

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WITHDRAWN	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: Judiciary Committee
2 Representative Plakon offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:
6 Section 1. Paragraph (a) of subsection (1) and paragraph
7 (a) of subsection (2) of section 944.47, Florida Statutes, are
8 amended to read:

9 944.47 Introduction, removal, or possession of contraband;
10 penalty.—

11 (1)(a) Except through regular channels as authorized by
12 the officer in charge of the correctional institution, it is
13 unlawful to introduce into or upon the grounds of any state
14 correctional institution, or to take or attempt to take or send
15 or attempt to send therefrom, any of the following articles

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16 | which are hereby declared to be contraband for the purposes of
17 | this section, to wit:

18 | 1. Any written or recorded communication or any currency
19 | or coin given or transmitted, or intended to be given or
20 | transmitted, to any inmate of any state correctional
21 | institution.

22 | 2. Any article of food or clothing given or transmitted,
23 | or intended to be given or transmitted, to any inmate of any
24 | state correctional institution.

25 | 3. Any intoxicating beverage or beverage which causes or
26 | may cause an intoxicating effect.

27 | 4. Any controlled substance as defined in s. 893.02(4),
28 | marijuana as defined in s. 381.986, hemp as defined in s.
29 | 581.217, industrial hemp as defined in s. 1004.4473, or any
30 | prescription or nonprescription drug having a hypnotic,
31 | stimulating, or depressing effect.

32 | 5. Any firearm or weapon of any kind or any explosive
33 | substance.

34 | 6. Any cellular telephone or other portable communication
35 | device intentionally and unlawfully introduced inside the secure
36 | perimeter of any state correctional institution without prior
37 | authorization or consent from the officer in charge of such
38 | correctional institution. As used in this subparagraph, the term
39 | "portable communication device" means any device carried, worn,
40 | or stored which is designed or intended to receive or transmit

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41 verbal or written messages, access or store data, or connect
42 electronically to the Internet or any other electronic device
43 and which allows communications in any form. Such devices
44 include, but are not limited to, portable two-way pagers, hand-
45 held radios, cellular telephones, Blackberry-type devices,
46 personal digital assistants or PDA's, laptop computers, or any
47 components of these devices which are intended to be used to
48 assemble such devices. The term also includes any new technology
49 that is developed for similar purposes. Excluded from this
50 definition is any device having communication capabilities which
51 has been approved or issued by the department for investigative
52 or institutional security purposes or for conducting other state
53 business.

54 7. Any vapor-generating electronic device as defined in s.
55 386.203.

56 (2) (a) A person who violates this section as it pertains
57 to an article of contraband described in subparagraph (1) (a)1.,
58 subparagraph (1) (a)2., or subparagraph (1) (a)6. commits a felony
59 of the third degree, punishable as provided in s. 775.082, s.
60 775.083, or s. 775.084. A person who violates this section as it
61 pertains to an article of contraband described in subparagraph
62 (1) (a)7. commits a misdemeanor of the first degree, punishable
63 as provided in s. 775.082 or s. 775.083. Otherwise, a violation
64 of this section is a felony of the second degree, punishable as
65 provided in s. 775.082, s. 775.083, or s. 775.084.

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66 Section 2. Paragraphs (h) and (k) of subsection (1) and
67 subsection (2) of section 951.22, Florida Statutes, are amended
68 and paragraph (1) is added to subsection (1) of that section, to
69 read:

70 951.22 County detention facilities; contraband articles.-

71 (1) It is unlawful, except through regular channels as
72 duly authorized by the sheriff or officer in charge, to
73 introduce into or possess upon the grounds of any county
74 detention facility as defined in s. 951.23 or to give to or
75 receive from any inmate of any such facility wherever said
76 inmate is located at the time or to take or to attempt to take
77 or send therefrom any of the following articles, which are
78 contraband:

79 (h) Any narcotic, hypnotic, or excitative drug or drug of
80 any kind or nature, including nasal inhalators, sleeping pills,
81 barbiturates, marijuana as defined in s. 381.986, hemp as
82 defined in s. 581.217, industrial hemp as defined in s.
83 1004.4473, and controlled substances as defined in s. 893.02(4).

