

By the Committee on Criminal Justice; and Senator Bracy

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1 A bill to be entitled
2 An act relating to mandatory minimum sentences;
3 amending s. 893.135, F.S.; authorizing a court to
4 depart from mandatory minimum terms of imprisonment
5 for certain drug trafficking offenses if it makes
6 specified findings; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Paragraphs (a), (b), and (d) through (n) of
11 subsection (1) of section 893.135, Florida Statutes, are amended
12 and subsection (8) is added to that section, to read:

13 893.135 Trafficking; mandatory sentences; suspension or
14 reduction of sentences; conspiracy to engage in trafficking.—

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

17 (a) Any person who knowingly sells, purchases,
18 manufactures, delivers, or brings into this state, or who is
19 knowingly in actual or constructive possession of, in excess of
20 25 pounds of cannabis, or 300 or more cannabis plants, commits a
21 felony of the first degree, which felony shall be known as
22 "trafficking in cannabis," punishable as provided in s. 775.082,
23 s. 775.083, or s. 775.084. If the quantity of cannabis involved:

24 1. Is in excess of 25 pounds, but less than 2,000 pounds,
25 or is 300 or more cannabis plants, but not more than 2,000
26 cannabis plants, such person shall be sentenced to a mandatory
27 minimum term of imprisonment of 3 years, and the defendant shall
28 be ordered to pay a fine of \$25,000. However, the court may
29 depart from the mandatory minimum term of imprisonment if it

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30 makes written findings as provided in subsection (8).

31 2. Is 2,000 pounds or more, but less than 10,000 pounds, or
32 is 2,000 or more cannabis plants, but not more than 10,000
33 cannabis plants, such person shall be sentenced to a mandatory
34 minimum term of imprisonment of 7 years, and the defendant shall
35 be ordered to pay a fine of \$50,000.

36 3. Is 10,000 pounds or more, or is 10,000 or more cannabis
37 plants, such person shall be sentenced to a mandatory minimum
38 term of imprisonment of 15 calendar years and pay a fine of
39 \$200,000.

40
41 For the purpose of this paragraph, a plant, including, but not
42 limited to, a seedling or cutting, is a "cannabis plant" if it
43 has some readily observable evidence of root formation, such as
44 root hairs. To determine if a piece or part of a cannabis plant
45 severed from the cannabis plant is itself a cannabis plant, the
46 severed piece or part must have some readily observable evidence
47 of root formation, such as root hairs. Callous tissue is not
48 readily observable evidence of root formation. The viability and
49 sex of a plant and the fact that the plant may or may not be a
50 dead harvested plant are not relevant in determining if the
51 plant is a "cannabis plant" or in the charging of an offense
52 under this paragraph. Upon conviction, the court shall impose
53 the longest term of imprisonment provided for in this paragraph.

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

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60 cocaine or any such mixture, commits a felony of the first
61 degree, which felony shall be known as "trafficking in cocaine,"
62 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

63 If the quantity involved:

64 a. Is 28 grams or more, but less than 200 grams, such
65 person shall be sentenced to a mandatory minimum term of
66 imprisonment of 3 years, and the defendant shall be ordered to
67 pay a fine of \$50,000. However, the court may depart from the
68 mandatory minimum term of imprisonment if it makes written
findings as provided in subsection (8).

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

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

76 2. Any person who knowingly sells, purchases, manufactures,
77 delivers, or brings into this state, or who is knowingly in
78 actual or constructive possession of, 150 kilograms or more of
79 cocaine, as described in s. 893.03(2)(a)4., commits the first
80 degree felony of trafficking in cocaine. A person who has been
81 convicted of the first degree felony of trafficking in cocaine
82 under this subparagraph shall be punished by life imprisonment
83 and is ineligible for any form of discretionary early release
84 except pardon or executive clemency or conditional medical
85 release under s. 947.149. However, if the court determines that,
86 in addition to committing any act specified in this paragraph:

87 a. The person intentionally killed an individual or

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88 counseled, commanded, induced, procured, or caused the
89 intentional killing of an individual and such killing was the
90 result; or

91 b. The person's conduct in committing that act led to a
92 natural, though not inevitable, lethal result,
93
94 such person commits the capital felony of trafficking in
95 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
96 person sentenced for a capital felony under this paragraph shall
97 also be sentenced to pay the maximum fine provided under
98 subparagraph 1.

