

1 Introduced by Council Member Dennis:  
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4 **ORDINANCE 2020-620-W**

5 AN ORDINANCE CREATING A NEW PART 1 (POSSESSION  
6 OF TWENTY GRAMS OR LESS OF CANNABIS OR  
7 PARAPHERNALIA), *CHAPTER 606 (DRUGS), ORDINANCE*  
8 *CODE*, TO CREATE A CIVIL CITATION WITHIN THE CITY  
9 OF JACKSONVILLE ORDINANCE CODE FOR POSSESSION OF  
10 20 GRAMS OR LESS OF CANNABIS OR PARAPHERNALIA;  
11 AMENDING SECTION 609.109 (APPLICABLE CHAPTERS  
12 AND PARTS), CHAPTER 609 (CODE ENFORCEMENT  
13 CITATIONS), *ORDINANCE CODE*, TO ESTABLISH NEW  
14 CLASS FINES IN SCHEDULE "A" FOR VIOLATIONS OF  
15 PART 1 (POSSESSION OF TWENTY GRAMS OR LESS OF  
16 CANNABIS OR PARAPHERNALIA), CHAPTER 606 (DRUGS),  
17 *ORDINANCE CODE*; PROVIDING FOR SEVERABILITY;  
18 PROVIDING AN EFFECTIVE DATE.  
19

20 **BE IT ORDAINED** by the Council of the City of Jacksonville:

21 **Section 1. Creating a New Part 1 (Possession of Twenty**  
22 **Grams or Less of Cannabis or Paraphernalia), Chapter 606 (Drugs),**  
23 **Ordinance Code.** A new Part 1 (Possession of Twenty Grams or Less of  
24 Cannabis or Paraphernalia), Chapter 606 (Drugs), *Ordinance Code*, is  
25 hereby created to read as follows:

26 **CHAPTER 606. DRUGS**

27 **PART 1. POSSESSION OF TWENTY GRAMS OR LESS OF CANNABIS OR**  
28 **PARAPHERNALIA**

29 **Sec. 606.101. - Applicability.** This part shall be applicable  
30 within the City of Jacksonville. Nothing herein provided is intended  
31 to create a civil citation for the legal possession of cannabis

1 (marijuana) for the medical use as defined and permitted by Section  
2 29 of the Florida Constitution or as otherwise permitted by Florida  
3 law.

4 **Sec. 606.102. - Definitions.**

5 As used in this part, unless some other meaning is plainly  
6 intended:

7 *Cannabis* means all parts of any plant of the genus *Cannabis*,  
8 whether growing or not; the seeds thereof; the resin extracted from  
9 any part of the plant; and every compound, manufacture, salt,  
10 derivative, mixture, or preparation of the plant or its seeds or  
11 resin. This term does not include: "low-THC cannabis," as defined  
12 in Section 381.986, *Florida Statutes*, if manufactured, possessed,  
13 sold, purchased, delivered, distributed, or dispensed, in conformance  
14 with Section 381.986, *Florida Statutes*; "hemp" as defined in Section  
15 581.217, *Florida Statutes*, or "industrial hemp" as defined in Section  
16 1004.4473, *Florida Statutes*.

17 *Law Enforcement Officer* means a member of the Jacksonville  
18 Sheriff's Office (JSO).

19 *Paraphernalia* means any object used, intended for use, or designed  
20 for use, in ingesting, inhaling, smoking, or otherwise introducing  
21 cannabis into the human body.

22 **Sec. 606.103. - Violations.**

23 (a) Any person, 18 years old or older, who possesses 20 grams or  
24 less of cannabis as defined herein except as otherwise  
25 authorized by law commits a violation of this Part.

26 (b) Any person, 18 years old or older, who possesses paraphernalia  
27 as defined herein except as otherwise authorized by law  
28 commits a violation of this Part.

29 (c) For purposes of this section, a person charged with possession  
30 of cannabis under subsection (a) may not be charged with  
31 possession of paraphernalia under subsection (b) arising out

1 of the same incident.

2 **Sec. 606.104. - Enforcement and Penalties.**

3 (a) This Part is authorized by Chapter 162, Florida Statutes,  
4 and, other than as stated herein, is subject to the  
5 requirements of Chapter 609, Ordinance Code.

6 (b) Any law enforcement officer within the City of Jacksonville  
7 shall have the discretion to issue a civil citation for a  
8 violation of this Part, in lieu of arrest for misdemeanor  
9 marijuana possession, if the law enforcement officer has  
10 reasonable cause to believe that the person violated this  
11 Part.

