

ORDINANCE NO. 2016-_____

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, CREATING TAMPA CODE SECTION 14-62 MAKING POSSESSION OF TWENTY GRAMS OR LESS OF CANNABIS UNLAWFUL, MAKING POSSESSION OF DRUG PARAPHERNALIA AS DEFINED HEREIN UNLAWFUL, PROVIDING FOR CIVIL PENALTIES, AMENDING TAMPA CODE SECTION 23.5-5 TO SPECIFY THE AMOUNT OF CIVIL FINE FOR VIOLATION, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statute Subsection 893.13(6)(b) provides that the possession of twenty (20) grams or less of cannabis (marijuana), intended only for consumption of the possessor, is a misdemeanor criminal offense; and

WHEREAS, Florida Statute Subsection 893.147(1) provides that the possession of drug paraphernalia as defined in Florida Statute Section 893.145 is a misdemeanor criminal offense; and

WHEREAS, the Tampa City Council finds that particularly where the citizen's only known offense at the time of arrest is possession for personal use of a small amount of cannabis, or paraphernalia for administration thereof, criminal penalties and potentially life-long criminal record are disproportionate to the severity of the offense; and

WHEREAS, the Tampa City Council finds that established civil penalties and procedures are more commensurate with the offense of possession of twenty grams or less of cannabis or paraphernalia when that is the only chargeable offense.

NOW, THEREFORE,
BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. That Tampa Code Section 14-62 is hereby created to read in its entirety as follows:

Sec. 14-62. Possession of cannabis or paraphernalia.

(a) Definitions.

(1) Cannabis means all parts of any plant of the genus Cannabis, whether growing or not and the seeds thereof. The term does not include the resin or oil extracted from any part of the plant or "low-THC cannabis" as defined in Florida Statute § 381.986 if manufactured, possessed, sold, purchased, delivered, distributed, and dispensed in conformance with § 381.986.