

1 Introduced by Council Member Dennis:
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4 **ORDINANCE 2019-330**

5 AN ORDINANCE CREATING A NEW PART 1 (SMALL
6 QUANTITY MARIJUANA POSSESSION), CHAPTER 606
7 (DRUGS), *ORDINANCE CODE*, TO CREATE A CIVIL
8 CITATION PROGRAM FOR POSSESSION OF LESS THAN
9 20 GRAMS OF MARIJUANA OR MARIJUANA DRUG
10 PARAPHERNALIA IN ALTERNATIVE TO CRIMINAL
11 PROSECUTION; PROVIDING FOR SEVERABILITY;
12 PROVIDING AN EFFECTIVE DATE.
13

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

15 **Section 1. Creating a New Part 1 (Small Quantity**
16 **Marijuana Possession), Chapter 606 (Drugs), Ordinance Code.** A new
17 Part 1 (Small Quantity Marijuana Possession), Chapter 606 (Drugs),
18 *Ordinance Code*, is hereby created to read as follows:

19 **CHAPTER 606. DRUGS**

20 **PART 1. SMALL QUANTITY MARIJUANA POSSESSION**
21

22 **Sec. 606.101. - Title.** This part shall be titled the
23 Jacksonville Civil Citation for Small Quantity Marijuana Possession
24 Ordinance.

25 **Sec. 606.102. - Applicability.**

26 The Council in enacting this part is acting as the governing
27 body of Duval County, Florida. This part shall be applicable
28 within the City of Jacksonville and in all municipalities within
29 Duval County that elect to have the provisions of this part apply
30 within their respective jurisdictions.

31 **Sec. 606.103. - Definitions.**

1 As used in this part, unless some other meaning is plainly
2 intended:

3 *Community service* means uncompensated labor for a community
4 service agency.

5 *Community service agency* means a not-for-profit corporation,
6 community organization, charitable organization, public officer,
7 the State or any political subdivision of the State, or any other
8 city-approved body the purpose of which is to improve the quality
9 of life or social welfare of the community and which agrees to
10 accept community service from persons.

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

19 *Marijuana drug paraphernalia* means all equipment, products, and
20 materials of any kind which are used, intended for use, or designed
21 for use in ingesting, inhaling, or otherwise introducing marijuana
22 into the human body.

23 **Sec.606.104. - Civil infraction.**

24 The following State law misdemeanor violations are declared
25 civil infractions and eligible to receive a civil citation, at the
26 discretion of a law enforcement officer, provided that such
27 violations are not charged in conjunction with any criminal charge:

- 28 (a) Possession, by a person eighteen (18) years of age or older,
29 of marijuana in an amount of twenty (20) grams or less, as set
30 forth in Section 893.13(6)(d), Florida Statutes, as such may
31 be amended from time to time; and

1 (b) Possession, by a person eighteen (18) years of age or older,
2 of marijuana drug paraphernalia.

3 A person charged with possession of marijuana under subsection
4 (a) may not be charged with possession of marijuana drug
5 paraphernalia under subsection (b) arising out of the same
6 incident.

7 **Sec. 606.105. - Civil penalties and enforcement.**

8 (a) This part is enforceable by all law enforcement officers.

9 (b) A person who is issued a civil citation pursuant to this part
10 shall be subject to a civil fine of one hundred dollars
11 (\$100.00) plus court costs.

12 (c) In lieu of paying the one hundred dollar (\$100.00) fine, a
13 person may elect to participate in ten (10) hours of
14 community service at a community service agency. The
15 community service agency supervising the person shall record
16 the number of hours of community service completed and the
17 date the community service hours were completed. The
18 community service agency shall submit the data to the Clerk
19 of the Court on the letterhead of the community service
20 agency, which must also bear the notarized signature of the
21 person designated to represent the community service agency.

22 (d) No person may receive more than three (3) civil citations
23 pursuant to this part.

24 (e) The County Court shall have jurisdiction over all violations
25 of this part.

26 (f) The Clerk of Court shall accept designated fines and issue
27 receipts therefore, and accept proof of satisfactory
28 completion of community service.

29 (g) A person issued a civil citation pursuant to this part shall
30 comply with all directives on the citation.

31 (h) A person who fails to make payment as provided on the

1 citation, and fails to satisfactorily complete community
2 service within the period specified on the citation, shall be
3 deemed to have waived his or her right to pay the civil
4 penalty as set forth on the citation.

5 (i) A person who elects to appear before the court to contest the
6 civil citation shall be deemed to have waived his or her
7 right to pay the civil penalty. The court, after conducting a
8 hearing, shall determine whether a violation has occurred and
9 may impose a civil penalty not to exceed five hundred dollars
10 (\$500.00) plus court costs.

11 (j) If a person fails to pay the civil penalty and fails to
12 satisfactorily complete community service, or fails to appear
13 in court to contest the citation, he or she shall be deemed
14 to have waived his or her right to contest the citation; and
15 in such case, a default judgment may be entered and the judge
16 shall impose a fine at that time. If the fine is paid the
17 case shall be disposed. If the fine is not paid, and no proof
18 of satisfactory completion of community service is provided,
19 default judgment shall be entered up to the maximum civil
20 penalty of five hundred dollars (\$500.00) plus court costs.

21 (k) Any person who willfully refuses to sign and accept a
22 citation issued by a law enforcement officer shall be guilty
23 of a misdemeanor of the first degree, punishable as provided
24 in Sections 775.082 and 775.083, Florida Statutes.

25 **Sec. 606.106. - Fine Revenue.**

26 Upon receipt of revenue from the payment of the civil fines
27 herein imposed, the proceeds from the civil fines shall be used to
28 support the diversionary programs created in this part.

29 **Section 2. Severability.** The provisions of this
30 Ordinance, including sections and subsections within the Ordinance,
31 are intended to be severable and if any provision is declared

1 invalid or unenforceable by a court of competent jurisdiction, such
2 provision shall be severed and the remainder shall continue in full
3 force and effect the Ordinance being deemed amended to the least
4 degree legally permissible.

5 **Section 3. Effective Date.** This ordinance shall become
6 effective upon signature by the Mayor or upon becoming effective
7 without the Mayor's signature.

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10 Form Approved:

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12 /s/ Paige H. Johnston

13 Office of General Counsel

14 Legislation Prepared by: Paige H. Johnston

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