



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 s. 782.04, F.S.;  
5           requiring the prosecutor to give notice to the  
6           defendant and to file the notice with the court within  
7           a certain timeframe if the prosecutor intends to seek  
8           the death penalty; requiring the notice to specify  
9           aggravating factors that state intends to prove;  
10          providing for amendment of notice; amending ss.  
11          921.141 and 921.142, F.S.; requiring juries to  
12          determine the existence of aggravating factors, if  
13          any, in the penalty phase of capital cases; specifying  
14          a standard of proof for such factors; requiring  
15          unanimity for such findings; requiring a jury to make  
16          a recommendation to the court whether the defendant  
17          shall be sentenced to life imprisonment or death;  
18          specifying considerations for such a recommendation;  
19          requiring a certain determination by at least 10  
20          jurors to support a recommendation of a sentence of  
21          death; requiring a sentence of life imprisonment  
22          without the possibility of parole in certain  
23          circumstances; requiring the court to enter an order  
24          meeting specified requirements in each case in which  
25          it imposes a death sentence; deleting provisions  
26          relating to advisory sentencing by juries and findings



27 | by the court in support of sentences of death;  
 28 | reenacting s. 794.011(2) (a), F.S., relating to sexual  
 29 | battery, to incorporate the amendment made by the act  
 30 | to s. 921.141, F.S., in a reference thereto;  
 31 | reenacting s. 893.135(1) (b) through (l), F.S.,  
 32 | relating to trafficking in controlled substances, to  
 33 | incorporate the amendment made by the act to s.  
 34 | 921.142, F.S., in references thereto; providing an  
 35 | effective date.  
 36 |

37 | Be It Enacted by the Legislature of the State of Florida:  
 38 |

39 | Section 1. Paragraph (a) of subsection (1) of section  
 40 | 775.082, Florida Statutes, is amended to read:

41 | 775.082 Penalties; applicability of sentencing structures;  
 42 | mandatory minimum sentences for certain reoffenders previously  
 43 | released from prison.—

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

51 | Section 2. Subsection (1) of section 782.04, Florida  
 52 | Statutes, is amended to read:



53 |           782.04 Murder.—

54 |           (1) (a) The unlawful killing of a human being:

55 |           1. When perpetrated from a premeditated design to effect

56 | the death of the person killed or any human being;

57 |           2. When committed by a person engaged in the perpetration

58 | of, or in the attempt to perpetrate, any:

59 |           a. Trafficking offense prohibited by s. 893.135(1),

60 |           b. Arson,

61 |           c. Sexual battery,

62 |           d. Robbery,

63 |           e. Burglary,

64 |           f. Kidnapping,

65 |           g. Escape,

66 |           h. Aggravated child abuse,

67 |           i. Aggravated abuse of an elderly person or disabled

68 | adult,

69 |           j. Aircraft piracy,

70 |           k. Unlawful throwing, placing, or discharging of a

71 | destructive device or bomb,

72 |           l. Carjacking,

73 |           m. Home-invasion robbery,

74 |           n. Aggravated stalking,

75 |           o. Murder of another human being,

76 |           p. Resisting an officer with violence to his or her

77 | person,

78 |           q. Aggravated fleeing or eluding with serious bodily



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79 injury or death,

80 r. Felony that is an act of terrorism or is in furtherance  
81 of an act of terrorism; or

82 3. Which resulted from the unlawful distribution of any  
83 substance controlled under s. 893.03(1), cocaine as described in  
84 s. 893.03(2)(a)4., opium or any synthetic or natural salt,  
85 compound, derivative, or preparation of opium, or methadone by a  
86 person 18 years of age or older, when such drug is proven to be  
87 the proximate cause of the death of the user,

88  
89 is murder in the first degree and constitutes a capital felony,  
90 punishable as provided in s. 775.082.

91 (b) In all cases under this section, the procedure set  
92 forth in s. 921.141 shall be followed in order to determine  
93 sentence of death or life imprisonment. If the prosecutor  
94 intends to seek the death penalty, the prosecutor must give  
95 notice to the defendant and file the notice with the court  
96 within 45 days after arraignment. The notice must contain a list  
97 of the aggravating factors the state intends to prove and has  
98 reason to believe it can prove beyond a reasonable doubt. The  
99 court may allow the prosecutor to amend the notice upon a  
100 showing of good cause.

101 Section 3. Section 921.141, Florida Statutes, is amended  
102 to read:

103 921.141 Sentence of death or life imprisonment for capital  
104 felonies; further proceedings to determine sentence.—



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105 (1) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon  
106 conviction or adjudication of guilt of a defendant of a capital  
107 felony, the court shall conduct a separate sentencing proceeding  
108 to determine whether the defendant should be sentenced to death  
109 or life imprisonment as authorized by s. 775.082. The proceeding  
110 shall be conducted by the trial judge before the trial jury as  
111 soon as practicable. If, through impossibility or inability, the  
112 trial jury is unable to reconvene for a hearing on the issue of  
113 penalty, having determined the guilt of the accused, the trial  
114 judge may summon a special juror or jurors as provided in  
115 chapter 913 to determine the issue of the imposition of the  
116 penalty. If the trial jury has been waived, or if the defendant  
117 pleaded guilty, the sentencing proceeding shall be conducted  
118 before a jury impaneled for that purpose, unless waived by the  
119 defendant. In the proceeding, evidence may be presented as to  
120 any matter that the court deems relevant to the nature of the  
121 crime and the character of the defendant and shall include  
122 matters relating to any of the aggravating factors enumerated in  
123 subsection (6) and for which notice has been provided pursuant  
124 to s. 782.04(1)(b) or mitigating circumstances enumerated in  
125 subsection (7) ~~subsections (5) and (6)~~. Any such evidence that  
126 ~~which~~ the court deems to have probative value may be received,  
127 regardless of its admissibility under the exclusionary rules of  
128 evidence, provided the defendant is accorded a fair opportunity  
129 to rebut any hearsay statements. However, this subsection shall  
130 not be construed to authorize the introduction of any evidence



131 secured in violation of the Constitution of the United States or  
132 the Constitution of the State of Florida. The state and the  
133 defendant or the defendant's counsel shall be permitted to  
134 present argument for or against sentence of death.

