

By the Committee on Health Care; and Senator Peaden

587-2461-06

1                                   A bill to be entitled  
2           An act relating to clandestine laboratory  
3           contamination; amending s. 893.02, F.S.;  
4           providing definitions; creating s. 893.121,  
5           F.S.; providing for quarantine of any  
6           residential property where illegal clandestine  
7           laboratory activities occurred; providing for  
8           establishment of a uniform notice and a uniform  
9           letter of notification; providing for posting  
10          of specified notice at the site of a  
11          quarantine; providing requirements for the  
12          sending of a specified letter of notification  
13          to a residential property owner or manager;  
14          providing for petitions by certain persons in  
15          circuit court to lift such quarantines under  
16          certain conditions; prohibiting specified  
17          violations relating to such quarantines;  
18          creating s. 893.122, F.S.; permitting  
19          demolition of quarantined residential property  
20          under certain conditions; providing immunity  
21          from health-based civil actions for residential  
22          property owners who have met specified  
23          clandestine laboratory decontamination  
24          standards as evidenced by specified  
25          documentation; providing an exception to such  
26          immunity for persons convicted of manufacturing  
27          controlled substances at the site; creating s.  
28          893.123, F.S.; providing for rulemaking to  
29          adopt clandestine laboratory decontamination  
30          standards; providing for certificates of  
31          fitness to indicate that decontamination has

1           been completed; providing requirements for the  
2           lifting of a quarantine upon demolition of the  
3           property; creating s. 893.124, F.S.; requiring  
4           the Department of Health to specify  
5           requirements for persons authorized to perform  
6           decontamination and contamination assessments;  
7           requiring the department to compile and  
8           maintain lists of decontamination and  
9           contamination assessment specialists; providing  
10          responsibilities for decontamination  
11          specialists; permitting decontamination and  
12          contamination assessment specialists to request  
13          specified documents; providing for the issuance  
14          of certificates of fitness by contamination  
15          assessment specialists; amending ss. 465.016,  
16          465.023, 856.015, 893.135, 944.47, 951.22, and  
17          985.4046, F.S.; conforming cross-references;  
18          providing an effective date.

19  
20           WHEREAS, methamphetamine use and production is  
21          increasing throughout the state, and

22           WHEREAS, in places where methamphetamine production has  
23          occurred, significant levels of chemical contamination may be  
24          found, especially in residential properties when the  
25          contamination is not decontaminated, and

26           WHEREAS, children are susceptible to environmental  
27          toxicants via the skin, and the ingestion of residual  
28          methamphetamine is considered to be a result of hand-to-mouth  
29          activities, and

30  
31

1           WHEREAS, studies on methamphetamine use during  
2 pregnancy showed an increased incidence of intrauterine growth  
3 retardation, prematurity, and perinatal complications, and

4           WHEREAS, once clandestine laboratories have been  
5 seized, the public may continue to be harmed by the illegal  
6 dumping of chemical byproducts and the chemical residues that  
7 remain on the residential property, and

8           WHEREAS, there are no statewide standards for  
9 determining when a site of a seized clandestine laboratory has  
10 been successfully decontaminated, and

11           WHEREAS, the Legislature finds that this act is  
12 necessary for the immediate preservation of the public health,  
13 safety, and welfare and fulfills an important state interest,  
14 NOW, THEREFORE,

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Section 893.02, Florida Statutes, is  
19 amended to read:

20           893.02 Definitions.--The following words and phrases  
21 as used in this chapter shall have the following meanings,  
22 unless the context otherwise requires:

23           (1) "Administer" means the direct application of a  
24 controlled substance, whether by injection, inhalation,  
25 ingestion, or any other means, to the body of a person or  
26 animal.

27           (2) "Analog" or "chemical analog" means a structural  
28 derivative of a parent compound that is a controlled  
29 substance.

30           (3) "Cannabis" means all parts of any plant of the  
31 genus Cannabis, whether growing or not; the seeds thereof; the

1 resin extracted from any part of the plant; and every  
2 compound, manufacture, salt, derivative, mixture, or  
3 preparation of the plant or its seeds or resin.

4 (4) "Clandestine laboratory" means any location and  
5 proximate areas set aside or used that are likely to be  
6 contaminated as a result of manufacturing, processing,  
7 cooking, disposing, or storing, either temporarily or  
8 permanently, any substances in violation of this chapter,  
9 except as such activities are authorized in chapter 499.

