

1                   A bill to be entitled  
2           An act relating to clandestine laboratory contamination;  
3           amending s. 893.02, F.S.; providing definitions; creating  
4           s. 893.121, F.S.; providing for quarantine of any  
5           residential property where illegal clandestine laboratory  
6           activities occurred; providing for establishment of a  
7           uniform notice and a uniform letter of notification;  
8           providing for posting of specified notice at the site of a  
9           quarantine; providing requirements for the sending of a  
10          specified letter of notification to a residential property  
11          owner or manager; providing for petitions by certain  
12          persons in circuit court to lift such quarantines under  
13          certain conditions; prohibiting specified violations  
14          relating to such quarantines; creating s. 893.122, F.S.;  
15          permitting demolition of quarantined residential property  
16          under certain conditions; providing immunity from health-  
17          based civil actions for residential property owners who  
18          have met specified clandestine laboratory decontamination  
19          standards as evidenced by specified documentation;  
20          providing an exception to such immunity for persons  
21          convicted of manufacturing controlled substances at the  
22          site; creating s. 893.123, F.S.; providing for rulemaking  
23          to adopt clandestine laboratory decontamination standards;  
24          providing for certificates of fitness to indicate that  
25          decontamination has been completed; providing requirements  
26          for the lifting of a quarantine upon demolition of the  
27          property; creating s. 893.124, F.S.; requiring the  
28          Department of Health to specify requirements for persons

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29 authorized to perform decontamination and contamination  
30 assessments; requiring the department to compile and  
31 maintain lists of decontamination and contamination  
32 assessment specialists; providing responsibilities for  
33 decontamination specialists; permitting decontamination  
34 and contamination assessment specialists to request  
35 specified documents; providing for the issuance of  
36 certificates of fitness by contamination assessment  
37 specialists; amending ss. 465.016, 465.023, 856.015,  
38 893.135, 944.47, 951.22, and 985.4046, F.S.; conforming  
39 cross-references; providing an effective date.  
40

41 WHEREAS, methamphetamine use and production is increasing  
42 throughout the state, and

43 WHEREAS, in places where methamphetamine production has  
44 occurred, significant levels of chemical contamination may be  
45 found, especially in residential properties when the  
46 contamination is not decontaminated, and

47 WHEREAS, children are susceptible to environmental  
48 toxicants via the skin, and the ingestion of residual  
49 methamphetamine is considered to be a result of hand-to-mouth  
50 activities, and

51 WHEREAS, studies on methamphetamine use during pregnancy  
52 showed an increased incidence of intrauterine growth  
53 retardation, prematurity, and perinatal complications, and

54 WHEREAS, once clandestine laboratories have been seized,  
55 the public may continue to be harmed by the illegal dumping of

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56 chemical byproducts and the chemical residues that remain on the  
 57 residential property, and

58 WHEREAS, there are no statewide standards for determining  
 59 when a site of a seized clandestine laboratory has been  
 60 successfully decontaminated, and

61 WHEREAS, the Legislature finds that this act is necessary  
 62 for the immediate preservation of the public health, safety, and  
 63 welfare and fulfills an important state interest, NOW,  
 64 THEREFORE,

65  
 66 Be It Enacted by the Legislature of the State of Florida:

67  
 68 Section 1. Section 893.02, Florida Statutes, is amended to  
 69 read:

70 893.02 Definitions.--The following words and phrases as  
 71 used in this chapter shall have the following meanings, unless  
 72 the context otherwise requires:

73 (1) "Administer" means the direct application of a  
 74 controlled substance, whether by injection, inhalation,  
 75 ingestion, or any other means, to the body of a person or  
 76 animal.

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

79 (3) "Cannabis" means all parts of any plant of the genus  
 80 Cannabis, whether growing or not; the seeds thereof; the resin  
 81 extracted from any part of the plant; and every compound,  
 82 manufacture, salt, derivative, mixture, or preparation of the  
 83 plant or its seeds or resin.

