

By Senator Joyner

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1                   A bill to be entitled  
2           An act relating to trafficking in illegal drugs;  
3           amending s. 893.135, F.S.; providing that a specified  
4           mandatory minimum term of imprisonment and a specified  
5           fine no longer apply upon a first conviction of a  
6           person who knowingly sells, purchases, manufactures,  
7           delivers, or brings into this state, or who is  
8           knowingly in actual or constructive possession of, a  
9           specified quantity of certain designated illegal  
10          drugs; providing that a specified mandatory minimum  
11          term of imprisonment and specified fine apply upon a  
12          second or subsequent conviction; providing an  
13          effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17           Section 1. Paragraphs (b), (c), (d), (f), (g), (k), and (l)  
18          of subsection (1) of section 893.135, Florida Statutes, are  
19          amended to read:

20           893.135 Trafficking; mandatory sentences; suspension or  
21          reduction of sentences; conspiracy to engage in trafficking.—

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

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

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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, manufactures,  
46 delivers, or brings into this state, or who is knowingly in  
47 actual or constructive possession of, 150 kilograms or more of  
48 cocaine, as described in s. 893.03(2)(a)4., commits the first  
49 degree felony of trafficking in cocaine. A person who has been  
50 convicted of the first degree felony of trafficking in cocaine  
51 under this subparagraph shall be punished by life imprisonment  
52 and is ineligible for any form of discretionary early release  
53 except pardon or executive clemency or conditional medical  
54 release under s. 947.149. However, if the court determines that,  
55 in addition to committing any act specified in this paragraph:

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

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59 result; or

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

62  
63 such person commits the capital felony of trafficking in  
64 cocaine, punishable as provided in ss. 775.082 and 921.142. Any  
65 person sentenced for a capital felony under this paragraph shall  
66 also be sentenced to pay the maximum fine provided under  
67 subparagraph 1.

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

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

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

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

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

99 2. Any person who knowingly sells, purchases, manufactures,  
100 delivers, or brings into this state, or who is knowingly in  
101 actual or constructive possession of, 30 kilograms or more of  
102 any morphine, opium, oxycodone, hydrocodone, hydromorphone, or  
103 any salt, derivative, isomer, or salt of an isomer thereof,  
104 including heroin, as described in s. 893.03(1)(b), (2)(a),  
105 (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture  
106 containing any such substance, commits the first degree felony  
107 of trafficking in illegal drugs. A person who has been convicted  
108 of the first degree felony of trafficking in illegal drugs under  
109 this subparagraph shall be punished by life imprisonment and is  
110 ineligible for any form of discretionary early release except  
111 pardon or executive clemency or conditional medical release  
112 under s. 947.149. However, if the court determines that, in  
113 addition to committing any act specified in this paragraph:

114 a. The person intentionally killed an individual or  
115 counseled, commanded, induced, procured, or caused the  
116 intentional killing of an individual and such killing was the

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117 result; or

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

120  
121 such person commits the capital felony of trafficking in illegal  
122 drugs, punishable as provided in ss. 775.082 and 921.142. Any  
123 person sentenced for a capital felony under this paragraph shall  
124 also be sentenced to pay the maximum fine provided under  
125 subparagraph 1.

126 3. Any person who knowingly brings into this state 60  
127 kilograms or more of any morphine, opium, oxycodone,  
128 hydrocodone, hydromorphone, or any salt, derivative, isomer, or  
129 salt of an isomer thereof, including heroin, as described in s.  
130 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or  
131 more of any mixture containing any such substance, and who knows  
132 that the probable result of such importation would be the death  
133 of any person, commits capital importation of illegal drugs, a  
134 capital felony punishable as provided in ss. 775.082 and  
135 921.142. Any person sentenced for a capital felony under this  
136 paragraph shall also be sentenced to pay the maximum fine  
137 provided under subparagraph 1.

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

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

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

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

158 2. Any person who knowingly brings into this state 800  
159 grams or more of phencyclidine or of any mixture containing  
160 phencyclidine, as described in s. 893.03(2)(b), and who knows  
161 that the probable result of such importation would be the death  
162 of any person commits capital importation of phencyclidine, a  
163 capital felony punishable as provided in ss. 775.082 and  
164 921.142. Any person sentenced for a capital felony under this  
165 paragraph shall also be sentenced to pay the maximum fine  
166 provided under subparagraph 1.

167 (f)1. Any person who knowingly sells, purchases,  
168 manufactures, delivers, or brings into this state, or who is  
169 knowingly in actual or constructive possession of, 14 grams or  
170 more of amphetamine, as described in s. 893.03(2)(c)2., or  
171 methamphetamine, as described in s. 893.03(2)(c)4., or of any  
172 mixture containing amphetamine or methamphetamine, or  
173 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine  
174 in conjunction with other chemicals and equipment utilized in

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175 the manufacture of amphetamine or methamphetamine, commits a  
176 felony of the first degree, which felony shall be known as  
177 "trafficking in amphetamine," punishable as provided in s.  
178 775.082, s. 775.083, or s. 775.084. If the quantity involved:

179 a. Is 14 grams or more, but less than 28 grams, such person  
180 shall be sentenced, upon a second or subsequent conviction, to a  
181 mandatory minimum term of imprisonment of 3 years, and the  
182 defendant shall be ordered to pay a fine of \$50,000.

183 b. Is 28 grams or more, but less than 200 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 200 grams or more, such person shall be sentenced to  
188 a mandatory minimum term of imprisonment of 15 calendar years  
189 and pay a fine of \$250,000.

