

By Senator Smith

29-01033-11

20111798\_\_

1 A bill to be entitled

2 An act relating to mandatory minimum sentences;  
3 amending ss. 316.027, 316.193, 379.407, 500.451,  
4 624.401, 775.087, 817.568, 876.39, 893.13, and  
5 893.135, F.S.; relating to crashes involving death or  
6 personal injuries, driving under the influence,  
7 unlicensed purchase, sale, or harvest of seafood,  
8 violations involving horsemeat, acting as an insurer  
9 without a certificate of authority, possession of a  
10 weapon during the commission of certain offenses,  
11 criminal use of personal identification information,  
12 intentionally defective workmanship, and controlled  
13 substance violations, respectively, deleting mandatory  
14 minimum sentences; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Paragraph (b) of subsection (1) of section  
19 316.027, Florida Statutes, is amended to read:

20 316.027 Crash involving death or personal injuries.—

21 (1)

22 (b) The driver of any vehicle involved in a crash occurring  
23 on public or private property that results in the death of any  
24 person must immediately stop the vehicle at the scene of the  
25 crash, or as close thereto as possible, and must remain at the  
26 scene of the crash until he or she has fulfilled the  
27 requirements of s. 316.062. Any person who willfully violates  
28 this paragraph commits a felony of the first degree, punishable  
29 as provided in s. 775.082, s. 775.083, or s. 775.084. ~~Any person~~

29-01033-11

20111798\_\_

30 ~~who willfully violates this paragraph while driving under the~~  
31 ~~influence as set forth in s. 316.193(1) shall be sentenced to a~~  
32 ~~mandatory minimum term of imprisonment of 2 years.~~

33 Section 2. Subsection (3) of section 316.193, Florida  
34 Statutes, is amended to read:

35 316.193 Driving under the influence; penalties.—

36 (3) Any person:

37 (a) Who is in violation of subsection (1);

38 (b) Who operates a vehicle; and

39 (c) Who, by reason of such operation, causes or contributes  
40 to causing:

41 1. Damage to the property or person of another commits a  
42 misdemeanor of the first degree, punishable as provided in s.  
43 775.082 or s. 775.083.

44 2. Serious bodily injury to another, as defined in s.  
45 316.1933, commits a felony of the third degree, punishable as  
46 provided in s. 775.082, s. 775.083, or s. 775.084.

47 3. The death of any human being or unborn quick child  
48 commits DUI manslaughter, and commits:

49 a. A felony of the second degree, punishable as provided in  
50 s. 775.082, s. 775.083, or s. 775.084.

51 b. A felony of the first degree, punishable as provided in  
52 s. 775.082, s. 775.083, or s. 775.084, if:

53 (I) At the time of the crash, the person knew, or should  
54 have known, that the crash occurred; and

55 (II) The person failed to give information and render aid  
56 as required by s. 316.062.

57  
58 For purposes of this subsection, the definition of the term

29-01033-11

20111798

59 "unborn quick child" shall be determined in accordance with the  
60 definition of viable fetus as set forth in s. 782.071. ~~A person~~  
61 ~~who is convicted of DUI manslaughter shall be sentenced to a~~  
62 ~~mandatory minimum term of imprisonment of 4 years.~~

63 Section 3. Subsection (6) of section 379.407, Florida  
64 Statutes, is amended to read:

65 379.407 Administration; rules, publications, records;  
66 penalties; injunctions.-

67 (6) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR HARVEST.-It  
68 is a major violation and punishable as provided in this  
69 subsection for any unlicensed person, firm, or corporation who  
70 is required to be licensed under this chapter as a commercial  
71 harvester or a wholesale or retail dealer to sell or purchase  
72 any saltwater product or to harvest or attempt to harvest any  
73 saltwater product with intent to sell the saltwater product.

74 (a) Any person, firm, or corporation who sells or purchases  
75 any saltwater product without having purchased the licenses  
76 required by this chapter for such sale is subject to penalties  
77 as follows:

78 1. A first violation is a misdemeanor of the second degree,  
79 punishable as provided in s. 775.082 or s. 775.083.

80 2. A second violation is a misdemeanor of the first degree,  
81 punishable as provided in s. 775.082 or s. 775.083, and such  
82 person may also be assessed a civil penalty of up to \$2,500 and  
83 is subject to a suspension of all license privileges under this  
84 chapter for a period not exceeding 90 days.

85 3. A third violation is a misdemeanor of the first degree,  
86 punishable as provided in s. 775.082 or s. 775.083, ~~with a~~  
87 ~~mandatory minimum term of imprisonment of 6 months,~~ and such

29-01033-11

20111798

88 person may also be assessed a civil penalty of up to \$5,000 and  
89 is subject to a suspension of all license privileges under this  
90 chapter for a period not exceeding 6 months.

91 4. A third violation within 1 year after a second violation  
92 is a felony of the third degree, punishable as provided in s.  
93 775.082 or s. 775.083, ~~with a mandatory minimum term of~~  
94 ~~imprisonment of 1 year,~~ and such person shall be assessed a  
95 civil penalty of \$5,000 and all license privileges under this  
96 chapter shall be permanently revoked.

97 5. A fourth or subsequent violation is a felony of the  
98 third degree, punishable as provided in s. 775.082 or s.  
99 775.083, ~~with a mandatory minimum term of imprisonment of 1~~  
100 ~~year,~~ and such person shall be assessed a civil penalty of  
101 \$5,000 and all license privileges under this chapter shall be  
102 permanently revoked.

103 (b) Any person whose license privileges under this chapter  
104 have been permanently revoked and who thereafter sells or  
105 purchases or who attempts to sell or purchase any saltwater  
106 product commits a felony of the third degree, punishable as  
107 provided in s. 775.082 or s. 775.083, ~~with a mandatory minimum~~  
108 ~~term of imprisonment of 1 year,~~ and such person shall also be  
109 assessed a civil penalty of \$5,000. All property involved in  
110 such offense shall be forfeited pursuant to s. 379.337.

