

**“I DID IT MY WAY’:  
GOVERNOR JEB BUSH AND THE LINE ITEM VETO IN FLORIDA”  
(with apologies to Frank Sinatra)**

**by**

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## **Abstract**

**“I Did It My Way”:**

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This article examines Florida Governor Jeb Bush’s exercise of the line-item veto authority across three consecutive state budgets, 1999-2001. Close analysis of the partisan, local economic, and programmatic effects of Bush’s item vetoes contradicts “punitive” theories of gubernatorial budget politics. Instead of using the item veto as a weapon against Democrats or an instrument to chastise recalcitrant members of his own party, Bush’s item vetoes were part of a larger goal to redefine the role of the governor in state budgeting in Florida. By attempting to shift powers held for a long time by the state legislature back to the executive branch, Bush’s actions had considerable implications for executive-legislative relations in the nation’s fourth largest state.

## **Introduction**

The conventional scholarly wisdom suggests that those governors having line-item veto authority employ the power largely to punish political opponents, especially but not exclusively in instances of “divided government” when the governor is of one party, and one or more legislative chambers are of the other. But it has also been noted that governors have been known to use the line-item veto against uncooperative members of their own party. Governors have used it against specific areas of the state, either because local officials did not support their election, or citizens voted for their opponent.

This paper tests these hypotheses through a close examination of Florida Governor Jeb Bush’s exercise of the line-item veto power in three successive budgets, 1999-2001. Analysis of Bush’s extensive item veto usage contradicts “punitive” theories of gubernatorial budget politics. As a result there is an important empirical question facing us: Why did Governor Bush take the actions he did, and what does this event tell us about the evolving nature of executive-legislative relations, at least in Florida? We conclude that Bush’s item vetoes are part and parcel of a larger goal to redefine the role of the governor in state budgeting, and shift powers held for a long time by the state legislature back to the executive branch.

The article unfolds in four stages. The first section briefly surveys competing theories of gubernatorial item veto usage that emphasize punitive and partisan aims, on the one hand, and fiscal control on the other. The second section places Governor Bush’s stated rationale for his exercise of item veto authority within the context of the theoretical debate. The third section discusses data and methods, followed by the results of the empirical analysis of partisan, local economic, and programmatic effects of Bush’s vetoes. The concluding section considers the

import of the findings for the future balance of power between the executive and legislature over the budget process in Florida.

### **The Line-Item Veto: Context, Purpose, Outcomes**

The gubernatorial line-item veto actually dates back to the Constitution of the Confederate States of America. It constitutes perhaps the most long-lived legacy of that archaic and defunct political document, at least as far as executive authority is concerned. As of this writing, some forty-three states allow the governor a line-item veto, although there is variation in exactly what the term means. In many states, governors can only item veto the appropriated amount specified in the line. In some states, governors are permitted to veto instructing, qualifying, or restricting language presented by legislatures in connection with specific lines. In other states, they cannot differentiate between the language and the dollar amount of the line item, but must either accept or reject both. In some twelve of these forty-three states, governors have the capacity to reduce the amount of the line item, if they choose not to veto it entirely.<sup>1</sup>

By the end of the nineteenth and early twentieth centuries, item veto use had spread considerably. The reason for its diffusion probably rests more on the behavior of late-nineteenth century legislatures than any desire to consolidate power in the hands of governors. By the end of the 1800s, as is widely known, many state legislatures were subject to extensive graft and corruption. Powerful lobbies and interest groups bought and sold individual legislators, and even whole legislatures, openly and brazenly. Budgets became state-sanctioned licenses, even invitations, for private interests to feed at the public trough. The line-item veto was but one of a number of innovative political devices favored by Progressives, do-gooders, crusaders, editorial writers, and other indignant re-inventors of government to try to clean up the “mess.”<sup>2</sup> By the

mid-twentieth century, 40 states had adopted some form of the line-item veto, with several more to follow subsequently (Lauth 1996).

A reading of the sparse literature on gubernatorial line-item vetoes reveals ambiguities on exactly what it was supposed to accomplish. Burkhead (1956), in his classic *Government Budgeting*, summarizes the main points:

- it enhances the governor's fiscal authority;
- it permits him to counter excessive supervisory activity by legislatures;
- the threat of the veto allows the governor continuing clout in the legislative process;
- it allows the governor to eliminate wasteful spending.

However, Burkhead also recognized that the line-item veto could lead to abuses:

- individual legislators antagonistic to the governor could insert unacceptable items, leading to a showdown with the legislature and possible political embarrassment to him;
- the governor could use the line-item veto in a punitive sense against individual legislators and their projects, which would also increase friction and antagonism between the legislative and executive branches (Lauth 1996).

Other commentators have moved beyond this latter point, suggesting that in fact the partisan use of the line-item veto can become so prominent that it is reduced to little more than a political club used by the governor of one party to beat up legislative members of the other party, especially (but not exclusively) in instances of divided control (Abney and Lauth 1997; Douglas 1997; Gosling 1986; Reese 1997). Some of these same scholars also recognize that the elements of hostility and antagonism associated with the line item veto result not just from its partisan use but from the natural, even normal, jealousies and rivalries that occur between executive and legislative branches of government.

Empirical evidence on the effects and impact of the line-item veto reflects the ambiguity of its original purpose. Gosling (1986), Abney and Lauth (1997), and Reese (1997) emphasize the importance of the partisan, punitive element in gubernatorial use of the line-item veto. Douglas (1997), while dealing more with the prospect of presidential line-item vetoes rather than actual gubernatorial use of them, hints at another possibility: Executives using the line-item veto might direct them more at areas or regions with relatively small numbers of representatives in the legislature than large ones, because of the difficulty they might have in mustering the two-thirds majority needed to override item vetoes.

But even scholars emphasizing the partisan and punitive aspects of line-item vetoes recognize that an important original purpose of the line-item veto was the fiscal control it could give governors. Lauth (1996) suggests there are two considerations for gubernatorial power. The first is increased fiscal responsibility of the governor to control spending and eliminate wasteful spending. The second is the governor's capacity to influence the legislative budget process as the threat of item vetoes looms over the legislature's actions.

