

By Senator Brown-Waite

10-1395A-00

1 A bill to be entitled
2 An act relating to drug trafficking; amending
3 s. 893.03, F.S.; adding 1,4-Butanediol to the
4 controlled substances listed under Schedule II;
5 amending s. 893.13, F.S.; providing enhanced
6 penalties for the sale, manufacture, or
7 possession of methamphetamine; providing
8 enhanced penalties for possessing
9 methamphetamine within a specified distance of
10 a school, park, or public housing facility;
11 providing enhanced penalties for purchasing or
12 using a minor to sell or deliver
13 methamphetamine; amending s. 893.135, F.S.;
14 revising certain penalties imposed for
15 trafficking in controlled substances; deleting
16 certain provisions requiring that an offender
17 be sentenced under the Criminal Punishment
18 Code; prohibiting the sale, purchase,
19 manufacture, or delivery of
20 gamma-hydroxybutyric acid (GHB); providing
21 penalties; prohibiting the sale, purchase,
22 manufacture, or delivery of 1,4-Butanediol;
23 providing penalties; prohibiting the sale,
24 purchase, manufacture, or delivery of various
25 drugs known as "phenethylamines"; providing
26 penalties; amending s. 893.145, F.S.; defining
27 the term "drug paraphernalia" to mean certain
28 additional equipment, products, and materials;
29 including certain objects used for unlawfully
30 introducing nitrous oxide into the human body
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1 within the definition of the term "drug
2 paraphernalia"; providing an effective date.

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

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6 Section 1. Paragraph (b) of subsection (2) of section
7 893.03, Florida Statutes, is amended to read:

8 893.03 Standards and schedules.--The substances
9 enumerated in this section are controlled by this chapter.
10 The controlled substances listed or to be listed in Schedules
11 I, II, III, IV, and V are included by whatever official,
12 common, usual, chemical, or trade name designated. The
13 provisions of this section shall not be construed to include
14 within any of the schedules contained in this section any
15 excluded drugs listed within the purview of 21 C.F.R. s.
16 1308.22, styled "Excluded Substances"; 21 C.F.R. s. 1308.24,
17 styled "Exempt Chemical Preparations"; 21 C.F.R. s. 1308.32,
18 styled "Exempted Prescription Products"; or 21 C.F.R. s.
19 1308.34, styled "Exempt Anabolic Steroid Products."

20 (2) SCHEDULE II.--A substance in Schedule II has a
21 high potential for abuse and has a currently accepted but
22 severely restricted medical use in treatment in the United
23 States, and abuse of the substance may lead to severe
24 psychological or physical dependence. The following
25 substances are controlled in Schedule II:

26 (b) Unless specifically excepted or unless listed in
27 another schedule, any of the following substances, including
28 their isomers, esters, ethers, salts, and salts of isomers,
29 esters, and ethers, whenever the existence of such isomers,
30 esters, ethers, and salts is possible within the specific
31 chemical designation:

- 1 1. Alfentanil.
- 2 2. Alphaprodine.
- 3 3. Anileridine.
- 4 4. Bezitramide.
- 5 5. Bulk propoxyphene (nondosage forms).
- 6 6. 1,4-Butanediol.
- 7 ~~7.6. Carfentanil.~~
- 8 ~~8.7. Dihydrocodeine.~~
- 9 ~~9.8. Diphenoxylate.~~
- 10 ~~10.9. Fentanyl.~~
- 11 ~~11.10. Gamma-hydroxybutyric acid (GHB).~~
- 12 ~~12.11. Isomethadone.~~
- 13 ~~13.12. Levomethorphan.~~
- 14 ~~14.13. Levorphanol.~~
- 15 ~~15.14. Metazocine.~~
- 16 ~~16.15. Methadone.~~
- 17 ~~17.16. Methadone-Intermediate, 4-cyano-2-~~
18 dimethylamino-4,4-diphenylbutane.
- 19 ~~18.17. Moramide-Intermediate, 2-methyl-3-~~
20 morpholino-1,1-diphenylpropane-carboxylic acid.
- 21 ~~19.18. Nabilone.~~
- 22 ~~20.19. Pethidine (meperidine).~~
- 23 ~~21.20. Pethidine-Intermediate-A, 4-cyano-1-~~
24 methyl-4-phenylpiperidine.
- 25 ~~22.21. Pethidine-Intermediate-B, ethyl-4-~~
26 phenylpiperidine-4-carboxylate.
- 27 ~~23.22. Pethidine-Intermediate-C, 1-methyl-4-~~
28 phenylpiperidine-4-carboxylic acid.
- 29 ~~24.23. Phenazocine.~~
- 30 ~~25.24. Phencyclidine.~~
- 31 ~~26.25. 1-Phenylcyclohexylamine.~~

1 ~~27.26.~~ Piminodine.

2 ~~28.27.~~ 1-Piperidinocyclohexanecarbonitrile.

3 ~~29.28.~~ Racemethorphan.

4 ~~30.29.~~ Racemorphan.

5 ~~31.30.~~ Sufentanil.

6 Section 2. Section 893.13, Florida Statutes, is
7 amended to read:

8 893.13 Prohibited acts; penalties.--

9 (1)(a) Except as authorized by this chapter and
10 chapter 499, it is unlawful for any person to sell,
11 manufacture, or deliver, or possess with intent to sell,
12 manufacture, or deliver, a controlled substance. Any person
13 who violates this provision with respect to:

14 1. A controlled substance named or described in s.
15 893.03(1)(a), (1)(b), (1)(d), (2)(a), ~~or (2)(b),~~ or (2)(c)4.,
16 commits a felony of the second degree, punishable as provided
17 in s. 775.082, s. 775.083, or s. 775.084.

18 2. A controlled substance named or described in s.
19 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,
20 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9.~~(2)(c),~~ (3), or (4)
21 commits a felony of the third degree, punishable as provided
22 in s. 775.082, s. 775.083, or s. 775.084.

23 3. A controlled substance named or described in s.
24 893.03(5) commits a misdemeanor of the first degree,
25 punishable as provided in s. 775.082 or s. 775.083.

26 (b) Except as provided in this chapter, it is unlawful
27 to sell or deliver in excess of 10 grams of any substance
28 named or described in s. 893.03(1)(a) or (1)(b), or any
29 combination thereof, or any mixture containing any such
30 substance. Any person who violates this paragraph commits a
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1 felony of the first degree, punishable as provided in s.
2 775.082, s. 775.083, or s. 775.084.

