



186548

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/01/2012	.	
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The Committee on Criminal Justice (Bennett) recommended the following:

Senate Amendment (with title amendment)

Delete lines 24 - 580

and insert:

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

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

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



186548

13 (a) A ~~Any~~ person who knowingly sells, purchases,
14 manufactures, delivers, or brings into this state, or who ~~is~~
15 knowingly is in actual or constructive possession with intent to
16 sell, purchase, manufacture, deliver, or bring into this state
17 ~~of~~, in excess of 25 pounds of cannabis, or 300 or more cannabis
18 plants, commits a felony of the first degree, which felony shall
19 be known as "trafficking in cannabis," punishable as provided in
20 s. 775.082, s. 775.083, or s. 775.084. If the quantity of
21 cannabis involved:

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

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

32 3. Is 10,000 pounds or more, or is 10,000 or more cannabis
33 plants, such person shall be sentenced to a mandatory minimum
34 term of imprisonment of 15 calendar years, and the defendant
35 shall be ordered to pay a fine of \$200,000.

36
37 For the purpose of this paragraph, a plant, including, but not
38 limited to, a seedling or cutting, is a "cannabis plant" if it
39 has some readily observable evidence of root formation, such as
40 root hairs. To determine if a piece or part of a cannabis plant
41 severed from the cannabis plant is itself a cannabis plant, the



186548

42 severed piece or part must have some readily observable evidence
43 of root formation, such as root hairs. Callous tissue is not
44 readily observable evidence of root formation. The viability and
45 sex of a plant and the fact that the plant may or may not be a
46 dead harvested plant are not relevant in determining if the
47 plant is a "cannabis plant" or in the charging of an offense
48 under this paragraph. Upon conviction, the court shall impose
49 the longest term of imprisonment provided for in this paragraph.

50 (b)1. Any person who knowingly sells, purchases,
51 manufactures, delivers, or brings into this state, or who ~~is~~
52 knowingly is in actual or constructive possession with intent to
53 sell, purchase, manufacture, deliver, or bring into this state
54 ~~of~~, 28 grams or more of cocaine, as described in s.
55 893.03(2)(a)4., or of any mixture containing cocaine, but less
56 than 150 kilograms of cocaine or any such mixture, commits a
57 felony of the first degree, which felony shall be known as
58 "trafficking in cocaine," punishable as provided in s. 775.082,
59 s. 775.083, or s. 775.084. If the quantity involved:

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

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

68 c. Is 400 grams or more, but less than 150 kilograms, such
69 person shall be sentenced to a mandatory minimum term of
70 imprisonment of 15 calendar years, and the defendant shall be



186548

71 ordered to pay a fine of \$250,000.

72 2. Any person who knowingly sells, purchases, manufactures,
73 delivers, or brings into this state, or who ~~is~~ knowingly is in
74 actual or constructive possession with intent to sell, purchase,
75 manufacture, deliver, or bring into this state ~~of~~, 150 kilograms
76 or more of cocaine, as described in s. 893.03(2)(a)4., commits
77 the first degree felony of trafficking in cocaine. A person who
78 has been convicted of the first-degree ~~first-degree~~ felony of
79 trafficking in cocaine under this subparagraph shall be punished
80 by life imprisonment and is ineligible for any form of
81 discretionary early release except pardon or executive clemency
82 or conditional medical release under s. 947.149. However, if the
83 court determines that, in addition to committing any act
84 specified in this paragraph:

85 a. The person intentionally killed an individual or
86 counseled, commanded, induced, procured, or caused the
87 intentional killing of an individual and such killing was the
88 result; or

89 b. The person's conduct in committing that act led to a
90 natural, though not inevitable, lethal result,
91
92 such person commits the capital felony of trafficking in
93 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
94 person sentenced for a capital felony under this paragraph shall
95 also be ordered ~~sentenced~~ to pay the maximum fine provided under
96 subparagraph 1.

97 3. Any person who knowingly brings into this state 300
98 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
99 and who knows that the probable result of such importation would



186548

100 be the death of any person, commits capital importation of
101 cocaine, a capital felony punishable as provided in ss. 775.082
102 and 921.142. Any person sentenced for a capital felony under
103 this paragraph shall also be ordered ~~sentenced~~ to pay the
104 maximum fine provided under subparagraph 1.