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

138 (a) After hearing all of the evidence presented regarding  
139 aggravating factors and mitigating circumstances, the jury shall  
140 deliberate and determine if the state has proven, beyond a  
141 reasonable doubt, the existence of at least one aggravating  
142 factor set forth in subsection (6).

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

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

148 2. Unanimously finds at least one aggravating factor, the  
149 defendant is eligible for a sentence of death and the jury shall  
150 make a recommendation to the court as to whether the defendant  
151 shall be sentenced to life imprisonment without the possibility  
152 of parole or to death. The recommendation shall be based on a  
153 weighing of all of the following:

154 a. Whether sufficient aggravating factors exist.

155 b. Whether aggravating factors exist which outweigh the  
156 mitigating circumstances found to exist.



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157 c. Based on the considerations in sub-subparagraphs a. and  
158 b., whether the defendant should be sentenced to life  
159 imprisonment without the possibility of parole or to death.

160 (c) If at least 10 jurors determine that the defendant  
161 should be sentenced to death, the jury's recommendation to the  
162 court shall be a sentence of death. If fewer than 10 jurors  
163 determine that the defendant should be sentenced to death,  
164 the jury's recommendation to the court shall be a sentence of  
165 life imprisonment without the possibility of parole.

166 (3) IMPOSITION OF SENTENCE OF LIFE IMPRISONMENT OR DEATH.—

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

168 1. Life imprisonment without the possibility of parole,  
169 the court shall impose the recommended sentence.

170 2. Death, the court, after considering each aggravating  
171 factor found by the jury and all mitigating circumstances, may  
172 impose a sentence of life imprisonment without the possibility  
173 of parole or a sentence of death. The court may consider only an  
174 aggravating factor that was unanimously found to exist by the  
175 jury.

176 (b) If the defendant waived his or her right to a  
177 sentencing proceeding by a jury, the court, after considering  
178 all aggravating factors and mitigating circumstances, may impose  
179 a sentence of life imprisonment without the possibility of  
180 parole or a sentence of death. The court may impose a sentence  
181 of death only if the court finds that at least one aggravating  
182 factor has been proven to exist beyond a reasonable doubt.



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183        (4) ORDER OF THE COURT IN SUPPORT OF SENTENCE OF DEATH.—In  
184 each case in which the court imposes a sentence of death, the  
185 court shall, considering the records of the trial and the  
186 sentencing proceedings, enter a written order addressing the  
187 aggravating factors set forth in subsection (6) found to exist,  
188 the mitigating circumstances in subsection (7) reasonably  
189 established by the evidence, whether there are sufficient  
190 aggravating factors to warrant the death penalty, and whether  
191 the aggravating factors outweigh the mitigating circumstances  
192 reasonably established by the evidence. If the court does not  
193 issue its order requiring the death sentence within 30 days  
194 after the rendition of the judgment and sentence, the court  
195 shall impose a sentence of life imprisonment without the  
196 possibility of parole in accordance with s. 775.082.

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

200        ~~(a) Whether sufficient aggravating circumstances exist as~~  
201 ~~enumerated in subsection (5);~~

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

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

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

207 ~~Notwithstanding the recommendation of a majority of the jury,~~  
208 ~~the court, after weighing the aggravating and mitigating~~





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209 ~~circumstances, shall enter a sentence of life imprisonment or~~  
210 ~~death, but if the court imposes a sentence of death, it shall~~  
211 ~~set forth in writing its findings upon which the sentence of~~  
212 ~~death is based as to the facts:~~

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

215 ~~(b) That there are insufficient mitigating circumstances~~  
216 ~~to outweigh the aggravating circumstances.~~

217  
218 ~~In each case in which the court imposes the death sentence, the~~  
219 ~~determination of the court shall be supported by specific~~  
220 ~~written findings of fact based upon the circumstances in~~  
221 ~~subsections (5) and (6) and upon the records of the trial and~~  
222 ~~the sentencing proceedings. If the court does not make the~~  
223 ~~findings requiring the death sentence within 30 days after the~~  
224 ~~rendition of the judgment and sentence, the court shall impose~~  
225 ~~sentence of life imprisonment in accordance with s. 775.082.~~

226 ~~(5)(4)~~ REVIEW OF JUDGMENT AND SENTENCE.—The judgment of  
227 conviction and sentence of death shall be subject to automatic  
228 review by the Supreme Court of Florida and disposition rendered  
229 within 2 years after the filing of a notice of appeal. Such  
230 review by the Supreme Court shall have priority over all other  
231 cases and shall be heard in accordance with rules adopted  
232 ~~promulgated~~ by the Supreme Court.

233 ~~(6)(5)~~ AGGRAVATING FACTORS CIRCUMSTANCES.—Aggravating  
234 factors ~~circumstances~~ shall be limited to the following:



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235 (a) The capital felony was committed by a person  
236 previously convicted of a felony and under sentence of  
237 imprisonment or placed on community control or on felony  
238 probation.

239 (b) The defendant was previously convicted of another  
240 capital felony or of a felony involving the use or threat of  
241 violence to the person.

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

244 (d) The capital felony was committed while the defendant  
245 was engaged, or was an accomplice, in the commission of, or an  
246 attempt to commit, or flight after committing or attempting to  
247 commit, any: robbery; sexual battery; aggravated child abuse;  
248 abuse of an elderly person or disabled adult resulting in great  
249 bodily harm, permanent disability, or permanent disfigurement;  
250 arson; burglary; kidnapping; aircraft piracy; or unlawful  
251 throwing, placing, or discharging of a destructive device or  
252 bomb.

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

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

257 (g) The capital felony was committed to disrupt or hinder  
258 the lawful exercise of any governmental function or the  
259 enforcement of laws.

260 (h) The capital felony was especially heinous, atrocious,



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261 or cruel.

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

265 (j) The victim of the capital felony was a law enforcement  
266 officer engaged in the performance of his or her official  
267 duties.

