

1 A bill to be entitled
2 An act relating to sentencing for capital felonies;
3 amending s. 775.082, F.S.; conforming a provision to
4 changes made by the act; amending ss. 921.141 and
5 921.142, F.S.; deleting provisions relating to
6 advisory sentencing by juries and findings by the
7 court in support of sentences of death; requiring
8 juries to find aggravating factors, if any, in the
9 penalty phase of capital cases; specifying a standard
10 of proof for such factors; requiring unanimity for
11 such findings; requiring a jury to make a
12 recommendation to the court whether the defendant
13 shall be sentenced to life imprisonment or death;
14 specifying considerations for such a recommendation;
15 requiring a minimum number of jurors to support a
16 recommendation of a sentence of death; requiring a
17 sentence of life imprisonment without the possibility
18 of parole in certain circumstances; requiring the
19 court to enter an order meeting specified requirements
20 in each case in which it imposes a death sentence;
21 reenacting ss. 782.04(1)(b) and 794.011(2)(a), F.S.,
22 relating to murder and sexual battery, respectively,
23 for the purpose of incorporating amendments made by
24 the act to s. 921.141, F.S., in references thereto;
25 reenacting s. 893.135(1)(b), (c), (d), (e), (f), (g),
26 (h), (i), (j), (k), and (l), F.S., relating to

27 | trafficking in controlled substances, for the purpose
 28 | of incorporating amendments made by the act to s.
 29 | 921.142, F.S., in references thereto; providing an
 30 | effective date.

31 |

32 | Be It Enacted by the Legislature of the State of Florida:

33 |

34 | Section 1. Paragraph (a) of subsection (1) of section
 35 | 775.082, Florida Statutes, is amended to read:

36 | 775.082 Penalties; applicability of sentencing structures;
 37 | mandatory minimum sentences for certain reoffenders previously
 38 | released from prison.—

39 | (1) (a) Except as provided in paragraph (b), a person who
 40 | has been convicted of a capital felony shall be punished by
 41 | death if the proceeding held to determine sentence according to
 42 | the procedure set forth in s. 921.141 results in a determination
 43 | ~~findings by the court~~ that such person shall be punished by
 44 | death, otherwise such person shall be punished by life
 45 | imprisonment and shall be ineligible for parole.

46 | Section 2. Section 921.141, Florida Statutes, is amended
 47 | to read:

48 | 921.141 Sentence of death or life imprisonment for capital
 49 | felonies; further proceedings to determine sentence.—

50 | (1) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon
 51 | conviction or adjudication of guilt of a defendant of a capital
 52 | felony, the court shall conduct a separate sentencing proceeding

53 | to determine whether the defendant should be sentenced to death
54 | or life imprisonment as authorized by s. 775.082. The proceeding
55 | shall be conducted by the trial judge before the trial jury as
56 | soon as practicable. If, through impossibility or inability, the
57 | trial jury is unable to reconvene for a hearing on the issue of
58 | penalty, having determined the guilt of the accused, the trial
59 | judge may summon a special juror or jurors as provided in
60 | chapter 913 to determine the issue of the imposition of the
61 | penalty. If the trial jury has been waived, or if the defendant
62 | pleaded guilty, the sentencing proceeding shall be conducted
63 | before a jury impaneled for that purpose, unless waived by the
64 | defendant. In the proceeding, evidence may be presented as to
65 | any matter that the court deems relevant to the nature of the
66 | crime and the character of the defendant and shall include
67 | matters relating to any of the aggravating factors or mitigating
68 | circumstances enumerated in subsections ~~(5)~~ and (6) and (7). Any
69 | such evidence which the court deems to have probative value may
70 | be received, regardless of its admissibility under the
71 | exclusionary rules of evidence, provided the defendant is
72 | accorded a fair opportunity to rebut any hearsay statements.
73 | However, this subsection shall not be construed to authorize the
74 | introduction of any evidence secured in violation of the
75 | Constitution of the United States or the Constitution of the
76 | State of Florida. The state and the defendant or the defendant's
77 | counsel shall be permitted to present argument for or against
78 | sentence of death.

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

82 (a) After hearing all of the evidence presented in
83 aggravation and mitigation, the jury shall deliberate and
84 determine if the state has proven, beyond a reasonable doubt,
85 the existence of at least one aggravating factor set forth in
86 subsection (6).

87 (b) The jury shall return findings identifying each
88 aggravating factor found to exist. A finding that an aggravating
89 factor exists must be unanimous. If the jury:

90 1. Does not unanimously find at least one aggravating
91 factor, the defendant is ineligible for a sentence of death.

92 2. Unanimously finds at least one aggravating factor, the
93 defendant is eligible for a sentence of death and the jury shall
94 make a recommendation to the court as to whether the defendant
95 shall be sentenced to life imprisonment without the possibility
96 of parole or death. The recommendation shall be based on a
97 weighing of the following:

98 a. Whether sufficient aggravating factors exist.

99 b. Whether sufficient mitigating circumstances exist that
100 outweigh the aggravating factors found to exist.

101 c. Based on these considerations, whether the defendant
102 should be sentenced to life imprisonment without the possibility
103 of parole or death.

104 (c) If at least 9 jurors determine that the defendant

105 should be sentenced to death, the jury's recommendation to the
 106 court shall be a sentence of death. If fewer than 9 jurors
 107 determine that the defendant should be sentenced to death, the
 108 jury's recommendation to the court shall be a sentence of life
 109 imprisonment without the possibility of parole.

110 (3) IMPOSITION OF LIFE OR DEATH SENTENCE.-

111 (a) If the jury has recommended a sentence of:

112 1. Life imprisonment without the possibility of parole,
 113 the court shall impose the recommended sentence.

114 2. Death, the court, after considering each aggravating
 115 factor found by the jury and all mitigating circumstances, may
 116 impose a sentence of life imprisonment without the possibility
 117 of parole or a sentence of death. The court may only consider an
 118 aggravating factor that was unanimously found by the jury to
 119 exist.