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

90           (5) "Contaminated" or "contamination" means containing  
91 levels of chemicals at or above the levels defined by the  
92 department pursuant to s. 893.123(1) as a result of clandestine  
93 laboratory activity.

94           (6) "Contamination assessment specialist" or  
95 "contamination assessor" means a person responsible for  
96 assessing the extent of contamination and decontamination by  
97 determining the indoor air quality in a residential property  
98 based on the standards defined by the department. Upon the  
99 conclusion of decontamination, a residential property must  
100 successfully test less than or equal to the values defined by  
101 the department. The person must have specialized training that  
102 provides him or her with the knowledge, skills, and abilities to  
103 use quantitative measurement techniques in collecting and  
104 assessing specified contamination levels that have the ability  
105 to impair human health and well-being.

106           (7)-~~(4)~~ "Controlled substance" means any substance named or  
107 described in Schedules I-V of s. 893.03. Laws controlling the  
108 manufacture, distribution, preparation, dispensing, or  
109 administration of such substances are drug abuse laws.

110           (8) "Decontamination" means the process of reducing the  
111 levels of contaminants to the levels defined by the department

112 pursuant to s. 893.123(1) that allow human reoccupancy using  
 113 currently available methods and processes.

114 (9) "Decontamination specialist" means a person  
 115 responsible for the cleanup, treatment, repair, removal, and  
 116 decontamination of contaminated materials located in a  
 117 residential property where clandestine laboratory activities  
 118 occurred. The person must have the knowledge, skills, and  
 119 ability to prescribe methods to eliminate, control, or reduce  
 120 contamination; and must have been trained in the removal,  
 121 storage, transport, and disposal of hazardous chemicals or  
 122 chemical residues commonly associated with clandestine  
 123 laboratory activities.

124 (10)~~(5)~~ "Deliver" or "delivery" means the actual,  
 125 constructive, or attempted transfer from one person to another  
 126 of a controlled substance, whether or not there is an agency  
 127 relationship.

128 (11)~~(9)~~ "Department" means the Department of Health.

129 (12)~~(6)~~ "Dispense" means the transfer of possession of one  
 130 or more doses of a medicinal drug by a pharmacist or other  
 131 licensed practitioner to the ultimate consumer thereof or to one  
 132 who represents that it is his or her intention not to consume or  
 133 use the same but to transfer the same to the ultimate consumer  
 134 or user for consumption by the ultimate consumer or user.

135 (13)~~(7)~~ "Distribute" means to deliver, other than by  
 136 administering or dispensing, a controlled substance.

137 (14)~~(8)~~ "Distributor" means a person who distributes.

138 (15)~~(10)~~ "Hospital" means an institution for the care and  
 139 treatment of the sick and injured, licensed pursuant to the

140 provisions of chapter 395 or owned or operated by the state or  
 141 Federal Government.

142 (16)~~(11)~~ "Laboratory" means a laboratory approved by the  
 143 Drug Enforcement Administration as proper to be entrusted with  
 144 the custody of controlled substances for scientific, medical, or  
 145 instructional purposes or to aid law enforcement officers and  
 146 prosecuting attorneys in the enforcement of this chapter.

147 (17)~~(12)~~ "Listed chemical" means any precursor chemical or  
 148 essential chemical named or described in s. 893.033.

149 (18)~~(13)~~(a) "Manufacture" means the production,  
 150 preparation, propagation, compounding, cultivating, growing,  
 151 conversion, or processing of a controlled substance, either  
 152 directly or indirectly, by extraction from substances of natural  
 153 origin, or independently by means of chemical synthesis, or by a  
 154 combination of extraction and chemical synthesis, and includes  
 155 any packaging of the substance or labeling or relabeling of its  
 156 container, except that this term does not include the  
 157 preparation, compounding, packaging, or labeling of a controlled  
 158 substance by:

159 1. A practitioner or pharmacist as an incident to his or  
 160 her administering or delivering of a controlled substance in the  
 161 course of his or her professional practice.

