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LEGISLATIVE ACTION

Senate

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House

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The Committee on Appropriations (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 56 - 92

and insert:

purchases, or possesses with the intent to purchase under any of the following circumstances may not be imprisoned for a term longer than 12 months:

(a) Less than 2 grams of a controlled substance, other than fentanyl or any substance or mixture described in s. 893.135(1)(c)4.a.(I)-(VII).



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11       (b) Twenty-five or fewer tablets, capsules, pills,  
12 transdermal patches, units of sublingual gelatin, or other  
13 visually distinctive forms, with a clear manufacturer marking on  
14 each unit, of a commercial drug product approved by the United  
15 States Food and Drug Administration and manufactured and  
16 distributed by a pharmaceutical company lawfully doing business  
17 in the United States.

18       Section 2. Present subsections (6) and (7) of section  
19 893.135, Florida Statutes, are redesignated as subsections (7)  
20 and (8), respectively, and a new subsection (6) is added to that  
21 section, to read:

22       893.135 Trafficking; mandatory sentences; suspension or  
23 reduction of sentences; conspiracy to engage in trafficking.-

24       (6) Notwithstanding any provision of this section, a court  
25 may impose a sentence for a violation of this section other than  
26 the mandatory minimum term of imprisonment and mandatory fine if  
27 the court finds on the record that all of the following  
28 circumstances exist:

29       (a) The defendant has no prior conviction for a forcible  
30 felony as defined in s. 776.08.

31       (b) The defendant did not use violence or credible threats  
32 of violence, or possess a firearm or other dangerous weapon, or  
33 induce another participant to use violence or credible threats  
34 of violence, in connection with the offense.

35       (c) The offense did not result in the death of or serious  
36 bodily injury to any person.

37       (d) The defendant was not an organizer, leader, manager, or  
38 supervisor of others in the offense and was not engaged in a  
39 continuing criminal enterprise as defined in s. 893.20.



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40 (e) At the time of the sentencing hearing or earlier, the  
41 defendant has truthfully provided to the state all information  
42 and evidence that he or she possesses concerning the offense or  
43 offenses that were part of the same course of conduct or of a  
44 common scheme or plan.

45 (f) The defendant has not previously benefited from the  
46 application of this subsection.

47  
48 A court may not apply this subsection to an offense under this  
49 section which carries a mandatory minimum term of imprisonment  
50 of 25 years, unless the offense is a violation of sub-  
51 subparagraph (1)(c)1.c., sub-subparagraph (1)(c)2.d., or sub-  
52 subparagraph (1)(c)3.d.

53  
54 ===== T I T L E A M E N D M E N T =====

55 And the title is amended as follows:

56 Delete lines 6 - 11

57 and insert:

58 specified amount of a controlled substance or a  
59 specified number of units or fewer of a commercial  
60 drug product approved by the federal government and  
61 manufactured and distributed by a pharmaceutical  
62 company; providing exceptions; amending s. 893.135,  
63 F.S.; authorizing a court to impose a sentence other  
64 than a mandatory minimum term of imprisonment and  
65 mandatory fine for a person convicted of trafficking  
66 if the court makes certain findings on the record;  
67 providing applicability; creating s. 900.06,