

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

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

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

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

(1)(a) Except as authorized by law or as specifically authorized by the person in charge of a facility, it is unlawful to introduce 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 may cause an intoxicating effect;

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

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

4. Any cellular telephone or other portable communication device as described in s. 944.47(1)(a)6. As used in this subparagraph, the term "portable communication device" does not include any device that has communication capabilities which has

51 been approved or issued by the person in charge of the facility;

52 5. Any vapor-generating electronic device as defined in s.  
 53 386.203; or

54 ~~6.4.~~ Any other item as determined by the department or the  
 55 agency, and as designated by rule or by written institutional  
 56 policies, to be hazardous to the welfare of clients or the  
 57 operation of the facility.

58 (2)

59 (c)1. A person who violates any provision of subparagraph  
 60 (1)(a)2. or subparagraph (1)(a)3. commits a felony of the third  
 61 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 62 775.084.

63 2. A person who violates any provision of subparagraph  
 64 (1)(a)1., subparagraph (1)(a)4., subparagraph (1)(a)5., or  
 65 subparagraph (1)(a)6. commits a misdemeanor of the first degree,  
 66 punishable as provided in s. 775.082 or s. 775.083.

67 Section 2. Paragraph (a) of subsection (1) and paragraph  
 68 (a) of subsection (2) of section 944.47, Florida Statutes, are  
 69 amended to read:

70 944.47 Introduction, removal, or possession of contraband;  
 71 penalty.—

72 (1)(a) Except through regular channels as authorized by  
 73 the officer in charge of the correctional institution, it is  
 74 unlawful to introduce into or upon the grounds of any state  
 75 correctional institution, or to take or attempt to take or send

76 or attempt to send therefrom, any of the following articles  
 77 which are hereby declared to be contraband for the purposes of  
 78 this section, to wit:

79 1. Any written or recorded communication or any currency  
 80 or coin given or transmitted, or intended to be given or  
 81 transmitted, to any inmate of any state correctional  
 82 institution.

83 2. Any article of food or clothing given or transmitted,  
 84 or intended to be given or transmitted, to any inmate of any  
 85 state correctional institution.

86 3. Any intoxicating beverage or beverage which causes or  
 87 may cause an intoxicating effect.

88 4. Any controlled substance as defined in s. 893.02(4), l  
 89 marijuana as defined in s. 381.986, hemp as defined in s.  
 90 581.217, industrial hemp as defined in s. 1004.4473, or any  
 91 prescription or nonprescription drug having a hypnotic,  
 92 stimulating, or depressing effect.

93 5. Any firearm or weapon of any kind or any explosive  
 94 substance.

95 6. Any cellular telephone or other portable communication  
 96 device intentionally and unlawfully introduced inside the secure  
 97 perimeter of any state correctional institution without prior  
 98 authorization or consent from the officer in charge of such  
 99 correctional institution. As used in this subparagraph, the term  
 100 "portable communication device" means any device carried, worn,

101 or stored which is designed or intended to receive or transmit  
102 verbal or written messages, access or store data, or connect  
103 electronically to the Internet or any other electronic device  
104 and which allows communications in any form. Such devices  
105 include, but are not limited to, portable two-way pagers, hand-  
106 held radios, cellular telephones, Blackberry-type devices,  
107 personal digital assistants or PDA's, laptop computers, or any  
108 components of these devices which are intended to be used to  
109 assemble such devices. The term also includes any new technology  
110 that is developed for similar purposes. Excluded from this  
111 definition is any device having communication capabilities which  
112 has been approved or issued by the department for investigative  
113 or institutional security purposes or for conducting other state  
114 business.

115 7. Any vapor-generating electronic device as defined in s.  
116 386.203.

117 (2) (a) A person who violates this section as it pertains  
118 to an article of contraband described in subparagraph (1) (a)1.,  
119 subparagraph (1) (a)2., or subparagraph (1) (a)6. commits a felony  
120 of the third degree, punishable as provided in s. 775.082, s.  
121 775.083, or s. 775.084. A person who violates this section as it  
122 pertains to an article of contraband described in subparagraph  
123 (1) (a)7. commits a misdemeanor of the first degree, punishable  
124 as provided in s. 775.082 or s. 775.083. Otherwise, a violation  
125 of this section is a felony of the second degree, punishable as

126 provided in s. 775.082, s. 775.083, or s. 775.084.

127 Section 3. Paragraph (h) of subsection (1) and subsection  
 128 (2) of section 951.22, Florida Statutes, are amended and  
 129 paragraph (1) is added to subsection (1) of that section, to  
 130 read:

131 951.22 County detention facilities; contraband articles.—

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

140 (h) Any narcotic, hypnotic, or excitative drug or drug of  
 141 any kind or nature, including nasal inhalators, sleeping pills,  
 142 barbiturates, marijuana as defined in s. 381.986, hemp as  
 143 defined in s. 581.217, industrial hemp as defined in s.  
 144 1004.4473, and controlled substances as defined in s. 893.02(4).

