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LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Richter) recommended the following:

Senate Amendment

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

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

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

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

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



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

48 (b)1. Any person who knowingly sells, purchases,
49 manufactures, delivers, or brings into this state, or who ~~is~~
50 knowingly is in actual or constructive possession with intent to
51 sell, purchase, manufacture, deliver, or bring into this state
52 ~~of~~, 28 grams or more of cocaine, as described in s.

53 893.03(2)(a)4., or of any mixture containing cocaine, but less
54 than 150 kilograms of cocaine or any such mixture, commits a
55 felony of the first degree, which felony shall be known as
56 "trafficking in cocaine," punishable as provided in s. 775.082,
57 s. 775.083, or s. 775.084. If the quantity involved:

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

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

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

70 2. Any person who knowingly sells, purchases, manufactures,
71 delivers, or brings into this state, or who ~~is~~ knowingly is in



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

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

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

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

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



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101 this paragraph shall also be ordered ~~sentenced~~ to pay the
102 maximum fine provided under subparagraph 1.

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

116 a. Is 28 4 grams or more, but less than 50 44 grams, such
117 person shall be sentenced to a mandatory minimum term of
118 imprisonment of 3 years, and the defendant shall be ordered to
119 pay a fine of \$50,000.

120 b. Is 50 44 grams or more, but less than 200 28 grams, such
121 person shall be sentenced to a mandatory minimum term of
122 imprisonment of 7 15 years, and the defendant shall be ordered
123 to pay a fine of \$100,000.

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

128 2. Any person who knowingly sells, purchases, manufactures,
129 delivers, or brings into this state, or who ~~is~~ knowingly is in



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130 actual or constructive possession with intent to sell, purchase,
131 manufacture, deliver, or bring into this state of, 30 kilograms
132 or more of any morphine, opium, oxycodone, hydrocodone,
133 hydromorphone, or any salt, derivative, isomer, or salt of an
134 isomer thereof, including heroin, as described in s.
135 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
136 more of any mixture containing any such substance, commits the
137 first-degree ~~first-degree~~ felony of trafficking in illegal
138 drugs. A person who has been convicted of the first-degree ~~first-~~
139 ~~degree~~ felony of trafficking in illegal drugs under this
140 subparagraph shall be punished by life imprisonment and is
141 ineligible for any form of discretionary early release except
142 pardon or executive clemency or conditional medical release
143 under s. 947.149. However, if the court determines that, in
144 addition to committing any act specified in this paragraph:
145 a. The person intentionally killed an individual or
146 counseled, commanded, induced, procured, or caused the
147 intentional killing of an individual and such killing was the
148 result; or
149 b. The person's conduct in committing that act led to a
150 natural, though not inevitable, lethal result,
151
152 such person commits the capital felony of trafficking in illegal
153 drugs, punishable as provided in ss. 775.082 and 921.142. Any
154 person sentenced for a capital felony under this paragraph shall
155 also be ordered ~~sentenced~~ to pay the maximum fine provided under
156 subparagraph 1.
157 3. Any person who knowingly brings into this state 60
158 kilograms or more of any morphine, opium, oxycodone,



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

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

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

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

187 c. Is 400 grams or more, such person shall be sentenced to



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188 a mandatory minimum term of imprisonment of 15 calendar years,
189 and the defendant shall be ordered to pay a fine of \$250,000.

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

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

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

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



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

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

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

244 a. Is 14 grams or more, but less than 28 grams, such person
245 shall be sentenced to a mandatory minimum term of imprisonment



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246 of 3 years, and the defendant shall be ordered to pay a fine of
247 \$50,000.

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

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

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

269 (g)1. Any person who knowingly sells, purchases,
270 manufactures, delivers, or brings into this state, or who ~~is~~
271 knowingly is in actual or constructive possession with intent to
272 sell, purchase, manufacture, deliver, or bring into this state
273 ~~of~~, 4 grams or more of flunitrazepam or any mixture containing
274 flunitrazepam as described in s. 893.03(1)(a) commits a felony



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275 of the first degree, which felony shall be known as "trafficking
276 in flunitrazepam," punishable as provided in s. 775.082, s.
277 775.083, or s. 775.084. If the quantity involved:

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

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

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

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



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

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

310
311 such person commits the capital felony of trafficking in
312 flunitrazepam, punishable as provided in ss. 775.082 and
313 921.142. Any person sentenced for a capital felony under this
314 paragraph shall also be ordered ~~sentenced~~ to pay the maximum
315 fine provided under subparagraph 1.

