

1                                   A bill to be entitled  
 2           An act relating to sentencing for capital felonies;  
 3           amending ss. 921.141 and 921.142, F.S.; requiring a  
 4           jury's recommendation of a sentence of death to be  
 5           unanimous; requiring a jury to recommend life  
 6           imprisonment without the possibility of parole if the  
 7           jury does not unanimously recommend a sentence of  
 8           death; reenacting ss. 775.082(1)(a), 782.04(1)(b),  
 9           794.011(2)(a), and 893.135(1)(b) through (l), F.S.,  
 10          relating to penalties, murder, sexual battery, and  
 11          trafficking in controlled substances, respectively, to  
 12          incorporate the amendments made by the act in cross-  
 13          references to amended provisions; providing an  
 14          effective date.

15  
 16   Be It Enacted by the Legislature of the State of Florida:

17  
 18           Section 1. Paragraph (c) of subsection (2) of section  
 19   921.141, Florida Statutes, is amended to read:

20           921.141 Sentence of death or life imprisonment for capital  
 21   felonies; further proceedings to determine sentence.—

22           (2) FINDINGS AND RECOMMENDED SENTENCE BY THE JURY.—This  
 23   subsection applies only if the defendant has not waived his or  
 24   her right to a sentencing proceeding by a jury.

25           (c) If the jury unanimously determines ~~at least 10 jurors~~

26 | ~~determine~~ that the defendant should be sentenced to death, the  
 27 | jury's recommendation to the court shall be a sentence of death.  
 28 | If the jury does not unanimously ~~fewer than 10 jurors~~ determine  
 29 | that the defendant should be sentenced to death, the jury's  
 30 | recommendation to the court shall be a sentence of life  
 31 | imprisonment without the possibility of parole.

32 | Section 2. Paragraph (c) of subsection (3) of section  
 33 | 921.142, Florida Statutes, is amended to read:

34 | 921.142 Sentence of death or life imprisonment for capital  
 35 | drug trafficking felonies; further proceedings to determine  
 36 | sentence.—

37 | (3) FINDINGS AND RECOMMENDED SENTENCE BY THE JURY.—This  
 38 | subsection applies only if the defendant has not waived his or  
 39 | her right to a sentencing proceeding by a jury.

40 | (c) If the jury unanimously determines ~~at least 10 jurors~~  
 41 | ~~determine~~ that the defendant should be sentenced to death, the  
 42 | jury's recommendation to the court shall be a sentence of death.  
 43 | If the jury does not unanimously ~~fewer than 10 jurors~~ determine  
 44 | that the defendant should be sentenced to death, the jury's  
 45 | recommendation to the court shall be a sentence of life  
 46 | imprisonment without the possibility of parole.

47 | Section 3. For the purpose of incorporating the amendment  
 48 | made by this act to section 921.141, Florida Statutes, in a  
 49 | reference thereto, paragraph (a) of subsection (1) of section  
 50 | 775.082, Florida Statutes, is reenacted to read:

51           775.082 Penalties; applicability of sentencing structures;  
52 mandatory minimum sentences for certain reoffenders previously  
53 released from prison.—

54           (1)(a) Except as provided in paragraph (b), a person who  
55 has been convicted of a capital felony shall be punished by  
56 death if the proceeding held to determine sentence according to  
57 the procedure set forth in s. 921.141 results in a determination  
58 that such person shall be punished by death, otherwise such  
59 person shall be punished by life imprisonment and shall be  
60 ineligible for parole.

61           Section 4. For the purpose of incorporating the amendment  
62 made by this act to section 921.141, Florida Statutes, in a  
63 reference thereto, paragraph (b) of subsection (1) of section  
64 782.04, Florida Statutes, is reenacted to read:

65           782.04 Murder.—

66           (1)

67           (b) In all cases under this section, the procedure set  
68 forth in s. 921.141 shall be followed in order to determine  
69 sentence of death or life imprisonment. If the prosecutor  
70 intends to seek the death penalty, the prosecutor must give  
71 notice to the defendant and file the notice with the court  
72 within 45 days after arraignment. The notice must contain a list  
73 of the aggravating factors the state intends to prove and has  
74 reason to believe it can prove beyond a reasonable doubt. The  
75 court may allow the prosecutor to amend the notice upon a

76 | showing of good cause.

