

By Senator Wise

5-742-05

1    A bill to be entitled

2            An act relating to the abatement of drug

3            paraphernalia; creating the Drug Paraphernalia

4            Abatement Task Force within the Executive

5            Office of the Governor; prescribing task force

6            membership; providing for meetings and duties

7            of the task force; providing that meetings and

8            records of the task force are subject to the

9            public-records requirements of ch. 119, F. S.;

10          providing for members of the task force to be

11          reimbursed for per diem and travel expenses;

12          requiring the Office of Drug Control within the

13          Executive Office of the Governor to provide

14          staff support; requiring cooperation by state

15          agencies; providing for abolishing the task

16          force on a specified date; providing an

17          effective date.

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

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

22            (1)(a) There is created within the Executive Office of

23            the Governor the Drug Paraphernalia Abatement Task Force for

24            the purpose of recommending strategies and actions for abating

25            access to and the use and proliferation of drug paraphernalia,

26            as that term is defined in section 893.145, Florida Statutes.

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

28            members:

29                    1. The Secretary of Business and Professional

30                    Regulation or his or her designee.

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

3           3. A member of the Senate, appointed by the President  
4 of the Senate.

5           4. A member of the House of Representatives, appointed  
6 by the Speaker of the House of Representatives.

7           5. A representative from a corporation that is  
8 licensed to do business in this state and that sells any of  
9 the items described in section 893.145, Florida Statutes,  
10 which may be used as drug paraphernalia.

11           6. A local law enforcement official or officer.

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

13           8. A superintendent of a school district or a  
14 principal of a secondary school.

15           9. A member of a community organization concerned  
16 about issues relating to illicit activities involving  
17 controlled substances, including access to and the use and  
18 proliferation of drug paraphernalia.

19           10. A former or recovering drug addict.

20           (c) Members of the task force described in  
21 subparagraphs (b)5.-10. shall be appointed by the Governor by  
22 July 1, 2005, and shall be representative of the geographic  
23 regions and ethnic and gender diversity of this state. The  
24 first meeting of the task force shall be held by July 15,  
25 2005, at which time the members shall select by majority vote  
26 a chairperson from among the task force members. All  
27 recommendations of the task force shall be by majority vote.

28           (d) The task force shall meet at the call of the  
29 chairperson and shall conduct at least three public meetings,  
30 which shall be held in localities throughout this state which  
31 have a significant urban business district or have experienced

1 problems with illicit controlled-substance activity resulting,  
2 in part, from access to and the use and proliferation of drug  
3 paraphernalia.

4 (e) Meetings of the task force shall be open to the  
5 public and are subject to the requirements of chapter 119,  
6 Florida Statutes. Records of the task force are public records  
7 and subject to the requirements of chapter 119, Florida  
8 Statutes, except to the extent that public access to any of  
9 those records may be restricted pursuant to that chapter.

10 (f) Members of the task force shall serve without  
11 compensation, but are entitled to reimbursement for per diem  
12 and travel expenses in accordance with section 112.061,  
13 Florida Statutes.

14 (g) The Office of Drug Control within the Executive  
15 Office of the Governor shall provide staff support for the  
16 task force within existing appropriations.

17 (2)(a) The task force shall study and take testimony  
18 regarding:

19 1. The nature and extent of the problem of access to  
20 and the use and proliferation of drug paraphernalia in this  
21 state, including the extent to which the marketing, selling,  
22 or purchasing of items that may be used as drug paraphernalia  
23 may contribute to that problem.

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

27 a. The types, ownership, organization, and operation  
28 of those businesses.

29 b. The regulation of those businesses and the state  
30 and federal laws applicable to them.

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1           c. The marketing or selling of those items by those  
2 businesses.  
3           d. The inventory and sale of those items relative to  
4 the total inventory and total sales of those businesses.  
5           e. Measures taken by those businesses to restrict  
6 purchases of those items by minors or otherwise restrict  
7 purchases of those items.  
8           f. The clientele of those businesses.  
9           g. The prevalence of civil or criminal enforcement  
10 actions taken against those businesses for violations of state  
11 or federal rules or laws which are relevant to prohibited  
12 activities involving drug paraphernalia.  
13           h. The location of those businesses relative to the  
14 location of schools, churches or places of worship,  
15 neighborhoods, and buildings, facilities, and areas where  
16 children may regularly congregate.  
17           i. The opinions and concerns of local residents,  
18 community and neighborhood activists and leaders, faith-based  
19 community members and leaders, school personnel and students,  
20 businesses, service providers, local law enforcement officials  
21 and officers, and local government officials regarding those  
22 businesses.  
23           j. Local or community efforts to restrict or regulate  
24 those businesses.  
25           3. Current rules and laws and current efforts by  
26 regulatory agencies and law enforcement agencies to abate  
27 access to and the use and proliferation of drug paraphernalia  
28 in this state, including, but not limited to, consideration of  
29 whether it is necessary to amend those rules or laws or  
30 propose new rules or new legislation.  
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1           4. Approaches to abate access to and the use and  
2 proliferation of drug paraphernalia, including, but not  
3 limited to:

4           a. Conforming the rules or laws of this state to  
5 federal rules or laws that are relevant to abating access to  
6 and the use and proliferation of drug paraphernalia.

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

10           c. Adopting provisions of rules or laws of other  
11 states which are relevant to abating access to and the use and  
12 proliferation of drug paraphernalia.

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

15           (b) The task force shall submit a preliminary draft  
16 report of its findings and recommendations to the Governor,  
17 the President of the Senate, and the Speaker of the House of  
18 Representatives at least 45 days before the first day of the  
19 2006 Regular Session of the Legislature. The final report  
20 shall be filed with the Governor, the President of the Senate,  
21 and the Speaker of the House of Representatives at least 30  
22 days before the first day of the 2006 Regular Session. In  
23 addition to the findings and recommendations included in the  
24 final report, the report must include a draft of proposed  
25 rules and proposed legislation for any recommendations  
26 requiring proposed rules and proposed legislation.

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

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

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

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7                                   SENATE SUMMARY

8           Creates the Drug Paraphernalia Abatement Task Force  
9           within the Executive Office of the Governor. Prescribes  
10           task force membership. Provides for meetings and duties  
11           of the task force. Provides that meetings and records of  
12           the task force are subject to the public-records  
13           requirements of ch. 119, F. S. Provides for reimbursement  
14           for per diem and travel expenses. Requires the Office of  
15           Drug Control within the Executive Office of the Governor  
16           to provide staff support. Requires cooperation by state  
17           agencies. Abolishes the task force at a future date.  
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