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LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (Simmons) recommended the following:

Senate Amendment (with title amendment)

Delete lines 34 - 225

and insert:

to introduce inside the secure perimeter of ~~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



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11 may cause an intoxicating effect;

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. As used in this
18 subparagraph, the term "portable communication device" does not
19 include any device that has communication capabilities which has
20 been approved or issued by the person in charge of the facility;

21 5. Any vapor-generating electronic device as defined in s.
22 386.203; or

23 6.4. Any other item as determined by the department or the
24 agency, and as designated by rule or by written institutional
25 policies, to be hazardous to the welfare of clients or the
26 operation of the facility.

27 (2)

28 (c)1. A person who violates any provision of subparagraph
29 (1)(a)2. or subparagraph (1)(a)3. commits a felony of the third
30 degree, punishable as provided in s. 775.082, s. 775.083, or s.
31 775.084.

32 2. A person who violates any provision of subparagraph
33 (1)(a)1., subparagraph (1)(a)4., subparagraph (1)(a)5., or
34 subparagraph (1)(a)6. commits a misdemeanor of the first degree,
35 punishable as provided in s. 775.082 or s. 775.083.

36 Section 2. Paragraph (a) of subsection (1) and paragraph
37 (a) of subsection (2) of section 944.47, Florida Statutes, are
38 amended to read:

39 944.47 Introduction, removal, or possession of contraband;



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40 penalty.-

41 (1) (a) Except through regular channels as authorized by the
42 officer in charge of the correctional institution, it is
43 unlawful to introduce inside the secure perimeter of ~~into or~~
44 ~~upon the grounds of~~ any state correctional institution, or to
45 take or attempt to take or send or attempt to send therefrom,
46 any of the following articles which are hereby declared to be
47 contraband for the purposes of this section, to wit:

48 1. Any written or recorded communication or any currency or
49 coin given or transmitted, or intended to be given or
50 transmitted, to any inmate of any state correctional
51 institution.

52 2. Any article of food or clothing given or transmitted, or
53 intended to be given or transmitted, to any inmate of any state
54 correctional institution.

55 3. Any intoxicating beverage or beverage which causes or
56 may cause an intoxicating effect.

57 4. Any controlled substance as defined in s. 893.02(4),
58 marijuana as defined in s. 381.986, hemp as defined in s.
59 581.217, industrial hemp as defined in s. 1004.4473, or any
60 prescription or nonprescription drug having a hypnotic,
61 stimulating, or depressing effect.

62 5. Any firearm or weapon of any kind or any explosive
63 substance.

64 6. Any cellular telephone or other portable communication
65 device intentionally and unlawfully introduced inside the secure
66 perimeter of any state correctional institution without prior
67 authorization or consent from the officer in charge of such
68 correctional institution. As used in this subparagraph, the term



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69 "portable communication device" means any device carried, worn,
70 or stored which is designed or intended to receive or transmit
71 verbal or written messages, access or store data, or connect
72 electronically to the Internet or any other electronic device
73 and which allows communications in any form. Such devices
74 include, but are not limited to, portable two-way pagers, hand-
75 held radios, cellular telephones, Blackberry-type devices,
76 personal digital assistants or PDA's, laptop computers, or any
77 components of these devices which are intended to be used to
78 assemble such devices. The term also includes any new technology
79 that is developed for similar purposes. Excluded from this
80 definition is any device having communication capabilities which
81 has been approved or issued by the department for investigative
82 or institutional security purposes or for conducting other state
83 business.

84 7. Any vapor-generating electronic device as defined in s.
85 386.203.

86 (2) (a) A person who violates this section as it pertains to
87 an article of contraband described in subparagraph (1) (a)1.,
88 subparagraph (1) (a)2., or subparagraph (1) (a)6. commits a felony
89 of the third degree, punishable as provided in s. 775.082, s.
90 775.083, or s. 775.084. A person who violates this section as it
91 pertains to an article of contraband described in subparagraph
92 (1) (a)7. commits a misdemeanor of the first degree, punishable
93 as provided in s. 775.082 or s. 775.083. Otherwise, a violation
94 of this section is a felony of the second degree, punishable as
95 provided in s. 775.082, s. 775.083, or s. 775.084.

