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A bill to be entitled
 An act relating to the abatement of drug paraphernalia;
 creating the Drug Paraphernalia Abatement Task Force
 within the Executive Office of the Governor; prescribing
 task force membership; providing for meetings and duties
 of the task force; providing that meetings and records of
 the task force are subject to the public records
 requirements of ch. 119, F.S.; providing for members of
 the task force to be reimbursed for per diem and travel
 expenses; requiring the Office of Drug Control within the
 Executive Office of the Governor to provide staff support;
 requiring reports; requiring cooperation by state
 agencies; providing for abolishing the task force on a
 specified date; providing an effective date.

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

Section 1. Drug Paraphernalia Abatement Task Force.--

(1)(a) There is created within the Executive Office of the Governor the Drug Paraphernalia Abatement Task Force for the purpose of recommending strategies and actions for abating access to and the use and proliferation of drug paraphernalia, as that term is defined in s. 893.145, Florida Statutes.

(b) The task force shall consist of the following 10 members:

1. The Secretary of Business and Professional Regulation or his or her designee.

2. The director of the Office of Drug Control within the

29 Executive Office of the Governor.

30 3. A member of the Senate, appointed by the President of
31 the Senate.

32 4. A member of the House of Representatives, appointed by
33 the Speaker of the House of Representatives.

34 5. A representative from a corporation that is licensed to
35 do business in this state and that sells any of the items
36 described in s. 893.145, Florida Statutes, that may be used as
37 drug paraphernalia.

38 6. A local law enforcement official or officer.

39 7. A member of a faith-based community.

40 8. A superintendent of a school district or a principal of
41 a secondary school.

42 9. A member of a community organization concerned about
43 issues relating to illicit activities involving controlled
44 substances, including access to and the use and proliferation of
45 drug paraphernalia.

46 10. A former or recovering drug addict.

47 (c) Members of the task force described in subparagraphs
48 (b)5.-10. shall be appointed by the Governor by July 1, 2005,
49 and shall be representative of the geographic regions and ethnic
50 and gender diversity of this state. The first meeting of the
51 task force shall be held by July 15, 2005, at which time the
52 members shall select by majority vote a chairperson from among
53 the task force members. All recommendations of the task force
54 shall be by majority vote.

55 (d) The task force shall meet at the call of the
56 chairperson and shall conduct at least three public meetings,

57 which shall be held in localities throughout this state that
58 have a significant urban business district or have experienced
59 problems with illicit controlled-substance activity resulting,
60 in part, from access to and the use and proliferation of drug
61 paraphernalia.

62 (e) Meetings of the task force shall be open to the public
63 and are subject to the requirements of chapter 119, Florida
64 Statutes. Records of the task force are public records and
65 subject to the requirements of chapter 119, Florida Statutes,
66 except to the extent that public access to any of those records
67 may be restricted pursuant to that chapter.

68 (f) Members of the task force shall serve without
69 compensation, but are entitled to reimbursement for per diem and
70 travel expenses in accordance with s. 112.061, Florida Statutes.

71 (g) The Office of Drug Control within the Executive Office
72 of the Governor shall provide staff support for the task force
73 within existing appropriations.

74 (2)(a) The task force shall study and take testimony
75 regarding:

76 1. The nature and extent of the problem of access to and
77 the use and proliferation of drug paraphernalia in this state,
78 including the extent to which the marketing, selling, or
79 purchasing of items that may be used as drug paraphernalia may
80 contribute to that problem.

81 2. Businesses that sell items that may be used as drug
82 paraphernalia, including, but not limited to, consideration of:

83 a. The types, ownership, organization, and operation of
84 those businesses.

85 b. The regulation of those businesses and the state and
86 federal laws applicable to them.

87 c. The marketing or selling of those items by those
88 businesses.

89 d. The inventory and sale of those items relative to the
90 total inventory and total sales of those businesses.

91 e. Measures taken by those businesses to restrict
92 purchases of those items by minors or otherwise restrict
93 purchases of those items.

94 f. The clientele of those businesses.

95 g. The prevalence of civil or criminal enforcement actions
96 taken against those businesses for violations of state or
97 federal rules or laws which are relevant to prohibited
98 activities involving drug paraphernalia.

99 h. The location of those businesses relative to the
100 location of schools, churches or places of worship,
101 neighborhoods, and buildings, facilities, and areas where
102 children may regularly congregate.

103 i. The opinions and concerns of local residents, community
104 and neighborhood activists and leaders, faith-based community
105 members and leaders, school personnel and students, businesses,
106 service providers, local law enforcement officials and officers,
107 and local government officials regarding those businesses.

108 j. Local or community efforts to restrict or regulate
109 those businesses.

110 3. Current rules and laws and current efforts by
111 regulatory agencies and law enforcement agencies to abate access
112 to and the use and proliferation of drug paraphernalia in this

113 state, including, but not limited to, consideration of whether
114 it is necessary to amend those rules or laws or propose new
115 rules or new legislation.

116 4. Approaches to abate access to and the use and
117 proliferation of drug paraphernalia, including, but not limited
118 to:

119 a. Conforming the rules or laws of this state to federal
120 rules or laws that are relevant to abating access to and the use
121 and proliferation of drug paraphernalia.

122 b. Restricting the marketing, selling, or purchasing of
123 any item that may be used as drug paraphernalia and legal
124 concerns relevant to that restriction.

125 c. Adopting provisions of rules or laws of other states
126 which are relevant to abating access to and the use and
127 proliferation of drug paraphernalia.

128 5. Any other subject that is relevant to abating access to
129 and the use and proliferation of drug paraphernalia.

130 (b) The task force shall submit a preliminary draft report
131 of its findings and recommendations to the Governor, the
132 President of the Senate, and the Speaker of the House of
133 Representatives at least 45 days before the first day of the
134 2006 Regular Session of the Legislature. The final report shall
135 be filed with the Governor, the President of the Senate, and the
136 Speaker of the House of Representatives at least 30 days before
137 the first day of the 2006 Regular Session. In addition to the
138 findings and recommendations included in the final report, the
139 report must include a draft of proposed rules and proposed
140 legislation for any recommendations requiring proposed rules and

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141 proposed legislation.

142 (c) Each state agency shall fully cooperate with the task
143 force in the performance of its duties.

144 (3) All meetings of the task force and all business of the
145 task force for which reimbursement may be requested shall be
146 concluded before the final report is filed. The task force is
147 abolished July 1, 2006.

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