

## CHAMBER ACTION

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1 The Criminal Justice Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to controlled substances; amending s.  
7 39.301, F.S.; requiring the Department of Children and  
8 Family Services to file a petition for dependency for the  
9 children of parents involved in certain controlled  
10 substance crimes; amending s. 893.13, F.S.; revising  
11 provisions relating to criminal penalties for controlled  
12 substance violations that result in serious injury to  
13 specified individuals; creating s. 627.4107, F.S.;  
14 prohibiting refusal to insure or cancellation of life or  
15 health insurance policies or certificates of specified  
16 local, state, or federal employees due to exposure to  
17 toxic chemicals or due to disease or injury incurred in  
18 their duties related to controlled substance law  
19 violations committed by others; providing penalties;  
20 amending s. 907.041, F.S.; revising a definition; revising  
21 provisions relating to pretrial release of certain  
22 defendants charged with certain controlled substance  
23 offenses; providing an effective date.

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

Section 1. Paragraph (b) of subsection (8) of section 39.301, Florida Statutes, is amended to read:

39.301 Initiation of protective investigations.--

(8) The person responsible for the investigation shall make a preliminary determination as to whether the report is complete, consulting with the attorney for the department when necessary. In any case in which the person responsible for the investigation finds that the report is incomplete, he or she shall return it without delay to the person or agency originating the report or having knowledge of the facts, or to the appropriate law enforcement agency having investigative jurisdiction, and request additional information in order to complete the report; however, the confidentiality of any report filed in accordance with this chapter shall not be violated.

(b) If it is determined that the child is in need of the protection and supervision of the court, the department shall file a petition for dependency. A petition for dependency shall be filed in all cases classified by the department as high-risk. Factors that the department may consider in determining whether a case is high-risk include, but are not limited to, the young age of the parents or legal custodians, the use of illegal drugs, the arrest of the parents or legal custodians on charges of manufacturing, processing, disposing of, or storing, either temporarily or permanently, any substances in violation of chapter 893, or domestic violence.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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52 Section 2. Subsection (12) of section 893.13, Florida  
53 Statutes, is amended to read:

54 893.13 Prohibited acts; penalties.--

55 (12) If a person violates any provision of this chapter  
56 and the violation results in a serious injury to a state or  
57 local law enforcement officer as defined in s. 943.10,  
58 firefighter as defined in s. 633.30, emergency medical  
59 technician as defined in s. 401.23, paramedic as defined in s.  
60 401.23, employee of a public utility or an electric utility as  
61 defined in s. 366.02, animal control officer as defined in s.  
62 828.27, volunteer firefighter engaged by state or local  
63 government, law enforcement officer employed by the Federal  
64 Government, or any other local, state, or Federal Government  
65 employee injured during the course and scope of his or her  
66 employment state, local, or federal law enforcement officer, the  
67 person commits a felony of the third degree, punishable as  
68 provided in s. 775.082, s. 775.083, or s. 775.084. If the injury  
69 sustained results in death or great bodily harm, the person  
70 commits a felony of the second degree, punishable as provided in  
71 s. 775.082, s. 775.083, or s. 775.084.

72 Section 3. Section 627.4107, Florida Statutes, is created  
73 to read:

74 627.4107 Government employees exposed to toxic drug  
75 chemicals; refusal to insure and cancellation of life or health  
76 policy or certificate prohibited.--No life or health insurer may  
77 cancel or nonrenew a life or health insurance policy or  
78 certificate of insurance providing coverage to, or refuse to  
79 insure, a state or local law enforcement officer as defined in

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80 | s. 943.10, firefighter as defined in s. 633.30, emergency  
81 | medical technician as defined in s. 401.23, or paramedic as  
82 | defined in s. 401.23, a volunteer firefighter engaged by state  
83 | or local government, a law enforcement officer employed by the  
84 | Federal Government, or any other local, state, or Federal  
85 | Government employee solely based on the fact that the individual  
86 | has been exposed to toxic chemicals or suffered injury or  
87 | disease as a result of the individual's lawful duties arising  
88 | out of the commission of a violation of chapter 893 by another  
89 | person. This section does not apply to any person who commits an  
90 | offense under chapter 893.

91 | Section 4. Paragraph (a) of subsection (4) of section  
92 | 907.041, Florida Statutes, is amended, and paragraph (1) is  
93 | added to that subsection, to read:

94 | 907.041 Pretrial detention and release.--

95 | (4) PRETRIAL DETENTION.--

96 | (a) As used in this subsection, "dangerous crime" means  
97 | any of the following:

98 | 1. Arson;

99 | 2. Aggravated assault;

100 | 3. Aggravated battery;

101 | 4. Illegal use of explosives;

102 | 5. Child abuse or aggravated child abuse;

103 | 6. Abuse of an elderly person or disabled adult, or  
104 | aggravated abuse of an elderly person or disabled adult;

105 | 7. Aircraft piracy;

106 | 8. Kidnapping;

107 | 9. Homicide;

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- 108 | 10. Manslaughter;
- 109 | 11. Sexual battery;
- 110 | 12. Robbery;
- 111 | 13. Carjacking;
- 112 | 14. Lewd, lascivious, or indecent assault or act upon or
- 113 | in presence of a child under the age of 16 years;
- 114 | 15. Sexual activity with a child, who is 12 years of age
- 115 | or older but less than 18 years of age, by or at solicitation of
- 116 | person in familial or custodial authority;
- 117 | 16. Burglary of a dwelling;
- 118 | 17. Stalking and aggravated stalking;
- 119 | 18. Act of domestic violence as defined in s. 741.28;
- 120 | 19. Home invasion robbery;
- 121 | 20. Act of terrorism as defined in s. 775.30; ~~and~~
- 122 | 21. Manufacturing any substance in violation of chapter
- 123 | 893; and
- 124 | ~~22.21.~~ Attempting or conspiring to commit any such crime.
- 125 | (1) The Legislature finds that a person who manufactures
- 126 | any substance in violation of chapter 893 poses a threat of harm
- 127 | to the community and that the factual circumstances of such a
- 128 | crime indicate a disregard for the safety of the community. If
- 129 | the court finds that there is a substantial probability that a
- 130 | defendant charged with manufacturing any substance in violation
- 131 | of chapter 893 committed such a crime, there are no conditions
- 132 | of release reasonably sufficient to protect the community from
- 133 | the risk of physical harm to persons and therefore the court
- 134 | shall order pretrial detention.
- 135 | Section 5. This act shall take effect July 1, 2006.