

By Senator Braynon

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1 A bill to be entitled
2 An act relating to cannabis offenses; amending s.
3 893.13, F.S.; reducing criminal penalties for
4 delivery, without consideration, of a specified amount
5 of cannabis; reducing criminal penalties for
6 possession of specified amounts of cannabis and
7 products containing specified amounts of THC;
8 specifying that juvenile violators of certain
9 provisions are eligible for civil citation or similar
10 prearrest diversion programs; providing an effective
11 date.

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

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15 Section 1. Subsection (3) and paragraphs (a) and (b) of
16 subsection (6) of section 893.13, Florida Statutes, are amended
17 to read:

18 893.13 Prohibited acts; penalties.—

19 (3) A person who delivers, without consideration, 20 grams
20 or less of cannabis, as defined in this chapter, commits a
21 noncriminal violation ~~misdemeanor of the first degree,~~
22 punishable as provided in ~~s. 775.082 or~~ s. 775.083. As used in
23 this subsection, the term "cannabis" does not include the resin
24 extracted from the plants of the genus *Cannabis* or any compound
25 manufacture, salt, derivative, mixture, or preparation of such
26 resin.

27 (6) (a) 1. A person may not be in actual or constructive
28 possession of a controlled substance, other than 20 grams or
29 less of cannabis, as defined in this chapter, or 600 milligrams

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30 or less of THC in cannabis products, unless the ~~such~~ controlled
31 substance was lawfully obtained from a practitioner or pursuant
32 to a valid prescription or order of a practitioner while acting
33 in the course of his or her professional practice, or to be in
34 actual or constructive possession of a controlled substance
35 except as otherwise authorized by this chapter. A person who
36 violates this provision commits a felony of the third degree,
37 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

38 2. A person in possession of more than 20 grams of
39 cannabis, as defined in this chapter, or more than 600
40 milligrams of THC in cannabis products, commits a misdemeanor of
41 the first degree, punishable as provided in s. 775.082 or s.
42 775.083. A juvenile who violates this subparagraph for the first
43 time is eligible for a civil citation or similar prearrest
44 diversion program as provided under s. 985.12.

45 (b) If the offense is the possession of 20 grams or less of
46 cannabis, as defined in this chapter, the person commits a
47 noncriminal violation ~~misdemeanor of the first degree,~~
48 punishable as provided in ~~s. 775.082 or~~ s. 775.083. As used in
49 this subsection, the term "cannabis" does not include the resin
50 extracted from the plants of the genus *Cannabis*, or any compound
51 manufacture, salt, derivative, mixture, or preparation of such
52 resin.

53 Section 2. This act shall take effect July 1, 2020.