

1 A bill to be entitled

2 An act relating to open cannabis containers in motor
3 vehicles; creating s. 316.19361, F.S.; providing
4 definitions; prohibiting a person from possessing an
5 open cannabis container while operating or a passenger
6 in or on a motor vehicle or while seated in or on a
7 motor vehicle that is parked or stopped within a road;
8 specifying circumstances in which an open cannabis
9 container is considered to be in a person's
10 possession; providing applicability; providing
11 penalties; requiring the Department of Highway Safety
12 and Motor Vehicles to report certain violations to the
13 Department of Health and requiring the Department of
14 Health to maintain records of such violations;
15 authorizing a local government to adopt certain
16 ordinances; providing construction; amending s.
17 381.986, F.S.; requiring the Department of Health to
18 suspend or revoke the registration of a qualified
19 patient or caregiver under specified circumstances;
20 providing an effective date.

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

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24 **Section 1. Section 316.19361, Florida Statutes, is created**
25 **to read:**

26 316.19361 Possession of open cannabis containers in
27 vehicles prohibited; penalties.—

28 (1) As used in this section, the term:

29 (a) "Caregiver" has the same meaning as in s. 381.986(1).

30 (b) "Marijuana" means all parts of any plant of the genus
31 Cannabis, whether growing or not; the seeds thereof; the resin
32 extracted from any part of the plant; and every compound,
33 manufacture, salt, derivative, mixture, or preparation of the
34 plant or its seeds or resin, including edibles, which are
35 dispensed from a medical marijuana treatment center for medical
36 use by a qualified patient. The term does not include low-THC
37 cannabis. As used in this paragraph, the terms "edibles," "low-
38 THC cannabis," and "medical use" have the same meanings as in s.
39 381.986(1).

40 (c) "Open cannabis container" means a container that
41 contains marijuana and from which a person can immediately
42 consume, inhale, or smoke such marijuana.

43 (d) "Qualified patient" has the same meaning as in s.
44 381.986(1).

45 (e) "Road" has the same meaning as in s. 316.1936(1).

46 (2) It is unlawful for any person to possess an open
47 cannabis container while he or she is:

48 (a) Operating a motor vehicle in this state or while a
49 passenger in or on a motor vehicle being operated in this state.

50 (b) Seated in or on a motor vehicle that is parked or

51 stopped within a road. This paragraph does not apply to
52 passengers in vehicles designed, maintained, and used primarily
53 for the transportation of persons for compensation or in motor
54 homes.

55 (3) An open cannabis container is considered to be in the
56 possession of the operator of a motor vehicle if the open
57 cannabis container is readily accessible to the operator while
58 he or she is in a seated position and is not in the possession
59 of a passenger. This subsection does not apply to a container
60 that is located in a locked glove compartment, locked trunk, or
61 other locked nonpassenger area of the motor vehicle or a
62 container that is located in an area behind the last upright
63 seat of a motor vehicle if such vehicle is not equipped with a
64 trunk.

65 (4) An open cannabis container is considered to be in the
66 possession of a passenger of a motor vehicle if the open
67 cannabis container is in the physical control of the passenger.

68 (5) This section does not apply to:

69 (a) A passenger of a vehicle in which the driver is
70 operating the vehicle pursuant to a contract to provide
71 transportation for passengers, and such driver holds a valid
72 commercial driver license with a passenger endorsement issued in
73 accordance with the requirements of chapter 322;

74 (b) A passenger of a bus in which the driver holds a valid
75 commercial driver license with a passenger endorsement issued in

76 accordance with the requirements of chapter 322;

77 (c) A passenger of a self-contained motor home that is
78 longer than 21 feet; or

79 (d) A rider in a transportation network company vehicle,
80 as those terms are defined in s. 627.748(1).

81 (6) (a) An operator of a motor vehicle who violates this
82 section commits a noncriminal moving traffic violation,
83 punishable as provided in chapter 318.

84 (b) A passenger of a motor vehicle who violates this
85 section commits a nonmoving traffic violation, punishable as
86 provided in chapter 318.

87 (7) (a) If the person who violates this section is a
88 qualified patient or caregiver, the Department of Highway Safety
89 and Motor Vehicles must report the violation and the disposition
90 of the violation to the Department of Health, which must
91 maintain a record of the violation and disposition.

92 (b)1. Upon a notice that a qualified patient or caregiver
93 was cited for committing a third violation of this section, the
94 Department of Health shall immediately suspend the registration
95 of the qualified patient or caregiver as provided in s.
96 381.986(5) (h)1.

97 2. Pursuant to chapter 318, if a qualified patient or
98 caregiver admits to or is found to have committed a third
99 violation of this section, the Department of Health must revoke
100 the registration of the qualified patient or caregiver as

provided in s. 381.986(5) (h) 2.

(8) A county or municipality may adopt an ordinance that imposes more stringent restrictions than those imposed by this section on the possession of an open cannabis container in motor vehicles.

(9) This section does not prohibit the enforcement of s. 316.302.

Section 2. Paragraph (h) of subsection (5) of section 381.986, Florida Statutes, is redesignated as paragraph (i), and a new paragraph (h) is added to that subsection to read:

381.986 Medical use of marijuana.—

(5) MEDICAL MARIJUANA USE REGISTRY.—

(h)1. Upon receiving notice that a qualified patient or caregiver was cited for a violation of s. 316.19361 after having admitted to or been found to have committed two prior violations of that section pursuant to chapter 318, the department shall immediately suspend the registration of such qualified patient or caregiver pending final disposition of the infraction. If the violation of s. 316.19361 is dismissed, the department must reinstate the registration of the qualified patient or caregiver.

2. If the department receives notice that a qualified patient or caregiver admitted to or was found to have committed a third violation of s. 316.19361 pursuant to chapter 318, the department must immediately revoke his or her registration.

CS/HB 1003

2026

126

Section 3. This act shall take effect July 1, 2026.