

By Senator Bogdanoff

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1                                   A bill to be entitled  
2           An act relating to the sentencing of inmates; amending  
3           s. 893.135, F.S.; removing all references to imposing  
4           mandatory minimum sentences for defendants convicted  
5           of trafficking in controlled substances; defining the  
6           terms "department" and "nonviolent offender";  
7           directing the Department of Corrections to develop and  
8           administer a reentry program for nonviolent offenders  
9           which is intended to divert nonviolent offenders from  
10          long periods of incarceration; requiring that the  
11          program include intensive substance abuse treatment  
12          and rehabilitative programming; providing for the  
13          minimum length of service in the program; providing  
14          that any portion of a sentence before placement in the  
15          program does not count as progress toward program  
16          completion; specifying eligibility criteria for a  
17          nonviolent offender to be placed into the reentry  
18          program; directing the department to notify the  
19          nonviolent offender's sentencing court to obtain  
20          approval before the nonviolent offender is placed into  
21          the reentry program; requiring the department to  
22          notify the state attorney; authorizing the state  
23          attorney to file objections to placing the offender  
24          into the reentry program within a specified period;  
25          requiring the sentencing court to notify the  
26          department of the court's decision to approve or  
27          disapprove the requested placement within a specified  
28          period; providing that failure of the court to timely  
29          notify the department of the court's decision

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30 constitutes approval by the requested placement;  
31 requiring the nonviolent offender to undergo an  
32 education assessment and a full substance abuse  
33 assessment if admitted into the reentry program;  
34 requiring the offender to be enrolled in an adult  
35 education program in specified circumstances;  
36 requiring that assessments of vocational skills and  
37 future career education be provided to the offender;  
38 requiring that certain reevaluation be made  
39 periodically; providing that the nonviolent offender  
40 is subject to the disciplinary rules of the  
41 department; specifying the reasons for which the  
42 offender may be terminated from the reentry program;  
43 requiring that the department submit a report to the  
44 sentencing court at least 30 days before the  
45 nonviolent offender is scheduled to complete the  
46 reentry program; setting forth the issues to be  
47 addressed in the report; requiring the sentencing  
48 court to issue an order modifying the sentence imposed  
49 and place the nonviolent offender on drug offender  
50 probation if the nonviolent offender's performance is  
51 satisfactory; authorizing the court to revoke  
52 probation and impose the original sentence in  
53 specified circumstances; authorizing the court to  
54 require the offender to complete a postadjudicatory  
55 drug court program in specified circumstances;  
56 directing the department to implement the reentry  
57 program using available resources; requiring the  
58 department to submit an annual report to the Governor

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59 and Legislature detailing the extent of implementation  
60 of the reentry program and outlining future goals and  
61 recommendations; authorizing the department to enter  
62 into contracts with qualified individuals, agencies,  
63 or corporations for services for the reentry program;  
64 authorizing the department to impose administrative or  
65 protective confinement as necessary; authorizing the  
66 department to establish a system of incentives within  
67 the reentry program which the department may use to  
68 promote participation in rehabilitative programs and  
69 the orderly operation of institutions and facilities;  
70 directing the department to develop a system for  
71 tracking recidivism, including, but not limited to,  
72 rearrests and recommitment of nonviolent offenders who  
73 successfully complete the reentry program, and to  
74 report on recidivism in its annual report of the  
75 program; directing the department to adopt rules;  
76 providing an effective date.

77  
78 Be It Enacted by the Legislature of the State of Florida:

79  
80 Section 1. Section 893.135, Florida Statutes, is amended to  
81 read:

82 893.135 Trafficking; ~~mandatory sentences;~~ suspension or  
83 reduction of sentences; conspiracy to engage in trafficking.—

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

86 (a) Any person who knowingly sells, purchases,  
87 manufactures, delivers, or brings into this state, or who is

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88 knowingly in actual or constructive possession of, in excess of  
89 25 pounds of cannabis, or 300 or more cannabis plants, commits a  
90 felony of the first degree, which felony shall be known as  
91 "trafficking in cannabis," punishable as provided in s. 775.082,  
92 s. 775.083, or s. 775.084. If the quantity of cannabis involved:

93 1. Is in excess of 25 pounds, but less than 2,000 pounds,  
94 or is 300 or more cannabis plants, but not more than 2,000  
95 cannabis plants, such person shall be ~~sentenced to a mandatory~~  
96 ~~minimum term of imprisonment of 3 years, and the defendant shall~~  
97 ~~be~~ ordered to pay a fine of \$25,000.

98 2. Is 2,000 pounds or more, but less than 10,000 pounds, or  
99 is 2,000 or more cannabis plants, but not more than 10,000  
100 cannabis plants, such person shall be ~~sentenced to a mandatory~~  
101 ~~minimum term of imprisonment of 7 years, and the defendant shall~~  
102 ~~be~~ ordered to pay a fine of \$50,000.

