

CHAMBER ACTION

1 The Health Care General Committee recommends the following:

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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 statutory public meetings
12 and records requirements; providing for members of the
13 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; abolishing the task force on a specified date;
18 providing an effective date.

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

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

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 nine
 29 members:

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

32 2. The Secretary of Health or his or her designee.

33 3. The director of the Office of Drug Control within the
 34 Executive Office of the Governor.

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

39 5. A local law enforcement official or officer.

40 6. A member of a faith-based community.

41 7. A superintendent of a school district or a principal of
 42 a secondary school.

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

47 9. A former or recovering drug addict.

48 (c) Members of the task force shall be appointed by the
 49 Governor by July 1, 2006, and shall be representative of the
 50 geographic regions and ethnic and gender diversity of this

51 | state. The first meeting of the task force shall be held by July
 52 | 15, 2006, at which time the members shall select by majority
 53 | vote a chairperson from among the task force members. All
 54 | recommendations of the task force shall be by majority vote.

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

62 | (e) Meetings of the task force shall be open to the public
 63 | and are subject to the requirements of chapter 286, 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 that are relevant to prohibited activities
 98 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 that 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

HB 35 CS

2006
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134 2007 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 2007 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
141 proposed legislation.

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

144 (3)(a) All meetings of the task force and all business of
145 the task force for which reimbursement may be requested shall be
146 concluded before the final report is filed.

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

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