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2007 Legislature

1 A bill to be entitled
2 An act relating to drug-related task forces; creating the
3 Drug Paraphernalia Abatement Task Force within the
4 Executive Office of the Governor; prescribing task force
5 membership; providing for meetings and duties of the task
6 force; providing that meetings and records of the task
7 force are subject to statutory public meetings and records
8 requirements; providing for members of the task force to
9 be reimbursed for per diem and travel expenses; requiring
10 the Office of Drug Control within the Executive Office of
11 the Governor to provide staff support; requiring reports;
12 requiring cooperation by state agencies; abolishing the
13 task force on a specified date; creating within the
14 Executive Office of the Governor the Task Force for the
15 Remediation of Illicit Drug Labs; prescribing the
16 membership of the task force; providing for meetings and
17 duties of the task force; requiring public hearings;
18 providing for members of the task force to be reimbursed
19 for per diem and travel expenses; requiring the Office of
20 Drug Control within the Executive Office of the Governor
21 and other specified state agencies to provide staff
22 support; requiring that the task force file reports and
23 recommendations to the Governor and the Legislature;
24 requiring cooperation by state agencies; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. Drug Paraphernalia Abatement Task Force.--
 30 (1) (a) There is created within the Executive Office of the
 31 Governor the Drug Paraphernalia Abatement Task Force for the
 32 purpose of recommending strategies and actions for abating
 33 access to and the use and proliferation of drug paraphernalia,
 34 as that term is defined in s. 893.145, Florida Statutes.
 35 (b) The task force shall consist of the following nine
 36 members:
 37 1. The Secretary of Business and Professional Regulation
 38 or his or her designee.
 39 2. The Secretary of Health or his or her designee.
 40 3. The director of the Office of Drug Control within the
 41 Executive Office of the Governor.
 42 4. A representative from a corporation that is licensed to
 43 do business in this state and that sells any of the items
 44 described in s. 893.145, Florida Statutes, which may be used as
 45 drug paraphernalia.
 46 5. A local law enforcement official or officer.
 47 6. A member of a faith-based community.
 48 7. A superintendent of a school district or a principal of
 49 a secondary school.
 50 8. A member of a community organization concerned about
 51 issues relating to illicit activities involving controlled
 52 substances, including access to and the use and proliferation of
 53 drug paraphernalia.
 54 9. A former or recovering drug addict.
 55 (c) Members of the task force shall be appointed by the
 56 Governor by July 1, 2007, and shall be representative of the

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57 geographic regions and ethnic and gender diversity of this
58 state. The first meeting of the task force shall be held by July
59 15, 2007, at which time the members shall select by majority
60 vote a chairperson from among the task force members. All
61 recommendations of the task force shall be by majority vote.

62 (d) The task force shall meet at the call of the
63 chairperson, as approved by the Governor, and shall conduct at
64 least three public meetings, which shall be held in localities
65 throughout this state that have a significant urban business
66 district or have experienced problems with illicit controlled-
67 substance activity resulting, in part, from access to and the
68 use and proliferation of drug paraphernalia.

69 (e) Meetings of the task force shall be open to the public
70 and are subject to the requirements of chapter 286, Florida
71 Statutes. Records of the task force are public records and
72 subject to the requirements of chapter 119, Florida Statutes,
73 except to the extent that public access to any of those records
74 may be restricted pursuant to that chapter.

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

78 (g) The Office of Drug Control within the Executive Office
79 of the Governor shall provide staff support for the task force
80 within existing appropriations.

81 (2) (a) The task force shall study and take testimony
82 regarding:

83 1. The nature and extent of the problem of access to and
84 the use and proliferation of drug paraphernalia in this state,

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85 including the extent to which the marketing, selling, or
86 purchasing of items that may be used as drug paraphernalia may
87 contribute to that problem.

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

90 a. The types, ownership, organization, and operation of
91 those businesses.

92 b. The regulation of those businesses and the state and
93 federal laws applicable to them.

94 c. The marketing or selling of those items by those
95 businesses.

96 d. The inventory and sale of those items relative to the
97 total inventory and total sales of those businesses.

98 e. Measures taken by those businesses to restrict
99 purchases of those items by minors or otherwise restrict
100 purchases of those items.

101 f. The clientele of those businesses.

102 g. The prevalence of civil or criminal enforcement actions
103 taken against those businesses for violations of state or
104 federal rules or laws that are relevant to prohibited activities
105 involving drug paraphernalia.

106 h. The location of those businesses relative to the
107 location of schools; churches or places of worship;
108 neighborhoods; and buildings, facilities, and areas where
109 children may regularly congregate.

110 i. The opinions and concerns of local residents, community
111 and neighborhood activists and leaders, faith-based community
112 members and leaders, school personnel and students, businesses,

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113 service providers, local law enforcement officials and officers,
114 and local government officials regarding those businesses.

115 j. Local or community efforts to restrict or regulate
116 those businesses.

