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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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