



600702

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/04/2017	.	
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The Committee on Criminal Justice (Bracy) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (a), (b), and (d) through (n) of
subsection (1) of section 893.135, Florida Statutes, are amended
and subsection (8) is added to that section, to read:

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

(1) Except as authorized in this chapter or in chapter 499



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11 and notwithstanding the provisions of s. 893.13:

12 (a) Any person who knowingly sells, purchases,
13 manufactures, delivers, or brings into this state, or who is
14 knowingly in actual or constructive possession of, in excess of
15 25 pounds of cannabis, or 300 or more cannabis plants, commits a
16 felony of the first degree, which felony shall be known as
17 "trafficking in cannabis," punishable as provided in s. 775.082,
18 s. 775.083, or s. 775.084. If the quantity of cannabis involved:

19 1. Is in excess of 25 pounds, but less than 2,000 pounds,
20 or is 300 or more cannabis plants, but not more than 2,000
21 cannabis plants, such person shall be sentenced to a mandatory
22 minimum term of imprisonment of 3 years, and the defendant shall
23 be ordered to pay a fine of \$25,000. However, the court may
24 depart from the mandatory minimum term of imprisonment if it
25 makes written findings as provided in subsection (8).

26 2. Is 2,000 pounds or more, but less than 10,000 pounds, or
27 is 2,000 or more cannabis plants, but not more than 10,000
28 cannabis plants, such person shall be sentenced to a mandatory
29 minimum term of imprisonment of 7 years, and the defendant shall
30 be ordered to pay a fine of \$50,000.

31 3. Is 10,000 pounds or more, or is 10,000 or more cannabis
32 plants, such person shall be sentenced to a mandatory minimum
33 term of imprisonment of 15 calendar years and pay a fine of
34 \$200,000.

35

36 For the purpose of this paragraph, a plant, including, but not
37 limited to, a seedling or cutting, is a "cannabis plant" if it
38 has some readily observable evidence of root formation, such as
39 root hairs. To determine if a piece or part of a cannabis plant



40 severed from the cannabis plant is itself a cannabis plant, the
41 severed piece or part must have some readily observable evidence
42 of root formation, such as root hairs. Callous tissue is not
43 readily observable evidence of root formation. The viability and
44 sex of a plant and the fact that the plant may or may not be a
45 dead harvested plant are not relevant in determining if the
46 plant is a "cannabis plant" or in the charging of an offense
47 under this paragraph. Upon conviction, the court shall impose
48 the longest term of imprisonment provided for in this paragraph.

49 (b)1. Any person who knowingly sells, purchases,
50 manufactures, delivers, or brings into this state, or who is
51 knowingly in actual or constructive possession of, 28 grams or
52 more of cocaine, as described in s. 893.03(2)(a)4., or of any
53 mixture containing cocaine, but less than 150 kilograms of
54 cocaine or any such mixture, commits a felony of the first
55 degree, which felony shall be known as "trafficking in cocaine,"
56 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
57 If the quantity involved:

58 a. Is 28 grams or more, but less than 200 grams, such
59 person shall be sentenced to a mandatory minimum term of
60 imprisonment of 3 years, and the defendant shall be ordered to
61 pay a fine of \$50,000. However, the court may depart from the
62 mandatory minimum term of imprisonment if it makes written
63 findings as provided in subsection (8).

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

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



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

71 2. Any person who knowingly sells, purchases, manufactures,
72 delivers, or brings into this state, or who is knowingly in
73 actual or constructive possession of, 150 kilograms or more of
74 cocaine, as described in s. 893.03(2)(a)4., commits the first
75 degree felony of trafficking in cocaine. A person who has been
76 convicted of the first degree felony of trafficking in cocaine
77 under this subparagraph shall be punished by life imprisonment
78 and is ineligible for any form of discretionary early release
79 except pardon or executive clemency or conditional medical
80 release under s. 947.149. However, if the court determines that,
81 in addition to committing any act specified in this paragraph:

82 a. The person intentionally killed an individual or
83 counseled, commanded, induced, procured, or caused the
84 intentional killing of an individual and such killing was the
85 result; or

86 b. The person's conduct in committing that act led to a
87 natural, though not inevitable, lethal result,
88
89 such person commits the capital felony of trafficking in
90 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
91 person sentenced for a capital felony under this paragraph shall
92 also be sentenced to pay the maximum fine provided under
93 subparagraph 1.

