

1 A bill to be entitled
 2 An act relating to sentencing for trafficking
 3 violations; creating s. 893.13501, F.S.; providing
 4 legislative intent; providing for the retroactive
 5 applicability of s. 893.135, F.S.; requiring the
 6 initial sentencing and the resentencing of certain
 7 persons who committed certain violations before a
 8 specified date which involved trafficking in
 9 hydrocodone or codeine; providing criminal penalties
 10 for such violations that are subject to an initial
 11 sentencing or a resentencing; providing legislative
 12 intent; providing for the retroactive applicability of
 13 s. 893.135, F.S.; requiring the initial sentencing and
 14 the resentencing of certain persons who committed
 15 certain violations before a specified date which
 16 involved trafficking in oxycodone; providing criminal
 17 penalties for such violations that are subject to an
 18 initial sentencing or a resentencing; specifying
 19 procedures for such resentencing; providing an
 20 effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

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 24 Section 1. Section 893.13501, Florida Statutes, is created
 25 to read:

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26 893.13501 Retroactive application relating to s. 893.135;
27 legislative intent; sentencing or resentencing for trafficking
28 in hydrocodone, codeine, or oxycodone; penalties; resentencing
29 procedures.-

30 (1) It is the intent of the Legislature to retroactively
31 apply changes to gram-weight thresholds and ranges and to
32 penalties for trafficking in hydrocodone or codeine which are
33 applicable to offenders who committed these offenses on or after
34 October 1, 2019, the effective date of amendments to s. 893.135
35 by chapter 2019-167, Laws of Florida.

36 (a) If a violation of s. 893.135(1)(c) involving
37 trafficking in hydrocodone, as described in s. 893.03(2)(a)1.k.;
38 trafficking in codeine, as described in s. 893.03(2)(a)1.g.; or
39 trafficking in any salt of hydrocodone or of codeine or any
40 mixture containing any such substance, as described in s.
41 893.03(2)(a)2., was committed before October 1, 2019, and was
42 punishable as a felony of the first degree at the time the
43 violation was committed, the changes must be retroactively
44 applied as provided in this subsection.

45 (b) A person who committed a trafficking violation
46 described in paragraph (a) before October 1, 2019, but who was
47 not sentenced for such violation before October 1, 2023, must be
48 sentenced as provided in paragraph (d).

49 (c) A person who committed a trafficking violation
50 described in paragraph (a) before October 1, 2019, and who is

51 servicing a mandatory minimum term of imprisonment for such
52 violation on or after October 1, 2023, must be resentenced as
53 provided in paragraph (d) and in accordance with subsection (3).

54 (d)1. A violation described in paragraph (a) for which the
55 person is to be sentenced or resentenced pursuant to this
56 subsection is a felony of the first degree, punishable as
57 provided in s. 775.082, s. 775.083, or s. 775.084.

58 2. If the quantity of hydrocodone, as described in s.
59 893.03(2)(a)1.k., codeine, as described in s. 893.03(2)(a)1.g.,
60 any salt thereof, or any mixture containing any such substance
61 involved in the violation of s. 893.135:

62 a. Was 4 grams or more, but less than 28 grams, such
63 person must be sentenced or resentenced as provided in s.
64 775.082, s. 775.083, or s. 775.084.

65 b. Was 28 grams or more, but less than 50 grams, such
66 person must be sentenced or resentenced to a mandatory minimum
67 term of imprisonment of 3 years and ordered to pay a fine of
68 \$50,000.

69 c. Was 50 grams or more, but less than 100 grams, such
70 person must be sentenced or resentenced to a mandatory minimum
71 term of imprisonment of 7 years and ordered to pay a fine of
72 \$100,000.

73 d. Was 100 grams or more, but less than 300 grams, such
74 person must be sentenced or resentenced to a mandatory minimum
75 term of imprisonment of 15 years and ordered to pay a fine of

76 \$500,000.

