

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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 WITHDRAWN _____ (Y/N)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

1 Committee/Subcommittee hearing bill: Justice Appropriations
 2 Subcommittee
 3 Representative Van Zant offered the following:

Amendment (with title amendment)

Remove lines 40-180 and insert:

775.083, or s. 775.084. If the quantity involved in the current
charge or, if the defendant has prior convictions under this
subparagraph, that amount plus the accumulated total of the
amounts involved in such prior convictions:

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

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

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17 imprisonment of 15 years, ~~and the defendant shall be ordered to~~
18 pay a fine of \$100,000.

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

23 2. A person who knowingly sells, purchases, manufactures,
24 delivers, or brings into this state, or who is knowingly in
25 actual or constructive possession, of 14 grams or more of
26 hydrocodone, or 14 grams or more of any mixture containing any
27 such substance, commits a felony of the first degree, which
28 felony shall be known as "trafficking in hydrocodone,"
29 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
30 If the quantity involved in the current charge or, if the
31 defendant has prior convictions under this subparagraph, that
32 amount plus the accumulated total of the amounts involved in
33 such prior convictions:

34 a. Is 14 grams or more, but less than 28 grams, such
35 person shall be sentenced to a mandatory minimum term of
36 imprisonment of 3 years and shall be ordered to pay a fine of
37 \$50,000.

38 b. Is 28 grams or more, but less than 50 grams, such
39 person shall be sentenced to a mandatory minimum term of
40 imprisonment of 7 years and shall be ordered to pay a fine of
41 \$100,000.

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42 c. Is 50 grams or more, but less than 200 grams, such
43 person shall be sentenced to a mandatory minimum term of
44 imprisonment of 15 years and shall be ordered to pay a fine of
45 \$500,000.

46 d. Is 200 grams or more, but less than 30 kilograms, such
47 person shall be sentenced to a mandatory minimum term of
48 imprisonment of 25 years and shall be ordered to pay a fine of
49 \$750,000.

50 e. Is 30 kilograms or more, such person shall be punished
51 by life imprisonment and is ineligible for any form of
52 discretionary early release except pardon, executive clemency,
53 or conditional medical release under s. 947.149. However, if the
54 court determines that, in addition to committing any act
55 specified in this paragraph:

56 (I) 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
59 result; or

60 (II) 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 hydrocodone, punishable as provided in ss. 775.082 and 921.142.
65 A person sentenced under this sub-subparagraph shall also be
66 sentenced to pay the maximum fine provided under this
67 subparagraph.

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68 f. A person who knowingly brings into this state 60
69 kilograms or more and who knows that the probable result of such
70 importation would be the death of a person, commits capital
71 importation of hydrocodone, a capital felony punishable as
72 provided in ss. 775.082 and 921.142. A person sentenced for a
73 capital felony under this sub-subparagraph shall also be
74 sentenced to pay the maximum fine provided under this
75 subparagraph.

76 3. A person who knowingly sells, purchases, manufactures,
77 delivers, or brings into this state, or who is knowingly in
78 actual or constructive possession of, 7 grams or more of
79 oxycodone, or 7 grams or more of any mixture containing any such
80 substance, commits a felony of the first degree, which felony
81 shall be known as "trafficking in oxycodone," punishable as
82 provided in s. 775.082, s. 775.083, or s. 775.084. If the
83 quantity involved:

84 a. Is 7 grams or more, but less than 14 grams, such person
85 shall be sentenced to a mandatory minimum term of imprisonment
86 of 3 years and shall be ordered to pay a fine of \$50,000.

87 b. Is 14 grams or more, but less than 25 grams, such
88 person shall be sentenced to a mandatory minimum term of
89 imprisonment of 7 years and shall be ordered to pay a fine of
90 \$100,000.

91 c. Is 25 grams or more, but less than 100 grams, such
92 person shall be sentenced to a mandatory minimum term of

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93 imprisonment of 15 years and shall be ordered to pay a fine of
94 \$500,000.

95 d. Is 100 grams or more, but less than 30 kilograms, such
96 person shall be sentenced to a mandatory minimum term of
97 imprisonment of 25 years and shall be ordered to pay a fine of
98 \$750,000.

99 e. Is 30 kilograms or more, such person shall be punished
100 by life imprisonment and is ineligible for any form of
101 discretionary early release except pardon, executive clemency,
102 or conditional medical release under s. 947.149. However, if the
103 court determines that, in addition to committing any act
104 specified in this paragraph:

105 (I) The person intentionally killed an individual or
106 counseled, commanded, induced, procured, or caused the
107 intentional killing of an individual and such killing was the
108 result; or

109 (II) The person's conduct in committing that act led to a
110 natural, though not inevitable, lethal result,

111
112 such person commits the capital felony of trafficking in
113 oxycodone, punishable as provided in ss. 775.082 and 921.142. A
114 person sentenced under this sub-subparagraph shall also be
115 sentenced to pay the maximum fine provided under this
116 subparagraph.

117 f. A person who knowingly brings into this state 60
118 kilograms or more and who knows that the probable result of such

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119 importation would be the death of a person, commits capital
120 importation of oxycodone, a capital felony punishable as
121 provided in ss. 775.082 and 921.142. A person sentenced for a
122 capital felony under this sub-subparagraph shall also be
123 sentenced to pay the maximum fine provided under this
124 subparagraph.

125 4. If a person has one or more prior convictions for
126 possessing, selling, purchasing, manufacturing, or delivering
127 into this state hydrocodone or oxycodone, the judge presiding
128 over the current offense shall add the quantities involved in
129 the previous convictions to the quantity involved in the current
130 offense and, if the total amount exceeds the thresholds
131 contained in subparagraph 2. or subparagraph 3., respectively,
132 the person shall be sentenced in accordance with that respective
133 subparagraph.

134 5. A 2. Any person who knowingly sells, purchases,
135 manufactures, delivers, or brings into this state, or who is
136 knowingly in actual or constructive possession of, 30 kilograms
137 or more of any morphine, opium, ~~oxycodone, hydrocodone,~~
138 hydromorphone, or any salt, derivative, isomer, or salt of an
139 isomer thereof, including heroin, as described in s.
140 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
141 more of any mixture containing any such substance, commits the
142 first degree felony of trafficking in illegal drugs. A person
143 who has been convicted of the first degree felony of trafficking
144 in illegal drugs under this subparagraph shall be punished by

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145 life imprisonment and is ineligible for any form of
146 discretionary early release except pardon or executive clemency
147 or conditional medical release under s. 947.149. However, if the
148 court determines that, in addition to committing any act
149 specified in this paragraph:

150 a. The person intentionally killed an individual or
151 counseled, commanded, induced, procured, or caused the
152 intentional killing of an individual and such killing was the
153 result; or

154 b. The person's conduct in committing that act led to a
155 natural, though not inevitable, lethal result,
156
157 such person commits the capital felony of trafficking in illegal
158 drugs, punishable as provided in ss. 775.082 and 921.142. A ~~Any~~
159 person sentenced for a capital felony under this paragraph shall
160 also be sentenced to pay the maximum fine provided under
161 subparagraph 1.

162 6. A 3. ~~Any~~ person who knowingly brings into this state
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165 **T I T L E A M E N D M E N T**

166 Between lines 8 and 9, insert:
167 providing for the adding together of quantities involved in
168 prior convictions for purposes of calculating sentence;