

Bill No. SB 270

Barcode 203018

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Lynn) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Task Force for the Remediation of Illicit Drug Labs.--

(1)(a) There is created within the Executive Office of the Governor the Task Force for the Remediation of Illicit Drug Labs, a task force as defined in s. 20.03, Florida Statutes. The task force is created for the purpose of recommending strategies and actions for reducing or eliminating health risks from structures and locations anywhere a lab is found in this state at which methamphetamine or other contraband has been manufactured in violation of law.

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

1. The director of the Office of Drug Control within the Executive Office of the Governor, who shall serve as

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1 chairperson of the task force.

2 2. The executive director of the Department of Law
3 Enforcement or his or her designee.

4 3. The Secretary of Health or his or her designee.

5 4. The Secretary of Environmental Protection or his or
6 her designee.

7 5. The Secretary of Community Affairs or his or her
8 designee.

9 6. A member of the Senate, appointed by the President
10 of the Senate.

11 7. A member of the House of Representatives, appointed
12 by the Speaker of the House of Representatives.

13 8. A state attorney or his or her designee.

14 9. A representative of the Florida League of Cities.

15 10. A representative of the Florida Association of
16 Counties.

17 11. A sheriff or his or her designee.

18 12. A police chief or his or her designee.

19 13. A representative of the Florida Association of
20 Realtors.

21 (c) The Governor shall appoint the task force members
22 described in subparagraphs (b)8.-13. by July 1, 2007. Such
23 appointees must be representative of the geographic regions
24 and ethnic and gender diversity of this state. The first
25 meeting of the task force shall be held by August 1, 2007. All
26 recommendations of the task force shall be by majority vote.
27 Seven members constitute a quorum.

28 (d) The task force shall meet at the call of the
29 chairperson and shall conduct at least three public meetings
30 in the state.

31 (e) Members of the task force shall serve without

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1 compensation, but are entitled to reimbursement for per diem
2 and travel expenses in accordance with s. 112.061, Florida
3 Statutes.

4 (f) The Office of Drug Control within the Executive
5 Office of the Governor, the Department of Law Enforcement, the
6 Department of Health, the Department of Community Affairs, and
7 the Department of Environmental Protection shall provide staff
8 support for the task force within existing appropriations.

9 (2) The task force shall study, take testimony, and
10 develop findings and recommendations regarding the remediation
11 of health risks from structures and locations anywhere a lab
12 is found in this state at which methamphetamine or other
13 contraband has been manufactured in violation of law,
14 including, but not limited to:

15 (a) The nature and extent of such remediation; the
16 standards, training, and funding that are relevant to such
17 remediation; and the responsibility for such remediation.

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

20 (c) Current federal laws or laws of other states which
21 are relevant to such remediation, including the effectiveness
22 of those laws in remediating health risks from structures and
23 locations anywhere a lab is found, at which contraband has
24 been manufactured.

25 (d) Any other subject that is relevant to reducing or
26 eliminating the health risks from structures and locations
27 anywhere a lab is found in this state at which methamphetamine
28 or other contraband has been manufactured.

29 (3) The task force shall submit a preliminary draft
30 report of its findings and recommendations to the Governor,
31 the President of the Senate, and the Speaker of the House of

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1 Representatives at least 90 days before the first day of the
 2 2008 Regular Session of the Legislature. The final report
 3 shall be filed with the Governor, the President of the Senate,
 4 and the Speaker of the House of Representatives at least 30
 5 days before the first day of the 2008 Regular Session. In
 6 addition to the findings and recommendations included in the
 7 final report, the report must include a draft of proposed
 8 rules and proposed legislation for any recommendations
 9 requiring a change in rules or legislation.

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

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

15 Section 2. Drug Paraphernalia Abatement Task Force.--

16 (1)(a) There is created within the Executive Office of
 17 the Governor the Drug Paraphernalia Abatement Task Force for
 18 the purpose of recommending strategies and actions for abating
 19 access to and the use and proliferation of drug paraphernalia,
 20 as that term is defined in s. 893.145, Florida Statutes.

21 (b) The task force shall consist of the following nine
 22 members:

23 1. The Secretary of Business and Professional
 24 Regulation or his or her designee.

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

26 3. The director of the Office of Drug Control within
 27 the Executive Office of the Governor.

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

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1 5. A local law enforcement official or officer.

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

3 7. A superintendent of a school district or a
4 principal of a secondary school.

5 8. A member of a community organization concerned
6 about issues relating to illicit activities involving
7 controlled substances, including access to and the use and
8 proliferation of drug paraphernalia.

9 9. A former or recovering drug addict.

10 (c) Members of the task force shall be appointed by
11 the Governor by July 1, 2007, and shall be representative of
12 the geographic regions and ethnic and gender diversity of this
13 state. The first meeting of the task force shall be held by
14 July 15, 2007, at which time the members shall select by
15 majority vote a chairperson from among the task force members.
16 All recommendations of the task force shall be by majority
17 vote.

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

25 (e) Meetings of the task force shall be open to the
26 public and are subject to the requirements of chapter 286,
27 Florida Statutes. Records of the task force are public records
28 and subject to the requirements of chapter 119, Florida
29 Statutes, except to the extent that public access to any of
30 those records may be restricted pursuant to that chapter.

31 (f) Members of the task force shall serve without

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1 compensation but are entitled to reimbursement for per diem
2 and travel expenses in accordance with s. 112.061, Florida
3 Statutes.

4 (g) The Office of Drug Control within the Executive
5 Office of the Governor shall provide staff support for the
6 task force within existing appropriations.

7 (2)(a) The task force shall study and take testimony
8 regarding:

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

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

17 a. The types, ownership, organization, and operation
18 of those businesses.

19 b. The regulation of those businesses and the state
20 and federal laws applicable to them.

21 c. The marketing or selling of those items by those
22 businesses.

23 d. The inventory and sale of those items relative to
24 the total inventory and total sales of those businesses.

25 e. Measures taken by those businesses to restrict
26 purchases of those items by minors or otherwise restrict
27 purchases of those items.

28 f. The clientele of those businesses.

29 g. The prevalence of civil or criminal enforcement
30 actions taken against those businesses for violations of state
31 or federal rules or laws that are relevant to prohibited

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1 activities involving drug paraphernalia.

2 h. The location of those businesses relative to the
3 location of schools; churches or places of worship;
4 neighborhoods; and buildings, facilities, and areas where
5 children may regularly congregate.

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

12 j. Local or community efforts to restrict or regulate
13 those businesses.

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

20 4. Approaches to abate access to and the use and
21 proliferation of drug paraphernalia, including, but not
22 limited to:

23 a. Conforming the rules or laws of this state to
24 federal rules or laws that are relevant to abating access to
25 and the use and proliferation of drug paraphernalia.

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

29 c. Adopting provisions of rules or laws of other
30 states that are relevant to abating access to and the use and
31 proliferation of drug paraphernalia.

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

3 (b) The task force shall submit a preliminary draft
4 report of its findings and recommendations to the Governor,
5 the President of the Senate, and the Speaker of the House of
6 Representatives at least 45 days before the first day of the
7 2008 Regular Session of the Legislature. The final report
8 shall be filed with the Governor, the President of the Senate,
9 and the Speaker of the House of Representatives at least 30
10 days before the first day of the 2008 Regular Session. In
11 addition to the findings and recommendations included in the
12 final report of the task force, the final report must include
13 a draft of proposed rules and proposed legislation for any
14 recommendations requiring proposed rules and proposed
15 legislation.

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

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

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

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

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26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 Delete everything before the enacting clause

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30 and insert:

31 A bill to be entitled

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

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