



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

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3 Section 1. Paragraph (b) of subsection (8) of section  
4 39.301, Florida Statutes, is amended to read:

5 39.301 Initiation of protective investigations.--

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

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

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

1           893.13 Prohibited acts; penalties.--  
2           (12) If a person violates any provision of this  
3 chapter and the violation results in a serious injury to a  
4 state or local law enforcement officer as defined in s.  
5 943.10, firefighter as defined in s. 633.30, emergency medical  
6 technician as defined in s. 401.23, paramedic as defined in s.  
7 401.23, employee of a public utility or an electric utility as  
8 defined in s. 366.02, animal control officer as defined in s.  
9 828.27, volunteer firefighter engaged by state or local  
10 government, law enforcement officer employed by the Federal  
11 Government, or any other local, state, or Federal Government  
12 employee injured during the course and scope of his or her  
13 employment ~~state, local, or federal law enforcement officer,~~  
14 the person commits a felony of the third degree, punishable as  
15 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
16 injury sustained results in death or great bodily harm, the  
17 person commits a felony of the second degree, punishable as  
18 provided in s. 775.082, s. 775.083, or s. 775.084.

19           Section 3. Section 627.4107, Florida Statutes, is  
20 created to read:

21           627.4107 Government employees exposed to toxic drug  
22 chemicals; cancellation of life or health policy or  
23 certificate prohibited.--No life or health insurer may cancel  
24 or nonrenew a life or health insurance policy or certificate  
25 of insurance providing coverage to a state or local law  
26 enforcement officer as defined in s. 943.10, firefighter as  
27 defined in s. 633.30, emergency medical technician as defined  
28 in s. 401.23, or paramedic as defined in s. 401.23, a  
29 volunteer firefighter engaged by state or local government, a  
30 law enforcement officer employed by the Federal Government, or  
31 any other local, state, or Federal Government employee solely

1 based on the fact that the individual has been exposed to  
2 toxic chemicals or suffered injury or disease as a result of  
3 the individual's lawful duties arising out of the commission  
4 of a violation of chapter 893 by another person. This section  
5 does not apply to any person who commits an offense under  
6 chapter 893. This section does not prohibit an insurer from  
7 canceling or nonrenewing an insurance policy, as permitted  
8 under the Florida Insurance Code, based on an act or practice  
9 of the policyholder which constitutes fraud or intentional  
10 misrepresentation of material fact by the policyholder.

11 Section 4. Paragraph (a) of subsection (4) of section  
12 907.041, Florida Statutes, is amended, and paragraph (1) is  
13 added to that subsection, to read:

14 907.041 Pretrial detention and release.--

15 (4) PRETRIAL DETENTION.--

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

- 18 1. Arson;
- 19 2. Aggravated assault;
- 20 3. Aggravated battery;
- 21 4. Illegal use of explosives;
- 22 5. Child abuse or aggravated child abuse;
- 23 6. Abuse of an elderly person or disabled adult, or  
24 aggravated abuse of an elderly person or disabled adult;
- 25 7. Aircraft piracy;
- 26 8. Kidnapping;
- 27 9. Homicide;
- 28 10. Manslaughter;
- 29 11. Sexual battery;
- 30 12. Robbery;
- 31 13. Carjacking;

1           14. Lewd, lascivious, or indecent assault or act upon  
2 or in presence of a child under the age of 16 years;

3           15. Sexual activity with a child, who is 12 years of  
4 age or older but less than 18 years of age, by or at  
5 solicitation of person in familial or custodial authority;

6           16. Burglary of a dwelling;

7           17. Stalking and aggravated stalking;

8           18. Act of domestic violence as defined in s. 741.28;

9           19. Home invasion robbery;

10          20. Act of terrorism as defined in s. 775.30; ~~and~~

11          21. Manufacturing any substances in violation of  
12 chapter 893; and

13          ~~22.21.~~ Attempting or conspiring to commit any such  
14 crime.