77 |       Section 5. For the purpose of incorporating the amendment  
78 | made by this act to section 921.141, Florida Statutes, in a  
79 | reference thereto, paragraph (a) of subsection (2) of section  
80 | 794.011, Florida Statutes, is reenacted to read:

81 |       794.011 Sexual battery.—

82 |       (2)(a) A person 18 years of age or older who commits  
83 | sexual battery upon, or in an attempt to commit sexual battery  
84 | injures the sexual organs of, a person less than 12 years of age  
85 | commits a capital felony, punishable as provided in ss. 775.082  
86 | and 921.141.

87 |       Section 6. For the purpose of incorporating the amendment  
88 | made by this act to section 921.142, Florida Statutes, in  
89 | references thereto, paragraphs (b), (c), (d), (e), (f), (g),  
90 | (h), (i), (j), (k), and (l) of subsection (1) of section  
91 | 893.135, Florida Statutes, are reenacted to read:

92 |       893.135 Trafficking; mandatory sentences; suspension or  
93 | reduction of sentences; conspiracy to engage in trafficking.—

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

96 |       (b)1. Any person who knowingly sells, purchases,  
97 | manufactures, delivers, or brings into this state, or who is  
98 | knowingly in actual or constructive possession of, 28 grams or  
99 | more of cocaine, as described in s. 893.03(2)(a)4., or of any  
100 | mixture containing cocaine, but less than 150 kilograms of

101 cocaine or any such mixture, commits a felony of the first  
102 degree, which felony shall be known as "trafficking in cocaine,"  
103 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
104 If the quantity involved:

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

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

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

116       2. Any person who knowingly sells, purchases,  
117 manufactures, delivers, or brings into this state, or who is  
118 knowingly in actual or constructive possession of, 150 kilograms  
119 or more of cocaine, as described in s. 893.03(2)(a)4., commits  
120 the first degree felony of trafficking in cocaine. A person who  
121 has been convicted of the first degree felony of trafficking in  
122 cocaine under this subparagraph shall be punished by life  
123 imprisonment and is ineligible for any form of discretionary  
124 early release except pardon or executive clemency or conditional  
125 medical release under s. 947.149. However, if the court

126 determines that, in addition to committing any act specified in  
 127 this paragraph:

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

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

140 3. Any person who knowingly brings into this state 300  
 141 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
 142 and who knows that the probable result of such importation would  
 143 be the death of any person, commits capital importation of  
 144 cocaine, a capital felony punishable as provided in ss. 775.082  
 145 and 921.142. Any person sentenced for a capital felony under  
 146 this paragraph shall also be sentenced to pay the maximum fine  
 147 provided under subparagraph 1.

148 (c)1. A person who knowingly sells, purchases,  
 149 manufactures, delivers, or brings into this state, or who is  
 150 knowingly in actual or constructive possession of, 4 grams or

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151 more of any morphine, opium, hydromorphone, or any salt,  
152 derivative, isomer, or salt of an isomer thereof, including  
153 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or  
154 (3)(c)4., or 4 grams or more of any mixture containing any such  
155 substance, but less than 30 kilograms of such substance or  
156 mixture, commits a felony of the first degree, which felony  
157 shall be known as "trafficking in illegal drugs," punishable as  
158 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
159 quantity involved:

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

163 b. Is 14 grams or more, but less than 28 grams, such  
164 person shall be sentenced to a mandatory minimum term of  
165 imprisonment of 15 years and shall be ordered to pay a fine of  
166 \$100,000.

167 c. Is 28 grams or more, but less than 30 kilograms, such  
168 person shall be sentenced to a mandatory minimum term of  
169 imprisonment of 25 years and shall be ordered to pay a fine of  
170 \$500,000.

