

**Board of County Commissioners  
Leon County, Florida**

**Workshop  
on the  
Impact of the Passage of the  
Medical Marijuana Amendment**

**February 7, 2017  
12:00 p.m. – 1:30 p.m.**

**Leon County Board of County Commissioners  
Leon County Courthouse, 5<sup>th</sup> Floor**

# **Leon County Board of County Commissioners**

## **Notes for Workshop**



# Leon County Board of County Commissioners

## Workshop Cover Sheet

February 7, 2017

**To:** Honorable Chairman and Members of the Board

**From:** Vincent S. Long, County Administrator  
Herbert W.A. Thiele, County Attorney

**Title:** Workshop on the Impact of the Passage of the Medical Marijuana Amendment

<b>County Administrator Review and Approval:</b>	Vincent S. Long, County Administrator
<b>County Attorney Review and Approval:</b>	Herbert W.A. Thiele, County Attorney
<b>Department/Division Review and Approval:</b>	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator David McDevitt, Director of Development Support and Environmental Management
<b>Lead Staff/Project Team:</b>	Jessica M. Ierman, Assistant County Attorney Ryan Culpepper, Director of Development Services Shawna Martin, Principal Planner

### **Fiscal Impact:**

This item has no current fiscal impact to the County. However, if the ordinance as proposed is adopted, then an applicant seeking to site a medical marijuana dispensing facility shall be subject to the County's current development review process and associated application review fee schedule.

### **Staff Recommendation:**

Options #1, #2.a. – d., & #3:

1. Accept staff's Report on the Impact of the Passage of the Medical Marijuana Amendment.
2. Direct staff to draft an ordinance regulating medical marijuana dispensing facilities:
  - a. Allowing marijuana dispensing facilities as permissible uses in the same zoning districts that allow drug stores or retail commercial;
  - b. Imposing a distance requirement of 1,000 feet between medical marijuana dispensing facilities and schools and churches;
  - c. Imposing a distance requirement of 1,000 feet from other permitted medical marijuana dispensing facilities; and
  - d. Incorporating medical marijuana dispensing facilities into the County's current development review process and associated application review fee schedule.
3. Schedule the first of two public hearings to consider an ordinance regulating medical marijuana dispensing facilities for March 7, 2017 at 6:00 p.m.

## **Report and Discussion**

### **Background:**

As directed by the Board at the November 22, 2016 meeting, this workshop presents the impact of the passage of the medical marijuana amendment and recommends directing staff to draft an ordinance regulating the siting of medical marijuana dispensing facilities and medical marijuana treatment centers (MMTCs). The Florida Medical Marijuana Legalization Initiative, also known as Amendment 2, passed with 71% of the vote on November 8, 2016 (Attachment #1). It became effective on January 3, 2017. Amendment 2 legalized the use of medical marijuana for specific diseases.

The County has received inquiries for potential medical marijuana dispensary locations. To date, no dispensaries are located within the unincorporated area of Leon County. Currently, the Leon County Land Development Code does not specifically address dispensaries or medical marijuana treatment centers (“MMTC”).

In light of the recent passage of Amendment 2, several local governments have enacted moratoriums. These moratoriums have been imposed to allow the local governments time to develop medical marijuana regulations. The City of Tallahassee imposed a 120 day moratorium on January 25, 2017, to allow for time to study the potential impacts of medical marijuana dispensaries and MMTCs and to propose regulations, specifically including regulations concerning the location of such facilities. Prior to the adoption of the moratorium, three dispensary locations were approved within the City. The first approved dispensary is located at 800 Capital Circle SE, which operates as Trulieve. The second approved dispensary is located at 1639 Village Square Boulevard and operates as Surterra. Finally, a building permit application was approved by the City for a change of use to allow a dispensary at 1902 Thomasville Road, which is to be operated by Knox Medical.

The Florida Association of Counties held a workshop on the impacts of medical marijuana on February 4, 2017. County staff attended this conference. Due to agenda deadlines, staff will update the Board with any new information learned at the FAC workshop at the Board’s workshop.

### **Analysis:**

#### ***Dispensing Facilities and Medical Marijuana Treatment Centers***

Throughout the workshop materials, there are references to both “dispensing facilities” and “MMTCs”. Both terms are used because they currently have different definitions under the law. First, it is important to note that a “dispensing organization” is defined in the Compassionate Medical Cannabis Act of 2014 as “an organization approved by the department to cultivate process, transport, and dispense low-THC cannabis or medical cannabis pursuant to this section.” The term “dispensing organization facility” is defined in the Department of Health (“Department”) rules that implement the Compassionate Medical Cannabis Act as:

Dispensing Organization Facility – Any of the following facilities:

- (a) Cultivation Facility: Any area designed in the application to be used for cultivation of low-THC cannabis.
- (b) Processing Facility: Any area designed in the application to be used for processing of Derivative Product [forms of low-THC cannabis suitable for routes of administration].
- (c) Dispensing Facility: Any area designated in the application where Derivative Product [forms of low-THC cannabis suitable for routes of administration] is dispensed at retail.

Notably, the Department contemplates three types of facilities that constitute a dispensing organization: one of which is a dispensing facility.

“MMTC” is a term that was introduced by Amendment 2. In Amendment 2, “MMTC” is defined as:

An entity that acquires, cultivates, possess, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the department.

A “dispensing facility” clearly falls within the definition of “MMTC” since MMTC has such a broad definition. As a result of the dueling terms, both the “dispensing facility” and “MMTC” terms are used throughout the materials and staff recommends regulating both at this time.

### ***Compassionate Medical Cannabis Act of 2014***

In 2014, Governor Scott signed the Compassionate Medical Cannabis Act into law. In 2016, the Act was amended to expand the use of medical marijuana. The Act allows qualified physicians to order low-THC cannabis or medical cannabis for patients suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms, if no other satisfactory treatment options exist. Tetrahydrocannabinol (THC) is the psychoactive ingredient in marijuana. Low-THC cannabis contains 0.8% or less of THC and does not cause users to experience the “high” commonly associated with cannabis. Cannabis with a THC level above 0.8% is called medical cannabis. Under the Act, medical cannabis can only be ordered for patients with a terminal condition.

In response to the Compassionate Medical Cannabis Act of 2014, the Department established the Office of Compassionate Use to draft and implement the Department’s regulations for medical cannabis, oversee the Compassionate Use Registry (“CUR”), and license businesses to cultivate, process, and dispense medical cannabis.

### ***Current Regulatory Framework***

Section 381.986, Florida Statutes, authorizes dispensing organizations to cultivate, process and dispense low-THC cannabis and medical cannabis (Attachment #2). The Office of Compassionate Use has developed extensive regulations to implement and regulate low-THC cannabis and medical cannabis. Chapter 64-4, Florida Administrative Code, designates five dispensing regions with one applicant intended to be selected from each region until active qualified patients in the Compassionate Use Registry exceed 250,000 (Attachment #3). At that time, the Department shall approve an additional three dispensing organizations. However, as a result of administrative challenges, two additional dispensing facilities have been authorized by the Department prior to the patient count reaching 250,000. The current seven licensed dispensing organizations are:

<b>Region</b>	<b>County</b>	<b>Dispensing Organization</b>
Northwest	Gadsden	Trulieve
Northeast	Alachua	CHT Medical
Northeast	Alachua	The Green Solution
Central	Orange	Knox Medical
Central	Polk	GrowHealthy
Southwest	Hillsborough	Surterra Therapeutics
Southeast	Miami-Dade	Modern Health Concepts

Each dispensing organization is not limited to their respective region; rather, each dispensing organization is permitted to cultivate, process and dispense medical marijuana throughout the state. The legislative intent behind creating five state regions was to ensure adequate statewide distribution. While there is a limit on the number of dispensing organizations, there is no limit on the number of cultivation, processing or dispensing facilities. A map of the authorized dispensing organizations throughout the state is provided in Attachment #4.

To become an authorized dispensing organization, an applicant must submit an application to the Department and an application fee of \$60,063. The applicant must demonstrate the technical and technological ability to cultivate and produce low-THC cannabis. The applicant must possess a valid certificate of registration with the Department of Agriculture and Consumer Services for the cultivation of more than 400,000 plants and must have operated in the state as a registered nursery for at least 30 continuous years. The applicant must demonstrate the ability to secure the premises, resources and personnel necessary to operate a dispensing organization, including the ability to obtain zoning approval. The applicant must demonstrate the ability to maintain accountability of all raw materials, finished products and byproducts to prevent diversion or unlawful access of the products, including providing security measures for each facility. All

owners and managers must pass a level-2 background screening. Upon approval, the applicant must post a \$2 million or \$5 million performance bond, depending on the number of patients being served by the dispensing organization.

To ensure the safety and security of its premises and any off-site storage facilities, and to maintain adequate controls against the diversion, theft, and loss of low-THC cannabis, medical cannabis, or cannabis delivery devices, a dispensing organization is required to:

- Maintain a fully operational security alarm system or video surveillance system;
- Ensure the outdoor premises has adequate lighting;
- Establish and maintain a tracking system approved by the Department that traces the low-THC cannabis or medical cannabis from seed to sale;
- Not dispense from its premises low-THC cannabis, medical cannabis, or a cannabis delivery device between the hours of 9 p.m. and 7 a.m., but is permitted to perform all other operations and deliver low-THC cannabis and medical cannabis to qualified patients 24 hours each day;
- Store low-THC cannabis or medical cannabis in a secured, locked room or a vault;
- Require at least two of its employees, or two employees of a security agency with whom it contracts, to be on the premises at all times;
- Require each employee to wear a photo identification badge at all times while on the premises and require each visitor to wear a visitor's pass at all times while on the premises;
- Implement an alcohol and drug-free workplace policy; and
- Report to local law enforcement within 24 hours after it is notified or becomes aware of the theft, diversion, or loss of low-THC cannabis or medical cannabis.

Dispensing organizations are permitted to deliver low-THC cannabis and medical cannabis. To ensure the safety of the product, a dispensing organization is required to maintain a transportation manifest, ensure only vehicles in good working order are used to transport any product, lock the product in a separate compartment or contained within the vehicle, require at least two persons to be in a vehicle transporting the product, and provide specific safety and training to employees delivering the product.

Under the Act, a dispensing organization must employ a medical director to supervise activities. The medical director must hold an active, unrestricted license as a physician and successfully complete a 2-hour course and examination that encompasses appropriate safety procedures and knowledge of low-THC, medical cannabis, and cannabis delivery devices. The physician ordering medical marijuana for patients cannot be the medical director of a dispensing organization and, further, cannot be employed by or receive compensation from a dispensing organization. Prior to ordering low-THC cannabis, medical cannabis or a cannabis delivery device, the physician must complete a course and examination offered by the Florida Medical Association or the Florida Osteopathic Association that encompasses the clinical indications for the appropriate use of low-THC cannabis and medical cannabis, the appropriate cannabis delivery devices, the contraindications for such use, and the relevant state and federal laws governing the ordering, dispensing, and possessing of these substances and devices. Although the ordering physician cannot be employed by the dispensing organization, there is no

prohibition from allowing medical services from occurring at the same location at the dispensing facility.

Additionally, a cultivation and processing facility can exist at the same location as the dispensing facility. A dispensing organization is prohibited from selling any other type of cannabis, alcohol, or illicit drug-related product, including pipes, bongs, or wrapping paper, other than a physician-ordered cannabis delivery device.

A dispensing organization must separately seek cultivation authorization, processing authorization, and dispensing authorization. No cannabis plant source material may be present in any cultivation facility prior to cultivation authorization. A dispensing organization may not process low-THC cannabis until it obtains processing authorization. Similarly, a dispensing organization cannot begin dispensing until it obtains dispensing authorization.

The Department is permitted to conduct announced or unannounced inspections of dispensing organizations to determine compliance with the law. Additionally, the Department conducts at least biennial inspections to evaluate the dispensing organization's records, personnel, equipment, processes, security measures, sanitation practices, and quality assurance practices. The Department has the ability to revoke its approval of a dispensing organization should a dispensing organization perform any unauthorized action, such as cultivating cannabis prior to obtaining authorization, knowingly dispense medical marijuana to any person other than a qualified patient, failing to comply with the state law, or failing to comply with the deadlines outlined in the Department regulations.

The Compassionate Medical Cannabis Act also requires the use of the CUR. A patient is added to the CUR by a physician. The physician also enters the order for low-THC cannabis, medical cannabis, or a specific type of cannabis delivery device into the CUR. Patients' information contained within the CUR is an exempt public record and is, therefore, protected from disclosure under Chapter 119, Florida Statutes, and Section 24(a), Article I of the State Constitution.

Prior to dispensing any medical marijuana, a dispensing organization must verify that the patient has an active registration in the CUR and verify the physician's order. Immediately upon dispensing medical marijuana, the dispensing organization shall enter the dispensing action into the registry. This prevents the patient from filling one order for medical marijuana at multiple dispensing organizations.

Low-THC cannabis and medical cannabis is not permitted to be consumed by smoking. Instead, it may be consumed through oils, teas, edibles, and vaporizers. Low-THC cannabis and medical cannabis cannot be consumed on any form of public transportation, in any public place, on the grounds of any school, in a vehicle, aircraft, or boat, or at the qualified patient's place of employment, if restricted by his or her employer.

### ***Amendment 2: The Florida Medical Marijuana Legalization Initiative***

Amendment 2 legalized the use of medical marijuana and expanded the list of specific diseases that qualify patients for medical marijuana use (Attachment #1). Under Amendment 2, patients with cancer, epilepsy, glaucoma, HIV, post-traumatic stress disorder, amyotrophic lateral

sclerosos (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis, or other debilitating medical conditions of the same kind or class as or comparable to those enumerated, and for which a physician believes that the use of medical marijuana would likely outweigh the potential health risks for a patient, are permitted to use medical marijuana. While the Compassionate Medical Cannabis Act allows for only terminal patients to use full potency cannabis, Amendment 2 allows any qualified patient to use full potency cannabis.

Amendment 2 allows for MMTCs. An MMTC is defined as "an entity that acquires, cultivates, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Department." A dispensing organization under the Compassionate Medical Cannabis Act would qualify as an MMTC.

Further, Amendment 2 requires the Department to issue qualifying patient and caregiver identification cards. Under the Compassionate Medical Cannabis Act, the CUR is used to tract qualifying patients. Additionally, under Amendment 2, there is no such requirement for a separation of doctor and dispensary, as there is under the Compassionate Medical Cannabis Act.

The Department is required to promulgate rules to implement and enforce Amendment 2 by July 3, 2017. The Department has issued a Notice of Department Rulemaking to implement Amendment 2, discussed below (Attachment #5). Additionally, the Legislature is permitted to enact laws consistent with Amendment 2. Senate Bill 406 was filed on January 19, 2017, to implement Amendment 2 (Attachment #6). Further, although Amendment 2 legalized the use of medical marijuana in Florida, it does not immunize violations of federal law. Under President Obama, the Deputy Attorney General issued a memorandum to all United States Attorneys, referred to as the Cole Memorandum (Attachment #7). The Cole Memorandum determined that enforcing federal laws in states where marijuana use was well-regulated was a low priority. Instead, the Cole Memorandum stated eight enforcement priorities, including preventing the distribution of marijuana to minors, preventing the revenue from going to criminal enterprises, preventing diversion of marijuana to states that do not permit marijuana, and preventing violence. It is unclear how President Trump and his administration intend to treat states' legalization of marijuana while it remains illegal under federal law. As a result, we are in an uncertain climate as new laws and regulations are enacted to address the legalization and expanded use of medical marijuana.

### ***Department of Health Proposed Rules to Implement Amendment 2***

On January 17, 2016, the Department issued a Notice of Department Rulemaking to implement Amendment 2 ("Proposed Rule") (Attachment #5). A rule development workshop is scheduled for February 9, 2017, at the Betty Easley Conference Center in Tallahassee. The Proposed Rule incorporates the MMTCs contemplated in Amendment 2 into the current framework created by the Compassionate Medical Cannabis Act.

Under the Proposed Rule, MMTCs have the same definition as a dispensing organization in the Compassionate Medical Cannabis Act. The Proposed Rule requires an MMTC to register under the same approval and selection process outlined in Section 381.986, Florida Statutes, and Rule 64-4.002, Florida Administrative Code and is subject to the same limitations and operational

requirements contained therein. Section 381.986, Florida Statutes, only permits eight dispensing organizations. Seven dispensing organizations are currently authorized by the Department. Therefore, under the current Proposed Rule, only one additional MMTC could be authorized by the Department. Any rule adopted by the Department will not become effective until after any legal challenges are resolved.

The Department is taking a cautionary approach to Amendment 2. Since the Legislature is permitted to enact laws not inconsistent with Amendment 2, the Department will likely receive further direction from the Legislature and revise or enact rules consistent with any new laws.

### ***Proposed Senate Bill 406***

Sen. Rob Bradley filed Senate Bill 406 on January 19, 2017 (Attachment #6). SB 406 amends Section 381.986, Florida Statutes. It removes the definition of dispensing facility and removes all references thereto and instead defines MMTC as having the same definition as provided in Amendment 2. SB 406 allows all currently authorized dispensing facilities to become authorized MMTCs under the new law without paying any application or registration fees. Within 6 months after the registration of 250,000 active qualifying patients in the CUR, the Department must register an additional five MMTCs. Additionally, the Department must register another five MMTCs after the patient totals reach 350,000, then 400,000 then 500,000. Another five MMTCs are permitted for each 100,000 qualifying patients above 500,000. The below chart illustrates the total number of possible authorized MMTCs as the qualifying patient pool increases.

<b>Qualifying Patients</b>	<b>Permitted MMTCs</b>
< 250,000 (current)	7
250,000	12
350,000	17
400,000	22
500,000	27
For every 100,000 above 500,000	+ 5

The application requirements to establish an MMTC remain mostly unchanged from what is currently required to authorize a dispensing facility. The Department rules currently require dispensing organizations to be a licensed nursery operating for at least 30 continuous years. It is unclear if that requirement will change in response to SB 406, if adopted.

SB 406 allows qualifying patients to receive a 90-day supply of medical marijuana, as opposed to the current 45-day allotment. SB 406 further permits qualifying patients to designate a caregiver, as required in Amendment 2. The caregiver must be 21 years of age unless the patient



is a close relative to the caregiver. The caregiver must also pass a level-2 background screening unless the caregiver is a close relative. Under the current law, a “legal representative” could obtain medical marijuana for qualifying patients. The legal representative is required to hold a power of attorney or be court-authorized to act on behalf of the qualifying patient.

SB 406 also clarifies that the state law does not limit the ability of an employer to establish, continue, or enforce a drug-free workplace program or policy. SB 406 also prohibits edibles from being designed to be attractive to children. SB 406 does not propose any substantive changes to the preemption language.

It is important to note that several medical marijuana bills are expected to be introduced this year. For example, Sen. Jeff Brandes has also stated his intent to introduce a bill that would promote competition among growers and sellers. Staff will be closely monitoring how the Legislature regulates medical marijuana.

### ***Preemption***

The Compassionate Medical Cannabis Act preempts to the state all matters regarding the regulation of the cultivation and processing of medical cannabis or low-THC cannabis by dispensing organizations. Local governments are specifically permitted to determine by ordinance the criteria for the number, location, and other permitting requirements that do not conflict with state law or Department rule for all dispensing facilities of dispensing organizations. Local governments are not permitted to regulate the location of cultivation or processing facilities. SB 406 does not propose any changes to the preemption language.

### ***Policy Considerations***

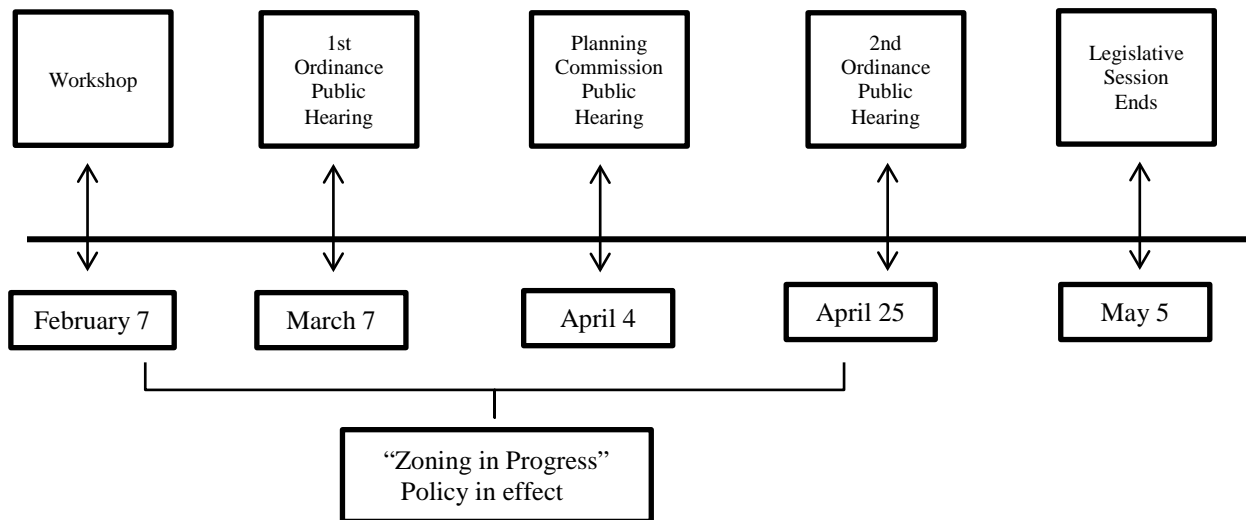
In light of the recent passage of Amendment 2, several local governments have enacted moratoriums. A moratorium provides time for the local government to consider several issues in this emerging area and await any law changes adopted by the Legislature. Below is a discussion of some of these policy considerations.

#### ***Is a moratorium appropriate at this time?***

Several local governments have imposed moratoriums on the siting of medical marijuana dispensaries and MMTCs. If the County adopts a moratorium, it would halt the siting of any dispensing facilities or MMTCs between the effective date of the moratorium and the adoption of an ordinance addressing medical marijuana. The moratorium would apply only to the unincorporated area.

Consideration of a moratorium prohibiting dispensaries or MMTCs would require two public hearings, thus, allowing any moratorium to become effective at the Board’s April 4, 2017 meeting. Staff expects that it will have an ordinance ready for the Board’s March 7, 2017 meeting. Therefore, instead of imposing a moratorium, staff recommends scheduling the first of two public hearings on an ordinance regulating marijuana dispensing facilities and MMTCs for March 7, 2017. Additionally, based on policy direction received by the Board at the workshop, staff would implement a “Zoning in Progress” Policy. This is an interim protection measure that may go into effect after the Board provides policy direction at the workshop. A “Zoning in Progress” Policy is not a moratorium because it does not halt the County’s acceptance of all

applications for development. Instead, any development application or building permit that complies with the proposed ordinance would be processed as normal. However, if an application does not comply during this time period, staff would reject the application and provide guidance to the applicant on how to come into compliance. Staff recommends the below timing of events:



In addition to the Planning Commission, the DSEM Citizens User Group will review the proposed ordinance regulating dispensing facilities and MMTCs prior to the second public hearing.

On the timeline, you will note that Legislative session ends after the second public hearing on the ordinance regulating dispensing facilities or MMTCs. Staff plans to closely monitor the results of the legislative action on this issue. At this time, staff does not expect any preemption language changes.

***Does the County wish to ban dispensaries or MMTCs within the unincorporated limits of the County citing federal law?***

The County may ban dispensaries or MMTCs from having locations within the unincorporated limits of the County. However, over 70% of voters approved Amendment 2. In Leon County specifically, over 75% of voters approved Amendment 2. Staff recommends the County impose regulations on locations of dispensaries and MMTCs to account for any off-site or secondary impacts and impose regulations promoting safety.

***If recreational use becomes legal/permisible in the future, does permitting a dispensing facility or MMTC under the current law risk the dispensing facility's or MMTC's expansion to serving recreational users?***

Dispensing facilities and MMTCs can be regulated to prohibit future expansion to serving recreational users. If recreational use becomes legal or permisible in the state, additional

regulations can be drafted at that time to address facilities that sell marijuana for recreational use. However, staff intends to draft regulations such that if a shift to recreational use occurred, the regulations would only require minor amendments.

***Should the County regulate dispensing facilities or MMTCs or both?***

Under the Department's Proposed Rule, an MMTC is defined as a dispensing facility. Therefore, if the Proposed Rule is adopted, a dispensing facility and an MMTC would be one in the same. However, SB 406 completely eliminates the term "dispensing facility" and instead defines MMTC as having the same definition as provided in Amendment 2, which encompasses much more than dispensaries. Taking the MMTC definition in its broadest sense, the definition includes the doctors that order medical marijuana and entities that distribute educational materials. Staff recommends regulating both dispensing facilities and MMTCs since both are contemplated in the law.

***Should the County impose a cap on the total number of permitted dispensing facilities/MMTCs in the unincorporated area?***

The Marijuana Policy Group published a report ("MPG Report") describing the optimal number of dispensaries (Attachment #8). According to the MPG Report, the optimal number of dispensaries depends on the number of patients likely to register, local area population, and the required scale of operation for dispensaries to remain profitable. The MPG Report notes that cannabis business failure creates risk unlike conventional businesses because the product is still illegal under federal law. According to the MPG Report, a struggling cannabis business may sell their legally grown product to illegal markets, such as non-qualified patients.

The MPG Report finds that 61% of dispensaries will become unprofitable if the allocation ratio of dispensaries to population is 1:30,000. The expected failure declines to 32% if the ratio is 1:50,000, and further declines to 13% if the ratio is 1:67,222. The MPG Report finds that the optimal ratio is 1:67,222.

Despite the MPG Report, staff believes it can effectuate a cap by limiting the zoning districts in which a dispensary or MMTC is a permissible use and by imposing distance separation requirements from schools, daycare centers, parks, churches, libraries, community centers and other dispensaries and MMTCs.

***Zoning Considerations***

State law preempts local jurisdictions from utilizing zoning and land use to regulate medical marijuana cultivation and processing facilities. However, the County may adopt zoning and land use regulations to control the location of dispensing facilities. Due to multiple definitions under the current law, it is staff recommendation to provide one definition for a dispensing facility that will reference and include the language for dispensing facilities as defined under Section 381.986, Florida Statutes, and MMTCs as defined under Amendment 2. The following is a list of regulatory considerations that should be addressed at the Workshop:

- Appropriate zoning districts (need to consider compatibility with surrounding uses, traffic levels, parking requirements, etc.);
- Distance separation from dispensing facilities to schools and churches;
- Distance separation from other dispensing facilities; and

- Type of review and application review fee.

Several other local governments have already adopted regulations addressing dispensing facilities. Ordinances for Hernando County, Alachua County, Miami-Dade County, Indian River County, Citrus County, Osceola County, Glades County, Sarasota County, City of Dania Beach, City of Vero Beach, and City of Winter Park are provided in Attachments #9-19. A matrix comparing the most common elements of each these ordinances is provided in Attachment #20.

With respect to zoning and siting of medical marijuana dispensing facilities, staff recommends this use be considered permissible and sited in zoning districts that allow retail commercial/drug stores, as shown in Attachment #21.

Staff also recommends a distance separation requirement of 1,000 feet between dispensing facilities and schools and churches, as similarly applied between establishments selling alcoholic beverages from these same uses (Chapter 3, Section 3-4, Leon County Code of Laws). Additionally, staff recommends a distance separation requirement of 1,000 feet from other permitted dispensing facilities. This distance was the most frequent distance observed in the ordinances reviewed by staff, as shown in Attachment #20.

To ensure consistency with regard to the application review process and associated review fees, staff recommends handling the establishment of medical marijuana dispensing facilities through the County's current site and development review process. For example, this would include the requirement for a Permitted Use Verification (PUV) for the conversion of an existing storefront to a dispensing facility or site plan review for a proposed new free-standing facility.

In the future, staff may revise the medical marijuana ordinance to address any unforeseen issues encountered as dispensing facilities are sited within the County.

### ***Summary***

State law and Department regulations currently permit medical marijuana dispensaries. Amendment 2 has expanded the potential patient pool eligible to receive medical marijuana. The Department has adopted rules that regulated medical marijuana and has a proposed rule to implement Amendment 2. Further, SB 406 was recently filed and also proposes to implement Amendment 2.

With the adoption of Amendment 2, medical marijuana dispensing facilities are seeking locations throughout the state. The County does not currently have any specific regulations addressing medical marijuana dispensing facilities. As a result, staff recommends:

- Allowing marijuana dispensing facilities as permissible uses in the same zoning districts that allow drug stores or retail commercial;
- Imposing a distance requirement of 1,000 feet between medical marijuana dispensing facilities and schools and churches;
- Imposing a distance requirement of 1,000 feet from other permitted medical marijuana dispensing facilities; and
- Incorporating medical marijuana dispensing facilities into the County's current development review process and associated application review fee schedule.

The future of medical marijuana is uncertain as there are changing laws. Staff is closely following the Department's Proposed Rule and SB 406. Additionally, staff is following how the federal government intends to treat states that have legalized medical marijuana in light of the recent administration change.

**Options:**

1. Accept staff's Report on the Impact of the Passage of the Medical Marijuana Amendment.
2. Direct staff to draft an ordinance regulating medical marijuana dispensing facilities:
  - a. Allowing marijuana dispensing facilities as permissible uses in the same zoning districts that allow drug stores or retail commercial;
  - b. Imposing a distance requirement of 1,000 feet between medical marijuana dispensing facilities and schools and churches;
  - c. Imposing a distance requirement of 1,000 feet from other permitted medical marijuana dispensing facilities; and
  - d. Incorporating medical marijuana dispensing facilities into the County's current development review process and associated application review fee schedule.
3. Schedule the first of two public hearings to consider an ordinance regulating medical marijuana dispensing facilities for March 7, 2017 at 6:00 p.m.
4. Do not direct staff to draft an ordinance regulating marijuana dispensing facilities.
5. Direct staff to draft an ordinance imposing a moratorium on the siting of any medical marijuana dispensing facilities and schedule the first of two public hearings to consider an ordinance imposing a moratorium on the siting of any medical marijuana dispensing facilities for March 7, 2017.
6. Board direction.

**Recommendation:**

Options #1, #2.a. – d. & #3.

**Attachments:**

1. Full Text of Amendment 2
2. Section 381.986, Florida Statutes
3. Chapter 64-4, Florida Administrative Code
4. Map of Dispensing Organizations
5. Department of Health Notice of Development of Rulemaking
6. Senate Bill 406
7. Cole Memorandum
8. Marijuana Policy Group Report
9. Hernando County Ordinance

10. Alachua County Ordinance
11. Miami-Dade County Ordinance
12. Indian River County Ordinance
13. Citrus County Ordinance
14. Osceola County Ordinance
15. Glades County Ordinance
16. Sarasota County Ordinance
17. City of Dania Beach Ordinance
18. City of Vero Beach Ordinance
19. City of Winter Park Ordinance
20. Matrix of Medical Marijuana Ordinances
21. Leon County Existing Permissible Uses and Applicable Zoning Districts

**NO. 2**  
**CONSTITUTIONAL AMENDMENT**  
**ARTICLE X, SECTION 29**  
**(INITIATIVE)**

**Ballot Title:**

Use of Marijuana for Debilitating Medical Conditions

**Ballot Summary:**

Allows medical use of marijuana for individuals with debilitating medical conditions as determined by a licensed Florida physician. Allows caregivers to assist patients' medical use of marijuana. The Department of Health shall register and regulate centers that produce and distribute marijuana for medical purposes and shall issue identification cards to patients and caregivers. Applies only to Florida law. Does not immunize violations of federal law or any non-medical use, possession or production of marijuana.

**Financial Impact Statement:**

Increased costs from this amendment to state and local governments cannot be determined. There will be additional regulatory costs and enforcement activities associated with the production, sale, use and possession of medical marijuana. Fees may offset some of the regulatory costs. Sales tax will likely apply to most purchases, resulting in a substantial increase in state and local government revenues that cannot be determined precisely. The impact on property tax revenues cannot be determined.

**Full Text:**

ARTICLE X  
Miscellaneous

SECTION 29.— Medical marijuana production, possession and use.

(a) PUBLIC POLICY.

(1) The medical use of marijuana by a qualifying patient or caregiver in compliance with this section is not subject to criminal or civil liability or sanctions under Florida law.

(2) A physician shall not be subject to criminal or civil liability or sanctions under Florida law solely for issuing a physician certification with reasonable care to a person diagnosed with a debilitating medical condition in compliance with this section.

(3) Actions and conduct by a Medical Marijuana Treatment Center registered with the Department, or its agents or employees, and in compliance with this section and Department regulations, shall not be subject to criminal or civil liability or sanctions under Florida law.

(b) DEFINITIONS. For purposes of this section, the following words and terms shall have the following meanings:

(1) "Debilitating Medical Condition" means cancer, epilepsy, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), post-traumatic stress disorder (PTSD), amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis, or other debilitating medical conditions of the same kind or class as or comparable to those enumerated, and for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient.

(2) "Department" means the Department of Health or its successor agency.

(3) "Identification card" means a document issued by the Department that identifies a qualifying patient or a caregiver.

(4) "Marijuana" has the meaning given cannabis in Section 893.02(3), Florida Statutes (2014), and, in addition, "Low-THC cannabis" as defined in Section 381.986(1)(b), Florida Statutes (2014), shall also be included in the meaning of the term "marijuana."

(5) "Medical Marijuana Treatment Center" (MMTC) means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments),



transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Department.

(6) "Medical use" means the acquisition, possession, use, delivery, transfer, or administration of an amount of marijuana not in conflict with Department rules, or of related supplies by a qualifying patient or caregiver for use by the caregiver's designated qualifying patient for the treatment of a debilitating medical condition.

(7) "Caregiver" means a person who is at least twenty-one (21) years old who has agreed to assist with a qualifying patient's medical use of marijuana and has qualified for and obtained a caregiver identification card issued by the Department. The Department may limit the number of qualifying patients a caregiver may assist at one time and the number of caregivers that a qualifying patient may have at one time. Caregivers are prohibited from consuming marijuana obtained for medical use by the qualifying patient.

(8) "Physician" means a person who is licensed to practice medicine in Florida.

(9) "Physician certification" means a written document signed by a physician, stating that in the physician's professional opinion, the patient suffers from a debilitating medical condition, that the medical use of marijuana would likely outweigh the potential health risks for the patient, and for how long the physician recommends the medical use of marijuana for the patient. A physician certification may only be provided after the physician has conducted a physical examination and a full assessment of the medical history of the patient. In order for a physician certification to be issued to a minor, a parent or legal guardian of the minor must consent in writing.

(10) "Qualifying patient" means a person who has been diagnosed to have a debilitating medical condition, who has a physician certification and a valid qualifying patient identification card. If the Department does not begin issuing identification cards within nine (9) months after

the effective date of this section, then a valid physician certification will serve as a patient identification card in order to allow a person to become a "qualifying patient" until the Department begins issuing identification cards.

(c) LIMITATIONS.

(1) Nothing in this section allows for a violation of any law other than for conduct in compliance with the provisions of this section.

(2) Nothing in this section shall affect or repeal laws relating to non-medical use, possession, production, or sale of marijuana.

(3) Nothing in this section authorizes the use of medical marijuana by anyone other than a qualifying patient.

(4) Nothing in this section shall permit the operation of any vehicle, aircraft, train or boat while under the influence of marijuana.

(5) Nothing in this section requires the violation of federal law or purports to give immunity under federal law.

(6) Nothing in this section shall require any accommodation of any on-site medical use of marijuana in any correctional institution or detention facility or place of education or employment, or of smoking medical marijuana in any public place.

(7) Nothing in this section shall require any health insurance provider or any government agency or authority to reimburse any person for expenses related to the medical use of marijuana.

(8) Nothing in this section shall affect or repeal laws relating to negligence or professional malpractice on the part of a qualified patient, caregiver, physician, MMTC, or its agents or employees.

(d) DUTIES OF THE DEPARTMENT. The Department shall issue reasonable regulations necessary for the implementation and enforcement of this section. The purpose of the regulations is to ensure the availability and safe use of medical marijuana by qualifying patients. It is the duty of the Department to promulgate regulations in a timely fashion.

(1) Implementing Regulations. In order to allow the Department sufficient time after passage of this section, the following regulations

shall be promulgated no later than six (6) months after the effective date of this section:

a. Procedures for the issuance and annual renewal of qualifying patient identification cards to people with physician certifications and standards for renewal of such identification cards. Before issuing an identification card to a minor, the Department must receive written consent from the minor's parent or legal guardian, in addition to the physician certification.

b. Procedures establishing qualifications and standards for caregivers, including conducting appropriate background checks, and procedures for the issuance and annual renewal of caregiver identification cards.

c. Procedures for the registration of MMTCs that include procedures for the issuance, renewal, suspension and revocation of registration, and standards to ensure proper security, record keeping, testing, labeling, inspection, and safety.

d. A regulation that defines the amount of marijuana that could reasonably be presumed to be an adequate supply for qualifying patients' medical use, based on the best available evidence. This presumption as to quantity may be overcome with evidence of a particular qualifying patient's appropriate medical use.

(2) Identification cards and registrations. The Department shall begin issuing qualifying patient and caregiver identification cards, and registering MMTCs no later than nine (9) months after the effective date of this section.