10 (5) "Contaminated" or "contamination" means containing  
11 levels of chemicals at or above the levels defined by the  
12 department pursuant to s. 893.123(1) as a result of  
13 clandestine laboratory activity.

14 (6) "Contamination assessment specialist" or  
15 "contamination assessor" means a person responsible for  
16 assessing the extent of contamination and decontamination by  
17 determining the indoor air quality in a residential property  
18 based on the standards defined by the department. Upon the  
19 conclusion of decontamination, a residential property must  
20 successfully test less than or equal to the values defined by  
21 the department. The person must have specialized training that  
22 provides him or her with the knowledge, skills, and abilities  
23 to use quantitative measurement techniques in collecting and  
24 assessing specified contamination levels that have the ability  
25 to impair human health and well-being.

26 (7)(4) "Controlled substance" means any substance  
27 named or described in Schedules I-V of s. 893.03. Laws  
28 controlling the manufacture, distribution, preparation,  
29 dispensing, or administration of such substances are drug  
30 abuse laws.

31

1           (8) "Decontamination" means the process of reducing  
2 the levels of contaminants to the levels defined by the  
3 department pursuant to s. 893.123(1) that allow human  
4 reoccupancy using currently available methods and processes.

5           (9) "Decontamination specialist" means a person  
6 responsible for the cleanup, treatment, repair, removal, and  
7 decontamination of contaminated materials located in a  
8 residential property where clandestine laboratory activities  
9 occurred. The person must have the knowledge, skills, and  
10 ability to prescribe methods to eliminate, control, or reduce  
11 contamination; and must have been trained in the removal,  
12 storage, transport, and disposal of hazardous chemicals or  
13 chemical residues commonly associated with clandestine  
14 laboratory activities.

15           ~~(10)(5)~~ "Deliver" or "delivery" means the actual,  
16 constructive, or attempted transfer from one person to another  
17 of a controlled substance, whether or not there is an agency  
18 relationship.

19           ~~(11)(9)~~ "Department" means the Department of Health.

20           ~~(12)(6)~~ "Dispense" means the transfer of possession of  
21 one or more doses of a medicinal drug by a pharmacist or other  
22 licensed practitioner to the ultimate consumer thereof or to  
23 one who represents that it is his or her intention not to  
24 consume or use the same but to transfer the same to the  
25 ultimate consumer or user for consumption by the ultimate  
26 consumer or user.

27           ~~(13)(7)~~ "Distribute" means to deliver, other than by  
28 administering or dispensing, a controlled substance.

29           ~~(14)(8)~~ "Distributor" means a person who distributes.

30           ~~(15)(10)~~ "Hospital" means an institution for the care  
31 and treatment of the sick and injured, licensed pursuant to

1 | the provisions of chapter 395 or owned or operated by the  
2 | state or Federal Government.

3 |        ~~(16)~~~~(11)~~ "Laboratory" means a laboratory approved by  
4 | the Drug Enforcement Administration as proper to be entrusted  
5 | with the custody of controlled substances for scientific,  
6 | medical, or instructional purposes or to aid law enforcement  
7 | officers and prosecuting attorneys in the enforcement of this  
8 | chapter.

9 |        ~~(17)~~~~(12)~~ "Listed chemical" means any precursor  
10 | chemical or essential chemical named or described in s.  
11 | 893.033.

12 |        ~~(18)~~~~(13)~~(a) "Manufacture" means the production,  
13 | preparation, propagation, compounding, cultivating, growing,  
14 | conversion, or processing of a controlled substance, either  
15 | directly or indirectly, by extraction from substances of  
16 | natural origin, or independently by means of chemical  
17 | synthesis, or by a combination of extraction and chemical  
18 | synthesis, and includes any packaging of the substance or  
19 | labeling or relabeling of its container, except that this term  
20 | does not include the preparation, compounding, packaging, or  
21 | labeling of a controlled substance by:

22 |            1. A practitioner or pharmacist as an incident to his  
23 | or her administering or delivering of a controlled substance  
24 | in the course of his or her professional practice.

25 |            2. A practitioner, or by his or her authorized agent  
26 | under the practitioner's supervision, for the purpose of, or  
27 | as an incident to, research, teaching, or chemical analysis,  
28 | and not for sale.