105 (c)1. Any person who knowingly sells, purchases,
106 manufactures, delivers, or brings into this state, or who ~~is~~
107 knowingly is in actual or constructive possession with intent to
108 sell, purchase, manufacture, deliver, or bring into this state
109 ~~of~~, 28 4 grams or more of any morphine, opium, oxycodone,
110 hydrocodone, hydromorphone, or any salt, derivative, isomer, or
111 salt of an isomer thereof, including heroin, as described in s.
112 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more
113 of any mixture containing any such substance, but less than 30
114 kilograms of such substance or mixture, commits a felony of the
115 first degree, which felony shall be known as "trafficking in
116 illegal drugs," punishable as provided in s. 775.082, s.
117 775.083, or s. 775.084. If the quantity involved:

118 a. Is 28 4 grams or more, but less than 50 14 grams, such
119 person shall be sentenced to a mandatory minimum term of
120 imprisonment of 3 years, and the defendant shall be ordered to
121 pay a fine of \$50,000.

122 b. Is 50 14 grams or more, but less than 200 28 grams, such
123 person shall be sentenced to a mandatory minimum term of
124 imprisonment of 7 15 years, and the defendant shall be ordered
125 to pay a fine of \$100,000.

126 c. Is 200 28 grams or more, but less than 30 kilograms,
127 such person shall be sentenced to a mandatory minimum term of
128 imprisonment of 15 25 calendar years, and the defendant shall be



186548

129 ordered to pay a fine of \$500,000.

130 2. Any person who knowingly sells, purchases, manufactures,
131 delivers, or brings into this state, or who ~~is~~ knowingly is in
132 actual or constructive possession with intent to sell, purchase,
133 manufacture, deliver, or bring into this state ~~of~~, 30 kilograms
134 or more of any morphine, opium, oxycodone, hydrocodone,
135 hydromorphone, or any salt, derivative, isomer, or salt of an
136 isomer thereof, including heroin, as described in s.

137 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
138 more of any mixture containing any such substance, commits the
139 first-degree ~~first-degree~~ felony of trafficking in illegal
140 drugs. A person who has been convicted of the first-degree ~~first~~
141 ~~degree~~ felony of trafficking in illegal drugs under this
142 subparagraph shall be punished by life imprisonment and is
143 ineligible for any form of discretionary early release except
144 pardon or executive clemency or conditional medical release
145 under s. 947.149. However, if the court determines that, in
146 addition to committing any act specified in this paragraph:

147 a. The person intentionally killed an individual or
148 counseled, commanded, induced, procured, or caused the
149 intentional killing of an individual and such killing was the
150 result; or

151 b. The person's conduct in committing that act led to a
152 natural, though not inevitable, lethal result,
153
154 such person commits the capital felony of trafficking in illegal
155 drugs, punishable as provided in ss. 775.082 and 921.142. Any
156 person sentenced for a capital felony under this paragraph shall
157 also be ordered ~~sentenced~~ to pay the maximum fine provided under



186548

158 subparagraph 1.

159 3. Any person who knowingly brings into this state 60
160 kilograms or more of any morphine, opium, oxycodone,
161 hydrocodone, hydromorphone, or any salt, derivative, isomer, or
162 salt of an isomer thereof, including heroin, as described in s.
163 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or
164 more of any mixture containing any such substance, and who knows
165 that the probable result of such importation would be the death
166 of any person, commits capital importation of illegal drugs, a
167 capital felony punishable as provided in ss. 775.082 and
168 921.142. Any person sentenced for a capital felony under this
169 paragraph shall also be ordered ~~sentenced~~ to pay the maximum
170 fine provided under subparagraph 1.

