

By Senator Bracy

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1                   A bill to be entitled  
2       An act relating to mandatory minimum sentences;  
3       amending s. 893.135, F.S.; authorizing a court to  
4       depart from certain mandatory minimum terms of  
5       imprisonment for drug trafficking if it makes  
6       specified findings; providing an effective date.

7  
8 Be It Enacted by the Legislature of the State of Florida:

9  
10       Section 1. Paragraphs (a), (b), and (d) through (n) of  
11       subsection (1) of section 893.135, Florida Statutes, are amended  
12       to read:

13       893.135 Trafficking; mandatory sentences; suspension or  
14       reduction of sentences; conspiracy to engage in trafficking.—

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

17       (a) Any person who knowingly sells, purchases,  
18       manufactures, delivers, or brings into this state, or who is  
19       knowingly in actual or constructive possession of, in excess of  
20       25 pounds of cannabis, or 300 or more cannabis plants, commits a  
21       felony of the first degree, which felony shall be known as  
22       "trafficking in cannabis," punishable as provided in s. 775.082,  
23       s. 775.083, or s. 775.084. If the quantity of cannabis involved:

24       1. Is in excess of 25 pounds, but less than 2,000 pounds,  
25       or is 300 or more cannabis plants, but not more than 2,000  
26       cannabis plants, such person shall be sentenced to a mandatory  
27       minimum term of imprisonment of 3 years, and the defendant shall  
28       be ordered to pay a fine of \$25,000. However, the court may  
29       depart from the mandatory minimum term of imprisonment if it

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30 makes written findings that the violation only involved  
31 possession and that a factor, consideration, or circumstance  
32 clearly demonstrates that imposing the mandatory minimum term of  
33 imprisonment would constitute or result in an injustice.

34 2. Is 2,000 pounds or more, but less than 10,000 pounds, or  
35 is 2,000 or more cannabis plants, but not more than 10,000  
36 cannabis plants, such person shall be sentenced to a mandatory  
37 minimum term of imprisonment of 7 years, and the defendant shall  
38 be ordered to pay a fine of \$50,000.

39 3. Is 10,000 pounds or more, or is 10,000 or more cannabis  
40 plants, such person shall be sentenced to a mandatory minimum  
41 term of imprisonment of 15 calendar years and pay a fine of  
42 \$200,000.

43  
44 For the purpose of this paragraph, a plant, including, but not  
45 limited to, a seedling or cutting, is a "cannabis plant" if it  
46 has some readily observable evidence of root formation, such as  
47 root hairs. To determine if a piece or part of a cannabis plant  
48 severed from the cannabis plant is itself a cannabis plant, the  
49 severed piece or part must have some readily observable evidence  
50 of root formation, such as root hairs. Callous tissue is not  
51 readily observable evidence of root formation. The viability and  
52 sex of a plant and the fact that the plant may or may not be a  
53 dead harvested plant are not relevant in determining if the  
54 plant is a "cannabis plant" or in the charging of an offense  
55 under this paragraph. Upon conviction, the court shall impose  
56 the longest term of imprisonment provided for in this paragraph.

57 (b)1. Any person who knowingly sells, purchases,  
58 manufactures, delivers, or brings into this state, or who is

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59 knowingly in actual or constructive possession of, 28 grams or  
60 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
61 mixture containing cocaine, but less than 150 kilograms of  
62 cocaine or any such mixture, commits a felony of the first  
63 degree, which felony shall be known as "trafficking in cocaine,"  
64 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
65 If the quantity involved:

66 a. Is 28 grams or more, but less than 200 grams, such  
67 person shall be sentenced to a mandatory minimum term of  
68 imprisonment of 3 years, and the defendant shall be ordered to  
69 pay a fine of \$50,000. However, the court may depart from the  
70 mandatory minimum term of imprisonment if it makes written  
71 findings that the violation only involved possession and that a  
72 factor, consideration, or circumstance clearly demonstrates that  
73 imposing the mandatory minimum term of imprisonment would  
74 constitute or result in an injustice.

