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1 A bill to be entitled
2 An act relating to contraband in specified facilities;
3 amending s. 916.1085, F.S.; prohibiting the
4 introduction of certain cannabis related substances,
5 cellular telephones and other portable communication
6 devices, and vapor-generating electronic devices
7 inside specified facilities of the Department of
8 Children and Families or of the Agency for Persons
9 with Disabilities; providing criminal penalties;
10 amending s. 944.47, F.S.; prohibiting the introduction
11 of certain cannabis related substances and vapor-
12 generating electronic devices inside a state
13 correctional institution; providing criminal
14 penalties; amending s. 951.22, F.S.; prohibiting the
15 introduction of certain cannabis related substances
16 and vapor-generating electronic devices inside a
17 county detention facility; providing criminal
18 penalties; amending s. 985.711, F.S.; prohibiting the
19 introduction of certain cannabis related substances,
20 cellular telephones and other portable communication
21 devices, and vapor-generating electronic devices
22 inside specified juvenile detention facilities or
23 commitment programs; providing criminal penalties;
24 amending s. 921.0022, F.S.; ranking the offense of
25 introducing certain contraband into specified
26 facilities of the Department of Children and Families
27 on level 4 of the offense severity ranking chart;
28 providing an effective date.

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30 Be It Enacted by the Legislature of the State of Florida:

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32 Section 1. Paragraph (a) of subsection (1) and paragraph
33 (c) of subsection (2) of section 916.1085, Florida Statutes, are
34 amended to read:

35 916.1085 Introduction or removal of certain articles
36 unlawful; penalty.—

37 (1) (a) Except as authorized by law or as specifically
38 authorized by the person in charge of a facility, it is unlawful
39 to introduce into or upon the grounds of any facility under the
40 supervision or control of the department or agency, or to take
41 or attempt to take or send therefrom, any of the following
42 articles, which are declared to be contraband for the purposes
43 of this section:

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

46 2. Any controlled substance as defined in chapter 893,
47 marijuana as defined in s. 381.986, hemp as defined in s.
48 581.217, or industrial hemp as defined in s. 1004.4473;

49 3. Any firearm or deadly weapon; ~~or~~

50 4. Any cellular telephone or other portable communication
51 device as described in s. 944.47(1)(a)6., intentionally and
52 unlawfully introduced inside the secure perimeter of any
53 forensic facility under the operation and control of the
54 department or agency. As used in this subparagraph, the term
55 "portable communication device" does not include any device that
56 has communication capabilities which has been approved or issued
57 by the person in charge of the forensic facility;

58 5. Any vapor-generating electronic device as defined in s.

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59 386.203, intentionally and unlawfully introduced inside the
60 secure perimeter of any forensic facility under the operation
61 and control of the department or agency; or

62 6.4. Any other item as determined by the department or the
63 agency, and as designated by rule or by written institutional
64 policies, to be hazardous to the welfare of clients or the
65 operation of the facility.

66 (2)

67 (c)1. A person who violates any provision of subparagraph
68 (1)(a)2. or subparagraph (1)(a)3. commits a felony of the third
69 degree, punishable as provided in s. 775.082, s. 775.083, or s.
70 775.084.

71 2. A person who violates any provision of subparagraph
72 (1)(a)1., subparagraph (1)(a)4., subparagraph (1)(a)5., or
73 subparagraph (1)(a)6. commits a misdemeanor of the first degree,
74 punishable as provided in s. 775.082 or s. 775.083.

75 Section 2. Paragraph (a) of subsection (1) and paragraph
76 (a) of subsection (2) of section 944.47, Florida Statutes, are
77 amended to read:

78 944.47 Introduction, removal, or possession of contraband;
79 penalty.—

80 (1)(a) Except through regular channels as authorized by the
81 officer in charge of the correctional institution, it is
82 unlawful to introduce into or upon the grounds of any state
83 correctional institution, or to take or attempt to take or send
84 or attempt to send therefrom, any of the following articles
85 which are hereby declared to be contraband for the purposes of
86 this section, to wit:

87 1. Any written or recorded communication or any currency or

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88 coin given or transmitted, or intended to be given or
89 transmitted, to any inmate of any state correctional
90 institution.

91 2. Any article of food or clothing given or transmitted, or
92 intended to be given or transmitted, to any inmate of any state
93 correctional institution.

94 3. Any intoxicating beverage or beverage which causes or
95 may cause an intoxicating effect.

