

1                                   A bill to be entitled  
2           An act relating to sentencing for capital felonies;  
3           amending s. 775.082, F.S.; conforming a provision to  
4           changes made by the act; amending ss. 921.141 and  
5           921.142, F.S.; deleting provisions relating to  
6           advisory sentencing by juries and findings by the  
7           court in support of sentences of death; requiring  
8           juries to find aggravating factors, if any, in the  
9           penalty phase of capital cases; specifying a standard  
10          of proof for such factors; requiring unanimity for  
11          such findings; requiring a jury to make a  
12          recommendation to the court whether the defendant  
13          shall be sentenced to life imprisonment or death;  
14          specifying considerations for such a recommendation;  
15          requiring a minimum number of jurors to support a  
16          recommendation of a sentence of death; requiring a  
17          sentence of life imprisonment without the possibility  
18          of parole in certain circumstances; requiring the  
19          court to enter an order meeting specified requirements  
20          in each case in which it imposes a death sentence;  
21          reenacting ss. 782.04(1)(b) and 794.011(2)(a), F.S.,  
22          relating to murder and sexual battery, respectively,  
23          for the purpose of incorporating amendments made by  
24          the act to s. 921.141, F.S., in references thereto;  
25          reenacting s. 893.135(1)(b), (c), (d), (e), (f), (g),  
26          (h), (i), (j), (k), and (l), F.S., relating to

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27 trafficking in controlled substances, for the purpose  
 28 of incorporating amendments made by the act to s.  
 29 921.142, F.S., in references thereto; providing an  
 30 effective date.

31

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

33

34 Section 1. Paragraph (a) of subsection (1) of section  
 35 775.082, Florida Statutes, is amended to read:

36 775.082 Penalties; applicability of sentencing structures;  
 37 mandatory minimum sentences for certain reoffenders previously  
 38 released from prison.—

39 (1) (a) Except as provided in paragraph (b), a person who  
 40 has been convicted of a capital felony shall be punished by  
 41 death if the proceeding held to determine sentence according to  
 42 the procedure set forth in s. 921.141 results in a determination  
 43 ~~findings by the court~~ that such person shall be punished by  
 44 death, otherwise such person shall be punished by life  
 45 imprisonment and shall be ineligible for parole.

46 Section 2. Section 921.141, Florida Statutes, is amended  
 47 to read:

48 921.141 Sentence of death or life imprisonment for capital  
 49 felonies; further proceedings to determine sentence.—

50 (1) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon  
 51 conviction or adjudication of guilt of a defendant of a capital  
 52 felony, the court shall conduct a separate sentencing proceeding

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53 | to determine whether the defendant should be sentenced to death  
54 | or life imprisonment as authorized by s. 775.082. The proceeding  
55 | shall be conducted by the trial judge before the trial jury as  
56 | soon as practicable. If, through impossibility or inability, the  
57 | trial jury is unable to reconvene for a hearing on the issue of  
58 | penalty, having determined the guilt of the accused, the trial  
59 | judge may summon a special juror or jurors as provided in  
60 | chapter 913 to determine the issue of the imposition of the  
61 | penalty. If the trial jury has been waived, or if the defendant  
62 | pleaded guilty, the sentencing proceeding shall be conducted  
63 | before a jury impaneled for that purpose, unless waived by the  
64 | defendant. In the proceeding, evidence may be presented as to  
65 | any matter that the court deems relevant to the nature of the  
66 | crime and the character of the defendant and shall include  
67 | matters relating to any of the aggravating factors or mitigating  
68 | circumstances enumerated in subsections ~~(5)~~ and (6) and (7). Any  
69 | such evidence which the court deems to have probative value may  
70 | be received, regardless of its admissibility under the  
71 | exclusionary rules of evidence, provided the defendant is  
72 | accorded a fair opportunity to rebut any hearsay statements.  
73 | However, this subsection shall not be construed to authorize the  
74 | introduction of any evidence secured in violation of the  
75 | Constitution of the United States or the Constitution of the  
76 | State of Florida. The state and the defendant or the defendant's  
77 | counsel shall be permitted to present argument for or against  
78 | sentence of death.

79 (2) FINDINGS AND RECOMMENDED SENTENCE BY THE JURY—This  
 80 subsection applies only if the defendant has not waived his or  
 81 her right to a sentencing proceeding by a jury.

82 (a) After hearing all of the evidence presented in  
 83 aggravation and mitigation, the jury shall deliberate and  
 84 determine if the state has proven, beyond a reasonable doubt,  
 85 the existence of at least one aggravating factor set forth in  
 86 subsection (6).

87 (b) The jury shall return findings identifying each  
 88 aggravating factor found to exist. A finding that an aggravating  
 89 factor exists must be unanimous. If the jury:

90 1. Does not unanimously find at least one aggravating  
 91 factor, the defendant is ineligible for a sentence of death.

92 2. Unanimously finds at least one aggravating factor, the  
 93 defendant is eligible for a sentence of death and the jury shall  
 94 make a recommendation to the court as to whether the defendant  
 95 shall be sentenced to life imprisonment without the possibility  
 96 of parole or death. The recommendation shall be based on a  
 97 weighing of the following:

98 a. Whether sufficient aggravating factors exist.

99 b. Whether sufficient mitigating circumstances exist that  
 100 outweigh the aggravating factors found to exist.

101 c. Based on these considerations, whether the defendant  
 102 should be sentenced to life imprisonment without the possibility  
 103 of parole or death.

104 (c) If at least nine jurors determine that the defendant

105 should be sentenced to death, the jury's recommendation to the  
 106 court shall be a sentence of death. If fewer than nine jurors  
 107 determine that the defendant should be sentenced to death, the  
 108 jury's recommendation to the court shall be a sentence of life  
 109 imprisonment without the possibility of parole.

110 (3) IMPOSITION OF LIFE OR DEATH SENTENCE.—

111 (a) If the jury has recommended a sentence of:

112 1. Life imprisonment without the possibility of parole,  
 113 the court shall impose the recommended sentence.

114 2. Death, the court, after considering each aggravating  
 115 factor found by the jury and all mitigating circumstances, may  
 116 impose a sentence of life imprisonment without the possibility  
 117 of parole or a sentence of death. The court may only consider an  
 118 aggravating factor if the factor was unanimously found by the  
 119 jury to exist.

120 (b) If the defendant waived his or her right to a  
 121 sentencing proceeding by a jury, the court, after considering  
 122 all aggravating factors and mitigating circumstances, may impose  
 123 a sentence of life imprisonment without the possibility of  
 124 parole or a sentence of death. The court may only impose a  
 125 sentence of death if the court finds at least one aggravating  
 126 factor has been proven beyond a reasonable doubt to exist.