3 (c) Except as authorized by this chapter, it is
4 unlawful for any person to sell, manufacture, or deliver, or
5 possess with intent to sell, manufacture, or deliver a
6 controlled substance in, on, or within 1,000 feet of the real
7 property comprising a child care facility as defined in s.
8 402.302 or a public or private elementary, middle, or
9 secondary school between the hours of 6 a.m. and 12 a.m. Any
10 person who violates this paragraph with respect to:

11 1. A controlled substance named or described in s.
12 893.03(1)(a), (1)(b), (1)(d), (2)(a), ~~or (2)(b)~~, or (2)(c)4.,
13 commits a felony of the first degree, punishable as provided
14 in s. 775.082, s. 775.083, or s. 775.084. The defendant must
15 be sentenced to a minimum term of imprisonment of 3 calendar
16 years unless the offense was committed within 1,000 feet of
17 the real property comprising a child care facility as defined
18 in s. 402.302.

19 2. A controlled substance named or described in s.
20 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,
21 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9.~~(2)(c)~~, (3), or (4)
22 commits a felony of the second degree, punishable as provided
23 in s. 775.082, s. 775.083, or s. 775.084.

24 3. Any other controlled substance, except as lawfully
25 sold, manufactured, or delivered, must be sentenced to pay a
26 \$500 fine and to serve 100 hours of public service in addition
27 to any other penalty prescribed by law.

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29 This paragraph does not apply to a child care facility unless
30 the owner or operator of the facility posts a sign that is not
31 less than 2 square feet in size with a word legend identifying

1 the facility as a licensed child care facility and that is
2 posted on the property of the child care facility in a
3 conspicuous place where the sign is reasonably visible to the
4 public.

5 (d) Except as authorized by this chapter, it is
6 unlawful for any person to sell, manufacture, or deliver, or
7 possess with intent to sell, manufacture, or deliver, a
8 controlled substance in, on, or within 200 feet of the real
9 property comprising a public or private college, university,
10 or other postsecondary educational institution, or within 200
11 feet of any public park. Any person who violates this
12 paragraph with respect to:

13 1. A controlled substance named or described in s.
14 893.03(1)(a), (1)(b), (1)(d), (2)(a), ~~or (2)(b)~~, or (2)(c)4.,
15 commits a felony of the first degree, punishable as provided
16 in s. 775.082, s. 775.083, or s. 775.084.

17 2. A controlled substance named or described in s.
18 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,
19 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9.~~(2)(c)~~, (3), or (4)
20 commits a felony of the second degree, punishable as provided
21 in s. 775.082, s. 775.083, or s. 775.084.

22 3. Any other controlled substance, except as lawfully
23 sold, manufactured, or delivered, must be sentenced to pay a
24 \$500 fine and to serve 100 hours of public service in addition
25 to any other penalty prescribed by law.

26 (e) Except as authorized by this chapter, it is
27 unlawful for any person to sell, manufacture, or deliver, or
28 possess with intent to sell, manufacture, or deliver, a
29 controlled substance not authorized by law in, on, or within
30 1,000 feet of a physical place for worship at which a church
31 or religious organization regularly conducts religious

1 services or within 1,000 feet of a convenience business as
2 defined in s. 812.171. Any person who violates this paragraph
3 with respect to:

4 1. A controlled substance named or described in s.
5 893.03(1)(a), (1)(b), (1)(d), (2)(a), ~~or (2)(b)~~, or (2)(c)4.,
6 commits a felony of the first degree, punishable as provided
7 in s. 775.082, s. 775.083, or s. 775.084.

8 2. A controlled substance named or described in s.
9 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,
10 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9.~~(2)(c)~~, (3), or (4)
11 commits a felony of the second degree, punishable as provided
12 in s. 775.082, s. 775.083, or s. 775.084.

13 3. Any other controlled substance, except as lawfully
14 sold, manufactured, or delivered, must be sentenced to pay a
15 \$500 fine and to serve 100 hours of public service in addition
16 to any other penalty prescribed by law.

17 (f) Except as authorized by this chapter, it is
18 unlawful for any person to sell, manufacture, or deliver, or
19 possess with intent to sell, manufacture, or deliver, a
20 controlled substance in, on, or within 200 feet of the real
21 property comprising a public housing facility at any time. For
22 purposes of this section, the term "real property comprising a
23 public housing facility" means real property, as defined in s.
24 421.03(12), of a public corporation created as a housing
25 authority pursuant to part I of chapter 421. Any person who
26 violates this paragraph with respect to:

27 1. A controlled substance named or described in s.
28 893.03(1)(a), (1)(b), (1)(d), (2)(a), ~~or (2)(b)~~, (2)(c)4.,
29 commits a felony of the first degree, punishable as provided
30 in s. 775.082, s. 775.083, or s. 775.084.

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1 2. A controlled substance named or described in s.
2 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,
3 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9.~~(2)(c)~~, (3), or (4)
4 commits a felony of the second degree, punishable as provided
5 in s. 775.082, s. 775.083, or s. 775.084.

6 3. Any other controlled substance, except as lawfully
7 sold, manufactured, or delivered, must be sentenced to pay a
8 \$500 fine and to serve 100 hours of public service in addition
9 to any other penalty prescribed by law.

10 (2)(a) Except as authorized by this chapter and
11 chapter 499, it is unlawful for any person to purchase, or
12 possess with intent to purchase, a controlled substance. Any
13 person who violates this provision with respect to:

14 1. A controlled substance named or described in s.
15 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b), or (2)(c)4.,
16 commits a felony of the second degree, punishable as provided
17 in s. 775.082, s. 775.083, or s. 775.084.

18 2. A controlled substance named or described in s.
19 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,
20 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9.~~(2)(c)~~, (3), or (4)
21 commits a felony of the third degree, punishable as provided
22 in s. 775.082, s. 775.083, or s. 775.084.

23 3. A controlled substance named or described in s.
24 893.03(5) commits a misdemeanor of the first degree,
25 punishable as provided in s. 775.082 or s. 775.083.

26 (b) Except as provided in this chapter, it is unlawful
27 to purchase in excess of 10 grams of any substance named or
28 described in s. 893.03(1)(a) or (1)(b), or any combination
29 thereof, or any mixture containing any such substance. Any
30 person who violates this paragraph commits a felony of the
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1 first degree, punishable as provided in s. 775.082, s.
2 775.083, or s. 775.084.

3 (3) Any person who delivers, without consideration,
4 not more than 20 grams of cannabis, as defined in this
5 chapter, commits a misdemeanor of the first degree, punishable
6 as provided in s. 775.082 or s. 775.083. For the purposes of
7 this paragraph, "cannabis" does not include the resin
8 extracted from the plants of the genus Cannabis or any
9 compound manufacture, salt, derivative, mixture, or
10 preparation of such resin.

