

FOR CONSIDERATION By the Committee on Criminal Justice

591-03337A-13

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1 A bill to be entitled
2 An act relating to drug trafficking; amending s.
3 893.135, F.S.; providing that a person who knowingly
4 sells, purchases, manufactures, delivers, or brings
5 into this state specified quantities of oxycodone or
6 hydrocodone, or who is knowingly in actual or
7 constructive possession of such quantities of such
8 drugs, commits a felony of the first degree; providing
9 criminal penalties; providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Paragraph (c) of subsection (1) of section
14 893.135, Florida Statutes, is amended to read:

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

17 (c)1. Any person who knowingly sells, purchases,
18 manufactures, delivers, or brings into this state, or who is
19 knowingly in actual or constructive possession of, 4 grams or
20 more of any morphine, opium, ~~oxycodone, hydrocodone,~~
21 hydromorphone, or any salt, derivative, isomer, or salt of an
22 isomer thereof, including heroin, as described in s.
23 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more
24 of any mixture containing any such substance, but less than 30
25 kilograms of such substance or mixture, commits a felony of the
26 first degree, which felony shall be known as "trafficking in
27 illegal drugs," punishable as provided in s. 775.082, s.
28 775.083, or s. 775.084. If the quantity involved:

29 a. Is 4 grams or more, but less than 14 grams, such person

591-03337A-13

20137148

30 shall be sentenced to a mandatory minimum term of imprisonment
31 of 3 years, and the defendant shall be ordered to pay a fine of
32 \$50,000.

33 b. Is 14 grams or more, but less than 28 grams, such person
34 shall be sentenced to a mandatory minimum term of imprisonment
35 of 15 years, and the defendant shall be ordered to pay a fine of
36 \$100,000.

37 c. Is 28 grams or more, but less than 30 kilograms, such
38 person shall be sentenced to a mandatory minimum term of
39 imprisonment of 25 calendar years and ordered to pay a fine of
40 \$500,000.

41 2. A person who knowingly sells, purchases, manufactures,
42 delivers, or brings into this state or who is knowingly in
43 actual or constructive possession of 14 grams or more of any
44 oxycodone or hydrocodone, or 14 grams or more of any mixture
45 containing any such substance, commits a felony of the first
46 degree, which felony shall be known as "trafficking in illegal
47 prescription drugs," punishable as provided in s. 775.082, s.
48 775.083, or s. 775.084. If the quantity involved:

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

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

55 c. Is 50 grams or more, but less than 200 grams, such
56 person shall be sentenced to a mandatory minimum term of
57 imprisonment of 15 calendar years and ordered to pay a fine of
58 \$500,000.

591-03337A-13

20137148

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

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

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

82 b. The person's conduct in committing that act led to a
83 natural, though not inevitable, lethal result,
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85 such person commits the capital felony of trafficking in illegal
86 drugs, punishable as provided in ss. 775.082 and 921.142. Any
87 person sentenced for a capital felony under this paragraph shall

591-03337A-13

20137148__

88 also be sentenced to pay the maximum fine provided under
89 subparagraph 1.

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

102 Section 2. This act shall take effect October 1, 2013.