

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.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
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

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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.

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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,  
84  
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

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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.