

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

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 & C</u>

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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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