111 (c) Any commercial harvester or wholesale or retail dealer  
112 whose license privileges under this chapter are under suspension  
113 and who during such period of suspension sells or purchases or  
114 attempts to sell or purchase any saltwater product shall be  
115 assessed the following penalties:

116 1. A first violation, or a second violation occurring more

29-01033-11

20111798

117 than 12 months after a first violation, is a first degree  
118 misdemeanor, punishable as provided in ss. 775.082 and 775.083,  
119 and such commercial harvester or wholesale or retail dealer may  
120 be assessed a civil penalty of up to \$2,500 and an additional  
121 suspension of all license privileges under this chapter for a  
122 period not exceeding 90 days.

123 2. A second violation occurring within 12 months of a first  
124 violation is a third degree felony, punishable as provided in  
125 ss. 775.082 and 775.083, ~~with a mandatory minimum term of~~  
126 ~~imprisonment of 1 year,~~ and such commercial harvester or  
127 wholesale or retail dealer may be assessed a civil penalty of up  
128 to \$5,000 and an additional suspension of all license privileges  
129 under this chapter for a period not exceeding 180 days. All  
130 property involved in such offense shall be forfeited pursuant to  
131 s. 379.337.

132 3. A third violation within 24 months of the second  
133 violation or subsequent violation is a third degree felony,  
134 punishable as provided in ss. 775.082 and 775.083, ~~with a~~  
135 ~~mandatory minimum term of imprisonment of 1 year,~~ and such  
136 commercial harvester or wholesale or retail dealer shall be  
137 assessed a mandatory civil penalty of up to \$5,000 and an  
138 additional suspension of all license privileges under this  
139 chapter for a period not exceeding 24 months. All property  
140 involved in such offense shall be forfeited pursuant to s.  
141 379.337.

142 (d) Any commercial harvester who harvests or attempts to  
143 harvest any saltwater product with intent to sell the saltwater  
144 product without having purchased a saltwater products license  
145 with the requisite endorsements is subject to penalties as

29-01033-11

20111798\_\_

146 follows:

147 1. A first violation is a misdemeanor of the second degree,  
148 punishable as provided in s. 775.082 or s. 775.083.

149 2. A second violation is a misdemeanor of the first degree,  
150 punishable as provided in s. 775.082 or s. 775.083, and such  
151 commercial harvester may also be assessed a civil penalty of up  
152 to \$2,500 and is subject to a suspension of all license  
153 privileges under this chapter for a period not exceeding 90  
154 days.

155 3. A third violation is a misdemeanor of the first degree,  
156 punishable as provided in s. 775.082 or s. 775.083, ~~with a~~  
157 ~~mandatory minimum term of imprisonment of 6 months,~~ and such  
158 commercial harvester may also be assessed a civil penalty of up  
159 to \$5,000 and is subject to a suspension of all license  
160 privileges under this chapter for a period not exceeding 6  
161 months.

162 4. A third violation within 1 year after a second violation  
163 is a felony of the third degree, punishable as provided in s.  
164 775.082 or s. 775.083, ~~with a mandatory minimum term of~~  
165 ~~imprisonment of 1 year,~~ and such commercial harvester shall also  
166 be assessed a civil penalty of \$5,000 and all license privileges  
167 under this chapter shall be permanently revoked.

168 5. A fourth or subsequent violation is a felony of the  
169 third degree, punishable as provided in s. 775.082 or s.  
170 775.083, ~~with a mandatory minimum term of imprisonment of 1~~  
171 ~~year,~~ and such commercial harvester shall also be assessed a  
172 mandatory civil penalty of \$5,000 and all license privileges  
173 under this chapter shall be permanently revoked.

174

29-01033-11

20111798\_\_

175 For purposes of this subsection, a violation means any judicial  
176 disposition other than acquittal or dismissal.

177 Section 4. Subsection (2) of section 500.451, Florida  
178 Statutes, is amended to read:

179 500.451 Horse meat; offenses.—

180 (2) A person that violates this section commits a felony of  
181 the third degree, punishable as provided in s. 775.082, s.  
182 775.083, or s. 775.084, except that any person who commits a  
183 violation of this section shall be sentenced to a minimum  
184 mandatory fine of \$3,500 ~~and a minimum mandatory period of~~  
185 ~~incarceration of 1 year.~~

186 Section 5. Paragraph (b) of subsection (4) of section  
187 624.401, Florida Statutes, is amended to read:

188 624.401 Certificate of authority required.—

189 (4)

190 (b) However, any person acting as an insurer without a  
191 valid certificate of authority who violates this section commits  
192 insurance fraud, punishable as provided in this paragraph. If  
193 the amount of any insurance premium collected with respect to  
194 any violation of this section:

195 1. Is less than \$20,000, the offender commits a felony of  
196 the third degree, punishable as provided in s. 775.082, s.  
197 775.083, or s. 775.084, ~~and the offender shall be sentenced to a~~  
198 ~~minimum term of imprisonment of 1 year.~~

199 2. Is \$20,000 or more, but less than \$100,000, the offender  
200 commits a felony of the second degree, punishable as provided in  
201 s. 775.082, s. 775.083, or s. 775.084, ~~and the offender shall be~~  
202 ~~sentenced to a minimum term of imprisonment of 18 months.~~

203 3. Is \$100,000 or more, the offender commits a felony of

29-01033-11

20111798\_\_

204 the first degree, punishable as provided in s. 775.082, s.  
205 775.083, or s. 775.084, ~~and the offender shall be sentenced to a~~  
206 ~~minimum term of imprisonment of 2 years.~~

207 Section 6. Paragraph (a) of subsection (2) of section  
208 775.087, Florida Statutes, is amended to read:

209 775.087 Possession or use of weapon; aggravated battery;  
210 felony reclassification; minimum sentence.-

211 (2) (a) 1. Any person who is convicted of a felony or an  
212 attempt to commit a felony, regardless of whether the use of a  
213 weapon is an element of the felony, and the conviction was for:

- 214 a. Murder;
- 215 b. Sexual battery;
- 216 c. Robbery;
- 217 d. Burglary;
- 218 e. Arson;
- 219 f. Aggravated assault;
- 220 g. Aggravated battery;
- 221 h. Kidnapping;
- 222 i. Escape;
- 223 j. Aircraft piracy;
- 224 k. Aggravated child abuse;
- 225 l. Aggravated abuse of an elderly person or disabled adult;
- 226 m. Unlawful throwing, placing, or discharging of a  
227 destructive device or bomb;
- 228 n. Carjacking;
- 229 o. Home-invasion robbery;
- 230 p. Aggravated stalking;
- 231 q. Trafficking in cannabis, trafficking in cocaine, capital  
232 importation of cocaine, trafficking in illegal drugs, capital