171 (d)1. Any person who knowingly sells, purchases,
172 manufactures, delivers, or brings into this state, or who ~~is~~
173 knowingly is in actual or constructive possession with intent to
174 sell, purchase, manufacture, deliver, or bring into this state
175 ~~of~~, 28 grams or more of phencyclidine or of any mixture
176 containing phencyclidine, as described in s. 893.03(2)(b),
177 commits a felony of the first degree, which felony shall be
178 known as "trafficking in phencyclidine," punishable as provided
179 in s. 775.082, s. 775.083, or s. 775.084. If the quantity
180 involved:

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

185 b. Is 200 grams or more, but less than 400 grams, such
186 person shall be sentenced to a mandatory minimum term of



186548

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

189 c. Is 400 grams or more, such person shall be sentenced to
190 a mandatory minimum term of imprisonment of 15 calendar years,
191 and the defendant shall be ordered to pay a fine of \$250,000.

192 2. Any person who knowingly brings into this state 800
193 grams or more of phencyclidine or of any mixture containing
194 phencyclidine, as described in s. 893.03(2)(b), and who knows
195 that the probable result of such importation would be the death
196 of any person commits capital importation of phencyclidine, a
197 capital felony punishable as provided in ss. 775.082 and
198 921.142. Any person sentenced for a capital felony under this
199 paragraph shall also be ordered ~~sentenced~~ to pay the maximum
200 fine provided under subparagraph 1.

201 (e)1. Any person who knowingly sells, purchases,
202 manufactures, delivers, or brings into this state, or who ~~is~~
203 knowingly is in actual or constructive possession with intent to
204 sell, purchase, manufacture, deliver, or bring into this state
205 ~~of~~, 200 grams or more of methaqualone or of any mixture
206 containing methaqualone, as described in s. 893.03(1)(d),
207 commits a felony of the first degree, which felony shall be
208 known as "trafficking in methaqualone," punishable as provided
209 in s. 775.082, s. 775.083, or s. 775.084. If the quantity
210 involved:

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

215 b. Is 5 kilograms or more, but less than 25 kilograms, such



186548

216 person shall be sentenced to a mandatory minimum term of
217 imprisonment of 7 years, and the defendant shall be ordered to
218 pay a fine of \$100,000.

219 c. Is 25 kilograms or more, such person shall be sentenced
220 to a mandatory minimum term of imprisonment of 15 calendar
221 years, and the defendant shall be ordered to pay a fine of
222 \$250,000.

223 2. Any person who knowingly brings into this state 50
224 kilograms or more of methaqualone or of any mixture containing
225 methaqualone, as described in s. 893.03(1)(d), and who knows
226 that the probable result of such importation would be the death
227 of any person commits capital importation of methaqualone, a
228 capital felony punishable as provided in ss. 775.082 and
229 921.142. Any person sentenced for a capital felony under this
230 paragraph shall also be ordered ~~sentenced~~ to pay the maximum
231 fine provided under subparagraph 1.

232 (f)1. Any person who knowingly sells, purchases,
233 manufactures, delivers, or brings into this state, or who ~~is~~
234 knowingly is in actual or constructive possession with intent to
235 sell, purchase, manufacture, deliver, or bring into this state
236 ~~of~~, 14 grams or more of amphetamine, as described in s.
237 893.03(2)(c)2., or methamphetamine, as described in s.
238 893.03(2)(c)4., or of any mixture containing amphetamine or
239 methamphetamine, or phenylacetone, phenylacetic acid,
240 pseudoephedrine, or ephedrine in conjunction with other
241 chemicals and equipment utilized in the manufacture of
242 amphetamine or methamphetamine, commits a felony of the first
243 degree, which felony shall be known as "trafficking in
244 amphetamine," punishable as provided in s. 775.082, s. 775.083,



186548

245 or s. 775.084. If the quantity involved:

246 a. Is 14 grams or more, but less than 28 grams, such person
247 shall be sentenced to a mandatory minimum term of imprisonment
248 of 3 years, and the defendant shall be ordered to pay a fine of
249 \$50,000.

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

254 c. Is 200 grams or more, such person shall be sentenced to
255 a mandatory minimum term of imprisonment of 15 calendar years,
256 and the defendant shall be ordered to pay a fine of \$250,000.

