

By Senator Bracy

11-00363-17

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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 jury  
4           unanimity rather than a certain number of jurors for a  
5           sentencing recommendation of death; reenacting ss.  
6           775.082(1)(a), 782.04(1)(b), and 794.011(2)(a), F.S.,  
7           relating to the punishment for a conviction of a  
8           capital felony, procedures for determining a sentence  
9           of death or life imprisonment, and sexual battery,  
10          respectively, to incorporate the amendment made to s.  
11          921.141, F.S., in references thereto; reenacting s.  
12          893.135(1)(b), (c), (d), (e), (f), (g), (h), (i), (j),  
13          (k), and (l), F.S., relating to the punishments for  
14          capital drug trafficking felonies, to incorporate the  
15          amendment made to s. 921.142, F.S., in references  
16          thereto; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20           Section 1. Paragraph (c) of subsection (2) of section  
21           921.141, Florida Statutes, is amended to read:

22           921.141 Sentence of death or life imprisonment for capital  
23           felonies; further proceedings to determine sentence.—

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

27           (c) If a unanimous jury determines ~~at least 10 jurors~~  
28           ~~determine~~ that the defendant should be sentenced to death, the  
29           jury's recommendation to the court shall be a sentence of death.  
30           If a unanimous jury does not ~~fewer than 10 jurors~~ determine that  
31           the defendant should be sentenced to death, the jury's  
32           recommendation to the court shall be a sentence of life

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33 imprisonment without the possibility of parole.

34 Section 2. Paragraph (c) of subsection (3) of section  
35 921.142, Florida Statutes, is amended to read:

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

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

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

49 Section 3. For the purpose of incorporating the amendment  
50 made by this act to section 921.141, Florida Statutes, in a  
51 reference thereto, paragraph (a) of subsection (1) of section  
52 775.082, Florida Statutes, is reenacted to read:

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

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

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62 ineligible for parole.

63 Section 4. For the purpose of incorporating the amendment  
64 made by this act to section 921.141, Florida Statutes, in a  
65 reference thereto, paragraph (b) of subsection (1) of section  
66 782.04, Florida Statutes, is reenacted to read:

67 782.04 Murder.—

68 (1)

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

79 Section 5. For the purpose of incorporating the amendment  
80 made by this act to section 921.141, Florida Statutes, in a  
81 reference thereto, paragraph (a) of subsection (2) of section  
82 794.011, Florida Statutes, is reenacted to read:

83 794.011 Sexual battery.—

84 (2) (a) A person 18 years of age or older who commits sexual  
85 battery upon, or in an attempt to commit sexual battery injures  
86 the sexual organs of, a person less than 12 years of age commits  
87 a capital felony, punishable as provided in ss. 775.082 and  
88 921.141.

89 Section 6. For the purpose of incorporating the amendment  
90 made by this act to section 921.142, Florida Statutes, in

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91 references thereto, paragraphs (b) through (l) of subsection (1)  
92 of section 893.135, Florida Statutes, are reenacted to read:

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

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

97 (b)1. Any person who knowingly sells, purchases,  
98 manufactures, delivers, or brings into this state, or who is  
99 knowingly in actual or constructive possession of, 28 grams or  
100 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
101 mixture containing cocaine, but less than 150 kilograms of  
102 cocaine or any such mixture, commits a felony of the first  
103 degree, which felony shall be known as "trafficking in cocaine,"  
104 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
105 If the quantity involved:

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

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

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

117 2. Any person who knowingly sells, purchases, manufactures,  
118 delivers, or brings into this state, or who is knowingly in  
119 actual or constructive possession of, 150 kilograms or more of

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120 cocaine, as described in s. 893.03(2)(a)4., commits the first  
121 degree felony of trafficking in cocaine. A person who has been  
122 convicted of the first degree felony of trafficking in cocaine  
123 under this subparagraph shall be punished by life imprisonment  
124 and is ineligible for any form of discretionary early release  
125 except pardon or executive clemency or conditional medical  
126 release under s. 947.149. However, if the court determines that,  
127 in addition to committing any act specified in 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,

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149 manufactures, delivers, or brings into this state, or who is  
150 knowingly in actual or constructive possession of, 4 grams or  
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 person  
164 shall be sentenced to a mandatory minimum term of imprisonment  
165 of 15 years and shall be ordered to pay a fine of \$100,000.