99 3. Any person who knowingly brings into this state 300
100 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
101 and who knows that the probable result of such importation would
102 be the death of any person, commits capital importation of
103 cocaine, a capital felony punishable as provided in ss. 775.082
104 and 921.142. Any person sentenced for a capital felony under
105 this paragraph shall also be sentenced to pay the maximum fine
106 provided under subparagraph 1.

107 (d)1. Any person who knowingly sells, purchases,
108 manufactures, delivers, or brings into this state, or who is
109 knowingly in actual or constructive possession of, 28 grams or
110 more of phencyclidine, as described in s. 893.03(2)(b)23., a
111 substituted phenylcyclohexylamine, as described in s.
112 893.03(1)(c)195., or a substance described in s.
113 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture
114 containing phencyclidine, as described in s. 893.03(2)(b)23., a
115 substituted phenylcyclohexylamine, as described in s.
116 893.03(1)(c)195., or a substance described in s.

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117 893.03(1)(c)13., 32., 38., 103., or 146., commits a felony of
118 the first degree, which felony shall be known as "trafficking in
119 phencyclidine," punishable as provided in s. 775.082, s.
120 775.083, or s. 775.084. If the quantity involved:

121 a. Is 28 grams or more, but less than 200 grams, such
122 person shall be sentenced to a mandatory minimum term of
123 imprisonment of 3 years, and the defendant shall be ordered to
124 pay a fine of \$50,000. However, the court may depart from the
125 mandatory minimum term of imprisonment if it makes written
126 findings as provided in subsection (8).

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

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

134 2. Any person who knowingly brings into this state 800
135 grams or more of phencyclidine, as described in s.
136 893.03(2)(b)23., a substituted phenylcyclohexylamine, as
137 described in s. 893.03(1)(c)195., or a substance described in s.
138 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture
139 containing phencyclidine, as described in s. 893.03(2)(b)23., a
140 substituted phenylcyclohexylamine, as described in s.
141 893.03(1)(c)195., or a substance described in s.
142 893.03(1)(c)13., 32., 38., 103., or 146., and who knows that the
143 probable result of such importation would be the death of any
144 person commits capital importation of phencyclidine, a capital
145 felony punishable as provided in ss. 775.082 and 921.142. Any

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146 person sentenced for a capital felony under this paragraph shall
147 also be sentenced to pay the maximum fine provided under
148 subparagraph 1.

149 (e)1. Any person who knowingly sells, purchases,
150 manufactures, delivers, or brings into this state, or who is
151 knowingly in actual or constructive possession of, 200 grams or
152 more of methaqualone or of any mixture containing methaqualone,
153 as described in s. 893.03(1)(d), commits a felony of the first
154 degree, which felony shall be known as "trafficking in
155 methaqualone," punishable as provided in s. 775.082, s. 775.083,
156 or s. 775.084. If the quantity involved:

157 a. Is 200 grams or more, but less than 5 kilograms, such
158 person shall be sentenced to a mandatory minimum term of
159 imprisonment of 3 years, and the defendant shall be ordered to
160 pay a fine of \$50,000. However, the court may depart from the
161 mandatory minimum term of imprisonment if it makes written
162 findings as provided in subsection (8).

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

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

170 2. Any person who knowingly brings into this state 50
171 kilograms or more of methaqualone or of any mixture containing
172 methaqualone, as described in s. 893.03(1)(d), and who knows
173 that the probable result of such importation would be the death
174 of any person commits capital importation of methaqualone, a

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175 capital felony punishable as provided in ss. 775.082 and
176 921.142. Any person sentenced for a capital felony under this
177 paragraph shall also be sentenced to pay the maximum fine
178 provided under subparagraph 1.