29-01033-11

20111798

233 importation of illegal drugs, trafficking in phencyclidine,  
234 capital importation of phencyclidine, trafficking in  
235 methaqualone, capital importation of methaqualone, trafficking  
236 in amphetamine, capital importation of amphetamine, trafficking  
237 in flunitrazepam, trafficking in gamma-hydroxybutyric acid  
238 (GHB), trafficking in 1,4-Butanediol, trafficking in  
239 Phenethylamines, or other violation of s. 893.135(1); or  
240 r. Possession of a firearm by a felon  
241

242 and during the commission of the offense, ~~such person actually~~  
243 ~~possessed a "firearm" or "destructive device" as those terms are~~  
244 ~~defined in s. 790.001, shall be sentenced to a minimum term of~~  
245 ~~imprisonment of 10 years, except that a person who is convicted~~  
246 ~~for aggravated assault, possession of a firearm by a felon, or~~  
247 ~~burglary of a conveyance shall be sentenced to a minimum term of~~  
248 ~~imprisonment of 3 years if such person possessed a "firearm" or~~  
249 ~~"destructive device" during the commission of the offense.~~

250 ~~2. Any person who is convicted of a felony or an attempt to~~  
251 ~~commit a felony listed in sub-subparagraphs (a)1.a.-q.,~~  
252 regardless of whether the use of a weapon is an element of the  
253 felony, ~~and during the course of the commission of the felony~~  
254 such person discharged a "firearm" or "destructive device" as  
255 defined in s. 790.001, such person shall be sentenced to a  
256 minimum term of imprisonment of 20 years.

257 ~~2.3.~~ Any person who is convicted of a felony or an attempt  
258 to commit a felony listed in sub-subparagraphs (a)1.a.-q.,  
259 regardless of whether the use of a weapon is an element of the  
260 felony, and during the course of the commission of the felony  
261 such person discharged a "firearm" or "destructive device" as

29-01033-11

20111798\_\_

262 defined in s. 790.001 and, as the result of the discharge, death  
263 or great bodily harm was inflicted upon any person, the  
264 convicted person shall be sentenced to a minimum term of  
265 imprisonment of not less than 25 years and not more than a term  
266 of imprisonment of life in prison.

267 Section 7. Subsections (4) through (17) of section 817.568,  
268 Florida Statutes, are renumbered as subsections (3) through  
269 (16), respectively, and paragraphs (b) and (c) of present  
270 subsection (2), present subsection (3), paragraphs (b) and (c)  
271 of present subsection (8), and present subsection (17) of that  
272 section are amended to read:

273 817.568 Criminal use of personal identification  
274 information.—

275 (2)

276 (b) Any person who willfully and without authorization  
277 fraudulently uses personal identification information concerning  
278 an individual without first obtaining that individual's consent  
279 commits a felony of the second degree, punishable as provided in  
280 s. 775.082, s. 775.083, or s. 775.084, if the pecuniary benefit,  
281 the value of the services received, the payment sought to be  
282 avoided, or the amount of the injury or fraud perpetrated is  
283 \$5,000 or more or if the person fraudulently uses the personal  
284 identification information of 10 or more individuals, but fewer  
285 than 20 individuals, without their consent. ~~Notwithstanding any  
286 other provision of law, the court shall sentence any person  
287 convicted of committing the offense described in this paragraph  
288 to a mandatory minimum sentence of 3 years' imprisonment.~~

289 (c) Any person who willfully and without authorization  
290 fraudulently uses personal identification information concerning

29-01033-11

20111798

291 an individual without first obtaining that individual's consent  
292 commits a felony of the first degree, punishable as provided in  
293 s. 775.082, s. 775.083, or s. 775.084, if the pecuniary benefit,  
294 the value of the services received, the payment sought to be  
295 avoided, or the amount of the injury or fraud perpetrated is  
296 \$50,000 or more or if the person fraudulently uses the personal  
297 identification information of 20 or more individuals, but fewer  
298 than 30 individuals, without their consent. ~~Notwithstanding any~~  
299 ~~other provision of law, the court shall sentence any person~~  
300 ~~convicted of committing the offense described in this paragraph~~  
301 ~~to a mandatory minimum sentence of 5 years' imprisonment. If the~~  
302 ~~pecuniary benefit, the value of the services received, the~~  
303 ~~payment sought to be avoided, or the amount of the injury or~~  
304 ~~fraud perpetrated is \$100,000 or more, or if the person~~  
305 ~~fraudulently uses the personal identification information of 30~~  
306 ~~or more individuals without their consent, notwithstanding any~~  
307 ~~other provision of law, the court shall sentence any person~~  
308 ~~convicted of committing the offense described in this paragraph~~  
309 ~~to a mandatory minimum sentence of 10 years' imprisonment.~~

310 ~~(3) Neither paragraph (2) (b) nor paragraph (2) (c) prevents~~  
311 ~~a court from imposing a greater sentence of incarceration as~~  
312 ~~authorized by law. If the minimum mandatory terms of~~  
313 ~~imprisonment imposed under paragraph (2) (b) or paragraph (2) (c)~~  
314 ~~exceed the maximum sentences authorized under s. 775.082, s.~~  
315 ~~775.084, or the Criminal Punishment Code under chapter 921, the~~  
316 ~~mandatory minimum sentence must be imposed. If the mandatory~~  
317 ~~minimum terms of imprisonment under paragraph (2) (b) or~~  
318 ~~paragraph (2) (c) are less than the sentence that could be~~  
319 ~~imposed under s. 775.082, s. 775.084, or the Criminal Punishment~~

29-01033-11

20111798

320 ~~Code under chapter 921, the sentence imposed by the court must~~  
321 ~~include the mandatory minimum term of imprisonment as required~~  
322 ~~by paragraph (2) (b) or paragraph (2) (c).~~

