

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Abbott offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (i) is added to subsection (1) of
 8 section 893.13, Florida Statutes, to read:

9 893.13 Prohibited acts; penalties.—

10 (1)

11 (i) Except as authorized by this chapter, a person commits
 12 a felony of the first degree, punishable as provided in s.
 13 775.082, s. 775.083, or s. 775.084, and must be sentenced to a
 14 mandatory minimum term of imprisonment of 3 years, if the
 15 person:

16 1. Sells, manufactures, or delivers, or possesses with

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17 intent to sell, manufacture, or deliver, any of the following:

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

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

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

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

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

23 893.03(1)(a)62.;

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

25 893.0356, of any substance described in sub-subparagraphs a.-e.;

26 or

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

29 2. The substance or mixture listed in subparagraph 1. is
30 in a form that resembles, or is mixed, granulated, absorbed,
31 spray-dried, or aerosolized as or onto, coated on, in whole or
32 in part, or solubilized with or into, a product, when such
33 product or its packaging further has at least one of the
34 following attributes:

35 a. A bright color or coloring scheme;

36 b. Resembles the trade dress of a branded food product,
37 consumer food product, or logo food product;

38 c. Incorporates an actual or fake registered copyright,
39 service mark, or trademark;

40 d. Resembles candy, cereal, a gummy, a vitamin, or a
41 chewable product, such as a gum or gelatin-based product; or

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42 e. Contains a cartoon character imprint.

43 Section 2. Paragraph (c) of subsection (1) of section
44 893.135, Florida Statutes, is amended to read:

45 893.135 Trafficking; mandatory sentences; suspension or
46 reduction of sentences; conspiracy to engage in trafficking.—

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

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

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

64 b. Is 14 grams or more, but less than 28 grams, such
65 person shall be sentenced to a mandatory minimum term of
66 imprisonment of 15 years and shall be ordered to pay a fine of

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67 | \$100,000.

68 | c. Is 28 grams or more, but less than 30 kilograms, such
69 | person shall be sentenced to a mandatory minimum term of
70 | imprisonment of 25 years and shall be ordered to pay a fine of
71 | \$500,000.

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

81 | a. Is 28 grams or more, but less than 50 grams, such
82 | person shall be sentenced to a mandatory minimum term of
83 | imprisonment of 3 years and shall be ordered to pay a fine of
84 | \$50,000.

85 | b. Is 50 grams or more, but less than 100 grams, such
86 | person shall be sentenced to a mandatory minimum term of
87 | imprisonment of 7 years and shall be ordered to pay a fine of
88 | \$100,000.

89 | c. Is 100 grams or more, but less than 300 grams, such
90 | person shall be sentenced to a mandatory minimum term of
91 | imprisonment of 15 years and shall be ordered to pay a fine of

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92 \$500,000.

93 d. Is 300 grams or more, but less than 30 kilograms, such
94 person shall be sentenced to a mandatory minimum term of
95 imprisonment of 25 years and shall be ordered to pay a fine of
96 \$750,000.

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

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

109 b. Is 14 grams or more, but less than 25 grams, such
110 person shall be sentenced to a mandatory minimum term of
111 imprisonment of 7 years and shall be ordered to pay a fine of
112 \$100,000.

113 c. Is 25 grams or more, but less than 100 grams, such
114 person shall be sentenced to a mandatory minimum term of
115 imprisonment of 15 years and shall be ordered to pay a fine of
116 \$500,000.

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117 d. Is 100 grams or more, but less than 30 kilograms, such
118 person shall be sentenced to a mandatory minimum term of
119 imprisonment of 25 years and shall be ordered to pay a fine of
120 \$750,000.

121 4.a. A person who knowingly sells, purchases,
122 manufactures, delivers, or brings into this state, or who is
123 knowingly in actual or constructive possession of, 4 grams or
124 more of:

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

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

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

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

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

130 893.03(1)(a)62.;

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

132 893.0356, of any substance described in sub-sub-subparagraphs

133 (I)-(V); or

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

136
137 commits a felony of the first degree, which felony shall be
138 known as "trafficking in dangerous fentanyl or fentanyl
139 analogues," punishable as provided in s. 775.082, s. 775.083, or
140 s. 775.084.

