

By Senator Bracy

11-00363-17

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1 A bill to be entitled
2 An act relating to sentencing for capital felonies;
3 amending ss. 921.141 and 921.142, F.S.; requiring jury
4 unanimity rather than a certain number of jurors for a
5 sentencing recommendation of death; reenacting ss.
6 775.082(1)(a), 782.04(1)(b), and 794.011(2)(a), F.S.,
7 relating to the punishment for a conviction of a
8 capital felony, procedures for determining a sentence
9 of death or life imprisonment, and sexual battery,
10 respectively, to incorporate the amendment made to s.
11 921.141, F.S., in references thereto; reenacting s.
12 893.135(1)(b), (c), (d), (e), (f), (g), (h), (i), (j),
13 (k), and (l), F.S., relating to the punishments for
14 capital drug trafficking felonies, to incorporate the
15 amendment made to s. 921.142, F.S., in references
16 thereto; providing an effective date.
17

18 Be It Enacted by the Legislature of the State of Florida:
19

20 Section 1. Paragraph (c) of subsection (2) of section
21 921.141, Florida Statutes, is amended to read:

22 921.141 Sentence of death or life imprisonment for capital
23 felonies; further proceedings to determine sentence.—

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

27 (c) If a unanimous jury determines ~~at least 10 jurors~~
28 ~~determine~~ that the defendant should be sentenced to death, the
29 jury's recommendation to the court shall be a sentence of death.
30 If a unanimous jury does not ~~fewer than 10 jurors~~ determine that
31 the defendant should be sentenced to death, the jury's
32 recommendation to the court shall be a sentence of life

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33 imprisonment without the possibility of parole.

34 Section 2. Paragraph (c) of subsection (3) of section
35 921.142, Florida Statutes, is amended to read:

36 921.142 Sentence of death or life imprisonment for capital
37 drug trafficking felonies; further proceedings to determine
38 sentence.—

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

42 (c) If a unanimous jury determines ~~at least 10 jurors~~
43 ~~determine~~ that the defendant should be sentenced to death, the
44 jury's recommendation to the court shall be a sentence of death.
45 If a unanimous jury does not ~~fewer than 10 jurors~~ determine that
46 the defendant should be sentenced to death, the jury's
47 recommendation to the court shall be a sentence of life
48 imprisonment without the possibility of parole.

49 Section 3. For the purpose of incorporating the amendment
50 made by this act to section 921.141, Florida Statutes, in a
51 reference thereto, paragraph (a) of subsection (1) of section
52 775.082, Florida Statutes, is reenacted to read:

53 775.082 Penalties; applicability of sentencing structures;
54 mandatory minimum sentences for certain reoffenders previously
55 released from prison.—

56 (1) (a) Except as provided in paragraph (b), a person who
57 has been convicted of a capital felony shall be punished by
58 death if the proceeding held to determine sentence according to
59 the procedure set forth in s. 921.141 results in a determination
60 that such person shall be punished by death, otherwise such
61 person shall be punished by life imprisonment and shall be

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62 ineligible for parole.

63 Section 4. For the purpose of incorporating the amendment
64 made by this act to section 921.141, Florida Statutes, in a
65 reference thereto, paragraph (b) of subsection (1) of section
66 782.04, Florida Statutes, is reenacted to read:

67 782.04 Murder.—

68 (1)

69 (b) In all cases under this section, the procedure set
70 forth in s. 921.141 shall be followed in order to determine
71 sentence of death or life imprisonment. If the prosecutor
72 intends to seek the death penalty, the prosecutor must give
73 notice to the defendant and file the notice with the court
74 within 45 days after arraignment. The notice must contain a list
75 of the aggravating factors the state intends to prove and has
76 reason to believe it can prove beyond a reasonable doubt. The
77 court may allow the prosecutor to amend the notice upon a
78 showing of good cause.

79 Section 5. For the purpose of incorporating the amendment
80 made by this act to section 921.141, Florida Statutes, in a
81 reference thereto, paragraph (a) of subsection (2) of section
82 794.011, Florida Statutes, is reenacted to read:

83 794.011 Sexual battery.—

84 (2) (a) A person 18 years of age or older who commits sexual
85 battery upon, or in an attempt to commit sexual battery injures
86 the sexual organs of, a person less than 12 years of age commits
87 a capital felony, punishable as provided in ss. 775.082 and
88 921.141.

