



285176

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/20/2012	.	
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The Committee on Judiciary (Richter) recommended the following:

**Senate Substitute for Amendment (370628)**

Delete lines 21 - 577

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:

(a) A ~~Any~~ person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who ~~is~~ knowingly is in actual or constructive possession with intent to



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14 sell, purchase, manufacture, or deliver of, in excess of 25  
15 pounds of cannabis, or 300 or more cannabis plants, commits a  
16 felony of the first degree, which felony shall be known as  
17 "trafficking in cannabis," punishable as provided in s. 775.082,  
18 s. 775.083, or s. 775.084. If the quantity of cannabis involved:

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

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

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

33  
34 For the purpose of this paragraph, a plant, including, but not  
35 limited to, a seedling or cutting, is a "cannabis plant" if it  
36 has some readily observable evidence of root formation, such as  
37 root hairs. To determine if a piece or part of a cannabis plant  
38 severed from the cannabis plant is itself a cannabis plant, the  
39 severed piece or part must have some readily observable evidence  
40 of root formation, such as root hairs. Callous tissue is not  
41 readily observable evidence of root formation. The viability and  
42 sex of a plant and the fact that the plant may or may not be a



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43 dead harvested plant are not relevant in determining if the  
44 plant is a "cannabis plant" or in the charging of an offense  
45 under this paragraph. Upon conviction, the court shall impose  
46 the longest term of imprisonment provided for in this paragraph.

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

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

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

65 c. Is 400 grams or more, but less than 150 kilograms, such  
66 person shall be sentenced to a mandatory minimum term of  
67 imprisonment of 15 calendar years, and the defendant shall be  
68 ordered to pay a fine of \$250,000.

69 2. Any person who knowingly sells, purchases, manufactures,  
70 delivers, or brings into this state, or who ~~is~~ knowingly is in  
71 actual or constructive possession with intent to sell, purchase,



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72 manufacture, or deliver ~~of~~, 150 kilograms or more of cocaine, as  
73 described in s. 893.03(2)(a)4., commits the first degree felony  
74 of trafficking in cocaine. A person who has been convicted of  
75 the first-degree ~~first-degree~~ felony of trafficking in cocaine  
76 under this subparagraph shall be punished by life imprisonment  
77 and is ineligible for any form of discretionary early release  
78 except pardon or executive clemency or conditional medical  
79 release under s. 947.149. However, if the court determines that,  
80 in addition to committing any act specified in this paragraph:

81 a. The person intentionally killed an individual or  
82 counseled, commanded, induced, procured, or caused the  
83 intentional killing of an individual and such killing was the  
84 result; or

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

87  
88 such person commits the capital felony of trafficking in  
89 cocaine, punishable as provided in ss. 775.082 and 921.142. Any  
90 person sentenced for a capital felony under this paragraph shall  
91 also be ordered ~~sentenced~~ to pay the maximum fine provided under  
92 subparagraph 1.

93 3. Any person who knowingly brings into this state 300  
94 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
95 and who knows that the probable result of such importation would  
96 be the death of any person, commits capital importation of  
97 cocaine, a capital felony punishable as provided in ss. 775.082  
98 and 921.142. Any person sentenced for a capital felony under  
99 this paragraph shall also be ordered ~~sentenced~~ to pay the  
100 maximum fine provided under subparagraph 1.



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

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

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

122 c. Is 200 28 grams or more, but less than 30 kilograms,  
123 such person shall be sentenced to a mandatory minimum term of  
124 imprisonment of 15 25 calendar years, and the defendant shall be  
125 ordered to pay a fine of \$500,000.

