



609888

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/28/2020	.	
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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;