117 3. Current rules and laws and current efforts by
118 regulatory agencies and law enforcement agencies to abate access
119 to and the use and proliferation of drug paraphernalia in this
120 state, including, but not limited to, consideration of whether
121 it is necessary to amend those rules or laws or propose new
122 rules or new legislation.

123 4. Approaches to abate access to and the use and
124 proliferation of drug paraphernalia, including, but not limited
125 to:

126 a. Conforming the rules or laws of this state to federal
127 rules or laws that are relevant to abating access to and the use
128 and proliferation of drug paraphernalia.

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

132 c. Adopting provisions of rules or laws of other states
133 that are relevant to abating access to and the use and
134 proliferation of drug paraphernalia.

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

137 (b) The task force shall submit a preliminary draft report
138 of its findings and recommendations to the Governor, the
139 President of the Senate, and the Speaker of the House of
140 Representatives at least 45 days before the first day of the

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141 2008 Regular Session of the Legislature. The final report shall
142 be filed with the Governor, the President of the Senate, and the
143 Speaker of the House of Representatives at least 30 days before
144 the first day of the 2008 Regular Session. In addition to the
145 findings and recommendations included in the final report of the
146 task force, the final report must include a draft of proposed
147 rules and proposed legislation for any recommendations requiring
148 proposed rules and proposed legislation.

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

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

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

155 Section 2. Task Force for the Remediation of Illicit Drug
156 Labs.--

157 (1) (a) There is created within the Executive Office of the
158 Governor the Task Force for the Remediation of Illicit Drug
159 Labs, a task force as defined in s. 20.03, Florida Statutes. The
160 task force is created for the purpose of recommending strategies
161 and actions for reducing or eliminating health risks from
162 buildings in this state where methamphetamine or other
163 contraband has been manufactured in violation of law.

164 (b) The task force shall consist of the following 13
165 members:

166 1. The director of the Office of Drug Control within the
167 Executive Office of the Governor, who shall serve as chairperson
168 of the task force.

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- 169 2. The executive director of the Department of Law
 170 Enforcement or his or her designee.
- 171 3. The Secretary of Health or his or her designee.
- 172 4. The Secretary of Environmental Protection or his or her
 173 designee.
- 174 5. The Secretary of Community Affairs or his or her
 175 designee.
- 176 6. A member of the Senate, appointed by the President of
 177 the Senate.
- 178 7. A member of the House of Representatives, appointed by
 179 the Speaker of the House of Representatives.
- 180 8. A state attorney or his or her designee.
- 181 9. A representative of the Florida League of Cities.
- 182 10. A representative of the Florida Association of
 183 Counties.
- 184 11. A sheriff or his or her designee.
- 185 12. A police chief or his or her designee.
- 186 13. A representative of the Florida Association of
 187 Realtors.
- 188 (c) The Governor shall appoint the task force members
 189 described in subparagraphs (b)8.-13. by July 1, 2007. Such
 190 appointees must be representative of the geographic regions and
 191 ethnic and gender diversity of this state. The first meeting of
 192 the task force shall be held by August 1, 2007. All
 193 recommendations of the task force shall be by majority vote.
 194 Seven members constitute a quorum.
- 195 (d) The task force shall meet at the call of the
 196 chairperson and shall conduct at least three public meetings in

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197 the state.

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

201 (f) The Office of Drug Control within the Executive Office
202 of the Governor, the Department of Law Enforcement, the
203 Department of Health, the Department of Community Affairs, and
204 the Department of Environmental Protection shall provide staff
205 support for the task force within existing appropriations.

206 (2) The task force shall study, take testimony, and
207 develop findings and recommendations regarding the remediation
208 of health risks from buildings in this state where
209 methamphetamine or other contraband has been manufactured in
210 violation of law, including, but not limited to:

211 (a) The nature and extent of such remediation; the
212 standards, training, and funding that are relevant to such
213 remediation; and the responsibility for such remediation.

214 (b) Current state or local laws governing remediation,
215 including consideration of revisions to such laws.

216 (c) Current federal laws or laws of other states which are
217 relevant to such remediation, including the effectiveness of
218 those laws in remediating health risks from buildings where
219 contraband has been manufactured.

220 (d) Any other subject that is relevant to reducing or
221 eliminating the health risks from buildings in this state where
222 methamphetamine or other contraband has been manufactured.

223 (3) The task force shall submit a preliminary draft report
224 of its findings and recommendations to the Governor, the

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225 President of the Senate, and the Speaker of the House of
226 Representatives at least 90 days before the first day of the
227 2008 Regular Session of the Legislature. The final report shall
228 be filed with the Governor, the President of the Senate, and the
229 Speaker of the House of Representatives at least 30 days before
230 the first day of the 2008 Regular Session. In addition to the
231 findings and recommendations included in the final report, the
232 report must include a draft of proposed rules and proposed
233 legislation for any recommendations requiring a change in rules
234 or legislation.

235 (4) Each state agency shall fully cooperate with the task
236 force in the performance of its duties.

237 (5) All meetings of the task force and all business of the
238 task force for which reimbursement may be requested shall be
239 concluded before the final report is filed.

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