103 3. Is 10,000 pounds or more, or is 10,000 or more cannabis  
104 plants, such person shall be ordered ~~sentenced to a mandatory~~  
105 ~~minimum term of imprisonment of 15 calendar years and pay a fine~~  
106 of \$200,000.

107  
108 For the purpose of this paragraph, a plant, including, but not  
109 limited to, a seedling or cutting, is a "cannabis plant" if it  
110 has some readily observable evidence of root formation, such as  
111 root hairs. To determine if a piece or part of a cannabis plant  
112 severed from the cannabis plant is itself a cannabis plant, the  
113 severed piece or part must have some readily observable evidence  
114 of root formation, such as root hairs. Callous tissue is not  
115 readily observable evidence of root formation. The viability and  
116 sex of a plant and the fact that the plant may or may not be a

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117 dead harvested plant are not relevant in determining if the  
118 plant is a "cannabis plant" or in the charging of an offense  
119 under this paragraph. Upon conviction, the court shall impose  
120 the longest term of imprisonment provided for in this paragraph.

121 (b)1. Any person who knowingly sells, purchases,  
122 manufactures, delivers, or brings into this state, or who is  
123 knowingly in actual or constructive possession of, 28 grams or  
124 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
125 mixture containing cocaine, but less than 150 kilograms of  
126 cocaine or any such mixture, commits a felony of the first  
127 degree, which felony shall be known as "trafficking in cocaine,"  
128 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
129 If the quantity involved:

130 a. Is 28 grams or more, but less than 200 grams, such  
131 person shall be ~~sentenced to a mandatory minimum term of~~  
132 ~~imprisonment of 3 years, and the defendant shall be~~ ordered to  
133 pay a fine of \$50,000.

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

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

141 2. Any person who knowingly sells, purchases, manufactures,  
142 delivers, or brings into this state, or who is knowingly in  
143 actual or constructive possession of, 150 kilograms or more of  
144 cocaine, as described in s. 893.03(2)(a)4., commits the first  
145 degree felony of trafficking in cocaine. ~~A person who has been~~

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146 ~~convicted of the first degree felony of trafficking in cocaine~~  
147 ~~under this subparagraph shall be punished by life imprisonment~~  
148 ~~and is ineligible for any form of discretionary early release~~  
149 ~~except pardon or executive clemency or conditional medical~~  
150 ~~release under s. 947.149.~~ However, if the court determines that,  
151 in addition to committing any act specified in this paragraph:

152 a. The person intentionally killed an individual or  
153 counseled, commanded, induced, procured, or caused the  
154 intentional killing of an individual and such killing was the  
155 result; or

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

158  
159 such person commits the capital felony of trafficking in  
160 cocaine, punishable as provided in ss. 775.082 and 921.142. Any  
161 person sentenced for a capital felony under this paragraph shall  
162 also be sentenced to pay the maximum fine provided under  
163 subparagraph 1.

164 3. Any person who knowingly brings into this state 300  
165 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
166 and who knows that the probable result of such importation would  
167 be the death of any person, commits capital importation of  
168 cocaine, a capital felony punishable as provided in ss. 775.082  
169 and 921.142. Any person sentenced for a capital felony under  
170 this paragraph shall also be sentenced to pay the maximum fine  
171 provided under subparagraph 1.

172 (c)1. Any person who knowingly sells, purchases,  
173 manufactures, delivers, or brings into this state, or who is  
174 knowingly in actual or constructive possession of, 4 grams or

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175 more of any morphine, opium, oxycodone, hydrocodone,  
176 hydromorphone, or any salt, derivative, isomer, or salt of an  
177 isomer thereof, including heroin, as described in s.  
178 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more  
179 of any mixture containing any such substance, but less than 30  
180 kilograms of such substance or mixture, commits a felony of the  
181 first degree, which felony shall be known as "trafficking in  
182 illegal drugs," punishable as provided in s. 775.082, s.  
183 775.083, or s. 775.084. If the quantity involved:

184 a. Is 4 grams or more, but less than 14 grams, such person  
185 shall be ~~sentenced to a mandatory minimum term of imprisonment~~  
186 ~~of 3 years, and the defendant shall be ordered to pay a fine of~~  
187 \$50,000.

188 b. Is 14 grams or more, but less than 28 grams, such person  
189 shall be ~~sentenced to a mandatory minimum term of imprisonment~~  
190 ~~of 15 years, and the defendant shall be ordered to pay a fine of~~  
191 \$100,000.

