

By the Committee on Crime Prevention, Corrections & Safety  
and Representative Bilirakis

1                                   A bill to be entitled  
2           An act relating to controlled substances;  
3           amending s. 893.03, F.S.; adding materials,  
4           compounds, mixtures, or preparations containing  
5           certain limited quantities of hydrocodone to  
6           the substances listed under Schedule III as  
7           controlled substances; providing direction on  
8           which law appertains to the weighing of  
9           hydrocodone for the purpose of charging  
10          trafficking in hydrocodone; amending s.  
11          893.135, F.S.; providing penalties for  
12          trafficking in certain mixtures containing  
13          hydrocodone; clarifying legislative intent  
14          regarding the weighing of a mixture or mixtures  
15          containing certain controlled substances;  
16          providing findings regarding judicial  
17          constructions of legislative intent; reenacting  
18          s. 893.02(14), F.S., relating to a definition  
19          of mixtures, to incorporate the amendment in s.  
20          893.135, F.S., in reference thereto; reenacting  
21          s. 921.0022(3)(b), (c), and (e), F.S., relating  
22          to the offense severity ranking chart in the  
23          Criminal Punishment Code, to incorporate the  
24          amendment in s. 893.03, F.S., in references  
25          thereto; providing an effective date.

26  
27   Be It Enacted by the Legislature of the State of Florida:

28  
29           Section 1. Paragraph (c) of subsection (3) of section  
30   893.03, Florida Statutes, is amended to read:

31

1           893.03 Standards and schedules.--The substances  
2 enumerated in this section are controlled by this chapter.  
3 The controlled substances listed or to be listed in Schedules  
4 I, II, III, IV, and V are included by whatever official,  
5 common, usual, chemical, or trade name designated. The  
6 provisions of this section shall not be construed to include  
7 within any of the schedules contained in this section any  
8 excluded drugs listed within the purview of 21 C.F.R. s.  
9 1308.22, styled "Excluded Substances"; 21 C.F.R. s. 1308.24,  
10 styled "Exempt Chemical Preparations"; 21 C.F.R. s. 1308.32,  
11 styled "Exempted Prescription Products"; or 21 C.F.R. s.  
12 1308.34, styled "Exempt Anabolic Steroid Products."

13           (3) SCHEDULE III.--A substance in Schedule III has a  
14 potential for abuse less than the substances contained in  
15 Schedules I and II and has a currently accepted medical use in  
16 treatment in the United States, and abuse of the substance may  
17 lead to moderate or low physical dependence or high  
18 psychological dependence or, in the case of anabolic steroids,  
19 may lead to physical damage. The following substances are  
20 controlled in Schedule III:

21           (c) Unless specifically excepted or unless listed in  
22 another schedule, any material, compound, mixture, or  
23 preparation containing limited quantities of any of the  
24 following controlled substances or any salts thereof:

25           1. Not more than 1.8 grams of codeine per 100  
26 milliliters or not more than 90 milligrams per dosage unit,  
27 with an equal or greater quantity of an isoquinoline alkaloid  
28 of opium.

29           2. Not more than 1.8 grams of codeine per 100  
30 milliliters or not more than 90 milligrams per dosage unit,  
31

1 with recognized therapeutic amounts of one or more active  
2 ingredients which are not controlled substances.

3 3. Not more than 300 milligrams of hydrocodone per 100  
4 milliliters or not more than 15 milligrams per dosage unit,  
5 with a fourfold or greater quantity of an isoquinoline  
6 alkaloid of opium.

7 4. Not more than 300 milligrams of hydrocodone per 100  
8 milliliters or not more than 15 milligrams per dosage unit,  
9 with recognized therapeutic amounts of one or more active  
10 ingredients that are not controlled substances.

11 ~~5.3.~~ Not more than 1.8 grams of dihydrocodeine per 100  
12 milliliters or not more than 90 milligrams per dosage unit,  
13 with recognized therapeutic amounts of one or more active  
14 ingredients which are not controlled substances.

15 ~~6.4.~~ Not more than 300 milligrams of ethylmorphine per  
16 100 milliliters or not more than 15 milligrams per dosage  
17 unit, with one or more active, nonnarcotic ingredients in  
18 recognized therapeutic amounts.

19 ~~7.5.~~ Not more than 50 milligrams of morphine per 100  
20 milliliters or per 100 grams, with recognized therapeutic  
21 amounts of one or more active ingredients which are not  
22 controlled substances.

23  
24 For purposes of charging a person with a violation of s.  
25 893.135 involving any controlled substance described in  
26 subparagraph 3. or subparagraph 4., the controlled substance  
27 is a Schedule III controlled substance pursuant to this  
28 paragraph but the weight of the controlled substance per  
29 milliliters or per dosage unit is not relevant to the charge  
30 of a violation of s. 893.135. The weight of the controlled  
31 substance shall be determined pursuant to s. 893.135(6).