(3) If the Department does not issue regulations, or if the Department does not begin issuing identification cards and registering MMTCs within the time limits set in this section, any Florida citizen shall have standing to seek judicial relief to compel compliance with the Department's constitutional duties.

(4) The Department shall protect the confidentiality of all qualifying patients. All records containing the identity of qualifying patients shall be confidential and kept from public disclosure other than for valid medical or law enforcement purposes.

(e) LEGISLATION. Nothing in this section shall limit the legislature from enacting laws consistent with this section.

(f) SEVERABILITY. The provisions of this section are severable and if any clause, sentence, paragraph or section of this measure, or an application thereof, is adjudged invalid by a court of competent jurisdiction other provisions shall continue to be in effect to the fullest extent possible.

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West's Florida Statutes Annotated  
Title XXIX. Public Health (Chapters 381-408)  
Chapter 381. Public Health: General Provisions (Refs & Annos)

West's F.S.A. § 381.986

381.986. Compassionate use of low-THC and medical cannabis

Effective: July 1, 2016

[Currentness](#)

**(1) Definitions.**--As used in this section, the term:

(a) “Cannabis delivery device” means an object used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing low-THC cannabis or medical cannabis into the human body.

(b) “Dispensing organization” means an organization approved by the department to cultivate, process, transport, and dispense low-THC cannabis or medical cannabis pursuant to this section.

(c) “Independent testing laboratory” means a laboratory, including the managers, employees, or contractors of the laboratory, which has no direct or indirect interest in a dispensing organization.

(d) “Legal representative” means the qualified patient's parent, legal guardian acting pursuant to a court's authorization as required under [s. 744.3215\(4\)](#), health care surrogate acting pursuant to the qualified patient's written consent or a court's authorization as required under [s. 765.113](#), or an individual who is authorized under a power of attorney to make health care decisions on behalf of the qualified patient.

(e) “Low-THC cannabis” means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.

(f) “Medical cannabis” means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical use by an eligible patient as defined in [s. 499.0295](#).

(g) “Medical use” means administration of the ordered amount of low-THC cannabis or medical cannabis. The term does not include the:

1. Possession, use, or administration of low-THC cannabis or medical cannabis by smoking.

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2. Transfer of low-THC cannabis or medical cannabis to a person other than the qualified patient for whom it was ordered or the qualified patient's legal representative on behalf of the qualified patient.

3. Use or administration of low-THC cannabis or medical cannabis:

a. On any form of public transportation.

b. In any public place.

c. In a qualified patient's place of employment, if restricted by his or her employer.

d. In a state correctional institution as defined in [s. 944.02](#) or a correctional institution as defined in [s. 944.241](#).

e. On the grounds of a preschool, primary school, or secondary school.

f. On a school bus or in a vehicle, aircraft, or motorboat.

(h) "Qualified patient" means a resident of this state who has been added to the compassionate use registry by a physician licensed under chapter 458 or chapter 459 to receive low-THC cannabis or medical cannabis from a dispensing organization.

(i) "Smoking" means burning or igniting a substance and inhaling the smoke. Smoking does not include the use of a vaporizer.

**(2) Physician ordering.--** A physician is authorized to order low-THC cannabis to treat a qualified patient suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms; order low-THC cannabis to alleviate symptoms of such disease, disorder, or condition, if no other satisfactory alternative treatment options exist for the qualified patient; order medical cannabis to treat an eligible patient as defined in [s. 499.0295](#); or order a cannabis delivery device for the medical use of low-THC cannabis or medical cannabis, only if the physician:

(a) Holds an active, unrestricted license as a physician under chapter 458 or an osteopathic physician under chapter 459;

(b) Has treated the patient for at least 3 months immediately preceding the patient's registration in the compassionate use registry;

(c) Has successfully completed the course and examination required under paragraph (4)(a);

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(d) Has determined that the risks of treating the patient with low-THC cannabis or medical cannabis are reasonable in light of the potential benefit to the patient. If a patient is younger than 18 years of age, a second physician must concur with this determination, and such determination must be documented in the patient's medical record;

(e) Registers as the orderer of low-THC cannabis or medical cannabis for the named patient on the compassionate use registry maintained by the department and updates the registry to reflect the contents of the order, including the amount of low-THC cannabis or medical cannabis that will provide the patient with not more than a 45-day supply and a cannabis delivery device needed by the patient for the medical use of low-THC cannabis or medical cannabis. The physician must also update the registry within 7 days after any change is made to the original order to reflect the change. The physician shall deactivate the registration of the patient and the patient's legal representative when treatment is discontinued;

(f) Maintains a patient treatment plan that includes the dose, route of administration, planned duration, and monitoring of the patient's symptoms and other indicators of tolerance or reaction to the low-THC cannabis or medical cannabis;

(g) Submits the patient treatment plan quarterly to the University of Florida College of Pharmacy for research on the safety and efficacy of low-THC cannabis and medical cannabis on patients;

(h) Obtains the voluntary written informed consent of the patient or the patient's legal representative to treatment with low-THC cannabis after sufficiently explaining the current state of knowledge in the medical community of the effectiveness of treatment of the patient's condition with low-THC cannabis, the medically acceptable alternatives, and the potential risks and side effects;

(i) Obtains written informed consent as defined in and required under [s. 499.0295](#), if the physician is ordering medical cannabis for an eligible patient pursuant to that section; and

(j) Is not a medical director employed by a dispensing organization.

**(3) Penalties.--**

(a) A physician commits a misdemeanor of the first degree, punishable as provided in [s. 775.082](#) or [s. 775.083](#), if the physician orders low-THC cannabis for a patient without a reasonable belief that the patient is suffering from:

1. Cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms that can be treated with low-THC cannabis; or
2. Symptoms of cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms that can be alleviated with low-THC cannabis.

(b) A physician commits a misdemeanor of the first degree, punishable as provided in [s. 775.082](#) or [s. 775.083](#), if the physician orders medical cannabis for a patient without a reasonable belief that the patient has a terminal condition as defined in [s. 499.0295](#).

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(c) A person who fraudulently represents that he or she has cancer, a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms, or a terminal condition to a physician for the purpose of being ordered low-THC cannabis, medical cannabis, or a cannabis delivery device by such physician commits a misdemeanor of the first degree, punishable as provided in [s. 775.082](#) or [s. 775.083](#).

(d) An eligible patient as defined in [s. 499.0295](#) who uses medical cannabis, and such patient's legal representative who administers medical cannabis, in plain view of or in a place open to the general public, on the grounds of a school, or in a school bus, vehicle, aircraft, or motorboat, commits a misdemeanor of the first degree, punishable as provided in [s. 775.082](#) or [s. 775.083](#).

(e) A physician who orders low-THC cannabis, medical cannabis, or a cannabis delivery device and receives compensation from a dispensing organization related to the ordering of low-THC cannabis, medical cannabis, or a cannabis delivery device is subject to disciplinary action under the applicable practice act and [s. 456.072\(1\)\(n\)](#).

**(4) Physician education.--**

(a) Before ordering low-THC cannabis, medical cannabis, or a cannabis delivery device for medical use by a patient in this state, the appropriate board shall require the ordering physician to successfully complete an 8-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association that encompasses the clinical indications for the appropriate use of low-THC cannabis and medical cannabis, the appropriate cannabis delivery devices, the contraindications for such use, and the relevant state and federal laws governing the ordering, dispensing, and possessing of these substances and devices. The course and examination shall be administered at least annually. Successful completion of the course may be used by a physician to satisfy 8 hours of the continuing medical education requirements required by his or her respective board for licensure renewal. This course may be offered in a distance learning format.

(b) The appropriate board shall require the medical director of each dispensing organization to hold an active, unrestricted license as a physician under chapter 458 or as an osteopathic physician under chapter 459 and successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association that encompasses appropriate safety procedures and knowledge of low-THC cannabis, medical cannabis, and cannabis delivery devices.

(c) Successful completion of the course and examination specified in paragraph (a) is required for every physician who orders low-THC cannabis, medical cannabis, or a cannabis delivery device each time such physician renews his or her license. In addition, successful completion of the course and examination specified in paragraph (b) is required for the medical director of each dispensing organization each time such physician renews his or her license.

(d) A physician who fails to comply with this subsection and who orders low-THC cannabis, medical cannabis, or a cannabis delivery device may be subject to disciplinary action under the applicable practice act and under [s. 456.072\(1\)\(k\)](#).

**(5) Duties of the department.--** The department shall:



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(a) Create and maintain a secure, electronic, and online compassionate use registry for the registration of physicians, patients, and the legal representatives of patients as provided under this section. The registry must be accessible to law enforcement agencies and to a dispensing organization to verify the authorization of a patient or a patient's legal representative to possess low-THC cannabis, medical cannabis, or a cannabis delivery device and record the low-THC cannabis, medical cannabis, or cannabis delivery device dispensed. The registry must prevent an active registration of a patient by multiple physicians.

(b) Authorize the establishment of five dispensing organizations to ensure reasonable statewide accessibility and availability as necessary for patients registered in the compassionate use registry and who are ordered low-THC cannabis, medical cannabis, or a cannabis delivery device under this section, one in each of the following regions: northwest Florida, northeast Florida, central Florida, southeast Florida, and southwest Florida. The department shall develop an application form and impose an initial application and biennial renewal fee that is sufficient to cover the costs of administering this section. An applicant for approval as a dispensing organization must be able to demonstrate:

1. The technical and technological ability to cultivate and produce low-THC cannabis. The applicant must possess a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to [s. 581.131](#) that is issued for the cultivation of more than 400,000 plants, be operated by a nurseryman as defined in [s. 581.011](#), and have been operated as a registered nursery in this state for at least 30 continuous years.

2. The ability to secure the premises, resources, and personnel necessary to operate as a dispensing organization.

3. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.

4. An infrastructure reasonably located to dispense low-THC cannabis to registered patients statewide or regionally as determined by the department.

5. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financials to the department. Upon approval, the applicant must post a \$5 million performance bond. However, upon a dispensing organization's serving at least 1,000 qualified patients, the dispensing organization is only required to maintain a \$2 million performance bond.

6. That all owners and managers have been fingerprinted and have successfully passed a level 2 background screening pursuant to [s. 435.04](#).

7. The employment of a medical director to supervise the activities of the dispensing organization.

(c) Upon the registration of 250,000 active qualified patients in the compassionate use registry, approve three dispensing organizations, including, but not limited to, an applicant that is a recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011), and a member of the Black Farmers and Agriculturalists Association, which must meet the requirements of subparagraphs (b)2.-7. and demonstrate the technical and technological ability to cultivate and produce low-THC cannabis.

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(d) Allow a dispensing organization to make a wholesale purchase of low-THC cannabis or medical cannabis from, or a distribution of low-THC cannabis or medical cannabis to, another dispensing organization.

(e) Monitor physician registration and ordering of low-THC cannabis, medical cannabis, or a cannabis delivery device for ordering practices that could facilitate unlawful diversion or misuse of low-THC cannabis, medical cannabis, or a cannabis delivery device and take disciplinary action as indicated.

**(6) Dispensing organization.**--An approved dispensing organization must, at all times, maintain compliance with the criteria demonstrated for selection and approval as a dispensing organization under subsection (5) and the criteria required in this subsection.

(a) When growing low-THC cannabis or medical cannabis, a dispensing organization:

1. May use pesticides determined by the department, after consultation with the Department of Agriculture and Consumer Services, to be safely applied to plants intended for human consumption, but may not use pesticides designated as restricted-use pesticides pursuant to [s. 487.042](#).

2. Must grow low-THC cannabis or medical cannabis within an enclosed structure and in a room separate from any other plant.

3. Must inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state, notify the Department of Agriculture and Consumer Services within 10 calendar days after a determination that a plant is infested or infected by such plant pest, and implement and maintain phytosanitary policies and procedures.

4. Must perform fumigation or treatment of plants, or the removal and destruction of infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.

(b) When processing low-THC cannabis or medical cannabis, a dispensing organization must:

1. Process the low-THC cannabis or medical cannabis within an enclosed structure and in a room separate from other plants or products.

2. Test the processed low-THC cannabis and medical cannabis before they are dispensed. Results must be verified and signed by two dispensing organization employees. Before dispensing low-THC cannabis, the dispensing organization must determine that the test results indicate that the low-THC cannabis meets the definition of low-THC cannabis and, for medical cannabis and low-THC cannabis, that all medical cannabis and low-THC cannabis is safe for human consumption and free from contaminants that are unsafe for human consumption. The dispensing organization must retain records of all testing and samples of each homogenous batch of cannabis and low-THC cannabis for at least 9 months. The dispensing organization must contract with an independent testing laboratory to perform audits on the

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dispensing organization's standard operating procedures, testing records, and samples and provide the results to the department to confirm that the low-THC cannabis or medical cannabis meets the requirements of this section and that the medical cannabis and low-THC cannabis is safe for human consumption.

3. Package the low-THC cannabis or medical cannabis in compliance with the United States Poison Prevention Packaging Act of 1970, [15 U.S.C. ss. 1471 et seq.](#)

4. Package the low-THC cannabis or medical cannabis in a receptacle that has a firmly affixed and legible label stating the following information:

a. A statement that the low-THC cannabis or medical cannabis meets the requirements of subparagraph 2.;

b. The name of the dispensing organization from which the medical cannabis or low-THC cannabis originates; and

c. The batch number and harvest number from which the medical cannabis or low-THC cannabis originates.

5. Reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose of testing pursuant to the audit required under subparagraph 2.

(c) When dispensing low-THC cannabis, medical cannabis, or a cannabis delivery device, a dispensing organization:

1. May not dispense more than a 45-day supply of low-THC cannabis or medical cannabis to a patient or the patient's legal representative.

2. Must have the dispensing organization's employee who dispenses the low-THC cannabis, medical cannabis, or a cannabis delivery device enter into the compassionate use registry his or her name or unique employee identifier.

3. Must verify in the compassionate use registry that a physician has ordered the low-THC cannabis, medical cannabis, or a specific type of a cannabis delivery device for the patient.

4. May not dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes, bongs, or wrapping papers, other than a physician-ordered cannabis delivery device required for the medical use of low-THC cannabis or medical cannabis, while dispensing low-THC cannabis or medical cannabis.

5. Must verify that the patient has an active registration in the compassionate use registry, the patient or patient's legal representative holds a valid and active registration card, the order presented matches the order contents as recorded in the registry, and the order has not already been filled.

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6. Must, upon dispensing the low-THC cannabis, medical cannabis, or cannabis delivery device, record in the registry the date, time, quantity, and form of low-THC cannabis or medical cannabis dispensed and the type of cannabis delivery device dispensed.

(d) To ensure the safety and security of its premises and any off-site storage facilities, and to maintain adequate controls against the diversion, theft, and loss of low-THC cannabis, medical cannabis, or cannabis delivery devices, a dispensing organization shall:

1. a. Maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms; or

b. Maintain a video surveillance system that records continuously 24 hours each day and meets at least one of the following criteria:

(I) Cameras are fixed in a place that allows for the clear identification of persons and activities in controlled areas of the premises. Controlled areas include grow rooms, processing rooms, storage rooms, disposal rooms or areas, and point-of-sale rooms;

(II) Cameras are fixed in entrances and exits to the premises, which shall record from both indoor and outdoor, or ingress and egress, vantage points;

(III) Recorded images must clearly and accurately display the time and date; or

(IV) Retain video surveillance recordings for a minimum of 45 days or longer upon the request of a law enforcement agency.

2. Ensure that the organization's outdoor premises have sufficient lighting from dusk until dawn.

3. Establish and maintain a tracking system approved by the department that traces the low-THC cannabis or medical cannabis from seed to sale. The tracking system shall include notification of key events as determined by the department, including when cannabis seeds are planted, when cannabis plants are harvested and destroyed, and when low-THC cannabis or medical cannabis is transported, sold, stolen, diverted, or lost.

4. Not dispense from its premises low-THC cannabis, medical cannabis, or a cannabis delivery device between the hours of 9 p.m. and 7 a.m., but may perform all other operations and deliver low-THC cannabis and medical cannabis to qualified patients 24 hours each day.

5. Store low-THC cannabis or medical cannabis in a secured, locked room or a vault.

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6. Require at least two of its employees, or two employees of a security agency with whom it contracts, to be on the premises at all times.

7. Require each employee to wear a photo identification badge at all times while on the premises.

8. Require each visitor to wear a visitor's pass at all times while on the premises.

9. Implement an alcohol and drug-free workplace policy.

10. Report to local law enforcement within 24 hours after it is notified or becomes aware of the theft, diversion, or loss of low-THC cannabis or medical cannabis.

(e) To ensure the safe transport of low-THC cannabis or medical cannabis to dispensing organization facilities, independent testing laboratories, or patients, the dispensing organization must:

1. Maintain a transportation manifest, which must be retained for at least 1 year.

2. Ensure only vehicles in good working order are used to transport low-THC cannabis or medical cannabis.

3. Lock low-THC cannabis or medical cannabis in a separate compartment or container within the vehicle.

4. Require at least two persons to be in a vehicle transporting low-THC cannabis or medical cannabis, and require at least one person to remain in the vehicle while the low-THC cannabis or medical cannabis is being delivered.

5. Provide specific safety and security training to employees transporting or delivering low-THC cannabis or medical cannabis.

**(7) Department authority and responsibilities.--**

(a) The department may conduct announced or unannounced inspections of dispensing organizations to determine compliance with this section or rules adopted pursuant to this section.

(b) The department shall inspect a dispensing organization upon complaint or notice provided to the department that the dispensing organization has dispensed low-THC cannabis or medical cannabis containing any mold, bacteria, or other contaminant that may cause or has caused an adverse effect to human health or the environment.

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(c) The department shall conduct at least a biennial inspection of each dispensing organization to evaluate the dispensing organization's records, personnel, equipment, processes, security measures, sanitation practices, and quality assurance practices.

(d) The department may enter into interagency agreements with the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, the Department of Transportation, the Department of Highway Safety and Motor Vehicles, and the Agency for Health Care Administration, and such agencies are authorized to enter into an interagency agreement with the department, to conduct inspections or perform other responsibilities assigned to the department under this section.

(e) The department must make a list of all approved dispensing organizations and qualified ordering physicians and medical directors publicly available on its website.

(f) The department may establish a system for issuing and renewing registration cards for patients and their legal representatives, establish the circumstances under which the cards may be revoked by or must be returned to the department, and establish fees to implement such system. The department must require, at a minimum, the registration cards to:

1. Provide the name, address, and date of birth of the patient or legal representative.
2. Have a full-face, passport-type, color photograph of the patient or legal representative taken within the 90 days immediately preceding registration.
3. Identify whether the cardholder is a patient or legal representative.
4. List a unique numeric identifier for the patient or legal representative that is matched to the identifier used for such person in the department's compassionate use registry.
5. Provide the expiration date, which shall be 1 year after the date of the physician's initial order of low-THC cannabis or medical cannabis.
6. For the legal representative, provide the name and unique numeric identifier of the patient that the legal representative is assisting.
7. Be resistant to counterfeiting or tampering.

(g) The department may impose reasonable fines not to exceed \$10,000 on a dispensing organization for any of the following violations:

1. Violating this section, [s. 499.0295](#), or department rule.

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2. Failing to maintain qualifications for approval.
  3. Endangering the health, safety, or security of a qualified patient.
  4. Improperly disclosing personal and confidential information of the qualified patient.
  5. Attempting to procure dispensing organization approval by bribery, fraudulent misrepresentation, or extortion.
  6. Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the business of a dispensing organization.
  7. Making or filing a report or record that the dispensing organization knows to be false.
  8. Willfully failing to maintain a record required by this section or department rule.
  9. Willfully impeding or obstructing an employee or agent of the department in the furtherance of his or her official duties.
  10. Engaging in fraud or deceit, negligence, incompetence, or misconduct in the business practices of a dispensing organization.
  11. Making misleading, deceptive, or fraudulent representations in or related to the business practices of a dispensing organization.
  12. Having a license or the authority to engage in any regulated profession, occupation, or business that is related to the business practices of a dispensing organization suspended, revoked, or otherwise acted against by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law.
  13. Violating a lawful order of the department or an agency of the state, or failing to comply with a lawfully issued subpoena of the department or an agency of the state.
- (h) The department may suspend, revoke, or refuse to renew a dispensing organization's approval if a dispensing organization commits any of the violations in paragraph (g).
- (i) The department shall renew the approval of a dispensing organization biennially if the dispensing organization meets the requirements of this section and pays the biennial renewal fee.

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(j) The department may adopt rules necessary to implement this section.

**(8) Preemption.--**

(a) All matters regarding the regulation of the cultivation and processing of medical cannabis or low-THC cannabis by dispensing organizations are preempted to the state.

(b) A municipality may determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of dispensing organizations located within its municipal boundaries. A county may determine by ordinance the criteria for the number, location, and other permitting requirements that do not conflict with state law or department rule for all dispensing facilities of dispensing organizations located within the unincorporated areas of that county.

**(9) Exceptions to other laws.--**

(a) Notwithstanding [s. 893.13](#), [s. 893.135](#), [s. 893.147](#), or any other provision of law, but subject to the requirements of this section, a qualified patient and the qualified patient's legal representative may purchase and possess for the patient's medical use up to the amount of low-THC cannabis or medical cannabis ordered for the patient, but not more than a 45-day supply, and a cannabis delivery device ordered for the patient.

(b) Notwithstanding [s. 893.13](#), [s. 893.135](#), [s. 893.147](#), or any other provision of law, but subject to the requirements of this section, an approved dispensing organization and its owners, managers, and employees may manufacture, possess, sell, deliver, distribute, dispense, and lawfully dispose of reasonable quantities, as established by department rule, of low-THC cannabis, medical cannabis, or a cannabis delivery device. For purposes of this subsection, the terms “manufacture,” “possession,” “deliver,” “distribute,” and “dispense” have the same meanings as provided in [s. 893.02](#).

(c) Notwithstanding [s. 893.13](#), [s. 893.135](#), [s. 893.147](#), or any other provision of law, but subject to the requirements of this section, an approved independent testing laboratory may possess, test, transport, and lawfully dispose of low-THC cannabis or medical cannabis as provided by department rule.

(d) An approved dispensing organization and its owners, managers, and employees are not subject to licensure or regulation under chapter 465 or chapter 499 for manufacturing, possessing, selling, delivering, distributing, dispensing, or lawfully disposing of reasonable quantities, as established by department rule, of low-THC cannabis, medical cannabis, or a cannabis delivery device.

(e) An approved dispensing organization that continues to meet the requirements for approval is presumed to be registered with the department and to meet the regulations adopted by the department or its successor agency for the purpose of dispensing medical cannabis or low-THC cannabis under Florida law. Additionally, the authority provided to a dispensing organization in [s. 499.0295](#) does not impair the approval of a dispensing organization.



**381.986. Compassionate use of low-THC and medical cannabis, FL ST § 381.986**

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(f) This subsection does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the medical use of low-THC cannabis or medical cannabis or relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

**Credits**

Added by [Laws 2014, c. 2014-157, § 2, eff. June 16, 2014](#). Amended by [Laws 2016, c. 2016-123, § 1, eff. March 25, 2016](#); [Laws 2016, c. 2016-145, § 24, eff. July 1, 2016](#).

West's F. S. A. § 381.986, FL ST § 381.986

Current through the 2016 Second Regular Session of the Twenty-Fourth Legislature.

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West's Florida Administrative Code  
Title 64. Department of Health  
Chapter 64-4. Compassionate Use

Rule 64-4.001, F.A.C.  
Fla. Admin. Code r. 64-4.001

64-4.001. Definitions.

Currentness

For the purposes of this chapter, the following words and phrases shall have the meanings indicated:

- (1) Applicant - A nursery that meets the requirements of [Section 381.986\(5\)\(b\) 1., F.S.](#), applies for approval as a dispensing organization, and identifies a nurseryman as defined in [Section 581.011, F.S.](#), who will serve as the operator.
- (2) Approval - Written notification from the department to an applicant that its application for dispensing organization approval has been found to be in compliance with the provisions of this chapter and that the department is awaiting notification that it is prepared to be inspected and authorized to begin cultivation, processing, and dispensing.
- (3) Cultivation Authorization - Written notification by the department to a Dispensing Organization that it may begin cultivating low-THC cannabis.
- (4) Processing Authorization - Written notification by the department to a Dispensing Organization that it may begin processing low-THC cannabis to Derivative Product.
- (5) Dispensing Authorization - Written notification by the department to a Dispensing Organization that it may begin dispensing Derivative Product.
- (6) Certified Financials - Financial statements that have been audited in accordance with Generally Accepted Auditing Standards (GAAS) by a Certified Public Accountant, licensed pursuant to Chapter 473, F.S.
- (7) Cultivation - Growth of low-THC plant source material.
- (8) Derivative Product - Forms of low-THC cannabis suitable for routes of administration.
- (9) Dispensing Region - A geographical area where the cultivation and production of low-THC cannabis under the control of a Dispensing Organization occurs. The five dispensing regions shall be identified as follows:
  - (a) Northwest Florida Region consisting of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Santa Rosa, Okaloosa, Taylor, Wakulla, Walton, and Washington counties.

- (b) Northeast Florida Region consisting of Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns, Suwannee, and Union counties.
- (c) Central Florida Region consisting of Brevard, Citrus, Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia counties.
- (d) Southwest Florida Region consisting of Charlotte, Collier, DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee, Okeechobee, and Sarasota counties.
- (e) Southeast Florida Region consisting of Broward, Miami-Dade, Martin, Monroe, and Palm Beach counties.
- (10) Dispensing Organization - A nursery that meets the requirements of [Section 381.986\(5\)\(b\) 1., F.S.](#), including its contractual agents, which has been authorized by the department to cultivate, process and dispense low-THC cannabis.
- (11) Dispensing Organization Facility - Any of the following facilities:
- (a) Cultivation Facility: Any area designated in the application to be used for cultivation of low-THC cannabis.
- (b) Processing Facility: Any area designated in the application to be used for processing of Derivative Product.
- (c) Dispensing Facility: Any area designated in the application where Derivative Product is dispensed at retail.
- (12) Financial Statements - A presentation of financial data, including accompanying notes, derived from accounting records that purports to show actual or anticipated financial position and intended to communicate an entity's economic resources or obligations at a point in time, and the results of operations and cash flows for a period of time, in accordance with generally accepted accounting principles or a comprehensive basis of accounting other than generally accepted accounting principles. Financial presentations included in tax returns are not financial statements. The method of preparation (for example, manual or computer preparation) is not relevant to the definition of a financial statement.
- (13) Manager - Any person with the authority to exercise operational direction or management of the Dispensing Organization or the authority to supervise any employee of the Dispensing Organization.
- (14) Permanent resident - A person who has his or her true, fixed and permanent home, in Florida to which, whenever absent, he or she has the intention of returning. Once a permanent residence is established in Florida it is presumed to continue until the resident shows that a change has occurred. Any person who has established a residence in this state may manifest and evidence the same by filing a sworn statement pursuant to [Section 222.17, F.S.](#)

(15) Routes of administration - means the path by which a Derivative Product is ordered by a physician to be taken into the body of the qualified patient, but does not include smoking.

(16) Visitation Protocol - A set of identified policies and procedures of an applicant or Dispensing Organization that details requirements for visitor access to any proposed or existing Dispensing Organization facility.

**Credits**

Adopted June 17, 2015.

Authority: 381.986(5)(d) FS. Law Implemented [381.986\(5\)\(b\) FS](#).

Current with amendments available through January 3, 2017.

Rule 64-4.001, F.A.C., 64 FL ADC 64-4.001

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West's Florida Administrative Code  
Title 64. Department of Health  
Chapter 64-4. Compassionate Use

Rule 64-4.002, F.A.C.  
Fla. Admin. Code r. 64-4.002

64-4.002. Initial Application Requirements for Dispensing Organizations.

Currentness

Each nursery that meets the requirements of [Section 381.986\(5\)\(b\)](#) 1., F.S., desiring to be approved as a Dispensing Organization shall make application, either electronically or in hard copy, to the department using Form DH8006-OCU-2/2015, "Application for Low-THC Cannabis Dispensing Organization Approval" herein incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05457>. The completed application form must include the following:

(1) An initial application fee of \$60,063.00.

(2) An explanation or written documentation, as applicable, showing how the Applicant meets the statutory criteria listed in [Section 381.986\(5\)\(b\)](#), F.S. In any explanation, the Applicant must address each item listed for each criterion below. The Applicant must disclose the name, position, and resume of the employee(s) who provides the knowledge or experience explained for each item.

(a) The technical and technological ability to cultivate, process, and dispense low-THC cannabis. Please address the following items:

1. Experience cultivating cannabis;
2. Experience cultivating in Florida plants not native to Florida;
3. Experience introducing new varieties of plants;
4. Regional cultivation knowledge and experience;
5. Experience cultivating plants for human consumption such as food or medicine products;
6. Experience with in-house propagation;
7. Experience with genetic modification or breeding;

8. Experience using clean growing rooms;
9. Knowledge of cannabis cultivation, including:
  - a. Proper cultivation conditions and techniques;
  - b. Additives that can be used when growing cannabis;
  - c. Pests, disease and deficiencies common for cannabis;
  - d. Production of high quality product in a short time;
10. Experience with tracking each plant in a harvest;
11. Experience with good agricultural practices;
12. Experience with good handling practices;
13. Experience with good manufacturing practices;
14. Experience with analytical organic chemistry and micro-biology;
15. Experience with analytical laboratory methods;
16. Experience with analytical laboratory quality control, including maintaining a chain of custody;
17. Knowledge of, and experience with, cannabis extraction techniques;
18. Knowledge of cannabis routes of administration;
19. Knowledge of, and experience with, producing cannabis products;
20. Experience interacting with patients;
21. Experience with handling confidential information;

22. A marketing plan;
  23. Experience gathering and managing data, i.e. data on patient reactions to products dispensed;
  24. Experience with recalls;
  25. Training programs for employees addressing:
    - a. The Health Insurance Portability and Accountability Act (HIPAA);
    - b. Patient education;
    - c. Compliance;
    - d. Patient counseling; and,
    - e. Data collection.
  26. Any awards, recognition or certifications received for relevant expertise.
- (b) Written documentation demonstrating that the applicant possesses a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to [Section 581.131, F.S.](#), that is issued for the cultivation of more than 400,000 plants, is operated by a nurseryman as defined in [Section 581.011, F.S.](#), and has been operated as a registered nursery in this state for at least 30 continuous years.
- (c) The ability to secure the premises, resources, and personnel necessary to operate as a Dispensing Organization. Please address the following items, and include a sketch or other illustration:
1. Location of all properties Applicant proposes to utilize to cultivate, process, and dispense low-THC cannabis and Derivative Product, including ownership information for the properties and any lease terms if applicable;
    - a. For any property that is leased by the Applicant, include documentation that the property owner consents to the use of the property for the purposes of cultivation, processing, or dispensing of low-THC cannabis and Derivative Products and documentation that the mortgagor or lienholder has been given notice of the use of the property for the purposes of cultivation, processing, or dispensing of low-THC cannabis and Derivative Products.

- b. For any property owned by the Applicant but subject to a mortgage or lien, include documentation that the mortgagor or lienholder has been notified of the use of the property for the purposes of cultivation, processing, or dispensing of low-THC cannabis and Derivative Products.
2. Compliance with local regulations regarding sanitation and waste disposal;
3. The ability to obtain zoning approval;
4. Sketch or other illustration approximating the property boundaries, land topography, vegetation, proposed and/or existing structures, easements, wells, and roadways for each property proposed;
5. Description of the areas proposed for the cultivation of low-THC cannabis, including the following:
  - a. Capacity, in square feet of growing area;
  - b. Cultivation environment, e.g., greenhouse, clean room, aseptic, et cetera;
  - c. Irrigation system(s); and,
  - d. Environmental control system(s);
6. A description of the ability or plan to expand any of the areas proposed for low-THC cannabis;
7. Back-up systems for all cultivation and processing systems;
8. A description of one or more strains of low-THC cannabis the applicant intends to cultivate;
9. Access to water resources that allow for sufficient irrigation;
10. Description of the areas proposed for the processing of Derivative Products, including the following:
  - a. Extraction equipment and location;
  - b. Concentration equipment and location;
  - c. Access to sufficient potable water and hot water;



- d. Analytical equipment, including separators and detectors, and location;
  - e. Safety equipment and facilities and location;
  - f. Computer systems and software; and,
  - g. Ventilation and exhaust system.
11. Description of the methods proposed for the dispensing of Derivative Products, including the following:
- a. Accessibility of dispensing facilities, e.g., centrally located to several populated areas, located on a main roadway, not in a high crime area, et cetera;
  - b. Proximity of dispensing facilities to patient populations; and,
  - c. Alternative dispensing, e.g. delivery.
12. A list of current and proposed staffing, including:
- a. Position, duties and responsibilities;
  - b. Resume; and,
  - c. Professional licensure disciplinary action in all jurisdictions.
13. An organizational chart illustrating the supervisory structure of the proposed Dispensing Organization;
14. Plans and procedures for loss of key personnel;
15. Plans and procedures for complying with OSHA regulations for workplace safety; and,
16. Relationship(s) with an independent laboratory(ies) with cannabis testing protocols and methods.
- (d) The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances. Please address the following items for each property or location:

1. Floor plan of each facility or proposed floor plans for proposed facilities, including the following:
  - a. Locking options for each means of ingress and egress;
  - b. Alarm systems;
  - c. Video surveillance;
  - d. Name and function of each room;
  - e. Layout and dimensions of each room;
2. Storage, including the following:
  - a. Safes;
  - b. Vaults;
  - c. Climate control;
3. Diversion and trafficking prevention procedures;
4. A facility emergency management plan;
5. System for tracking low-THC source plant material throughout cultivation, processing, and dispensing;
6. Inventory control system for low-THC cannabis and Derivative Products;
7. Policies and procedures for recordkeeping;
8. Vehicle tracking systems;
9. Vehicle security systems;
10. Methods of screening and monitoring employees;

11. Personnel qualifications and experience with chain of custody or other tracking mechanisms;
  12. Personnel reserved solely for inventory control purposes;
  13. Personnel reserved solely for security purposes;
  14. Waste disposal plan;
  15. Plans for the recall of any Derivative Products that have a reasonable probability of causing adverse health consequences based on a testing result, bad patient reaction, or other reason; and,
  16. Access to specialized resources or expertise regarding data collection, security, and tracking.
- (e) An infrastructure reasonably located to dispense low-THC cannabis to registered patients statewide or regionally as determined by the department. Please address the following items:
1. A map showing the location of the applicant's proposed dispensing facilities;
  2. A sketch or other illustration of the actual or proposed dispensing location showing streets; property lines; buildings; parking areas; outdoor areas, if applicable; fences; security features; fire hydrants, if applicable; and access to water and sanitation systems; and,
  3. A floor plan of the actual or proposed building or buildings where dispensing activities will occur showing:
    - a. Areas designed to protect patient privacy;
    - b. Areas designed for retail sales;
  4. A HIPAA compliant computer network utilized by all facilities;
  5. Vehicles that will be used to transport product among cultivating, processing, and dispensing facilities;
  6. Communication systems;
  7. Hours of operation of each dispensing facility; and,
  8. Methods of mitigating odors if applicable.

(f) The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of Certified Financials to the department. Please provide the following items:

1. Certified Financials issued within the immediately preceding 12 months;
2. Applicant's corporate structure;
3. All owners of the Applicant;
4. All individuals and entities that can exercise control of the Applicant;
5. All individuals and entities that share in the profits and losses of the Applicant;
6. All subsidiaries of the Applicant;
7. Any other individuals or entities for which the Applicant is financially responsible;
8. Assets of the Applicant and Applicant's subsidiaries;
9. Liabilities of the Applicant and Applicant's subsidiaries;
10. Any pending lawsuits to which the Applicant is a party;
11. Any lawsuits within the past 7 years to which the Applicant was a party;
12. All financial obligations of Applicant that are not listed as a "liability" in the Certified Financials;
13. A projected two year budget; and,
14. Specific reference to sufficient assets available to support the Dispensing Organization activities.

(g) That all owners and managers have been fingerprinted and have successfully passed a level 2 background screening pursuant to [Section 435.04, F.S.](#), within the calendar year prior to application. Each owner and manager should present to FDLE or one of its approved vendors for fingerprinting. At that time, give the entity ORI number FL924890Z (DOH - OFFICE OF COMPASSIONATE USE). The report will be sent directly to the Office of Compassionate Use. Please submit a list of all owners and managers indicating the date of each individual's most recent Level-2 background screening.

(h) The employment of a medical director who is a physician licensed pursuant to Chapters 458 or 459, F.S., to supervise the activities of the proposed Dispensing Organization. Please address the following items for the physician chosen as medical director:

1. Specialty area, if any;
2. Experience with epileptic patients;
3. Experience with cancer patients;
4. Experience with patients with severe seizures or muscle spasms;
5. Knowledge of the use of low-THC cannabis for treatment of cancer or physical medical conditions that chronically produce symptoms of seizures or severe and persistent muscle spasms;
6. Knowledge of good manufacturing practices;
7. Knowledge of analytical and organic chemistry;
8. Knowledge of analytical laboratory methods;
9. Knowledge of analytical laboratory quality control, including maintaining a chain of custody;
10. Knowledge of, and experience with, CBD/low-THC extraction techniques;
11. Knowledge of CBD/low-THC routes of administration;
12. Experience in or knowledge of clinical trials or observational studies;
13. Knowledge of, and experience with, producing CBD/low-THC products;
14. Experience with or knowledge of botanical medicines;
15. Experience with dispensing medications;
16. Description of how the medical director will supervise the activities of the Dispensing Organization; and,

17. Description of how the Dispensing Organization will ensure it has a medical director at all times.

(i) The ability to post a \$5 million performance bond for the biennial approval cycle.