89 Section 6. For the purpose of incorporating the amendment
90 made by this act to section 921.142, Florida Statutes, in

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91 references thereto, paragraphs (b) through (l) of subsection (1)
92 of section 893.135, Florida Statutes, are reenacted to read:

93 893.135 Trafficking; mandatory sentences; suspension or
94 reduction of sentences; conspiracy to engage in trafficking.—

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

97 (b)1. Any person who knowingly sells, purchases,
98 manufactures, delivers, or brings into this state, or who is
99 knowingly in actual or constructive possession of, 28 grams or
100 more of cocaine, as described in s. 893.03(2)(a)4., or of any
101 mixture containing cocaine, but less than 150 kilograms of
102 cocaine or any such mixture, commits a felony of the first
103 degree, which felony shall be known as "trafficking in cocaine,"
104 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
105 If the quantity involved:

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

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

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

117 2. Any person who knowingly sells, purchases, manufactures,
118 delivers, or brings into this state, or who is knowingly in
119 actual or constructive possession of, 150 kilograms or more of

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120 cocaine, as described in s. 893.03(2)(a)4., commits the first
121 degree felony of trafficking in cocaine. A person who has been
122 convicted of the first degree felony of trafficking in cocaine
123 under this subparagraph shall be punished by life imprisonment
124 and is ineligible for any form of discretionary early release
125 except pardon or executive clemency or conditional medical
126 release under s. 947.149. However, if the court determines that,
127 in addition to committing any act specified in this paragraph:

128 a. The person intentionally killed an individual or
129 counseled, commanded, induced, procured, or caused the
130 intentional killing of an individual and such killing was the
131 result; or

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

134

135 such person commits the capital felony of trafficking in
136 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
137 person sentenced for a capital felony under this paragraph shall
138 also be sentenced to pay the maximum fine provided under
139 subparagraph 1.

140 3. Any person who knowingly brings into this state 300
141 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
142 and who knows that the probable result of such importation would
143 be the death of any person, commits capital importation of
144 cocaine, a capital felony punishable as provided in ss. 775.082
145 and 921.142. Any person sentenced for a capital felony under
146 this paragraph shall also be sentenced to pay the maximum fine
147 provided under subparagraph 1.

148 (c)1. A person who knowingly sells, purchases,

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149 manufactures, delivers, or brings into this state, or who is
150 knowingly in actual or constructive possession of, 4 grams or
151 more of any morphine, opium, hydromorphone, or any salt,
152 derivative, isomer, or salt of an isomer thereof, including
153 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
154 (3)(c)4., or 4 grams or more of any mixture containing any such
155 substance, but less than 30 kilograms of such substance or
156 mixture, commits a felony of the first degree, which felony
157 shall be known as "trafficking in illegal drugs," punishable as
158 provided in s. 775.082, s. 775.083, or s. 775.084. If the
159 quantity involved:

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

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

166 c. Is 28 grams or more, but less than 30 kilograms, such
167 person shall be sentenced to a mandatory minimum term of
168 imprisonment of 25 years and shall be ordered to pay a fine of
169 \$500,000.

170 2. A person who knowingly sells, purchases, manufactures,
171 delivers, or brings into this state, or who is knowingly in
172 actual or constructive possession of, 14 grams or more of
173 hydrocodone, or any salt, derivative, isomer, or salt of an
174 isomer thereof, or 14 grams or more of any mixture containing
175 any such substance, commits a felony of the first degree, which
176 felony shall be known as "trafficking in hydrocodone,"
177 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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178 If the quantity involved:

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

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

185 c. Is 50 grams or more, but less than 200 grams, such
186 person shall be sentenced to a mandatory minimum term of
187 imprisonment of 15 years and shall be ordered to pay a fine of
188 \$500,000.

189 d. Is 200 grams or more, but less than 30 kilograms, such
190 person shall be sentenced to a mandatory minimum term of
191 imprisonment of 25 years and shall be ordered to pay a fine of
192 \$750,000.

193 3. A person who knowingly sells, purchases, manufactures,
194 delivers, or brings into this state, or who is knowingly in
195 actual or constructive possession of, 7 grams or more of
196 oxycodone, or any salt, derivative, isomer, or salt of an isomer
197 thereof, or 7 grams or more of any mixture containing any such
198 substance, commits a felony of the first degree, which felony
199 shall be known as "trafficking in oxycodone," punishable as
200 provided in s. 775.082, s. 775.083, or s. 775.084. If the
201 quantity involved:

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

205 b. Is 14 grams or more, but less than 25 grams, such person
206 shall be sentenced to a mandatory minimum term of imprisonment

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207 of 7 years and shall be ordered to pay a fine of \$100,000.