323 ~~(7) (8)~~

324 (b) Any person who willfully and fraudulently uses personal  
325 identification information concerning a deceased individual  
326 commits a felony of the second degree, punishable as provided in  
327 s. 775.082, s. 775.083, or s. 775.084, if the pecuniary benefit,  
328 the value of the services received, the payment sought to be  
329 avoided, or the amount of injury or fraud perpetrated is \$5,000  
330 or more, or if the person fraudulently uses the personal  
331 identification information of 10 or more but fewer than 20  
332 deceased individuals. ~~Notwithstanding any other provision of~~  
333 ~~law, the court shall sentence any person convicted of committing~~  
334 ~~the offense described in this paragraph to a mandatory minimum~~  
335 ~~sentence of 3 years' imprisonment.~~

336 (c) Any person who willfully and fraudulently uses personal  
337 identification information concerning a deceased individual  
338 commits the offense of aggravated fraudulent use of the personal  
339 identification information of multiple deceased individuals, a  
340 felony of the first degree, punishable as provided in s.  
341 775.082, s. 775.083, or s. 775.084, if the pecuniary benefit,  
342 the value of the services received, the payment sought to be  
343 avoided, or the amount of injury or fraud perpetrated is \$50,000  
344 or more, or if the person fraudulently uses the personal  
345 identification information of 20 or more but fewer than 30  
346 deceased individuals. ~~Notwithstanding any other provision of~~  
347 ~~law, the court shall sentence any person convicted of the~~  
348 ~~offense described in this paragraph to a minimum mandatory~~

29-01033-11

20111798\_\_

349 ~~sentence of 5 years' imprisonment. If the pecuniary benefit, the~~  
350 ~~value of the services received, the payment sought to be~~  
351 ~~avoided, or the amount of the injury or fraud perpetrated is~~  
352 ~~\$100,000 or more, or if the person fraudulently uses the~~  
353 ~~personal identification information of 30 or more deceased~~  
354 ~~individuals, notwithstanding any other provision of law, the~~  
355 ~~court shall sentence any person convicted of an offense~~  
356 ~~described in this paragraph to a mandatory minimum sentence of~~  
357 ~~10 years' imprisonment.~~

358 (16)~~(17)~~ A prosecution of an offense prohibited under  
359 subsection (2), subsection (5) ~~(6)~~, or subsection (6) ~~(7)~~ must  
360 be commenced within 3 years after the offense occurred. However,  
361 a prosecution may be commenced within 1 year after discovery of  
362 the offense by an aggrieved party, or by a person who has a  
363 legal duty to represent the aggrieved party and who is not a  
364 party to the offense, if such prosecution is commenced within 5  
365 years after the violation occurred.

366 Section 8. Section 876.39, Florida Statutes, is amended to  
367 read:

368 876.39 Intentionally defective workmanship.—Whoever  
369 intentionally makes or causes to be made or omits to note on  
370 inspection any defect in any article or thing with reasonable  
371 grounds to believe that such article or thing is intended to be  
372 used in connection with the preparation of the United States or  
373 of any country with which the United States shall then maintain  
374 friendly relations, or any of the states for defense or for war,  
375 or for the prosecution of war by the United States, or that such  
376 article or thing is one of a number of similar articles or  
377 things, some of which are intended so to be used, commits ~~shall~~

29-01033-11

20111798\_\_

378 ~~be guilty of a felony of the second degree, punishable as~~  
379 ~~provided in s. 775.082, s. 775.083, or s. 775.084; provided, if~~  
380 ~~such person so acts or so fails to act with the intent to~~  
381 ~~hinder, delay or interfere with the preparation of the United~~  
382 ~~States or of any country with which the United States shall then~~  
383 ~~maintain friendly relations, or of any of the states for defense~~  
384 ~~or for war, or with the prosecution of war by the United States,~~  
385 ~~the minimum punishment shall be imprisonment in the state prison~~  
386 ~~for not less than 1 year.~~

387 Section 9. Paragraphs (c) and (g) of subsection (1) of  
388 section 893.13, Florida Statutes, are amended to read:

389 893.13 Prohibited acts; penalties.—

390 (1)

391 (c) Except as authorized by this chapter, it is unlawful  
392 for any person to sell, manufacture, or deliver, or possess with  
393 intent to sell, manufacture, or deliver, a controlled substance  
394 in, on, or within 1,000 feet of the real property comprising a  
395 child care facility as defined in s. 402.302 or a public or  
396 private elementary, middle, or secondary school between the  
397 hours of 6 a.m. and 12 midnight, or at any time in, on, or  
398 within 1,000 feet of real property comprising a state, county,  
399 or municipal park, a community center, or a publicly owned  
400 recreational facility. For the purposes of this paragraph, the  
401 term "community center" means a facility operated by a nonprofit  
402 community-based organization for the provision of recreational,  
403 social, or educational services to the public. Any person who  
404 violates this paragraph with respect to:

405 1. A controlled substance named or described in s.

406 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.,

29-01033-11

20111798

407 commits a felony of the first degree, punishable as provided in  
408 s. 775.082, s. 775.083, or s. 775.084. ~~The defendant must be~~  
409 ~~sentenced to a minimum term of imprisonment of 3 calendar years~~  
410 ~~unless the offense was committed within 1,000 feet of the real~~  
411 ~~property comprising a child care facility as defined in s.~~  
412 ~~402.302.~~

413 2. A controlled substance named or described in s.  
414 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
415 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
416 the second degree, punishable as provided in s. 775.082, s.  
417 775.083, or s. 775.084.

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

422  
423 This paragraph does not apply to a child care facility unless  
424 the owner or operator of the facility posts a sign that is not  
425 less than 2 square feet in size with a word legend identifying  
426 the facility as a licensed child care facility and that is  
427 posted on the property of the child care facility in a  
428 conspicuous place where the sign is reasonably visible to the  
429 public.

