

Introduced by Council Members Peluso, Carlucci, Gaffney, Jr.,
Pittman, Clark-Murray and Johnson:

ORDINANCE 2024-334

AN ORDINANCE AMENDING SECTION 368.301
(VIOLATIONS AND CRIMINAL PENALTIES), PART 3
(ENFORCEMENT), CHAPTER 368 (NOISE CONTROL),
ORDINANCE CODE, SECTION 614.103 (RESERVED),
CHAPTER 614 (PUBLIC ORDER AND SAFETY), *ORDINANCE*
CODE, SECTION 632.101 (CLASSES OF OFFENSES),
CHAPTER 632 (PENALTIES), *ORDINANCE CODE*, SECTION
656.1309 (UNLAWFUL SIGN MESSAGES), PART 13 (SIGN
REGULATIONS), CHAPTER 656 (ZONING CODE),
ORDINANCE CODE, AND SECTION 741.107 (VIOLATIONS
AND CRIMINAL PENALTIES), PART 3 (ENFORCEMENT),
CHAPTER 741 (ZERO TOLERANCE ON LITTER),
ORDINANCE CODE, TO ENHANCE CIVIL AND CRIMINAL
PENALTIES FOR VIOLATIONS OF CITY CODES WHEN SUCH
VIOLATIONS WERE MOTIVATED BY HATE; PROVIDING FOR
SEVERABILITY; PROVIDING FOR CODIFICATION
INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in response to a dramatic increase in hate crimes across
the country and state, in November 2023 the FBI and several Northeast
Florida law enforcement agencies initiated the United Against Hate
campaign to raise awareness and announce an aggressive response to
crimes motivated by hatred toward an individual or entity because of
their race, ethnicity, religion, sexual orientation, gender identity,
disability or national origin; and

WHEREAS, between 2020 and 2022, there has been massive increase

1 in hate crimes investigated and prosecuted in Florida, several of
2 which have been investigated by the FBI, the Jacksonville Sheriff's
3 Office and the Jacksonville Aviation Authority; and

4 **WHEREAS**, between 2020 and 2022, the Jacksonville Sheriff's
5 Office reported 24 hate crimes to the FBI's Uniform Crime Reporting
6 Program; and

7 **WHEREAS**, use of Nazi symbols has been present in communities
8 with large Jewish populations in Jacksonville over the past few years;
9 and

10 **WHEREAS**, a Clay County resident wrote a detailed diary of his
11 intention to murder Black men, women, and children, resulting in the
12 horrific shooting and murders of Angela Michelle Carr; Jerrald
13 De'Shaun Gallion; and Anolt Joseph "AJ" Laguerre Jr., on August 26,
14 2023 at the Dollar General located in the historically black New Town
15 neighborhood of Jacksonville; and

16 **WHEREAS**, the federal and Florida governments have previously
17 responded to hate crimes by enhancing criminal penalties when those
18 crimes were demonstrated to be motivated by hate; and

19 **WHEREAS**, the City is enabled to prosecute various code
20 infractions of its ordinance code through its various code enforcement
21 mechanisms; however unlike the federal and state criminal laws, the
22 City's codes fail to include enhanced penalties which can be imposed
23 as a deterrent against commission of an infraction based on hate; now
24 therefore

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

26 **Section 1. Amending Section 368.301 (Violations and**
27 **criminal penalties), Part 3 (Enforcement), Chapter 368 (Noise**
28 **Control), Ordinance Code.** Section 368.301 (Violations and criminal
29 penalties), Part 3 (Enforcement), Chapter 368 (Noise Control),
30 *Ordinance Code*, is hereby amended to read as follows:

31 **CHAPTER 368. NOISE CONTROL**

1 orientation, gender identity, marital status, national origin, age
2 or disability, the fine and jail penalties authorized herein may be
3 enhanced up to triple the assessed fine, fee and/or jail penalty.

