

### Select Florida Mandatory Minimum Laws

**IMPORTANT NOTE:** This is not necessarily a complete list. Laws frequently change, and these sentences may no longer be accurate or up to date. Talk with a lawyer in your state if you have questions.

#### F.S. § 893.135: Drugs

Offense	Drug Amount	Mandatory Minimum Sentence & Fine
<b>Knowingly sells, purchases, manufactures, delivers, or brings into the state, or who is knowingly in actual or constructive possession of:*</b>	<b>Marijuana</b>	
	25 - 2000 lbs. or 300-2000 plants	3 years, \$25,000 fine
	2000 - 10,000 or 2000 - 10,000 plants	7 years, \$50,000 fine
	10,000+ lbs. or 10,000 plants	15 years, \$200,000 fine
<b>Cocaine</b>	28 - 200 grams	3 years, \$50,000 fine
	200 - 400 grams	7 years, \$100,000 fine
	400 grams – 150 kilograms	15 years, \$250,000 fine
<b>Morphine, opium, oxycodone, hydrocodone, hydromorphone, or any salt, derivative, isomer, or salt of an isomer, including heroin</b>	4 – 14 grams	3 years, \$50,000 fine
	14 – 28 grams	15 years, \$100,000 fine
	28 grams – 30 kilograms	25 years, \$500,000 fine
	30+ kilograms	life imprisonment without parole
<b>Phencyclidine</b>	28 - 200 grams	3 years, \$50,000 fine
	200 - 400 grams	7 years, \$100,000 fine
	400+ grams	15 years, \$250,000 fine
<b>Methaqualone</b>	200 grams – 5 kilograms	3 years, \$50,000 fine
	5 - 25 kilograms	7 years, \$100,000 fine
	25+ kilograms	15 years, \$250,000 fine
<b>Amphetamine or methamphetamine</b>	14 – 28 grams	3 years, \$50,000 fine
	28 – 200 grams	7 years, \$100,000 fine
	200+ grams	15 years, \$250,000 fine
<b>Flunitrazepam</b>	4 – 14 grams	3 years, \$50,000 fine
	14 – 28 grams	7 years, \$100,000 fine
	28 grams – 30 kilograms	25 years, \$500,000 fine
<b>GHB</b>	1 - 5 kilograms	3 years, \$50,000 fine
	5 - 10 kilograms	7 years, \$100,000 fine
	10+ kilograms	15 years, \$250,000 fine

**Drugs, cont.**

<b>Offense</b>	<b>Drug Amount</b>	<b>Mandatory Minimum Sentence &amp; Fine</b>
<b>Knowingly sells, purchases, manufactures, delivers, or brings into the state, or who is knowingly in actual or constructive possession of:*</b>		
	<b>GBL</b>	
<b>1,4-Butandediol</b>	1 – 5 kilograms	3 years, \$50,000 fine
	5 - 10 kilograms	7 years, \$100,000 fine
	10+ kilograms	15 years, \$250,000 fine
<b>Phenethylamines</b>	10 – 200 grams	3 years, \$50,000 fine
	200 - 400grams	7 years, \$100,000 fine
	400+ grams	15 years, \$250,000 fine
<b>LSD</b>	1- 5 grams	3 years, \$50,000 fine
	5 - 7 grams	7 years, \$100,000 fine
	7+ grams	15 years, \$500,000 fine

\*Same mandatory minimums and fines also apply to conspiracy to commit any of these offenses.

**F.S. § 775.082(3)(a)4: Sex/Child Pornography Offenses**

<b>Offense</b>	<b>Mandatory Minimum Sentence</b>
A violation of F.S. § 800.04(5)(b), for lewd or lascivious molestation of a child under age 12 by an adult over age 18 (if crime committed after 9/1/05)	25 years in prison, followed by probation or community control for life, <u>or</u> life in prison
2nd and subsequent offenses (if crime committed after 7/1/08)	Life in prison

