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LEGISLATIVE ACTION

Senate

House

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Floor: 1/AD/2R

02/26/2020 03:58 PM

Senator Simmons moved the following:

Senate Amendment

Delete lines 48 - 205

and insert:

581.217, or 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., intentionally and unlawfully introduced inside the secure perimeter of any forensic facility under the operation and control of the department or agency. As used in this subparagraph, the term



734836

12 "portable communication device" does not include any device that
13 has communication capabilities which has been approved or issued
14 by the person in charge of the forensic facility;

15 5. Any vapor-generating electronic device as defined in s.
16 386.203, intentionally and unlawfully introduced inside the
17 secure perimeter of any forensic facility under the operation
18 and control of the department or agency; or

19 ~~6.4.~~ Any other item as determined by the department or the
20 agency, and as designated by rule or by written institutional
21 policies, to be hazardous to the welfare of clients or the
22 operation of the facility.

23 (2)

24 (c)1. A person who violates any provision of subparagraph
25 (1)(a)2. or subparagraph (1)(a)3. commits a felony of the third
26 degree, punishable as provided in s. 775.082, s. 775.083, or s.
27 775.084.

28 2. A person who violates any provision of subparagraph
29 (1)(a)1., subparagraph (1)(a)4., subparagraph (1)(a)5., or
30 subparagraph (1)(a)6. commits a misdemeanor of the first degree,
31 punishable as provided in s. 775.082 or s. 775.083.

32 Section 2. Paragraph (a) of subsection (1) and paragraph
33 (a) of subsection (2) of section 944.47, Florida Statutes, are
34 amended to read:

35 944.47 Introduction, removal, or possession of contraband;
36 penalty.—

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



734836

41 or attempt to send therefrom, any of the following articles
42 which are hereby declared to be contraband for the purposes of
43 this section, to wit:

44 1. Any written or recorded communication or any currency or
45 coin given or transmitted, or intended to be given or
46 transmitted, to any inmate of any state correctional
47 institution.

48 2. Any article of food or clothing given or transmitted, or
49 intended to be given or transmitted, to any inmate of any state
50 correctional institution.

51 3. Any intoxicating beverage or beverage which causes or
52 may cause an intoxicating effect.

53 4. Any controlled substance as defined in s. 893.02(4),
54 marijuana as defined in s. 381.986, hemp as defined in s.
55 581.217, industrial hemp as defined in s. 1004.4473, or any
56 prescription or nonprescription drug having a hypnotic,
57 stimulating, or depressing effect.

58 5. Any firearm or weapon of any kind or any explosive
59 substance.

60 6. Any cellular telephone or other portable communication
61 device intentionally and unlawfully introduced inside the secure
62 perimeter of any state correctional institution without prior
63 authorization or consent from the officer in charge of such
64 correctional institution. As used in this subparagraph, the term
65 "portable communication device" means any device carried, worn,
66 or stored which is designed or intended to receive or transmit
67 verbal or written messages, access or store data, or connect
68 electronically to the Internet or any other electronic device
69 and which allows communications in any form. Such devices



734836

70 include, but are not limited to, portable two-way pagers, hand-
71 held radios, cellular telephones, Blackberry-type devices,
72 personal digital assistants or PDA's, laptop computers, or any
73 components of these devices which are intended to be used to
74 assemble such devices. The term also includes any new technology
75 that is developed for similar purposes. Excluded from this
76 definition is any device having communication capabilities which
77 has been approved or issued by the department for investigative
78 or institutional security purposes or for conducting other state
79 business.

80 7. Any vapor-generating electronic device as defined in s.
81 386.203, intentionally and unlawfully introduced inside the
82 secure perimeter of any state correctional institution.

83 (2) (a) A person who violates this section as it pertains to
84 an article of contraband described in subparagraph (1) (a)1.,
85 subparagraph (1) (a)2., or subparagraph (1) (a)6. commits a felony
86 of the third degree, punishable as provided in s. 775.082, s.
87 775.083, or s. 775.084. A person who violates this section as it
88 pertains to an article of contraband described in subparagraph
89 (1) (a)7. commits a misdemeanor of the first degree, punishable
90 as provided in s. 775.082 or s. 775.083. Otherwise, a violation
91 of this section is a felony of the second degree, punishable as
92 provided in s. 775.082, s. 775.083, or s. 775.084.

