

May 26, 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, Senate Bill 2268, 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 athletic trainers . . .

Senate Bill 2268 revises a number of provisions relating to athletic trainers, primarily revising the educational requirements required for licensure.

I am generally concerned with the growing use of state licensure to create modern guilds and protect market interests of select groups. Proposals to expand state licensure of a profession should meet the same criteria already in place in statute for the creation of new professional regulation, specifically:

- Statutory changes should prevent or limit the potential for a substantial risk of harm to the public.
- The skill the profession requires is specialized and readily measurable.

In applying these standards, I have the following objections to this bill.

First, there is no evidence of any pending risk to the public under the current regulations.

Second, "athletic training" is so broadly defined in the bill that it may capture a number of activities regularly performed by parents and volunteers, such as taping the finger of a five-year old child at a rocket football game. The state ought to encourage, rather than discourage, volunteerism at athletic events. This bill subjects volunteers to the fear of criminal prosecution.

Third, this provision attempts to further the continuing and troubling trend of criminalizing activities that are not inherently harmful or wrong. State licensure should only be required to protect the public, and must not be used to protect members of a profession

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from the supposed indignity of seeing volunteers perform tasks associated with that profession without compensation.

For the reasons provided above, I am withholding my approval of Senate Bill 2268, and do hereby veto the same.

Sincerely,

Jeb Bush