

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gantt offered the following:

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

4 Remove lines 99-172 and insert:

5 Section 2. Section 921.142, Florida Statutes, is repealed.

6 Section 3. Paragraphs (b) through (l), and (n) of  
7 subsection (1) of section 893.135, Florida Statutes, are amended  
8 to read:

9 893.135 Trafficking; mandatory sentences; suspension or  
10 reduction of sentences; conspiracy to engage in trafficking.—

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

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13 (b)1. Any person who knowingly sells, purchases,  
14 manufactures, delivers, or brings into this state, or who is  
15 knowingly in actual or constructive possession of, 28 grams or  
16 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
17 mixture containing cocaine, but less than 150 kilograms of  
18 cocaine or any such mixture, commits a felony of the first  
19 degree, which felony shall be known as "trafficking in cocaine,"  
20 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

21 If the quantity involved:

22 a. Is 28 grams or more, but less than 200 grams, such  
23 person shall be sentenced to a mandatory minimum term of  
24 imprisonment of 3 years, and the defendant shall be ordered to  
25 pay a fine of \$50,000.

26 b. Is 200 grams or more, but less than 400 grams, such  
27 person shall be sentenced to a mandatory minimum term of  
28 imprisonment of 7 years, and the defendant shall be ordered to  
29 pay a fine of \$100,000.

30 c. Is 400 grams or more, but less than 150 kilograms, such  
31 person shall be sentenced to a mandatory minimum term of  
32 imprisonment of 15 calendar years and pay a fine of \$250,000.

33 2. Any person who knowingly sells, purchases,  
34 manufactures, delivers, or brings into this state, or who is  
35 knowingly in actual or constructive possession of, 150 kilograms  
36 or more of cocaine, as described in s. 893.03(2)(a)4., commits  
37 the first degree felony of trafficking in cocaine. A person who

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38 has been convicted of the first degree felony of trafficking in  
39 cocaine under this subparagraph shall be punished by life  
40 imprisonment and is ineligible for any form of discretionary  
41 early release except pardon or executive clemency or conditional  
42 medical release under s. 947.149. However, if the court  
43 determines that, in addition to committing any act specified in  
44 this paragraph:

45 a. The person intentionally killed an individual or  
46 counseled, commanded, induced, procured, or caused the  
47 intentional killing of an individual and such killing was the  
48 result; or

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

51  
52 such person commits the capital felony of trafficking in  
53 cocaine, punishable as provided in s. 775.082 ~~ss. 775.082 and~~  
54 ~~921.142~~. Any person sentenced for a capital felony under this  
55 paragraph shall also be sentenced to pay the maximum fine  
56 provided under subparagraph 1.

57 3. Any person who knowingly brings into this state 300  
58 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
59 and who knows that the probable result of such importation would  
60 be the death of any person, commits capital importation of  
61 cocaine, a capital felony punishable as provided in s. 775.802  
62 ~~ss. 775.082 and 921.142~~. Any person sentenced for a capital

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63 felony under this paragraph shall also be sentenced to pay the  
64 maximum fine provided under subparagraph 1.

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

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

80 b. Is 14 grams or more, but less than 28 grams, such  
81 person shall be sentenced to a mandatory minimum term of  
82 imprisonment of 15 years and shall be ordered to pay a fine of  
83 \$100,000.

84 c. Is 28 grams or more, but less than 30 kilograms, such  
85 person shall be sentenced to a mandatory minimum term of  
86 imprisonment of 25 years and shall be ordered to pay a fine of  
87 \$500,000.

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

97 a. Is 28 grams or more, but less than 50 grams, such  
98 person shall be sentenced to a mandatory minimum term of  
99 imprisonment of 3 years and shall be ordered to pay a fine of  
100 \$50,000.

101 b. Is 50 grams or more, but less than 100 grams, such  
102 person shall be sentenced to a mandatory minimum term of  
103 imprisonment of 7 years and shall be ordered to pay a fine of  
104 \$100,000.

105 c. Is 100 grams or more, but less than 300 grams, such  
106 person shall be sentenced to a mandatory minimum term of  
107 imprisonment of 15 years and shall be ordered to pay a fine of  
108 \$500,000.

