

1 A bill to be entitled
 2 An act relating to detention facilities; amending s.
 3 951.22, F.S.; prohibiting introduction into or
 4 possession of certain cellular telephones or other
 5 portable communication devices on the grounds of any
 6 county detention facility; providing criminal
 7 penalties; amending s. 921.0022, F.S.; conforming
 8 provisions to changes made by the act; providing an
 9 effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Section 951.22, Florida Statutes, is amended to
 14 read:

15 951.22 County detention facilities; contraband articles.-

16 (1) It is unlawful, except through regular channels as
 17 duly authorized by the sheriff or officer in charge, to
 18 introduce into or possess upon the grounds of any county
 19 detention facility as defined in s. 951.23 or to give to or
 20 receive from any inmate of any such facility wherever said
 21 inmate is located at the time or to take or to attempt to take
 22 or send therefrom any of the following articles, which are
 23 ~~hereby declared to be~~ contraband:

24 (a) ~~for the purposes of this act, to wit:~~ Any written or
 25 recorded communication.

- 26 (b) Any currency or coin.~~†~~
- 27 (c) Any article of food or clothing.~~†~~
- 28 (d) Any tobacco products as defined in s. 210.25(12).~~†~~
- 29 (e) Any cigarette as defined in s. 210.01(1).~~†~~
- 30 (f) Any cigar.~~†~~
- 31 (g) Any intoxicating beverage or beverage that ~~which~~
- 32 causes or may cause an intoxicating effect.~~†~~
- 33 (h) Any narcotic, hypnotic, or excitative drug or drug of
- 34 any kind or nature, including nasal inhalators, sleeping pills,
- 35 barbiturates, and controlled substances as defined in s.
- 36 893.02(4).~~†~~
- 37 (i) Any firearm or any instrumentality customarily used or
- 38 which is intended to be used as a dangerous weapon.~~†~~~~and~~
- 39 (j) Any instrumentality of any nature which ~~that~~ may be or
- 40 is intended to be used as an aid in effecting or attempting to
- 41 effect an escape from a county facility.
- 42 (k) Any cellular telephone or other portable communication
- 43 device as described in s. 944.47(1)(a)6. The term does not
- 44 include any device that has communication capabilities which has
- 45 been approved or issued by the sheriff or officer in charge for
- 46 investigative or institutional security purposes or for
- 47 conducting other official business.
- 48 (2) A person who ~~whoever~~ violates paragraph (1)(a), (b),
- 49 (c), (d), (e), (f), or (g) commits a misdemeanor of the first
- 50 degree, punishable as provided in s. 775.082 or s. 775.083. A

51 person who violates paragraph (1)(h), (i), (j), or (k) commits
 52 ~~subsection (1) shall be guilty of a felony of the third degree,~~
 53 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

54 Section 2. Paragraphs (d) and (f) of subsection (3) of
 55 section 921.0022, Florida Statutes, are amended to read:

56 921.0022 Criminal Punishment Code; offense severity
 57 ranking chart.—

58 (3) OFFENSE SEVERITY RANKING CHART

59 (d) LEVEL 4

60

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, transaction information, or transaction statements.

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64	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
65	517.07 (1)	3rd	Failure to register securities.
66	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
67	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
68	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
69	784.075	3rd	Battery on detention or commitment facility staff.
70	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.

71	784.081 (3)	3rd	Battery on specified official or employee.
72	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
73	784.083 (3)	3rd	Battery on code inspector.
74	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
75	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
76	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
77	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to

			avoid producing child at custody hearing or delivering to designated person.
78			
	787.07	3rd	Human smuggling.
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	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
80			
	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
81			
	790.115 (2) (c)	3rd	Possessing firearm on school property.
82			
	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
83			
	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
84			

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85	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
86	810.06	3rd	Burglary; possession of tools.
87	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
88	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
89	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
90	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
91	817.505 (4) (a)	3rd	Patient brokering.
	817.563 (1)	3rd	Sell or deliver substance other

			than controlled substance agreed upon, excluding s. 893.03(5) drugs.
92	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
93	817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
94	817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
95	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
96	837.02(1)	3rd	Perjury in official proceedings.
97	837.021(1)	3rd	Make contradictory statements in official proceedings.
98			

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99	838.022	3rd	Official misconduct.
100	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
101	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
102	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
103	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
104	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less

than 18 years.