162 2. A practitioner, or by his or her authorized agent under  
 163 the practitioner's supervision, for the purpose of, or as an  
 164 incident to, research, teaching, or chemical analysis, and not  
 165 for sale.

166 (b) "Manufacturer" means and includes every person who  
 167 prepares, derives, produces, compounds, or repackages any drug

168 as defined by the Florida Drug and Cosmetic Act. However, this  
 169 definition does not apply to manufacturers of patent or  
 170 proprietary preparations as defined in the Florida Pharmacy Act.  
 171 Pharmacies, and pharmacists employed thereby, are specifically  
 172 excluded from this definition.

173 (19)~~(14)~~ "Mixture" means any physical combination of two  
 174 or more substances.

175 (20)~~(15)~~ "Patient" means an individual to whom a  
 176 controlled substance is lawfully dispensed or administered  
 177 pursuant to the provisions of this chapter.

178 (21)~~(16)~~ "Pharmacist" means a person who is licensed  
 179 pursuant to chapter 465 to practice the profession of pharmacy  
 180 in this state.

181 (22)~~(17)~~ "Possession" includes temporary possession for  
 182 the purpose of verification or testing, irrespective of dominion  
 183 or control.

184 (23)~~(18)~~ "Potential for abuse" means that a substance has  
 185 properties of a central nervous system stimulant or depressant  
 186 or an hallucinogen that create a substantial likelihood of its  
 187 being:

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

190 (b) Diverted from legal channels and distributed through  
 191 illegal channels; or

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

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195 Proof of potential for abuse can be based upon a showing that  
196 these activities are already taking place, or upon a showing  
197 that the nature and properties of the substance make it  
198 reasonable to assume that there is a substantial likelihood that  
199 such activities will take place, in other than isolated or  
200 occasional instances.

201 (24)~~(19)~~ "Practitioner" means a physician licensed  
202 pursuant to chapter 458, a dentist licensed pursuant to chapter  
203 466, a veterinarian licensed pursuant to chapter 474, an  
204 osteopathic physician licensed pursuant to chapter 459, a  
205 naturopath licensed pursuant to chapter 462, or a podiatric  
206 physician licensed pursuant to chapter 461, provided such  
207 practitioner holds a valid federal controlled substance registry  
208 number.

209 (25)~~(20)~~ "Prescription" means and includes an order for  
210 drugs or medicinal supplies written, signed, or transmitted by  
211 word of mouth, telephone, telegram, or other means of  
212 communication by a duly licensed practitioner licensed by the  
213 laws of the state to prescribe such drugs or medicinal supplies,  
214 issued in good faith and in the course of professional practice,  
215 intended to be filled, compounded, or dispensed by another  
216 person licensed by the laws of the state to do so, and meeting  
217 the requirements of s. 893.04. The term also includes an order  
218 for drugs or medicinal supplies so transmitted or written by a  
219 physician, dentist, veterinarian, or other practitioner licensed  
220 to practice in a state other than Florida, but only if the  
221 pharmacist called upon to fill such an order determines, in the  
222 exercise of his or her professional judgment, that the order was



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223 issued pursuant to a valid patient-physician relationship, that  
224 it is authentic, and that the drugs or medicinal supplies so  
225 ordered are considered necessary for the continuation of  
226 treatment of a chronic or recurrent illness. However, if the  
227 physician writing the prescription is not known to the  
228 pharmacist, the pharmacist shall obtain proof to a reasonable  
229 certainty of the validity of said prescription. A prescription  
230 order for a controlled substance shall not be issued on the same  
231 prescription blank with another prescription order for a  
232 controlled substance which is named or described in a different  
233 schedule, nor shall any prescription order for a controlled  
234 substance be issued on the same prescription blank as a  
235 prescription order for a medicinal drug, as defined in s.  
236 465.031(5), which does not fall within the definition of a  
237 controlled substance as defined in this act.