1           Section 2. Section 893.135, Florida Statutes, is  
2 amended to read:

3           893.135 Trafficking; mandatory sentences; suspension  
4 or reduction of sentences; conspiracy to engage in  
5 trafficking.--

6           (1) Except as authorized in this chapter or in chapter  
7 499 and notwithstanding the provisions of s. 893.13:

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

16           1. Is in excess of 25 pounds, but less than 2,000  
17 pounds, or is 300 or more cannabis plants, but not more than  
18 2,000 cannabis plants, such person shall be sentenced to a  
19 mandatory minimum term of imprisonment of 3 years, and the  
20 defendant shall be ordered to pay a fine of \$25,000.

21           2. Is 2,000 pounds or more, but less than 10,000  
22 pounds, or is 2,000 or more cannabis plants, but not more than  
23 10,000 cannabis plants, such person shall be sentenced to a  
24 mandatory minimum term of imprisonment of 7 years, and the  
25 defendant shall be ordered to pay a fine of \$50,000.

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

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

15 (b)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, 28 grams or  
18 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
19 mixture containing cocaine, but less than 150 kilograms of  
20 cocaine or any such mixture, commits a felony of the first  
21 degree, which felony shall be known as "trafficking in  
22 cocaine," punishable as provided in s. 775.082, s. 775.083, or  
23 s. 775.084. If the quantity involved:

24 a. Is 28 grams or more, but less than 200 grams, such  
25 person shall be sentenced to a mandatory minimum term of  
26 imprisonment of 3 years, and the defendant shall be ordered to  
27 pay a fine of \$50,000.

28 b. Is 200 grams or more, but less than 400 grams, such  
29 person shall be sentenced to a mandatory minimum term of  
30 imprisonment of 7 years, and the defendant shall be ordered to  
31 pay a fine of \$100,000.

1           c. Is 400 grams or more, but less than 150 kilograms,  
2 such person shall be sentenced to a mandatory minimum term of  
3 imprisonment of 15 calendar years and pay a fine of \$250,000.  
4           2. Any person who knowingly sells, purchases,  
5 manufactures, delivers, or brings into this state, or who is  
6 knowingly in actual or constructive possession of, 150  
7 kilograms or more of cocaine, as described in s.  
8 893.03(2)(a)4., commits the first degree felony of trafficking  
9 in cocaine. A person who has been convicted of the first  
10 degree felony of trafficking in cocaine under this  
11 subparagraph shall be punished by life imprisonment and is  
12 ineligible for any form of discretionary early release except  
13 pardon or executive clemency or conditional medical release  
14 under s. 947.149. However, if the court determines that, in  
15 addition to committing any act specified in this paragraph:  
16           a. The person intentionally killed an individual or  
17 counseled, commanded, induced, procured, or caused the  
18 intentional killing of an individual and such killing was the  
19 result; or  
20           b. The person's conduct in committing that act led to  
21 a natural, though not inevitable, lethal result,  
22  
23 such person commits the capital felony of trafficking in  
24 cocaine, punishable as provided in ss. 775.082 and 921.142.  
25 Any person sentenced for a capital felony under this paragraph  
26 shall also be sentenced to pay the maximum fine provided under  
27 subparagraph 1.  
28           3. Any person who knowingly brings into this state 300  
29 kilograms or more of cocaine, as described in s.  
30 893.03(2)(a)4., and who knows that the probable result of such  
31 importation would be the death of any person, commits capital

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

5 (c)1. Any person who knowingly sells, purchases,  
6 manufactures, delivers, or brings into this state, or who is  
7 knowingly in actual or constructive possession of, 4 grams or  
8 more of any morphine, opium, oxycodone, hydrocodone,  
9 hydromorphone, or any salt, derivative, isomer, or salt of an  
10 isomer thereof, including heroin, as described in s.

11 893.03(1)(b), or (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or  
12 more of any mixture containing any such substance, but less  
13 than 30 kilograms of such substance or mixture, commits a  
14 felony of the first degree, which felony shall be known as  
15 "trafficking in illegal drugs," punishable as provided in s.  
16 775.082, s. 775.083, or s. 775.084. If the quantity involved:

17 a. Is 4 grams or more, but less than 14 grams, such  
18 person shall be sentenced to a mandatory minimum term of  
19 imprisonment of 3 years, and the defendant shall be ordered to  
20 pay a fine of \$50,000.

21 b. Is 14 grams or more, but less than 28 grams, such  
22 person shall be sentenced to a mandatory minimum term of  
23 imprisonment of 15 years, and the defendant shall be ordered  
24 to pay a fine of \$100,000.