208 c. Is 25 grams or more, but less than 100 grams, such
209 person shall be sentenced to a mandatory minimum term of
210 imprisonment of 15 years and shall be ordered to pay a fine of
211 \$500,000.

212 d. Is 100 grams or more, but less than 30 kilograms, such
213 person shall be sentenced to a mandatory minimum term of
214 imprisonment of 25 years and shall be ordered to pay a fine of
215 \$750,000.

216 4. A person who knowingly sells, purchases, manufactures,
217 delivers, or brings into this state, or who is knowingly in
218 actual or constructive possession of, 30 kilograms or more of
219 any morphine, opium, oxycodone, hydrocodone, hydromorphone, or
220 any salt, derivative, isomer, or salt of an isomer thereof,
221 including heroin, as described in s. 893.03(1)(b), (2)(a),
222 (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture
223 containing any such substance, commits the first degree felony
224 of trafficking in illegal drugs. A person who has been convicted
225 of the first degree felony of trafficking in illegal drugs under
226 this subparagraph shall be punished by life imprisonment and is
227 ineligible for any form of discretionary early release except
228 pardon or executive clemency or conditional medical release
229 under s. 947.149. However, if the court determines that, in
230 addition to committing any act specified in this paragraph:

231 a. The person intentionally killed an individual or
232 counseled, commanded, induced, procured, or caused the
233 intentional killing of an individual and such killing was the
234 result; or

235 b. The person's conduct in committing that act led to a

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236 natural, though not inevitable, lethal result,

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238 such person commits the capital felony of trafficking in illegal
239 drugs, punishable as provided in ss. 775.082 and 921.142. A
240 person sentenced for a capital felony under this paragraph shall
241 also be sentenced to pay the maximum fine provided under
242 subparagraph 1.

243 5. A person who knowingly brings into this state 60
244 kilograms or more of any morphine, opium, oxycodone,
245 hydrocodone, hydromorphone, or any salt, derivative, isomer, or
246 salt of an isomer thereof, including heroin, as described in s.
247 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or
248 more of any mixture containing any such substance, and who knows
249 that the probable result of such importation would be the death
250 of a person, commits capital importation of illegal drugs, a
251 capital felony punishable as provided in ss. 775.082 and
252 921.142. A person sentenced for a capital felony under this
253 paragraph shall also be sentenced to pay the maximum fine
254 provided under subparagraph 1.

255 (d)1. Any person who knowingly sells, purchases,
256 manufactures, delivers, or brings into this state, or who is
257 knowingly in actual or constructive possession of, 28 grams or
258 more of phencyclidine or of any mixture containing
259 phencyclidine, as described in s. 893.03(2)(b), commits a felony
260 of the first degree, which felony shall be known as "trafficking
261 in phencyclidine," punishable as provided in s. 775.082, s.
262 775.083, or s. 775.084. If the quantity involved:

263 a. Is 28 grams or more, but less than 200 grams, such
264 person shall be sentenced to a mandatory minimum term of

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265 imprisonment of 3 years, and the defendant shall be ordered to
266 pay a fine of \$50,000.

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

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

274 2. Any person who knowingly brings into this state 800
275 grams or more of phencyclidine or of any mixture containing
276 phencyclidine, as described in s. 893.03(2)(b), and who knows
277 that the probable result of such importation would be the death
278 of any person commits capital importation of phencyclidine, a
279 capital felony punishable as provided in ss. 775.082 and
280 921.142. Any person sentenced for a capital felony under this
281 paragraph shall also be sentenced to pay the maximum fine
282 provided under subparagraph 1.

283 (e)1. Any person who knowingly sells, purchases,
284 manufactures, delivers, or brings into this state, or who is
285 knowingly in actual or constructive possession of, 200 grams or
286 more of methaqualone or of any mixture containing methaqualone,
287 as described in s. 893.03(1)(d), commits a felony of the first
288 degree, which felony shall be known as "trafficking in
289 methaqualone," punishable as provided in s. 775.082, s. 775.083,
290 or s. 775.084. If the quantity involved:

291 a. Is 200 grams or more, but less than 5 kilograms, such
292 person shall be sentenced to a mandatory minimum term of
293 imprisonment of 3 years, and the defendant shall be ordered to

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294 pay a fine of \$50,000.