**F.S. § 775.087: Guns**

<b>Offense of Conviction</b>	<b>Type of Gun Involved</b>	<b>Gun Use</b>	<b>Mandatory Minimum Sentence**</b>
Commits or attempts to commit aggravated assault, possession of a firearm by a felon, or burglary of a conveyance	Firearm or destructive device	<u>Possessed</u> during commission of the crime	3 years
Commits or attempts to commit murder, sexual battery, robbery, burglary, arson, aggravated battery, kidnapping, escape, aircraft piracy, aggravated child abuse, aggravated abuse of an elderly person or disabled adult, unlawful throwing, placing, or discharging or a destructive device or bomb, carjacking, home-invasion robbery, aggravated stalking, or drug trafficking	Firearm or destructive device	<u>Possessed</u> during commission of the crime	10 years
Commits or attempts to commit murder, sexual battery, robbery, burglary, arson, aggravated assault, possession of a firearm by a felon, aggravated battery, kidnapping, escape, aircraft piracy, aggravated child abuse, aggravated abuse of an elderly person or disabled adult, unlawful throwing, placing, or discharging or a destructive device or bomb, carjacking, home-invasion robbery, aggravated stalking, or drug trafficking	Firearm or destructive device	<u>Discharged</u> during commission of the crime	20 years
		<u>Discharged</u> during commission of the crime AND discharge results in death or great bodily harm	25 years
Commits or attempts to commit murder, sexual battery, robbery, burglary, arson, aggravated assault, aggravated battery, kidnapping, escape, aircraft piracy, aggravated child abuse, aggravated abuse of an elderly person or disabled adult, unlawful throwing, placing, or discharging or a destructive device or bomb, carjacking, home-invasion robbery, aggravated stalking, drug trafficking, or sale, manufacture, delivery, or intent to sell, manufacture, or deliver any controlled substance	Semiautomatic firearm and its high-capacity detachable box magazine <i>or</i> a machine gun, as defined in F.S. 790.001	<u>Possessed</u> during the commission of the crime	15 years
		<u>Discharged</u> during the commission of the crime	20 years
		<u>Discharged</u> AND, as a result, death or great bodily harm are inflicted upon any person	25 years

\*\* For these gun offenses, defendants are not eligible for gain time or any form discretionary early release except executive clemency.

**F.S. § 775.084(4)(a): Habitual Felony Offenders**

<b>A habitual felony offender is a person who</b>	<b>If current conviction is for</b>	<b>Mandatory Minimum Sentence<math>\Delta</math></b>
1. Has previously been convicted of any combination of two or more felonies in Florida or other qualified offenses <sup>†</sup> , <i>and</i> 2. The felony for which the defendant is to be sentenced was committed:	Felony punishable by life or 1 <sup>st</sup> degree felony	15 years
a. While the defendant was serving a prison sentence or other sentence, or court-ordered or lawfully imposed supervision that is imposed as a result of a prior conviction for a felony or other qualified offense; or	2 <sup>nd</sup> degree felony	10 years
b. Within 5 years of the date of the conviction of the defendant's last prior felony or other qualified offense, or within 5 years of the defendant's release from a prison sentence, probation, community control, control release, conditional release, parole or court-ordered or lawfully imposed supervision or other sentence that is imposed as a result of a prior conviction for a felony or other qualified offense, whichever is later, <i>and</i> 3. The felony for which the defendant is to be sentenced, and one of the two prior felony convictions, is not a violation of F.S. § 893.13 relating to the purchase or the possession of a controlled substance, <i>and</i> 4. The defendant has not received a pardon for any felony or other qualified offense that is necessary for the operation of this law, <i>and</i> 5. A conviction of a felony or other qualified offense necessary to the operation of this law has not been set aside in any postconviction proceeding.	3 <sup>rd</sup> degree felony	5 years

$\Delta$  Habitual felony offenders are not eligible for sentencing under the Criminal Punishment Code.

**F.S. § 775.084(4)(b): Habitual Violent Felony Offenders**

<b>A habitual violent felony offender is a person who</b>	<b>If current conviction is for</b>	<b>Mandatory Minimum Sentence‡</b>
1. Who has previously been convicted of a felony or an attempt or conspiracy to commit a felony <i>and</i> one or more of such convictions was for one of the crimes listed in F.S. § 775.084(1)(b)1, <i>and</i> 2. The felony for which the defendant is to be sentenced was committed: a. While the defendant was serving a prison sentence or other sentence, or court-ordered or lawfully imposed supervision that is imposed as a result of a prior conviction for an enumerated felony; <i>or</i> b. Within 5 years of the date of the conviction of the last prior enumerated felony, or within 5 years of the defendant’s release from a prison sentence, probation, community control, control release, conditional release, parole, or court-ordered or lawfully imposed supervision or other sentence that is imposed as a result of a prior conviction for an enumerated felony, whichever is later, <i>and</i> 3. The defendant has not received a pardon on the ground of innocence for any crime that is necessary for the operation of this law, <i>and</i> 4. A conviction of a crime necessary to the operation of this law has not been set aside in any postconviction proceeding.	Felony punishable by life or 1 <sup>st</sup> degree felony	15 years
	2 <sup>nd</sup> degree felony	10 years
	3 <sup>rd</sup> degree felony	5 years

‡ Habitual violent felony offenders are not eligible for sentencing under the Criminal Punishment Code.

**F.S. § 775.082(9): Prison Release Reoffenders**

<b>A prison releasee reoffender is a person who</b>	<b>If current conviction is for</b>	<b>Mandatory Minimum Sentence***</b>
(1) Is released from any prison after serving a sentence for a crime that is punishable by at least 1 year under Florida law, and within 3 year of that release commits or attempts to commit a crime listed in F.S. § 775.082(9), <i>OR</i> (2) Is currently incarcerated in or on escape status from any prison for a crime that is punishable by at least 1 year under Florida law, and commits or attempts to commit a crime listed in F.S. § 775.082(9).	Felony punishable by life	Life
	1st degree felony	30 years
	2nd degree felony	15 years
	3rd degree felony	5 years

\*\*\* Prison releasee reoffenders are not eligible for sentencing under the Criminal Punishment Code or for parole and must serve 100% of the sentence.

