

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Plakon offered the following:

2
3 **Amendment to Amendment (541410) (with title amendment)**

4 Remove lines 96-314 of the amendment and insert:

5 Section 2. Paragraph (h) of subsection (1) of section
6 893.13, Florida Statutes, is amended to read:

7 893.13 Prohibited acts; penalties.—

8 (1)

9 (h) Except as authorized by this chapter, a person may not
10 sell, manufacture, or deliver, or possess with intent to sell,
11 manufacture, or deliver, a controlled substance in, on, or
12 within 1,000 feet of the real property comprising a mental
13 health facility, as that term is used in chapter 394; a health

922297

Approved For Filing: 3/9/2022 4:21:24 PM

Amendment No.

14 care facility licensed under chapter 395 which provides
15 substance abuse treatment; a licensed service provider as
16 defined in s. 397.311; a facility providing services that
17 include clinical treatment, intervention, or prevention as
18 described in s. 397.311(26); a recovery residence as defined in
19 s. 397.311; an assisted living facility, as defined that term is
20 used in chapter 429; or a pain management clinic as defined in
21 s. 458.3265(1)(a)1.c. or s. 459.0137(1)(a)1.c. A person who
22 violates this paragraph with respect to:

23 1. A controlled substance named or described in s.
24 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
25 commits a felony of the first degree, punishable as provided in
26 s. 775.082, s. 775.083, or s. 775.084.

27 2. A controlled substance named or described in s.
28 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,
29 (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of
30 the second degree, punishable as provided in s. 775.082, s.
31 775.083, or s. 775.084.

32 3. Any other controlled substance, except as lawfully
33 sold, manufactured, or delivered, must be sentenced to pay a
34 \$500 fine and to serve 100 hours of public service in addition
35 to any other penalty prescribed by law.

36 Section 3. Paragraph (c) of subsection (1) of section
37 893.135, Florida Statutes, is amended to read:

922297

Approved For Filing: 3/9/2022 4:21:24 PM

Amendment No.

38 893.135 Trafficking; mandatory sentences; suspension or
39 reduction of sentences; conspiracy to engage in trafficking.—

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

42 (c)1. A person who knowingly sells, purchases,
43 manufactures, delivers, or brings into this state, or who is
44 knowingly in actual or constructive possession of, 4 grams or
45 more of any morphine, opium, hydromorphone, or any salt,
46 derivative, isomer, or salt of an isomer thereof, including
47 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
48 (3)(c)4., or 4 grams or more of any mixture containing any such
49 substance, but less than 30 kilograms of such substance or
50 mixture, commits a felony of the first degree, which felony
51 shall be known as "trafficking in illegal drugs," punishable as
52 provided in s. 775.082, s. 775.083, or s. 775.084. If the
53 quantity involved:

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

57 b. Is 14 grams or more, but less than 28 grams, such
58 person shall be sentenced to a mandatory minimum term of
59 imprisonment of 15 years and shall be ordered to pay a fine of
60 \$100,000.

61 c. Is 28 grams or more, but less than 30 kilograms, such
62 person shall be sentenced to a mandatory minimum term of

922297

Approved For Filing: 3/9/2022 4:21:24 PM

Amendment No.

63 imprisonment of 25 years and shall be ordered to pay a fine of
64 \$500,000.

65 2. A person who knowingly sells, purchases, manufactures,
66 delivers, or brings into this state, or who is knowingly in
67 actual or constructive possession of, 28 grams or more of
68 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
69 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28
70 grams or more of any mixture containing any such substance,
71 commits a felony of the first degree, which felony shall be
72 known as "trafficking in hydrocodone," punishable as provided in
73 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

74 a. Is 28 grams or more, but less than 50 grams, such
75 person shall be sentenced to a mandatory minimum term of
76 imprisonment of 3 years and shall be ordered to pay a fine of
77 \$50,000.

78 b. Is 50 grams or more, but less than 100 grams, such
79 person shall be sentenced to a mandatory minimum term of
80 imprisonment of 7 years and shall be ordered to pay a fine of
81 \$100,000.

82 c. Is 100 grams or more, but less than 300 grams, such
83 person shall be sentenced to a mandatory minimum term of
84 imprisonment of 15 years and shall be ordered to pay a fine of
85 \$500,000.

86 d. Is 300 grams or more, but less than 30 kilograms, such
87 person shall be sentenced to a mandatory minimum term of

922297

Approved For Filing: 3/9/2022 4:21:24 PM

Amendment No.

88 imprisonment of 25 years and shall be ordered to pay a fine of
89 \$750,000.

90 3. A person who knowingly sells, purchases, manufactures,
91 delivers, or brings into this state, or who is knowingly in
92 actual or constructive possession of, 7 grams or more of
93 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
94 thereof, or 7 grams or more of any mixture containing any such
95 substance, commits a felony of the first degree, which felony
96 shall be known as "trafficking in oxycodone," punishable as
97 provided in s. 775.082, s. 775.083, or s. 775.084. If the
98 quantity involved:

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

102 b. Is 14 grams or more, but less than 25 grams, such
103 person shall be sentenced to a mandatory minimum term of
104 imprisonment of 7 years and shall be ordered to pay a fine of
105 \$100,000.