29 |        (b) "Manufacturer" means and includes every person who  
30 | prepares, derives, produces, compounds, or repackages any drug  
31 | as defined by the Florida Drug and Cosmetic Act. However, this

1 definition does not apply to manufacturers of patent or  
2 proprietary preparations as defined in the Florida Pharmacy  
3 Act. Pharmacies, and pharmacists employed thereby, are  
4 specifically excluded from this definition.

5 ~~(19)~~~~(14)~~ "Mixture" means any physical combination of  
6 two or more substances.

7 ~~(20)~~~~(15)~~ "Patient" means an individual to whom a  
8 controlled substance is lawfully dispensed or administered  
9 pursuant to the provisions of this chapter.

10 ~~(21)~~~~(16)~~ "Pharmacist" means a person who is licensed  
11 pursuant to chapter 465 to practice the profession of pharmacy  
12 in this state.

13 ~~(22)~~~~(17)~~ "Possession" includes temporary possession  
14 for the purpose of verification or testing, irrespective of  
15 dominion or control.

16 ~~(23)~~~~(18)~~ "Potential for abuse" means that a substance  
17 has properties of a central nervous system stimulant or  
18 depressant or an hallucinogen that create a substantial  
19 likelihood of its being:

20 (a) Used in amounts that create a hazard to the user's  
21 health or the safety of the community;

22 (b) Diverted from legal channels and distributed  
23 through illegal channels; or

24 (c) Taken on the user's own initiative rather than on  
25 the basis of professional medical advice.

26  
27 Proof of potential for abuse can be based upon a showing that  
28 these activities are already taking place, or upon a showing  
29 that the nature and properties of the substance make it  
30 reasonable to assume that there is a substantial likelihood  
31

1 that such activities will take place, in other than isolated  
2 or occasional instances.

3 ~~(24)~~(19) "Practitioner" means a physician licensed  
4 pursuant to chapter 458, a dentist licensed pursuant to  
5 chapter 466, a veterinarian licensed pursuant to chapter 474,  
6 an osteopathic physician licensed pursuant to chapter 459, a  
7 naturopath licensed pursuant to chapter 462, or a podiatric  
8 physician licensed pursuant to chapter 461, provided such  
9 practitioner holds a valid federal controlled substance  
10 registry number.

11 ~~(25)~~(20) "Prescription" means and includes an order  
12 for drugs or medicinal supplies written, signed, or  
13 transmitted by word of mouth, telephone, telegram, or other  
14 means of communication by a duly licensed practitioner  
15 licensed by the laws of the state to prescribe such drugs or  
16 medicinal supplies, issued in good faith and in the course of  
17 professional practice, intended to be filled, compounded, or  
18 dispensed by another person licensed by the laws of the state  
19 to do so, and meeting the requirements of s. 893.04. The term  
20 also includes an order for drugs or medicinal supplies so  
21 transmitted or written by a physician, dentist, veterinarian,  
22 or other practitioner licensed to practice in a state other  
23 than Florida, but only if the pharmacist called upon to fill  
24 such an order determines, in the exercise of his or her  
25 professional judgment, that the order was issued pursuant to a  
26 valid patient-physician relationship, that it is authentic,  
27 and that the drugs or medicinal supplies so ordered are  
28 considered necessary for the continuation of treatment of a  
29 chronic or recurrent illness. However, if the physician  
30 writing the prescription is not known to the pharmacist, the  
31 pharmacist shall obtain proof to a reasonable certainty of the



1 | validity of said prescription. A prescription order for a  
2 | controlled substance shall not be issued on the same  
3 | prescription blank with another prescription order for a  
4 | controlled substance which is named or described in a  
5 | different schedule, nor shall any prescription order for a  
6 | controlled substance be issued on the same prescription blank  
7 | as a prescription order for a medicinal drug, as defined in s.  
8 | 465.031(5), which does not fall within the definition of a  
9 | controlled substance as defined in this act.

10 |       (26) "Residential property" means a dwelling unit  
11 | used, or intended for use, by an individual or individuals as  
12 | a permanent residence. The term includes improved real  
13 | property of between one and four dwellings; a condominium  
14 | unit, as defined in s. 718.103(27); a cooperative unit, as  
15 | defined in s. 719.103(24); or a mobile home or manufactured  
16 | home, as defined in s. 320.01(2). The term does not include a  
17 | hotel, motel, campground, marina, or timeshare unit.