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

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

274 (m) The victim of the capital felony was particularly  
275 vulnerable due to advanced age or disability, or because the  
276 defendant stood in a position of familial or custodial authority  
277 over the victim.

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

280 (o) The capital felony was committed by a person  
281 designated as a sexual predator pursuant to s. 775.21 or a  
282 person previously designated as a sexual predator who had the  
283 sexual predator designation removed.

284 (p) The capital felony was committed by a person subject  
285 to an injunction issued pursuant to s. 741.30 or s. 784.046, or  
286 a foreign protection order accorded full faith and credit



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287 pursuant to s. 741.315, and was committed against the petitioner  
288 who obtained the injunction or protection order or any spouse,  
289 child, sibling, or parent of the petitioner.

290 (7)~~(6)~~ MITIGATING CIRCUMSTANCES.—Mitigating circumstances  
291 shall be the following:

292 (a) The defendant has no significant history of prior  
293 criminal activity.

294 (b) The capital felony was committed while the defendant  
295 was under the influence of extreme mental or emotional  
296 disturbance.

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

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

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

304 (f) The capacity of the defendant to appreciate the  
305 criminality of his or her conduct or to conform his or her  
306 conduct to the requirements of law was substantially impaired.

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

308 (h) The existence of any other factors in the defendant's  
309 background that would mitigate against imposition of the death  
310 penalty.

311 (8)~~(7)~~ VICTIM IMPACT EVIDENCE.—Once the prosecution has  
312 provided evidence of the existence of one or more aggravating



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313 factors ~~circumstances~~ as described in subsection (6) ~~(5)~~, the  
314 prosecution may introduce, and subsequently argue, victim impact  
315 evidence to the jury. Such evidence shall be designed to  
316 demonstrate the victim's uniqueness as an individual human being  
317 and the resultant loss to the community's members by the  
318 victim's death. Characterizations and opinions about the crime,  
319 the defendant, and the appropriate sentence shall not be  
320 permitted as a part of victim impact evidence.

321 (9) ~~(8)~~ APPLICABILITY.—This section does not apply to a  
322 person convicted or adjudicated guilty of a capital drug  
323 trafficking felony under s. 893.135.

324 Section 4. Section 921.142, Florida Statutes, is amended  
325 to read:

326 921.142 Sentence of death or life imprisonment for capital  
327 drug trafficking felonies; further proceedings to determine  
328 sentence.—

329 (1) FINDINGS.—The Legislature finds that trafficking in  
330 cocaine or opiates carries a grave risk of death or danger to  
331 the public; that a reckless disregard for human life is implicit  
332 in knowingly trafficking in cocaine or opiates; and that persons  
333 who traffic in cocaine or opiates may be determined by the trier  
334 of fact to have a culpable mental state of reckless indifference  
335 or disregard for human life.

336 (2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon  
337 conviction or adjudication of guilt of a defendant of a capital  
338 felony under s. 893.135, the court shall conduct a separate



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339 sentencing proceeding to determine whether the defendant should  
340 be sentenced to death or life imprisonment as authorized by s.  
341 775.082. The proceeding shall be conducted by the trial judge  
342 before the trial jury as soon as practicable. If, through  
343 impossibility or inability, the trial jury is unable to  
344 reconvene for a hearing on the issue of penalty, having  
345 determined the guilt of the accused, the trial judge may summon  
346 a special juror or jurors as provided in chapter 913 to  
347 determine the issue of the imposition of the penalty. If the  
348 trial jury has been waived, or if the defendant pleaded guilty,  
349 the sentencing proceeding shall be conducted before a jury  
350 impaneled for that purpose, unless waived by the defendant. In  
351 the proceeding, evidence may be presented as to any matter that  
352 the court deems relevant to the nature of the crime and the  
353 character of the defendant and shall include matters relating to  
354 any of the aggravating factors enumerated in subsection (7) and  
355 for which notice has been provided pursuant to s. 782.04(1)(b)  
356 or mitigating circumstances enumerated in subsection (8)  
357 ~~subsections (6) and (7)~~. Any such evidence that ~~which~~ the court  
358 deems to have probative value may be received, regardless of its  
359 admissibility under the exclusionary rules of evidence, provided  
360 the defendant is accorded a fair opportunity to rebut any  
361 hearsay statements. However, this subsection shall not be  
362 construed to authorize the introduction of any evidence secured  
363 in violation of the Constitution of the United States or the  
364 Constitution of the State of Florida. The state and the



365 defendant or the defendant's counsel shall be permitted to  
366 present argument for or against sentence of death.

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

370 (a) After hearing all of the evidence presented regarding  
371 aggravating factors and mitigating circumstances, the jury shall  
372 deliberate and determine if the state has proven, beyond a  
373 reasonable doubt, the existence of at least one aggravating  
374 factor set forth in subsection (7).

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

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

380 2. Unanimously finds at least one aggravating factor, the  
381 defendant is eligible for a sentence of death and the jury shall  
382 make a recommendation to the court as to whether the defendant  
383 shall be sentenced to life imprisonment without the possibility  
384 of parole or to death. The recommendation shall be based on a  
385 weighing of all of the following:

386 a. Whether sufficient aggravating factors exist.

387 b. Whether aggravating factors exist which outweigh the  
388 mitigating circumstances found to exist.

389 c. Based on the considerations in sub-subparagraphs a. and  
390 b., whether the defendant should be sentenced to life



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391 imprisonment without the possibility of parole or to death.

392 (c) If at least 10 jurors determine that the defendant  
393 should be sentenced to death, the jury's recommendation to the  
394 court shall be a sentence of death. If fewer than 10 jurors  
395 determine that the defendant should be sentenced to death,  
396 the jury's recommendation to the court shall be a sentence of  
397 life imprisonment without the possibility of parole.

398 (4) IMPOSITION OF SENTENCE OF LIFE IMPRISONMENT OR DEATH.—

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

400 1. Life imprisonment without the possibility of parole,  
401 the court shall impose the recommended sentence.