179 (f)1. Any person who knowingly sells, purchases,
180 manufactures, delivers, or brings into this state, or who is
181 knowingly in actual or constructive possession of, 14 grams or
182 more of amphetamine, as described in s. 893.03(2)(c)2., or
183 methamphetamine, as described in s. 893.03(2)(c)4., or of any
184 mixture containing amphetamine or methamphetamine, or
185 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine
186 in conjunction with other chemicals and equipment utilized in
187 the manufacture of amphetamine or methamphetamine, commits a
188 felony of the first degree, which felony shall be known as
189 "trafficking in amphetamine," punishable as provided in s.
190 775.082, s. 775.083, or s. 775.084. If the quantity involved:

191 a. Is 14 grams or more, but less than 28 grams, such person
192 shall be sentenced to a mandatory minimum term of imprisonment
193 of 3 years, and the defendant shall be ordered to pay a fine of
194 \$50,000. However, the court may depart from the mandatory
195 minimum term of imprisonment if it makes written findings as
196 provided in subsection (8).

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

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

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204 2. Any person who knowingly manufactures or brings into
205 this state 400 grams or more of amphetamine, as described in s.
206 893.03(2)(c)2., or methamphetamine, as described in s.
207 893.03(2)(c)4., or of any mixture containing amphetamine or
208 methamphetamine, or phenylacetone, phenylacetic acid,
209 pseudoephedrine, or ephedrine in conjunction with other
210 chemicals and equipment used in the manufacture of amphetamine
211 or methamphetamine, and who knows that the probable result of
212 such manufacture or importation would be the death of any person
213 commits capital manufacture or importation of amphetamine, a
214 capital felony punishable as provided in ss. 775.082 and
215 921.142. Any person sentenced for a capital felony under this
216 paragraph shall also be sentenced to pay the maximum fine
217 provided under subparagraph 1.

218 (g)1. Any person who knowingly sells, purchases,
219 manufactures, delivers, or brings into this state, or who is
220 knowingly in actual or constructive possession of, 4 grams or
221 more of flunitrazepam or any mixture containing flunitrazepam as
222 described in s. 893.03(1)(a) commits a felony of the first
223 degree, which felony shall be known as "trafficking in
224 flunitrazepam," punishable as provided in s. 775.082, s.
225 775.083, or s. 775.084. If the quantity involved:

226 a. Is 4 grams or more but less than 14 grams, such person
227 shall be sentenced to a mandatory minimum term of imprisonment
228 of 3 years, and the defendant shall be ordered to pay a fine of
229 \$50,000. However, the court may depart from the mandatory
230 minimum term of imprisonment if it makes written findings as
231 provided in subsection (8).

232 b. Is 14 grams or more but less than 28 grams, such person

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233 shall be sentenced to a mandatory minimum term of imprisonment
234 of 7 years, and the defendant shall be ordered to pay a fine of
235 \$100,000.

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

239 2. Any person who knowingly sells, purchases, manufactures,
240 delivers, or brings into this state or who is knowingly in
241 actual or constructive possession of 30 kilograms or more of
242 flunitrazepam or any mixture containing flunitrazepam as
243 described in s. 893.03(1)(a) commits the first degree felony of
244 trafficking in flunitrazepam. A person who has been convicted of
245 the first degree felony of trafficking in flunitrazepam under
246 this subparagraph shall be punished by life imprisonment and is
247 ineligible for any form of discretionary early release except
248 pardon or executive clemency or conditional medical release
249 under s. 947.149. However, if the court determines that, in
250 addition to committing any act specified in this paragraph:

251 a. The person intentionally killed an individual or
252 counseled, commanded, induced, procured, or caused the
253 intentional killing of an individual and such killing was the
254 result; or

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

257
258 such person commits the capital felony of trafficking in
259 flunitrazepam, punishable as provided in ss. 775.082 and
260 921.142. Any person sentenced for a capital felony under this
261 paragraph shall also be sentenced to pay the maximum fine

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262 provided under subparagraph 1.

