

By Senator Jones

34-00101-24

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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 a first,
4 second, or third violation if the offense is the
5 possession of 20 grams or less of cannabis;
6 prohibiting the possession of any drug paraphernalia
7 discovered in connection with and intended for use
8 with such violations from being considered a criminal
9 act or being prosecuted as such; making technical
10 changes; providing an effective date.

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

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14 Section 1. Paragraphs (a) and (b) of subsection (6) of
15 section 893.13, Florida Statutes, are amended, and paragraph (f)
16 is added to that subsection, to read:

17 893.13 Prohibited acts; penalties.—

18 (6) (a) A person may not be in actual or constructive
19 possession of a controlled substance, except as provided in
20 paragraph (b), unless the ~~such~~ controlled substance was lawfully
21 obtained from a practitioner or pursuant to a valid prescription
22 or order of a practitioner while acting in the course of his or
23 her professional practice or to be in actual or constructive
24 possession of a controlled substance except as otherwise
25 authorized by this chapter. A person who violates this paragraph
26 ~~provision~~ commits a felony of the third degree, punishable as
27 provided in s. 775.082, s. 775.083, or s. 775.084.

28 (b) 1. If the offense is the possession of 20 grams or less
29 of cannabis, ~~as defined in this chapter,~~ the person commits a

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30 noncriminal violation ~~misdemeanor of the first degree,~~
31 punishable by a fine of \$100 for a first violation, by a fine of
32 \$250 for a second violation, or by a fine of \$500 for a third
33 violation as provided in s. 775.082 or s. 775.083. For a fourth
34 or subsequent violation of this paragraph, the person commits a
35 misdemeanor of the first degree, punishable as provided in s.
36 775.082 or s. 775.083.

37 2. Notwithstanding any other law, the possession of any
38 drug paraphernalia as defined in s. 893.145 which is discovered
39 in connection with a first, second, or third violation of this
40 paragraph and is intended for use with such noncriminal
41 violation may not be considered a criminal act or prosecuted as
42 such ~~As used in this subsection, the term "cannabis" does not~~
43 ~~include the resin extracted from the plants of the genus~~
44 ~~Cannabis, or any compound manufacture, salt, derivative,~~
45 ~~mixture, or preparation of such resin.~~

46 (f) As used in this subsection, the term "cannabis" does
47 not include the resin extracted from the plants of the genus
48 Cannabis, or any compound manufacture, salt, derivative,
49 mixture, or preparation of such resin.

50 Section 2. This act shall take effect July 1, 2024.