

CITY COUNCIL RESEARCH DIVISION

LEGISLATIVE SUMMARY



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Bill Type and Number: 2020-620

Introducer/Sponsor(s): Council Member Dennis

Date of Introduction: October 13, 2020

Committee(s) of Reference: NCSPHS, F

Date of Analysis: October 14, 2020

Type of Action: New Part and Amended Section, *Ordinance Code*

Bill Summary: This bill creates a new Part 1, Chapter 606, *Ordinance Code* titled the Jacksonville Civil Citation for Small Quantity Cannabis Possession. With this ordinance, possession of cannabis drug paraphernalia and/or of cannabis (twenty grams or less) by a person eighteen years of age or older, are declared civil infractions and eligible to receive a civil citation instead of an arrest, at the discretion of a law enforcement officer. Civil Citation Penalties in accordance with Chapter 609, *Ordinance Code* are: First violation- Class A Offense (\$50 fine or the alternative option to participate in ten hours of community service); Second violation- Class B Offense (\$75 fine); Third violation- Class C Offense (\$125 fine). This legislation also amends Section 609.109 (Applicable Chapters and Parts), Chapter 609 (Code Enforcement Citations), Chapter 609 (Code Enforcement Citations), *Ordinance Code*, to include provisions which are subject to enforcement by civil citation. No part of this ordinance is applicable to the possession of cannabis prescribed for medical use. The proceeds from the civil fines will be deposited into the Duval County Alcohol and Other Drug Abuse Trust Fund.

Annual Reporting by July 1 each year, JSO will report to council regarding: i) the number of all arrests, criminal citations or civil citations, property seizures and prosecutions for marijuana offenses in the City of Jacksonville; ii) the breakdown of all marijuana arrests, criminal or civil citations by race, age, specific charge, classification of infraction, misdemeanor or felony; iii) the JSO Zone in which the arrest or criminal or civil citation was made iv) the estimated time and money spent by JSO on law enforcement and punishment for marijuana offenses for that period of time. JSO should work in concert with the State Attorney's Office to include their costs.

Background Information: The decriminalization of cannabis typically means there is no arrest, prison time, or criminal record for the first-time possession of a small amount of cannabis for personal consumption. Cannabis decriminalization may: allow for more resources to go towards more serious crimes; protect individuals from experiencing lifelong consequences from a cannabis criminal conviction record (they can be barred from employment, denied federal financial student aid, welfare/ food stamps and may be removed from public housing); and counteract racial disparities in cannabis arrests and sentencing. In the past few years, many states and local governments have made changes to laws regarding the possession of cannabis. Florida municipalities that have decriminalized the possession of cannabis in quantities of 20 grams or less include: Alachua County, Broward County, Cocoa Beach, Hallandale Beach, Key West, Miami Beach, Miami-Dade County, Orlando, Osceola County, Palm Beach County, Port Richey, Tampa, Volusia County, and West Palm Beach County. Cannabis possession has also been decriminalized in 16 states. Cannabis is legal for medical purposes with a doctor's prescription in 33 states (including Florida), and legalized in 11 states for recreational use.

Policy Impact Area: Cannabis decriminalization and civil citations

Fiscal Impact: Civil fines to be used to support and enhance substance abuse services for Duval County residents; potential expenditure savings from reducing incarceration and probation services. No new direct cost to the City.

Analyst: Hampsey