

**By** the Committee on Fiscal Policy; the Appropriations Committee on Criminal and Civil Justice; the Committee on Criminal Justice; and Senator Burgess

594-04294-23

20231226c3

1                   A bill to be entitled  
2           An act relating to controlled substances; amending s.  
3           893.13, F.S.; providing criminal penalties; providing  
4           for a mandatory minimum term of imprisonment if a  
5           person sells, manufactures, or delivers or possesses  
6           with intent to sell, manufacture, or deliver specified  
7           substances or mixtures, and such substance or mixture  
8           has at least one specified attribute; amending s.  
9           893.135, F.S.; providing enhanced criminal penalties;  
10          providing for a mandatory minimum term of imprisonment  
11          if a person commits specified prohibited acts relating  
12          to controlled substances or mixtures, and such  
13          substance or mixture has at least one specified  
14          attribute; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Paragraph (i) is added to subsection (1) of  
19          section 893.13, Florida Statutes, to read:

20           893.13 Prohibited acts; penalties.—

21           (1)

22           (i) Except as authorized by this chapter, a person commits  
23          a felony of the first degree, punishable as provided in s.  
24          775.082, s. 775.083, or s. 775.084, and must be sentenced to a  
25          mandatory minimum term of imprisonment of 3 years, if:

26           1. The person sells, manufactures, or delivers, or  
27          possesses with intent to sell, manufacture, or deliver, any of  
28          the following:

29           a. Alfentanil, as described in s. 893.03(2)(b)1.;

594-04294-23

20231226c3

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

31 c. Fentanyl, as described in s. 893.03(2)(b)9.;

32 d. Sufentanil, as described in s. 893.03(2)(b)30.;

33 e. A fentanyl derivative, as described in s.

34 893.03(1)(a)62.;

35 f. A controlled substance analog, as described in s.

36 893.0356, of any substance described in sub-subparagraphs a.-e.;

37 or

38 g. A mixture containing any substance described in sub-  
39 subparagraphs a.-f.; and

40 2. The substance or mixture listed in subparagraph 1. is in  
41 a form that resembles, or is mixed, granulated, absorbed, spray-  
42 dried, or aerosolized as or onto, coated on, in whole or in  
43 part, or solubilized with or into, a product, when such product  
44 or its packaging further has at least one of the following  
45 attributes:

46 a. Resembles the trade dress of a branded food product,  
47 consumer food product, or logo food product;

48 b. Incorporates an actual or fake registered copyright,  
49 service mark, or trademark;

50 c. Resembles candy, cereal, a gummy, a vitamin, or a  
51 chewable product, such as a gum or gelatin-based product; or

52 d. Contains a cartoon character imprint.

53 Section 2. Paragraph (c) of subsection (1) of section  
54 893.135, Florida Statutes, is amended to read:

55 893.135 Trafficking; mandatory sentences; suspension or  
56 reduction of sentences; conspiracy to engage in trafficking.-

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

594-04294-23

20231226c3

59 (c)1. A person who knowingly sells, purchases,  
60 manufactures, delivers, or brings into this state, or who is  
61 knowingly in actual or constructive possession of, 4 grams or  
62 more of any morphine, opium, hydromorphone, or any salt,  
63 derivative, isomer, or salt of an isomer thereof, including  
64 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or  
65 (3)(c)4., or 4 grams or more of any mixture containing any such  
66 substance, but less than 30 kilograms of such substance or  
67 mixture, commits a felony of the first degree, which felony  
68 shall be known as "trafficking in illegal drugs," punishable as  
69 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
70 quantity involved:

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

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

77 c. Is 28 grams or more, but less than 30 kilograms, such  
78 person shall be sentenced to a mandatory minimum term of  
79 imprisonment of 25 years and shall be ordered to pay a fine of  
80 \$500,000.

81 2. A person who knowingly sells, purchases, manufactures,  
82 delivers, or brings into this state, or who is knowingly in  
83 actual or constructive possession of, 28 grams or more of  
84 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as  
85 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28  
86 grams or more of any mixture containing any such substance,  
87 commits a felony of the first degree, which felony shall be

594-04294-23

20231226c3

88 known as "trafficking in hydrocodone," punishable as provided in  
89 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

93 b. Is 50 grams or more, but less than 100 grams, such  
94 person shall be sentenced to a mandatory minimum term of  
95 imprisonment of 7 years and shall be ordered to pay a fine of  
96 \$100,000.

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

101 d. Is 300 grams or more, but less than 30 kilograms, such  
102 person shall be sentenced to a mandatory minimum term of  
103 imprisonment of 25 years and shall be ordered to pay a fine of  
104 \$750,000.