126 2. Any person who knowingly sells, purchases, manufactures,  
127 delivers, or brings into this state, or who ~~is~~ knowingly is in  
128 actual or constructive possession with intent to sell, purchase,  
129 manufacture, or deliver ~~of~~, 30 kilograms or more of any



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130 morphine, opium, oxycodone, hydrocodone, hydromorphone, or any  
131 salt, derivative, isomer, or salt of an isomer thereof,  
132 including heroin, as described in s. 893.03(1)(b), (2)(a),  
133 (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture  
134 containing any such substance, commits the first-degree ~~first~~  
135 ~~degree~~ felony of trafficking in illegal drugs. A person who has  
136 been convicted of the first-degree ~~first-degree~~ felony of  
137 trafficking in illegal drugs under this subparagraph shall be  
138 punished by life imprisonment and is ineligible for any form of  
139 discretionary early release except pardon or executive clemency  
140 or conditional medical release under s. 947.149. However, if the  
141 court determines that, in addition to committing any act  
142 specified in this paragraph:

143       a. The person intentionally killed an individual or  
144 counseled, commanded, induced, procured, or caused the  
145 intentional killing of an individual and such killing was the  
146 result; or

147       b. The person's conduct in committing that act led to a  
148 natural, though not inevitable, lethal result,  
149  
150 such person commits the capital felony of trafficking in illegal  
151 drugs, punishable as provided in ss. 775.082 and 921.142. Any  
152 person sentenced for a capital felony under this paragraph shall  
153 also be ordered ~~sentenced~~ to pay the maximum fine provided under  
154 subparagraph 1.

155       3. Any person who knowingly brings into this state 60  
156 kilograms or more of any morphine, opium, oxycodone,  
157 hydrocodone, hydromorphone, or any salt, derivative, isomer, or  
158 salt of an isomer thereof, including heroin, as described in s.



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159 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or  
160 more of any mixture containing any such substance, and who knows  
161 that the probable result of such importation would be the death  
162 of any person, commits capital importation of illegal drugs, a  
163 capital felony punishable as provided in ss. 775.082 and  
164 921.142. Any person sentenced for a capital felony under this  
165 paragraph shall also be ordered ~~sentenced~~ to pay the maximum  
166 fine provided under subparagraph 1.

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

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

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

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

187 2. Any person who knowingly brings into this state 800



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

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

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

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

213 c. Is 25 kilograms or more, such person shall be sentenced  
214 to a mandatory minimum term of imprisonment of 15 calendar  
215 years, and the defendant shall be ordered to pay a fine of  
216 \$250,000.





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

226           (f)1. Any person who knowingly sells, purchases,  
227 manufactures, delivers, or brings into this state, or who ~~is~~  
228 knowingly is in actual or constructive possession with intent to  
229 sell, purchase, manufacture, or deliver ~~of~~, 14 grams or more of  
230 amphetamine, as described in s. 893.03(2)(c)2., or  
231 methamphetamine, as described in s. 893.03(2)(c)4., or of any  
232 mixture containing amphetamine or methamphetamine, or  
233 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine  
234 in conjunction with other chemicals and equipment utilized in  
235 the manufacture of amphetamine or methamphetamine, commits a  
236 felony of the first degree, which felony shall be known as  
237 "trafficking in amphetamine," punishable as provided in s.  
238 775.082, s. 775.083, or s. 775.084. If the quantity involved:

239           a. Is 14 grams or more, but less than 28 grams, such person  
240 shall be sentenced to a mandatory minimum term of imprisonment  
241 of 3 years, and the defendant shall be ordered to pay a fine of  
242 \$50,000.

243           b. Is 28 grams or more, but less than 200 grams, such  
244 person shall be sentenced to a mandatory minimum term of  
245 imprisonment of 7 years, and the defendant shall be ordered to



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246 pay a fine of \$100,000.

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

250 2. Any person who knowingly manufactures or brings into  
251 this state 400 grams or more of amphetamine, as described in s.  
252 893.03(2)(c)2., or methamphetamine, as described in s.  
253 893.03(2)(c)4., or of any mixture containing amphetamine or  
254 methamphetamine, or phenylacetone, phenylacetic acid,  
255 pseudoephedrine, or ephedrine in conjunction with other  
256 chemicals and equipment used in the manufacture of amphetamine  
257 or methamphetamine, and who knows that the probable result of  
258 such manufacture or importation would be the death of any person  
259 commits capital manufacture or importation of amphetamine, a  
260 capital felony punishable as provided in ss. 775.082 and  
261 921.142. Any person sentenced for a capital felony under this  
262 paragraph shall also be ordered ~~sentenced~~ to pay the maximum  
263 fine provided under subparagraph 1.