127 (4) ORDER OF THE COURT IN SUPPORT OF SENTENCE OF DEATH.—In  
 128 each case in which the court imposes a death sentence, the court  
 129 shall, considering the records of the trial and the sentencing  
 130 proceedings, enter a written order addressing the aggravating

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131 factors set forth in subsection (6) found to exist, the  
132 mitigating circumstances in subsection (7) reasonably  
133 established by the evidence, whether there are sufficient  
134 aggravating factors to warrant the death penalty, and whether  
135 the mitigating circumstances reasonably established by the  
136 evidence outweigh the aggravating factors. If the court does not  
137 issue its order requiring the death sentence within 30 days  
138 after the rendition of the judgment and sentence, the court  
139 shall impose a sentence of life imprisonment without the  
140 possibility of parole in accordance with s. 775.082.

141 ~~(2) ADVISORY SENTENCE BY THE JURY.—After hearing all the~~  
142 ~~evidence, the jury shall deliberate and render an advisory~~  
143 ~~sentence to the court, based upon the following matters:~~

144 ~~(a) Whether sufficient aggravating circumstances exist as~~  
145 ~~enumerated in subsection (5);~~

146 ~~(b) Whether sufficient mitigating circumstances exist~~  
147 ~~which outweigh the aggravating circumstances found to exist; and~~

148 ~~(c) Based on these considerations, whether the defendant~~  
149 ~~should be sentenced to life imprisonment or death.~~

150 ~~(3) FINDINGS IN SUPPORT OF SENTENCE OF DEATH.—~~

151 ~~Notwithstanding the recommendation of a majority of the jury,~~  
152 ~~the court, after weighing the aggravating and mitigating~~  
153 ~~circumstances, shall enter a sentence of life imprisonment or~~  
154 ~~death, but if the court imposes a sentence of death, it shall~~  
155 ~~set forth in writing its findings upon which the sentence of~~  
156 ~~death is based as to the facts:~~

157 ~~(a) That sufficient aggravating circumstances exist as~~  
 158 ~~enumerated in subsection (5), and~~

159 ~~(b) That there are insufficient mitigating circumstances~~  
 160 ~~to outweigh the aggravating circumstances.~~

161  
 162 ~~In each case in which the court imposes the death sentence, the~~  
 163 ~~determination of the court shall be supported by specific~~  
 164 ~~written findings of fact based upon the circumstances in~~  
 165 ~~subsections (5) and (6) and upon the records of the trial and~~  
 166 ~~the sentencing proceedings. If the court does not make the~~  
 167 ~~findings requiring the death sentence within 30 days after the~~  
 168 ~~rendition of the judgment and sentence, the court shall impose~~  
 169 ~~sentence of life imprisonment in accordance with s. 775.082.~~

170 (5)~~(4)~~ REVIEW OF JUDGMENT AND SENTENCE.—The judgment of  
 171 conviction and sentence of death shall be subject to automatic  
 172 review by the Supreme Court of Florida and disposition rendered  
 173 within 2 years after the filing of a notice of appeal. Such  
 174 review by the Supreme Court shall have priority over all other  
 175 cases and shall be heard in accordance with rules promulgated by  
 176 the Supreme Court.

177 (6)~~(5)~~ AGGRAVATING FACTORS CIRCUMSTANCES.—Aggravating  
 178 factors ~~circumstances~~ shall be limited to the following:

179 (a) The capital felony was committed by a person  
 180 previously convicted of a felony and under sentence of  
 181 imprisonment or placed on community control or on felony  
 182 probation.

183 (b) The defendant was previously convicted of another  
184 capital felony or of a felony involving the use or threat of  
185 violence to the person.

186 (c) The defendant knowingly created a great risk of death  
187 to many persons.

188 (d) The capital felony was committed while the defendant  
189 was engaged, or was an accomplice, in the commission of, or an  
190 attempt to commit, or flight after committing or attempting to  
191 commit, any: robbery; sexual battery; aggravated child abuse;  
192 abuse of an elderly person or disabled adult resulting in great  
193 bodily harm, permanent disability, or permanent disfigurement;  
194 arson; burglary; kidnapping; aircraft piracy; or unlawful  
195 throwing, placing, or discharging of a destructive device or  
196 bomb.

197 (e) The capital felony was committed for the purpose of  
198 avoiding or preventing a lawful arrest or effecting an escape  
199 from custody.

200 (f) The capital felony was committed for pecuniary gain.

201 (g) The capital felony was committed to disrupt or hinder  
202 the lawful exercise of any governmental function or the  
203 enforcement of laws.

204 (h) The capital felony was especially heinous, atrocious,  
205 or cruel.

206 (i) The capital felony was a homicide and was committed in  
207 a cold, calculated, and premeditated manner without any pretense  
208 of moral or legal justification.



209 (j) The victim of the capital felony was a law enforcement  
 210 officer engaged in the performance of his or her official  
 211 duties.

212 (k) The victim of the capital felony was an elected or  
 213 appointed public official engaged in the performance of his or  
 214 her official duties if the motive for the capital felony was  
 215 related, in whole or in part, to the victim's official capacity.

216 (l) The victim of the capital felony was a person less  
 217 than 12 years of age.

218 (m) The victim of the capital felony was particularly  
 219 vulnerable due to advanced age or disability, or because the  
 220 defendant stood in a position of familial or custodial authority  
 221 over the victim.

222 (n) The capital felony was committed by a criminal gang  
 223 member, as defined in s. 874.03.

224 (o) The capital felony was committed by a person  
 225 designated as a sexual predator pursuant to s. 775.21 or a  
 226 person previously designated as a sexual predator who had the  
 227 sexual predator designation removed.

228 (p) The capital felony was committed by a person subject  
 229 to an injunction issued pursuant to s. 741.30 or s. 784.046, or  
 230 a foreign protection order accorded full faith and credit  
 231 pursuant to s. 741.315, and was committed against the petitioner  
 232 who obtained the injunction or protection order or any spouse,  
 233 child, sibling, or parent of the petitioner.

234 (7)~~(6)~~ MITIGATING CIRCUMSTANCES.—Mitigating circumstances

235 shall be the following:

236 (a) The defendant has no significant history of prior  
237 criminal activity.

238 (b) The capital felony was committed while the defendant  
239 was under the influence of extreme mental or emotional  
240 disturbance.

241 (c) The victim was a participant in the defendant's  
242 conduct or consented to the act.