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

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

330 b. Is 5 kilograms or more but less than 10 kilograms, such
331 person shall be sentenced to a mandatory minimum term of
332 imprisonment of 7 years, and the defendant shall be ordered to



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333 pay a fine of \$100,000.

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

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

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

359 a. Is 1 kilogram or more but less than 5 kilograms, such
360 person shall be sentenced to a mandatory minimum term of
361 imprisonment of 3 years, and the defendant shall be ordered to



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362 pay a fine of \$50,000.

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

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

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

381 (j)1. Any person who knowingly sells, purchases,
382 manufactures, delivers, or brings into this state, or who ~~is~~
383 knowingly is in actual or constructive possession with intent to
384 sell, purchase, manufacture, deliver, or bring into this state
385 ~~of~~, 1 kilogram or more of 1,4-Butanediol as described in s.
386 893.03(1)(d), or of any mixture containing 1,4-Butanediol,
387 commits a felony of the first degree, which felony shall be
388 known as "trafficking in 1,4-Butanediol," punishable as provided
389 in s. 775.082, s. 775.083, or s. 775.084. If the quantity
390 involved:



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

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

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

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

413 (k)1. Any person who knowingly sells, purchases,
414 manufactures, delivers, or brings into this state, or who ~~is~~
415 knowingly is in actual or constructive possession with intent to
416 sell, purchase, manufacture, deliver, or bring into this state
417 ~~of~~, 10 grams or more of any of the following substances
418 described in s. 893.03(1)(a) or (c):

419 a. 3,4-Methylenedioxymethamphetamine (MDMA);



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

434
435 individually or in any combination of or any mixture containing
436 any substance listed in sub-subparagraphs a.-o., commits a
437 felony of the first degree, which felony shall be known as
438 "trafficking in Phenethylamines," punishable as provided in s.
439 775.082, s. 775.083, or s. 775.084.

440 2. If the quantity involved:

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

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



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

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

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

470
471 individually or in any combination of or any mixture containing
472 any substance listed in sub-subparagraphs a.-o., and who knows
473 that the probable result of such manufacture or importation
474 would be the death of any person commits capital manufacture or
475 importation of Phenethylamines, a capital felony punishable as
476 provided in ss. 775.082 and 921.142. Any person sentenced for a
477 capital felony under this paragraph shall also be ordered



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478 ~~sentenced~~ to pay the maximum fine provided under subparagraph 1.

479 (1)1. Any person who knowingly sells, purchases,
480 manufactures, delivers, or brings into this state, or who ~~is~~
481 knowingly is in actual or constructive possession with intent to
482 sell, purchase, manufacture, deliver, or bring into this state
483 ~~of~~, 1 gram or more of lysergic acid diethylamide (LSD) as
484 described in s. 893.03(1)(c), or of any mixture containing
485 lysergic acid diethylamide (LSD), commits a felony of the first
486 degree, which felony shall be known as "trafficking in lysergic
487 acid diethylamide (LSD)," punishable as provided in s. 775.082,
488 s. 775.083, or s. 775.084. If the quantity involved:

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

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

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

500 2. Any person who knowingly manufactures or brings into
501 this state 7 grams or more of lysergic acid diethylamide (LSD)
502 as described in s. 893.03(1)(c), or any mixture containing
503 lysergic acid diethylamide (LSD), and who knows that the
504 probable result of such manufacture or importation would be the
505 death of any person commits capital manufacture or importation
506 of lysergic acid diethylamide (LSD), a capital felony punishable



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507 as provided in ss. 775.082 and 921.142. Any person sentenced for
508 a capital felony under this paragraph shall also be ordered
509 ~~sentenced~~ to pay the maximum fine provided under subparagraph 1.

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

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

529 (4) The state attorney may move the sentencing court to
530 reduce or suspend the sentence of any person who is convicted of
531 a violation of this section and who provides substantial
532 assistance in the identification, arrest, or conviction of any
533 of that person's accomplices, accessories, coconspirators, or
534 principals or of any other person engaged in trafficking in
535 controlled substances. The arresting agency shall be given an



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536 opportunity to be heard in aggravation or mitigation in
537 reference to any such motion. Upon good cause shown, the motion
538 may be filed and heard in camera. The judge hearing the motion
539 may reduce or suspend, defer, or withhold the sentence or
540 adjudication of guilt if the judge finds that the defendant
541 rendered such substantial assistance.

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

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

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

563 (c) If the mixture is a prescription drug as defined in s.
564 499.003 and the weight of the controlled substance in the



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

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