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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 nine
 25 members:

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

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

29 3. The director of the Office of Drug Control within the
30 Executive Office of the Governor.

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

35 5. A local law enforcement official or officer.

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

37 7. A superintendent of a school district or a principal of
38 a secondary school.

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

43 9. A former or recovering drug addict.

44 (c) Members of the task force shall be appointed by the
45 Governor by July 1, 2007, and shall be representative of the
46 geographic regions and ethnic and gender diversity of this
47 state. The first meeting of the task force shall be held by July
48 15, 2007, at which time the members shall select by majority
49 vote a chairperson from among the task force members. All
50 recommendations of the task force shall be by majority vote.

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

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57 use and proliferation of drug paraphernalia.

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

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

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

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

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

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

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

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

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

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85 d. The inventory and sale of those items relative to the
86 total inventory and total sales of those businesses.

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

90 f. The clientele of those businesses.

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

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

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

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

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

112 4. Approaches to abate access to and the use and

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113 proliferation of drug paraphernalia, including, but not limited
114 to:

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

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

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

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

126 (b) The task force shall submit a preliminary draft report
127 of its findings and recommendations to the Governor, the
128 President of the Senate, and the Speaker of the House of
129 Representatives at least 45 days before the first day of the
130 2008 Regular Session of the Legislature. The final report shall
131 be filed with the Governor, the President of the Senate, and the
132 Speaker of the House of Representatives at least 30 days before
133 the first day of the 2008 Regular Session. In addition to the
134 findings and recommendations included in the final report of the
135 task force, the final report must include a draft of proposed
136 rules and proposed legislation for any recommendations requiring
137 proposed rules and proposed legislation.

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

140 (3)(a) All meetings of the task force and all business of

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141 | the task force for which reimbursement may be requested shall be
142 | concluded before the final report is filed.

143 | (b) The task force is abolished July 1, 2008.

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