

A bill to be entitled

An act relating to trafficking in illegal drugs; amending s. 893.135, F.S.; providing that a specified mandatory minimum term of imprisonment and a specified fine no longer apply upon a first conviction of a person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, a specified quantity of certain designated illegal drugs; providing that a specified mandatory minimum term of imprisonment and specified fine apply upon a second or subsequent conviction; providing an effective date.

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

Section 1. Paragraphs (b), (c), (d), (f), (g), (k), and (l) of subsection (1) of section 893.135, Florida Statutes, are 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:

(b)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or

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27 more of cocaine, as described in s. 893.03(2)(a)4., or of any
28 mixture containing cocaine, but less than 150 kilograms of
29 cocaine or any such mixture, commits a felony of the first
30 degree, which felony shall be known as "trafficking in cocaine,"
31 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

32 If the quantity involved:

33 a. Is 28 grams or more, but less than 200 grams, such
34 person shall be sentenced, upon a second or subsequent
35 conviction, to a mandatory minimum term of imprisonment of 3
36 years, and the defendant shall be ordered to pay a fine of
37 \$50,000.

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

42 c. Is 400 grams or more, but less than 150 kilograms, such
43 person shall be sentenced to a mandatory minimum term of
44 imprisonment of 15 calendar years and pay a fine of \$250,000.

45 2. Any person who knowingly sells, purchases,
46 manufactures, delivers, or brings into this state, or who is
47 knowingly in actual or constructive possession of, 150 kilograms
48 or more of cocaine, as described in s. 893.03(2)(a)4., commits
49 the first degree felony of trafficking in cocaine. A person who
50 has been convicted of the first degree felony of trafficking in
51 cocaine under this subparagraph shall be punished by life
52 imprisonment and is ineligible for any form of discretionary

53 early release except pardon or executive clemency or conditional
54 medical release under s. 947.149. However, if the court
55 determines that, in addition to committing any act specified in
56 this paragraph:

57 a. The person intentionally killed an individual or
58 counseled, commanded, induced, procured, or caused the
59 intentional killing of an individual and such killing was the
60 result; or

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

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64 such person commits the capital felony of trafficking in
65 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
66 person sentenced for a capital felony under this paragraph shall
67 also be sentenced to pay the maximum fine provided under
68 subparagraph 1.

69 3. Any person who knowingly brings into this state 300
70 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
71 and who knows that the probable result of such importation would
72 be the death of any person, commits capital importation of
73 cocaine, a capital felony punishable as provided in ss. 775.082
74 and 921.142. Any person sentenced for a capital felony under
75 this paragraph shall also be sentenced to pay the maximum fine
76 provided under subparagraph 1.

77 (c)1. Any person who knowingly sells, purchases,
78 manufactures, delivers, or brings into this state, or who is

79 knowingly in actual or constructive possession of, 4 grams or
80 more of any morphine, opium, oxycodone, hydrocodone,
81 hydromorphone, or any salt, derivative, isomer, or salt of an
82 isomer thereof, including heroin, as described in s.
83 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more
84 of any mixture containing any such substance, but less than 30
85 kilograms of such substance or mixture, commits a felony of the
86 first degree, which felony shall be known as "trafficking in
87 illegal drugs," punishable as provided in s. 775.082, s.
88 775.083, or s. 775.084. If the quantity involved:

89 a. Is 4 grams or more, but less than 14 grams, such person
90 shall be sentenced, upon a second or subsequent conviction, to a
91 mandatory minimum term of imprisonment of 3 years, and the
92 defendant shall be ordered to pay a fine of \$50,000.

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

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

100 2. Any person who knowingly sells, purchases,
101 manufactures, delivers, or brings into this state, or who is
102 knowingly in actual or constructive possession of, 30 kilograms
103 or more of any morphine, opium, oxycodone, hydrocodone,
104 hydromorphone, or any salt, derivative, isomer, or salt of an

105 isomer thereof, including heroin, as described in s.
106 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
107 more of any mixture containing any such substance, commits the
108 first degree felony of trafficking in illegal drugs. A person
109 who has been convicted of the first degree felony of trafficking
110 in illegal drugs under this subparagraph shall be punished by
111 life imprisonment and is ineligible for any form of
112 discretionary early release except pardon or executive clemency
113 or conditional medical release under s. 947.149. However, if the
114 court determines that, in addition to committing any act
115 specified in this paragraph:

116 a. The person intentionally killed an individual or
117 counseled, commanded, induced, procured, or caused the
118 intentional killing of an individual and such killing was the
119 result; or

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

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123 such person commits the capital felony of trafficking in illegal
124 drugs, punishable as provided in ss. 775.082 and 921.142. Any
125 person sentenced for a capital felony under this paragraph shall
126 also be sentenced to pay the maximum fine provided under
127 subparagraph 1.

