

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 or certificate,
8 as permitted under the applicable state insurance code, based
9 on an act or practice of the policyholder or certificateholder
10 which constitutes fraud or intentional misrepresentation of
11 material fact by the policyholder or certificateholder.

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

15 907.041 Pretrial detention and release.--

16 (4) PRETRIAL DETENTION.--

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

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

- 1 13. Carjacking;
- 2 14. Lewd, lascivious, or indecent assault or act upon
3 or in presence of a child under the age of 16 years;
- 4 15. Sexual activity with a child, who is 12 years of
5 age or older but less than 18 years of age, by or at
6 solicitation of person in familial or custodial authority;
- 7 16. Burglary of a dwelling;
- 8 17. Stalking and aggravated stalking;
- 9 18. Act of domestic violence as defined in s. 741.28;
- 10 19. Home invasion robbery;
- 11 20. Act of terrorism as defined in s. 775.30; ~~and~~
- 12 21. Manufacturing any substances in violation of
13 chapter 893; and
- 14 ~~22.21.~~ Attempting or conspiring to commit any such
15 crime.
- 16 (1) The Legislature finds that a person who
17 manufactures any substances in violation of chapter 893 poses
18 a threat of harm to the community and that the factual
19 circumstances of such a crime indicate a disregard for the
20 safety of the community. The court shall order pretrial
21 detention if the court finds that there is a substantial
22 probability that a defendant charged with manufacturing any
23 substances in violation of chapter 893 committed such a crime,
24 and if the court finds that there are no conditions of release
25 reasonably sufficient to protect the community from the risk
26 of physical harm to persons.
- 27 Section 5. Paragraph (s) of subsection (1) of section
28 465.016, Florida Statutes, is amended to read:
- 29 465.016 Disciplinary actions.--
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1 (1) The following acts constitute grounds for denial
2 of a license or disciplinary action, as specified in s.
3 456.072(2):

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

9 Section 6. Paragraph (e) of subsection (1) of section
10 465.023, Florida Statutes, is amended to read:

11 465.023 Pharmacy permittee; disciplinary action.--

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

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

26 Section 7. Paragraph (c) of subsection (1) of section
27 856.015, Florida Statutes, is amended to read:

28 856.015 Open house parties.--

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

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

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

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

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

19 Section 9. Paragraph (a) of subsection (1) of section
20 944.47, Florida Statutes, is amended to read:

21 944.47 Introduction, removal, or possession of certain
22 articles unlawful; penalty.--

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

30 1. Any written or recorded communication or any
31 currency or coin given or transmitted, or intended to be given

1 or transmitted, to any inmate of any state correctional
2 institution.

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

6 3. Any intoxicating beverage or beverage which causes
7 or may cause an intoxicating effect.

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

11 5. Any firearm or weapon of any kind or any explosive
12 substance.

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

15 951.22 County detention facilities; contraband
16 articles.--

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

1 | barbiturates, and controlled substances as defined in s.
2 | 893.02~~(4)~~; any firearm or any instrumentality customarily used
3 | or which is intended to be used as a dangerous weapon; and any
4 | instrumentality of any nature that may be or is intended to be
5 | used as an aid in effecting or attempting to effect an escape
6 | from a county facility.

7 | Section 11. Paragraph (a) of subsection (1) of section
8 | 985.4046, Florida Statutes, is amended to read:

9 | 985.4046 Introduction, removal, or possession of
10 | certain articles unlawful; penalty.--

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

19 | 1. Any unauthorized article of food or clothing.

20 | 2. Any intoxicating beverage or any beverage that
21 | causes or may cause an intoxicating effect.

22 | 3. Any controlled substance, as defined in s.
23 | 893.02~~(4)~~, or any prescription or nonprescription drug that
24 | has a hypnotic, stimulating, or depressing effect.

25 | 4. Any firearm or weapon of any kind or any explosive
26 | substance.

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/SB 2356

Clarifies that an insurer can cancel an insurance policy or certificate, as permitted under the applicable state insurance code, based upon a policy holder's fraudulent acts.