94 3. Any person who knowingly brings into this state 300
95 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
96 and who knows that the probable result of such importation would
97 be the death of any person, commits capital importation of



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98 cocaine, a capital felony punishable as provided in ss. 775.082
99 and 921.142. Any person sentenced for a capital felony under
100 this paragraph shall also be sentenced to pay the maximum fine
101 provided under subparagraph 1.

102 (d)1. Any person who knowingly sells, purchases,
103 manufactures, delivers, or brings into this state, or who is
104 knowingly in actual or constructive possession of, 28 grams or
105 more of phencyclidine, as described in s. 893.03(2)(b)23., a
106 substituted phenylcyclohexylamine, as described in s.
107 893.03(1)(c)195., or a substance described in s.
108 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture
109 containing phencyclidine, as described in s. 893.03(2)(b)23., a
110 substituted phenylcyclohexylamine, as described in s.
111 893.03(1)(c)195., or a substance described in s.
112 893.03(1)(c)13., 32., 38., 103., or 146., commits a felony of
113 the first degree, which felony shall be known as "trafficking in
114 phencyclidine," punishable as provided in s. 775.082, s.
115 775.083, or s. 775.084. If the quantity involved:

116 a. Is 28 grams or more, but less than 200 grams, such
117 person shall be sentenced to a mandatory minimum term of
118 imprisonment of 3 years, and the defendant shall be ordered to
119 pay a fine of \$50,000. However, the court may depart from the
120 mandatory minimum term of imprisonment if it makes written
121 findings as provided in subsection (8).

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

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



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127 a mandatory minimum term of imprisonment of 15 calendar years
128 and pay a fine of \$250,000.

129 2. Any person who knowingly brings into this state 800
130 grams or more of phencyclidine, as described in s.
131 893.03(2)(b)23., a substituted phenylcyclohexylamine, as
132 described in s. 893.03(1)(c)195., or a substance described in s.
133 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture
134 containing phencyclidine, as described in s. 893.03(2)(b)23., a
135 substituted phenylcyclohexylamine, as described in s.
136 893.03(1)(c)195., or a substance described in s.
137 893.03(1)(c)13., 32., 38., 103., or 146., and who knows that the
138 probable result of such importation would be the death of any
139 person commits capital importation of phencyclidine, a capital
140 felony punishable as provided in ss. 775.082 and 921.142. Any
141 person sentenced for a capital felony under this paragraph shall
142 also be sentenced to pay the maximum fine provided under
143 subparagraph 1.

144 (e)1. Any person who knowingly sells, purchases,
145 manufactures, delivers, or brings into this state, or who is
146 knowingly in actual or constructive possession of, 200 grams or
147 more of methaqualone or of any mixture containing methaqualone,
148 as described in s. 893.03(1)(d), commits a felony of the first
149 degree, which felony shall be known as "trafficking in
150 methaqualone," punishable as provided in s. 775.082, s. 775.083,
151 or s. 775.084. If the quantity involved:

152 a. Is 200 grams or more, but less than 5 kilograms, such
153 person shall be sentenced to a mandatory minimum term of
154 imprisonment of 3 years, and the defendant shall be ordered to
155 pay a fine of \$50,000. However, the court may depart from the



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156 mandatory minimum term of imprisonment if it makes written
157 findings as provided in subsection (8).

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

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

165 2. Any person who knowingly brings into this state 50
166 kilograms or more of methaqualone or of any mixture containing
167 methaqualone, as described in s. 893.03(1)(d), and who knows
168 that the probable result of such importation would be the death
169 of any person commits capital importation of methaqualone, a
170 capital felony punishable as provided in ss. 775.082 and
171 921.142. Any person sentenced for a capital felony under this
172 paragraph shall also be sentenced to pay the maximum fine
173 provided under subparagraph 1.