(3) If the Applicant intends to claim any exemption from public records disclosure under [Section 119.07, F.S.](#), or any other exemption from public records disclosure provided by law for any part of its application, it shall indicate on the application the specific sections for which it claims an exemption and the statutory basis for the exemption. The Applicant shall submit a redacted copy of the application redacting those items identified as exempt.

(4) Failure to submit the \$60,063.00 application fee or documentation sufficient to establish the Applicant meets the requirements of [Section 381.986\(5\)\(b\), F.S.](#), shall result in the application being denied prior to any scoring as contemplated in subsection (5) of this rule.

(5) Any “Application for Low-THC Cannabis Dispensing Organization Approval” and all required exhibits and supporting documents shall be delivered to the Agency Clerk of the Department of Health physically located at 2585 Merchants Row Boulevard in Tallahassee, Florida, no earlier than 10:00 a.m. (Eastern Time), on the effective date of this rule and no later than 5:00 p.m. (Eastern Time), 21 calendar days after the effective date of this rule.

(a) The department will substantively review, evaluate, and score applications using Form DH8007-OCU-2/2015, “Scorecard for Low-THC Cannabis Dispensing Organization Selection” herein incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05461>. The department's substantive review will be completed by:

1. Director of the Office of Compassionate Use;
2. A member of the Drug Policy Advisory Council appointed by the State Surgeon General; and,
3. A Certified Public Accountant appointed by the State Surgeon General.

(b) Each reviewer will independently review each application and score using Form DH8007-OCU-2/2015, “Scorecard for Low-THC Cannabis Dispensing Organization Selection.” Scorecards from each reviewer will be combined to generate an aggregate score for each application. The Applicant with the highest aggregate score in each dispensing region shall be selected as the region's Dispensing Organization.

(c) In the event of a tie in a region, each reviewer will re-review the tied applications and select a winning application. The department will approve the application selected by the majority of the reviewers.

(d) In the event one nursery receives the high score in multiple regions, one of which is the region represented by the address on the nursery's certificate of registration, the Applicant will be approved for that region, and the second highest scored Applicant will be approved for the other region(s). In the event one nursery receives the high score in

multiple regions, none of which is the region represented by the address on the nursery's certificate of registration, the Applicant will be approved for the region for which it had the highest aggregate infrastructure score, and the second highest scored Applicant will be approved for the other region(s).

(e) Upon notification that it has been approved as a region's Dispensing Organization, the Applicant shall have 10 business days to post a \$5 million performance bond. The bond shall:

1. Be payable to the department in the event the Dispensing Organization's approval is revoked;
2. Be written by a surety company licensed by the Florida Office of Insurance Regulation.
3. Be written so that the nursery name on the bond corresponds exactly with the Applicant name.
4. If a bond is canceled and the Dispensing Organization fails to file a new bond with the department in the required amount on or before the effective date of cancellation, the Dispensing Organization's approval shall be revoked.

(f) If the selected Applicant fails to post the bond within the required timeframe, the Applicant with the next highest score in the dispensing region shall be selected and notified.

(g) The surety company can use any form it prefers for the performance bond as long as it complies with this rule. For convenience, the surety company can also use Form DH8008-OCU-2/2015, "Florida Low-THC Cannabis Performance Bond" herein incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05460>.

#### Credits

Adopted June 17, 2015.

Authority: 381.986(5)(d) FS. Law Implemented [381.986\(5\)\(b\) FS](#).

Current with amendments available through January 3, 2017.

Rule 64-4.002, F.A.C., 64 FL ADC 64-4.002

West's Florida Administrative Code  
Title 64. Department of Health  
Chapter 64-4. Compassionate Use

Rule 64-4.004, F.A.C.  
Fla. Admin. Code r. 64-4.004

64-4.004. Revocation of Dispensing Organization Approval.

[Currentness](#)

(1) The department shall revoke its approval of the Dispensing Organization if the Dispensing Organization does any of the following:

- (a) Cultivates low-THC cannabis before obtaining department authorization;
- (b) Knowingly dispenses Derivative Product to an individual other than a qualified patient or a qualified patient's legal representative without noticing the department and taking appropriate corrective action;

(2) The department may revoke its approval of the Dispensing Organization if any of the following failures impact the accessibility, availability, or safety of the Derivative Product and are not corrected within 30 calendar days after notification to the Dispensing Organization of the failure;

- (a) Failure to comply with the requirements in [Section 381.986, F.S.](#), or this rule chapter;
- (b) Failure to implement the policies and procedures or comply with the statements provided to the department with the original or renewal application;

(3) The department may revoke its approval of the Dispensing Organization for failure to meet the following deadlines if failure is not corrected within 10 calendar days:

- (a) Failure to seek Cultivation Authorization within 75 calendar days of application approval; or
- (b) Failure to begin dispensing within 210 calendar days of the being granted the Cultivation Authorization requested in subsection 64-4.005(2), F.A.C.

**Credits**

Adopted June 17, 2015.

Authority: 381.986(5)(d) FS. Law Implemented [381.986\(5\)\(b\) FS.](#)



64-4.004. Revocation of Dispensing Organization Approval., 64 FL ADC 64-4.004

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Current with amendments available through January 3, 2017.

Rule 64-4.004, F.A.C., 64 FL ADC 64-4.004

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West's Florida Administrative Code  
Title 64. Department of Health  
Chapter 64-4. Compassionate Use

Rule 64-4.005, F.A.C.  
Fla. Admin. Code r. 64-4.005

64-4.005. Inspection and Authorization Procedures.

Currentness

(1) Submission of an application for Dispensing Organization approval or renewal constitutes permission for entry by the department at any reasonable time during the approval or renewal process, into any Dispensing Organization facility to inspect any portion of the facility; review the records required pursuant to [Section 381.986, F.S.](#), or this chapter; and identify samples of any low-THC cannabis or Derivative Product for laboratory analysis, the results of which shall be forwarded to the department. All inspectors shall follow the Dispensing Organization's Visitation Protocol when conducting any inspection.

(2) A Dispensing Organization must request Cultivation Authorization within 75 days of being notified that it has been approved as a region's Dispensing Organization. No less than 30 calendar days prior to the initial cultivation of low-THC cannabis, the Dispensing Organization shall notify the department that the Dispensing Organization is ready to begin cultivation, the Dispensing Organization is in compliance with [Section 381.986, F.S.](#), and this rule chapter and is seeking Cultivation Authorization. No low-THC cannabis plant source material may be present in any Dispensing Organization facility prior to Cultivation Authorization.

(3) No less than 10 calendar days prior to the initial processing of low-THC cannabis, the Dispensing Organization shall notify the department that the Dispensing Organization is ready to begin processing, the Dispensing Organization is in compliance with [Section 381.986, F.S.](#), and this chapter, and is seeking Processing Authorization.

(4) A Dispensing Organization must begin dispensing Derivative Product within 210 days of being granted Cultivation Authorization. No less than 10 calendar days prior to the initial dispensing of Derivative Product, the Dispensing Organization shall notify the department that the Dispensing Organization is ready to begin dispensing, the Dispensing Organization is in compliance with [Section 381.986, F.S.](#), and this chapter, and is seeking Dispensing Authorization.

(5) If the department identifies a violation of [Section 381.986, F.S.](#), or this chapter during an inspection of a Dispensing Organization facility, the Dispensing Organization shall notify the department in writing, within 20 calendar days after the date of receipt of the written notice of violation, identifying the corrective action taken and the date of the correction.

**Credits**

Adopted June 17, 2015.

Authority: 381.986(5)(d) FS. Law Implemented [381.986\(5\)\(b\) FS.](#)

Current with amendments available through January 3, 2017.

Rule 64-4.005, F.A.C., 64 FL ADC 64-4.005

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West's Florida Administrative Code  
Title 64. Department of Health  
Chapter 64-4. Compassionate Use

Rule 64-4.009, F.A.C.  
Fla. Admin. Code r. 64-4.009

64-4.009. Compassionate Use Registry.

Currentness

(1) Ordering physicians licensed under Chapters 458 or 459, F.S., meeting the educational requirements of [Section 381.986\(4\), F.S.](#), may access the Compassionate Use Registry using their existing MQA Services credentials.

(2) Other persons may request access to the Compassionate Use Registry by completing form DH8009-OCU-2/2015, "Request for Access to the Compassionate Use Registry," herein incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05459>. Those requesting access must meet one of the following criteria:

(a) Authorized employee of a Dispensing Organization;

(b) Law enforcement official; or

(c) Authorized employee of the department.

(3) Persons seeking to access to the registry shall have successfully completed a department-approved course in their responsibilities related to patient confidentiality and shall make documentation of completion available to the department upon request.

(4) Before dispensing any Derivative Product to a qualified registered patient or the patient's legal representative, the Dispensing Organization must verify that the patient has an active registration, the order presented matches the order contents as recorded by the physician in the registry, and the order has not already been dispensed.

(5) The Dispensing Organization shall enter a dispensing action into the registry immediately upon dispensing the Derivative Product to the qualified registered patient or the patient's legal representative.

**Credits**

Adopted June 17, 2015.

Authority: 381.986(5)(d) FS. Law Implemented 381.986(5)(a); [837.06 FS](#).

64-4.009. Compassionate Use Registry., 64 FL ADC 64-4.009

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Current with amendments available through January 3, 2017.

Rule 64-4.009, F.A.C., 64 FL ADC 64-4.009

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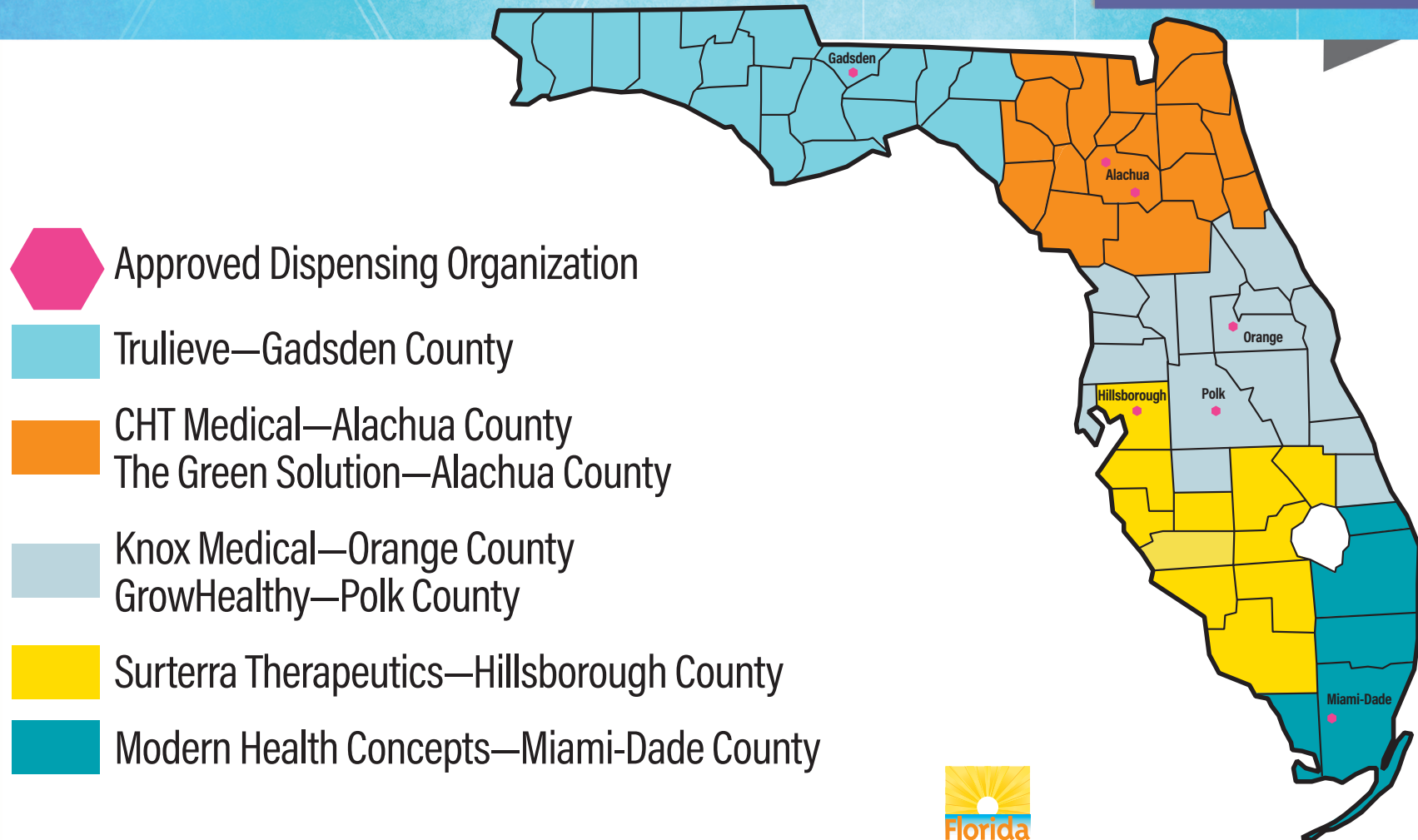
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FLORIDA DEPARTMENT OF HEALTH

# Office of Compassionate Use

## Low-THC Cannabis & Medical Cannabis

### Dispensing Organizations



01/11/17

Notice of Development of Rulemaking

**DEPARTMENT OF HEALTH**

**RULE NO.:      RULE TITLE:**

64-4.012      Medical Marijuana for Debilitating Medical Conditions

**PURPOSE AND EFFECT:** The purpose and effect of this rule is to implement provisions of Article X, Section 29 of the Florida Constitution, to set out clear guidance on use of terms and implementation of the amendment which went into effect on January 3, 2017.

**SUBJECT AREA TO BE ADDRESSED:** The use of medical marijuana for debilitating medical conditions.

**RULEMAKING AUTHORITY:** Art. X, § 29(d), Fla. Const.

**LAW IMPLEMENTED:** Art. X, § 29, Fla. Const., 381.986 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:**

February 6, 2017, 2:00 p.m. – 4:00 p.m.

Duval County Health Department  
900 University Blvd. North  
Jacksonville, FL 32211

February 7, 2017, 10:00 a.m. – noon

Broward County Health Department  
780 SW 24th Street  
Fort Lauderdale, FL 33315

February 8, 2017, 9:00 a.m. – 11:00 a.m.

Florida Department of Health, Tampa Branch Laboratory  
3602 Spectrum Blvd.  
Tampa, FL 33612

February 8, 2017, 6:00 p.m. – 8:00 p.m.

Orange County Health Department  
6102 Lake Ellenor Drive  
Orlando, FL 32809

February 9, 2017, 4:00 p.m. – 6:00 p.m.

Betty Easley Conference Center  
4075 Esplanade Way, Room 148  
Tallahassee, Florida 32399-0850

Individuals may also provide public comment during these workshops by accessing the following weblink:  
<http://www.floridahealth.gov/programs-and-services/office-of-compassionate-use/comment-form/index.html>

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Courtney Coppola at [Courtney.Coppola@flhealth.gov](mailto:Courtney.Coppola@flhealth.gov). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Courtney Coppola at [Courtney.Coppola@flhealth.gov](mailto:Courtney.Coppola@flhealth.gov).

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

64-4.012 Medical Marijuana for Debilitating Medical Conditions

(1) For the purposes of this chapter, in accordance with Article X, Section 29, Fla. Const., the following definitions shall apply:

(a) “Medical Marijuana Treatment Center (MMTC)” shall have the same definition as a dispensing organization in s. 381.986(1)(b), F.S.

(b) “Caregiver” shall mean a legal representative as defined by s. 381.986(1)(d), F.S., who is at least twenty-one (21) years old and has successfully passed a Level 1 background screening as defined in s. 435.03, F.S.

(c) “Medical use” shall have the same definition as medical use in s. 381.986(1)(g), F.S.

(d) “Qualifying patient” shall mean a qualified patient as defined by s. 381.986(1)(h), F.S., who has been diagnosed to have a qualifying debilitating medical condition, has a physician certification, and who has a valid patient Compassionate Use Registry identification card.

(e) “Qualifying debilitating medical condition” shall mean conditions eligible for physician ordering contained in s. 381.986(2), F.S., or cancer, epilepsy, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), post-traumatic stress disorder (PTSD), amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis. Also, any debilitating medical conditions of the same kind or class as or comparable to those enumerated, as determined by the Florida Board of Medicine.

(f) The 45 day supply limitation set forth in s. 381.968(2)(e), F.S. shall be an adequate supply for a qualifying patient's medical use.

(g) A physician authorized to order medical marijuana means a qualified ordering physician who has met the requirements of s. 381.986 (2-4), F.S.

(h) “Physician certification” means DH8011-OCU-12/2016, “Physician Certification,” which is incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-####> and must be submitted with each “Compassionate Use Registry Identification Card Qualified Patient Application.” A physician certification may only be provided after the physician has conducted a physical examination and a full assessment of the medical history of the patient. In order for a physician certification to be issued to a minor, a parent or legal guardian of the minor must consent in writing.

(2) All MMTCs, physicians, patients, and caregivers must be registered in the online Compassionate Use Registry as required by s. 381.986(5)(a), F.S., and Rule 64-4.009, F.A.C. All orders for medical marijuana must be entered into the registry for processing accordingly.

(3) The process for registering as an MMTC shall be the same approval and selection process outlined in s. 381.986, F.S., and Rule 64-4.002, F.A.C., and subject to the same limitations and operational requirements contained therein.

(4) All MMTCs shall follow the medical record keeping standards as set forth in Rule 64B8-9.003, F.A.C., as adopted and incorporated herein.

(5) All MMTCs shall abide by the security, product testing, labeling, inspection and safety standards set forth in s. 381.986, F.S and this chapter.

Rulemaking Authority Art. X, § 29(d), Fla. Const. Law Implemented Art. X, § 29, Fla. Const., 381.986 FS. History – New \_\_\_\_\_.



By Senator Bradley

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A bill to be entitled

An act relating to compassionate use of low-THC cannabis and marijuana; amending s. 381.986, F.S.; defining and redefining terms; authorizing physicians to issue physician certifications to specified patients who meet certain conditions; authorizing physicians to make specific determinations in certifications; requiring physicians to meet certain conditions to be authorized to issue and make determinations in physician certifications; requiring written consent of a parent or legal guardian for the treatment of minors; requiring that certain physicians annually reexamine and reassess patients and update patient information in the compassionate use registry; revising criminal penalties; authorizing a distance learning format for a specified course and reducing the number of hours required for the course; providing that physicians who meet specified requirements are grandfathered for the purpose of specified education requirements; authorizing qualifying patients to designate caregivers; requiring caregivers to meet specified requirements; prohibiting a qualifying patient from designating more than one caregiver at any given time; providing exceptions; requiring the Department of Health to register caregivers meeting certain requirements on the compassionate use registry; revising the entities to which the compassionate use registry must be accessible; requiring the department to adopt certain rules by a specified date; authorizing the department to charge a fee for identification cards; requiring the department to begin issuing identification cards to qualified

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registrants by a specific date; providing requirements for the identification cards; requiring the department to register certain dispensing organizations as medical marijuana treatment centers by a certain date; requiring the department to register additional medical marijuana treatment centers in accordance with a specified schedule; deleting obsolete provisions; revising the operational requirements for medical marijuana treatment centers; authorizing the department to waive certain requirements under specified circumstances; requiring that certain receptacles be child proof; requiring that additional information be included on certain labels; requiring that a medical marijuana treatment center comply with certain standards in the production and dispensing of edible or food products; requiring a medical marijuana treatment center to enter additional information into the compassionate use registry; requiring a medical marijuana treatment center to keep a copy of a transportation manifest in certain vehicles at certain times; requiring the department to adopt rules related to ownership changes or changes in an owner's investment interest; providing applicability; conforming provisions to changes made by the act; amending ss. 381.987, 385.211, 499.0295, and 1004.441, F.S.; conforming provisions to changes made by the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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Section 1. Section 381.986, Florida Statutes, is amended to read:

381.986 Compassionate use of low-THC ~~and medical~~ cannabis and marijuana.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Cannabis delivery device" means an object used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing marijuana ~~low-THC cannabis or medical cannabis~~ into the human body.

(b) "Caregiver" has the same meaning as provided in s. 29, Art. X of the State Constitution.

(c) "Chronic nonmalignant pain" means pain that is caused by a debilitating medical condition or that originates from a debilitating medical condition and persists beyond the usual course of that debilitating medical condition.

(d) "Close relative" means a spouse, parent, sibling, grandparent, child, or grandchild, whether related by whole or half-blood, by marriage, or by adoption.

(e) ~~(b)~~ "Debilitating medical condition" has the same meaning as provided in s. 29, Art. X of the State Constitution. ~~"Dispensing organization" means an organization approved by the department to cultivate, process, transport, and dispense low-THC cannabis or medical cannabis pursuant to this section.~~

(f) ~~(e)~~ "Independent testing laboratory" means a laboratory, including the managers, employees, or contractors of the laboratory, which has no direct or indirect interest in a medical marijuana treatment center ~~a dispensing organization~~.

(g) ~~(d)~~ "Legal representative" means the qualifying

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91 ~~qualified~~ patient's parent, legal guardian acting pursuant to a  
92 court's authorization as required under s. 744.3215(4), health  
93 care surrogate acting pursuant to the qualifying ~~qualified~~  
94 patient's written consent or a court's authorization as required  
95 under s. 765.113, or an individual who is authorized under a  
96 power of attorney to make health care decisions on behalf of the  
97 qualifying ~~qualified~~ patient.

98 (h) ~~(e)~~ "Low-THC cannabis" means a plant of the genus  
99 *Cannabis*, the dried flowers of which contain 0.8 percent or less  
100 of tetrahydrocannabinol and more than 10 percent of cannabidiol  
101 weight for weight; the seeds thereof; the resin extracted from  
102 any part of such plant; or any compound, manufacture, salt,  
103 derivative, mixture, or preparation of such plant or its seeds  
104 or resin that is dispensed only by a medical marijuana treatment  
105 center ~~from a dispensing organization~~.

106 (i) ~~(f)~~ "Marijuana" has the same meaning as provided in s.  
107 29, Art. X of the State Constitution ~~"Medical cannabis" means~~  
108 ~~all parts of any plant of the genus Cannabis, whether growing or~~  
109 ~~not; the seeds thereof; the resin extracted from any part of the~~  
110 ~~plant; and every compound, manufacture, sale, derivative,~~  
111 ~~mixture, or preparation of the plant or its seeds or resin that~~  
112 ~~is dispensed only from a dispensing organization for medical use~~  
113 ~~by an eligible patient as defined in s. 499.0295.~~

114 (j) "Medical marijuana treatment center" or "MMTC" has the  
115 same meaning as provided in s. 29, Art. X of the State  
116 Constitution.

117 (k) ~~(g)~~ "Medical use" has the same meaning as provided in s.  
118 29, Art. X of the State Constitution ~~means administration of the~~  
119 ~~ordered amount of low-THC cannabis or medical cannabis.~~ The term

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does not include the:

1. Possession, use, or administration of marijuana ~~low-THC cannabis or medical cannabis~~ by smoking.

2. Possession, use, or administration of marijuana that was not purchased or acquired from an MMTC registered with the Department of Health.

~~3.2.~~ Transfer of marijuana ~~low-THC cannabis or medical cannabis~~ to a person other than the qualifying ~~qualified~~ patient for whom it was ordered or the qualifying ~~qualified~~ patient's caregiver ~~legal representative~~ on behalf of the qualifying ~~qualified~~ patient.

4. Use or administration of any type or amount of marijuana not specified on the qualifying patient's physician certification.

~~5.3.~~ Use or administration of marijuana ~~low-THC cannabis or medical cannabis~~:

a. On any form of public transportation.

b. In any public place.

c. In a qualifying ~~qualified~~ patient's place of employment, if restricted by his or her employer.

d. In a state correctional institution as defined in s. 944.02 or a correctional institution as defined in s. 944.241.

e. On the grounds of a preschool, primary school, or secondary school.

f. On a school bus or in a vehicle, aircraft, or motorboat.

~~(1)(h)~~ "Qualifying ~~Qualified~~ patient" has the same meaning as provided in s. 29, Art. X of the State Constitution but also includes eligible patients, as that term is defined in s. 499.0295, and patients who are issued a physician certification

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under subparagraph (2)(a)2. or subparagraph (2)(a)3. A patient is not a qualifying patient unless he or she is registered with the department and has been issued a compassionate use registry identification card ~~means a resident of this state who has been added to the compassionate use registry by a physician licensed under chapter 458 or chapter 459 to receive low-THC cannabis or medical cannabis from a dispensing organization.~~

(m) ~~(i)~~ "Smoking" means burning or igniting a substance and inhaling the smoke. Smoking does not include the use of a vaporizer.

(2) PHYSICIAN CERTIFICATION ORDERING.—

(a) A physician is authorized to issue a physician certification to:

1. A patient suffering from a debilitating medical condition, which allows the patient to receive marijuana for the patient's medical use;

2. A ~~order low-THC cannabis to treat a qualified~~ patient suffering from ~~cancer or~~ a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms, which allows the patient to receive low-THC cannabis for the patient's medical use;

3. A patient suffering from chronic nonmalignant pain, if the physician has diagnosed an underlying debilitating medical condition as the cause of the pain, which allows the patient to receive marijuana for the patient's medical use ~~order low-THC cannabis to alleviate the patient's pain symptoms of such disease, disorder, or condition, if no other satisfactory alternative treatment options exist for the qualified patient;~~  
or

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178 ~~4. order medical cannabis to treat~~ An eligible patient as  
179 defined in s. 499.0295, which allows the patient to receive  
180 marijuana for the patient's medical use.

181 (b) In the physician certification, the physician may also  
182 specify one or more ~~or order a~~ cannabis delivery devices to  
183 assist with ~~device for~~ the patient's medical use of marijuana.  
184 ~~low-THC cannabis or medical cannabis,~~

185 (c) A physician may certify a patient and specify a  
186 delivery device under paragraphs (a) and (b) only if the  
187 physician:

188 1. ~~(a)~~ Holds an active, unrestricted license as a physician  
189 under chapter 458 or an osteopathic physician under chapter 459;

190 ~~(b) Has treated the patient for at least 3 months~~  
191 ~~immediately preceding the patient's registration in the~~  
192 ~~compassionate use registry;~~

193 2. ~~(c)~~ Has successfully completed the course and examination  
194 required under paragraph (4) (a);

195 3. Has conducted a physical examination and made a full  
196 assessment of the medical history of the patient;

197 4. Has determined that, in the physician's professional  
198 opinion, the patient meets one or more of the criteria specified  
199 in paragraph (a);

200 5. ~~(d)~~ Has determined that the medical use of marijuana  
201 would likely outweigh the potential health risks to ~~of treating~~  
202 ~~the patient with low-THC cannabis or medical cannabis are~~  
203 ~~reasonable in light of the potential benefit to the patient. If~~  
204 ~~a patient is younger than 18 years of age, a second physician~~  
205 ~~must concur with this determination, and such determination must~~  
206 ~~be documented in the patient's medical record;~~

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207        6.(e) Registers as the patient's physician ~~orderer of low-~~  
208 ~~THC cannabis or medical cannabis for the named patient~~ on the  
209 compassionate use registry maintained by the department and  
210 updates the registry to reflect ~~the contents of the order,~~  
211 ~~including~~ the amount of marijuana ~~low-THC cannabis or medical~~  
212 ~~cannabis~~ that will provide the patient with not more than a 90-  
213 day ~~45-day~~ supply and any ~~a~~ cannabis delivery device needed by  
214 the patient for the medical use of marijuana ~~low-THC cannabis or~~  
215 ~~medical cannabis~~. If the physician's recommended amount of  
216 marijuana for a 90-day supply changes, the physician must ~~also~~  
217 update the registry within 7 days after the ~~any~~ change is made  
218 ~~to the original order to reflect the change~~. The physician shall  
219 deactivate the registration of the patient ~~and the patient's~~  
220 ~~legal representative~~ when the physician no longer recommends the  
221 medical use of marijuana for the patient ~~treatment is~~  
222 ~~discontinued~~;

223        7.(f) Maintains a patient treatment plan that includes the  
224 dose, route of administration, planned duration, and monitoring  
225 of the patient's symptoms and other indicators of tolerance or  
226 reaction to the marijuana ~~low-THC cannabis or medical cannabis~~;

227        8.(g) Submits the patient treatment plan quarterly to the  
228 University of Florida College of Pharmacy for research on the  
229 safety and efficacy of marijuana ~~low-THC cannabis and medical~~  
230 ~~cannabis~~ on patients; and

231        9.(h) Obtains the voluntary written informed consent of the  
232 patient or the patient's legal representative to treatment with  
233 marijuana ~~low-THC cannabis~~ after sufficiently explaining the  
234 current state of knowledge in the medical community of the  
235 effectiveness of treatment of the patient's condition with



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236 ~~marijuana low-THC cannabis, the medically acceptable~~  
237 ~~alternatives,~~ and the potential risks and side effects. If the  
238 patient is a minor, the patient's parent or legal guardian must  
239 consent to treatment in writing. If the patient is an eligible  
240 patient as defined in s. 499.0295, the physician must obtain  
241 written informed consent as defined in and required by s.  
242 499.0295.

243 (d) At least annually, a physician must recertify the  
244 qualifying patient pursuant to paragraph (c).

245 ~~(i) Obtains written informed consent as defined in and~~  
246 ~~required under s. 499.0295, if the physician is ordering medical~~  
247 ~~cannabis for an eligible patient pursuant to that section; and~~

248 (e)-(j) A physician may not issue a physician certification  
249 if the physician is not a medical director employed by an MMTC a  
250 dispensing organization.

251 (f) An order for low-THC cannabis or medical cannabis  
252 issued pursuant to former s. 381.986, Florida Statutes 2016 and  
253 registered with the compassionate use registry on the effective  
254 date of this act, shall be considered a physician certification  
255 issued pursuant to this subsection. The details and expiration  
256 date of such certification must be identical to the details and  
257 expiration date of the order as logged in the compassionate use  
258 registry. Until the department begins issuing compassionate use  
259 registry identification cards, all patients with such orders  
260 shall be considered qualifying patients, notwithstanding the  
261 requirement that a qualifying patient have a compassionate use  
262 registry identification card.

263 (3) PENALTIES.—

264 (a) A physician commits a misdemeanor of the first degree,

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punishable as provided in s. 775.082 or s. 775.083, if the physician issues a physician certification for marijuana to ~~orders low-THC cannabis for a patient in a manner other than as required in subsection (2) without a reasonable belief that the patient is suffering from:~~

1. ~~Cancer or A physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms that can be treated with low-THC cannabis; or~~

2. ~~Symptoms of cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms that can be alleviated with low-THC cannabis.~~

~~(b) A physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the physician orders medical cannabis for a patient without a reasonable belief that the patient has a terminal condition as defined in s. 499.0295.~~

~~(b)-(e)~~ A person who fraudulently represents that he or she has a debilitating medical condition ~~cancer~~, a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms, chronic nonmalignant pain, or a terminal condition as defined in s. 499.0295 to a physician for the purpose of being issued a physician certification for marijuana ~~ordered low-THC cannabis, medical cannabis,~~ or a cannabis delivery device by such physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

~~(c)-(d)~~ A qualifying patient ~~an eligible patient as defined in s. 499.0295~~ who uses marijuana ~~medical cannabis~~, and such

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patient's caregiver ~~legal representative~~ who administers  
marijuana ~~medical cannabis~~, in plain view of or in a place open  
to the general public, on the grounds of a school, or in a  
school bus, vehicle, aircraft, or motorboat, commits a  
misdemeanor of the first degree, punishable as provided in s.  
775.082 or s. 775.083.

(d) A qualifying patient or caregiver who cultivates  
marijuana or who purchases or acquires marijuana from any person  
or entity other than an MMTC commits a misdemeanor of the first  
degree, punishable as provided in s. 775.082 or s. 775.083.

(e) A caregiver who violates any of the applicable  
provisions of this section or applicable department rules  
commits, upon the first offense, a misdemeanor of the second  
degree, punishable as provided in s. 775.082 or s. 775.083 and,  
upon the second and subsequent offenses, a misdemeanor of the  
first degree, punishable as provided in s. 775.082 or s.  
775.083.

(f) ~~(e)~~ A physician who issues a physician certification for  
marijuana ~~orders low-THC cannabis, medical cannabis,~~ or a  
cannabis delivery device and receives compensation from an MMTC  
~~a dispensing organization~~ related to issuing the physician  
certification for marijuana ~~the ordering of low-THC cannabis,~~  
~~medical cannabis,~~ or a cannabis delivery device is subject to  
disciplinary action under the applicable practice act and s.  
456.072(1)(n).

(4) PHYSICIAN EDUCATION.—

(a) Before a physician may issue a physician certification  
pursuant to subsection (2) ~~ordering low-THC cannabis, medical~~  
~~cannabis, or a cannabis delivery device for medical use by a~~

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323 ~~patient in this state~~, the appropriate board shall require the  
324 ~~ordering~~ physician to successfully complete a 4-hour ~~an 8-hour~~  
325 course and subsequent examination offered by the Florida Medical  
326 Association or the Florida Osteopathic Medical Association which  
327 ~~that~~ encompasses the clinical indications for the appropriate  
328 use of marijuana ~~low-THC cannabis and medical cannabis~~, the  
329 appropriate cannabis delivery devices, the contraindications for  
330 such use, and the relevant state and federal laws governing the  
331 issuance of physician certifications ~~ordering~~, as well as  
332 dispensing, and possessing ~~of~~ these substances and devices. The  
333 course and examination shall be administered at least quarterly  
334 ~~annually~~. Successful completion of the course may be used by a  
335 physician to satisfy 4 hours ~~8 hours~~ of the continuing medical  
336 education requirements required by his or her respective board  
337 for licensure renewal. This course may be offered in a distance  
338 learning format, including an electronic, online format that is  
339 available on request. Physicians who have completed an 8-hour  
340 course and subsequent examination offered by the Florida Medical  
341 Association or the Florida Osteopathic Medical Association which  
342 encompasses the clinical indications for the appropriate use of  
343 marijuana and who are registered in the compassionate use  
344 registry on the effective date of this act, are deemed to meet  
345 the requirements of this paragraph.

346 (b) The appropriate board shall require the medical  
347 director of each MMTC ~~dispensing organization~~ to hold an active,  
348 unrestricted license as a physician under chapter 458 or as an  
349 osteopathic physician under chapter 459 and successfully  
350 complete a 2-hour course and subsequent examination offered by  
351 the Florida Medical Association or the Florida Osteopathic

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Medical Association which ~~that~~ encompasses appropriate safety procedures and knowledge of marijuana ~~low-THC cannabis, medical cannabis,~~ and cannabis delivery devices.

~~(c) Successful completion of the course and examination specified in paragraph (a) is required for every physician who orders low-THC cannabis, medical cannabis, or a cannabis delivery device each time such physician renews his or her license. In addition, successful completion of the course and examination specified in paragraph (b) is required for the medical director of each dispensing organization each time such physician renews his or her license.~~

~~(c)(d)~~ A physician who fails to comply with this subsection and issues a physician certification for marijuana ~~who orders low-THC cannabis, medical cannabis, or a cannabis delivery device~~ may be subject to disciplinary action under the applicable practice act and under s. 456.072(1)(k).

(5) CAREGIVERS.—

(a) During the course of registration with the department for inclusion on the compassionate use registry, or at any time while registered, a qualifying patient may designate an individual as his or her caregiver to assist him or her with the medical use of marijuana. The designated caregiver must be 21 years of age or older, unless the patient is a close relative of the caregiver; must agree in writing to be the qualifying patient's caregiver; may not receive compensation, other than actual expenses incurred, for assisting the qualifying patient with the medical use of marijuana unless the caregiver is acting pursuant to employment in a licensed facility in accordance with subparagraph (c)2.; and must pass a level 2 screening pursuant

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to chapter 435, unless the patient is a close relative of the caregiver.

(b) A qualifying patient may have only one designated caregiver at any given time unless all of the patient's caregivers are his or her close relatives or legal representatives.

(c) A caregiver may assist only one qualifying patient at any given time unless:

1. All qualifying patients the caregiver is assisting are close relatives of each other and the caregiver is the legal representative of at least one of the patients; or

2. All qualifying patients the caregiver is assisting are receiving hospice services, or are residents, in the same assisted living facility, nursing home, or other licensed facility and have requested the assistance of that caregiver with the medical use of marijuana; the caregiver is an employee of the hospice or licensed facility; and the caregiver provides personal care or services directly to clients of the hospice or licensed facility as a part of his or her employment duties at the hospice or licensed facility.

(d) The department must register a caregiver on the compassionate use registry and issue him or her a caregiver identification card if he or she is designated by a qualifying patient pursuant to paragraph (a) and meets all of the requirements of this subsection and department rule.

