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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2023	.	
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The Committee on Criminal Justice (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (i) is added to subsection (1) of
section 893.13, Florida Statutes, to read:

893.13 Prohibited acts; penalties.—

(1)

(i) Except as authorized by this chapter, a person commits
a felony of the first degree, punishable as provided in s.



569834

11 775.082, s. 775.083, or s. 775.084, and must be sentenced to a
12 mandatory minimum term of imprisonment of 3 years, if:

13 1. The person sells, manufactures, or delivers, or
14 possesses with intent to sell, manufacture, or deliver, any of
15 the following:

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

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

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

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

20 e. A fentanyl derivative, as described in s.

21 893.03(1)(a)62.;

22 f. A controlled substance analog, as described in s.

23 893.0356, of any substance described in sub-subparagraphs a.-e.;

24 or

25 g. A mixture containing any substance described in sub-
26 paragraphs a.-f.; and

27 2. The substance or mixture listed in subparagraph 1. is in
28 a form that resembles, or is mixed, granulated, absorbed, spray-
29 dried, or aerosolized as or onto, coated on, in whole or in
30 part, or solubilized with or into, a product, when such product
31 or its packaging further has at least one of the following
32 attributes:

33 a. A bright color or coloring scheme;

34 b. Resembles the trade dress of a branded food product,
35 consumer food product, or logo food product;

36 c. Incorporates an actual or fake registered copyright,
37 service mark, or trademark;

38 d. Resembles candy, cereal, a gummy, a vitamin, or a
39 chewable product, such as a gum or gelatin-based product; or



569834

40 e. Contains a cartoon character imprint.

41 Section 2. Paragraph (c) of subsection (1) of section
42 893.135, Florida Statutes, is amended to read:

43 893.135 Trafficking; mandatory sentences; suspension or
44 reduction of sentences; conspiracy to engage in trafficking.—

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

47 (c)1. A person who knowingly sells, purchases,
48 manufactures, delivers, or brings into this state, or who is
49 knowingly in actual or constructive possession of, 4 grams or
50 more of any morphine, opium, hydromorphone, or any salt,
51 derivative, isomer, or salt of an isomer thereof, including
52 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
53 (3)(c)4., or 4 grams or more of any mixture containing any such
54 substance, but less than 30 kilograms of such substance or
55 mixture, commits a felony of the first degree, which felony
56 shall be known as "trafficking in illegal drugs," punishable as
57 provided in s. 775.082, s. 775.083, or s. 775.084. If the
58 quantity involved:

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

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

65 c. Is 28 grams or more, but less than 30 kilograms, such
66 person shall be sentenced to a mandatory minimum term of
67 imprisonment of 25 years and shall be ordered to pay a fine of
68 \$500,000.



569834

69 2. A person who knowingly sells, purchases, manufactures,
70 delivers, or brings into this state, or who is knowingly in
71 actual or constructive possession of, 28 grams or more of
72 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
73 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28
74 grams or more of any mixture containing any such substance,
75 commits a felony of the first degree, which felony shall be
76 known as "trafficking in hydrocodone," punishable as provided in
77 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

81 b. Is 50 grams or more, but less than 100 grams, such
82 person shall be sentenced to a mandatory minimum term of
83 imprisonment of 7 years and shall be ordered to pay a fine of
84 \$100,000.

85 c. Is 100 grams or more, but less than 300 grams, such
86 person shall be sentenced to a mandatory minimum term of
87 imprisonment of 15 years and shall be ordered to pay a fine of
88 \$500,000.

89 d. Is 300 grams or more, but less than 30 kilograms, such
90 person shall be sentenced to a mandatory minimum term of
91 imprisonment of 25 years and shall be ordered to pay a fine of
92 \$750,000.

93 3. A person who knowingly sells, purchases, manufactures,
94 delivers, or brings into this state, or who is knowingly in
95 actual or constructive possession of, 7 grams or more of
96 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
97 thereof, or 7 grams or more of any mixture containing any such



569834

98 substance, commits a felony of the first degree, which felony
99 shall be known as "trafficking in oxycodone," punishable as
100 provided in s. 775.082, s. 775.083, or s. 775.084. If the
101 quantity involved:

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

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

108 c. Is 25 grams or more, but less than 100 grams, such
109 person shall be sentenced to a mandatory minimum term of
110 imprisonment of 15 years and shall be ordered to pay a fine of
111 \$500,000.

112 d. Is 100 grams or more, but less than 30 kilograms, such
113 person shall be sentenced to a mandatory minimum term of
114 imprisonment of 25 years and shall be ordered to pay a fine of
115 \$750,000.

116 4.a. A person who knowingly sells, purchases, manufactures,
117 delivers, or brings into this state, or who is knowingly in
118 actual or constructive possession of, 4 grams or more of:

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

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

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

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

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

124 893.03(1)(a)62.;

125 (VI) A controlled substance analog, as described in s.