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

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

302 2. Any person who knowingly brings into this state 50
303 kilograms or more of methaqualone or of any mixture containing
304 methaqualone, as described in s. 893.03(1)(d), and who knows
305 that the probable result of such importation would be the death
306 of any person commits capital importation of methaqualone, a
307 capital felony punishable as provided in ss. 775.082 and
308 921.142. Any person sentenced for a capital felony under this
309 paragraph shall also be sentenced to pay the maximum fine
310 provided under subparagraph 1.

311 (f)1. Any person who knowingly sells, purchases,
312 manufactures, delivers, or brings into this state, or who is
313 knowingly in actual or constructive possession of, 14 grams or
314 more of amphetamine, as described in s. 893.03(2)(c)2., or
315 methamphetamine, as described in s. 893.03(2)(c)4., or of any
316 mixture containing amphetamine or methamphetamine, or
317 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine
318 in conjunction with other chemicals and equipment utilized in
319 the manufacture of amphetamine or methamphetamine, commits a
320 felony of the first degree, which felony shall be known as
321 "trafficking in amphetamine," punishable as provided in s.
322 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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323 a. Is 14 grams or more, but less than 28 grams, such person
324 shall be sentenced to a mandatory minimum term of imprisonment
325 of 3 years, and the defendant shall be ordered to pay a fine of
326 \$50,000.

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

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

334 2. Any person who knowingly manufactures or brings into
335 this state 400 grams or more of amphetamine, as described in s.
336 893.03(2)(c)2., or methamphetamine, as described in s.
337 893.03(2)(c)4., or of any mixture containing amphetamine or
338 methamphetamine, or phenylacetone, phenylacetic acid,
339 pseudoephedrine, or ephedrine in conjunction with other
340 chemicals and equipment used in the manufacture of amphetamine
341 or methamphetamine, and who knows that the probable result of
342 such manufacture or importation would be the death of any person
343 commits capital manufacture or importation of amphetamine, a
344 capital felony punishable as provided in ss. 775.082 and
345 921.142. Any person sentenced for a capital felony under this
346 paragraph shall also be sentenced to pay the maximum fine
347 provided under subparagraph 1.

348 (g)1. Any person who knowingly sells, purchases,
349 manufactures, delivers, or brings into this state, or who is
350 knowingly in actual or constructive possession of, 4 grams or
351 more of flunitrazepam or any mixture containing flunitrazepam as

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352 described in s. 893.03(1)(a) commits a felony of the first
353 degree, which felony shall be known as "trafficking in
354 flunitrazepam," punishable as provided in s. 775.082, s.
355 775.083, or s. 775.084. If the quantity involved:

356 a. Is 4 grams or more but less than 14 grams, such person
357 shall be sentenced to a mandatory minimum term of imprisonment
358 of 3 years, and the defendant shall be ordered to pay a fine of
359 \$50,000.

360 b. Is 14 grams or more but less than 28 grams, such person
361 shall be sentenced to a mandatory minimum term of imprisonment
362 of 7 years, and the defendant shall be ordered to pay a fine of
363 \$100,000.

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

367 2. Any person who knowingly sells, purchases, manufactures,
368 delivers, or brings into this state or who is knowingly in
369 actual or constructive possession of 30 kilograms or more of
370 flunitrazepam or any mixture containing flunitrazepam as
371 described in s. 893.03(1)(a) commits the first degree felony of
372 trafficking in flunitrazepam. A person who has been convicted of
373 the first degree felony of trafficking in flunitrazepam under
374 this subparagraph shall be punished by life imprisonment and is
375 ineligible for any form of discretionary early release except
376 pardon or executive clemency or conditional medical release
377 under s. 947.149. However, if the court determines that, in
378 addition to committing any act specified in this paragraph:

379 a. The person intentionally killed an individual or
380 counseled, commanded, induced, procured, or caused the

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381 intentional killing of an individual and such killing was the
382 result; or

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

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386 such person commits the capital felony of trafficking in
387 flunitrazepam, punishable as provided in ss. 775.082 and
388 921.142. Any person sentenced for a capital felony under this
389 paragraph shall also be sentenced to pay the maximum fine
390 provided under subparagraph 1.