109 d. Is 300 grams or more, but less than 30 kilograms, such  
110 person shall be sentenced to a mandatory minimum term of  
111 imprisonment of 25 years and shall be ordered to pay a fine of  
112 \$750,000.

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

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

125 b. Is 14 grams or more, but less than 25 grams, such  
126 person shall be sentenced to a mandatory minimum term of  
127 imprisonment of 7 years and shall be ordered to pay a fine of  
128 \$100,000.

129 c. Is 25 grams or more, but less than 100 grams, such  
130 person shall be sentenced to a mandatory minimum term of  
131 imprisonment of 15 years and shall be ordered to pay a fine of  
132 \$500,000.

133 d. Is 100 grams or more, but less than 30 kilograms, such  
134 person shall be sentenced to a mandatory minimum term of  
135 imprisonment of 25 years and shall be ordered to pay a fine of  
136 \$750,000.

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137           4.a. A person who knowingly sells, purchases,  
138 manufactures, delivers, or brings into this state, or who is  
139 knowingly in actual or constructive possession of, 4 grams or  
140 more of:  
141           (I) Alfentanil, as described in s. 893.03(2)(b)1.;  
142           (II) Carfentanil, as described in s. 893.03(2)(b)6.;  
143           (III) Fentanyl, as described in s. 893.03(2)(b)9.;  
144           (IV) Sufentanil, as described in s. 893.03(2)(b)30.;  
145           (V) A fentanyl derivative, as described in s.  
146 893.03(1)(a)62.;  
147           (VI) A controlled substance analog, as described in s.  
148 893.0356, of any substance described in sub-sub-subparagraphs  
149 (I)-(V); or  
150           (VII) A mixture containing any substance described in sub-  
151 sub-subparagraphs (I)-(VI),  
152  
153 commits a felony of the first degree, which felony shall be  
154 known as "trafficking in dangerous fentanyl or fentanyl  
155 analogues," punishable as provided in s. 775.082, s. 775.083, or  
156 s. 775.084.  
157           b. If the quantity involved under sub-subparagraph a.:  
158           (I) Is 4 grams or more, but less than 14 grams, such  
159 person shall be sentenced to a mandatory minimum term of  
160 imprisonment of 7 years, and shall be ordered to pay a fine of  
161 \$50,000.

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162 (II) Is 14 grams or more, but less than 28 grams, such  
163 person shall be sentenced to a mandatory minimum term of  
164 imprisonment of 20 years, and shall be ordered to pay a fine of  
165 \$100,000.

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

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

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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,

191  
192 such person commits the capital felony of trafficking in illegal  
193 drugs, punishable as provided in s. 775.082 ~~ss. 775.082 and~~  
194 ~~921.142~~. A person sentenced for a capital felony under this  
195 paragraph shall also be sentenced to pay the maximum fine  
196 provided under 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 s. 775.082 ~~ss. 775.082 and 921.142~~. A person  
207 sentenced for a capital felony under this paragraph shall also  
208 be sentenced to pay the maximum fine provided under subparagraph  
209 1.

210 (d)1. Any person who knowingly sells, purchases,  
211 manufactures, delivers, or brings into this state, or who is

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212 knowingly in actual or constructive possession of, 28 grams or  
213 more of phencyclidine, as described in s. 893.03(2)(b)23., a  
214 substituted phenylcyclohexylamine, as described in s.  
215 893.03(1)(c)195., or a substance described in s.  
216 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture  
217 containing phencyclidine, as described in s. 893.03(2)(b)23., a  
218 substituted phenylcyclohexylamine, as described in s.  
219 893.03(1)(c)195., or a substance described in s.  
220 893.03(1)(c)13., 32., 38., 103., or 146., commits a felony of  
221 the first degree, which felony shall be known as "trafficking in  
222 phencyclidine," punishable as provided in s. 775.082, s.  
223 775.083, or s. 775.084. If the quantity involved:  
224       a. Is 28 grams or more, but less than 200 grams, such  
225 person shall be sentenced to a mandatory minimum term of  
226 imprisonment of 3 years, and the defendant shall be ordered to  
227 pay a fine of \$50,000.  
228       b. Is 200 grams or more, but less than 400 grams, such  
229 person shall be sentenced to a mandatory minimum term of  
230 imprisonment of 7 years, and the defendant shall be ordered to  
231 pay a fine of \$100,000.  
232       c. Is 400 grams or more, such person shall be sentenced to  
233 a mandatory minimum term of imprisonment of 15 calendar years  
234 and pay a fine of \$250,000.  
235       2. Any person who knowingly brings into this state 800  
236 grams or more of phencyclidine, as described in s.