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

170       2. A person who knowingly sells, purchases, manufactures,  
171 delivers, or brings into this state, or who is knowingly in  
172 actual or constructive possession of, 14 grams or more of  
173 hydrocodone, or any salt, derivative, isomer, or salt of an  
174 isomer thereof, or 14 grams or more of any mixture containing  
175 any such substance, commits a felony of the first degree, which  
176 felony shall be known as "trafficking in hydrocodone,"  
177 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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178 If the quantity involved:

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

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

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

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

193 3. A person who knowingly sells, purchases, manufactures,  
194 delivers, or brings into this state, or who is knowingly in  
195 actual or constructive possession of, 7 grams or more of  
196 oxycodone, or any salt, derivative, isomer, or salt of an isomer  
197 thereof, or 7 grams or more of any mixture containing any such  
198 substance, commits a felony of the first degree, which felony  
199 shall be known as "trafficking in oxycodone," punishable as  
200 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
201 quantity involved:

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

205 b. Is 14 grams or more, but less than 25 grams, such person  
206 shall be sentenced to a mandatory minimum term of imprisonment

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207 of 7 years and shall be ordered to pay a fine of \$100,000.

208 c. Is 25 grams or more, but less than 100 grams, such  
209 person shall be sentenced to a mandatory minimum term of  
210 imprisonment of 15 years and shall be ordered to pay a fine of  
211 \$500,000.

212 d. Is 100 grams or more, but less than 30 kilograms, such  
213 person shall be sentenced to a mandatory minimum term of  
214 imprisonment of 25 years and shall be ordered to pay a fine of  
215 \$750,000.

216 4. A person who knowingly sells, purchases, manufactures,  
217 delivers, or brings into this state, or who is knowingly in  
218 actual or constructive possession of, 30 kilograms or more of  
219 any morphine, opium, oxycodone, hydrocodone, hydromorphone, or  
220 any salt, derivative, isomer, or salt of an isomer thereof,  
221 including heroin, as described in s. 893.03(1)(b), (2)(a),  
222 (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture  
223 containing any such substance, commits the first degree felony  
224 of trafficking in illegal drugs. A person who has been convicted  
225 of the first degree felony of trafficking in illegal drugs under  
226 this subparagraph shall be punished by life imprisonment and is  
227 ineligible for any form of discretionary early release except  
228 pardon or executive clemency or conditional medical release  
229 under s. 947.149. However, if the court determines that, in  
230 addition to committing any act specified in this paragraph:

231 a. The person intentionally killed an individual or  
232 counseled, commanded, induced, procured, or caused the  
233 intentional killing of an individual and such killing was the  
234 result; or

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

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236 natural, though not inevitable, lethal result,

237

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

243         5. A person who knowingly brings into this state 60  
244 kilograms or more of any morphine, opium, oxycodone,  
245 hydrocodone, hydromorphone, or any salt, derivative, isomer, or  
246 salt of an isomer thereof, including heroin, as described in s.  
247 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or  
248 more of any mixture containing any such substance, and who knows  
249 that the probable result of such importation would be the death  
250 of a person, commits capital importation of illegal drugs, a  
251 capital felony punishable as provided in ss. 775.082 and  
252 921.142. A person sentenced for a capital felony under this  
253 paragraph shall also be sentenced to pay the maximum fine  
254 provided under subparagraph 1.

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

263             a. Is 28 grams or more, but less than 200 grams, such  
264 person shall be sentenced to a mandatory minimum term of

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265 imprisonment of 3 years, and the defendant shall be ordered to  
266 pay a fine of \$50,000.