11 (4) Except as authorized by this chapter, it is
12 unlawful for any person 18 years of age or older to deliver
13 any controlled substance to a person under the age of 18
14 years, or to use or hire a person under the age of 18 years as
15 an agent or employee in the sale or delivery of such a
16 substance, or to use such person to assist in avoiding
17 detection or apprehension for a violation of this chapter.
18 Any person who violates this provision with respect to:

19 (a) A controlled substance named or described in s.
20 893.03(1)(a), (1)(b), (1)(d), (2)(a), ~~or (2)(b)~~, or (2)(c)4.,
21 commits a felony of the first degree, punishable as provided
22 in s. 775.082, s. 775.083, or s. 775.084.

23 (b) A controlled substance named or described in s.
24 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,
25 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9.~~(2)(c)~~, (3), or (4)
26 commits a felony of the second degree, punishable as provided
27 in s. 775.082, s. 775.083, or s. 775.084.

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29 Imposition of sentence may not be suspended or deferred, nor
30 shall the person so convicted be placed on probation.

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1 (5) It is unlawful for any person to bring into this
2 state any controlled substance unless the possession of such
3 controlled substance is authorized by this chapter or unless
4 such person is licensed to do so by the appropriate federal
5 agency. Any person who violates this provision with respect
6 to:

7 (a) A controlled substance named or described in s.
8 893.03(1)(a), (1)(b), (1)(d), (2)(a), ~~or (2)(b),~~ or (2)(c)4.,
9 commits a felony of the second degree, punishable as provided
10 in s. 775.082, s. 775.083, or s. 775.084.

11 (b) A controlled substance named or described in s.
12 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,
13 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9.~~(2)(c),~~ (3), or (4)
14 commits a felony of the third degree, punishable as provided
15 in s. 775.082, s. 775.083, or s. 775.084.

16 (c) A controlled substance named or described in s.
17 893.03(5) commits a misdemeanor of the first degree,
18 punishable as provided in s. 775.082 or s. 775.083.

19 (6)(a) It is unlawful for any person to be in actual
20 or constructive possession of a controlled substance unless
21 such controlled substance was lawfully obtained from a
22 practitioner or pursuant to a valid prescription or order of a
23 practitioner while acting in the course of his or her
24 professional practice or to be in actual or constructive
25 possession of a controlled substance except as otherwise
26 authorized by this chapter. Any person who violates this
27 provision commits a felony of the third degree, punishable as
28 provided in s. 775.082, s. 775.083, or s. 775.084.

29 (b) If the offense is the possession of not more than
30 20 grams of cannabis, as defined in this chapter, the person
31 commits a misdemeanor of the first degree, punishable as

1 provided in s. 775.082 or s. 775.083. For the purposes of
2 this subsection, "cannabis" does not include the resin
3 extracted from the plants of the genus Cannabis, or any
4 compound manufacture, salt, derivative, mixture, or
5 preparation of such resin.

6 (c) Except as provided in this chapter, it is unlawful
7 to possess in excess of 10 grams of any substance named or
8 described in s. 893.03(1)(a) or (1)(b), or any combination
9 thereof, or any mixture containing any such substance. Any
10 person who violates this paragraph commits a felony of the
11 first degree, punishable as provided in s. 775.082, s.
12 775.083, or s. 775.084.

13 (d) Notwithstanding any provision to the contrary of
14 the laws of this state relating to arrest, a law enforcement
15 officer may arrest without warrant any person who the officer
16 has probable cause to believe is violating the provisions of
17 this chapter relating to possession of cannabis.

18 (7)(a) It is unlawful for any person:

19 1. To distribute or dispense a controlled substance in
20 violation of this chapter.

21 2. To refuse or fail to make, keep, or furnish any
22 record, notification, order form, statement, invoice, or
23 information required under this chapter.

24 3. To refuse an entry into any premises for any
25 inspection or to refuse to allow any inspection authorized by
26 this chapter.

27 4. To distribute a controlled substance named or
28 described in s. 893.03(1) or (2) except pursuant to an order
29 form as required by s. 893.06.

30 5. To keep or maintain any store, shop, warehouse,
31 dwelling, building, vehicle, boat, aircraft, or other

1 structure or place which is resorted to by persons using
2 controlled substances in violation of this chapter for the
3 purpose of using these substances, or which is used for
4 keeping or selling them in violation of this chapter.

5 6. To use to his or her own personal advantage, or to
6 reveal, any information obtained in enforcement of this
7 chapter except in a prosecution or administrative hearing for
8 a violation of this chapter.

9 7. To withhold information from a practitioner from
10 whom the person seeks to obtain a controlled substance or a
11 prescription for a controlled substance that the person has
12 received a controlled substance or a prescription for a
13 controlled substance of like therapeutic use from another
14 practitioner within the last 30 days.

15 8. To possess a prescription form which has not been
16 completed and signed by the practitioner whose name appears
17 printed thereon, unless the person is that practitioner, is an
18 agent or employee of that practitioner, is a pharmacist, or is
19 a supplier of prescription forms who is authorized by that
20 practitioner to possess those forms.

21 9. To acquire or obtain, or attempt to acquire or
22 obtain, possession of a controlled substance by
23 misrepresentation, fraud, forgery, deception, or subterfuge.

24 10. To affix any false or forged label to a package or
25 receptacle containing a controlled substance.

26 11. To furnish false or fraudulent material
27 information in, or omit any material information from, any
28 report or other document required to be kept or filed under
29 this chapter or any record required to be kept by this
30 chapter.

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1 (b) Any person who violates the provisions of
2 subparagraphs (a)1.-8. commits a misdemeanor of the first
3 degree, punishable as provided in s. 775.082 or s. 775.083;
4 except that, upon a second or subsequent violation, the person
5 commits a felony of the third degree, punishable as provided
6 in s. 775.082, s. 775.083, or s. 775.084.

7 (c) Any person who violates the provisions of
8 subparagraphs (a)9.-11. commits a felony of the third degree,
9 punishable as provided in s. 775.082, s. 775.083, or s.
10 775.084.

11 (8) The provisions of subsections (1) through (7) are
12 not applicable to the delivery to, or actual or constructive
13 possession for medical or scientific use or purpose only of
14 controlled substances by, persons included in any of the
15 following classes, or the agents or employees of such persons,
16 for use in the usual course of their business or profession or
17 in the performance of their official duties:

18 (a) Pharmacists.

19 (b) Practitioners.

20 (c) Persons who procure controlled substances in good
21 faith and in the course of professional practice only, by or
22 under the supervision of pharmacists or practitioners employed
23 by them, or for the purpose of lawful research, teaching, or
24 testing, and not for resale.

25 (d) Hospitals that procure controlled substances for
26 lawful administration by practitioners, but only for use by or
27 in the particular hospital.

28 (e) Officers or employees of state, federal, or local
29 governments acting in their official capacity only, or
30 informers acting under their jurisdiction.

