NOW, THEREFORE, I, BOB MARTINEZ, Governor of the State of Florida, by virtue of the power and authority vested in me by Article III, Section 3(c)(1), Florida Constitution, do hereby proclaim as follows:

Section 1.

That the Legislature of the State of Florida is convened in Special Session commencing at 4:00 p.m., Wednesday, February 4, 1987, and extending through noon, Thursday, February 5, 1987.

Section 2.

That the Legislature of the State of Florida is convened for the sole and exclusive purpose of considering the following matters:

(a) Legislation appropriating the funds necessary to fund the authorized advanced spending undertaken by the Florida Department of Corrections in response to the unexpected increase in the inmate population of the corrections system for the 1986-1987 fiscal year; and

(b) Legislation authorizing the Secretary of the Department of Corrections to grant a limited amount of administrative gain time to inmates convicted of non-violent crimes.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed to this Proclamation convening the Legislature in Special Session at the Capitol, this 30th day of January, 1987.

Bob Martinez
GOVERNOR
VETOED BILL 1986 REGULAR SESSION

Honorable George Firestone
Secretary of State

June 26, 1986

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Senate Bill 115, enacted by the Ninth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1986, and entitled:

An act relating to alcohol and drug abuse; creating s. 233.0661, F.S., directing the Department of Education, in consultation with professionals in the field of alcohol and drug abuse and the Department of Highway Safety and Motor Vehicles, to establish an alcohol and drug abuse program; directing the State Board of Education to determine the contents of the program and its duration; providing required elements of the program; authorizing private schools to obtain approval of certain course curricula; creating s. 233.0662, F.S., creating the Alcohol and Drug Abuse Prevention and Education Trust Fund; providing funding; amending s. 322.09, F.S., directing the Department of Highway Safety and Motor Vehicles not to issue any driver's license to any person under 18 years of age who does not present proof of satisfactory completion of an alcohol and drug abuse program; providing an effective date.

The educational program created by Committee Substitute for Senate Bill 115 is much needed and strongly supported by this office. This program is consistent with the goals expressed in the State Comprehensive Plan regarding the development of alcohol and drug abuse prevention programs in the school system and community as well as the institution of public awareness campaigns emphasizing the dangers of driving under the influence of alcohol and drugs. Unfortunately, a technical error compels withholding approval of this legislation. The main sponsors of this legislation, Representative Anne MacKenzie and Senator Tom McPherson, have requested a veto of this bill because of the technical error.

Committee Substitute for Senate Bill 115 requires the Department of Education, in consultation with professionals in the field of alcohol and drug abuse and the Department of Highway Safety and Motor Vehicles, to establish an alcohol and drug abuse prevention program within the public school curricula. The purpose of this program is to inform the state's young people of the dangers associated with the consumption of alcohol and drugs and to educate them to the dangers of operating a motor vehicle while under the influence of these substances. The State Board of Education would determine the content and length of the program. Individual school districts would be authorized to submit alternative programs which must be approved by the Commissioner of Education.

The school districts would be required to make the alcohol and drug abuse prevention program available to all eligible students in grades 1 through 12. Further, after January 1, 1988, individuals under 18 years of age, prior to application for a driver's license, would need to show proof of completion of an alcohol and drug abuse prevention program approved by the Department of Education.

While the program aspects of the bill are laudable, the funding mechanism as created is defective and is the basis for withholding approval of this legislation. To provide funding to the Department of Education for the development of the alcohol and drug abuse prevention program, the bill creates the Alcohol and Drug Abuse Prevention and Education Trust Fund. As the bill passed the legislature, the trust fund was to be "funded from fines collected pursuant to s. 316.193".

Section 316.193, Florida Statutes, establishes the fines for driving under the influence of alcohol or drugs. These fines are currently deposited into the fine and forfeiture funds of the counties or municipalities, depending on where the offense occurs, and are generally used to fund local law enforcement efforts. While exact figures are not available, revenues from DUI fines represent a minimum of $18 to $20 million each year.