402 2. Death, the court, after considering each aggravating  
403 factor found by the jury and all mitigating circumstances, may  
404 impose a sentence of life imprisonment without the possibility  
405 of parole or a sentence of death. The court may consider only an  
406 aggravating factor that was unanimously found to exist by the  
407 jury.

408 (b) If the defendant waived his or her right to a  
409 sentencing proceeding by a jury, the court, after considering  
410 all aggravating factors and mitigating circumstances, may impose  
411 a sentence of life imprisonment without the possibility of  
412 parole or a sentence of death. The court may impose a sentence  
413 of death only if the court finds at least one aggravating factor  
414 has been proven to exist beyond a reasonable doubt.

415 (5) ORDER OF THE COURT IN SUPPORT OF SENTENCE OF DEATH.—In  
416 each case in which the court imposes a death sentence, the court





417 shall, considering the records of the trial and the sentencing  
418 proceedings, enter a written order addressing the aggravating  
419 factors set forth in subsection (7) found to exist, the  
420 mitigating circumstances in subsection (8) reasonably  
421 established by the evidence, whether there are sufficient  
422 aggravating factors to warrant the death penalty, and whether  
423 the aggravating factors outweigh the mitigating circumstances  
424 reasonably established by the evidence. If the court does not  
425 issue its order requiring the death sentence within 30 days  
426 after the rendition of the judgment and sentence, the court  
427 shall impose a sentence of life imprisonment without the  
428 possibility of parole in accordance with s. 775.082.

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

432 ~~(a) Whether sufficient aggravating circumstances exist as~~  
433 ~~enumerated in subsection (6);~~

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

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

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

439 ~~Notwithstanding the recommendation of a majority of the jury,~~  
440 ~~the court, after weighing the aggravating and mitigating~~  
441 ~~circumstances, shall enter a sentence of life imprisonment or~~  
442 ~~death, but if the court imposes a sentence of death, it shall~~



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443 ~~set forth in writing its findings upon which the sentence of~~  
444 ~~death is based as to the facts:~~

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

447 ~~(b) That there are insufficient mitigating circumstances~~  
448 ~~to outweigh the aggravating circumstances.~~

449

450 ~~In each case in which the court imposes the death sentence, the~~  
451 ~~determination of the court shall be supported by specific~~  
452 ~~written findings of fact based upon the circumstances in~~  
453 ~~subsections (6) and (7) and upon the records of the trial and~~  
454 ~~the sentencing proceedings. If the court does not make the~~  
455 ~~findings requiring the death sentence within 30 days after the~~  
456 ~~rendition of the judgment and sentence, the court shall impose~~  
457 ~~sentence of life imprisonment in accordance with s. 775.082, and~~  
458 ~~that person shall be ineligible for parole.~~

459 (6)~~(5)~~ REVIEW OF JUDGMENT AND SENTENCE.—The judgment of  
460 conviction and sentence of death shall be subject to automatic  
461 review and disposition rendered by the Supreme Court of Florida  
462 within 2 years after the filing of a notice of appeal. Such  
463 review by the Supreme Court shall have priority over all other  
464 cases and shall be heard in accordance with rules promulgated by  
465 the Supreme Court.

466 (7)~~(6)~~ AGGRAVATING FACTORS CIRCUMSTANCES.—Aggravating  
467 factors ~~circumstances~~ shall be limited to the following:

468 (a) The capital felony was committed by a person under a



469 sentence of imprisonment.

470 (b) The defendant was previously convicted of another  
 471 capital felony or of a state or federal offense involving the  
 472 distribution of a controlled substance which ~~that~~ is punishable  
 473 by a sentence of at least 1 year of imprisonment.

474 (c) The defendant knowingly created grave risk of death to  
 475 one or more persons such that participation in the offense  
 476 constituted reckless indifference or disregard for human life.

477 (d) The defendant used a firearm or knowingly directed,  
 478 advised, authorized, or assisted another to use a firearm to  
 479 threaten, intimidate, assault, or injure a person in committing  
 480 the offense or in furtherance of the offense.

481 (e) The offense involved the distribution of controlled  
 482 substances to persons under the age of 18 years, the  
 483 distribution of controlled substances within school zones, or  
 484 the use or employment of persons under the age of 18 years in  
 485 aid of distribution of controlled substances.

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

488 (g) The defendant:

- 489 1. Intentionally killed the victim;
- 490 2. Intentionally inflicted serious bodily injury that  
 491 ~~which~~ resulted in the death of the victim; or
- 492 3. Intentionally engaged in conduct intending that the  
 493 victim be killed or that lethal force be employed against the  
 494 victim, which resulted in the death of the victim.



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495 (h) The defendant committed the offense as consideration  
496 for the receipt, or in the expectation of the receipt, of  
497 anything of pecuniary value.

498 (i) The defendant committed the offense after planning and  
499 premeditation.

500 (j) The defendant committed the offense in a heinous,  
501 cruel, or depraved manner in that the offense involved torture  
502 or serious physical abuse to the victim.

503 (8)~~(7)~~ MITIGATING CIRCUMSTANCES.—Mitigating circumstances  
504 shall include the following:

505 (a) The defendant has no significant history of prior  
506 criminal activity.

507 (b) The capital felony was committed while the defendant  
508 was under the influence of extreme mental or emotional  
509 disturbance.

510 (c) The defendant was an accomplice in the capital felony  
511 committed by another person, and the defendant's participation  
512 was relatively minor.

513 (d) The defendant was under extreme duress or under the  
514 substantial domination of another person.

515 (e) The capacity of the defendant to appreciate the  
516 criminality of her or his conduct or to conform her or his  
517 conduct to the requirements of law was substantially impaired.

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

519 (g) The defendant could not have reasonably foreseen that  
520 her or his conduct in the course of the commission of the



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521 offense would cause or would create a grave risk of death to one  
522 or more persons.

523 (h) The existence of any other factors in the defendant's  
524 background that would mitigate against imposition of the death  
525 penalty.

