AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF ORLANDO, FLORIDA, RELATING TO THE
POSSESSION OF CANNABIS AND CANNABIS
PARAPHERNALIA; CREATING SECTION 43.95,
ORLANDO CITY CODE, MAKING POSSESSION OF 20
GRAMS OR LESS OF CANNABIS A CITY CODE
VIOLATION; FURTHER MAKING POSSESSION OF
CERTAIN DRUG PARAPHERNALIA A CITY CODE
VIOLATION; PROVIDING FOR CIVIL PENALTIES;
PROVIDING LEGISLATIVE FINDINGS, AND FOR
SEVERABILITY, CODIFICATION, CORRECTION OF
SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, section 893.13(6)(b), Florida Statutes, makes it a misdemeanor of
the first degree to be in actual or constructive possession of 20 grams or less of
cannabis (marijuana); and

WHEREAS, section 893.147(1), Florida Statutes, makes it a misdemeanor of the
first degree to possess with the intent to use drug paraphernalia as drug paraphernalia is
defined at section 893.145, Florida Statutes; and

WHEREAS, the City Council of the City of Orlando, Florida (the “Orlando City
Council”), hereby finds that existing criminal penalties for the possession of small
amounts of marijuana, and for the possession of drug paraphernalia used to administer
marijuana, are often disproportionate to the severity of the offense; and

WHEREAS, the Orlando City Council hereby finds that civil penalties and
procedures may be more commensurate with any social harm caused by the possession
of small amounts of marijuana or the possession of marijuana paraphernalia; and

WHEREAS, the Orlando City Council hereby finds and declares that this
ordinance is in the best interest of the public health, safety, and welfare; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY
OF ORLANDO, FLORIDA, AS FOLLOWS:

SECTION 1. SEC. 43.95, CREATED. Section 43.95, Code of the City of Orlando,
Florida, is hereby created to read as follows:

Sec. 43.95. – Possession of cannabis or cannabis paraphernalia.

(1) As used in this section, the term:

a. Cannabis means all parts of any plant of the genus Cannabis, whether
   growing or not; the seeds thereof; the resin extracted from any part of the
   plant; and every compound, manufacture, salt, derivative, mixture, or
preparation of the plant or its seeds or resin. The term does not include “low-THC cannabis” and “medical cannabis” as defined by section 381.986, Florida Statutes.

b. **Cannabis paraphernalia** means any object used, intended for use, or designed for use, in ingesting, inhaling, smoking, or otherwise introducing cannabis into the human body, or any object used, intended for use, or designed for use, in storing, containing, concealing, or transporting cannabis.

(2) It is unlawful and a violation of this Code for any person to possess cannabis paraphernalia or 20 grams or less of cannabis.

(3) A person found in violation of possession of cannabis under subsection (2) may not also be found in violation of possession of cannabis paraphernalia under subsection (2) arising out of the same incident.

(4) Any person violating subsection (2) of this section may be issued a code citation pursuant to Article II, Chapter 5, of this Code, and shall, upon conviction, be punished as provided in Article II, Chapter 5, of this Code.

**SECTION 2. SEC. 5.19, AMENDED.** Section 5.19, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 5.19. - Classes of Violations and Reduced Civil Penalties.

(1) Violations of city codes and ordinances, and the applicable reduced civil penalties, shall be as follows:

<table>
<thead>
<tr>
<th>Violation Classifications</th>
<th>First Offense</th>
<th>Second Offense</th>
<th>Third and Subsequent Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td>$50.00</td>
<td>$100.00</td>
<td>Court Hearing Mandatory</td>
</tr>
<tr>
<td>Class II</td>
<td>100.00</td>
<td>200.00</td>
<td>&quot;</td>
</tr>
<tr>
<td>Class III</td>
<td>150.00</td>
<td>300.00</td>
<td>&quot;</td>
</tr>
<tr>
<td>Class IV</td>
<td>200.00</td>
<td>400.00</td>
<td>&quot;</td>
</tr>
<tr>
<td>Class V</td>
<td>500.00</td>
<td>500.00</td>
<td>&quot;</td>
</tr>
</tbody>
</table>

(2) Violations of City codes and ordinances which constitute civil infractions for which citations may be issued are as follows:
SECTION 3. CODIFICATION. The city clerk and the city attorney shall cause
the Code of the City of Orlando, Florida, to be amended as provided by this ordinance
and may renumber, re-letter, and rearrange the codified parts of this ordinance if
necessary to facilitate the finding of the law.

SECTION 4. SCRIVENER’S ERROR. The city attorney may correct scrivener’s
errors found in this ordinance by filing a corrected copy of this ordinance with the city
clerk.

SECTION 5. SEVERABILITY. If any provision of this ordinance or its
application to any person or circumstance is held invalid, the invalidity does not affect
other provisions or applications of this ordinance which can be given effect without the
invalid provision or application, and to this end the provisions of this ordinance are
severable.

SECTION 6. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST READING, by the City Council of the City of Orlando,
Florida, at a regular meeting, the ________ day of ____________________, 2016.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City
of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, the ________ day of
______________________, 2016.

DONE, THE SECOND READING, THE PUBLIC HEARING, AND ENACTED ON
FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City
Council of the City of Orlando, Florida, at a regular meeting, the ________ day of
______________________, 2016.

BY THE MAYOR OF THE CITY OF
ORLANDO, FLORIDA:
Cannabis and paraphernalia possession ordinance

CODING: Words stricken are deletions; words underlined are additions; **** denote omitted text.