96 4. Any controlled substance as defined in s. 893.02(4),
97 marijuana as defined in s. 381.986, hemp as defined in s.
98 581.217, industrial hemp as defined in s. 1004.4473, or any
99 prescription or nonprescription drug having a hypnotic,
100 stimulating, or depressing effect.

101 5. Any firearm or weapon of any kind or any explosive
102 substance.

103 6. Any cellular telephone or other portable communication
104 device intentionally and unlawfully introduced inside the secure
105 perimeter of any state correctional institution without prior
106 authorization or consent from the officer in charge of such
107 correctional institution. As used in this subparagraph, the term
108 "portable communication device" means any device carried, worn,
109 or stored which is designed or intended to receive or transmit
110 verbal or written messages, access or store data, or connect
111 electronically to the Internet or any other electronic device
112 and which allows communications in any form. Such devices
113 include, but are not limited to, portable two-way pagers, hand-
114 held radios, cellular telephones, Blackberry-type devices,
115 personal digital assistants or PDA's, laptop computers, or any
116 components of these devices which are intended to be used to

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117 assemble such devices. The term also includes any new technology
118 that is developed for similar purposes. Excluded from this
119 definition is any device having communication capabilities which
120 has been approved or issued by the department for investigative
121 or institutional security purposes or for conducting other state
122 business.

123 7. Any vapor-generating electronic device as defined in s.
124 386.203, intentionally and unlawfully introduced inside the
125 secure perimeter of any state correctional institution.

126 (2) (a) A person who violates this section as it pertains to
127 an article of contraband described in subparagraph (1) (a)1.,
128 subparagraph (1) (a)2., or subparagraph (1) (a)6. commits a felony
129 of the third degree, punishable as provided in s. 775.082, s.
130 775.083, or s. 775.084. A person who violates this section as it
131 pertains to an article of contraband described in subparagraph
132 (1) (a)7. commits a misdemeanor of the first degree, punishable
133 as provided in s. 775.082 or s. 775.083. Otherwise, a violation
134 of this section is a felony of the second degree, punishable as
135 provided in s. 775.082, s. 775.083, or s. 775.084.

136 Section 3. Subsections (1) and (2) of section 951.22,
137 Florida Statutes, are amended to read:

138 951.22 County detention facilities; contraband articles.—

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

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146 (a) Any written or recorded communication. This paragraph
147 does not apply to any document or correspondence exchanged
148 between a lawyer, paralegal, or other legal staff and an inmate
149 at a detention facility if the document or correspondence is
150 otherwise lawfully possessed and disseminated and relates to the
151 legal representation of the inmate.

152 (b) Any currency or coin.

153 (c) Any article of food or clothing.

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

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

156 (f) Any cigar.

157 (g) Any intoxicating beverage or beverage that causes or
158 may cause an intoxicating effect.

159 (h) Any narcotic, hypnotic, or excitative drug or drug of
160 any kind or nature, including nasal inhalators, sleeping pills,
161 barbiturates, marijuana as defined in s. 381.986, hemp as
162 defined in s. 581.217, industrial hemp as defined in s.
163 1004.4473, or ~~and~~ controlled substances as defined in s.
164 893.02(4).

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

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

170 (k) Any cellular telephone or other portable communication
171 device as described in s. 944.47(1)(a)6., intentionally and
172 unlawfully introduced inside the secure perimeter of any county
173 detention facility. The term does not include any device that
174 has communication capabilities which has been approved or issued

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175 by the sheriff or officer in charge for investigative or
176 institutional security purposes or for conducting other official
177 business.

178 (1) Any vapor-generating electronic device as defined in s.
179 386.203, intentionally and unlawfully introduced inside the
180 secure perimeter of any county detention facility.

181 (2) A person who violates paragraph (1) (a), paragraph
182 (1) (b), paragraph (1) (c), paragraph (1) (d), paragraph (1) (e),
183 paragraph (1) (f), ~~or~~ paragraph (1) (g), or paragraph (1) (l)
184 commits a misdemeanor of the first degree, punishable as
185 provided in s. 775.082 or s. 775.083. A person who violates
186 paragraph (1) (h), paragraph (1) (i), paragraph (1) (j), or
187 paragraph (1) (k) commits a felony of the third degree,
188 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

191 985.711 Introduction, removal, or possession of certain
192 articles unlawful; penalty.—

193 (1) (a) Except as authorized through program policy or
194 operating procedure or as authorized by the facility
195 superintendent, program director, or manager, a person may not
196 introduce into or upon the grounds of a juvenile detention
197 facility or commitment program, or take or send, or attempt to
198 take or send, from a juvenile detention facility or commitment
199 program, any of the following articles, which are declared to be
200 contraband under this section:

- 201 1. Any unauthorized article of food or clothing.
- 202 2. Any intoxicating beverage or any beverage that causes or
203 may cause an intoxicating effect.