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

28 2. Any person who knowingly sells, purchases,  
29 manufactures, delivers, or brings into this state, or who is  
30 knowingly in actual or constructive possession of, 30  
31 kilograms or more of any morphine, opium, oxycodone,

1 hydrocodone, hydromorphone, or any salt, derivative, isomer,  
2 or salt of an isomer thereof, including heroin, as described  
3 in s. 893.03(1)(b), ~~or~~ (2)(a), (3)(c)3., or (3)(c)4., or 30  
4 kilograms or more of any mixture containing any such  
5 substance, commits the first degree felony of trafficking in  
6 illegal drugs. A person who has been convicted of the first  
7 degree felony of trafficking in illegal drugs under this  
8 subparagraph shall be punished by life imprisonment and is  
9 ineligible for any form of discretionary early release except  
10 pardon or executive clemency or conditional medical release  
11 under s. 947.149. However, if the court determines that, in  
12 addition to committing any act specified in this paragraph:  
13       a. The person intentionally killed an individual or  
14 counseled, commanded, induced, procured, or caused the  
15 intentional killing of an individual and such killing was the  
16 result; or  
17       b. The person's conduct in committing that act led to  
18 a natural, though not inevitable, lethal result,  
19  
20 such person commits the capital felony of trafficking in  
21 illegal drugs, punishable as provided in ss. 775.082 and  
22 921.142. Any person sentenced for a capital felony under this  
23 paragraph shall also be sentenced to pay the maximum fine  
24 provided under subparagraph 1.  
25       3. Any person who knowingly brings into this state 60  
26 kilograms or more of any morphine, opium, oxycodone,  
27 hydrocodone, hydromorphone, or any salt, derivative, isomer,  
28 or salt of an isomer thereof, including heroin, as described  
29 in s. 893.03(1)(b), ~~or~~ (2)(a), (3)(c)3., or (3)(c)4., or 60  
30 kilograms or more of any mixture containing any such  
31 substance, and who knows that the probable result of such



1 importation would be the death of any person, commits capital  
2 importation of illegal drugs, a capital felony punishable as  
3 provided in ss. 775.082 and 921.142. Any person sentenced for  
4 a capital felony under this paragraph shall also be sentenced  
5 to pay the maximum fine provided under subparagraph 1.  
6 (d)1. Any person who knowingly sells, purchases,  
7 manufactures, delivers, or brings into this state, or who is  
8 knowingly in actual or constructive possession of, 28 grams or  
9 more of phencyclidine or of any mixture containing  
10 phencyclidine, as described in s. 893.03(2)(b), commits a  
11 felony of the first degree, which felony shall be known as  
12 "trafficking in phencyclidine," punishable as provided in s.  
13 775.082, s. 775.083, or s. 775.084. If the quantity involved:  
14 a. Is 28 grams or more, but less than 200 grams, such  
15 person shall be sentenced to a mandatory minimum term of  
16 imprisonment of 3 years, and the defendant shall be ordered to  
17 pay a fine of \$50,000.  
18 b. Is 200 grams or more, but less than 400 grams, such  
19 person shall be sentenced to a mandatory minimum term of  
20 imprisonment of 7 years, and the defendant shall be ordered to  
21 pay a fine of \$100,000.  
22 c. Is 400 grams or more, such person shall be  
23 sentenced to a mandatory minimum term of imprisonment of 15  
24 calendar years and pay a fine of \$250,000.  
25 2. Any person who knowingly brings into this state 800  
26 grams or more of phencyclidine or of any mixture containing  
27 phencyclidine, as described in s. 893.03(2)(b), and who knows  
28 that the probable result of such importation would be the  
29 death of any person commits capital importation of  
30 phencyclidine, a capital felony punishable as provided in ss.  
31 775.082 and 921.142. Any person sentenced for a capital felony

1 under this paragraph shall also be sentenced to pay the  
2 maximum fine provided under subparagraph 1.

3 (e)1. Any person who knowingly sells, purchases,  
4 manufactures, delivers, or brings into this state, or who is  
5 knowingly in actual or constructive possession of, 200 grams  
6 or more of methaqualone or of any mixture containing  
7 methaqualone, as described in s. 893.03(1)(d), commits a  
8 felony of the first degree, which felony shall be known as  
9 "trafficking in methaqualone," punishable as provided in s.  
10 775.082, s. 775.083, or s. 775.084. If the quantity involved:

11 a. Is 200 grams or more, but less than 5 kilograms,  
12 such person shall be sentenced to a mandatory minimum term of  
13 imprisonment of 3 years, and the defendant shall be ordered to  
14 pay a fine of \$50,000.