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

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

82 2. Any person who knowingly sells, purchases, manufactures,  
83 delivers, or brings into this state, or who is knowingly in  
84 actual or constructive possession of, 150 kilograms or more of  
85 cocaine, as described in s. 893.03(2)(a)4., commits the first  
86 degree felony of trafficking in cocaine. A person who has been  
87 convicted of the first degree felony of trafficking in cocaine

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88 under this subparagraph shall be punished by life imprisonment  
89 and is ineligible for any form of discretionary early release  
90 except pardon or executive clemency or conditional medical  
91 release under s. 947.149. However, if the court determines that,  
92 in addition to committing any act specified in this paragraph:

93 a. The person intentionally killed an individual or  
94 counseled, commanded, induced, procured, or caused the  
95 intentional killing of an individual and such killing was the  
96 result; or

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

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

105 3. Any person who knowingly brings into this state 300  
106 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
107 and who knows that the probable result of such importation would  
108 be the death of any person, commits capital importation of  
109 cocaine, a capital felony punishable as provided in ss. 775.082  
110 and 921.142. Any person sentenced for a capital felony under  
111 this paragraph shall also be sentenced to pay the maximum fine  
112 provided under subparagraph 1.

113 (d)1. Any person who knowingly sells, purchases,  
114 manufactures, delivers, or brings into this state, or who is  
115 knowingly in actual or constructive possession of, 28 grams or  
116 more of phencyclidine, as described in s. 893.03(2)(b)23., a

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117 substituted phenylcyclohexylamine, as described in s.  
118 893.03(1)(c)195., or a substance described in s.  
119 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture  
120 containing phencyclidine, as described in s. 893.03(2)(b)23., a  
121 substituted phenylcyclohexylamine, as described in s.  
122 893.03(1)(c)195., or a substance described in s.  
123 893.03(1)(c)13., 32., 38., 103., or 146., commits a felony of  
124 the first degree, which felony shall be known as "trafficking in  
125 phencyclidine," punishable as provided in s. 775.082, s.  
126 775.083, or s. 775.084. If the quantity involved:

127 a. Is 28 grams or more, but less than 200 grams, such  
128 person shall be sentenced to a mandatory minimum term of  
129 imprisonment of 3 years, and the defendant shall be ordered to  
130 pay a fine of \$50,000. However, the court may depart from the  
131 mandatory minimum term of imprisonment if it makes written  
132 findings that the violation only involved possession and that a  
133 factor, consideration, or circumstance clearly demonstrates that  
134 imposing the mandatory minimum term of imprisonment would  
135 constitute or result in an injustice.

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

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

143 2. Any person who knowingly brings into this state 800  
144 grams or more of phencyclidine, as described in s.  
145 893.03(2)(b)23., a substituted phenylcyclohexylamine, as

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146 described in s. 893.03(1)(c)195., or a substance described in s.  
147 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture  
148 containing phencyclidine, as described in s. 893.03(2)(b)23., a  
149 substituted phenylcyclohexylamine, as described in s.  
150 893.03(1)(c)195., or a substance described in s.  
151 893.03(1)(c)13., 32., 38., 103., or 146., and who knows that the  
152 probable result of such importation would be the death of any  
153 person commits capital importation of phencyclidine, a capital  
154 felony punishable as provided in ss. 775.082 and 921.142. Any  
155 person sentenced for a capital felony under this paragraph shall  
156 also be sentenced to pay the maximum fine provided under  
157 subparagraph 1.

158 (e)1. Any person who knowingly sells, purchases,  
159 manufactures, delivers, or brings into this state, or who is  
160 knowingly in actual or constructive possession of, 200 grams or  
161 more of methaqualone or of any mixture containing methaqualone,  
162 as described in s. 893.03(1)(d), commits a felony of the first  
163 degree, which felony shall be known as "trafficking in  
164 methaqualone," punishable as provided in s. 775.082, s. 775.083,  
165 or s. 775.084. If the quantity involved:

166 a. Is 200 grams or more, but less than 5 kilograms, such  
167 person shall be sentenced to a mandatory minimum term of  
168 imprisonment of 3 years, and the defendant shall be ordered to  
169 pay a fine of \$50,000. However, the court may depart from the  
170 mandatory minimum term of imprisonment if it makes written  
171 findings that the violation only involved possession and that a  
172 factor, consideration, or circumstance clearly demonstrates that  
173 imposing the mandatory minimum term of imprisonment would  
174 constitute or result in an injustice.