~~(6) (5)~~ DUTIES OF THE DEPARTMENT.—The department shall:

(a) Create and maintain a secure, electronic, and online compassionate use registry for the registration of physicians, patients, and caregivers ~~the legal representatives of patients~~

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as provided under this section. The registry must be accessible to:

1. Practitioners licensed under chapter 458 or chapter 459, to ensure proper care for patients requesting physician certifications;

2. Practitioners licensed to prescribe prescription drugs, to ensure proper care for patients before prescribing medications that may interact with the medical use of marijuana;

3. Law enforcement agencies, to verify the authorization of a qualifying patient or a patient's caregiver to possess marijuana or a cannabis delivery device; and

4. MMTCs, to a ~~dispensing organization~~ to verify the authorization of a qualifying patient or a patient's caregiver ~~legal representative~~ to possess marijuana ~~low-THC cannabis, medical cannabis,~~ or a cannabis delivery device and to record the marijuana ~~low-THC cannabis, medical cannabis,~~ or cannabis delivery device dispensed.

The registry must prevent ~~an~~ active registration of a patient by multiple physicians.

(b) By July 3, 2017, adopt rules establishing procedures for the issuance, annual renewal, suspension, and revocation of compassionate use registry identification cards for patients and caregivers who are residents of this state. The department may charge a reasonable fee associated with the issuance and renewal of patient and caregiver identification cards. By October 3, 2017, the department shall begin issuing identification cards to adult patients who are residents of this state and who have a physician certification that meets the requirements of

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subsection (2); minor patients who are residents of this state and who have a physician certification that meets the requirements of subsection (2) and the written consent of a parent or legal guardian; and caregivers registered pursuant to subsection (5). Patient and caregiver identification cards must be resistant to counterfeiting and tampering and must include at least the following:

1. The name, address, and date of birth of the patient or caregiver, as appropriate;

2. A full-face, passport-type, color photograph of the patient or caregiver, as appropriate, taken within the 90 days immediately preceding registration;

3. Designation of the cardholder as a patient or caregiver;

4. A unique numeric identifier for the patient or caregiver which is matched to the identifier used for such person in the department's compassionate use registry. A caregiver's identification number and file in the compassionate use registry must be linked to the file of the patient or patients the caregiver is assisting so that the caregiver's status may be verified for each patient individually;

5. The expiration date, which shall be 1 year after the date of issuance of the identification card or the date treatment ends as provided in the patient's physician certification, whichever occurs first; and

6. For caregivers who are assisting three or fewer qualifying patients, the names and unique numeric identifiers of the qualifying patient or patients that the caregiver is assisting.

(c) As soon as practicable after the effective date of this



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act, update its records by registering each dispensing organization approved pursuant to chapter 2014-157, Laws of Florida, or chapter 2016-123, Laws of Florida, as an MMTC with an effective registration date that coincides with that dispensing organization's date of approval as a dispensing organization. On the effective date of this act, all dispensing organizations approved pursuant to chapter 2014-157, Laws of Florida, or chapter 2016-123, Laws of Florida, are deemed to be registered MMTCs. The department may not require a dispensing organization approved pursuant to chapter 2014-157, Laws of Florida, or chapter 2016-123, Laws of Florida, to submit an application and may not charge the dispensing organization an application or registration fee for the initial registration of that dispensing organization as an MMTC pursuant to this section. For purposes of the requirement that an MMTC comply with the representations made in its application pursuant to subsection (7), an MMTC registered pursuant to this paragraph shall continue to comply with the representations made in its application for approval as a dispensing organization, including any revision authorized by the department before the effective date of this act. After the effective date of this act, the department may grant variances from the representations made in a dispensing organization's application for approval pursuant to subsection (7). For purposes of the definition of the term "marijuana" in s. 29, of Art. X of the State Constitution, an MMTC is deemed to be a dispensing organization as that term is defined in former s. 381.986(1)(a), Florida Statutes 2014

~~Authorize the establishment of five dispensing organizations to ensure reasonable statewide accessibility and availability as~~

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~~necessary for patients registered in the compassionate use registry and who are ordered low-THC cannabis, medical cannabis, or a cannabis delivery device under this section, one in each of the following regions: northwest Florida, northeast Florida, central Florida, southeast Florida, and southwest Florida.~~

(d) Within 6 months after the registration of 250,000 active qualifying patients in the compassionate use registry, the department must register five additional MMTCs, including, but not limited to, an applicant that is a recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82 (D.D.C. 1999) or *In re Black Farmers Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011) and a member of the Black Farmers and Agriculturalists Association. Additionally, the department must register an additional five MMTCs within 6 months after the registration of each of the following totals of the number of patients in the compassionate use registry: 350,000 qualifying patients; 400,000 qualifying patients; 500,000 qualifying patients; and then the registration of each additional 100,000 qualifying patients above 500,000, if a sufficient number of MMTC applicants meet the registration requirements established in this section and by department rule.

(e) The department shall develop an application form for registration as an MMTC and impose an initial application and biennial renewal fee that is sufficient to cover the costs of administering this section. To be registered as an MMTC, the an applicant for approval as a dispensing organization must be able to demonstrate:

1. The technical and technological ability to cultivate and produce low-THC cannabis and marijuana. The applicant must possess a valid certificate of registration issued by the

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~~Department of Agriculture and Consumer Services pursuant to s. 581.131 that is issued for the cultivation of more than 400,000 plants, be operated by a nurseryman as defined in s. 581.011, and have been operated as a registered nursery in this state for at least 30 continuous years.~~

2. The ability to secure the premises, resources, and personnel necessary to operate as an MMTC ~~a dispensing organization.~~

3. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.

4. An infrastructure reasonably located to dispense low-THC cannabis and marijuana to registered qualifying patients statewide ~~or regionally as determined by the department.~~

5. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financials to the department. Upon approval, the applicant must post a \$5 million performance bond. However, upon an MMTC ~~a dispensing organization's~~ serving at least 1,000 qualifying ~~qualified~~ patients, the MMTC ~~dispensing organization~~ is only required to maintain a \$2 million performance bond.

6. That all owners and managers have been fingerprinted and have successfully passed a level 2 background screening pursuant to s. 435.04.

7. The employment of a medical director to supervise the activities of the MMTC ~~dispensing organization.~~

~~(c) Upon the registration of 250,000 active qualified patients in the compassionate use registry, approve three~~

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555 ~~dispensing organizations, including, but not limited to, an~~  
556 ~~applicant that is a recognized class member of *Pigford v.*~~  
557 ~~*Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers*~~  
558 ~~*Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011), and a member of the~~  
559 ~~Black Farmers and Agriculturalists Association, which must meet~~  
560 ~~the requirements of subparagraphs (b)2., 7. and demonstrate the~~  
561 ~~technical and technological ability to cultivate and produce~~  
562 ~~low-THC cannabis.~~

563 ~~(f)(d)~~ Allow an MMTC ~~a dispensing organization~~ to make a  
564 wholesale purchase of marijuana ~~low-THC cannabis or medical~~  
565 ~~cannabis~~ from, or a distribution of marijuana ~~low-THC cannabis~~  
566 ~~or medical cannabis~~ to, another MMTC dispensing organization.

567 ~~(g)(e)~~ Monitor physician registration in the compassionate  
568 use registry and the issuance of physician certifications  
569 pursuant to subsection (2) ~~ordering of low-THC cannabis, medical~~  
570 ~~cannabis, or a cannabis delivery device~~ for ordering practices  
571 that could facilitate unlawful diversion or misuse of marijuana  
572 ~~low-THC cannabis, medical cannabis, or a cannabis delivery~~  
573 devices ~~device~~ and take disciplinary action as indicated.

574 ~~(7)(6)~~ MEDICAL MARIJUANA TREATMENT CENTERS DISPENSING  
575 ORGANIZATION. ~~Each MMTC must register with the department. A~~  
576 registered MMTC ~~An approved dispensing organization~~ must, at all  
577 times, maintain compliance with paragraph (6) (e), ~~the criteria~~  
578 ~~demonstrated for selection and approval as a dispensing~~  
579 ~~organization under subsection(5)~~ and the criteria required in  
580 this subsection, and all representations made to the department  
581 in the MMTC's application for registration. Upon request, the  
582 department may grant an MMTC one or more variances from the  
583 representations made in the MMTC's application. Consideration of

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such a variance shall be based upon the individual facts and circumstances surrounding the request. A variance may not be granted unless the requesting MMTC can demonstrate to the department that it has a proposed alternative to the specific representation made in its application which fulfills the same or a similar purpose as the specific representation in a way that the department can reasonably determine will not be a lower standard than the specific representation in the application.

(a) When growing marijuana ~~low-THC cannabis or medical cannabis~~, an MMTC ~~a dispensing organization~~:

1. May use pesticides determined by the department, after consultation with the Department of Agriculture and Consumer Services, to be safely applied to plants intended for human consumption, but may not use pesticides designated as restricted-use pesticides pursuant to s. 487.042.

2. Must grow marijuana ~~low-THC cannabis or medical cannabis~~ within an enclosed structure and in a room separate from any other plant.

3. Must inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state, notify the Department of Agriculture and Consumer Services within 10 calendar days after a determination that a plant is infested or infected by such plant pest, and implement and maintain phytosanitary policies and procedures.

4. Must perform fumigation or treatment of plants, or the removal and destruction of infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.

(b) When processing marijuana ~~low-THC cannabis or medical cannabis~~, an MMTC ~~a dispensing organization~~ must:

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1. Process the marijuana ~~low-THC cannabis or medical cannabis~~ within an enclosed structure and in a room separate from other plants or products.

2. Test the processed marijuana ~~low-THC cannabis and medical cannabis~~ before it is ~~they are~~ dispensed. Results must be verified and signed by two MMTC ~~dispensing organization~~ employees. Before dispensing low-THC cannabis, the MMTC ~~dispensing organization~~ must determine that the test results indicate that the low-THC cannabis meets the definition of low-THC cannabis. Before dispensing marijuana, the MMTC must determine and, for medical cannabis and low-THC cannabis, that the marijuana all medical cannabis and low-THC cannabis is safe for human consumption and free from contaminants that are unsafe for human consumption. The MMTC ~~dispensing organization~~ must retain records of all testing and samples of each homogenous batch of marijuana ~~cannabis and low-THC cannabis~~ for at least 9 months. The MMTC ~~dispensing organization~~ must contract with an independent testing laboratory to perform audits on the MMTC's ~~dispensing organization's~~ standard operating procedures, testing records, and samples and provide the results to the department to confirm that the marijuana ~~low-THC cannabis or medical cannabis~~ meets the requirements of this section and that the marijuana ~~medical cannabis and low-THC cannabis~~ is safe for human consumption.

3. Package the marijuana ~~low-THC cannabis or medical cannabis~~ in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

4. Package the marijuana ~~low-THC cannabis or medical cannabis~~ in a child-proof receptacle that has a firmly affixed

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and legible label stating the following information:

a. A statement that the marijuana ~~low-THC cannabis or medical cannabis~~ meets the requirements of subparagraph 2.;

b. The name of the MMTC ~~dispensing organization~~ from which the marijuana ~~medical cannabis or low-THC cannabis~~ originates; and

c. The batch number and harvest number from which the marijuana ~~medical cannabis or low-THC cannabis~~ originates; and

d. The concentration of tetrahydrocannabinol and cannabidiol in the product.

5. Reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose of testing pursuant to the audit required under subparagraph 2.

(c) When dispensing marijuana ~~low-THC cannabis, medical cannabis,~~ or a cannabis delivery device, an MMTC ~~a dispensing organization~~:

1. May not dispense more than a 90-day ~~45-day~~ supply of marijuana ~~low-THC cannabis or medical cannabis~~ to a qualifying patient or caregiver ~~the patient's legal representative~~.

2. Must ensure its ~~have the dispensing organization's~~ employee who dispenses the marijuana ~~low-THC cannabis, medical cannabis,~~ or a cannabis delivery device enters ~~enter~~ into the compassionate use registry his or her name or unique employee identifier.

3. Must verify that the qualifying patient and the caregiver, if applicable, both have an active and valid compassionate use registry identification card and that the amount and type of marijuana dispensed matches the physician's certification in the compassionate use registry for that

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671 ~~qualifying patient that a physician has ordered the low-THC~~  
672 ~~cannabis, medical cannabis, or a specific type of a cannabis~~  
673 ~~delivery device for the patient.~~

674 4. Must label the low-THC cannabis or marijuana with the  
675 recommended dose for the qualifying patient receiving the low-  
676 THC cannabis or marijuana.

677 5.4. May not dispense or sell any other type of cannabis,  
678 alcohol, or illicit drug-related product, including pipes,  
679 bongs, or wrapping papers, other than a physician-ordered  
680 cannabis delivery device required for the medical use of  
681 marijuana that is specified in a physician certification low-THC  
682 cannabis or medical cannabis, while dispensing low-THC cannabis  
683 or medical cannabis. A registered MMTC may produce and dispense  
684 marijuana as an edible or food product but may not produce such  
685 items in a format designed to be attractive to children. In  
686 addition to the requirements of this section and department  
687 rule, food products produced by an MMTC must meet all food  
688 safety standards established in state and federal law,  
689 including, but not limited to, the identification of the serving  
690 size and the amount of THC in each serving.

691 ~~5. Must verify that the patient has an active registration~~  
692 ~~in the compassionate use registry, the patient or patient's~~  
693 ~~legal representative holds a valid and active registration card,~~  
694 ~~the order presented matches the order contents as recorded in~~  
695 ~~the registry, and the order has not already been filled.~~

696 6. Must, upon dispensing the marijuana low-THC cannabis,  
697 medical cannabis, or cannabis delivery device, record in the  
698 registry the date, time, quantity, and form of marijuana low-THC  
699 cannabis or medical cannabis dispensed; and the type of cannabis



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delivery device dispensed; and the name and compassionate use  
registry identification number of the qualifying patient or  
caregiver to whom the marijuana or cannabis delivery device was  
dispensed.

(d) To ensure the safety and security of its premises and  
any off-site storage facilities, and to maintain adequate  
controls against the diversion, theft, and loss of marijuana  
~~low-THC cannabis, medical cannabis,~~ or cannabis delivery  
devices, an MMTC ~~a dispensing organization~~ shall:

1.a. Maintain a fully operational security alarm system  
that secures all entry points and perimeter windows and is  
equipped with motion detectors; pressure switches; and duress,  
panic, and hold-up alarms; or

b. Maintain a video surveillance system that records  
continuously 24 hours each day and meets at least one of the  
following criteria:

(I) Cameras are fixed in a place that allows for the clear  
identification of persons and activities in controlled areas of  
the premises. Controlled areas include grow rooms, processing  
rooms, storage rooms, disposal rooms or areas, and point-of-sale  
rooms;

(II) Cameras are fixed in entrances and exits to the  
premises, which shall record from both indoor and outdoor, or  
ingress and egress, vantage points;

(III) Recorded images must clearly and accurately display  
the time and date; or

(IV) Retain video surveillance recordings for a minimum of  
45 days, or longer upon the request of a law enforcement agency.

2. Ensure that the MMTC's ~~organization's~~ outdoor premises

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729 have sufficient lighting from dusk until dawn.

730 3. Establish and maintain a tracking system approved by the  
731 department which ~~that~~ traces the marijuana ~~low-THC cannabis or~~  
732 ~~medical cannabis~~ from seed to sale. The tracking system must  
733 ~~shall~~ include notification of key events as determined by the  
734 department, including when cannabis seeds are planted, when  
735 cannabis plants are harvested and destroyed, and when marijuana  
736 ~~low-THC cannabis or medical cannabis~~ is transported, sold,  
737 stolen, diverted, or lost.

738 4. Not dispense from its premises marijuana ~~low-THC~~  
739 ~~cannabis, medical cannabis,~~ or a cannabis delivery device  
740 between the hours of 9 p.m. and 7 a.m., but may perform all  
741 other operations and deliver marijuana ~~low-THC cannabis and~~  
742 ~~medical cannabis~~ to qualifying ~~qualified~~ patients 24 hours each  
743 day.

744 5. Store marijuana ~~low-THC cannabis or medical cannabis~~ in  
745 a secured, locked room or a vault.

746 6. Require at least two of its employees, or two employees  
747 of a security agency with whom it contracts, to be on the  
748 premises at all times.

749 7. Require each employee or contractor to wear a photo  
750 identification badge at all times while on the premises.

751 8. Require each visitor to wear a visitor's pass at all  
752 times while on the premises.

753 9. Implement an alcohol and drug-free workplace policy.

754 10. Report to local law enforcement within 24 hours after  
755 it is notified or becomes aware of the theft, diversion, or loss  
756 of marijuana ~~low-THC cannabis or medical cannabis~~.

757 (e) To ensure the safe transport of marijuana ~~low-THC~~

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~~cannabis or medical cannabis~~ to MMTC dispensing organization facilities, independent testing laboratories, or qualifying patients, the MMTC dispensing organization must:

1. Maintain a transportation manifest, which must be retained for at least 1 year. A copy of the manifest must be in the vehicle at all times when transporting marijuana.

2. Ensure only vehicles in good working order are used to transport marijuana ~~low-THC cannabis or medical cannabis~~.

3. Lock marijuana ~~low-THC cannabis or medical cannabis~~ in a separate compartment or container within the vehicle.

4. Require at least two persons to be in a vehicle transporting marijuana ~~low-THC cannabis or medical cannabis~~, and require at least one person to remain in the vehicle while the marijuana ~~low-THC cannabis or medical cannabis~~ is being delivered.

5. Provide specific safety and security training to employees transporting or delivering marijuana ~~low-THC cannabis or medical cannabis~~.

(8) ~~(7)~~ DEPARTMENT AUTHORITY AND RESPONSIBILITIES.—

(a) The department may conduct announced or unannounced inspections of MMTCs ~~dispensing organizations~~ to determine compliance with this section or rules adopted pursuant to this section.

(b) The department shall inspect an MMTC ~~a dispensing organization~~ upon complaint or notice provided to the department that the MMTC dispensing organization has dispensed marijuana ~~low-THC cannabis or medical cannabis~~ containing any mold, bacteria, or other contaminant that may cause or has caused an adverse effect to human health or the environment.

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(c) The department shall conduct at least a biennial inspection of each MMTC ~~dispensing organization~~ to evaluate the MMTC's ~~dispensing organization's~~ records, personnel, equipment, processes, security measures, sanitation practices, and quality assurance practices.

(d) The department shall adopt by rule a process for approving changes in MMTC ownership or a change in an MMTC owner's investment interest. This process must include specific criteria for the approval or denial of an application for change of ownership or a change in investment interest and procedures for screening applicants' criminal and financial histories.

(e) ~~(d)~~ The department may enter into interagency agreements with the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, the Department of Transportation, the Department of Highway Safety and Motor Vehicles, and the Agency for Health Care Administration, and such agencies are authorized to enter into an interagency agreement with the department, to conduct inspections or perform other responsibilities assigned to the department under this section.

(f) ~~(e)~~ The department must make a list of all approved MMTCs, ~~dispensing organizations and qualified ordering physicians who are qualified to issue physician certifications,~~ and medical directors publicly available on its website.

~~(f) The department may establish a system for issuing and renewing registration cards for patients and their legal representatives, establish the circumstances under which the cards may be revoked by or must be returned to the department, and establish fees to implement such system. The department must~~

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816 ~~require, at a minimum, the registration cards to:~~

817 ~~1. Provide the name, address, and date of birth of the~~  
818 ~~patient or legal representative.~~

819 ~~2. Have a full face, passport type, color photograph of the~~  
820 ~~patient or legal representative taken within the 90 days~~  
821 ~~immediately preceding registration.~~

822 ~~3. Identify whether the cardholder is a patient or legal~~  
823 ~~representative.~~

824 ~~4. List a unique numeric identifier for the patient or~~  
825 ~~legal representative that is matched to the identifier used for~~  
826 ~~such person in the department's compassionate use registry.~~

827 ~~5. Provide the expiration date, which shall be 1 year after~~  
828 ~~the date of the physician's initial order of low-THC cannabis or~~  
829 ~~medical cannabis.~~

830 ~~6. For the legal representative, provide the name and~~  
831 ~~unique numeric identifier of the patient that the legal~~  
832 ~~representative is assisting.~~

833 ~~7. Be resistant to counterfeiting or tampering.~~

834 (g) The department may impose reasonable fines not to  
835 exceed \$10,000 on an MMTC ~~a dispensing organization~~ for any of  
836 the following violations:

837 1. Violating this section, s. 499.0295, or department rule.

838 2. Failing to maintain qualifications for registration with  
839 the department approval.

840 3. Endangering the health, safety, or security of a  
841 qualifying ~~qualified~~ patient.

842 4. Improperly disclosing personal and confidential  
843 information of a qualifying ~~the qualified~~ patient.

844 5. Attempting to procure MMTC registration with the

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department ~~dispensing organization approval~~ by bribery,  
fraudulent misrepresentation, or extortion.

6. Any owner or manager of the MMTC being convicted or  
found guilty of, or entering a plea of guilty or nolo contendere  
to, regardless of adjudication, a crime in any jurisdiction  
which directly relates to the business of an MMTC ~~a dispensing  
organization~~.

7. Making or filing a report or record that the MMTC  
~~dispensing organization~~ knows to be false.

8. Willfully failing to maintain a record required by this  
section or department rule.

9. Willfully impeding or obstructing an employee or agent  
of the department in the furtherance of his or her official  
duties.

10. Engaging in fraud or deceit, negligence, incompetence,  
or misconduct in the business practices of an MMTC ~~a dispensing  
organization~~.

11. Making misleading, deceptive, or fraudulent  
representations in or related to the business practices of an  
MMTC ~~a dispensing organization~~.

12. Having a license or the authority to engage in any  
regulated profession, occupation, or business that is related to  
the business practices of an MMTC ~~a dispensing organization~~  
suspended, revoked, or otherwise acted against by the licensing  
authority of any jurisdiction, including its agencies or  
subdivisions, for a violation that would constitute a violation  
under Florida law.

13. Violating a lawful order of the department or an agency  
of the state, or failing to comply with a lawfully issued

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subpoena of the department or an agency of the state.

(h) The department may suspend, revoke, or refuse to renew an MMTC's registration with the department ~~a dispensing organization's approval~~ if the MMTC ~~a dispensing organization~~ commits a violation specified ~~any of the violations~~ in paragraph (g).

(i) The department shall renew an MMTC's registration with the department ~~the approval of a dispensing organization~~ biennially if the MMTC ~~dispensing organization~~ meets the requirements of this section and pays the biennial renewal fee.

(j) The department may adopt rules necessary to implement this section.

(9) ~~(8)~~ PREEMPTION.—

(a) All matters regarding the regulation of the cultivation and processing of marijuana ~~medical cannabis or low-THC cannabis~~ by MMTCs ~~dispensing organizations~~ are preempted to the state.

(b) A municipality may determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of MMTCs ~~dispensing organizations~~ located within its municipal boundaries. A county may determine by ordinance the criteria for the number, location, and other permitting requirements that do not conflict with state law or department rule for all dispensing facilities of MMTCs ~~dispensing organizations~~ located within the unincorporated areas of that county.

(10) ~~(9)~~ EXCEPTIONS TO OTHER LAWS.—

(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of

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903 this section, a qualifying ~~qualified~~ patient, or a caregiver who  
904 has obtained a valid compassionate use registry identification  
905 card from the department, ~~and the qualified patient's legal~~  
906 ~~representative~~ may purchase from an MMTC, and possess for the  
907 qualifying patient's medical use, up to the amount of marijuana  
908 in the physician's certification ~~low-THC cannabis or medical~~  
909 ~~cannabis ordered for the patient,~~ but not more than a 90-day ~~45-~~  
910 ~~day~~ supply, and a cannabis delivery device specified in the  
911 physician's certification ~~ordered~~ for the qualifying patient.

912 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
913 any other provision of law, but subject to the requirements of  
914 this section, a registered MMTC ~~an approved dispensing~~  
915 ~~organization~~ and its owners, managers, contractors, and  
916 employees may manufacture, possess, sell, deliver, distribute,  
917 dispense, administer, and lawfully dispose of reasonable  
918 quantities, as established by department rule, of marijuana ~~low-~~  
919 ~~THC cannabis, medical cannabis,~~ or a cannabis delivery device.  
920 For purposes of this subsection, the terms "manufacture,"  
921 "possession," "deliver," "distribute," and "dispense" have the  
922 same meanings as provided in s. 893.02.

923 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
924 any other provision of law, but subject to the requirements of  
925 this section, an approved independent testing laboratory may  
926 possess, test, transport, and lawfully dispose of marijuana ~~low-~~  
927 ~~THC cannabis or medical cannabis~~ as provided by department rule.

928 (d) An approved MMTC ~~dispensing organization~~ and its  
929 owners, managers, contractors, and employees are not subject to  
930 licensure or regulation under chapter 465 or chapter 499 for  
931 manufacturing, possessing, selling, delivering, distributing,



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932 dispensing, or lawfully disposing of reasonable quantities, as  
933 established by department rule, of marijuana ~~low-THC cannabis,~~  
934 ~~medical cannabis,~~ or a cannabis delivery device.

935 ~~(e) An approved dispensing organization that continues to~~  
936 ~~meet the requirements for approval is presumed to be registered~~  
937 ~~with the department and to meet the regulations adopted by the~~  
938 ~~department or its successor agency for the purpose of dispensing~~  
939 ~~medical cannabis or low-THC cannabis under Florida law.~~

940 Additionally, Exercise by an MMTC of the authority provided to  
941 MMTCs a dispensing organization in s. 499.0295 does not impair  
942 its registration with the department ~~the approval of a~~  
943 ~~dispensing organization.~~

944 (f) This subsection does not exempt a person from  
945 prosecution for a criminal offense related to impairment or  
946 intoxication resulting from the medical use of marijuana ~~low-THC~~  
947 ~~cannabis or medical cannabis~~ or relieve a person from any  
948 requirement under law to submit to a breath, blood, urine, or  
949 other test to detect the presence of a controlled substance.

950 (g) This section does not limit the ability of an employer  
951 to establish, continue, or enforce a drug-free workplace program  
952 or policy.

953 Section 2. Paragraph (b) of subsection (3) of section  
954 381.987, Florida Statutes, is amended to read:

955 381.987 Public records exemption for personal identifying  
956 information in the compassionate use registry.—

957 (3) The department shall allow access to the registry,  
958 including access to confidential and exempt information, to:

959 (b) A medical marijuana treatment center ~~dispensing~~  
960 ~~organization~~ approved by the department pursuant to s. 381.986

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which is attempting to verify the authenticity of a physician's certification order for marijuana low-THC cannabis, including whether the physician certification order had been previously filled and whether the physician certification order was written for the person attempting to have it filled.

Section 3. Subsection (1) of section 385.211, Florida Statutes, is amended to read:

385.211 Refractory and intractable epilepsy treatment and research at recognized medical centers.—

(1) As used in this section, the term "low-THC cannabis" means "low-THC cannabis" as defined in s. 381.986 which ~~that~~ is dispensed only from a medical marijuana treatment center dispensing organization as defined in s. 381.986.

Section 4. Present paragraphs (b) and (c) of subsection (2) of section 499.0295, Florida Statutes, are redesignated as paragraphs (a) and (b), respectively, present paragraphs (a) and (c) of that subsection are amended, a new paragraph (c) is added to that subsection, and subsection (3) of that section is amended, to read:

499.0295 Experimental treatments for terminal conditions.—

(2) As used in this section, the term:

~~(a) "Dispensing organization" means an organization approved by the Department of Health under s. 381.986(5) to cultivate, process, transport, and dispense low-THC cannabis, medical cannabis, and cannabis delivery devices.~~

~~(b) (c)~~ "Investigational drug, biological product, or device" means:

1. A drug, biological product, or device that has successfully completed phase 1 of a clinical trial but has not

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been approved for general use by the United States Food and Drug Administration and remains under investigation in a clinical trial approved by the United States Food and Drug Administration; or

2. Marijuana ~~Medical cannabis~~ that is manufactured and sold by an MMTC ~~a dispensing organization~~.

(c) "Medical marijuana treatment center" or "MMTC" means an organization registered with the Department of Health under s. 381.986.

(3) Upon the request of an eligible patient, a manufacturer may, or upon the issuance of a physician certification ~~a physician's order~~ pursuant to s. 381.986, an MMTC ~~a dispensing organization~~ may:

(a) Make its investigational drug, biological product, or device available under this section.

(b) Provide an investigational drug, biological product, device, or cannabis delivery device as defined in s. 381.986 to an eligible patient without receiving compensation.

(c) Require an eligible patient to pay the costs of, or the costs associated with, the manufacture of the investigational drug, biological product, device, or cannabis delivery device as defined in s. 381.986.

Section 5. Subsection (1) of section 1004.441, Florida Statutes, is amended to read:

1004.441 Refractory and intractable epilepsy treatment and research.—

(1) As used in this section, the term "low-THC cannabis" means "low-THC cannabis" as defined in s. 381.986 which ~~that~~ is dispensed only from a medical marijuana treatment center

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1019 ~~dispensing organization~~ as defined in s. 381.986.

1020       Section 6. The Division of Law Revision and Information is  
1021 directed to replace the phrase "the effective date of this act"  
1022 wherever it occurs in this act with the date the act becomes a  
1023 law.

1024       Section 7. This act shall take effect upon becoming a law.



U.S. Department of Justice


Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

August 29, 2013

MEMORANDUM FOR ALL UNITED STATES ATTORNEYS

FROM: James M. Cole   
Deputy Attorney General

SUBJECT: Guidance Regarding Marijuana Enforcement

In October 2009 and June 2011, the Department issued guidance to federal prosecutors concerning marijuana enforcement under the Controlled Substances Act (CSA). This memorandum updates that guidance in light of state ballot initiatives that legalize under state law the possession of small amounts of marijuana and provide for the regulation of marijuana production, processing, and sale. The guidance set forth herein applies to all federal enforcement activity, including civil enforcement and criminal investigations and prosecutions, concerning marijuana in all states.

As the Department noted in its previous guidance, Congress has determined that marijuana is a dangerous drug and that the illegal distribution and sale of marijuana is a serious crime that provides a significant source of revenue to large-scale criminal enterprises, gangs, and cartels. The Department of Justice is committed to enforcement of the CSA consistent with those determinations. The Department is also committed to using its limited investigative and prosecutorial resources to address the most significant threats in the most effective, consistent, and rational way. In furtherance of those objectives, as several states enacted laws relating to the use of marijuana for medical purposes, the Department in recent years has focused its efforts on certain enforcement priorities that are particularly important to the federal government:

- Preventing the distribution of marijuana to minors;
- Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
- Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
- Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;

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- Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
- Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- Preventing marijuana possession or use on federal property.

These priorities will continue to guide the Department's enforcement of the CSA against marijuana-related conduct. Thus, this memorandum serves as guidance to Department attorneys and law enforcement to focus their enforcement resources and efforts, including prosecution, on persons or organizations whose conduct interferes with any one or more of these priorities, regardless of state law.<sup>1</sup>

Outside of these enforcement priorities, the federal government has traditionally relied on states and local law enforcement agencies to address marijuana activity through enforcement of their own narcotics laws. For example, the Department of Justice has not historically devoted resources to prosecuting individuals whose conduct is limited to possession of small amounts of marijuana for personal use on private property. Instead, the Department has left such lower-level or localized activity to state and local authorities and has stepped in to enforce the CSA only when the use, possession, cultivation, or distribution of marijuana has threatened to cause one of the harms identified above.

The enactment of state laws that endeavor to authorize marijuana production, distribution, and possession by establishing a regulatory scheme for these purposes affects this traditional joint federal-state approach to narcotics enforcement. The Department's guidance in this memorandum rests on its expectation that states and local governments that have enacted laws authorizing marijuana-related conduct will implement strong and effective regulatory and enforcement systems that will address the threat those state laws could pose to public safety, public health, and other law enforcement interests. A system adequate to that task must not only contain robust controls and procedures on paper; it must also be effective in practice. Jurisdictions that have implemented systems that provide for regulation of marijuana activity

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<sup>1</sup> These enforcement priorities are listed in general terms; each encompasses a variety of conduct that may merit civil or criminal enforcement of the CSA. By way of example only, the Department's interest in preventing the distribution of marijuana to minors would call for enforcement not just when an individual or entity sells or transfers marijuana to a minor, but also when marijuana trafficking takes place near an area associated with minors; when marijuana or marijuana-infused products are marketed in a manner to appeal to minors; or when marijuana is being diverted, directly or indirectly, and purposefully or otherwise, to minors.

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must provide the necessary resources and demonstrate the willingness to enforce their laws and regulations in a manner that ensures they do not undermine federal enforcement priorities.

In jurisdictions that have enacted laws legalizing marijuana in some form and that have also implemented strong and effective regulatory and enforcement systems to control the cultivation, distribution, sale, and possession of marijuana, conduct in compliance with those laws and regulations is less likely to threaten the federal priorities set forth above. Indeed, a robust system may affirmatively address those priorities by, for example, implementing effective measures to prevent diversion of marijuana outside of the regulated system and to other states, prohibiting access to marijuana by minors, and replacing an illicit marijuana trade that funds criminal enterprises with a tightly regulated market in which revenues are tracked and accounted for. In those circumstances, consistent with the traditional allocation of federal-state efforts in this area, enforcement of state law by state and local law enforcement and regulatory bodies should remain the primary means of addressing marijuana-related activity. If state enforcement efforts are not sufficiently robust to protect against the harms set forth above, the federal government may seek to challenge the regulatory structure itself in addition to continuing to bring individual enforcement actions, including criminal prosecutions, focused on those harms.

The Department's previous memoranda specifically addressed the exercise of prosecutorial discretion in states with laws authorizing marijuana cultivation and distribution for medical use. In those contexts, the Department advised that it likely was not an efficient use of federal resources to focus enforcement efforts on seriously ill individuals, or on their individual caregivers. In doing so, the previous guidance drew a distinction between the seriously ill and their caregivers, on the one hand, and large-scale, for-profit commercial enterprises, on the other, and advised that the latter continued to be appropriate targets for federal enforcement and prosecution. In drawing this distinction, the Department relied on the common-sense judgment that the size of a marijuana operation was a reasonable proxy for assessing whether marijuana trafficking implicates the federal enforcement priorities set forth above.

As explained above, however, both the existence of a strong and effective state regulatory system, and an operation's compliance with such a system, may allay the threat that an operation's size poses to federal enforcement interests. Accordingly, in exercising prosecutorial discretion, prosecutors should not consider the size or commercial nature of a marijuana operation alone as a proxy for assessing whether marijuana trafficking implicates the Department's enforcement priorities listed above. Rather, prosecutors should continue to review marijuana cases on a case-by-case basis and weigh all available information and evidence, including, but not limited to, whether the operation is demonstrably in compliance with a strong and effective state regulatory system. A marijuana operation's large scale or for-profit nature may be a relevant consideration for assessing the extent to which it undermines a particular federal enforcement priority. The primary question in all cases – and in all jurisdictions – should be whether the conduct at issue implicates one or more of the enforcement priorities listed above.



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As with the Department's previous statements on this subject, this memorandum is intended solely as a guide to the exercise of investigative and prosecutorial discretion. This memorandum does not alter in any way the Department's authority to enforce federal law, including federal laws relating to marijuana, regardless of state law. Neither the guidance herein nor any state or local law provides a legal defense to a violation of federal law, including any civil or criminal violation of the CSA. Even in jurisdictions with strong and effective regulatory systems, evidence that particular conduct threatens federal priorities will subject that person or entity to federal enforcement action, based on the circumstances. This memorandum is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal. It applies prospectively to the exercise of prosecutorial discretion in future cases and does not provide defendants or subjects of enforcement action with a basis for reconsideration of any pending civil action or criminal prosecution. Finally, nothing herein precludes investigation or prosecution, even in the absence of any one of the factors listed above, in particular circumstances where investigation and prosecution otherwise serves an important federal interest.

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# Municipal Dispensary License Allocation: Florida<sup>1</sup>

## *Economic and Social Considerations*

**Synopsys:** This report describes the benefits and costs that should be considered by Florida’s city and county planners as they prepare their cannabis dispensary licensing rules. As cannabis policy and planning experts, the Marijuana Policy Group makes the following recommendations:

- *Phased Approach:* Based upon past experience, municipalities should use an incremental approach to issuing dispensary licenses. This mitigates the cost of early-stage errors in license criteria and processing. In general, it is easier for authorities to issue additional licenses over time, than to revoke licenses from previously issued licensees.
- *Optimal Number of Dispensaries:* The optimal number of dispensaries depends upon the number of patients likely to register, the local area population, and the required scale of operation for dispensaries to remain profitable. The average resident ratio among similar states (with laws similar to Amendment 2) is one dispensary per 67,222 residents (1:67,222). This ratio is found to be “optimal” by the MPG for cities and counties in Florida.
- *Risks of Unprofitable Dispensaries:* Unlike conventional business, cannabis business failure creates risks because the product is still prohibited by federal law. Small and struggling cannabis entities are more likely to sell (or “divert”) into illegal markets (e.g., minors and out-of-state smuggling). For example, struggling entities can utilize their license to legally cultivate or purchase cannabis, and then re-sell to illegal markets, if they cannot survive in Florida’s legal market.
- *The Minimum Effective Scale Ratio:* As a second rational approach to setting standards for dispensary numbers, it is helpful to note that the minimum effective scale for a dispensary is approximately 600 patients. Under Amendment 2, the minimum population-to-patient ratio in Florida should be *no more* than one dispensary for each fifty-thousand residents (1:50,000) with the optimal ratio at 1:67,222.
- *The Failure Rate:* The percentage of companies expected to become unprofitable in the regulated market is 61% if the allocation ratio is 1:30,000. Expected failures decline to 32% if the ratio is 1:50,000, and to only 13% if the ratio is 1:67,222.