18 |       ~~(27)~~~~(21)~~ "Wholesaler" means any person who acts as a  
19 | jobber, wholesale merchant, or broker, or an agent thereof,  
20 | who sells or distributes for resale any drug as defined by the  
21 | Florida Drug and Cosmetic Act. However, this definition does  
22 | not apply to persons who sell only patent or proprietary  
23 | preparations as defined in the Florida Pharmacy Act.  
24 | Pharmacies, and pharmacists employed thereby, are specifically  
25 | excluded from this definition.

26 |       Section 2. Section 893.121, Florida Statutes, is  
27 | created to read:

28 |       893.121 Quarantine of a clandestine laboratory.--

29 |       (1) The purpose of the quarantine provided for in this  
30 | section is to prevent exposure of any person to the hazards  
31 | associated with clandestine laboratory activities and provide

1 protection from unsafe conditions that pose a threat to the  
2 public health, safety, and welfare. The department has the  
3 authority to quarantine residential property under s.  
4 381.0011.

5 (2) Whenever a sheriff, police officer, or other law  
6 enforcement entity secures evidence from a residential  
7 property in which illegal clandestine laboratory activities  
8 occurred, the department must quarantine the property. The  
9 local law enforcement entity securing evidence shall enforce a  
10 quarantine on the residential property as part of its duty to  
11 assist the department under s. 381.0012(5). Enforcement does  
12 not require the 24-hour posting of law enforcement personnel.  
13 The residential property shall remain quarantined until the  
14 department receives a certificate of fitness documenting that  
15 the property was decontaminated as defined by the department  
16 pursuant to s. 893.123 or demolished in accordance with s.  
17 893.122(1), or a court order is presented requiring the  
18 quarantine to be lifted.

19 (3) The department shall adopt rules pursuant to ss.  
20 120.536(1) and 120.54 to establish a uniform notice to post at  
21 the site of a quarantined clandestine laboratory and a uniform  
22 letter of notification of the quarantine to be sent to the  
23 residential property owner or manager. It is the  
24 responsibility of local law enforcement to post the notice of  
25 a quarantine on the residential property, and it is the  
26 responsibility of the department to mail the letter of  
27 notification. The material in the letter and notice shall  
28 include, but not be limited to:

29 (a) That the residential property has been quarantined  
30 and a clandestine laboratory was seized on or inside the  
31 residential property.

1           (b) The date of the quarantine.

2           (c) The name and contact telephone number of the law  
3 enforcement entity posting the quarantine.

4           (d) A statement specifying that hazardous substances,  
5 toxic chemicals, or other hazardous waste products may have  
6 been present and may remain on or inside the residential  
7 property and that exposure to the substances may be harmful  
8 and may pose a threat to public health and the environment.

9           (e) A statement that it is unlawful for an  
10 unauthorized person to enter the contaminated residential  
11 property and that the removal of any notice of the quarantine  
12 is a second degree misdemeanor under s. 381.0025(1).

13           (f) A statement, in the notification letter,  
14 explaining how to have the quarantine lifted.

15           (4) Upon securing evidence from a residential property  
16 in which illegal clandestine laboratory activities occurred,  
17 the local law enforcement entity shall immediately notify the  
18 local health officer and the department's Division of  
19 Environmental Health that a residential property is  
20 quarantined and shall provide the name and contact information  
21 of the law enforcement entity, the name of the residential  
22 property owner or residential property manager, and the  
23 address of the property.

24           (5) To the extent possible, the department shall mail  
25 the letter of notification to the residential property owner  
26 or the manager of the residential property within 5 working  
27 days from the date of quarantine notifying the owner or  
28 manager that a clandestine laboratory was found on the  
29 property and that the property has been quarantined. The  
30 department shall also include a list of contamination  
31 assessment specialists and decontamination specialists and any

1 other information deemed appropriate by the department to the  
2 residential property owner or manager.

3 (6) Any person who has an interest in a residential  
4 property that is quarantined pursuant to this section may file  
5 a petition in the circuit court in which the residential  
6 property is located to request a court order that the  
7 quarantine of the residential property be lifted for one of  
8 the following reasons:

9 (a) The residential property was wrongfully  
10 quarantined; or

11 (b) The residential property has been properly  
12 decontaminated as defined by the department pursuant to s.  
13 893.123 or demolished pursuant to s. 893.122(1) and may be  
14 reoccupied for habitation, but the department refuses or fails  
15 to lift the quarantine.