171 2. A person who knowingly sells, purchases, manufactures,  
172 delivers, or brings into this state, or who is knowingly in  
173 actual or constructive possession of, 14 grams or more of  
174 hydrocodone, or any salt, derivative, isomer, or salt of an  
175 isomer thereof, or 14 grams or more of any mixture containing

176 any such substance, commits a felony of the first degree, which  
177 felony shall be known as "trafficking in hydrocodone,"  
178 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
179 If the quantity involved:

180 a. Is 14 grams or more, but less than 28 grams, such  
181 person shall be sentenced to a mandatory minimum term of  
182 imprisonment of 3 years and shall be ordered to pay a fine of  
183 \$50,000.

184 b. Is 28 grams or more, but less than 50 grams, such  
185 person shall be sentenced to a mandatory minimum term of  
186 imprisonment of 7 years and shall be ordered to pay a fine of  
187 \$100,000.

188 c. Is 50 grams or more, but less than 200 grams, such  
189 person shall be sentenced to a mandatory minimum term of  
190 imprisonment of 15 years and shall be ordered to pay a fine of  
191 \$500,000.

192 d. Is 200 grams or more, but less than 30 kilograms, such  
193 person shall be sentenced to a mandatory minimum term of  
194 imprisonment of 25 years and shall be ordered to pay a fine of  
195 \$750,000.

196 3. A person who knowingly sells, purchases, manufactures,  
197 delivers, or brings into this state, or who is knowingly in  
198 actual or constructive possession of, 7 grams or more of  
199 oxycodone, or any salt, derivative, isomer, or salt of an isomer  
200 thereof, or 7 grams or more of any mixture containing any such



201 substance, commits a felony of the first degree, which felony  
202 shall be known as "trafficking in oxycodone," punishable as  
203 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
204 quantity involved:

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

208 b. Is 14 grams or more, but less than 25 grams, such  
209 person shall be sentenced to a mandatory minimum term of  
210 imprisonment of 7 years and shall be ordered to pay a fine of  
211 \$100,000.

212 c. Is 25 grams or more, but less than 100 grams, such  
213 person shall be sentenced to a mandatory minimum term of  
214 imprisonment of 15 years and shall be ordered to pay a fine of  
215 \$500,000.

216 d. Is 100 grams or more, but less than 30 kilograms, such  
217 person shall be sentenced to a mandatory minimum term of  
218 imprisonment of 25 years and shall be ordered to pay a fine of  
219 \$750,000.

220 4. 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, 30 kilograms or more of  
223 any morphine, opium, oxycodone, hydrocodone, hydromorphone, or  
224 any salt, derivative, isomer, or salt of an isomer thereof,  
225 including heroin, as described in s. 893.03(1)(b), (2)(a),

226 (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture  
227 containing any such substance, commits the first degree felony  
228 of trafficking in illegal drugs. A person who has been convicted  
229 of the first degree felony of trafficking in illegal drugs under  
230 this subparagraph shall be punished by life imprisonment and is  
231 ineligible for any form of discretionary early release except  
232 pardon or executive clemency or conditional medical release  
233 under s. 947.149. However, if the court determines that, in  
234 addition to committing any act specified in this paragraph:

235 a. The person intentionally killed an individual or  
236 counseled, commanded, induced, procured, or caused the  
237 intentional killing of an individual and such killing was the  
238 result; or

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

241  
242 such person commits the capital felony of trafficking in illegal  
243 drugs, punishable as provided in ss. 775.082 and 921.142. A  
244 person sentenced for a capital felony under this paragraph shall  
245 also be sentenced to pay the maximum fine provided under  
246 subparagraph 1.

247 5. A person who knowingly brings into this state 60  
248 kilograms or more of any morphine, opium, oxycodone,  
249 hydrocodone, hydromorphone, or any salt, derivative, isomer, or  
250 salt of an isomer thereof, including heroin, as described in s.

251 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or  
252 more of any mixture containing any such substance, and who knows  
253 that the probable result of such importation would be the death  
254 of a person, commits capital importation of illegal drugs, a  
255 capital felony punishable as provided in ss. 775.082 and  
256 921.142. A person sentenced for a capital felony under this  
257 paragraph shall also be sentenced to pay the maximum fine  
258 provided under subparagraph 1.

