

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WITHDRAWN	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 Plakon offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (a) of subsection (1) of section
8 916.1085, Florida Statutes, is amended, and paragraph (c) of
9 subsection (2) of that section is amended, to read:

10 916.1085 Introduction or removal of certain articles
11 unlawful; penalty.-

12 (1) (a) Except as authorized by law or as specifically
13 authorized by the person in charge of a facility, it is unlawful
14 to introduce into or upon the grounds of any facility under the
15 supervision or control of the department or agency, or to take
16 or attempt to take or send therefrom, any of the following

Amendment No.

17 articles, which are declared to be contraband for the purposes
18 of this section:

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

21 2. Any controlled substance as defined in chapter 893,
22 marijuana as defined in s. 381.986, hemp as defined in s.
23 581.217, and industrial hemp as defined in s. 1004.4473;

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

25 4. Any cellular telephone or other portable communication
26 device as described in s. 944.47(1)(a)6. As used in this
27 subparagraph, the term "portable communication device" does not
28 include any device that has communication capabilities which has
29 been approved or issued by the person in charge of the facility;

30 5. Any vapor-generating electronic device as defined in s.
31 386.203; or

32 ~~6.4.~~ Any other item as determined by the department or the
33 agency, and as designated by rule or by written institutional
34 policies, to be hazardous to the welfare of clients or the
35 operation of the facility.

36 (2)

37 (c)1. A person who violates any provision of subparagraph
38 (1)(a)2. or subparagraph (1)(a)3. commits a felony of the third
39 degree, punishable as provided in s. 775.082, s. 775.083, or s.
40 775.084.

41 2. A person who violates any provision of subparagraph

750749 - h0745-strike.docx

Published On: 1/17/2020 6:11:46 PM

Amendment No.

42 (1) (a) 1., (1) (a) 4., (1) (a) 5., or (1) (a) 6. commits a misdemeanor
43 of the first degree, punishable as provided in s. 775.082 or s.
44 775.083.

45 Section 2. Paragraph (a) of subsection (1) of section
46 944.47, Florida Statutes, is amended, and paragraph (a) of
47 subsection (2) of that section is amended, to read:

48 944.47 Introduction, removal, or possession of contraband;
49 penalty.-

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

57 1. Any written or recorded communication or any currency
58 or coin given or transmitted, or intended to be given or
59 transmitted, to any inmate of any state correctional
60 institution.

61 2. Any article of food or clothing given or transmitted,
62 or intended to be given or transmitted, to any inmate of any
63 state correctional institution.

64 3. Any intoxicating beverage or beverage which causes or
65 may cause an intoxicating effect.

66 4. Any controlled substance as defined in s. 893.02(4),

750749 - h0745-strike.docx

Published On: 1/17/2020 6:11:46 PM

Amendment No.

67 marijuana as defined in s. 381.986, hemp as defined in s.
68 581.217, industrial hemp as defined in s. 1004.4473, or any
69 prescription or nonprescription drug having a hypnotic,
70 stimulating, or depressing effect.

71 5. Any firearm or weapon of any kind or any explosive
72 substance.

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

750749 - h0745-strike.docx

Published On: 1/17/2020 6:11:46 PM

Amendment No.

92 business.

93 7. Any vapor-generating electronic device as defined in s.
94 386.203.

95 (2) (a) A person who violates this section as it pertains
96 to an article of contraband described in subparagraph (1) (a)1.,
97 subparagraph (1) (a)2., or subparagraph (1) (a)6. commits a felony
98 of the third degree, punishable as provided in s. 775.082, s.
99 775.083, or s. 775.084. A person who violates this section as it
100 pertains to an article of contraband described in subparagraph
101 (1) (a)7. commits a misdemeanor of the first degree, punishable
102 as provided in s. 775.082 or s. 775.083. Otherwise, a violation
103 of this section is a felony of the second degree, punishable as
104 provided in s. 775.082, s. 775.083, or s. 775.084.

105 (b) A violation of this section by an employee, as defined
106 in s. 944.115(2) (b), who uses or attempts to use the powers,
107 rights, privileges, duties, or position of his or her employment
108 in the commission of the violation is ranked one level above the
109 ranking specified in s. 921.0022 or s. 921.0023 for the offense
110 committed.