**F.S. § 775.084(4)(c): Three-time violent felony offenders**

<b>A three-time violent felony offender is a person</b>	<b>If current conviction is for</b>	<b>Mandatory Minimum Sentence±</b>
1. Who has previously been convicted as an adult two or more times of a felony, or an attempt to commit a felony, and two or more of such convictions were for committing, or attempting to commit, any offense or combination of offenses listed in F.S. § 775.084(1)(c)1, <i>and</i>	Felony punishable by life	Life
2. The felony for which the defendant is to be sentenced is one of the felonies listed in F.S. § 775.084(1)(c)1 and was committed:	1 <sup>st</sup> degree felony	30 years
a. While the defendant was serving a prison sentence or other sentence imposed as a result of a prior conviction for any offense listed in F.S. § 775.084(1)(c)1.a.-r.; <i>or</i>	2 <sup>nd</sup> degree felony	15 years
b. Within 5 years after the date of the conviction of the last prior offense listed in F.S. § 775.084(1)(c)1.a.-r., or within 5 years after the defendant's release from a prison sentence, probation, community control, or other sentence imposed as a result of a prior conviction for any offense listed in F.S. § 775.084(1)(c)1.a.-r., whichever is later, <i>and</i> 3. The defendant has not received a pardon on the ground of innocence for any crime that is necessary for the operation of this law, <i>and</i> 4. A conviction of a crime necessary to the operation of this law has not been set aside in any postconviction proceeding.	3 <sup>rd</sup> degree felony	5 years

± For an offense committed on or after July 1, 1999, a defendant sentenced as a three-time violent felony offender shall be released only by expiration of sentence and is not eligible for parole, control release, or any form of early release. Three-time violent felony offenders are also not eligible for sentencing under the Criminal Punishment Code.

**F.S. § 775.084(4)(d): Violent Career Criminals**

A violent career criminal is a person who	If current conviction is for	Mandatory Minimum Sentence <sup>o</sup>
<p>1. Has previously been convicted as an adult three or more times for an offense in Florida or other qualified offense<sup>†</sup> that is: any forcible felony, as described in F.S. § 776.08; aggravated stalking, as described in F.S. §§ 784.048(3) and (4); aggravated child abuse, as described in F.S. § 827.03(2); aggravated abuse of an elderly person or disabled adult, as described in F.S. § 825.102(2); lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition, as described in F.S. §§ 800.04 or 847.0135(5); escape, as described in F.S. § 944.40; or a felony violation of F.S. chapter 790 involving the use or possession of a firearm, <i>and</i></p> <p>2. The defendant has been incarcerated in a state or federal prison, <i>and</i></p> <p>3. The primary felony offense for which the defendant is to be sentenced is a felony enumerated in F.S. § 775.084(1)(d)1 and was committed on or after October 1, 1995, <i>and</i></p> <p style="padding-left: 20px;">a. While the defendant was serving a prison sentence or other sentence, or court-ordered or lawfully imposed supervision that is imposed as a result of a prior conviction for an enumerated felony; <i>or</i></p> <p style="padding-left: 20px;">b. Within 5 years after the conviction of the last prior enumerated felony, or within 5 years after the defendant’s release from a prison sentence, probation, community control, control release, conditional release, parole, or court-ordered or lawfully imposed supervision or other sentence that is imposed as a result of a prior conviction for an enumerated felony, whichever is later, <i>and</i></p> <p>4. The defendant has not received a pardon for any felony or other qualified offense that is necessary for the operation of this law, <i>and</i></p> <p>5. A conviction of a felony or other qualified offense<sup>†</sup> necessary to the operation of this law has not been set aside in any postconviction proceeding.</p>	Felony punishable by life or 1 <sup>st</sup> degree felony	Life
	2 <sup>nd</sup> degree felony	30 years
	3 <sup>rd</sup> degree felony	10 years

<sup>†</sup>A “qualified offense” is any offense that is (1) substantially similar in elements and penalties to a Florida offense, (2) a violation of a law of any other state, federal, or foreign jurisdiction, and (3) at the time it was committed, was punishable under the law of such jurisdiction by death or over 1 year in prison.

<sup>o</sup> For offenses committed on or after October 1, 1995, a defendant sentenced as a violent career criminal is not eligible for any form of discretionary early release, other than pardon or executive clemency, or conditional medical release granted pursuant to F.S. § 947.149. Violent career criminals are also not eligible for sentencing under the Criminal Punishment Code.