190 2. Any person who knowingly manufactures or brings into  
191 this state 400 grams or more of amphetamine, as described in s.  
192 893.03(2)(c)2., or methamphetamine, as described in s.  
193 893.03(2)(c)4., or of any mixture containing amphetamine or  
194 methamphetamine, or phenylacetone, phenylacetic acid,  
195 pseudoephedrine, or ephedrine in conjunction with other  
196 chemicals and equipment used in the manufacture of amphetamine  
197 or methamphetamine, and who knows that the probable result of  
198 such manufacture or importation would be the death of any person  
199 commits capital manufacture or importation of amphetamine, a  
200 capital felony punishable as provided in ss. 775.082 and  
201 921.142. Any person sentenced for a capital felony under this  
202 paragraph shall also be sentenced to pay the maximum fine  
203 provided under subparagraph 1.

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204 (g)1. Any person who knowingly sells, purchases,  
205 manufactures, delivers, or brings into this state, or who is  
206 knowingly in actual or constructive possession of, 4 grams or  
207 more of flunitrazepam or any mixture containing flunitrazepam as  
208 described in s. 893.03(1)(a) commits a felony of the first  
209 degree, which felony shall be known as "trafficking in  
210 flunitrazepam," punishable as provided in s. 775.082, s.  
211 775.083, or s. 775.084. If the quantity involved:

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

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

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

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



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233 under s. 947.149. However, if the court determines that, in  
234 addition to committing any act specified in this paragraph:

235 a. The person intentionally killed an individual or  
236 counseled, commanded, induced, procured, or caused the  
237 intentional killing of an individual and such killing was the  
238 result; or

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

241  
242 such person commits the capital felony of trafficking in  
243 flunitrazepam, punishable as provided in ss. 775.082 and  
244 921.142. Any person sentenced for a capital felony under this  
245 paragraph shall also be sentenced to pay the maximum fine  
246 provided under subparagraph 1.

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

251 893.03(1)(c):

- 252 a. 3,4-Methylenedioxymethamphetamine (MDMA);  
253 b. 4-Bromo-2,5-dimethoxyamphetamine;  
254 c. 4-Bromo-2,5-dimethoxyphenethylamine;  
255 d. 2,5-Dimethoxyamphetamine;  
256 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);  
257 f. N-ethylamphetamine;  
258 g. N-Hydroxy-3,4-methylenedioxyamphetamine;  
259 h. 5-Methoxy-3,4-methylenedioxyamphetamine;  
260 i. 4-methoxyamphetamine;  
261 j. 4-methoxymethamphetamine;

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- 262 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 263 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 264 m. 3,4-Methylenedioxyamphetamine;
- 265 n. N,N-dimethylamphetamine; or
- 266 o. 3,4,5-Trimethoxyamphetamine,
- 267
- 268 individually or in any combination of or any mixture containing
- 269 any substance listed in sub-subparagraphs a.-o., commits a
- 270 felony of the first degree, which felony shall be known as
- 271 "trafficking in Phenethylamines," punishable as provided in s.
- 272 775.082, s. 775.083, or s. 775.084.
- 273 2. If the quantity involved:
- 274 a. Is 10 grams or more but less than 200 grams, such person
- 275 shall be sentenced, upon a second or subsequent conviction, to a
- 276 mandatory minimum term of imprisonment of 3 years, and the
- 277 defendant shall be ordered to pay a fine of \$50,000.
- 278 b. Is 200 grams or more, but less than 400 grams, such
- 279 person shall be sentenced to a mandatory minimum term of
- 280 imprisonment of 7 years, and the defendant shall be ordered to
- 281 pay a fine of \$100,000.
- 282 c. Is 400 grams or more, such person shall be sentenced to
- 283 a mandatory minimum term of imprisonment of 15 calendar years
- 284 and pay a fine of \$250,000.
- 285 3. Any person who knowingly manufactures or brings into
- 286 this state 30 kilograms or more of any of the following
- 287 substances described in s. 893.03(1)(c):
- 288 a. 3,4-Methylenedioxymethamphetamine (MDMA);
- 289 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 290 c. 4-Bromo-2,5-dimethoxyphenethylamine;

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

304 individually or in any combination of or any mixture containing

305 any substance listed in sub-subparagraphs a.-o., and who knows

306 that the probable result of such manufacture or importation

307 would be the death of any person commits capital manufacture or

308 importation of Phenethylamines, a capital felony punishable as

309 provided in ss. 775.082 and 921.142. Any person sentenced for a

310 capital felony under this paragraph shall also be sentenced to

311 pay the maximum fine provided under subparagraph 1.

312 (1)1. Any person who knowingly sells, purchases,

313 manufactures, delivers, or brings into this state, or who is

314 knowingly in actual or constructive possession of, 1 gram or

315 more of lysergic acid diethylamide (LSD) as described in s.

316 893.03(1)(c), or of any mixture containing lysergic acid

317 diethylamide (LSD), commits a felony of the first degree, which

318 felony shall be known as "trafficking in lysergic acid

319 diethylamide (LSD)," punishable as provided in s. 775.082, s.

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320 775.083, or s. 775.084. If the quantity involved:

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

325 b. Is 5 grams or more, but less than 7 grams, such person  
326 shall be sentenced to a mandatory minimum term of imprisonment  
327 of 7 years, and the defendant shall be ordered to pay a fine of  
328 \$100,000.

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

332 2. Any person who knowingly manufactures or brings into  
333 this state 7 grams or more of lysergic acid diethylamide (LSD)  
334 as described in s. 893.03(1)(c), or any mixture containing  
335 lysergic acid diethylamide (LSD), and who knows that the  
336 probable result of such manufacture or importation would be the  
337 death of any person commits capital manufacture or importation  
338 of lysergic acid diethylamide (LSD), a capital felony punishable  
339 as provided in ss. 775.082 and 921.142. Any person sentenced for  
340 a capital felony under this paragraph shall also be sentenced to  
341 pay the maximum fine provided under subparagraph 1.

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