257 2. Any person who knowingly manufactures or brings into
258 this state 400 grams or more of amphetamine, as described in s.
259 893.03(2)(c)2., or methamphetamine, as described in s.
260 893.03(2)(c)4., or of any mixture containing amphetamine or
261 methamphetamine, or phenylacetone, phenylacetic acid,
262 pseudoephedrine, or ephedrine in conjunction with other
263 chemicals and equipment used in the manufacture of amphetamine
264 or methamphetamine, and who knows that the probable result of
265 such manufacture or importation would be the death of any person
266 commits capital manufacture or importation of amphetamine, a
267 capital felony punishable as provided in ss. 775.082 and
268 921.142. Any person sentenced for a capital felony under this
269 paragraph shall also be ordered ~~sentenced~~ to pay the maximum
270 fine provided under subparagraph 1.

271 (g)1. Any person who knowingly sells, purchases,
272 manufactures, delivers, or brings into this state, or who ~~is~~
273 knowingly is in actual or constructive possession with intent to



186548

274 sell, purchase, manufacture, deliver, or bring into this state
275 ~~of~~, 4 grams or more of flunitrazepam or any mixture containing
276 flunitrazepam as described in s. 893.03(1)(a) commits a felony
277 of the first degree, which felony shall be known as "trafficking
278 in flunitrazepam," punishable as provided in s. 775.082, s.
279 775.083, or s. 775.084. If the quantity involved:

280 a. Is 4 grams or more but less than 14 grams, such person
281 shall be sentenced to a mandatory minimum term of imprisonment
282 of 3 years, and the defendant shall be ordered to pay a fine of
283 \$50,000.

284 b. Is 14 grams or more but less than 28 grams, such person
285 shall be sentenced to a mandatory minimum term of imprisonment
286 of 7 years, and the defendant shall be ordered to pay a fine of
287 \$100,000.

288 c. Is 28 grams or more but less than 30 kilograms, such
289 person shall be sentenced to a mandatory minimum term of
290 imprisonment of 25 calendar years, and the defendant shall be
291 ordered to pay a fine of \$500,000.

292 2. Any person who knowingly sells, purchases, manufactures,
293 delivers, or brings into this state or who ~~is~~ knowingly is in
294 actual or constructive possession with intent to sell, purchase,
295 manufacture, deliver, or bring into this state ~~of~~ 30 kilograms
296 or more of flunitrazepam or any mixture containing flunitrazepam
297 as described in s. 893.03(1)(a) commits the first-degree ~~first~~
298 ~~degree~~ felony of trafficking in flunitrazepam. A person who has
299 been convicted of the first-degree ~~first-degree~~ felony of
300 trafficking in flunitrazepam under this subparagraph shall be
301 punished by life imprisonment and is ineligible for any form of
302 discretionary early release except pardon or executive clemency



186548

303 or conditional medical release under s. 947.149. However, if the
304 court determines that, in addition to committing any act
305 specified in this paragraph:

306 a. The person intentionally killed an individual or
307 counseled, commanded, induced, procured, or caused the
308 intentional killing of an individual and such killing was the
309 result; or

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

312

313 such person commits the capital felony of trafficking in
314 flunitrazepam, punishable as provided in ss. 775.082 and
315 921.142. Any person sentenced for a capital felony under this
316 paragraph shall also be ordered ~~sentenced~~ to pay the maximum
317 fine provided under subparagraph 1.

318 (h)1. Any person who knowingly sells, purchases,
319 manufactures, delivers, or brings into this state, or who ~~is~~
320 knowingly is in actual or constructive possession with intent to
321 sell, purchase, manufacture, deliver, or bring into this state
322 ~~of~~, 1 kilogram or more of gamma-hydroxybutyric acid (GHB), as
323 described in s. 893.03(1)(d), or any mixture containing gamma-
324 hydroxybutyric acid (GHB), commits a felony of the first degree,
325 which felony shall be known as "trafficking in gamma-
326 hydroxybutyric acid (GHB)," punishable as provided in s.
327 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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



186548

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

336 c. Is 10 kilograms or more, such person shall be sentenced
337 to a mandatory minimum term of imprisonment of 15 calendar
338 years, and the defendant shall be ordered to pay a fine of
339 \$250,000.

