

By the Committee on Governmental Oversight and Productivity;
and Senators Wise and Lynn

585-1297-06

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 for members of the
8 task force to be reimbursed for per diem and
9 travel expenses; requiring the Office of Drug
10 Control within the Executive Office of the
11 Governor to provide staff support; requiring
12 cooperation by state agencies; providing for
13 abolishing the task force on a specified date;
14 providing an effective date.

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

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

19 (1)(a) There is created within the Executive Office of
20 the Governor the Drug Paraphernalia Abatement Task Force, a
21 task force as defined in s. 20.03, Florida Statutes. The task
22 force is created for the purpose of recommending strategies
23 and actions for abating access to and the use and
24 proliferation of drug paraphernalia, as that term is defined
25 in s. 893.145, Florida Statutes.

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

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

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

1 3. A member of the Senate, appointed by the President
2 of the Senate.

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

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

9 6. A local law enforcement official or officer.

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

11 8. A superintendent of a school district or a
12 principal of a secondary school.

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

17 10. A former or recovering drug addict.

18 (c) Members of the task force described in
19 subparagraphs (b)5.-10. shall be appointed by the Governor by
20 July 1, 2006, and shall be representative of the geographic
21 regions and ethnic and gender diversity of this state. The
22 first meeting of the task force shall be held by July 15,
23 2006, at which time the members shall select by majority vote
24 a chairperson from among the task force members. All
25 recommendations of the task force shall be by majority vote.

26 (d) The task force shall meet at the call of the
27 chairperson, as approved by the Governor, and shall conduct at
28 least three public meetings, which shall be held in localities
29 throughout this state which have a significant urban business
30 district or have experienced problems with illicit

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

3 (e) Members of the task force shall serve without
4 compensation, but are entitled to reimbursement for per diem
5 and travel expenses in accordance with s. 112.061, Florida
6 Statutes.

7 (f) The Office of Drug Control within the Executive
8 Office of the Governor shall provide staff support for the
9 task force within existing appropriations.

10 (2)(a) The task force shall study and take testimony
11 regarding:

12 1. The nature and extent of the problem of access to
13 and the use and proliferation of drug paraphernalia in this
14 state, including the extent to which the marketing, selling,
15 or purchasing of items that may be used as drug paraphernalia
16 may contribute to that problem.

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

20 a. The types, ownership, organization, and operation
21 of those businesses.

22 b. The regulation of those businesses and the state
23 and federal laws applicable to them.

24 c. The marketing or selling of those items by those
25 businesses.

26 d. The inventory and sale of those items relative to
27 the total inventory and total sales of those businesses.

28 e. Measures taken by those businesses to restrict
29 purchases of those items by minors or otherwise restrict
30 purchases of those items.

31 f. The clientele of those businesses.

1 g. The prevalence of civil or criminal enforcement
2 actions taken against those businesses for violations of state
3 or federal rules or laws that are relevant to prohibited
4 activities involving drug paraphernalia.

5 h. The location of those businesses relative to the
6 locations of schools, churches or other places of worship,
7 neighborhoods, buildings, facilities, and areas where children
8 may regularly congregate.

9 i. The opinions and concerns of local residents,
10 community and neighborhood activists and leaders, faith-based
11 community members and leaders, school personnel and students,
12 businesses, service providers, local law enforcement officials
13 and officers, and local government officials regarding those
14 businesses.

15 j. Local or community efforts to restrict or regulate
16 those businesses.

17 3. Current rules and laws and current efforts by
18 regulatory agencies and law enforcement agencies to abate
19 access to and the use and proliferation of drug paraphernalia
20 in this state, including, but not limited to, consideration of
21 whether it is necessary to amend those rules or laws or
22 propose new rules or new legislation.

23 4. Approaches to abating access to and the use and
24 proliferation of drug paraphernalia, including, but not
25 limited to:

26 a. Conforming the rules or laws of this state to
27 federal rules or laws that are relevant to abating access to
28 and the use and proliferation of drug paraphernalia.

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

1 c. Adopting provisions of rules or laws of other
2 states which are relevant to abating access to and the use and
3 proliferation of drug paraphernalia.

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

6 (b) The task force shall submit a preliminary draft
7 report of its findings and recommendations to the Governor,
8 the President of the Senate, and the Speaker of the House of
9 Representatives at least 45 days before the first day of the
10 2007 Regular Session of the Legislature. The final report
11 shall be filed with the Governor, the President of the Senate,
12 and the Speaker of the House of Representatives at least 30
13 days before the first day of the 2007 Regular Session. In
14 addition to the findings and recommendations included in the
15 final report, the report must include a draft of proposed
16 rules and proposed legislation for any recommendations
17 requiring proposed rules and proposed legislation.

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

20 (3) All meetings of the task force and all business of
21 the task force for which reimbursement may be requested shall
22 be concluded before the final report is filed. The task force
23 is abolished July 1, 2007.

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 100

Clarifies that the task force is a defined entity under s.
20.03, F.S.

Removes redundant language regarding open records and meetings
as those requirements already apply and are established in
chapters 20 and 119, F.S.