

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 (1)(a) There is created within the Executive Office of
 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.

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 be used as drug paraphernalia.

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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1 (e) Meetings of the task force shall be open to the
2 public and are subject to the requirements of chapter 286,
3 Florida Statutes. Records of the task force are public records
4 and subject to the requirements of chapter 119, Florida
5 Statutes, except to the extent that public access to any of
6 those records may be restricted pursuant to that chapter.

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

11 (g) The Office of Drug Control within the Executive
12 Office of the Governor shall provide staff support for the
13 task force within existing appropriations.

14 (2)(a) The task force shall study and take testimony
15 regarding:

16 1. The nature and extent of the problem of access to
17 and the use and proliferation of drug paraphernalia in this
18 state, including the extent to which the marketing, selling,
19 or purchasing of items that may be used as drug paraphernalia
20 may contribute to that problem.

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

24 a. The types, ownership, organization, and operation
25 of those businesses.

26 b. The regulation of those businesses and the state
27 and federal laws applicable to them.

28 c. The marketing or selling of those items by those
29 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
6 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
6 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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1 Section 2. This act shall take effect upon becoming a
2 law.
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