15          (1) The Legislature finds that a person who  
16 manufactures any substances in violation of chapter 893 poses  
17 a threat of harm to the community and that the factual  
18 circumstances of such a crime indicate a disregard for the  
19 safety of the community. The court shall order pretrial  
20 detention if the court finds that there is a substantial  
21 probability that a defendant charged with manufacturing any  
22 substances in violation of chapter 893 committed such a crime,  
23 and if the court finds that there are no conditions of release  
24 reasonably sufficient to protect the community from the risk  
25 of physical harm to persons.

26          Section 5. Paragraph (s) of subsection (1) of section  
27 465.016, Florida Statutes, is amended to read:

28          465.016 Disciplinary actions.--

29          (1) The following acts constitute grounds for denial  
30 of a license or disciplinary action, as specified in s.  
31 456.072(2):

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

6           Section 6. Paragraph (e) of subsection (1) of section  
7 465.023, Florida Statutes, is amended to read:

8           465.023 Pharmacy permittee; disciplinary action.--

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

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

23           Section 7. Paragraph (c) of subsection (1) of section  
24 856.015, Florida Statutes, is amended to read:

25           856.015 Open house parties.--

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

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

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

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1           893.135 Trafficking; mandatory sentences; suspension  
2 or reduction of sentences; conspiracy to engage in  
3 trafficking.--

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

17           Section 9. Paragraph (a) of subsection (1) of section  
18 944.47, Florida Statutes, is amended to read:

19           944.47 Introduction, removal, or possession of certain  
20 articles unlawful; penalty.--

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

28           1. Any written or recorded communication or any  
29 currency or coin given or transmitted, or intended to be given  
30 or transmitted, to any inmate of any state correctional  
31 institution.

1           2. Any article of food or clothing given or  
2 transmitted, or intended to be given or transmitted, to any  
3 inmate of any state correctional institution.

4           3. Any intoxicating beverage or beverage which causes  
5 or may cause an intoxicating effect.

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

9           5. Any firearm or weapon of any kind or any explosive  
10 substance.

11           Section 10. Subsection (1) of section 951.22, Florida  
12 Statutes, is amended to read:

13           951.22 County detention facilities; contraband  
14 articles.--

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



1 or which is intended to be used as a dangerous weapon; and any  
2 instrumentality of any nature that may be or is intended to be  
3 used as an aid in effecting or attempting to effect an escape  
4 from a county facility.

5 Section 11. Paragraph (a) of subsection (1) of section  
6 985.4046, Florida Statutes, is amended to read:

7 985.4046 Introduction, removal, or possession of  
8 certain articles unlawful; penalty.--

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

17 1. Any unauthorized article of food or clothing.

18 2. Any intoxicating beverage or any beverage that  
19 causes or may cause an intoxicating effect.

20 3. Any controlled substance, as defined in s.  
21 893.02~~(4)~~, or any prescription or nonprescription drug that  
22 has a hypnotic, stimulating, or depressing effect.

23 4. Any firearm or weapon of any kind or any explosive  
24 substance.

25 Section 12. This act shall take effect July 1, 2006.

1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 2356

4 The committee substitute makes the following changes to the  
5 underlying bill:

6 -- Revises language to remove references to "cooking" of  
7 controlled substances;

8 -- Removes provision that would have provided a definition  
9 for "clandestine laboratories" in the controlled  
10 substances chapter;

11 -- Removes this bill's prohibition on private insurers  
12 refusing to insure a first responder who has been exposed  
13 to toxic chemicals or suffered injury or disease as a  
14 result of exposure to toxic chemicals as the result of  
15 another's violation under ch. 983, F.S.;

16 -- Adds language cross-referencing to the Insurance Code to  
17 address the possibility of fraud in situations involving  
18 insurance for first responders; and

19 -- Revises language relating to pretrial detention for  
20 violations involving the manufacture of controlled  
21 substances to require that a judge ordering pretrial  
22 detention make findings of both a substantial probability  
23 that the defendant committed the crime and that there  
24 are no terms of pretrial release that would be reasonably  
25 certain to protect the community from physical harm.

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