243 (d) The defendant was an accomplice in the capital felony  
244 committed by another person and his or her participation was  
245 relatively minor.

246 (e) The defendant acted under extreme duress or under the  
247 substantial domination of another person.

248 (f) The capacity of the defendant to appreciate the  
249 criminality of his or her conduct or to conform his or her  
250 conduct to the requirements of law was substantially impaired.

251 (g) The age of the defendant at the time of the crime.

252 (h) The existence of any other factors in the defendant's  
253 background that would mitigate against imposition of the death  
254 penalty.

255 (8) ~~(7)~~ VICTIM IMPACT EVIDENCE.—Once the prosecution has  
256 provided evidence of the existence of one or more aggravating  
257 factors ~~circumstances~~ as described in subsection (6) ~~(5)~~, the  
258 prosecution may introduce, and subsequently argue, victim impact  
259 evidence to the jury. Such evidence shall be designed to  
260 demonstrate the victim's uniqueness as an individual human being

261 and the resultant loss to the community's members by the  
 262 victim's death. Characterizations and opinions about the crime,  
 263 the defendant, and the appropriate sentence shall not be  
 264 permitted as a part of victim impact evidence.

265 (9)~~(8)~~ APPLICABILITY.—This section does not apply to a  
 266 person convicted or adjudicated guilty of a capital drug  
 267 trafficking felony under s. 893.135.

268 Section 3. Section 921.142, Florida Statutes, is amended  
 269 to read:

270 921.142 Sentence of death or life imprisonment for capital  
 271 drug trafficking felonies; further proceedings to determine  
 272 sentence.—

273 (1) FINDINGS.—The Legislature finds that trafficking in  
 274 cocaine or opiates carries a grave risk of death or danger to  
 275 the public; that a reckless disregard for human life is implicit  
 276 in knowingly trafficking in cocaine or opiates; and that persons  
 277 who traffic in cocaine or opiates may be determined by the trier  
 278 of fact to have a culpable mental state of reckless indifference  
 279 or disregard for human life.

280 (2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon  
 281 conviction or adjudication of guilt of a defendant of a capital  
 282 felony under s. 893.135, the court shall conduct a separate  
 283 sentencing proceeding to determine whether the defendant should  
 284 be sentenced to death or life imprisonment as authorized by s.  
 285 775.082. The proceeding shall be conducted by the trial judge  
 286 before the trial jury as soon as practicable. If, through

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287 impossibility or inability, the trial jury is unable to  
288 reconvene for a hearing on the issue of penalty, having  
289 determined the guilt of the accused, the trial judge may summon  
290 a special juror or jurors as provided in chapter 913 to  
291 determine the issue of the imposition of the penalty. If the  
292 trial jury has been waived, or if the defendant pleaded guilty,  
293 the sentencing proceeding shall be conducted before a jury  
294 impaneled for that purpose, unless waived by the defendant. In  
295 the proceeding, evidence may be presented as to any matter that  
296 the court deems relevant to the nature of the crime and the  
297 character of the defendant and shall include matters relating to  
298 any of the aggravating factors or mitigating circumstances  
299 enumerated in subsections ~~(6) and~~ (7) and (8). Any such evidence  
300 which the court deems to have probative value may be received,  
301 regardless of its admissibility under the exclusionary rules of  
302 evidence, provided the defendant is accorded a fair opportunity  
303 to rebut any hearsay statements. However, this subsection shall  
304 not be construed to authorize the introduction of any evidence  
305 secured in violation of the Constitution of the United States or  
306 the Constitution of the State of Florida. The state and the  
307 defendant or the defendant's counsel shall be permitted to  
308 present argument for or against sentence of death.

309 (3) FINDINGS AND RECOMMENDED SENTENCE BY THE JURY—This  
310 subsection applies only if the defendant has not waived his or  
311 her right to a sentencing proceeding by a jury.

312 (a) After hearing all of the evidence presented in

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313 aggravation and mitigation, the jury shall deliberate and  
314 determine if the state has proven, beyond a reasonable doubt,  
315 the existence of at least one aggravating factor set forth in  
316 subsection (7).

317 (b) The jury shall return findings identifying each  
318 aggravating factor found to exist. A finding that an aggravating  
319 factor exists must be unanimous. If the jury:

320 1. Does not unanimously find at least one aggravating  
321 factor, the defendant is ineligible for a sentence of death.

322 2. Unanimously finds at least one aggravating factor, the  
323 defendant is eligible for a sentence of death and the jury shall  
324 make a recommendation to the court as to whether the defendant  
325 shall be sentenced to life imprisonment without the possibility  
326 of parole or death. The recommendation shall be based on a  
327 weighing of the following:

328 a. Whether sufficient aggravating factors exist.

329 b. Whether sufficient mitigating circumstances exist that  
330 outweigh the aggravating factors found to exist.

331 c. Based on these considerations, whether the defendant  
332 should be sentenced to life imprisonment without the possibility  
333 of parole or death.

334 (c) If at least nine jurors determine that the defendant  
335 should be sentenced to death, the jury's recommendation to the  
336 court shall be a sentence of death. If fewer than nine jurors  
337 determine that the defendant should be sentenced to death, the  
338 jury's recommendation to the court shall be a sentence of life

339 imprisonment without the possibility of parole.

340 (4) IMPOSITION OF LIFE OR DEATH SENTENCE.—

341 (a) If the jury has recommended a sentence of:

342 1. Life imprisonment without the possibility of parole,  
343 the court shall impose the recommended sentence.

344 2. Death, the court, after considering each aggravating  
345 factor found by the jury and all mitigating circumstances, may  
346 impose a sentence of life imprisonment without the possibility  
347 of parole or a sentence of death. The court may only consider an  
348 aggravating factor if the factor was unanimously found by the  
349 jury to exist.

350 (b) If the defendant waived his or her right to a  
351 sentencing proceeding by a jury, the court, after considering  
352 all aggravating factors and mitigating circumstances, may impose  
353 a sentence of life imprisonment without the possibility of  
354 parole or a sentence of death. The court may only impose a  
355 sentence of death if the court finds at least one aggravating  
356 factor has been proven beyond a reasonable doubt to exist.

