

1                                   A bill to be entitled  
 2           An act relating to sentencing for controlled substance  
 3           violations; amending s. 893.135, F.S.; revising  
 4           criminal penalties for persons engaged in illegal  
 5           trafficking of prescription drugs involving specified  
 6           quantities of oxycodone or hydrocodone; providing an  
 7           effective date.

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 9   Be It Enacted by the Legislature of the State of Florida:

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 11           Section 1. Paragraph (c) of subsection (1) of section  
 12           893.135, Florida Statutes, is amended 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           (c)1. 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, 4 grams or  
 20           more of any morphine, opium, ~~oxycodone, hydrocodone,~~  
 21           hydromorphone, or any salt, derivative, isomer, or salt of an  
 22           isomer thereof, including heroin, as described in s.  
 23           893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more  
 24           of any mixture containing any such substance, but less than 30  
 25           kilograms of such substance or mixture, commits a felony of the  
 26           first degree, which felony shall be known as "trafficking in  
 27           illegal drugs," punishable as provided in s. 775.082, s.  
 28           775.083, or s. 775.084. If the quantity involved:

29 | a. Is 4 grams or more, but less than 14 grams, such person  
30 | shall be sentenced to a mandatory minimum term of imprisonment  
31 | of 3 years, and the defendant shall be ordered to pay a fine of  
32 | \$50,000.

33 | b. Is 14 grams or more, but less than 28 grams, such  
34 | person shall be sentenced to a mandatory minimum term of  
35 | imprisonment of 15 years, and the defendant shall be ordered to  
36 | pay a fine of \$100,000.

37 | c. Is 28 grams or more, but less than 30 kilograms, such  
38 | person shall be sentenced to a mandatory minimum term of  
39 | imprisonment of 25 calendar years and the defendant shall be  
40 | ordered to pay a fine of \$500,000.

41 | 2. A person who knowingly sells, purchases, manufactures,  
42 | delivers, or brings into this state, or who is knowingly in  
43 | actual or constructive possession of 14 grams or more of  
44 | oxycodone or hydrocodone, or 14 grams or more of a mixture  
45 | containing any such substance, commits a felony of the first  
46 | degree, which felony shall be known as "illegal trafficking in  
47 | prescription drugs," punishable as provided in s. 775.082, s.  
48 | 775.083, or s. 775.084. If the quantity involved:

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

53 | b. Is 28 grams or more, but less than 50 grams, such  
54 | person shall be sentenced to a mandatory minimum term of  
55 | imprisonment of 7 years, and the defendant shall be ordered to  
56 | pay a fine of \$100,000.

57 c. Is 50 grams or more, but less than 200 grams, such  
58 person shall be sentenced to a mandatory minimum term of  
59 imprisonment of 15 calendar years, and the defendant shall be  
60 ordered to pay a fine of \$500,000.

61 d. Is 200 grams or more, such person shall be sentenced to  
62 a mandatory minimum term of imprisonment of 25 calendar years,  
63 and the defendant shall be ordered to pay a fine of \$750,000.

64 3.2. Any person who knowingly sells, purchases,  
65 manufactures, delivers, or brings into this state, or who is  
66 knowingly in actual or constructive possession of, 30 kilograms  
67 or more of any morphine, opium, ~~oxycodone, hydrocodone,~~  
68 hydromorphone, or any salt, derivative, isomer, or salt of an  
69 isomer thereof, including heroin, as described in s.  
70 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
71 more of any mixture containing any such substance, commits the  
72 first degree felony of trafficking in illegal drugs. A person  
73 who has been convicted of the first degree felony of trafficking  
74 in illegal drugs under this subparagraph shall be punished by  
75 life imprisonment and is ineligible for any form of  
76 discretionary early release except pardon or executive clemency  
77 or conditional medical release under s. 947.149. However, if the  
78 court determines that, in addition to committing any act  
79 specified in this paragraph:

80 a. The person intentionally killed an individual or  
81 counseled, commanded, induced, procured, or caused the  
82 intentional killing of an individual and such killing was the  
83 result; or

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

85 | natural, though not inevitable, lethal result,

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87 | such person commits the capital felony of trafficking in illegal  
88 | drugs, punishable as provided in ss. 775.082 and 921.142. Any  
89 | person sentenced for a capital felony under this paragraph shall  
90 | also be sentenced to pay the maximum fine provided under  
91 | subparagraph 1.

92 |       4.3. Any person who knowingly brings into this state 60  
93 | kilograms or more of any morphine, opium, ~~oxycodone,~~  
94 | ~~hydrocodone,~~ hydromorphone, or any salt, derivative, isomer, or  
95 | salt of an isomer thereof, including heroin, as described in s.  
96 | 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or  
97 | more of any mixture containing any such substance, and who knows  
98 | that the probable result of such importation would be the death  
99 | of any person, commits capital importation of illegal drugs, a  
100 | capital felony punishable as provided in ss. 775.082 and  
101 | 921.142. Any person sentenced for a capital felony under this  
102 | paragraph shall also be sentenced to pay the maximum fine  
103 | provided under subparagraph 1.

104 |       Section 2. This act shall take effect July 1, 2013.