259 (d)1. Any person who knowingly sells, purchases,  
260 manufactures, delivers, or brings into this state, or who is  
261 knowingly in actual or constructive possession of, 28 grams or  
262 more of phencyclidine or of any mixture containing  
263 phencyclidine, as described in s. 893.03(2)(b), commits a felony  
264 of the first degree, which felony shall be known as "trafficking  
265 in phencyclidine," punishable as provided in s. 775.082, s.  
266 775.083, or s. 775.084. If the quantity involved:

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

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

275 c. Is 400 grams or more, such person shall be sentenced to

276 a mandatory minimum term of imprisonment of 15 calendar years  
277 and pay a fine of \$250,000.

278 2. Any person who knowingly brings into this state 800  
279 grams or more of phencyclidine or of any mixture containing  
280 phencyclidine, as described in s. 893.03(2)(b), and who knows  
281 that the probable result of such importation would be the death  
282 of any person commits capital importation of phencyclidine, a  
283 capital felony punishable as provided in ss. 775.082 and  
284 921.142. Any person sentenced for a capital felony under this  
285 paragraph shall also be sentenced to pay the maximum fine  
286 provided under subparagraph 1.

287 (e)1. Any person who knowingly sells, purchases,  
288 manufactures, delivers, or brings into this state, or who is  
289 knowingly in actual or constructive possession of, 200 grams or  
290 more of methaqualone or of any mixture containing methaqualone,  
291 as described in s. 893.03(1)(d), commits a felony of the first  
292 degree, which felony shall be known as "trafficking in  
293 methaqualone," punishable as provided in s. 775.082, s. 775.083,  
294 or s. 775.084. If the quantity involved:

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

299 b. Is 5 kilograms or more, but less than 25 kilograms,  
300 such person shall be sentenced to a mandatory minimum term of

301 imprisonment of 7 years, and the defendant shall be ordered to  
302 pay a fine of \$100,000.

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

306 2. Any person who knowingly brings into this state 50  
307 kilograms or more of methaqualone or of any mixture containing  
308 methaqualone, as described in s. 893.03(1)(d), and who knows  
309 that the probable result of such importation would be the death  
310 of any person commits capital importation of methaqualone, a  
311 capital felony punishable as provided in ss. 775.082 and  
312 921.142. Any person sentenced for a capital felony under this  
313 paragraph shall also be sentenced to pay the maximum fine  
314 provided under subparagraph 1.

315 (f)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, 14 grams or  
318 more of amphetamine, as described in s. 893.03(2)(c)2., or  
319 methamphetamine, as described in s. 893.03(2)(c)4., or of any  
320 mixture containing amphetamine or methamphetamine, or  
321 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine  
322 in conjunction with other chemicals and equipment utilized in  
323 the manufacture of amphetamine or methamphetamine, commits a  
324 felony of the first degree, which felony shall be known as  
325 "trafficking in amphetamine," punishable as provided in s.

326 775.082, s. 775.083, or s. 775.084. If the quantity involved:  
327       a. Is 14 grams or more, but less than 28 grams, such  
328 person shall be sentenced to a mandatory minimum term of  
329 imprisonment of 3 years, and the defendant shall be ordered to  
330 pay a fine of \$50,000.  
331       b. Is 28 grams or more, but less than 200 grams, such  
332 person shall be sentenced to a mandatory minimum term of  
333 imprisonment of 7 years, and the defendant shall be ordered to  
334 pay a fine of \$100,000.  
335       c. Is 200 grams or more, such person shall be sentenced to  
336 a mandatory minimum term of imprisonment of 15 calendar years  
337 and pay a fine of \$250,000.  
338       2. Any person who knowingly manufactures or brings into  
339 this state 400 grams or more of amphetamine, as described in s.  
340 893.03(2)(c)2., or methamphetamine, as described in s.  
341 893.03(2)(c)4., or of any mixture containing amphetamine or  
342 methamphetamine, or phenylacetone, phenylacetic acid,  
343 pseudoephedrine, or ephedrine in conjunction with other  
344 chemicals and equipment used in the manufacture of amphetamine  
345 or methamphetamine, and who knows that the probable result of  
346 such manufacture or importation would be the death of any person  
347 commits capital manufacture or importation of amphetamine, a  
348 capital felony punishable as provided in ss. 775.082 and  
349 921.142. Any person sentenced for a capital felony under this  
350 paragraph shall also be sentenced to pay the maximum fine

351 provided under subparagraph 1.