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

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

22 2. Any person who knowingly brings into this state 50  
23 kilograms or more of methaqualone or of any mixture containing  
24 methaqualone, as described in s. 893.03(1)(d), and who knows  
25 that the probable result of such importation would be the  
26 death of any person commits capital importation of  
27 methaqualone, a capital felony punishable as provided in ss.  
28 775.082 and 921.142. Any person sentenced for a capital felony  
29 under this paragraph shall also be sentenced to pay the  
30 maximum fine provided under subparagraph 1.  
31

1           (f)1. Any person who knowingly sells, purchases,  
2 manufactures, delivers, or brings into this state, or who is  
3 knowingly in actual or constructive possession of, 14 grams or  
4 more of amphetamine, as described in s. 893.03(2)(c)2., or  
5 methamphetamine, as described in s. 893.03(2)(c)4., or of any  
6 mixture containing amphetamine or methamphetamine, or  
7 phenylacetone, phenylacetic acid, or ephedrine in conjunction  
8 with other chemicals and equipment utilized in the manufacture  
9 of amphetamine or methamphetamine, commits a felony of the  
10 first degree, which felony shall be known as "trafficking in  
11 amphetamine," punishable as provided in s. 775.082, s.  
12 775.083, or s. 775.084. If the quantity involved:

13           a. Is 14 grams or more, but less than 28 grams, such  
14 person shall be sentenced to a mandatory minimum term of  
15 imprisonment of 3 years, and the defendant shall be ordered to  
16 pay a fine of \$50,000.

17           b. Is 28 grams or more, but less than 200 grams, such  
18 person shall be sentenced to a mandatory minimum term of  
19 imprisonment of 7 years, and the defendant shall be ordered to  
20 pay a fine of \$100,000.

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

24           2. Any person who knowingly manufactures or brings  
25 into this state 400 grams or more of amphetamine, as described  
26 in s. 893.03(2)(c)2., or methamphetamine, as described in s.  
27 893.03(2)(c)4., or of any mixture containing amphetamine or  
28 methamphetamine, or phenylacetone, phenylacetic acid, or  
29 ephedrine in conjunction with other chemicals and equipment  
30 used in the manufacture of amphetamine or methamphetamine, and  
31 who knows that the probable result of such manufacture or

1 importation would be the death of any person commits capital  
2 manufacture or importation of amphetamine, a capital felony  
3 punishable as provided in ss. 775.082 and 921.142. Any person  
4 sentenced for a capital felony under this paragraph shall also  
5 be sentenced to pay the maximum fine provided under  
6 subparagraph 1.

7 (g)1. Any person who knowingly sells, purchases,  
8 manufactures, delivers, or brings into this state, or who is  
9 knowingly in actual or constructive possession of, 4 grams or  
10 more of flunitrazepam or any mixture containing flunitrazepam  
11 as described in s. 893.03(1)(a) commits a felony of the first  
12 degree, which felony shall be known as "trafficking in  
13 flunitrazepam," punishable as provided in s. 775.082, s.  
14 775.083, or s. 775.084. If the quantity involved:

15 a. Is 4 grams or more but less than 14 grams, such  
16 person shall be sentenced to a mandatory minimum term of  
17 imprisonment of 3 years, and the defendant shall be ordered to  
18 pay a fine of \$50,000.

19 b. Is 14 grams or more but less than 28 grams, such  
20 person shall be sentenced to a mandatory minimum term of  
21 imprisonment of 7 years, and the defendant shall be ordered to  
22 pay a fine of \$100,000.

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

26 2. 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 30 kilograms  
29 or more of flunitrazepam or any mixture containing  
30 flunitrazepam as described in s. 893.03(1)(a) commits the  
31 first degree felony of trafficking in flunitrazepam. A person

1 who has been convicted of the first degree felony of  
2 trafficking in flunitrazepam under this subparagraph shall be  
3 punished by life imprisonment and is ineligible for any form  
4 of discretionary early release except pardon or executive  
5 clemency or conditional medical release under s. 947.149.  
6 However, if the court determines that, in addition to  
7 committing any act specified in this paragraph:  
8       a. The person intentionally killed an individual or  
9 counseled, commanded, induced, procured, or caused the  
10 intentional killing of an individual and such killing was the  
11 result; or  
12       b. The person's conduct in committing that act led to  
13 a natural, though not inevitable, lethal result,  
14  
15 such person commits the capital felony of trafficking in  
16 flunitrazepam, punishable as provided in ss. 775.082 and  
17 921.142. Any person sentenced for a capital felony under this  
18 paragraph shall also be sentenced to pay the maximum fine  
19 provided under subparagraph 1.  
20       (h)1. Any person who knowingly sells, purchases,  
21 manufactures, delivers, or brings into this state, or who is  
22 knowingly in actual or constructive possession of, 1 kilogram  
23 or more of gamma-hydroxybutyric acid (GHB), as described in s.  
24 893.03(2)(b), or any mixture containing gamma-hydroxybutyric  
25 acid (GHB), commits a felony of the first degree, which felony  
26 shall be known as "trafficking in gamma-hydroxybutyric acid  
27 (GHB)," punishable as provided in s. 775.082, s. 775.083, or  
28 s. 775.084. If the quantity involved:  
29       a. Is 1 kilogram or more but less than 5 kilograms,  
30 such person shall be sentenced to a mandatory minimum term of  
31