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

195 2. Any person who knowingly sells, purchases, manufactures,  
196 delivers, or brings into this state, or who is knowingly in  
197 actual or constructive possession of, 30 kilograms or more of  
198 any morphine, opium, oxycodone, hydrocodone, hydromorphone, or  
199 any salt, derivative, isomer, or salt of an isomer thereof,  
200 including heroin, as described in s. 893.03(1)(b), (2)(a),  
201 (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture  
202 containing any such substance, commits the first degree felony  
203 of trafficking in illegal drugs. ~~A person who has been convicted~~

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204 ~~of the first degree felony of trafficking in illegal drugs under~~  
205 ~~this subparagraph shall be punished by life imprisonment and is~~  
206 ~~ineligible for any form of discretionary early release except~~  
207 ~~pardon or executive clemency or conditional medical release~~  
208 ~~under s. 947.149.~~ However, if the court determines that, in  
209 addition to committing any act specified in this paragraph:

210 a. The person intentionally killed an individual or  
211 counseled, commanded, induced, procured, or caused the  
212 intentional killing of an individual and such killing was the  
213 result; or

214 b. The person's conduct in committing that act led to a  
215 natural, though not inevitable, lethal result,  
216  
217 such person commits the capital felony of trafficking in illegal  
218 drugs, punishable as provided in ss. 775.082 and 921.142. Any  
219 person sentenced for a capital felony under this paragraph shall  
220 also be sentenced to pay the maximum fine provided under  
221 subparagraph 1.

222 3. Any person who knowingly brings into this state 60  
223 kilograms or more of any morphine, opium, oxycodone,  
224 hydrocodone, hydromorphone, or any salt, derivative, isomer, or  
225 salt of an isomer thereof, including heroin, as described in s.  
226 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or  
227 more of any mixture containing any such substance, and who knows  
228 that the probable result of such importation would be the death  
229 of any person, commits capital importation of illegal drugs, a  
230 capital felony punishable as provided in ss. 775.082 and  
231 921.142. Any person sentenced for a capital felony under this  
232 paragraph shall also be sentenced to pay the maximum fine



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233 provided under subparagraph 1.

234 (d)1. Any person who knowingly sells, purchases,  
235 manufactures, delivers, or brings into this state, or who is  
236 knowingly in actual or constructive possession of, 28 grams or  
237 more of phencyclidine or of any mixture containing  
238 phencyclidine, as described in s. 893.03(2)(b), commits a felony  
239 of the first degree, which felony shall be known as "trafficking  
240 in phencyclidine," punishable as provided in s. 775.082, s.  
241 775.083, or s. 775.084. If the quantity involved:

242 a. Is 28 grams or more, but less than 200 grams, such  
243 person shall be ~~sentenced to a mandatory minimum term of~~  
244 ~~imprisonment of 3 years, and the defendant shall be ordered to~~  
245 pay a fine of \$50,000.

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

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

253 2. Any person who knowingly brings into this state 800  
254 grams or more of phencyclidine or of any mixture containing  
255 phencyclidine, as described in s. 893.03(2)(b), and who knows  
256 that the probable result of such importation would be the death  
257 of any person commits capital importation of phencyclidine, a  
258 capital felony punishable as provided in ss. 775.082 and  
259 921.142. Any person sentenced for a capital felony under this  
260 paragraph shall also be sentenced to pay the maximum fine  
261 provided under subparagraph 1.

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262 (e)1. Any person who knowingly sells, purchases,  
263 manufactures, delivers, or brings into this state, or who is  
264 knowingly in actual or constructive possession of, 200 grams or  
265 more of methaqualone or of any mixture containing methaqualone,  
266 as described in s. 893.03(1)(d), commits a felony of the first  
267 degree, which felony shall be known as "trafficking in  
268 methaqualone," punishable as provided in s. 775.082, s. 775.083,  
269 or s. 775.084. If the quantity involved:

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

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

278 c. Is 25 kilograms or more, such person shall be ordered  
279 ~~sentenced to a mandatory minimum term of imprisonment of 15~~  
280 ~~calendar years and~~ pay a fine of \$250,000.

281 2. Any person who knowingly brings into this state 50  
282 kilograms or more of methaqualone or of any mixture containing  
283 methaqualone, as described in s. 893.03(1)(d), and who knows  
284 that the probable result of such importation would be the death  
285 of any person commits capital importation of methaqualone, a  
286 capital felony punishable as provided in ss. 775.082 and  
287 921.142. Any person sentenced for a capital felony under this  
288 paragraph shall also be sentenced to pay the maximum fine  
289 provided under subparagraph 1.

290 (f)1. Any person who knowingly sells, purchases,

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291 manufactures, delivers, or brings into this state, or who is  
292 knowingly in actual or constructive possession of, 14 grams or  
293 more of amphetamine, as described in s. 893.03(2)(c)2., or  
294 methamphetamine, as described in s. 893.03(2)(c)4., or of any  
295 mixture containing amphetamine or methamphetamine, or  
296 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine  
297 in conjunction with other chemicals and equipment utilized in  
298 the manufacture of amphetamine or methamphetamine, commits a  
299 felony of the first degree, which felony shall be known as  
300 "trafficking in amphetamine," punishable as provided in s.  
301 775.082, s. 775.083, or s. 775.084. If the quantity involved:

302 a. Is 14 grams or more, but less than 28 grams, such person  
303 shall be ~~sentenced to a mandatory minimum term of imprisonment~~  
304 ~~of 3 years, and the defendant shall be ordered to pay a fine of~~  
305 \$50,000.

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

310 c. Is 200 grams or more, such person shall be ordered  
311 ~~sentenced to a mandatory minimum term of imprisonment of 15~~  
312 ~~calendar years and pay a fine of \$250,000.~~

313 2. Any person who knowingly manufactures or brings into  
314 this state 400 grams or more of amphetamine, as described in s.  
315 893.03(2)(c)2., or methamphetamine, as described in s.  
316 893.03(2)(c)4., or of any mixture containing amphetamine or  
317 methamphetamine, or phenylacetone, phenylacetic acid,  
318 pseudoephedrine, or ephedrine in conjunction with other  
319 chemicals and equipment used in the manufacture of amphetamine

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320 or methamphetamine, and who knows that the probable result of  
321 such manufacture or importation would be the death of any person  
322 commits capital manufacture or importation of amphetamine, a  
323 capital felony punishable as provided in ss. 775.082 and  
324 921.142. Any person sentenced for a capital felony under this  
325 paragraph shall also be sentenced to pay the maximum fine  
326 provided under subparagraph 1.

327 (g)1. Any person who knowingly sells, purchases,  
328 manufactures, delivers, or brings into this state, or who is  
329 knowingly in actual or constructive possession of, 4 grams or  
330 more of flunitrazepam or any mixture containing flunitrazepam as  
331 described in s. 893.03(1)(a) commits a felony of the first  
332 degree, which felony shall be known as "trafficking in  
333 flunitrazepam," punishable as provided in s. 775.082, s.  
334 775.083, or s. 775.084. If the quantity involved:

335 a. Is 4 grams or more but less than 14 grams, such person  
336 shall be ~~sentenced to a mandatory minimum term of imprisonment~~  
337 ~~of 3 years, and the defendant shall be ordered to pay a fine of~~  
338 \$50,000.

339 b. Is 14 grams or more but less than 28 grams, such person  
340 shall be ~~sentenced to a mandatory minimum term of imprisonment~~  
341 ~~of 7 years, and the defendant shall be ordered to pay a fine of~~  
342 \$100,000.

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

346 2. Any person who knowingly sells, purchases, manufactures,  
347 delivers, or brings into this state or who is knowingly in  
348 actual or constructive possession of 30 kilograms or more of

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349 flunitrazepam or any mixture containing flunitrazepam as  
350 described in s. 893.03(1)(a) commits the first degree felony of  
351 trafficking in flunitrazepam. ~~A person who has been convicted of~~  
352 ~~the first degree felony of trafficking in flunitrazepam under~~  
353 ~~this subparagraph shall be punished by life imprisonment and is~~  
354 ~~ineligible for any form of discretionary early release except~~  
355 ~~pardon or executive clemency or conditional medical release~~  
356 ~~under s. 947.149.~~ However, if the court determines that, in  
357 addition to committing any act specified in this paragraph:

358 a. The person intentionally killed an individual or  
359 counseled, commanded, induced, procured, or caused the  
360 intentional killing of an individual and such killing was the  
361 result; or

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

364  
365 such person commits the capital felony of trafficking in  
366 flunitrazepam, punishable as provided in ss. 775.082 and  
367 921.142. Any person sentenced for a capital felony under this  
368 paragraph shall also be sentenced to pay the maximum fine  
369 provided under subparagraph 1.

370 (h)1. Any person who knowingly sells, purchases,  
371 manufactures, delivers, or brings into this state, or who is  
372 knowingly in actual or constructive possession of, 1 kilogram or  
373 more of gamma-hydroxybutyric acid (GHB), as described in s.  
374 893.03(1)(d), or any mixture containing gamma-hydroxybutyric  
375 acid (GHB), commits a felony of the first degree, which felony  
376 shall be known as "trafficking in gamma-hydroxybutyric acid  
377 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.

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378 775.084. If the quantity involved:

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

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

387 c. Is 10 kilograms or more, such person shall be ordered  
388 ~~sentenced to a mandatory minimum term of imprisonment of 15~~  
389 ~~calendar years and~~ pay a fine of \$250,000.

390 2. Any person who knowingly manufactures or brings into  
391 this state 150 kilograms or more of gamma-hydroxybutyric acid  
392 (GHB), as described in s. 893.03(1)(d), or any mixture  
393 containing gamma-hydroxybutyric acid (GHB), and who knows that  
394 the probable result of such manufacture or importation would be  
395 the death of any person commits capital manufacture or  
396 importation of gamma-hydroxybutyric acid (GHB), a capital felony  
397 punishable as provided in ss. 775.082 and 921.142. Any person  
398 sentenced for a capital felony under this paragraph shall also  
399 be sentenced to pay the maximum fine provided under subparagraph  
400 1.

