

CHAMBER ACTION

1 The Criminal Justice Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to clandestine laboratory contamination;
7 amending s. 893.02, F.S.; providing definitions; creating
8 s. 893.121, F.S.; providing for quarantine of any
9 residential property where illegal clandestine laboratory
10 activities occurred; providing for establishment of a
11 uniform notice and a uniform letter of notification;
12 providing for posting of specified notice at the site of a
13 quarantine; providing requirements for the sending of a
14 specified letter of notification to a residential property
15 owner or manager; providing for petitions by certain
16 persons in circuit court to lift such quarantines under
17 certain conditions; prohibiting specified violations
18 relating to such quarantines; creating s. 893.122, F.S.;
19 permitting demolition of quarantined residential property
20 under certain conditions; providing immunity from health-
21 based civil actions for residential property owners who
22 have met specified clandestine laboratory decontamination
23 standards as evidenced by specified documentation;

Page 1 of 22

HB 7065

2006
CS

24 providing an exception to such immunity for persons
25 convicted of manufacturing controlled substances at the
26 site; creating s. 893.123, F.S.; providing for rulemaking
27 to adopt clandestine laboratory decontamination standards;
28 providing for certificates of fitness to indicate that
29 decontamination has been completed; providing requirements
30 for the lifting of a quarantine upon demolition of the
31 property; creating s. 893.124, F.S.; requiring the
32 Department of Health to specify requirements for persons
33 authorized to perform decontamination and contamination
34 assessments; requiring the department to compile and
35 maintain lists of decontamination and contamination
36 assessment specialists; providing responsibilities for
37 decontamination specialists; permitting decontamination
38 and contamination assessment specialists to request
39 specified documents; providing for the issuance of
40 certificates of fitness by contamination assessment
41 specialists; amending ss. 465.016, 465.023, 856.015,
42 893.135, 944.47, 951.22, and 985.4046, F.S.; conforming
43 cross-references; providing an effective date.

44
45 WHEREAS, methamphetamine use and production is increasing
46 throughout the state, and

47 WHEREAS, in places where methamphetamine production has
48 occurred, significant levels of chemical contamination may be
49 found, especially in residential properties when the
50 contamination is not decontaminated, and

HB 7065

2006
CS

51 WHEREAS, children are susceptible to environmental
52 toxicants via the skin, and the ingestion of residual
53 methamphetamine is considered to be a result of hand-to-mouth
54 activities, and

55 WHEREAS, studies on methamphetamine use during pregnancy
56 showed an increased incidence of intrauterine growth
57 retardation, prematurity, and perinatal complications, and

58 WHEREAS, once clandestine laboratories have been seized,
59 the public may continue to be harmed by the illegal dumping of
60 chemical byproducts and the chemical residues that remain on the
61 residential property, and

62 WHEREAS, there are no statewide standards for determining
63 when a site of a seized clandestine laboratory has been
64 successfully decontaminated, and

65 WHEREAS, the Legislature finds that this act is necessary
66 for the immediate preservation of the public health, safety, and
67 welfare and fulfills an important state interest, NOW,

68 THEREFORE,

69

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

71

72 Section 1. Section 893.02, Florida Statutes, is amended to
73 read:

74 893.02 Definitions.--The following words and phrases as
75 used in this chapter shall have the following meanings, unless
76 the context otherwise requires:

77 (1) "Administer" means the direct application of a
78 controlled substance, whether by injection, inhalation,

HB 7065

2006
CS

79 | ingestion, or any other means, to the body of a person or
80 | animal.

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

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

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

94 | (5) "Contaminated" or "contamination" means containing
95 | levels of chemicals at or above the levels defined by the
96 | department pursuant to s. 893.123(1) as a result of clandestine
97 | laboratory activity.

98 | (6) "Contamination assessment specialist" or
99 | "contamination assessor" means a person responsible for
100 | assessing the extent of contamination and decontamination by
101 | determining the indoor air quality in a residential property
102 | based on the standards defined by the department. Upon the
103 | conclusion of decontamination, a residential property must
104 | successfully test less than or equal to the values defined by
105 | the department. The person must have specialized training that
106 | provides him or her with the knowledge, skills, and abilities to

HB 7065

2006
CS

107 use quantitative measurement techniques in collecting and
108 assessing specified contamination levels that have the ability
109 to impair human health and well-being.