1 imprisonment of 3 years, and the defendant shall be ordered to  
2 pay a fine of \$50,000.

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

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

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

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

29           a. Is 1 kilogram or more, but less than 5 kilograms,  
30 such person shall be sentenced to a mandatory minimum term of  
31

1 imprisonment of 3 years, and the defendant shall be ordered to  
2 pay a fine of \$50,000.

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

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

10           2. Any person who knowingly manufactures or brings  
11 into this state 150 kilograms or more of 1,4-Butanediol as  
12 described in s. 893.03(2)(b), or any mixture containing  
13 1,4-Butanediol, and who knows that the probable result of such  
14 manufacture or importation would be the death of any person  
15 commits capital manufacture or importation of 1,4-Butanediol,  
16 a capital felony punishable as provided in ss. 775.082 and  
17 921.142. Any person sentenced for a capital felony under this  
18 paragraph shall also be sentenced to pay the maximum fine  
19 provided under subparagraph 1.

20           (j)1. Any person who knowingly sells, purchases,  
21 manufactures, delivers, or brings into this state, or who is  
22 knowingly in actual or constructive possession of, 10 grams or  
23 more of any of the following substances described in s.  
24 893.03(1)(a) or (c):

- 25           a. 3,4-Methylenedioxymethamphetamine (MDMA);
- 26           b. 4-Bromo-2,5-dimethoxyamphetamine;
- 27           c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 28           d. 2,5-Dimethoxyamphetamine;
- 29           e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 30           f. N-ethylamphetamine;
- 31           g. N-Hydroxy-3,4-methylenedioxyamphetamine;

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



- 1           d. 2,5-Dimethoxyamphetamine;  
2           e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);  
3           f. N-ethylamphetamine;  
4           g. N-Hydroxy-3,4-methylenedioxyamphetamine;  
5           h. 5-Methoxy-3,4-methylenedioxyamphetamine;  
6           i. 4-methoxyamphetamine;  
7           j. 4-Methyl-2,5-dimethoxyamphetamine;  
8           k. 3,4-Methylenedioxy-N-ethylamphetamine;  
9           l. 3,4-Methylenedioxyamphetamine;  
10          m. N,N-dimethylamphetamine; or  
11          n. 3,4,5-Trimethoxyamphetamine,  
12  
13 individually or in any combination of or any mixture  
14 containing any substance listed in sub-subparagraphs a.-n.,  
15 and who knows that the probable result of such manufacture or  
16 importation would be the death of any person commits capital  
17 manufacture or importation of Phenethylamines, a capital  
18 felony punishable as provided in ss. 775.082 and 921.142. Any  
19 person sentenced for a capital felony under this paragraph  
20 shall also be sentenced to pay the maximum fine provided under  
21 subparagraph 1.  
22           (2) A person acts knowingly under subsection (1) if  
23 that person intends to sell, purchase, manufacture, deliver,  
24 or bring into this state, or to actually or constructively  
25 possess, any of the controlled substances listed in subsection  
26 (1), regardless of which controlled substance listed in  
27 subsection (1) is in fact sold, purchased, manufactured,  
28 delivered, or brought into this state, or actually or  
29 constructively possessed.  
30           (3) Notwithstanding the provisions of s. 948.01, with  
31 respect to any person who is found to have violated this

1 section, adjudication of guilt or imposition of sentence shall  
2 not be suspended, deferred, or withheld, nor shall such person  
3 be eligible for parole prior to serving the mandatory minimum  
4 term of imprisonment prescribed by this section. A person  
5 sentenced to a mandatory minimum term of imprisonment under  
6 this section is not eligible for any form of discretionary  
7 early release, except pardon or executive clemency or  
8 conditional medical release under s. 947.149, prior to serving  
9 the mandatory minimum term of imprisonment.

