

By Senator Gutman

34-762-98

1                                   A bill to be entitled  
2           An act relating to controlled substances;  
3           creating s. 893.133, F.S.; providing inferences  
4           that may be drawn from the possession of  
5           specified amounts of cocaine, marijuana,  
6           heroin, amphetamine, or methamphetamine with  
7           respect to intent to deliver or sell such  
8           substance; providing an effective date.

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

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12           Section 1. Section 893.133, Florida Statutes, is  
13   created to read:

14           893.133 Evidence of possession with intent to sell or  
15 deliver controlled substances.--

16           (1) Proof that a person possesses 5 or more grams of  
17 cocaine gives rise to an inference that the person was  
18 possessing the cocaine with the intent to sell or deliver the  
19 cocaine.

20           (2) Proof that a person possesses 1 pound or more of  
21 marijuana gives rise to an inference that the person was  
22 possessing the marijuana with the intent to sell or deliver  
23 the marijuana.

24           (3) Proof that a person possesses 1 gram or more of  
25 heroin gives rise to an inference that the person was  
26 possessing the heroin with the intent to sell or deliver the  
27 heroin.

28           (4) Proof that a person possesses 5 grams or more of  
29 amphetamine or methamphetamine gives rise to an inference that  
30 the person was possessing the amphetamine or methamphetamine  
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1 with the intent to sell or deliver the amphetamine or  
2 methamphetamine.

3 Section 2. This act shall take effect October 1, 1998.

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6 SENATE SUMMARY

7 Provides that the possession of specified amounts of  
8 cocaine, marijuana, heroin, amphetamine, or  
9 methamphetamine gives rise to the inference that the  
10 possessor intended to sell or deliver the substance.

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