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

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

182           2. Any person who knowingly brings into this state 50  
183 kilograms or more of methaqualone or of any mixture containing  
184 methaqualone, as described in s. 893.03(1)(d), and who knows  
185 that the probable result of such importation would be the death  
186 of any person commits capital importation of methaqualone, a  
187 capital felony punishable as provided in ss. 775.082 and  
188 921.142. Any person sentenced for a capital felony under this  
189 paragraph shall also be sentenced to pay the maximum fine  
190 provided under subparagraph 1.

191           (f)1. Any person who knowingly sells, purchases,  
192 manufactures, delivers, or brings into this state, or who is  
193 knowingly in actual or constructive possession of, 14 grams or  
194 more of amphetamine, as described in s. 893.03(2)(c)2., or  
195 methamphetamine, as described in s. 893.03(2)(c)4., or of any  
196 mixture containing amphetamine or methamphetamine, or  
197 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine  
198 in conjunction with other chemicals and equipment utilized in  
199 the manufacture of amphetamine or methamphetamine, commits a  
200 felony of the first degree, which felony shall be known as  
201 "trafficking in amphetamine," punishable as provided in s.  
202 775.082, s. 775.083, or s. 775.084. If the quantity involved:

203           a. Is 14 grams or more, but less than 28 grams, such person

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204 shall be sentenced to a mandatory minimum term of imprisonment  
205 of 3 years, and the defendant shall be ordered to pay a fine of  
206 \$50,000. However, the court may depart from the mandatory  
207 minimum term of imprisonment if it makes written findings that  
208 the violation only involved possession and that a factor,  
209 consideration, or circumstance clearly demonstrates that  
210 imposing the mandatory minimum term of imprisonment would  
211 constitute or result in an injustice.

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

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

219 2. Any person who knowingly manufactures or brings into  
220 this state 400 grams or more of amphetamine, as described in s.  
221 893.03(2)(c)2., or methamphetamine, as described in s.  
222 893.03(2)(c)4., or of any mixture containing amphetamine or  
223 methamphetamine, or phenylacetone, phenylacetic acid,  
224 pseudoephedrine, or ephedrine in conjunction with other  
225 chemicals and equipment used in the manufacture of amphetamine  
226 or methamphetamine, and who knows that the probable result of  
227 such manufacture or importation would be the death of any person  
228 commits capital manufacture or importation of amphetamine, a  
229 capital felony punishable as provided in ss. 775.082 and  
230 921.142. Any person sentenced for a capital felony under this  
231 paragraph shall also be sentenced to pay the maximum fine  
232 provided under subparagraph 1.



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233 (g)1. Any person who knowingly sells, purchases,  
234 manufactures, delivers, or brings into this state, or who is  
235 knowingly in actual or constructive possession of, 4 grams or  
236 more of flunitrazepam or any mixture containing flunitrazepam as  
237 described in s. 893.03(1)(a) commits a felony of the first  
238 degree, which felony shall be known as "trafficking in  
239 flunitrazepam," punishable as provided in s. 775.082, s.  
240 775.083, or s. 775.084. If the quantity involved:

241 a. Is 4 grams or more but less than 14 grams, such person  
242 shall be sentenced to a mandatory minimum term of imprisonment  
243 of 3 years, and the defendant shall be ordered to pay a fine of  
244 \$50,000. However, the court may depart from the mandatory  
245 minimum term of imprisonment if it makes written findings that  
246 the violation only involved possession and that a factor,  
247 consideration, or circumstance clearly demonstrates that  
248 imposing the mandatory minimum term of imprisonment would  
249 constitute or result in an injustice.

250 b. Is 14 grams or more but less than 28 grams, such person  
251 shall be sentenced to a mandatory minimum term of imprisonment  
252 of 7 years, and the defendant shall be ordered to pay a fine of  
253 \$100,000.