238 (26) "Residential property" means a dwelling unit used, or  
239 intended for use, by an individual or individuals as a permanent  
240 residence. The term includes improved real property of between  
241 one and four dwellings; a condominium unit, as defined in s.  
242 718.103(27); a cooperative unit, as defined in s. 719.103(24);  
243 or a mobile home or manufactured home, as defined in s.  
244 320.01(2). The term does not include a hotel, motel, campground,  
245 marina, or timeshare unit.

246 (27)-~~(21)~~ "Wholesaler" means any person who acts as a  
247 jobber, wholesale merchant, or broker, or an agent thereof, who  
248 sells or distributes for resale any drug as defined by the  
249 Florida Drug and Cosmetic Act. However, this definition does not  
250 apply to persons who sell only patent or proprietary

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251 preparations as defined in the Florida Pharmacy Act. Pharmacies,  
252 and pharmacists employed thereby, are specifically excluded from  
253 this definition.

254 Section 2. Section 893.121, Florida Statutes, is created  
255 to read:

256 893.121 Quarantine of a clandestine laboratory.--

257 (1) The purpose of the quarantine provided for in this  
258 section is to prevent exposure of any person to the hazards  
259 associated with clandestine laboratory activities and provide  
260 protection from unsafe conditions that pose a threat to the  
261 public health, safety, and welfare. The department has the  
262 authority to quarantine residential property under s. 381.0011.

263 (2) Whenever a sheriff, police officer, or other law  
264 enforcement entity secures evidence from a residential property  
265 in which illegal clandestine laboratory activities occurred, the  
266 department must quarantine the property. The local law  
267 enforcement entity securing evidence shall enforce a quarantine  
268 on the residential property as part of its duty to assist the  
269 department under s. 381.0012(5). Enforcement does not require  
270 the 24-hour posting of law enforcement personnel. The  
271 residential property shall remain quarantined until the  
272 department receives a certificate of fitness documenting that  
273 the property was decontaminated as defined by the department  
274 pursuant to s. 893.123 or demolished in accordance with s.  
275 893.122(1), or a court order is presented requiring the  
276 quarantine to be lifted.

277 (3) The department shall adopt rules pursuant to ss.  
278 120.536(1) and 120.54 to establish a uniform notice to post at

279 the site of a quarantined clandestine laboratory and a uniform  
 280 letter of notification of the quarantine to be sent to the  
 281 residential property owner or manager. It is the responsibility  
 282 of local law enforcement to post the notice of a quarantine on  
 283 the residential property, and it is the responsibility of the  
 284 department to mail the letter of notification. The material in  
 285 the letter and notice shall include, but not be limited to:

286 (a) That the residential property has been quarantined and  
 287 a clandestine laboratory was seized on or inside the residential  
 288 property.

289 (b) The date of the quarantine.

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

292 (d) A statement specifying that hazardous substances,  
 293 toxic chemicals, or other hazardous waste products may have been  
 294 present and may remain on or inside the residential property and  
 295 that exposure to the substances may be harmful and may pose a  
 296 threat to public health and the environment.

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

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

303 (4) Upon securing evidence from a residential property in  
 304 which illegal clandestine laboratory activities occurred, the  
 305 local law enforcement entity shall immediately notify the local  
 306 health officer and the department's Division of Environmental

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307 Health that a residential property is quarantined and shall  
308 provide the name and contact information of the law enforcement  
309 entity, the name of the residential property owner or  
310 residential property manager, and the address of the property.

311 (5) To the extent possible, the department shall mail the  
312 letter of notification to the residential property owner or the  
313 manager of the residential property within 5 working days from  
314 the date of quarantine notifying the owner or manager that a  
315 clandestine laboratory was found on the property and that the  
316 property has been quarantined. The department shall also include  
317 a list of contamination assessment specialists and  
318 decontamination specialists and any other information deemed  
319 appropriate by the department to the residential property owner  
320 or manager.