174 (f)1. Any person who knowingly sells, purchases,
175 manufactures, delivers, or brings into this state, or who is
176 knowingly in actual or constructive possession of, 14 grams or
177 more of amphetamine, as described in s. 893.03(2)(c)2., or
178 methamphetamine, as described in s. 893.03(2)(c)4., or of any
179 mixture containing amphetamine or methamphetamine, or
180 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine
181 in conjunction with other chemicals and equipment utilized in
182 the manufacture of amphetamine or methamphetamine, commits a
183 felony of the first degree, which felony shall be known as
184 "trafficking in amphetamine," punishable as provided in s.



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185 775.082, s. 775.083, or s. 775.084. If the quantity involved:

186 a. Is 14 grams or more, but less than 28 grams, such person
187 shall be sentenced to a mandatory minimum term of imprisonment
188 of 3 years, and the defendant shall be ordered to pay a fine of
189 \$50,000. However, the court may depart from the mandatory
190 minimum term of imprisonment if it makes written findings as
191 provided in subsection (8).

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

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

199 2. Any person who knowingly manufactures or brings into
200 this state 400 grams or more of amphetamine, as described in s.
201 893.03(2)(c)2., or methamphetamine, as described in s.
202 893.03(2)(c)4., or of any mixture containing amphetamine or
203 methamphetamine, or phenylacetone, phenylacetic acid,
204 pseudoephedrine, or ephedrine in conjunction with other
205 chemicals and equipment used in the manufacture of amphetamine
206 or methamphetamine, and who knows that the probable result of
207 such manufacture or importation would be the death of any person
208 commits capital manufacture or importation of amphetamine, a
209 capital felony punishable as provided in ss. 775.082 and
210 921.142. Any person sentenced for a capital felony under this
211 paragraph shall also be sentenced to pay the maximum fine
212 provided under subparagraph 1.

213 (g)1. Any person who knowingly sells, purchases,



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214 manufactures, delivers, or brings into this state, or who is
215 knowingly in actual or constructive possession of, 4 grams or
216 more of flunitrazepam or any mixture containing flunitrazepam as
217 described in s. 893.03(1)(a) commits a felony of the first
218 degree, which felony shall be known as "trafficking in
219 flunitrazepam," punishable as provided in s. 775.082, s.
220 775.083, or s. 775.084. If the quantity involved:

221 a. Is 4 grams or more but less than 14 grams, such person
222 shall be sentenced to a mandatory minimum term of imprisonment
223 of 3 years, and the defendant shall be ordered to pay a fine of
224 \$50,000. However, the court may depart from the mandatory
225 minimum term of imprisonment if it makes written findings as
226 provided in subsection (8).

227 b. Is 14 grams or more but less than 28 grams, such person
228 shall be sentenced to a mandatory minimum term of imprisonment
229 of 7 years, and the defendant shall be ordered to pay a fine of
230 \$100,000.

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

234 2. Any person who knowingly sells, purchases, manufactures,
235 delivers, or brings into this state or who is knowingly in
236 actual or constructive possession of 30 kilograms or more of
237 flunitrazepam or any mixture containing flunitrazepam as
238 described in s. 893.03(1)(a) commits the first degree felony of
239 trafficking in flunitrazepam. A person who has been convicted of
240 the first degree felony of trafficking in flunitrazepam under
241 this subparagraph shall be punished by life imprisonment and is
242 ineligible for any form of discretionary early release except



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243 pardon or executive clemency or conditional medical release
244 under s. 947.149. However, if the court determines that, in
245 addition to committing any act specified in this paragraph:

246 a. The person intentionally killed an individual or
247 counseled, commanded, induced, procured, or caused the
248 intentional killing of an individual and such killing was the
249 result; or

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

252

253 such person commits the capital felony of trafficking in
254 flunitrazepam, punishable as provided in ss. 775.082 and
255 921.142. Any person sentenced for a capital felony under this
256 paragraph shall also be sentenced to pay the maximum fine
257 provided under subparagraph 1.

258 (h)1. Any person who knowingly sells, purchases,
259 manufactures, delivers, or brings into this state, or who is
260 knowingly in actual or constructive possession of, 1 kilogram or
261 more of gamma-hydroxybutyric acid (GHB), as described in s.
262 893.03(1)(d), or any mixture containing gamma-hydroxybutyric
263 acid (GHB), commits a felony of the first degree, which felony
264 shall be known as "trafficking in gamma-hydroxybutyric acid
265 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.
266 775.084. If the quantity involved:

267 a. Is 1 kilogram or more but less than 5 kilograms, such
268 person shall be sentenced to a mandatory minimum term of
269 imprisonment of 3 years, and the defendant shall be ordered to
270 pay a fine of \$50,000. However, the court may depart from the
271 mandatory minimum term of imprisonment if it makes written



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272 findings as provided in subsection (8).