31 (f) Common carriers.

1 (g) Manufacturers, wholesalers, and distributors.

2 (h) Law enforcement officers for bona fide law
3 enforcement purposes in the course of an active criminal
4 investigation.

5 (9) Notwithstanding any provision of the sentencing
6 guidelines or the Criminal Punishment Code to the contrary, on
7 or after October 1, 1993, any defendant who:

8 (a) Violates subparagraph (1)(a)1., subparagraph
9 (1)(c)2., subparagraph (1)(d)2., subparagraph (2)(a)1., or
10 paragraph (5)(a); and

11 (b) Has not previously been convicted, regardless of
12 whether adjudication was withheld, of any felony, other than a
13 violation of subparagraph (1)(a)1., subparagraph (1)(c)2.,
14 subparagraph (1)(d)2., subparagraph (2)(a)1., or paragraph
15 (5)(a),

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17 may be required by the court to successfully complete a term
18 of probation pursuant to the terms and conditions set forth in
19 s. 948.034(1), in lieu of serving a term of imprisonment.

20 (10) Notwithstanding any provision of the sentencing
21 guidelines or the Criminal Punishment Code to the contrary, on
22 or after January 1, 1994, any defendant who:

23 (a) Violates subparagraph (1)(a)2., subparagraph
24 (2)(a)2., paragraph (5)(b), or paragraph (6)(a); and

25 (b) Has not previously been convicted, regardless of
26 whether adjudication was withheld, of any felony, other than a
27 violation of subparagraph (1)(a)2., subparagraph (2)(a)2.,
28 paragraph (5)(b), or paragraph (6)(a),

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1 may be required by the court to successfully complete a term
2 of probation pursuant to the terms and conditions set forth in
3 s. 948.034(2), in lieu of serving a term of imprisonment.

4 Section 3. Section 893.135, Florida Statutes, is
5 amended to read:

6 893.135 Trafficking; mandatory sentences; suspension
7 or reduction of sentences; conspiracy to engage in
8 trafficking.--

9 (1) Except as authorized in this chapter or in chapter
10 499 and notwithstanding the provisions of s. 893.13:

11 (a) Any person who knowingly sells, purchases,
12 manufactures, delivers, or brings into this state, or who is
13 knowingly in actual or constructive possession of, in excess
14 of 25 pounds of cannabis, or 300 or more cannabis plants,
15 commits a felony of the first degree, which felony shall be
16 known as "trafficking in cannabis," punishable as provided in
17 s. 775.082, s. 775.083, or s. 775.084. If the quantity of
18 cannabis involved:

19 1. Is in excess of 25 pounds, but less than 2,000
20 pounds, or is 300 or more cannabis plants, but not more than
21 2,000 cannabis plants, such person shall be sentenced to
22 ~~pursuant to the Criminal Punishment Code and such sentence~~
23 ~~shall include~~ a mandatory minimum term of imprisonment of 3
24 years, and the defendant shall be ordered to pay a fine of
25 \$25,000.

26 2. Is 2,000 pounds or more, but less than 10,000
27 pounds, or is 2,000 or more cannabis plants, but not more than
28 10,000 cannabis plants, such person shall be sentenced to
29 ~~pursuant to the Criminal Punishment Code and such sentence~~
30 ~~shall include~~ a mandatory minimum term of imprisonment of 7
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1 years, and the defendant shall be ordered to pay a fine of
2 \$50,000.

3 3. Is 10,000 pounds or more, or is 10,000 or more
4 cannabis plants, such person shall be sentenced to a mandatory
5 minimum term of imprisonment of 15 calendar years and pay a
6 fine of \$200,000.

7
8 For the purpose of this paragraph, a plant, including, but not
9 limited to, a seedling or cutting, is a "cannabis plant" if it
10 has some readily observable evidence of root formation, such
11 as root hairs. To determine if a piece or part of a cannabis
12 plant severed from the cannabis plant is itself a cannabis
13 plant, the severed piece or part must have some readily
14 observable evidence of root formation, such as root hairs.
15 Callous tissue is not readily observable evidence of root
16 formation. The viability and sex of a plant and the fact that
17 the plant may or may not be a dead harvested plant are not
18 relevant in determining if the plant is a "cannabis plant" or
19 in the charging of an offense under this paragraph. Upon
20 conviction, the court shall impose the longest term of
21 imprisonment provided for in this paragraph.

22 (b)1. Any person who knowingly sells, purchases,
23 manufactures, delivers, or brings into this state, or who is
24 knowingly in actual or constructive possession of, 28 grams or
25 more of cocaine, as described in s. 893.03(2)(a)4., or of any
26 mixture containing cocaine, but less than 150 kilograms of
27 cocaine or any such mixture, commits a felony of the first
28 degree, which felony shall be known as "trafficking in
29 cocaine," punishable as provided in s. 775.082, s. 775.083, or
30 s. 775.084. If the quantity involved:

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1 a. Is 28 grams or more, but less than 200 grams, such
2 person shall be sentenced to ~~pursuant to the Criminal~~
3 ~~Punishment Code and such sentence shall include~~ a mandatory
4 minimum term of imprisonment of 3 years, and the defendant
5 shall be ordered to pay a fine of \$50,000.

6 b. Is 200 grams or more, but less than 400 grams, such
7 person shall be sentenced to ~~pursuant to the Criminal~~
8 ~~Punishment Code and such sentence shall include~~ a mandatory
9 minimum term of imprisonment of 7 years, and the defendant
10 shall be ordered to pay a fine of \$100,000.

11 c. Is 400 grams or more, but less than 150 kilograms,
12 such person shall be sentenced to a mandatory minimum term of
13 imprisonment of 15 calendar years and pay a fine of \$250,000.

14 2. Any person who knowingly sells, purchases,
15 manufactures, delivers, or brings into this state, or who is
16 knowingly in actual or constructive possession of, 150
17 kilograms or more of cocaine, as described in s.
18 893.03(2)(a)4., commits the first degree felony of trafficking
19 in cocaine. A person who has been convicted of the first
20 degree felony of trafficking in cocaine under this
21 subparagraph shall be punished by life imprisonment and is
22 ineligible for any form of discretionary early release except
23 pardon or executive clemency or conditional medical release
24 under s. 947.149. However, if the court determines that, in
25 addition to committing any act specified in this paragraph:

26 a. The person intentionally killed an individual or
27 counseled, commanded, induced, procured, or caused the
28 intentional killing of an individual and such killing was the
29 result; or

30 b. The person's conduct in committing that act led to
31 a natural, though not inevitable, lethal result,

1
2 such person commits the capital felony of trafficking in
3 cocaine, punishable as provided in ss. 775.082 and 921.142.
4 Any person sentenced for a capital felony under this paragraph
5 shall also be sentenced to pay the maximum fine provided under
6 subparagraph 1.