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237 893.03(2)(b)23., a substituted phenylcyclohexylamine, as  
238 described in s. 893.03(1)(c)195., or a substance described in s.  
239 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture  
240 containing phencyclidine, as described in s. 893.03(2)(b)23., a  
241 substituted phenylcyclohexylamine, as described in s.  
242 893.03(1)(c)195., or a substance described in s.  
243 893.03(1)(c)13., 32., 38., 103., or 146., and who knows that the  
244 probable result of such importation would be the death of any  
245 person commits capital importation of phencyclidine, a capital  
246 felony punishable as provided in s. 775.082 ~~ss. 775.082 and~~  
247 ~~921.142~~. Any person sentenced for a capital felony under this  
248 paragraph shall also be sentenced to pay the maximum fine  
249 provided under subparagraph 1.

250 (e)1. Any person who knowingly sells, purchases,  
251 manufactures, delivers, or brings into this state, or who is  
252 knowingly in actual or constructive possession of, 200 grams or  
253 more of methaqualone or of any mixture containing methaqualone,  
254 as described in s. 893.03(1)(d), commits a felony of the first  
255 degree, which felony shall be known as "trafficking in  
256 methaqualone," punishable as provided in s. 775.082, s. 775.083,  
257 or s. 775.084. If the quantity involved:

258 a. Is 200 grams or more, but less than 5 kilograms, such  
259 person shall be sentenced to a mandatory minimum term of  
260 imprisonment of 3 years, and the defendant shall be ordered to  
261 pay a fine of \$50,000.

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262           b. Is 5 kilograms or more, but less than 25 kilograms,  
263 such person shall be sentenced to a mandatory minimum term of  
264 imprisonment of 7 years, and the defendant shall be ordered to  
265 pay a fine of \$100,000.

266           c. Is 25 kilograms or more, such person shall be sentenced  
267 to a mandatory minimum term of imprisonment of 15 calendar years  
268 and pay a fine of \$250,000.

269           2. Any person who knowingly brings into this state 50  
270 kilograms or more of methaqualone or of any mixture containing  
271 methaqualone, as described in s. 893.03(1)(d), and who knows  
272 that the probable result of such importation would be the death  
273 of any person commits capital importation of methaqualone, a  
274 capital felony punishable as provided in s. 775.082 ~~ss. 775.082~~  
275 ~~and 921.142~~. Any person sentenced for a capital felony under  
276 this paragraph shall also be sentenced to pay the maximum fine  
277 provided under subparagraph 1.

278           (f)1. Any person who knowingly sells, purchases,  
279 manufactures, delivers, or brings into this state, or who is  
280 knowingly in actual or constructive possession of, 14 grams or  
281 more of amphetamine, as described in s. 893.03(2)(c)2., or  
282 methamphetamine, as described in s. 893.03(2)(c)5., or of any  
283 mixture containing amphetamine or methamphetamine, or  
284 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine  
285 in conjunction with other chemicals and equipment utilized in  
286 the manufacture of amphetamine or methamphetamine, commits a

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287 felony of the first degree, which felony shall be known as  
288 "trafficking in amphetamine," punishable as provided in s.  
289 775.082, s. 775.083, or s. 775.084. If the quantity involved:  
290 a. Is 14 grams or more, but less than 28 grams, such  
291 person shall be sentenced to a mandatory minimum term of  
292 imprisonment of 3 years, and the defendant shall be ordered to  
293 pay a fine of \$50,000.  
294 b. Is 28 grams or more, but less than 200 grams, such  
295 person shall be sentenced to a mandatory minimum term of  
296 imprisonment of 7 years, and the defendant shall be ordered to  
297 pay a fine of \$100,000.  
298 c. Is 200 grams or more, such person shall be sentenced to  
299 a mandatory minimum term of imprisonment of 15 calendar years  
300 and pay a fine of \$250,000.  
301 2. Any person who knowingly manufactures or brings into  
302 this state 400 grams or more of amphetamine, as described in s.  
303 893.03(2)(c)2., or methamphetamine, as described in s.  
304 893.03(2)(c)5., or of any mixture containing amphetamine or  
305 methamphetamine, or phenylacetone, phenylacetic acid,  
306 pseudoephedrine, or ephedrine in conjunction with other  
307 chemicals and equipment used in the manufacture of amphetamine  
308 or methamphetamine, and who knows that the probable result of  
309 such manufacture or importation would be the death of any person  
310 commits capital manufacture or importation of amphetamine, a  
311 capital felony punishable as provided in s. 775.082 ~~ss. 775.082~~

