

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
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
 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.

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.

194

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
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
 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
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 the department that clandestine laboratory activities have
345 occurred in a property owned by that owner and that the property
346 is quarantined, meet the decontamination standards as defined by
347 the department pursuant to s. 893.123 unless the property owner,

348 at the owner's discretion, elects to demolish the contaminated
349 residential property. The demolition and removal of materials
350 must meet the requirements of the Occupational Safety and Health
351 Administration and the United States Environmental Protection
352 Agency regulations pertaining to the generation, storage,
353 transport, and disposal of hazardous wastes and any state or
354 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
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
 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.