340 2. Any person who knowingly manufactures or brings into
341 this state 150 kilograms or more of gamma-hydroxybutyric acid
342 (GHB), as described in s. 893.03(1)(d), or any mixture
343 containing gamma-hydroxybutyric acid (GHB), and who knows that
344 the probable result of such manufacture or importation would be
345 the death of any person commits capital manufacture or
346 importation of gamma-hydroxybutyric acid (GHB), a capital felony
347 punishable as provided in ss. 775.082 and 921.142. Any person
348 sentenced for a capital felony under this paragraph shall also
349 be ordered ~~sentenced~~ to pay the maximum fine provided under
350 subparagraph 1.

351 (i)1. Any person who knowingly sells, purchases,
352 manufactures, delivers, or brings into this state, or who ~~is~~
353 knowingly is in actual or constructive possession with intent to
354 sell, purchase, manufacture, deliver, or bring into this state
355 ~~of~~, 1 kilogram or more of gamma-butyrolactone (GBL), as
356 described in s. 893.03(1)(d), or any mixture containing gamma-
357 butyrolactone (GBL), commits a felony of the first degree, which
358 felony shall be known as "trafficking in gamma-butyrolactone
359 (GBL)," punishable as provided in s. 775.082, s. 775.083, or s.
360 775.084. If the quantity involved:



186548

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

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

369 c. Is 10 kilograms or more, such person shall be sentenced
370 to a mandatory minimum term of imprisonment of 15 calendar
371 years, and the defendant shall be ordered to pay a fine of
372 \$250,000.

373 2. Any person who knowingly manufactures or brings into the
374 state 150 kilograms or more of gamma-butyrolactone (GBL), as
375 described in s. 893.03(1)(d), or any mixture containing gamma-
376 butyrolactone (GBL), and who knows that the probable result of
377 such manufacture or importation would be the death of any person
378 commits capital manufacture or importation of gamma-
379 butyrolactone (GBL), a capital felony punishable as provided in
380 ss. 775.082 and 921.142. Any person sentenced for a capital
381 felony under this paragraph shall also be ordered ~~sentenced~~ to
382 pay the maximum fine provided under subparagraph 1.

383 (j)1. Any person who knowingly sells, purchases,
384 manufactures, delivers, or brings into this state, or who ~~is~~
385 knowingly is in actual or constructive possession with intent to
386 sell, purchase, manufacture, deliver, or bring into this state
387 ~~of~~, 1 kilogram or more of 1,4-Butanediol as described in s.
388 893.03(1)(d), or of any mixture containing 1,4-Butanediol,
389 commits a felony of the first degree, which felony shall be



186548

390 known as "trafficking in 1,4-Butanediol," punishable as provided
391 in s. 775.082, s. 775.083, or s. 775.084. If the quantity
392 involved:

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

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

401 c. Is 10 kilograms or more, such person shall be sentenced
402 to a mandatory minimum term of imprisonment of 15 calendar
403 years, and the defendant shall be ordered to pay a fine of
404 \$500,000.

405 2. Any person who knowingly manufactures or brings into
406 this state 150 kilograms or more of 1,4-Butanediol as described
407 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,
408 and who knows that the probable result of such manufacture or
409 importation would be the death of any person commits capital
410 manufacture or importation of 1,4-Butanediol, a capital felony
411 punishable as provided in ss. 775.082 and 921.142. Any person
412 sentenced for a capital felony under this paragraph shall also
413 be ordered ~~sentenced~~ to pay the maximum fine provided under
414 subparagraph 1.

415 (k)1. Any person who knowingly sells, purchases,
416 manufactures, delivers, or brings into this state, or who ~~is~~
417 knowingly is in actual or constructive possession with intent to
418 sell, purchase, manufacture, deliver, or bring into this state



186548

419 ~~e~~f, 10 grams or more of any of the following substances
420 described in s. 893.03(1) (a) or (c):

- 421 a. 3,4-Methylenedioxymethamphetamine (MDMA);
- 422 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 423 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 424 d. 2,5-Dimethoxyamphetamine;
- 425 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 426 f. N-ethylamphetamine;
- 427 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 428 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 429 i. 4-methoxyamphetamine;
- 430 j. 4-methoxymethamphetamine;
- 431 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 432 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 433 m. 3,4-Methylenedioxyamphetamine;
- 434 n. N,N-dimethylamphetamine; or
- 435 o. 3,4,5-Trimethoxyamphetamine,

436
437 individually or in any combination of or any mixture containing
438 any substance listed in sub-subparagraphs a.-o., commits a
439 felony of the first degree, which felony shall be known as
440 "trafficking in Phenethylamines," punishable as provided in s.
441 775.082, s. 775.083, or s. 775.084.