391 (h)1. Any person who knowingly sells, purchases,
392 manufactures, delivers, or brings into this state, or who is
393 knowingly in actual or constructive possession of, 1 kilogram or
394 more of gamma-hydroxybutyric acid (GHB), as described in s.
395 893.03(1)(d), or any mixture containing gamma-hydroxybutyric
396 acid (GHB), commits a felony of the first degree, which felony
397 shall be known as "trafficking in gamma-hydroxybutyric acid
398 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.
399 775.084. If the quantity involved:

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

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

408 c. Is 10 kilograms or more, such person shall be sentenced
409 to a mandatory minimum term of imprisonment of 15 calendar years

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410 and pay a fine of \$250,000.

411 2. Any person who knowingly manufactures or brings into
412 this state 150 kilograms or more of gamma-hydroxybutyric acid
413 (GHB), as described in s. 893.03(1)(d), or any mixture
414 containing gamma-hydroxybutyric acid (GHB), and who knows that
415 the probable result of such manufacture or importation would be
416 the death of any person commits capital manufacture or
417 importation of gamma-hydroxybutyric acid (GHB), a capital felony
418 punishable as provided in ss. 775.082 and 921.142. Any person
419 sentenced for a capital felony under this paragraph shall also
420 be sentenced to pay the maximum fine provided under subparagraph
421 1.

422 (i)1. Any person who knowingly sells, purchases,
423 manufactures, delivers, or brings into this state, or who is
424 knowingly in actual or constructive possession of, 1 kilogram or
425 more of gamma-butyrolactone (GBL), as described in s.
426 893.03(1)(d), or any mixture containing gamma-butyrolactone
427 (GBL), commits a felony of the first degree, which felony shall
428 be known as "trafficking in gamma-butyrolactone (GBL),"
429 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
430 If the quantity involved:

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

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

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

442 2. Any person who knowingly manufactures or brings into the
443 state 150 kilograms or more of gamma-butyrolactone (GBL), as
444 described in s. 893.03(1)(d), or any mixture containing gamma-
445 butyrolactone (GBL), and who knows that the probable result of
446 such manufacture or importation would be the death of any person
447 commits capital manufacture or importation of gamma-
448 butyrolactone (GBL), a capital felony punishable as provided in
449 ss. 775.082 and 921.142. Any person sentenced for a capital
450 felony under this paragraph shall also be sentenced to pay the
451 maximum fine provided under subparagraph 1.

452 (j)1. Any person who knowingly sells, purchases,
453 manufactures, delivers, or brings into this state, or who is
454 knowingly in actual or constructive possession of, 1 kilogram or
455 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of
456 any mixture containing 1,4-Butanediol, commits a felony of the
457 first degree, which felony shall be known as "trafficking in
458 1,4-Butanediol," punishable as provided in s. 775.082, s.
459 775.083, or s. 775.084. If the quantity involved:

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

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

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

471 2. Any person who knowingly manufactures or brings into
472 this state 150 kilograms or more of 1,4-Butanediol as described
473 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,
474 and who knows that the probable result of such manufacture or
475 importation would be the death of any person commits capital
476 manufacture or importation of 1,4-Butanediol, a capital felony
477 punishable as provided in ss. 775.082 and 921.142. Any person
478 sentenced for a capital felony under this paragraph shall also
479 be sentenced to pay the maximum fine provided under subparagraph
480 1.

481 (k)1. A person who knowingly sells, purchases,
482 manufactures, delivers, or brings into this state, or who is
483 knowingly in actual or constructive possession of, 10 grams or
484 more of any of the following substances described in s.
485 893.03(1)(c):

- 486 a. (MDMA) 3,4-Methylenedioxyamphetamine;
487 b. DOB (4-Bromo-2,5-dimethoxyamphetamine);
488 c. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine);
489 d. 2,5-Dimethoxyamphetamine;
490 e. DOET (4-Ethyl-2,5-dimethoxyamphetamine);
491 f. N-ethylamphetamine;
492 g. 3,4-Methylenedioxy-N-hydroxyamphetamine;
493 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
494 i. PMA (4-methoxyamphetamine);
495 j. PMMA (4-methoxymethamphetamine);
496 k. DOM (4-Methyl-2,5-dimethoxyamphetamine);

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- 497 l. MDEA (3,4-Methylenedioxy-N-ethylamphetamine);
498 m. MDA (3,4-Methylenedioxyamphetamine);
499 n. N,N-dimethylamphetamine;
500 o. 3,4,5-Trimethoxyamphetamine;
501 p. Methylone (3,4-Methylenedioxymethcathinone);
502 q. MDPV (3,4-Methylenedioxypropylone); or
503 r. Methylmethcathinone,