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

257 2. Any person who knowingly sells, purchases, manufactures,  
258 delivers, or brings into this state or who is knowingly in  
259 actual or constructive possession of 30 kilograms or more of  
260 flunitrazepam or any mixture containing flunitrazepam as  
261 described in s. 893.03(1)(a) commits the first degree felony of

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262 trafficking in flunitrazepam. A person who has been convicted of  
263 the first degree felony of trafficking in flunitrazepam under  
264 this subparagraph shall be punished by life imprisonment and is  
265 ineligible for any form of discretionary early release except  
266 pardon or executive clemency or conditional medical release  
267 under s. 947.149. However, if the court determines that, in  
268 addition to committing any act specified in this paragraph:

269 a. The person intentionally killed an individual or  
270 counseled, commanded, induced, procured, or caused the  
271 intentional killing of an individual and such killing was the  
272 result; or

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

275  
276 such person commits the capital felony of trafficking in  
277 flunitrazepam, punishable as provided in ss. 775.082 and  
278 921.142. Any person sentenced for a capital felony under this  
279 paragraph shall also be sentenced to pay the maximum fine  
280 provided under subparagraph 1.

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

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

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291 person shall be sentenced to a mandatory minimum term of  
292 imprisonment of 3 years, and the defendant shall be ordered to  
293 pay a fine of \$50,000. However, the court may depart from the  
294 mandatory minimum term of imprisonment if it makes written  
295 findings that the violation only involved possession and that a  
296 factor, consideration, or circumstance clearly demonstrates that  
297 imposing the mandatory minimum term of imprisonment would  
298 constitute or result in an injustice.

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

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

306 2. Any person who knowingly manufactures or brings into  
307 this state 150 kilograms or more of gamma-hydroxybutyric acid  
308 (GHB), as described in s. 893.03(1)(d), or any mixture  
309 containing gamma-hydroxybutyric acid (GHB), and who knows that  
310 the probable result of such manufacture or importation would be  
311 the death of any person commits capital manufacture or  
312 importation of gamma-hydroxybutyric acid (GHB), a capital felony  
313 punishable as provided in ss. 775.082 and 921.142. Any person  
314 sentenced for a capital felony under this paragraph shall also  
315 be sentenced to pay the maximum fine provided under subparagraph  
316 1.

317 (i)1. Any person who knowingly sells, purchases,  
318 manufactures, delivers, or brings into this state, or who is  
319 knowingly in actual or constructive possession of, 1 kilogram or

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320 more of gamma-butyrolactone (GBL), as described in s.  
321 893.03(1)(d), or any mixture containing gamma-butyrolactone  
322 (GBL), commits a felony of the first degree, which felony shall  
323 be known as "trafficking in gamma-butyrolactone (GBL),"  
324 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
325 If the quantity involved:

326 a. Is 1 kilogram or more but less than 5 kilograms, such  
327 person shall be sentenced to a mandatory minimum term of  
328 imprisonment of 3 years, and the defendant shall be ordered to  
329 pay a fine of \$50,000. However, the court may depart from the  
330 mandatory minimum term of imprisonment if it makes written  
331 findings that the violation only involved possession and that a  
332 factor, consideration, or circumstance clearly demonstrates that  
333 imposing the mandatory minimum term of imprisonment would  
334 constitute or result in an injustice.

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

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

342 2. Any person who knowingly manufactures or brings into the  
343 state 150 kilograms or more of gamma-butyrolactone (GBL), as  
344 described in s. 893.03(1)(d), or any mixture containing gamma-  
345 butyrolactone (GBL), and who knows that the probable result of  
346 such manufacture or importation would be the death of any person  
347 commits capital manufacture or importation of gamma-  
348 butyrolactone (GBL), a capital felony punishable as provided in

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349 ss. 775.082 and 921.142. Any person sentenced for a capital  
350 felony under this paragraph shall also be sentenced to pay the  
351 maximum fine provided under subparagraph 1.