401 (i)1. Any person who knowingly sells, purchases,  
402 manufactures, delivers, or brings into this state, or who is  
403 knowingly in actual or constructive possession of, 1 kilogram or  
404 more of gamma-butyrolactone (GBL), as described in s.  
405 893.03(1)(d), or any mixture containing gamma-butyrolactone  
406 (GBL), commits a felony of the first degree, which felony shall

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407 be known as "trafficking in gamma-butyrolactone (GBL),"  
408 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
409 If the quantity involved:

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

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

418 c. Is 10 kilograms or more, such person shall be ordered  
419 ~~sentenced to a mandatory minimum term of imprisonment of 15~~  
420 ~~calendar years and~~ pay a fine of \$250,000.

421 2. Any person who knowingly manufactures or brings into the  
422 state 150 kilograms or more of gamma-butyrolactone (GBL), as  
423 described in s. 893.03(1)(d), or any mixture containing gamma-  
424 butyrolactone (GBL), and who knows that the probable result of  
425 such manufacture or importation would be the death of any person  
426 commits capital manufacture or importation of gamma-  
427 butyrolactone (GBL), a capital felony punishable as provided in  
428 ss. 775.082 and 921.142. Any person sentenced for a capital  
429 felony under this paragraph shall also be sentenced to pay the  
430 maximum fine provided under subparagraph 1.

431 (j)1. Any person who knowingly sells, purchases,  
432 manufactures, delivers, or brings into this state, or who is  
433 knowingly in actual or constructive possession of, 1 kilogram or  
434 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of  
435 any mixture containing 1,4-Butanediol, commits a felony of the

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436 first degree, which felony shall be known as "trafficking in  
437 1,4-Butanediol," punishable as provided in s. 775.082, s.  
438 775.083, or s. 775.084. If the quantity involved:

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

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

447 c. Is 10 kilograms or more, such person shall be ordered  
448 ~~sentenced to a mandatory minimum term of imprisonment of 15~~  
449 ~~calendar years and~~ pay a fine of \$500,000.

450 2. Any person who knowingly manufactures or brings into  
451 this state 150 kilograms or more of 1,4-Butanediol as described  
452 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,  
453 and who knows that the probable result of such manufacture or  
454 importation would be the death of any person commits capital  
455 manufacture or importation of 1,4-Butanediol, a capital felony  
456 punishable as provided in ss. 775.082 and 921.142. Any person  
457 sentenced for a capital felony under this paragraph shall also  
458 be sentenced to pay the maximum fine provided under subparagraph  
459 1.

460 (k)1. Any person who knowingly sells, purchases,  
461 manufactures, delivers, or brings into this state, or who is  
462 knowingly in actual or constructive possession of, 10 grams or  
463 more of any of the following substances described in s.  
464 893.03(1)(a) or (c):



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- 465 a. 3,4-Methylenedioxymethamphetamine (MDMA);  
 466 b. 4-Bromo-2,5-dimethoxyamphetamine;  
 467 c. 4-Bromo-2,5-dimethoxyphenethylamine;  
 468 d. 2,5-Dimethoxyamphetamine;  
 469 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);  
 470 f. N-ethylamphetamine;  
 471 g. N-Hydroxy-3,4-methylenedioxyamphetamine;  
 472 h. 5-Methoxy-3,4-methylenedioxyamphetamine;  
 473 i. 4-methoxyamphetamine;  
 474 j. 4-methoxymethamphetamine;  
 475 k. 4-Methyl-2,5-dimethoxyamphetamine;  
 476 l. 3,4-Methylenedioxy-N-ethylamphetamine;  
 477 m. 3,4-Methylenedioxyamphetamine;  
 478 n. N,N-dimethylamphetamine; or  
 479 o. 3,4,5-Trimethoxyamphetamine,

480  
 481 individually or in any combination of or any mixture containing  
 482 any substance listed in sub-subparagraphs a.-o., commits a  
 483 felony of the first degree, which felony shall be known as  
 484 "trafficking in Phenethylamines," punishable as provided in s.  
 485 775.082, s. 775.083, or s. 775.084.

486 2. If the quantity involved:

487 a. Is 10 grams or more but less than 200 grams, such person  
 488 shall be ~~sentenced to a mandatory minimum term of imprisonment~~  
 489 ~~of 3 years, and the defendant shall be ordered to pay a fine of~~  
 490 \$50,000.

491 b. Is 200 grams or more, but less than 400 grams, such  
 492 person shall be ~~sentenced to a mandatory minimum term of~~  
 493 ~~imprisonment of 7 years, and the defendant shall be ordered to~~

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494 pay a fine of \$100,000.