10 (4) The state attorney may move the sentencing court  
11 to reduce or suspend the sentence of any person who is  
12 convicted of a violation of this section and who provides  
13 substantial assistance in the identification, arrest, or  
14 conviction of any of that person's accomplices, accessories,  
15 coconspirators, or principals or of any other person engaged  
16 in trafficking in controlled substances. The arresting agency  
17 shall be given an opportunity to be heard in aggravation or  
18 mitigation in reference to any such motion. Upon good cause  
19 shown, the motion may be filed and heard in camera. The judge  
20 hearing the motion may reduce or suspend the sentence if the  
21 judge finds that the defendant rendered such substantial  
22 assistance.

23 (5) Any person who agrees, conspires, combines, or  
24 confederates with another person to commit any act prohibited  
25 by subsection (1) commits a felony of the first degree and is  
26 punishable as if he or she had actually committed such  
27 prohibited act. Nothing in this subsection shall be construed  
28 to prohibit separate convictions and sentences for a violation  
29 of this subsection and any violation of subsection (1).

30 (6) A mixture, as defined in s. 893.02(14), containing  
31 any controlled substance described in this section includes,

1 but is not limited to, a solution or a dosage unit, including,  
2 but not limited to, a pill or tablet, containing a controlled  
3 substance. For the purpose of clarifying legislative intent  
4 regarding the weighing of a mixture containing a controlled  
5 substance described in this section, the weight of the  
6 controlled substance is the total weight of the mixture,  
7 including the controlled substance and any other substance in  
8 the mixture. If there is more than one mixture containing the  
9 same controlled substance, the weight of the controlled  
10 substance is calculated by aggregating the total weight of  
11 each mixture.

12 (7) For the purpose of further clarifying legislative  
13 intent, the Legislature finds that the opinion in Hayes v.  
14 State, 760 So.2d 1 (Fla. 1999) does not correctly construe  
15 legislative intent. The Legislature finds that the opinions in  
16 State v. Hayes, 720 So.2d 1095 (Fla. 4th DCA 1998) and State  
17 v. Baxley, 684 So.2d 831 (Fla. 5th DCA 1996) correctly  
18 construe legislative intent.

19 Section 3. For the purpose of incorporating the  
20 amendments to section 893.135, Florida Statutes, in a  
21 reference thereto, subsection (14) of section 893.02, Florida  
22 Statutes, is reenacted to read:

23 893.02 Definitions.--The following words and phrases  
24 as used in this chapter shall have the following meanings,  
25 unless the context otherwise requires:

26 (14) "Mixture" means any physical combination of two  
27 or more substances.

28 Section 4. For the purpose of incorporating the  
29 amendment to section 893.03, Florida Statutes, in references  
30 thereto, paragraphs (b), (c), and (e) of subsection (3) of  
31 section 921.0022, Florida Statutes, are reenacted to read:

1	921.0022	Criminal Punishment Code; offense severity	
2	ranking chart.--		
3	(3)	OFFENSE SEVERITY RANKING CHART	
4			
5	Florida	Felony	
6	Statute	Degree	Description
7			
8			
9			(b) LEVEL 2
10	403.413(5)(c)	3rd	Dumps waste litter exceeding 500
11			lbs. in weight or 100 cubic feet
12			in volume or any quantity for
13			commercial purposes, or hazardous
14			waste.
15	517.07	3rd	Registration of securities and
16			furnishing of prospectus
17			required.
18	590.28(1)	3rd	Willful, malicious, or
19			intentional burning.
20	784.05(3)	3rd	Storing or leaving a loaded
21			firearm within reach of minor who
22			uses it to inflict injury or
23			death.
24	787.04(1)	3rd	In violation of court order,
25			take, entice, etc., minor beyond
26			state limits.
27	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000
28			or more to public communication
29			or any other public service.
30	810.09(2)(e)	3rd	Trespassing on posted commercial
31			horticulture property.

1	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or
2			more but less than \$5,000.
3	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
4			more but less than \$300, taken
5			from unenclosed curtilage of
6			dwelling.
7	817.234(1)(a)2.	3rd	False statement in support of
8			insurance claim.
9	817.481(3)(a)	3rd	Obtain credit or purchase with
10			false, expired, counterfeit,
11			etc., credit card, value over
12			\$300.
13	817.52(3)	3rd	Failure to redeliver hired
14			vehicle.
15	817.54	3rd	With intent to defraud, obtain
16			mortgage note, etc., by false
17			representation.
18	817.60(5)	3rd	Dealing in credit cards of
19			another.
20	817.60(6)(a)	3rd	Forgery; purchase goods, services
21			with false card.
22	817.61	3rd	Fraudulent use of credit cards
23			over \$100 or more within 6
24			months.
25	826.04	3rd	Knowingly marries or has sexual
26			intercourse with person to whom
27			related.
28	831.01	3rd	Forgery.
29	831.02	3rd	Uttering forged instrument;
30			utters or publishes alteration
31			with intent to defraud.

