



Journal of the Senate

Number 1—Special Session A

Wednesday, February 4, 1987

At a Special Session of the Florida Legislature convened under Section 3(c), Article III, of the Constitution of the State, as revised in 1968, and Section 11.011, Florida Statutes, begun and held at the Capitol, in the City of Tallahassee, in the State of Florida.

The Senate was called to order by the President at 4:17 p.m. A quorum present—40:

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

PRAYER

The following prayer was offered by Senator Peterson:

Gracious Father, as we gather here today to solve the problems of the people of Florida, we ask for your presence to be with us during these deliberations. We ask you to accept our thanks for the many blessings you have given us since we met here before; many blessings that we don't appreciate and don't acknowledge, but we do now. We ask that we deliberate wisely, that we are patient with each other, that we try to understand each other and try to solve these problems in the best way possible. We ask for your blessings on the leadership of this house and of the State of Florida. In thy name we pray. Amen.

The Senate pledged allegiance to the flag of the United States of America.

By direction of the President, the Proclamation of the Governor convening the Legislature in Special Session was read:

PROCLAMATION
State of Florida
Executive Department
Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE HOUSE OF REPRESENTATIVES

WHEREAS, the total inmate population in the corrections system administered by the Florida Department of Corrections is rapidly approaching the legal capacity of the corrections system established by Florida Statutes and, absent relief, may soon exceed the capacity of the corrections system established by the United States District Court in *Costello v. Wainwright*; and

WHEREAS, it is necessary for the Legislature to immediately address the funding needs of the Florida Department of Corrections resulting from the unfunded increase in the inmate population of the corrections system as aforesaid and to address the lack of an acceptable method of managing the release of inmates in the corrections system in the event the inmate population reaches the legal capacity of the corrections system.

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 a restricted class of inmates based on the nature of the offenses for which they were convicted and their behavior while in custody in order to maintain the inmate population of the corrections system at or below legal capacity without having to resort to the existing emergency release provisions established by Florida Statutes.



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

ATTEST:
George Firestone
SECRETARY OF STATE

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senators Barron, Vogt, Beard, Brown, D. Childers, W. D. Childers, Crawford, Crenshaw, Deratany, Dudley, Frank, Girardeau, Gordon, Grant, Grizzle, Hair, Hill, Hollingsworth, Jenne, Jennings, Johnson, Kirkpatrick, Kiser, Langley, Lehtinen, Malchon, Margolis, McPherson, Meek, Myers, Peterson, Plummer, Ros-Lehtinen, Scott, Stuart, Thomas, Thurman, Weinstein, Weinstock and Woodson—

SR 1-A—A resolution honoring Norma Guarisco upon her retirement.
—was referred to the Committee on Rules and Calendar.

By Senators Scott, D. Childers, Grant, Margolis, Peterson, Brown, Jennings, Lehtinen, Grizzle, Thomas, Beard, Hollingsworth, Hair, Kirkpatrick, W. D. Childers and Myers—

SB 2-A—A bill to be entitled An act making appropriations; providing moneys for a specified period ending June 30, 1987, to pay salaries, other expenses, capital outlay - buildings and other improvements, and for the other specified purposes of the Department of Corrections; providing an effective date.

—was referred to the Committee on Appropriations.

(7) As used in this section, the term:

(a) "State correctional system" means the system as defined in s. 944.02.

(b) "Lawful capacity" of the state correctional system means the total capacity of all institutions and facilities in the prison system as determined either by the Legislature or by the courts.

Section 2. This act shall take effect upon becoming a law.

The vote was:

Yeas—11

Frank	Jenne	Meek	Weinstein
Girardeau	Malchon	Stuart	Weinstock
Gordon	McPherson	Thurman	

Nays—28

Mr. President	Crenshaw	Hollingsworth	Margolis
Barron	Deratany	Jennings	Myers
Beard	Dudley	Johnson	Peterson
Brown	Grant	Kirkpatrick	Ros-Lehtinen
Childers, D.	Grizzle	Kiser	Scott
Childers, W. D.	Hair	Langley	Thomas
Crawford	Hill	Lehtinen	Woodson

Senator Barron moved that debate on HB 2-A be limited to one minute per side. The motion was adopted by two-thirds vote. The vote was:

Yeas—29

Mr. President	Deratany	Johnson	Ros-Lehtinen
Barron	Dudley	Kirkpatrick	Scott
Beard	Grant	Kiser	Thomas
Brown	Grizzle	Langley	Thurman
Childers, D.	Hair	Lehtinen	Woodson
Childers, W. D.	Hill	Margolis	
Crawford	Hollingsworth	Myers	
Crenshaw	Jennings	Peterson	

Nays—10

Frank	Jenne	Meek	Weinstock
Girardeau	Malchon	Stuart	
Gordon	McPherson	Weinstein	

Vote after roll call:

Nay—Plummer

Yea to Nay—Thurman

On motion by Senator Hill, by two-thirds vote HB 2-A was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Deratany	Johnson	Ros-Lehtinen
Barron	Dudley	Kirkpatrick	Scott
Beard	Grant	Kiser	Thomas
Brown	Grizzle	Langley	Thurman
Childers, D.	Hair	Lehtinen	Woodson
Childers, W. D.	Hill	Margolis	
Crawford	Hollingsworth	McPherson	
Crenshaw	Jennings	Myers	

Nays—10

Frank	Jenne	Plummer	Weinstock
Girardeau	Malchon	Stuart	
Gordon	Meek	Weinstein	

Vote after roll call:

Yea—Peterson

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 demonstrating 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 enforcement efforts through this trust fund since such monies would be dedicated to the education program.

Some of the ongoing local law enforcement programs that could be disrupted 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 revenues away from the fine and forfeiture funds of the counties and municipalities 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 associated 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 education 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 dangers 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 graduation 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, commencing 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