352 (g)1. Any person who knowingly sells, purchases,  
353 manufactures, delivers, or brings into this state, or who is  
354 knowingly in actual or constructive possession of, 4 grams or  
355 more of flunitrazepam or any mixture containing flunitrazepam as  
356 described in s. 893.03(1)(a) commits a felony of the first  
357 degree, which felony shall be known as "trafficking in  
358 flunitrazepam," punishable as provided in s. 775.082, s.  
359 775.083, or s. 775.084. If the quantity involved:

360 a. Is 4 grams or more but less than 14 grams, such person  
361 shall be sentenced to a mandatory minimum term of imprisonment  
362 of 3 years, and the defendant shall be ordered to pay a fine of  
363 \$50,000.

364 b. Is 14 grams or more but less than 28 grams, such person  
365 shall be sentenced to a mandatory minimum term of imprisonment  
366 of 7 years, and the defendant shall be ordered to pay a fine of  
367 \$100,000.

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

371 2. Any person who knowingly sells, purchases,  
372 manufactures, delivers, or brings into this state or who is  
373 knowingly in actual or constructive possession of 30 kilograms  
374 or more of flunitrazepam or any mixture containing flunitrazepam  
375 as described in s. 893.03(1)(a) commits the first degree felony

376 of trafficking in flunitrazepam. A person who has been convicted  
377 of the first degree felony of trafficking in flunitrazepam under  
378 this subparagraph shall be punished by life imprisonment and is  
379 ineligible for any form of discretionary early release except  
380 pardon or executive clemency or conditional medical release  
381 under s. 947.149. However, if the court determines that, in  
382 addition to committing any act specified in this paragraph:

383 a. The person intentionally killed an individual or  
384 counseled, commanded, induced, procured, or caused the  
385 intentional killing of an individual and such killing was the  
386 result; or

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

389  
390 such person commits the capital felony of trafficking in  
391 flunitrazepam, punishable as provided in ss. 775.082 and  
392 921.142. Any person sentenced for a capital felony under this  
393 paragraph shall also be sentenced to pay the maximum fine  
394 provided under subparagraph 1.

395 (h)1. Any person who knowingly sells, purchases,  
396 manufactures, delivers, or brings into this state, or who is  
397 knowingly in actual or constructive possession of, 1 kilogram or  
398 more of gamma-hydroxybutyric acid (GHB), as described in s.  
399 893.03(1)(d), or any mixture containing gamma-hydroxybutyric  
400 acid (GHB), commits a felony of the first degree, which felony



401 shall be known as "trafficking in gamma-hydroxybutyric acid  
402 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.  
403 775.084. If the quantity involved:

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

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

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

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

426 (i)1. Any person who knowingly sells, purchases,  
427 manufactures, delivers, or brings into this state, or who is  
428 knowingly in actual or constructive possession of, 1 kilogram or  
429 more of gamma-butyrolactone (GBL), as described in s.  
430 893.03(1)(d), or any mixture containing gamma-butyrolactone  
431 (GBL), commits a felony of the first degree, which felony shall  
432 be known as "trafficking in gamma-butyrolactone (GBL),"   
433 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
434 If the quantity involved:  
435 a. Is 1 kilogram or more but less than 5 kilograms, such  
436 person shall be sentenced to a mandatory minimum term of  
437 imprisonment of 3 years, and the defendant shall be ordered to  
438 pay a fine of \$50,000.  
439 b. Is 5 kilograms or more but less than 10 kilograms, such  
440 person shall be sentenced to a mandatory minimum term of  
441 imprisonment of 7 years, and the defendant shall be ordered to  
442 pay a fine of \$100,000.  
443 c. Is 10 kilograms or more, such person shall be sentenced  
444 to a mandatory minimum term of imprisonment of 15 calendar years  
445 and pay a fine of \$250,000.  
446 2. Any person who knowingly manufactures or brings into  
447 the state 150 kilograms or more of gamma-butyrolactone (GBL), as  
448 described in s. 893.03(1)(d), or any mixture containing gamma-  
449 butyrolactone (GBL), and who knows that the probable result of  
450 such manufacture or importation would be the death of any person