7 3. Any person who knowingly brings into this state 300
8 kilograms or more of cocaine, as described in s.
9 893.03(2)(a)4., and who knows that the probable result of such
10 importation would be the death of any person, commits capital
11 importation of cocaine, a capital felony punishable as
12 provided in ss. 775.082 and 921.142. Any person sentenced for
13 a capital felony under this paragraph shall also be sentenced
14 to pay the maximum fine provided under subparagraph 1.

15 (c)1. Any person who knowingly sells, purchases,
16 manufactures, delivers, or brings into this state, or who is
17 knowingly in actual or constructive possession of, 4 grams or
18 more of any morphine, opium, oxycodone, hydrocodone,
19 hydromorphone, or any salt, derivative, isomer, or salt of an
20 isomer thereof, including heroin, as described in s.
21 893.03(1)(b) or (2)(a), or 4 grams or more of any mixture
22 containing any such substance, but less than 30 kilograms of
23 such substance or mixture, commits a felony of the first
24 degree, which felony shall be known as "trafficking in illegal
25 drugs," punishable as provided in s. 775.082, s. 775.083, or
26 s. 775.084. If the quantity involved:

27 a. Is 4 grams or more, but less than 14 grams, such
28 person shall be sentenced to ~~pursuant to the Criminal~~
29 ~~Punishment Code and such sentence shall include~~ a mandatory
30 minimum term of imprisonment of 3 years, and the defendant
31 shall be ordered to pay a fine of \$50,000.

1 b. Is 14 grams or more, but less than 28 grams, such
2 person shall be sentenced to ~~pursuant to the Criminal~~
3 ~~Punishment Code and such sentence shall include~~ a mandatory
4 minimum term of imprisonment of 15 years, and the defendant
5 shall be ordered to pay a fine of \$100,000.

6 c. Is 28 grams or more, but less than 30 kilograms,
7 such person shall be sentenced to a mandatory minimum term of
8 imprisonment of 25 calendar years and pay a fine of \$500,000.

9 2. Any person who knowingly sells, purchases,
10 manufactures, delivers, or brings into this state, or who is
11 knowingly in actual or constructive possession of, 30
12 kilograms or more of any morphine, opium, oxycodone,
13 hydrocodone, hydromorphone, or any salt, derivative, isomer,
14 or salt of an isomer thereof, including heroin, as described
15 in s. 893.03(1)(b) or (2)(a), or 30 kilograms or more of any
16 mixture containing any such substance, commits the first
17 degree felony of trafficking in illegal drugs. A person who
18 has been convicted of the first degree felony of trafficking
19 in illegal drugs under this subparagraph shall be punished by
20 life imprisonment and is ineligible for any form of
21 discretionary early release except pardon or executive
22 clemency or conditional medical release under s. 947.149.
23 However, if the court determines that, in addition to
24 committing any act specified in this paragraph:

25 a. The person intentionally killed an individual or
26 counseled, commanded, induced, procured, or caused the
27 intentional killing of an individual and such killing was the
28 result; or

29 b. The person's conduct in committing that act led to
30 a natural, though not inevitable, lethal result,

31

1 such person commits the capital felony of trafficking in
2 illegal drugs, punishable as provided in ss. 775.082 and
3 921.142. Any person sentenced for a capital felony under this
4 paragraph shall also be sentenced to pay the maximum fine
5 provided under subparagraph 1.

6 3. Any person who knowingly brings into this state 60
7 kilograms or more of any morphine, opium, oxycodone,
8 hydrocodone, hydromorphone, or any salt, derivative, isomer,
9 or salt of an isomer thereof, including heroin, as described
10 in s. 893.03(1)(b) or (2)(a), or 60 kilograms or more of any
11 mixture containing any such substance, and who knows that the
12 probable result of such importation would be the death of any
13 person, commits capital importation of illegal drugs, a
14 capital felony punishable as provided in ss. 775.082 and
15 921.142. Any person sentenced for a capital felony under this
16 paragraph shall also be sentenced to pay the maximum fine
17 provided under subparagraph 1.

18 (d)1. Any person who knowingly sells, purchases,
19 manufactures, delivers, or brings into this state, or who is
20 knowingly in actual or constructive possession of, 28 grams or
21 more of phencyclidine or of any mixture containing
22 phencyclidine, as described in s. 893.03(2)(b), commits a
23 felony of the first degree, which felony shall be known as
24 "trafficking in phencyclidine," punishable as provided in s.
25 775.082, s. 775.083, or s. 775.084. If the quantity involved:

26 a. Is 28 grams or more, but less than 200 grams, such
27 person shall be sentenced to ~~pursuant to the Criminal~~
28 ~~Punishment Code and such sentence shall include~~ a mandatory
29 minimum term of imprisonment of 3 years, and the defendant
30 shall be ordered to pay a fine of \$50,000.

31

1 b. Is 200 grams or more, but less than 400 grams, such
2 person shall be sentenced to ~~pursuant to the Criminal~~
3 ~~Punishment Code and such sentence shall include~~ a mandatory
4 minimum term of imprisonment of 7 years, and the defendant
5 shall be ordered to pay a fine of \$100,000.

6 c. Is 400 grams or more, such person shall be
7 sentenced to a mandatory minimum term of imprisonment of 15
8 calendar years and pay a fine of \$250,000.

9 2. Any person who knowingly brings into this state 800
10 grams or more of phencyclidine or of any mixture containing
11 phencyclidine, as described in s. 893.03(2)(b), and who knows
12 that the probable result of such importation would be the
13 death of any person commits capital importation of
14 phencyclidine, a capital felony punishable as provided in ss.
15 775.082 and 921.142. Any person sentenced for a capital felony
16 under this paragraph shall also be sentenced to pay the
17 maximum fine provided under subparagraph 1.

18 (e)1. Any person who knowingly sells, purchases,
19 manufactures, delivers, or brings into this state, or who is
20 knowingly in actual or constructive possession of, 200 grams
21 or more of methaqualone or of any mixture containing
22 methaqualone, as described in s. 893.03(1)(d), commits a
23 felony of the first degree, which felony shall be known as
24 "trafficking in methaqualone," punishable as provided in s.
25 775.082, s. 775.083, or s. 775.084. If the quantity involved:

26 a. Is 200 grams or more, but less than 5 kilograms,
27 such person shall be sentenced to ~~pursuant to the Criminal~~
28 ~~Punishment Code and such sentence shall include~~ a mandatory
29 minimum term of imprisonment of 3 years, and the defendant
30 shall be ordered to pay a fine of \$50,000.

