Florida Senate - 2007

By Senator Wise

	5-1078-07 See HB 1								
1	A bill to be entitled								
2	An act relating to the abatement of drug								
3	paraphernalia; creating the Drug Paraphernalia								
4	Abatement Task Force within the Executive								
5	Office of the Governor; prescribing task force								
6	membership; providing for meetings and duties								
7	of the task force; providing that meetings and								
8	records of the task force are subject to								
9	statutory public meetings and records								
10	requirements; providing for members of the task								
11	force to be reimbursed for per diem and travel								
12	expenses; requiring the Office of Drug Control								
13	within the Executive Office of the Governor to								
14	provide staff support; requiring reports;								
15	requiring cooperation by state agencies;								
16	abolishing the task force on a specified date;								
17	providing an effective date.								
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19	Be It Enacted by the Legislature of the State of Florida:								
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21	Section 1. Drug Paraphernalia Abatement Task Force								
22	<u>(1)(a) There is created within the Executive Office of</u>								
23	the Governor the Drug Paraphernalia Abatement Task Force for								
24	the purpose of recommending strategies and actions for abating								
25	access to and the use and proliferation of drug paraphernalia,								
26	as that term is defined in s. 893.145, Florida Statutes.								
27	(b) The task force shall consist of the following nine								
28	members:								
29	1. The Secretary of Business and Professional								
30	Regulation or his or her designee.								
31	2. The Secretary of Health or his or her designee.								

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1	3. The director of the Office of Drug Control within							
2	the Executive Office of the Governor.							
3	4. A representative from a corporation that is							
4	licensed to do business in this state and that sells any of							
5	the items described in s. 893.145, Florida Statutes, which may							
6	<u>be used as drug paraphernalia.</u>							
7	5. A local law enforcement official or officer.							
8	6. A member of a faith-based community.							
9	7. A superintendent of a school district or a							
10	principal of a secondary school.							
11	8. A member of a community organization concerned							
12	about issues relating to illicit activities involving							
13	controlled substances, including access to and the use and							
14	proliferation of drug paraphernalia.							
15	9. A former or recovering drug addict.							
16	(c) Members of the task force shall be appointed by							
17	the Governor by July 1, 2007, and shall be representative of							
18	the geographic regions and ethnic and gender diversity of this							
19	state. The first meeting of the task force shall be held by							
20	July 15, 2007, at which time the members shall select by							
21	majority vote a chairperson from among the task force members.							
22	All recommendations of the task force shall be by majority							
23	vote.							
24	(d) The task force shall meet at the call of the							
25	chairperson, as approved by the Governor, and shall conduct at							
26	least three public meetings, which shall be held in localities							
27	throughout this state that have a significant urban business							
28	district or have experienced problems with illicit							
29	controlled-substance activity resulting, in part, from access							
30	to and the use and proliferation of drug paraphernalia.							
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2public and are subject to the requirements of chapter 286.3Florida Statutes, Records of the task force are public records4and subject to the requirements of chapter 119, Florida5Statutes, except to the extent that public access to any of6those records may be restricted pursuant to that chapter.7(f) Members of the task force shall serve without8compensation but are entitled to reimbursement for per diem9and travel expenses in accordance with s. 112.061, Florida10Statutes.11(q) The Office of Drug Control within the Executive12Office of the Governor shall provide staff support for the13task force within existing appropriations.14(2)(a) The task force shall study and take testimony15recarding:161. The nature and extent of the problem of access to17and the use and proliferation of drug paraphernalia in this18state, including the extent to which the marketing, selling.19or purchasing of items that may be used as drug paraphernalia10may contribute to that problem.122. Businesses that sell items that may be used as drug13paraphernalia, including, but not limited to, consideration14of those businesses.15b. The regulation of those businesses and the state16a. The types, ownership, organization, and operation17of those businesses.18b. The regulation of those businesses and the state19b. The regulation of tho	1	(e) Meetings of the task force shall be open to the								
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	29	businesses.								
31 the total inventory and total sales of those businesses.	30	d. The inventory and sale of those items relative to								
	31	the total inventory and total sales of those businesses.								

1	e. Measures taken by those businesses to restrict							
2	purchases of those items by minors or otherwise restrict							
3	purchases of those items.							
4	f. The clientele of those businesses.							
5	g. The prevalence of civil or criminal enforcement							
б	actions taken against those businesses for violations of state							
7	or federal rules or laws that are relevant to prohibited							
8	activities involving drug paraphernalia.							
9	h. The location of those businesses relative to the							
10	location of schools; churches or places of worship;							
11	neighborhoods; and buildings, facilities, and areas where							
12	children may regularly congregate.							
13	i. The opinions and concerns of local residents,							
14	community and neighborhood activists and leaders, faith-based							
15	community members and leaders, school personnel and students,							
16	businesses, service providers, local law enforcement officials							
17	and officers, and local government officials regarding those							
18	businesses.							
19	j. Local or community efforts to restrict or regulate							
20	those businesses.							
21	3. Current rules and laws and current efforts by							
22	regulatory agencies and law enforcement agencies to abate							
23	access to and the use and proliferation of drug paraphernalia							
24	in this state, including, but not limited to, consideration of							
25	whether it is necessary to amend those rules or laws or							
26	propose new rules or new legislation.							
27	4. Approaches to abate access to and the use and							
28	proliferation of drug paraphernalia, including, but not							
29	limited to:							
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1	a. Conforming the rules or laws of this state to							
2	federal rules or laws that are relevant to abating access to							
3	and the use and proliferation of drug paraphernalia.							
4	b. Restricting the marketing, selling, or purchasing							
5	of any item that may be used as drug paraphernalia and legal							
б	concerns relevant to that restriction.							
7	c. Adopting provisions of rules or laws of other							
8	states that are relevant to abating access to and the use and							
9	proliferation of drug paraphernalia.							
10	5. Any other subject that is relevant to abating							
11	access to and the use and proliferation of drug paraphernalia.							
12	(b) The task force shall submit a preliminary draft							
13	report of its findings and recommendations to the Governor,							
14	the President of the Senate, and the Speaker of the House of							
15	Representatives at least 45 days before the first day of the							
16	2008 Regular Session of the Legislature. The final report							
17	shall be filed with the Governor, the President of the Senate,							
18	and the Speaker of the House of Representatives at least 30							
19	days before the first day of the 2008 Regular Session. In							
20	addition to the findings and recommendations included in the							
21	final report of the task force, the final report must include							
22	a draft of proposed rules and proposed legislation for any							
23	recommendations requiring proposed rules and proposed							
24	legislation.							
25	(c) Each state agency shall fully cooperate with the							
26	task force in the performance of its duties.							
27	(3)(a) All meetings of the task force and all business							
28	of the task force for which reimbursement may be requested							
29	shall be concluded before the final report is filed.							
30	(b) The task force is abolished July 1, 2008.							
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SB 928 See HB 1

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