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

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

280 2. Any person who knowingly manufactures or brings into
281 this state 150 kilograms or more of gamma-hydroxybutyric acid
282 (GHB), as described in s. 893.03(1)(d), or any mixture
283 containing gamma-hydroxybutyric acid (GHB), and who knows that
284 the probable result of such manufacture or importation would be
285 the death of any person commits capital manufacture or
286 importation of gamma-hydroxybutyric acid (GHB), a capital felony
287 punishable as provided in ss. 775.082 and 921.142. Any person
288 sentenced for a capital felony under this paragraph shall also
289 be sentenced to pay the maximum fine provided under subparagraph
290 1.

291 (i)1. Any person who knowingly sells, purchases,
292 manufactures, delivers, or brings into this state, or who is
293 knowingly in actual or constructive possession of, 1 kilogram or
294 more of gamma-butyrolactone (GBL), as described in s.
295 893.03(1)(d), or any mixture containing gamma-butyrolactone
296 (GBL), commits a felony of the first degree, which felony shall
297 be known as "trafficking in gamma-butyrolactone (GBL),"
298 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
299 If the quantity involved:

300 a. Is 1 kilogram or more but less than 5 kilograms, such



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301 person shall be sentenced to a mandatory minimum term of
302 imprisonment of 3 years, and the defendant shall be ordered to
303 pay a fine of \$50,000. However, the court may depart from the
304 mandatory minimum term of imprisonment if it makes written
305 findings as provided in subsection (8).

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

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

313 2. Any person who knowingly manufactures or brings into the
314 state 150 kilograms or more of gamma-butyrolactone (GBL), as
315 described in s. 893.03(1)(d), or any mixture containing gamma-
316 butyrolactone (GBL), and who knows that the probable result of
317 such manufacture or importation would be the death of any person
318 commits capital manufacture or importation of gamma-
319 butyrolactone (GBL), a capital felony punishable as provided in
320 ss. 775.082 and 921.142. Any person sentenced for a capital
321 felony under this paragraph shall also be sentenced to pay the
322 maximum fine provided under subparagraph 1.

323 (j)1. Any person who knowingly sells, purchases,
324 manufactures, delivers, or brings into this state, or who is
325 knowingly in actual or constructive possession of, 1 kilogram or
326 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of
327 any mixture containing 1,4-Butanediol, commits a felony of the
328 first degree, which felony shall be known as "trafficking in
329 1,4-Butanediol," punishable as provided in s. 775.082, s.



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330 775.083, or s. 775.084. If the quantity involved:

331 a. Is 1 kilogram or more, but less than 5 kilograms, such
332 person shall be sentenced to a mandatory minimum term of
333 imprisonment of 3 years, and the defendant shall be ordered to
334 pay a fine of \$50,000. However, the court may depart from the
335 mandatory minimum term of imprisonment if it makes written
336 findings as provided in subsection (8).

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

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

344 2. Any person who knowingly manufactures or brings into
345 this state 150 kilograms or more of 1,4-Butanediol as described
346 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,
347 and who knows that the probable result of such manufacture or
348 importation would be the death of any person commits capital
349 manufacture or importation of 1,4-Butanediol, a capital felony
350 punishable as provided in ss. 775.082 and 921.142. Any person
351 sentenced for a capital felony under this paragraph shall also
352 be sentenced to pay the maximum fine provided under subparagraph
353 1.