31

1 b. Is 5 kilograms or more, but less than 25 kilograms,
2 such person shall be sentenced to ~~pursuant to the Criminal~~
3 ~~Punishment Code and such sentence shall include~~ a mandatory
4 minimum term of imprisonment of 7 years, and the defendant
5 shall be ordered to pay a fine of \$100,000.

6 c. Is 25 kilograms or more, such person shall be
7 sentenced to a mandatory minimum term of imprisonment of 15
8 calendar years and pay a fine of \$250,000.

9 2. Any person who knowingly brings into this state 50
10 kilograms or more of methaqualone or of any mixture containing
11 methaqualone, as described in s. 893.03(1)(d), and who knows
12 that the probable result of such importation would be the
13 death of any person commits capital importation of
14 methaqualone, a capital felony punishable as provided in ss.
15 775.082 and 921.142. Any person sentenced for a capital felony
16 under this paragraph shall also be sentenced to pay the
17 maximum fine provided under subparagraph 1.

18 (f)1. Any person who knowingly sells, purchases,
19 manufactures, delivers, or brings into this state, or who is
20 knowingly in actual or constructive possession of, 14 grams or
21 more of amphetamine, as described in s. 893.03(2)(c)2., or
22 methamphetamine, as described in s. 893.03(2)(c)4., or of any
23 mixture containing amphetamine or methamphetamine, or
24 phenylacetone, phenylacetic acid, or ephedrine in conjunction
25 with other chemicals and equipment utilized in the manufacture
26 of amphetamine or methamphetamine, commits a felony of the
27 first degree, which felony shall be known as "trafficking in
28 amphetamine," punishable as provided in s. 775.082, s.
29 775.083, or s. 775.084. If the quantity involved:

30 a. Is 14 grams or more, but less than 28 grams, such
31 person shall be sentenced to ~~pursuant to the Criminal~~

1 ~~Punishment Code and such sentence shall include~~ a mandatory
2 minimum term of imprisonment of 3 years, and the defendant
3 shall be ordered to pay a fine of \$50,000.

4 b. Is 28 grams or more, but less than 200 grams, such
5 person shall be sentenced to ~~pursuant to the Criminal~~
6 ~~Punishment Code and such sentence shall include~~ a mandatory
7 minimum term of imprisonment of 7 years and the defendant
8 shall be ordered to pay a fine of \$100,000.

9 c. Is 200 grams or more, such person shall be
10 sentenced to a mandatory minimum term of imprisonment of 15
11 calendar years and pay a fine of \$250,000.

12 2. Any person who knowingly manufactures or brings
13 into this state 400 grams or more of amphetamine, as described
14 in s. 893.03(2)(c)2., or methamphetamine, as described in s.
15 893.03(2)(c)4., or of any mixture containing amphetamine or
16 methamphetamine, or phenylacetone, phenylacetic acid, or
17 ephedrine in conjunction with other chemicals and equipment
18 used ~~utilized~~ in the manufacture of amphetamine or
19 methamphetamine, and who knows that the probable result of
20 such manufacture or importation would be the death of any
21 person commits capital manufacture or importation of
22 amphetamine, a capital felony punishable as provided in ss.
23 775.082 and 921.142. Any person sentenced for a capital felony
24 under this paragraph shall also be sentenced to pay the
25 maximum fine provided under subparagraph 1.

26 (g)1. Any person who knowingly sells, purchases,
27 manufactures, delivers, or brings into this state, or who is
28 knowingly in actual or constructive possession of, 4 grams or
29 more of flunitrazepam or any mixture containing flunitrazepam
30 as described in s. 893.03(1)(a) commits a felony of the first
31 degree, which felony shall be known as "trafficking in

1 flunitrazepam," punishable as provided in s. 775.082, s.
2 775.083, or s. 775.084. If the quantity involved:
3 a. Is 4 grams or more but less than 14 grams, such
4 person shall be sentenced to ~~pursuant to the Criminal~~
5 ~~Punishment Code and such sentence shall include~~ a mandatory
6 minimum term of imprisonment of 3 years and the defendant
7 shall be ordered to pay a fine of \$50,000.
8 b. Is 14 grams or more but less than 28 grams, such
9 person shall be sentenced to ~~pursuant to the Criminal~~
10 ~~Punishment Code and such sentence shall include~~ a mandatory
11 minimum term of imprisonment of 7 years, and the defendant
12 shall be ordered to pay a fine of \$100,000.
13 c. Is 28 grams or more but less than 30 kilograms,
14 such person shall be sentenced to a mandatory minimum term of
15 imprisonment of 25 calendar years and pay a fine of \$500,000.
16 2. Any person who knowingly sells, purchases,
17 manufactures, delivers, or brings into this state or who is
18 knowingly in actual or constructive possession of 30 kilograms
19 or more of flunitrazepam or any mixture containing
20 flunitrazepam as described in s. 893.03(1)(a) commits the
21 first degree felony of trafficking in flunitrazepam. A person
22 who has been convicted of the first degree felony of
23 trafficking in flunitrazepam under this subparagraph shall be
24 punished by life imprisonment and is ineligible for any form
25 of discretionary early release except pardon or executive
26 clemency or conditional medical release under s. 947.149.
27 However, if the court determines that, in addition to
28 committing any act specified in this paragraph:
29 a. The person intentionally killed an individual or
30 counseled, commanded, induced, procured, or caused the
31

1 intentional killing of an individual and such killing was the
2 result; or

3 b. The person's conduct in committing that act led to
4 a natural, though not inevitable, lethal result,

5
6 such person commits the capital felony of trafficking in
7 flunitrazepam, punishable as provided in ss. 775.082 and
8 921.142. Any person sentenced for a capital felony under this
9 paragraph shall also be sentenced to pay the maximum fine
10 provided under subparagraph 1.

11 (h)1. Any person who knowingly sells, purchases,
12 manufactures, delivers, or brings into this state, or who is
13 knowingly in actual or constructive possession of, 1 kilogram
14 or more of gamma-hydroxybutyric acid (GHB), as described in s.
15 893.03(2)(b), or of any mixture containing
16 gamma-hydroxybutyric acid (GHB), commits a felony of the first
17 degree, which felony shall be known as "trafficking in
18 gamma-hydroxybutyric acid (GHB)", punishable as provided in s.
19 775.082, s. 775.083, or s. 775.084. If the quantity involved:

20 a. Is 1 kilogram or more, but less than 5 kilograms,
21 such person shall be sentenced to a mandatory minimum term of
22 imprisonment of 3 years, and the defendant shall be ordered to
23 pay a fine of \$50,000.

24 b. Is 5 kilograms or more, but less than 10 kilograms,
25 such person shall be sentenced to a mandatory minimum term of
26 imprisonment of 7 years, and the defendant shall be ordered to
27 pay a fine of \$100,000.