120 (b) If the defendant waived his or her right to a
 121 sentencing proceeding by a jury, the court, after considering
 122 all aggravating factors and mitigating circumstances, may impose
 123 a sentence of life imprisonment without the possibility of
 124 parole or a sentence of death. The court may only impose a
 125 sentence of death if the court finds at least one aggravating
 126 factor has been proven beyond a reasonable doubt to exist.

127 (4) ORDER OF THE COURT IN SUPPORT OF SENTENCE OF DEATH.-

128 In each case in which the court imposes a death sentence, the
 129 court shall, considering the records of the trial and the
 130 sentencing proceedings, enter a written order addressing the

131 aggravating factors set forth in subsection (6) found to exist,
 132 the mitigating circumstances in subsection (7) reasonably
 133 established by the evidence, whether there are sufficient
 134 aggravating factors to warrant the death penalty, and whether
 135 the mitigating circumstances reasonably established by the
 136 evidence outweigh the aggravating factors. If the court does not
 137 issue its order requiring the death sentence within 30 days
 138 after the rendition of the judgment and sentence, the court
 139 shall impose a sentence of life imprisonment without the
 140 possibility of parole in accordance with s. 775.082.

141 ~~(2) ADVISORY SENTENCE BY THE JURY. After hearing all the~~
 142 ~~evidence, the jury shall deliberate and render an advisory~~
 143 ~~sentence to the court, based upon the following matters:~~

144 ~~(a) Whether sufficient aggravating circumstances exist as~~
 145 ~~enumerated in subsection (5);~~

146 ~~(b) Whether sufficient mitigating circumstances exist~~
 147 ~~which outweigh the aggravating circumstances found to exist; and~~

148 ~~(c) Based on these considerations, whether the defendant~~
 149 ~~should be sentenced to life imprisonment or death.~~

150 ~~(3) FINDINGS IN SUPPORT OF SENTENCE OF DEATH.~~

151 ~~Notwithstanding the recommendation of a majority of the jury,~~
 152 ~~the court, after weighing the aggravating and mitigating~~
 153 ~~circumstances, shall enter a sentence of life imprisonment or~~
 154 ~~death, but if the court imposes a sentence of death, it shall~~
 155 ~~set forth in writing its findings upon which the sentence of~~
 156 ~~death is based as to the facts:~~

157 ~~(a) That sufficient aggravating circumstances exist as~~
 158 ~~enumerated in subsection (5), and~~

159 ~~(b) That there are insufficient mitigating circumstances~~
 160 ~~to outweigh the aggravating circumstances.~~

161
 162 ~~In each case in which the court imposes the death sentence, the~~
 163 ~~determination of the court shall be supported by specific~~
 164 ~~written findings of fact based upon the circumstances in~~
 165 ~~subsections (5) and (6) and upon the records of the trial and~~
 166 ~~the sentencing proceedings. If the court does not make the~~
 167 ~~findings requiring the death sentence within 30 days after the~~
 168 ~~rendition of the judgment and sentence, the court shall impose~~
 169 ~~sentence of life imprisonment in accordance with s. 775.082.~~

170 (5)~~(4)~~ REVIEW OF JUDGMENT AND SENTENCE.—The judgment of
 171 conviction and sentence of death shall be subject to automatic
 172 review by the Supreme Court of Florida and disposition rendered
 173 within 2 years after the filing of a notice of appeal. Such
 174 review by the Supreme Court shall have priority over all other
 175 cases and shall be heard in accordance with rules promulgated by
 176 the Supreme Court.

177 (6)~~(5)~~ AGGRAVATING FACTORS ~~CIRCUMSTANCES~~.—Aggravating
 178 factors ~~circumstances~~ shall be limited to the following:

179 (a) The capital felony was committed by a person
 180 previously convicted of a felony and under sentence of
 181 imprisonment or placed on community control or on felony
 182 probation.

183 (b) The defendant was previously convicted of another
184 capital felony or of a felony involving the use or threat of
185 violence to the person.

186 (c) The defendant knowingly created a great risk of death
187 to many persons.

188 (d) The capital felony was committed while the defendant
189 was engaged, or was an accomplice, in the commission of, or an
190 attempt to commit, or flight after committing or attempting to
191 commit, any: robbery; sexual battery; aggravated child abuse;
192 abuse of an elderly person or disabled adult resulting in great
193 bodily harm, permanent disability, or permanent disfigurement;
194 arson; burglary; kidnapping; aircraft piracy; or unlawful
195 throwing, placing, or discharging of a destructive device or
196 bomb.

197 (e) The capital felony was committed for the purpose of
198 avoiding or preventing a lawful arrest or effecting an escape
199 from custody.

200 (f) The capital felony was committed for pecuniary gain.

201 (g) The capital felony was committed to disrupt or hinder
202 the lawful exercise of any governmental function or the
203 enforcement of laws.

204 (h) The capital felony was especially heinous, atrocious,
205 or cruel.

206 (i) The capital felony was a homicide and was committed in
207 a cold, calculated, and premeditated manner without any pretense
208 of moral or legal justification.

209 (j) The victim of the capital felony was a law enforcement
 210 officer engaged in the performance of his or her official
 211 duties.

212 (k) The victim of the capital felony was an elected or
 213 appointed public official engaged in the performance of his or
 214 her official duties if the motive for the capital felony was
 215 related, in whole or in part, to the victim's official capacity.

216 (l) The victim of the capital felony was a person less
 217 than 12 years of age.

218 (m) The victim of the capital felony was particularly
 219 vulnerable due to advanced age or disability, or because the
 220 defendant stood in a position of familial or custodial authority
 221 over the victim.

222 (n) The capital felony was committed by a criminal gang
 223 member, as defined in s. 874.03.

224 (o) The capital felony was committed by a person
 225 designated as a sexual predator pursuant to s. 775.21 or a
 226 person previously designated as a sexual predator who had the
 227 sexual predator designation removed.

228 (p) The capital felony was committed by a person subject
 229 to an injunction issued pursuant to s. 741.30 or s. 784.046, or
 230 a foreign protection order accorded full faith and credit
 231 pursuant to s. 741.315, and was committed against the petitioner
 232 who obtained the injunction or protection order or any spouse,
 233 child, sibling, or parent of the petitioner.

