

By Senator Burgess

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1 A bill to be entitled
2 An act relating to trafficking in fentanyl; amending
3 s. 893.135, F.S.; increasing criminal penalties for
4 trafficking in fentanyl; providing an effective date.

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6 Be It Enacted by the Legislature of the State of Florida:

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8 Section 1. Paragraph (c) of subsection (1) of section
9 893.135, Florida Statutes, is amended to read:

10 893.135 Trafficking; mandatory sentences; suspension or
11 reduction of sentences; conspiracy to engage in trafficking.—

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

14 (c)1. A person who knowingly sells, purchases,
15 manufactures, delivers, or brings into this state, or who is
16 knowingly in actual or constructive possession of, 4 grams or
17 more of any morphine, opium, hydromorphone, or any salt,
18 derivative, isomer, or salt of an isomer thereof, including
19 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
20 (3)(c)4., or 4 grams or more of any mixture containing any such
21 substance, but less than 30 kilograms of such substance or
22 mixture, commits a felony of the first degree, which felony
23 shall be known as "trafficking in illegal drugs," punishable as
24 provided in s. 775.082, s. 775.083, or s. 775.084. If the
25 quantity involved:

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

29 b. Is 14 grams or more, but less than 28 grams, such person

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30 shall be sentenced to a mandatory minimum term of imprisonment
31 of 15 years and shall be ordered to pay a fine of \$100,000.

32 c. Is 28 grams or more, but less than 30 kilograms, such
33 person shall be sentenced to a mandatory minimum term of
34 imprisonment of 25 years and shall be ordered to pay a fine of
35 \$500,000.

36 2. A person who knowingly sells, purchases, manufactures,
37 delivers, or brings into this state, or who is knowingly in
38 actual or constructive possession of, 28 grams or more of
39 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
40 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28
41 grams or more of any mixture containing any such substance,
42 commits a felony of the first degree, which felony shall be
43 known as "trafficking in hydrocodone," punishable as provided in
44 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

48 b. Is 50 grams or more, but less than 100 grams, such
49 person shall be sentenced to a mandatory minimum term of
50 imprisonment of 7 years and shall be ordered to pay a fine of
51 \$100,000.

52 c. Is 100 grams or more, but less than 300 grams, such
53 person shall be sentenced to a mandatory minimum term of
54 imprisonment of 15 years and shall be ordered to pay a fine of
55 \$500,000.

56 d. Is 300 grams or more, but less than 30 kilograms, such
57 person shall be sentenced to a mandatory minimum term of
58 imprisonment of 25 years and shall be ordered to pay a fine of

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59 \$750,000.

60 3. A person who knowingly sells, purchases, manufactures,
61 delivers, or brings into this state, or who is knowingly in
62 actual or constructive possession of, 7 grams or more of
63 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
64 thereof, or 7 grams or more of any mixture containing any such
65 substance, commits a felony of the first degree, which felony
66 shall be known as "trafficking in oxycodone," punishable as
67 provided in s. 775.082, s. 775.083, or s. 775.084. If the
68 quantity involved:

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

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

75 c. Is 25 grams or more, but less than 100 grams, such
76 person shall be sentenced to a mandatory minimum term of
77 imprisonment of 15 years and shall be ordered to pay a fine of
78 \$500,000.

79 d. Is 100 grams or more, but less than 30 kilograms, such
80 person shall be sentenced to a mandatory minimum term of
81 imprisonment of 25 years and shall be ordered to pay a fine of
82 \$750,000.

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

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

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

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

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

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

91 893.03(1)(a)62.;

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

93 893.0356, of any substance described in sub-sub-subparagraphs

94 (I)-(V); or

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

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

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

99 known as "trafficking in dangerous fentanyl or fentanyl

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

101 s. 775.084.

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

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

104 shall be sentenced to a mandatory minimum term of imprisonment

105 of 15 7 years, and shall be ordered to pay a fine of \$75,000

106 ~~\$50,000~~.

107 (II) Is 14 grams or more, but less than 28 grams, such

108 person shall be sentenced to a mandatory minimum term of

109 imprisonment of 25 ~~20~~ years, and shall be ordered to pay a fine

110 of \$150,000 ~~\$100,000~~.

111 (III) Is 28 grams or more, such person shall be sentenced

112 to a mandatory minimum term of imprisonment of 30 ~~25~~ years, and

113 shall be ordered to pay a fine of \$500,000.

114 5. A person who knowingly sells, purchases, manufactures,

115 delivers, or brings into this state, or who is knowingly in

116 actual or constructive possession of, 30 kilograms or more of

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117 any morphine, opium, oxycodone, hydrocodone, codeine,
118 hydromorphone, or any salt, derivative, isomer, or salt of an
119 isomer thereof, including heroin, as described in s.
120 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
121 more of any mixture containing any such substance, commits the
122 first degree felony of trafficking in illegal drugs. A person
123 who has been convicted of the first degree felony of trafficking
124 in illegal drugs under this subparagraph shall be punished by
125 life imprisonment and is ineligible for any form of
126 discretionary early release except pardon or executive clemency
127 or conditional medical release under s. 947.149. However, if the
128 court determines that, in addition to committing any act
129 specified in this paragraph:

130 a. The person intentionally killed an individual or
131 counseled, commanded, induced, procured, or caused the
132 intentional killing of an individual and such killing was the
133 result; or

134 b. The person's conduct in committing that act led to a
135 natural, though not inevitable, lethal result,
136
137 such person commits the capital felony of trafficking in illegal
138 drugs, punishable as provided in ss. 775.082 and 921.142. A
139 person sentenced for a capital felony under this paragraph shall
140 also be sentenced to pay the maximum fine provided under
141 subparagraph 1.

142 6. A person who knowingly brings into this state 60
143 kilograms or more of any morphine, opium, oxycodone,
144 hydrocodone, codeine, hydromorphone, or any salt, derivative,
145 isomer, or salt of an isomer thereof, including heroin, as

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146 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
147 60 kilograms or more of any mixture containing any such
148 substance, and who knows that the probable result of such
149 importation would be the death of a person, commits capital
150 importation of illegal drugs, a capital felony punishable as
151 provided in ss. 775.082 and 921.142. A person sentenced for a
152 capital felony under this paragraph shall also be sentenced to
153 pay the maximum fine provided under subparagraph 1.

154 Section 2. This act shall take effect October 1, 2023.