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312 ~~and 921.142.~~ Any person sentenced for a capital felony under  
313 this paragraph shall also be sentenced to pay the maximum fine  
314 provided under subparagraph 1.

315 (g)1. Any person who knowingly sells, purchases,  
316 manufactures, delivers, or brings into this state, or who is  
317 knowingly in actual or constructive possession of, 4 grams or  
318 more of flunitrazepam or any mixture containing flunitrazepam as  
319 described in s. 893.03(1)(a) commits a felony of the first  
320 degree, which felony shall be known as "trafficking in  
321 flunitrazepam," punishable as provided in s. 775.082, s.  
322 775.083, or s. 775.084. If the quantity involved:

323 a. Is 4 grams or more but less than 14 grams, such person  
324 shall be sentenced to a mandatory minimum term of imprisonment  
325 of 3 years, and the defendant shall be ordered to pay a fine of  
326 \$50,000.

327 b. Is 14 grams or more but less than 28 grams, such person  
328 shall be sentenced to a mandatory minimum term of imprisonment  
329 of 7 years, and the defendant shall be ordered to pay a fine of  
330 \$100,000.

331 c. Is 28 grams or more but less than 30 kilograms, such  
332 person shall be sentenced to a mandatory minimum term of  
333 imprisonment of 25 calendar years and pay a fine of \$500,000.

334 2. Any person who knowingly sells, purchases,  
335 manufactures, delivers, or brings into this state or who is  
336 knowingly in actual or constructive possession of 30 kilograms

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337 or more of flunitrazepam or any mixture containing flunitrazepam  
338 as described in s. 893.03(1)(a) commits the first degree felony  
339 of trafficking in flunitrazepam. A person who has been convicted  
340 of the first degree felony of trafficking in flunitrazepam under  
341 this subparagraph shall be punished by life imprisonment and is  
342 ineligible for any form of discretionary early release except  
343 pardon or executive clemency or conditional medical release  
344 under s. 947.149. However, if the court determines that, in  
345 addition to committing any act specified in this paragraph:

346 a. The person intentionally killed an individual or  
347 counseled, commanded, induced, procured, or caused the  
348 intentional killing of an individual and such killing was the  
349 result; or

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

352  
353 such person commits the capital felony of trafficking in  
354 flunitrazepam, punishable as provided in s. 775.082 ~~ss. 775.082~~  
355 ~~and 921.142~~. Any person sentenced for a capital felony under  
356 this paragraph shall also be sentenced to pay the maximum fine  
357 provided under subparagraph 1.

358 (h)1. Any person who knowingly sells, purchases,  
359 manufactures, delivers, or brings into this state, or who is  
360 knowingly in actual or constructive possession of, 1 kilogram or  
361 more of gamma-hydroxybutyric acid (GHB), as described in s.

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362 893.03(1) (d), or any mixture containing gamma-hydroxybutyric  
363 acid (GHB), commits a felony of the first degree, which felony  
364 shall be known as "trafficking in gamma-hydroxybutyric acid  
365 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.  
366 775.084. If the quantity involved:

367 a. Is 1 kilogram or more but less than 5 kilograms, such  
368 person shall be sentenced to a mandatory minimum term of  
369 imprisonment of 3 years, and the defendant shall be ordered to  
370 pay a fine of \$50,000.

371 b. Is 5 kilograms or more but less than 10 kilograms, such  
372 person shall be sentenced to a mandatory minimum term of  
373 imprisonment of 7 years, and the defendant shall be ordered to  
374 pay a fine of \$100,000.

375 c. Is 10 kilograms or more, such person shall be sentenced  
376 to a mandatory minimum term of imprisonment of 15 calendar years  
377 and pay a fine of \$250,000.

