

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, PROHIBITING LOITERING IN PUBLIC PLACES IN A MANNER AND UNDER CIRCUMSTANCES MANIFESTING THE PURPOSE OF ILLEGALLY USING, POSSESSING, TRANSFERRING OR SELLING ANY CONTROLLED SUBSTANCE AS SUCH TERM IS DEFINED IN FLORIDA STATUTES CHAPTER 893; PROHIBITING PERSONS FROM MANIFESTING THE PURPOSE OF ILLEGALLY USING, POSSESSING OR SELLING CONTROLLED SUBSTANCES; DEFINING CIRCUMSTANCES THAT MAY BE CONSIDERED AS SUCH A MANIFESTATION; PROVIDING AN OPPORTUNITY FOR A PERSON TO EXPLAIN THE PERSON'S TRUE PURPOSE; DEFINING "KNOWN ILLEGAL USER POSSESSOR OR SELLER OF CONTROLLED SUBSTANCES;" PROVIDING PENALTIES; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA.

SECTION 1. ACTIVITIES PROHIBITED:

(A) It shall be unlawful for any person to loiter in a public place in a manner and under circumstances manifesting the purpose of illegally using, possessing, transferring or selling any controlled substance as that term is defined in Florida Statutes Chapter 893, as now enacted or hereafter amended or transferred. Among the circumstances which may be considered in determining whether such a purpose is manifested are:

(1) The person is a known illegal user, possessor or seller of controlled substances, or the person is at a location frequented by persons who illegally use, possess, transfer or sell controlled substances; and

(2) the person repeatedly beckons to, stops, attempts to stop or engage in conversation with passers-by, whether such passers-by are on foot or in a motor vehicle, for the purpose of inducing, enticing, soliciting or procuring another to illegally possess, transfer, or buy any controlled substances; or

(3) the person repeatedly passes to or receives from passers-by, whether such passers-by are on foot or in a motor vehicle, money, objects or written material for the purpose of inducing, enticing, soliciting or procuring another to illegally possess, transfer or buy any controlled substance.

In order for there to be a violation of subsection (A), the person's affirmative language or conduct must be such as to demonstrate by its express or implied content or appearance a specific intent to induce, entice, solicit or procure another to illegally possess, transfer or buy a controlled substance.

(C) No arrest shall be made for a violation of subsection (A) unless the arresting officer first affords the person an opportunity to explain his conduct, and no one shall be convicted of violating subsection (A) if it appears at trial that the explanation given was true and disclosed a lawful purpose.

(D) For the purpose of this section, a "known illegal user, possessor or seller of controlled substances" is a person who, within one (1) year previous to the date of arrest for violation of this section, has within the knowledge of the arresting officer been convicted of illegally manufacturing, using, possessing, selling, purchasing or delivering any controlled substance.

SECTION 2. PENALTIES: Any person, firm, or corporation violating any of the provisions of this ordinance, shall be prosecuted in the same manner as misdemeanors are prosecuted and shall, upon conviction, be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment.

SECTION 3. SEVERABILITY: Should any section or provision of this ordinance, or the application of any provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the remainder of this ordinance.

SECTION 4. EFFECTIVE DATE: This Ordinance shall take effect immediately upon receipt of official acknowledgement by the Office of the Department of State to the Clerk of the Board of County Commissioners that same has been filed.

PASSED BY the Board of County Commissioners of St. Johns County,  
State of Florida this 9th day of April, 1991.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: *Ronald R. Heard*  
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: *Carl "Bud" Markel*  
Clerk

Adopted Regular meeting April 9, 1991

Effective: April 19, 1991

### The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared \_\_\_\_\_  
SHERRY L. RAUCH \_\_\_\_\_ who on oath says that she is  
ACCOUNTING CLERK \_\_\_\_\_ of the St. Augustine Record, a  
daily newspaper published at St. Augustine in St. Johns County, Florida: that  
the attached copy of advertisement, being a \_\_\_\_\_  
NOTICE OF INTENT \_\_\_\_\_  
\_\_\_\_\_ in the matter of \_\_\_\_\_  
CONSIDER ENACTMENT OF ORDINANCE \_\_\_\_\_  
\_\_\_\_\_ in the \_\_\_\_\_ Court,  
was published in said newspaper in the issues of \_\_\_\_\_  
March 19, 1991 \_\_\_\_\_

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

*Sherry L. Rauch*  
Zoe Ann Johns

Sworn to and subscribed before me \_\_\_\_\_  
this 19th day of March \_\_\_\_\_  
A.D. 19 91

*Zoe Ann Johns*  
Notary Public  
(SEAL) 8122193

NOTICE OF INTENT TO CONSIDER ENACTMENT OF ORDINANCE  
NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON TUESDAY, APRIL 9, 1991 AT 9:00 O'CLOCK A.M. IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, 428 LEWIS SPEEDWAY (COUNTY ROAD 16-A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE:  
ORDINANCE #1:  
AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, PROHIBITING LOTTERING IN PUBLIC PLACES IN A MANNER AND UNDER CIRCUMSTANCES MANIFESTING THE PURPOSE OF ILLEGALLY USING, POSSESSING, TRANSFERRING OR SELLING ANY CONTROLLED SUBSTANCE AS SUCH TERM IS DEFINED IN FLORIDA STATUTES CHAPTER 893; PROHIBITING PERSONS FROM MANIFESTING THE PURPOSE OF ILLEGALLY USING, POSSESSING OR SELLING CONTROLLED SUBSTANCES; DEFINING CIRCUMSTANCES THAT MAY BE CONSIDERED AS SUCH A MANIFESTATION; PROVIDING AN OPPORTUNITY FOR A PERSON TO EXPLAIN THE PERSON'S TRUE PURPOSE; DEFINING "KNOWN ILLEGAL USER POSSESSOR OR SELLER OF CONTROLLED SUBSTANCES;" PROVIDING PENALTIES; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
The proposed Ordinance is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, St. Johns County Administration Building, Lewis Speedway, and may be examined by parties interested prior to said public hearing.  
All parties having any interest in said Ordinance will be afforded an opportunity to be heard at the public hearing.  
If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.  
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
Carl "Bud" Markel, Its Clerk  
By Amy B. Mulligan  
Deputy Clerk  
L897 March 19, 1991



FLORIDA DEPARTMENT OF STATE

Jim Smith  
Secretary of State

Room 2002, DIVISION OF ELECTIONS

The Capitol, Tallahassee, Florida 32399-0250  
(904) 488-8427

April 16, 1991

Honorable Carl "Bud" Markel  
Clerk of Circuit Court  
St. Johns County Courthouse  
Post Office Drawer 300  
St. Augustine, Florida 32085-0300

Attention: Amy B. Mulligan, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of April 10, 1991 and certified copies of St. Johns County Ordinance No's. 91-11, 91-12 and 91-13, which were filed in this office on April 16, 1991.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mb

RECEIVED  
ST. JOHNS COUNTY

'91 APR 19 P4:13

Carl Bud Markel  
CLERK OF CIRCUIT COURT