



**CITY OF FORT LAUDERDALE
Commission Agenda Memo
REGULAR MEETING**

#18-0549

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: June 5, 2018

TITLE: Resolution Rescinding Resolution No. 16-27 Relating to the Broward
County Adult Civil Citation Program

Recommendation

It is recommended that the City Commission of the City of Fort Lauderdale rescind Resolution No. 16-27, passed by the City Commission on February 16, 2016.

Background

On November 10, 2015, the Broward County Board of County Commissioners adopted Ordinance No. 2015-45, which created Section 21-5 of the Broward County Code providing 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. Further, 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.”

On February 16, 2016, the City Commission of the City of Fort Lauderdale passed Resolution No. 16-27 (Exhibit 1 hereto) wherein the City elected not to be subject to the provisions of Section 21-5 of the Broward County Code, and directed 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.

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". 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 behavioral health treatment, community services opportunities, or educational programs in an attempt to modify behavior and thereby avoid repeated contact with the criminal justice system.

With this most recent amendment of the Broward County Code, the City of Fort Lauderdale desires to use newly enacted Section 21-6, and thus, it is necessary that the City Commission rescind its Resolution No. 16-27.

Resource Impact

There is no fiscal impact associated with this resolution.

Attachments

Exhibit 1 – Resolution No. 16-27

Exhibit 2 – Proposed Resolution

Prepared by: Bradley H. Weissman, Assistant City Attorney
 Alain E. Boileau, Interim City Attorney

Department Director: Lee R. Feldman, ICMA-CM, City Manager