The evidence on both points is not convincing. Reese (1997) notes that line item vetoes have only a small impact on the overall state budget,<sup>3</sup> although there is some variation across the states. Abney and Lauth (1997) found that governors are more likely to use line-item vetoes to try to restrain state spending than to promote efficiency by striking out undesirable projects. However, Lauth (1996) also found that the availability of an executive budget and the governor's popularity and political skills were more important in influencing the legislative budget process than either the use of the line item veto or the threat of its use. And Gosling (1986) downplays the significance of the item veto in enhancing gubernatorial fiscal control or authority in favor of its punitive and political use.

In sum, available research suggests that the governor's use of the line-item veto may have little overall effect on the state's budget, but it can have a substantial impact on individual, often local cases. It has been used as a partisan instrument, and even one which underscores existing conflicts and antagonisms between executive and legislative branches of government. But whether or not it enhances state fiscal responsibility (with the governor as the chief agent for carrying out this task) or even improves the governor's control over the budget is by no means certain.

### **Governor Bush and the Line Item Veto, 1999-2001**

To grasp Jeb Bush's use of the item veto, it is vital to understand both the state constitutional basis for the governor's authority and Bush's stated objectives regarding the budget. Article III, Section 8 of the Florida Constitution permits the governor to veto specific items on appropriations bills.<sup>4</sup> He must, however, act within 15 days of the legislature's adjournment in order to exercise this power.

Bush's initial use of the item veto in 1999 created a firestorm of protest, *and not just from Democrats*. Bush had vetoed over 550 individual items, totaling nearly \$313 million. While this was but a minuscule portion of the state's \$48 billion budget, his vetoes were, in dollar amounts, "equal to the cumulative total of all funds vetoed in the last 5 years, and represented the largest amount vetoed in the last two decades" (Bush's 1999 Veto Message, 3). At least at first blush, it appeared that Bush had item vetoed projects sponsored by Republicans as much as he had those of Democrats. Indeed, newspapers were filled with quotes from outraged Republican legislators (who held the majority in both chambers) who felt the governor had mistreated them and done their constituents a disservice. Some went so far as to express the view that perhaps in the next legislative session they would not be so cooperative with the governor. And yet the same thing

happened in the following two years. Bush item vetoed more than \$313 million in 2000, and \$289 million in 2001. In neither year did the governor have the slightest difficulty shepherding his legislative agenda through the legislature. Indeed, the Republican majority seemed anxious to follow his leadership and give him whatever he wanted.

In 1999, the first year he used his line-item, the Governor went out of his way to justify what he had done, and how. According to Bush, during the constitutionally-mandated period he personally spent more than fifty hours in briefings with his staff reviewing every aspect of the budget, and of course this does not include the hundreds of hours which the staff put in analyzing the budget document in detail (Bush 1999 Veto Message, 4). In order to be as fair as possible, Bush noted that he had the proposals given to him “without the names of legislators, supporters or friends attached to each appropriation” (Bush 1999 Veto Message, 4). To his credit, Bush openly recognized the consequences of what he was doing, but justified his action as follows:

...[T]here will be legislators, and many good Floridians, who will be disappointed by my veto actions. Friendships may need some mending, and good projects may be left with less funding. But government must mean something more than unfettered, unfiltered spending if it is to capture the confidence of our taxpayers. There must be a process where all projects and programs can be evaluated on their merits, and not their ability to hire expensive lobbyists or to prey on the consciences of hard-working, well-intentioned legislators (Bush 1999 Veto Message, 4).

When Bush assumed the governorship, he made it clear that the previous system, in which the legislature largely ignored the executive budget as it created its own, was unacceptable.<sup>5</sup> He warned legislative leaders, and anyone else who would listen, that he was not prepared simply to hand over the shaping of the Florida budget to the legislature and step aside.

To this end, his staff prepared specific criteria by which projects inserted by legislators would be evaluated:

- did the project have an overall statewide benefit, instead of benefiting a small area or a few select locales? These latter projects should be funded through local tax sources, according to the Bush criteria;
- did the project offer generalized public benefits, or was it aimed solely at narrow, specialized interests?
- did the project go through an objective, competitive review process where it could be compared to other state priorities?<sup>6</sup>
- were there technical problems with the proposal? For example, was the agency selected for administering the project the wrong one, or was the source of money funding it inappropriate or illegal? (Bush 1999 Veto Message, 3-4).

Thus, it is not totally clear why so many legislators, journalists, and pundits were so surprised at what the Governor had done, in 1999 and in subsequent years. He simply carried through on his promise. The empirical analysis in the next section will spell out the implications of the Governor's actions for fiscal control and executive-legislative relations.

### **Data, Methods and Analysis**

The questions that guide the empirical analysis of Jeb Bush's veto use in this section are the following. First, is there any evidence consistent with the hypothesis that Bush used the item veto in a punitive manner to delete programs in heavily Democratic counties? Did the governor target his veto pen on Democratic members of the state legislature? Alternatively, if the item veto was used as an instrument of fiscal control, was the effect proportionate across regions and by programs, and were local projects subject to item vetoes consistent with the Governor's criteria? The answers to these questions can tell us much about budget politics and process from 1999-2001 and the future direction of executive-legislative relations in Florida.

Examining only the number of item vetoes cast by the governor does not suffice for our analysis. The dollar amounts of projects and programs may vary considerably across the geography of Florida. For example, an item veto of a sports complex might total \$3 million while a local cultural program might total less than \$100,000. Our approach thus entailed analyzing all item vetoes in the 1999-2001 budgets and identifying both total county-specific and programmatic impacts, not simply the number of vetoes cast by place. In cases for which it was impossible to determine the precise locality of the program or project, we excluded the amount of the item veto. This approach yields a conservative estimate of the *local* impact of item vetoes, since many of the vetoes placed in the residual (state programs) category indubitably have local effects. In dollar terms, local item vetoes translated into a total of \$192 million, \$185 million, and \$157 million for 1999, 2000, and 2001—three-fifths of the total amount of vetoes cast in 1999 and over half in the subsequent two years. This subset of vetoes forms the focus of our analysis.

Because we need a standardized measure to gauge the impact of local item vetoes, we use the per capita dollar amount for counties and regions. In the same way that the amount of a single item veto may vary widely, the net effect of total item vetoes may be disproportionate for counties or entire regions. Highly populous counties (e.g., Miami-Dade/Broward counties along the metropolitan Gold Coast) might have sustained a higher total dollar amount in terms of vetoes cast, but the net effect relative to the population of the county might have been minimal. Conversely, less populous counties (e.g., the Panhandle in north Florida) might have a lower total amount of vetoes, but the per capita impact might be substantially higher.