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

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

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

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

291       a. Is 200 grams or more, but less than 5 kilograms, such  
292 person shall be sentenced to a mandatory minimum term of  
293 imprisonment of 3 years, and the defendant shall be ordered to

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294 pay a fine of \$50,000.

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

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

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

311       (f)1. Any person who knowingly sells, purchases,  
312 manufactures, delivers, or brings into this state, or who is  
313 knowingly in actual or constructive possession of, 14 grams or  
314 more of amphetamine, as described in s. 893.03(2)(c)2., or  
315 methamphetamine, as described in s. 893.03(2)(c)4., or of any  
316 mixture containing amphetamine or methamphetamine, or  
317 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine  
318 in conjunction with other chemicals and equipment utilized in  
319 the manufacture of amphetamine or methamphetamine, commits a  
320 felony of the first degree, which felony shall be known as  
321 "trafficking in amphetamine," punishable as provided in s.  
322 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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323 a. Is 14 grams or more, but less than 28 grams, such person  
324 shall be sentenced to a mandatory minimum term of imprisonment  
325 of 3 years, and the defendant shall be ordered to pay a fine of  
326 \$50,000.

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

331 c. Is 200 grams or more, such person shall be sentenced to  
332 a mandatory minimum term of imprisonment of 15 calendar years  
333 and pay a fine of \$250,000.

334 2. Any person who knowingly manufactures or brings into  
335 this state 400 grams or more of amphetamine, as described in s.  
336 893.03(2)(c)2., or methamphetamine, as described in s.  
337 893.03(2)(c)4., or of any mixture containing amphetamine or  
338 methamphetamine, or phenylacetone, phenylacetic acid,  
339 pseudoephedrine, or ephedrine in conjunction with other  
340 chemicals and equipment used in the manufacture of amphetamine  
341 or methamphetamine, and who knows that the probable result of  
342 such manufacture or importation would be the death of any person  
343 commits capital manufacture or importation of amphetamine, a  
344 capital felony punishable as provided in ss. 775.082 and  
345 921.142. Any person sentenced for a capital felony under this  
346 paragraph shall also be sentenced to pay the maximum fine  
347 provided under subparagraph 1.

348 (g)1. Any person who knowingly sells, purchases,  
349 manufactures, delivers, or brings into this state, or who is  
350 knowingly in actual or constructive possession of, 4 grams or  
351 more of flunitrazepam or any mixture containing flunitrazepam as

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352 described in s. 893.03(1)(a) commits a felony of the first  
353 degree, which felony shall be known as "trafficking in  
354 flunitrazepam," punishable as provided in s. 775.082, s.  
355 775.083, or s. 775.084. If the quantity involved:

356 a. Is 4 grams or more but less than 14 grams, such person  
357 shall be sentenced to a mandatory minimum term of imprisonment  
358 of 3 years, and the defendant shall be ordered to pay a fine of  
359 \$50,000.

360 b. Is 14 grams or more but less than 28 grams, such person  
361 shall be sentenced to a mandatory minimum term of imprisonment  
362 of 7 years, and the defendant shall be ordered to pay a fine of  
363 \$100,000.

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

367 2. Any person who knowingly sells, purchases, manufactures,  
368 delivers, or brings into this state or who is knowingly in  
369 actual or constructive possession of 30 kilograms or more of  
370 flunitrazepam or any mixture containing flunitrazepam as  
371 described in s. 893.03(1)(a) commits the first degree felony of  
372 trafficking in flunitrazepam. A person who has been convicted of  
373 the first degree felony of trafficking in flunitrazepam under  
374 this subparagraph shall be punished by life imprisonment and is  
375 ineligible for any form of discretionary early release except  
376 pardon or executive clemency or conditional medical release  
377 under s. 947.149. However, if the court determines that, in  
378 addition to committing any act specified in this paragraph:

379 a. The person intentionally killed an individual or  
380 counseled, commanded, induced, procured, or caused the

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381 intentional killing of an individual and such killing was the  
382 result; or

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

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386 such person commits the capital felony of trafficking in  
387 flunitrazepam, punishable as provided in ss. 775.082 and  
388 921.142. Any person sentenced for a capital felony under this  
389 paragraph shall also be sentenced to pay the maximum fine  
390 provided under subparagraph 1.