357 (5) ORDER OF THE COURT IN SUPPORT OF SENTENCE OF DEATH.—In  
358 each case in which the court imposes a death sentence, the court  
359 shall, considering the records of the trial and the sentencing  
360 proceedings, enter a written order addressing the aggravating  
361 factors set forth in subsection (7) found to exist, the  
362 mitigating circumstances in subsection (8) reasonably  
363 established by the evidence, whether there are sufficient  
364 aggravating factors to warrant the death penalty, and whether

365 the mitigating circumstances reasonably established by the  
366 evidence outweigh the aggravating factors. If the court does not  
367 issue its order requiring the death sentence within 30 days  
368 after the rendition of the judgment and sentence, the court  
369 shall impose a sentence of life imprisonment without the  
370 possibility of parole in accordance with s. 775.082.

371 ~~(3) ADVISORY SENTENCE BY THE JURY.—After hearing all the~~  
372 ~~evidence, the jury shall deliberate and render an advisory~~  
373 ~~sentence to the court, based upon the following matters:~~

374 ~~(a) Whether sufficient aggravating circumstances exist as~~  
375 ~~enumerated in subsection (6);~~

376 ~~(b) Whether sufficient mitigating circumstances exist~~  
377 ~~which outweigh the aggravating circumstances found to exist; and~~

378 ~~(c) Based on these considerations, whether the defendant~~  
379 ~~should be sentenced to life imprisonment or death.~~

380 ~~(4) FINDINGS IN SUPPORT OF SENTENCE OF DEATH.—~~

381 ~~Notwithstanding the recommendation of a majority of the jury,~~  
382 ~~the court, after weighing the aggravating and mitigating~~  
383 ~~circumstances, shall enter a sentence of life imprisonment or~~  
384 ~~death, but if the court imposes a sentence of death, it shall~~  
385 ~~set forth in writing its findings upon which the sentence of~~  
386 ~~death is based as to the facts:~~

387 ~~(a) That sufficient aggravating circumstances exist as~~  
388 ~~enumerated in subsection (6), and~~

389 ~~(b) That there are insufficient mitigating circumstances~~  
390 ~~to outweigh the aggravating circumstances.~~

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391  
392 ~~In each case in which the court imposes the death sentence, the~~  
393 ~~determination of the court shall be supported by specific~~  
394 ~~written findings of fact based upon the circumstances in~~  
395 ~~subsections (6) and (7) and upon the records of the trial and~~  
396 ~~the sentencing proceedings. If the court does not make the~~  
397 ~~findings requiring the death sentence within 30 days after the~~  
398 ~~rendition of the judgment and sentence, the court shall impose~~  
399 ~~sentence of life imprisonment in accordance with s. 775.082, and~~  
400 ~~that person shall be ineligible for parole.~~

401 (6)~~(5)~~ REVIEW OF JUDGMENT AND SENTENCE.—The judgment of  
402 conviction and sentence of death shall be subject to automatic  
403 review and disposition rendered by the Supreme Court of Florida  
404 within 2 years after the filing of a notice of appeal. Such  
405 review by the Supreme Court shall have priority over all other  
406 cases and shall be heard in accordance with rules promulgated by  
407 the Supreme Court.

408 (7)~~(6)~~ AGGRAVATING FACTORS ~~CIRCUMSTANCES~~.—Aggravating  
409 factors ~~circumstances~~ shall be limited to the following:

410 (a) The capital felony was committed by a person under a  
411 sentence of imprisonment.

412 (b) The defendant was previously convicted of another  
413 capital felony or of a state or federal offense involving the  
414 distribution of a controlled substance that is punishable by a  
415 sentence of at least 1 year of imprisonment.

416 (c) The defendant knowingly created grave risk of death to



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417 one or more persons such that participation in the offense  
418 constituted reckless indifference or disregard for human life.

419 (d) The defendant used a firearm or knowingly directed,  
420 advised, authorized, or assisted another to use a firearm to  
421 threaten, intimidate, assault, or injure a person in committing  
422 the offense or in furtherance of the offense.

423 (e) The offense involved the distribution of controlled  
424 substances to persons under the age of 18 years, the  
425 distribution of controlled substances within school zones, or  
426 the use or employment of persons under the age of 18 years in  
427 aid of distribution of controlled substances.

428 (f) The offense involved distribution of controlled  
429 substances known to contain a potentially lethal adulterant.

430 (g) The defendant:

- 431 1. Intentionally killed the victim;
- 432 2. Intentionally inflicted serious bodily injury which  
433 resulted in the death of the victim; or
- 434 3. Intentionally engaged in conduct intending that the  
435 victim be killed or that lethal force be employed against the  
436 victim, which resulted in the death of the victim.

437 (h) The defendant committed the offense as consideration  
438 for the receipt, or in the expectation of the receipt, of  
439 anything of pecuniary value.

440 (i) The defendant committed the offense after planning and  
441 premeditation.

442 (j) The defendant committed the offense in a heinous,

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443 | cruel, or depraved manner in that the offense involved torture  
444 | or serious physical abuse to the victim.

445 |       (8)~~(7)~~ MITIGATING CIRCUMSTANCES.—Mitigating circumstances  
446 | shall include the following:

447 |           (a) The defendant has no significant history of prior  
448 | criminal activity.

449 |           (b) The capital felony was committed while the defendant  
450 | was under the influence of extreme mental or emotional  
451 | disturbance.

452 |           (c) The defendant was an accomplice in the capital felony  
453 | committed by another person, and the defendant's participation  
454 | was relatively minor.

455 |           (d) The defendant was under extreme duress or under the  
456 | substantial domination of another person.

457 |           (e) The capacity of the defendant to appreciate the  
458 | criminality of her or his conduct or to conform her or his  
459 | conduct to the requirements of law was substantially impaired.

460 |           (f) The age of the defendant at the time of the offense.

461 |           (g) The defendant could not have reasonably foreseen that  
462 | her or his conduct in the course of the commission of the  
463 | offense would cause or would create a grave risk of death to one  
464 | or more persons.

465 |           (h) The existence of any other factors in the defendant's  
466 | background that would mitigate against imposition of the death  
467 | penalty.

468 |       (9)~~(8)~~ VICTIM IMPACT EVIDENCE.—Once the prosecution has

469 provided evidence of the existence of one or more aggravating  
 470 factors ~~circumstances~~ as described in subsection (7) ~~(6)~~, the  
 471 prosecution may introduce, and subsequently argue, victim impact  
 472 evidence. Such evidence shall be designed to demonstrate the  
 473 victim's uniqueness as an individual human being and the  
 474 resultant loss to the community's members by the victim's death.  
 475 Characterizations and opinions about the crime, the defendant,  
 476 and the appropriate sentence shall not be permitted as a part of  
 477 victim impact evidence.