263 (h)1. Any person who knowingly sells, purchases,
264 manufactures, delivers, or brings into this state, or who is
265 knowingly in actual or constructive possession of, 1 kilogram or
266 more of gamma-hydroxybutyric acid (GHB), as described in s.
267 893.03(1)(d), or any mixture containing gamma-hydroxybutyric
268 acid (GHB), commits a felony of the first degree, which felony
269 shall be known as "trafficking in gamma-hydroxybutyric acid
270 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.
271 775.084. If the quantity involved:

272 a. Is 1 kilogram or more but less than 5 kilograms, such
273 person shall be sentenced to a mandatory minimum term of
274 imprisonment of 3 years, and the defendant shall be ordered to
275 pay a fine of \$50,000. However, the court may depart from the
276 mandatory minimum term of imprisonment if it makes written
277 findings as provided in subsection (8).

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

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

285 2. Any person who knowingly manufactures or brings into
286 this state 150 kilograms or more of gamma-hydroxybutyric acid
287 (GHB), as described in s. 893.03(1)(d), or any mixture
288 containing gamma-hydroxybutyric acid (GHB), and who knows that
289 the probable result of such manufacture or importation would be
290 the death of any person commits capital manufacture or

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291 importation of gamma-hydroxybutyric acid (GHB), a capital felony
292 punishable as provided in ss. 775.082 and 921.142. Any person
293 sentenced for a capital felony under this paragraph shall also
294 be sentenced to pay the maximum fine provided under subparagraph
295 1.

296 (i)1. Any person who knowingly sells, purchases,
297 manufactures, delivers, or brings into this state, or who is
298 knowingly in actual or constructive possession of, 1 kilogram or
299 more of gamma-butyrolactone (GBL), as described in s.
300 893.03(1)(d), or any mixture containing gamma-butyrolactone
301 (GBL), commits a felony of the first degree, which felony shall
302 be known as "trafficking in gamma-butyrolactone (GBL),"
303 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
304 If the quantity involved:

305 a. Is 1 kilogram or more but less than 5 kilograms, such
306 person shall be sentenced to a mandatory minimum term of
307 imprisonment of 3 years, and the defendant shall be ordered to
308 pay a fine of \$50,000. However, the court may depart from the
309 mandatory minimum term of imprisonment if it makes written
310 findings as provided in subsection (8).

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

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

318 2. Any person who knowingly manufactures or brings into the
319 state 150 kilograms or more of gamma-butyrolactone (GBL), as

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320 described in s. 893.03(1)(d), or any mixture containing gamma-
321 butyrolactone (GBL), and who knows that the probable result of
322 such manufacture or importation would be the death of any person
323 commits capital manufacture or importation of gamma-
324 butyrolactone (GBL), a capital felony punishable as provided in
325 ss. 775.082 and 921.142. Any person sentenced for a capital
326 felony under this paragraph shall also be sentenced to pay the
327 maximum fine provided under subparagraph 1.

328 (j)1. Any person who knowingly sells, purchases,
329 manufactures, delivers, or brings into this state, or who is
330 knowingly in actual or constructive possession of, 1 kilogram or
331 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of
332 any mixture containing 1,4-Butanediol, commits a felony of the
333 first degree, which felony shall be known as "trafficking in
334 1,4-Butanediol," punishable as provided in s. 775.082, s.
335 775.083, or s. 775.084. If the quantity involved:

336 a. Is 1 kilogram or more, but less than 5 kilograms, such
337 person shall be sentenced to a mandatory minimum term of
338 imprisonment of 3 years, and the defendant shall be ordered to
339 pay a fine of \$50,000. However, the court may depart from the
340 mandatory minimum term of imprisonment if it makes written
341 findings as provided in subsection (8).

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

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

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349 2. Any person who knowingly manufactures or brings into
350 this state 150 kilograms or more of 1,4-Butanediol as described
351 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,
352 and who knows that the probable result of such manufacture or
353 importation would be the death of any person commits capital
354 manufacture or importation of 1,4-Butanediol, a capital felony
355 punishable as provided in ss. 775.082 and 921.142. Any person
356 sentenced for a capital felony under this paragraph shall also
357 be sentenced to pay the maximum fine provided under subparagraph
358 1.

