

1 Introduced by Council Members Peluso, Carlucci, Gaffney, Jr.,
2 Pittman, Clark-Murray and Johnson:

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4
5 **ORDINANCE 2024-334**

6 AN ORDINANCE AMENDING SECTION 368.301
7 (VIOLATIONS AND CRIMINAL PENALTIES), PART 3
8 (ENFORCEMENT), CHAPTER 368 (NOISE CONTROL),
9 *ORDINANCE CODE*, SECTION 614.103 (RESERVED),
10 CHAPTER 614 (PUBLIC ORDER AND SAFETY), *ORDINANCE*
11 *CODE*, SECTION 632.101 (CLASSES OF OFFENSES),
12 CHAPTER 632 (PENALTIES), *ORDINANCE CODE*, SECTION
13 656.1309 (UNLAWFUL SIGN MESSAGES), PART 13 (SIGN
14 REGULATIONS), CHAPTER 656 (ZONING CODE),
15 *ORDINANCE CODE*, AND SECTION 741.107 (VIOLATIONS
16 AND CRIMINAL PENALTIES), PART 3 (ENFORCEMENT),
17 CHAPTER 741 (ZERO TOLERANCE ON LITTER),
18 *ORDINANCE CODE*, TO ENHANCE CIVIL AND CRIMINAL
19 PENALTIES FOR VIOLATIONS OF CITY CODES WHEN SUCH
20 VIOLATIONS WERE MOTIVATED BY HATE; PROVIDING FOR
21 SEVERABILITY; PROVIDING FOR CODIFICATION
22 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

23
24 **WHEREAS**, in response to a dramatic increase in hate crimes across
25 the country and state, in November 2023 the FBI and several Northeast
26 Florida law enforcement agencies initiated the United Against Hate
27 campaign to raise awareness and announce an aggressive response to
28 crimes motivated by hatred toward an individual or entity because of
29 their race, ethnicity, religion, sexual orientation, gender identity,
30 disability or national origin; and

31 **WHEREAS**, between 2020 and 2022, there has been massive increase

1 in hate crimes investigated and prosecuted in Florida, several of
2 which have been investigated by the FBI, the Jacksonville Sheriff's
3 Office and the Jacksonville Aviation Authority; and

4 **WHEREAS**, between 2020 and 2022, the Jacksonville Sheriff's
5 Office reported 24 hate crimes to the FBI's Uniform Crime Reporting
6 Program; and

7 **WHEREAS**, use of Nazi symbols has been present in communities
8 with large Jewish populations in Jacksonville over the past few years;
9 and

10 **WHEREAS**, a Clay County resident wrote a detailed diary of his
11 intention to murder Black men, women, and children, resulting in the
12 horrific shooting and murders of Angela Michelle Carr; Jerrald
13 De'Shaun Gallion; and Anolt Joseph "AJ" Laguerre Jr., on August 26,
14 2023 at the Dollar General located in the historically black New Town
15 neighborhood of Jacksonville; and

16 **WHEREAS**, the federal and Florida governments have previously
17 responded to hate crimes by enhancing criminal penalties when those
18 crimes were demonstrated to be motivated by hate; and

19 **WHEREAS**, the City is enabled to prosecute various code
20 infractions of its ordinance code through its various code enforcement
21 mechanisms; however unlike the federal and state criminal laws, the
22 City's codes fail to include enhanced penalties which can be imposed
23 as a deterrent against commission of an infraction based on hate; now
24 therefore

25 **BE IT ORDAINED** by the Council of the City of Jacksonville:

26 **Section 1. Amending Section 368.301 (Violations and**
27 **criminal penalties), Part 3 (Enforcement), Chapter 368 (Noise**
28 **Control), Ordinance Code.** Section 368.301 (Violations and criminal
29 penalties), Part 3 (Enforcement), Chapter 368 (Noise Control),
30 *Ordinance Code*, is hereby amended to read as follows:

31 **CHAPTER 368. NOISE CONTROL**

1 * * *

2 **PART 3. ENFORCEMENT**

3 * * *

4 **Sec. 368.301. Violations and criminal penalties.**

5 (a) A person who knowingly and willfully or by culpable
6 negligence commits a violation specified in section
7 368.301(c) (1), (2) (3), ~~and~~or (4), Ordinance Code, may, upon
8 conviction by a court of appropriate jurisdiction thereof, be
9 punished by:

10 (1) A fine of not more than five hundred dollars; or

11 (2) Not more than ninety days in jail; or both-; and

12 (3) If the violation was committed with the primary
13 purpose of expressing, or attempting to promote, animosity,
14 hostility or malice against a person or persons or against
15 the property of a person or persons because of race, color,
16 religion, sex, sexual orientation, gender identity,
17 marital status, national origin, age or disability, the
18 fine and jail penalties authorized herein may be enhanced
19 up to triple the assessed fine and/or jail penalty.

