

The Honorable Tom Gallagher
State Fire Marshal and Chief Financial Officer
Preliminary Proposal – 2006 Legislative Session
“Fighting Meth”

Methamphetamine is without a doubt one of the most insidious problems facing our state. Statistics reveal that it is spreading rapidly. Those of us in government have a responsibility to take action and stamp it out before it reaches the same level of destruction as it has already become in many other states. During the 2005 Legislative Session, as the State Fire Marshal, I stood with legislative leaders and local law enforcement representatives to call for a direct strike on the manufacture and distribution of methamphetamine. We accomplished much and led our state in the right direction on this issue, but there is still more we must do. For the upcoming legislative session, my proposal for dealing with methamphetamine includes a comprehensive strategy designed to build more teamwork among government agencies dealing with the issue, establish more penalties for those who manufacture the drug, and provide some additional resources for restoration of users and victims.

TEAMWORK

A. Establish Community Florida Meth Strike Forces.

Background: Our local law enforcement and first responders are stretched thin already, and the meth crisis is putting demands on their resources like never before. Because of the extreme danger involved in dealing with meth labs (i.e. booby traps, explosive chemicals, toxic waste, extremely violent users and meth cooks) local law enforcement agencies are facing extremely dangerous and costly duty in dealing with meth. In addition, meth labs create vicious cycles as more meth users become their own cooks. As a result, law enforcement is having trouble keeping up with the meth scourge.

When meth invades a community, it spreads like wildfire. According to data compiled by the Florida Department of Law Enforcement, meth arrests and lab busts have increased 1100% in just the past four years in Florida. Meth has become a problem particularly for our rural counties as it has become a very cheap and powerful drug of choice for people with lower incomes.

Solution: In communities identified as a meth hot spot, a Meth Strike Force will be assembled. A Meth Strike Force will bring their resources to the area and work in conjunction with local law enforcement and first responders. Working off the current model of the Methamphetamine Working Group managed by the Governor’s Office of Drug Control, a Meth Strike Force will be a select team made up of a representative of FDLE, the State Fire Marshal’s Office, the Department of Health, the Department of Environmental Protection, and the Department of Children and Families. While non-law enforcement agencies cannot be involved on the investigative end, it is very important that communication and information sharing be established as close to the front end of a problem as possible so that the children, families, and victims of meth manufacturers can be assisted as quickly as possible with a comprehensive solution.

B. Establish State Meth Tip Line.

Background: Many of the families and friends of drug abusers and manufacturers feel nervous about “ratting” on their loved ones. Community self-policing is one of the most important offensive weapons in the war on drugs.

Solution: An anonymous 1-800 line will be established specifically for people to call in and provide leads on meth manufacturing.

PENALTIES

A. Increased Penalties for Injuring a First Responder at a Meth Lab.

Background: Last year, the Legislature passed HB1347, making it a third degree felony if a meth lab results in an injury to a state, local, or federal law enforcement officer and a second degree felony if a meth lab results in a grave injury or death for a law enforcement officer. This was an important move by the Legislature to protect our public safety officers. But many other individuals are involved in meth busts, including fire fighters and first responders. Meth fires are typically some of the most dangerous that a firefighter will face. Vats of unsecured flammable chemicals, piles of red and white phosphorous, and propane tanks are each elements of nearly all meth labs. When our firefighters and first responders go to a home to stop a fire they assume is a simple home fire, too often it turns into a raging inferno as an unsuspected meth lab explodes. Our firefighters and first responders do a dangerous duty when dealing with meth, and they deserve added protection under the law.

Solution: The “Fighting Meth” legislation will include a provision making it a third degree felony if a firefighter or first responder is injured while responding to an emergency at a methamphetamine lab and also a second degree felony if a firefighter or first responder is killed while responding to a meth lab emergency.

B. No Bond for Meth Producers.

Background: Most meth manufacturers are also addicted to the drug. Upon posting bond, they frequently will return to their labs and start producing more meth to feed their habit. In fact, nationwide numerous meth cooks are arrested a second or third time before they face trial for their first production charge.

Solution: Not allowing bond for meth producers will keep them in jail until trial and stop them from returning to their communities and endangering them again.

C. Removing Children Exposed to Meth in Homes Used as Labs.

Background: The DEA estimates that over the last five years 15,000 children were found at laboratories where methamphetamine was made. Right here in Florida, one Holmes County Sheriff’s Office Investigator observed that nearly every meth lab that law enforcement seizes in his area has the young children of meth users in the immediate area of the lab.

If meth users and meth cooks insist in exposing their children to their dangerous meth mixture, then they deserve to serve an increased penalty for putting children in danger.

Solution: One of the purposes of having a representative of the Department of Children and Families to be a part of the Meth Strike Force is so that children of meth manufacturers can be immediately removed from the home in which the felony is being performed and place them in the care of the state. They would be placed in the care of a relative who can pass an appropriate home test or into foster care until their parents' case is resolved. The purpose of having this as a part of the legislative package is so that the Department of Children and Families will have clear statutory direction in dealing with Meth lab issues.

RESTORATION

A. Establish the “Victims of Meth Labs” Trust Fund.

Background: Cleaning up a site used as a meth lab is expensive. Not only must the site itself be cleaned, but frequently the areas around the site must be decontaminated as well. Chemicals, toxic waste, and the cleaning chemicals and protective suits must be properly disposed. This is especially important because meth labs are frequently found in personal residences and in the vicinity of other homes.

Solution: The “Victims of Meth Labs” Trust Fund will be funded by 50% of the money generated from the forfeiture of assets of any person convicted of manufacturing or distributing methamphetamine. The DEA currently has a program in place to pay for cleanup of sites used as meth labs. As much as possible, the state and local agencies in Florida need to avail themselves of public funds, but this fund will be able to assist when necessary.

B. Establish the “Restoring Lives” Fund.

Background: It is the families and children of meth users and cooks that suffer the most from the scourge of methamphetamine. Too often, as parents addicted to meth spin out of control, their drug binges tend to last for days or weeks, leaving children unwashed and unfed. Toddlers and young children are left to fend for themselves for extended lengths of time and often while in a meth lab environment. Older children are sometimes recruited to help with the meth cooking.

One of our highest priorities must be to keep our children safe by having them in loving homes. The ideal situation is to help recovering meth addicts put their families back together so that parents and children may be reunited. Where possible, we need to look for faith-based solutions and community-based solutions that will assist recovering meth addicts with getting back on their feet and assisting them with putting their families back together. This is not a problem that only government should be addressing. Private participation must be encouraged.

Solution: The “Restoring Lives” fund will be created by the other 50% of the money generated by the forfeiture of assets of anyone engaging in the manufacture or distribution of methamphetamine. This fund will provide matching funds for private funds that are set up to advance local solutions and ministries that try to assist recovering addicts and the children of meth users or producers with family reunification and restoration efforts.

C. Establish Penalties for Non-Disclosure of Meth Lab Previously on Premises When Leasing or Selling Property.

Background: Homes, apartments, and condominiums are frequently the sites of meth labs. As meth is cooked, every surface in the home becomes saturated with the chemicals that make up meth, a toxic mix of hydrogen chloride, lithium metal, and anhydrous ammonia. Across the nation, cases are arising of “meth homes.” These residences were cleaned-up after they were used as labs, but the chemicals have so permeated the home that the new owners developed chronic illnesses, headaches, and physical problems.

Solution: In order to protect homebuyers and families, Florida should join states such as Oregon, South Dakota, and Oklahoma in requiring disclosure to a potential buyer, renter, or lessor that a residence or unit has previously been used as a meth lab.