93 Section 3. Subsection (1) and (2) of section 951.22,
94 Florida Statutes, are amended to read:

95 951.22 County detention facilities; contraband articles.—

96 (1) It is unlawful, except through regular channels as duly
97 authorized by the sheriff or officer in charge, to introduce
98 into or possess upon the grounds of any county detention



734836

99 facility as defined in s. 951.23 or to give to or receive from
100 any inmate of any such facility wherever said inmate is located
101 at the time or to take or to attempt to take or send therefrom
102 any of the following articles, which are contraband:

103 (a) Any written or recorded communication. This paragraph
104 does not apply to any document or correspondence exchanged
105 between a lawyer, paralegal, or other legal staff and an inmate
106 at a detention facility if the document or correspondence is
107 otherwise lawfully possessed and disseminated and relates to the
108 legal representation of the inmate.

109 (b) Any currency or coin.

110 (c) Any article of food or clothing.

111 (d) Any tobacco products as defined in s. 210.25(12).

112 (e) Any cigarette as defined in s. 210.01(1).

113 (f) Any cigar.

114 (g) Any intoxicating beverage or beverage that causes or
115 may cause an intoxicating effect.

116 (h) Any narcotic, hypnotic, or excitative drug or drug of
117 any kind or nature, including nasal inhalators, sleeping pills,
118 barbiturates, marijuana as defined in s. 381.986, hemp as
119 defined in s. 581.217, industrial hemp as defined in s.
120 1004.4473, or ~~and~~ controlled substances as defined in s.
121 893.02(4).

122 (i) Any firearm or any instrumentality customarily used or
123 which is intended to be used as a dangerous weapon.

124 (j) Any instrumentality of any nature which may be or is
125 intended to be used as an aid in effecting or attempting to
126 effect an escape from a county facility.

127 (k) Any cellular telephone or other portable communication



734836

128 device as described in s. 944.47(1)(a)6., intentionally and
129 unlawfully introduced inside the secure perimeter of any county
130 detention facility. The term does not include any device that
131 has communication capabilities which has been approved or issued
132 by the sheriff or officer in charge for investigative or
133 institutional security purposes or for conducting other official
134 business.

135 (1) Any vapor-generating electronic device as defined in s.
136 386.203, intentionally and unlawfully introduced inside the
137 secure perimeter of any county detention facility.

138 (2) A person who violates paragraph (1)(a), paragraph
139 (1)(b), paragraph (1)(c), paragraph (1)(d), paragraph (1)(e),
140 paragraph (1)(f), ~~or~~ paragraph (1)(g), or paragraph (1)(l)
141 commits a misdemeanor of the first degree, punishable as
142 provided in s. 775.082 or s. 775.083. A person who violates
143 paragraph (1)(h), paragraph (1)(i), paragraph (1)(j), or
144 paragraph (1)(k) commits a felony of the third degree,
145 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

148 985.711 Introduction, removal, or possession of certain
149 articles unlawful; penalty.-

150 (1)(a) Except as authorized through program policy or
151 operating procedure or as authorized by the facility
152 superintendent, program director, or manager, a person may not
153 introduce into or upon the grounds of a juvenile detention
154 facility or commitment program, or take or send, or attempt to
155 take or send, from a juvenile detention facility or commitment
156 program, any of the following articles, which are declared to be



734836

157 contraband under this section:
158 1. Any unauthorized article of food or clothing.
159 2. Any intoxicating beverage or any beverage that causes or
160 may cause an intoxicating effect.
161 3. Any controlled substance, as defined in s. 893.02(4),
162 marijuana as defined in s. 381.986, hemp as defined in s.
163 581.217, industrial hemp as defined in s. 1004.4473, or any
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