20 * * *

21 **Section 2. Amending Section 614.103 (Reserved), Chapter 614**
22 **(Public Order and Safety), Ordinance Code.** Section 614.103
23 (Reserved), Chapter 614 (Public Order and Safety), *Ordinance Code*,
24 is hereby amended to read as follows:

25 **CHAPTER 614 PUBLIC ORDER AND SAFETY**

26 * * *

27 **Sec. 614.103. - ~~Reserved~~Enhanced Penalties for Hate Crimes.**

28 If any violation of this Chapter was committed with the primary
29 purpose of expressing, or attempting to promote, animosity, hostility
30 or malice against a person or persons or against the property of a
31 person or persons because of race, color, religion, sex, sexual

1 permitted the placement of the sign in the absence of
2 credible evidence to the contrary and may be cited for
3 violation of this subsection by either the City's
4 Municipal Code Compliance Division or the Jacksonville
5 Sheriff's Office, and the person or business installing
6 or projecting the sign is also in violation of this
7 subsection. Violations of this subsection shall
8 constitute a class D offense; however, projections of
9 text, graphics, logos, or artwork onto a building,
10 structure or any other place (including public spaces)
11 without the consent of the owner or person in control
12 of the building, structure or space shall constitute
13 blight and graffiti, and pursuant to Sections 806.13 and
14 125.69, *Florida Statutes*, these violations shall
15 constitute a second degree misdemeanor punishable by a
16 definite term of imprisonment of up to 60 days
17 (discretionary) and a fine not less than \$2000 (non-
18 discretionary), and any equipment or vehicles used in
19 furtherance of this crime shall be seized by the
20 Jacksonville Sheriff's Office and forfeited to the City.
21 Additionally, if any violation addressed by this Section
22 was committed with the primary purpose of expressing,
23 or attempting to promote, animosity, hostility or malice
24 against a person or persons or against the property of
25 a person or persons because of race, color, religion,
26 sex, sexual orientation, gender identity, marital
27 status, national origin, age or disability, the fines
28 authorized herein may be enhanced up to triple the
29 assessed fine amount.

30 * * *

31 **Section 5. Amending Section 741.107 (Violation of Zero-**

1 **Tolerance for Litter Law), Part 3 (Enforcement), Chapter 741 (Zero**
2 **Tolerance on Litter), Ordinance Code.** Section 741.107 (Violation of
3 Zero-Tolerance for Litter Law), Part 3 (Enforcement), Chapter 741
4 (Zero Tolerance on Litter), *Ordinance Code*, is hereby amended to read
5 as follows:

6 **Chapter 741. Zero Tolerance on Litter**

7 * * *

8 **Part 3. Enforcement.**

9 **Sec. 741.107. Violation of Zero-Tolerance for Litter Law.**

10 * * *

11 (c) Violations of this Section shall be unlawful and deemed a civil
12 infraction, and shall be subject to the civil fines set forth
13 in this subsection. Each piece of litter or separate snipe sign
14 that a person illegally places on or affixes to public property
15 in violation of this Section shall be deemed a separate
16 violation. The schedule for civil fines for uncontested
17 citations, which may be imposed under this Part III, together
18 with such attorneys' fees and costs as may be authorized by law,
19 shall be as follows:

Offense	Fine
1st	\$150*
2nd	\$300
3 rd and each thereafter	\$500

* Notwithstanding the \$150 fine noted above, any signs up to five signs posted on a single date in a twelve month period, shall incur a \$50 fine per sign. Any signs in excess of 5 signs on that date, or additional signs, shall incur the standard per sign fine of \$150.

1 For contested citations, there may be imposed a civil fine of
2 up to \$500 per citation, plus such attorneys' fees and costs as may
3 be authorized by law. However, if a person affixes or otherwise places
4 a snipe sign on a public utility pole and the bottom of which sign
5 is at a height more than five feet above the prevailing ground level
6 immediately adjacent to the utility pole then such act shall be
7 punishable with an uncontested \$350* civil fine per citation, plus
8 such attorneys' fees and costs as may be authorized by law. For
9 purposes of this section, the term "ground level" shall mean the
10 finished grade of a parcel of land exclusive of any filling, berming
11 or mounding. Additionally, if any violation addressed by this Section
12 was committed with the primary purpose of expressing, or attempting
13 to promote, animosity, hostility or malice against a person or persons
14 or against the property of a person or persons because of race, color,
15 religion, sex, sexual orientation, gender identity, marital status,
16 national origin, age or disability, the fines authorized herein may
17 be enhanced up to triple the assessed fine amount.

18 * * *

19 **Section 6. Severability.** If any section, clause, sentence,
20 or provision of this ordinance or the application of such section,
21 clause, sentence, or provision to any person or bodies or under any
22 circumstances shall be held to be inoperative, invalid, or
23 unconstitutional, the invalidity of such section, clause, sentence,
24 or provision shall not be deemed, held, or taken to affect the
25 validity or constitutionality of any of the remaining parts of this
26 ordinance, or the application of any of the provisions of this
27 ordinance to persons, bodies, or in circumstances other than those
28 as to which it or any part thereof shall have been inoperative,
29 invalid, or unconstitutional, and it is intended that this ordinance
30 shall be construed and applied as if any section, clause, sentence,
31 or provision held inoperative, invalid, or unconstitutional had not