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

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142 (I) Is 4 grams or more, but less than 14 grams, such
143 person shall be sentenced to a mandatory minimum term of
144 imprisonment of 7 years, and shall be ordered to pay a fine of
145 \$50,000.

146 (II) Is 14 grams or more, but less than 28 grams, such
147 person shall be sentenced to a mandatory minimum term of
148 imprisonment of 20 years, and shall be ordered to pay a fine of
149 \$100,000.

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

153 c. A person who violates sub-subparagraph a. shall be
154 sentenced to a mandatory minimum term of life imprisonment, and
155 shall be ordered to pay a fine of \$1,000,000 if the substance or
156 mixture listed in sub-subparagraph a. is in a form that
157 resembles, or is mixed, granulated, absorbed, spray-dried, or
158 aerosolized as or onto, coated on, in whole or in part, or
159 solubilized with or into, a product, when such product or its
160 packaging further has at least one of the following attributes:

161 (I) A bright color or coloring scheme;

162 (II) Resembles the trade dress of a branded food product,
163 consumer food product, or logo food product;

164 (III) Incorporates an actual or fake registered copyright,
165 service mark, or trademark;

166 (IV) Resembles candy, cereal, a gummy, a vitamin, or a

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167 chewable product, such as a gum or gelatin-based product; or
168 (V) Contains a cartoon character imprint.

169 5. A person who knowingly sells, purchases, manufactures,
170 delivers, or brings into this state, or who is knowingly in
171 actual or constructive possession of, 30 kilograms or more of
172 any morphine, opium, oxycodone, hydrocodone, codeine,
173 hydromorphone, or any salt, derivative, isomer, or salt of an
174 isomer thereof, including heroin, as described in s.
175 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
176 more of any mixture containing any such substance, commits the
177 first degree felony of trafficking in illegal drugs. A person
178 who has been convicted of the first degree felony of trafficking
179 in illegal drugs under this subparagraph shall be punished by
180 life imprisonment and is ineligible for any form of
181 discretionary early release except pardon or executive clemency
182 or conditional medical release under s. 947.149. However, if the
183 court determines that, in addition to committing any act
184 specified in this paragraph:

185 a. The person intentionally killed an individual or
186 counseled, commanded, induced, procured, or caused the
187 intentional killing of an individual and such killing was the
188 result; or

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

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192 such person commits the capital felony of trafficking in illegal
193 drugs, punishable as provided in ss. 775.082 and 921.142. A
194 person sentenced for a capital felony under this paragraph shall
195 also be sentenced to pay the maximum fine provided under
196 subparagraph 1.

197 6. A person who knowingly brings into this state 60
198 kilograms or more of any morphine, opium, oxycodone,
199 hydrocodone, codeine, hydromorphone, or any salt, derivative,
200 isomer, or salt of an isomer thereof, including heroin, as
201 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
202 60 kilograms or more of any mixture containing any such
203 substance, and who knows that the probable result of such
204 importation would be the death of a person, commits capital
205 importation of illegal drugs, a capital felony punishable as
206 provided in ss. 775.082 and 921.142. A person sentenced for a
207 capital felony under this paragraph shall also be sentenced to
208 pay the maximum fine provided under subparagraph 1.

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

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

212 Remove everything before the enacting clause and insert:
213 An act relating to offenses involving fentanyl or
214 fentanyl analogs; amending s. 893.13, F.S.; providing
215 criminal penalties and a mandatory minimum term of
216 imprisonment if a person sells, manufactures, or

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217 | delivers, or possesses with intent to sell,
218 | manufacture, or deliver, specified substances or
219 | mixtures, and such substance or mixture has at least
220 | one specified attribute; amending s. 893.135, F.S.;
221 | providing enhanced criminal penalties and a mandatory
222 | minimum term of imprisonment if a person commits
223 | specified prohibited acts relating to controlled
224 | substances, and such substance or mixture has at least
225 | one specified attribute; providing an effective date.