4 **Section 3. Amending Section 632.101 (Classes of offenses),**
5 **Chapter 632 (Penalties), Ordinance Code.** Section 632.101 (Classes
6 of Offenses), Chapter 632 (Penalties), *Ordinance Code*, is hereby
7 amended to read as follows:

8 **CHAPTER 632. PENALTIES**

9 **Sec. 632.101. - Classes of offenses.**

10 (a) The following classes of offenses are established, and
11 any person violating a provision of the Ordinance Code or an
12 ordinance of the City setting forth an established class of
13 offense and prescribing no other specific penalty shall, upon
14 conviction and adjudication of guilt, be punished as follows:

15 (1) For a class A offense, by a fine of not more than
16 \$25 or by imprisonment of not more than ten days, or by
17 both a fine and imprisonment.

18 (2) For a class B offense, by a fine of not more than
19 \$50 or by imprisonment of not more than 30 days, or by both
20 a fine and imprisonment.

21 (3) For a class C offense, by a fine of not more than
22 \$100 or by imprisonment of not more than 60 days, or by
23 both a fine and imprisonment.

24 (4) For a class D offense, by a fine of not more than
25 \$500 or by imprisonment of not more than 60 days, or by
26 both a fine and imprisonment.

27 (b) Whenever a provision of the Ordinance Code or any
28 ordinance of the City makes or declares it to be unlawful or an
29 offense to do or fail to do any act or thing, and no established
30 class of offense or specific penalty is provided, the violation
31 shall constitute a class C offense.

1 (c) If any violation addressed by this Chapter was
2 committed with the primary purpose of expressing, or attempting
3 to promote, animosity, hostility or malice against a person or
4 persons or against the property of a person or persons because
5 of race, color, religion, sex, sexual orientation, gender
6 identity, marital status, national origin, age or disability,
7 the fine and imprisonment penalties authorized herein may be
8 enhanced up to triple the assessed fine, fee and/or jail penalty.

9 **Section 4. Amending Section 656.1309 (Unlawful sign**
10 **messages), Subpart A (General Provisions), Part 13 (Sign**
11 **Regulations), Chapter 656 (Zoning Code), Ordinance Code.** Section
12 656.1309 (Unlawful sign messages), Subpart A (General Provisions),
13 Part 13 (Sign Regulations), Chapter 656 (Zoning Code), *Ordinance*
14 *Code*, is hereby amended to read as follows:

15 **CHAPTER 656 - ZONING CODE**

16 * * *

17 **PART 13. - SIGN REGULATIONS**

18 **SUBPART A. - GENERAL PROVISIONS**

19 * * *

20 **Sec. 656.1309. Unlawful signs.**

21 (a) Projections of light, laser beams or any other medium
22 to form text, graphics, logos, or artwork upon streets,
23 walkways, fences, sign structures, land or water
24 surfaces, or exterior walls or other exterior portions
25 of buildings or any other structure are prohibited,
26 except that an owner may project a sign onto an exterior
27 portion of his or her own property, building or structure
28 if the area occupied by such sign does not otherwise
29 violate applicable sign regulations included in this
30 Part. The person or business who owns or is advertised
31 or identified on the sign shall be presumed to have

permitted the placement of the sign in the absence of credible evidence to the contrary and may be cited for violation of this subsection by either the City's Municipal Code Compliance Division or the Jacksonville Sheriff's Office, and the person or business installing or projecting the sign is also in violation of this subsection. Violations of this subsection shall constitute a class D offense; however, projections of text, graphics, logos, or artwork onto a building, structure or any other place (including public spaces) without the consent of the owner or person in control of the building, structure or space shall constitute blight and graffiti, and pursuant to Sections 806.13 and 125.69, *Florida Statutes*, these violations shall constitute a second degree misdemeanor punishable by a definite term of imprisonment of up to 60 days (discretionary) and a fine not less than \$2000 (non-discretionary), and any equipment or vehicles used in furtherance of this crime shall be seized by the Jacksonville Sheriff's Office and forfeited to the City. Additionally, if any violation addressed by this Section was committed with the primary purpose of expressing, or attempting to promote, animosity, hostility or malice against a person or persons or against the property of a person or persons because of race, color, religion, sex, sexual orientation, gender identity, marital status, national origin, age or disability, the fines authorized herein may be enhanced up to triple the assessed fine amount.