111 Section 3. Paragraph (1) is added to subsection (1) of
112 section 951.22, Florida Statutes, and subsection (2) of that
113 section is amended to read:

114 951.22 County detention facilities; contraband articles.-

115 (1) It is unlawful, except through regular channels as
116 duly authorized by the sheriff or officer in charge, to

750749 - h0745-strike.docx

Published On: 1/17/2020 6:11:46 PM

Amendment No.

117 introduce into or possess upon the grounds of any county
118 detention facility as defined in s. 951.23 or to give to or
119 receive from any inmate of any such facility wherever said
120 inmate is located at the time or to take or to attempt to take
121 or send therefrom any of the following articles, which are
122 contraband:

123 (h) Any narcotic, hypnotic, or excitative drug or drug of
124 any kind or nature, including nasal inhalators, sleeping pills,
125 barbiturates, marijuana as defined in s. 381.986, hemp as
126 defined in s. 581.217, industrial hemp as defined in s.
127 1004.4473, and controlled substances as defined in s. 893.02(4).

128 (1) Any vapor-generating electronic device as defined in
129 s. 386.203.

130 (2) A person who violates paragraph (1)(a), paragraph
131 (1)(b), paragraph (1)(c), paragraph (1)(d), paragraph (1)(e),
132 paragraph (1)(f), ~~or~~ paragraph (1)(g), or paragraph (1)(l)
133 commits a misdemeanor of the first degree, punishable as
134 provided in s. 775.082 or s. 775.083. A person who violates
135 paragraph (1)(h), paragraph (1)(i), paragraph (1)(j), or
136 paragraph (1)(k) commits a felony of the third degree,
137 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

138 Section 4. Paragraph (a) of subsection (1) of section
139 985.711, Florida Statutes, is amended, and subsection (2) of
140 that section is amended, to read:

141 985.711 Introduction, removal, or possession of certain

750749 - h0745-strike.docx

Published On: 1/17/2020 6:11:46 PM

Amendment No.

142 articles unlawful; penalty.—

143 (1) (a) Except as authorized through program policy or
144 operating procedure or as authorized by the facility
145 superintendent, program director, or manager, a person may not
146 introduce into or upon the grounds of a juvenile detention
147 facility or commitment program, or take or send, or attempt to
148 take or send, from a juvenile detention facility or commitment
149 program, any of the following articles, which are declared to be
150 contraband under this section:

151 1. Any unauthorized article of food or clothing.

152 2. Any intoxicating beverage or any beverage that causes
153 or may cause an intoxicating effect.

154 3. Any controlled substance, as defined in s. 893.02(4), l
155 marijuana as defined in s. 381.986, hemp as defined in s.
156 581.217, and industrial hemp as defined in s. 1004.4473; ~~or~~ any
157 prescription or nonprescription drug that has a hypnotic,
158 stimulating, or depressing effect.

159 4. Any firearm or weapon of any kind or any explosive
160 substance.

161 5. Any cellular telephone or other portable communication
162 device as described in s. 944.47(1)(a)6. As used in this
163 subparagraph, the term "portable communication device" does not
164 include any device that has communication capabilities which has
165 been approved or issued by the facility superintendent, program
166 director, or manager.

750749 - h0745-strike.docx

Published On: 1/17/2020 6:11:46 PM

Amendment No.

167 6. Any vapor-generating electronic device as defined in s.
 168 386.203.

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

173 (b) Any person who violates this section as it pertains to
 174 an article of contraband described in subparagraphs (1) (a)5. or
 175 (1) (a)6. commits a misdemeanor of the first degree, punishable
 176 as provided in s. 775.082 or s. 775.083.

177
 178 In all other cases, a person who violates this section commits a
 179 felony of the second degree, punishable as provided in s.
 180 775.082, s. 775.083, or s. 775.084.

181 Section 5. Paragraph (d) of subsection (3) of section
 182 921.0022, Florida Statutes, is amended to read:

183 921.0022 Criminal Punishment Code; offense severity
 184 ranking chart.—

185 (3) OFFENSE SEVERITY RANKING CHART

186 (d) LEVEL 4

187

Florida Statute	Felony Degree	Description
316.1935 (3) (a)	2nd	Driving at high speed or with

188

Amendment No.

wanton disregard for safety
while fleeing or attempting to
elude law enforcement officer
who is in a patrol vehicle with
siren and lights activated.