For ease of reporting, we aggregated the per capita impacts and total veto amounts for Florida's sixty-seven counties into eleven regions for closer analysis (see Appendix 1). This categorization facilitates our examination of the real, net effects of local item vetoes. Let us turn

attention first to overall item veto impacts by region and by programmatic area. We will then examine the specific programmatic impact of item vetoes in the regions across time.

***Local and Programmatic Effects of Bush's Item Vetoes: Partisanship or Executive Reassertion over the Budget?***

Legislative districts in Florida do not correspond with county boundaries. Not only do district boundaries overlap many counties, but the more populous counties of the state counties also have more than one state representative (e.g., Miami-Dade, Broward). We are therefore unable to correlate per capita item veto impacts in each county with the partisanship of legislative representatives. But if the partisan hypothesis about gubernatorial item veto use holds, we would expect that more heavily Democratic counties in regions that favored Democrat Buddy MacKay in 1998 would bear a greater burden of Bush's vetoes from the outset of his term. *We find no evidence that this is the case.* The bivariate correlation between Bush's county level percent margin of victory over (or loss to) Buddy MacKay in 1998 and county per capita veto impact is not signed correctly nor is the coefficient statistically significant. The Pearson's  $r$  is .06 ( $p=.642$ ), suggesting no relationship between how well Bush did in 1998 and veto propensity by place. Bush lost only six counties to Buddy MacKay in 1998: Alachua, Broward, Gadsden, Jefferson, Leon, and Palm Beach. None of these counties was disproportionately the target of item vetoes in 1999 or in subsequent years, as further analysis will emphasize. Moreover, indirect evidence highlights that Democratic state representatives and senators were not disproportionately the target of Bush's item vetoes.

[Figures 1a/1b/1c]

Results of the analysis of regional impacts across time are also clearly at odds with the partisan hypothesis about Bush's use of the item veto. The bars in Figures 1a/1b/1c trace the per

capita impact of locally-directed item vetoes. The lines mark the total dollar amount of vetoed programs by region (plotted on the second Y axis) for comparison. The average regional per capita impact was just over \$18 in 1999 and decreased to \$16 in 2000 and \$14 in 2001. For each of the three years the per capita impact in most regions clustered within a standard deviation of the annual mean. Less populous and rural regions, like West Central and Okeechobee, had lower total amounts and less than \$10 per capita in real effects. Regions like the Gold Coast (Miami-Dade, Broward, and Palm Beach counties) that had high total amounts of projects and programs vetoed ultimately suffered only a slightly higher net effect relative to population. Indeed, Bush's home region was not spared the budgetary ax. A Miami Herald computer analysis reported that while two Democratic state legislators who had openly supported Bush's 1998 campaign and conferred with the governor on select projects for their districts fared somewhat better than others, cuts to programs in Miami-Dade totaled nearly \$18.5 million in Bush's first budget (Branch 1999).

Three regions were most affected by Bush's item vetoes. The Panhandle, Space Coast, and North Central regions had per capita effects at least twice the mean in one or more years. But there is no evidence that the lopsided impact on these three regions, in terms of either per capita effects or total dollars, reflected punitive, partisan targeting by the governor. If anything, the Panhandle has become more Republican in state and national voting trends in the 1990s. Bush's average county-level margin of victory grew by 23 percent in the Panhandle between his 1994 bid for the governorship and the 1998 campaign. And in 1998 Bush easily carried the counties of the Space Coast and North Central regions where he had lost by 9 and 14 percent, respectively, to incumbent Democratic Governor Lawton Chiles in 1994.

Which factors, then, account for the asymmetrical impact of items vetoes in the regions?

The analysis of vetoes by region and programmatic area presented below reveals that the Panhandle, Space Coast, and North Central regions were disproportionately the target of Bush's veto pen most often because of *large capital projects*, many of which did not pass through the standard legislative review process upon which Bush insisted. In other cases the projects were almost exclusively local in nature. The vetoes of these proposals appear quite consistent with the governor's broad criteria outlined in his first Budget Message in 1999, even though the deletion of programs often placed Bush at odds with his party leadership in the state legislature.

Bush warned the legislature in advance that to avert a veto, programs needed to have a *statewide* benefit. Programs that advantaged one or just a few locales, or "special interests," would be closely scrutinized and subject to elimination. Further, Bush stressed that legislative proposals needed to weather a competitive review process and not contain technical flaws (Bush 1999; Pendleton 1999). In his first veto message, the governor stated that "While many member projects may be valuable to their local communities, without an independent review of their merits and a fair, statewide allocation, it is impossible to fairly make sound determinations."

In setting the contours for future budgets in 1999, then, Bush took aim more at the *process* by which proposals ended up in the budget rather than their individual merit (Wasson 1999). Despite the governor's public notice in February 1999 of the criteria he would use to employ the item veto authority, state lawmakers hurried to insert new projects into the budget outside the normal agency review procedure. In many cases legislators included such projects during conference committee deliberations meant to reconcile House and Senate versions of the state budget (Littlepage 1999). According to Florida Tax Watch, Bush vetoed 80 percent of these so-called "turkeys"—"pork barrel" or local pet projects as they are referred to in Tallahassee—

that the organization identified in the 1999 budget *as not having gone through the standard review and legislative process*. In 2000 and 2001 Bush vetoed 73 percent and 57 percent, respectively, of the local-oriented projects with which Florida Tax Watch took issue. Although the definition of a “turkey” is surely in the eye of the beholder, many of the projects seemed typically parochial to outside observers and were wholly local in nature. Most obvious were proposals to build or expand recreational facilities or parks, such as \$25,000 for a new law-enforcement shooting range in Alachua County, \$300,000 for a new Tennis Club in Sunrise, and \$300,000 for a bike path in Miami Springs (Foley 1999).

[Figure 2]

Figure 2 shows the overall dollar impact of item vetoes by program category across time. Itemized local parks projects took up some three full pages of the 1999 budget and were a specific target of the governor’s veto power. Thirteen percent of Bush’s vetoes fell into the “parks” category in 1999, with another 11 percent dedicated to related programs in “cultural affairs” such as museums and local points of interest.