495 c. Is 400 grams or more, such person shall be ordered  
496 ~~sentenced to a mandatory minimum term of imprisonment of 15~~  
497 ~~calendar years and~~ pay a fine of \$250,000.

498 3. Any person who knowingly manufactures or brings into  
499 this state 30 kilograms or more of any of the following  
500 substances described in s. 893.03(1) (a) or (c):

- 501 a. 3,4-Methylenedioxymethamphetamine (MDMA);
- 502 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 503 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 504 d. 2,5-Dimethoxyamphetamine;
- 505 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 506 f. N-ethylamphetamine;
- 507 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 508 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 509 i. 4-methoxyamphetamine;
- 510 j. 4-methoxymethamphetamine;
- 511 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 512 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 513 m. 3,4-Methylenedioxyamphetamine;
- 514 n. N,N-dimethylamphetamine; or
- 515 o. 3,4,5-Trimethoxyamphetamine,

516  
517 individually or in any combination of or any mixture containing  
518 any substance listed in sub-subparagraphs a.-o., and who knows  
519 that the probable result of such manufacture or importation  
520 would be the death of any person commits capital manufacture or  
521 importation of Phenethylamines, a capital felony punishable as  
522 provided in ss. 775.082 and 921.142. Any person sentenced for a

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523 capital felony under this paragraph shall also be sentenced to  
524 pay the maximum fine provided under subparagraph 1.

525 (1)1. Any person who knowingly sells, purchases,  
526 manufactures, delivers, or brings into this state, or who is  
527 knowingly in actual or constructive possession of, 1 gram or  
528 more of lysergic acid diethylamide (LSD) as described in s.  
529 893.03(1)(c), or of any mixture containing lysergic acid  
530 diethylamide (LSD), commits a felony of the first degree, which  
531 felony shall be known as "trafficking in lysergic acid  
532 diethylamide (LSD)," punishable as provided in s. 775.082, s.  
533 775.083, or s. 775.084. If the quantity involved:

534 a. Is 1 gram or more, but less than 5 grams, such person  
535 shall be ~~sentenced to a mandatory minimum term of imprisonment~~  
536 ~~of 3 years, and the defendant shall be ordered to pay a fine of~~  
537 \$50,000.

538 b. Is 5 grams or more, but less than 7 grams, such person  
539 shall be ~~sentenced to a mandatory minimum term of imprisonment~~  
540 ~~of 7 years, and the defendant shall be ordered to pay a fine of~~  
541 \$100,000.

542 c. Is 7 grams or more, such person shall be ordered  
543 ~~sentenced to a mandatory minimum term of imprisonment of 15~~  
544 ~~calendar years and~~ pay a fine of \$500,000.

545 2. Any person who knowingly manufactures or brings into  
546 this state 7 grams or more of lysergic acid diethylamide (LSD)  
547 as described in s. 893.03(1)(c), or any mixture containing  
548 lysergic acid diethylamide (LSD), and who knows that the  
549 probable result of such manufacture or importation would be the  
550 death of any person commits capital manufacture or importation  
551 of lysergic acid diethylamide (LSD), a capital felony punishable

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552 as provided in ss. 775.082 and 921.142. Any person sentenced for  
553 a capital felony under this paragraph shall also be sentenced to  
554 pay the maximum fine provided under subparagraph 1.

555 (2) A person acts knowingly under subsection (1) if that  
556 person intends to sell, purchase, manufacture, deliver, or bring  
557 into this state, or to actually or constructively possess, any  
558 of the controlled substances listed in subsection (1),  
559 regardless of which controlled substance listed in subsection  
560 (1) is in fact sold, purchased, manufactured, delivered, or  
561 brought into this state, or actually or constructively  
562 possessed.

563 (3) Notwithstanding the provisions of s. 948.01, with  
564 respect to any person who is found to have violated this  
565 section, adjudication of guilt or imposition of sentence shall  
566 not be suspended, deferred, or withheld, ~~nor shall such person~~  
567 ~~be eligible for parole prior to serving the mandatory minimum~~  
568 ~~term of imprisonment prescribed by this section. A person~~  
569 ~~sentenced to a mandatory minimum term of imprisonment under this~~  
570 ~~section is not eligible for any form of discretionary early~~  
571 ~~release, except pardon or executive clemency or conditional~~  
572 ~~medical release under s. 947.149, prior to serving the mandatory~~  
573 ~~minimum term of imprisonment.~~

574 (4) The state attorney may move the sentencing court to  
575 reduce or suspend the sentence of any person who is convicted of  
576 a violation of this section and who provides substantial  
577 assistance in the identification, arrest, or conviction of any  
578 of that person's accomplices, accessories, coconspirators, or  
579 principals or of any other person engaged in trafficking in  
580 controlled substances. The arresting agency shall be given an

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581 opportunity to be heard in aggravation or mitigation in  
582 reference to any such motion. Upon good cause shown, the motion  
583 may be filed and heard in camera. The judge hearing the motion  
584 may reduce or suspend, defer, or withhold the sentence or  
585 adjudication of guilt if the judge finds that the defendant  
586 rendered such substantial assistance.

