

## ENROLLED

HB 1325, Engrossed 1

2006 Legislature

1                   A bill to be entitled  
2           An act relating to controlled substances; amending s.  
3           39.301, F.S.; requiring the Department of Children and  
4           Family Services to file a petition for dependency for the  
5           children of parents involved in certain controlled  
6           substance crimes; amending s. 893.13, F.S.; revising  
7           provisions relating to criminal penalties for controlled  
8           substance violations that result in serious injury to  
9           specified individuals; creating s. 627.4107, F.S.;  
10          prohibiting cancellation or nonrenewal of life or health  
11          insurance policies or certificates of insurance providing  
12          coverage to specified local, state, or federal employees  
13          due to exposure to toxic chemicals or due to disease or  
14          injury incurred in their duties related to controlled  
15          substance law violations committed by others; providing  
16          penalties; permitting cancellations or nonrenewals for  
17          specified fraud or misrepresentation; amending s. 907.041,  
18          F.S.; revising a definition; revising provisions relating  
19          to pretrial release of certain defendants charged with  
20          certain controlled substance offenses; providing an  
21          effective date.

22  
23   Be It Enacted by the Legislature of the State of Florida:

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25           Section 1. Paragraph (b) of subsection (8) of section  
26   39.301, Florida Statutes, is amended to read:

27           39.301   Initiation of protective investigations.--

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

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

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

52 893.13 Prohibited acts; penalties.--

53 (12) If a person violates any provision of this chapter  
54 and the violation results in a serious injury to a state or

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

70 Section 3. Section 627.4107, Florida Statutes, is created  
 71 to read:

72 627.4107 Government employees exposed to toxic drug  
 73 chemicals; cancellation of life or health policy or certificate  
 74 prohibited.--No life or health insurer may cancel or nonrenew a  
 75 life or health insurance policy or certificate of insurance  
 76 providing coverage to a state or local law enforcement officer  
 77 as defined in s. 943.10, firefighter as defined in s. 633.30,  
 78 emergency medical technician as defined in s. 401.23, or  
 79 paramedic as defined in s. 401.23, a volunteer firefighter  
 80 engaged by state or local government, a law enforcement officer  
 81 employed by the Federal Government, or any other local, state,

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82 | or Federal Government employee solely based on the fact that the  
 83 | individual has been exposed to toxic chemicals or suffered  
 84 | injury or disease as a result of the individual's lawful duties  
 85 | arising out of the commission of a violation of chapter 893 by  
 86 | another person. This section does not apply to any person who  
 87 | commits an offense under chapter 893. This section does not  
 88 | prohibit an insurer from canceling or nonrenewing an insurance  
 89 | policy or certificate, as permitted under the applicable state  
 90 | insurance code, based on an act or practice of the policyholder  
 91 | or certificateholder that constitutes fraud or intentional  
 92 | misrepresentation of material fact by the policyholder or  
 93 | certificateholder.

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

97 | 907.041 Pretrial detention and release.--

98 | (4) PRETRIAL DETENTION.--

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

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

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

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136 | conditions of release reasonably sufficient to protect the  
137 | community from the risk of physical harm to persons.

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