126 893.0356, of any substance described in sub-sub-subparagraphs



569834

127 (I)-(V); or
128 (VII) A mixture containing any substance described in sub-
129 sub-subparagraphs (I)-(VI),
130
131 commits a felony of the first degree, which felony shall be
132 known as "trafficking in dangerous fentanyl or fentanyl
133 analogues," punishable as provided in s. 775.082, s. 775.083, or
134 s. 775.084.
135 b. If the quantity involved under sub-subparagraph a.:
136 (I) Is 4 grams or more, but less than 14 grams, such person
137 shall be sentenced to a mandatory minimum term of imprisonment
138 of 7 years, and shall be ordered to pay a fine of \$50,000.
139 (II) Is 14 grams or more, but less than 28 grams, such
140 person shall be sentenced to a mandatory minimum term of
141 imprisonment of 20 years, and shall be ordered to pay a fine of
142 \$100,000.
143 (III) Is 28 grams or more, such person shall be sentenced
144 to a mandatory minimum term of imprisonment of 25 years, and
145 shall be ordered to pay a fine of \$500,000.
146 c. A person who violates sub-subparagraph a. shall be
147 sentenced to a mandatory minimum term of life imprisonment, and
148 shall be ordered to pay a fine of \$1 million if the substance or
149 mixture listed in sub-subparagraph a. is in a form that
150 resembles, or is mixed, granulated, absorbed, spray-dried, or
151 aerosolized as or onto, coated on, in whole or in part, or
152 solubilized with or into, a product, when such product or its
153 packaging further has at least one of the following attributes:
154 (I) A bright color or coloring scheme;
155 (II) Resembles the trade dress of a branded food product,



569834

156 consumer food product, or logo food product;

157 (III) Incorporates an actual or fake registered copyright,
158 service mark, or trademark;

159 (IV) Resembles candy, cereal, a gummy, a vitamin, or a
160 chewable product, such as a gum or gelatin-based product; or

161 (V) Contains a cartoon character imprint.

162 5. A person who knowingly sells, purchases, manufactures,
163 delivers, or brings into this state, or who is knowingly in
164 actual or constructive possession of, 30 kilograms or more of
165 any morphine, opium, oxycodone, hydrocodone, codeine,
166 hydromorphone, or any salt, derivative, isomer, or salt of an
167 isomer thereof, including heroin, as described in s.
168 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
169 more of any mixture containing any such substance, commits the
170 first degree felony of trafficking in illegal drugs. A person
171 who has been convicted of the first degree felony of trafficking
172 in illegal drugs under this subparagraph shall be punished by
173 life imprisonment and is ineligible for any form of
174 discretionary early release except pardon or executive clemency
175 or conditional medical release under s. 947.149. However, if the
176 court determines that, in addition to committing any act
177 specified in this paragraph:

178 a. The person intentionally killed an individual or
179 counseled, commanded, induced, procured, or caused the
180 intentional killing of an individual and such killing was the
181 result; or

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

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569834

185 such person commits the capital felony of trafficking in illegal
186 drugs, punishable as provided in ss. 775.082 and 921.142. A
187 person sentenced for a capital felony under this paragraph shall
188 also be sentenced to pay the maximum fine provided under
189 subparagraph 1.

190 6. A person who knowingly brings into this state 60
191 kilograms or more of any morphine, opium, oxycodone,
192 hydrocodone, codeine, hydromorphone, or any salt, derivative,
193 isomer, or salt of an isomer thereof, including heroin, as
194 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
195 60 kilograms or more of any mixture containing any such
196 substance, and who knows that the probable result of such
197 importation would be the death of a person, commits capital
198 importation of illegal drugs, a capital felony punishable as
199 provided in ss. 775.082 and 921.142. A person sentenced for a
200 capital felony under this paragraph shall also be sentenced to
201 pay the maximum fine provided under subparagraph 1.

202 Section 3. This act shall take effect October 1, 2023.

203
204 ===== T I T L E A M E N D M E N T =====

205 And the title is amended as follows:

206 Delete everything before the enacting clause
207 and insert:

208 A bill to be entitled
209 An act relating to controlled substances; amending s.
210 893.13, F.S.; providing criminal penalties; providing
211 for a mandatory minimum term of imprisonment if a
212 person sells, manufactures, or delivers or possesses
213 with intent to sell, manufacture, or deliver specified



569834

214 substances or mixtures, and such substance or mixture
215 has at least one specified attribute; amending s.
216 893.135, F.S.; providing enhanced criminal penalties;
217 providing for a mandatory minimum term of imprisonment
218 if a person commits specified prohibited acts relating
219 to controlled substances, and such substance or
220 mixture has at least one specified attribute;
221 providing an effective date.