110 (7)-(4) "Controlled substance" means any substance named or
111 described in Schedules I-V of s. 893.03. Laws controlling the
112 manufacture, distribution, preparation, dispensing, or
113 administration of such substances are drug abuse laws.

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

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

128 (10)-(5) "Deliver" or "delivery" means the actual,
129 constructive, or attempted transfer from one person to another
130 of a controlled substance, whether or not there is an agency
131 relationship.

132 (11)-(9) "Department" means the Department of Health.

133 (12)-(6) "Dispense" means the transfer of possession of one
134 or more doses of a medicinal drug by a pharmacist or other

HB 7065

2006
CS

135 licensed practitioner to the ultimate consumer thereof or to one
136 who represents that it is his or her intention not to consume or
137 use the same but to transfer the same to the ultimate consumer
138 or user for consumption by the ultimate consumer or user.

139 (13)~~(7)~~ "Distribute" means to deliver, other than by
140 administering or dispensing, a controlled substance.

141 (14)~~(8)~~ "Distributor" means a person who distributes.

142 (15)~~(10)~~ "Hospital" means an institution for the care and
143 treatment of the sick and injured, licensed pursuant to the
144 provisions of chapter 395 or owned or operated by the state or
145 Federal Government.

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

151 (17)~~(12)~~ "Listed chemical" means any precursor chemical or
152 essential chemical named or described in s. 893.033.

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

HB 7065

2006
CS

163 1. A practitioner or pharmacist as an incident to his or
164 her administering or delivering of a controlled substance in the
165 course of his or her professional practice.

166 2. A practitioner, or by his or her authorized agent under
167 the practitioner's supervision, for the purpose of, or as an
168 incident to, research, teaching, or chemical analysis, and not
169 for sale.

170 (b) "Manufacturer" means and includes every person who
171 prepares, derives, produces, compounds, or repackages any drug
172 as defined by the Florida Drug and Cosmetic Act. However, this
173 definition does not apply to manufacturers of patent or
174 proprietary preparations as defined in the Florida Pharmacy Act.
175 Pharmacies, and pharmacists employed thereby, are specifically
176 excluded from this definition.

177 (19)~~(14)~~ "Mixture" means any physical combination of two
178 or more substances.

179 (20)~~(15)~~ "Patient" means an individual to whom a
180 controlled substance is lawfully dispensed or administered
181 pursuant to the provisions of this chapter.

182 (21)~~(16)~~ "Pharmacist" means a person who is licensed
183 pursuant to chapter 465 to practice the profession of pharmacy
184 in this state.

185 (22)~~(17)~~ "Possession" includes temporary possession for
186 the purpose of verification or testing, irrespective of dominion
187 or control.

188 (23)~~(18)~~ "Potential for abuse" means that a substance has
189 properties of a central nervous system stimulant or depressant

HB 7065

2006
CS

190 | or an hallucinogen that create a substantial likelihood of its
191 | being:

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

194 | (b) Diverted from legal channels and distributed through
195 | illegal channels; or

196 | (c) Taken on the user's own initiative rather than on the
197 | basis of professional medical advice.

198 |

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

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

213 | (25)~~(20)~~ "Prescription" means and includes an order for
214 | drugs or medicinal supplies written, signed, or transmitted by
215 | word of mouth, telephone, telegram, or other means of
216 | communication by a duly licensed practitioner licensed by the
217 | laws of the state to prescribe such drugs or medicinal supplies,

HB 7065

2006
CS

218 | issued in good faith and in the course of professional practice,
219 | intended to be filled, compounded, or dispensed by another
220 | person licensed by the laws of the state to do so, and meeting
221 | the requirements of s. 893.04. The term also includes an order
222 | for drugs or medicinal supplies so transmitted or written by a
223 | physician, dentist, veterinarian, or other practitioner licensed
224 | to practice in a state other than Florida, but only if the
225 | pharmacist called upon to fill such an order determines, in the
226 | exercise of his or her professional judgment, that the order was
227 | issued pursuant to a valid patient-physician relationship, that
228 | it is authentic, and that the drugs or medicinal supplies so
229 | ordered are considered necessary for the continuation of
230 | treatment of a chronic or recurrent illness. However, if the
231 | physician writing the prescription is not known to the
232 | pharmacist, the pharmacist shall obtain proof to a reasonable
233 | certainty of the validity of said prescription. A prescription
234 | order for a controlled substance shall not be issued on the same
235 | prescription blank with another prescription order for a
236 | controlled substance which is named or described in a different
237 | schedule, nor shall any prescription order for a controlled
238 | substance be issued on the same prescription blank as a
239 | prescription order for a medicinal drug, as defined in s.
240 | 465.031(5), which does not fall within the definition of a
241 | controlled substance as defined in this act.

