

26 | recorded communication.~~†~~
 27 | (b) Any currency or coin.~~†~~
 28 | (c) Any article of food or clothing.~~†~~
 29 | (d) Any tobacco products as defined in s. 210.25(12).~~†~~
 30 | (e) Any cigarette as defined in s. 210.01(1).~~†~~
 31 | (f) Any cigar.~~†~~
 32 | (g) Any intoxicating beverage or beverage which causes or
 33 | may cause an intoxicating effect.~~†~~
 34 | (h) Any narcotic, hypnotic, or excitative drug or drug of
 35 | any kind or nature, including nasal inhalators, sleeping pills,
 36 | barbiturates, and controlled substances as defined in s.
 37 | 893.02(4).~~†~~
 38 | (i) Any firearm or any instrumentality customarily used or
 39 | which is intended to be used as a dangerous weapon.~~†~~~~and~~
 40 | (j) Any instrumentality of any nature that may be or is
 41 | intended to be used as an aid in effecting or attempting to
 42 | effect an escape from a county facility.
 43 | (k) Any cellular telephone or other portable communication
 44 | device intentionally and unlawfully introduced inside the secure
 45 | perimeter of any county detention facility without prior
 46 | authorization or consent from the sheriff or the officer in
 47 | charge of such detention facility. As used in this paragraph,
 48 | the term "portable communication device" means any device
 49 | carried, worn, or stored which is designed or intended to
 50 | receive or transmit verbal or written messages, access or store

51 data, or connect electronically to the Internet or any other
 52 electronic device and which allows communications in any form.
 53 Such devices include, but are not limited to, portable two-way
 54 paggers, hand-held radios, cellular telephones, Blackberry-type
 55 devices, personal digital assistants or PDA's, laptop computers,
 56 or any components of these devices which are intended to be used
 57 to assemble such devices. The term also includes any new
 58 technology that is developed for similar purposes. Excluded from
 59 this definition is any device having communication capabilities
 60 which has been approved or issued by the sheriff or the officer
 61 in charge for investigative or institutional security purposes
 62 or for conducting other official business.

63 (2) Whoever violates subsection (1) commits ~~shall be~~
 64 ~~guilty of~~ a felony of the third degree, punishable as provided
 65 in s. 775.082, s. 775.083, or s. 775.084.

66 Section 2. Paragraph (f) of subsection (3) of section
 67 921.0022, Florida Statutes, is amended to read:

68 921.0022 Criminal Punishment Code; offense severity
 69 ranking chart.—

70 (3) OFFENSE SEVERITY RANKING CHART

71 (f) LEVEL 6

72

Florida	Felony	
Statute	Degree	Description

73

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74	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
75	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
76	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
77	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
78	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
79	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
	775.0875 (1)	3rd	Taking firearm from law

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			enforcement officer.
80	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
81	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
82	784.041	3rd	Felony battery; domestic battery by strangulation.
83	784.048 (3)	3rd	Aggravated stalking; credible threat.
84	784.048 (5)	3rd	Aggravated stalking of person under 16.
85	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
86	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
87	784.08 (2) (b)	2nd	Aggravated assault on a person

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			65 years of age or older.
88	784.081 (2)	2nd	Aggravated assault on specified official or employee.
89	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
90	784.083 (2)	2nd	Aggravated assault on code inspector.
91	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
92	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
93	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
94	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.
95	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
96	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
97	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
98	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.
99	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.

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100	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
101	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
102	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
103	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
104	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
105	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
106	812.015 (9) (b)	2nd	Retail theft; property stolen

\$3,000 or more; coordination of others.

107

812.13(2)(c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

108

817.4821(5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

109

817.505(4)(b) 2nd Patient brokering; 10 or more patients.

110

825.102(1) 3rd Abuse of an elderly person or disabled adult.

111

825.102(3)(c) 3rd Neglect of an elderly person or disabled adult.

112

825.1025(3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

113

825.103(3)(c) 3rd Exploiting an elderly person or disabled adult and property is

valued at less than \$10,000.

114

827.03(2)(c) 3rd Abuse of a child.

115

827.03(2)(d) 3rd Neglect of a child.

116

827.071(2) & (3) 2nd Use or induce a child in a sexual performance, or promote or direct such performance.

117

836.05 2nd Threats; extortion.

118

836.10 2nd Written threats to kill or do bodily injury.

119

843.12 3rd Aids or assists person to escape.

120

847.011 3rd Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

121

847.012 3rd Knowingly using a minor in the production of materials harmful

to minors.

122

847.0135(2) 3rd Facilitates sexual conduct of
or with a minor or the visual
depiction of such conduct.

123

914.23 2nd Retaliation against a witness,
victim, or informant, with
bodily injury.

124

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.

125

944.40 2nd Escapes.

126

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

127

944.47(1)(a)5. 2nd Introduction of contraband
(firearm, weapon, or explosive)
into correctional facility.

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128

951.22 (1) 3rd Introduction of contraband into
county detention facility
~~Intoxicating drug, firearm, or~~
~~weapon introduced into county~~
~~facility.~~

129

130

Section 3. This act shall take effect October 1, 2018.