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<sup>1</sup> The Marijuana Policy Group (MPG) is a Denver-based economics and policy consulting firm dedicated to cannabis economics and policy. This memo provides a quantitative assessment of the benefits and challenges related to cannabis dispensary permitting and licensing. The MPG is nationally recognized for its role in shaping the Colorado regulated cannabis market. Since 2014, the MPG has served as the lead cannabis economist for the State of Colorado, providing detailed market and economic analysis that informs state legislators and policymakers. MPG experts have also advised private sector clients for location, investment, and operations – this experience helps the MPG to bring private-sector understanding into the public-policy forum in an articulate manner. The MPG now operates in 13 states and two foreign countries.

*Note: Results and findings are solely based upon MPG research. Quotations or citations of the report findings must include “The Marijuana Policy Group” as the original owner of this intellectual property.*

- *Upper-Bound Sales:* The MPG finds no evidence to indicate an upper-boundary on the ability of dispensaries to service or supply customers. Single storefronts in Washington State, for example, were serving as many as 6,000 patrons in July 2016. It is therefore unlikely that a dispensary would experience “too many” patients to service.
- *Cole Memo Compliance:* Florida regulators should respect the priorities stated in the United States Department of Justice’s 2013 Cole Memorandum. This memorandum outlines the position of the federal government, and the conditions under which federal authorities will allow state-level rule on cannabis possession. Two of the eight priorities in the Cole Memorandum are to mitigate diversion to minors, and mitigate diversion out of the state. Proper allocation of licenses should be designed to ensure that licensees will remain compliant with state laws, and with federal guidelines.
- *Inexperienced Operators:* Due to increased risks associated with dispensary failures, regulators should prioritize license applicants who have demonstrated the ability to operate a successful cannabis business in the past.

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## Background

Florida's medical cannabis program is changing rapidly. The passage of Amendment 2 in November 2016 will increase substantially the size and scope of the program. This ballot measure represents the latest of three measures which altered the state's approach to medical cannabis.

### Program Evolution: 2014-2016

Under the *Compassionate Medical Cannabis Act*, passed in 2014, the Legislature permitted low-THC/high CBD, non-smokable cannabis to be dispensed and utilized for the treatment of a handful of medical conditions. However, due to the legal restrictions, limiting access and prescriptions, and by forbidding smokable products, few patients have chosen to obtain medical cannabis through legal channels.

On March 25, 2016, Florida Governor Rick Scott signed House Bill 307 into law. This law expanded access to medical cannabis, including high-THC products as an efficacious treatment for patients with terminal illnesses. The state has licensed six medical cannabis dispensing organizations, which are vertically integrated and authorized to cultivate, manufacture, and sell medical cannabis. However, the program remains nascent; as of August, 2016, the Florida Department of Health has just 87 registered cannabis patients.

The passage of Amendment 2 is likely to expand significantly the number of registered patients and potential dispensaries seeking to serve such patients. State and local authorities must prepare themselves for an onslaught of medical cannabis dispensary applications. Under current law (section 381.986(8)(b), Florida Statutes), each county and municipality is authorized to implement rules and regulations for permitting of retail cannabis dispensaries. The statute specifies that such regulations should be reasonable and tailored to protect the public health, safety, and welfare. Most city or county managers have not faced such a decision, and are uncertain how many dispensaries to permit in a certain locality. This document is designed to help these authorities to understand what has been done elsewhere, and what to expect if too many or too few dispensaries are permitted in specific localities.

## State-Level Licensing and Restrictiveness

The MPG collected state-level medical cannabis program data for 22 states where some form of medical cannabis is allowed. Each state chose a regulatory system that is influenced by local sentimentality toward cannabis. Despite the disparity among different state and county rules, most impose restrictions on medical cannabis programs through 1) Limitations on the scope of medical conditions treatable using medical cannabis and the medical prescription ("recommendation") process; and 2) Rules to limiting dispensary numbers.

### *Restrictions on Condition Types – and the Capture Rate*

Certain states restrict use by limiting the types of conditions that are allowed to be treated using cannabis. Illinois, for example, has such restrictive conditions that there are only 7,000 approved medical cannabis patients, in a state with 12.8 million residents. The corresponding patient to population ratio – called the "Capture Rate" – is therefore just 5 people per 10,000, or 0.05%.

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Most states have fewer restrictions on allowed medical conditions, and higher Capture Rates, than Illinois. Colorado, Maine, and Oregon allow most types of conditions, including “chronic pain,” to be recommended for treatment using cannabis. As a result, these states have much higher capture rates. The rate in Colorado is 1.94%, in Oregon, it is 1.83%, and in Maine it is 3.42%, the highest in the dataset. Table 1 provides a listing for selected states (22 different states where information was available), of the current patient count, compared to the resident population, to provide a *capture rate* for each state program.

*Table 1: Medical Cannabis State Populations and Eligible Patient Populations, based upon allowed medical conditions for medical cannabis.*

State	State population (2015)	Patient numbers	Current through	Capture Ratio
Maine	1,329,328	45,520	6/16/2016	3.42%
Michigan	9,922,576	203,889	6/18/2016	2.05%
Colorado	5,456,574	106,066	5/31/2016	1.94%
California	39,144,818	715,133	6/16/2016	1.83%
Oregon	4,028,977	73,605	6/6/2016	1.83%
Arizona	6,828,065	97,938	5/27/16	1.43%
Rhode Island	1,056,298	14,459	6/15/2016	1.37%
Montana	1,032,949	13,288	5/31/2016	1.29%
New Mexico	2,085,109	24,902	6/3/2016	1.19%
Hawaii	1,431,603	14,074	6/1/2016	0.98%
Nevada	2,890,845	18,599	5/31/2016	0.64%
D.C.	672,228	3,707	6/3/2016	0.55%
Vermont	626,042	2,936	6/27/2016	0.47%
Massachusetts	6,794,422	25,980	5/31/2016	0.38%
Connecticut	3,590,886	10,861	6/12/2016	0.30%
Delaware	945,934	1,490	6/15/2016	0.16%
Alaska	738,432	1,071	5/31/2016	0.15%
New Jersey	8,958,013	7,956	6/15/2016	0.09%
New Hampshire	1,330,608	780	7/1/2016	0.06%
Illinois	12,859,995	7,000	6/1/2016	0.05%
Minnesota	5,489,594	1,486	6/10/2016	0.03%
New York	19,795,791	4,688	6/9/2016	0.02%
<b>Average:</b>				<b>0.92%</b>

Source: MPG Calculations based upon publically-available state patient and population data. Patient data was sourced from the Marijuana Policy Project.

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## Florida State Estimated Capture Rates

### *Under HB 307/SB 460*

Although HB 307/SB 460 has added access medical cannabis for the terminally ill, it is estimated that the patient-count will remain low given the restrictions that remain. Based upon the new regulations, the MPG estimates that the state's patient Capture Rate will grow from current levels to approximately 12,000 patients.

The most binding constraints to access include the low-THC requirement for several of the qualifying conditions, difficulty for doctors to legally recommend the drug, and a cumbersome / costly path to become a registered cannabis patient. In total, the MPG estimates the Capture Rate under existing legislation to be approximately six-tenths of one percent (0.06%).

### *Under Amendment 2*

Upon passage of Amendment 2, the number of eligible conditions will expand to include more prevalent indications, and the use of high-THC, smokable products would be allowed, making the Florida law similar to laws in approximately 7 other states.

Using these states for guidance, the MPG constructed an estimated capture rate for Florida. The estimated capture rate for the state under Amendment 2 is 1.21%. The results are shown below, in Table 2.

*Table 2: Florida-Specific Patient Population - Based upon MPG Estimated Capture Rates*

Florida Estimated Patient Population	
Sample Average	0.92%
Average (Programs similar to Florida):	1.21%
Florida Population (2015)	20,271,272
<i>Estimated Florida Patient Count:</i>	
Using Sample Average (0.92%)	186,575
<b>Using Similar Program Ave (1.21%)</b>	<b>244,472</b>
Using Upper Bound (2.2%)	445,968

Source: MPG Calculations

While the overall sample average capture rate was 0.92%, the average for states who have deployed a program that is *similar* to Florida's, is 1.21%. This higher rate reflects the exclusion of certain highly-restrictive states (e.g., New Jersey, New York, and Illinois).

## Dispensary License Allocations

The passage of Amendment 2 will lead to an onslaught of cannabis dispensary applications, and city and county planners must be prepared to handle such applications. Cannabis dispensaries and storefronts are perceived by many planners to carry increased risks compared to typical merchandise stores. These stores sell products that are prohibited under federal law, and they tend to hold large quantities of cash and high-value products. Accordingly, these stores can become burdensome on law enforcement resources. Additionally, community leaders in other states have expressed concern that numerous

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cannabis dispensaries increase the risk of blight and may reduce property values for neighboring communities.

In order to mitigate these risks and the burden on law enforcement, state and municipal authorities have placed limitations upon the number of dispensary operations in a given area. The first and most common limitation is population-based, where a fixed number dispensary licenses are allowed within a specific population center.

#### Experience from Other Industries

Rationing and allocation of licenses to certain types of private businesses is not new. Certain states with a more pious outlook continue to limit liquor store licensees. Utah, for example, limits storefronts to 1:44,000 residents.<sup>2</sup> Other regional limits are often requested by private business due to high startup costs. Hospital developers require a setback that limits competition for a period of time – in order to ensure they can survive and provide medical services. Pure public goods, such as fire stations and parks, are allocated to meet community needs, while balancing the costs and benefits of additional service outlets.

Cannabis dispensaries are privately-funded entities that provide services to a specific population segment. Therefore, the benefits of increased access to these entities is balanced against the potential costs of having too many outlets and subsequent failing businesses (along with considerations for the health, safety, and wellbeing of the public including increased risk of crime and burdens on law enforcement). While zoning rules can help to navigate the location of these entities, the number of entities can be directly controlled through license allocations.

#### Experience from Other States

Of the 22 states from which MPG collected data, three states place no explicit limit upon the number of dispensing licenses: Colorado, New Mexico, and Oregon. Colorado and Oregon provide licenses to any applicant who can meet the qualifications to be an operator, while New Mexico takes into consideration the need for additional dispensaries on an annual basis. Since two of these states have legalized cannabis for anyone over 21 years of age, their policies should be viewed differently from states with medical programs only.

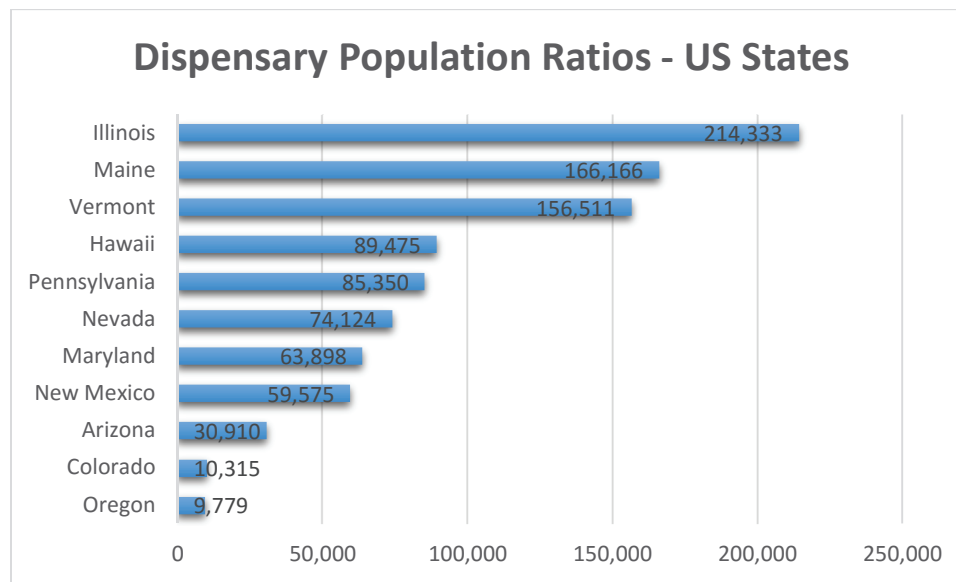
Among medical-only states, there is a gap between two types of dispensary allowances. Many states have systems that allow 1 dispensary for every 60,000 to 80,000 residents. The MPG compared these states with the program in Florida outlined in Amendment 2 – the most similar states are Arizona, New Mexico, Maryland, Nevada, Pennsylvania, and Hawaii. Those states had an average of 67,222 residents per dispensary. See Figure 0-1 below, for a graphical depiction of dispensary ratios.

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<sup>2</sup> Most state have liquor store ratios that average 1 for every 3,000 residents.

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Figure 0-1: Ratio of State Resident Population to Cannabis Dispensaries for Selected US States (2015/2016)



Source: MPG Calculations based upon publically-available state patient and population data.

Two states stand out for the extremely “low” population to dispensary ratios: Colorado and Oregon. However these ratios can be misleading because most of these licensees are allowed to sell recreational (adult-use) cannabis from the same location.<sup>3</sup> The ability to sell adult-use as well as medical cannabis means that these locations are not relying solely upon patients to sustain their business, as dispensaries in medical-only states do.

#### Case of Oregon Dispensaries

The history of Oregon’s medical program offers some insights as a medical-only state that converted into an adult-use state. In Oregon, no *a-priori* limit was placed on dispensary licensing. As a result, the industry faced a “boom/bust” scenario.

In 2014 and 2015, some Oregon towns incurred periods of under-supply, and then over-supply, eventually leading to dispensary failures.<sup>4</sup> In 2015, pre-existing dispensaries benefitted by an interim law passed by the Oregon legislature, allowing medical dispensaries to sell cannabis to any adult over 21 years of age. At the same time, no recreational retail licenses were issued, giving pre-existing dispensaries exclusive rights to sell recreational cannabis to adults. Starting in January 2017, medical dispensaries must choose whether to sell exclusively to recreational or medical markets.

According to an article by the *Guardian*, Southeast Portland had approximately 12,000 medical card holders, and 136 medical dispensaries during calendar year 2015. This meant there were just 88 patients per dispensary, on average – leading to closures, license transfers, and product diversion. After October 2015, many dispensaries were revived, as their client base was expanded to any adult over 21 years of

<sup>3</sup> Stores and dispensaries are allowed to sell both products, so long as the area can be easily distinguished between medical and recreational retail. Most stores have a large orange line down the floor to indicate each section.

<sup>4</sup> See for example: <https://www.theguardian.com/us-news/2015/nov/21/oregon-cannabis-legalization-medical-marijuana-dying-market>.



age. In general, the Oregon program is perceived as one that was fraught with uncertainty, leading to general discontent among industry members.

### Dispensary Economics – Minimum Effective Scale

The Marijuana Policy Group has unique access to operating information for small and large vendors, both for medical and adult-use markets. The MPG can utilize their unique experience and insights to calculate – in a clear way – the so-called “minimum effective scale” required to sustain a medical cannabis operation. Clearly, cities and the state wish to have a well-organized and functional dispensary system, one that does not create negative incentives for failing operators.

Approach: We use the State of Florida capture rate that was estimated above (1.21%) to illustrate some basic economics related to the dispensary licensees – and to compute the share of “failing” dispensaries under different scenarios. We find that in Florida under Amendment 2, the minimum effective scale is one dispensary for every 50,000 residents. However, given the risk associated with failing dispensaries, the “optimal” ratios is one dispensary for every 67,222 residents.

If the estimated capture rate is used, then on average, each dispensary would serve either 813 patients using the 1:67,222 ratio, or 605 patients using the 1:50,000 ratio.

Demand by Patients: Previous demand studies conducted by the MPG show that medical patients typically use cannabis on a near daily basis. Those consumers are estimated to demand 1.6 grams of flower (or its equivalent in non-flower products) per day of use.<sup>5</sup> The average use rate is 29 days per month. Thus, total demand by weight for these customers is expected to be 1.6 g per day \* 29 days per month = 44.6 grams of cannabis per month – or 1.66 ounces of cannabis per month.

The average price of medical cannabis flower in Colorado is \$5.05 per gram. Typically, medical cannabis is purchased in portions of 1 ounce at a time.<sup>6</sup> If the dispensary ratios are 1:67,222, then a typical dispensary will serve 813 patients, and these dispensaries can be expected to have average revenues of approximately \$190,600 per month, under these assumptions.

On average, the cost of wholesale cannabis inputs account for 50% of total sales value (i.e., there is a 100% markup on product).<sup>7</sup> Thus, net revenues on average would be approximately \$95,300 per month. While rent and payroll expenses can vary widely, we can make some basic assumptions in order to provide context and draw a line of profitability.

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<sup>5</sup> See “Market Size and Demand for Colorado” (2014), produced by MPG and commissioned by the Colorado Marijuana Enforcement Division. This study supplied a deep assessment of market demand (by weight) for cannabis flower. The study found that heavy users consume almost 3 times as much cannabis per day than irregular users.  
<https://www.colorado.gov/pacific/sites/default/files/Market%20Size%20and%20Demand%20Study%2C%20July%2009%2C%202014%5B1%5D.pdf>

<sup>6</sup> The price of illicit cannabis, according to “ThePriceofWeed.com” – a crowdsourcing site for product pricing, equals \$7.92 per gram for medium quality cannabis in Florida. This price is expected to decline, as it did in Colorado, under a regulated market.

<sup>7</sup> The same logic applies to vertically-integrated firms, who grow and sell the product. These firms implicitly pay wholesale prices for their own cannabis, because they could have sold their product at the wholesale price. This is a well-known economic concept regarding implicit versus explicit pricing.

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Table 3: Example Accounting for Florida Dispensaries - by Population Ratio

Cost and Profits: Typical Dispensary Operation			
Assumptions / Estimates:	Minimum	Below Minimum	Optimal
Dispensary Ratio:	1:50,000	1:30,000	1:67,222
Patient Capture Rate:	1.21%	1.21%	1.21%
Number of Patients per Dispensary	605	363	813
Revenues and Costs:			
<b>Total Estimated Revenues</b>	<b>\$142,008</b>	<b>\$85,205</b>	<b>\$190,921</b>
<b>Costs</b>			
COGS (Cost of Goods Sold)	\$71,004	\$42,602	\$ 95,461
Rent (or imputed rent)	\$15,000	\$15,000	\$15,000
Payrolls (including payroll taxes & insurance)	\$25,000	\$15,000	\$30,000
Utilities, cleaning, internet and other basic services	\$5,000	\$5,000	\$5,000
Accounting, legal, consulting, and professional services	\$6,000	\$6,000	\$6,000
<b>Total Estimated Costs:</b>	<b>\$122,004</b>	<b>\$83,602</b>	<b>\$151,461</b>
<b>EBITA (Earnings before Interest, Taxes, and Amortization)</b>	<b>\$ 20,004</b>	<b>\$1,602</b>	<b>\$39,461</b>
Income Taxes (assuming 280E Compliance)	\$19,881	\$11,929	\$26,729
Income Taxes (under regular conditions)	\$5,601	\$449	\$11,049
<b>Net Profit (Monthly)</b>			
Under 280E	\$123	(\$10,326)	\$12,732
Under Regular Conditions	\$14,403	\$1,154	\$28,412

\*Source: MPG Calculations based upon state captures rates and spending profiles.

Table 3 shows what a Florida state dispensary license holder can expect financially under various dispensary to population ratios. If there exists one dispensary for every 67,222 residents, then net profits after taxes (assuming the owner somehow maneuvers around certain applicable IRS regulations)<sup>8</sup> are \$31,896 per month on average, or \$382,752 per year. Under Section 280E of the IRS Code, profits would be \$211,392 for the year.

In contrast, if the ratio were 1:30,000 – then the license holder would *lose* approximately \$120,000 under 280E, or earn just \$13,212 under normal operating conditions. Profits are “normal” compared to the at-risk capital if the ratio is 1:50,000. In this case, annual after-tax profits would be \$1,475 under Section 280E, and would be \$172,835 under regular business conditions.

<sup>8</sup> Section 280E of the IRS Code prohibits cannabis vendors from claiming any expenses, except for the cost of the cannabis product itself. For more information see: <http://www.thedailybeast.com/articles/2016/02/18/feds-slap-70-tax-on-legal-marijuana-businesses.html>

These profit estimates do not include the initial cost of investment, called “at risk capital”. The initial investment expense to open a dispensary is expected to equal approximately \$200,000, depending upon the location, building, staff, and licensing process.

### Dispensary Failure Rates Under Three Scenarios

Under an allocation ratio of 1:50,000 residents, the MPG estimates that approximately 32% of the licensees will struggle or become unprofitable, and would present increased risks for enforcement and regulators. An allocation closer to the average among MPG’s sample (1:67,222) results in slightly fewer dispensaries, as well as a higher success rate, effectively shifting the failure rate down from 32% to 13% (i.e. only 1 in 8 licensees fail). In contrast, if more licenses are permitted, then assuming the same capture rate, a higher share of those licensees must be failures, since the total spending on cannabis is effectively “capped” by the number of patients. For example, if a ratio of 1:30,000 is used, more than half of the licensees would be expected to fail or be in danger of failing. Under this regime, the average dispensary teeters between a gain of \$1,039 per month if they do not comply with 280E, or a loss of \$10,379 per month, if they comply. Only 39% of dispensaries are expected to be sustainable under this scenario, and 61% of dispensaries become “high risk” failing entities.

Table 4 below shows the relative number of dispensaries under different allocation schemes:

*Table 4: Number of Dispensaries and Expected Failing Stores under different license allocation schemes.*

Dispensary Failure Rate			
Population Ratio	Number of Dispensaries	Failure Rate	Number of Store Failures
1:30,000	676	61%	412
1:50,000	405	32%	130
1:67:222	302	13%	39
*Based upon 2015 Florida population, and MPG fail-rate estimates.			

The expected failure rate is 61% under a 1:30,000 ratio. This rate falls to approximately one-third (32%) if fewer licenses are issued, to bring the dispensary population in-line with the state population (405 stores). Under this scenario, the number of failed stores falls from 412 to 130, for a 68% reduction in failed licensees. Under a ratio of 1:67,222, the failure rate falls to 13%, and the number of failed stores falls from 130 down to 39. The MPG believes that 1:67,222 provides an “optimal” balance between access of store locations and risks of store failures, given the estimated parameters for Florida, under passage of Amendment 2. It is also important to note that, because the six currently licensed organizations in Florida also offer statewide delivery, patients will have additional access to medicine (in addition to retail outlets). This suggests that rural and remote populations can still be served, in some manner, even when store density is not high.

### Regulatory Risks from Failing Dispensaries

In general, the free market system is an effective mechanism that allocates resources to their best use. It rewards efficient operators and it eventually pushes inefficient or ineffective operators out of the market through closures or consolidation.

*Note: Results and findings are solely based upon MPG research. Quotations or citations of the report findings must include “The Marijuana Policy Group” as the original owner of this intellectual property.*

The free market system works best for the sale and distribution of innocuous goods and services. But there are special risks and considerations when the market is a “Schedule 1” narcotic. Most of these risks are related to product *diversion and crime*. An itemized list of considerations is below:

- Struggling cannabis vendors have an incentive to divert sales to illegal markets if they cannot compete in the regulated market. In order to survive, struggling operators are more likely to allow sales to unauthorized users or to divert some of their products for sale outside of the region, or outside of the state (ex-state diversion).
- The diversion of cannabis to minors or to other states are listed as the Federal Government’s “priorities and concerns” in relation to the state-level sale and distribution of cannabis products. These concerns are prominently described in the 2013 “Cole Memorandum.”
- Struggling vendors are less likely to pay for laboratory testing, for proper packaging, and for proper safety standards in the workplace. Profitable operators have an incentive to maintain their good-standing with state licensing agents, and are more likely to maintain higher levels of safety, quality-control, packaging, and monitoring, compared to poorly-funded organizations.
- Tax compliance and promptness of payment for license fees are generally higher for well-funded and well-organized licensees, compared to struggling and near-bankrupt licensees.<sup>9</sup> Near-bankrupt operators have “*less to lose*” compared to profitable enterprises, and therefore are therefore less likely to comply with the rules and regulations. This effect has been documented in studies of entrepreneurial behavior and attitudes among small-business owners.
- Until federal laws change, almost all cannabis dispensaries are cash-based operations. This raises the risk of crime and burglaries targeted toward dispensary locations. This, in turn, creates an incremental burden for local law enforcement and potential threats to public safety.

## Summary

The passage of Amendment 2 will fundamentally alter Florida’s medical cannabis program. City and county planners throughout the state will be faced with a number of decisions that will ultimately determine the success of medical cannabis operations in their respective communities. This report is intended to assist government administrators as they begin to consider cannabis dispensary licensing rules. MPG’s recommendations, based on other medical cannabis states’ experiences and data-driven economic analysis, provides Florida municipalities with a targeted rulemaking framework that will enable a well-functioning medical cannabis market.

MPG’s calculated “optimal ratio” of one dispensary per 67,222 residents (1:67,222) has been customized to Florida’s specific patient population and regulatory structure. The ratio ensures that the majority of licensed medical cannabis dispensaries in Florida will have a sufficient medical patient customer base, based upon an estimated Capture Rate of 1.21%, to create a profitable business environment for licensed actors. Reducing the number of “at-risk” or failing medical cannabis licensees is imperative for creating a medical cannabis market that mitigates regulatory risk in the form of diversion and crime. The

<sup>9</sup> See, for example: Kamleitner, et. al. (2012). “Tax Compliance of Small Business Owners: A Literature Review and Conceptual Framework,” *International Journal of Entrepreneurial Behavior & Research* 18(3):330-351.

*Note: Results and findings are solely based upon MPG research. Quotations or citations of the report findings must include “The Marijuana Policy Group” as the original owner of this intellectual property.*

actions taken and rules enacted by city and county planners must be cautious, incremental, and should reflect the medical cannabis market unique to Florida, as the ultimate success or failure of the medical cannabis program is highly dependent upon the regulatory structure.

*Note: Results and findings are solely based upon MPG research. Quotations or citations of the report findings must include “The Marijuana Policy Group” as the original owner of this intellectual property.*

12

NOTE: all language proposed for addition to existing Code provisions.

**ORDINANCE NO. 2016-5**

**AN ORDINANCE AMENDING CHAPTER 18 (LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS) OF THE HERNANDO COUNTY CODE OF ORDINANCES BY ADDING ARTICLE VII ENTITLED "MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION FACILITIES REGISTRATION," PROVIDING FOR A TITLE, PROVIDING FOR LEGISLATIVE FINDINGS AND AUTHORITY, PROVIDING FOR THE PURPOSE AND INTENT, PROVIDING FOR DEFINITIONS, REQUIRING CERTIFICATE OF USE PERMITTING, PROVIDING FOR A ONE YEAR MORATORIUM, CREATING A PERMIT APPLICATION PROCESS AND REQUIREMENTS FOR PERMITTING, PROVIDING FOR GROUNDS TO DENY, NOT RENEW, OR REVOKE A PERMIT, PROVIDING FOR REVIEW OF PERMIT DENIAL, NON-RENEWAL OR REVOCATION, PROVIDING FOR ADDITIONAL PERMIT COMPLIANCE REQUIREMENT, PROVIDING FOR PERMIT RENEWALS AND FEES, PROVIDING FOR VIOLATIONS AND INSPECTIONS, PROVIDING FOR ENFORCEMENT AND PENALTIES, PROVIDING FOR ALLOCATION OF FINES, PENALTIES AND FORFEITURES; AMENDING APPENDIX A (ZONING CODE) ARTICLE III (SPECIFIC USE REGULATIONS), BY PROVIDING FOR SECTION 5 (MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION FACILITIES); PROVIDING FOR SPECIFIC LOCATION RESTRICTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners (County) has adopted the Hernando County Comprehensive Plan within which are included goals, objectives, and policies related to the process for review and approval of certain development applications; and

**WHEREAS**, Chapter 163, Part II, Florida Statutes, requires the implementation of these goals, objectives, and policies through the adoption of consistent land development regulations; and

**WHEREAS**, the State may determine to regulate medical marijuana dispensaries and cultivation facilities; however, these laws and regulations will not resolve all local issues associated with medical marijuana dispensaries and cultivation facilities; and

**WHEREAS**, the Board finds and declares a need to permit and regulate the business of medical marijuana dispensaries and cultivation facilities; and

**WHEREAS**, the County desires to update and modernize its land development regulations, and to provide for additional criteria and standards for the location of medical marijuana dispensaries and cultivation facilities; and

**WHEREAS**, this proposed amendment to the Hernando County Land Development Regulations, Appendix "A", (Zoning Code), has received public hearings before the Planning and Zoning Commission, Local Planning Agency and the Board of County Commissioners as required by state and local law; and

NOTE: all language proposed for addition to existing Code provisions.

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1  
2 **WHEREAS**, the Board of County Commissioners, for itself and acting as the Local Planning  
3 Agency, finds and determines that the proposed amendment is consistent with the goals,  
4 objectives, and policies of the Comprehensive Plan.

5  
6 **NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY**  
7 **COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:**

8  
9 The recitals set forth above, including findings of fact and conclusions of law, are true and correct  
10 and incorporated herein by this reference.

11  
12 **SECTION I. Amending Chapter 18 (LICENSES, PERMITS AND MISCELLANEOUS**  
13 **BUSINESS REGULATIONS).** Chapter 18 (Licenses, Permits and Miscellaneous Business  
14 Regulations) is amended to read as follows, with the following new text being added to the code:

15  
16 *[Section 18-16 thru Section 18-164 remain unchanged]*

17  
18 **Article VII. MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION**  
19 **FACILITIES REGISTRATION**

20  
21 **Section 18-165. Title.**

22  
23 This article shall be known and may be cited as the "Medical marijuana dispensaries and  
24 cultivation facilities Ordinance."

25  
26 **Section 18-166. Legislative Findings and Authority.**

27  
28 The recitals set forth above are incorporated herein. The Hernando County Board of County  
29 Commissioners finds and declares that there exists an urgent need to enact an ordinance  
30 regulating certain medical marijuana dispensaries and cultivation facilities within  
31 unincorporated Hernando County.

32  
33 This Ordinance is enacted pursuant to Chapter 125, Florida Statutes, and the home rule powers  
34 of county government and is determined by the Board to be in the best interest of the health,  
35 safety and general welfare of the people of Hernando County.

36  
37 **Section 18-167. Purpose and Intent.**

38  
39 The purpose and intent of this article is to promote the health, safety and general welfare of the  
40 residents of Hernando County through the regulation of medical marijuana dispensaries and  
41 cultivation facilities (as defined below) operating in the County as of the effective date of this  
42 Ordinance.

NOTE: all language proposed for addition to existing Code provisions.

**Section 18-168. Definitions.**

*Applicant* means the owner or a person(s) authorized by the owner to complete an application for a permit to operate medical marijuana dispensary.

*Article* shall mean Chapter 18, Article VII, of the Hernando County Code of Ordinances; and Appendix A, Zoning, Article III, Specific Use Regulations, Section 5, Medical marijuana dispensaries and cultivation facilities.

*Certificate of Use* shall mean a certificate issued pursuant to this article by the Department, on an annual basis, authorizing the operation of a specific medical marijuana dispensary or cultivation facility location in Hernando County and which contains the State's required registration number on its face (if applicable), and authorizes the occupancy of a structure or premises and is required prior to occupancy, change of use and under other specific conditions. Each Certificate of Use shall at a minimum identify on its face, the dispensary or cultivation facility name and physical address, the dispensary or cultivation facility name and mailing address (if different from the physical address), and the property owner's name and address.

Each permit shall have a unique number identification on its face.

*Inspections.* Any person authorized to enforce this article, including but not limited to law enforcement officers employed by the Sheriff, may perform spot or random inspection(s) of the medical marijuana dispensary or cultivation facility.

*Person* shall mean an individual, partnership, corporation, association or other legal entity.

*Sheriff* shall mean the Hernando County Sheriff, a constitutional officer.

*Sheriff's Office* shall mean the Hernando County Sheriff's Office.

*County or Hernando County* shall mean all unincorporated areas of Hernando County, Florida.

*Department* shall mean that department, division, or section within Hernando County government charged with overseeing and regulating zoning and land use activities within the unincorporated area of Hernando County, Florida.

*Medical marijuana cultivation facility* means the use of property or a structure for the planting, growing, harvesting, drying, processing, or storage of marijuana plants.

*Medical marijuana dispensary* means the use of property or a structure for any privately owned medical marijuana dispensary, facility or office to store, distribute, transmit, give, dispense, or otherwise provide medical marijuana in any form or manner.

NOTE: all language proposed for addition to existing Code provisions.

**Section 18-169. Certificate of Use Required; Temporary Moratorium on New Medical Marijuana Dispensaries and Medical Marijuana Cultivation Facilities.**

- (a) No medical marijuana dispensaries or medical marijuana cultivation facilities, as defined in this article, may operate in Hernando County, nor may any person operate a medical marijuana dispensary or cultivation facility in Hernando County, without first obtaining a medical marijuana dispensary or cultivation facility certificate of use issued by the Department pursuant to land use requirements and this article.
- (b) Each medical marijuana dispensary or cultivation facility shall stand alone and shall require its own certificate of use.
- (c) In order to allow Hernando County as of the effective date of this Ordinance time to examine and review criteria for the siting of medical marijuana dispensaries or medical marijuana cultivation facilities, and to put in place procedures for the issuance of a certificate of use, no medical marijuana dispensary or medical marijuana cultivation facility may open or operate in Hernando County or make application for a certificate of use for the shorter of (1) 12 months or (2) the enactment of a new ordinance by the board from the effective date of this Ordinance.
- (d) The board hereby imposes a moratorium beginning on the effective date of this article on the issuance of zoning approvals, development permits (including building permits) or other development approvals for the establishment or location of medical marijuana dispensaries or medical marijuana cultivation facilities on any property located in whole or in part within the county for the shorter of (1) 12 months or (2) the enactment of a new ordinance by the board.

**Section 18-170. Certificate of Use Application Process and Requirements**

- (a) No medical marijuana dispensary or medical marijuana cultivation facility, as defined in this article, may operate in Hernando County, nor may any person operate a medical marijuana dispensary or cultivation facility in Hernando County, without first obtaining a medical marijuana dispensary or cultivation facility certificate of use issued by the Department pursuant to this article.
- (b) The licensing requirements set forth in this article shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any federal, state or local laws.
- (c) The issuance of a certificate of use does not create an exception, defense, or immunity in regard to any potential criminal liability the person may have for the production, sale, distribution or possession of marijuana.
- (d) *Application required.* Any person seeking to operate a medical marijuana dispensary or cultivation facility (as defined in this article) within unincorporated Hernando County shall complete an application as provided by the Department. If any person seeks to



NOTE: all language proposed for addition to existing Code provisions.

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operate more than one dispensary or cultivation facility, a separate application for each use shall be required. As part of the application, the applicant shall provide all of the following information:

- (1) Business name of the dispensary or cultivation facility, Address of the site location, Square footage of unit, Date of planned opening, Type of businesses located adjacent to proposed dispensary or cultivation facility.
- (2) Detailed description of the services or products provided or equipment used, and a professionally drawn floor plan to scale with all rooms identified.
- (3) Detailed description of all proposed improvements to the site.
- (4) A site plan showing the total number of parking spaces on the property.
- (5) The registration number from the State, if the use must be registered in accordance with state law or proof that the applicant is exempt from registration with the state.
- (6) Proof satisfactory to the Department that the applicant has legal ownership or control of the property that is being proposed as a medical marijuana dispensary or cultivation facility (examples include a copy of the deed if the property is owned by the applicant, a copy of the lease or license agreement if the property is not owned by the applicant).
- (7) An affidavit executed by the owner of the property, if other than the applicant acknowledging that the owner is aware that its property is being used as a marijuana dispensary or cultivation facility and providing that the owner will hold Hernando County harmless for any loss resulting from actions taken by the United States government against the owner for permitting the operation of a business that is or may be in violation of federal law.
- (8) A list of all persons, associated with the management and/or operation of the dispensary or cultivation facility, whether paid or unpaid, part-time or full time, including all contract labor and independent contractors. This list shall include, but is not limited, to all owners, operators, employees and volunteers. For each and every person listed, the following additional information shall be provided:
  - a. The person's full name;
  - b. The person's title or position with the dispensary or cultivation facility (e.g. owner, operator, manager, employee, volunteer etc.);
  - c. The person's current home address, telephone number and date of birth;

NOTE: all language proposed for addition to existing Code provisions.