504

505 individually or analogs thereto or isomers thereto or in any
506 combination of or any mixture containing any substance listed in
507 sub-subparagraphs a.-r., commits a felony of the first degree,
508 which felony shall be known as "trafficking in Phenethylamines,"
509 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

510 2. If the quantity involved:

511 a. Is 10 grams or more, but less than 200 grams, such
512 person shall be sentenced to a mandatory minimum term of
513 imprisonment of 3 years and shall be ordered to pay a fine of
514 \$50,000.

515 b. Is 200 grams or more, but less than 400 grams, such
516 person shall be sentenced to a mandatory minimum term of
517 imprisonment of 7 years and shall be ordered to pay a fine of
518 \$100,000.

519 c. Is 400 grams or more, such person shall be sentenced to
520 a mandatory minimum term of imprisonment of 15 years and shall
521 be ordered to pay a fine of \$250,000.

522 3. A person who knowingly manufactures or brings into this
523 state 30 kilograms or more of any of the following substances
524 described in s. 893.03(1)(c):

525 a. MDMA (3,4-Methylenedioxymethamphetamine);

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- 526 b. DOB (4-Bromo-2,5-dimethoxyamphetamine);
 527 c. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine);
 528 d. 2,5-Dimethoxyamphetamine;
 529 e. DOET (4-Ethyl-2,5-dimethoxyamphetamine);
 530 f. N-ethylamphetamine;
 531 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
 532 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
 533 i. PMA (4-methoxyamphetamine);
 534 j. PMMA (4-methoxymethamphetamine);
 535 k. DOM (4-Methyl-2,5-dimethoxyamphetamine);
 536 l. MDEA (3,4-Methylenedioxy-N-ethylamphetamine);
 537 m. MDA (3,4-Methylenedioxyamphetamine);
 538 n. N,N-dimethylamphetamine;
 539 o. 3,4,5-Trimethoxyamphetamine;
 540 p. Methyldone (3,4-Methylenedioxy-methcathinone);
 541 q. MDPV (3,4-Methylenedioxy-pyrovalerone); or
 542 r. Methyldone,

543
 544 individually or analogs thereto or isomers thereto or in any
 545 combination of or any mixture containing any substance listed in
 546 sub-subparagraphs a.-r., and who knows that the probable result
 547 of such manufacture or importation would be the death of any
 548 person commits capital manufacture or importation of
 549 Phenethylamines, a capital felony punishable as provided in ss.
 550 775.082 and 921.142. A person sentenced for a capital felony
 551 under this paragraph shall also be sentenced to pay the maximum
 552 fine provided under subparagraph 1.

553 (1)1. Any person who knowingly sells, purchases,
 554 manufactures, delivers, or brings into this state, or who is

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555 knowingly in actual or constructive possession of, 1 gram or
556 more of lysergic acid diethylamide (LSD) as described in s.
557 893.03(1)(c), or of any mixture containing lysergic acid
558 diethylamide (LSD), commits a felony of the first degree, which
559 felony shall be known as "trafficking in lysergic acid
560 diethylamide (LSD)," punishable as provided in s. 775.082, s.
561 775.083, or s. 775.084. If the quantity involved:

562 a. Is 1 gram or more, but less than 5 grams, such person
563 shall be sentenced to a mandatory minimum term of imprisonment
564 of 3 years, and the defendant shall be ordered to pay a fine of
565 \$50,000.

566 b. Is 5 grams or more, but less than 7 grams, such person
567 shall be sentenced to a mandatory minimum term of imprisonment
568 of 7 years, and the defendant shall be ordered to pay a fine of
569 \$100,000.

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

573 2. Any person who knowingly manufactures or brings into
574 this state 7 grams or more of lysergic acid diethylamide (LSD)
575 as described in s. 893.03(1)(c), or any mixture containing
576 lysergic acid diethylamide (LSD), and who knows that the
577 probable result of such manufacture or importation would be the
578 death of any person commits capital manufacture or importation
579 of lysergic acid diethylamide (LSD), a capital felony punishable
580 as provided in ss. 775.082 and 921.142. Any person sentenced for
581 a capital felony under this paragraph shall also be sentenced to
582 pay the maximum fine provided under subparagraph 1.

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