145 (1) Any vapor-generating electronic device as defined in  
 146 s. 386.203.

147 (2) A person who violates paragraph (1)(a), paragraph  
 148 (1)(b), paragraph (1)(c), paragraph (1)(d), paragraph (1)(e),  
 149 paragraph (1)(f), ~~or~~ paragraph (1)(g), or paragraph (1)(l)  
 150 commits a misdemeanor of the first degree, punishable as

151 provided in s. 775.082 or s. 775.083. A person who violates  
152 paragraph (1)(h), paragraph (1)(i), paragraph (1)(j), or  
153 paragraph (1)(k) commits a felony of the third degree,  
154 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

157 985.711 Introduction, removal, or possession of certain  
158 articles unlawful; penalty.—

159 (1)(a) Except as authorized through program policy or  
160 operating procedure or as authorized by the facility  
161 superintendent, program director, or manager, a person may not  
162 introduce into or upon the grounds of a juvenile detention  
163 facility or commitment program, or take or send, or attempt to  
164 take or send, from a juvenile detention facility or commitment  
165 program, any of the following articles, which are declared to be  
166 contraband under this section:

167 1. Any unauthorized article of food or clothing.

168 2. Any intoxicating beverage or any beverage that causes  
169 or may cause an intoxicating effect.

170 3. Any controlled substance~~7~~ as defined in s. 893.02(4),  
171 marijuana as defined in s. 381.986, hemp as defined in s.  
172 581.217, and industrial hemp as defined in s. 1004.4473;~~7~~~~or~~ any  
173 prescription or nonprescription drug that has a hypnotic,  
174 stimulating, or depressing effect.

175 4. Any firearm or weapon of any kind or any explosive

176 substance.

177 5. Any cellular telephone or other portable communication  
178 device as described in s. 944.47(1)(a)6. As used in this  
179 subparagraph, the term "portable communication device" does not  
180 include any device that has communication capabilities which has  
181 been approved or issued by the facility superintendent, program  
182 director, or manager.

183 6. Any vapor-generating electronic device as defined in s.  
184 386.203.

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

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

193  
194 In all other cases, a person who violates this section commits a  
195 felony of the second degree, punishable as provided in s.  
196 775.082, s. 775.083, or s. 775.084.

197 Section 5. Paragraph (d) of subsection (3) of section  
198 921.0022, Florida Statutes, is amended to read:

199 921.0022 Criminal Punishment Code; offense severity  
200 ranking chart.—

201	(3) OFFENSE SEVERITY RANKING CHART		
202	(d) LEVEL 4		
203	Florida	Felony	
204	Statute	Degree	Description
204	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.
205	499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
206	499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
207	517.07(1)	3rd	Failure to register securities.
208	517.12(1)	3rd	Failure of dealer, associated

person, or issuer of securities  
to register.

209

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

210

784.074 (1) (c) 3rd Battery of sexually violent  
predators facility staff.

211

784.075 3rd Battery on detention or  
commitment facility staff.

212

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

213

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

214

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

215

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

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217	784.083 (3)	3rd	Battery on code inspector.
218	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
219	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
220	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
221	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
222	787.07	3rd	Human smuggling.
	790.115 (1)	3rd	Exhibiting firearm or weapon

within 1,000 feet of a school.

223

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

224

790.115 (2) (c) 3rd Possessing firearm on school property.

225

800.04 (7) (c) 3rd Lewd or lascivious exhibition; offender less than 18 years.

226

810.02 (4) (a) 3rd Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

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810.02 (4) (b) 3rd Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

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810.06 3rd Burglary; possession of tools.

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230	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
231	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
232	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; specified items.
233	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
234	817.505 (4) (a)	3rd	Patient brokering.
235	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
236	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
	817.625 (2) (a)	3rd	Fraudulent use of scanning

device, ~~skimming device,~~ or reencoder.

237

817.625 (2) (c) 3rd Possess, sell, or deliver skimming device.

238

828.125 (1) 2nd Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.

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837.02 (1) 3rd Perjury in official proceedings.

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

241

838.022 3rd Official misconduct.

242

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

243

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

Families.

244

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).

247

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

248

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

249

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).

250

914.14 (2) 3rd Witnesses accepting bribes.

251

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

252

914.23 (2) 3rd Retaliation against a witness,  
victim, or informant, no bodily  
injury.

253

916.1085 (2) (c) 1. 3rd Introduction of specified  
contraband into certain DCF  
facilities.

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918.12 3rd Tampering with jurors.

255

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

256

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

into correctional institution.

257

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.