1   A bill to be entitled

2   An act relating to controlled substances;

3   amending s. 893.12, F.S.; deleting the

4   requirement that a copy of the record of the

5   destruction of seized controlled substances be

6   sent to the Drug Enforcement Administration;

7   amending s. 893.138, F.S.; increasing the

8   maximum cumulative fine that may be levied

9   against properties designated public nuisances

10   for drug-related activity or other offenses;

11   providing an effective date.

12

13   Be It Enacted by the Legislature of the State of Florida:

14

15   Section 1. Paragraph (a) of subsection (1) of section

16   893.12, Florida Statutes, is amended to read:

17   893.12 Contraband; seizure, forfeiture, sale.--

18   (1) All substances controlled by this chapter and all

19   listed chemicals, which substances or chemicals are handled,

20   delivered, possessed, or distributed contrary to any

21   provisions of this chapter, and all such controlled substances

22   or listed chemicals the lawful possession of which is not

23   established or the title to which cannot be ascertained, are

24   declared to be contraband, are subject to seizure and

25   confiscation by any person whose duty it is to enforce the

26   provisions of the chapter, and shall be disposed of as

27   follows:

28   (a) Except as in this section otherwise provided, the

29   court having jurisdiction shall order such controlled

30   substances or listed chemicals forfeited and destroyed. A

31   record of the place where said controlled substances or listed

                                   1

1   chemicals were seized, of the kinds and quantities of
2   controlled substances or listed chemicals destroyed, and of
3   the time, place, and manner of destruction shall be kept, and
4   a return under oath reporting said destruction shall be made
5   to the court or magistrate ~~and to the United States Drug~~
6   ~~Enforcement Administration~~ by the officer who destroys them.
7   Section 2. Subsection (10) of section 893.138, Florida
8   Statutes, is amended to read:
9   893.138 Local administrative action to abate
10 drug-related or prostitution-related public nuisances and
11 criminal street gang activity.--
12   (10) The provisions of this section may be
13 supplemented by a county or municipal ordinance. The
14 ordinance may include, but is not limited to, provisions that
15 establish additional penalties for public nuisances, including
16 fines not to exceed $250 per day; provide for the payment of
17 reasonable costs, including reasonable attorney fees
18 associated with investigations of and hearings on public
19 nuisances; provide for continuing jurisdiction for a period of
20 1 year over any place or premises that has been or is declared
21 to be a public nuisance; establish penalties, including fines
22 not to exceed $500 per day for recurring public nuisances;
23 provide for the recording of orders on public nuisances so
24 that notice must be given to subsequent purchasers, successors
25 in interest, or assigns of the real property that is the
26 subject of the order; provide that recorded orders on public
27 nuisances may become liens against the real property that is
28 the subject of the order; and provide for the foreclosure of
29 property subject to a lien and the recovery of all costs,
30 including reasonable attorney fees, associated with the
31 recording of orders and foreclosure. No lien created pursuant

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CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

 1 | to the provisions of this section may be foreclosed on real
 2 | property which is a homestead under s. 4, Art. X of the State
 3 | Constitution. The total fines imposed pursuant to the
 4 | authority of this section shall not exceed$7,500$5,000.
 5 | Nothing contained within this section prohibits a county or
 6 | municipality from proceeding against a public nuisance by any
 7 | other means.
 8 | Section 3. This act shall take effect upon becoming a
 9 | law.

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