354 (k)1. A person who knowingly sells, purchases,
355 manufactures, delivers, or brings into this state, or who is
356 knowingly in actual or constructive possession of, 10 grams or
357 more of a:

358 a. Substance described in s. 893.03(1)(c)4., 5., 10., 11.,



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359 15., 17., 21.-27., 29., 39., 40.-45., 58., 72.-80., 81.-86.,
360 90.-102., 104.-108., 110.-113., 143.-145., 148.-150., 160.-163.,
361 165., or 187.-189., a substituted cathinone, as described in s.
362 893.03(1)(c)191., or substituted phenethylamine, as described in
363 s. 893.03(1)(c)192.;

364 b. Mixture containing any substance described in sub-
365 subparagraph a.; or

366 c. Salt, isomer, ester, or ether or salt of an isomer,
367 ester, or ether of a substance described in sub-subparagraph a.,
368

369 commits a felony of the first degree, which felony shall be
370 known as "trafficking in phenethylamines," punishable as
371 provided in s. 775.082, s. 775.083, or s. 775.084.

372 2. If the quantity involved under subparagraph 1.:

373 a. Is 10 grams or more, but less than 200 grams, such
374 person shall be sentenced to a mandatory minimum term of
375 imprisonment of 3 years and shall be ordered to pay a fine of
376 \$50,000. However, the court may depart from the mandatory
377 minimum term of imprisonment if it makes written findings as
378 provided in subsection (8).

379 b. Is 200 grams or more, but less than 400 grams, such
380 person shall be sentenced to a mandatory minimum term of
381 imprisonment of 7 years and shall be ordered to pay a fine of
382 \$100,000.

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

386 3. A person who knowingly manufactures or brings into this
387 state 30 kilograms or more of a substance described in sub-



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388 subparagraph 1.a., a mixture described in sub-subparagraph 1.b.,
389 or a salt, isomer, ester, or ether or a salt of an isomer,
390 ester, or ether described in sub-subparagraph 1.c., and who
391 knows that the probable result of such manufacture or
392 importation would be the death of any person commits capital
393 manufacture or importation of phenethylamines, a capital felony
394 punishable as provided in ss. 775.082 and 921.142. A person
395 sentenced for a capital felony under this paragraph shall also
396 be sentenced to pay the maximum fine under subparagraph 2.

397 (1)1. Any person who knowingly sells, purchases,
398 manufactures, delivers, or brings into this state, or who is
399 knowingly in actual or constructive possession of, 1 gram or
400 more of lysergic acid diethylamide (LSD) as described in s.
401 893.03(1)(c), or of any mixture containing lysergic acid
402 diethylamide (LSD), commits a felony of the first degree, which
403 felony shall be known as "trafficking in lysergic acid
404 diethylamide (LSD)," punishable as provided in s. 775.082, s.
405 775.083, or s. 775.084. If the quantity involved:

406 a. Is 1 gram or more, but less than 5 grams, such person
407 shall be sentenced to a mandatory minimum term of imprisonment
408 of 3 years, and the defendant shall be ordered to pay a fine of
409 \$50,000. However, the court may depart from the mandatory
410 minimum term of imprisonment if it makes written findings as
411 provided in subsection (8).

412 b. Is 5 grams or more, but less than 7 grams, such person
413 shall be sentenced to a mandatory minimum term of imprisonment
414 of 7 years, and the defendant shall be ordered to pay a fine of
415 \$100,000.

416 c. Is 7 grams or more, such person shall be sentenced to a



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417 mandatory minimum term of imprisonment of 15 calendar years and
418 pay a fine of \$500,000.

419 2. Any person who knowingly manufactures or brings into
420 this state 7 grams or more of lysergic acid diethylamide (LSD)
421 as described in s. 893.03(1)(c), or any mixture containing
422 lysergic acid diethylamide (LSD), and who knows that the
423 probable result of such manufacture or importation would be the
424 death of any person commits capital manufacture or importation
425 of lysergic acid diethylamide (LSD), a capital felony punishable
426 as provided in ss. 775.082 and 921.142. Any person sentenced for
427 a capital felony under this paragraph shall also be sentenced to
428 pay the maximum fine provided under subparagraph 1.

429 (m)1. A person who knowingly sells, purchases,
430 manufactures, delivers, or brings into this state, or who is
431 knowingly in actual or constructive possession of, 280 grams or
432 more of a:

433 a. Substance described in s. 893.03(1)(c)30., 46.-50.,
434 114.-142., 151.-156., 166.-173., or 176.-186. or a synthetic
435 cannabinoid, as described in s. 893.03(1)(c)190.; or

436 b. Mixture containing any substance described in sub-
437 subparagraph a.,

438

439 commits a felony of the first degree, which felony shall be
440 known as "trafficking in synthetic cannabinoids," punishable as
441 provided in s. 775.082, s. 775.083, or s. 775.084.