* * *

Section 5. Amending Section 741.107 (Violation of Zero-

Tolerance for Litter Law), Part 3 (Enforcement), Chapter 741 (Zero Tolerance on Litter), Ordinance Code. Section 741.107 (Violation of Zero-Tolerance for Litter Law), Part 3 (Enforcement), Chapter 741 (Zero Tolerance on Litter), *Ordinance Code*, is hereby amended to read as follows:

Chapter 741. Zero Tolerance on Litter

*** * ***

Part 3. Enforcement.

Sec. 741.107. Violation of Zero-Tolerance for Litter Law.

*** * ***

(c) Violations of this Section shall be unlawful and deemed a civil infraction, and shall be subject to the civil fines set forth in this subsection. Each piece of litter or separate snipe sign that a person illegally places on or affixes to public property in violation of this Section shall be deemed a separate violation. The schedule for civil fines for uncontested citations, which may be imposed under this Part III, together with such attorneys' fees and costs as may be authorized by law, shall be as follows:

Offense	Fine
1st	\$150*
2nd	\$300
3 rd and each thereafter	\$500
* Notwithstanding the \$150 fine noted above, any signs up to five signs posted on a single date in a twelve month period, shall incur a \$50 fine per sign. Any signs in excess of 5 signs on that date, or additional signs, shall incur the standard per sign fine of \$150.	

1 For contested citations, there may be imposed a civil fine of
2 up to \$500 per citation, plus such attorneys' fees and costs as may
3 be authorized by law. However, if a person affixes or otherwise places
4 a snipe sign on a public utility pole and the bottom of which sign
5 is at a height more than five feet above the prevailing ground level
6 immediately adjacent to the utility pole then such act shall be
7 punishable with an uncontested \$350* civil fine per citation, plus
8 such attorneys' fees and costs as may be authorized by law. For
9 purposes of this section, the term "ground level" shall mean the
10 finished grade of a parcel of land exclusive of any filling, berming
11 or mounding. Additionally, if any violation addressed by this Section
12 was committed with the primary purpose of expressing, or attempting
13 to promote, animosity, hostility or malice against a person or persons
14 or against the property of a person or persons because of race, color,
15 religion, sex, sexual orientation, gender identity, marital status,
16 national origin, age or disability, the fines authorized herein may
17 be enhanced up to triple the assessed fine amount.

18 * * *

19 **Section 6. Severability.** If any section, clause, sentence,
20 or provision of this ordinance or the application of such section,
21 clause, sentence, or provision to any person or bodies or under any
22 circumstances shall be held to be inoperative, invalid, or
23 unconstitutional, the invalidity of such section, clause, sentence,
24 or provision shall not be deemed, held, or taken to affect the
25 validity or constitutionality of any of the remaining parts of this
26 ordinance, or the application of any of the provisions of this
27 ordinance to persons, bodies, or in circumstances other than those
28 as to which it or any part thereof shall have been inoperative,
29 invalid, or unconstitutional, and it is intended that this ordinance
30 shall be construed and applied as if any section, clause, sentence,
31 or provision held inoperative, invalid, or unconstitutional had not

1 been included in this ordinance.

2 **Section 7. Codification Instructions.** The Codifier and the
3 Office of General Counsel are authorized to make all chapter and
4 division "tables of contents" consistent with the changes set forth
5 herein. Such editorial changes and any others necessary to make the
6 *Ordinance Code* consistent with the intent of this legislation are
7 approved and directed herein, and changes to the *Ordinance Code* shall
8 be made forthwith and when inconsistencies are discovered.

9 **Section 8. Effective Date.** This ordinance shall become
10 effective upon signature by the Mayor or upon becoming effective
11 without the Mayor's signature.

12
13 Form Approved:

14
15 /s/ Jason R. Teal

16 Office of General Counsel

17 Legislation Prepared By: Jason R. Teal

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