1	831.07	3rd	Forging bank bills or promissory
2			note.
3	831.08	3rd	Possession of 10 or more forged
4			notes.
5	831.09	3rd	Uttering forged bills; passes as
6			bank bill or promissory note.
7	832.05(3)(a)	3rd	Cashing or depositing item with
8			intent to defraud.
9	843.08	3rd	Falsely impersonating an officer.
10	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),
11			(2)(c)1., (2)(c)2., (2)(c)3.,
12			(2)(c)5., (2)(c)6., (2)(c)7.,
13			(2)(c)8., (2)(c)9., (3), or (4)
14			drugs other than cannabis.
15	893.147(2)	3rd	Manufacture or delivery of drug
16			paraphernalia.
17			(c) LEVEL 3
18	316.1935(2)	3rd	Fleeing or attempting to elude
19			law enforcement officer in marked
20			patrol vehicle with siren and
21			lights activated.
22	319.30(4)	3rd	Possession by junkyard of motor
23			vehicle with identification
24			number plate removed.
25	319.33(1)(a)	3rd	Alter or forge any certificate of
26			title to a motor vehicle or
27			mobile home.
28	319.33(1)(c)	3rd	Procure or pass title on stolen
29			vehicle.
30			
31			

1	319.33(4)	3rd	With intent to defraud, possess,
2			sell, etc., a blank, forged, or
3			unlawfully obtained title or
4			registration.
5	328.05(2)	3rd	Possess, sell, or counterfeit
6			fictitious, stolen, or fraudulent
7			titles or bills of sale of
8			vessels.
9	328.07(4)	3rd	Manufacture, exchange, or possess
10			vessel with counterfeit or wrong
11			ID number.
12	376.302(5)	3rd	Fraud related to reimbursement
13			for cleanup expenses under the
14			Inland Protection Trust Fund.
15	501.001(2)(b)	2nd	Tampers with a consumer product
16			or the container using materially
17			false/misleading information.
18	697.08	3rd	Equity skimming.
19	790.15(3)	3rd	Person directs another to
20			discharge firearm from a vehicle.
21	796.05(1)	3rd	Live on earnings of a prostitute.
22	806.10(1)	3rd	Maliciously injure, destroy, or
23			interfere with vehicles or
24			equipment used in firefighting.
25	806.10(2)	3rd	Interferes with or assaults
26			firefighter in performance of
27			duty.
28	810.09(2)(c)	3rd	Trespass on property other than
29			structure or conveyance armed
30			with firearm or dangerous weapon.
31			

1	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
2			less than \$10,000.
3	815.04(4)(b)	2nd	Computer offense devised to
4			defraud or obtain property.
5	817.034(4)(a)3.	3rd	Engages in scheme to defraud
6			(Florida Communications Fraud
7			Act), property valued at less
8			than \$20,000.
9	817.233	3rd	Burning to defraud insurer.
10	828.12(2)	3rd	Tortures any animal with intent
11			to inflict intense pain, serious
12			physical injury, or death.
13	831.29	2nd	Possession of instruments for
14			counterfeiting drivers' licenses
15			or identification cards.
16	838.021(3)(b)	3rd	Threatens unlawful harm to public
17			servant.
18	843.19	3rd	Injure, disable, or kill police
19			dog or horse.
20	870.01(2)	3rd	Riot; inciting or encouraging.
21	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
22			cannabis (or other s.
23			893.03(1)(c), (2)(c)1., (2)(c)2.,
24			(2)(c)3., (2)(c)5., (2)(c)6.,
25			(2)(c)7., (2)(c)8., (2)(c)9.,
26			(3), or (4) drugs).
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1	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
2			893.03(1)(c), (2)(c)1., (2)(c)2.,
3			(2)(c)3., (2)(c)5., (2)(c)6.,
4			(2)(c)7., (2)(c)8., (2)(c)9.,
5			(3), or (4) drugs within 200 feet
6			of university or public park.
7	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
8			893.03(1)(c), (2)(c)1., (2)(c)2.,
9			(2)(c)3., (2)(c)5., (2)(c)6.,
10			(2)(c)7., (2)(c)8., (2)(c)9.,
11			(3), or (4) drugs within 200 feet
12			of public housing facility.
13	893.13(6)(a)	3rd	Possession of any controlled
14			substance other than felony
15			possession of cannabis.
16	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
17			controlled substance by fraud,
18			forgery, misrepresentation, etc.
19	893.13(7)(a)11.	3rd	Furnish false or fraudulent
20			material information on any
21			document or record required by
22			chapter 893.
23	918.13(1)(a)	3rd	Alter, destroy, or conceal
24			investigation evidence.
25	944.47		
26	(1)(a)1.-2.	3rd	Introduce contraband to
27			correctional facility.
28	944.47(1)(c)	2nd	Possess contraband while upon the
29			grounds of a correctional
30			institution.
31			