234 (7)~~(6)~~ MITIGATING CIRCUMSTANCES.—Mitigating circumstances

235 shall be the following:

236 (a) The defendant has no significant history of prior
237 criminal activity.

238 (b) The capital felony was committed while the defendant
239 was under the influence of extreme mental or emotional
240 disturbance.

241 (c) The victim was a participant in the defendant's
242 conduct or consented to the act.

243 (d) The defendant was an accomplice in the capital felony
244 committed by another person and his or her participation was
245 relatively minor.

246 (e) The defendant acted under extreme duress or under the
247 substantial domination of another person.

248 (f) The capacity of the defendant to appreciate the
249 criminality of his or her conduct or to conform his or her
250 conduct to the requirements of law was substantially impaired.

251 (g) The age of the defendant at the time of the crime.

252 (h) The existence of any other factors in the defendant's
253 background that would mitigate against imposition of the death
254 penalty.

255 (8)~~(7)~~ VICTIM IMPACT EVIDENCE.—Once the prosecution has
256 provided evidence of the existence of one or more aggravating
257 factors ~~circumstances~~ as described in subsection (6) ~~(5)~~, the
258 prosecution may introduce, and subsequently argue, victim impact
259 evidence to the jury. Such evidence shall be designed to
260 demonstrate the victim's uniqueness as an individual human being

261 and the resultant loss to the community's members by the
262 victim's death. Characterizations and opinions about the crime,
263 the defendant, and the appropriate sentence shall not be
264 permitted as a part of victim impact evidence.

265 (9)~~(8)~~ APPLICABILITY.—This section does not apply to a
266 person convicted or adjudicated guilty of a capital drug
267 trafficking felony under s. 893.135.

268 Section 3. Section 921.142, Florida Statutes, is amended
269 to read:

270 921.142 Sentence of death or life imprisonment for capital
271 drug trafficking felonies; further proceedings to determine
272 sentence.—

273 (1) FINDINGS.—The Legislature finds that trafficking in
274 cocaine or opiates carries a grave risk of death or danger to
275 the public; that a reckless disregard for human life is implicit
276 in knowingly trafficking in cocaine or opiates; and that persons
277 who traffic in cocaine or opiates may be determined by the trier
278 of fact to have a culpable mental state of reckless indifference
279 or disregard for human life.

280 (2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon
281 conviction or adjudication of guilt of a defendant of a capital
282 felony under s. 893.135, the court shall conduct a separate
283 sentencing proceeding to determine whether the defendant should
284 be sentenced to death or life imprisonment as authorized by s.
285 775.082. The proceeding shall be conducted by the trial judge
286 before the trial jury as soon as practicable. If, through

287 impossibility or inability, the trial jury is unable to
288 reconvene for a hearing on the issue of penalty, having
289 determined the guilt of the accused, the trial judge may summon
290 a special juror or jurors as provided in chapter 913 to
291 determine the issue of the imposition of the penalty. If the
292 trial jury has been waived, or if the defendant pleaded guilty,
293 the sentencing proceeding shall be conducted before a jury
294 impaneled for that purpose, unless waived by the defendant. In
295 the proceeding, evidence may be presented as to any matter that
296 the court deems relevant to the nature of the crime and the
297 character of the defendant and shall include matters relating to
298 any of the aggravating factors or mitigating circumstances
299 enumerated in subsections ~~(6) and (7)~~ and (8). Any such evidence
300 which the court deems to have probative value may be received,
301 regardless of its admissibility under the exclusionary rules of
302 evidence, provided the defendant is accorded a fair opportunity
303 to rebut any hearsay statements. However, this subsection shall
304 not be construed to authorize the introduction of any evidence
305 secured in violation of the Constitution of the United States or
306 the Constitution of the State of Florida. The state and the
307 defendant or the defendant's counsel shall be permitted to
308 present argument for or against sentence of death.

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

312 (a) After hearing all of the evidence presented in

313 aggravation and mitigation, the jury shall deliberate and
 314 determine if the state has proven, beyond a reasonable doubt,
 315 the existence of at least one aggravating factor set forth in
 316 subsection (7).

317 (b) The jury shall return findings identifying each
 318 aggravating factor found to exist. A finding that an aggravating
 319 factor exists must be unanimous. If the jury:

320 1. Does not unanimously find at least one aggravating
 321 factor, the defendant is ineligible for a sentence of death.

322 2. Unanimously finds at least one aggravating factor, the
 323 defendant is eligible for a sentence of death and the jury shall
 324 make a recommendation to the court as to whether the defendant
 325 shall be sentenced to life imprisonment without the possibility
 326 of parole or death. The recommendation shall be based on a
 327 weighing of the following:

328 a. Whether sufficient aggravating factors exist.

329 b. Whether sufficient mitigating circumstances exist that
 330 outweigh the aggravating factors found to exist.

331 c. Based on these considerations, whether the defendant
 332 should be sentenced to life imprisonment without the possibility
 333 of parole or death.

334 (c) If at least 9 jurors determine that the defendant
 335 should be sentenced to death, the jury's recommendation to the
 336 court shall be a sentence of death. If fewer than 9 jurors
 337 determine that the defendant should be sentenced to death, the
 338 jury's recommendation to the court shall be a sentence of life

339 imprisonment without the possibility of parole.
 340 (4) IMPOSITION OF LIFE OR DEATH SENTENCE.-
 341 (a) If the jury has recommended a sentence of:
 342 1. Life imprisonment without the possibility of parole,
 343 the court shall impose the recommended sentence.
 344 2. Death, the court, after considering each aggravating
 345 factor found by the jury and all mitigating circumstances, may
 346 impose a sentence of life imprisonment without the possibility
 347 of parole or a sentence of death. The court may only consider an
 348 aggravating factor that was unanimously found by the jury to
 349 exist.
 350 (b) If the defendant waived his or her right to a
 351 sentencing proceeding by a jury, the court, after considering
 352 all aggravating factors and mitigating circumstances, may impose
 353 a sentence of life imprisonment without the possibility of
 354 parole or a sentence of death. The court may only impose a
 355 sentence of death if the court finds at least one aggravating
 356 factor has been proven beyond a reasonable doubt to exist.
 357 (5) ORDER OF THE COURT IN SUPPORT OF SENTENCE OF DEATH.-
 358 In each case in which the court imposes a death sentence, the
 359 court shall, considering the records of the trial and the
 360 sentencing proceedings, enter a written order addressing the
 361 aggravating factors set forth in subsection (7) found to exist,
 362 the mitigating circumstances in subsection (8) reasonably
 363 established by the evidence, whether there are sufficient
 364 aggravating factors to warrant the death penalty, and whether

365 the mitigating circumstances reasonably established by the
366 evidence outweigh the aggravating factors. If the court does not
367 issue its order requiring the death sentence within 30 days
368 after the rendition of the judgment and sentence, the court
369 shall impose a sentence of life imprisonment without the
370 possibility of parole in accordance with s. 775.082.

