

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 cannabis and certain related
5 substances into specified facilities of the Department
6 of Children and Families; providing a definition;
7 providing criminal penalties; amending ss. 944.47 and
8 951.22, F.S.; prohibiting the introduction of cannabis
9 sativa and certain related substances and vapor-
10 generating electronic devices into specified detention
11 facilities; providing a definition; providing criminal
12 penalties; amending s. 985.711, F.S.; prohibiting the
13 introduction of cannabis sativa and certain related
14 substances, cellular telephones and other portable
15 communication devices, and vapor-generating electronic
16 devices into specified juvenile justice facilities;
17 providing a definition; providing criminal penalties;
18 amending s. 921.0022, F.S.; ranking the offense of
19 introducing certain contraband into specified
20 facilities of the Department of Children and Families
21 for purposes of the Criminal Punishment Code;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
25

26 Section 1. Paragraph (a) of subsection (1) of section
 27 916.1085, Florida Statutes, is amended, and paragraph (c) of
 28 subsection (2) of that section is republished, to read:

29 916.1085 Introduction or removal of certain articles
 30 unlawful; penalty.—

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

38 1. Any intoxicating beverage or beverage which causes or
 39 may cause an intoxicating effect;

40 2. Any controlled substance as defined in chapter 893 or
 41 any part of any plant of the genus *Cannabis sativa*, whether
 42 growing or not; any seeds of the plant; any resin extracted from
 43 any part of the plant; and any compound, manufacture, salt,
 44 derivative, mixture, or preparation containing such substances,
 45 including marijuana as defined in s. 381.986, hemp as defined in
 46 s. 581.217, and industrial hemp as defined in s. 1004.4473;

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

48 4. Any cellular telephone or other portable communication
 49 device as described in s. 944.47(1)(a)6. As used in this
 50 subparagraph, the term "portable communication device" does not

51 include any device that has communication capabilities which has
52 been approved or issued by the sheriff or officer in charge for
53 investigative or institutional security purposes or for
54 conducting other official business;

55 5. Any vapor-generating electronic device. As used in this
56 subparagraph, the term "vapor-generating electronic device" has
57 the same meaning as in s. 944.47(1)(a)7; or

58 ~~6.4.~~ Any other item as determined by the department or the
59 agency, and as designated by rule or by written institutional
60 policies, to be hazardous to the welfare of clients or the
61 operation of the facility.

62 (2)

63 (c)1. A person who violates any provision of subparagraph
64 (1)(a)2. or subparagraph (1)(a)3. commits a felony of the third
65 degree, punishable as provided in s. 775.082, s. 775.083, or s.
66 775.084.

67 2. A person who violates any provision of subparagraph
68 (1)(a)4. or subparagraph (1)(a)5. commits a misdemeanor of the
69 first degree, punishable as provided in s. 775.082 or s.
70 775.083.

71 Section 2. Paragraph (a) of subsection (1) of section
72 944.47, Florida Statutes, is amended, and subsection (2) of that
73 section is republished, to read:

74 944.47 Introduction, removal, or possession of contraband;
75 penalty.—

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

83 1. Any written or recorded communication or any currency
84 or coin given or transmitted, or intended to be given or
85 transmitted, to any inmate of any state correctional
86 institution.

87 2. Any article of food or clothing given or transmitted,
88 or intended to be given or transmitted, to any inmate of any
89 state correctional institution.

90 3. Any intoxicating beverage or beverage which causes or
91 may cause an intoxicating effect.

92 4. Any controlled substance as defined in s. 893.02(4); ~~or~~
93 any prescription or nonprescription drug having a hypnotic,
94 stimulating, or depressing effect; or any part of any plant of
95 the genus *Cannabis sativa*, whether growing or not; any seeds of
96 the plant; any resin extracted from any part of the plant; and
97 any compound, manufacture, salt, derivative, mixture, or
98 preparation containing such substances, including marijuana as
99 defined in s. 381.986, hemp as defined in s. 581.217, and
100 industrial hemp as defined in s. 1004.4473.

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
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 used in this
124 subparagraph, the term "vapor-generating electronic device"
125 means any product that employs an electronic, a chemical, or a

126 mechanical means capable of producing vapor or aerosol from a
127 nicotine product or any other substance, including, but not
128 limited to, an electronic cigarette, electronic cigar,
129 electronic cigarillo, electronic pipe, or other similar device
130 or product; any replacement cartridge for such device; and any
131 other container of a solution or other substance intended to be
132 used with or within such device.

133 (2) (a) A person who violates this section as it pertains
134 to an article of contraband described in subparagraph (1) (a)1.,
135 subparagraph (1) (a)2., or subparagraph (1) (a)6. commits a felony
136 of the third degree, punishable as provided in s. 775.082, s.
137 775.083, or s. 775.084. A person who violates this section as it
138 pertains to an article of contraband described in subparagraph
139 (1) (a)7., commits a misdemeanor of the first degree, punishable
140 as provided in s. 775.082 or s. 775.083. Otherwise, a violation
141 of this section is a felony of the second degree, punishable as
142 provided in s. 775.082, s. 775.083, or s. 775.084.

