

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Clemens offered the following:

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3 **Substitute Amendment for Amendment (480407) (with directory**  
4 **and title amendments)**

5 Remove lines 288-324 and insert:

6 (3) Any person who delivers, without consideration, not  
7 more than 20 grams of cannabis, as defined in this chapter,  
8 commits a misdemeanor of the second ~~first~~ degree, punishable as  
9 provided in s. 775.082, and shall be ordered to pay a fine of  
10 \$500 in addition to any fine pursuant to ~~or~~ s.775.083. For the  
11 purposes of this paragraph, "cannabis" does not include the  
12 resin extracted from the plants of the genus Cannabis or any  
13 compound manufacture, salt, derivative, mixture, or preparation  
14 of such resin. The clerk shall remit 50 percent of the fines  
15 imposed under this subsection to the Department of Revenue for  
16 deposit into the General Revenue Fund. It is the intent of the

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17 Legislature that, to the greatest extent practicable, a person  
18 be issued a notice to appear for violations of this subsection.

19 (4) Except as authorized by this chapter, it is unlawful  
20 for any person 18 years of age or older to deliver any  
21 controlled substance to a person under the age of 18 years, or  
22 to use or hire a person under the age of 18 years as an agent or  
23 employee in the sale or delivery of such a substance, or to use  
24 such person to assist in avoiding detection or apprehension for  
25 a violation of this chapter. Any person who violates this  
26 provision with respect to:

27 (a) A controlled substance named or described in s.  
28 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
29 commits a felony of the first degree, punishable as provided in  
30 s. 775.082, s. 775.083, or s. 775.084.

31 (b) A controlled substance named or described in s.  
32 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
33 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
34 the second degree, punishable as provided in s. 775.082, s.  
35 775.083, or s. 775.084.

36  
37 Imposition of sentence may not be suspended or deferred, nor  
38 shall the person so convicted be placed on probation.

39 (5) It is unlawful for any person to bring into this state  
40 any controlled substance unless the possession of such  
41 controlled substance is authorized by this chapter or unless  
42 such person is licensed to do so by the appropriate federal  
43 agency. Any person who violates this provision with respect to:

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44 (a) A controlled substance named or described in s.  
45 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
46 commits a felony of the second degree, punishable as provided in  
47 s. 775.082, s. 775.083, or s. 775.084.

48 (b) A controlled substance named or described in s.  
49 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
50 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
51 the third degree, punishable as provided in s. 775.082, s.  
52 775.083, or s. 775.084.

53 (c) A controlled substance named or described in s.  
54 893.03(5) commits a misdemeanor of the first degree, punishable  
55 as provided in s. 775.082 or s. 775.083.

56 (6)

57 (b) If the offense is the possession of not more than 20  
58 grams of cannabis, as defined in this chapter, the person  
59 commits a misdemeanor of the second ~~first~~ degree, punishable as  
60 provided in s. 775.082 and shall be ordered to pay a fine of  
61 \$500 in addition to any fine imposed pursuant to ~~or~~ s. 775.083.  
62 For the purposes of this subsection, "cannabis" does not include  
63 the resin extracted from the plants of the genus Cannabis, or  
64 any compound manufacture, salt, derivative, mixture, or  
65 preparation of such resin. The clerk shall remit 50 percent of  
66 the fines imposed under this subsection to the Department of  
67 Revenue for deposit into the General Revenue Fund. It is the  
68 intent of the Legislature that, to the greatest extent  
69 practicable, a person be issued a notice to appear for  
70 violations of this paragraph.

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71       (11) It is the intent of the Legislature that, to the  
72 greatest extent practicable, a person be issued a notice to  
73 appear for any misdemeanor violation of this section.

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76                   **D I R E C T O R Y   A M E N D M E N T**

77       Remove lines 100-103 and insert:

78       Section 2. Subsection (3) and paragraph (b) of subsection  
79 (6) of section 893.13, Florida Statutes, are amended, subsection  
80 (11) is added to that section, and, for the purpose of  
81 incorporating the amendment made by this act to section 893.03,  
82 Florida Statutes, in references thereto, subsections (1), (2),  
83 (4), and (5) are reenacted, to read:

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85 -----  
86                   **T I T L E   A M E N D M E N T**

87       Between lines 4 and 5, insert:

88       amending s. 893.13, F.S.; revising the penalties for  
89       certain offenses involving the delivery or possession of  
90       cannabis; providing for the deposit of certain fines in  
91       the General Revenue Fund; providing that, to the greatest  
92       extent practicable, a person be issued a notice to appear  
93       for certain misdemeanor violations;

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