430 (g) Except as authorized by this chapter, it is unlawful  
431 for any person to manufacture methamphetamine or phencyclidine,  
432 or possess any listed chemical as defined in s. 893.033 in  
433 violation of s. 893.149 and with intent to manufacture  
434 methamphetamine or phencyclidine. If any person violates this  
435 paragraph and:

29-01033-11

20111798

436 1. The commission or attempted commission of the crime  
437 occurs in a structure or conveyance where any child under 16  
438 years of age is present, the person commits a felony of the  
439 first degree, punishable as provided in s. 775.082, s. 775.083,  
440 or s. 775.084. ~~In addition, the defendant must be sentenced to a~~  
441 ~~minimum term of imprisonment of 5 calendar years.~~

442 2. The commission of the crime causes any child under 16  
443 years of age to suffer great bodily harm, the person commits a  
444 felony of the first degree, punishable as provided in s.  
445 775.082, s. 775.083, or s. 775.084. ~~In addition, the defendant~~  
446 ~~must be sentenced to a minimum term of imprisonment of 10~~  
447 ~~calendar years.~~

448 Section 10. Subsections (4) through (7) of section 893.135,  
449 Florida Statutes, are renumbered as subsections (3) through (6),  
450 respectively, and present subsections (1) and (3) of that  
451 section are amended to read:

452 893.135 Trafficking; mandatory sentences; suspension or  
453 reduction of sentences; conspiracy to engage in trafficking.—

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

456 (a) Any person who knowingly sells, purchases,  
457 manufactures, delivers, or brings into this state, or who is  
458 knowingly in actual or constructive possession of, in excess of  
459 25 pounds of cannabis, or 300 or more cannabis plants, commits a  
460 felony of the first degree, which felony shall be known as  
461 "trafficking in cannabis," punishable as provided in s. 775.082,  
462 s. 775.083, or s. 775.084. If the quantity of cannabis involved:

463 1. Is in excess of 25 pounds, but less than 2,000 pounds,  
464 or is 300 or more cannabis plants, but not more than 2,000



29-01033-11

20111798

465 ~~cannabis plants, such person shall be sentenced to a mandatory~~  
466 ~~minimum term of imprisonment of 3 years, and~~ the defendant shall  
467 be ordered to pay a fine of \$25,000.

468 2. Is 2,000 pounds or more, but less than 10,000 pounds, or  
469 is 2,000 or more cannabis plants, but not more than 10,000  
470 cannabis plants, ~~such person shall be sentenced to a mandatory~~  
471 ~~minimum term of imprisonment of 7 years, and~~ the defendant shall  
472 be ordered to pay a fine of \$50,000.

473 3. Is 10,000 pounds or more, or is 10,000 or more cannabis  
474 plants, such person shall ~~be sentenced to a mandatory minimum~~  
475 ~~term of imprisonment of 15 calendar years and~~ pay a fine of  
476 \$200,000.

477  
478 For the purpose of this paragraph, a plant, including, but not  
479 limited to, a seedling or cutting, is a "cannabis plant" if it  
480 has some readily observable evidence of root formation, such as  
481 root hairs. To determine if a piece or part of a cannabis plant  
482 severed from the cannabis plant is itself a cannabis plant, the  
483 severed piece or part must have some readily observable evidence  
484 of root formation, such as root hairs. Callous tissue is not  
485 readily observable evidence of root formation. The viability and  
486 sex of a plant and the fact that the plant may or may not be a  
487 dead harvested plant are not relevant in determining if the  
488 plant is a "cannabis plant" or in the charging of an offense  
489 under this paragraph. Upon conviction, the court shall impose  
490 the longest term of imprisonment provided for in this paragraph.

491 (b)1. Any person who knowingly sells, purchases,  
492 manufactures, delivers, or brings into this state, or who is  
493 knowingly in actual or constructive possession of, 28 grams or

29-01033-11

20111798

494 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
495 mixture containing cocaine, but less than 150 kilograms of  
496 cocaine or any such mixture, commits a felony of the first  
497 degree, which felony shall be known as "trafficking in cocaine,"  
498 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
499 If the quantity involved:

500 a. Is 28 grams or more, but less than 200 grams, ~~such~~  
501 ~~person shall be sentenced to a mandatory minimum term of~~  
502 ~~imprisonment of 3 years, and~~ the defendant shall be ordered to  
503 pay a fine of \$50,000.

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

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

511 2. Any person who knowingly sells, purchases, manufactures,  
512 delivers, or brings into this state, or who is knowingly in  
513 actual or constructive possession of, 150 kilograms or more of  
514 cocaine, as described in s. 893.03(2)(a)4., commits the first  
515 degree felony of trafficking in cocaine. A person who has been  
516 convicted of the first degree felony of trafficking in cocaine  
517 under this subparagraph ~~shall be punished by life imprisonment~~  
518 ~~and~~ is ineligible for any form of discretionary early release  
519 except pardon or executive clemency or conditional medical  
520 release under s. 947.149. However, if the court determines that,  
521 in addition to committing any act specified in this paragraph:

522 a. The person intentionally killed an individual or

29-01033-11

20111798\_\_

523 counseled, commanded, induced, procured, or caused the  
524 intentional killing of an individual and such killing was the  
525 result; or

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

528

529 such person commits the capital felony of trafficking in  
530 cocaine, punishable as provided in ss. 775.082 and 921.142. Any  
531 person sentenced for a capital felony under this paragraph shall  
532 also be sentenced to pay the maximum fine provided under  
533 subparagraph 1.

534 3. Any person who knowingly brings into this state 300  
535 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
536 and who knows that the probable result of such importation would  
537 be the death of any person, commits capital importation of  
538 cocaine, a capital felony punishable as provided in ss. 775.082  
539 and 921.142. Any person sentenced for a capital felony under  
540 this paragraph shall also be sentenced to pay the maximum fine  
541 provided under subparagraph 1.

542 (c)1. Any person who knowingly sells, purchases,  
543 manufactures, delivers, or brings into this state, or who is  
544 knowingly in actual or constructive possession of, 4 grams or  
545 more of any morphine, opium, oxycodone, hydrocodone,  
546 hydromorphone, or any salt, derivative, isomer, or salt of an  
547 isomer thereof, including heroin, as described in s.  
548 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more  
549 of any mixture containing any such substance, but less than 30  
550 kilograms of such substance or mixture, commits a felony of the  
551 first degree, which felony shall be known as "trafficking in

29-01033-11

20111798\_\_

552 illegal drugs," punishable as provided in s. 775.082, s.  
553 775.083, or s. 775.084. If the quantity involved:

554 a. Is 4 grams or more, but less than 14 grams, ~~such person~~  
555 ~~shall be sentenced to a mandatory minimum term of imprisonment~~  
556 ~~of 3 years,~~ and the defendant shall be ordered to pay a fine of  
557 \$50,000.