16 (7) No person shall inhabit a quarantined residential  
17 property, offer the residential property to the public for  
18 temporary or indefinite habitation, or remove any notice of  
19 the quarantine. Any person who willfully violates a provision  
20 of this subsection commits a second degree misdemeanor under  
21 s. 381.0025(1).

22 Section 3. Section 893.122, Florida Statutes, is  
23 created to read:

24 893.122 Option of demolition; immunity from liability  
25 from health-based civil actions.--

26 (1) A residential property owner shall, upon  
27 notification from the department that clandestine laboratory  
28 activities have occurred in a property owned by that owner and  
29 that the property is quarantined, meet the decontamination  
30 standards as defined by the department pursuant to s. 893.123  
31 unless the property owner, at the owner's discretion, elects

1 to demolish the contaminated residential property. The  
2 demolition and removal of materials must meet the requirements  
3 of the Occupational Safety and Health Administration and the  
4 United States Environmental Protection Agency regulations  
5 pertaining to the generation, storage, transport, and disposal  
6 of hazardous wastes and any state or local requirements.

7 (2) A residential property owner who has met the  
8 decontamination standards, as evidenced by a certificate of  
9 fitness and a letter of reoccupancy pursuant to s.893.123, or  
10 has demolished the residential property in compliance with  
11 subsection (1), shall have immunity from health-based civil  
12 actions brought by any future owner, renter, or other person  
13 who occupies such residential property, or a neighbor of such  
14 residential property, in which the alleged cause of the injury  
15 or loss is the existence of the clandestine laboratory.  
16 However, a person with a conviction, as defined in s. 944.607,  
17 for the manufacture of any substance regulated under this  
18 chapter on the residential property where clandestine  
19 laboratory activities occurred shall not have the immunity  
20 provided in this subsection.

21 Section 4. Section 893.123, Florida Statutes, is  
22 created to read:

23 893.123 Clandestine laboratory decontamination  
24 standards, certificate of fitness, and letter of  
25 reoccupancy.--

26 (1) The department shall adopt rules pursuant to ss.  
27 120.536(1) and 120.54 that establish:

28 (a) Standards for indoor air quality regarding levels  
29 of contaminants produced by clandestine laboratory activities  
30 to include methamphetamine, lead, mercury, and volatile  
31 organic compounds. These standards must be consistent with

1 values commonly used by other states or comply with national  
2 standards.

3 (b) Standards for the cleanup and testing of  
4 clandestine laboratories.

5 (c) A certificate of fitness that shall act as  
6 appropriate documentation that a residential property has been  
7 decontaminated in accordance with specified standards. The  
8 certificate of fitness shall be submitted to the department by  
9 a contamination assessment specialist. The certificate of  
10 fitness shall include, but is not limited to:

11 1. The name of the residential property owner, the  
12 mailing and street address of the residential property owner,  
13 and, if applicable, the parcel identification of the  
14 residential property.

15 2. The dates the residential property was quarantined  
16 and cleanup was completed.

17 3. A summary of the indoor air quality test results,  
18 findings, and conclusions as determined by a contamination  
19 assessment specialist.

20 4. The name and address of the contamination  
21 assessment specialist.

22 5. The name and address of the decontamination  
23 specialist.

24 6. The method of repair, replacement, or  
25 decontamination of the residential property.

26 (d) A letter of reoccupancy that will notify the  
27 residential property owner that the property may be reoccupied  
28 for habitation.

29 (2) Upon receipt of the certificate of fitness, the  
30 department shall send a letter of reoccupancy to the  
31 residential property owner or manager and to the local law

1 enforcement entity that enforced the quarantine and posted the  
2 notice. The letter of reoccupancy must include the address of  
3 the residential property, a statement that the quarantine is  
4 lifted, and a statement that the residential property may be  
5 reoccupied for habitation.

6 (3) In the case of demolition, the department shall  
7 lift the quarantine on a residential property upon receipt of  
8 a letter presented by a demolition company stating that the  
9 quarantined property was demolished. The letter must include  
10 the address of the residential property and a statement that  
11 the demolition was performed in accordance to the requirements  
12 in s. 893.122(1).