264 (g)1. Any person who knowingly sells, purchases,  
265 manufactures, delivers, or brings into this state, or who ~~is~~  
266 knowingly is in actual or constructive possession with intent to  
267 sell, purchase, manufacture, or deliver ~~of~~, 4 grams or more of  
268 flunitrazepam or any mixture containing flunitrazepam as  
269 described in s. 893.03(1)(a) commits a felony of the first  
270 degree, which felony shall be known as "trafficking in  
271 flunitrazepam," punishable as provided in s. 775.082, s.  
272 775.083, or s. 775.084. If the quantity involved:

273 a. Is 4 grams or more but less than 14 grams, such person  
274 shall be sentenced to a mandatory minimum term of imprisonment



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275 of 3 years, and the defendant shall be ordered to pay a fine of  
276 \$50,000.

277 b. Is 14 grams or more but less than 28 grams, such person  
278 shall be sentenced to a mandatory minimum term of imprisonment  
279 of 7 years, and the defendant shall be ordered to pay a fine of  
280 \$100,000.

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

285 2. Any person who knowingly sells, purchases, manufactures,  
286 delivers, or brings into this state or who ~~is~~ knowingly is in  
287 actual or constructive possession with intent to sell, purchase,  
288 manufacture, or deliver ~~of~~ 30 kilograms or more of flunitrazepam  
289 or any mixture containing flunitrazepam as described in s.  
290 893.03(1)(a) commits the first-degree ~~first-degree~~ felony of  
291 trafficking in flunitrazepam. A person who has been convicted of  
292 the first-degree ~~first-degree~~ felony of trafficking in  
293 flunitrazepam under this subparagraph shall be punished by life  
294 imprisonment and is ineligible for any form of discretionary  
295 early release except pardon or executive clemency or conditional  
296 medical release under s. 947.149. However, if the court  
297 determines that, in addition to committing any act specified in  
298 this paragraph:

299 a. The person intentionally killed an individual or  
300 counseled, commanded, induced, procured, or caused the  
301 intentional killing of an individual and such killing was the  
302 result; or

303 b. The person's conduct in committing that act led to a



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304 natural, though not inevitable, lethal result,  
305  
306 such person commits the capital felony of trafficking in  
307 flunitrazepam, punishable as provided in ss. 775.082 and  
308 921.142. Any person sentenced for a capital felony under this  
309 paragraph shall also be ordered ~~sentenced~~ to pay the maximum  
310 fine provided under subparagraph 1.

311 (h)1. Any person who knowingly sells, purchases,  
312 manufactures, delivers, or brings into this state, or who ~~is~~  
313 knowingly is in actual or constructive possession with intent to  
314 sell, purchase, manufacture, or deliver ~~of~~, 1 kilogram or more  
315 of gamma-hydroxybutyric acid (GHB), as described in s.  
316 893.03(1)(d), or any mixture containing gamma-hydroxybutyric  
317 acid (GHB), commits a felony of the first degree, which felony  
318 shall be known as "trafficking in gamma-hydroxybutyric acid  
319 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.  
320 775.084. If the quantity involved:

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

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

329 c. Is 10 kilograms or more, such person shall be sentenced  
330 to a mandatory minimum term of imprisonment of 15 calendar  
331 years, and the defendant shall be ordered to pay a fine of  
332 \$250,000.



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

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

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

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



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362 c. Is 10 kilograms or more, such person shall be sentenced  
363 to a mandatory minimum term of imprisonment of 15 calendar  
364 years, and the defendant shall be ordered to pay a fine of  
365 \$250,000.