478 Section 4. For the purpose of incorporating the amendment  
 479 made by this act to section 921.141, Florida Statutes, in a  
 480 reference thereto, paragraph (b) of subsection (1) of section  
 481 782.04, Florida Statutes, is reenacted to read:

482 782.04 Murder.—

483 (1)

484 (b) In all cases under this section, the procedure set  
 485 forth in s. 921.141 shall be followed in order to determine  
 486 sentence of death or life imprisonment.

487 Section 5. For the purpose of incorporating the amendment  
 488 made by this act to section 921.141, Florida Statutes, in a  
 489 reference thereto, paragraph (a) of subsection (2) of section  
 490 794.011, Florida Statutes, is reenacted to read:

491 794.011 Sexual battery.—

492 (2) (a) A person 18 years of age or older who commits  
 493 sexual battery upon, or in an attempt to commit sexual battery  
 494 injures the sexual organs of, a person less than 12 years of age

495 commits a capital felony, punishable as provided in ss. 775.082  
 496 and 921.141.

497 Section 6. For the purpose of incorporating the amendment  
 498 made by this act to section 921.142, Florida Statutes, in  
 499 references thereto, paragraphs (b), (c), (d), (e), (f), (g),  
 500 (h), (i), (j), (k), and (l) of subsection (1) of section  
 501 893.135, Florida Statutes, are reenacted to read:

502 893.135 Trafficking; mandatory sentences; suspension or  
 503 reduction of sentences; conspiracy to engage in trafficking.—

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

506 (b)1. Any person who knowingly sells, purchases,  
 507 manufactures, delivers, or brings into this state, or who is  
 508 knowingly in actual or constructive possession of, 28 grams or  
 509 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
 510 mixture containing cocaine, but less than 150 kilograms of  
 511 cocaine or any such mixture, commits a felony of the first  
 512 degree, which felony shall be known as "trafficking in cocaine,"  
 513 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 514 If the quantity involved:

515 a. Is 28 grams or more, but less than 200 grams, such  
 516 person shall be sentenced to a mandatory minimum term of  
 517 imprisonment of 3 years, and the defendant shall be ordered to  
 518 pay a fine of \$50,000.

519 b. Is 200 grams or more, but less than 400 grams, such  
 520 person shall be sentenced to a mandatory minimum term of

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521 imprisonment of 7 years, and the defendant shall be ordered to  
522 pay a fine of \$100,000.

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

526 2. Any person who knowingly sells, purchases,  
527 manufactures, delivers, or brings into this state, or who is  
528 knowingly in actual or constructive possession of, 150 kilograms  
529 or more of cocaine, as described in s. 893.03(2)(a)4., commits  
530 the first degree felony of trafficking in cocaine. A person who  
531 has been convicted of the first degree felony of trafficking in  
532 cocaine under this subparagraph shall be punished by life  
533 imprisonment and is ineligible for any form of discretionary  
534 early release except pardon or executive clemency or conditional  
535 medical release under s. 947.149. However, if the court  
536 determines that, in addition to committing any act specified in  
537 this paragraph:

538 a. The person intentionally killed an individual or  
539 counseled, commanded, induced, procured, or caused the  
540 intentional killing of an individual and such killing was the  
541 result; or

542 b. The person's conduct in committing that act led to a  
543 natural, though not inevitable, lethal result,  
544  
545 such person commits the capital felony of trafficking in  
546 cocaine, punishable as provided in ss. 775.082 and 921.142. Any

547 person sentenced for a capital felony under this paragraph shall  
548 also be sentenced to pay the maximum fine provided under  
549 subparagraph 1.

550 3. Any person who knowingly brings into this state 300  
551 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
552 and who knows that the probable result of such importation would  
553 be the death of any person, commits capital importation of  
554 cocaine, a capital felony punishable as provided in ss. 775.082  
555 and 921.142. Any person sentenced for a capital felony under  
556 this paragraph shall also be sentenced to pay the maximum fine  
557 provided under subparagraph 1.

558 (c)1. A person who knowingly sells, purchases,  
559 manufactures, delivers, or brings into this state, or who is  
560 knowingly in actual or constructive possession of, 4 grams or  
561 more of any morphine, opium, hydromorphone, or any salt,  
562 derivative, isomer, or salt of an isomer thereof, including  
563 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or  
564 (3)(c)4., or 4 grams or more of any mixture containing any such  
565 substance, but less than 30 kilograms of such substance or  
566 mixture, commits a felony of the first degree, which felony  
567 shall be known as "trafficking in illegal drugs," punishable as  
568 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
569 quantity involved:

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

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573           b. Is 14 grams or more, but less than 28 grams, such  
574 person shall be sentenced to a mandatory minimum term of  
575 imprisonment of 15 years and shall be ordered to pay a fine of  
576 \$100,000.

577           c. Is 28 grams or more, but less than 30 kilograms, such  
578 person shall be sentenced to a mandatory minimum term of  
579 imprisonment of 25 years and shall be ordered to pay a fine of  
580 \$500,000.

581           2. A person who knowingly sells, purchases, manufactures,  
582 delivers, or brings into this state, or who is knowingly in  
583 actual or constructive possession of, 14 grams or more of  
584 hydrocodone, or any salt, derivative, isomer, or salt of an  
585 isomer thereof, or 14 grams or more of any mixture containing  
586 any such substance, commits a felony of the first degree, which  
587 felony shall be known as "trafficking in hydrocodone,"  
588 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
589 If the quantity involved:

590           a. Is 14 grams or more, but less than 28 grams, such  
591 person shall be sentenced to a mandatory minimum term of  
592 imprisonment of 3 years and shall be ordered to pay a fine of  
593 \$50,000.

594           b. Is 28 grams or more, but less than 50 grams, such  
595 person shall be sentenced to a mandatory minimum term of  
596 imprisonment of 7 years and shall be ordered to pay a fine of  
597 \$100,000.

598           c. Is 50 grams or more, but less than 200 grams, such

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599 person shall be sentenced to a mandatory minimum term of  
600 imprisonment of 15 years and shall be ordered to pay a fine of  
601 \$500,000.

602 d. Is 200 grams or more, but less than 30 kilograms, such  
603 person shall be sentenced to a mandatory minimum term of  
604 imprisonment of 25 years and shall be ordered to pay a fine of  
605 \$750,000.

606 3. A person who knowingly sells, purchases, manufactures,  
607 delivers, or brings into this state, or who is knowingly in  
608 actual or constructive possession of, 7 grams or more of  
609 oxycodone, or any salt, derivative, isomer, or salt of an isomer  
610 thereof, or 7 grams or more of any mixture containing any such  
611 substance, commits a felony of the first degree, which felony  
612 shall be known as "trafficking in oxycodone," punishable as  
613 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
614 quantity involved:

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

618 b. Is 14 grams or more, but less than 25 grams, such  
619 person shall be sentenced to a mandatory minimum term of  
620 imprisonment of 7 years and shall be ordered to pay a fine of  
621 \$100,000.