143 (b) A violation of this section by an employee, as defined
144 in s. 944.115(2) (b), who uses or attempts to use the powers,
145 rights, privileges, duties, or position of his or her employment
146 in the commission of the violation is ranked one level above the
147 ranking specified in s. 921.0022 or s. 921.0023 for the offense
148 committed.

149 Section 3. Paragraph (h) of subsection (1) and subsection
150 (2) of section 951.22, Florida Statutes, are amended, and

151 paragraph (1) is added to subsection (2) of that section, to
 152 read:

153 951.22 County detention facilities; contraband articles.-

154 (1) It is unlawful, except through regular channels as
 155 duly authorized by the sheriff or officer in charge, to
 156 introduce into or possess upon the grounds of any county
 157 detention facility as defined in s. 951.23 or to give to or
 158 receive from any inmate of any such facility wherever said
 159 inmate is located at the time or to take or to attempt to take
 160 or send therefrom any of the following articles, which are
 161 contraband:

162 (h) Any narcotic, hypnotic, or excitative drug or drug of
 163 any kind or nature, including nasal inhalators, sleeping pills,
 164 barbiturates, and controlled substances as defined in s.
 165 893.02(4), or any part of any plant of the genus *Cannabis*
 166 *sativa*, whether growing or not; any seeds of the plant; any
 167 resin extracted from any part of the plant; and any compound,
 168 manufacture, salt, derivative, mixture, or preparation
 169 containing such substances, including marijuana as defined in s.
 170 381.986, hemp as defined in s. 581.217, and industrial hemp as
 171 defined in s. 1004.4473.

172 (1) Any vapor-generating electronic device. As used in
 173 this paragraph, the term "vapor-generating electronic device"
 174 has the same meaning as in s. 944.47(1)(a)7.

175 (2) A person who violates paragraph (1)(a), paragraph

176 (1) (b), paragraph (1) (c), paragraph (1) (d), paragraph (1) (e),
 177 paragraph (1) (f), ~~or~~ paragraph (1) (g), or paragraph (1) (l)
 178 commits a misdemeanor of the first degree, punishable as
 179 provided in s. 775.082 or s. 775.083. A person who violates
 180 paragraph (1) (h), paragraph (1) (i), paragraph (1) (j), or
 181 paragraph (1) (k) commits a felony of the third degree,
 182 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

183 Section 4. Paragraph (a) of subsection (1) of section
 184 985.711, Florida Statutes, is amended, and subsection (2) of
 185 that section is republished, to read:

186 985.711 Introduction, removal, or possession of certain
 187 articles unlawful; penalty.—

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

- 196 1. Any unauthorized article of food or clothing.
- 197 2. Any intoxicating beverage or any beverage that causes
 198 or may cause an intoxicating effect.
- 199 3. Any controlled substance~~r~~ as defined in s. 893.02 (4) i;~~r~~
 200 ~~or~~ any prescription or nonprescription drug that has a hypnotic,

201 stimulating, or depressing effect; or any part of any plant of
202 the genus *Cannabis sativa*, whether growing or not; any seeds of
203 the plant; any resin extracted from any part of the plant; and
204 any compound, manufacture, salt, derivative, mixture, or
205 preparation containing such substances, including marijuana as
206 defined in s. 381.986, hemp as defined in s. 581.217, and
207 industrial hemp as defined in s. 1004.4473.

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

210 5. Any cellular telephone or other portable communication
211 device as described in s. 944.47(1)(a)6. As used in this
212 subparagraph, the term "portable communication device" does not
213 include any device that has communication capabilities which has
214 been approved or issued by the sheriff or officer in charge for
215 investigative or institutional security purposes or for
216 conducting other official business.

217 6. Any vapor-generating electronic device. As used in this
218 subparagraph, the term "vapor-generating electronic device" has
219 the same meaning as in s. 944.47(1)(a)7.

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

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

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

228
 229 In all other cases, a person who violates this section commits a
 230 felony of the second degree, punishable as provided in s.
 231 775.082, s. 775.083, or s. 775.084.

232 Section 5. Paragraph (d) of subsection (3) of section
 233 921.0022, Florida Statutes, is amended to read:

234 921.0022 Criminal Punishment Code; offense severity
 235 ranking chart.—

236 (3) OFFENSE SEVERITY RANKING CHART

237 (d) LEVEL 4

238

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,

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248	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
249	784.081 (3)	3rd	Battery on specified official or employee.
250	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
251	784.083 (3)	3rd	Battery on code inspector.
252	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
253	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
254	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

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255	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
256	787.07	3rd	Human smuggling.
257	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
258	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
259	790.115 (2) (c)	3rd	Possessing firearm on school property.
260	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
261	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied

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269	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
270	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
271	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
272	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
273	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
274	837.02 (1)	3rd	Perjury in official proceedings.
275	837.021 (1)	3rd	Make contradictory statements

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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283	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
284	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
285	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).
286	914.14 (2)	3rd	Witnesses accepting bribes.
287	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
288	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
	<u>916.1085 (2) (c) 1.</u>	<u>3rd</u>	<u>Introduction of specified contraband into certain DCF facilities.</u>

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918.12 3rd Tampering with jurors.

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934.215 3rd Use of two-way communications device to facilitate commission of a crime.

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944.47(1)(a)6. 3rd Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.

292

951.22(1)(h), 3rd Intoxicating drug,
(j) & (k) instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

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