28 c. Is 10 kilograms or more, such person shall be
29 sentenced to a mandatory minimum term of imprisonment of 15
30 calendar years and pay a fine of \$250,000.

31

1 2. Any person who knowingly manufactures or brings
2 into this state 150 kilograms or more of gamma-hydroxybutyric
3 acid (GHB), as described in s. 893.03(2)(b), or of any mixture
4 containing gamma-hydroxybutyric acid (GHB), and who knows that
5 the probable result of such manufacture or importation would
6 be the death of any person commits capital manufacture or
7 importation of gamma-hydroxybutyric acid (GHB), a capital
8 felony punishable as provided in ss. 775.082 and 921.142. Any
9 person sentenced for a capital felony under this paragraph
10 shall also be sentenced to pay the maximum fine provided under
11 subparagraph 1.

12 (i)1. Any person who knowingly sells, purchases,
13 manufactures, delivers, or brings into this state, or who is
14 knowingly in actual or constructive possession of, 1 kilogram
15 or more of 1,4-Butanediol, as described in s. 893.03(2)(b), or
16 of any mixture containing 1,4-Butanediol, commits a felony of
17 the first degree, which felony shall be known as "trafficking
18 in 1,4-Butanediol," punishable as provided in s. 775.082, s.
19 775.083, or s. 775.084. If the quantity involved:

20 a. Is 1 kilogram or more, but less than 5 kilograms,
21 such person shall be sentenced to a mandatory minimum term of
22 imprisonment of 3 years, and the defendant shall be ordered to
23 pay a fine of \$50,000.

24 b. Is 5 kilograms or more, but less than 10 kilograms,
25 such person shall be sentenced to a mandatory minimum term of
26 imprisonment of 7 years, and the defendant shall be ordered to
27 pay a fine of \$100,000.

28 c. Is 10 kilograms or more, such person shall be
29 sentenced to a mandatory minimum term of imprisonment of 15
30 calendar years and pay a fine of \$500,000.

31

1 2. Any person who knowingly manufactures or brings
2 into this state 150 kilograms or more of 1,4-Butanediol, as
3 described in s. 893.03(2)(b), or any mixture containing
4 1,4-Butanediol, and who knows that the probable result of such
5 manufacture or importation would be the death of any person
6 commits capital manufacture or importation of 1,4-Butanediol,
7 a capital felony punishable as provided in ss. 775.082 and
8 921.142. Any person sentenced for a capital felony under this
9 paragraph shall also be sentenced to pay the maximum fine
10 provided under subparagraph 1.

11 (j)1. Any person who knowingly sells, purchases,
12 manufactures, delivers, or brings into this state, or who is
13 knowingly in actual or constructive possession of, 10 grams or
14 more of 3,4-Methylenedioxymethamphetamine (MDMA),
15 4-Bromo-2,5-dimethoxyamphetamine,
16 4-Bromo-2,5-dimethoxyphenethylamine, 2,5-Dimethoxyamphetamine,
17 2,5-Dimethoxy-4-ethylamphetamine (DOET), N-ethylamphetamine,
18 N-Hydroxy-3,4-methylenedioxyamphetamine,
19 5-Methoxy-3,4-methylenedioxyamphetamine, 4-methoxyamphetamine,
20 4-Methyl-2,5-dimethoxyamphetamine,
21 3,4-Methylenedioxy-N-ethylamphetamine,
22 3,4-Methylenedioxyamphetamine, N,N-dimethylamphetamine, or
23 3,4,5-Trimethoxyamphetamine, as described in s. 893.03(1)(c),
24 individually or in any combination of or any mixture
25 containing 3,4-Methylenedioxymethamphetamine (MDMA),
26 4-Bromo-2,5-dimethoxyamphetamine,
27 4-Bromo-2,5-dimethoxyphenethylamine, 2,5-Dimethoxyamphetamine,
28 2,5-Dimethoxy-4-ethylamphetamine (DOET), N-ethylamphetamine,
29 N-Hydroxy-3,4-methylenedioxyamphetamine,
30 5-Methoxy-3,4-methylenedioxyamphetamine, 4-methoxyamphetamine,
31 4-Methyl-2,5-dimethoxyamphetamine,

1 3,4-Methylenedioxy-N-ethylamphetamine,
2 3,4-Methylenedioxyamphetamine, N,N-dimethylamphetamine, or
3 3,4,5-Trimethoxyamphetamine, as described in s. 893.03(1)(c),
4 or any combination thereof, or any mixture containing any such
5 substance commits a felony of the first degree, which felony
6 shall be known as "trafficking in Phenethylamines," punishable
7 as provided in s. 775.082, s. 775.083, or s. 775.084. If the
8 quantity involved:
9 a. Is 10 grams or more but less than 200 grams, such
10 person shall be sentenced to a mandatory minimum term of
11 imprisonment of 3 years, and the defendant shall be ordered to
12 pay a fine of \$50,000.
13 b. Is 200 grams or more, but less than 400 grams, such
14 person shall be sentenced to a mandatory minimum term of
15 imprisonment of 7 years, and the defendant shall be ordered to
16 pay a fine of \$100,000.
17 c. Is 400 grams or more, such person shall be
18 sentenced to a mandatory minimum term of imprisonment of 15
19 calendar years and pay a fine of \$250,000.
20 2. Any person who knowingly manufactures or brings
21 into this state 30 kilograms or more of
22 3,4-Methylenedioxymethamphetamine (MDMA),
23 4-Bromo-2,5-dimethoxyamphetamine,
24 4-Bromo-2,5-dimethoxyphenethylamine, 2,5-Dimethoxyamphetamine,
25 2,5-Dimethoxy-4-ethylamphetamine (DOET), N-ethylamphetamine,
26 N-Hydroxy-3,4-methylenedioxyamphetamine,
27 5-Methoxy-3,4-methylenedioxyamphetamine, 4-methoxyamphetamine,
28 4-Methyl-2,5-dimethoxyamphetamine,
29 3,4-Methylenedioxy-N-ethylamphetamine,
30 3,4-Methylenedioxyamphetamine, N,N-dimethylamphetamine, or
31 3,4,5-Trimethoxyamphetamine, as described in s. 893.03(1)(c),

1 or any combination thereof, or any mixture containing any such
2 substance and who knows that the probable result of such
3 manufacture or importation would be the death of any person
4 commits capital manufacture or importation of Phenethylamines,
5 a capital felony punishable as provided in ss. 775.082 and
6 921.142. Any person sentenced for a capital felony under this
7 paragraph shall also be sentenced to pay the maximum fine
8 provided under subparagraph 1.