587 (5) Any person who agrees, conspires, combines, or  
588 confederates with another person to commit any act prohibited by  
589 subsection (1) commits a felony of the first degree and is  
590 punishable as if he or she had actually committed such  
591 prohibited act. Nothing in this subsection shall be construed to  
592 prohibit separate convictions and sentences for a violation of  
593 this subsection and any violation of subsection (1).

594 (6) A mixture, as defined in s. 893.02, containing any  
595 controlled substance described in this section includes, but is  
596 not limited to, a solution or a dosage unit, including but not  
597 limited to, a pill or tablet, containing a controlled substance.  
598 For the purpose of clarifying legislative intent regarding the  
599 weighing of a mixture containing a controlled substance  
600 described in this section, the weight of the controlled  
601 substance is the total weight of the mixture, including the  
602 controlled substance and any other substance in the mixture. If  
603 there is more than one mixture containing the same controlled  
604 substance, the weight of the controlled substance is calculated  
605 by aggregating the total weight of each mixture.

606 (7) For the purpose of further clarifying legislative  
607 intent, the Legislature finds that the opinion in *Hayes v.*  
608 *State*, 750 So. 2d 1 (Fla. 1999) does not correctly construe  
609 legislative intent. The Legislature finds that the opinions in

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610 *State v. Hayes*, 720 So. 2d 1095 (Fla. 4th DCA 1998) and *State v.*  
611 *Baxley*, 684 So. 2d 831 (Fla. 5th DCA 1996) correctly construe  
612 legislative intent.

613 Section 2. Nonviolent offender reentry program.-

614 (1) As used in this section, the term:

615 (a) "Department" means the Department of Corrections.

616 (b) "Nonviolent offender" means an offender who has:

617 1. Been convicted of a third-degree felony offense that is  
618 not a forcible felony as defined in s. 776.08, Florida Statutes;  
619 and

620 2. Not been convicted of any offense that requires a person  
621 to register as a sexual offender pursuant to s. 943.0435,  
622 Florida Statutes.

623 (2) (a) The department shall develop and administer a  
624 reentry program for nonviolent offenders. The reentry program  
625 must include prison-based substance abuse treatment, general  
626 education development and adult basic education courses,  
627 vocational training, training in decisionmaking and personal  
628 development, and other rehabilitation programs.

629 (b) The reentry program is intended to divert nonviolent  
630 offenders from long periods of incarceration when a reduced  
631 period of incarceration followed by participation in intensive  
632 substance abuse treatment and rehabilitative programming could  
633 produce the same deterrent effect, rehabilitate the offender,  
634 and reduce recidivism.

635 (c) The nonviolent offender shall serve at least 120 days  
636 in the reentry program. The offender may not count any portion  
637 of his or her sentence served before placement in the reentry  
638 program as progress toward program completion.

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639 (d) A reentry program may be operated in a secure area in  
640 or adjacent to an adult institution.

641 (3) (a) Upon receiving a potential reentry program  
642 participant, the department shall screen the nonviolent offender  
643 for eligibility criteria to participate in the reentry program.  
644 In order to participate, a nonviolent offender must have served  
645 at least one-half of his or her original sentence and must have  
646 been identified as having a need for substance abuse treatment.  
647 When screening a nonviolent offender, the department shall  
648 consider the offender's criminal history and the possible  
649 rehabilitative benefits that substance abuse treatment,  
650 educational programming, vocational training, and other  
651 rehabilitative programming might have on the offender.

652 (b) If a nonviolent offender meets the eligibility criteria  
653 and space is available in the reentry program, the department  
654 shall request the sentencing court to approve the offender's  
655 participation in the reentry program.

656 (c)1. The department shall notify the state attorney that  
657 the offender is being considered for placement in the reentry  
658 program. The notice must explain to the state attorney that a  
659 proposed reduced period of incarceration, followed by  
660 participation in substance abuse treatment and other  
661 rehabilitative programming, could produce the same deterrent  
662 effect otherwise expected from a lengthy incarceration.

663 2. The notice must also state that the state attorney may  
664 notify the sentencing court in writing of any objection the  
665 state attorney might have if the nonviolent offender is placed  
666 in the reentry program. The state attorney must notify the  
667 sentencing court of his or her objections within 14 days after

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668 receiving the notice.