622 c. Is 25 grams or more, but less than 100 grams, such  
623 person shall be sentenced to a mandatory minimum term of  
624 imprisonment of 15 years and shall be ordered to pay a fine of



625 | \$500,000.

626 |         d. Is 100 grams or more, but less than 30 kilograms, such  
627 | person shall be sentenced to a mandatory minimum term of  
628 | imprisonment of 25 years and shall be ordered to pay a fine of  
629 | \$750,000.

630 |         4. A person who knowingly sells, purchases, manufactures,  
631 | delivers, or brings into this state, or who is knowingly in  
632 | actual or constructive possession of, 30 kilograms or more of  
633 | any morphine, opium, oxycodone, hydrocodone, hydromorphone, or  
634 | any salt, derivative, isomer, or salt of an isomer thereof,  
635 | including heroin, as described in s. 893.03(1)(b), (2)(a),  
636 | (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture  
637 | containing any such substance, commits the first degree felony  
638 | of trafficking in illegal drugs. A person who has been convicted  
639 | of the first degree felony of trafficking in illegal drugs under  
640 | this subparagraph shall be punished by life imprisonment and is  
641 | ineligible for any form of discretionary early release except  
642 | pardon or executive clemency or conditional medical release  
643 | under s. 947.149. However, if the court determines that, in  
644 | addition to committing any act specified in this paragraph:

645 |             a. The person intentionally killed an individual or  
646 | counseled, commanded, induced, procured, or caused the  
647 | intentional killing of an individual and such killing was the  
648 | result; or

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

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651  
652 such person commits the capital felony of trafficking in illegal  
653 drugs, punishable as provided in ss. 775.082 and 921.142. A  
654 person sentenced for a capital felony under this paragraph shall  
655 also be sentenced to pay the maximum fine provided under  
656 subparagraph 1.

657         5. A person who knowingly brings into this state 60  
658 kilograms or more of any morphine, opium, oxycodone,  
659 hydrocodone, hydromorphone, or any salt, derivative, isomer, or  
660 salt of an isomer thereof, including heroin, as described in s.  
661 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or  
662 more of any mixture containing any such substance, and who knows  
663 that the probable result of such importation would be the death  
664 of a person, commits capital importation of illegal drugs, a  
665 capital felony punishable as provided in ss. 775.082 and  
666 921.142. A person sentenced for a capital felony under this  
667 paragraph shall also be sentenced to pay the maximum fine  
668 provided under subparagraph 1.

669         (d)1. Any person who knowingly sells, purchases,  
670 manufactures, delivers, or brings into this state, or who is  
671 knowingly in actual or constructive possession of, 28 grams or  
672 more of phencyclidine or of any mixture containing  
673 phencyclidine, as described in s. 893.03(2)(b), commits a felony  
674 of the first degree, which felony shall be known as "trafficking  
675 in phencyclidine," punishable as provided in s. 775.082, s.  
676 775.083, or s. 775.084. If the quantity involved:

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677           a. Is 28 grams or more, but less than 200 grams, such  
678 person shall be sentenced to a mandatory minimum term of  
679 imprisonment of 3 years, and the defendant shall be ordered to  
680 pay a fine of \$50,000.

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

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

688           2. Any person who knowingly brings into this state 800  
689 grams or more of phencyclidine or of any mixture containing  
690 phencyclidine, as described in s. 893.03(2)(b), and who knows  
691 that the probable result of such importation would be the death  
692 of any person commits capital importation of phencyclidine, a  
693 capital felony punishable as provided in ss. 775.082 and  
694 921.142. Any person sentenced for a capital felony under this  
695 paragraph shall also be sentenced to pay the maximum fine  
696 provided under subparagraph 1.

697           (e)1. Any person who knowingly sells, purchases,  
698 manufactures, delivers, or brings into this state, or who is  
699 knowingly in actual or constructive possession of, 200 grams or  
700 more of methaqualone or of any mixture containing methaqualone,  
701 as described in s. 893.03(1)(d), commits a felony of the first  
702 degree, which felony shall be known as "trafficking in

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703 methaqualone," punishable as provided in s. 775.082, s. 775.083,  
704 or s. 775.084. If the quantity involved:

705 a. Is 200 grams or more, but less than 5 kilograms, such  
706 person shall be sentenced to a mandatory minimum term of  
707 imprisonment of 3 years, and the defendant shall be ordered to  
708 pay a fine of \$50,000.

709 b. Is 5 kilograms or more, but less than 25 kilograms,  
710 such person shall be sentenced to a mandatory minimum term of  
711 imprisonment of 7 years, and the defendant shall be ordered to  
712 pay a fine of \$100,000.

713 c. Is 25 kilograms or more, such person shall be sentenced  
714 to a mandatory minimum term of imprisonment of 15 calendar years  
715 and pay a fine of \$250,000.

716 2. Any person who knowingly brings into this state 50  
717 kilograms or more of methaqualone or of any mixture containing  
718 methaqualone, as described in s. 893.03(1)(d), and who knows  
719 that the probable result of such importation would be the death  
720 of any person commits capital importation of methaqualone, a  
721 capital felony punishable as provided in ss. 775.082 and  
722 921.142. Any person sentenced for a capital felony under this  
723 paragraph shall also be sentenced to pay the maximum fine  
724 provided under subparagraph 1.

725 (f)1. Any person who knowingly sells, purchases,  
726 manufactures, delivers, or brings into this state, or who is  
727 knowingly in actual or constructive possession of, 14 grams or  
728 more of amphetamine, as described in s. 893.03(2)(c)2., or

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729 methamphetamine, as described in s. 893.03(2)(c)4., or of any  
730 mixture containing amphetamine or methamphetamine, or  
731 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine  
732 in conjunction with other chemicals and equipment utilized in  
733 the manufacture of amphetamine or methamphetamine, commits a  
734 felony of the first degree, which felony shall be known as  
735 "trafficking in amphetamine," punishable as provided in s.  
736 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

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

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

748       2. Any person who knowingly manufactures or brings into  
749 this state 400 grams or more of amphetamine, as described in s.  
750 893.03(2)(c)2., or methamphetamine, as described in s.  
751 893.03(2)(c)4., or of any mixture containing amphetamine or  
752 methamphetamine, or phenylacetone, phenylacetic acid,  
753 pseudoephedrine, or ephedrine in conjunction with other  
754 chemicals and equipment used in the manufacture of amphetamine

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755 or methamphetamine, and who knows that the probable result of  
756 such manufacture or importation would be the death of any person  
757 commits capital manufacture or importation of amphetamine, a  
758 capital felony punishable as provided in ss. 775.082 and  
759 921.142. Any person sentenced for a capital felony under this  
760 paragraph shall also be sentenced to pay the maximum fine  
761 provided under subparagraph 1.

