

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: Justice Appropriations  
 2 Subcommittee

3 Representative Edwards offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Enter Amending

8 Section 1. Paragraph (c) of subsection (1) of section  
 9 893.135, Florida Statutes, is amended to read:

10 893.135 Trafficking; mandatory sentences; suspension or  
 11 reduction of sentences; conspiracy to engage in trafficking.—

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

14 (c)1. Any person who knowingly sells, purchases,  
 15 manufactures, delivers, or brings into this state, or who is  
 16 knowingly in actual or constructive possession of, 4 grams or  
 17 more of any morphine, opium, ~~oxycodone, hydrocodone,~~  
 18 hydromorphone, or any salt, derivative, isomer, or salt of an  
 19 isomer thereof, including heroin, as described in s.

20 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more

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21 of any mixture containing any such substance, but less than 30  
22 kilograms of such substance or mixture, commits a felony of the  
23 first degree, which felony shall be known as "trafficking in  
24 illegal drugs," punishable as provided in s. 775.082, s.  
25 775.083, or s. 775.084. If the quantity involved:

26 a. Is 4 grams or more, but less than 14 grams, such person  
27 shall be sentenced to a mandatory minimum term of imprisonment  
28 of 3 years, and the defendant shall be ordered to pay a fine of  
29 \$50,000.

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

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

38 2. Any person who knowingly sells, purchases,  
39 manufactures, delivers, or brings into this state, or who is  
40 knowingly in actual or constructive possession of 14 grams or  
41 more of any oxycodone or hydrocodone, or 14 grams or more of any  
42 mixture containing any such substance, commits a felony of the  
43 first degree, which felony shall be known as "trafficking in  
44 illegal prescription drugs," punishable as provided in s.  
45 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

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

50 b. Is 28 grams or more, but less than 50 grams, such  
51 person shall be sentenced to a mandatory minimum term of  
52 imprisonment of 7 years, and the defendant shall be ordered to  
53 pay a fine of \$100,000.

54 c. Is 50 grams or more, but less than 200 grams, such  
55 person shall be sentenced to a mandatory minimum term of  
56 imprisonment of 15 calendar years, and the defendant shall be  
57 ordered to pay a fine of \$500,000.

58 d. Is 200 grams or more, such person shall be sentenced to  
59 a mandatory minimum term of imprisonment of 25 calendar years,  
60 and the defendant shall be ordered to pay a fine of \$750,000.

61 3.2- Any person who knowingly sells, purchases,  
62 manufactures, delivers, or brings into this state, or who is  
63 knowingly in actual or constructive possession of, 30 kilograms  
64 or more of any morphine, opium, ~~oxycodone, hydrocodone,~~  
65 hydromorphone, or any salt, derivative, isomer, or salt of an  
66 isomer thereof, including heroin, as described in s.  
67 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
68 more of any mixture containing any such substance, commits the  
69 first degree felony of trafficking in illegal drugs. A person  
70 who has been convicted of the first degree felony of trafficking  
71 in illegal drugs under this subparagraph shall be punished by  
72 life imprisonment and is ineligible for any form of  
73 discretionary early release except pardon or executive clemency  
74 or conditional medical release under s. 947.149. However, if the

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75 court determines that, in addition to committing any act  
76 specified in this paragraph:

77 a. The person intentionally killed an individual or  
78 counseled, commanded, induced, procured, or caused the  
79 intentional killing of an individual and such killing was the  
80 result; or

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

83  
84 such person commits the capital felony of trafficking in illegal  
85 drugs, punishable as provided in ss. 775.082 and 921.142. Any  
86 person sentenced for a capital felony under this paragraph shall  
87 also be sentenced to pay the maximum fine provided under  
88 subparagraph 1.

89 ~~4.3.~~ Any person who knowingly brings into this state 60  
90 kilograms or more of any morphine, opium, ~~oxycodone,~~  
91 ~~hydrocodone,~~ hydromorphone, or any salt, derivative, isomer, or  
92 salt of an isomer thereof, including heroin, as described in s.  
93 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or  
94 more of any mixture containing any such substance, and who knows  
95 that the probable result of such importation would be the death  
96 of any person, commits capital importation of illegal drugs, a  
97 capital felony punishable as provided in ss. 775.082 and  
98 921.142. Any person sentenced for a capital felony under this  
99 paragraph shall also be sentenced to pay the maximum fine  
100 provided under subparagraph 1.

101 Section 2. This act shall take effect July 1, 2013. Text

102 Here

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**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:  
An act relating to drug trafficking; amending s.  
893.135, F.S.; providing that if a person knowingly  
sells, purchases, manufactures, delivers, or brings  
into this state, or who is knowingly in actual or  
constructive possession of specified quantities of  
oxycodone or hydrocodone, he or she commits a felony  
of the first degree; providing for other criminal  
penalties for greater quantities of oxycodone or  
hydrocodone; providing an effective date.