

RESOLUTION NO. 18-102

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCINDING RESOLUTION NO. 16-27 OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE.

WHEREAS, On November 10, 2015, the Broward County Board of County Commissioners adopted Ordinance No. 2015-45, which created Section 21-5¹ of the Broward County Code, effective November 17, 2015; and

WHEREAS, Section 21-5 of the Broward County Code provided for the issuance of a civil citation for possession of twenty grams or less of cannabis, and provided for associated financial penalties, community service, and education and treatment programs; and

WHEREAS, Subsection 21-5(c)(1) of the Broward County Code provided that the Section "shall be enforceable throughout Broward County, except within the boundaries of any municipality that, by majority vote of the governing body of the municipality, has enacted a conflicting ordinance or has formally elected not to be subject to the provisions of this section."; and

WHEREAS, on February 16, 2016, this City Commission passed Resolution No. 16-27, electing not to be subject to the provisions of Section 21-5 of the Broward County Code and directing, the City Manager to develop an adult civil citation program, subject to review by the City Attorney, that would provide for the issuance of civil citations to individuals found in possession of twenty grams or less of cannabis and individuals charged with other municipal ordinance violations, and that would include an educational program and a treatment program, as appropriate; and

WHEREAS, on February 6, 2018, the Broward County Board of County Commissioners unanimously passed a revision of Section 21-6 of the Broward County Code to include "all Nonviolent Offenses that constitute misdemeanors under state law or this Code including, but not limited to, possession of twenty (20) grams or less of cannabis, possession of drug paraphernalia, misdemeanor assault, misdemeanor battery (if the law enforcement officer determines the encounter resulted in no or minor injuries and, if it is determined that there is a minor injury, the victim consents to the issuance of the Citation), retail theft of a shopping cart, trespass on property other than a structure or conveyance, petit theft, criminal mischief, disorderly conduct, littering, loitering, and possession of alcoholic beverages by persons under age 21, as those terms are defined by state law". See Section 21-6(a)(6), Broward County Code; and

¹ Although ordained as Section 21-5 in Ordinance 2015-45, the section was renumbered as Section 21-6 in the Broward County Code. References to Section 21-5 in this Resolution are as provided in Ordinance No. 2015-45.

WHEREAS, Section 21-6, Broward County Code, as amended authorizes law enforcement officers, at their discretion, to issue a civil citation for the above-referenced eligible offenses, thereby creating an opportunity to divert individuals that pose no threat to the community out of the criminal justice system, and offer the individual appropriate behavior health treatment, community services opportunities, or educational programs in an attempt to modify behavior and thereby avoid repeated contact with the criminal justice system; and

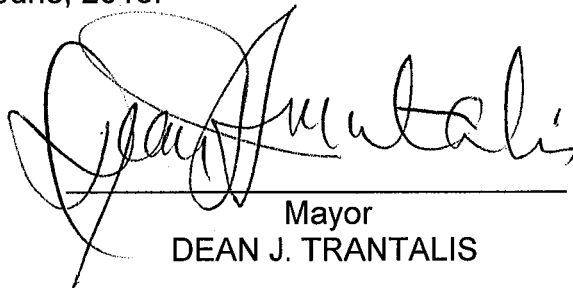
WHEREAS, the City of Fort Lauderdale desires to use newly enacted Section 21-6, Broward County Code for the reasons stated in the preceding paragraph;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. The City of Fort Lauderdale, by majority vote of its City Commission, hereby rescinds Resolution No. 16-27 of the City Commission of the City of Fort Lauderdale.


SECTION 2. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this 5th day of June, 2018.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI