

1 A bill to be entitled
2 An act relating to offenses involving xylazine;
3 amending s. 893.13, F.S.; providing criminal penalties
4 and requiring a mandatory minimum term of imprisonment
5 if a person sells, manufactures, or delivers or
6 possesses with intent to sell, manufacture, or deliver
7 xylazine; amending s. 893.135, F.S.; creating the
8 offense of trafficking in xylazine; providing criminal
9 penalties and requiring a mandatory minimum term of
10 imprisonment and fines based on the quantity of the
11 controlled substance involved in the offense;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 **Section 1. Paragraph (i) of subsection (1) of section**
17 **893.13, Florida Statutes, is amended to read:**

18 893.13 Prohibited acts; penalties.—

19 (1)

20 (i) Except as authorized by this chapter, a person commits
21 a felony of the first degree, punishable as provided in s.
22 775.082, s. 775.083, or s. 775.084, and must be sentenced to a
23 mandatory minimum term of imprisonment of 3 years, if:

24 1. The person sells, manufactures, or delivers, or
25 possesses with intent to sell, manufacture, or deliver, any of

26 | the following:

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

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

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

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

31 | e. A fentanyl derivative, as described in s.

32 | 893.03(1)(a)63.;

33 | f. Xylazine, as described in s. 893.03(1)(c)37.;

34 | g. A controlled substance analog, as described in s.

35 | 893.0356, of any substance described in sub-subparagraphs a.-f.

36 | ~~sub-subparagraphs a.-e.~~; or

37 | ~~h.g.~~ A mixture containing any substance described in sub-

38 | subparagraphs a.-g. ~~sub-subparagraphs a.-f.~~; and

39 | 2. The substance or mixture listed in subparagraph 1. is
 40 | in a form that resembles, or is mixed, granulated, absorbed,
 41 | spray-dried, or aerosolized as or onto, coated on, in whole or
 42 | in part, or solubilized with or into, a product, when such
 43 | product or its packaging further has at least one of the
 44 | following attributes:

45 | a. Resembles the trade dress of a branded food product,
 46 | consumer food product, or logo food product;

47 | b. Incorporates an actual or fake registered copyright,
 48 | service mark, or trademark;

49 | c. Resembles candy, cereal, a gummy, a vitamin, or a
 50 | chewable product, such as a gum or gelatin-based product; or

51 d. Contains a cartoon character imprint.

52 **Section 2. Paragraph (c) of subsection (1) of section**
 53 **893.135, Florida Statutes, is amended to read:**

54 893.135 Trafficking; mandatory sentences; suspension or
 55 reduction of sentences; conspiracy to engage in trafficking.—

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

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

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

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

76 | \$100,000.

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

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

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

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

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

101 \$500,000.

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

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

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

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

122 c. Is 25 grams or more, but less than 100 grams, such
123 person shall be sentenced to a mandatory minimum term of
124 imprisonment of 15 years and shall be ordered to pay a fine of
125 \$500,000.

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

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

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

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

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

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

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

139 893.03(1)(a)63.;

140 (VI) A controlled substance analog, as described in s.
141 893.0356, of any substance described in sub-sub-subparagraphs
142 (I)-(V); or

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

145
146 commits a felony of the first degree, which felony shall be
147 known as "trafficking in dangerous fentanyl or fentanyl
148 analogues," punishable as provided in s. 775.082, s. 775.083, or
149 s. 775.084.

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

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

155 (II) Is 14 grams or more, but less than 28 grams, such
156 person shall be sentenced to a mandatory minimum term of
157 imprisonment of 20 years~~7~~ and shall be ordered to pay a fine of
158 \$100,000.

159 (III) Is 28 grams or more, such person shall be sentenced
160 to a mandatory minimum term of imprisonment of 25 years~~7~~ and
161 shall be ordered to pay a fine of \$500,000.

162 c. A person 18 years of age or older who violates sub-
163 subparagraph a. by knowingly selling or delivering to a minor at
164 least 4 grams of a substance or mixture listed in sub-
165 subparagraph a. shall be sentenced to a mandatory minimum term
166 of not less than 25 years and not exceeding life imprisonment,
167 and shall be ordered to pay a fine of \$1 million if the
168 substance or mixture listed in sub-subparagraph a. is in a form
169 that resembles, or is mixed, granulated, absorbed, spray-dried,
170 or 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) Resembles the trade dress of a branded food product,
174 consumer food product, or logo food product;

175 (II) Incorporates an actual or fake registered copyright,

176 service mark, or trademark;

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

179 (IV) Contains a cartoon character imprint.

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

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

200 b. The person's conduct in committing that act led to a

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

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

220 7. A person who knowingly sells, purchases, manufactures,
221 delivers, or brings into this state, or who is knowingly in
222 actual or constructive possession of, 4 grams or more of
223 xylazine, as described in s. 893.03(1)(c)37., or any salt
224 thereof, or 4 grams or more of any mixture containing any such
225 substance, commits a felony of the first degree, which felony

226 shall be known as "trafficking in xylazine," punishable as
227 provided in s. 775.082, s. 775.083, or s. 775.084. If the
228 quantity involved:

229 a. Is 4 grams or more, but less than 14 grams, such person
230 shall be sentenced to a mandatory minimum term of imprisonment
231 of 7 years and shall be ordered to pay a fine of \$50,000.

232 b. Is 14 grams or more, but less than 28 grams, such
233 person shall be sentenced to a mandatory minimum term of
234 imprisonment of 20 years and shall be ordered to pay a fine of
235 \$100,000.

236 c. Is 28 grams or more, such person shall be sentenced to
237 a mandatory minimum term of imprisonment of 25 years and shall
238 be ordered to pay a fine of \$500,000.

239 **Section 3.** This act shall take effect October 1, 2025.