Bush’s 1999 parks vetoes demonstrate the non-partisan rationale behind his actions. In 1999 \$9.8 million of the total of \$25.6 million in parks vetoes were for projects in the Panhandle region—and the proposals were largely the design of Republican Senator W.D. Childers (Pensacola). Childers’ proposals for a \$5 million renovation of Navarre Beach State Park, \$400,000 for a local exposition center, and a \$285,000 “anger outreach program” in his district accounted for nearly half of the Panhandle region’s parks vetoes. Such projects were symbolic of the locally-oriented pet projects Bush strove to excise from the state budget.<sup>7</sup>

Critics were particularly vocal about Bush’s vetoes of education and environmental programs. A number of them asked “what Bush’s so-called ‘compassionate conservatism’ is all

about” (Littlepage 1999b). Figure 2 shows that vetoes of education programs accounted for approximately one-third to two-fifths of the total amount of all locally-directed vetoes from 1999-2001, and environmental programs constituted a tenth to an eighth of all item vetoes. Republican Senate President Toni Jennings went so far as to sue the governor for his deletion of \$16.6 million from a \$40 million appropriation in the 1999 budget that extended the school year by 30 days. Bush contended that the program could not be successfully implemented at mid-year, calculated the operations portion of the program, and subtracted it from the total itemized amount. The State Supreme Court struck down the item veto, underlining that Bush could only veto the entire amount of the appropriation under the State Constitution, not a portion of it. The funding was restored, with Republicans calling the decision a clarification of the division of power between branches and Democrats criticizing Bush for attempting to arrogate the entire budget process. But the case did little to dissuade Bush from vowing to continue to wield the item veto in the future, as he put it, “to prevent the use of tax dollars on undeserving special projects” (Bosquet 1999).

Indeed, a more thorough examination of the regional effects of Bush’s vetoes in the two most consistently hardest-hit programmatic categories—education and environment—confirms that large, locally-oriented capital projects constituted the bulk of the eliminated items. Such projects, not partisan vendettas, accounted largely for the disparate impact of the governor’s item vetoes in the regions.

[Figure 3]

Figure 3 shows each region’s proportion of the total vetoes of education programs (in terms of overall dollars) from 1999-2001. The Panhandle region increasingly bore more of the burden. By 2001 two of every five dollars in education programs vetoed were in the Panhandle

region. Bush responded to his critics by pointing out the *types* of education appropriations that were affected. In 1999 only two vetoes constituted \$15.3 of the \$18.6 million in total education programs vetoed in the Panhandle region. Both vetoes were directed at fixed capital outlays for Florida State University (FSU) in Tallahassee. Bush vetoed one \$10 million item for a new research center and another \$5.3 million for the university's building maintenance. Similarly, in 2001 Bush vetoed a \$6 million museum addition and a \$3 million stadium drainage project at FSU.

The state capitol and seat of Leon County, Tallahassee, was not singled out, however. Relative to net effects, the Space Coast suffered the second highest per capita impact in education-related proposals in 1999. Most of the vetoed projects were also "big ticket" education projects in the largely rural region, including \$4.2 million for an agricultural education center in St. Lucie County, \$3.5 million for a school district auditorium in Indian River County, and \$1.3 million for an extension of Florida Atlantic University. In the 2000 budget lawmakers tried once more to push through the school district auditorium at a slightly lower cost of \$3 million, but were again met by Bush's veto pen. The governor also did not hesitate to wield the veto against the University of Florida in Gainesville. In 2001 nearly a quarter of all education-related vetoes were located in the North Central region, with a total of \$13 million vetoed for just three research programs (genetics, agriculture, and marine laboratory).

[Figure 4]

Figure 4 shows that environmental programs in the Panhandle region were hit hard by Bush's vetoes in 1999, and in 2000 more than *three-quarters* of the vetoed dollar amount affected appropriations for environmental programs in the First Coast region. Why were these regions singled out? Again, Bush's rationale for the vetoes emphasized the lack of appropriate agency

review of several large capital proposals. Nearly \$10 million of the total of \$26 million item vetoes of environmental programs in 1999 were directed at the Panhandle, almost a third of which involved local water projects or wastewater treatment plants that Bush contended should not be included in the state budget. Democratic State Senator Richard Mitchell of Jasper was angry over the vetoes, taking issue with the governor's stance that "state money for wastewater treatment plants to help small communities with small budgets is a turkey" (Wasson 1999). The governor suggested that future budgets include block grants to localities for such projects, though Mitchell was not alone in his complaint that critical local needs were going unmet because of the governor's actions (Miami Herald 2001).

Bush's veto of a \$25 million proposal to purchase land in Duval County (First Coast Region) to preserve Cedar Swamp showed the degree to which Bush was willing to buck some of his strongest partisan allies and remain firm in requiring proposals to undergo proper agency review for approval. The Cedar Swamp purchase had the backing of popular Jacksonville Republican Mayor John Delaney and was supported by GOP House Speaker John Thrasher. Florida TaxWatch, however, cited the Cedar Swamp proposal as the largest of the 281 items in the 2000 budget with which the organization took issue as a "turkey" that had circumvented the standard land acquisition review process (Pendleton 2000). Bush vetoed the project not because he opposed the land purchase, per se, but because the proposal had, in fact, not been properly evaluated under the standard review process (Saunders 2000). Bush called on his environmental protection secretary to help local officials expedite the proposal through the Conservation and Recreation Lands trust fund, and a state panel later approved the Cedar Swamp proposal as part of the state's landbuying program (Pendleton 2000a).

### ***Bush's Vigil: Fueling Discontent on Both Sides of the Aisle***

The price to be paid by the governor's vetoes was to increase the tensions that naturally arise between the executive and legislative branches for control of the budget. Legislators' reelection success may depend, in substantial part, on their ability to claim credit for constituency projects in their districts. Bush's vetoes stood in the way of such credit-claiming. As one lobbyist put it, "a lot of people got Bush-whacked" (Silva 1999). Bush caught the wrath of many legislators—both Democrats and top GOP leaders in the House and Senate. Some Democratic legislators complained that Bush employed inconsistent standards. Despite the great lengths to which they had gone to ensure that proposals were subjected to the rigorous review process, they argued, their projects were vetoed anyway (Gelbart 2000; Follick 2000).

