

CHAMBER ACTION

1 The Justice Council 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 issue a life insurance policy to or
15 refusal to cancel or nonrenew life or health insurance
16 policies or certificates of insurance providing coverage
17 to specified local, state, or federal employees due to
18 exposure to toxic chemicals or due to disease or injury
19 incurred in their duties related to controlled substance
20 law violations committed by others; providing penalties;
21 amending s. 907.041, F.S.; revising a definition; revising
22 provisions relating to pretrial release of certain

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23 | defendants charged with certain controlled substance
24 | offenses; providing an effective date.

25 |
26 | Be It Enacted by the Legislature of the State of Florida:

27 |
28 | Section 1. Paragraph (b) of subsection (8) of section
29 | 39.301, Florida Statutes, is amended to read:

30 | 39.301 Initiation of protective investigations.--

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

42 | (b) If it is determined that the child is in need of the
43 | protection and supervision of the court, the department shall
44 | file a petition for dependency. A petition for dependency shall
45 | be filed in all cases classified by the department as high-risk.
46 | Factors that the department may consider in determining whether
47 | a case is high-risk include, but are not limited to, the young
48 | age of the parents or legal custodians, the use of illegal
49 | drugs, the arrest of the parents or legal custodians on charges
50 | of manufacturing, processing, disposing of, or storing, either

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51 | temporarily or permanently, any substances in violation of
52 | chapter 893, or domestic violence.

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

55 | 893.13 Prohibited acts; penalties.--

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

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

75 | 627.4107 Government employees exposed to toxic drug
76 | chemicals; refusal to issue life insurance policy or nonrenew or
77 | cancel life or health insurance policy or certificate
78 | prohibited.--No life or health insurer may cancel or nonrenew a

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

93 | Section 4. Paragraph (a) of subsection (4) of section
 94 | 907.041, Florida Statutes, is amended, and paragraph (1) is
 95 | added to that subsection, to read:

96 | 907.041 Pretrial detention and release.--

97 | (4) PRETRIAL DETENTION.--

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

- 100 | 1. Arson;
- 101 | 2. Aggravated assault;
- 102 | 3. Aggravated battery;
- 103 | 4. Illegal use of explosives;
- 104 | 5. Child abuse or aggravated child abuse;
- 105 | 6. Abuse of an elderly person or disabled adult, or
- 106 | aggravated abuse of an elderly person or disabled adult;

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

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135 | the risk of physical harm to persons and therefore the court
136 | shall order pretrial detention.

137 | Section 5. This act shall take effect July 1, 2006.