371 ~~(3) ADVISORY SENTENCE BY THE JURY. After hearing all the~~
372 ~~evidence, the jury shall deliberate and render an advisory~~
373 ~~sentence to the court, based upon the following matters:~~

374 ~~(a) Whether sufficient aggravating circumstances exist as~~
375 ~~enumerated in subsection (6);~~

376 ~~(b) Whether sufficient mitigating circumstances exist~~
377 ~~which outweigh the aggravating circumstances found to exist; and~~

378 ~~(c) Based on these considerations, whether the defendant~~
379 ~~should be sentenced to life imprisonment or death.~~

380 ~~(4) FINDINGS IN SUPPORT OF SENTENCE OF DEATH.—~~

381 ~~Notwithstanding the recommendation of a majority of the jury,~~
382 ~~the court, after weighing the aggravating and mitigating~~
383 ~~circumstances, shall enter a sentence of life imprisonment or~~
384 ~~death, but if the court imposes a sentence of death, it shall~~
385 ~~set forth in writing its findings upon which the sentence of~~
386 ~~death is based as to the facts:~~

387 ~~(a) That sufficient aggravating circumstances exist as~~
388 ~~enumerated in subsection (6), and~~

389 ~~(b) That there are insufficient mitigating circumstances~~
390 ~~to outweigh the aggravating circumstances.~~

391
392 ~~In each case in which the court imposes the death sentence, the~~
393 ~~determination of the court shall be supported by specific~~
394 ~~written findings of fact based upon the circumstances in~~
395 ~~subsections (6) and (7) and upon the records of the trial and~~
396 ~~the sentencing proceedings. If the court does not make the~~
397 ~~findings requiring the death sentence within 30 days after the~~
398 ~~rendition of the judgment and sentence, the court shall impose~~
399 ~~sentence of life imprisonment in accordance with s. 775.082, and~~
400 ~~that person shall be ineligible for parole.~~

401 (6)~~(5)~~ REVIEW OF JUDGMENT AND SENTENCE.—The judgment of
402 conviction and sentence of death shall be subject to automatic
403 review and disposition rendered by the Supreme Court of Florida
404 within 2 years after the filing of a notice of appeal. Such
405 review by the Supreme Court shall have priority over all other
406 cases and shall be heard in accordance with rules promulgated by
407 the Supreme Court.

408 (7)~~(6)~~ AGGRAVATING FACTORS ~~CIRCUMSTANCES~~.—Aggravating
409 factors ~~circumstances~~ shall be limited to the following:

410 (a) The capital felony was committed by a person under a
411 sentence of imprisonment.

412 (b) The defendant was previously convicted of another
413 capital felony or of a state or federal offense involving the
414 distribution of a controlled substance that is punishable by a
415 sentence of at least 1 year of imprisonment.

416 (c) The defendant knowingly created grave risk of death to

417 one or more persons such that participation in the offense
 418 constituted reckless indifference or disregard for human life.

419 (d) The defendant used a firearm or knowingly directed,
 420 advised, authorized, or assisted another to use a firearm to
 421 threaten, intimidate, assault, or injure a person in committing
 422 the offense or in furtherance of the offense.

423 (e) The offense involved the distribution of controlled
 424 substances to persons under the age of 18 years, the
 425 distribution of controlled substances within school zones, or
 426 the use or employment of persons under the age of 18 years in
 427 aid of distribution of controlled substances.

428 (f) The offense involved distribution of controlled
 429 substances known to contain a potentially lethal adulterant.

430 (g) The defendant:

- 431 1. Intentionally killed the victim;
- 432 2. Intentionally inflicted serious bodily injury which
 433 resulted in the death of the victim; or
- 434 3. Intentionally engaged in conduct intending that the
 435 victim be killed or that lethal force be employed against the
 436 victim, which resulted in the death of the victim.

437 (h) The defendant committed the offense as consideration
 438 for the receipt, or in the expectation of the receipt, of
 439 anything of pecuniary value.

440 (i) The defendant committed the offense after planning and
 441 premeditation.

442 (j) The defendant committed the offense in a heinous,

443 | cruel, or depraved manner in that the offense involved torture
 444 | or serious physical abuse to the victim.

445 | (8)~~(7)~~ MITIGATING CIRCUMSTANCES.—Mitigating circumstances
 446 | shall include the following:

447 | (a) The defendant has no significant history of prior
 448 | criminal activity.

449 | (b) The capital felony was committed while the defendant
 450 | was under the influence of extreme mental or emotional
 451 | disturbance.

452 | (c) The defendant was an accomplice in the capital felony
 453 | committed by another person, and the defendant's participation
 454 | was relatively minor.

455 | (d) The defendant was under extreme duress or under the
 456 | substantial domination of another person.

457 | (e) The capacity of the defendant to appreciate the
 458 | criminality of her or his conduct or to conform her or his
 459 | conduct to the requirements of law was substantially impaired.

460 | (f) The age of the defendant at the time of the offense.

461 | (g) The defendant could not have reasonably foreseen that
 462 | her or his conduct in the course of the commission of the
 463 | offense would cause or would create a grave risk of death to one
 464 | or more persons.

465 | (h) The existence of any other factors in the defendant's
 466 | background that would mitigate against imposition of the death
 467 | penalty.