359 (k)1. A person who knowingly sells, purchases,
360 manufactures, delivers, or brings into this state, or who is
361 knowingly in actual or constructive possession of, 10 grams or
362 more of a:

363 a. Substance described in s. 893.03(1)(c)4., 5., 10., 11.,
364 15., 17., 21.-27., 29., 39., 40.-45., 58., 72.-80., 81.-86.,
365 90.-102., 104.-108., 110.-113., 143.-145., 148.-150., 160.-163.,
366 165., or 187.-189., a substituted cathinone, as described in s.
367 893.03(1)(c)191., or substituted phenethylamine, as described in
368 s. 893.03(1)(c)192.;

369 b. Mixture containing any substance described in sub-
370 subparagraph a.; or

371 c. Salt, isomer, ester, or ether or salt of an isomer,
372 ester, or ether of a substance described in sub-subparagraph a.,
373
374 commits a felony of the first degree, which felony shall be
375 known as "trafficking in phenethylamines," punishable as
376 provided in s. 775.082, s. 775.083, or s. 775.084.

377 2. If the quantity involved under subparagraph 1.:

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378 a. Is 10 grams or more, but less than 200 grams, such
379 person shall be sentenced to a mandatory minimum term of
380 imprisonment of 3 years and shall be ordered to pay a fine of
381 \$50,000. However, the court may depart from the mandatory
382 minimum term of imprisonment if it makes written findings as
383 provided in subsection (8).

384 b. Is 200 grams or more, but less than 400 grams, such
385 person shall be sentenced to a mandatory minimum term of
386 imprisonment of 7 years and shall be ordered to pay a fine of
387 \$100,000.

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

391 3. A person who knowingly manufactures or brings into this
392 state 30 kilograms or more of a substance described in sub-
393 subparagraph 1.a., a mixture described in sub-subparagraph 1.b.,
394 or a salt, isomer, ester, or ether or a salt of an isomer,
395 ester, or ether described in sub-subparagraph 1.c., and who
396 knows that the probable result of such manufacture or
397 importation would be the death of any person commits capital
398 manufacture or importation of phenethylamines, a capital felony
399 punishable as provided in ss. 775.082 and 921.142. A person
400 sentenced for a capital felony under this paragraph shall also
401 be sentenced to pay the maximum fine under subparagraph 2.

402 (1)1. Any person who knowingly sells, purchases,
403 manufactures, delivers, or brings into this state, or who is
404 knowingly in actual or constructive possession of, 1 gram or
405 more of lysergic acid diethylamide (LSD) as described in s.
406 893.03(1)(c), or of any mixture containing lysergic acid

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407 diethylamide (LSD), commits a felony of the first degree, which
408 felony shall be known as "trafficking in lysergic acid
409 diethylamide (LSD)," punishable as provided in s. 775.082, s.
410 775.083, or s. 775.084. If the quantity involved:

411 a. Is 1 gram or more, but less than 5 grams, such person
412 shall be sentenced to a mandatory minimum term of imprisonment
413 of 3 years, and the defendant shall be ordered to pay a fine of
414 \$50,000. However, the court may depart from the mandatory
415 minimum term of imprisonment if it makes written findings as
416 provided in subsection (8).

417 b. Is 5 grams or more, but less than 7 grams, such person
418 shall be sentenced to a mandatory minimum term of imprisonment
419 of 7 years, and the defendant shall be ordered to pay a fine of
420 \$100,000.

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

424 2. Any person who knowingly manufactures or brings into
425 this state 7 grams or more of lysergic acid diethylamide (LSD)
426 as described in s. 893.03(1)(c), or any mixture containing
427 lysergic acid diethylamide (LSD), and who knows that the
428 probable result of such manufacture or importation would be the
429 death of any person commits capital manufacture or importation
430 of lysergic acid diethylamide (LSD), a capital felony punishable
431 as provided in ss. 775.082 and 921.142. Any person sentenced for
432 a capital felony under this paragraph shall also be sentenced to
433 pay the maximum fine provided under subparagraph 1.