352 (j)1. Any person who knowingly sells, purchases,  
353 manufactures, delivers, or brings into this state, or who is  
354 knowingly in actual or constructive possession of, 1 kilogram or  
355 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of  
356 any mixture containing 1,4-Butanediol, commits a felony of the  
357 first degree, which felony shall be known as "trafficking in  
358 1,4-Butanediol," punishable as provided in s. 775.082, s.  
359 775.083, or s. 775.084. If the quantity involved:

360 a. Is 1 kilogram or more, but less than 5 kilograms, such  
361 person shall be sentenced to a mandatory minimum term of  
362 imprisonment of 3 years, and the defendant shall be ordered to  
363 pay a fine of \$50,000. However, the court may depart from the  
364 mandatory minimum term of imprisonment if it makes written  
365 findings that the violation only involved possession and that a  
366 factor, consideration, or circumstance clearly demonstrates that  
367 imposing the mandatory minimum term of imprisonment would  
368 constitute or result in an injustice.

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

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

376 2. Any person who knowingly manufactures or brings into  
377 this state 150 kilograms or more of 1,4-Butanediol as described

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378 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,  
379 and who knows that the probable result of such manufacture or  
380 importation would be the death of any person commits capital  
381 manufacture or importation of 1,4-Butanediol, a capital felony  
382 punishable as provided in ss. 775.082 and 921.142. Any person  
383 sentenced for a capital felony under this paragraph shall also  
384 be sentenced to pay the maximum fine provided under subparagraph  
385 1.

386 (k)1. A person who knowingly sells, purchases,  
387 manufactures, delivers, or brings into this state, or who is  
388 knowingly in actual or constructive possession of, 10 grams or  
389 more of a:

390 a. Substance described in s. 893.03(1)(c)4., 5., 10., 11.,  
391 15., 17., 21.-27., 29., 39., 40.-45., 58., 72.-80., 81.-86.,  
392 90.-102., 104.-108., 110.-113., 143.-145., 148.-150., 160.-163.,  
393 165., or 187.-189., a substituted cathinone, as described in s.  
394 893.03(1)(c)191., or substituted phenethylamine, as described in  
395 s. 893.03(1)(c)192.;

396 b. Mixture containing any substance described in sub-  
397 subparagraph a.; or

398 c. Salt, isomer, ester, or ether or salt of an isomer,  
399 ester, or ether of a substance described in sub-subparagraph a.,  
400

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

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

405 a. Is 10 grams or more, but less than 200 grams, such  
406 person shall be sentenced to a mandatory minimum term of

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407 imprisonment of 3 years and shall be ordered to pay a fine of  
408 \$50,000. However, the court may depart from the mandatory  
409 minimum term of imprisonment if it makes written findings that  
410 the violation only involved possession and that a factor,  
411 consideration, or circumstance clearly demonstrates that  
412 imposing the mandatory minimum term of imprisonment would  
413 constitute or result in an injustice.

414 b. Is 200 grams or more, but less than 400 grams, such  
415 person shall be sentenced to a mandatory minimum term of  
416 imprisonment of 7 years and shall be ordered to pay a fine of  
417 \$100,000.

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

421 3. A person who knowingly manufactures or brings into this  
422 state 30 kilograms or more of a substance described in sub-  
423 subparagraph 1.a., a mixture described in sub-subparagraph 1.b.,  
424 or a salt, isomer, ester, or ether or a salt of an isomer,  
425 ester, or ether described in sub-subparagraph 1.c., and who  
426 knows that the probable result of such manufacture or  
427 importation would be the death of any person commits capital  
428 manufacture or importation of phenethylamines, a capital felony  
429 punishable as provided in ss. 775.082 and 921.142. A person  
430 sentenced for a capital felony under this paragraph shall also  
431 be sentenced to pay the maximum fine under subparagraph 2.

432 (1)1. Any person who knowingly sells, purchases,  
433 manufactures, delivers, or brings into this state, or who is  
434 knowingly in actual or constructive possession of, 1 gram or  
435 more of lysergic acid diethylamide (LSD) as described in s.

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436 893.03(1)(c), or of any mixture containing lysergic acid  
437 diethylamide (LSD), commits a felony of the first degree, which  
438 felony shall be known as "trafficking in lysergic acid  
439 diethylamide (LSD)," punishable as provided in s. 775.082, s.  
440 775.083, or s. 775.084. If the quantity involved:

441 a. Is 1 gram or more, but less than 5 grams, such person  
442 shall be sentenced to a mandatory minimum term of imprisonment  
443 of 3 years, and the defendant shall be ordered to pay a fine of  
444 \$50,000. However, the court may depart from the mandatory  
445 minimum term of imprisonment if it makes written findings that  
446 the violation only involved possession and that a factor,  
447 consideration, or circumstance clearly demonstrates that  
448 imposing the mandatory minimum term of imprisonment would  
449 constitute or result in an injustice.

