Substitute for Senate Bill 2146, and do hereby veto the same.

Sincerely,

Jeb Bush