84 (k) Any cellular telephone or other portable communication
85 device as described in s. 944.47(1)(a)6. intentionally and
86 unlawfully introduced inside the secure perimeter of any county
87 detention facility. The term does not include any device that
88 has communication capabilities which has been approved or issued
89 by the sheriff or officer in charge for investigative or

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90 institutional security purposes or for conducting other official
91 business.

92 (1) Any vapor-generating electronic device as defined in
93 s. 386.203.

94 (2) A person who violates paragraph (1)(a), paragraph
95 (1)(b), paragraph (1)(c), paragraph (1)(d), paragraph (1)(e),
96 paragraph (1)(f), ~~or~~ paragraph (1)(g), or paragraph (1)(l)
97 commits a misdemeanor of the first degree, punishable as
98 provided in s. 775.082 or s. 775.083. A person who violates
99 paragraph (1)(h), paragraph (1)(i), paragraph (1)(j), or
100 paragraph (1)(k) commits a felony of the third degree,
101 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

102 Section 3. Paragraph (a) of subsection (1) and subsection
103 (2) of section 985.711, Florida Statutes, are amended to read:

104 985.711 Introduction, removal, or possession of certain
105 articles unlawful; penalty.—

106 (1)(a) Except as authorized through program policy or
107 operating procedure or as authorized by the facility
108 superintendent, program director, or manager, a person may not
109 introduce into or upon the grounds of a juvenile detention
110 facility or commitment program, or take or send, or attempt to
111 take or send, from a juvenile detention facility or commitment
112 program, any of the following articles, which are declared to be
113 contraband under this section:

114 1. Any unauthorized article of food or clothing.

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115 2. Any intoxicating beverage or any beverage that causes
116 or may cause an intoxicating effect.

117 3. Any controlled substance, ~~as defined in s. 893.02(4),~~
118 marijuana as defined in s. 381.986, hemp as defined in s.
119 581.217, and industrial hemp as defined in s. 1004.4473; ~~or any~~
120 ~~prescription or nonprescription drug that has a hypnotic,~~
121 ~~stimulating, or depressing effect.~~

122 4. Any firearm or weapon of any kind or any explosive
123 substance.

124 5. Any cellular telephone or other portable communication
125 device as described in s. 944.47(1)(a)6. intentionally and
126 unlawfully introduced inside the secure perimeter of a juvenile
127 detention facility or commitment program. As used in this
128 subparagraph, the term "portable communication device" does not
129 include any device that has communication capabilities which has
130 been approved or issued by the facility superintendent, program
131 director, or manager.

132 6. Any vapor-generating electronic device as defined in s.
133 386.203.

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

138 (b) Any person who violates this section as it pertains to
139 an article of contraband described in subparagraph (1)(a)5. or

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140 subparagraph (1)(a)6. commits a misdemeanor of the first degree,
141 punishable as provided in s. 775.082 or s. 775.083.

142
143 In all other cases, a person who violates this section commits a
144 felony of the second degree, punishable as provided in s.
145 775.082, s. 775.083, or s. 775.084.

146 Section 4. This act shall take effect October 1, 2020

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

150 Remove everything before the enacting clause and insert:
151 An act relating to contraband in specified facilities;
152 amending s. 944.47, F.S.; prohibiting the introduction
153 of certain cannabis substances and vapor-generating
154 electronic devices into a correctional institution;
155 providing criminal penalties; amending s. 951.22,
156 F.S.; prohibiting the introduction of certain cannabis
157 substances and vapor-generating electronic devices
158 into a county detention facility; prohibiting the
159 introduction of a cellular phone or portable
160 communication device inside the secure perimeter of a
161 county detention facility; providing criminal
162 penalties; amending s. 985.711, F.S.; prohibiting the
163 introduction of certain cannabis substances and vapor-
164 generating electronic devices into specified juvenile

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 745 (2020)

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165 | justice facilities; prohibiting the introduction of a
166 | cellular phone or portable communication device inside
167 | the secure perimeter of a juvenile justice facility;
168 | providing criminal penalties; providing an effective
169 | date.