

1                   A bill to be entitled  
 2           An act relating to the abatement of drug paraphernalia;  
 3           creating the Drug Paraphernalia Abatement Task Force  
 4           within the Executive Office of the Governor; prescribing  
 5           task force membership; providing for meetings and duties  
 6           of the task force; providing that meetings and records of  
 7           the task force are subject to statutory public meetings  
 8           and records requirements; providing for members of the  
 9           task force to be reimbursed for per diem and travel  
 10          expenses; requiring the Office of Drug Control within the  
 11          Executive Office of the Governor to provide staff support;  
 12          requiring reports; requiring cooperation by state  
 13          agencies; 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 the  
 20 Governor the Drug Paraphernalia Abatement Task Force for the  
 21 purpose of recommending strategies and actions for abating  
 22 access to and the use and proliferation of drug paraphernalia,  
 23 as that term is defined in s. 893.145, Florida Statutes.

24           (b) The task force shall consist of the following eight  
 25 members:

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

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

29 Executive Office of the Governor.

30 3. A representative from a corporation that is licensed to  
31 do business in this state and that sells any of the items  
32 described in s. 893.145, Florida Statutes, that may be used as  
33 drug paraphernalia.

34 4. A local law enforcement official or officer.

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

36 6. A superintendent of a school district or a principal of  
37 a secondary school.

38 7. A member of a community organization concerned about  
39 issues relating to illicit activities involving controlled  
40 substances, including access to and the use and proliferation of  
41 drug paraphernalia.

42 8. A former or recovering drug addict.

43 (c) Members of the task force shall be appointed by the  
44 Governor by July 1, 2006, and shall be representative of the  
45 geographic regions and ethnic and gender diversity of this  
46 state. The first meeting of the task force shall be held by July  
47 15, 2006, at which time the members shall select by majority  
48 vote a chairperson from among the task force members. All  
49 recommendations of the task force shall be by majority vote.

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

57 (e) Meetings of the task force shall be open to the public  
58 and are subject to the requirements of chapter 286, Florida  
59 Statutes. Records of the task force are public records and  
60 subject to the requirements of chapter 119, Florida Statutes,  
61 except to the extent that public access to any of those records  
62 may be restricted pursuant to that chapter.

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

66 (g) The Office of Drug Control within the Executive Office  
67 of the Governor shall provide staff support for the task force  
68 within existing appropriations.

69 (2)(a) The task force shall study and take testimony  
70 regarding:

71 1. The nature and extent of the problem of access to and  
72 the use and proliferation of drug paraphernalia in this state,  
73 including the extent to which the marketing, selling, or  
74 purchasing of items that may be used as drug paraphernalia may  
75 contribute to that problem.

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

78 a. The types, ownership, organization, and operation of  
79 those businesses.

80 b. The regulation of those businesses and the state and  
81 federal laws applicable to them.

82 c. The marketing or selling of those items by those  
83 businesses.

84 d. The inventory and sale of those items relative to the

85 total inventory and total sales of those businesses.

86 e. Measures taken by those businesses to restrict  
 87 purchases of those items by minors or otherwise restrict  
 88 purchases of those items.

89 f. The clientele of those businesses.

90 g. The prevalence of civil or criminal enforcement actions  
 91 taken against those businesses for violations of state or  
 92 federal rules or laws that are relevant to prohibited activities  
 93 involving drug paraphernalia.

94 h. The location of those businesses relative to the  
 95 location of schools; churches or places of worship;  
 96 neighborhoods; and buildings, facilities, and areas where  
 97 children may regularly congregate.

98 i. The opinions and concerns of local residents, community  
 99 and neighborhood activists and leaders, faith-based community  
 100 members and leaders, school personnel and students, businesses,  
 101 service providers, local law enforcement officials and officers,  
 102 and local government officials regarding those businesses.

103 j. Local or community efforts to restrict or regulate  
 104 those businesses.

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

111 4. Approaches to abate access to and the use and  
 112 proliferation of drug paraphernalia, including, but not limited

113 to:

114 a. Conforming the rules or laws of this state to federal  
115 rules or laws that are relevant to abating access to and the use  
116 and proliferation of drug paraphernalia.

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

120 c. Adopting provisions of rules or laws of other states  
121 that are relevant to abating access to and the use and  
122 proliferation of drug paraphernalia.

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

125 (b) The task force shall submit a preliminary draft report  
126 of its findings and recommendations to the Governor, the  
127 President of the Senate, and the Speaker of the House of  
128 Representatives at least 45 days before the first day of the  
129 2007 Regular Session of the Legislature. The final report shall  
130 be filed with the Governor, the President of the Senate, and the  
131 Speaker of the House of Representatives at least 30 days before  
132 the first day of the 2007 Regular Session. In addition to the  
133 findings and recommendations included in the final report, the  
134 report must include a draft of proposed rules and proposed  
135 legislation for any recommendations requiring proposed rules and  
136 proposed legislation.

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

139 (3)(a) All meetings of the task force and all business of  
140 the task force for which reimbursement may be requested shall be

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141 concluded before the final report is filed.

142 (b) The task force is abolished July 1, 2007.

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