321 (6) Any person who has an interest in a residential  
322 property that is quarantined pursuant to this section may file a  
323 petition in the circuit court in which the residential property  
324 is located to request a court order that the quarantine of the  
325 residential property be lifted for one of the following reasons:

326 (a) The residential property was wrongfully quarantined;  
327 or

328 (b) The residential property has been properly  
329 decontaminated as defined by the department pursuant to s.  
330 893.123 or demolished pursuant to s. 893.122(1) and may be  
331 reoccupied for habitation, but the department refuses or fails  
332 to lift the quarantine.

333 (7) No person shall inhabit a quarantined residential  
334 property, offer the residential property to the public for

335 temporary or indefinite habitation, or remove any notice of the  
 336 quarantine. Any person who willfully violates a provision of  
 337 this subsection commits a second degree misdemeanor under s.  
 338 381.0025(1).

339 Section 3. Section 893.122, Florida Statutes, is created  
 340 to read:

341 893.122 Option of demolition; immunity from liability from  
 342 health-based civil actions.--

343 (1) A residential property owner shall, upon notification  
 344 from a law enforcement entity that clandestine laboratory  
 345 activities have occurred in a property owned by that owner and  
 346 that the property is quarantined, meet the decontamination  
 347 standards as defined by the department pursuant to s. 893.123  
 348 unless the property owner, at the owner's discretion, elects to  
 349 demolish the contaminated residential property. The demolition  
 350 and removal of materials must meet the requirements of the  
 351 Occupational Safety and Health Administration and the United  
 352 States Environmental Protection Agency regulations pertaining to  
 353 the generation, storage, transport, and disposal of hazardous  
 354 wastes and any state or local requirements.

355 (2) A residential property owner who has met the  
 356 decontamination standards, as evidenced by a certificate of  
 357 fitness and a letter of reoccupancy pursuant to s.893.123, or  
 358 has demolished the residential property in compliance with  
 359 subsection (1), shall have immunity from health-based civil  
 360 actions brought by any future owner, renter, or other person who  
 361 occupies such residential property, or a neighbor of such  
 362 residential property, in which the alleged cause of the injury

363 or loss is the existence of the clandestine laboratory. However,  
 364 a person with a conviction, as defined in s. 944.607, for the  
 365 manufacture of any substance regulated under this chapter on the  
 366 residential property where clandestine laboratory activities  
 367 occurred shall not have the immunity provided in this  
 368 subsection.

369 Section 4. Section 893.123, Florida Statutes, is created  
 370 to read:

371 893.123 Clandestine laboratory decontamination standards,  
 372 certificate of fitness, and letter of reoccupancy.--

373 (1) The department shall adopt rules pursuant to ss.  
 374 120.536(1) and 120.54 that establish:

375 (a) Standards for indoor air quality regarding levels of  
 376 contaminants produced by clandestine laboratory activities to  
 377 include methamphetamine, lead, mercury, and volatile organic  
 378 compounds. These standards must be consistent with values  
 379 commonly used by other states or comply with national standards.

380 (b) Standards for the cleanup and testing of clandestine  
 381 laboratories.

382 (c) A certificate of fitness that shall act as appropriate  
 383 documentation that a residential property has been  
 384 decontaminated in accordance with specified standards. The  
 385 certificate of fitness shall be submitted to the department by a  
 386 contamination assessment specialist. The certificate of fitness  
 387 shall include, but is not limited to:

388 1. The name of the residential property owner, the mailing  
 389 and street address of the residential property owner, and, if

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390 applicable, the parcel identification of the residential  
391 property.

392 2. The dates the residential property was quarantined and  
393 cleanup was completed.

394 3. A summary of the indoor air quality test results,  
395 findings, and conclusions as determined by a contamination  
396 assessment specialist.

397 4. The name and address of the contamination assessment  
398 specialist.

399 5. The name and address of the decontamination specialist.

400 6. The method of repair, replacement, or decontamination  
401 of the residential property.

402 (d) A letter of reoccupancy that will notify the  
403 residential property owner that the property may be reoccupied  
404 for habitation.