450 b. Is 5 grams or more, but less than 7 grams, such person  
451 shall be sentenced to a mandatory minimum term of imprisonment  
452 of 7 years, and the defendant shall be ordered to pay a fine of  
453 \$100,000.

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

457 2. Any person who knowingly manufactures or brings into  
458 this state 7 grams or more of lysergic acid diethylamide (LSD)  
459 as described in s. 893.03(1)(c), or any mixture containing  
460 lysergic acid diethylamide (LSD), and who knows that the  
461 probable result of such manufacture or importation would be the  
462 death of any person commits capital manufacture or importation  
463 of lysergic acid diethylamide (LSD), a capital felony punishable  
464 as provided in ss. 775.082 and 921.142. Any person sentenced for



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465 a capital felony under this paragraph shall also be sentenced to  
466 pay the maximum fine provided under subparagraph 1.

467 (m)1. A person who knowingly sells, purchases,  
468 manufactures, delivers, or brings into this state, or who is  
469 knowingly in actual or constructive possession of, 280 grams or  
470 more of a:

471 a. Substance described in s. 893.03(1)(c)30., 46.-50.,  
472 114.-142., 151.-156., 166.-173., or 176.-186. or a synthetic  
473 cannabinoid, as described in s. 893.03(1)(c)190.; or

474 b. Mixture containing any substance described in sub-  
475 subparagraph a.,

476  
477 commits a felony of the first degree, which felony shall be  
478 known as "trafficking in synthetic cannabinoids," punishable as  
479 provided in s. 775.082, s. 775.083, or s. 775.084.

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

481 a. Is 280 grams or more, but less than 500 grams, such  
482 person shall be sentenced to a mandatory minimum term of  
483 imprisonment of 3 years, and the defendant shall be ordered to  
484 pay a fine of \$50,000. However, the court may depart from the  
485 mandatory minimum term of imprisonment if it makes written  
486 findings that the violation only involved possession and that a  
487 factor, consideration, or circumstance clearly demonstrates that  
488 imposing the mandatory minimum term of imprisonment would  
489 constitute or result in an injustice.

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

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

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

501 (n)1. A person who knowingly sells, purchases,  
502 manufactures, delivers, or brings into this state, or who is  
503 knowingly in actual or constructive possession of, 14 grams or  
504 more of:

505 a. A substance described in s. 893.03(1)(c)164., 174., or  
506 175., a n-benzyl phenethylamine compound, as described in s.  
507 893.03(1)(c)193.; or

508 b. A mixture containing any substance described in sub-  
509 subparagraph a.,

510  
511 commits a felony of the first degree, which felony shall be  
512 known as "trafficking in n-benzyl phenethylamines," punishable  
513 as provided in s. 775.082, s. 775.083, or s. 775.084.

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

515 a. Is 14 grams or more, but less than 100 grams, such  
516 person shall be sentenced to a mandatory minimum term of  
517 imprisonment of 3 years, and the defendant shall be ordered to  
518 pay a fine of \$50,000. However, the court may depart from the  
519 mandatory minimum term of imprisonment if it makes written  
520 findings that the violation only involved possession and that a  
521 factor, consideration, or circumstance clearly demonstrates that  
522 imposing the mandatory minimum term of imprisonment would

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523 constitute or result in an injustice.

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

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

531       3. A person who knowingly manufactures or brings into this  
532 state 400 grams or more of a substance described in sub-  
533 subparagraph 1.a. or a mixture described in sub-subparagraph  
534 1.b., and who knows that the probable result of such manufacture  
535 or importation would be the death of any person commits capital  
536 manufacture or importation of a n-benzyl phenethylamine  
537 compound, a capital felony punishable as provided in ss. 775.082  
538 and 921.142. A person sentenced for a capital felony under this  
539 paragraph shall also be sentenced to pay the maximum fine under  
540 subparagraph 2.

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