762 (g)1. Any person who knowingly sells, purchases,  
763 manufactures, delivers, or brings into this state, or who is  
764 knowingly in actual or constructive possession of, 4 grams or  
765 more of flunitrazepam or any mixture containing flunitrazepam as  
766 described in s. 893.03(1)(a) commits a felony of the first  
767 degree, which felony shall be known as "trafficking in  
768 flunitrazepam," punishable as provided in s. 775.082, s.  
769 775.083, or s. 775.084. If the quantity involved:

770 a. Is 4 grams or more but less than 14 grams, such person  
771 shall be sentenced to a mandatory minimum term of imprisonment  
772 of 3 years, and the defendant shall be ordered to pay a fine of  
773 \$50,000.

774 b. Is 14 grams or more but less than 28 grams, such person  
775 shall be sentenced to a mandatory minimum term of imprisonment  
776 of 7 years, and the defendant shall be ordered to pay a fine of  
777 \$100,000.

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

781           2. Any person who knowingly sells, purchases,  
 782 manufactures, delivers, or brings into this state or who is  
 783 knowingly in actual or constructive possession of 30 kilograms  
 784 or more of flunitrazepam or any mixture containing flunitrazepam  
 785 as described in s. 893.03(1)(a) commits the first degree felony  
 786 of trafficking in flunitrazepam. A person who has been convicted  
 787 of the first degree felony of trafficking in flunitrazepam under  
 788 this subparagraph shall be punished by life imprisonment and is  
 789 ineligible for any form of discretionary early release except  
 790 pardon or executive clemency or conditional medical release  
 791 under s. 947.149. However, if the court determines that, in  
 792 addition to committing any act specified in this paragraph:

793           a. The person intentionally killed an individual or  
 794 counseled, commanded, induced, procured, or caused the  
 795 intentional killing of an individual and such killing was the  
 796 result; or

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

799  
 800 such person commits the capital felony of trafficking in  
 801 flunitrazepam, punishable as provided in ss. 775.082 and  
 802 921.142. Any person sentenced for a capital felony under this  
 803 paragraph shall also be sentenced to pay the maximum fine  
 804 provided under subparagraph 1.

805           (h)1. Any person who knowingly sells, purchases,  
 806 manufactures, delivers, or brings into this state, or who is

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807 knowingly in actual or constructive possession of, 1 kilogram or  
808 more of gamma-hydroxybutyric acid (GHB), as described in s.  
809 893.03(1)(d), or any mixture containing gamma-hydroxybutyric  
810 acid (GHB), commits a felony of the first degree, which felony  
811 shall be known as "trafficking in gamma-hydroxybutyric acid  
812 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.  
813 775.084. If the quantity involved:

814 a. Is 1 kilogram or more but less than 5 kilograms, such  
815 person shall be sentenced to a mandatory minimum term of  
816 imprisonment of 3 years, and the defendant shall be ordered to  
817 pay a fine of \$50,000.

818 b. Is 5 kilograms or more but less than 10 kilograms, such  
819 person shall be sentenced to a mandatory minimum term of  
820 imprisonment of 7 years, and the defendant shall be ordered to  
821 pay a fine of \$100,000.

822 c. Is 10 kilograms or more, such person shall be sentenced  
823 to a mandatory minimum term of imprisonment of 15 calendar years  
824 and pay a fine of \$250,000.

825 2. Any person who knowingly manufactures or brings into  
826 this state 150 kilograms or more of gamma-hydroxybutyric acid  
827 (GHB), as described in s. 893.03(1)(d), or any mixture  
828 containing gamma-hydroxybutyric acid (GHB), and who knows that  
829 the probable result of such manufacture or importation would be  
830 the death of any person commits capital manufacture or  
831 importation of gamma-hydroxybutyric acid (GHB), a capital felony  
832 punishable as provided in ss. 775.082 and 921.142. Any person



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833 sentenced for a capital felony under this paragraph shall also  
834 be sentenced to pay the maximum fine provided under subparagraph  
835 1.

836 (i)1. Any person who knowingly sells, purchases,  
837 manufactures, delivers, or brings into this state, or who is  
838 knowingly in actual or constructive possession of, 1 kilogram or  
839 more of gamma-butyrolactone (GBL), as described in s.  
840 893.03(1)(d), or any mixture containing gamma-butyrolactone  
841 (GBL), commits a felony of the first degree, which felony shall  
842 be known as "trafficking in gamma-butyrolactone (GBL),"   
843 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
844 If the quantity involved:

845 a. Is 1 kilogram or more but less than 5 kilograms, such  
846 person shall be sentenced to a mandatory minimum term of  
847 imprisonment of 3 years, and the defendant shall be ordered to  
848 pay a fine of \$50,000.

849 b. Is 5 kilograms or more but less than 10 kilograms, such  
850 person shall be sentenced to a mandatory minimum term of  
851 imprisonment of 7 years, and the defendant shall be ordered to  
852 pay a fine of \$100,000.

853 c. Is 10 kilograms or more, such person shall be sentenced  
854 to a mandatory minimum term of imprisonment of 15 calendar years  
855 and pay a fine of \$250,000.

856 2. Any person who knowingly manufactures or brings into  
857 the state 150 kilograms or more of gamma-butyrolactone (GBL), as  
858 described in s. 893.03(1)(d), or any mixture containing gamma-

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859 butyrolactone (GBL), and who knows that the probable result of  
860 such manufacture or importation would be the death of any person  
861 commits capital manufacture or importation of gamma-  
862 butyrolactone (GBL), a capital felony punishable as provided in  
863 ss. 775.082 and 921.142. Any person sentenced for a capital  
864 felony under this paragraph shall also be sentenced to pay the  
865 maximum fine provided under subparagraph 1.