105 3. A person who knowingly sells, purchases, manufactures,  
106 delivers, or brings into this state, or who is knowingly in  
107 actual or constructive possession of, 7 grams or more of  
108 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt  
109 thereof, or 7 grams or more of any mixture containing any such  
110 substance, commits a felony of the first degree, which felony  
111 shall be known as "trafficking in oxycodone," punishable as  
112 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
113 quantity involved:

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

594-04294-23

20231226c3

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

120 c. Is 25 grams or more, but less than 100 grams, such  
121 person shall be sentenced to a mandatory minimum term of  
122 imprisonment of 15 years and shall be ordered to pay a fine of  
123 \$500,000.

124 d. Is 100 grams or more, but less than 30 kilograms, such  
125 person shall be sentenced to a mandatory minimum term of  
126 imprisonment of 25 years and shall be ordered to pay a fine of  
127 \$750,000.

128 4.a. A person who knowingly sells, purchases, manufactures,  
129 delivers, or brings into this state, or who is knowingly in  
130 actual or constructive possession of, 4 grams or more of:

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

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

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

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

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

136 893.03(1)(a)62.;

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

138 893.0356, of any substance described in sub-sub-subparagraphs

139 (I)-(V); or

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

142  
143 commits a felony of the first degree, which felony shall be  
144 known as "trafficking in dangerous fentanyl or fentanyl  
145 analogues," punishable as provided in s. 775.082, s. 775.083, or

594-04294-23

20231226c3

146 s. 775.084.

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

148 (I) Is 4 grams or more, but less than 14 grams, such person  
149 shall be sentenced to a mandatory minimum term of imprisonment  
150 of 7 years, and shall be ordered to pay a fine of \$50,000.

151 (II) Is 14 grams or more, but less than 28 grams, such  
152 person shall be sentenced to a mandatory minimum term of  
153 imprisonment of 20 years, and shall be ordered to pay a fine of  
154 \$100,000.

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

158 c. A person 18 years of age or older who violates sub-  
159 subparagraph a. by knowingly selling or delivering to a minor at  
160 least 4 grams of a substance or mixture listed in sub-  
161 subparagraph a. shall be sentenced to a mandatory minimum term  
162 of not less than 25 years and not exceeding life imprisonment,  
163 and shall be ordered to pay a fine of \$1 million if the  
164 substance or mixture listed in sub-subparagraph a. is in a form  
165 that resembles, or is mixed, granulated, absorbed, spray-dried,  
166 or aerosolized as or onto, coated on, in whole or in part, or  
167 solubilized with or into, a product, when such product or its  
168 packaging further has at least one of the following attributes:

169 (I) Resembles the trade dress of a branded food product,  
170 consumer food product, or logo food product;

171 (II) Incorporates an actual or fake registered copyright,  
172 service mark, or trademark;

173 (III) Resembles candy, cereal, a gummy, a vitamin, or a  
174 chewable product, such as a gum or gelatin-based product; or

594-04294-23

20231226c3

175 (IV) Contains a cartoon character imprint.

176 5. A person who knowingly sells, purchases, manufactures,  
177 delivers, or brings into this state, or who is knowingly in  
178 actual or constructive possession of, 30 kilograms or more of  
179 any morphine, opium, oxycodone, hydrocodone, codeine,  
180 hydromorphone, or any salt, derivative, isomer, or salt of an  
181 isomer thereof, including heroin, as described in s.  
182 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
183 more of any mixture containing any such substance, commits the  
184 first degree felony of trafficking in illegal drugs. A person  
185 who has been convicted of the first degree felony of trafficking  
186 in illegal drugs under this subparagraph shall be punished by  
187 life imprisonment and is ineligible for any form of  
188 discretionary early release except pardon or executive clemency  
189 or conditional medical release under s. 947.149. However, if the  
190 court determines that, in addition to committing any act  
191 specified in this paragraph:

192 a. The person intentionally killed an individual or  
193 counseled, commanded, induced, procured, or caused the  
194 intentional killing of an individual and such killing was the  
195 result; or

196 b. The person's conduct in committing that act led to a  
197 natural, though not inevitable, lethal result,  
198  
199 such person commits the capital felony of trafficking in illegal  
200 drugs, punishable as provided in ss. 775.082 and 921.142. A  
201 person sentenced for a capital felony under this paragraph shall  
202 also be sentenced to pay the maximum fine provided under  
203 subparagraph 1.

594-04294-23

20231226c3

204           6. A person who knowingly brings into this state 60  
205 kilograms or more of any morphine, opium, oxycodone,  
206 hydrocodone, codeine, hydromorphone, or any salt, derivative,  
207 isomer, or salt of an isomer thereof, including heroin, as  
208 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or  
209 60 kilograms or more of any mixture containing any such  
210 substance, and who knows that the probable result of such  
211 importation would be the death of a person, commits capital  
212 importation of illegal drugs, a capital felony punishable as  
213 provided in ss. 775.082 and 921.142. A person sentenced for a  
214 capital felony under this paragraph shall also be sentenced to  
215 pay the maximum fine provided under subparagraph 1.

216           Section 3. This act shall take effect October 1, 2023.