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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/11/2020	.	
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The Committee on Judiciary (Simmons) recommended the following:

Senate Amendment (with title amendment)

Delete lines 40 - 211

and insert:

to introduce into or upon the grounds of any facility under the supervision or control of the department or agency, or to take or attempt to take or send therefrom, any of the following articles, which are declared to be contraband for the purposes of this section:

1. Any intoxicating beverage or beverage which causes or may cause an intoxicating effect;



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12 2. Any controlled substance as defined in chapter 893,
13 marijuana as defined in s. 381.986, hemp as defined in s.
14 581.217, and industrial hemp as defined in s. 1004.4473;
15 3. Any firearm or deadly weapon; ~~or~~
16 4. Any cellular telephone or other portable communication
17 device as described in s. 944.47(1)(a)6., intentionally and
18 unlawfully introduced inside the secure perimeter of any
19 facility under the operation and control of the department or
20 agency. As used in this subparagraph, the term "portable
21 communication device" does not include any device that has
22 communication capabilities which has been approved or issued by
23 the person in charge of the facility;
24 5. Any vapor-generating electronic device as defined in s.
25 386.203, intentionally and unlawfully introduced inside the
26 secure perimeter of any facility under the operation and control
27 of the department or agency; or
28 ~~6.4.~~ Any other item as determined by the department or the
29 agency, and as designated by rule or by written institutional
30 policies, to be hazardous to the welfare of clients or the
31 operation of the facility.
32 (2)
33 (c)1. A person who violates any provision of subparagraph
34 (1)(a)2. or subparagraph (1)(a)3. commits a felony of the third
35 degree, punishable as provided in s. 775.082, s. 775.083, or s.
36 775.084.
37 2. A person who violates any provision of subparagraph
38 (1)(a)1., subparagraph (1)(a)4., subparagraph (1)(a)5., or
39 subparagraph (1)(a)6. commits a misdemeanor of the first degree,
40 punishable as provided in s. 775.082 or s. 775.083.



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41 Section 2. Paragraph (a) of subsection (1) and paragraph
42 (a) of subsection (2) of section 944.47, Florida Statutes, are
43 amended to read:

44 944.47 Introduction, removal, or possession of contraband;
45 penalty.-

46 (1) (a) Except through regular channels as authorized by the
47 officer in charge of the correctional institution, it is
48 unlawful to introduce into or upon the grounds of any state
49 correctional institution, or to take or attempt to take or send
50 or attempt to send therefrom, any of the following articles
51 which are hereby declared to be contraband for the purposes of
52 this section, to wit:

53 1. Any written or recorded communication or any currency or
54 coin given or transmitted, or intended to be given or
55 transmitted, to any inmate of any state correctional
56 institution.

57 2. Any article of food or clothing given or transmitted, or
58 intended to be given or transmitted, to any inmate of any state
59 correctional institution.

60 3. Any intoxicating beverage or beverage which causes or
61 may cause an intoxicating effect.

62 4. Any controlled substance as defined in s. 893.02(4),
63 marijuana as defined in s. 381.986, hemp as defined in s.
64 581.217, industrial hemp as defined in s. 1004.4473, or any
65 prescription or nonprescription drug having a hypnotic,
66 stimulating, or depressing effect.

67 5. Any firearm or weapon of any kind or any explosive
68 substance.

69 6. Any cellular telephone or other portable communication



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70 device intentionally and unlawfully introduced inside the secure
71 perimeter of any state correctional institution without prior
72 authorization or consent from the officer in charge of such
73 correctional institution. As used in this subparagraph, the term
74 "portable communication device" means any device carried, worn,
75 or stored which is designed or intended to receive or transmit
76 verbal or written messages, access or store data, or connect
77 electronically to the Internet or any other electronic device
78 and which allows communications in any form. Such devices
79 include, but are not limited to, portable two-way pagers, hand-
80 held radios, cellular telephones, Blackberry-type devices,
81 personal digital assistants or PDA's, laptop computers, or any
82 components of these devices which are intended to be used to
83 assemble such devices. The term also includes any new technology
84 that is developed for similar purposes. Excluded from this
85 definition is any device having communication capabilities which
86 has been approved or issued by the department for investigative
87 or institutional security purposes or for conducting other state
88 business.

89 7. Any vapor-generating electronic device as defined in s.
90 386.203, intentionally and unlawfully introduced inside the
91 secure perimeter of any state correctional institution.

92 (2) (a) A person who violates this section as it pertains to
93 an article of contraband described in subparagraph (1) (a)1.,
94 subparagraph (1) (a)2., or subparagraph (1) (a)6. commits a felony
95 of the third degree, punishable as provided in s. 775.082, s.
96 775.083, or s. 775.084. A person who violates this section as it
97 pertains to an article of contraband described in subparagraph
98 (1) (a)7. commits a misdemeanor of the first degree, punishable



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99 as provided in s. 775.082 or s. 775.083. Otherwise, a violation
100 of this section is a felony of the second degree, punishable as
101 provided in s. 775.082, s. 775.083, or s. 775.084.