In many ways, the consequences for Bush's relations with his own partisan majority in the legislature were most dramatic. Some critics of the governor's vetoes were good-natured. In 1999 House Speaker John Thrasher of Orange Park, a Jacksonville suburb, nicknamed the governor "Veto Corleone" after Marlon Brando's role in the film "Godfather" (Silva 1999b). Thrasher delivered the 2000 budget personally to the governor, dressed up in a doctor's coat, and with a stethoscope in hand jokingly asked whether Bush had a heart for legislators (Pendleton 2000b). Other GOP leaders, like Senate President John McKay (R-Bradenton), were more sharply critical. McKay inveighed that the governor's review process relied too heavily on agencies' priorities and "empowers career bureaucrats not accountable to the voters of the state to make funding decisions the state Constitution clearly requires the Legislature to make" (Saunders 2001). Senate Majority Leader Jim King (R-Jacksonville) took issue with Bush's vetoes as well as Florida TaxWatch's annual list of "turkeys," contending that neither the governor nor the watchdog group was in a position to pass judgment on constituency priorities.

Like King, many critics argued that Bush's vetoes of everything from social programs to sewer lines left urgent local needs unmet (Saunders 2001b; Miami Herald 2001b).

One important consequence of Bush's 1999 vetoes was to force legislators to reevaluate the way they "packaged" local projects to maximize their chances for success. To return to Figure 2 briefly, it is particularly interesting to note that item vetoes of parks and cultural affairs programs comprised *nearly a quarter* of the total amount of item vetoes in 1999, but accounted for a combined total of only 1 percent in 2000. Legislators reacted to Bush's first-year vetoes by shifting emphasis away from parks and other conspicuous locally-oriented projects that were the easy targets for the governor's veto pen. It is no coincidence that 2000 marked over a threefold increase in the amount of item vetoes in the "community development/local government" category. Legislators attempted to reclassify local priorities under other headings. Yet large capital projects including \$2 million for a revitalization of Miami Beach, \$1.5 million for a research corridor in Jacksonville, and a host of "redevelopment" projects around the state did not escape the governor's dispassionate stance and were vetoed.

In some cases legislators submitted proposals for proper agency review and tried to make the case that local projects *did* have a statewide benefit, including "pilot" projects that might be transformed into state programs (Pendleton 2000b). Indeed, some of the water, sewer, and social programs Bush vetoed in 1999 were approved in 2000 after undergoing the review process. And to smooth over relations with the legislature, Bush vowed to discuss projects with legislators before he vetoed them, though some legislators complained that he did not follow through.

In other cases legislators sought new and creative ways to bury local projects in parts of the budget where the governor might not be able to identify them. Alternatively, they lobbied state agencies to request money for local projects in their budgets to make the case to the

governor that such projects should be considered priorities. As Senate Republican majority leader Jack Latvala of Palm Harbor said of a half-million dollar project to restore a lighthouse in his district, “I’m not going to tell the governor” where in the budget the project was itemized (Gilmer 2000). Such a strategy avoids the “last minute” addition of projects to the conference report to which the governor objected. At the same time, it obviously poses new challenges to the governor’s bid to seek out and remove programs inconsistent with his own view of state budget priorities.

### **Reprise and Conclusions**

Our analysis suggests that much of the conventional wisdom – including scholarly literature – about governors’ use of the line-item veto is incorrect in the recent Florida instance. We found no direct evidence of partisan revenge on the part of Governor Bush, either directed at Democrats or at counties of the state which did not support his election. It is possible, of course, that imbedded in the 500+ yearly vetoes from 1999-2001 there are some specific instances of partisan reprisal or a desire by Bush to “send a message” even to legislators of his own party, or specific counties or local areas. But our methodological approach did not uncover any such instances. His actions seemed aimed at least as much against fellow Republicans as Democrats. Nor do his actions suggest a desire on his part to browbeat the legislature. Recognizing that there are always institutional rivalries and jealousies between the governor and legislature, Bush’s first budget and subsequent legislative sessions were huge successes for him.

Our research emphasizes that Bush was pursuing a subtle, sophisticated, and potentially dramatic end, one which would redress the balance of power between the executive and legislature in budgeting, with possible spill-over effects to gubernatorial-legislative relations more generally. In particular, our interpretation of item veto data from 1999-2001 suggests that Bush

wants to become not just a major player in the legislative budget process, but the director and manager of the entire activity. In doing so, he is setting an important precedent for his successors to the governor's office. Rather than being content with occasional consultation by legislative leaders about the shape the budget is taking as it moves through the legislative process (as was the usual case in the past), Bush wants to be intimately involved every step of the way. He wants Florida's budget to reflect gubernatorial priorities, not just legislative ones. This overriding objective explicates why he engaged in such extensive use of the line-item veto, and why he was willing to antagonize legislators and other city and county officials, including some of his most enthusiastic partisan supporters.

If this is true, then Bush has set out on a course designed to substantially change gubernatorial-legislative relations in Florida. His massive use of the line-item veto sends a clear message to individual legislators, the leadership, lobbyists, and local officials that the era of "turkeys" is over, or at least will be sharply reduced in size and scope. While it is not clear that he has moved towards requiring a prior-veto for his administrative agencies, agency proposals, as well as those emanating from other sources, will have to be reviewed and examined against the priorities established by agencies *and* the executive administration. The same will undoubtedly be true about ad-hoc, last-minute efforts to stick a project deep inside the budget where no one will notice. Those failing the test will be discarded, either before the fact or through a line-item veto. The result will be directorship of more of the budget by the governor at the expense of the legislature as he leads administrators, legislators, and other interested publics towards the goals which he has defined, and from which he will not be deterred.

Our analysis, combined with several additional observations, combine to justify these conclusions:

- Bush made his criteria for making budget judgments explicit and well known before the legislative session began. Legislators, lobbyists, and local officials chose to ignore them. And they did so at their own peril. Bush literally put his pen where his mouth was.
- In his budget submitted for 2000, Bush changed the traditional format considerably. He moved away from a purely line-item approach towards one which is far more programmatic than anything seen previously. Lines and specific activities are “bundled” into large, programmatic entries. Designing the budget in this way makes it much harder for legislators to insert turkeys at the last minute. It is far more difficult for legislators to “bury” a special, local project somewhere in the entrails of the budget where it will not be seen until well-after the 15 day gubernatorial examination period is up. Rather, they will stick out like a sore thumb, for anyone – especially the governor’s budget staff – to see and bring to his attention, especially when the projects entail large capital outlays.
- The governor submitted his 2000 and 2001 budgets on line, and on disk. The budget is no longer a “printed doorstep.” At first glance this might not seem to matter too much. But we believe it will make a significant difference in public access to his budget. In the past, unless one had a copy of the printed budget, no one really knew what was in it. Now, anyone getting a disk, or with access to the Internet (the governor has put the budget on his home page)<sup>8</sup> will be able to see and examine it for him/herself. In practical terms, this reduces substantially the air of secrecy of legislative budget construction. The “clubbiness” of legislative budget-building will be opened up to anyone caring to click, watch, and follow what happens in the legislature by comparing what that branch does with what the governor proposed. Special interests and pet projects will be revealed by electronic sunshine. As our research demonstrates, potential embarrassment may well

motivate legislators, lobbyists, and local officials to consult the governor ahead of time about putting their turkeys somewhere in one of his bundles, rather than await his judgment after the fact. The result, of course, is that Bush, if his strategy succeeds, will position himself – and conceivably governors to follow - to shape the budget from start to finish, instead of having to watch it, virtually powerlessly, unravel during its course through the legislature, as so often happened in the past.