13 Section 5. Section 893.124, Florida Statutes, is  
14 created to read:

15 893.124 Decontamination and contamination assessment  
16 specialists.--

17 (1)(a) The department shall compile and maintain lists  
18 of decontamination and contamination assessment specialists.  
19 The lists shall be posted on the department's Internet  
20 website. The department shall indicate on the website whether  
21 the specialists are bonded and insured.

22 (b) Persons authorized to perform decontamination or  
23 contamination assessments must have knowledge and skill in the  
24 handling of toxic substances. The department shall adopt rules  
25 pursuant to ss. 120.536(1) and 120.54 specifying the  
26 requirements for persons authorized to perform decontamination  
27 and contamination assessments. Decontamination specialists  
28 shall be responsible for ensuring that all hazardous  
29 substances, toxic chemicals, or other hazardous waste products  
30 that may have been present are removed from the residential  
31

1 property and disposed of in accordance with federal, state,  
2 and local laws and regulations.

3 (2) In determining the level of contamination in a  
4 clandestine laboratory, the decontamination or contamination  
5 assessment specialist may request copies of any available law  
6 enforcement reports or information relating to the following:

7 (a) The length of time the residential property was  
8 used as a clandestine laboratory.

9 (b) The extent to which the residential property was  
10 exposed to chemicals used in clandestine laboratory  
11 activities.

12 (c) The chemical processes that were involved in the  
13 clandestine laboratory activities.

14 (d) The chemicals that were removed from the  
15 residential property.

16 (e) The location of the clandestine laboratory  
17 activities in relation to the habitable areas of the  
18 residential property.

19 (3) If the contamination assessment specialist  
20 determines that the residential property is not contaminated,  
21 the contamination assessment specialist shall prepare a  
22 certificate of fitness and submit the certificate to the  
23 department.

24 Section 6. Paragraph (s) of subsection (1) of section  
25 465.016, Florida Statutes, is amended to read:

26 465.016 Disciplinary actions.--

27 (1) The following acts constitute grounds for denial  
28 of a license or disciplinary action, as specified in s.  
29 456.072(2):

30 (s) Dispensing any medicinal drug based upon a  
31 communication that purports to be a prescription as defined by



1 s. 465.003(14) or s. 893.02~~(20)~~ when the pharmacist knows or  
2 has reason to believe that the purported prescription is not  
3 based upon a valid practitioner-patient relationship.

4 Section 7. Paragraph (e) of subsection (1) of section  
5 465.023, Florida Statutes, is amended to read:

6 465.023 Pharmacy permittee; disciplinary action.--

7 (1) The department or the board may revoke or suspend  
8 the permit of any pharmacy permittee, and may fine, place on  
9 probation, or otherwise discipline any pharmacy permittee who  
10 has:

11 (e) Dispensed any medicinal drug based upon a  
12 communication that purports to be a prescription as defined by  
13 s. 465.003(14) or s. 893.02~~(20)~~ when the pharmacist knows or  
14 has reason to believe that the purported prescription is not  
15 based upon a valid practitioner-patient relationship that  
16 includes a documented patient evaluation, including history  
17 and a physical examination adequate to establish the diagnosis  
18 for which any drug is prescribed and any other requirement  
19 established by board rule under chapter 458, chapter 459,  
20 chapter 461, chapter 463, chapter 464, or chapter 466.

21 Section 8. Paragraph (c) of subsection (1) of section  
22 856.015, Florida Statutes, is amended to read:

23 856.015 Open house parties.--

24 (1) Definitions.--As used in this section:

25 (c) "Drug" means a controlled substance, as that term  
26 is defined in ss. 893.02~~(4)~~ and 893.03.

27 Section 9. Subsection (6) of section 893.135, Florida  
28 Statutes, is amended to read:

29 893.135 Trafficking; mandatory sentences; suspension  
30 or reduction of sentences; conspiracy to engage in  
31 trafficking.--

1           (6) A mixture, as defined in s. 893.02~~(14)~~, containing  
2 any controlled substance described in this section includes,  
3 but is not limited to, a solution or a dosage unit, including  
4 but not limited to, a pill or tablet, containing a controlled  
5 substance. For the purpose of clarifying legislative intent  
6 regarding the weighing of a mixture containing a controlled  
7 substance described in this section, the weight of the  
8 controlled substance is the total weight of the mixture,  
9 including the controlled substance and any other substance in  
10 the mixture. If there is more than one mixture containing the  
11 same controlled substance, the weight of the controlled  
12 substance is calculated by aggregating the total weight of  
13 each mixture.