242 | (26) "Residential property" means a dwelling unit used, or
243 | intended for use, by an individual or individuals as a permanent
244 | residence. The term includes improved real property of between
245 | one and four dwellings; a condominium unit, as defined in s.

HB 7065

2006
CS

246 718.103(27); a cooperative unit, as defined in s. 719.103(24);
 247 or a mobile home or manufactured home, as defined in s.
 248 320.01(2). The term does not include a hotel, motel, campground,
 249 marina, or timeshare unit.

250 (27)-(21) "Wholesaler" means any person who acts as a
 251 jobber, wholesale merchant, or broker, or an agent thereof, who
 252 sells or distributes for resale any drug as defined by the
 253 Florida Drug and Cosmetic Act. However, this definition does not
 254 apply to persons who sell only patent or proprietary
 255 preparations as defined in the Florida Pharmacy Act. Pharmacies,
 256 and pharmacists employed thereby, are specifically excluded from
 257 this definition.

258 Section 2. Section 893.121, Florida Statutes, is created
 259 to read:

260 893.121 Quarantine of a clandestine laboratory.--

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

267 (2) Whenever a sheriff, police officer, or other law
 268 enforcement entity secures evidence from a residential property
 269 in which illegal clandestine laboratory activities occurred, the
 270 department must quarantine the property. The local law
 271 enforcement entity securing evidence shall enforce a quarantine
 272 on the residential property as part of its duty to assist the
 273 department under s. 381.0012(5). Enforcement does not require

HB 7065

2006
CS

274 the 24-hour posting of law enforcement personnel. The
275 residential property shall remain quarantined until the
276 department receives a certificate of fitness documenting that
277 the property was decontaminated as defined by the department
278 pursuant to s. 893.123 or demolished in accordance with s.
279 893.122(1), or a court order is presented requiring the
280 quarantine to be lifted.

281 (3) The department shall adopt rules pursuant to ss.
282 120.536(1) and 120.54 to establish a uniform notice to post at
283 the site of a quarantined clandestine laboratory and a uniform
284 letter of notification of the quarantine to be sent to the
285 residential property owner or manager. It is the responsibility
286 of local law enforcement to post the notice of a quarantine on
287 the residential property, and it is the responsibility of the
288 department to mail the letter of notification. The material in
289 the letter and notice shall include, but not be limited to:

290 (a) That the residential property has been quarantined and
291 a clandestine laboratory was seized on or inside the residential
292 property.

293 (b) The date of the quarantine.

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

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

HB 7065

2006
CS

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

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

307 (4) Upon securing evidence from a residential property in
308 which illegal clandestine laboratory activities occurred, the
309 local law enforcement entity shall immediately notify the local
310 health officer and the department's Division of Environmental
311 Health that a residential property is quarantined and shall
312 provide the name and contact information of the law enforcement
313 entity, the name of the residential property owner or
314 residential property manager, and the address of the property.

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

325 (6) Any person who has an interest in a residential
326 property that is quarantined pursuant to this section may file a
327 petition in the circuit court in which the residential property

HB 7065

2006
CS

328 is located to request a court order that the quarantine of the
329 residential property be lifted for one of the following reasons:

330 (a) The residential property was wrongfully quarantined;
331 or

332 (b) The residential property has been properly
333 decontaminated as defined by the department pursuant to s.
334 893.123 or demolished pursuant to s. 893.122(1) and may be
335 reoccupied for habitation, but the department refuses or fails
336 to lift the quarantine.

337 (7) No person shall inhabit a quarantined residential
338 property, offer the residential property to the public for
339 temporary or indefinite habitation, or remove any notice of the
340 quarantine. Any person who willfully violates a provision of
341 this subsection commits a second degree misdemeanor under s.
342 381.0025(1).