The implications of the governor's strategic use of the item veto are vast. Coupled with changes in the state Cabinet which reduced its size and gave the governor greater control over his own administration, it may well be that the Florida governorship,<sup>9</sup> traditionally one of the weakest among major states, might move towards one of the strongest.

## Notes

<sup>1</sup> Alaska, California, Hawaii, Illinois, Massachusetts, Missouri, Nebraska, New Jersey, Pennsylvania, Tennessee, Wisconsin, and West Virginia; see Abney and Lauth (1997).

<sup>2</sup> Other such mechanisms included attacks on political bosses, use of civil service and merit systems, competitive bidding for government contracts, advocacy of non-partisan elections, introduction of the long ballot, and at least at the local level, installation of commission and later city manager forms of government.

<sup>3</sup> Her findings are substantiated in Florida, when in 1999 Governor Jeb Bush item-vetoed \$312 million in projects, an amount significantly more than any of his predecessors; however even this substantial sum totals significantly less than 1% of the state's \$48 billion budget.

<sup>4</sup> Article III, Section 8 of the Florida Constitution reads, "The governor may veto any specific appropriation in a general appropriation bill, but may not veto any qualification or restriction without also vetoing the appropriation to which it relates."

<sup>5</sup> It should be noted that Bush had very little time to prepare his own budget in 1999, and basically had to use the one prepared by the previous Chiles administration, with some modifications.

<sup>6</sup> Florida does not employ the so-called "prior veto," whereby the governor can review and potentially disapprove proposals of administrative agencies. Agency and Department heads in Tallahassee are free to make proposals directly to the legislature. However, they are required to submit annual lists of priorities, and describe in detail how these priorities were arrived at, how they serve or enhance their administrative functions, and how they advance the interests of the state.

<sup>7</sup> That Childers' projects were hit hard speaks volumes about the message Bush was trying to send to legislators, local officials, and the public. Childers is an old-line, porkchopper state senator from a formerly rural Panhandle area now rapidly becoming suburbanized and Republican. Serving as a Democrat for years, he switched parties in the mid-1990s when it became chic - and politically expedient - in the Panhandle to do so. He is currently the "Dean of the Florida Senate," an honorary title conveyed in recognition of his longevity and craftiness in office. In fact, *Gainesville Sun* editorial writer Ron Cunningham, in writing about "sneaking bills through" in Tallahassee, specifically pointed to Childers as a grand master of the process. See also "Parts of budget gobble," *Jacksonville Times-Union*, Thursday, March 25, 1999 ([http://www.jacksonville.com/tu-online/stories/032699/met\\_BUDGET\\_T.html](http://www.jacksonville.com/tu-online/stories/032699/met_BUDGET_T.html)).

<sup>8</sup> <http://www.eog.state.fl.us/>

<sup>9</sup> In the year 2002, the 6 member Cabinet was reduced to 3 members. The secretary of state position became one appointed by the governor. The offices of Comptroller and Treasurer were combined into one fiscal officer, to be elected. The Commissioner of Education is now appointed by a separate State School Board appointed by the governor. The cabinet will consist of the

Attorney General, Commissioner of Agriculture and Consumer Affairs, and the new state fiscal officer.

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Figure 1a  
Per Capita and Total Dollars of Item Vetoes by Region, 1999