378 2. Any person who knowingly manufactures or brings into  
379 this state 150 kilograms or more of gamma-hydroxybutyric acid  
380 (GHB), as described in s. 893.03(1) (d), or any mixture  
381 containing gamma-hydroxybutyric acid (GHB), and who knows that  
382 the probable result of such manufacture or importation would be  
383 the death of any person commits capital manufacture or  
384 importation of gamma-hydroxybutyric acid (GHB), a capital felony  
385 punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~.

386 Any person sentenced for a capital felony under this paragraph

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387 shall also be sentenced to pay the maximum fine provided under  
388 subparagraph 1.

389 (i)1. Any person who knowingly sells, purchases,  
390 manufactures, delivers, or brings into this state, or who is  
391 knowingly in actual or constructive possession of, 1 kilogram or  
392 more of gamma-butyrolactone (GBL), as described in s.  
393 893.03(1)(d), or any mixture containing gamma-butyrolactone  
394 (GBL), commits a felony of the first degree, which felony shall  
395 be known as "trafficking in gamma-butyrolactone (GBL),"  
396 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
397 If the quantity involved:

398 a. Is 1 kilogram or more but less than 5 kilograms, such  
399 person shall be sentenced to a mandatory minimum term of  
400 imprisonment of 3 years, and the defendant shall be ordered to  
401 pay a fine of \$50,000.

402 b. Is 5 kilograms or more but less than 10 kilograms, such  
403 person shall be sentenced to a mandatory minimum term of  
404 imprisonment of 7 years, and the defendant shall be ordered to  
405 pay a fine of \$100,000.

406 c. Is 10 kilograms or more, such person shall be sentenced  
407 to a mandatory minimum term of imprisonment of 15 calendar years  
408 and pay a fine of \$250,000.

409 2. Any person who knowingly manufactures or brings into  
410 the state 150 kilograms or more of gamma-butyrolactone (GBL), as  
411 described in s. 893.03(1)(d), or any mixture containing gamma-

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412 butyrolactone (GBL), and who knows that the probable result of  
413 such manufacture or importation would be the death of any person  
414 commits capital manufacture or importation of gamma-  
415 butyrolactone (GBL), a capital felony punishable as provided in  
416 s. 775.082 ~~ss. 775.082 and 921.142~~. Any person sentenced for a  
417 capital felony under this paragraph shall also be sentenced to  
418 pay the maximum fine provided under subparagraph 1.

419 (j)1. Any person who knowingly sells, purchases,  
420 manufactures, delivers, or brings into this state, or who is  
421 knowingly in actual or constructive possession of, 1 kilogram or  
422 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of  
423 any mixture containing 1,4-Butanediol, commits a felony of the  
424 first degree, which felony shall be known as "trafficking in  
425 1,4-Butanediol," punishable as provided in s. 775.082, s.  
426 775.083, or s. 775.084. If the quantity involved:

427 a. Is 1 kilogram or more, but less than 5 kilograms, such  
428 person shall be sentenced to a mandatory minimum term of  
429 imprisonment of 3 years, and the defendant shall be ordered to  
430 pay a fine of \$50,000.

431 b. Is 5 kilograms or more, but less than 10 kilograms,  
432 such person shall be sentenced to a mandatory minimum term of  
433 imprisonment of 7 years, and the defendant shall be ordered to  
434 pay a fine of \$100,000.

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435 c. Is 10 kilograms or more, such person shall be sentenced  
436 to a mandatory minimum term of imprisonment of 15 calendar years  
437 and pay a fine of \$500,000.

438 2. Any person who knowingly manufactures or brings into  
439 this state 150 kilograms or more of 1,4-Butanediol as described  
440 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,  
441 and who knows that the probable result of such manufacture or  
442 importation would be the death of any person commits capital  
443 manufacture or importation of 1,4-Butanediol, a capital felony  
444 punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~.  
445 Any person sentenced for a capital felony under this paragraph  
446 shall also be sentenced to pay the maximum fine provided under  
447 subparagraph 1.

