

## NOTICE OF PENALTIES

### STUDENTS CONVICTED OF POSSESSION OR SALE OF DRUGS

A federal or state drug conviction (but not a local or municipal conviction) can disqualify a student for FSA funds. The student self-certifies in applying for aid that he is eligible; you're not required to confirm this unless you have conflicting information.

Convictions only count against a student for aid eligibility purposes (FAFSA question 23c) if they were for an offense that occurred during a period of enrollment for which the student was receiving federal student aid—they do not count if the offense was not during such a period, unless the student was denied federal benefits for drug trafficking by a federal or state judge (see drug abuse hold sidebar). Also, a conviction that was reversed, set aside, or removed from the student's record does not count, nor does one received when she/he was a juvenile, unless she/he was tried as an adult.

The chart below illustrates the period of ineligibility for FSA funds, depending on whether the conviction was for sale or possession and whether the student had previous offenses. (A conviction for sale of drugs includes convictions for conspiring to sell drugs.)

#### [Provisions of Florida's DUI Law](http://www.hsmv.state.fl.us/ddl/duilaws.html)

<http://www.hsmv.state.fl.us/ddl/duilaws.html>

#### [Florida State Substantive Laws \(Chapter 893\)](http://archive.flsenate.gov/statutes/index.cfm?App_mode=Display_Statute&URL=0800-0899/0893/0893ContentsIndex.html&StatuteYear=2012&Title=%2D%3E2012%2D%3EChapter%20893)

[http://archive.flsenate.gov/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0800-0899/0893/0893ContentsIndex.html&StatuteYear=2012&Title=%2D%3E2012%2D%3EChapter%20893](http://archive.flsenate.gov/statutes/index.cfm?App_mode=Display_Statute&URL=0800-0899/0893/0893ContentsIndex.html&StatuteYear=2012&Title=%2D%3E2012%2D%3EChapter%20893)

	Possession of Illegal Drugs	Sale of Illegal Drugs
<b>1<sup>st</sup> Offense</b>	<b>1 year from date of conviction</b>	<b>2 years from date of conviction</b>
<b>2<sup>nd</sup> Offense</b>	<b>2 years from date of conviction</b>	<b>Indefinite Period</b>
<b>3<sup>+</sup> Offense</b>	<b>Indefinite Period</b>	<b>Indefinite Period</b>

**The following penalties apply to drug possession charges in Florida. Students residing in other states should review the state laws for penalties.**

#### **Florida Drug Possession – Penalties**

The following penalties apply to drug possession charges in Florida

### **Possession of Marijuana (20 grams or less)**

Possession of 20 grams or less of marijuana is a **First Degree Misdemeanor**.

A 1st degree misdemeanor has a maximum penalty of 1 year in jail and a \$1000 fine.

(See My FL Marijuana possession page for more info)

*Ref: Florida Criminal Statute – §893.13(6) (b)*

### **Possession of Marijuana (more than 20 grams)**

Possession of more than 20 grams of marijuana is a **Third Degree Felony**.

A 3rd degree felony has a maximum penalty of 5 year in jail and a \$5000 fine.

(See My FL Marijuana possession page.)

*Ref: Florida Criminal Statute – §893.13(6) (a)*

### **Possession of a Controlled Substance (Heroin, Cocaine, Ecstasy)**

Possession of a Controlled Substance, which could be **cocaine, heroin, meth, ecstasy**, or other illegal drugs, is a 3rd Degree Felony.

A Third degree penalty carries a maximum penalty of 5 years in jail and up to a \$5000 fine. For more info, see our pages on heroin possession, cocaine possession, and meth possession laws.

*Ref: Florida Criminal Statute – §893.13(6) (a)*

### **Possession of More than 10 grams of Heroin**

Possession of more than 10 grams of Heroin (and/or most Schedule I drugs and related opiate substances as listed in §893.03(1) (a) or (1) (b)) is a 1st Degree Felony. A first degree felony has a maximum penalty of 30 years in prison and fines of up to \$10,000.

*Ref: Florida Criminal Statute – §893.13(6) (c)*

### **Possession of an Unlawful Chemical**

Possession of a listed chemical with the intent to unlawfully manufacture a controlled substance is a 2nd Degree Felony. These chemicals may include ingredients to make methamphetamines, ecstasy, GHB, or other drugs. A second degree felony has a maximum penalty of 15 years in jail and a \$10,000 fine.

*Ref: Florida Criminal Statute – §893.149*

### **Possession of Drug Paraphernalia**

The use, possession, manufacture, delivery or advertisement of **drug paraphernalia** is a 1st Degree Misdemeanor.

**Drug paraphernalia** as defined under Florida law may include pipes, bongs, other smoking devices, spoons, needles, syringes, scales, measuring or preparation devices, containers, bags, and other items.

A first degree misdemeanor has a maximum penalty of 1 year in jail and a \$1000 fine.

See §893.147, Fla. Stat.

### **Possession of Prescription Drugs**

You can be charged with illegal possession of prescription drugs if you don't have a legitimate doctor's prescription for any pills in your possession. Penalties depend on the exact substance you have, but many prescriptions are either opiates (pain killers) or stimulants, and could be a third degree felony.

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	<b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. <b>Second Offense:</b> Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	
<b>Substance/Quantity</b>		<b>Penalty</b>		
Any Amount Of Other Schedule I & II Substances		<b>First Offense:</b> Not more that 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual. <b>Second Offense:</b> Not more than 30 yrs. If death or serious		

	bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Any Drug Product Containing Gamma Hydroxybutyric Acid	
Flunitrazepam (Schedule IV) 1 Gram	
Any Amount Of Other Schedule III Drugs	<p><b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more that 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>
Any Amount Of All Schedule V Drugs	<p><b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p><b>Second Offense:</b> Not more than 4 yrs. Fine not more than</p>
	\$200,000 if an individual, \$500,000 if not an individual.