

1 A bill to be entitled

2 An act relating to contraband in specified facilities;  
3 amending s. 944.47, F.S.; prohibiting the introduction  
4 of certain cannabis substances and vapor-generating  
5 electronic devices into a correctional institution;  
6 providing criminal penalties; amending s. 951.22,  
7 F.S.; prohibiting the introduction of certain cannabis  
8 substances and vapor-generating electronic devices  
9 into a county detention facility; prohibiting the  
10 introduction of a cellular phone or portable  
11 communication device inside the secure perimeter of a  
12 county detention facility; providing criminal  
13 penalties; amending s. 985.711, F.S.; prohibiting the  
14 introduction of certain cannabis substances and vapor-  
15 generating electronic devices into specified juvenile  
16 justice facilities; prohibiting the introduction of a  
17 cellular phone or portable communication device inside  
18 the secure perimeter of a juvenile detention facility  
19 or commitment program; providing criminal penalties;  
20 providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. Paragraph (a) of subsection (1) and paragraph  
25 (a) of subsection (2) of section 944.47, Florida Statutes, are

26 amended to read:

27 944.47 Introduction, removal, or possession of contraband;  
 28 penalty.-

29 (1)(a) Except through regular channels as authorized by  
 30 the officer in charge of the correctional institution, it is  
 31 unlawful to introduce into or upon the grounds of any state  
 32 correctional institution, or to take or attempt to take or send  
 33 or attempt to send therefrom, any of the following articles  
 34 which are hereby declared to be contraband for the purposes of  
 35 this section, to wit:

36 1. Any written or recorded communication or any currency  
 37 or coin given or transmitted, or intended to be given or  
 38 transmitted, to any inmate of any state correctional  
 39 institution.

40 2. Any article of food or clothing given or transmitted,  
 41 or intended to be given or transmitted, to any inmate of any  
 42 state correctional institution.

43 3. Any intoxicating beverage or beverage which causes or  
 44 may cause an intoxicating effect.

45 4. Any controlled substance as defined in s. 893.02(4),  
 46 marijuana as defined in s. 381.986, hemp as defined in s.  
 47 581.217, industrial hemp as defined in s. 1004.4473, or any  
 48 prescription or nonprescription drug having a hypnotic,  
 49 stimulating, or depressing effect.

50 5. Any firearm or weapon of any kind or any explosive

51 substance.

52 6. Any cellular telephone or other portable communication  
53 device intentionally and unlawfully introduced inside the secure  
54 perimeter of any state correctional institution without prior  
55 authorization or consent from the officer in charge of such  
56 correctional institution. As used in this subparagraph, the term  
57 "portable communication device" means any device carried, worn,  
58 or stored which is designed or intended to receive or transmit  
59 verbal or written messages, access or store data, or connect  
60 electronically to the Internet or any other electronic device  
61 and which allows communications in any form. Such devices  
62 include, but are not limited to, portable two-way pagers, hand-  
63 held radios, cellular telephones, Blackberry-type devices,  
64 personal digital assistants or PDA's, laptop computers, or any  
65 components of these devices which are intended to be used to  
66 assemble such devices. The term also includes any new technology  
67 that is developed for similar purposes. Excluded from this  
68 definition is any device having communication capabilities which  
69 has been approved or issued by the department for investigative  
70 or institutional security purposes or for conducting other state  
71 business.

72 7. Any vapor-generating electronic device as defined in s.  
73 386.203.

74 (2) (a) A person who violates this section as it pertains  
75 to an article of contraband described in subparagraph (1) (a)1.,

76 | subparagraph (1)(a)2., or subparagraph (1)(a)6. commits a felony  
77 | of the third degree, punishable as provided in s. 775.082, s.  
78 | 775.083, or s. 775.084. A person who violates this section as it  
79 | pertains to an article of contraband described in subparagraph  
80 | (1)(a)7. commits a misdemeanor of the first degree, punishable  
81 | as provided in s. 775.082 or s. 775.083. Otherwise, a violation  
82 | of this section is a felony of the second degree, punishable as  
83 | provided in s. 775.082, s. 775.083, or s. 775.084.