442 2. If the quantity involved:

443 a. Is 10 grams or more but less than 200 grams, such person
444 shall be sentenced to a mandatory minimum term of imprisonment
445 of 3 years, and the defendant shall be ordered to pay a fine of
446 \$50,000.

447 b. Is 200 grams or more, but less than 400 grams, such



186548

448 person shall be sentenced to a mandatory minimum term of
449 imprisonment of 7 years, and the defendant shall be ordered to
450 pay a fine of \$100,000.

451 c. Is 400 grams or more, such person shall be sentenced to
452 a mandatory minimum term of imprisonment of 15 calendar years,
453 and the defendant shall be ordered to pay a fine of \$250,000.

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

- 457 a. 3,4-Methylenedioxymethamphetamine (MDMA);
- 458 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 459 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 460 d. 2,5-Dimethoxyamphetamine;
- 461 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 462 f. N-ethylamphetamine;
- 463 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 464 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 465 i. 4-methoxyamphetamine;
- 466 j. 4-methoxymethamphetamine;
- 467 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 468 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 469 m. 3,4-Methylenedioxyamphetamine;
- 470 n. N,N-dimethylamphetamine; or
- 471 o. 3,4,5-Trimethoxyamphetamine,

472
473 individually or in any combination of or any mixture containing
474 any substance listed in sub-subparagraphs a.-o., and who knows
475 that the probable result of such manufacture or importation
476 would be the death of any person commits capital manufacture or



186548

477 importation of Phenethylamines, a capital felony punishable as
478 provided in ss. 775.082 and 921.142. Any person sentenced for a
479 capital felony under this paragraph shall also be ordered
480 ~~sentenced~~ to pay the maximum fine provided under subparagraph 1.

481 (1)1. Any person who knowingly sells, purchases,
482 manufactures, delivers, or brings into this state, or who ~~is~~
483 knowingly is in actual or constructive possession with intent to
484 sell, purchase, manufacture, deliver, or bring into this state
485 ~~of~~, 1 gram or more of lysergic acid diethylamide (LSD) as
486 described in s. 893.03(1)(c), or of any mixture containing
487 lysergic acid diethylamide (LSD), commits a felony of the first
488 degree, which felony shall be known as "trafficking in lysergic
489 acid diethylamide (LSD)," punishable as provided in s. 775.082,
490 s. 775.083, or s. 775.084. If the quantity involved:

491 a. Is 1 gram or more, but less than 5 grams, such person
492 shall be sentenced to a mandatory minimum term of imprisonment
493 of 3 years, and the defendant shall be ordered to pay a fine of
494 \$50,000.

495 b. Is 5 grams or more, but less than 7 grams, such person
496 shall be sentenced to a mandatory minimum term of imprisonment
497 of 7 years, and the defendant shall be ordered to pay a fine of
498 \$100,000.

499 c. Is 7 grams or more, such person shall be sentenced to a
500 mandatory minimum term of imprisonment of 15 calendar years, and
501 the defendant shall be ordered to pay a fine of \$500,000.

502 2. Any person who knowingly manufactures or brings into
503 this state 7 grams or more of lysergic acid diethylamide (LSD)
504 as described in s. 893.03(1)(c), or any mixture containing
505 lysergic acid diethylamide (LSD), and who knows that the



186548

506 probable result of such manufacture or importation would be the
507 death of any person commits capital manufacture or importation
508 of lysergic acid diethylamide (LSD), a capital felony punishable
509 as provided in ss. 775.082 and 921.142. Any person sentenced for
510 a capital felony under this paragraph shall also be ordered
511 ~~sentenced~~ to pay the maximum fine provided under subparagraph 1.