12 (c) Civil citations shall be issued utilizing the process  
13 established in Chapter 609, Ordinance Code. A person who is  
14 issued a civil citation pursuant to this Part shall be  
15 assessed a civil penalty as follows:

16 (i) First violation- Class A Offense

17 (ii) Second violation- Class B Offense

18 (iii) Third violation- Class C Offense

19 (d) Alternatively, in lieu of the civil penalty for the First  
20 violation, a person may opt to complete community service of  
21 not less than ten (10) hours. Compliance with this subsection  
22 must be established by the filing of an affidavit by the  
23 person issued the civil citation and must be completed within  
24 thirty (30) days of issuance of the civil citation and  
25 received by the law enforcement agency issuing the civil  
26 citation. The process for such procedure will be  
27 administratively established by the law enforcement agency  
28 and included within the materials given to the alleged  
29 violator when a civil citation is issued.

30 (e) Violation of this Part is deemed to be an irreparable or  
31 irreversible violation.

1 (f) No citation shall be issued for a violation of this Part if  
2 the recipient, in connection with a previous citation issued  
3 under this Part, has failed to pay the required penalty,  
4 complete the community service component in (d) above, or  
5 challenged the previously issued citation in county court  
6 pursuant to Chapter 609, *Ordinance Code*.

7 (g) No person may receive more than three civil citations pursuant  
8 to this Part.

9 **Sec. 606.105. - Fine Revenue.**

10 Upon receipt of revenue from the payment of the civil fines  
11 herein imposed, the proceeds from the civil fines shall be deposited  
12 into the Duval County Alcohol and Other Drug Abuse Trust Fund as  
13 described in Section 111.230, *Ordinance Code*, to be used to support  
14 and enhance substance abuse services for Duval County residents.

15 **Sec. 606.106- Annual reporting by JSO.**

16 The Jacksonville Sheriff's Office shall submit an annual written  
17 report on or before July 1 of each year to the City Council which  
18 shall include, but is not limited to the following: i) the number of  
19 all arrests, criminal citations or civil citations, property seizures  
20 and prosecutions for marijuana offenses in the City of Jacksonville;  
21 ii) the breakdown of all marijuana arrests, criminal or civil  
22 citations by race, age, specific charge, classification of  
23 infraction, misdemeanor or felony; iii) the JSO Zone in which the  
24 arrest or criminal or civil citation was made; and iv) the estimated  
25 time and money spent by JSO on law enforcement and punishment for  
26 marijuana offenses for that period of time. JSO should work in concert  
27 with the State Attorney's Office to include information that the  
28 State Attorney's Office may have regarding these matters and should  
29 include costs that the State Attorney's Office incurs related to  
30 adjudication of such claims within the written report.

31 **Section 2. Amending Section 609.109 (Applicable Chapters**

1 **and Parts), Ordinance Code.** Section 609.109 (Applicable Chapters and  
2 Parts), Chapter 609 (Code Enforcement Citations), Chapter 609 (Code  
3 Enforcement Citations), *Ordinance Code*, is hereby amended to read as  
4 follows:

5 **CHAPTER 609. CODE ENFORCEMENT CITATIONS.**

6 \* \* \*

7 **Sec. 609.109. Applicable Chapters and Parts.**

8 The following provisions of the Ordinance Code are subject to  
9 enforcement by citation. Where a Chapter or a Part of a Chapter of  
10 the Code is referenced, then all Sections within that Chapter or Part  
11 are subject to enforcement by citation.

12 SCHEDULE "A"

13 CODE	DESCRIPTION	CLASS**
14 PROVISION*		
	15 * * *	
16 <u>Chapter 606</u>	<u>Drugs</u>	<u>A, B &amp; C</u>

17  
18 \* \* \*

19 **Section 3. Severability.** The provisions of this Ordinance,  
20 including sections and subsections within the Ordinance, are intended  
21 to be severable and if any provision is declared invalid or  
22 unenforceable by a court of competent jurisdiction, such provision  
23 shall be severed and the remainder shall continue in full force and  
24 effect the Ordinance being deemed amended to the least degree legally  
25 permissible.

26 **Section 4. Effective Date.** This ordinance shall become  
27 effective upon signature by the Mayor or upon becoming effective  
28 without the Mayor's signature.

1 Form Approved:

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3 /s/ Paige H. Johnston

4 Office of General Counsel

5 Legislation Prepared by: Paige H. Johnston

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