391 (h)1. Any person who knowingly sells, purchases,  
392 manufactures, delivers, or brings into this state, or who is  
393 knowingly in actual or constructive possession of, 1 kilogram or  
394 more of gamma-hydroxybutyric acid (GHB), as described in s.  
395 893.03(1)(d), or any mixture containing gamma-hydroxybutyric  
396 acid (GHB), commits a felony of the first degree, which felony  
397 shall be known as "trafficking in gamma-hydroxybutyric acid  
398 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.  
399 775.084. If the quantity involved:

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

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

408 c. Is 10 kilograms or more, such person shall be sentenced  
409 to a mandatory minimum term of imprisonment of 15 calendar years

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410 and pay a fine of \$250,000.

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

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

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

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

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

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

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

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

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

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

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

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

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

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- 497           l. MDEA (3,4-Methylenedioxy-N-ethylamphetamine);  
498           m. MDA (3,4-Methylenedioxyamphetamine);  
499           n. N,N-dimethylamphetamine;  
500           o. 3,4,5-Trimethoxyamphetamine;  
501           p. Methylone (3,4-Methylenedioxymethcathinone);  
502           q. MDPV (3,4-Methylenedioxypropylone); or  
503           r. Methylnormetamphetamine,

504

505 individually or analogs thereto or isomers thereto or in any  
506 combination of or any mixture containing any substance listed in  
507 sub-subparagraphs a.-r., commits a felony of the first degree,  
508 which felony shall be known as "trafficking in Phenethylamines,"  
509 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

510           2. If the quantity involved:

511           a. Is 10 grams or more, but less than 200 grams, such  
512 person shall be sentenced to a mandatory minimum term of  
513 imprisonment of 3 years and shall be ordered to pay a fine of  
514 \$50,000.

515           b. Is 200 grams or more, but less than 400 grams, such  
516 person shall be sentenced to a mandatory minimum term of  
517 imprisonment of 7 years and shall be ordered to pay a fine of  
518 \$100,000.

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

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

525           a. MDMA (3,4-Methylenedioxymethamphetamine);

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

543  
 544 individually or analogs thereto or isomers thereto or in any  
 545 combination of or any mixture containing any substance listed in  
 546 sub-subparagraphs a.-r., and who knows that the probable result  
 547 of such manufacture or importation would be the death of any  
 548 person commits capital manufacture or importation of  
 549 Phenethylamines, a capital felony punishable as provided in ss.  
 550 775.082 and 921.142. A person sentenced for a capital felony  
 551 under this paragraph shall also be sentenced to pay the maximum  
 552 fine provided under subparagraph 1.

553 (1)1. Any person who knowingly sells, purchases,  
 554 manufactures, delivers, or brings into this state, or who is

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555 knowingly in actual or constructive possession of, 1 gram or  
556 more of lysergic acid diethylamide (LSD) as described in s.  
557 893.03(1)(c), or of any mixture containing lysergic acid  
558 diethylamide (LSD), commits a felony of the first degree, which  
559 felony shall be known as "trafficking in lysergic acid  
560 diethylamide (LSD)," punishable as provided in s. 775.082, s.  
561 775.083, or s. 775.084. If the quantity involved:

562       a. Is 1 gram or more, but less than 5 grams, such person  
563 shall be sentenced to a mandatory minimum term of imprisonment  
564 of 3 years, and the defendant shall be ordered to pay a fine of  
565 \$50,000.

566       b. Is 5 grams or more, but less than 7 grams, such person  
567 shall be sentenced to a mandatory minimum term of imprisonment  
568 of 7 years, and the defendant shall be ordered to pay a fine of  
569 \$100,000.

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

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

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