512 (2) A person acts knowingly under subsection (1) if that
513 person intends to sell, purchase, manufacture, deliver, or bring
514 into this state, or to actually or constructively possess, any
515 of the controlled substances listed in subsection (1),
516 regardless of which controlled substance listed in subsection
517 (1) is in fact sold, purchased, manufactured, delivered, or
518 brought into this state, or actually or constructively
519 possessed.

520 (3) Notwithstanding the provisions of s. 948.01, with
521 respect to any person who is found to have violated this
522 section, adjudication of guilt or imposition of sentence may
523 ~~shall~~ not be suspended, deferred, or withheld, and ~~nor shall~~
524 such person is not ~~be~~ eligible for parole before ~~prior to~~
525 serving the mandatory minimum term of imprisonment prescribed by
526 this section. A person sentenced to a mandatory minimum term of
527 imprisonment under this section is not eligible for any form of
528 discretionary early release, except pardon or executive clemency
529 or conditional medical release under s. 947.149, before ~~prior to~~
530 serving the mandatory minimum term of imprisonment.

531 (4) The state attorney may move the sentencing court to
532 reduce or suspend the sentence of any person who is convicted of
533 a violation of this section and who provides substantial
534 assistance in the identification, arrest, or conviction of any



186548

535 of that person's accomplices, accessories, coconspirators, or
536 principals or of any other person engaged in trafficking in
537 controlled substances. The arresting agency shall be given an
538 opportunity to be heard in aggravation or mitigation in
539 reference to any such motion. Upon good cause shown, the motion
540 may be filed and heard in camera. The judge hearing the motion
541 may reduce or suspend, defer, or withhold the sentence or
542 adjudication of guilt if the judge finds that the defendant
543 rendered such substantial assistance.

544 (5) Any person who agrees, conspires, combines, or
545 confederates with another person to commit any act prohibited by
546 subsection (1) commits a felony of the first degree and is
547 punishable as if he or she had actually committed such
548 prohibited act. ~~Nothing in This subsection does not shall be~~
549 ~~construed to~~ prohibit separate convictions and sentences for a
550 violation of this subsection and any violation of subsection
551 (1).

552 (6) (a) A mixture, as defined in s. 893.02, containing any
553 controlled substance described in this section includes, but is
554 not limited to, a solution or a dosage unit, including, but not
555 limited to, a pill or tablet, containing a controlled substance.

556 (b) Except as provided in paragraph (c), ~~For the purpose of~~
557 ~~clarifying legislative intent regarding the weighing of a~~
558 ~~mixture containing a controlled substance described in this~~
559 ~~section,~~ the weight of the controlled substance is the total
560 weight of the mixture, including the controlled substance and
561 any other substance in the mixture. If there is more than one
562 mixture containing the same controlled substance, the weight of
563 the controlled substance is calculated by aggregating the total



186548

564 weight of each mixture.

565 (c) If the mixture is a prescription drug as defined in s.
566 499.003 and the weight of the controlled substance in the
567 mixture can be identified using the National Drug Code
568 Directory, as published by the United States Department of
569 Health and Human Services, the weight of the controlled
570 substance is the weight of the controlled substance identified
571 in the National Drug Code Directory, exclusive of other tablet
572 components. If there is more than one mixture that is a
573 prescription drug and all of the mixtures contain the same
574 controlled substance, and the weight of the controlled substance
575 in each mixture can be identified using the National Drug Code
576 Directory, the weight of the controlled substance is calculated
577 by aggregating the weight of the controlled substance in each
578 mixture.

579 ~~(7) For the purpose of further clarifying legislative~~
580 ~~intent, the Legislature finds that the opinion in Hayes v.~~
581 ~~State, 750 So. 2d 1 (Fla. 1999) does not correctly construe~~
582 ~~legislative intent. The Legislature finds that the opinions in~~
583 ~~State v. Hayes, 720 So. 2d 1095 (Fla. 4th DCA 1998) and State v.~~
584 ~~Baxley, 684 So. 2d 831 (Fla. 5th DCA 1996) correctly construe~~
585 ~~legislative intent.~~

586
587 ===== T I T L E A M E N D M E N T =====

588 And the title is amended as follows:

589 Delete line 11

590 and insert:

591 legislative intent; amending s. 921.0022, F.S.;