14           Section 10. Paragraph (a) of subsection (1) of section  
15 944.47, Florida Statutes, is amended to read:

16           944.47 Introduction, removal, or possession of certain  
17 articles unlawful; penalty.--

18           (1)(a) Except through regular channels as authorized  
19 by the officer in charge of the correctional institution, it  
20 is unlawful to introduce into or upon the grounds of any state  
21 correctional institution, or to take or attempt to take or  
22 send or attempt to send therefrom, any of the following  
23 articles which are hereby declared to be contraband for the  
24 purposes of this section, to wit:

25           1. Any written or recorded communication or any  
26 currency or coin given or transmitted, or intended to be given  
27 or transmitted, to any inmate of any state correctional  
28 institution.

29           2. Any article of food or clothing given or  
30 transmitted, or intended to be given or transmitted, to any  
31 inmate of any state correctional institution.

1           3. Any intoxicating beverage or beverage which causes  
2 or may cause an intoxicating effect.

3           4. Any controlled substance as defined in s. 893.02~~(4)~~  
4 or any prescription or nonprescription drug having a hypnotic,  
5 stimulating, or depressing effect.

6           5. Any firearm or weapon of any kind or any explosive  
7 substance.

8           Section 11. Subsection (1) of section 951.22, Florida  
9 Statutes, is amended to read:

10           951.22 County detention facilities; contraband  
11 articles.--

12           (1) It is unlawful, except through regular channels as  
13 duly authorized by the sheriff or officer in charge, to  
14 introduce into or possess upon the grounds of any county  
15 detention facility as defined in s. 951.23 or to give to or  
16 receive from any inmate of any such facility wherever said  
17 inmate is located at the time or to take or to attempt to take  
18 or send therefrom any of the following articles which are  
19 hereby declared to be contraband for the purposes of this act,  
20 to wit: Any written or recorded communication; any currency or  
21 coin; any article of food or clothing; any tobacco products as  
22 defined in s. 210.25(11); any cigarette as defined in s.  
23 210.01(1); any cigar; any intoxicating beverage or beverage  
24 which causes or may cause an intoxicating effect; any  
25 narcotic, hypnotic, or excitative drug or drug of any kind or  
26 nature, including nasal inhalators, sleeping pills,  
27 barbiturates, and controlled substances as defined in s.  
28 893.02~~(4)~~; any firearm or any instrumentality customarily used  
29 or which is intended to be used as a dangerous weapon; and any  
30 instrumentality of any nature that may be or is intended to be  
31

1 used as an aid in effecting or attempting to effect an escape  
2 from a county facility.

3 Section 12. Paragraph (a) of subsection (1) of section  
4 985.4046, Florida Statutes, is amended to read:

5 985.4046 Introduction, removal, or possession of  
6 certain articles unlawful; penalty.--

7 (1)(a) Except as authorized through program policy or  
8 operating procedure or as authorized by the facility  
9 superintendent, program director, or manager, a person may not  
10 introduce into or upon the grounds of a juvenile detention  
11 facility or commitment program, or take or send, or attempt to  
12 take or send, from a juvenile detention facility or commitment  
13 program, any of the following articles, which are declared to  
14 be contraband under this section:

- 15 1. Any unauthorized article of food or clothing.
- 16 2. Any intoxicating beverage or any beverage that  
17 causes or may cause an intoxicating effect.
- 18 3. Any controlled substance, as defined in s.  
19 893.02~~(4)~~, or any prescription or nonprescription drug that  
20 has a hypnotic, stimulating, or depressing effect.
- 21 4. Any firearm or weapon of any kind or any explosive  
22 substance.

23 Section 13. This act shall take effect July 1, 2006.

24  
25 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
26 COMMITTEE SUBSTITUTE FOR  
27 Senate Bill 2224

28 The committee substitute revises definitions, procedures, and  
29 requirements for the quarantine of residential property where  
30 illegal clandestine laboratory activities have occurred. The  
31 bill specifies requirements for notice of the quarantine to  
residential property owners and managers of such properties.  
The bill deletes provisions which authorize a lien to be  
placed on such properties.