

1 Section 1. Paragraph (b) of subsection (8) of section
2 39.301, Florida Statutes, is amended to read:

3 39.301 Initiation of protective investigations.--

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

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

28 Section 2. Subsections (4) through (21) of section
29 893.02, Florida Statutes, are renumbered as subsections (5)
30 through (22), respectively, and a new subsection (4) is added
31 to that section to read:

1 893.02 Definitions.--The following words and phrases
2 as used in this chapter shall have the following meanings,
3 unless the context otherwise requires:

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 of, 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 Section 3. Subsection (12) of section 893.13, Florida
11 Statutes, is amended to read:

12 893.13 Prohibited acts; penalties.--

13 (12) If a person violates any provision of this
14 chapter and the violation results in a serious injury to a
15 state or local law enforcement officer as defined in s.
16 943.10, firefighter as defined in s. 633.30, emergency medical
17 technician as defined in s. 401.23, paramedic as defined in s.
18 401.23, employee of a public utility or an electric utility as
19 defined in s. 366.02, animal control officer as defined in s.
20 828.27, volunteer firefighter engaged by state or local
21 government, law enforcement officer employed by the Federal
22 Government, or any other local, state, or Federal Government
23 employee injured during the course and scope of his or her
24 employment ~~state, local, or federal law enforcement officer,~~
25 the person commits a felony of the third degree, punishable as
26 provided in s. 775.082, s. 775.083, or s. 775.084. If the
27 injury sustained results in death or great bodily harm, the
28 person commits a felony of the second degree, punishable as
29 provided in s. 775.082, s. 775.083, or s. 775.084.

30 Section 4. Section 627.4107, Florida Statutes, is
31 created to read:

1 627.4107 Government employees exposed to toxic drug
2 chemicals; refusal to insure and cancellation of life or
3 health policy or certificate prohibited.--No life or health
4 insurer may cancel or nonrenew a life or health insurance
5 policy or certificate of insurance providing coverage to, or
6 refuse to insure, a state or local law enforcement officer as
7 defined in s. 943.10, firefighter as defined in s. 633.30,
8 emergency medical technician as defined in s. 401.23, or
9 paramedic as defined in s. 401.23, a volunteer firefighter
10 engaged by state or local government, a law enforcement
11 officer employed by the Federal Government, or any other
12 local, state, or Federal Government employee solely based on
13 the fact that the individual has been exposed to toxic
14 chemicals or suffered injury or disease as a result of the
15 individual's lawful duties arising out of the commission of a
16 violation of chapter 893 by another person. This section does
17 not apply to any person who commits an offense under chapter
18 893.

19 Section 5. Paragraph (a) of subsection (4) of section
20 907.041, Florida Statutes, is amended, and paragraph (1) is
21 added to that subsection, to read:

22 907.041 Pretrial detention and release.--

23 (4) PRETRIAL DETENTION.--

24 (a) As used in this subsection, "dangerous crime"
25 means any of the following:

- 26 1. Arson;
- 27 2. Aggravated assault;
- 28 3. Aggravated battery;
- 29 4. Illegal use of explosives;
- 30 5. Child abuse or aggravated child abuse;

31

- 1 6. Abuse of an elderly person or disabled adult, or
2 aggravated abuse of an elderly person or disabled adult;
3 7. Aircraft piracy;
4 8. Kidnapping;
5 9. Homicide;
6 10. Manslaughter;
7 11. Sexual battery;
8 12. Robbery;
9 13. Carjacking;
10 14. Lewd, lascivious, or indecent assault or act upon
11 or in presence of a child under the age of 16 years;
12 15. Sexual activity with a child, who is 12 years of
13 age or older but less than 18 years of age, by or at
14 solicitation of person in familial or custodial authority;
15 16. Burglary of a dwelling;
16 17. Stalking and aggravated stalking;
17 18. Act of domestic violence as defined in s. 741.28;
18 19. Home invasion robbery;
19 20. Act of terrorism as defined in s. 775.30; ~~and~~
20 21. Manufacturing or cooking any substances in
21 violation of chapter 893; and
22 ~~22.21.~~ Attempting or conspiring to commit any such
23 crime.
24 (1) The Legislature finds that a person who
25 manufactures or cooks any substances in violation of chapter
26 893 poses a threat of harm to the community and that the
27 factual circumstances of such a crime indicate a disregard for
28 the safety of the community. If the court finds that there is
29 a substantial probability that a defendant charged with
30 manufacturing or cooking any substances in violation of
31 chapter 893 committed such a crime, there are no conditions of

1 release reasonably sufficient to protect the community from
2 the risk of physical harm to persons and therefore the court
3 shall order pretrial detention.

4 Section 6. Paragraph (s) of subsection (1) of section
5 465.016, Florida Statutes, is amended to read:

6 465.016 Disciplinary actions.--

7 (1) The following acts constitute grounds for denial
8 of a license or disciplinary action, as specified in s.
9 456.072(2):

10 (s) Dispensing any medicinal drug based upon a
11 communication that purports to be a prescription as defined by
12 s. 465.003(14) or s. 893.02(~~20~~) when the pharmacist knows or
13 has reason to believe that the purported prescription is not
14 based upon a valid practitioner-patient relationship.