526 (9)~~(8)~~ VICTIM IMPACT EVIDENCE.—Once the prosecution has  
527 provided evidence of the existence of one or more aggravating  
528 factors ~~circumstances~~ as described in subsection (7) ~~(6)~~, the  
529 prosecution may introduce, and subsequently argue, victim impact  
530 evidence. Such evidence shall be designed to demonstrate the  
531 victim's uniqueness as an individual human being and the  
532 resultant loss to the community's members by the victim's death.  
533 Characterizations and opinions about the crime, the defendant,  
534 and the appropriate sentence shall not be permitted as a part of  
535 victim impact evidence.

536 Section 5. For the purpose of incorporating the amendment  
537 made by this act to section 921.141, Florida Statutes, in a  
538 reference thereto, paragraph (a) of subsection (2) of section  
539 794.011, Florida Statutes, is reenacted to read:

540 794.011 Sexual battery.—

541 (2) (a) A person 18 years of age or older who commits  
542 sexual battery upon, or in an attempt to commit sexual battery  
543 injures the sexual organs of, a person less than 12 years of age  
544 commits a capital felony, punishable as provided in ss. 775.082  
545 and 921.141.

546 Section 6. For the purpose of incorporating the amendment



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547 made by this act to section 921.142, Florida Statutes, in  
548 references thereto, paragraphs (b), (c), (d), (e), (f), (g),  
549 (h), (i), (j), (k), and (l) of subsection (1) of section  
550 893.135, Florida Statutes, are reenacted to read:

551 893.135 Trafficking; mandatory sentences; suspension or  
552 reduction of sentences; conspiracy to engage in trafficking.—

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

555 (b)1. Any person who knowingly sells, purchases,  
556 manufactures, delivers, or brings into this state, or who is  
557 knowingly in actual or constructive possession of, 28 grams or  
558 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
559 mixture containing cocaine, but less than 150 kilograms of  
560 cocaine or any such mixture, commits a felony of the first  
561 degree, which felony shall be known as "trafficking in cocaine,"  
562 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
563 If the quantity involved:

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

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

572 c. Is 400 grams or more, but less than 150 kilograms, such



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573 person shall be sentenced to a mandatory minimum term of  
574 imprisonment of 15 calendar years and pay a fine of \$250,000.

575 2. Any person who knowingly sells, purchases,  
576 manufactures, delivers, or brings into this state, or who is  
577 knowingly in actual or constructive possession of, 150 kilograms  
578 or more of cocaine, as described in s. 893.03(2)(a)4., commits  
579 the first degree felony of trafficking in cocaine. A person who  
580 has been convicted of the first degree felony of trafficking in  
581 cocaine under this subparagraph shall be punished by life  
582 imprisonment and is ineligible for any form of discretionary  
583 early release except pardon or executive clemency or conditional  
584 medical release under s. 947.149. However, if the court  
585 determines that, in addition to committing any act specified in  
586 this paragraph:

587 a. The person intentionally killed an individual or  
588 counseled, commanded, induced, procured, or caused the  
589 intentional killing of an individual and such killing was the  
590 result; or

591 b. The person's conduct in committing that act led to a  
592 natural, though not inevitable, lethal result,  
593  
594 such person commits the capital felony of trafficking in  
595 cocaine, punishable as provided in ss. 775.082 and 921.142. Any  
596 person sentenced for a capital felony under this paragraph shall  
597 also be sentenced to pay the maximum fine provided under  
598 subparagraph 1.



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599           3. Any person who knowingly brings into this state 300  
600 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
601 and who knows that the probable result of such importation would  
602 be the death of any person, commits capital importation of  
603 cocaine, a capital felony punishable as provided in ss. 775.082  
604 and 921.142. Any person sentenced for a capital felony under  
605 this paragraph shall also be sentenced to pay the maximum fine  
606 provided under subparagraph 1.

607           (c)1. A person who knowingly sells, purchases,  
608 manufactures, delivers, or brings into this state, or who is  
609 knowingly in actual or constructive possession of, 4 grams or  
610 more of any morphine, opium, hydromorphone, or any salt,  
611 derivative, isomer, or salt of an isomer thereof, including  
612 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or  
613 (3)(c)4., or 4 grams or more of any mixture containing any such  
614 substance, but less than 30 kilograms of such substance or  
615 mixture, commits a felony of the first degree, which felony  
616 shall be known as "trafficking in illegal drugs," punishable as  
617 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
618 quantity involved:

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

622           b. Is 14 grams or more, but less than 28 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





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625 | \$100,000.

626 |       c. Is 28 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 | \$500,000.

630 |       2. 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, 14 grams or more of  
633 | hydrocodone, or any salt, derivative, isomer, or salt of an  
634 | isomer thereof, or 14 grams or more of any mixture containing  
635 | any such substance, commits a felony of the first degree, which  
636 | felony shall be known as "trafficking in hydrocodone,"  
637 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
638 | If the quantity involved:

639 |       a. Is 14 grams or more, but less than 28 grams, such  
640 | person shall be sentenced to a mandatory minimum term of  
641 | imprisonment of 3 years and shall be ordered to pay a fine of  
642 | \$50,000.

643 |       b. Is 28 grams or more, but less than 50 grams, such  
644 | person shall be sentenced to a mandatory minimum term of  
645 | imprisonment of 7 years and shall be ordered to pay a fine of  
646 | \$100,000.

647 |       c. Is 50 grams or more, but less than 200 grams, such  
648 | person shall be sentenced to a mandatory minimum term of  
649 | imprisonment of 15 years and shall be ordered to pay a fine of  
650 | \$500,000.



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651           d. Is 200 grams or more, but less than 30 kilograms, such  
652 person shall be sentenced to a mandatory minimum term of  
653 imprisonment of 25 years and shall be ordered to pay a fine of  
654 \$750,000.