106 c. Is 25 grams or more, but less than 100 grams, such
107 person shall be sentenced to a mandatory minimum term of
108 imprisonment of 15 years and shall be ordered to pay a fine of
109 \$500,000.

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

922297

Approved For Filing: 3/9/2022 4:21:24 PM

Amendment No.

112 imprisonment of 25 years and shall be ordered to pay a fine of
113 \$750,000.

114 4.a. A person who knowingly sells, purchases,
115 manufactures, delivers, or brings into this state, or who is
116 knowingly in actual or constructive possession of, 4 grams or
117 more of:

118 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

119 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

120 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

121 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

122 (V) A fentanyl derivative, as described in s.

123 893.03(1)(a)62.;

124 (VI) A controlled substance analog, as described in s.

125 893.0356, of any substance described in sub-sub-subparagraphs

126 (I)-(V); or

127 (VII) A mixture containing any substance described in sub-
128 sub-subparagraphs (I)-(VI),

129

130 commits a felony of the first degree, which felony shall be

131 known as "trafficking in dangerous fentanyl or fentanyl

132 analogues," punishable as provided in s. 775.082, s. 775.083, or

133 s. 775.084.

134 b. If the quantity involved under sub-subparagraph a.:

135 (I) Is 4 grams or more, but less than 14 grams, such

136 person shall be sentenced to a mandatory minimum term of

922297

Approved For Filing: 3/9/2022 4:21:24 PM

Amendment No.

137 imprisonment of 7 ~~3~~ years, and shall be ordered to pay a fine of
138 \$50,000.

139 (II) Is 14 grams or more, but less than 28 grams, such
140 person shall be sentenced to a mandatory minimum term of
141 imprisonment of 20 ~~15~~ years, and shall be ordered to pay a fine
142 of \$100,000.

143 (III) Is 28 grams or more, such person shall be sentenced
144 to a mandatory minimum term of imprisonment of 25 years, and
145 shall be ordered to pay a fine of \$500,000.

146 5. A person who knowingly sells, purchases, manufactures,
147 delivers, or brings into this state, or who is knowingly in
148 actual or constructive possession of, 30 kilograms or more of
149 any morphine, opium, oxycodone, hydrocodone, codeine,
150 hydromorphone, or any salt, derivative, isomer, or salt of an
151 isomer thereof, including heroin, as described in s.
152 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
153 more of any mixture containing any such substance, commits the
154 first degree felony of trafficking in illegal drugs. A person
155 who has been convicted of the first degree felony of trafficking
156 in illegal drugs under this subparagraph shall be punished by
157 life imprisonment and is ineligible for any form of
158 discretionary early release except pardon or executive clemency
159 or conditional medical release under s. 947.149. However, if the
160 court determines that, in addition to committing any act
161 specified in this paragraph:

922297

Approved For Filing: 3/9/2022 4:21:24 PM

Amendment No.

162 a. The person intentionally killed an individual or
163 counseled, commanded, induced, procured, or caused the
164 intentional killing of an individual and such killing was the
165 result; or

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

168
169 such person commits the capital felony of trafficking in illegal
170 drugs, punishable as provided in ss. 775.082 and 921.142. A
171 person sentenced for a capital felony under this paragraph shall
172 also be sentenced to pay the maximum fine provided under
173 subparagraph 1.

174 6. A person who knowingly brings into this state 60
175 kilograms or more of any morphine, opium, oxycodone,
176 hydrocodone, codeine, hydromorphone, or any salt, derivative,
177 isomer, or salt of an isomer thereof, including heroin, as
178 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
179 60 kilograms or more of any mixture containing any such
180 substance, and who knows that the probable result of such
181 importation would be the death of a person, commits capital
182 importation of illegal drugs, a capital felony punishable as
183 provided in ss. 775.082 and 921.142. A person sentenced for a
184 capital felony under this paragraph shall also be sentenced to
185 pay the maximum fine provided under subparagraph 1.
186

922297

Approved For Filing: 3/9/2022 4:21:24 PM

Amendment No.

187
188
189
190
191
192
193
194
195
196
197
198
199

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

Remove lines 327-340 of the amendment and insert:
893.13, F.S.; prohibiting specified activities
involving controlled substances within 1,000 feet of
additional specified facilities; providing criminal
penalties; amending s. 893.135, F.S.; renaming what
the violation of specified offenses are known as from
"trafficking in fentanyl" to "trafficking in dangerous
fentanyl or fentanyl analogues"; increasing the
mandatory minimum terms of imprisonment for specified
offenses; providing an effective date.

922297

Approved For Filing: 3/9/2022 4:21:24 PM