343 Section 3. Section 893.122, Florida Statutes, is created
344 to read:

345 893.122 Option of demolition; immunity from liability from
346 health-based civil actions.--

347 (1) A residential property owner shall, upon notification
348 from the department that clandestine laboratory activities have
349 occurred in a property owned by that owner and that the property
350 is quarantined, meet the decontamination standards as defined by
351 the department pursuant to s. 893.123 unless the property owner,
352 at the owner's discretion, elects to demolish the contaminated
353 residential property. The demolition and removal of materials
354 must meet the requirements of the Occupational Safety and Health
355 Administration and the United States Environmental Protection

HB 7065

2006
CS

356 Agency regulations pertaining to the generation, storage,
357 transport, and disposal of hazardous wastes and any state or
358 local requirements.

359 (2) A residential property owner who has met the
360 decontamination standards, as evidenced by a certificate of
361 fitness and a letter of reoccupancy pursuant to s.893.123, or
362 has demolished the residential property in compliance with
363 subsection (1), shall have immunity from health-based civil
364 actions brought by any future owner, renter, or other person who
365 occupies such residential property, or a neighbor of such
366 residential property, in which the alleged cause of the injury
367 or loss is the existence of the clandestine laboratory. However,
368 a person with a conviction, as defined in s. 944.607, for the
369 manufacture of any substance regulated under this chapter on the
370 residential property where clandestine laboratory activities
371 occurred shall not have the immunity provided in this
372 subsection.

373 Section 4. Section 893.123, Florida Statutes, is created
374 to read:

375 893.123 Clandestine laboratory decontamination standards,
376 certificate of fitness, and letter of reoccupancy.--

377 (1) The department shall adopt rules pursuant to ss.
378 120.536(1) and 120.54 that establish:

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

HB 7065

2006
CS

384 (b) Standards for the cleanup and testing of clandestine
385 laboratories.

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

392 1. The name of the residential property owner, the mailing
393 and street address of the residential property owner, and, if
394 applicable, the parcel identification of the residential
395 property.

396 2. The dates the residential property was quarantined and
397 cleanup was completed.

398 3. A summary of the indoor air quality test results,
399 findings, and conclusions as determined by a contamination
400 assessment specialist.

401 4. The name and address of the contamination assessment
402 specialist.

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

404 6. The method of repair, replacement, or decontamination
405 of the residential property.

406 (d) A letter of reoccupancy that will notify the
407 residential property owner that the property may be reoccupied
408 for habitation.

409 (2) Upon receipt of the certificate of fitness, the
410 department shall send a letter of reoccupancy to the residential
411 property owner or manager and to the local law enforcement

HB 7065

2006
CS

412 entity that enforced the quarantine and posted the notice. The
413 letter of reoccupancy must include the address of the
414 residential property, a statement that the quarantine is lifted,
415 and a statement that the residential property may be reoccupied
416 for habitation.

417 (3) In the case of demolition, the department shall lift
418 the quarantine on a residential property upon receipt of a
419 letter presented by a demolition company stating that the
420 quarantined property was demolished. The letter must include the
421 address of the residential property and a statement that the
422 demolition was performed in accordance to the requirements in s.
423 893.122(1).

424 Section 5. Section 893.124, Florida Statutes, is created
425 to read:

426 893.124 Decontamination and contamination assessment
427 specialists.--

428 (1)(a) The department shall compile and maintain lists of
429 decontamination and contamination assessment specialists. The
430 lists shall be posted on the department's Internet website. The
431 department shall indicate on the website whether the specialists
432 are bonded and insured.

433 (b) Persons authorized to perform decontamination or
434 contamination assessments must have knowledge and skill in the
435 handling of toxic substances. The department shall adopt rules
436 pursuant to ss. 120.536(1) and 120.54 specifying the
437 requirements for persons authorized to perform decontamination
438 and contamination assessments. Decontamination specialists shall
439 be responsible for ensuring that all hazardous substances, toxic

HB 7065

2006
CS

440 chemicals, or other hazardous waste products that may have been
441 present are removed from the residential property and disposed
442 of in accordance with federal, state, and local laws and
443 regulations.

444 (2) In determining the level of contamination in a
445 clandestine laboratory, the decontamination or contamination
446 assessment specialist may request copies of any available law
447 enforcement reports or information relating to the following:

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

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

452 (c) The chemical processes that were involved in the
453 clandestine laboratory activities.

454 (d) The chemicals that were removed from the residential
455 property.

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

458 (3) If the contamination assessment specialist determines
459 that the residential property is not contaminated, the
460 contamination assessment specialist shall prepare a certificate
461 of fitness and submit the certificate to the department.