128 3. Any person who knowingly brings into this state 60
129 kilograms or more of any morphine, opium, oxycodone,
130 hydrocodone, hydromorphone, or any salt, derivative, isomer, or

131 salt of an isomer thereof, including heroin, as described in s.
132 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or
133 more of any mixture containing any such substance, and who knows
134 that the probable result of such importation would be the death
135 of any person, commits capital importation of illegal drugs, a
136 capital felony punishable as provided in ss. 775.082 and
137 921.142. Any person sentenced for a capital felony under this
138 paragraph shall also be sentenced to pay the maximum fine
139 provided under subparagraph 1.

140 (d)1. Any person who knowingly sells, purchases,
141 manufactures, delivers, or brings into this state, or who is
142 knowingly in actual or constructive possession of, 28 grams or
143 more of phencyclidine or of any mixture containing
144 phencyclidine, as described in s. 893.03(2)(b), commits a felony
145 of the first degree, which felony shall be known as "trafficking
146 in phencyclidine," punishable as provided in s. 775.082, s.
147 775.083, or s. 775.084. If the quantity involved:

148 a. Is 28 grams or more, but less than 200 grams, such
149 person shall be sentenced, upon a second or subsequent
150 conviction, to a mandatory minimum term of imprisonment of 3
151 years, and the defendant shall be ordered to pay a fine of
152 \$50,000.

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

157 c. Is 400 grams or more, such person shall be sentenced to
158 a mandatory minimum term of imprisonment of 15 calendar years
159 and pay a fine of \$250,000.

160 2. Any person who knowingly brings into this state 800
161 grams or more of phencyclidine or of any mixture containing
162 phencyclidine, as described in s. 893.03(2)(b), and who knows
163 that the probable result of such importation would be the death
164 of any person commits capital importation of phencyclidine, 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 sentenced to pay the maximum fine
168 provided under subparagraph 1.

169 (f)1. Any person who knowingly sells, purchases,
170 manufactures, delivers, or brings into this state, or who is
171 knowingly in actual or constructive possession of, 14 grams or
172 more of amphetamine, as described in s. 893.03(2)(c)2., or
173 methamphetamine, as described in s. 893.03(2)(c)4., or of any
174 mixture containing amphetamine or methamphetamine, or
175 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine
176 in conjunction with other chemicals and equipment utilized in
177 the manufacture of amphetamine or methamphetamine, commits a
178 felony of the first degree, which felony shall be known as
179 "trafficking in amphetamine," punishable as provided in s.
180 775.082, s. 775.083, or s. 775.084. If the quantity involved:

181 a. Is 14 grams or more, but less than 28 grams, such
182 person shall be sentenced, upon a second or subsequent

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183 conviction, to a mandatory minimum term of imprisonment of 3
184 years, and the defendant shall be ordered to pay a fine of
185 \$50,000.

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

190 c. Is 200 grams or more, such person shall be sentenced to
191 a mandatory minimum term of imprisonment of 15 calendar years
192 and pay a fine of \$250,000.

193 2. Any person who knowingly manufactures or brings into
194 this state 400 grams or more of amphetamine, as described in s.
195 893.03(2)(c)2., or methamphetamine, as described in s.
196 893.03(2)(c)4., or of any mixture containing amphetamine or
197 methamphetamine, or phenylacetone, phenylacetic acid,
198 pseudoephedrine, or ephedrine in conjunction with other
199 chemicals and equipment used in the manufacture of amphetamine
200 or methamphetamine, and who knows that the probable result of
201 such manufacture or importation would be the death of any person
202 commits capital manufacture or importation of amphetamine, a
203 capital felony punishable as provided in ss. 775.082 and
204 921.142. Any person sentenced for a capital felony under this
205 paragraph shall also be sentenced to pay the maximum fine
206 provided under subparagraph 1.

207 (g)1. Any person who knowingly sells, purchases,
208 manufactures, delivers, or brings into this state, or who is

209 knowingly in actual or constructive possession of, 4 grams or
210 more of flunitrazepam or any mixture containing flunitrazepam as
211 described in s. 893.03(1)(a) commits a felony of the first
212 degree, which felony shall be known as "trafficking in
213 flunitrazepam," punishable as provided in s. 775.082, s.
214 775.083, or s. 775.084. If the quantity involved:

215 a. Is 4 grams or more but less than 14 grams, such person
216 shall be sentenced, upon a second or subsequent conviction, to a
217 mandatory minimum term of imprisonment of 3 years, and the
218 defendant shall be ordered to pay a fine of \$50,000.

219 b. Is 14 grams or more but less than 28 grams, such person
220 shall be sentenced to a mandatory minimum term of imprisonment
221 of 7 years, and the defendant shall be ordered to pay a fine of
222 \$100,000.

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

226 2. Any person who knowingly sells, purchases,
227 manufactures, delivers, or brings into this state or who is
228 knowingly in actual or constructive possession of 30 kilograms
229 or more of flunitrazepam or any mixture containing flunitrazepam
230 as described in s. 893.03(1)(a) commits the first degree felony
231 of trafficking in flunitrazepam. A person who has been convicted
232 of the first degree felony of trafficking in flunitrazepam under
233 this subparagraph shall be punished by life imprisonment and is
234 ineligible for any form of discretionary early release except

235 | pardon or executive clemency or conditional medical release
 236 | under s. 947.149. However, if the court determines that, in
 237 | addition to committing any act specified in this paragraph:

238 | a. The person intentionally killed an individual or
 239 | counseled, commanded, induced, procured, or caused the
 240 | intentional killing of an individual and such killing was the
 241 | result; or

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

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 245 | such person commits the capital felony of trafficking in
 246 | flunitrazepam, punishable as provided in ss. 775.082 and
 247 | 921.142. Any person sentenced for a capital felony under this
 248 | paragraph shall also be sentenced to pay the maximum fine
 249 | provided under subparagraph 1.

