

### Florida Marijuana Penalties

**M** mandatory

		Incarceration	Fine
<b>Possession</b>			
20 g or less	misdemeanor	1 year	\$1,000
More than 20 g	felony	5 years	\$5,000
25 or more plants (formerly 300 plants)	felony	15 years	\$10,000
<b>Sale or Cultivation</b>			
Delivery of 20 g or less	misdemeanor	1 year	\$1,000
25 lbs or less	felony	5 years	\$5,000
25 to 2,000 lbs (or 2,000 plants)	felony	3 years MMS*	\$25,000
2,000 to 10,000 lbs (or 10,000 plants)	felony	7 years MMS*	\$50,000
10,000 lbs (or 10,000 plants) or more	felony	15 years MMS*	\$200,000
Within 1,000 feet of school, college, park or other specified areas	felony	15 years	\$10,000
*Mandatory minimum sentence.			
<b>Miscellaneous</b> (paraphernalia, license suspensions, drug tax stamps, etc...)			
Paraphernalia possession	misdemeanor	1 year	\$1,000
Any conviction causes driver's license suspension for 6 months to 2 years.			
<b>Details</b>			
Under the new law, possession of 25 or more plants (formerly 300 plants) is prima facie evidence of intent to sell or distribute, and is a second degree felony carrying a maximum penalty of 15 years in jail and a \$10,000 fine.			
Possession of 20 grams or less of marijuana is a misdemeanor, punishable by up to one year in jail and a fine of up to \$1,000. Possession of greater than 20 grams of marijuana is a felony, punishable by up to five years in prison and a fine of up to \$5,000.			
The delivery of 20 grams or less of marijuana for no consideration is a misdemeanor and is punishable by up to one year in jail and a fine of up to \$1,000. Sale, delivery or cultivation of any other amount up to 25 pounds is a felony and punishable by up to five years in prison and a fine of up to \$5,000.			
Sale, delivery or cultivation of greater than 25 pounds is considered trafficking, and all trafficking offenses have mandatory minimum sentences. For less than 2,000 pounds or less than 2,000 plants, there is a mandatory minimum sentence of three years and a fine of \$25,000. For less than 10,000 pounds or less than 10,000 plants there is a mandatory minimum sentence of seven years and a fine of \$50,000. For 10,000 pounds or 10,000 plants or greater, the mandatory minimum sentence is 15 years in prison and a fine of \$200,000.			
Any sale or delivery occurring within 1,000 feet of a school, college, public park, public housing, daycare center, or church is punishable by up to 15 years in prison and a fine of \$10,000.			
The possession of paraphernalia is a misdemeanor, punishable by up to one year in jail and a fine of up to \$1,000.			

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Conviction of a drug related offense also requires suspension of the offender's driver's license for at least six months but not longer than two years.

**Mandatory minimum sentence:** When someone is convicted of an offense punishable by a mandatory minimum sentence, the judge must sentence the defendant to the mandatory minimum sentence or to a higher sentence. The judge has no power to sentence the defendant to less time than the mandatory minimum. A prisoner serving an MMS for a federal offense and for most state offenses will not be eligible for parole. Even peaceful marijuana smokers sentenced to "life MMS" must serve a life sentence with no chance of parole.

Also see Federal Laws [http://norml.org/index.cfm?Group\\_ID=4575](http://norml.org/index.cfm?Group_ID=4575)

### About this Report

NORML's State Guide to Marijuana Penalties outlines most penalties for prohibited marijuana conduct in the 50 states, the District of Columbia, and under federal law. To view the list of prohibited conduct and penalties, click the map icon to the left to find your jurisdiction.

Marijuana laws and penalties change rapidly and are enforced and interpreted differently even in the same legal jurisdiction. Please consult a criminal defense lawyer if you have been busted or if you want to know how a particular conduct might be punished. If you spot an error or have information that should be included in NORML's State Guide to Marijuana Penalties, please inform the NORML Foundation ([foundation@norml.org](mailto:foundation@norml.org)).

Please note:

- The guide does not list penalties for every marijuana offense nor every enhanced sentence such as possessing marijuana near a school, involving a minor, and automatic driver's or professional license suspension. Your state may require an enhanced sentence even if the enhancement is not in the guide.
- Unless otherwise specified, please assume that listed penalties apply only to first convictions. Prior convictions often place a defendant in a higher penalty range, and convictions while on probation for a previous offense may result in revocation of probation.
- Except where indicated otherwise, a listed fine is the maximum fine for the conviction and the minimum fine is zero.
- "Possession" usually means "possessing marijuana only for personal use". If the government accuses you of possessing marijuana for other reasons, the accompanying penalties will probably exceed those for possessing marijuana for personal use. Possessing large amounts of marijuana frequently results in more serious charges of "possession with intent to distribute", "trafficking", and/or "sale".
- Many factors contribute to a defendant's sentence. Factors include level of involvement in the prohibited conduct, location, age, presence or absence of minors, use or presence of weapons, conduct for which a person has been acquitted, and many other things.
- If you are in trouble, please know your rights and hire an attorney.

Warning: The information contained in this report is for informational purposes only. Individuals are encouraged to confirm their state's laws before engaging in any particular behavior, or before going to court without a lawyer.

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Metric units to United States units of measurements:

One ounce (oz.) = 28.35 grams

One pound (lb.) = 16 ounces = 453.59 grams

One kilogram (kg.) = 1,000 grams (g) = 2.2 pounds (lbs.)