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204 3. Any controlled substance~~,~~ as defined in s. 893.02(4),
205 marijuana as defined in s. 381.986, hemp as defined in s.
206 581.217, industrial hemp as defined in s. 1004.4473, or any
207 prescription or nonprescription drug that has a hypnotic,
208 stimulating, or depressing effect.

209 4. Any firearm or weapon of any kind or any explosive
210 substance.

211 5. Any cellular telephone or other portable communication
212 device as described in s. 944.47(1)(a)6., intentionally and
213 unlawfully introduced inside the secure perimeter of any
214 juvenile detention facility or commitment program. As used in
215 this subparagraph, the term "portable communication device" does
216 not include any device that has communication capabilities which
217 has been approved or issued by the facility superintendent,
218 program director, or manager.

219 6. Any vapor-generating electronic device as defined in s.
220 386.203, intentionally and unlawfully introduced inside the
221 secure perimeter of any juvenile detention facility or
222 commitment program.

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

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

231 (c) In all other cases, a person who violates this section
232 commits a felony of the second degree, punishable as provided in

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233 s. 775.082, s. 775.083, or s. 775.084.

234 Section 5. Paragraph (d) of subsection (3) of section
235 921.0022, Florida Statutes, is amended to read:

236 921.0022 Criminal Punishment Code; offense severity ranking
237 chart.—

238 (3) OFFENSE SEVERITY RANKING CHART

239 (d) LEVEL 4

240

Florida Statute	Felony 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.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
517.07(1)	3rd	Failure to register securities.

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246	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
247	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
248	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
249	784.075	3rd	Battery on detention or commitment facility staff.
250	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
251	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
252	784.081 (3)	3rd	Battery on specified official or employee.
253	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
254	784.083 (3)	3rd	Battery on code inspector.
	784.085	3rd	Battery of child by throwing,

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tossing, projecting, or
expelling certain fluids or
materials.

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787.03(1) 3rd Interference with custody;
wrongly takes minor from
appointed guardian.

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787.04(2) 3rd Take, entice, or remove child
beyond state limits with
criminal intent pending custody
proceedings.

257

787.04(3) 3rd Carrying child beyond state
lines with criminal intent to
avoid producing child at
custody hearing or delivering
to designated person.

258

787.07 3rd Human smuggling.

259

790.115(1) 3rd Exhibiting firearm or weapon
within 1,000 feet of a school.

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790.115(2)(b) 3rd Possessing electric weapon or
device, destructive device, or
other weapon on school
property.

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262	790.115 (2) (c)	3rd	Possessing firearm on school property.
263	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
264	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
265	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
266	810.06	3rd	Burglary; possession of tools.
267	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
268	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
269	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; specified items.
	812.0195 (2)	3rd	Dealing in stolen property by

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use of the Internet; property
stolen \$300 or more.

270	817.505 (4) (a)	3rd	Patient brokering.
271	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
272	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
273	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
274	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
275	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
276	837.02 (1)	3rd	Perjury in official proceedings.
277	837.021 (1)	3rd	Make contradictory statements

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in official proceedings.

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838.022 3rd Official misconduct.

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839.13(2)(a) 3rd Falsifying records of an individual in the care and custody of a state agency.

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839.13(2)(c) 3rd Falsifying records of the Department of Children and Families.

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843.021 3rd Possession of a concealed handcuff key by a person in custody.

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843.025 3rd Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

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843.15(1)(a) 3rd Failure to appear while on bail for felony (bond estreature or bond jumping).

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

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286	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
287	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).
288	914.14 (2)	3rd	Witnesses accepting bribes.
289	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
290	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
291	<u>916.1085 (2) (c) 1.</u>	<u>3rd</u>	<u>Introduction of specified contraband into certain DCF facilities.</u>
292	918.12	3rd	Tampering with jurors.
293	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
	944.47 (1) (a) 6.	3rd	Introduction of contraband

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(cellular telephone or other portable communication device) into correctional institution.

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951.22 (1) (h),
(j) & (k)

3rd

Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

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Section 6. This act shall take effect October 1, 2020.