9 (2) A person acts knowingly under subsection (1) if
10 that person intends to sell, purchase, manufacture, deliver,
11 or bring into this state, or to actually or constructively
12 possess, any of the controlled substances listed in subsection
13 (1), regardless of which controlled substance listed in
14 subsection (1) is in fact sold, purchased, manufactured,
15 delivered, or brought into this state, or actually or
16 constructively possessed.

17 (3) Notwithstanding the provisions of s. 948.01, with
18 respect to any person who is found to have violated this
19 section, adjudication of guilt or imposition of sentence shall
20 not be suspended, deferred, or withheld, nor shall such person
21 be eligible for parole prior to serving the mandatory minimum
22 term of imprisonment prescribed by this section. A person
23 sentenced to a mandatory minimum term of imprisonment under
24 this section is not eligible for any form of discretionary
25 early release, except pardon or executive clemency or
26 conditional medical release under s. 947.149, prior to serving
27 the mandatory minimum term of imprisonment.

28 (4) The state attorney may move the sentencing court
29 to reduce or suspend the sentence of any person who is
30 convicted of a violation of this section and who provides
31 substantial assistance in the identification, arrest, or

1 conviction of any of that person's accomplices, accessories,
2 coconspirators, or principals or of any other person engaged
3 in trafficking in controlled substances. The arresting agency
4 shall be given an opportunity to be heard in aggravation or
5 mitigation in reference to any such motion. Upon good cause
6 shown, the motion may be filed and heard in camera. The judge
7 hearing the motion may reduce or suspend the sentence if the
8 judge finds that the defendant rendered such substantial
9 assistance.

10 (5) Any person who agrees, conspires, combines, or
11 confederates with another person to commit any act prohibited
12 by subsection (1) commits a felony of the first degree and is
13 punishable as if he or she had actually committed such
14 prohibited act. Nothing in this subsection shall be construed
15 to prohibit separate convictions and sentences for a violation
16 of this subsection and any violation of subsection (1).

17 Section 4. Section 893.145, Florida Statutes, is
18 amended to read:

19 893.145 "Drug paraphernalia" defined.--The term "drug
20 paraphernalia" means all equipment, products, and materials of
21 any kind which are used, intended for use, or designed for use
22 in planting, propagating, cultivating, growing, harvesting,
23 manufacturing, compounding, converting, producing, processing,
24 preparing, testing, analyzing, packaging, repackaging,
25 storing, containing, concealing, injecting, ingesting,
26 inhaling, or otherwise introducing into the human body a
27 controlled substance in violation of this chapter. The term
28 "drug paraphernalia" also means all equipment, products, and
29 materials of any kind which are used, intended for use, or
30 designed for use in manufacturing, compounding, converting,
31 producing, processing, preparing, testing, analyzing,

1 packaging, repackaging, storing, containing, concealing,
2 injecting, ingesting, inhaling, or otherwise introducing into
3 the human body any harmful chemical substance in violation of
4 s. 877.111.Drug paraphernalia is deemed to be contraband

5 which shall be subject to civil forfeiture. The term
6 includes, but is not limited to:

7 (1) Kits used, intended for use, or designed for use
8 in the planting, propagating, cultivating, growing, or
9 harvesting of any species of plant which is a controlled
10 substance or from which a controlled substance can be derived.

11 (2) Kits used, intended for use, or designed for use
12 in manufacturing, compounding, converting, producing,
13 processing, or preparing controlled substances.

14 (3) Isomerization devices used, intended for use, or
15 designed for use in increasing the potency of any species of
16 plant which is a controlled substance.

17 (4) Testing equipment used, intended for use, or
18 designed for use in identifying, or in analyzing the strength,
19 effectiveness, or purity of, controlled substances.

20 (5) Scales and balances used, intended for use, or
21 designed for use in weighing or measuring controlled
22 substances.

23 (6) Diluents and adulterants, such as quinine
24 hydrochloride, mannitol, mannite, dextrose, and lactose, used,
25 intended for use, or designed for use in cutting controlled
26 substances.

27 (7) Separation gins and sifters used, intended for
28 use, or designed for use in removing twigs and seeds from, or
29 in otherwise cleaning or refining, cannabis.

30
31

1 (8) Blenders, bowls, containers, spoons, and mixing
2 devices used, intended for use, or designed for use in
3 compounding controlled substances.

4 (9) Capsules, balloons, envelopes, and other
5 containers used, intended for use, or designed for use in
6 packaging small quantities of controlled substances.

7 (10) Containers and other objects used, intended for
8 use, or designed for use in storing or concealing controlled
9 substances.

10 (11) Hypodermic syringes, needles, and other objects
11 used, intended for use, or designed for use in parenterally
12 injecting controlled substances into the human body.

13 (12) Objects used, intended for use, or designed for
14 use in ingesting, inhaling, or otherwise introducing cannabis,
15 cocaine, hashish, or hashish oil into the human body, such as:

16 (a) Metal, wooden, acrylic, glass, stone, plastic, or
17 ceramic pipes, with or without screens, permanent screens,
18 hashish heads, or punctured metal bowls.

19 (b) Water pipes.

20 (c) Carburetion tubes and devices.

21 (d) Smoking and carburetion masks.

22 (e) Roach clips: meaning objects used to hold burning
23 material, such as a cannabis cigarette, that has become too
24 small or too short to be held in the hand.

25 (f) Miniature cocaine spoons, and cocaine vials.

26 (g) Chamber pipes.

27 (h) Carburetor pipes.

28 (i) Electric pipes.

29 (j) Air-driven pipes.

30 (k) Chillums.

31 (l) Bongs.

- 1 (m) Ice pipes or chillers.
2 (13) Objects used, intended for use, or designed for
3 use in ingesting, inhaling, or otherwise introducing nitrous
4 oxide into the human body in violation of s. 877.111, such as:
5 (a) Cartridges.
6 (b) Chargers.
7 (c) Charging bottles.
8 (d) Canisters.
9 (e) Whip-its.
10 (f) Tanks.
11 (g) Crackers.
12 (h) Balloons.
13 (i) Inflaters.
14 (j) Hoses or tubes.

15 Section 5. This act shall take effect October 1, 2000.
16

17 *****

18 SENATE SUMMARY

19 Adds 1,4-Butanediol to the controlled substances listed
20 under Schedule II. Increases the penalties for the
21 certain offenses involving the sale, manufacture, or
22 possession of methamphetamine. Prohibits the sale,
23 purchase, manufacture, or delivery of
24 gamma-hydroxybutyric acid (GHB), 1,4-Butanediol, and
25 various drugs known as "phenethylamines." Includes
26 additional equipment, products, and materials within the
27 definition of the term "drug paraphernalia." (See bill
28 for details.)
29
30
31