669 (d) The sentencing court shall notify the department in  
670 writing of the court's decision to approve or disapprove the  
671 requested placement of the nonviolent offender no later than 28  
672 days after the court receives the department's request to place  
673 the offender in the reentry program. Failure to notify the  
674 department of the court's decision within the 28-day period  
675 constitutes approval to place the offender into the reentry  
676 program.

677 (4) After the nonviolent offender is admitted into the  
678 reentry program, he or she shall undergo a full substance abuse  
679 assessment to determine his or her substance abuse treatment  
680 needs. The offender shall also have an educational assessment,  
681 which shall be accomplished using the Test of Adult Basic  
682 Education or any other testing instrument approved by the  
683 Department of Education. Each offender who has not obtained a  
684 high school diploma shall be enrolled in an adult education  
685 program designed to aid the offender in improving his or her  
686 academic skills and earn a high school diploma. Further  
687 assessments of the offender's vocational skills and future  
688 career education shall be provided to the offender as needed. A  
689 periodic reevaluation shall be made in order to assess the  
690 progress of each offender.

691 (5) (a) If a nonviolent offender becomes unmanageable, the  
692 department may revoke the offender's gain-time and place the  
693 offender in disciplinary confinement in accordance with  
694 department rule. Except as provided in paragraph (b), the  
695 offender shall be readmitted to the reentry program after  
696 completing the ordered discipline. Any period of time during



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697 which the offender is unable to participate in the reentry  
698 program shall be excluded from the specified time requirements  
699 in the reentry program.

700 (b) The department may terminate an offender from the  
701 reentry program if:

702 1. The offender commits or threatens to commit a violent  
703 act;

704 2. The department determines that the offender is unable to  
705 participate in the reentry program due to the offender's medical  
706 condition;

707 3. The offender's sentence is modified or expires;

708 4. The department reassigns the offender's classification  
709 status; or

710 5. The department determines that removing the offender  
711 from the reentry program is in the best interest of the offender  
712 or the security of the institution.

713 (6) (a) The department shall submit a report to the court at  
714 least 30 days before the nonviolent offender is scheduled to  
715 complete the reentry program. The report must describe the  
716 offender's performance in the reentry program. If the  
717 performance is satisfactory, the court shall issue an order  
718 modifying the sentence imposed and place the offender on drug  
719 offender probation subject to the offender's successful  
720 completion of the remainder of the reentry program. The term of  
721 drug offender probation may include placement in a community  
722 residential or nonresidential substance abuse treatment facility  
723 under the jurisdiction of the department or the Department of  
724 Children and Family Services or any public or private entity  
725 providing such services. If the nonviolent offender violates the

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726 conditions of drug offender probation, the court may revoke  
727 probation and impose any sentence that it might have originally  
728 imposed.

729 (b) If an offender being released pursuant to paragraph (a)  
730 intends to reside in a county that has established a  
731 postadjudicatory drug court program as described in s. 397.334,  
732 Florida Statutes, the sentencing court may require the offender  
733 to successfully complete the postadjudicatory drug court program  
734 as a condition of drug offender probation. The original  
735 sentencing court shall relinquish jurisdiction of the offender's  
736 case to the postadjudicatory drug court program until the  
737 offender is no longer active in the program, the case is  
738 returned to the sentencing court due to the offender's  
739 termination from the program for failure to comply with the  
740 terms thereof, or the offender's sentence is completed. If  
741 transferred to a postadjudicatory drug court program, the  
742 offender shall comply with all conditions and orders of the  
743 program.

744 (7) The department shall implement the reentry program to  
745 the fullest extent feasible within available resources.

746 (8) The department shall submit an annual report to the  
747 Governor, the President of the Senate, and the Speaker of the  
748 House of Representatives detailing the extent of implementation  
749 of the reentry program and outlining future goals and any  
750 recommendation the department has for future legislative action.

751 (9) The department may enter into performance-based  
752 contracts with qualified individuals, agencies, or corporations  
753 for the provision of any or all of the services for the reentry  
754 program.

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755       (10) A nonviolent offender in the reentry program is  
756 subject to rules of conduct established by the department and  
757 may have sanctions imposed, including loss of privileges,  
758 restrictions, disciplinary confinement, alteration of release  
759 plans, or other program modifications in keeping with the nature  
760 and gravity of the program violation. Administrative or  
761 protective confinement, as necessary, may be imposed.

762       (11) The department may establish a system of incentives  
763 within the reentry program which the department may use to  
764 promote participation in rehabilitative programs and the orderly  
765 operation of institutions and facilities.

766       (12) The department shall develop a system for tracking  
767 recidivism, including, but not limited to, rearrests and  
768 recommitment of nonviolent offenders who successfully complete  
769 the reentry program, and shall report the recidivism rate in its  
770 annual report of the program.

771       (13) The department shall adopt rules pursuant to ss.  
772 120.536(1) and 120.54, Florida Statutes, to administer the  
773 reentry program.

774       Section 3. This act shall take effect October 1, 2011.