105

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

106

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).

107

914.14 (2) 3rd Witnesses accepting bribes.

108

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

109

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

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918.12 3rd Tampering with jurors.

111

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

statement.

120

499.0051 (3) 2nd Knowing purchase or receipt of prescription drug from unauthorized person.

121

499.0051 (4) 2nd Knowing sale or transfer of prescription drug to unauthorized person.

122

775.0875 (1) 3rd Taking firearm from law enforcement officer.

123

784.021 (1) (a) 3rd Aggravated assault; deadly weapon without intent to kill.

124

784.021 (1) (b) 3rd Aggravated assault; intent to commit felony.

125

784.041 3rd Felony battery; domestic battery by strangulation.

126

784.048 (3) 3rd Aggravated stalking; credible threat.

127

128	784.048 (5)	3rd	Aggravated stalking of person under 16.
129	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
130	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
131	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
132	784.081 (2)	2nd	Aggravated assault on specified official or employee.
133	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
134	784.083 (2)	2nd	Aggravated assault on code inspector.
	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those

in s. 787.01.

135

790.115 (2) (d) 2nd Discharging firearm or weapon
on school property.

136

790.161 (2) 2nd Make, possess, or throw
destructive device with intent
to do bodily harm or damage
property.

137

790.164 (1) 2nd False report concerning bomb,
explosive, weapon of mass
destruction, act of arson or
violence to state property, or
use of firearms in violent
manner.

138

790.19 2nd Shooting or throwing deadly
missiles into dwellings,
vessels, or vehicles.

139

794.011 (8) (a) 3rd Solicitation of minor to
participate in sexual activity
by custodial adult.

140

141	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
142	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
143	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
144	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
145	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
146	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000,

grand theft in 2nd degree.

147

812.014 (6) 2nd Theft; property stolen \$3,000
or more; coordination of
others.

148

812.015 (9) (a) 2nd Retail theft; property stolen
\$300 or more; second or
subsequent conviction.

149

812.015 (9) (b) 2nd Retail theft; property stolen
\$3,000 or more; coordination of
others.

150

812.13 (2) (c) 2nd Robbery, no firearm or other
weapon (strong-arm robbery).

151

817.4821 (5) 2nd Possess cloning paraphernalia
with intent to create cloned
cellular telephones.

152

817.505 (4) (b) 2nd Patient brokering; 10 or more
patients.

153

825.102 (1) 3rd Abuse of an elderly person or

disabled adult.

154

825.102 (3) (c) 3rd Neglect of an elderly person or disabled adult.

155

825.1025 (3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

156

825.103 (3) (c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

157

827.03 (2) (c) 3rd Abuse of a child.

158

827.03 (2) (d) 3rd Neglect of a child.

159

827.071 (2) & (3) 2nd Use or induce a child in a sexual performance, or promote or direct such performance.

160

836.05 2nd Threats; extortion.

161

836.10 2nd Written threats to kill, do bodily injury, or conduct a

mass shooting or an act of terrorism.

162

843.12 3rd Aids or assists person to escape.

163

847.011 3rd Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

164

847.012 3rd Knowingly using a minor in the production of materials harmful to minors.

165

847.0135(2) 3rd Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

166

914.23 2nd Retaliation against a witness, victim, or informant, with bodily injury.

167

944.35(3)(a)2. 3rd Committing malicious battery upon or inflicting cruel or

inhuman treatment on an inmate
or offender on community
supervision, resulting in great
bodily harm.

168

944.40 2nd Escapes.

169

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

170

944.47(1)(a)5. 2nd Introduction of contraband
(firearm, weapon, or explosive)
into correctional facility.

171

951.22(1)(i) 3rd ~~Intoxicating drug,~~ Firearm, or
~~951.22(1)~~ weapon introduced into county
detention facility.

172

173 Section 3. This act shall take effect October 1, 2019.