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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/06/2014	.	
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Appropriations Subcommittee on Criminal and Civil Justice  
(Clemens) recommended the following:

**Senate Amendment to Amendment (879190) (with title amendment)**

Between lines 4 and 5  
insert:

Section 1. 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



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11 controlled substance was lawfully obtained from a practitioner  
12 or pursuant to a valid prescription or order of a practitioner  
13 while acting in the course of his or her professional practice  
14 or to be in actual or constructive possession of a controlled  
15 substance except as otherwise authorized by this chapter. Any  
16 person who violates this provision commits a felony of the third  
17 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
18 775.084.

19 (b) If the offense is the possession of more than 14 grams,  
20 but not more than 30 ~~not more than 20~~ grams, of cannabis, as  
21 defined in this chapter, or 3 grams or less of a controlled  
22 substance described in s. 893.03(1)(c)46.-50., 114.-142., 151.-  
23 159., or 166.-169., the person commits a misdemeanor of the  
24 first degree, punishable as provided in s. 775.082 or s.  
25 775.083. If the offense is possession of 14 grams or less of  
26 cannabis, as defined in this chapter, the person commits a  
27 misdemeanor of the second degree, punishable as provided in s.  
28 775.083. For the purposes of this subsection, "cannabis" does  
29 not include the resin extracted from the plants of the genus  
30 *Cannabis*, or any compound manufacture, salt, derivative,  
31 mixture, or preparation of such resin, and a controlled  
32 substance described in s. 893.03(1)(c)46.-50., 114.-142., 151.-  
33 159., or 166.-169., does not include the substance in a powdered  
34 form.

35 (c) Except as provided in this chapter, it is unlawful to  
36 possess in excess of 10 grams of any substance named or  
37 described in s. 893.03(1)(a) or (1)(b), or any combination  
38 thereof, or any mixture containing any such substance. Any  
39 person who violates this paragraph commits a felony of the first



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40 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
41 775.084.

42 (d) Notwithstanding any provision to the contrary of the  
43 laws of this state relating to arrest, a law enforcement officer  
44 may arrest without warrant any person who the officer has  
45 probable cause to believe is violating the provisions of this  
46 chapter relating to possession of cannabis.

47  
48 ===== T I T L E A M E N D M E N T =====

49 And the title is amended as follows:

50 Delete line 619

51 and insert:

52 violations; amending s. 893.13, F.S.; revising  
53 penalties; providing that it is a first degree  
54 misdemeanor to possess more than 14 grams, but not  
55 more than 30 grams, of cannabis; providing that it is  
56 a second degree misdemeanor, which is only punishable  
57 by a fine, to possess 14 grams or less of cannabis;  
58 amending s. 893.135, F.S.; providing that