558 b. Is 14 grams or more, but less than 28 grams, ~~such person~~  
559 ~~shall be sentenced to a mandatory minimum term of imprisonment~~  
560 ~~of 15 years,~~ and the defendant shall be ordered to pay a fine of  
561 \$100,000.

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

565 2. Any person who knowingly sells, purchases, manufactures,  
566 delivers, or brings into this state, or who is knowingly in  
567 actual or constructive possession of, 30 kilograms or more of  
568 any morphine, opium, oxycodone, hydrocodone, hydromorphone, or  
569 any salt, derivative, isomer, or salt of an isomer thereof,  
570 including heroin, as described in s. 893.03(1)(b), (2)(a),  
571 (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture  
572 containing any such substance, commits the first degree felony  
573 of trafficking in illegal drugs. A person who has been convicted  
574 of the first degree felony of trafficking in illegal drugs under  
575 this subparagraph shall be punished by life imprisonment and is  
576 ineligible for any form of discretionary early release except  
577 pardon or executive clemency or conditional medical release  
578 under s. 947.149. However, if the court determines that, in  
579 addition to committing any act specified in this paragraph:

580 a. The person intentionally killed an individual or

29-01033-11

20111798\_\_

581 counseled, commanded, induced, procured, or caused the  
582 intentional killing of an individual and such killing was the  
583 result; or

584 b. The person's conduct in committing that act led to a  
585 natural, though not inevitable, lethal result,  
586  
587 such person commits the capital felony of trafficking in illegal  
588 drugs, punishable as provided in ss. 775.082 and 921.142. Any  
589 person sentenced for a capital felony under this paragraph shall  
590 also be sentenced to pay the maximum fine provided under  
591 subparagraph 1.

592 3. Any person who knowingly brings into this state 60  
593 kilograms or more of any morphine, opium, oxycodone,  
594 hydrocodone, hydromorphone, or any salt, derivative, isomer, or  
595 salt of an isomer thereof, including heroin, as described in s.  
596 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or  
597 more of any mixture containing any such substance, and who knows  
598 that the probable result of such importation would be the death  
599 of any person, commits capital importation of illegal drugs, a  
600 capital felony punishable as provided in ss. 775.082 and  
601 921.142. Any person sentenced for a capital felony under this  
602 paragraph shall also be sentenced to pay the maximum fine  
603 provided under subparagraph 1.

604 (d)1. Any person who knowingly sells, purchases,  
605 manufactures, delivers, or brings into this state, or who is  
606 knowingly in actual or constructive possession of, 28 grams or  
607 more of phencyclidine or of any mixture containing  
608 phencyclidine, as described in s. 893.03(2)(b), commits a felony  
609 of the first degree, which felony shall be known as "trafficking

29-01033-11

20111798

610 in phencyclidine," punishable as provided in s. 775.082, s.  
611 775.083, or s. 775.084. If the quantity involved:

612 a. Is 28 grams or more, but less than 200 grams, ~~such~~  
613 ~~person shall be sentenced to a mandatory minimum term of~~  
614 ~~imprisonment of 3 years,~~ and the defendant shall be ordered to  
615 pay a fine of \$50,000.

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

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

623 2. Any person who knowingly brings into this state 800  
624 grams or more of phencyclidine or of any mixture containing  
625 phencyclidine, as described in s. 893.03(2)(b), and who knows  
626 that the probable result of such importation would be the death  
627 of any person commits capital importation of phencyclidine, a  
628 capital felony punishable as provided in ss. 775.082 and  
629 921.142. Any person sentenced for a capital felony under this  
630 paragraph shall also be sentenced to pay the maximum fine  
631 provided under subparagraph 1.

632 (e)1. Any person who knowingly sells, purchases,  
633 manufactures, delivers, or brings into this state, or who is  
634 knowingly in actual or constructive possession of, 200 grams or  
635 more of methaqualone or of any mixture containing methaqualone,  
636 as described in s. 893.03(1)(d), commits a felony of the first  
637 degree, which felony shall be known as "trafficking in  
638 methaqualone," punishable as provided in s. 775.082, s. 775.083,

29-01033-11

20111798\_\_

639 or s. 775.084. If the quantity involved:

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

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

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

651 2. Any person who knowingly brings into this state 50  
652 kilograms or more of methaqualone or of any mixture containing  
653 methaqualone, as described in s. 893.03(1)(d), and who knows  
654 that the probable result of such importation would be the death  
655 of any person commits capital importation of methaqualone, a  
656 capital felony punishable as provided in ss. 775.082 and  
657 921.142. Any person sentenced for a capital felony under this  
658 paragraph shall also be sentenced to pay the maximum fine  
659 provided under subparagraph 1.

660 (f)1. Any person who knowingly sells, purchases,  
661 manufactures, delivers, or brings into this state, or who is  
662 knowingly in actual or constructive possession of, 14 grams or  
663 more of amphetamine, as described in s. 893.03(2)(c)2., or  
664 methamphetamine, as described in s. 893.03(2)(c)4., or of any  
665 mixture containing amphetamine or methamphetamine, or  
666 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine  
667 in conjunction with other chemicals and equipment utilized in

29-01033-11

20111798\_\_

668 the manufacture of amphetamine or methamphetamine, commits a  
669 felony of the first degree, which felony shall be known as  
670 "trafficking in amphetamine," punishable as provided in s.  
671 775.082, s. 775.083, or s. 775.084. If the quantity involved:

672 a. Is 14 grams or more, but less than 28 grams, ~~such person~~  
673 ~~shall be sentenced to a mandatory minimum term of imprisonment~~  
674 ~~of 3 years,~~ and the defendant shall be ordered to pay a fine of  
675 \$50,000.

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

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

683 2. Any person who knowingly manufactures or brings into  
684 this state 400 grams or more of amphetamine, as described in s.  
685 893.03(2)(c)2., or methamphetamine, as described in s.  
686 893.03(2)(c)4., or of any mixture containing amphetamine or  
687 methamphetamine, or phenylacetone, phenylacetic acid,  
688 pseudoephedrine, or ephedrine in conjunction with other  
689 chemicals and equipment used in the manufacture of amphetamine  
690 or methamphetamine, and who knows that the probable result of  
691 such manufacture or importation would be the death of any person  
692 commits capital manufacture or importation of amphetamine, a  
693 capital felony punishable as provided in ss. 775.082 and  
694 921.142. Any person sentenced for a capital felony under this  
695 paragraph shall also be sentenced to pay the maximum fine  
696 provided under subparagraph 1.