655           3. A person who knowingly sells, purchases, manufactures,  
656 delivers, or brings into this state, or who is knowingly in  
657 actual or constructive possession of, 7 grams or more of  
658 oxycodone, or any salt, derivative, isomer, or salt of an isomer  
659 thereof, or 7 grams or more of any mixture containing any such  
660 substance, commits a felony of the first degree, which felony  
661 shall be known as "trafficking in oxycodone," punishable as  
662 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
663 quantity involved:

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

667           b. Is 14 grams or more, but less than 25 grams, such  
668 person shall be sentenced to a mandatory minimum term of  
669 imprisonment of 7 years and shall be ordered to pay a fine of  
670 \$100,000.

671           c. Is 25 grams or more, but less than 100 grams, such  
672 person shall be sentenced to a mandatory minimum term of  
673 imprisonment of 15 years and shall be ordered to pay a fine of  
674 \$500,000.

675           d. Is 100 grams or more, but less than 30 kilograms, such  
676 person shall be sentenced to a mandatory minimum term of



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677 imprisonment of 25 years and shall be ordered to pay a fine of  
678 \$750,000.

679 4. A person who knowingly sells, purchases, manufactures,  
680 delivers, or brings into this state, or who is knowingly in  
681 actual or constructive possession of, 30 kilograms or more of  
682 any morphine, opium, oxycodone, hydrocodone, hydromorphone, or  
683 any salt, derivative, isomer, or salt of an isomer thereof,  
684 including heroin, as described in s. 893.03(1)(b), (2)(a),  
685 (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture  
686 containing any such substance, commits the first degree felony  
687 of trafficking in illegal drugs. A person who has been convicted  
688 of the first degree felony of trafficking in illegal drugs under  
689 this subparagraph shall be punished by life imprisonment and is  
690 ineligible for any form of discretionary early release except  
691 pardon or executive clemency or conditional medical release  
692 under s. 947.149. However, if the court determines that, in  
693 addition to committing any act specified in this paragraph:

694 a. The person intentionally killed an individual or  
695 counseled, commanded, induced, procured, or caused the  
696 intentional killing of an individual and such killing was the  
697 result; or

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

700

701 such person commits the capital felony of trafficking in illegal  
702 drugs, punishable as provided in ss. 775.082 and 921.142. A



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703 person sentenced for a capital felony under this paragraph shall  
704 also be sentenced to pay the maximum fine provided under  
705 subparagraph 1.

706 5. A person who knowingly brings into this state 60  
707 kilograms or more of any morphine, opium, oxycodone,  
708 hydrocodone, hydromorphone, or any salt, derivative, isomer, or  
709 salt of an isomer thereof, including heroin, as described in s.  
710 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or  
711 more of any mixture containing any such substance, and who knows  
712 that the probable result of such importation would be the death  
713 of a person, commits capital importation of illegal drugs, a  
714 capital felony punishable as provided in ss. 775.082 and  
715 921.142. A person sentenced for a capital felony under this  
716 paragraph shall also be sentenced to pay the maximum fine  
717 provided under subparagraph 1.

718 (d)1. Any person who knowingly sells, purchases,  
719 manufactures, delivers, or brings into this state, or who is  
720 knowingly in actual or constructive possession of, 28 grams or  
721 more of phencyclidine or of any mixture containing  
722 phencyclidine, as described in s. 893.03(2)(b), commits a felony  
723 of the first degree, which felony shall be known as "trafficking  
724 in phencyclidine," punishable as provided in s. 775.082, s.  
725 775.083, or s. 775.084. If the quantity involved:

726 a. Is 28 grams or more, but less than 200 grams, such  
727 person shall be sentenced to a mandatory minimum term of  
728 imprisonment of 3 years, and the defendant shall be ordered to



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729 pay a fine of \$50,000.

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

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

737 2. Any person who knowingly brings into this state 800  
738 grams or more of phencyclidine or of any mixture containing  
739 phencyclidine, as described in s. 893.03(2)(b), and who knows  
740 that the probable result of such importation would be the death  
741 of any person commits capital importation of phencyclidine, a  
742 capital felony punishable as provided in ss. 775.082 and  
743 921.142. Any person sentenced for a capital felony under this  
744 paragraph shall also be sentenced to pay the maximum fine  
745 provided under subparagraph 1.

746 (e)1. Any person who knowingly sells, purchases,  
747 manufactures, delivers, or brings into this state, or who is  
748 knowingly in actual or constructive possession of, 200 grams or  
749 more of methaqualone or of any mixture containing methaqualone,  
750 as described in s. 893.03(1)(d), commits a felony of the first  
751 degree, which felony shall be known as "trafficking in  
752 methaqualone," punishable as provided in s. 775.082, s. 775.083,  
753 or s. 775.084. If the quantity involved:

754 a. Is 200 grams or more, but less than 5 kilograms, such



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755 person shall be sentenced to a mandatory minimum term of  
756 imprisonment of 3 years, and the defendant shall be ordered to  
757 pay a fine of \$50,000.

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

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

765 2. Any person who knowingly brings into this state 50  
766 kilograms or more of methaqualone or of any mixture containing  
767 methaqualone, as described in s. 893.03(1)(d), and who knows  
768 that the probable result of such importation would be the death  
769 of any person commits capital importation of methaqualone, a  
770 capital felony punishable as provided in ss. 775.082 and  
771 921.142. Any person sentenced for a capital felony under this  
772 paragraph shall also be sentenced to pay the maximum fine  
773 provided under subparagraph 1.