434 (m)1. A person who knowingly sells, purchases,
435 manufactures, delivers, or brings into this state, or who is

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436 knowingly in actual or constructive possession of, 280 grams or
437 more of a:

438 a. Substance described in s. 893.03(1)(c)30., 46.-50.,
439 114.-142., 151.-156., 166.-173., or 176.-186. or a synthetic
440 cannabinoid, as described in s. 893.03(1)(c)190.; or

441 b. Mixture containing any substance described in sub-
442 subparagraph a.,

443

444 commits a felony of the first degree, which felony shall be
445 known as "trafficking in synthetic cannabinoids," punishable as
446 provided in s. 775.082, s. 775.083, or s. 775.084.

447 2. If the quantity involved under subparagraph 1.:

448 a. Is 280 grams or more, but less than 500 grams, such
449 person shall be sentenced to a mandatory minimum term of
450 imprisonment of 3 years, and the defendant shall be ordered to
451 pay a fine of \$50,000. However, the court may depart from the
452 mandatory minimum term of imprisonment if it makes written
453 findings as provided in subsection (8).

454 b. Is 500 grams or more, but less than 1,000 grams, such
455 person shall be sentenced to a mandatory minimum term of
456 imprisonment of 7 years, and the defendant shall be ordered to
457 pay a fine of \$100,000.

458 c. Is 1,000 grams or more, but less than 30 kilograms, such
459 person shall be sentenced to a mandatory minimum term of
460 imprisonment of 15 years, and the defendant shall be ordered to
461 pay a fine of \$200,000.

462 d. Is 30 kilograms or more, such person shall be sentenced
463 to a mandatory minimum term of imprisonment of 25 years, and the
464 defendant shall be ordered to pay a fine of \$750,000.

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465 (n)1. A person who knowingly sells, purchases,
466 manufactures, delivers, or brings into this state, or who is
467 knowingly in actual or constructive possession of, 14 grams or
468 more of:

469 a. A substance described in s. 893.03(1)(c)164., 174., or
470 175., a n-benzyl phenethylamine compound, as described in s.
471 893.03(1)(c)193.; or

472 b. A mixture containing any substance described in sub-
473 subparagraph a.,

474

475 commits a felony of the first degree, which felony shall be
476 known as "trafficking in n-benzyl phenethylamines," punishable
477 as provided in s. 775.082, s. 775.083, or s. 775.084.

478 2. If the quantity involved under subparagraph 1.:

479 a. Is 14 grams or more, but less than 100 grams, such
480 person shall be sentenced to a mandatory minimum term of
481 imprisonment of 3 years, and the defendant shall be ordered to
482 pay a fine of \$50,000. However, the court may depart from the
483 mandatory minimum term of imprisonment if it makes written
484 findings as provided in subsection (8).

485 b. Is 100 grams or more, but less than 200 grams, such
486 person shall be sentenced to a mandatory minimum term of
487 imprisonment of 7 years, and the defendant shall be ordered to
488 pay a fine of \$100,000.

489 c. Is 200 grams or more, such person shall be sentenced to
490 a mandatory minimum term of imprisonment of 15 years, and the
491 defendant shall be ordered to pay a fine of \$500,000.

492 3. A person who knowingly manufactures or brings into this
493 state 400 grams or more of a substance described in sub-

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494 subparagraph 1.a. or a mixture described in sub-subparagraph
495 1.b., and who knows that the probable result of such manufacture
496 or importation would be the death of any person commits capital
497 manufacture or importation of a n-benzyl phenethylamine
498 compound, a capital felony punishable as provided in ss. 775.082
499 and 921.142. A person sentenced for a capital felony under this
500 paragraph shall also be sentenced to pay the maximum fine under
501 subparagraph 2.

502 (8) The court may depart from the mandatory minimum term of
503 imprisonment for a violation of this section if the departure is
504 specifically authorized by this section and the court makes the
505 following written findings:

506 (a) The offense only involved possession.

507 (b) The offender did not use or threaten violence or use a
508 weapon during the commission of the offense.

509 (c) The offense did not result in the death or serious
510 bodily injury of a person not a party to the offense.

511 (d) A factor, consideration, or circumstance clearly
512 demonstrates that imposing the mandatory minimum term of
513 imprisonment would constitute or result in an injustice.

514 Section 2. This act shall take effect July 1, 2018.