866 (j)1. Any person who knowingly sells, purchases,  
867 manufactures, delivers, or brings into this state, or who is  
868 knowingly in actual or constructive possession of, 1 kilogram or  
869 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of  
870 any mixture containing 1,4-Butanediol, commits a felony of the  
871 first degree, which felony shall be known as "trafficking in  
872 1,4-Butanediol," punishable as provided in s. 775.082, s.  
873 775.083, or s. 775.084. If the quantity involved:

874 a. Is 1 kilogram or more, but less than 5 kilograms, such  
875 person shall be sentenced to a mandatory minimum term of  
876 imprisonment of 3 years, and the defendant shall be ordered to  
877 pay a fine of \$50,000.

878 b. Is 5 kilograms or more, but less than 10 kilograms,  
879 such person shall be sentenced to a mandatory minimum term of  
880 imprisonment of 7 years, and the defendant shall be ordered to  
881 pay a fine of \$100,000.

882 c. Is 10 kilograms or more, such person shall be sentenced  
883 to a mandatory minimum term of imprisonment of 15 calendar years  
884 and pay a fine of \$500,000.

885           2. Any person who knowingly manufactures or brings into  
 886 this state 150 kilograms or more of 1,4-Butanediol as described  
 887 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,  
 888 and who knows that the probable result of such manufacture or  
 889 importation would be the death of any person commits capital  
 890 manufacture or importation of 1,4-Butanediol, a capital felony  
 891 punishable as provided in ss. 775.082 and 921.142. Any person  
 892 sentenced for a capital felony under this paragraph shall also  
 893 be sentenced to pay the maximum fine provided under subparagraph  
 894 1.

895           (k)1. A person who knowingly sells, purchases,  
 896 manufactures, delivers, or brings into this state, or who is  
 897 knowingly in actual or constructive possession of, 10 grams or  
 898 more of any of the following substances described in s.

899 893.03(1)(c):

- 900           a. 3,4-Methylenedioxyamphetamine (MDMA);
- 901           b. 4-Bromo-2,5-dimethoxyamphetamine;
- 902           c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 903           d. 2,5-Dimethoxyamphetamine;
- 904           e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 905           f. N-ethylamphetamine;
- 906           g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 907           h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 908           i. 4-methoxyamphetamine;
- 909           j. 4-methoxymethamphetamine;
- 910           k. 4-Methyl-2,5-dimethoxyamphetamine;

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- 911 | 1. 3,4-Methylenedioxy-N-ethylamphetamine;
- 912 | m. 3,4-Methylenedioxyamphetamine;
- 913 | n. N,N-dimethylamphetamine;
- 914 | o. 3,4,5-Trimethoxyamphetamine;
- 915 | p. 3,4-Methylenedioxymethcathinone;
- 916 | q. 3,4-Methylenedioxypyrovalerone (MDPV); or
- 917 | r. Methylnmethcathinone,

918 |

919 | individually or analogs thereto or isomers thereto or in any

920 | combination of or any mixture containing any substance listed in

921 | sub-subparagraphs a.-r., commits a felony of the first degree,

922 | which felony shall be known as "trafficking in Phenethylamines,"

923 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

924 | 2. If the quantity involved:

925 | a. Is 10 grams or more, but less than 200 grams, such

926 | person shall be sentenced to a mandatory minimum term of

927 | imprisonment of 3 years and shall be ordered to pay a fine of

928 | \$50,000.

929 | b. Is 200 grams or more, but less than 400 grams, such

930 | person shall be sentenced to a mandatory minimum term of

931 | imprisonment of 7 years and shall be ordered to pay a fine of

932 | \$100,000.

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

934 | a mandatory minimum term of imprisonment of 15 years and shall

935 | be ordered to pay a fine of \$250,000.

936 | 3. A person who knowingly manufactures or brings into this

937 state 30 kilograms or more of any of the following substances  
 938 described in s. 893.03(1)(c):

- 939 a. 3,4-Methylenedioxyamphetamine (MDMA);
- 940 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 941 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 942 d. 2,5-Dimethoxyamphetamine;
- 943 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 944 f. N-ethylamphetamine;
- 945 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 946 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 947 i. 4-methoxyamphetamine;
- 948 j. 4-methoxymethamphetamine;
- 949 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 950 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 951 m. 3,4-Methylenedioxyamphetamine;
- 952 n. N,N-dimethylamphetamine;
- 953 o. 3,4,5-Trimethoxyamphetamine;
- 954 p. 3,4-Methylenedioxy-methcathinone;
- 955 q. 3,4-Methylenedioxy-pyrovalerone (MDPV); or
- 956 r. Methylmethcathinone,

957  
 958 individually or analogs thereto or isomers thereto or in any  
 959 combination of or any mixture containing any substance listed in  
 960 sub-subparagraphs a.-r., and who knows that the probable result  
 961 of such manufacture or importation would be the death of any  
 962 person commits capital manufacture or importation of

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963 Phenethylamines, a capital felony punishable as provided in ss.  
964 775.082 and 921.142. A person sentenced for a capital felony  
965 under this paragraph shall also be sentenced to pay the maximum  
966 fine provided under subparagraph 1.

967 (1)1. Any person who knowingly sells, purchases,  
968 manufactures, delivers, or brings into this state, or who is  
969 knowingly in actual or constructive possession of, 1 gram or  
970 more of lysergic acid diethylamide (LSD) as described in s.  
971 893.03(1)(c), or of any mixture containing lysergic acid  
972 diethylamide (LSD), commits a felony of the first degree, which  
973 felony shall be known as "trafficking in lysergic acid  
974 diethylamide (LSD)," punishable as provided in s. 775.082, s.  
975 775.083, or s. 775.084. If the quantity involved:

976 a. Is 1 gram or more, but less than 5 grams, such person  
977 shall be sentenced to a mandatory minimum term of imprisonment  
978 of 3 years, and the defendant shall be ordered to pay a fine of  
979 \$50,000.

980 b. Is 5 grams or more, but less than 7 grams, such person  
981 shall be sentenced to a mandatory minimum term of imprisonment  
982 of 7 years, and the defendant shall be ordered to pay a fine of  
983 \$100,000.

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

987 2. Any person who knowingly manufactures or brings into  
988 this state 7 grams or more of lysergic acid diethylamide (LSD)

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989 as described in s. 893.03(1)(c), or any mixture containing  
990 lysergic acid diethylamide (LSD), and who knows that the  
991 probable result of such manufacture or importation would be the  
992 death of any person commits capital manufacture or importation  
993 of lysergic acid diethylamide (LSD), a capital felony punishable  
994 as provided in ss. 775.082 and 921.142. Any person sentenced for  
995 a capital felony under this paragraph shall also be sentenced to  
996 pay the maximum fine provided under subparagraph 1.

997 Section 7. This act shall take effect upon becoming a law.