462 Section 6. Paragraph (s) of subsection (1) of section
463 465.016, Florida Statutes, is amended to read:

464 465.016 Disciplinary actions.--

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

HB 7065

2006
CS

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

472 Section 7. Paragraph (e) of subsection (1) of section
473 465.023, Florida Statutes, is amended to read:

474 465.023 Pharmacy permittee; disciplinary action.--

475 (1) The department or the board may revoke or suspend the
476 permit of any pharmacy permittee, and may fine, place on
477 probation, or otherwise discipline any pharmacy permittee who
478 has:

479 (e) Dispensed any medicinal drug based upon a
480 communication that purports to be a prescription as defined by
481 s. 465.003(14) or s. 893.02~~(20)~~ when the pharmacist knows or has
482 reason to believe that the purported prescription is not based
483 upon a valid practitioner-patient relationship that includes a
484 documented patient evaluation, including history and a physical
485 examination adequate to establish the diagnosis for which any
486 drug is prescribed and any other requirement established by
487 board rule under chapter 458, chapter 459, chapter 461, chapter
488 463, chapter 464, or chapter 466.

489 Section 8. Paragraph (c) of subsection (1) of section
490 856.015, Florida Statutes, is amended to read:

491 856.015 Open house parties.--

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

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

HB 7065

2006
CS

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

497 893.135 Trafficking; mandatory sentences; suspension or
498 reduction of sentences; conspiracy to engage in trafficking.--

499 (6) A mixture, as defined in s. 893.02~~(14)~~, containing any
500 controlled substance described in this section includes, but is
501 not limited to, a solution or a dosage unit, including but not
502 limited to, a pill or tablet, containing a controlled substance.
503 For the purpose of clarifying legislative intent regarding the
504 weighing of a mixture containing a controlled substance
505 described in this section, the weight of the controlled
506 substance is the total weight of the mixture, including the
507 controlled substance and any other substance in the mixture. If
508 there is more than one mixture containing the same controlled
509 substance, the weight of the controlled substance is calculated
510 by aggregating the total weight of each mixture.

511 Section 10. Paragraph (a) of subsection (1) of section
512 944.47, Florida Statutes, is amended to read:

513 944.47 Introduction, removal, or possession of certain
514 articles unlawful; penalty.--

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

HB 7065

2006
CS

522 | 1. Any written or recorded communication or any currency
523 | or coin given or transmitted, or intended to be given or
524 | transmitted, to any inmate of any state correctional
525 | institution.

526 | 2. Any article of food or clothing given or transmitted,
527 | or intended to be given or transmitted, to any inmate of any
528 | state correctional institution.

529 | 3. Any intoxicating beverage or beverage which causes or
530 | may cause an intoxicating effect.

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

534 | 5. Any firearm or weapon of any kind or any explosive
535 | substance.

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

538 | 951.22 County detention facilities; contraband articles.--

539 | (1) It is unlawful, except through regular channels as
540 | duly authorized by the sheriff or officer in charge, to
541 | introduce into or possess upon the grounds of any county
542 | detention facility as defined in s. 951.23 or to give to or
543 | receive from any inmate of any such facility wherever said
544 | inmate is located at the time or to take or to attempt to take
545 | or send therefrom any of the following articles which are hereby
546 | declared to be contraband for the purposes of this act, to wit:
547 | Any written or recorded communication; any currency or coin; any
548 | article of food or clothing; any tobacco products as defined in
549 | s. 210.25(11); any cigarette as defined in s. 210.01(1); any

HB 7065

2006
CS

550 | cigar; any intoxicating beverage or beverage which causes or may
 551 | cause an intoxicating effect; any narcotic, hypnotic, or
 552 | excitative drug or drug of any kind or nature, including nasal
 553 | inhalators, sleeping pills, barbiturates, and controlled
 554 | substances as defined in s. 893.02~~(4)~~; any firearm or any
 555 | instrumentality customarily used or which is intended to be used
 556 | as a dangerous weapon; and any instrumentality of any nature
 557 | that may be or is intended to be used as an aid in effecting or
 558 | attempting to effect an escape from a county facility.

559 | Section 12. Paragraph (a) of subsection (1) of section
 560 | 985.4046, Florida Statutes, is amended to read:

561 | 985.4046 Introduction, removal, or possession of certain
 562 | articles unlawful; penalty.--

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

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

HB 7065

2006
CS

577 4. Any firearm or weapon of any kind or any explosive
578 substance.

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