405 (2) Upon receipt of the certificate of fitness, the  
406 department shall send a letter of reoccupancy to the residential  
407 property owner or manager and to the local law enforcement  
408 entity that enforced the quarantine and posted the notice. The  
409 letter of reoccupancy must include the address of the  
410 residential property, a statement that the quarantine is lifted,  
411 and a statement that the residential property may be reoccupied  
412 for habitation.

413 (3) In the case of demolition, the department shall lift  
414 the quarantine on a residential property upon receipt of a  
415 letter presented by a demolition company stating that the  
416 quarantined property was demolished. The letter must include the  
417 address of the residential property and a statement that the

418 demolition was performed in accordance to the requirements in s.  
 419 893.122(1).

420 Section 5. Section 893.124, Florida Statutes, is created  
 421 to read:

422 893.124 Decontamination and contamination assessment  
 423 specialists.--

424 (1)(a) The department shall compile and maintain lists of  
 425 decontamination and contamination assessment specialists. The  
 426 lists shall be posted on the department's Internet website. The  
 427 department shall indicate on the website whether the specialists  
 428 are bonded and insured.

429 (b) Persons authorized to perform decontamination or  
 430 contamination assessments must have knowledge and skill in the  
 431 handling of toxic substances. The department shall adopt rules  
 432 pursuant to ss. 120.536(1) and 120.54 specifying the  
 433 requirements for persons authorized to perform decontamination  
 434 and contamination assessments. Decontamination specialists shall  
 435 be responsible for ensuring that all hazardous substances, toxic  
 436 chemicals, or other hazardous waste products that may have been  
 437 present are removed from the residential property and disposed  
 438 of in accordance with federal, state, and local laws and  
 439 regulations.

440 (2) In determining the level of contamination in a  
 441 clandestine laboratory, the decontamination or contamination  
 442 assessment specialist may request copies of any available law  
 443 enforcement reports or information relating to the following:

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



446           (b) The extent to which the residential property was  
 447 exposed to chemicals used in clandestine laboratory activities.

448           (c) The chemical processes that were involved in the  
 449 clandestine laboratory activities.

450           (d) The chemicals that were removed from the residential  
 451 property.

452           (e) The location of the clandestine laboratory activities  
 453 in relation to the habitable areas of the residential property.

454           (3) If the contamination assessment specialist determines  
 455 that the residential property is not contaminated, the  
 456 contamination assessment specialist shall prepare a certificate  
 457 of fitness and submit the certificate to the department.

458           Section 6. Paragraph (s) of subsection (1) of section  
 459 465.016, Florida Statutes, is amended to read:

460           465.016 Disciplinary actions.--

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

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

468           Section 7. Paragraph (e) of subsection (1) of section  
 469 465.023, Florida Statutes, is amended to read:

470           465.023 Pharmacy permittee; disciplinary action.--

471           (1) The department or the board may revoke or suspend the  
 472 permit of any pharmacy permittee, and may fine, place on

473 probation, or otherwise discipline any pharmacy permittee who  
 474 has:

475 (e) Dispensed any medicinal drug based upon a  
 476 communication that purports to be a prescription as defined by  
 477 s. 465.003(14) or s. 893.02~~(20)~~ when the pharmacist knows or has  
 478 reason to believe that the purported prescription is not based  
 479 upon a valid practitioner-patient relationship that includes a  
 480 documented patient evaluation, including history and a physical  
 481 examination adequate to establish the diagnosis for which any  
 482 drug is prescribed and any other requirement established by  
 483 board rule under chapter 458, chapter 459, chapter 461, chapter  
 484 463, chapter 464, or chapter 466.