451 commits capital manufacture or importation of gamma-  
452 butyrolactone (GBL), a capital felony punishable as provided in  
453 ss. 775.082 and 921.142. Any person sentenced for a capital  
454 felony under this paragraph shall also be sentenced to pay the  
455 maximum fine provided under subparagraph 1.

456 (j)1. Any person who knowingly sells, purchases,  
457 manufactures, delivers, or brings into this state, or who is  
458 knowingly in actual or constructive possession of, 1 kilogram or  
459 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of  
460 any mixture containing 1,4-Butanediol, commits a felony of the  
461 first degree, which felony shall be known as "trafficking in  
462 1,4-Butanediol," punishable as provided in s. 775.082, s.  
463 775.083, or s. 775.084. If the quantity involved:

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

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

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

475 2. Any person who knowingly manufactures or brings into

476 | this state 150 kilograms or more of 1,4-Butanediol as described  
 477 | in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,  
 478 | and who knows that the probable result of such manufacture or  
 479 | importation would be the death of any person commits capital  
 480 | manufacture or importation of 1,4-Butanediol, a capital felony  
 481 | punishable as provided in ss. 775.082 and 921.142. Any person  
 482 | sentenced for a capital felony under this paragraph shall also  
 483 | be sentenced to pay the maximum fine provided under subparagraph  
 484 | 1.

485 |         (k)1. A person who knowingly sells, purchases,  
 486 | manufactures, delivers, or brings into this state, or who is  
 487 | knowingly in actual or constructive possession of, 10 grams or  
 488 | more of any of the following substances described in s.  
 489 | 893.03(1)(c):

- 490 |             a. (MDMA) 3,4-Methylenedioxymethamphetamine;
- 491 |             b. DOB (4-Bromo-2,5-dimethoxyamphetamine);
- 492 |             c. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine);
- 493 |             d. 2,5-Dimethoxyamphetamine;
- 494 |             e. DOET (4-Ethyl-2,5-dimethoxyamphetamine);
- 495 |             f. N-ethylamphetamine;
- 496 |             g. 3,4-Methylenedioxy-N-hydroxyamphetamine;
- 497 |             h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 498 |             i. PMA (4-methoxyamphetamine);
- 499 |             j. PMMA (4-methoxymethamphetamine);
- 500 |             k. DOM (4-Methyl-2,5-dimethoxyamphetamine);

- 501           1. MDEA (3,4-Methylenedioxy-N-ethylamphetamine);
- 502           m. MDA (3,4-Methylenedioxyamphetamine);
- 503           n. N,N-dimethylamphetamine;
- 504           o. 3,4,5-Trimethoxyamphetamine;
- 505           p. Methylone (3,4-Methylenedioxymethcathinone);
- 506           q. MDPV (3,4-Methylenedioxypropylone); or
- 507           r. Methylnormetamfetamine,
- 508
- 509 individually or analogs thereto or isomers thereto or in any
- 510 combination of or any mixture containing any substance listed in
- 511 sub-subparagraphs a.-r., commits a felony of the first degree,
- 512 which felony shall be known as "trafficking in Phenethylamines,"
- 513 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- 514           2. If the quantity involved:
- 515           a. Is 10 grams or more, but less than 200 grams, such
- 516 person shall be sentenced to a mandatory minimum term of
- 517 imprisonment of 3 years and shall be ordered to pay a fine of
- 518 \$50,000.
- 519           b. Is 200 grams or more, but less than 400 grams, such
- 520 person shall be sentenced to a mandatory minimum term of
- 521 imprisonment of 7 years and shall be ordered to pay a fine of
- 522 \$100,000.
- 523           c. Is 400 grams or more, such person shall be sentenced to
- 524 a mandatory minimum term of imprisonment of 15 years and shall
- 525 be ordered to pay a fine of \$250,000.