250 | (k)1. Any person who knowingly sells, purchases,
 251 | manufactures, delivers, or brings into this state, or who is
 252 | knowingly in actual or constructive possession of, 10 grams or
 253 | more of any of the following substances described in s.

254 | 893.03(1)(c):

- 255 | a. 3,4-Methylenedioxyamphetamine (MDMA);
- 256 | b. 4-Bromo-2,5-dimethoxyamphetamine;
- 257 | c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 258 | d. 2,5-Dimethoxyamphetamine;
- 259 | e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 260 | f. N-ethylamphetamine;

- 261 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 262 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 263 i. 4-methoxyamphetamine;
- 264 j. 4-methoxymethamphetamine;
- 265 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 266 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 267 m. 3,4-Methylenedioxyamphetamine;
- 268 n. N,N-dimethylamphetamine; or
- 269 o. 3,4,5-Trimethoxyamphetamine,

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 271 individually or in any combination of or any mixture containing
 272 any substance listed in sub-subparagraphs a.-o., commits a
 273 felony of the first degree, which felony shall be known as
 274 "trafficking in Phenethylamines," punishable as provided in s.
 275 775.082, s. 775.083, or s. 775.084.

276 2. If the quantity involved:

277 a. Is 10 grams or more but less than 200 grams, such
 278 person shall be sentenced, upon a second or subsequent
 279 conviction, to a mandatory minimum term of imprisonment of 3
 280 years, and the defendant shall be ordered to pay a fine of
 281 \$50,000.

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

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

287 a mandatory minimum term of imprisonment of 15 calendar years
 288 and pay a fine of \$250,000.

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

- 292 a. 3,4-Methylenedioxyamphetamine (MDMA);
- 293 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 294 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 295 d. 2,5-Dimethoxyamphetamine;
- 296 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 297 f. N-ethylamphetamine;
- 298 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 299 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 300 i. 4-methoxyamphetamine;
- 301 j. 4-methoxymethamphetamine;
- 302 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 303 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 304 m. 3,4-Methylenedioxyamphetamine;
- 305 n. N,N-dimethylamphetamine; or
- 306 o. 3,4,5-Trimethoxyamphetamine,

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 308 individually or in any combination of or any mixture containing
 309 any substance listed in sub-subparagraphs a.-o., and who knows
 310 that the probable result of such manufacture or importation
 311 would be the death of any person commits capital manufacture or
 312 importation of Phenethylamines, a capital felony punishable as

313 provided in ss. 775.082 and 921.142. Any person sentenced for a
 314 capital felony under this paragraph shall also be sentenced to
 315 pay the maximum fine provided under subparagraph 1.

316 (1)1. Any person who knowingly sells, purchases,
 317 manufactures, delivers, or brings into this state, or who is
 318 knowingly in actual or constructive possession of, 1 gram or
 319 more of lysergic acid diethylamide (LSD) as described in s.
 320 893.03(1)(c), or of any mixture containing lysergic acid
 321 diethylamide (LSD), commits a felony of the first degree, which
 322 felony shall be known as "trafficking in lysergic acid
 323 diethylamide (LSD)," punishable as provided in s. 775.082, s.
 324 775.083, or s. 775.084. If the quantity involved:

325 a. Is 1 gram or more, but less than 5 grams, such person
 326 shall be sentenced, upon a second or subsequent conviction, to a
 327 mandatory minimum term of imprisonment of 3 years, and the
 328 defendant shall be ordered to pay a fine of \$50,000.

329 b. Is 5 grams or more, but less than 7 grams, such person
 330 shall be sentenced to a mandatory minimum term of imprisonment
 331 of 7 years, and the defendant shall be ordered to pay a fine of
 332 \$100,000.

333 c. Is 7 grams or more, such person shall be sentenced to a
 334 mandatory minimum term of imprisonment of 15 calendar years and
 335 pay a fine of \$500,000.

336 2. Any person who knowingly manufactures or brings into
 337 this state 7 grams or more of lysergic acid diethylamide (LSD)
 338 as described in s. 893.03(1)(c), or any mixture containing

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339 lysergic acid diethylamide (LSD), and who knows that the
340 probable result of such manufacture or importation would be the
341 death of any person commits capital manufacture or importation
342 of lysergic acid diethylamide (LSD), a capital felony punishable
343 as provided in ss. 775.082 and 921.142. Any person sentenced for
344 a capital felony under this paragraph shall also be sentenced to
345 pay the maximum fine provided under subparagraph 1.

346 Section 2. This act shall take effect July 1, 2014.