189

499.0051(1) 3rd Failure to maintain or deliver
transaction history,
transaction information, or
transaction statements.

190

499.0051(5) 2nd Knowing sale or delivery, or
possession with intent to sell,
contraband prescription drugs.

191

517.07(1) 3rd Failure to register securities.

192

517.12(1) 3rd Failure of dealer, associated
person, or issuer of securities
to register.

193

784.07(2)(b) 3rd Battery of law enforcement
officer, firefighter, etc.

194

784.074(1)(c) 3rd Battery of sexually violent

Amendment No.

predators facility staff.

195

784.075 3rd Battery on detention or
commitment facility staff.

196

784.078 3rd Battery of facility employee by
throwing, tossing, or expelling
certain fluids or materials.

197

784.08 (2) (c) 3rd Battery on a person 65 years of
age or older.

198

784.081 (3) 3rd Battery on specified official
or employee.

199

784.082 (3) 3rd Battery by detained person on
visitor or other detainee.

200

784.083 (3) 3rd Battery on code inspector.

201

784.085 3rd Battery of child by throwing,
tossing, projecting, or
expelling certain fluids or
materials.

202

750749 - h0745-strike.docx

Published On: 1/17/2020 6:11:46 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 745 (2020)

Amendment No.

203	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
204	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
205	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
206	787.07	3rd	Human smuggling.
207	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
208	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.

750749 - h0745-strike.docx

Published On: 1/17/2020 6:11:46 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 745 (2020)

Amendment No.

209	790.115 (2) (c)	3rd	Possessing firearm on school property.
210	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
211	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
212	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
213	810.06	3rd	Burglary; possession of tools.
214	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
215	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

750749 - h0745-strike.docx

Published On: 1/17/2020 6:11:46 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 745 (2020)

Amendment No.

216	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; specified items.
217	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
218	817.505 (4) (a)	3rd	Patient brokering.
219	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
220	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
221	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
222	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
	828.125 (1)	2nd	Kill, maim, or cause great

750749 - h0745-strike.docx

Published On: 1/17/2020 6:11:46 PM

Amendment No.

bodily harm or permanent
breeding disability to any
registered horse or cattle.

223

837.02 (1) 3rd Perjury in official
proceedings.

224

837.021 (1) 3rd Make contradictory statements
in official proceedings.

225

838.022 3rd Official misconduct.

226

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

227

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

228

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

229

843.025 3rd Deprive law enforcement,

Amendment No.

correctional, or correctional
probation officer of means of
protection or communication.

230

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

231

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

232

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

233

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).

234

914.14(2) 3rd Witnesses accepting bribes.

235

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

Amendment No.

236	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
237	<u>916.1085(2)(c)1.</u>	<u>3rd</u>	<u>Introduction of specified contraband into certain DCF facilities.</u>
238	918.12	3rd	Tampering with jurors.
239	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
240	944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
241	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

750749 - h0745-strike.docx

Published On: 1/17/2020 6:11:46 PM

Amendment No.

into county detention facility.

242
243 Section 6. This act shall take effect October 1, 2020.
244

245 -----

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

247 Remove everything before the enacting clause and insert:
248 An act relating to contraband in specified facilities;
249 amending s. 916.1085, F.S.; prohibiting the
250 introduction of certain cannabis substances, cellular
251 telephones and other portable communication devices,
252 and vapor-generating electronic devices into specified
253 facilities of the Department of Children and Families;
254 providing definitions; providing criminal penalties;
255 amending s. 944.47; prohibiting the introduction of
256 certain cannabis substances and vapor-generating
257 electronic devices into a correctional institution;
258 providing criminal penalties; amending s. 951.22,
259 F.S.; prohibiting the introduction of certain cannabis
260 substances and vapor-generating electronic devices
261 into a county detention facility; providing criminal
262 penalties; amending s. 985.711, F.S.; prohibiting the
263 introduction of certain cannabis substances, cellular
264 telephones and other portable communication devices,
265 and vapor-generating electronic devices into specified

750749 - h0745-strike.docx

Published On: 1/17/2020 6:11:46 PM

Amendment No.

266 juvenile justice facilities; providing definitions;
267 providing criminal penalties; amending s. 921.0022,
268 F.S.; ranking the offense of introducing certain
269 contraband into specified facilities of the Department
270 of Children and Families for purposes of the Criminal
271 Punishment Code; providing an effective date.