

Council Substitute for House Bill No. 1

An act relating to drug-related task forces; creating the Drug Paraphernalia Abatement Task Force within the Executive Office of the Governor; prescribing task force membership; providing for meetings and duties of the task force; providing that meetings and records of the task force are subject to statutory public meetings and records requirements; providing for members of the task force to be reimbursed for per diem and travel expenses; requiring the Office of Drug Control within the Executive Office of the Governor to provide staff support; requiring reports; requiring cooperation by state agencies; abolishing the task force on a specified date; creating within the Executive Office of the Governor the Task Force for the Remediation of Illicit Drug Labs; prescribing the membership of the task force; providing for meetings and duties of the task force; requiring public hearings; providing for members of the task force to be reimbursed for per diem and travel expenses; requiring the Office of Drug Control within the Executive Office of the Governor and other specified state agencies to provide staff support; requiring that the task force file reports and recommendations to the Governor and the Legislature; requiring cooperation by state agencies; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Drug Paraphernalia Abatement Task Force.—

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

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

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

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

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

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

5. A local law enforcement official or officer.

6. A member of a faith-based community.

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

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

9. A former or recovering drug addict.

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

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

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

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

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

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

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

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

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

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

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

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

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

f. The clientele of those businesses.

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

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

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

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

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

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

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

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

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

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

(b) The task force shall submit a preliminary draft report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 45 days before the first day of the 2008 Regular Session of the Legislature. The final report shall be filed with the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 30 days before the first day of the 2008 Regular Session. In addition to the findings and recommendations included

in the final report of the task force, the final report must include a draft of proposed rules and proposed legislation for any recommendations requiring proposed rules and proposed legislation.

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

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

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

Section 2. 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 buildings in this state where 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 chairperson of the task force.

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

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

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

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

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

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

8. A state attorney or his or her designee.

9. A representative of the Florida League of Cities.

10. A representative of the Florida Association of Counties.

11. A sheriff or his or her designee.

12. A police chief or his or her designee.

13. A representative of the Florida Association of Realtors.

(c) The Governor shall appoint the task force members described in subparagraphs (b)8.-13. by July 1, 2007. Such appointees must be representative of the geographic regions and ethnic and gender diversity of this state.

The first meeting of the task force shall be held by August 1, 2007. All recommendations of the task force shall be by majority vote. Seven members constitute a quorum.

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

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

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

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

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

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

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

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

(3) The task force shall submit a preliminary draft report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 90 days before the first day of the 2008 Regular Session of the Legislature. The final report shall be filed with the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 30 days before the first day of the 2008 Regular Session. In addition to the findings and recommendations included in the final report, the report must include a draft of proposed rules and proposed legislation for any recommendations requiring a change in rules or legislation.

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

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

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

Approved by the Governor June 19, 2007.

Filed in Office Secretary of State June 19, 2007.