84 | Section 2. Paragraphs (h) and (k) of subsection (1) and  
85 | subsection (2) of section 951.22, Florida Statutes, are amended  
86 | and paragraph (l) is added to subsection (1) of that section, to  
87 | read:

88 | 951.22 County detention facilities; contraband articles.-

89 | (1) It is unlawful, except through regular channels as  
90 | duly authorized by the sheriff or officer in charge, to  
91 | introduce into or possess upon the grounds of any county  
92 | detention facility as defined in s. 951.23 or to give to or  
93 | receive from any inmate of any such facility wherever said  
94 | inmate is located at the time or to take or to attempt to take  
95 | or send therefrom any of the following articles, which are  
96 | contraband:

97 | (h) Any narcotic, hypnotic, or excitative drug or drug of  
98 | any kind or nature, including nasal inhalators, sleeping pills,  
99 | barbiturates, marijuana as defined in s. 381.986, hemp as  
100 | defined in s. 581.217, industrial hemp as defined in s.

101 1004.4473, and controlled substances as defined in s. 893.02(4).

102 (k) Any cellular telephone or other portable communication  
 103 device as described in s. 944.47(1)(a)6., intentionally and  
 104 unlawfully introduced inside the secure perimeter of any county  
 105 detention facility. The term does not include any device that  
 106 has communication capabilities which has been approved or issued  
 107 by the sheriff or officer in charge for investigative or  
 108 institutional security purposes or for conducting other official  
 109 business.

110 (1) Any vapor-generating electronic device as defined in  
 111 s. 386.203.

112 (2) A person who violates paragraph (1)(a), paragraph  
 113 (1)(b), paragraph (1)(c), paragraph (1)(d), paragraph (1)(e),  
 114 paragraph (1)(f), ~~or~~ paragraph (1)(g), or paragraph (1)(l)  
 115 commits a misdemeanor of the first degree, punishable as  
 116 provided in s. 775.082 or s. 775.083. A person who violates  
 117 paragraph (1)(h), paragraph (1)(i), paragraph (1)(j), or  
 118 paragraph (1)(k) commits a felony of the third degree,  
 119 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

122 985.711 Introduction, removal, or possession of certain  
 123 articles unlawful; penalty.—

124 (1)(a) Except as authorized through program policy or  
 125 operating procedure or as authorized by the facility

126 superintendent, program director, or manager, a person may not  
 127 introduce into or upon the grounds of a juvenile detention  
 128 facility or commitment program, or take or send, or attempt to  
 129 take or send, from a juvenile detention facility or commitment  
 130 program, any of the following articles, which are declared to be  
 131 contraband under this section:

- 132 1. Any unauthorized article of food or clothing.
- 133 2. Any intoxicating beverage or any beverage that causes  
 134 or may cause an intoxicating effect.
- 135 3. Any controlled substance~~7~~ as defined in s. 893.02(4),  
 136 marijuana as defined in s. 381.986, hemp as defined in s.  
 137 581.217, and industrial hemp as defined in s. 1004.4473;~~7~~ or any  
 138 prescription or nonprescription drug that has a hypnotic,  
 139 stimulating, or depressing effect.
- 140 4. Any firearm or weapon of any kind or any explosive  
 141 substance.
- 142 5. Any cellular telephone or other portable communication  
 143 device as described in s. 944.47(1)(a)6., intentionally and  
 144 unlawfully introduced inside the secure perimeter of a juvenile  
 145 detention facility or commitment program. As used in this  
 146 subparagraph, the term "portable communication device" does not  
 147 include any device that has communication capabilities which has  
 148 been approved or issued by the facility superintendent, program  
 149 director, or manager.
- 150 6. Any vapor-generating electronic device as defined in s.

151 386.203.

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

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

160

161 In all other cases, a person who violates this section commits a  
162 felony of the second degree, punishable as provided in s.  
163 775.082, s. 775.083, or s. 775.084.

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