- 1                   d.     A copy of the person's current Florida driver's license or a government  
2                   issued photo I.D.;
- 3
- 4                   e.     State whether the person has any financial or business interest in a  
5                   dispensary or cultivation facility;
- 6
- 7                   f.     For each person listed, a criminal history form or other similar document  
8                   completed by the Sheriff or such persons designated by the Sheriff and  
9                   which indicates whether said person has any criminal conviction(s), and,  
10                  if so, a listing of said conviction(s), or indicates no known criminal  
11                  convictions. The Sheriff may charge a fee for each criminal background  
12                  check performed and the applicant shall be responsible for paying said  
13                  fees. No criminal history form or similar document may be accepted if  
14                  dated earlier than sixty (60) days from the date filed with the Department.  
15                  If during the Department's review of the certificate of use application,  
16                  there is a deletion, substitution or addition of any person so listed, the  
17                  Department shall be immediately advised of such change(s) and shall be  
18                  furnished a new criminal history form for each new person that has been  
19                  substituted or added.
- 20
- 21                  (9)    Such information designated by the Zoning Supervisor/Administrative Official  
22                  as necessary in order for County staff (hereinafter "Staff") to make a reasonable  
23                  determination to grant or deny the certificate of use.
- 24
- 25                  (e)    *Completeness of Application.* It is the applicant's sole responsibility to provide accurate  
26                  contact information when submitting the application to the Department. If the  
27                  application for a medical marijuana dispensary or cultivation facility certificate of use is  
28                  not properly completed, in the sole discretion of the Department, the Department shall  
29                  notify the designated contact person listed in the application. A completed application  
30                  must be received by the Department within fifteen (15) business days of receipt of the  
31                  deficiency notice from the Department in order to avoid assessment of another  
32                  application fee. Failure to timely respond within the fifteen (15) days shall result in a  
33                  denial of the application as incomplete. A new application must then be submitted that is  
34                  accompanied by the full nonrefundable application fee, in order to request a certificate  
35                  of use.
- 36
- 37                  (f)    *Inspections.* Inspections may be made as necessary to determine whether or not the  
38                  application submitted is accurate in all respects, and/or whether the terms of this article  
39                  are being adhered to.
- 40
- 41                  (g)    *Initial Application Fee.* Each application for a medical marijuana dispensary or  
42                  cultivation facility certificate of use shall be accompanied by a nonrefundable application  
43                  fee in the amount of Five Thousand Dollars (\$5,000.00). The application fee for a  
44                  medical marijuana dispensary or cultivation facility certificate of use is in addition to the  
45                  Two Thousand Five Hundred Dollars (\$2,500.00) annual fee/ renewal fee. Any changes  
46                  to the application fee or certificate of use fee authorized by this article may be

NOTE: all language proposed for addition to existing Code provisions.

accomplished by Resolution of the Board of County Commissioners without the need to revise this article.

(h) *Annual Permit Fee.* An applicant, upon approval of its application for a medical marijuana dispensary or cultivation facility certificate of use in accordance with this article, shall pay a Two Thousand Five Hundred Dollars (\$2,500.00) annual fee to the Department. The receipt of the annual fee is a prerequisite to the Department issuing the certificate of use. Any changes to the annual permit fee authorized by this article may be accomplished by Resolution of the Board of County Commissioners without the need to revise this article.

(i) *Change of Information Following the Issuance of Certificate of Use; Fees.* Should any information or conditions change from that stated in the initial certificate of use information, the applicant shall provide that information to the Department within ten (10) days of such change:

(1) Change of the owner or operator of the medical marijuana dispensary or cultivation facility shall require a new initial application and payment of a new application fee.

(2) Substitution or addition of any person required to be listed in the above subsections shall require all information set forth in the above subsection to the Department and paying the Department a \$500.00 processing fee for each person. A current criminal history form shall be provided on all new persons (which the Sheriff's Office may charge a separate fee for). Any changes to the processing fee authorized by this article may be accomplished by Resolution of the Board of County Commissioners without the need to revise this article.

#### **Section 18-171. Grounds for Certificate of Use Denial, Non-Renewal or Revocation.**

The County shall deny, not renew or revoke a medical marijuana dispensary or cultivation facility certificate of use upon the occurrence of one or more of the following:

- (a) An application contains false information or missing information;
- (b) The dispensary or cultivation facility is not registered, if required, with the State;
- (c) The dispensary or cultivation facility has had its registration suspended or revoked by the State;
- (d) Consistent with Section 18-175 of this Article, failure to allow for inspection of the dispensary or cultivation facility by any law enforcement officer employed by or under the Sheriff's Office, any county code enforcement officer, or any other person authorized to enforce ordinance violations in Hernando County at any time the dispensary is open or occupied;

NOTE: all language proposed for addition to existing Code provisions.

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- (e) Failure to abide by any provision of this article;
- (f) Allowing any person to work or volunteer at the dispensary or cultivation facility, whether paid or unpaid, who has been convicted of or plead guilty or nolo contendere to (even if sealed or expunged) an offense that constitutes any felony offense of Florida Statutes or federal law;
- (g) If the payment for the application fee or certificate of use fee is invalid or uncollectible for any reason;
- (h) If, after any medical marijuana dispensary or cultivation facility certificate of use is issued, a change in any of the information relative to the initial application occurs and such change, upon review and determination of the Department, is determined to be grounds for denial or revocation;
- (i) Failure to notify the Department of any change of information following the issuance of any certificate of use.

#### **Section 18-172. Additional Certificate of Use Compliance Requirements**

- (a) A valid Hernando County medical marijuana dispensary or cultivation facility certificate of use issued pursuant to this article must be prominently displayed in a common public area of the medical marijuana dispensary or cultivation facility.
- (b) The medical marijuana dispensary or cultivation facility certificate of use is non-transferable and cannot be assigned. Whenever ownership or management of a medical marijuana dispensary or cultivation facility changes, a new application must be filed for a new certificate of use and all applicable fees paid.
- (c) The medical marijuana dispensary or cultivation facility shall be precluded from having any outdoor seating areas, queues, or customer waiting areas. All activities of the medical marijuana dispensary, including all patient contact, examination, prescribing, dispensing, sale, display, and storage without limitation, shall be conducted entirely within a completely enclosed building.
- (d) Mobile or temporary facilities (including mobile vans, motor homes, buses, trailers or movable structures, without limitation) are prohibited.
- (e) The use of vending machines to dispense medical marijuana is prohibited.
- (f) No medical marijuana dispensary or cultivation facility may locate in any area not properly zoned and designated for use under the County Zoning Ordinance.
- (g) The medical marijuana dispensary or cultivation facility shall meet and satisfy all applicable land development regulations and applicable County codes and regulations.

NOTE: all language proposed for addition to existing Code provisions.

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- (h) No person under the age of twenty-one (21) shall be permitted on the premises of a medical marijuana dispensary or cultivation facility without a prescription from a qualified medical provider.
- (i) The hours of operation of the medical marijuana dispensary shall be limited to 9:00 a.m. to 6:00 p.m., Monday through Saturday.
- (j) Medical marijuana dispensaries or cultivation facilities shall not be allowed as a home occupation.
- (k) The use, consumption, ingestion or inhalation of marijuana products on the property, or within the premise is prohibited.
- (l) The retail sale of devices, contrivances, instruments and paraphernalia for inhaling or otherwise consuming medical marijuana shall be prohibited.
- (m) The sale, dispensation, consumption of alcohol shall be prohibited on site.
- (n) No retail sales or dispensation of marijuana may be permitted at a cultivation facility.
- (o) The outside cultivation of medical marijuana is prohibited, and the cultivation of medical marijuana must occur completely within a fully enclosed structure with a minimum of 5,000 square feet of gross floor area. The structure shall be properly ventilated and comply with all building code regulations. No outside storage shall be allowed.
- (p) Exterior signage shall only include the name and location of the business. Symbols and/or terms that depict or include marijuana, pot, or other references commonly used for marijuana shall be prohibited.
- (q) The medical marijuana dispensary or cultivation facility shall provide a security plan that includes, at a minimum interior and exterior security surveillance cameras installed to monitor all entrances, a professionally monitored alarm system, the location and type of exterior security lighting, deadbolt locks on all exterior doors, and a permanently affixed locking safe suitable for the overnight storage of cash and product.
- (r) All surveillance security recordings shall be preserved for at least seventy two (72) hours and must be made available upon request by the County.
- (s) There must be posted in a conspicuous location a legible sign indicating that the use of marijuana or marijuana products may impair a person's ability to drive a motor vehicle or operate machinery, that it is illegal to drive a motor vehicle or operate machinery while under the influence of marijuana, loitering in or around the dispensary is prohibited, that possession of marijuana is a federal offense, and that no one under the age of twenty one (21) is permitted on the premises without a prescription from a qualified medical provider.

NOTE: all language proposed for addition to existing Code provisions.

- (t) Every medical marijuana dispensary or cultivation facility shall maintain an accurate and complete record of all transactions of medical marijuana purchased, transferred, sold or dispensed. The records shall identify the seller and purchaser involved in each transaction, the quantity of the transaction, and the date/time/location of each transaction. Records shall be kept in chronological order, and shall be made available for a minimum period of 3 years from the date of each transaction. These records shall be made available to law enforcement consistent with the requirements of state and federal law including, but not limited to, the Health Insurance Portability and Accountability Act (HIPAA), Title 42, U.S. Code, Section 17935 and Section 164.512, Title 45, Code of Federal Regulations and shall be used for regulatory purposes only, and shall not be a matter of public record.

**Section 18-173. Review of Certificate of Use Denial, Non-Renewal or Revocation.**

- (a) The department shall provide written notice of a denial of any new or renewal registration certificate specifying in writing the grounds for the denial. The denial notice shall be sent by certified mail or hand delivery to the mailing address set forth on the application for the medical marijuana dispensary or cultivation facility registration. The applicant whose application has received a denial may request a formal de novo appeal hearing before a hearing officer. All the appeal requirements are jurisdictional; failure to correctly file an appeal waives the applicant's rights to challenge the department's decision.
- (b) The appeal and request for a de novo appeal hearing must be received by the department within ten (10) business days of the date the denial notice is mailed to the applicant. The applicant must file an appeal on an official appeal application with the department before the appeal deadline. An appeal narrative shall be submitted to support the appeal and shall specify the specific alleged error or errors made by the department citing specific code provisions of this article along with any and all facts and evidence submitted as part of the application that support the applicant's position that the registration certificate was erroneously denied. A copy of the final action by the department shall be attached to the appeal. The appeal shall be signed by the applicant and be accompanied by a one-thousand-dollar (\$1,000.00) deposit toward the estimated costs. The deposit for costs will be returned to the applicant if the applicant prevails in the appeal, otherwise the deposit will be applied to the full costs of the hearing.
- (c) The appeal shall be transmitted to the hearing officer as soon as possible after receipt by the department. The hearing officer shall review the appeal, and may, upon motion of a party or on its own motion, determine if the jurisdictional appeal requirements of this section have been met. If the appeal has not been properly filed, the hearing officer shall make this jurisdictional determination in writing and dismiss the appeal. In this case, the final action of the department shall stand as the final decision of the county.
- (d) If the appeal is properly filed, the hearing officer shall set a hearing date within thirty (30) business days of the receipt of the appeal by the department, unless the parties agree to additional time. The department shall transmit the final written decision together with the department's application file and record of decision to the hearing officer with a copy to the appellant and the county attorney's office.

NOTE: all language proposed for addition to existing Code provisions.

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- 1 (e) The hearing officer shall conduct a hearing in accordance with due process. At a  
2 minimum, the following procedures shall be observed:  
3
- 4 (1) The file constituting the record of decision by the department shall be entered into  
5 evidence.  
6
- 7 (2) Pre-filed written testimony and evidence is encouraged prior to the hearing date.  
8
- 9 (3) The parties are permitted to present direct testimony and evidence at the hearing.  
10 All testimony shall be under oath and shall be recorded.  
11
- 12 (4) The applicant shall be entitled to cross examine county witnesses and the county  
13 shall be permitted to cross examine the applicant's witnesses.  
14
- 15 (5) Formal rules of evidence shall not apply unless required by the hearing officer,  
16 but fundamental due process shall be observed and shall govern the proceedings.  
17
- 18 (6) The parties may submit proposed recommended orders for consideration of the  
19 hearing officer.  
20
- 21 (7) The hearing officer shall produce a written decision including findings of fact and  
22 conclusions of law within a reasonable time after conclusion of the hearing but  
23 no more than ten (10) business days after the hearing.  
24
- 25 (8) Notwithstanding the above, the hearing procedures of the Florida Department of  
26 Management Services, Division of Administrative Hearings (DOAH) shall be  
27 followed in the event the matter is referred to DOAH. Local procedures shall be  
28 observed but DOAH procedures control in the event of a conflict.  
29
- 30 (9) All hearings and proceedings shall be open to the public.  
31
- 32 (10) The county shall be represented by the county attorney's office.  
33
- 34 (11) If the department prevails and the de novo decision of the hearing officer is  
35 consistent with the department's action, the deposit for costs shall be applied to  
36 the cost of the hearing officer. If the applicant prevails and the de novo decision  
37 of the hearing officer is inconsistent with the department's action, the deposit for  
38 costs shall be returned in full to the applicant.  
39
- 40 (12) The decision of the hearing officer shall be the final decision of the county and  
41 may only be appealed to Circuit Court in and for Hernando County within thirty  
42 (30) days of said decision. Such an appeal shall not be a hearing de novo but shall  
43 be limited to appellate review of the record created before the hearing officer.  
44 Any decision of a DOAH administrative law judge shall be appealed as provided  
45 for in Florida law.  
46

NOTE: all language proposed for addition to existing Code provisions.

- (f) Any dispensary or cultivation facility whose registration certificate is denied, non-renewed (except for an incomplete registration certificate application), or revoked, shall not be eligible to reapply for five (5) years unless the denial, non-renewal or revocation is overturned on appeal. In addition, the owner(s) listed on the application, regardless of the clinic's name, may not be an applicant for a registration certificate renewal at another clinic for a period of five (5) years, unless the individual was previously the applicant for that clinic, or unless the denial or non-renewal is based solely on an incomplete application.

#### **Section 18-174. Certificate of Use Renewals; Fees**

Certificates of use required for medical marijuana dispensaries or cultivation facilities shall be valid for only one (1) year. Provided the medical marijuana dispensary or cultivation facility requesting renewal is in full compliance with this article and no material information contained in its initial application has changed, a renewal certificate shall be issued by the Department, after the applicant pays an annual renewal fee of Two Thousand Five Hundred Dollars (\$2,500.00) to the Department. Renewals shall only be issued to clinics that were previously issued a certificate of use and who timely filed a renewal application. A medical marijuana dispensary or cultivation facility that fails to timely request renewal shall be required to file a new application and pay a new non-refundable application fee.

#### **Section 18-175. Inspections**

With the permission of the applicable property owner or tenant or with a warrant obtained in accordance with Chapter 933, Florida Statutes, any law enforcement officer employed by the sheriff's office, any code enforcement officer, or any other persons authorized to enforce county ordinances may enter the dispensary or cultivation facility premises and conduct an inspection to determine compliance with this article at any time the dispensary is open or occupied.

#### **Section 18-176. Violations**

It shall be unlawful for any person to violate any provision of this article or to operate a medical marijuana dispensary or cultivation facility without a valid county issued medical marijuana dispensary or cultivation facility registration certificate. It shall be a violation for the property owner where the dispensary or cultivation facility is situated to allow any medical marijuana dispensary or cultivation facility to open or operate without a valid medical marijuana dispensary or cultivation facility registration certificate issued pursuant to this article.

#### **Section 18-177. Criminal and civil penalties, code enforcement, revocation costs of prosecution**

- (a) Revocation of a medical marijuana dispensary or cultivation facility registration certificate may be pursued by the county at any time in addition to code violation enforcement actions specified in this article.



NOTE: all language proposed for addition to existing Code provisions.

(b) Any person or persons, firm or corporation, or any agent thereof who violates any provision of this article may be prosecuted in the manner provided for in Chapter 2, Article III, of the Hernando County Code of Ordinances.

(c) The remedies and penalties herein are not intended to be exclusive and the sheriff's office and/or the county may institute any appropriate action or proceedings to prevent, restrain, enjoin, correct or abate a violation of this article as allowed by law.

(d) In any of the above code enforcement or revocation actions, in the event the county prevails, the entire cost of prosecution, including attorney fees and witness costs are recoverable against the responsible parties, including, but not limited to, the owner, designated physician or other person.

#### **Section 18-178. Allocation of fines, penalties and forfeitures**

For all enforcement actions initiated by the sheriff and prosecuted by or in the name of the sheriff or the State of Florida, all fines, penalties and forfeitures assessed by the court or recovered shall be retained by the sheriff except as otherwise required to be shared with, or turned over to, the State of Florida. For all enforcement actions initiated and prosecuted by or in the name of the county, all fines, penalties and forfeitures assessed by the court or in applicable code enforcement proceedings, or otherwise recovered shall be retained by the county except as otherwise required to be shared with, or turned over to, the State of Florida.

#### **SECTION II. Amending Appendix A (Zoning) Article III (Specific Use Regulations).**

Appendix A (Zoning) Article III (Specific Use Regulations) is amended to read as follows, with the following new text being added to the code:

#### **Section 5. Medical marijuana dispensaries and cultivation facilities**

A. *Location restrictions.* Medical marijuana dispensaries shall only be permitted in those commercial districts designated as C-1 or C-2.

B. *Location restrictions.* Medical marijuana cultivation facilities shall only be permitted in those commercial/industrial districts designated C-4, I-1 and I-2.

C. *Location restrictions.* Medical marijuana cultivation facilities shall not be located on any land owned, or leased by a federal, state or local governmental body.

D. *Location restrictions.* Medical marijuana dispensaries and cultivation facilities shall meet the following distance separation requirements.

(1) Medical marijuana dispensaries or cultivation facilities shall not be located within the same building as another registered medical marijuana dispensary or cultivation facility or within 1,000 feet of the following;

(a) another registered medical marijuana dispensary or cultivation facility;

NOTE: all language proposed for addition to existing Code provisions.

---

- (b) a religious institution, church or place of public assembly;
- (c) a public or private primary or secondary school, or public community or state college campus;
- (d) a state, county or municipal park or similar facility, including but not limited to the Sand Hill Boy Scout Reservation, the Suncoast Trail, the Good Neighbor Trail and the Withlacoochee State Trail;
- (e) a licensed day-care center;
- (f) a boundary of any residential district;
- (g) an alcohol or drug rehabilitation facility;
- (h) a publicly owned building, including but not limited to a library, courthouse, city hall, government office, and fire station;
- (i) a halfway house, group home, congregate care facility or correctional facility.

E. The distance requirement is without regard to whether or not such other establishment or facility is in the same zoning district or classification, and without regard to whether there are any intervening municipal, county or other jurisdictional boundaries between the medical marijuana dispensary or medical marijuana cultivation facility business and such other establishment or facility.

F. For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a medical marijuana dispensary or cultivation facility is conducted, to the nearest property line of separated use, premise or activity.

**SECTION III. Severability.** It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

**SECTION IV. Repeal of Conflicting Ordinances.** The provisions of any other Hernando County ordinance that are inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

**SECTION V. Inclusion in the Code.** It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, any section or subsection of this Ordinance may be renumbered or relettered to accomplish such

NOTE: all language proposed for addition to existing Code provisions.

intention, and the word "ordinance" may be changed to "section, "article," or other appropriate designation.

**SECTION VI.** Effective date. This ordinance shall take effect upon filing with the Department of State.

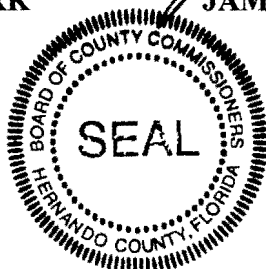
**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY** in Regular Session this 10<sup>th</sup> day of May, 2016.

**BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA**

Attest: [Signature]  
**DONALD C. BARBEE JR, CLERK**

By: [Signature]  
**JAMES E. ADKINS, CHAIRMAN**

(Seal)



Approved as to Form and  
Legal Sufficiency

By: [Signature]

ALACHUA COUNTY  
BOARD OF COUNTY COMMISSIONERS

**ORDINANCE 16-15**  
(Unified Land Development Code Amendment)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY FLORIDA AMENDING THE UNIFIED LAND DEVELOPMENT CODE IN THE ALACHUA COUNTY CODE OF ORDINANCES, PART III, RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE UNINCORPORATED AREA OF ALACHUA COUNTY, FLORIDA; INCLUDING AMENDMENTS TO CHAPTER 404 USE REGULATIONS, ARTICLE 2 USE TABLE, ARTICLE 9 HEALTH AND MEDICAL FACILITIES AND CHAPTER 410 DEFINITIONS ARTICLE 3 DEFINED TERMS FOR MEDICAL MARIJUANA DISPENSARIES; PROVIDING A REPEALING CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Alachua County, Florida, is authorized, empowered and directed to adopt land development regulations to implement the Comprehensive Plan and to guide and regulate the growth and development of the County in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act (Section 163.3161 et seq.,) Florida Statutes; and

WHEREAS, the Board of County Commissioners of Alachua County adopted its 2001-2020 Comprehensive Plan, which became effective on May 2, 2005; and

WHEREAS, the Board of County Commissioners of Alachua County adopted its Unified Land Development Code, which became effective on January 30, 2006; and

WHEREAS, the Board of County Commissioners of Alachua County, Florida, wishes to make amendments to the Alachua County Code of Ordinances Part III, Unified Land Development Code, relating to development of land in Alachua County; and

1 WHEREAS, the Board of County Commissioners, acting as the Land Development  
2 Regulation Commission, has determined that the land development regulations that are the  
3 subject of this ordinance are consistent with the Alachua County Comprehensive Plan; and,

4 WHEREAS, the Board of County Commissioners, acting as the Land Development  
5 Regulation Commission, has determined that regulations for the location of medical marijuana  
6 dispensaries are necessary to aid in the prevention of cannabis distribution to minors; and,

7 WHEREAS, duly noticed public hearings were conducted on such proposed amendments  
8 on July 12, 2016 and August 9, 2016 by the Board of County Commissioners, with the hearings  
9 being held after 5:00 o'clock p.m.;

10 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
11 ALACHUA COUNTY, FLORIDA:

12 Section 1. Legislative Findings of Fact. The Board of County Commissioners of  
13 Alachua County, Florida, finds and declares that all the statements set forth in the preamble of  
14 this ordinance are true and correct.

15 Section 2. Unified Land Development Code. The Unified Land Development Code of  
16 the Alachua County Code of Ordinances Part III is hereby amended as shown in Exhibits "A"  
17 and "B" attached hereto.

18 Section 3. Modification. It is the intent of the Board of County Commissioners that the  
19 provisions of this ordinance may be modified as a result of considerations that may arise during  
20 public hearings. Such modifications shall be incorporated into the final version of the ordinance  
21 adopted by the Board and filed by the Clerk to the Board.

22 Section 4. Repealing Clause. All ordinances or parts of ordinances in conflict herewith  
23 are, to the extent of the conflict, hereby repealed.



1        Section 5. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of  
2        County Commissioners of Alachua County, Florida, and it is hereby provided that, at such time  
3        as the Development Regulations of Alachua County are codified, the provisions of this ordinance  
4        shall become and be made part of the Unified Land Development Code of Alachua County,  
5        Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such  
6        intention, and the word "ordinance" may be changed to "section," "article," or other appropriate  
7        designation. The correction of typographical errors that do not affect the intent of the ordinance  
8        may be authorized by the County Manager or designee, without public hearing, by filing a  
9        corrected or re-codified copy of the same with the Clerk of the Circuit Court.

10       Section 6. Ordinance to be Liberally Construed. This ordinance shall be liberally  
11       construed in order to effectively carry out the purposes hereof which are deemed not to adversely  
12       affect public health, safety, or welfare.


13       Section 7. Severability. If any section, phrase, sentence or portion of this ordinance is  
14       for any reason held invalid or unconstitutional by any court of competent jurisdiction, such  
15       portion shall be deemed a separate, distinct and independent provision, and such holding shall  
16       not affect the validity of the remaining portions thereof.

17       Section 8. Effective Date. A certified copy of this ordinance shall be filed with the  
18       Department of State by the Clerk of the Board of County Commissioners within ten (10) days  
19       after enactment by the Board of County Commissioners, and shall take effect upon filing with  
20       the Department of State.

1 DULY ADOPTED in regular session, this 9<sup>th</sup> day of August, 2016.

2 BOARD OF COUNTY COMMISSIONERS OF  
3 ALACHUA COUNTY, FLORIDA

4  
5 ATTEST:

6   
7  
8  
9 J. K. Irby, Clerk

By:

  
Robert Hutchinson, Chair

10  
11 APPROVED AS TO FORM

12   
13  
14 County Attorney

15 (SEAL)

16  
17 APPROVED AS TO CONTENT

18   
19  
20 Steven Lachnicht, Director  
21 Growth Management  
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Exhibit A

**404.45 Medical Marijuana Dispensary**

Medical marijuana dispensaries distributing low-THC and medical cannabis for therapeutic purposes are allowed as limited uses in the BR, BR-1, BH, BA, BA-1 and HM districts, subject to the following standards.

**(a) Separation Requirements for Medical Marijuana Dispensaries**

**1. Generally**

Medical marijuana dispensaries shall be permitted only in those zoning districts in which a medical marijuana dispensary is listed as a limited use in this Chapter.

**Minimum Separation Standards for Medical Marijuana Dispensaries**

Existing Use or District	
School	750 ft

**2. Measurement**

Measurements shall be made from the nearest property line of the use that is not a medical marijuana dispensary to the nearest property line of the medical marijuana dispensary. If the medical marijuana dispensary is located in a multi-tenant building, then the distance shall be measured from the nearest property line of the use that is not a medical marijuana dispensary to the nearest line of the leasehold or other space actually controlled or occupied by the medical marijuana dispensary.

**3. Limitations**

**a. School**

The separation requirement from a "school" shall apply only if one or more of the following applies:

1. the school is an educational facility (public) as defined in Chapter 410, Article 3 of the Unified Land Development Code; or
2. the school has been in operation at the same location for one year or more; or
3. the location at which the school is now operating is owned by the organization operating the school.



1 **Chapter 410 - Article 3 Defined Terms**

2 **Cannabis (Low-THC)** – A plant of the genus , *Cannabis*, the dried flowers of which contain 0.8  
3 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for  
4 weight; the seeds thereof; the resin extracted from any part of such a plant; or any compound,  
5 manufacture, salt derivative, mixture or preparation of such plant or its seeds that is dispensed  
6 only from a medical marijuana dispensary

7  
8 **Cannabis (Medical)** – A plant of the genus , *Cannabis*, whether growing or not; the resin  
9 extracted from any part of such a plant; or any compound, manufacture, salt derivative, mixture  
10 or preparation of such plant or its seeds that is dispensed only from a dispensing organization  
11 for medical use by an eligible patient as defined in s. 499.0295 F.S.

12  
13 **Medical Marijuana Dispensary** – A dispensary organization approved by the Florida  
14 Department of Health pursuant to and in accordance with the regulations set forth in the  
15 'Compassionate Medical Cannabis Act of 2014' (as amended on March 25, 2016 and codified in  
16 Section 381.986, Florida Statutes) to dispense low-THC and medical cannabis to Florida  
17 residents who have been added to the state compassionate use registry by a physician licensed  
18 under Chapter 458 or Chapter 459, Florida Statutes, because the patient is suffering from cancer  
19 or a physical condition that chronically produces symptoms of seizures or severe and persistent  
20 muscle spasms with no other satisfactory alternative treatment options or has a terminal  
21 condition as defined in s. 499.0295 F.S.

Exhibit B

Chapter 404. Use Regulations  
Article 2. Use Table

Use Categories	Specific Uses	A	A-RB	C-1	RE, RE-1	R1-aa, R-1a	R-1b	R-1c	R-2, R-2a, R-3	RM	RM-1	RP	AP	HM	BP	BR	BR-1	BH	BA, BA-1	BW	ML	MS, MP	MB	Standards
Key: P = Permitted Use L = Limited Use SE = Special Exception SU= Special Use A = Accessory Use NA = Not Applicable																								
Health and Medical Facilities	Hospital													P										
	Medical clinic or lab	SE	P									P	P	P	P	P	P	P	P	P	P	P	P	
	<u>Medical Marijuana Dispensary</u>													L		L	L	L	L					\$404.45
	Veterinary clinic or hospital	SE	L										L		L	L	L	L	L	L		L		\$404.46
	Massage therapist														L	L	L	L	L	L			L	\$404.47

## MEMORANDUM

Substitute  
Agenda Item No. 5(A)

---

<b>TO:</b>	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	<b>DATE:</b>	July 6, 2016
<b>FROM:</b>	Abigail Price-Williams County Attorney	<b>SUBJECT:</b>	Ordinance pertaining to zoning; creating Article IXA of Chapter 33 of the Code; amending sections 33-238, 33-259, 33-279, and 33-284.83; establishing zoning regulations for the dispensing of low-THC cannabis and medical cannabis

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Ordinance No. 16-67



---

This substitute differs from the original item in that:

1. Areas where dispensing facilities may be located is expanded to include (a) Industrial (IU) Zoning Districts, (b) additional Urban Center areas, and (c) the Agricultural (AU) Zoning District except Horse Country;
2. Educational facilities from which dispensing facilities must be appropriately spaced has been clarified to consist of certain primary and secondary schools;
3. An exception to the prohibition on dispensing outside of a dispensing facility is provided to allow for delivery to eligible patients;
4. An exception to the prohibition on consumption inside a dispensing facility is provided to allow a medical professional to instruct an eligible patient on proper consumption;
5. A time period and process is added for a dispensing organization to reserve a location for a dispensing facility;
6. The timeframe in which a dispensing organization must begin dispensing after receiving a certificate of use is extended from 30 to 180 days, subject to a further extension for good cause shown;
7. A certificate of use for a dispensing facility may not be renewed when (a) an open civil violation notice has been pending for 180 days or more and (b) the delay is attributable to the alleged violator; and
8. A definition of "dispensing organization" is added along with references to such term.

Rule 5.06(i) of the Board's Rules of Procedure provides that where double underlining and double strike-through would not clearly show the differences between an original item and the substitute, comments may instead be provided. Pursuant to this rule, the preceding comprehensive description of the differences between the original item and the substitute is provided in lieu of double underlining and double strike-through.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.

  
\_\_\_\_\_  
Abigail Price-Williams  
County Attorney 

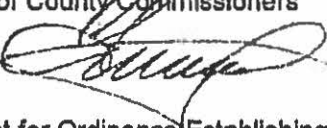
APW/cp

## Memorandum



**Date:** July 6, 2016

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

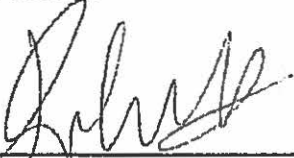
**From:** Carlos A. Gimenez   
Mayor

**Subject:** Fiscal Impact Statement for Ordinance Establishing Zoning Regulations for the  
Dispensing of low-THC Cannabis and Medical Cannabis

---

The proposed ordinance pertaining to zoning creates Article IXA of the Chapter 33 of the Code of Miami-Dade County establishing zoning regulatory framework for the location and permitting of establishments that dispense low-THC cannabis or medical cannabis, and amends Section 33-238 and 33-284.83 of the Code.

It is anticipated that the implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt  
Deputy Mayor

Fis07116 161473

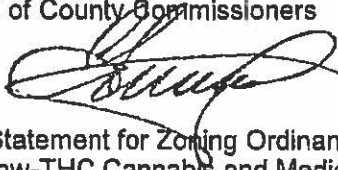


## Memorandum



**Date:** July 6, 2016

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Social Equity Impact Statement for Zoning Ordinance Establishing Zoning Regulations  
for the Dispensing of low-THC Cannabis and Medical Cannabis


---

The proposed ordinance amends the existing Code to establish the zoning regulations related to the location and permitting of establishments that dispense low-THC cannabis or medical cannabis. More specifically, the proposed ordinance does the following:

- Sets the minimum distance between any establishment dispensing low-THC and medical cannabis and child care facilities, preschools, schools, or religious facilities (1,000 feet); certain zoning districts designated as residential (500 feet); and other establishments dispensing same (one mile).
- Requires the establishment to obtain an annual certificate of use and includes language that (i) a certificate of use shall not be renewed if there are open enforcement cases or if the establishment has cases pending before the Nuisance Abatement Board, and (ii) a certificate of use shall be revoked if the establishment has been found guilty of three (3) or more violations pertaining to the dispensing use, or has been determined as a nuisance by the Nuisance Abatement Board.
- Sets operating hours (between 7 a.m. and 9 p.m. daily) and also prohibits the dispensing, receipt, payment, and consumption of low-THC and medical cannabis, as well as the consumption of alcohol, outside of the dispensing establishment.

The proposed ordinance intends to ensure that these establishments are at a minimum distance from child care facilities, schools, religious facilities, certain areas designated as residential, and other businesses dispensing the same products. Without this amendment to the Code, any business wishing to dispense these products would be able to establish itself in a BU zoning district regardless of its distance to these aforementioned institutions and residential neighborhoods.

The cost of compliance, such as obtaining an annual certificate of use or penalties for violating any provisions of the Code, will be borne by the business establishment. Additionally, by setting minimum distance standards from certain institutions and residential neighborhoods, this proposed ordinance controls the number of locations available to these establishments.

  
\_\_\_\_\_  
Jack Osterholt  
Deputy Mayor

161473



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** July 6, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Substitute  
Agenda Item No. 5(A)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Substitute  
Agenda Item No. 5(A)  
7-6-16

ORDINANCE NO. 16-67

ORDINANCE PERTAINING TO ZONING; CREATING ARTICLE IXA OF CHAPTER 33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING SECTIONS 33-238, 33-259, 33-279, AND 33-284.83; ESTABLISHING ZONING REGULATIONS FOR THE DISPENSING OF LOW-THC CANNABIS AND MEDICAL CANNABIS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Article IXA of Chapter 33 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:<sup>1</sup>

**>>ARTICLE IXA – LOW-THC CANNABIS AND MEDICAL CANNABIS DISPENSING FACILITIES**

**Sec. 33-149.1 - Intent**

Section 381.986, Florida Statutes, and Florida Administrative Code Chapter 64-4 authorize a limited number of dispensing organizations throughout the State of Florida to cultivate, process, and dispense low-tetrahydrocannabinol (low-THC) cannabis and medical cannabis for use by qualified patients suffering from cancer, terminal conditions, and certain chronic conditions. The dispensing organizations must be approved by the Florida Department of Health and, once approved, are subject to state regulation and oversight.

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Substitute  
Agenda Item No. 5(A)  
Page 2

The intent of this article is to establish the criteria for the location and permitting of establishments that dispense low-THC cannabis or medical cannabis in accordance with Section 381.986, Florida Statutes, and Florida Administrative Code Chapter 64-4.

#### **Sec. 33-149.2 - Applicability**

The provisions of this article shall be applicable in the unincorporated areas of Miami-Dade County. This article shall only be construed to allow the dispensing of low-THC cannabis or medical cannabis by a state-approved dispensing organization for medical use. The sale of cannabis or marijuana is prohibited in Miami-Dade County except in accordance with this article.

#### **Sec. 33-149.3 - Definitions**

Except as provided herein, all terms shall be defined in accordance with this chapter and Section 381.986, Florida Statutes, as may be amended from time to time:

- (A) “Dispensing facility” refers to the building or structure where low-THC cannabis or medical cannabis, as well as cannabis delivery devices, are dispensed at retail.
- (B) “Dispensing organization” means an organization approved by the state to cultivate, process, transport, and dispense low-THC cannabis or medical cannabis.
- (C) “Low-tetrahydrocannabinol cannabis” or “low-THC cannabis” means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.

6



Substitute  
Agenda Item No. 5(A)  
Page 3

- (D) "Medical cannabis" means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical use by an eligible patient.
- (E) "Medical use" means administration of the ordered amount of low-THC cannabis or medical cannabis. The term does not include the:
- (1) Possession, use, or administration of low-THC cannabis or medical cannabis by smoking; or
  - (2) Transfer of low-THC cannabis or medical cannabis to a person other than the qualified patient for whom it was ordered or the qualified patient's legal representative authorized to receive it on the qualified patient's behalf.
  - (3) Use or administration of low-THC cannabis or medical cannabis:
    - i. On any form of public transportation.
    - ii. In any public place.
    - iii. In a qualified patient's place of employment, if restricted by his or her employer.
    - iv. In a correctional institution.
    - v. On the grounds of any child care facility, preschool, or school.
    - vi. On or in any vehicle, aircraft, or motorboat.

**Sec. 33-149.4 – Zoning districts where dispensing allowed.**

Only in accordance with the requirements of this article and the applicable zoning district, dispensing of low-THC or medical cannabis shall be permitted in: the BU-1, BU-1A, BU-2, BU-3, IU-1, IU-2, IU-3, and IU-C Zoning Districts; areas designated MC, MCS, MCI, and ID in an Urban Center or Urban Area District; and the DKUC and PLMUC Urban Center Districts. Where ancillary to

Substitute  
Agenda Item No. 5(A)  
Page 4

cultivation or processing, dispensing of low-THC or medical cannabis shall also be permitted in the AU Zoning District; provided, however, that dispensing shall not be permitted in the area known as Horse Country, as identified in Resolution No. R-429-16.

**Sec. 33-149.5 – Zoning requirements for dispensing facilities.**

Low-THC and medical cannabis dispensing facilities shall comply with the following requirements:

- (A) No low-THC or medical cannabis dispensing facility shall be located within:
- (1) 1 mile from any other low-THC or medical cannabis dispensing facility;
  - (2) 1,000 feet of any child care facility, preschool, kindergarten, elementary school, middle school, junior high school, high school, or religious facility;
  - or
  - (3) 500 feet of any property in an EU or RU Zoning District (except for RU-5A), or any area designated R in an Urban Center or Urban Area District.
- (B) Distances between low-THC or medical cannabis dispensing facilities shall be measured by drawing a straight between the front doors of the respective dispensing facilities.

