

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          requiring the Department of Health to contract  
12          with South Florida Substance Abuse, Inc., to  
13          provide certain treatment to clients served by  
14          such facility and providing an appropriation  
15          therefor; providing an effective date.

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

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19           Section 1. Paragraph (a) of subsection (1) of section  
20 893.12, Florida Statutes, is amended to read:

21           893.12 Contraband; seizure, forfeiture, sale.--

22           (1) All substances controlled by this chapter and all  
23 listed chemicals, which substances or chemicals are handled,  
24 delivered, possessed, or distributed contrary to any  
25 provisions of this chapter, and all such controlled substances  
26 or listed chemicals the lawful possession of which is not  
27 established or the title to which cannot be ascertained, are  
28 declared to be contraband, are subject to seizure and  
29 confiscation by any person whose duty it is to enforce the  
30 provisions of the chapter, and shall be disposed of as  
31 follows:

1 (a) Except as in this section otherwise provided, the  
2 court having jurisdiction shall order such controlled  
3 substances or listed chemicals forfeited and destroyed. A  
4 record of the place where said controlled substances or listed  
5 chemicals were seized, of the kinds and quantities of  
6 controlled substances or listed chemicals destroyed, and of  
7 the time, place, and manner of destruction shall be kept, and  
8 a return under oath reporting said destruction shall be made  
9 to the court or magistrate ~~and to the United States Drug~~  
10 ~~Enforcement Administration~~ by the officer who destroys them.

11 Section 2. Subsection (10) of section 893.138, Florida  
12 Statutes, is amended to read:

13 893.138 Local administrative action to abate  
14 drug-related or prostitution-related public nuisances and  
15 criminal street gang activity.--

16 (10) The provisions of this section may be  
17 supplemented by a county or municipal ordinance. The  
18 ordinance may include, but is not limited to, provisions that  
19 establish additional penalties for public nuisances, including  
20 fines not to exceed \$250 per day; provide for the payment of  
21 reasonable costs, including reasonable attorney fees  
22 associated with investigations of and hearings on public  
23 nuisances; provide for continuing jurisdiction for a period of  
24 1 year over any place or premises that has been or is declared  
25 to be a public nuisance; establish penalties, including fines  
26 not to exceed \$500 per day for recurring public nuisances;  
27 provide for the recording of orders on public nuisances so  
28 that notice must be given to subsequent purchasers, successors  
29 in interest, or assigns of the real property that is the  
30 subject of the order; provide that recorded orders on public  
31 nuisances may become liens against the real property that is

1 the subject of the order; and provide for the foreclosure of  
2 property subject to a lien and the recovery of all costs,  
3 including reasonable attorney fees, associated with the  
4 recording of orders and foreclosure. No lien created pursuant  
5 to the provisions of this section may be foreclosed on real  
6 property which is a homestead under s. 4, Art. X of the State  
7 Constitution. The total fines imposed pursuant to the  
8 authority of this section shall not exceed ~~\$7,500~~\$5,000.  
9 Nothing contained within this section prohibits a county or  
10 municipality from proceeding against a public nuisance by any  
11 other means.

12           Section 3. The Department of Health is hereby directed  
13 to contract with South Florida Substance Abuse, Inc., in the  
14 amount of \$400,000 during fiscal year 1998-1999, to provide  
15 HIV/AIDS and methadone treatment to clients served by such  
16 facility. For the purposes of this section, the sum of  
17 \$400,000 is hereby appropriated from the General Revenue Fund  
18 to the Department of Health in fiscal year 1998-1999.

19           Section 4. This act shall take effect upon becoming a  
20 law.

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