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



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98 951.22 County detention facilities; contraband articles.-

99 (1) It is unlawful, except through regular channels as duly
100 authorized by the sheriff or officer in charge, to introduce
101 inside the secure perimeter of ~~into or possess upon the grounds~~
102 ~~of~~ any county detention facility as defined in s. 951.23 or to
103 give to or receive from any inmate of any such facility wherever
104 said inmate is located at the time or to take or to attempt to
105 take or send therefrom any of the following articles, which are
106 contraband:

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

113 (b) Any currency or coin.

114 (c) Any article of food or clothing.

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

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

117 (f) Any cigar.

118 (g) Any intoxicating beverage or beverage that causes or
119 may cause an intoxicating effect.

120 (h) Any narcotic, hypnotic, or excitative drug or drug of
121 any kind or nature, including nasal inhalators, sleeping pills,
122 barbiturates, marijuana as defined in s. 381.986, hemp as
123 defined in s. 581.217, industrial hemp as defined in s.
124 1004.4473, and controlled substances as defined in s. 893.02(4).

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



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

130 (k) Any cellular telephone or other portable communication
131 device as described in s. 944.47(1)(a)6. The term does not
132 include any device that has communication capabilities which has
133 been approved or issued by the sheriff or officer in charge for
134 investigative or institutional security purposes or for
135 conducting other official business.

136 (l) Any vapor-generating electronic device as defined in s.
137 386.203.

138 (2) A person who violates paragraph (1)(a), paragraph
139 (1)(b), paragraph (1)(c), paragraph (1)(d), paragraph (1)(e),
140 paragraph (1)(f), ~~or~~ paragraph (1)(g), or paragraph (1)(l)
141 commits a misdemeanor of the first degree, punishable as
142 provided in s. 775.082 or s. 775.083. A person who violates
143 paragraph (1)(h), paragraph (1)(i), paragraph (1)(j), or
144 paragraph (1)(k) commits a felony of the third degree,
145 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

146 Section 4. Paragraph (a) of subsection (1) and subsection
147 (2) of section 985.711, Florida Statutes, are amended to read:
148 985.711 Introduction, removal, or possession of certain
149 articles unlawful; penalty.-

150 (1)(a) Except as authorized through program policy or
151 operating procedure or as authorized by the facility
152 superintendent, program director, or manager, a person may not
153 introduce inside the secure perimeter of ~~into or upon the~~
154 ~~grounds of~~ a juvenile detention facility or commitment program,
155 or take or send, or attempt to take or send, from a juvenile



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156 detention facility or commitment program, any of the following
157 articles, which are declared to be contraband under this
158 section:

159 1. Any unauthorized article of food or clothing.

160 2. Any intoxicating beverage or any beverage that causes or
161 may cause an intoxicating effect.

162 3. Any controlled substance, as defined in s. 893.02(4),
163 marijuana as defined in s. 381.986, hemp as defined in s.
164 581.217, and industrial hemp as defined in s. 1004.4473; ~~or~~ any
165 prescription or nonprescription drug that has a hypnotic,
166 stimulating, or depressing effect.

167 4. Any firearm or weapon of any kind or any explosive
168 substance.

169 5. Any cellular telephone or other portable communication
170 device as described in s. 944.47(1)(a)6. As used in this
171 subparagraph, the term "portable communication device" does not
172 include any device that has communication capabilities which has
173 been approved or issued by the facility superintendent, program
174 director, or manager.

175 6. Any vapor-generating electronic device as defined in s.
176 386.203.

177 (2) (a) Any person who violates this section as it pertains
178 to an article of contraband described in subparagraph (1)(a)1.
179 commits a felony of the third degree, punishable as provided in
180 s. 775.082, s. 775.083, or s. 775.084.

181 (b) Any person who violates this section as it pertains to
182 an article of contraband described in subparagraph (1)(a)5. or
183 subparagraph (1)(a)6. commits a misdemeanor of the first degree,
184 punishable as provided in s. 775.082 or s. 775.083.



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185 (c) In all other cases, a person who violates this section
186 commits a felony of the second degree, punishable as provided in
187 s. 775.082, s. 775.083, or s. 775.084.

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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 4 - 18

193 and insert:

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

208 prohibiting the introduction of certain cannabis
209 related substances, cellular telephones and other
210 portable communication devices, and vapor-generating
211 electronic devices into specified juvenile detention
212 facilities or commitment programs;