The distance from a child care facility, preschool, kindergarten, elementary school, middle school, junior high school, high school, religious facility, or residential property shall be measured by following a straight line from the nearest point of the respective structure to the front door of the proposed dispensing facility.

The applicant shall furnish a certified survey from a registered engineer or surveyor, indicating the distance between the proposed dispensing facility and any existing low-THC or medical cannabis dispensing facility, child care facility, preschool, kindergarten, elementary school, middle school, junior high school, high school, religious facility, or residential property within the applicable radius. In case of dispute, the measurement scaled by the Director shall govern. The Director shall verify in writing receipt of

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the survey from the applicant, which shall serve as a reservation of said location by a state-approved dispensing organization to dispense low-THC or medical cannabis. Upon reservation, the applicant shall have 180 days to apply for a permit or certificate of use.

- (C) Dispensing of, payment for, and receipt of low-THC or medical cannabis is prohibited anywhere outside of the dispensing facility, including, but not limited to, on sidewalks, in parking areas, or in the rights-of-way surrounding the dispensing facility; provided, however, this provision shall not be construed to prohibit delivery of low-THC or medical cannabis to an eligible patient, as permitted by state law or rule.
- (D) Consumption of low-THC or medical cannabis or alcoholic beverages is prohibited onsite at the dispensing facility, including, but not limited to, in the parking areas, sidewalks, or rights-of-way surrounding the dispensing facility; provided, however, this provision shall not be construed to prohibit consumption associated with a dispensing facility employee, trained by a medical professional such as a doctor, nurse, pharmacist, or medical or physician's assistant, instructing an eligible patient on the mechanism of consumption of low-THC or medical cannabis, as permitted by state law or rule.
- (E) Irrespective of any statutory amendment, facilities dispensing low-THC or medical cannabis shall only be allowed to operate between the hours of 7:00 a.m. and 9:00 p.m. daily, as provided by Section 381.986, Florida Statutes, as of the effective date of Ordinance No. [Insert Ordinance No.].
- (F) A certificate of use shall be obtained for the low-THC or medical cannabis dispensing facility on an annual basis. The application for the certificate of use shall be made on a form prescribed by the Director.

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- (1) The low-THC or medical cannabis dispensing facility must be established on the premises by a state-approved dispensing organization within 180 days of the date the certificate of use is issued; after 180 days, unless the time period is extended by the Director for good cause shown, the certificate of use shall be null and void and the applicant must re-apply.
  - (2) The Department shall have the right to periodically inspect the premises of the dispensing facility at any reasonable time to ensure that the facility has a current and valid certificate of use, and to ensure compliance with the terms and conditions under which it was issued. Violators will be subject to all appropriate penalties, including revocation of the certificate of use.
  - (3) Where, pursuant to Chapter 8CC of this Code, a civil violation notice relating to the dispensing of low-THC or medical cannabis has been issued and appealed by the alleged violator, the certificate of use shall not be renewed where the appeal has been pending for 180 days or more and the delay is attributable to the alleged violator. Where, pursuant to Chapter 8CC of this Code, determinations of guilt for three or more violations have been made, or the Nuisance Abatement Board has determined that a nuisance exists at the dispensing facility, the certificate of use shall be revoked immediately, and a new application may not be made within a period of 12 months.
- (G) Any use, created and established under this article in a legal manner, which may thereafter become legally nonconforming, may continue until there is an abandonment of said use. Once a legally nonconforming use is abandoned, it shall not be re-established unless it conforms to the requirements of this article. Abandonment shall consist of: a change of use or suspension of active business with the public for a period of at least 3 months; or a lesser time if a written declaration of abandonment is provided by the owner of the premises or, if the property is subject to a lease, by the owner and tenant thereof.

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(H) No certificate of use, license, or building or other permit shall be issued for a low-THC or medical cannabis dispensing facility where the proposed place of business does not conform to the requirements of this subsection.<<

**Section 2.** Section 33-238 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 33-238. – Uses permitted**

No land, body of water or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed or structurally altered or maintained in any BU-1 District, which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) or more of the following uses:

\* \* \*

>>(13.1) Dispensing facilities for low-THC or medical cannabis, pursuant to article IXA of this chapter.

(13.2)<< [[(13.5)]] Drugstores.

\* \* \*

**Section 3.** Section 33-259 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 33-259. – Uses permitted**

No land, body of water or structure shall be used or permitted to be used and no structure shall be hereinafter erected, constructed, moved, reconstructed or structurally altered or maintained which is designed, arranged or intended to be used or occupied for any purpose, unless otherwise provided herein, in IU-1 District, excepting for one (1) or more of the following:

\* \* \*

>>(27.01) Dispensing facilities for low-THC or medical cannabis, pursuant to article IXA of this chapter.<<

\* \* \*

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**Section 4.** Section 33-279 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 33-279. – Uses permitted**

No land, body of water or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed or structurally altered or be permitted to be erected, constructed, moved, reconstructed or structurally altered for any purpose in an AU District which is designed, arranged, or intended to be used or occupied for any purpose other than the following:

\* \* \*

>>(6.2) Dispensing facilities for low-THC or medical cannabis, pursuant to article IXA of this chapter may be permitted in the area designated agriculture on the Adopted Land Use Plan Map of the Comprehensive Development Master Plan, upon compliance with the following conditions:

- (a) Such dispensing facility shall be located on property approved by the state for cultivating or processing low-THC or medical cannabis, and shall be operated only by the dispensing organization authorized to cultivate or process the low-THC or medical cannabis on that property.
- (b) A minimum of 6 parking spaces shall be provided; said spaces shall be located a minimum of 35 feet from right-of-way pavement.
- (c) The dispensing facility shall be located on the property with the following setbacks:
  - 1. From right-of-way pavement, 60 feet;
  - 2. From rear property line, 25 feet;
  - 3. From side street property line, 25 feet; and
  - 4. From interior side property line, 100 feet.

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- (d) The dispensing facility shall be a permanent, enclosed structure that shall not exceed 5,000 square feet.
- (e) A dispensing facility shall not be permitted in the area known as Horse Country, as identified in Resolution No. R-429-16.<<

\* \* \*

**Section 5.** Section 33-284.83 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 33-284.83. - Uses.**

No land, body of water, or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, structurally altered, or maintained for any purpose in the Urban Center (UC) or Urban Area (UA) Districts, except as provided in this article. The uses delineated herein shall be permitted only in compliance with the Regulating Plans and standards provided in this article. The following regulations outline permitted uses in the R (Residential), RM (Residential Modified), MC (Mixed-Use Corridor), MM (Mixed-Use Main Street), MO (Mixed-Use Optional), MCS (Mixed-Use Special), MCI (Mixed-Use Industrial), ID (Industrial District) and I (Institutional) Land Use Areas.

\* \* \*

- B. *Land Use Groups.* The uses listed following each group in this section shall be permitted in the land use categories shown in Table (C) subject to the provisions noted for each land use category. Uses provided in Table (C) below not listed in this subsection shall be permitted subject to the provisions noted for each land use area. The Director shall have the authority to determine that a use not specifically enumerated below may nevertheless be permitted in a land use category because it is similar to an enumerated use.

\* \* \*

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- (11) *General Retail/Personal Service Establishments:* Establishments that provide goods and services geared toward an individual consumer. This group shall include businesses such as: banks; beauty parlors; adult day care; bakeries; bookstores; apparel stores; grocery stores; pharmacies; tailor shops; health clubs; gift shops; indoor pet care centers/boarding and indoor kennels (soundproofed and air-conditioned building required); vehicle retail showrooms; and similar uses. This group shall also include schools offering instruction in dance, music, martial arts and similar activities, but this group shall not include colleges/universities. Except as otherwise authorized in this article, uses enumerated in the BU-3 zoning district shall only be permitted in the MCS and MCI categories and shall be subject to the public hearing and spacing requirements set forth in Section 33-255 of this chapter. >>Dispensing facilities for low-THC or medical cannabis, in accordance with the requirements of article IXA of this chapter, shall also be allowed in areas designated MC, MCS, MCI, and ID.<<

\* \* \*

**Section 6.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 7.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.



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**Section 8.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: July 6, 2016

Approved by County Attorney as  
to form and legal sufficiency:

Prepared by:

James Eddie Kirtley  
Dennis A. Kerbel



Prime Sponsor: Commissioner Sally A. Heyman

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**ORDINANCE NO. 2016- 005**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, AMENDING CHAPTER 315 OF THE CODE OF INDIAN RIVER COUNTY ENTITLED "INDIAN RIVER COUNTY PAIN MANAGEMENT CLINIC AND CONTROLLED SUBSTANCES ORDINANCE" TO INCLUDE REGULATIONS AND PROHIBITIONS OF CERTAIN ACTIVITIES RELATING TO MEDICAL MARIJUANA; AND PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, in 2011, the Indian River County Board of County Commissioners (the "Board") created Chapter 315 of the Code of Indian River County entitled "Indian River County Pain Management Clinic and Controlled Substances Ordinance"; and

**WHEREAS**, Amendment 2, allowing for the use of marijuana for certain medical conditions is on the November 8, 2016 ballot; and

**WHEREAS**, in the event Amendment 2 is approved by the voters, it is necessary to have existing regulations in effect to prevent a proliferation of medical marijuana distribution facilities; and

**WHEREAS**, the Board finds that utilizing the regulations established for pain management clinics in Indian River County to regulate medical marijuana is reasonable and necessary to prevent the harmful impacts of medical marijuana distribution facilities in the same manner that those regulations prevented the harmful effects of pain management clinics and pharmacies,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT:**

**Section 1. Enactment Authority.**

Article VIII, section 1 of the Florida Constitution and chapter 125, Florida Statutes vest broad home rule powers in counties to enact ordinances, not inconsistent with general or special law, for the purpose of protecting the public health, safety and welfare of the residents of the county. The Board specifically determines that the enactment of this ordinance is necessary to protect the health, safety and welfare of the residents of Indian River County.

**Section 2. Legislative Findings.**

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The Board finds that the "Whereas" clauses above are true and correct, and hereby incorporates such clauses as the legislative findings of the Board.

**Section 3. Amendment of Chapter 315 (Pain Management Clinics and Controlled Substances).**

Chapter 315 of the Code of Indian River County, Florida is hereby amended to read as follows (added language is underlined, and deleted language noted by strikethrough):

**CHAPTER 315. PAIN MANAGEMENT CLINICS, AND CONTROLLED  
SUBSTANCES AND MEDICAL MARIJUANA**

\* \* \*

**Section. 315.02. Definitions.**

For the purposes of this chapter, the following terms shall have the following meanings:

- (1) *Pain management clinic* shall mean any publicly or privately owned facility: that advertises in any medium for any type of pain management services; or where in any month a majority of patients are prescribed opioids, benzodiazepines, barbiturates, or carisoprodol for the treatment of chonic nonmalignant pain; or any Medical Marijuana Treatment Center as defined below, unless
  - a. The clinic is licensed as a facility pursuant to chapter 395, Florida Statutes;
  - b. The majority of physicians who provide services in the clinic primarily provide surgical services;
  - c. The clinic is owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded \$50 million;
  - d. The clinic is affiliated with an accredited medical school at which training is provided for medical students, residents or fellows;
  - e. The clinic does not prescribe or dispense marijuana or controlled substances for the treatment of pain; or
  - f. The clinic is owned by a corporate entity exempt from federal taxation under 26 USC section 501(c)(3).



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Any clinic or facility meeting the definition above shall be considered a pain management clinic, regardless of its use of any other descriptive name, such as a center for "wellness," "detox," "detoxification," "urgent care," etc.

- (2) *Applicable law* shall mean this Code, applicable Florida law, including, without limitation, rules and regulations promulgated by the Florida Department of Health, the Florida Board of Medicine, the Florida Board of Osteopathic Medicine, the Florida Board of Pharmacy, and applicable federal law;
- (3) *Board* shall mean the Indian River County Board of County Commissioners;
- (4) *Controlled substance* shall mean a controlled substance listed in Schedules II, III, or IV in section 893.03, Florida Statutes.
- (5) *Chronic nonmalignant pain* shall mean pain unrelated to cancer or rheumatoid arthritis which persists beyond the usual course of disease or the injury that is the cause of the pain or more than 90 days after surgery.
- (6) *Department* shall mean the Indian River County Community Development Department.
- (7) ~~Reserved.~~ *Marijuana* shall mean cannabis as defined in Section 893.02(3), Florida Statutes. The term shall include "low-THC cannabis," as defined in Section 381.986(1)(b), Florida Statutes.
- (8) ~~Reserved.~~ *Medical Marijuana Treatment Center* shall mean an entity that acquires, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes or dispenses marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Department.
- (9) *Pharmacy* shall mean any pharmacy that is subject to licensure or regulation by the Florida Department of Health under chapter 465, Florida Statutes, and dispenses controlled substances in Indian River County.

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(10)*Pain Clinic Responsible Party* shall mean any person or entity which owns, in whole or in part, or operates a pain management clinic; any person who manages or supervises the operations of a pain management clinic; any person who has been designated as the responsible physician or osteopathic physician for a pain management clinic, pursuant to 458.3265(1)(c) or 459.0137(1)(c), Florida Statutes; and any person who participates, directly or indirectly, in any activity regulated or prohibited by this chapter

(11)*Pharmacy Responsible Party* shall mean any person or entity which owns, in whole or in part, or operates a pharmacy engaged in activity regulated or prohibited by this chapter; any person who manages or supervises any activity regulated or prohibited by this chapter; and any person who participates, directly or indirectly, in any activity regulated or prohibited by this chapter.

(12)*Qualified pain management clinic* shall mean:

- a. A pain management clinic which is wholly owned and operated by one or more board-certified anesthesiologists, physiatrists, or neurologists; or
- b. A pain management clinic which is wholly owned and operated by one or more board-certified medical specialists who have also completed fellowships in pain medicine approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association or who are also board-certified in pain medicine by a board approved by the American Board of Medical Specialties or the American Osteopathic Association and perform interventional pain procedures of the type routinely billed using surgical codes.

Except as otherwise provided, a qualified pain management clinic shall be deemed to be a pain management clinic for all purposes set forth herein.

### **Section 315.03. Prohibited Activities.**

Each of following activities shall be prohibited and shall constitute a violation of this Code:

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- (1) Operation of a pain management clinic without a valid and current permit issued pursuant to section 315.04;
- (2) Operation of a pain management clinic without a valid and current business tax receipt;
- (3) Operation of a pain management clinic without a valid and current registration pursuant to sections 458.3265 or 459.0137, Florida Statutes, or registered by the Department of Health, pursuant to Article X, Section 29 of the Florida Constitution, unless such clinic is exempt from registration under such statute;
- (4) Submittal of a permit application, any sworn statement, or any other information required by this chapter, which contains materially false information;
- (5) Operation of a pain management clinic in violation of a sworn statement submitted to pursuant to sections 315.04 or 315.05;
- (6) Operation of a pain management clinic or pharmacy in violation of applicable law;
- (7) Prescribing or dispensing of controlled substances or marijuana in violation of applicable law;
- (8) Activity within a pain management clinic with respect to a controlled substance in violation of the standards of practice set forth in section 456.44(3), Florida Statutes;
- (9) Operation of a pain management clinic in violation of the facility and physical operations requirements, the infection control requirements, the health and safety requirements, the quality assurance requirements or the data collection and reporting requirements set forth in sections 458.3265(2)(f)-(j) and 459.0137(2)(f)-(j), Florida Statutes, as applicable;
- (10) Prescribing, administering or dispensing a controlled substance without a valid and current controlled substance registration number issued by the United States Department of Justice, Drug Enforcement Administration;



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- (11) Operation of a pain management clinic or pharmacy in a manner which allows, permits or encourages persons to stand, sit (including inside parked cars), gather or loiter in or about the clinic's parking area, for a period of time exceeding that which is reasonably required to arrive and depart the parking area, and to walk to and from the parking area and the clinic;
- (12) Continued leasing or permitted use of a property or structure which is used as a pain management clinic or pharmacy if (a) the landlord or property owner knows or, through the exercise of reasonable care should know, that the clinic or pharmacy is being operated in violation of applicable law, and (b) despite the passage of a reasonable period of time to do so, the landlord or property owner has failed or refused to take reasonable measures to stop or prevent the continued illegal activity on the premises; or
- (13) Failure to advise the Department of any change in any information, statements, facts or circumstances, as required by section 315.04(10).
- (14) Cultivation, administration or consumption of marijuana at a pain management clinic.
- (15) Operating a Medical Marijuana Treatment Center that is not wholly owned and operated by one or more
  - a. board-certified anesthesiologists, physiatrists, or neurologists; or
  - b. board-certified medical specialists who have also completed fellowships in pain medicine approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association or who are also board-certified in pain medicine by a board approved by the American Board of Medical Specialties or the American Osteopathic Association and perform interventional pain procedures of the type routinely billed using surgical codes.

**Section 315.04. Permit Required for Operation of Pain Management Clinic.**

- (1) Permit Required. No pain management clinic shall operate by any means in Indian River County without a valid and current pain management clinic permit issued by the Department.

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- (2) Application. Any pain management clinic requesting issuance of a pain management clinic permit shall complete and submit to the Department a sworn application, on a form provided by the Department, containing, at a minimum, the following information:
- a. The name and address of the pain management clinic;
  - b. The name and address of each owner of the pain management clinic (including, if the owner is a business entity such as a corporation, limited liability company, etc, the name and address of each officer, manager or managing member, general partner or other comparable person authorized by state law to manage the affairs of the business entity), each person who will be managing or supervising the activities of the pain management clinic, and each person who will be prescribing or administering controlled substances, and each person who will be acquiring, possessing, processing, transferring, selling, distributing or dispensing marijuana at the pain management clinic;
  - c. The name and address of the person who has been designated as the responsible physician or osteopathic physician for the pain management clinic, pursuant to sections 458.3265(1)(c) or 459.0137(1)(c), Florida Statutes, if applicable;
  - d. The name and address of the person or entity which owns the real property upon which the pain management clinic will be operated;
  - e. Proof that the applicant is currently registered as a pain management clinic with the Florida Department of Health, pursuant to sections 458.3265 or 459.0137, Florida Statutes or registered as a Medical Marijuana Treatment Center, pursuant to Article X, Section 29 of the Florida Constitution;
  - f. Proof that any person who will be prescribing or administering controlled substances at the pain management clinic has a valid and current controlled substance registration number issued by the United States Department of Justice, Drug Enforcement Administration, including the controlled substance registration number for each such person;
  - g. A sworn statement certifying that within the ten (10) years prior to submittal of the application, neither the pain management clinic, nor any person identified pursuant to subsections b, c or d above, has been found by any



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county or municipal board, commission or council, or by any state or federal court, or by any state or federal regulatory body, to have acted with respect to controlled substances or marijuana in violation of applicable law; and

- h. A sworn statement certifying that the pain management clinic, and every other clinic owned or operated by any person identified pursuant to subsections b, c or d above, will, during the term of the permit, be operated in compliance with applicable law.
  - i. Proof that a Medical Marijuana Treatment Center is wholly owned and operated by one or more
    - 1. board-certified anesthesiologists, psychiatrists, or neurologists; or
    - 2. board-certified medical specialists who have also completed fellowships in pain medicine approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association or who are also board-certified in pain medicine by a board approved by the American Board of Medical Specialties or the American Osteopathic Association and perform interventional pain procedures of the type routinely billed using surgical codes.
- (3) Abbreviated application for qualified pain management clinics that do not acquire, possess, process (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfer, transport, sell, distribute or dispense marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers. In lieu of completing the application form described in subsection (2), a qualified pain management clinic that does not acquire, possess, process (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfer, transport, sell, distribute or dispense marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers requesting issuance of a pain management clinic permit may complete and submit to the department a sworn application, on a form provided by the department, containing, at a minimum, the following information:
- a. The name and address of the pain management clinic;

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- b. The name and address of the owner of the pain management clinic;
  - c. The name and address of all physicians who will be prescribing controlled substances at the pain management clinic;
  - d. Proof that the pain management clinic meets the definition of a "qualified pain management clinic" which proof may consist of written verification or confirmation from the State of Florida that the pain management clinic is exempt from state registration pursuant to [F.S.] §§ 458.3265(1)(a)2g or h or 459.0137(1)(a)2g or h; and
  - e. A sworn statement certifying that the pain management clinic, and every other clinic owned or operated by any person identified pursuant to subsections b or c above, will, during the term of the permit, be operated in compliance with applicable law.
- (4) Permit Application Fee. A permit application fee shall be paid by the applicant at the time of submittal of the application, including renewal. The amount of the fee shall be set by resolution of the Board. The amount shall be sufficient to recover the County's approximate cost of reviewing and acting upon the application.
- (5) Denial of Application. The application for a pain management clinic permit shall be denied if any of the following facts are found to exist and are not cured within ten (10) days of written notice of such deficiency:
- a. The applicant fails to pay the required permit application fee; or
  - b. The applicant fails to submit all information and statements required in subsection (2) or (3) above, or the applicant has submitted such information and statements but such information and statements are found to contain materially false information.
- (6) Issuance of Permit. The Department shall issue the permit within twenty (20) days of submittal of a fully complete application, if the applicant has submitted all information required in subsection (2) or (3) and none of the facts set forth in subsection (5) is found to exist.
- (7) Term of Permit. A pain management clinic permit shall remain in effect for a term of two (2) years. Thereafter, a permit shall be subject to renewal in the same manner that permits are issued initially as set forth in subsections (2) through (6).



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- (8) Appeal. If an application for issuance or renewal of a pain management clinic permit is denied, the applicant shall have the right of appeal as set forth in section 100.06 of this Code. The denial shall be considered a decision of a department head for the purpose of applying section 100.06. An appeal fee shall be paid by the applicant at the time of filing an appeal to the Board. The amount of the fee shall be set by resolution of the Board. The amount shall be sufficient to recover the County's approximate cost of reviewing and acting upon the appeal.
- (9) Revocation of Permit. A pain management clinic permit shall be subject to revocation in proceedings before the Indian River County Code Enforcement Board or any court of competent jurisdiction, in the event that:
- a. The information or statements submitted to obtain issuance or renewal of the permit contained materially false information;
  - b. The permit holder, or any Pain Clinic Responsible Party, has engaged in activity prohibited by section 315.03;
  - c. The permit holder, or any Pain Clinic Responsible Party, has been found by any county or municipal board, commission or council, or by any state or federal court, or by any state or federal regulatory body, to have acted with respect to controlled substances or marijuana in violation of applicable law; or
  - d. The permit holder, although required to be registered, is no longer registered with the Florida Department of Health, pursuant to sections 458.3265 or 459.0137, Florida Statutes, or registered as a Medical Marijuana Treatment Center, pursuant to Article X, Section 29 of the Florida Constitution, or no longer holds a current business tax receipt for a pain management clinic, or the controlled substance registration issued by the United States Department of Justice, Drug Enforcement Administration to any person prescribing, administering or dispensing controlled substances at the pain management clinic has been suspended, revoked or denied renewal.
- (10) Emergency Suspension of Permit. Upon clear and convincing proof that one or more of the events set forth in subsection (9) have occurred, and upon a finding that continued operation of the pain management clinic presents an immediate danger to the health, safety and welfare of the

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residents of Indian River County, the Department shall be authorized immediately to suspend the pain management clinic's permit. In such event, the permit holder shall have the right of appeal as set forth in section 100.06 of this Code. The suspension shall be considered a decision of a department head for the purpose of applying section 100.06. All aspects of the appeal shall be expedited. An appeal fee shall be paid by the applicant at the time of filing an appeal to the Board. The amount of the fee shall be set by resolution of the Board. The amount shall be sufficient to recover the County's approximate cost of reviewing and acting upon the appeal. Any emergency suspension pursuant to this subsection shall continue for a period not to exceed six (6) months; provided, however, that if revocation of the permit is sought, the Code Enforcement Board or court of competent jurisdiction in which the revocation request is pending may extend the suspension beyond six (6) months until completion of the revocation proceedings, if necessary to protect the health, safety and welfare of the residents of Indian River County.

- (11) Change in Information or Statements. The permit holder shall notify the Department in writing of any change in any information or statements submitted pursuant to subsections (2) a. – h*j*. or (3)a. – d. above, or of any change in any facts or circumstances such that any information or statements submitted pursuant to subsections (2) a. – h*j*. or (3)a. – d. are no longer completely true and accurate. Such notification shall be provided within thirty (30) days of the change.

\* \* \*

**Section 4. Severability.** If any part of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall remain in full force and effect.

**Section 5. Codification.** It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made part of the Indian River County Code, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or such other appropriate word or phrase in order to accomplish such intention.

**Section 6. Effective Date.** This ordinance shall become effective upon filing with the Florida Department of State.

This ordinance was advertised in the Indian River Press Journal on the 25<sup>th</sup> day of April, 2016, for a public hearing to be held on the 10<sup>th</sup> day of May, 2016, at which time it was



moved for adoption by Commissioner Flescher, seconded by Commissioner O'Bryan, and adopted by the following vote:

Chairman Bob Solari	<u>AYE</u>
Vice Chairman Joseph E. Flescher	<u>AYE</u>
Commissioner Wesley S. Davis	<u>AYE</u>
Commissioner Peter D. O'Bryan	<u>AYE</u>
Commissioner Tim Zorc	<u>AYE</u>

The Chairman thereupon declared the ordinance duly passed and adopted this 10th day of May, 2016.

BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA

By: Bob Solari  
Bob Solari, Chairman

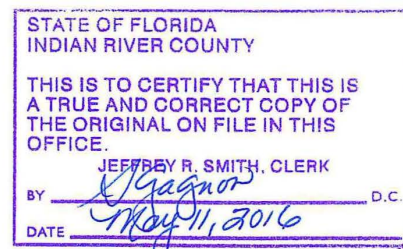


ATTEST: Jeffrey R. Smith, Clerk of Court and Comptroller Approved as to form and legal sufficiency

By: [Signature]  
Deputy Clerk

[Signature]  
Dylan Reingold, County Attorney

EFFECTIVE DATE: This ordinance was filed with the Florida Department of State on the 11th day of MAY, 2016.



ORDINANCE NO. 2016- A25

**AN ORDINANCE OF CITRUS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ORDINANCE NO. 2012-06, THE CITRUS COUNTY LAND DEVELOPMENT CODE, AS AMENDED, BY AMENDING SECTION 1500. DEFINITIONS BY ADDING DEFINITIONS FOR MEDICAL CANNABIS AND MEDICAL CANNABIS DISPENSING FACILITY; AMENDING SECTION 2412, GENERAL COMMERCIAL DISTRICT; AMENDING SECTION 2413, LIGHT INDUSTRIAL DISTRICT, AND SECTION 2414, HEAVY INDUSTRIAL DISTRICT TO PROVIDE ZONING DISTRICTS FOR POTENTIAL LOCATIONS OF MEDICAL CANNABIS DISPENSING FACILITIES; CREATING SECTION 3765, MEDICAL CANNABIS DISPENSING FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR CODIFICATION, PROVIDING FOR MODIFICATIONS THAT MAY ARISE AT HEARINGS; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, pursuant to Chapter 163, Florida Statutes, the Board of County Commissioners, adopted the Citrus County Comprehensive Plan, Ordinance No. 89-04, on April 18, 1989, and subsequent amendments;

WHEREAS, on June 12, 2012, the Board of County Commissioners adopted the Citrus County Land Development Code (LDC) as Ordinance No. 2012-06;

WHEREAS, the Citrus County Board of County Commissioners recognize the need to plan for orderly growth and development while protecting Citrus County's abundant natural resources;

WHEREAS, certain changes are desirable to improve the usability of the LDC;

WHEREAS, certain changes are necessary to comply with Florida Statutes as enacted by the State of Florida Legislature;

WHEREAS, in 2016 the Florida legislature adopted House Bill 307, which allows a County to determine by ordinance the criteria for the number, location, and other permitting requirements that do not conflict with state law or department rule for all medical cannabis dispensing facilities of dispensing organizations located within the unincorporated area of the County;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Citrus County, a political subdivision of the State of Florida, as follows:

SECTION 1. THAT SECTION 1500. DEFINITIONS, OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED TO ADD THE FOLLOWING DEFINITIONS:

**1500. DEFINITIONS**

**Medical Cannabis:** All parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical use by an eligible patient as defined in F.S. 499.0295.

**Medical Cannabis Dispensing Facility:** A building or structure approved by the State of Florida Department of Health to process, prepare, and/or dispense medical cannabis pursuant to F.S. 381.986.

SECTION 2. THAT SECTION 2412, GENERAL COMMERCIAL DISTRICT (GNC), OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:

**2412. GENERAL COMMERCIAL DISTRICT (GNC)**

This district is limited to commercial activity and activities of similar impact or consistent with commercial activity. No new GNC shall be allowed in the Coastal, Lakes, and River region.

Multifamily residential development over six units per acre, not to exceed ten units per acre, shall be allowed. However, such residential development shall be required to preserve at least twenty percent (20%) of the gross site area as permanent open space as required by this LDC. Single family residential development shall be allowed only if the structure has access to a local residential roadway and is in a residentially committed area, or is associated with a business owned and operated by the homeowner. Multi-family apartments built as additional stories over nonresidential structures may be allowed in accordance with the density allowances as described within this Section.

<u>GNC District</u>		<u>Key – Level of Review</u>	
		P = Permitted	
		C = <u>Conditional Use</u>	
Uses			
Residential			
Single Family (as outlined above)	P	Boarding House	P
Multifamily <sup>1X</sup> (up to six units per acre)	P	Group Home <sup>1</sup>	P
Multifamily <sup>1X</sup> (over six units per acre, not to exceed 10 units per acre)	C	Accessory Structure (limitations apply)	P
Model Homes (no sales office)	P		
Institutional			
Educational Facilities	P	Nursing Homes <sup>1</sup>	P
Day Care Centers	P	Halfway Houses <sup>1</sup>	P
Houses of Worship	P	Cemeteries	P
Assisted Living Facilities <sup>1</sup>	P		
Outdoor Recreation			
Golf Driving Range/ Miniature Golf Course	P	Boat Ramps (excluding marina facilities)	P
Playgrounds	P	Summer Camps/Retreats	P
Ballfields/ Ball Courts	P	Shooting Range	C
Swimming Pools/Bathing Areas	P	Recreational Resort	C
Fishing Docks/Piers	P		
Industrial			
Distribution Center	C	Commercial Recycling Center <sup>1</sup>	C
Public Service/Utility			
Emergency Service Facilities	P	Truck/Bus Terminals	P
Communication/Transmission Towers (limitations apply)	P	Parking Facilities	P
Utility Facilities <sup>2</sup>	P	Wellfields (Greater than 100,000 gpd) <sup>2</sup>	C*
Telephone/Cable Facilities	P	Wellfields (Less than or equal to 100,000 gpd) <sup>2</sup>	P
LP Gas Storage/Distribution (up to 1,000 gals)	P		
Office			
Professional Business Office	P	Government Facility	P
Medical/Dental Office	P	Personal Service Businesses	P
Clinic	P	Photography Studios	P
Financial Institution (with drive-up facilities)	P	Barbershop/Beauty Parlor	P
Model Home Center	P	Dispatch/Communication Office (excludes warehousing/distribution of goods)	P



<u>GNC District</u>		<u>Key – Level of Review</u>	
		P = Permitted	
		C = <u>Conditional Use</u>	
Uses			
Model Home (with sales office)	P		
<b>Neighborhood Commercial</b>			
Health Club/Spa	P	Light Mechanical Repair Shop	P
Community Center	P	Restaurants (No drive-up facilities)	P
Fraternal Organization/Lodge	P	Open Air Café	P
Dance/Martial Arts/Instructional Studio	P	Bed & Breakfast	P
Retail Sales	P	Art Gallery/Museum	P
Strip Center	P	Library	P
Funeral Home/Mortuaries (no crematorium)	P	Tackle/Bait Shop	P
Specialty Food Store	P	Veterinary Office/Animal Hosp./Pet Groom (No outside kennels)	P
Service Businesses	P	Convenience Store	P
Laundries/Dry Cleaners	P		
<b>Other Commercial</b>			
		Solid Waste Haulers Facilities	C
Sales, Rental, Service, Repair – motorized vehicles	P	Flea Market	P
Truck Stops	C	Funeral Home/Mortuary (with Crematorium)	P
Car Wash Facilities	P	Billboard & Offsite Advertising	P
Gasoline Sales & Service	P	Hotel/Motel	P
Mobile Home Sales and Service	P	Hospital/Sanitarium <sup>1</sup>	P
Tavern, Bar, Lounge, Night Club, Dance Hall	P	Theater/Auditorium	P
Financial Institution (with drive-up facilities)	P	Marina	C
ATM	P	Retail Plant Nurseries	P
Restaurants with Drive-up Facilities	P	Commercial/Trade Schools	P
Race Track/Outdoor Arena	C	Retail Sales	P
Veterinary Office/Animal Hosp./Pet Groom (with outside kennels)	P	Shopping Center	P
Kennels	P	Grocery Store/Supermarket	P
Building/Trades Contractors (with outside storage)	P	Mini Warehouses	C
Lawn Care Operations	P	Medical Cannabis Dispensing Facility <sup>3</sup> (limitations apply)	C

<u>GNC District</u>	<u>Key – Level of Review</u> P = Permitted C = <u>Conditional Use</u>
<u>Uses</u>	

<sup>1X</sup> Use not allowed within the Coastal High Hazard Area except areas east of US-19 as a Conditional Use. See LDC Atlas for CHHA delineation.

<sup>1</sup> Use not allowed within Coastal High Hazard Area. See LDC Atlas for CHHA delineation.

<sup>2</sup> Regional facilities not allowed within the Coastal High Hazard Area. See LDC Atlas for CHHA delineation.

<sup>3</sup> Use not allowed within Interchange Management Areas (IMA). See Section 7400 for IMA delineation.

\*Wellfields greater than 100,000 gpd are subject to approval by the BCC.

Area Requirements:

Maximum Lot Coverage – 70%

Floor Area Ratio (non-residential uses only) – 1.0

**SECTION 3. THAT SECTION 2413, LIGHT INDUSTRIAL DISTRICT (LIND), OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:**

**2413. LIGHT INDUSTRIAL DISTRICT (LIND)**

The purpose of the LIND District is to encourage light industrial development by providing an environment exclusively for such development, subject to standards that protect the nearby residential, commercial, agricultural, and public uses of property from hazards, noise, and other disturbances.

<u>LIND District</u>	<u>Key – Level of Review</u> P = Permitted C = <u>Conditional Use</u>
<u>Uses</u>	
<b>Outdoor Recreation</b>	
Shooting Range	P
<b>Agricultural</b>	
Aquaculture	P
Viticulture	P
<b>Industrial</b>	
Light Manufacturing – includes compounding, assembling or treatment or personal articles and household goods, articles of merchandise from previously prepared products, malleable metals, signs, instruments, toys, or similar goods.	P
Spraying supplies/equipment	P
Mini-warehouses (retail limited to 15% of gross floor area)	P
Automotive/Truck/Equipment Rental	P
Blacksmith	P
Towing Services	P
Welding	P



<u>LIND District</u>		<u>Key – Level of Review</u>	
		P = Permitted	
		C = <u>Conditional Use</u>	
<u>Uses</u>			
Motor Vehicle Assembly/Repair	P	LP Gas Storage/Distribution (up to 1,000 gals.)	P
Auto Body/Fender Shops	P	Building Trade Assembly	P
Truck/Bus/Heavy Equipment Garages	P	Cement Batch Plant	C
Distribution Center	P	Warehousing (associated with light manufacturing)	P
Processing	C		
<b>Public Service/Utility</b>			
Emergency Service Facilities	P	Truck/Bus Terminals	C
Communication/Transmission Towers (limitations apply)	P	Parking Facilities	P
Utility Facilities <sup>2</sup>	P	Wellfields (Greater than 100,000 gpd) <sup>2</sup>	C*
Maintenance Facilities	P	Wellfields (Less than or equal to 100,000 gpd) <sup>2</sup>	P
LP Gas Storage/Distribution (up to 1,000 gals)	P		
<b>Office</b>			
General Office (associated with industrial park)	P	Government Facility	P
<b>Neighborhood Commercial</b>			
Catering/Food Service	P	Financial Institutions (with drive-up facilities)	P
Laundromats/Dry Cleaners	P	Fraternal Organization/Lodge	P
Barber Shops and Salons	P		
Professional offices	P		
<b>General Commercial</b>			
Retail Commercial Operations associated with the primary industrial use (must not exceed 15% of gross floor area)			P
Sales, Rental, Service, Repair – motorized vehicles	P	Funeral Home/Mortuary (with Crematorium)	P
Truck Stops	P	Billboard & Offsite Advertising	P
Tavern, Bar, Lounge, Night Club, Dance Hall	P	Hotel/Motel	P
Medical/Dental Clinics including laboratories	P	Marina	P
Veterinary Off/Animal Hosp./Pet Groom (with outside kennels)	P	Commercial/Trade Schools	P
Building/Trades Contractors (with outside storage)	P	Restaurants (includes those with drive-up facilities)	P

<u>LIND District</u>		<u>Key – Level of Review</u>	
		P = Permitted	
		C = <u>Conditional Use</u>	
<u>Uses</u>			
Lawn Care Operations	P	Solid Waste Haulers Facilities	P
Medical Cannabis Dispensing Facility (limitations apply) <sup>3</sup>	C		

<sup>1</sup> Use not allowed within Coastal High Hazard Area. See LDC Atlas for CHHA delineation.

