

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Beltran offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 951.22, Florida Statutes, is amended to
8 read:

9 951.22 County detention facilities; contraband articles.-

10 (1) It is unlawful, except through regular channels as
11 duly authorized by the sheriff or officer in charge, to
12 introduce into or possess upon the grounds of any county
13 detention facility as defined in s. 951.23 or to give to or
14 receive from any inmate of any such facility wherever said
15 inmate is located at the time or to take or to attempt to take

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16 or send therefrom any of the following articles, which are
17 hereby ~~declared to be~~ contraband:

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

20 (b) Any currency or coin.†

21 (c) Any article of food or clothing.†

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

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

24 (f) Any cigar.†

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

27 (h) Any narcotic, hypnotic, or excitative drug or drug of
28 any kind or nature, including nasal inhalators, sleeping pills,
29 barbiturates, and controlled substances as defined in s.
30 893.02(4).†

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

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

36 (k) Any cellular telephone or other portable communication
37 device as described in s. 944.47(1)(a)6. The term does not
38 include any device that has communication capabilities which has
39 been approved or issued by the sheriff or officer in charge for

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40 investigative or institutional security purposes or for
 41 conducting other official business.

42 (2) A person who ~~Whoever~~ violates paragraph (1)(a), (b),
 43 (c), (d), (e), (f), or (g) commits a misdemeanor of the first
 44 degree, punishable as provided in s. 775.082 or s. 775.083. A
 45 person who violates paragraph (1)(h), (i), (j), or (k) commits
 46 ~~subsection (1) shall be guilty of a felony of the third degree,~~
 47 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

48 Section 2. Paragraphs (d) and (f) of subsection (3) of
 49 section 921.0022, Florida Statutes, are amended to read:

50 921.0022 Criminal Punishment Code; offense severity
 51 ranking chart.—

52 (3) OFFENSE SEVERITY RANKING CHART

53 (d) LEVEL 4

54

Florida	Felony	Description
Statute	Degree	Description
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

56

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57	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
58	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
59	517.07 (1)	3rd	Failure to register securities.
60	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
61	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
62	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
63	784.075	3rd	Battery on detention or commitment facility staff.
	784.078	3rd	Battery of facility employee by

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			throwing, tossing, or expelling certain fluids or materials.
64	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
65	784.081 (3)	3rd	Battery on specified official or employee.
66	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
67	784.083 (3)	3rd	Battery on code inspector.
68	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
69	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
70	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with

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			criminal intent pending custody proceedings.
71	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
72	787.07	3rd	Human smuggling.
73	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
74	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
75	790.115(2)(c)	3rd	Possessing firearm on school property.
76	800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
77			

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78	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
79	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
80	810.06	3rd	Burglary; possession of tools.
81	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
82	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
83	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property

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			stolen \$300 or more.
84			
	817.505 (4) (a)	3rd	Patient brokering.
85			
	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
86			
	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
87			
	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
88			
	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
89			
	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
90			
	837.02 (1)	3rd	Perjury in official

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			proceedings.
91	837.021(1)	3rd	Make contradictory statements in official proceedings.
92	838.022	3rd	Official misconduct.
93	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
94	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
95	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
96	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
97	843.15(1)(a)	3rd	Failure to appear while on bail

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for felony (bond estreature or
bond jumping).

98

847.0135(5)(c) 3rd Lewd or lascivious exhibition
using computer; offender less
than 18 years.

99

874.05(1)(a) 3rd Encouraging or recruiting
another to join a criminal
gang.

100

893.13(2)(a)1. 2nd Purchase of cocaine (or other
s. 893.03(1)(a), (b), or (d),
(2)(a), (2)(b), or (2)(c)5.
drugs).

101

914.14(2) 3rd Witnesses accepting bribes.

102

914.22(1) 3rd Force, threaten, etc., witness,
victim, or informant.

103

914.23(2) 3rd Retaliation against a witness,
victim, or informant, no bodily
injury.

104

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105	918.12	3rd	Tampering with jurors.
	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
106	<u>951.22 (1) (h), (j) & (k)</u>	<u>3rd</u>	<u>Intoxicating drug, cellular telephone, or instrumentality to aid escape introduced into county detention facility.</u>
107	(f) LEVEL 6		
108	Florida Statute	Felony Degree	Description
109	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
110	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.

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111	400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
112	499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
113	499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
114	499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
115	775.0875(1)	3rd	Taking firearm from law enforcement officer.
116	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
117	784.021(1)(b)	3rd	Aggravated assault; intent to

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commit felony.

118

784.041 3rd Felony battery; domestic
battery by strangulation.

119

784.048 (3) 3rd Aggravated stalking; credible
threat.

120

784.048 (5) 3rd Aggravated stalking of person
under 16.

121

784.07 (2) (c) 2nd Aggravated assault on law
enforcement officer.

122

784.074 (1) (b) 2nd Aggravated assault on sexually
violent predators facility
staff.

123

784.08 (2) (b) 2nd Aggravated assault on a person
65 years of age or older.

124

784.081 (2) 2nd Aggravated assault on specified
official or employee.

125

784.082 (2) 2nd Aggravated assault by detained

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126			person on visitor or other detainee.
127	784.083 (2)	2nd	Aggravated assault on code inspector.
128	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
129	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
130	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
131	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.

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132	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
133	794.011(8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
134	794.05(1)	2nd	Unlawful sexual activity with specified minor.
135	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.
136	800.04(6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
137	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
	810.02(3) (c)	2nd	Burglary of occupied structure;

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unarmed; no assault or battery.

138

810.145 (8) (b) 2nd Video voyeurism; certain minor victims; 2nd or subsequent offense.

139

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

140

812.014 (6) 2nd Theft; property stolen \$3,000 or more; coordination of others.

141

812.015 (9) (a) 2nd Retail theft; property stolen \$300 or more; second or subsequent conviction.

142

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

143

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

144

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145	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
146	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
147	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
148	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
149	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
150	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
151	827.03 (2) (c)	3rd	Abuse of a child.
152	827.03 (2) (d)	3rd	Neglect of a child.

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153	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
154	836.05	2nd	Threats; extortion.
155	836.10	2nd	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
156	843.12	3rd	Aids or assists person to escape.
157	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
158	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual

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depiction of such conduct.

159

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

160

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.

161

944.40 2nd Escapes.

162

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

163

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

164

951.22(1) (i) 3rd ~~Intoxicating drug,~~ Firearm, or
weapon introduced into county
detention facility.

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165
166
167 Section 3. This act shall take effect October 1, 2019.
168

169 -----

170 **T I T L E A M E N D M E N T**

171 Remove everything before the enacting clause and insert:
172 An act relating to detention facilities; amending s.
173 951.22, F.S.; providing an exception to a prohibition
174 on contraband for certain legal documents or
175 correspondence; prohibiting introduction into or
176 possession of any cellular telephone or other portable
177 communication device on the grounds of any county
178 detention facility; defining the term "portable
179 communication device"; providing criminal penalties;
180 amending s. 921.0022, F.S.; conforming a cross-
181 reference; conforming a provision to changes made by
182 the act; providing an effective date.
183