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

376 (j)1. Any person who knowingly sells, purchases,  
377 manufactures, delivers, or brings into this state, or who ~~is~~  
378 knowingly is in actual or constructive possession with intent to  
379 sell, purchase, manufacture, or deliver ~~of~~, 1 kilogram or more  
380 of 1,4-Butanediol as described in s. 893.03(1)(d), or of any  
381 mixture containing 1,4-Butanediol, commits a felony of the first  
382 degree, which felony shall be known as "trafficking in 1,4-  
383 Butanediol," punishable as provided in s. 775.082, s. 775.083,  
384 or s. 775.084. If the quantity involved:

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

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



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

393 c. Is 10 kilograms or more, such person shall be sentenced  
394 to a mandatory minimum term of imprisonment of 15 calendar  
395 years, and the defendant shall be ordered to pay a fine of  
396 \$500,000.

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

407 (k)1. Any person who knowingly sells, purchases,  
408 manufactures, delivers, or brings into this state, or who ~~is~~  
409 knowingly is in actual or constructive possession with intent to  
410 sell, purchase, manufacture, or deliver ~~of~~, 10 grams or more of  
411 any of the following substances described in s. 893.03(1)(a) or  
412 (c):

- 413 a. 3,4-Methylenedioxymethamphetamine (MDMA);
- 414 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 415 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 416 d. 2,5-Dimethoxyamphetamine;
- 417 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 418 f. N-ethylamphetamine;
- 419 g. N-Hydroxy-3,4-methylenedioxyamphetamine;



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- 420 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 421 i. 4-methoxyamphetamine;
- 422 j. 4-methoxymethamphetamine;
- 423 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 424 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 425 m. 3,4-Methylenedioxyamphetamine;
- 426 n. N,N-dimethylamphetamine; or
- 427 o. 3,4,5-Trimethoxyamphetamine,

428

429 individually or in any combination of or any mixture containing  
430 any substance listed in sub-subparagraphs a.-o., commits a  
431 felony of the first degree, which felony shall be known as  
432 "trafficking in Phenethylamines," punishable as provided in s.  
433 775.082, s. 775.083, or s. 775.084.

434 2. If the quantity involved:

435 a. Is 10 grams or more but less than 200 grams, such person  
436 shall be sentenced to a mandatory minimum term of imprisonment  
437 of 3 years, and the defendant shall be ordered to pay a fine of  
438 \$50,000.

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

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

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





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- 449 a. 3,4-Methylenedioxyamphetamine (MDMA);
- 450 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 451 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 452 d. 2,5-Dimethoxyamphetamine;
- 453 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 454 f. N-ethylamphetamine;
- 455 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 456 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 457 i. 4-methoxyamphetamine;
- 458 j. 4-methoxymethamphetamine;
- 459 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 460 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 461 m. 3,4-Methylenedioxyamphetamine;
- 462 n. N,N-dimethylamphetamine; or
- 463 o. 3,4,5-Trimethoxyamphetamine,

464  
465 individually or in any combination of or any mixture containing  
466 any substance listed in sub-subparagraphs a.-o., and who knows  
467 that the probable result of such manufacture or importation  
468 would be the death of any person commits capital manufacture or  
469 importation of Phenethylamines, a capital felony punishable as  
470 provided in ss. 775.082 and 921.142. Any person sentenced for a  
471 capital felony under this paragraph shall also be ordered  
472 ~~sentenced~~ to pay the maximum fine provided under subparagraph 1.

473 (1)1. Any person who knowingly sells, purchases,  
474 manufactures, delivers, or brings into this state, or who ~~is~~  
475 knowingly is in actual or constructive possession with intent to  
476 sell, purchase, manufacture, or deliver ~~of~~, 1 gram or more of  
477 lysergic acid diethylamide (LSD) as described in s.



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478 893.03(1)(c), or of any mixture containing lysergic acid  
479 diethylamide (LSD), commits a felony of the first degree, which  
480 felony shall be known as "trafficking in lysergic acid  
481 diethylamide (LSD)," punishable as provided in s. 775.082, s.  
482 775.083, or s. 775.084. If the quantity involved:

483 a. Is 1 gram or more, but less than 5 grams, such person  
484 shall be sentenced to a mandatory minimum term of imprisonment  
485 of 3 years, and the defendant shall be ordered to pay a fine of  
486 \$50,000.

487 b. Is 5 grams or more, but less than 7 grams, such person  
488 shall be sentenced to a mandatory minimum term of imprisonment  
489 of 7 years, and the defendant shall be ordered to pay a fine of  
490 \$100,000.

