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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/14/2011	.	
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The Committee on Health Regulation (Fasano) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 116 and 117  
insert:

Section 3. Subsection (6) of section 893.13, Florida Statutes, is amended to read:

893.13 Prohibited acts; penalties.—

(6) (a) It is unlawful for any person to be in actual or constructive possession of a controlled substance unless such controlled substance was lawfully obtained from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of his or her professional practice



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13 or to be in actual or constructive possession of a controlled  
14 substance except as otherwise authorized by this chapter. Any  
15 person who violates this provision commits a felony of the third  
16 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
17 775.084.

18 (b) If the offense is the possession of not more than 20  
19 grams of cannabis, as defined in this chapter, or 3 grams or  
20 less of a controlled substance described in s. 893.03(1)(c)40.-  
21 44., the person commits a misdemeanor of the first degree,  
22 punishable as provided in s. 775.082 or s. 775.083. For the  
23 purposes of this subsection, "cannabis" does not include the  
24 resin extracted from the plants of the genus *Cannabis*, or any  
25 compound manufacture, salt, derivative, mixture, or preparation  
26 of such resin and a controlled substance described in s.  
27 893.03(1)(c)40.-44. does not include the substance in a powdered  
28 form.

29 (c) Except as provided in this chapter, it is unlawful to  
30 possess in excess of 10 grams of any substance named or  
31 described in s. 893.03(1)(a) or (1)(b), or any combination  
32 thereof, or any mixture containing any such substance. Any  
33 person who violates this paragraph commits a felony of the first  
34 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
35 775.084.

36 (d) Notwithstanding any provision to the contrary of the  
37 laws of this state relating to arrest, a law enforcement officer  
38 may arrest without warrant any person who the officer has  
39 probable cause to believe is violating the provisions of this  
40 chapter relating to possession of cannabis.  
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42 ===== T I T L E A M E N D M E N T =====

43 And the title is amended as follows:

44 Delete line 7

45 and insert:

46 list of controlled substances in Schedule I; amending  
47 s. 893.13, F.S.; providing that it is a misdemeanor of  
48 the first degree to be in possession of not more than  
49 a specified amount of certain hallucinogenic  
50 substances; providing an exception for the powdered  
51 form of such substances;