468 | (9)~~(8)~~ VICTIM IMPACT EVIDENCE.—Once the prosecution has

469 provided evidence of the existence of one or more aggravating
 470 factors ~~circumstances~~ as described in subsection (7) ~~(6)~~, the
 471 prosecution may introduce, and subsequently argue, victim impact
 472 evidence. Such evidence shall be designed to demonstrate the
 473 victim's uniqueness as an individual human being and the
 474 resultant loss to the community's members by the victim's death.
 475 Characterizations and opinions about the crime, the defendant,
 476 and the appropriate sentence shall not be permitted as a part of
 477 victim impact evidence.

478 Section 4. For the purpose of incorporating the amendment
 479 made by this act to section 921.141, Florida Statutes, in a
 480 reference thereto, paragraph (b) of subsection (1) of section
 481 782.04, Florida Statutes, is reenacted to read:

482 782.04 Murder.—

483 (1)

484 (b) In all cases under this section, the procedure set
 485 forth in s. 921.141 shall be followed in order to determine
 486 sentence of death or life imprisonment.

487 Section 5. For the purpose of incorporating the amendment
 488 made by this act to section 921.141, Florida Statutes, in a
 489 reference thereto, paragraph (a) of subsection (2) of section
 490 794.011, Florida Statutes, is reenacted to read:

491 794.011 Sexual battery.—

492 (2) (a) A person 18 years of age or older who commits
 493 sexual battery upon, or in an attempt to commit sexual battery
 494 injures the sexual organs of, a person less than 12 years of age

495 commits a capital felony, punishable as provided in ss. 775.082
 496 and 921.141.

497 Section 6. For the purpose of incorporating the amendment
 498 made by this act to section 921.142, Florida Statutes, in
 499 references thereto, paragraphs (b), (c), (d), (e), (f), (g),
 500 (h), (i), (j), (k), and (l) of subsection (1) of section
 501 893.135, Florida Statutes, are reenacted to read:

502 893.135 Trafficking; mandatory sentences; suspension or
 503 reduction of sentences; conspiracy to engage in trafficking.—

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

506 (b)1. Any person who knowingly sells, purchases,
 507 manufactures, delivers, or brings into this state, or who is
 508 knowingly in actual or constructive possession of, 28 grams or
 509 more of cocaine, as described in s. 893.03(2)(a)4., or of any
 510 mixture containing cocaine, but less than 150 kilograms of
 511 cocaine or any such mixture, commits a felony of the first
 512 degree, which felony shall be known as "trafficking in cocaine,"
 513 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 514 If the quantity involved:

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

519 b. Is 200 grams or more, but less than 400 grams, such
 520 person shall be sentenced to a mandatory minimum term of

521 imprisonment of 7 years, and the defendant shall be ordered to
522 pay a fine of \$100,000.

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

526 2. Any person who knowingly sells, purchases,
527 manufactures, delivers, or brings into this state, or who is
528 knowingly in actual or constructive possession of, 150 kilograms
529 or more of cocaine, as described in s. 893.03(2)(a)4., commits
530 the first degree felony of trafficking in cocaine. A person who
531 has been convicted of the first degree felony of trafficking in
532 cocaine under this subparagraph shall be punished by life
533 imprisonment and is ineligible for any form of discretionary
534 early release except pardon or executive clemency or conditional
535 medical release under s. 947.149. However, if the court
536 determines that, in addition to committing any act specified in
537 this paragraph:

538 a. The person intentionally killed an individual or
539 counseled, commanded, induced, procured, or caused the
540 intentional killing of an individual and such killing was the
541 result; or

542 b. The person's conduct in committing that act led to a
543 natural, though not inevitable, lethal result,
544
545 such person commits the capital felony of trafficking in
546 cocaine, punishable as provided in ss. 775.082 and 921.142. Any

547 person sentenced for a capital felony under this paragraph shall
548 also be sentenced to pay the maximum fine provided under
549 subparagraph 1.

550 3. Any person who knowingly brings into this state 300
551 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
552 and who knows that the probable result of such importation would
553 be the death of any person, commits capital importation of
554 cocaine, a capital felony punishable as provided in ss. 775.082
555 and 921.142. Any person sentenced for a capital felony under
556 this paragraph shall also be sentenced to pay the maximum fine
557 provided under subparagraph 1.

558 (c)1. A person who knowingly sells, purchases,
559 manufactures, delivers, or brings into this state, or who is
560 knowingly in actual or constructive possession of, 4 grams or
561 more of any morphine, opium, hydromorphone, or any salt,
562 derivative, isomer, or salt of an isomer thereof, including
563 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
564 (3)(c)4., or 4 grams or more of any mixture containing any such
565 substance, but less than 30 kilograms of such substance or
566 mixture, commits a felony of the first degree, which felony
567 shall be known as "trafficking in illegal drugs," punishable as
568 provided in s. 775.082, s. 775.083, or s. 775.084. If the
569 quantity involved:

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

573 b. Is 14 grams or more, but less than 28 grams, such
 574 person shall be sentenced to a mandatory minimum term of
 575 imprisonment of 15 years and shall be ordered to pay a fine of
 576 \$100,000.

577 c. Is 28 grams or more, but less than 30 kilograms, such
 578 person shall be sentenced to a mandatory minimum term of
 579 imprisonment of 25 years and shall be ordered to pay a fine of
 580 \$500,000.

581 2. A person who knowingly sells, purchases, manufactures,
 582 delivers, or brings into this state, or who is knowingly in
 583 actual or constructive possession of, 14 grams or more of
 584 hydrocodone, or any salt, derivative, isomer, or salt of an
 585 isomer thereof, or 14 grams or more of any mixture containing
 586 any such substance, commits a felony of the first degree, which
 587 felony shall be known as "trafficking in hydrocodone,"
 588 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 589 If the quantity involved:

590 a. Is 14 grams or more, but less than 28 grams, such
 591 person shall be sentenced to a mandatory minimum term of
 592 imprisonment of 3 years and shall be ordered to pay a fine of
 593 \$50,000.