29-01033-11

20111798\_\_

697 (g)1. Any person who knowingly sells, purchases,  
698 manufactures, delivers, or brings into this state, or who is  
699 knowingly in actual or constructive possession of, 4 grams or  
700 more of flunitrazepam or any mixture containing flunitrazepam as  
701 described in s. 893.03(1)(a) commits a felony of the first  
702 degree, which felony shall be known as "trafficking in  
703 flunitrazepam," punishable as provided in s. 775.082, s.  
704 775.083, or s. 775.084. If the quantity involved:

705 a. Is 4 grams or more but less than 14 grams, ~~such person~~  
706 ~~shall be sentenced to a mandatory minimum term of imprisonment~~  
707 ~~of 3 years,~~ and the defendant shall be ordered to pay a fine of  
708 \$50,000.

709 b. Is 14 grams or more but less than 28 grams, ~~such person~~  
710 ~~shall be sentenced to a mandatory minimum term of imprisonment~~  
711 ~~of 7 years,~~ and the defendant shall be ordered to pay a fine of  
712 \$100,000.

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

716 2. Any person who knowingly sells, purchases, manufactures,  
717 delivers, or brings into this state or who is knowingly in  
718 actual or constructive possession of 30 kilograms or more of  
719 flunitrazepam or any mixture containing flunitrazepam as  
720 described in s. 893.03(1)(a) commits the first degree felony of  
721 trafficking in flunitrazepam. A person who has been convicted of  
722 the first degree felony of trafficking in flunitrazepam under  
723 this subparagraph shall be punished by life imprisonment and is  
724 ineligible for any form of discretionary early release except  
725 pardon or executive clemency or conditional medical release

29-01033-11

20111798\_\_

726 under s. 947.149. However, if the court determines that, in  
727 addition to committing any act specified in this paragraph:

728 a. The person intentionally killed an individual or  
729 counseled, commanded, induced, procured, or caused the  
730 intentional killing of an individual and such killing was the  
731 result; or

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

734  
735 such person commits the capital felony of trafficking in  
736 flunitrazepam, punishable as provided in ss. 775.082 and  
737 921.142. Any person sentenced for a capital felony under this  
738 paragraph shall also be sentenced to pay the maximum fine  
739 provided under subparagraph 1.

740 (h)1. Any person who knowingly sells, purchases,  
741 manufactures, delivers, or brings into this state, or who is  
742 knowingly in actual or constructive possession of, 1 kilogram or  
743 more of gamma-hydroxybutyric acid (GHB), as described in s.  
744 893.03(1)(d), or any mixture containing gamma-hydroxybutyric  
745 acid (GHB), commits a felony of the first degree, which felony  
746 shall be known as "trafficking in gamma-hydroxybutyric acid  
747 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.  
748 775.084. If the quantity involved:

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

753 b. Is 5 kilograms or more but less than 10 kilograms, ~~such~~  
754 ~~person shall be sentenced to a mandatory minimum term of~~

29-01033-11

20111798

755 ~~imprisonment of 7 years,~~ and the defendant shall be ordered to  
756 pay a fine of \$100,000.

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

760 2. Any person who knowingly manufactures or brings into  
761 this state 150 kilograms or more of gamma-hydroxybutyric acid  
762 (GHB), as described in s. 893.03(1)(d), or any mixture  
763 containing gamma-hydroxybutyric acid (GHB), and who knows that  
764 the probable result of such manufacture or importation would be  
765 the death of any person commits capital manufacture or  
766 importation of gamma-hydroxybutyric acid (GHB), a capital felony  
767 punishable as provided in ss. 775.082 and 921.142. Any person  
768 sentenced for a capital felony under this paragraph shall also  
769 be sentenced to pay the maximum fine provided under subparagraph  
770 1.

771 (i)1. Any person who knowingly sells, purchases,  
772 manufactures, delivers, or brings into this state, or who is  
773 knowingly in actual or constructive possession of, 1 kilogram or  
774 more of gamma-butyrolactone (GBL), as described in s.  
775 893.03(1)(d), or any mixture containing gamma-butyrolactone  
776 (GBL), commits a felony of the first degree, which felony shall  
777 be known as "trafficking in gamma-butyrolactone (GBL),"  
778 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
779 If the quantity involved:

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

29-01033-11

20111798\_\_

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

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

791           2. Any person who knowingly manufactures or brings into the  
792 state 150 kilograms or more of gamma-butyrolactone (GBL), as  
793 described in s. 893.03(1)(d), or any mixture containing gamma-  
794 butyrolactone (GBL), and who knows that the probable result of  
795 such manufacture or importation would be the death of any person  
796 commits capital manufacture or importation of gamma-  
797 butyrolactone (GBL), a capital felony punishable as provided in  
798 ss. 775.082 and 921.142. Any person sentenced for a capital  
799 felony under this paragraph shall also be sentenced to pay the  
800 maximum fine provided under subparagraph 1.

801           (j)1. Any person who knowingly sells, purchases,  
802 manufactures, delivers, or brings into this state, or who is  
803 knowingly in actual or constructive possession of, 1 kilogram or  
804 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of  
805 any mixture containing 1,4-Butanediol, commits a felony of the  
806 first degree, which felony shall be known as "trafficking in  
807 1,4-Butanediol," punishable as provided in s. 775.082, s.  
808 775.083, or s. 775.084. If the quantity involved:

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

29-01033-11

20111798\_\_

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

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

820           2. Any person who knowingly manufactures or brings into  
821 this state 150 kilograms or more of 1,4-Butanediol as described  
822 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,  
823 and who knows that the probable result of such manufacture or  
824 importation would be the death of any person commits capital  
825 manufacture or importation of 1,4-Butanediol, a capital felony  
826 punishable as provided in ss. 775.082 and 921.142. Any person  
827 sentenced for a capital felony under this paragraph shall also  
828 be sentenced to pay the maximum fine provided under subparagraph  
829 1.

