

1                   A bill to be entitled  
 2           An act relating to controlled substance offenses;  
 3           amending s. 782.04, F.S.; providing that the unlawful  
 4           distribution of methamphetamine or a mixture  
 5           containing methamphetamine that leads to the death of  
 6           the user is considered murder under specified  
 7           circumstances; providing criminal penalties; amending  
 8           s. 893.13, F.S.; prohibiting specified activities  
 9           involving controlled substances within 1,000 feet of  
 10          specified facilities; providing criminal penalties;  
 11          providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

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 15           Section 1. Paragraph (a) of subsection (1) of section  
 16   782.04, Florida Statutes, is amended to read:

17           782.04 Murder.—

18           (1) (a) The unlawful killing of a human being:

19           1. When perpetrated from a premeditated design to effect  
 20   the death of the person killed or any human being;

21           2. When committed by a person engaged in the perpetration  
 22   of, or in the attempt to perpetrate, any:

23           a. Trafficking offense prohibited by s. 893.135(1),

24           b. Arson,

25           c. Sexual battery,

- 26 d. Robbery,
- 27 e. Burglary,
- 28 f. Kidnapping,
- 29 g. Escape,
- 30 h. Aggravated child abuse,
- 31 i. Aggravated abuse of an elderly person or disabled
- 32 adult,
- 33 j. Aircraft piracy,
- 34 k. Unlawful throwing, placing, or discharging of a
- 35 destructive device or bomb,
- 36 l. Carjacking,
- 37 m. Home-invasion robbery,
- 38 n. Aggravated stalking,
- 39 o. Murder of another human being,
- 40 p. Resisting an officer with violence to his or her
- 41 person,
- 42 q. Aggravated fleeing or eluding with serious bodily
- 43 injury or death,
- 44 r. Felony that is an act of terrorism or is in furtherance
- 45 of an act of terrorism, including a felony under s. 775.30, s.
- 46 775.32, s. 775.33, s. 775.34, or s. 775.35, or
- 47 s. Human trafficking; or
- 48 3. Which resulted from the unlawful distribution by a
- 49 person 18 years of age or older of any of the following
- 50 substances, or mixture containing any of the following

51 substances, when such substance or mixture is proven to be the  
 52 proximate cause of the death of the user:

- 53 a. A substance controlled under s. 893.03(1);
- 54 b. Cocaine, as described in s. 893.03(2)(a)4.;
- 55 c. Opium or any synthetic or natural salt, compound,
- 56 derivative, or preparation of opium;
- 57 d. Methadone;
- 58 e. Alfentanil, as described in s. 893.03(2)(b)1.;
- 59 f. Carfentanil, as described in s. 893.03(2)(b)6.;
- 60 g. Fentanyl, as described in s. 893.03(2)(b)9.;
- 61 h. Sufentanil, as described in s. 893.03(2)(b)30.;
- 62 i. Methamphetamine, as described in s. 893.03(2)(c)5.; or
- 63 j.~~i.~~ A controlled substance analog, as described in s.
- 64 893.0356, of any substance specified in sub-subparagraphs a.-
- 65 i.a.-h.,

66  
 67 is murder in the first degree and constitutes a capital felony,  
 68 punishable as provided in s. 775.082.

69 Section 2. Paragraph (h) of subsection (1) of section  
 70 893.13, Florida Statutes, is amended to read:

71 893.13 Prohibited acts; penalties.—

72 (1)

73 (h) Except as authorized by this chapter, a person may not  
 74 sell, manufacture, or deliver, or possess with intent to sell,  
 75 manufacture, or deliver, a controlled substance in, on, or

76 within 1,000 feet of the real property comprising an assisted  
77 living facility, as that term is used in chapter 429, a facility  
78 as defined in s. 394.455, a health care facility licensed under  
79 chapter 395 that provides substance abuse treatment, a substance  
80 abuse facility licensed under chapter 397, a facility providing  
81 a service as described in s. 397.311(26), a recovery residence  
82 as defined in s. 397.311, or a pain management clinic as defined  
83 in s. 458.3265(1)(a)1. or s. 459.0137(1)(a)1. A person who  
84 violates this paragraph with respect to:

85 1. A controlled substance named or described in s.  
86 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.  
87 commits a felony of the first degree, punishable as provided in  
88 s. 775.082, s. 775.083, or s. 775.084.

89 2. A controlled substance named or described in s.  
90 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,  
91 (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of  
92 the second degree, punishable as provided in s. 775.082, s.  
93 775.083, or s. 775.084.

94 3. Any other controlled substance, except as lawfully  
95 sold, manufactured, or delivered, must be sentenced to pay a  
96 \$500 fine and to serve 100 hours of public service in addition  
97 to any other penalty prescribed by law.

98 Section 3. This act shall take effect October 1, 2021.