594 b. Is 28 grams or more, but less than 50 grams, such
 595 person shall be sentenced to a mandatory minimum term of
 596 imprisonment of 7 years and shall be ordered to pay a fine of
 597 \$100,000.

598 c. Is 50 grams or more, but less than 200 grams, such

599 person shall be sentenced to a mandatory minimum term of
600 imprisonment of 15 years and shall be ordered to pay a fine of
601 \$500,000.

602 d. Is 200 grams or more, but less than 30 kilograms, such
603 person shall be sentenced to a mandatory minimum term of
604 imprisonment of 25 years and shall be ordered to pay a fine of
605 \$750,000.

606 3. A person who knowingly sells, purchases, manufactures,
607 delivers, or brings into this state, or who is knowingly in
608 actual or constructive possession of, 7 grams or more of
609 oxycodone, or any salt, derivative, isomer, or salt of an isomer
610 thereof, or 7 grams or more of any mixture containing any such
611 substance, commits a felony of the first degree, which felony
612 shall be known as "trafficking in oxycodone," punishable as
613 provided in s. 775.082, s. 775.083, or s. 775.084. If the
614 quantity involved:

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

618 b. Is 14 grams or more, but less than 25 grams, such
619 person shall be sentenced to a mandatory minimum term of
620 imprisonment of 7 years and shall be ordered to pay a fine of
621 \$100,000.

622 c. Is 25 grams or more, but less than 100 grams, such
623 person shall be sentenced to a mandatory minimum term of
624 imprisonment of 15 years and shall be ordered to pay a fine of

625 \$500,000.

626 d. Is 100 grams or more, but less than 30 kilograms, such
 627 person shall be sentenced to a mandatory minimum term of
 628 imprisonment of 25 years and shall be ordered to pay a fine of
 629 \$750,000.

630 4. A person who knowingly sells, purchases, manufactures,
 631 delivers, or brings into this state, or who is knowingly in
 632 actual or constructive possession of, 30 kilograms or more of
 633 any morphine, opium, oxycodone, hydrocodone, hydromorphone, or
 634 any salt, derivative, isomer, or salt of an isomer thereof,
 635 including heroin, as described in s. 893.03(1)(b), (2)(a),
 636 (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture
 637 containing any such substance, commits the first degree felony
 638 of trafficking in illegal drugs. A person who has been convicted
 639 of the first degree felony of trafficking in illegal drugs under
 640 this subparagraph shall be punished by life imprisonment and is
 641 ineligible for any form of discretionary early release except
 642 pardon or executive clemency or conditional medical release
 643 under s. 947.149. However, if the court determines that, in
 644 addition to committing any act specified in this paragraph:

645 a. The person intentionally killed an individual or
 646 counseled, commanded, induced, procured, or caused the
 647 intentional killing of an individual and such killing was the
 648 result; or

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

651
 652 such person commits the capital felony of trafficking in illegal
 653 drugs, punishable as provided in ss. 775.082 and 921.142. A
 654 person sentenced for a capital felony under this paragraph shall
 655 also be sentenced to pay the maximum fine provided under
 656 subparagraph 1.

657 5. A person who knowingly brings into this state 60
 658 kilograms or more of any morphine, opium, oxycodone,
 659 hydrocodone, hydromorphone, or any salt, derivative, isomer, or
 660 salt of an isomer thereof, including heroin, as described in s.
 661 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or
 662 more of any mixture containing any such substance, and who knows
 663 that the probable result of such importation would be the death
 664 of a person, commits capital importation of illegal drugs, a
 665 capital felony punishable as provided in ss. 775.082 and
 666 921.142. A person sentenced for a capital felony under this
 667 paragraph shall also be sentenced to pay the maximum fine
 668 provided under subparagraph 1.

669 (d)1. Any person who knowingly sells, purchases,
 670 manufactures, delivers, or brings into this state, or who is
 671 knowingly in actual or constructive possession of, 28 grams or
 672 more of phencyclidine or of any mixture containing
 673 phencyclidine, as described in s. 893.03(2)(b), commits a felony
 674 of the first degree, which felony shall be known as "trafficking
 675 in phencyclidine," punishable as provided in s. 775.082, s.
 676 775.083, or s. 775.084. If the quantity involved:

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

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

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

688 2. Any person who knowingly brings into this state 800
 689 grams or more of phencyclidine or of any mixture containing
 690 phencyclidine, as described in s. 893.03(2)(b), and who knows
 691 that the probable result of such importation would be the death
 692 of any person commits capital importation of phencyclidine, a
 693 capital felony punishable as provided in ss. 775.082 and
 694 921.142. Any person sentenced for a capital felony under this
 695 paragraph shall also be sentenced to pay the maximum fine
 696 provided under subparagraph 1.

697 (e)1. Any person who knowingly sells, purchases,
 698 manufactures, delivers, or brings into this state, or who is
 699 knowingly in actual or constructive possession of, 200 grams or
 700 more of methaqualone or of any mixture containing methaqualone,
 701 as described in s. 893.03(1)(d), commits a felony of the first
 702 degree, which felony shall be known as "trafficking in

703 methaqualone," punishable as provided in s. 775.082, s. 775.083,
704 or s. 775.084. If the quantity involved:

705 a. Is 200 grams or more, but less than 5 kilograms, such
706 person shall be sentenced to a mandatory minimum term of
707 imprisonment of 3 years, and the defendant shall be ordered to
708 pay a fine of \$50,000.

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

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

716 2. Any person who knowingly brings into this state 50
717 kilograms or more of methaqualone or of any mixture containing
718 methaqualone, as described in s. 893.03(1)(d), and who knows
719 that the probable result of such importation would be the death
720 of any person commits capital importation of methaqualone, a
721 capital felony punishable as provided in ss. 775.082 and
722 921.142. Any person sentenced for a capital felony under this
723 paragraph shall also be sentenced to pay the maximum fine
724 provided under subparagraph 1.