448 (k)1. A person who knowingly sells, purchases,  
449 manufactures, delivers, or brings into this state, or who is  
450 knowingly in actual or constructive possession of, 10 grams or  
451 more of a:

452 a. Substance described in s. 893.03(1)(c)4., 5., 10., 11.,  
453 15., 17., 21.-27., 29., 39., 40.-45., 58., 72.-80., 81.-86.,  
454 90.-102., 104.-108., 110.-113., 143.-145., 148.-150., 160.-163.,  
455 165., or 187.-189., a substituted cathinone, as described in s.  
456 893.03(1)(c)191., or substituted phenethylamine, as described in  
457 s. 893.03(1)(c)192.;

458 b. Mixture containing any substance described in sub-  
459 subparagraph a.; or

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460 c. Salt, isomer, ester, or ether or salt of an isomer,  
461 ester, or ether of a substance described in sub-subparagraph a.,  
462  
463 commits a felony of the first degree, which felony shall be  
464 known as "trafficking in phenethylamines," punishable as  
465 provided in s. 775.082, s. 775.083, or s. 775.084.

466 2. If the quantity involved under subparagraph 1.:

467 a. Is 10 grams or more, but less than 200 grams, such  
468 person shall be sentenced to a mandatory minimum term of  
469 imprisonment of 3 years and shall be ordered to pay a fine of  
470 \$50,000.

471 b. Is 200 grams or more, but less than 400 grams, such  
472 person shall be sentenced to a mandatory minimum term of  
473 imprisonment of 7 years and shall be ordered to pay a fine of  
474 \$100,000.

475 c. Is 400 grams or more, such person shall be sentenced to  
476 a mandatory minimum term of imprisonment of 15 years and shall  
477 be ordered to pay a fine of \$250,000.

478 3. A person who knowingly manufactures or brings into this  
479 state 30 kilograms or more of a substance described in sub-  
480 subparagraph 1.a., a mixture described in sub-subparagraph 1.b.,  
481 or a salt, isomer, ester, or ether or a salt of an isomer,  
482 ester, or ether described in sub-subparagraph 1.c., and who  
483 knows that the probable result of such manufacture or  
484 importation would be the death of any person commits capital

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485 manufacture or importation of phenethylamines, a capital felony  
486 punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~. A  
487 person sentenced for a capital felony under this paragraph shall  
488 also be sentenced to pay the maximum fine under subparagraph 2.

489 (1)1. Any person who knowingly sells, purchases,  
490 manufactures, delivers, or brings into this state, or who is  
491 knowingly in actual or constructive possession of, 1 gram or  
492 more of lysergic acid diethylamide (LSD) as described in s.  
493 893.03(1)(c), or of any mixture containing lysergic acid  
494 diethylamide (LSD), commits a felony of the first degree, which  
495 felony shall be known as "trafficking in lysergic acid  
496 diethylamide (LSD)," punishable as provided in s. 775.082, s.  
497 775.083, or s. 775.084. If the quantity involved:

498 a. Is 1 gram or more, but less than 5 grams, such person  
499 shall be sentenced to a mandatory minimum term of imprisonment  
500 of 3 years, and the defendant shall be ordered to pay a fine of  
501 \$50,000.

502 b. Is 5 grams or more, but less than 7 grams, such person  
503 shall be sentenced to a mandatory minimum term of imprisonment  
504 of 7 years, and the defendant shall be ordered to pay a fine of  
505 \$100,000.

506 c. Is 7 grams or more, such person shall be sentenced to a  
507 mandatory minimum term of imprisonment of 15 calendar years and  
508 pay a fine of \$500,000.

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509           2. Any person who knowingly manufactures or brings into  
510 this state 7 grams or more of lysergic acid diethylamide (LSD)  
511 as described in s. 893.03(1)(c), or any mixture containing  
512 lysergic acid diethylamide (LSD), and who knows that the  
513 probable result of such manufacture or importation would be the  
514 death of any person commits capital manufacture or importation  
515 of lysergic acid diethylamide (LSD), a capital felony punishable  
516 as provided in s. 775.082 ~~ss. 775.082 and 921.142~~. Any person  
517 sentenced for a capital felony under this paragraph shall also  
518 be sentenced to pay the maximum fine provided under subparagraph  
519 1.

