

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: March 13, 1998 Revised: _____

Subject: Controlled Substances

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Erickson</u>	<u>Miller</u>	<u>CJ</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Bill 1292 deletes the current statutory requirement that local law enforcement agencies report to the federal Drug Enforcement Administration (DEA) the court-ordered destruction of contraband controlled substances by these agencies. There is no federal requirement to report this information to the DEA, and the report serves no purpose to the DEA because local law enforcement agencies are not DEA registrants.

This bill substantially amends the following section of the Florida Statutes: 893.12.

II. Present Situation:

Section 893.12(1)(a), F.S, provides that all controlled substances, the lawful possession of which cannot be established or the title to which cannot be ascertained, are contraband and are subject to seizure and disposal. The court having jurisdiction over the contraband controlled substances is required to order the forfeiture and destruction of the controlled substances. The contraband controlled substances are destroyed by the appropriate local law enforcement agencies upon the court's directive. Records of the place where the controlled substances were seized, the kinds and quantities of controlled substances destroyed, and the time, place, and manner of destruction must be kept, and a return under oath reporting the destruction must be made to the court or magistrate and to the federal Drug Enforcement Administration (DEA).

In a letter to Senator Alberto Gutman, Chairman of the Senate Criminal Justice Committee, the legal advisor to the St. Petersburg Police Department explains that this statutory requirement is not mandated under federal law. The legal advisor states that, in compliance with the state statutory mandate, the department has reported to the DEA a court-ordered destruction of seized contraband controlled substances. The DEA returned the report with a note advising the

department that federal law does not require such reporting and it serves no purpose to the DEA since the department is not a DEA registrant. Supporting documentation is attached to the letter. The legal advisor also states that he has been advised that other law enforcement agencies have had their reports returned to them by the DEA.

Staff has contacted the DEA to confirm this information. The DEA confirmed that there is no federal requirement that local law enforcement agencies report to the DEA a court-ordered destruction of contraband controlled substances by local law enforcement agencies. The only requirement relates to DEA registrants. Local law enforcement agencies are not DEA registrants. Typically, DEA registrants are drug manufacturers, pharmacies, and hospitals, who are required by federal law (21 CFR 1300, et seq.) to report to the DEA. The reporting requirements mandated by s. 893.12, F.S., relate only to court-ordered destruction of contraband controlled substances by local law enforcement agencies.

III. Effect of Proposed Changes:

Senate Bill 1292 deletes the current statutory requirement that local law enforcement agencies report to the federal Drug Enforcement Administration (DEA) the court-ordered destruction of contraband controlled substances by these agencies. There is no federal requirement to report this information to the DEA, and the report serves no purpose to the DEA because local law enforcement agencies are not DEA registrants.

This act takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Senate Bill 1292 has no fiscal impact on state government, and should result in a cost-savings to local law enforcement agencies by reducing workload hours expended in reporting to the DEA, a task which is not required by federal law and serves no purpose to the DEA.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.