

CHAMBER ACTION

1 The Governmental Operations Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Drug Paraphernalia Abatement Task Force.--

HB 1095

2005
CS

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

28 (b) The task force shall consist of the following eight
 29 members:

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

32 2. The director of the Office of Drug Control within the
 33 Executive Office of the Governor.

34 3. 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 4. A local law enforcement official or officer.

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

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

42 7. 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 8. A former or recovering drug addict.

47 (c) Members of the task force shall be appointed by the
 48 Governor by July 1, 2005, and shall be representative of the
 49 geographic regions and ethnic and gender diversity of this
 50 state. The first meeting of the task force shall be held by July

HB 1095

2005
CS

51 15, 2005, at which time the members shall select by majority
 52 vote a chairperson from among the task force members. All
 53 recommendations of the task force shall be by majority vote.

54 (d) The task force shall meet at the call of the
 55 chairperson and shall conduct at least three public meetings,
 56 which shall be held in localities throughout this state that
 57 have a significant urban business district or have experienced
 58 problems with illicit controlled-substance activity resulting,
 59 in part, from access to and the use and proliferation of drug
 60 paraphernalia.

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

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

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

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

75 1. The nature and extent of the problem of access to and
 76 the use and proliferation of drug paraphernalia in this state,
 77 including the extent to which the marketing, selling, or

78 purchasing of items that may be used as drug paraphernalia may
 79 contribute to that problem.

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

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

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

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

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

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

93 f. The clientele of those businesses.

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

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

102 i. The opinions and concerns of local residents, community
 103 and neighborhood activists and leaders, faith-based community
 104 members and leaders, school personnel and students, businesses,

105 service providers, local law enforcement officials and officers,
 106 and local government officials regarding those businesses.

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

109 3. Current rules and laws and current efforts by
 110 regulatory agencies and law enforcement agencies to abate access
 111 to and the use and proliferation of drug paraphernalia in this
 112 state, including, but not limited to, consideration of whether
 113 it is necessary to amend those rules or laws or propose new
 114 rules or new legislation.

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

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

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

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

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

129 (b) The task force shall submit a preliminary draft report
 130 of its findings and recommendations to the Governor, the
 131 President of the Senate, and the Speaker of the House of
 132 Representatives at least 45 days before the first day of the

HB 1095

2005
CS

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

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

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

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