102 Section 3. Subsection (1) and (2) of section 951.22,
103 Florida Statutes, are amended to read:

104 951.22 County detention facilities; contraband articles.—

105 (1) It is unlawful, except through regular channels as duly
106 authorized by the sheriff or officer in charge, to introduce
107 into or possess upon the grounds of any county detention
108 facility as defined in s. 951.23 or to give to or receive from
109 any inmate of any such facility wherever said inmate is located
110 at the time or to take or to attempt to take or send therefrom
111 any of the following articles, which are contraband:

112 (a) Any written or recorded communication. This paragraph
113 does not apply to any document or correspondence exchanged
114 between a lawyer, paralegal, or other legal staff and an inmate
115 at a detention facility if the document or correspondence is
116 otherwise lawfully possessed and disseminated and relates to the
117 legal representation of the inmate.

118 (b) Any currency or coin.

119 (c) Any article of food or clothing.

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

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

122 (f) Any cigar.

123 (g) Any intoxicating beverage or beverage that causes or
124 may cause an intoxicating effect.

125 (h) Any narcotic, hypnotic, or excitative drug or drug of
126 any kind or nature, including nasal inhalators, sleeping pills,
127 barbiturates, marijuana as defined in s. 381.986, hemp as



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128 defined in s. 581.217, industrial hemp as defined in s.
129 1004.4473, and controlled substances as defined in s. 893.02(4).

130 (i) Any firearm or any instrumentality customarily used or
131 which is intended to be used as a dangerous weapon.

132 (j) Any instrumentality of any nature which may be or is
133 intended to be used as an aid in effecting or attempting to
134 effect an escape from a county facility.

135 (k) Any cellular telephone or other portable communication
136 device as described in s. 944.47(1)(a)6., intentionally and
137 unlawfully introduced inside the secure perimeter of any county
138 detention facility. The term does not include any device that
139 has communication capabilities which has been approved or issued
140 by the sheriff or officer in charge for investigative or
141 institutional security purposes or for conducting other official
142 business.

143 (l) Any vapor-generating electronic device as defined in s.
144 386.203, intentionally and unlawfully introduced inside the
145 secure perimeter of any county detention facility.

146 (2) A person who violates paragraph (1)(a), paragraph
147 (1)(b), paragraph (1)(c), paragraph (1)(d), paragraph (1)(e),
148 paragraph (1)(f), ~~or~~ paragraph (1)(g), or paragraph (1)(l)
149 commits a misdemeanor of the first degree, punishable as
150 provided in s. 775.082 or s. 775.083. A person who violates
151 paragraph (1)(h), paragraph (1)(i), paragraph (1)(j), or
152 paragraph (1)(k) commits a felony of the third degree,
153 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

154 Section 4. Paragraph (a) of subsection (1) and subsection
155 (2) of section 985.711, Florida Statutes, are amended to read:

156 985.711 Introduction, removal, or possession of certain



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157 articles unlawful; penalty.-

158 (1) (a) Except as authorized through program policy or
159 operating procedure or as authorized by the facility
160 superintendent, program director, or manager, a person may not
161 introduce into or upon the grounds of a juvenile detention
162 facility or commitment program, or take or send, or attempt to
163 take or send, from a juvenile detention facility or commitment
164 program, any of the following articles, which are declared to be
165 contraband under this section:

166 1. Any unauthorized article of food or clothing.

167 2. Any intoxicating beverage or any beverage that causes or
168 may cause an intoxicating effect.

169 3. Any controlled substance, as defined in s. 893.02(4),
170 marijuana as defined in s. 381.986, hemp as defined in s.
171 581.217, and industrial hemp as defined in s. 1004.4473; ~~or~~ any
172 prescription or nonprescription drug that has a hypnotic,
173 stimulating, or depressing effect.

174 4. Any firearm or weapon of any kind or any explosive
175 substance.

176 5. Any cellular telephone or other portable communication
177 device as described in s. 944.47(1)(a)6., intentionally and
178 unlawfully introduced inside the secure perimeter of any
179 juvenile detention facility or commitment program. As used in
180 this subparagraph, the term "portable communication device" does
181 not include any device that has communication capabilities which
182 has been approved or issued by the facility superintendent,
183 program director, or manager.

184 6. Any vapor-generating electronic device as defined in s.
185 386.203, intentionally and unlawfully introduced inside the



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186 secure perimeter of any juvenile detention facility or
187 commitment program.

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

191 And the title is amended as follows:

192 Delete lines 7 - 23

193 and insert:

194 inside specified facilities of the Department of
195 Children and Families or of the Agency for Persons
196 with Disabilities; providing criminal penalties;
197 amending s. 944.47; prohibiting the introduction of
198 certain cannabis related substances and vapor-
199 generating electronic devices inside a state
200 correctional institution; providing criminal
201 penalties; amending s. 951.22, F.S.; prohibiting the
202 introduction of certain cannabis related substances
203 and vapor-generating electronic devices inside a
204 county detention facility; providing criminal
205 penalties; amending s. 985.711, F.S.; prohibiting the
206 introduction of certain cannabis related substances,
207 cellular telephones and other portable communication
208 devices, and vapor-generating electronic devices
209 inside specified juvenile