725 (f)1. Any person who knowingly sells, purchases,
726 manufactures, delivers, or brings into this state, or who is
727 knowingly in actual or constructive possession of, 14 grams or
728 more of amphetamine, as described in s. 893.03(2)(c)2., or

729 methamphetamine, as described in s. 893.03(2)(c)4., or of any
 730 mixture containing amphetamine or methamphetamine, or
 731 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine
 732 in conjunction with other chemicals and equipment utilized in
 733 the manufacture of amphetamine or methamphetamine, commits a
 734 felony of the first degree, which felony shall be known as
 735 "trafficking in amphetamine," punishable as provided in s.
 736 775.082, s. 775.083, or s. 775.084. If the quantity involved:
 737 a. Is 14 grams or more, but less than 28 grams, such
 738 person shall be sentenced to a mandatory minimum term of
 739 imprisonment of 3 years, and the defendant shall be ordered to
 740 pay a fine of \$50,000.
 741 b. Is 28 grams or more, but less than 200 grams, such
 742 person shall be sentenced to a mandatory minimum term of
 743 imprisonment of 7 years, and the defendant shall be ordered to
 744 pay a fine of \$100,000.
 745 c. Is 200 grams or more, such person shall be sentenced to
 746 a mandatory minimum term of imprisonment of 15 calendar years
 747 and pay a fine of \$250,000.
 748 2. Any person who knowingly manufactures or brings into
 749 this state 400 grams or more of amphetamine, as described in s.
 750 893.03(2)(c)2., or methamphetamine, as described in s.
 751 893.03(2)(c)4., or of any mixture containing amphetamine or
 752 methamphetamine, or phenylacetone, phenylacetic acid,
 753 pseudoephedrine, or ephedrine in conjunction with other
 754 chemicals and equipment used in the manufacture of amphetamine

755 or methamphetamine, and who knows that the probable result of
756 such manufacture or importation would be the death of any person
757 commits capital manufacture or importation of amphetamine, a
758 capital felony punishable as provided in ss. 775.082 and
759 921.142. Any person sentenced for a capital felony under this
760 paragraph shall also be sentenced to pay the maximum fine
761 provided under subparagraph 1.

762 (g)1. Any person who knowingly sells, purchases,
763 manufactures, delivers, or brings into this state, or who is
764 knowingly in actual or constructive possession of, 4 grams or
765 more of flunitrazepam or any mixture containing flunitrazepam as
766 described in s. 893.03(1)(a) commits a felony of the first
767 degree, which felony shall be known as "trafficking in
768 flunitrazepam," punishable as provided in s. 775.082, s.
769 775.083, or s. 775.084. If the quantity involved:

770 a. Is 4 grams or more but less than 14 grams, such person
771 shall be sentenced to a mandatory minimum term of imprisonment
772 of 3 years, and the defendant shall be ordered to pay a fine of
773 \$50,000.

774 b. Is 14 grams or more but less than 28 grams, such person
775 shall be sentenced to a mandatory minimum term of imprisonment
776 of 7 years, and the defendant shall be ordered to pay a fine of
777 \$100,000.

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

781 2. Any person who knowingly sells, purchases,
782 manufactures, delivers, or brings into this state or who is
783 knowingly in actual or constructive possession of 30 kilograms
784 or more of flunitrazepam or any mixture containing flunitrazepam
785 as described in s. 893.03(1)(a) commits the first degree felony
786 of trafficking in flunitrazepam. A person who has been convicted
787 of the first degree felony of trafficking in flunitrazepam under
788 this subparagraph shall be punished by life imprisonment and is
789 ineligible for any form of discretionary early release except
790 pardon or executive clemency or conditional medical release
791 under s. 947.149. However, if the court determines that, in
792 addition to committing any act specified in this paragraph:

793 a. The person intentionally killed an individual or
794 counseled, commanded, induced, procured, or caused the
795 intentional killing of an individual and such killing was the
796 result; or

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

799
800 such person commits the capital felony of trafficking in
801 flunitrazepam, punishable as provided in ss. 775.082 and
802 921.142. Any person sentenced for a capital felony under this
803 paragraph shall also be sentenced to pay the maximum fine
804 provided under subparagraph 1.

805 (h)1. Any person who knowingly sells, purchases,
806 manufactures, delivers, or brings into this state, or who is

807 knowingly in actual or constructive possession of, 1 kilogram or
808 more of gamma-hydroxybutyric acid (GHB), as described in s.
809 893.03(1)(d), or any mixture containing gamma-hydroxybutyric
810 acid (GHB), commits a felony of the first degree, which felony
811 shall be known as "trafficking in gamma-hydroxybutyric acid
812 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.
813 775.084. If the quantity involved:

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

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

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

825 2. Any person who knowingly manufactures or brings into
826 this state 150 kilograms or more of gamma-hydroxybutyric acid
827 (GHB), as described in s. 893.03(1)(d), or any mixture
828 containing gamma-hydroxybutyric acid (GHB), and who knows that
829 the probable result of such manufacture or importation would be
830 the death of any person commits capital manufacture or
831 importation of gamma-hydroxybutyric acid (GHB), a capital felony
832 punishable as provided in ss. 775.082 and 921.142. Any person

833 sentenced for a capital felony under this paragraph shall also
834 be sentenced to pay the maximum fine provided under subparagraph
835 1.

836 (i)1. Any person who knowingly sells, purchases,
837 manufactures, delivers, or brings into this state, or who is
838 knowingly in actual or constructive possession of, 1 kilogram or
839 more of gamma-butyrolactone (GBL), as described in s.
840 893.03(1)(d), or any mixture containing gamma-butyrolactone
841 (GBL), commits a felony of the first degree, which felony shall
842 be known as "trafficking in gamma-butyrolactone (GBL),"
843 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
844 If the quantity involved:

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

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

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

856 2. Any person who knowingly manufactures or brings into
857 the state 150 kilograms or more of gamma-butyrolactone (GBL), as
858 described in s. 893.03(1)(d), or any mixture containing gamma-

859 butyrolactone (GBL), and who knows that the probable result of
860 such manufacture or importation would be the death of any person
861 commits capital manufacture or importation of gamma-
862 butyrolactone (GBL), a capital felony punishable as provided in
863 ss. 775.082 and 921.142. Any person sentenced for a capital
864 felony under this paragraph shall also be sentenced to pay the
865 maximum fine provided under subparagraph 1.