520           (n)1. A person who knowingly sells, purchases,  
521 manufactures, delivers, or brings into this state, or who is  
522 knowingly in actual or constructive possession of, 14 grams or  
523 more of:

524           a. A substance described in s. 893.03(1)(c)164., 174., or  
525 175., a n-benzyl phenethylamine compound, as described in s.  
526 893.03(1)(c)193.; or

527           b. A mixture containing any substance described in sub-  
528 subparagraph a.,  
529  
530 commits a felony of the first degree, which felony shall be  
531 known as "trafficking in n-benzyl phenethylamines," punishable  
532 as provided in s. 775.082, s. 775.083, or s. 775.084.

533           2. If the quantity involved under subparagraph 1.:

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534 a. Is 14 grams or more, but less than 100 grams, such  
535 person shall be sentenced to a mandatory minimum term of  
536 imprisonment of 3 years, and the defendant shall be ordered to  
537 pay a fine of \$50,000.

538 b. Is 100 grams or more, but less than 200 grams, such  
539 person shall be sentenced to a mandatory minimum term of  
540 imprisonment of 7 years, and the defendant shall be ordered to  
541 pay a fine of \$100,000.

542 c. Is 200 grams or more, such person shall be sentenced to  
543 a mandatory minimum term of imprisonment of 15 years, and the  
544 defendant shall be ordered to pay a fine of \$500,000.

545 3. A person who knowingly manufactures or brings into this  
546 state 400 grams or more of a substance described in sub-  
547 subparagraph 1.a. or a mixture described in sub-subparagraph  
548 1.b., and who knows that the probable result of such manufacture  
549 or importation would be the death of any person commits capital  
550 manufacture or importation of a n-benzyl phenethylamine  
551 compound, a capital felony punishable as provided in s. 775.082  
552 ~~ss. 775.082 and 921.142~~. A person sentenced for a capital felony  
553 under this paragraph shall also be sentenced to pay the maximum  
554 fine under subparagraph 2.

555 Section 4. Subsection (4) of section 921.137, Florida  
556 Statutes, is amended to read:

557 921.137 Imposition of the death sentence upon an  
558 intellectually disabled defendant prohibited.—

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559 (4) After a defendant who has given notice of his or her  
560 intention to raise intellectual disability as a bar to the death  
561 sentence is convicted of a capital felony and an advisory jury  
562 has returned a recommended sentence of death, the defendant may  
563 file a motion to determine whether the defendant is  
564 intellectually disabled. Upon receipt of the motion, the court  
565 shall appoint two experts in the field of intellectual  
566 disabilities who shall evaluate the defendant and report their  
567 findings to the court and all interested parties prior to the  
568 final sentencing hearing. Notwithstanding s. 921.141 ~~or s.~~  
569 ~~921.142~~, the final sentencing hearing shall be held without a  
570 jury. At the final sentencing hearing, the court shall consider  
571 the findings of the court-appointed experts and consider the  
572 findings of any other expert which is offered by the state or  
573 the defense on the issue of whether the defendant has an  
574 intellectual disability. If the court finds, by clear and  
575 convincing evidence, that the defendant has an intellectual  
576 disability as defined in subsection (1), the court may not  
577 impose a sentence of death and shall enter a written order that  
578 sets forth with specificity the findings in support of the  
579 determination.

580

581

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582

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

583

Remove lines 2-22 and insert:

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584 An act relating to the death penalty; amending s.  
585 921.141, F.S.; requiring a determination of a  
586 specified number of jurors, rather than jury  
587 unanimity, for a sentencing recommendation of death;  
588 requiring a determination of a specified number of  
589 jurors for a sentencing recommendation of life  
590 imprisonment without the possibility of parole;  
591 requiring the court to impose the recommended sentence  
592 of life imprisonment without the possibility of parole  
593 if fewer than eight jurors recommend a sentence of  
594 death; authorizing the court to impose a sentence of  
595 life imprisonment without the possibility of parole or  
596 a sentence of death if at least eight jurors recommend  
597 a sentence of death; specifying that the court may  
598 impose a sentence of death only if the jury  
599 unanimously finds at least one aggravating factor  
600 beyond a reasonable doubt; requiring the court to  
601 include in its written order the reasons for not  
602 accepting a jury's recommended sentence, if  
603 applicable; repealing s. 921.142, F.S., relating to  
604 sentence of death or life imprisonment for capital  
605 drug trafficking felonies; amending ss. 893.135 and  
606 921.137, F.S.; conforming provisions to changes made  
607 by the act; providing an effective date.

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