15 Section 7. Paragraph (e) of subsection (1) of section
16 465.023, Florida Statutes, is amended to read:

17 465.023 Pharmacy permittee; disciplinary action.--

18 (1) The department or the board may revoke or suspend
19 the permit of any pharmacy permittee, and may fine, place on
20 probation, or otherwise discipline any pharmacy permittee who
21 has:

22 (e) Dispensed any medicinal drug based upon a
23 communication that purports to be a prescription as defined by
24 s. 465.003(14) or s. 893.02(~~20~~) when the pharmacist knows or
25 has reason to believe that the purported prescription is not
26 based upon a valid practitioner-patient relationship that
27 includes a documented patient evaluation, including history
28 and a physical examination adequate to establish the diagnosis
29 for which any drug is prescribed and any other requirement
30 established by board rule under chapter 458, chapter 459,
31 chapter 461, chapter 463, chapter 464, or chapter 466.

1 Section 8. Paragraph (c) of subsection (1) of section
2 856.015, Florida Statutes, is amended to read:

3 856.015 Open house parties.--

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

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

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

9 893.135 Trafficking; mandatory sentences; suspension
10 or reduction of sentences; conspiracy to engage in
11 trafficking.--

12 (6) A mixture, as defined in s. 893.02~~(14)~~, containing
13 any controlled substance described in this section includes,
14 but is not limited to, a solution or a dosage unit, including
15 but not limited to, a pill or tablet, containing a controlled
16 substance. For the purpose of clarifying legislative intent
17 regarding the weighing of a mixture containing a controlled
18 substance described in this section, the weight of the
19 controlled substance is the total weight of the mixture,
20 including the controlled substance and any other substance in
21 the mixture. If there is more than one mixture containing the
22 same controlled substance, the weight of the controlled
23 substance is calculated by aggregating the total weight of
24 each mixture.

25 Section 10. Paragraph (a) of subsection (1) of section
26 944.47, Florida Statutes, is amended to read:

27 944.47 Introduction, removal, or possession of certain
28 articles unlawful; penalty.--

29 (1)(a) Except through regular channels as authorized
30 by the officer in charge of the correctional institution, it
31 is unlawful to introduce into or upon the grounds of any state

1 | correctional institution, or to take or attempt to take or
2 | send or attempt to send therefrom, any of the following
3 | articles which are hereby declared to be contraband for the
4 | purposes of this section, to wit:

5 | 1. Any written or recorded communication or any
6 | currency or coin given or transmitted, or intended to be given
7 | or transmitted, to any inmate of any state correctional
8 | institution.

9 | 2. Any article of food or clothing given or
10 | transmitted, or intended to be given or transmitted, to any
11 | inmate of any state correctional institution.

12 | 3. Any intoxicating beverage or beverage which causes
13 | or may cause an intoxicating effect.

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

17 | 5. Any firearm or weapon of any kind or any explosive
18 | substance.

19 | Section 11. Subsection (1) of section 951.22, Florida
20 | Statutes, is amended to read:

21 | 951.22 County detention facilities; contraband
22 | articles.--

23 | (1) It is unlawful, except through regular channels as
24 | duly authorized by the sheriff or officer in charge, to
25 | introduce into or possess upon the grounds of any county
26 | detention facility as defined in s. 951.23 or to give to or
27 | receive from any inmate of any such facility wherever said
28 | inmate is located at the time or to take or to attempt to take
29 | or send therefrom any of the following articles which are
30 | hereby declared to be contraband for the purposes of this act,
31 | to wit: Any written or recorded communication; any currency or

1 coin; any article of food or clothing; any tobacco products as
2 defined in s. 210.25(11); any cigarette as defined in s.
3 210.01(1); any cigar; any intoxicating beverage or beverage
4 which causes or may cause an intoxicating effect; any
5 narcotic, hypnotic, or excitative drug or drug of any kind or
6 nature, including nasal inhalators, sleeping pills,
7 barbiturates, and controlled substances as defined in s.
8 893.02~~(4)~~; any firearm or any instrumentality customarily used
9 or which is intended to be used as a dangerous weapon; and any
10 instrumentality of any nature that may be or is intended to be
11 used as an aid in effecting or attempting to effect an escape
12 from a county facility.

13 Section 12. Paragraph (a) of subsection (1) of section
14 985.4046, Florida Statutes, is amended to read:

15 985.4046 Introduction, removal, or possession of
16 certain articles unlawful; penalty.--

17 (1)(a) Except as authorized through program policy or
18 operating procedure or as authorized by the facility
19 superintendent, program director, or manager, a person may not
20 introduce into or upon the grounds of a juvenile detention
21 facility or commitment program, or take or send, or attempt to
22 take or send, from a juvenile detention facility or commitment
23 program, any of the following articles, which are declared to
24 be contraband under this section:

25 1. Any unauthorized article of food or clothing.

26 2. Any intoxicating beverage or any beverage that
27 causes or may cause an intoxicating effect.

28 3. Any controlled substance, as defined in s.
29 893.02~~(4)~~, or any prescription or nonprescription drug that
30 has a hypnotic, stimulating, or depressing effect.

31

1 4. Any firearm or weapon of any kind or any explosive
2 substance.
3 Section 13. This act shall take effect July 1, 2006.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31