

**By** Senator Jones

34-00101-24

202494

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.