77 e. Was 300 grams or more, but less than 30 kilograms, such
78 person must be sentenced or resentenced to a mandatory minimum
79 term of imprisonment of 25 years and ordered to pay a fine of
80 \$500,000 if the trafficking involves hydrocodone, any salt
81 thereof, or any mixture containing hydrocodone; or to pay a fine
82 of \$750,000 if the trafficking involves codeine, any salt
83 thereof, or any mixture containing codeine.

84 (2) It is the intent of the Legislature to retroactively
85 apply the changes to gram-weight thresholds and ranges and to
86 penalties for trafficking in oxycodone which are applicable to
87 offenders who committed this offense on or after July 1, 2014,
88 the effective date of amendments to s. 893.135 by chapter 2014-
89 176, Laws of Florida.

90 (a) If a violation of s. 893.135(1)(c) involving
91 trafficking in oxycodone, as described in s. 893.03(2)(a)1.g.,
92 any salt thereof, or any mixture containing any such substance
93 was committed before July 1, 2014, and was punishable as a
94 felony of the first degree at the time the violation was
95 committed, the changes must be retroactively applied as provided
96 in this subsection.

97 (b) A person who committed a trafficking violation
98 described in paragraph (a) before July 1, 2014, but who was not
99 sentenced for such violation before October 1, 2023, must be
100 sentenced as provided in paragraph (d).

101 (c) A person who committed a trafficking violation
102 described in paragraph (a) before July 1, 2014, and who is
103 servng a mandatory minimum term of imprisonment for such
104 violation on or after October 1, 2023, must be resentenced as
105 provided in paragraph (d) and in accordance with subsection (3).

106 (d)1. A violation described in paragraph (a) for which the
107 person is to be sentenced or resentenced pursuant to this
108 subsection is a felony of the first degree, punishable as
109 provided in s. 775.082, s. 775.083, or s. 775.084.

110 2. If the quantity of oxycodone, as described in s.
111 893.03(2)(a)1.g., any salt thereof, or any mixture containing
112 any such substance involved in the violation of s. 893.135:

113 a. Was 4 grams or more, but less than 7 grams, such person
114 must be sentenced or resentenced as provided in s. 775.082, s.
115 775.083, or s. 775.084.

116 b. Was 7 grams or more, but less than 14 grams, such
117 person must be sentenced or resentenced to a mandatory minimum
118 term of imprisonment of 3 years and ordered to pay a fine of
119 \$50,000.

120 c. Was 14 grams or more, but less than 25 grams, such
121 person must be sentenced or resentenced to a mandatory minimum
122 term of imprisonment of 7 years and ordered to pay a fine of
123 \$100,000.

124 d. Was 25 grams or more, but less than 100 grams, such
125 person must be sentenced or resentenced to a mandatory minimum

126 term of imprisonment of 15 years and ordered to pay a fine of
127 \$500,000.

128 e. Was 100 grams or more, but less than 30 kilograms, such
129 person must be sentenced or resentenced to a mandatory minimum
130 term of imprisonment of 25 years and ordered to pay a fine of
131 \$500,000.

132 (3) Resentencing under this section must occur in the
133 following manner:

134 (a) The Department of Corrections shall notify the person
135 described in paragraph (1)(c) or paragraph (2)(c) of his or her
136 eligibility to request a sentence review hearing.

137 (b) The person seeking sentence review under this section
138 may submit an application to the court of original jurisdiction
139 requesting that a sentence review hearing be held. The
140 sentencing court retains original jurisdiction for the duration
141 of the sentence for this purpose.

142 (c) A person eligible for a sentence review hearing under
143 this section is entitled to be represented by counsel, and the
144 court must appoint a public defender to represent the person if
145 he or she cannot afford an attorney.

146 (d) Upon receiving an application from the eligible
147 person, the court of original sentencing jurisdiction shall hold
148 a sentence review hearing to determine if the eligible person
149 meets the criteria for resentencing under this section. If the
150 court determines at the sentence review hearing that the

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151 eligible person meets the criteria in this section for
152 resentencing, the court must resentence the person as provided
153 in this section; however, the new sentence may not exceed the
154 person's original sentence with credit for time served. If the
155 court determines that such person does not meet the criteria for
156 resentencing under this section, the court must provide written
157 reasons why such person does not meet such criteria.

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