1	985.3141	3rd	Escapes from a juvenile facility
2			(secure detention or residential
3			commitment facility).
4			(e) LEVEL 5
5	316.027(1)(a)	3rd	Accidents involving personal
6			injuries, failure to stop;
7			leaving scene.
8	316.1935(4)	2nd	Aggravated fleeing or eluding.
9	322.34(6)	3rd	Careless operation of motor
10			vehicle with suspended license,
11			resulting in death or serious
12			bodily injury.
13	327.30(5)	3rd	Vessel accidents involving
14			personal injury; leaving scene.
15	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
16			knowing HIV positive.
17	790.01(2)	3rd	Carrying a concealed firearm.
18	790.162	2nd	Threat to throw or discharge
19			destructive device.
20	790.163	2nd	False report of deadly explosive.
21	790.165(2)	3rd	Manufacture, sell, possess, or
22			deliver hoax bomb.
23	790.221(1)	2nd	Possession of short-barreled
24			shotgun or machine gun.
25	790.23	2nd	Felons in possession of firearms
26			or electronic weapons or devices.
27	800.04(6)(c)	3rd	Lewd or lascivious conduct;
28			offender less than 18 years.
29	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
30			offender 18 years or older.
31			

1	806.111(1)	3rd	Possess, manufacture, or dispense
2			fire bomb with intent to damage
3			any structure or property.
4	812.019(1)	2nd	Stolen property; dealing in or
5			trafficking in.
6	812.131(2)(b)	3rd	Robbery by sudden snatching.
7	812.16(2)	3rd	Owning, operating, or conducting
8			a chop shop.
9	817.034(4)(a)2.	2nd	Communications fraud, value
10			\$20,000 to \$50,000.
11	825.1025(4)	3rd	Lewd or lascivious exhibition in
12			the presence of an elderly person
13			or disabled adult.
14	827.071(4)	2nd	Possess with intent to promote
15			any photographic material, motion
16			picture, etc., which includes
17			sexual conduct by a child.
18	843.01	3rd	Resist officer with violence to
19			person; resist arrest with
20			violence.
21	874.05(2)	2nd	Encouraging or recruiting another
22			to join a criminal street gang;
23			second or subsequent offense.
24	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
25			cocaine (or other s.
26			893.03(1)(a), (1)(b), (1)(d),
27			(2)(a), (2)(b), or (2)(c)4.
28			drugs).
29			
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1	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
2			cannabis (or other s.
3			893.03(1)(c), (2)(c)1., (2)(c)2.,
4			(2)(c)3., (2)(c)5., (2)(c)6.,
5			(2)(c)7., (2)(c)8., (2)(c)9.,
6			(3), or (4) drugs) within 1,000
7			feet of a child care facility or
8			school.
9	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
10			cocaine (or other s.
11			893.03(1)(a), (1)(b), (1)(d),
12			(2)(a), (2)(b), or (2)(c)4.
13			drugs) within 200 feet of
14			university or public park.
15	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver
16			cannabis or other drug prohibited
17			under s. 893.03(1)(c), (2)(c)1.,
18			(2)(c)2., (2)(c)3., (2)(c)5.,
19			(2)(c)6., (2)(c)7., (2)(c)8.,
20			(2)(c)9., (3), or (4) within
21			1,000 feet of property used for
22			religious services or a specified
23			business site.
24	893.13(1)(f)1.	1st	Sell, manufacture, or deliver
25			cocaine (or other s.
26			893.03(1)(a), (1)(b), (1)(d), or
27			(2)(a), (2)(b), or (2)(c)4.
28			drugs) within 200 feet of public
29			housing facility.
30			
31			

1 893.13(4)(b) 2nd Deliver to minor cannabis (or  
2 other s. 893.03(1)(c), (2)(c)1.,  
3 (2)(c)2., (2)(c)3., (2)(c)5.,  
4 (2)(c)6., (2)(c)7., (2)(c)8.,  
5 (2)(c)9., (3), or (4) drugs).

6 Section 5. This act shall take effect July 1, 2001.

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9 HOUSE SUMMARY

10 Provides that, for the purpose of charging trafficking,  
11 the weight of the hydrocodone, or any other controlled  
12 substance, in a mixture is the weight of the mixture.

13 Provides that if there is more than one mixture  
14 containing hydrocodone or any other controlled substance,  
15 the weight of the hydrocodone or other controlled  
16 substance is calculated by aggregating the weight of each  
17 mixture.

18 Provides legislative findings that, for the purpose of  
19 charging trafficking, the weight of hydrocodone, or any  
20 other controlled substance, in a mixture is the weight of  
21 the mixture.

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