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

494 2. Any person who knowingly manufactures or brings into  
495 this state 7 grams or more of lysergic acid diethylamide (LSD)  
496 as described in s. 893.03(1)(c), or any mixture containing  
497 lysergic acid diethylamide (LSD), and who knows that the  
498 probable result of such manufacture or importation would be the  
499 death of any person commits capital manufacture or importation  
500 of lysergic acid diethylamide (LSD), a capital felony punishable  
501 as provided in ss. 775.082 and 921.142. Any person sentenced for  
502 a capital felony under this paragraph shall also be ordered  
503 ~~sentenced~~ to pay the maximum fine provided under subparagraph 1.

504 (2) A person acts knowingly under subsection (1) if that  
505 person intends to sell, purchase, manufacture, deliver, or bring  
506 into this state, or to actually or constructively possess, any



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507 of the controlled substances listed in subsection (1),  
508 regardless of which controlled substance listed in subsection  
509 (1) is in fact sold, purchased, manufactured, delivered, or  
510 brought into this state, or actually or constructively  
511 possessed.

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

523 (4) The state attorney may move the sentencing court to  
524 reduce or suspend the sentence of any person who is convicted of  
525 a violation of this section and who provides substantial  
526 assistance in the identification, arrest, or conviction of any  
527 of that person's accomplices, accessories, coconspirators, or  
528 principals or of any other person engaged in trafficking in  
529 controlled substances. The arresting agency shall be given an  
530 opportunity to be heard in aggravation or mitigation in  
531 reference to any such motion. Upon good cause shown, the motion  
532 may be filed and heard in camera. The judge hearing the motion  
533 may reduce or suspend, defer, or withhold the sentence or  
534 adjudication of guilt if the judge finds that the defendant  
535 rendered such substantial assistance.



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536 (5) Any person who agrees, conspires, combines, or  
537 confederates with another person to commit any act prohibited by  
538 subsection (1) commits a felony of the first degree and is  
539 punishable as if he or she had actually committed such  
540 prohibited act. ~~Nothing in~~ This subsection does not shall be  
541 ~~construed to~~ prohibit separate convictions and sentences for a  
542 violation of this subsection and any violation of subsection  
543 (1).

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

548 (b) Except as provided in paragraph (c) ~~For the purpose of~~  
549 ~~clarifying legislative intent regarding the weighing of a~~  
550 ~~mixture containing a controlled substance described in this~~  
551 ~~section,~~ the weight of the controlled substance is the total  
552 weight of the mixture, including the controlled substance and  
553 any other substance in the mixture. If there is more than one  
554 mixture containing the same controlled substance, the weight of  
555 the controlled substance is calculated by aggregating the total  
556 weight of each mixture.

557 (c) If the mixture is a prescription drug as defined in s.  
558 499.003 and the weight of the controlled substance in the  
559 mixture can be identified using the National Drug Code  
560 Directory, as published by the United States Department of  
561 Health and Human Services, the weight of the controlled  
562 substance is the weight of the controlled substance identified  
563 in the National Drug Code Directory, exclusive of other tablet  
564 components. If there is more than one mixture that is a



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565 prescription drug and all of the mixtures contain the same  
566 controlled substance, and the weight of the controlled substance  
567 in each mixture can be identified using the National Drug Code  
568 Directory, the weight of the controlled substance is calculated  
569 by aggregating the weight of the controlled substance in each  
570 mixture.

571 ~~(7) For the purpose of further clarifying legislative~~  
572 ~~intent, the Legislature finds that the opinion in *Hayes v.*~~  
573 ~~*State*, 750 So. 2d 1 (Fla. 1999) does not correctly construe~~  
574 ~~legislative intent. The Legislature finds that the opinions in~~  
575 ~~*State v. Hayes*, 720 So. 2d 1095 (Fla. 4th DCA 1998) and *State v.*~~  
576 ~~*Baxley*, 684 So. 2d 831 (Fla. 5th DCA 1996) correctly construe~~  
577 ~~legislative intent.~~