485 Section 8. Paragraph (c) of subsection (1) of section  
 486 856.015, Florida Statutes, is amended to read:

487 856.015 Open house parties.--

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

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

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

493 893.135 Trafficking; mandatory sentences; suspension or  
 494 reduction of sentences; conspiracy to engage in trafficking.--

495 (6) A mixture, as defined in s. 893.02~~(14)~~, containing any  
 496 controlled substance described in this section includes, but is  
 497 not limited to, a solution or a dosage unit, including but not  
 498 limited to, a pill or tablet, containing a controlled substance.  
 499 For the purpose of clarifying legislative intent regarding the  
 500 weighing of a mixture containing a controlled substance

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501 described in this section, the weight of the controlled  
502 substance is the total weight of the mixture, including the  
503 controlled substance and any other substance in the mixture. If  
504 there is more than one mixture containing the same controlled  
505 substance, the weight of the controlled substance is calculated  
506 by aggregating the total weight of each mixture.

507 Section 10. Paragraph (a) of subsection (1) of section  
508 944.47, Florida Statutes, is amended to read:

509 944.47 Introduction, removal, or possession of certain  
510 articles unlawful; penalty.--

511 (1)(a) Except through regular channels as authorized by  
512 the officer in charge of the correctional institution, it is  
513 unlawful to introduce into or upon the grounds of any state  
514 correctional institution, or to take or attempt to take or send  
515 or attempt to send therefrom, any of the following articles  
516 which are hereby declared to be contraband for the purposes of  
517 this section, to wit:

518 1. Any written or recorded communication or any currency  
519 or coin given or transmitted, or intended to be given or  
520 transmitted, to any inmate of any state correctional  
521 institution.

522 2. Any article of food or clothing given or transmitted,  
523 or intended to be given or transmitted, to any inmate of any  
524 state correctional institution.

525 3. Any intoxicating beverage or beverage which causes or  
526 may cause an intoxicating effect.

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

530 5. Any firearm or weapon of any kind or any explosive  
 531 substance.

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

534 951.22 County detention facilities; contraband articles.--

535 (1) It is unlawful, except through regular channels as  
 536 duly authorized by the sheriff or officer in charge, to  
 537 introduce into or possess upon the grounds of any county  
 538 detention facility as defined in s. 951.23 or to give to or  
 539 receive from any inmate of any such facility wherever said  
 540 inmate is located at the time or to take or to attempt to take  
 541 or send therefrom any of the following articles which are hereby  
 542 declared to be contraband for the purposes of this act, to wit:  
 543 Any written or recorded communication; any currency or coin; any  
 544 article of food or clothing; any tobacco products as defined in  
 545 s. 210.25(11); any cigarette as defined in s. 210.01(1); any  
 546 cigar; any intoxicating beverage or beverage which causes or may  
 547 cause an intoxicating effect; any narcotic, hypnotic, or  
 548 excitative drug or drug of any kind or nature, including nasal  
 549 inhalators, sleeping pills, barbiturates, and controlled  
 550 substances as defined in s. 893.02~~(4)~~; any firearm or any  
 551 instrumentality customarily used or which is intended to be used  
 552 as a dangerous weapon; and any instrumentality of any nature  
 553 that may be or is intended to be used as an aid in effecting or  
 554 attempting to effect an escape from a county facility.

555 Section 12. Paragraph (a) of subsection (1) of section  
 556 985.4046, Florida Statutes, is amended to read:

557 985.4046 Introduction, removal, or possession of certain  
 558 articles unlawful; penalty.--

559 (1)(a) Except as authorized through program policy or  
 560 operating procedure or as authorized by the facility  
 561 superintendent, program director, or manager, a person may not  
 562 introduce into or upon the grounds of a juvenile detention  
 563 facility or commitment program, or take or send, or attempt to  
 564 take or send, from a juvenile detention facility or commitment  
 565 program, any of the following articles, which are declared to be  
 566 contraband under this section:

- 567 1. Any unauthorized article of food or clothing.
- 568 2. Any intoxicating beverage or any beverage that causes  
 569 or may cause an intoxicating effect.
- 570 3. Any controlled substance, as defined in s. 893.02~~(4)~~,  
 571 or any prescription or nonprescription drug that has a hypnotic,  
 572 stimulating, or depressing effect.
- 573 4. Any firearm or weapon of any kind or any explosive  
 574 substance.

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