



1 A bill to be entitled
 2 An act relating to contraband in county detention
 3 facilities; amending s. 951.22, F.S.; prohibiting
 4 introduction into or possession on the grounds of any
 5 county detention facility of any cellular telephone or
 6 other portable communication device; defining the term
 7 "portable communication device"; providing criminal
 8 penalties; amending s. 921.0022, F.S.; conforming
 9 provisions to changes made by the act; providing an
 10 effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Section 951.22, Florida Statutes, is amended to
 15 read:

16 951.22 County detention facilities; contraband articles.—

17 (1) It is unlawful, except through regular channels as
 18 duly authorized by the sheriff or officer in charge, to
 19 introduce into or possess upon the grounds of any county
 20 detention facility as defined in s. 951.23 or to give to or
 21 receive from any inmate of any such facility wherever said
 22 inmate is located at the time or to take or to attempt to take
 23 or send therefrom any of the following articles which are hereby
 24 declared to be contraband:

25 (a) ~~for the purposes of this act, to wit:~~ Any written or



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) A person who ~~whoever~~ violates paragraph (1)(a), (b),
64 (c), (d), (e), (f), or (g) commits a misdemeanor of the first
65 degree, punishable as provided in s. 775.082 or s. 775.083. A
66 person who violates paragraph (1)(h), (i), (j), or (k) commits
67 subsection (1) shall be guilty of a felony of the third degree,
68 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

69 Section 2. Paragraph (f) of subsection (3) of section
70 921.0022, Florida Statutes, is amended to read:

71 921.0022 Criminal Punishment Code; offense severity
72 ranking chart.—

73 (3) OFFENSE SEVERITY RANKING CHART

74 (f) LEVEL 6

75



	Florida Statute	Felony Degree	Description
76	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
77	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
78	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
79	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
80	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
81	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to



			unauthorized person.
82	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
83	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
84	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
85	784.041	3rd	Felony battery; domestic battery by strangulation.
86	784.048 (3)	3rd	Aggravated stalking; credible threat.
87	784.048 (5)	3rd	Aggravated stalking of person under 16.
88	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
89	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility



			staff.
90	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
91	784.081 (2)	2nd	Aggravated assault on specified official or employee.
92	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
93	784.083 (2)	2nd	Aggravated assault on code inspector.
94	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
95	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
96	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage



property.

97

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.

98

790.19 2nd Shooting or throwing deadly
missiles into dwellings,
vessels, or vehicles.

99

794.011 (8) (a) 3rd Solicitation of minor to
participate in sexual activity
by custodial adult.

100

794.05 (1) 2nd Unlawful sexual activity with
specified minor.

101

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.

102



103	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
104	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
105	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
106	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
107	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
108	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or



subsequent conviction.

109

812.015 (9) (b) 2nd Retail theft; property stolen
\$3,000 or more; coordination of
others.

110

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

111

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

112

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

113

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

114

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

115

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



116	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
117	827.03(2)(c)	3rd	Abuse of a child.
118	827.03(2)(d)	3rd	Neglect of a child.
119	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
120	836.05	2nd	Threats; extortion.
121	836.10	2nd	Written threats to kill or do bodily injury.
122	843.12	3rd	Aids or assists person to escape.
123	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.



124	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
125	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
126	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
127	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.
128	944.40	2nd	Escapes.
129	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
130			



131 944.47(1)(a)5. 2nd Introduction of contraband
(firearm, weapon, or explosive)
into correctional facility.

132 951.22(1) 3rd Introduction of contraband into
county detention facility
~~Intoxicating drug, firearm, or~~
~~weapon introduced into county~~
~~facility.~~

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