442 2. If the quantity involved under subparagraph 1.:

443 a. Is 280 grams or more, but less than 500 grams, such
444 person shall be sentenced to a mandatory minimum term of
445 imprisonment of 3 years, and the defendant shall be ordered to



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446 pay a fine of \$50,000. However, the court may depart from the
447 mandatory minimum term of imprisonment if it makes written
448 findings as provided in subsection (8).

449 b. Is 500 grams or more, but less than 1,000 grams, such
450 person shall be sentenced to a mandatory minimum term of
451 imprisonment of 7 years, and the defendant shall be ordered to
452 pay a fine of \$100,000.

453 c. Is 1,000 grams or more, but less than 30 kilograms, such
454 person shall be sentenced to a mandatory minimum term of
455 imprisonment of 15 years, and the defendant shall be ordered to
456 pay a fine of \$200,000.

457 d. Is 30 kilograms or more, such person shall be sentenced
458 to a mandatory minimum term of imprisonment of 25 years, and the
459 defendant shall be ordered to pay a fine of \$750,000.

460 (n)1. A person who knowingly sells, purchases,
461 manufactures, delivers, or brings into this state, or who is
462 knowingly in actual or constructive possession of, 14 grams or
463 more of:

464 a. A substance described in s. 893.03(1)(c)164., 174., or
465 175., a n-benzyl phenethylamine compound, as described in s.
466 893.03(1)(c)193.; or

467 b. A mixture containing any substance described in sub-
468 subparagraph a.,

469
470 commits a felony of the first degree, which felony shall be
471 known as "trafficking in n-benzyl phenethylamines," punishable
472 as provided in s. 775.082, s. 775.083, or s. 775.084.

473 2. If the quantity involved under subparagraph 1.:

474 a. Is 14 grams or more, but less than 100 grams, such



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475 person shall be sentenced to a mandatory minimum term of
476 imprisonment of 3 years, and the defendant shall be ordered to
477 pay a fine of \$50,000. However, the court may depart from the
478 mandatory minimum term of imprisonment if it makes written
479 findings as provided in subsection (8).

480 b. Is 100 grams or more, but less than 200 grams, such
481 person shall be sentenced to a mandatory minimum term of
482 imprisonment of 7 years, and the defendant shall be ordered to
483 pay a fine of \$100,000.

484 c. Is 200 grams or more, such person shall be sentenced to
485 a mandatory minimum term of imprisonment of 15 years, and the
486 defendant shall be ordered to pay a fine of \$500,000.

487 3. A person who knowingly manufactures or brings into this
488 state 400 grams or more of a substance described in sub-
489 subparagraph 1.a. or a mixture described in sub-subparagraph
490 1.b., and who knows that the probable result of such manufacture
491 or importation would be the death of any person commits capital
492 manufacture or importation of a n-benzyl phenethylamine
493 compound, a capital felony punishable as provided in ss. 775.082
494 and 921.142. A person sentenced for a capital felony under this
495 paragraph shall also be sentenced to pay the maximum fine under
496 subparagraph 2.

497 (8) The court may depart from the mandatory minimum term of
498 imprisonment for a violation of this section if the departure is
499 specifically authorized by this section and the court makes the
500 following written findings:

501 (a) The offense only involved possession.

502 (b) The offender did not use or threaten violence or use a
503 weapon during the commission of the offense.



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504 (c) The offense did not result in a death or serious bodily
505 injury of a person not a party to the offense.

506 (d) A factor, consideration, or circumstance clearly
507 demonstrates that imposing the mandatory minimum term of
508 imprisonment would constitute or result in an injustice.

509 Section 2. This act shall take effect July 1, 2018.

510

511 ===== T I T L E A M E N D M E N T =====

512 And the title is amended as follows:

513 Delete everything before the enacting clause
514 and insert:

515 A bill to be entitled
516 An act relating to mandatory minimum sentences;
517 amending s. 893.135, F.S.; authorizing a court to
518 depart from certain mandatory minimum terms of
519 imprisonment for drug trafficking if it makes
520 specified findings; providing an effective date.

521