

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

16  
 17 Be It Enacted by the Legislature of the State of Florida:  
 18

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

21            893.13 Prohibited acts; penalties.—

22            (1)

23            (i) Except as authorized by this chapter, a person commits  
 24 a felony of the first degree, punishable as provided in s.  
 25 775.082, s. 775.083, or s. 775.084, and must be sentenced to a

26 mandatory minimum term of imprisonment of 3 years, if:  
 27 1. The person sells, manufactures, or delivers, or  
 28 possesses with intent to sell, manufacture, or deliver, any of  
 29 the following:  
 30 a. Alfentanil, as described in s. 893.03(2)(b)1.;  
 31 b. Carfentanil, as described in s. 893.03(2)(b)6.;  
 32 c. Fentanyl, as described in s. 893.03(2)(b)9.;  
 33 d. Sufentanil, as described in s. 893.03(2)(b)30.;  
 34 e. A fentanyl derivative, as described in s.  
 35 893.03(1)(a)62.;  
 36 f. A controlled substance analog, as described in s.  
 37 893.0356, of any substance described in sub-subparagraphs a.-e.;  
 38 or  
 39 g. A mixture containing any substance described in sub-  
 40 subparagraphs a.-f.; and  
 41 2. The substance or mixture listed in subparagraph 1. is  
 42 in a form that resembles, or is mixed, granulated, absorbed,  
 43 spray-dried, or aerosolized as or onto, coated on, in whole or  
 44 in part, or solubilized with or into, a product, when such  
 45 product or its packaging further has at least one of the  
 46 following attributes:  
 47 a. A bright color or coloring scheme;  
 48 b. Resembles the trade dress of a branded food product,  
 49 consumer food product, or logo food product;  
 50 c. Incorporates an actual or fake registered copyright,

51 service mark, or trademark;

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

54 e. Contains a cartoon character imprint.

55 Section 2. Paragraph (c) of subsection (1) of section  
56 893.135, Florida Statutes, is amended to read:

57 893.135 Trafficking; mandatory sentences; suspension or  
58 reduction of sentences; conspiracy to engage in trafficking.—

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

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

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

76           b. Is 14 grams or more, but less than 28 grams, such  
 77 person shall be sentenced to a mandatory minimum term of  
 78 imprisonment of 15 years and shall be ordered to pay a fine of  
 79 \$100,000.

80           c. Is 28 grams or more, but less than 30 kilograms, such  
 81 person shall be sentenced to a mandatory minimum term of  
 82 imprisonment of 25 years and shall be ordered to pay a fine of  
 83 \$500,000.

84           2. A person who knowingly sells, purchases, manufactures,  
 85 delivers, or brings into this state, or who is knowingly in  
 86 actual or constructive possession of, 28 grams or more of  
 87 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as  
 88 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28  
 89 grams or more of any mixture containing any such substance,  
 90 commits a felony of the first degree, which felony shall be  
 91 known as "trafficking in hydrocodone," punishable as provided in  
 92 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

93           a. Is 28 grams or more, but less than 50 grams, such  
 94 person shall be sentenced to a mandatory minimum term of  
 95 imprisonment of 3 years and shall be ordered to pay a fine of  
 96 \$50,000.

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

101           c. Is 100 grams or more, but less than 300 grams, such  
102 person shall be sentenced to a mandatory minimum term of  
103 imprisonment of 15 years and shall be ordered to pay a fine of  
104 \$500,000.

105           d. Is 300 grams or more, but less than 30 kilograms, such  
106 person shall be sentenced to a mandatory minimum term of  
107 imprisonment of 25 years and shall be ordered to pay a fine of  
108 \$750,000.

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

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

121           b. Is 14 grams or more, but less than 25 grams, such  
122 person shall be sentenced to a mandatory minimum term of  
123 imprisonment of 7 years and shall be ordered to pay a fine of  
124 \$100,000.

125           c. Is 25 grams or more, but less than 100 grams, such

126 person shall be sentenced to a mandatory minimum term of  
 127 imprisonment of 15 years and shall be ordered to pay a fine of  
 128 \$500,000.

129 d. Is 100 grams or more, but less than 30 kilograms, such  
 130 person shall be sentenced to a mandatory minimum term of  
 131 imprisonment of 25 years and shall be ordered to pay a fine of  
 132 \$750,000.

133 4.a. A person who knowingly sells, purchases,  
 134 manufactures, delivers, or brings into this state, or who is  
 135 knowingly in actual or constructive possession of, 4 grams or  
 136 more of:

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

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

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

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

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

142 893.03(1)(a)62.;

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

144 893.0356, of any substance described in sub-sub-subparagraphs

145 (I)-(V); or

146 (VII) A mixture containing any substance described in sub-

147 sub-subparagraphs (I)-(VI),

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

150 known as "trafficking in dangerous fentanyl or fentanyl

151 analogues," punishable as provided in s. 775.082, s. 775.083, or  
152 s. 775.084.

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

154 (I) Is 4 grams or more, but less than 14 grams, such  
155 person shall be sentenced to a mandatory minimum term of  
156 imprisonment of 7 years, and shall be ordered to pay a fine of  
157 \$50,000.

158 (II) Is 14 grams or more, but less than 28 grams, such  
159 person shall be sentenced to a mandatory minimum term of  
160 imprisonment of 20 years, and shall be ordered to pay a fine of  
161 \$100,000.

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

165 c. A person who violates sub-subparagraph a. shall be  
166 sentenced to a mandatory minimum term of life imprisonment, and  
167 shall be ordered to pay a fine of \$1 million if the substance or  
168 mixture listed in sub-subparagraph a. is in a form that  
169 resembles, or is mixed, granulated, absorbed, spray-dried, or  
170 aerosolized as or onto, coated on, in whole or in part, or  
171 solubilized with or into, a product, when such product or its  
172 packaging further has at least one of the following attributes:

173 (I) A bright color or coloring scheme;

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

176 (III) Incorporates an actual or fake registered copyright,  
177 service mark, or trademark;

178 (IV) Resembles candy, cereal, a gummy, a vitamin, or a  
179 chewable product, such as a gum or gelatin-based product; or

180 (V) Contains a cartoon character imprint.

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

197 a. The person intentionally killed an individual or  
198 counseled, commanded, induced, procured, or caused the  
199 intentional killing of an individual and such killing was the  
200 result; or



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

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

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