



829160

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2023	.	
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	.	

The Appropriations Committee on Criminal and Civil 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.



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

35 b. Incorporates an actual or fake registered copyright,
36 service mark, or trademark;

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

39 d. Contains a cartoon character imprint.



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

42 893.135 Trafficking; mandatory sentences; suspension or
43 reduction of sentences; conspiracy to engage in trafficking.—

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

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

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

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

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

68 2. A person who knowingly sells, purchases, manufactures,



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

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

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

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

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

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



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98 shall be known as "trafficking in oxycodone," punishable as
99 provided in s. 775.082, s. 775.083, or s. 775.084. If the
100 quantity involved:

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

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

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

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

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

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

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

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

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

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

123 893.03(1)(a)62.;

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

125 893.0356, of any substance described in sub-sub-subparagraphs

126 (I)-(V); or



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127 (VII) A mixture containing any substance described in sub-
128 sub-subparagraphs (I)-(VI),

129
130 commits a felony of the first degree, which felony shall be
131 known as "trafficking in dangerous fentanyl or fentanyl
132 analogues," punishable as provided in s. 775.082, s. 775.083, or
133 s. 775.084.

134 b. If the quantity involved under sub-subparagraph a.:

135 (I) Is 4 grams or more, but less than 14 grams, such person
136 shall be sentenced to a mandatory minimum term of imprisonment
137 of 7 years, and shall be ordered to pay a fine of \$50,000.

138 (II) Is 14 grams or more, but less than 28 grams, such
139 person shall be sentenced to a mandatory minimum term of
140 imprisonment of 20 years, and shall be ordered to pay a fine of
141 \$100,000.

142 (III) Is 28 grams or more, such person shall be sentenced
143 to a mandatory minimum term of imprisonment of 25 years, and
144 shall be ordered to pay a fine of \$500,000.

145 c. A person who violates sub-subparagraph a. shall be
146 sentenced to a mandatory minimum term of not less than 25 years
147 and not exceeding life imprisonment, and shall be ordered to pay
148 a fine of \$1 million if the substance or mixture listed in sub-
149 subparagraph a. is in a form that resembles, or is mixed,
150 granulated, absorbed, spray-dried, or aerosolized as or onto,
151 coated on, in whole or in part, or solubilized with or into, a
152 product, when such product or its packaging further has at least
153 one of the following attributes:

154 (I) Resembles the trade dress of a branded food product,
155 consumer food product, or logo food product;



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156 (II) Incorporates an actual or fake registered copyright,
157 service mark, or trademark;

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

160 (IV) Contains a cartoon character imprint.

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

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

181 b. The person's conduct in committing that act led to a
182 natural, though not inevitable, lethal result,
183
184 such person commits the capital felony of trafficking in illegal



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

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

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

202
203 ===== T I T L E A M E N D M E N T =====

204 And the title is amended as follows:

205 Delete everything before the enacting clause
206 and insert:

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



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