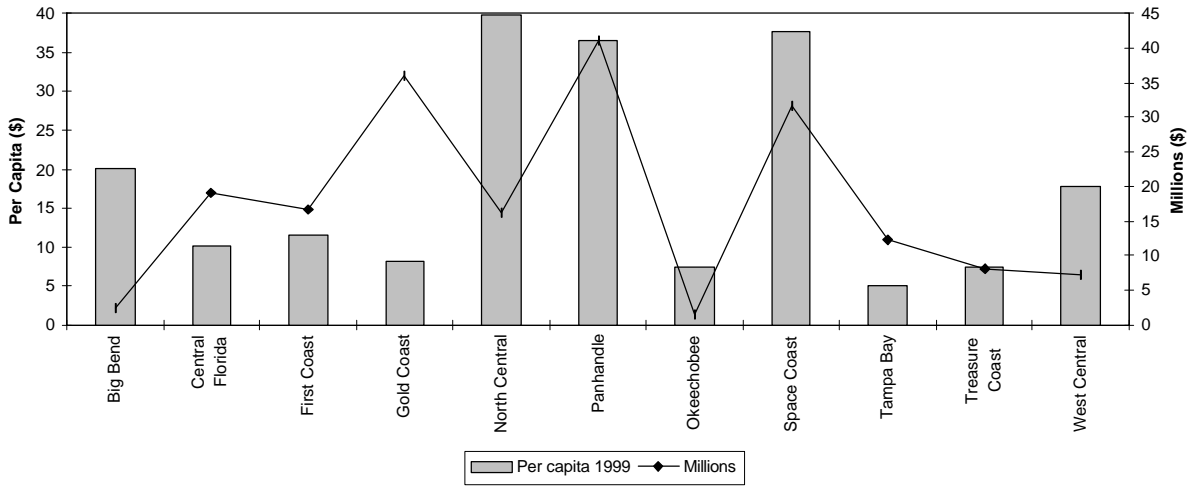


Figure 1b  
Per Capita and Total Dollars of Item Vetoes by Region, 2000

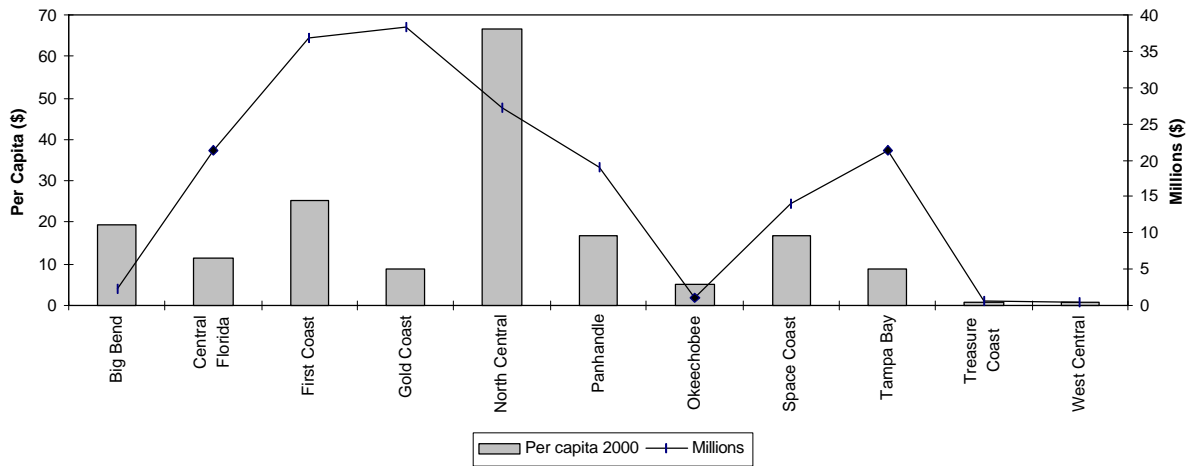


Figure 1c  
Per Capita and Total Dollars of Item Vetoes by Region, 2001

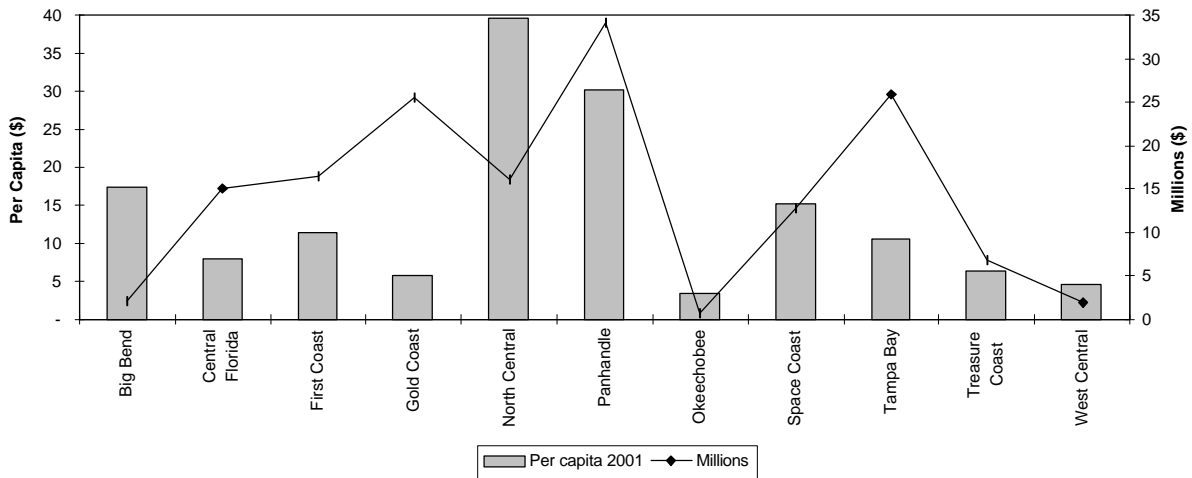


Figure 2  
 Percent of Total Dollars in Locally-Directed Item Vetoes by Program Area

