

1 The Neighborhoods, Community Services, Public Health and Safety
2 Committee offers the following Substitute to File No. 2019-330:

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4 Introduced by Council Member Dennis:

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7 **ORDINANCE 2019-330**

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

22
23 **BE IT ORDAINED** by the Council of the City of Jacksonville:

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

29 **CHAPTER 606. DRUGS**

30 **PART 1. POSSESSION OF TWENTY GRAMS OR LESS OF CANNABIS OR**
31 **PARAPHERNALIA**

1 **Sec. 606.101. - Applicability.** This part shall be applicable
2 within the City of Jacksonville. Nothing herein provided is
3 intended to create a civil citation for the legal possession of
4 cannabis (marijuana) for the medical use as defined and permitted
5 by Section 29 of the Florida Constitution or as otherwise permitted
6 by Florida law.

7 **Sec. 606.102. - Definitions.**

8 As used in this part, unless some other meaning is plainly
9 intended:

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

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

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

25 **Sec. 606.103. - Violations.**

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

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

1 (c) For purposes of this section, a person charged with
2 possession of cannabis under subsection (a) may not be
3 charged with possession of paraphernalia under subsection
4 (b) arising out of the same incident.

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

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

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

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

19 (i) First violation- Class A Offense

20 (ii) Second violation- Class B Offense

21 (iii) Third violation- Class C Offense

22 (d) Violation of this Part is deemed to be an irreparable or
23 irreversible violation.

24 (e) No citation shall be issued for a violation of this Part if
25 the recipient, in connection with a previous citation issued
26 under this Part, has failed to pay the required penalty or
27 challenge the previously issued citation in county court
28 pursuant to Chapter 609, *Ordinance Code*.

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

31 **Sec. 606.105. - Fine Revenue.**

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

7 **Section 2. Amending Section 609.109 (Applicable Chapters**
8 **and Parts), Ordinance Code.** Section 609.109 (Applicable Chapters
9 and Parts), Chapter 609 (Code Enforcement Citations), *Ordinance*
10 *Code*, is hereby amended to read as follows:

11 **CHAPTER 609. CODE ENFORCEMENT CITATIONS.**

12 * * *

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

14 The following provisions of the Ordinance Code are subject to
15 enforcement by citation. Where a Chapter or a Part of a Chapter of
16 the Code is referenced, then all Sections within that Chapter or
17 Part are subject to enforcement by citation.

18 SCHEDULE "A"

19 CODE	DESCRIPTION	CLASS**
20 PROVISION*		
21 * * *		
22 <u>Chapter 606</u>	<u>Drugs</u>	<u>A, B & C</u>

24 * * *

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

1 **Section 4. Effective Date.** This ordinance shall become
2 effective upon signature by the Mayor or upon becoming effective
3 without the Mayor's signature.

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5 Form Approved:

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7 /s/ Paige H. Johnston

8 Office of General Counsel

9 Legislation Prepared by: Paige H. Johnston

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