As originally drafted, the bill added a $25 surcharge to the current DUI fines which would have funded this substance abuse education program. The $25 surcharge would have raised approximately $1.5 million for this education program based on 1984 statistics that some 60,485 DUI convic-
tions were processed in our state court system. Graphically demonstrat-
ing the clear need for this program, 544 of the 60,485 convictions were of
persons under 18 years of age. The surcharge was removed from the bill
in the last hours of the session but the language relating to section
316.193, Florida Statutes, was not removed. If this were to become law,
the counties and municipalities could lose all $18 to $20 million in fine
and forfeiture revenues currently being dedicated to local law enforce-
ment efforts through this trust fund since such monies would be dedi-
cated to the education program.

Some of the ongoing local law enforcement programs that could be dis-
rupted as a result of this bill are directly related to drug and alcohol
abuse. For example, the City of St. Petersburg currently utilizes its share
of the DUI fines to fund a DUI Squad within its city police department.
This DUI Squad has as its sole responsibility the enforcement of the
state’s laws on driving under the influence of drugs or alcohol. Disruption
of this local law enforcement program would be counter-productive to the
goal of this legislation.

As passed, this bill would set the undesirable precedent of taking reve-
 nues away from the fine and forfeiture funds of the counties and munici-
palities and would place a severe burden on local governments to replace
those revenues currently used for law enforcement.

This bill offers an excellent program which should be implemented by
the Department of Education. However, the technical problems associ-
ated with the funding of this bill are too compelling to allow this bill to
become law. The Legislature should reenact this program at its earliest
opportunity and resolve the funding issue so as to implement this educa-
tion and awareness program and allow local governments to continue law
enforcement efforts.

As Chairman of the State Board of Education, I will be requesting
Commissioner Ralph Turlington of the Department of Education begin
development of the substance abuse program based on the criteria and
concepts contained in this bill for implementation by the Department on
a voluntary basis and within current appropriations. The development of
this curriculum would save time and implementation when the program
is reenacted by the legislature.

It must be noted that the Comprehensive Health Education Act of
1973, s. 233.67, F.S., requires that K through 12 students be taught the
dangers of drug abuse, including the use of alcohol and tobacco. Programs
included in Committee Substitute for Senate Bill 115 would have
enhanced and complimented this effort to bring knowledge of the dan-
gers of drugs and alcohol to students, and particularly students who
anticipate applying for a driver’s license as they reach driving age.

The Life Management Skills curriculum offered to ninth and tenth
grade students under the RAISE Bill, s. 232.246, F.S., also requires drug
education and tobacco use education as a mandatory high school gradu-
ation requirement. Adult education programs are also included in the
Comprehensive Health Education Act of 1973 and would receive similar
curriculum development under Committee Substitute for Senate Bill 115.
The development and augmentation of our present substance abuse
courses is strongly encouraged and will be vigorously pursued by this
office.

For the above reasons, I am withholding my approval of Committee
Substitute for Senate Bill 115, Regular Session of the Legislature, com-
encing on April 8, 1986, and do hereby veto the same.

Sincerely,
Bob Graham
Governor

The bill, together with the Governor's objections thereto,
was referred to the Committee on Rules and Calendar.

ADJOURNMENT

On motion by Senator Barron, the Senate adjourned sine die at 8:34
p.m.

CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages, numbered 1 through 5,
inclusive, are and constitute a complete, true and correct journal and
record of the proceedings of the Senate of the State of Florida, in Special
Session, convened at 4:17 p.m. on the 4th day of February, 1987, and
adjourned at 8:34 p.m. on the 4th day of February, 1987. Additionally,
there has been included a record of transmittal of Acts subsequent to sine
die adjournment of the Special Session.

JOE BROWN
Secretary of the Senate

Tallahassee, Florida
February 11, 1987