774 (f)1. Any person who knowingly sells, purchases,  
775 manufactures, delivers, or brings into this state, or who is  
776 knowingly in actual or constructive possession of, 14 grams or  
777 more of amphetamine, as described in s. 893.03(2)(c)2., or  
778 methamphetamine, as described in s. 893.03(2)(c)4., or of any  
779 mixture containing amphetamine or methamphetamine, or  
780 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine



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781 in conjunction with other chemicals and equipment utilized in  
782 the manufacture of amphetamine or methamphetamine, commits a  
783 felony of the first degree, which felony shall be known as  
784 "trafficking in amphetamine," punishable as provided in s.  
785 775.082, s. 775.083, or s. 775.084. If the quantity involved:  
786       a. Is 14 grams or more, but less than 28 grams, such  
787 person shall be sentenced to a mandatory minimum term of  
788 imprisonment of 3 years, and the defendant shall be ordered to  
789 pay a fine of \$50,000.  
790       b. Is 28 grams or more, but less than 200 grams, such  
791 person shall be sentenced to a mandatory minimum term of  
792 imprisonment of 7 years, and the defendant shall be ordered to  
793 pay a fine of \$100,000.  
794       c. Is 200 grams or more, such person shall be sentenced to  
795 a mandatory minimum term of imprisonment of 15 calendar years  
796 and pay a fine of \$250,000.  
797       2. Any person who knowingly manufactures or brings into  
798 this state 400 grams or more of amphetamine, as described in s.  
799 893.03(2)(c)2., or methamphetamine, as described in s.  
800 893.03(2)(c)4., or of any mixture containing amphetamine or  
801 methamphetamine, or phenylacetone, phenylacetic acid,  
802 pseudoephedrine, or ephedrine in conjunction with other  
803 chemicals and equipment used in the manufacture of amphetamine  
804 or methamphetamine, and who knows that the probable result of  
805 such manufacture or importation would be the death of any person  
806 commits capital manufacture or importation of amphetamine, a



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807 capital felony punishable as provided in ss. 775.082 and  
808 921.142. Any person sentenced for a capital felony under this  
809 paragraph shall also be sentenced to pay the maximum fine  
810 provided under subparagraph 1.

811 (g)1. Any person who knowingly sells, purchases,  
812 manufactures, delivers, or brings into this state, or who is  
813 knowingly in actual or constructive possession of, 4 grams or  
814 more of flunitrazepam or any mixture containing flunitrazepam as  
815 described in s. 893.03(1)(a) commits a felony of the first  
816 degree, which felony shall be known as "trafficking in  
817 flunitrazepam," punishable as provided in s. 775.082, s.  
818 775.083, or s. 775.084. If the quantity involved:

819 a. Is 4 grams or more but less than 14 grams, such person  
820 shall be sentenced to a mandatory minimum term of imprisonment  
821 of 3 years, and the defendant shall be ordered to pay a fine of  
822 \$50,000.

823 b. Is 14 grams or more but less than 28 grams, such person  
824 shall be sentenced to a mandatory minimum term of imprisonment  
825 of 7 years, and the defendant shall be ordered to pay a fine of  
826 \$100,000.

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

830 2. Any person who knowingly sells, purchases,  
831 manufactures, delivers, or brings into this state or who is  
832 knowingly in actual or constructive possession of 30 kilograms





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833 or more of flunitrazepam or any mixture containing flunitrazepam  
834 as described in s. 893.03(1)(a) commits the first degree felony  
835 of trafficking in flunitrazepam. A person who has been convicted  
836 of the first degree felony of trafficking in flunitrazepam under  
837 this subparagraph shall be punished by life imprisonment and is  
838 ineligible for any form of discretionary early release except  
839 pardon or executive clemency or conditional medical release  
840 under s. 947.149. However, if the court determines that, in  
841 addition to committing any act specified in this paragraph:

842 a. The person intentionally killed an individual or  
843 counseled, commanded, induced, procured, or caused the  
844 intentional killing of an individual and such killing was the  
845 result; or

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

848  
849 such person commits the capital felony of trafficking in  
850 flunitrazepam, punishable as provided in ss. 775.082 and  
851 921.142. Any person sentenced for a capital felony under this  
852 paragraph shall also be sentenced to pay the maximum fine  
853 provided under subparagraph 1.

854 (h)1. Any person who knowingly sells, purchases,  
855 manufactures, delivers, or brings into this state, or who is  
856 knowingly in actual or constructive possession of, 1 kilogram or  
857 more of gamma-hydroxybutyric acid (GHB), as described in s.  
858 893.03(1)(d), or any mixture containing gamma-hydroxybutyric



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859 acid (GHB), commits a felony of the first degree, which felony  
860 shall be known as "trafficking in gamma-hydroxybutyric acid  
861 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.  
862 775.084. If the quantity involved:

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

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

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

874 2. Any person who knowingly manufactures or brings into  
875 this state 150 kilograms or more of gamma-hydroxybutyric acid  
876 (GHB), as described in s. 893.03(1)(d), or any mixture  
877 containing gamma-hydroxybutyric acid (GHB), and who knows that  
878 the probable result of such manufacture or importation would be  
879 the death of any person commits capital manufacture or  
880 importation of gamma-hydroxybutyric acid (GHB), a capital felony  
881 punishable as provided in ss. 775.082 and 921.142. Any person  
882 sentenced for a capital felony under this paragraph shall also  
883 be sentenced to pay the maximum fine provided under subparagraph  
884 1.



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885 (i)1. Any person who knowingly sells, purchases,  
886 manufactures, delivers, or brings into this state, or who is  
887 knowingly in actual or constructive possession of, 1 kilogram or  
888 more of gamma-butyrolactone (GBL), as described in s.  
889 893.03(1)(d), or any mixture containing gamma-butyrolactone  
890 (GBL), commits a felony of the first degree, which felony shall  
891 be known as "trafficking in gamma-butyrolactone (GBL),"  
892 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
893 If the quantity involved:

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

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

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

905 2. Any person who knowingly manufactures or brings into  
906 the state 150 kilograms or more of gamma-butyrolactone (GBL), as  
907 described in s. 893.03(1)(d), or any mixture containing gamma-  
908 butyrolactone (GBL), and who knows that the probable result of  
909 such manufacture or importation would be the death of any person  
910 commits capital manufacture or importation of gamma-



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911 butyrolactone (GBL), a capital felony punishable as provided in  
912 ss. 775.082 and 921.142. Any person sentenced for a capital  
913 felony under this paragraph shall also be sentenced to pay the  
914 maximum fine provided under subparagraph 1.

