

# Florida Drug Law and Possession Charges

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COCOA, FLORIDA, UNITED STATES,  
December 28, 2022 /

EINPresswire.com/ -- Many states have rolled back and reduced penalties for drug possession in recent years. As of May 2022, 19 states, including the District of Columbia, legalized small amounts of cannabis.



Despite this, Florida still has some of the strictest laws regarding drugs, especially cannabis. If caught with illegal drugs in Florida, one may be charged with drug possession, and larger quantities may result in severe penalties.

[A skilled Brevard County attorney](#) can provide a strong defense if arrested for drug possession in Florida. Criminal law attorneys can prepare an effective defense strategy to protect rights and reduce the consequences of a Florida drug possession charge.

## What is Considered Drug Possession in Florida?

Drug possession is the personal knowledge and illegal possession of a controlled substance. Florida drug law recognizes two types of drug possession: actual and constructive.

### Actual Possession

Actual possession of drugs means one had the substance on their person when the police made the arrest. For example, if the police found drugs in a pocket or bag.

### Constructive Possession

Constructive possession refers to knowing the drug was present and controlling it but not having it on one's body. For instance, the court may consider a constructive possession charge if the

police found the substance in the glove compartment of a vehicle instead of in a pocket on the person.

To prove drug possession, the prosecutor must show beyond reasonable doubt that the suspect knew that the drug was a controlled substance and that they knowingly possessed it.

## Florida's Drug Possession Laws

According to Florida drug law, a person cannot sell, manufacture, or deliver controlled substances or possess them with intent to do so. The law divides criminal charges into the following categories:

### Drug Paraphernalia

Bongs, needles, pipes, rolling papers, and other drug paraphernalia fall under the category of drug paraphernalia. It can also include equipment and products for drug manufacturing, packaging, or transportation, such as isomerization devices or scales.

### Drug Trafficking

You can face a drug trafficking charge if possessing a large quantity of drugs, depending on the weight of the substances in possession. For instance, if one has actual or constructive possession of over 25 pounds of cannabis or over 300 plants, they may face cannabis trafficking charges in Florida.

### Intent for Distribution

Florida law details that only medical professionals, pharmacists, law enforcement agencies, and government employees can manage drugs. If one possess drugs with the intent to distribute or sell them, it is considered illegal under Florida drug law.

### Simple Possession

A simple possession charge means there is a small number of drugs on the person without the intent to sell. However, prosecutors can file felony charges if carrying a controlled substance listed under Florida's drug schedules.

### Drug Schedules in Florida

The state of Florida classifies drugs according to a scheduling system, from Schedule I to Schedule V. It follows the Drug Enforcement Administration's drug schedules for medical use and potential for addiction and abuse.

Florida defines a controlled substance as any drug described in the following schedules:

- Schedule I. Drugs under this category have a high potential for abuse or dependence and have no medical value, such as cannabis, lysergic acid diethylamide (LSD), and fentanyl derivatives.
- Schedule II. These substances have an increased potential for abuse and have restricted medical use. Substance abuse can result in physical and psychological dependence and physical harm. This schedule includes substances like cocaine and oxycodone.
- Schedule III. Drugs placed in this schedule have a low potential for abuse and accepted medicinal uses. While these drugs are accepted medically in the U.S., they can still cause physical and psychological dependence. They include ketamine, testosterone, and anabolic steroids.
- Schedule IV. These legal drugs in Florida have low abuse potential and dependencies, such as anti-anxiety medications like alprazolam and diazepam. The use of these drugs may result in limited physical and psychological dependence.
- Schedule V. Schedule V substances like codeine and ethylmorphine have a low potential for abuse compared to Schedule IV substances. These substances are currently acceptable for medical use and treatment in the United States.

## Felony and Misdemeanor Drug Charges in Florida

In Florida, drug possession penalties vary based on the type of drug and the amount found in possession. Potential drug charges include and accompanying consequences include:

### First-Degree Misdemeanor

A first-degree misdemeanor involves a \$1,000 fine and 1 year in jail. This offense applies if one has 20 grams of cannabis or less.

### First-Degree Felony

The delivery or sale of Schedule I or II drugs constitutes a first-degree felony. It is also a felony if one has these drugs within 1,000 feet of protected locations, including parks, churches, or schools. A first-degree felony can result in a \$750,000 fine and up to a 30-year prison sentence.

### Second-Degree Felony

Having specific Schedule I and II drugs on your person with the intent to deliver, manufacture, or sell are second-degree felonies. Medical practitioners who prescribe unnecessary medications listed under Schedule II, Schedule III, or Schedule IV to patients can face this type of offense.

A second-degree felony typically carries a sentence of up to 15 years in jail and a fine of \$10,000. However, depending on the type of drug and the amount, many variables can come into consideration.

### Third-Degree Felony

In the case of actual or constructive possession of controlled substances exceeding a certain weight, one can face a third-degree felony. Penalties for these felonies include a 5-year prison sentence and a \$5,000 fine.

Any drug crime under these felonies can also result in losing a driver's license for at least 6 months.

### Steps to Take if Arrested for Drug Possession

If the police make an arrest for the possession of drugs, there are steps that can be taken to protect one's right to a lawyer and trial. Do the following if arrested for drug possession to have the best possible chance of reducing charges or penalties:

#### Remain Calm

If the police stop and detain you and they reasonably suspect you have committed a crime or suspect drug use, refuse to consent to a search of your vehicle. It's a Fourth Amendment right. However, Police can legally search a car without permission to find evidence of drugs and drug paraphernalia if they have reasonable cause to believe that a crime is being committed.

If arrested, stay calm and avoid making any statements to the police. Do not admit guilt or provide any information that could incriminate. If the officer wants you to sign a document, you may refuse to write anything or sign it without your lawyer present.

Avoid using abusive or threatening language or raising your voice during interactions with the authorities. If they try to ask questions, politely refuse to answer and exercise the right to remain silent. Inform the police that you want to speak with a lawyer and remain quiet until the attorney arrives.

#### Be Respectful to the Police

The police must follow criminal procedures when enforcing drug laws. If arrested, comply with the police officer's instructions and any request that does not infringe on the right to fair treatment or legal counsel.

Let the officer put handcuffs on and stay quiet as they drive to the police station. Avoid violence, as this behavior could lead to additional legal consequences like disorderly conduct or resisting

arrest.

Hire a [Criminal Defense Lawyer](#)

Hire a criminal defense lawyer for your case as soon as possible. Contact an attorney from jail if making bail is not possible, or ask a friend or family member to help find an attorney.

When [choosing your Florida criminal defense attorney](#), pick a legal team with experience handling drug possession cases in Florida and who knows how to work with the justice system to get you the best outcome.

A good attorney can create a solid legal defense to reduce charges. For instance, they can argue that there was no knowledge that the drug was a controlled substance and you had a valid prescription. We can also negotiate alternative sentencing for your case, such as drug testing, support groups, and counseling.

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