



640902

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/21/2018	.	
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The Committee on Judiciary (Brandes) recommended the following:

1           **Senate Substitute for Amendment (350282) (with title**  
2 **amendment)**

3  
4           Delete line 125

5 and insert:

6           Section 2. Section 951.22, Florida Statutes, is amended to  
7 read:

8           951.22 County detention facilities; contraband articles.—

9           (1) It is unlawful, except through regular channels as duly  
10 authorized by the sheriff or officer in charge, to introduce  
11 into or possess upon the grounds of any county detention



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12 facility as defined in s. 951.23 or to give to or receive from  
13 any inmate of any such facility wherever said inmate is located  
14 at the time or to take or to attempt to take or send therefrom  
15 any of the following articles which are hereby declared to be  
16 contraband:

17 (a) ~~for the purposes of this act, to wit:~~ Any written or  
18 recorded communication.~~†~~

19 (b) Any currency or coin.~~†~~

20 (c) Any article of food or clothing.~~†~~

21 (d) Any tobacco products as defined in s. 210.25(12).~~†~~

22 (e) Any cigarette as defined in s. 210.01(1).~~†~~

23 (f) Any cigar.~~†~~

24 (g) Any intoxicating beverage or beverage which causes or  
25 may cause an intoxicating effect.~~†~~

26 (h) Any narcotic, hypnotic, or excitative drug or drug of  
27 any kind or nature, including nasal inhalators, sleeping pills,  
28 barbiturates, and controlled substances as defined in s.  
29 893.02(4).~~†~~

30 (i) Any firearm or any instrumentality customarily used or  
31 which is intended to be used as a dangerous weapon.~~† and~~

32 (j) Any instrumentality of any nature that may be or is  
33 intended to be used as an aid in effecting or attempting to  
34 effect an escape from a county facility.

35 (k) Any cellular telephone or other portable communication  
36 device intentionally and unlawfully introduced inside the secure  
37 perimeter of any county detention facility without prior  
38 authorization or consent from the sheriff or officer in charge  
39 of such detention facility. As used in this paragraph, the term  
40 "portable communication device" means any device carried, worn,



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41 or stored which is designed or intended to receive or transmit  
42 verbal or written messages, access or store data, or connect  
43 electronically to the Internet or any other electronic device  
44 and which allows communications in any form. Such devices  
45 include, but are not limited to, portable two-way pagers,  
46 handheld radios, cellular telephones, Blackberry-type devices,  
47 personal digital assistants or PDAs, laptop computers, or any  
48 components of these devices which are intended to be used to  
49 assemble such devices. The term also includes any new technology  
50 that is developed for similar purposes. Excluded from this  
51 definition is any device having communication capabilities which  
52 has been approved or issued by the sheriff or officer in charge  
53 for investigative or institutional security purposes or for  
54 conducting other official business.

55 (2) A person who ~~Whoever~~ violates paragraph (1) (a), (b),  
56 (c), (d), (e), (f), or (g) commits a misdemeanor of the first  
57 degree, punishable as provided in s. 775.082 or s. 775.083. A  
58 person who violates paragraph (1) (h), (i), (j), or (k) commits  
59 subsection (1) shall be guilty of a felony of the third degree,  
60 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

61 Section 3. Paragraph (f) of subsection (3) of section  
62 921.0022, Florida Statutes, is amended to read:

63 921.0022 Criminal Punishment Code; offense severity ranking  
64 chart.-

65 (3) OFFENSE SEVERITY RANKING CHART

66 (f) LEVEL 6

67

Florida Statute	Felony Degree	Description
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68	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
69	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
70	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
71	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
72	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
73	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
74	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
75	784.021 (1) (a)	3rd	Aggravated assault; deadly



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76			weapon without intent to kill.
	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
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	784.041	3rd	Felony battery; domestic battery by strangulation.
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	784.048(3)	3rd	Aggravated stalking; credible threat.
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	784.048(5)	3rd	Aggravated stalking of person under 16.
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	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
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	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
82			
	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
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	784.081(2)	2nd	Aggravated assault on specified official or employee.
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	784.082(2)	2nd	Aggravated assault by detained person on visitor or other



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			detainee.
85	784.083 (2)	2nd	Aggravated assault on code inspector.
86	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
87	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
88	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
89	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
90	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
91	794.011 (8) (a)	3rd	Solicitation of minor to



92			participate in sexual activity by custodial adult.
93	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
94	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
95	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
96	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
97	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
98	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.



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99	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
100	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
101	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
102	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
103	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
104	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
105	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
106	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
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108	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
109	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
110	827.03 (2) (c)	3rd	Abuse of a child.
111	827.03 (2) (d)	3rd	Neglect of a child.
112	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
113	836.05	2nd	Threats; extortion.
114	836.10	2nd	Written threats to kill or do bodily injury.
115	843.12	3rd	Aids or assists person to escape.
116	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.



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117	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
118	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
119	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
120	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
121	944.40	2nd	Escapes.
122	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
123	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
	951.22(1)	3rd	<u>Introduction of contraband into</u>



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county detention facility  
~~Intoxicating drug, firearm, or~~  
~~weapon introduced into county~~  
~~facility.~~

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Section 4. This act shall take effect January 1, 2019.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 2 - 21

and insert:

An act relating to detention facilities; creating s.  
900.05, F.S.; defining terms and specifying covered  
offenses; requiring that a custodial interrogation at  
a place of detention be electronically recorded in its  
entirety in connection with certain offenses;  
requiring law enforcement officers who do not comply  
with the electronic recording requirement or who  
conduct custodial interrogations at a place other than  
a place of detention to prepare a specified report;  
providing exceptions to the electronic recording  
requirement; requiring a court to consider a law  
enforcement officer's failure to comply with the  
electronic recording requirements in determining the  
admissibility of a statement unless an exception  
applies; requiring a court, upon the request of a  
defendant, to give cautionary instructions to a jury  
under certain circumstances; providing immunity from



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149 civil liability to law enforcement agencies that  
150 enforce certain rules; providing that no cause of  
151 action is created against a law enforcement officer;  
152 amending s. 951.22, F.S.; prohibiting introduction  
153 into or possession on the grounds of any county  
154 detention facility of any cellular telephone or other  
155 portable communication device; defining the term  
156 "portable communication device"; providing criminal  
157 penalties; amending s. 921.0022, F.S.; conforming  
158 provisions to changes made by the act;