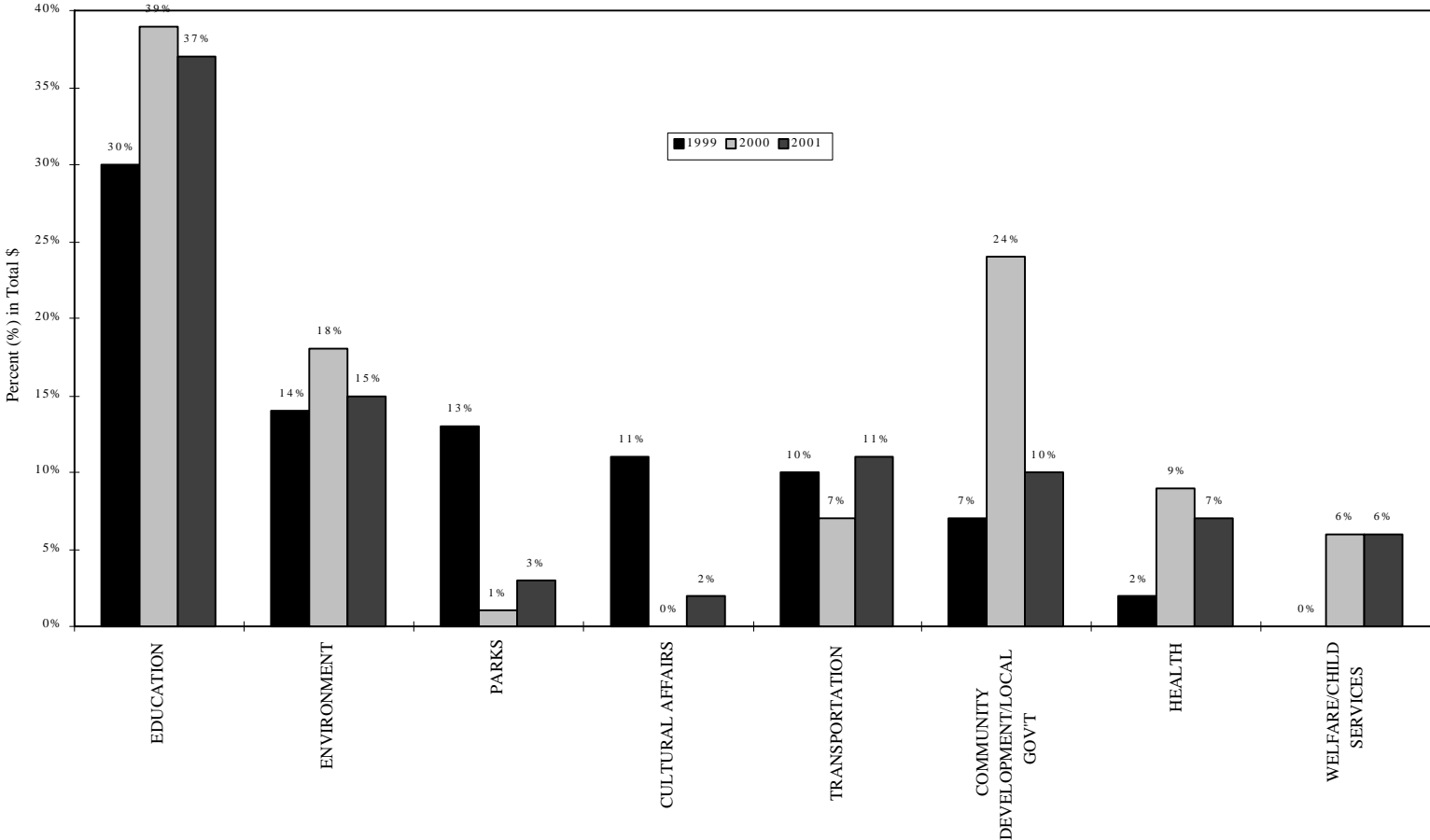


Figure 3  
Education Item Vetoes by Region, 1999-2001

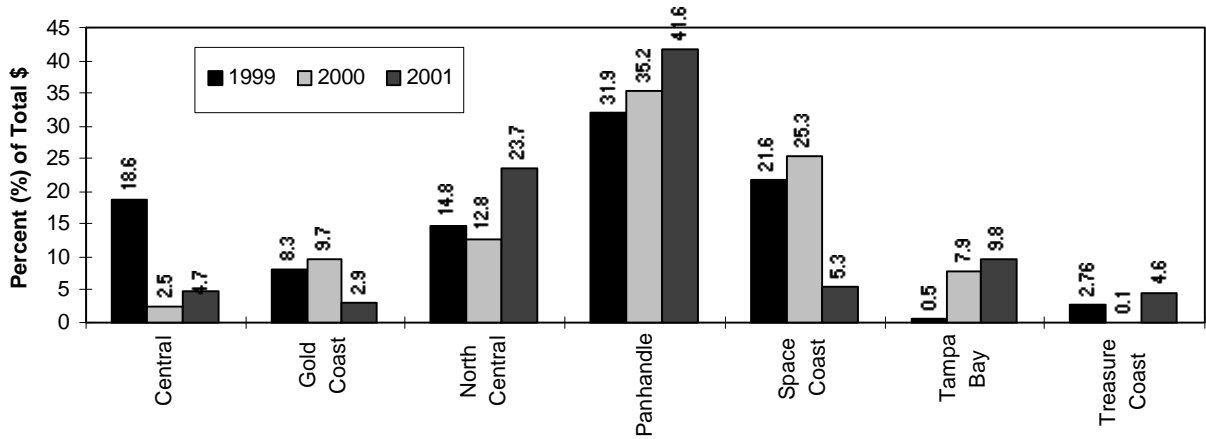
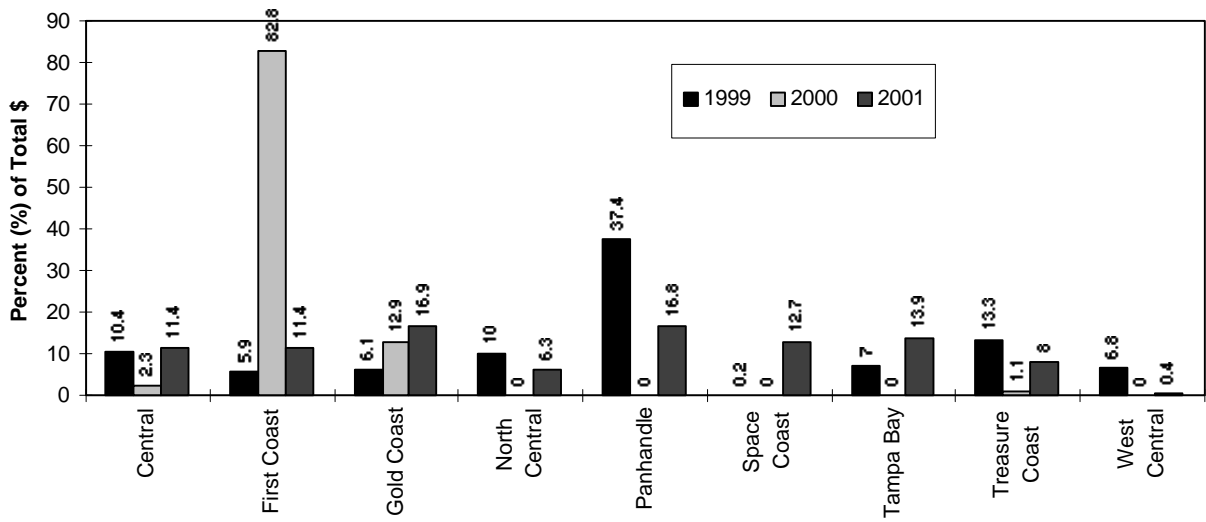


Figure 4  
Environmental Item Vetoes by Region, 1999-2001



## Appendix 1: Counties and Regions in Florida

### Panhandle

Bay  
Calhoun  
Escambia  
Franklin  
Gadsden  
Gulf  
Holmes  
Jackson  
Leon  
Liberty  
Okaloosa  
Santa Rosa  
Walton  
Washington

### Big Bend

Dixie  
Jefferson  
Lafayette  
Madison  
Suwanee  
Taylor  
Wakulla

### North Central

Alachua  
Baker  
Bradford  
Columbia  
Gilchrist  
Hamilton  
Putnam  
Union

### First Coast

Clay  
Duval  
Flagler  
Nassau  
Saint Johns  
Volusia

### Space Coast

Brevard  
Indian River  
Martin  
Saint Lucie  
Central Florida

Lake  
Orange  
Osceola  
Polk  
Seminole

### West Central

Citrus  
Levy  
Marion  
Sumter

### Tampa Bay

Hernando  
Hillsborough  
Manatee  
Pasco  
Pinellas

### Treasure Coast

Charlotte  
Collier  
Lee  
Monroe  
Sarasota

### Okeechobee

DeSoto  
Glades  
Hardee  
Hendry  
Highlands  
Okeechobee

### Gold Coast

Broward  
Dade  
Palm Beach