830           (k)1. Any person who knowingly sells, purchases,  
831 manufactures, delivers, or brings into this state, or who is  
832 knowingly in actual or constructive possession of, 10 grams or  
833 more of any of the following substances described in s.  
834 893.03(1)(a) or (c):

- 835           a. 3,4-Methylenedioxymethamphetamine (MDMA);
- 836           b. 4-Bromo-2,5-dimethoxyamphetamine;
- 837           c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 838           d. 2,5-Dimethoxyamphetamine;
- 839           e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 840           f. N-ethylamphetamine;
- 841           g. N-Hydroxy-3,4-methylenedioxyamphetamine;

29-01033-11

20111798\_\_

- 842 h. 5-Methoxy-3,4-methylenedioxyamphetamine;  
843 i. 4-methoxyamphetamine;  
844 j. 4-methoxymethamphetamine;  
845 k. 4-Methyl-2,5-dimethoxyamphetamine;  
846 l. 3,4-Methylenedioxy-N-ethylamphetamine;  
847 m. 3,4-Methylenedioxyamphetamine;  
848 n. N,N-dimethylamphetamine; or  
849 o. 3,4,5-Trimethoxyamphetamine,

850

851 individually or in any combination of or any mixture containing  
852 any substance listed in sub-subparagraphs a.-o., commits a  
853 felony of the first degree, which felony shall be known as  
854 "trafficking in Phenethylamines," punishable as provided in s.  
855 775.082, s. 775.083, or s. 775.084.

856 2. If the quantity involved:

857 a. Is 10 grams or more but less than 200 grams, ~~such person~~  
858 ~~shall be sentenced to a mandatory minimum term of imprisonment~~  
859 ~~of 3 years, and~~ the defendant shall be ordered to pay a fine of  
860 \$50,000.

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

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

868 3. Any person who knowingly manufactures or brings into  
869 this state 30 kilograms or more of any of the following  
870 substances described in s. 893.03(1)(a) or (c):

29-01033-11

20111798\_\_

- 871 a. 3,4-Methylenedioxyamphetamine (MDMA);  
 872 b. 4-Bromo-2,5-dimethoxyamphetamine;  
 873 c. 4-Bromo-2,5-dimethoxyphenethylamine;  
 874 d. 2,5-Dimethoxyamphetamine;  
 875 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);  
 876 f. N-ethylamphetamine;  
 877 g. N-Hydroxy-3,4-methylenedioxyamphetamine;  
 878 h. 5-Methoxy-3,4-methylenedioxyamphetamine;  
 879 i. 4-methoxyamphetamine;  
 880 j. 4-methoxymethamphetamine;  
 881 k. 4-Methyl-2,5-dimethoxyamphetamine;  
 882 l. 3,4-Methylenedioxy-N-ethylamphetamine;  
 883 m. 3,4-Methylenedioxyamphetamine;  
 884 n. N,N-dimethylamphetamine; or  
 885 o. 3,4,5-Trimethoxyamphetamine,

886

887 individually or in any combination of or any mixture containing  
 888 any substance listed in sub-subparagraphs a.-o., and who knows  
 889 that the probable result of such manufacture or importation  
 890 would be the death of any person commits capital manufacture or  
 891 importation of Phenethylamines, a capital felony punishable as  
 892 provided in ss. 775.082 and 921.142. Any person sentenced for a  
 893 capital felony under this paragraph shall also be sentenced to  
 894 pay the maximum fine provided under subparagraph 1.

895 (1)1. Any person who knowingly sells, purchases,  
 896 manufactures, delivers, or brings into this state, or who is  
 897 knowingly in actual or constructive possession of, 1 gram or  
 898 more of lysergic acid diethylamide (LSD) as described in s.  
 899 893.03(1)(c), or of any mixture containing lysergic acid

29-01033-11

20111798

900 diethylamide (LSD), commits a felony of the first degree, which  
901 felony shall be known as "trafficking in lysergic acid  
902 diethylamide (LSD)," punishable as provided in s. 775.082, s.  
903 775.083, or s. 775.084. If the quantity involved:

904 a. Is 1 gram or more, but less than 5 grams, ~~such person~~  
905 ~~shall be sentenced to a mandatory minimum term of imprisonment~~  
906 ~~of 3 years,~~ and the defendant shall be ordered to pay a fine of  
907 \$50,000.

908 b. Is 5 grams or more, but less than 7 grams, ~~such person~~  
909 ~~shall be sentenced to a mandatory minimum term of imprisonment~~  
910 ~~of 7 years,~~ and the defendant shall be ordered to pay a fine of  
911 \$100,000.

912 c. Is 7 grams or more, such person shall ~~be sentenced to a~~  
913 ~~mandatory minimum term of imprisonment of 15 calendar years and~~  
914 pay a fine of \$500,000.

915 2. Any person who knowingly manufactures or brings into  
916 this state 7 grams or more of lysergic acid diethylamide (LSD)  
917 as described in s. 893.03(1)(c), or any mixture containing  
918 lysergic acid diethylamide (LSD), and who knows that the  
919 probable result of such manufacture or importation would be the  
920 death of any person commits capital manufacture or importation  
921 of lysergic acid diethylamide (LSD), a capital felony punishable  
922 as provided in ss. 775.082 and 921.142. Any person sentenced for  
923 a capital felony under this paragraph shall also be sentenced to  
924 pay the maximum fine provided under subparagraph 1.

925 ~~(3) Notwithstanding the provisions of s. 948.01, with~~  
926 ~~respect to any person who is found to have violated this~~  
927 ~~section, adjudication of guilt or imposition of sentence shall~~  
928 ~~not be suspended, deferred, or withheld, nor shall such person~~



29-01033-11

20111798\_\_

929 ~~be eligible for parole prior to serving the mandatory minimum~~  
930 ~~term of imprisonment prescribed by this section. A person~~  
931 ~~sentenced to a mandatory minimum term of imprisonment under this~~  
932 ~~section is not eligible for any form of discretionary early~~  
933 ~~release, except pardon or executive clemency or conditional~~  
934 ~~medical release under s. 947.149, prior to serving the mandatory~~  
935 ~~minimum term of imprisonment.~~

936       Section 11. This act shall take effect July 1, 2011.