915 (j)1. Any person who knowingly sells, purchases,  
916 manufactures, delivers, or brings into this state, or who is  
917 knowingly in actual or constructive possession of, 1 kilogram or  
918 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of  
919 any mixture containing 1,4-Butanediol, commits a felony of the  
920 first degree, which felony shall be known as "trafficking in  
921 1,4-Butanediol," punishable as provided in s. 775.082, s.  
922 775.083, or s. 775.084. If the quantity involved:

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

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

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

934 2. Any person who knowingly manufactures or brings into  
935 this state 150 kilograms or more of 1,4-Butanediol as described  
936 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,



937 and who knows that the probable result of such manufacture or  
 938 importation would be the death of any person commits capital  
 939 manufacture or importation of 1,4-Butanediol, a capital felony  
 940 punishable as provided in ss. 775.082 and 921.142. Any person  
 941 sentenced for a capital felony under this paragraph shall also  
 942 be sentenced to pay the maximum fine provided under subparagraph  
 943 1.

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

948 893.03(1) (c):

- 949 a. 3,4-Methylenedioxymethamphetamine (MDMA);
- 950 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 951 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 952 d. 2,5-Dimethoxyamphetamine;
- 953 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 954 f. N-ethylamphetamine;
- 955 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 956 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 957 i. 4-methoxyamphetamine;
- 958 j. 4-methoxymethamphetamine;
- 959 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 960 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 961 m. 3,4-Methylenedioxyamphetamine;
- 962 n. N,N-dimethylamphetamine;



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- 963           o. 3,4,5-Trimethoxyamphetamine;  
964           p. 3,4-Methylenedioxymethcathinone;  
965           q. 3,4-Methylenedioxypyrovalerone (MDPV); or  
966           r. Methyldmethcathinone,  
967  
968 individually or analogs thereto or isomers thereto or in any  
969 combination of or any mixture containing any substance listed in  
970 sub-subparagraphs a.-r., commits a felony of the first degree,  
971 which felony shall be known as "trafficking in Phenethylamines,"  
972 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- 973           2. If the quantity involved:
- 974           a. Is 10 grams or more, but less than 200 grams, such  
975 person shall be sentenced to a mandatory minimum term of  
976 imprisonment of 3 years and shall be ordered to pay a fine of  
977 \$50,000.
- 978           b. Is 200 grams or more, but less than 400 grams, such  
979 person shall be sentenced to a mandatory minimum term of  
980 imprisonment of 7 years and shall be ordered to pay a fine of  
981 \$100,000.
- 982           c. Is 400 grams or more, such person shall be sentenced to  
983 a mandatory minimum term of imprisonment of 15 years and shall  
984 be ordered to pay a fine of \$250,000.
- 985           3. A person who knowingly manufactures or brings into this  
986 state 30 kilograms or more of any of the following substances  
987 described in s. 893.03(1)(c):
- 988           a. 3,4-Methylenedioxymethamphetamine (MDMA);



- 989 |           b. 4-Bromo-2,5-dimethoxyamphetamine;
- 990 |           c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 991 |           d. 2,5-Dimethoxyamphetamine;
- 992 |           e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 993 |           f. N-ethylamphetamine;
- 994 |           g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 995 |           h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 996 |           i. 4-methoxyamphetamine;
- 997 |           j. 4-methoxymethamphetamine;
- 998 |           k. 4-Methyl-2,5-dimethoxyamphetamine;
- 999 |           l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 1000 |           m. 3,4-Methylenedioxyamphetamine;
- 1001 |           n. N,N-dimethylamphetamine;
- 1002 |           o. 3,4,5-Trimethoxyamphetamine;
- 1003 |           p. 3,4-Methylenedioxymethcathinone;
- 1004 |           q. 3,4-Methylenedioxypyrovalerone (MDPV); or
- 1005 |           r. Methylnmethcathinone,

1006 |

1007 | individually or analogs thereto or isomers thereto or in any

1008 | combination of or any mixture containing any substance listed in

1009 | sub-subparagraphs a.-r., and who knows that the probable result

1010 | of such manufacture or importation would be the death of any

1011 | person commits capital manufacture or importation of

1012 | Phenethylamines, a capital felony punishable as provided in ss.

1013 | 775.082 and 921.142. A person sentenced for a capital felony

1014 | under this paragraph shall also be sentenced to pay the maximum



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1015 fine provided under subparagraph 1.

1016 (1)1. Any person who knowingly sells, purchases,  
1017 manufactures, delivers, or brings into this state, or who is  
1018 knowingly in actual or constructive possession of, 1 gram or  
1019 more of lysergic acid diethylamide (LSD) as described in s.  
1020 893.03(1)(c), or of any mixture containing lysergic acid  
1021 diethylamide (LSD), commits a felony of the first degree, which  
1022 felony shall be known as "trafficking in lysergic acid  
1023 diethylamide (LSD)," punishable as provided in s. 775.082, s.  
1024 775.083, or s. 775.084. If the quantity involved:

1025 a. Is 1 gram or more, but less than 5 grams, such person  
1026 shall be sentenced to a mandatory minimum term of imprisonment  
1027 of 3 years, and the defendant shall be ordered to pay a fine of  
1028 \$50,000.

1029 b. Is 5 grams or more, but less than 7 grams, such person  
1030 shall be sentenced to a mandatory minimum term of imprisonment  
1031 of 7 years, and the defendant shall be ordered to pay a fine of  
1032 \$100,000.

1033 c. Is 7 grams or more, such person shall be sentenced to a  
1034 mandatory minimum term of imprisonment of 15 calendar years and  
1035 pay a fine of \$500,000.

1036 2. Any person who knowingly manufactures or brings into  
1037 this state 7 grams or more of lysergic acid diethylamide (LSD)  
1038 as described in s. 893.03(1)(c), or any mixture containing  
1039 lysergic acid diethylamide (LSD), and who knows that the  
1040 probable result of such manufacture or importation would be the





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1041 death of any person commits capital manufacture or importation  
1042 of lysergic acid diethylamide (LSD), a capital felony punishable  
1043 as provided in ss. 775.082 and 921.142. Any person sentenced for  
1044 a capital felony under this paragraph shall also be sentenced to  
1045 pay the maximum fine provided under subparagraph 1.

1046 Section 7. This act shall take effect upon becoming a law.