866 (j)1. Any person who knowingly sells, purchases,
867 manufactures, delivers, or brings into this state, or who is
868 knowingly in actual or constructive possession of, 1 kilogram or
869 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of
870 any mixture containing 1,4-Butanediol, commits a felony of the
871 first degree, which felony shall be known as "trafficking in
872 1,4-Butanediol," punishable as provided in s. 775.082, s.
873 775.083, or s. 775.084. If the quantity involved:

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

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

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

885 2. Any person who knowingly manufactures or brings into
 886 this state 150 kilograms or more of 1,4-Butanediol as described
 887 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,
 888 and who knows that the probable result of such manufacture or
 889 importation would be the death of any person commits capital
 890 manufacture or importation of 1,4-Butanediol, a capital felony
 891 punishable as provided in ss. 775.082 and 921.142. Any person
 892 sentenced for a capital felony under this paragraph shall also
 893 be sentenced to pay the maximum fine provided under subparagraph
 894 1.

895 (k)1. A person who knowingly sells, purchases,
 896 manufactures, delivers, or brings into this state, or who is
 897 knowingly in actual or constructive possession of, 10 grams or
 898 more of any of the following substances described in s.
 899 893.03(1)(c):

- 900 a. 3,4-Methylenedioxyamphetamine (MDMA);
- 901 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 902 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 903 d. 2,5-Dimethoxyamphetamine;
- 904 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 905 f. N-ethylamphetamine;
- 906 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 907 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 908 i. 4-methoxyamphetamine;
- 909 j. 4-methoxymethamphetamine;
- 910 k. 4-Methyl-2,5-dimethoxyamphetamine;

- 911 1. 3,4-Methylenedioxy-N-ethylamphetamine;
- 912 m. 3,4-Methylenedioxyamphetamine;
- 913 n. N,N-dimethylamphetamine;
- 914 o. 3,4,5-Trimethoxyamphetamine;
- 915 p. 3,4-Methylenedioxymethcathinone;
- 916 q. 3,4-Methylenedioxypropylone (MDPV); or
- 917 r. Methylenedioxymethamphetamine,
- 918
- 919 individually or analogs thereto or isomers thereto or in any
- 920 combination of or any mixture containing any substance listed in
- 921 sub-subparagraphs a.-r., commits a felony of the first degree,
- 922 which felony shall be known as "trafficking in Phenethylamines,"
- 923 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- 924 2. If the quantity involved:
- 925 a. Is 10 grams or more, but less than 200 grams, such
- 926 person shall be sentenced to a mandatory minimum term of
- 927 imprisonment of 3 years and shall be ordered to pay a fine of
- 928 \$50,000.
- 929 b. Is 200 grams or more, but less than 400 grams, such
- 930 person shall be sentenced to a mandatory minimum term of
- 931 imprisonment of 7 years and shall be ordered to pay a fine of
- 932 \$100,000.
- 933 c. Is 400 grams or more, such person shall be sentenced to
- 934 a mandatory minimum term of imprisonment of 15 years and shall
- 935 be ordered to pay a fine of \$250,000.
- 936 3. A person who knowingly manufactures or brings into this

937 state 30 kilograms or more of any of the following substances
 938 described in s. 893.03(1)(c):

- 939 a. 3,4-Methylenedioxyamphetamine (MDMA);
- 940 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 941 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 942 d. 2,5-Dimethoxyamphetamine;
- 943 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 944 f. N-ethylamphetamine;
- 945 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 946 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 947 i. 4-methoxyamphetamine;
- 948 j. 4-methoxymethamphetamine;
- 949 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 950 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 951 m. 3,4-Methylenedioxyamphetamine;
- 952 n. N,N-dimethylamphetamine;
- 953 o. 3,4,5-Trimethoxyamphetamine;
- 954 p. 3,4-Methylenedioxy-methcathinone;
- 955 q. 3,4-Methylenedioxy-pyrovalerone (MDPV); or
- 956 r. Methylmethcathinone,

957
 958 individually or analogs thereto or isomers thereto or in any
 959 combination of or any mixture containing any substance listed in
 960 sub-subparagraphs a.-r., and who knows that the probable result
 961 of such manufacture or importation would be the death of any
 962 person commits capital manufacture or importation of

963 Phenethylamines, a capital felony punishable as provided in ss.
964 775.082 and 921.142. A person sentenced for a capital felony
965 under this paragraph shall also be sentenced to pay the maximum
966 fine provided under subparagraph 1.

967 (1)1. Any person who knowingly sells, purchases,
968 manufactures, delivers, or brings into this state, or who is
969 knowingly in actual or constructive possession of, 1 gram or
970 more of lysergic acid diethylamide (LSD) as described in s.
971 893.03(1)(c), or of any mixture containing lysergic acid
972 diethylamide (LSD), commits a felony of the first degree, which
973 felony shall be known as "trafficking in lysergic acid
974 diethylamide (LSD)," punishable as provided in s. 775.082, s.
975 775.083, or s. 775.084. If the quantity involved:

976 a. Is 1 gram or more, but less than 5 grams, such person
977 shall be sentenced to a mandatory minimum term of imprisonment
978 of 3 years, and the defendant shall be ordered to pay a fine of
979 \$50,000.

980 b. Is 5 grams or more, but less than 7 grams, such person
981 shall be sentenced to a mandatory minimum term of imprisonment
982 of 7 years, and the defendant shall be ordered to pay a fine of
983 \$100,000.

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

987 2. Any person who knowingly manufactures or brings into
988 this state 7 grams or more of lysergic acid diethylamide (LSD)

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989 as described in s. 893.03(1)(c), or any mixture containing
990 lysergic acid diethylamide (LSD), and who knows that the
991 probable result of such manufacture or importation would be the
992 death of any person commits capital manufacture or importation
993 of lysergic acid diethylamide (LSD), a capital felony punishable
994 as provided in ss. 775.082 and 921.142. Any person sentenced for
995 a capital felony under this paragraph shall also be sentenced to
996 pay the maximum fine provided under subparagraph 1.

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