526 3. A person who knowingly manufactures or brings into this  
527 state 30 kilograms or more of any of the following substances  
528 described in s. 893.03(1)(c):

- 529 a. MDMA (3,4-Methylenedioxyamphetamine);  
530 b. DOB (4-Bromo-2,5-dimethoxyamphetamine);  
531 c. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine);  
532 d. 2,5-Dimethoxyamphetamine;  
533 e. DOET (4-Ethyl-2,5-dimethoxyamphetamine);  
534 f. N-ethylamphetamine;  
535 g. N-Hydroxy-3,4-methylenedioxyamphetamine;  
536 h. 5-Methoxy-3,4-methylenedioxyamphetamine;  
537 i. PMA (4-methoxyamphetamine);  
538 j. PMMA (4-methoxymethamphetamine);  
539 k. DOM (4-Methyl-2,5-dimethoxyamphetamine);  
540 l. MDEA (3,4-Methylenedioxy-N-ethylamphetamine);  
541 m. MDA (3,4-Methylenedioxyamphetamine);  
542 n. N,N-dimethylamphetamine;  
543 o. 3,4,5-Trimethoxyamphetamine;  
544 p. Methylone (3,4-Methylenedioxy-methcathinone);  
545 q. MDPV (3,4-Methylenedioxy-pyrovalerone); or  
546 r. Methylmethcathinone,

547  
548 individually or analogs thereto or isomers thereto or in any  
549 combination of or any mixture containing any substance listed in  
550 sub-subparagraphs a.-r., and who knows that the probable result

551 of such manufacture or importation would be the death of any  
552 person commits capital manufacture or importation of  
553 Phenethylamines, a capital felony punishable as provided in ss.  
554 775.082 and 921.142. A person sentenced for a capital felony  
555 under this paragraph shall also be sentenced to pay the maximum  
556 fine provided under subparagraph 1.

557 (1)1. Any person who knowingly sells, purchases,  
558 manufactures, delivers, or brings into this state, or who is  
559 knowingly in actual or constructive possession of, 1 gram or  
560 more of lysergic acid diethylamide (LSD) as described in s.  
561 893.03(1)(c), or of any mixture containing lysergic acid  
562 diethylamide (LSD), commits a felony of the first degree, which  
563 felony shall be known as "trafficking in lysergic acid  
564 diethylamide (LSD)," punishable as provided in s. 775.082, s.  
565 775.083, or s. 775.084. If the quantity involved:

566 a. Is 1 gram or more, but less than 5 grams, such person  
567 shall be sentenced to a mandatory minimum term of imprisonment  
568 of 3 years, and the defendant shall be ordered to pay a fine of  
569 \$50,000.

570 b. Is 5 grams or more, but less than 7 grams, such person  
571 shall be sentenced to a mandatory minimum term of imprisonment  
572 of 7 years, and the defendant shall be ordered to pay a fine of  
573 \$100,000.

574 c. Is 7 grams or more, such person shall be sentenced to a  
575 mandatory minimum term of imprisonment of 15 calendar years and

576 | pay a fine of \$500,000.

577 |       2. Any person who knowingly manufactures or brings into  
578 | this state 7 grams or more of lysergic acid diethylamide (LSD)  
579 | as described in s. 893.03(1)(c), or any mixture containing  
580 | lysergic acid diethylamide (LSD), and who knows that the  
581 | probable result of such manufacture or importation would be the  
582 | death of any person commits capital manufacture or importation  
583 | of lysergic acid diethylamide (LSD), a capital felony punishable  
584 | as provided in ss. 775.082 and 921.142. Any person sentenced for  
585 | a capital felony under this paragraph shall also be sentenced to  
586 | pay the maximum fine provided under subparagraph 1.

587 |       Section 7. This act shall take effect upon becoming a law.