<sup>2</sup> Regional facilities not allowed within the Coastal High Hazard Area. See LDC Atlas for CHHA delineation.

<sup>3</sup> Use not allowed within Interchange Management Areas (IMA). See Section 7400 for IMA delineation

\*Wellfields greater than 100,000 gpd are subject to approval by the BCC.

Area Requirements:

Maximum Lot Coverage – 70%

Floor Area Ratio (non-residential uses only) – 1.0

**SECTION 4. THAT SECTION 2414, HEAVY INDUSTRIAL DISTRICT (IND), OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:**

**2414. HEAVY INDUSTRIAL DISTRICT (IND)**

This category is intended for manufacturing, processing, storage and warehousing, wholesaling, and distribution. The industrial category allows for any industrial use, or for transportation, communication, and utility use.

<u>IND District</u>		<u>Key – Level of Review</u>	
		P = Permitted	
		C = <u>Conditional Use</u>	
<u>Uses</u>			
<b>Outdoor Recreation</b>			
Shooting Range	P		
<b>Agricultural</b>			
Aquaculture	P	Confinement Feeding	P
Viticulture	P		
<b>Other Industrial</b>			
Vegetative Debris/Disposal	P	Junkyards/Salvage Yards <sup>1</sup>	P
Commercial Incinerators	P	Commercial Recycling Centers <sup>1</sup>	P
Manufacturing	P	Landfills <sup>1</sup>	P
Wholesaling	P	Hazardous Material Facilities <sup>1</sup>	P
Processing	P	Crematorium	P
Storage	P	Power Generation Facilities	P
Distribution Center	P	C & D Facilities <sup>1</sup>	P
Warehousing	P	Slaughter House	P



<u>IND District</u>		<u>Key – Level of Review</u>	
		P = Permitted	
		C = <u>Conditional Use</u>	
Uses			
LP Gas Storage/Distrib. (exceeding 1,000 gals.)	P		
Bulk Fuel Storage	P		
<b>Public Service/Utility</b>			
Emergency Service Facilities	P	Airports/Airfields	C
Communication/Transmission Towers (limitations apply)	P	Truck/Bus Terminals	P
Utility Facilities (Water & Wastewater) <sup>2</sup>	P	Parking Facilities	P
Maintenance Facilities	P	Wellfields (Greater than 100,000 gpd) <sup>2</sup>	C*
LP Gas Storage/Distribution (up to 1,000 gals)	P	Wellfields (Less than or equal to 100,000 gpd) <sup>2</sup>	P
<b>Office</b>			
General Office	P	Government Facility	P
<b>Neighborhood Commercial</b>			
Fraternal Organization/Lodge	P		
<b>General Commercial</b>			
Sales, Rental, Service, Repair – motorized vehicles	P	Billboard & Offsite Advertising	P
Truck Stops	P	Hotel/Motel	P
Tavern, Bar, Lounge, Night Club, Dance Hall	P	Marina	P
Race Track/Outdoor Arena	C	Golf Driving Range/Miniature Golf	P
Veterinary Off/Animal Hosp./Pet Groom (with outside kennels)	P	Commercial/Trade Schools	P
Building/Trades Contractors (with outside storage)	P	Retail Sales	P
Lawn Care Operations	P	Shopping Center	P
Solid Waste Haulers Facilities	P	Grocery Store/Supermarket	P
Flea Market	P	Mini Warehouses	P
Funeral Home/Mortuary (with Crematorium)	P	Medical Cannabis Dispensing Facility (limitations apply) <sup>3</sup>	P

<sup>1</sup> Use not allowed within Coastal High Hazard Area. See LDC Atlas for CHHA delineation.

<sup>2</sup> Regional facilities not allowed within the Coastal High Hazard Area. See LDC Atlas for CHHA delineation.

<sup>3</sup> Use not allowed within Interchange Management Areas (IMA). See Section 7400 for IMA delineation

\*Wellfields greater than 100,000 gpd are subject to approval by the BCC.

Area Requirements:

Maximum Lot Coverage – 70%

Floor Area Ratio (non-residential uses only) – 1.0

**SECTION 5. THAT SECTION 3765. MEDICAL CANNABIS DISPENSING FACILITIES, OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY CREATED AS FOLLOWS:**

**3765. MEDICAL CANNABIS DISPENSING FACILITIES**

- A. No parcel shall be utilized and no structure shall be used, erected or altered on that parcel for the purpose of manufacture, sale, preparation or dispensing of medical cannabis if the nearest point of said parcel is situated within a 1,000-foot radius from any point on a parcel used or reserved for use by any of the following purposes:
  - 1. Schools, child care centers, or day care centers.
  - 2. Houses of Worship.
  - 3. Public libraries.
  - 4. Public parks or playgrounds.
- B. Structures utilized for manufacturing, sale, preparation, or dispensing of medical cannabis within the GNC and LIND districts must maximize the setback to lands used or reserved for residential uses, with a minimum of 200 feet from the proposed structure to the residential land. Alternate standards for mitigating incompatibility between land uses may be considered as part of the Conditional Use process.
- C. A parcel shall be deemed to be reserved for any of the above uses if any of the following conditions exist:
  - 1. The reservation is shown on a recorded plat.
  - 2. The reservation appears in a development for which vested rights have been met as provided by this LDC.
  - 3. The reservation is included in an approved DRI, an approved Planned Unit Development, or Planned Development zoning under Ordinances 80-05, 86-12 or 90-14.
- D. For purposes of this Section, all public lands owned/managed by state, regional, or federal agencies shall not be considered to be public parks.



- E. There shall be a one (1) -mile separation from the legal boundary of the lot containing the proposed dispensing facility to the legal boundary of the lot containing another facility regulated by this Section, and shall be measured in a straight line.
- F. No existing, approved medical cannabis dispensing facility shall become nonconforming through subsequent erection of a school, church, library, public park or playground, as defined above, within the aforesaid prescribed area.

SECTION 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Board of County Commissioners hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional and all ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 8. It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board.

SECTION 9. This ordinance shall become effective as per Florida law.

**DONE AND ADOPTED** at a duly called session of the Board of County Commissioners of Citrus County, Florida, this 11th day of October, 2016.

**ATTEST:**

**CITRUS COUNTY, FLORIDA , A  
POLITICAL SUBDIVISION OF THE  
STATE OF FLORIDA**

*for* Tyanni L. White, DC  
**ANGELA VICK, CLERK OF COURT**

**BY:**

  
**RONALD E. KITCHEN, JR.,  
CHAIRMAN**

**APPROVED AS TO FORM FOR THE  
RELIANCE OF CITRUS COUNTY ONLY**

  
**DENISE A. DYMOND LYN, COUNTY ATTORNEY**



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

October 13, 2016

Honorable Angela Vick  
Clerk of the Circuit Court  
Citrus County  
110 North Apopka Avenue  
Inverness, Florida 34450-4299

Attention: Ms. Tifani White

Dear Ms. Vick:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of the Citrus County Ordinance No. 2016-A25, which was filed in this office on October 13, 2016.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb



**Ordinance No. 2016 - 97**

**An Ordinance of the Board of County Commissioners of Osceola County, Florida, Relating to Marijuana Businesses; Enacting New Article VIII, "Marijuana Businesses," of Chapter 14, "Miscellaneous Provisions and Offenses," of the Osceola County Code of Ordinances, to Provide for Permits, Regulations, Restrictions, Penalties for Violations, and Procedures for the Operation of Medical Marijuana Treatment Centers; Providing for Conflict; Providing for Severability; and Providing for an Effective Date.**

**WHEREAS**, the Florida Legislature enacted legislation legalizing cannabis for medical uses; and

**WHEREAS**, future constitutional amendments and legislation may further expand the legal use of marijuana in Florida; and

**WHEREAS**, a comprehensive State licensing and regulatory framework for the cultivation, processing, and dispensing of marijuana exists; and

**WHEREAS** the comprehensive State licensing and regulatory framework directs that the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule, for Medical Marijuana Treatment Centers may be determined by local ordinance; and

**WHEREAS**, Medical Marijuana Treatment Centers licensed pursuant to the law have begun cultivating Cannabis for processing and Dispensing; and

**WHEREAS**, potential adverse impacts on the health, safety, and welfare of residents and business from secondary effects associated with the distribution of medical marijuana exist, potentially including: offensive odors, trespassing, theft, fire hazards, increased crime in and about the Medical Marijuana Treatment Center, robberies, negative impacts on nearby businesses, nuisance problems; and

**WHEREAS**, certain of the above potential adverse impacts are accentuated by the current difficulties experienced by Medical Marijuana Treatment Centers in obtaining banking services necessitating such businesses to operate on a cash basis; and

**WHEREAS**, there exists the potential for misappropriation and diversion of medical cannabis to non-medical uses, and;

**WHEREAS**, an overabundance of treatment centers can affect the viability of such facilities, result in compliance issues and increased regulatory costs, lead to the improper diversion of products, and accentuate threats to the public health, safety, and welfare; and

**WHEREAS**, other jurisdictions have regulated the dispensing of cannabis by limiting the number of such Medical Marijuana Treatment Centers to reduce threats to the public health, safety, and welfare; and

**WHEREAS**, there is a need to adopt health, safety, and welfare regulations to avoid adverse impacts on the community which may arise from the distribution of cannabis; and

**WHEREAS**, other jurisdictions that allow Medical Marijuana Treatment Centers have implemented effective regulatory and enforcement systems that address the adverse impacts that Medical Marijuana Treatment Centers could pose to public safety, health, and welfare; and

**WHEREAS**, an effective regulatory system governing the dispensing of cannabis, as provided in this Ordinance, will address potential adverse impacts to the public health, welfare, and safety consistent with Florida law; and

**WHEREAS**, it is not the purpose or intent of this section to restrict or deny access to cannabis as permitted by Florida law, but instead to enact reasonable restrictions intended to protect the public health, safety, and welfare; and

**WHEREAS**, the County has determined it is in the public interest to adopt this Ordinance pursuant to the County's police powers and section 381.986, Florida Statutes, as well as other applicable state laws and provisions of the Florida Constitution, to protect the health, safety, and welfare of the public;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1. Adoption of Marijuana Businesses Regulations.** Article VIII, "Marijuana Businesses," of Chapter 14, "Miscellaneous Provisions and Offenses," Osceola County Code is hereby enacted to read as follows:

**Sec. 14-140. - Purpose and intent.**

The purpose of this Ordinance is to establish requirements that regulate Medical Marijuana Treatment Centers in the interest of the public health, safety and general welfare and that ease the regulatory burden on the County. In particular, this Ordinance is intended to regulate the sale and distribution of cannabis to ensure a supply of cannabis to patients who qualify to obtain, possess, and use cannabis, pursuant to state law, while promoting compliance with other state laws that regulate cannabis. Nothing in this Ordinance shall prohibit a Medical Marijuana Treatment Center, or another entity licensed under state law to dispense cannabis, from making deliveries of cannabis or derivative products to the residence or business of an authorized individual, or to a health care facility, as permitted by other relevant ordinances and state law. Nothing in this Ordinance is intended to promote or condone the sale, distribution,

possession, or use of Cannabis in violation of any applicable state or federal law. Compliance with the requirements of this Ordinance shall not provide a defense to criminal prosecution under any applicable law.

**Sec. 14-141. - Definitions.**

(1) The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section:

- a. **Applicant** shall mean any person or entity that has submitted an application for a Certificate of Approval or renewal of a Certificate of Approval issued pursuant to this Ordinance. If the Applicant is an entity and not a natural person, Applicant shall include all persons who are the managers, officers, directors, contractual agents, partners, and licensors of such entity, as well as all members, shareholders, or Investors holding an ownership interest of 10% or more of such entity.
- b. **Cannabis** has the meaning given to it by section 893.02(3), Florida Statutes, and shall include all forms of medical cannabis or low-THC cannabis. The term cannabis and marijuana shall be interchangeable for purposes of this Ordinance.
- c. **Medical Marijuana Treatment Center** or **Business** shall mean a business licensed to dispense cannabis pursuant to any applicable state law, including but not limited to the Compassionate Use Act, and that is engaged in the dispensing of cannabis or derivative products, but shall not include growing, cultivating or processing cannabis or derivative products or making deliveries of cannabis or derivative products to the residence or business of an authorized individual, or to a health care facility, as permitted by other relevant ordinances and state law.
- d. **Certificate of Approval** shall mean a document issued by the Jurisdiction officially authorizing an Applicant to operate a Medical Marijuana Treatment Center pursuant to this Ordinance. A Certificate of Approval generally authorizes an Applicant to establish and operate a Medical Marijuana Treatment Center pursuant to this Ordinance, but does not authorize the dispensing of cannabis at any physical location within the Jurisdiction until a Premises Authorization, as defined herein, has been issued for such location. Each Certificate of Approval authorizes the issuance of a single Premises Authorization at any one time, and any relocation of operations to a separate address shall require amendment of the Premises Authorization to authorize operations at the new location.
- e. **Compassionate Use Act** shall mean section 381.986, Florida Statutes, and chapter 2016-123, Laws of Florida, as amended from time to time, and any rules or regulations promulgated thereunder.
- f. **Cultivation** or **cultivate** shall mean the process by which a person grows a cannabis plant.

- g. **Derivative Products** shall mean products derived from cannabis, including but not limited to, cannabis oil or consumable products containing or derived from cannabis.
- h. **Dispensing** shall mean the distribution of cannabis or derivative products at a Medical Marijuana Treatment Center, but does not include making deliveries of cannabis or derivative products to the residence or business of an authorized individual, or to a health care facility, as permitted by other relevant ordinances and state law.
- i. **Fee Resolution** shall mean the mechanism by which Osceola County annually adopts certain fees to defray the costs of administering programs, when permitted.
- j. **Investor** shall mean any person or entity entitled to share in the profits of the Applicant, or any Lender. The term shall not include any employees who share in the profits of the Applicant pursuant to an employee profit sharing program.
- k. **Lender** shall mean any person or entity who has provided funds to an Applicant with the expectation of receiving from the Applicant repayment or the receipt from the Applicant of anything of value. The term Lender shall include any person who owns, directly or indirectly, 20% or more of any entity which qualifies as a Lender, but does not include any bank, credit union, or other financial institution created under federal or state law.
- l. **Jurisdiction** shall mean Osceola County, Florida.
- m. **Medical Director** shall mean licensed physician or licensed pharmacist who established protocols and standing orders and who is specifically identified as being responsible to assure the competency of the performance of those acts by such Marijuana Treatment Center Providers. Any reference to a “physician advisor” in any previously adopted rules shall apply to a “medical director” as defined in these rules.
- n. **Operator** shall mean the person or entity to whom a Certificate of Approval has been issued pursuant to this Ordinance.
- o. **Premises Authorization** shall mean a document issued by the Jurisdiction to the Operator, authorizing the Operator to conduct Medical Marijuana Treatment Center operations at a single, specifically approved physical location. No Premises Authorization may be issued to any individual or entity who does not hold a Certificate of Approval. Likewise, no Premises Authorization may be issued until the selected location has obtained the required site development and building permits, including Site Development Permit, and made the necessary improvements to obtain occupancy of the building for a Medical Marijuana Treatment Center. For the purposes of the Site Development Permit approval process, the Medical Marijuana Treatment Center shall be considered “new development: and the site shall meet County development guidelines accordingly or applicable City guidelines.

- p. **Process or Processing** when referring to cannabis shall mean to take the cannabis plant and transform same into a form for medical use, whether cannabis or derivative product
- q. **State** shall mean the State of Florida.

(2) In addition to the definitions contained in Subsection (1), other terms used in this Ordinance shall have the meaning ascribed to them in the Compassionate Use Act, and such definitions are incorporated into this Ordinance by this reference.

**Sec. 14-142. - Application review committee created.**

There shall be and is hereby created an Application Review Committee, hereafter referred to in this Ordinance as the "Committee."

**Sec. 14-143. - Composition of the committee.**

The Committee shall consist of members as determined and appointed by the County Manager or Designee.

**Sec. 14-144. - Functions of the Committee.**

(1) The Committee shall be responsible, pursuant to the Compassionate Use Act and this Ordinance, for reviewing all applications for a Certificate of Approval for a Medical Marijuana Treatment Center, evaluating all applicants as set forth herein, ranking all Applicants and recommending approval or denial to the Board of County Commission.

(2) The County Manager or Designee shall have the power to: (i) promulgate rules and regulations concerning the procedures for any meetings conducted by the Committee; (ii) require any Applicant or Operator to furnish any relevant information requested by the Committee; and (iii) to require the presence of persons and the production of papers, books, and records at any hearing that the Committee is authorized to conduct.

**Sec. 14-145. - Certificate of Approval required; term of Certificate of Approval; Premises Authorization; renewal application.**

(1) It shall be unlawful for any person or entity to establish or operate a Medical Marijuana Treatment Center in the County without first having obtained from the State of Florida approval to do so pursuant to the Compassionate Use Act or any other relevant law, and having obtained from the County a Certificate of Approval, and having obtained from the County a Premises Authorization for the facility to be operated in connection with such business. Such Certificate of Approval and Premises Authorization shall be kept current at all times and shall be conspicuously displayed at all times in the premises to which they apply. The failure to maintain a current Certificate of Approval, or to maintain a current Premises Authorization for any location at which Medical Marijuana Treatment Center is conducted, shall constitute a violation of this Section.

(2) Each Certificate of Approval issued by the County pursuant to this Ordinance shall specify the date of issuance, the period of licensure, and the name of the Operator.

(3) Any Certificate of Approval issued by the County under this Ordinance shall expire three years after the date of its issuance.

(4) Once a Certificate of Approval is issued by the County, the County Manager or Designee shall review the Application and proposed location of the Medical Marijuana Treatment Center and shall issue or deny a Premises Authorization for said location, based upon compliance with all County and City (as applicable) codes and ordinances.

(5) Renewal of an existing Certificate of Approval shall be automatic for successive three year periods upon payment of required fees to the County, as provided in the fee resolution adopted by the County from time to time.

(i) Within 30 days of the expiration date of the Certificate of Approval, each Operator shall notify the County of its intent to renew, or not renew the Certificate of Approval. If an Operator elects to renew the Certificate of Approval, said Operator shall pay a nonrefundable fee to the County, as set forth in the fee resolution adopted by the County from time to time, to defray the costs incurred by the County for review of the application and inspection of the premises, as well as any other costs associated with the processing the renewal of the Certificate of Approval.

(ii) In the event the renewal County fees, and taxes are not paid to the County within 30 days prior to the renewal date, the certificate of approval is revoked. An Operator who's Certificate of Approval has been expired for not more than 90 days will be reinstated upon the payment of a nonrefundable late application fee, as set forth in the fee resolution adopted by the County from time to time. A Certificate of Approval shall be revoked if renewal fees have not been paid within 90 days of the renewal date/expiration of the Certificate of Approval.

(6) Any Premises Authorization issued by the County Manager or Designee under this Ordinance shall expire one year after issued and may be renewed. In the event a Certificate of Authorization is not renewed, it shall be noticed by the Committee as available and be subject to a new application process as set forth herein.

**Sec. 14-146. – Application minimum requirements; payment of application fee.**

(1) An Applicant for a new Certificate of Approval, or an Operator seeking to change the ownership of an existing Certificate of Approval, pursuant to the Compassionate Use Act, any other applicable state law, and the provisions of this Ordinance, shall submit an application to the County. At the time of any such application, each Applicant shall pay an application fee to the County, as set forth in the fee resolution adopted by the County Commission from time to time, to defray the costs incurred by the County for review of the application, as well as any other costs associated with the processing of the application.

(2) The Applicant shall include the following in its application to the County:

- a. Payment of the application fee as set forth in the fee resolution established by the Jurisdiction.

- b. If the Applicant is a business entity, information regarding the entity, including without limitation the name and address of the entity, its legal status and proof of registration with, or a certificate of good standing from, the Florida Secretary of State, as applicable;
- c. If the Applicant is an individual, government issued identification including name, address and photograph of the individual;
- d. Evidence of the State of Florida, Department of Health, Office of Compassionate Use's (or any successor agency of the State of Florida's) approval of the Operator to operate a Medical Marijuana Treatment Center pursuant to the Compassionate Use Act or any other relevant law;
- e. All documentation necessary to demonstrate compliance with the requirements identified in this Ordinance, including evidence that the Applicant continues to meet all requirements of section 381.986(5)(b)(1), Florida Statutes, and all other relevant provisions of state law.
- f. All documentation the Applicant wishes to have considered for scoring purposes, including documentation demonstrating the Applicant meets the criteria detailed in this Ordinance.
- g. All documentation evidencing the Applicant is in good standing with County fees and requirements.

(3) Upon receipt of an application, the Committee shall review and score the application pursuant to the scoring and review process established in this Ordinance.

**Sec. 14-147. – The Application Period and Scoring and Review of Applications.**

(1) The initial application period shall commence on the January 3, 2017 and shall close on January 31, 2017 at 2:00 p.m.. Subsequent application periods shall commence upon certification by the Committee that additional Certificates of Approval are available and shall close 30 days after such certification.

(2) Each Applicant shall submit an application in a format sufficient to provide the Committee with all relevant information necessary to review, evaluate, score, rank and recommend approval or denial of the application. The members of the Committee shall score and review each application pursuant to the criteria, and 100 point scale, detailed below. Members and Applicants may discuss their application at any time during the application process. Each application will be independently scored by Committee members.

- (i) Previous dispensing experience in a regulated market in any state: 30 points
  - Number of different dispensaries operated.
  - Number of years of operating dispensaries.
  - Documented hiring practices.



- Number of different cannabis strains and derivative products sold.
- Dispensing licenses held in different states.
- Previous infractions resulting in the revocation of any Cannabis license.
- Previous citations/notices of non-compliance with licensing requirements in any state.
- Experience with maintaining chain of custody and tracking mechanisms.

(ii) Technical Ability: 25 points

- Review of standard operating procedures, operating manuals, policies, training modules, and procedures.
- Training process.
- Comprehensive ordering system.
- Ability to fulfill prescriptions in a timely manner.
- Product delivery system to the Medical Marijuana Treatment Center.
- System for tracking fulfillment of prescriptions to patients.

(iv) Qualifications of Security Team: 15 points

- Years of security experience with Cannabis dispensaries in a regulated Cannabis market.
- Integration of security procedures and training into your vertically integrated operations.
- All owners, Investors, managers, and security employees located within Osceola County have successfully passed a Level 2 background check and have not been convicted of any felonies involving fraud, false representation, or distribution of Cannabis.
- Description of the Security Plan for the Medical Marijuana Treatment Center.

(v) Qualifications of Medical Director: 30 points

- Licensed in the State of Florida as a physician or pharmacist.
- Education and training in related field.
- Licensed Medical Director in another state.
- Previous experience as Medical Director for similar businesses.
- Experience with identifying and knowledge of substance abuse.
- Experience with epileptic patients.
- Experience with cancer patients.
- Experience with patients with severe seizures or muscle spasms
- Experience with terminal patients.
- Experience in recognition of signs and symptoms of substance abuse, including tolerancy, dependency and withdrawal.
- Knowledge of the use of medical Cannabis for treatment of cancer or physical medical conditions that chronically produce symptoms of seizures or severe and persistent muscle spasms.
- Knowledge of analytical and organic chemistry;
- Knowledge of analytical laboratory methods;

Knowledge of medical Cannabis, including CBD/low-THC routes of administration;  
Experience in or knowledge of clinical trials or observational studies;  
Knowledge of, and experience with, producing CBD/low-THC products;  
Experience with or knowledge of botanical medicines;  
Experience with dispensing medications.

(3) Applications shall contain evidence of compliance with this Ordinance, the Compassionate Use Act, or any other applicable law, and the Committee shall reject any application which does not meet such requirement. Rejected applications shall not be scored. The Committee and County Manager or Designee shall also disqualify any application that contains any false or misleading information.

(4) The scores awarded by the members of the Committee for each Applicant shall be totaled and averaged for each Applicant. The Applicants shall then be ranked from highest to lowest based on the average scores awarded, with Certificates of Approval recommended for the highest scoring Applicant, and proceeding to the next highest scored Applicant until all Certificates of Approval authorized pursuant to this Ordinance have been recommended. In the event of a tie in the rankings, the Committee shall by majority vote break the tie.

(5) Appeal from the Board of County Commissioners' award decision shall be filed with the Ninth Circuit Court, in and for Osceola County, via Petition for Writ of Certiorari. Said appeal shall be filed within 30 days from the final determination on the award of Certificates of Approval by the Board of County Commissioners.

**Sec. 14-148. – Issuance of Certificate of Approval.**

(1) Upon expiration of the appeal deadline detailed in this Ordinance, if no appeal is filed, or upon issuance of a final order if an appeal is filed, the County shall issue Certificates of Approval as provided in this Ordinance.

(2) A Certificate of Approval issued pursuant to this Ordinance does not eliminate the need for the Operator to obtain other required permits or licenses related to the operation of the Medical Marijuana Treatment Center including, without limitation, payment of business taxes, and any development approvals or building permits required by Law.

(3) Amendment of a Certificate of Approval or Premises Authorization, solely to change the location of a Medical Marijuana Treatment Center shall not be denied so long as all other conditions for the issuance of a Certificate of Approval have been met and the new location complies with this Ordinance and all laws.

(4) A Certificate of Approval or Premises Authorization may not be transferred.

(5) Operator shall notify the County of any change in Medical director, and provide appropriate credentials evidencing their experience as comparable of the Director at the time of Certificate of Approval. The County may reasonably reject a replacement director at its discretion.

**Sec. 14-149. - Persons or Entities prohibited as Operators.**

No Certificate of Approval shall be issued to, held by, or renewed by any Applicant or Operator who fails to comply with the following Mandatory Requirements:

(1) Maintain approval as a dispensing organization by the State of Florida, Department of Health, Office of Compassionate Use pursuant to the Compassionate Use Act, or any other applicable law.

(2) Ensure no owner, Investor, or manager of the Applicant or Operator has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent, and the record has not been sealed or expunged for, any crime enumerated in section 435.04(2), Florida Statutes, or any felony involving false representations or false statements, fraud, money laundering, or drug trafficking.

(3) Ensure no security employee located within Osceola County of the Applicant or Operator has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent, and the record has not been sealed or expunged for, any crime enumerated in section 435.04(2), Florida Statutes, or any felony, within the last three (3) years.

**Sec. 14-150. - Numerical limit on Medical Marijuana Treatment Centers.**

(1) The County shall consider issuance of Certificates of Approval for Medical Marijuana Treatment Centers for qualified Applicants based upon the County population. The maximum number of Certificates of Approval in the Jurisdiction shall not exceed one for every 100,000 residents, as certified in the most recent census or periodic demographic studies conducted by the University of Florida. For example:

<b>Residents Indicated</b>	<b>Certificates of Approval Authorized</b>
0 - 100,000	1
100,001 – 200,000	2
200,001 – 300,000	3
300,001 – 400,000	4
400,001- 500,000	5

For each subsequent 100,000 residents an additional Certificate of Approval may be authorized.

(2) A dispensing organization may hold more than one Certificate of Approval, but may not hold all available Certificates of Approval issued by the County if more than one is available.

(3) In order to ensure that the population of the Jurisdiction has access to the best qualified dispensing organizations, while likewise maintaining competition in the cannabis

dispensing industry within the Jurisdiction, when multiple Certificates of Approval are available Applicants shall be entitled to receive, upon request, up to the number of Certificates of Approval set forth in the below table, and shall identify in their application the number of Certificates of Approval that they are requesting:

<b>Number of Certificates Available</b>	<b>First Ranked Applicant</b>	<b>Second Ranked Applicant</b>	<b>Third Ranked Applicant</b>	<b>Fourth Ranked Applicant</b>
1	1	0	0	0
2	1	1	0	0
3	2	1	0	0
4	2	1	1	0
5	3	1	1	0
6	3	2	1	0
7	4	2	1	0
8	4	2	1	1
9	5	2	1	1
10	5	2	2	1
11	6	2	2	1
12	6	3	2	1
13	7	3	2	1
14	7	4	2	1
15	8	4	2	1
16	8	4	2	2
17	9	4	2	2
18	9	4	3	2
19	10	4	3	2
20	10	5	3	2

If any Certificates of Approval remain available following the distribution of requested Certificates of Approval to Applicants in accordance with the above table, one Certificate of Approval shall be offered to each remaining eligible applicant, in declining order of rank, until all Certificates of Approval have been distributed. If, following the completion of such process, Certificates of Approval still remains available, one additional Certificate of Approval shall be offered to each Applicant, in declining order of rank, until all Certificates of Approval have been distributed.

(4) If additional Certificates of Approval are made available, the County Manager or Designee shall provide notice of a new application process conducted pursuant to this Ordinance.

(5) Each Certificate of Approval authorizes the holder to operate a single licensed premise pursuant to an approved Premises Authorization.

#### **Sec. 14-151. – Premises Authorization.**

After obtaining a Certificate of Approval, and prior to dispensing cannabis, an Operator shall select a location from which such dispensing will occur, and provide notice to the County

Manager or Designee of the dispensing location and request issuance of Premises Authorization for such location. Such request shall be provided a minimum of 30 days prior to the dispensing of any cannabis from the location, and shall identify the Certificate of Approval at issue, and the location from which dispensing will occur. A Medical Marijuana Treatment Center shall not open or operate without the Premises Authorization. Premises Authorization shall be renewed annually.

**Sec. 14-152. – Location Requirements.**

(1) Premises Authorization shall be granted for any location which complies with the requirements of this Ordinance, the permitted uses of the applicable zoning district, and where, regardless of the zoning category of the proposed location, the proposed location is in a multi-tenant building that is predominately office/medical office tenancy (more than 50% licensed office/medical office use (by gross square feet), is not within all Community Redevelopment Agencies and West 192 Community Redevelopment Agency, and which complies with all other requirements set forth in the Osceola County and City Codes and ordinances, as applicable.

(2) No Medical Marijuana Treatment Center shall be located within five (5) miles of another Medical Marijuana Treatment Center or within 250 feet of any public or private elementary, middle, or secondary school or licensed daycare facility. However, a Medical Marijuana Treatment Center does not violate this subsection and may not be forced to relocate if it meets the requirements of this section and a school or licensed daycare facility is subsequently established within 250 feet of the business. Should spacing be an issue, the location of the site Premise Authorization shall be granted in the order that the substantially completed applications are received. Evidence of these distance requirements shall be provided with the Premises Authorization application in the form of a survey, certified by an engineer registered by the State of Florida, which shows the 5 mile radius and 250-foot separation from the proposed site and any applicable Medical Marijuana Treatment Centers, schools or licensed daycare facility in the applicable area.

(3) For purposes of this Ordinance, measurements shall be made from the nearest property line of the school or licensed daycare facility to the nearest property line of the Medical Marijuana Treatment Center. If the Medical Marijuana Treatment Center is located in a multi-tenant building, the distance shall be measured from the nearest property line of the school or licensed daycare facility to the nearest line of the leasehold or other space actually controlled or occupied by the Medical Marijuana Treatment Center. The Medical Marijuana Treatment Center shall ensure security for cannabis activities complies with state requirements.

**Sec. 14-153. - Inspection of approved premises and issuance of Premises Authorization.**

(1) During business hours and other times of apparent activity, all approved premises shall be subject to inspection by the Fire Chief, the Building Official, Code Enforcement Officer, County Sheriff, Police, or the authorized representative, for the purpose of investigating and determining compliance with the provisions of this Ordinance and any other applicable state or local law or regulation. Such inspection may include, but need not be limited to, the inspection of books, records, and inventory. Where any part of the premises consists of a locked area, such

area shall be made available for inspection, without delay, upon reasonable request. The frequency of such inspections shall not be unreasonable and shall be conducted in a manner to ensure the operation of the premises is not inhibited.

(2) Cannabis may not be dispensed pursuant to a Certificate of Approval until the County Manager or Designee has caused the proposed premises to be inspected to determine compliance of the premises with any applicable requirements of this Ordinance and all other County Codes, City Codes as applicable, and has issued Premises Authorization.

(3) The County Manager or Designee, within 30 days of receipt of a request for Premises Authorization, and after inspection of the premises to be utilized, notify the Certificate holder that it may begin dispensing cannabis at that premises and issue a Premises Authorization to the Certificate holder, or provide to the Operator written notice detailing the reasons the selected location does not comply with this Ordinance. Each Premises Authorization issued by the County pursuant to this Ordinance shall specify the Certificate of Approval pursuant to which it is issued, all information set forth on the Certificate of Approval, and the physical location of the premises approved, once such approval is received.

#### **Sec. 14-154. - Requirements related to the premises.**

Medical Marijuana Treatment Centers shall be subject to the following additional requirements:

(1) All cannabis or cannabis derivative products ready for sale shall be in a sealed or locked container or cabinet except when being accessed for distribution.

(2) The Medical Marijuana Treatment Center shall at a minimum include a waiting area with sufficient seating to accommodate the customers without requiring waiting outside the building. There shall be no display of products, nor ancillary products, in the waiting area. The layout of the floor plan shall provide for convenient access to the public functional areas, incorporating high end furnishings, cabinetry, displays, and state of the art lighting. Building materials shall be maintained in good condition (paint, wear and tear of furniture, etc.) to represent a high quality facility, including high end finishes (wood, marble, glass, etc.). Ceiling heights shall be over ten feet to reflect greater volume. All elevators, HVAC, and other mechanical equipment shall be functional and maintained to the highest level of quality (latest technology, with maintenance records up to date). All doors, hallways, stairwells and areas available to the public shall be ample to create an ease of access and maintained to reflect a high quality (natural materials for finishes, with flooring not exhibiting wear and tear nor staining, paint, wood or wallpaper with no appreciable blemishes, tears or stains). The dispensing of medical marijuana shall be accomplished in an area isolated from the waiting area, with the exit doors separated from the entrance, so that the progression of the service from the waiting area to the dispensary and other services to the exit is apparent and does not create overlap into the waiting area. Access to the entrance and waiting areas shall be well lit and illustrate a professional office décor. Exterior material on the building façade shall also be maintained to reflect a professional quality, with the image of the building as new or recently upgraded image.

(3) Only individuals authorized pursuant to Florida law may dispense cannabis, and such cannabis may only be dispensed to persons authorized pursuant to Florida law to receive cannabis.

(4) No cannabis shall be dispensed outside of the hours permitted by Florida law. However, Medical Marijuana Treatment Centers may conduct administrative functions or delivery functions, including making deliveries of cannabis or derivative products to the residence or business of an authorized individual, or to a health care facility as permitted by other relevant ordinances and state law.

(5) No unaccompanied minor may be dispensed cannabis unless otherwise authorized under state law.

(6) The Medical Marijuana Treatment Center shall employ reasonable measures and means to eliminate odors emanating from dispensing and shall properly dispose of controlled substances in a safe, sanitary and secure manner and in accordance with applicable laws and regulations.

(7) Loitering. The facility shall provide adequate seating for its clients within the interior of the building in a designated area. The facility shall not direct or encourage any patient or business invitee to stand, sit (including in a parked car), or gather or loiter outside of the building where the facility operates, including in any parking areas, sidewalks, right-of-way, or neighboring properties for any period of time longer than that reasonably required to arrive and depart. The facility shall post conspicuous signs on at least three sides of the building that no loitering is allowed on the property.

(8) Queuing of vehicles. The facility shall ensure there is no queuing of vehicles in the right-of-way. The facility shall take all necessary and immediate steps to ensure compliance with this paragraph.

(9) Alcoholic Beverages. No consumption of alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks, or right-of-way. The facility shall take all necessary and immediate steps to ensure compliance with this paragraph.

(10) On-Site Parking. The facility shall include a minimum of 1 parking space for every 200 gross square feet of building area.

(11) After issuance of a Premises Authorization, an Operator shall not make a physical change, alteration or modification of the premises that would not comply with this Ordinance.

#### **Sec. 14-155. - Signage requirements.**

All signage associated with a Medical Marijuana Treatment Center shall meet the standards established in this Code for signs. Delivery vehicles shall be limited to 4 Square Feet of signage. Each vehicle shall be predominantly one color.



**Sec. 14-156. - Suspension or revocation of Certificate of Approval.**

The County may revoke a Certificate of Approval for any of the following reasons, after notice and opportunity to cure is given:

(1) The Applicant or Operator, or his or her agent, manager, or employee, have violated, do not meet, or have failed to comply with, any of the terms, mandatory requirements or other provisions of this Ordinance, or with any applicable state law or regulation, if such failure materially impacts the accessibility, availability, or safety of the cannabis or derivative product, or impacts the safety of the patients at the Medical Marijuana Treatment Center.

(2) The County Manager or Designee shall provide notice of any deficiencies accompanied by a 30 calendar day period in which to cure such deficiencies. Within 30 days of receipt of notice a notice of deficiencies, the Operator shall submit to the Committee a plan to correct such deficiencies. The Committee shall review the plan and notify the Operator that the plan is acceptable, or shall reject the plan. If the plan is rejected, the Operator shall have 15 days to submit an acceptable plan to correct the deficiencies, or the Certificate of Approval shall be revoked. If the original or resubmitted plan is accepted, the Operator must execute the plan within 30 days of the date the plan was submitted to the Committee. If a plan is not timely submitted, or the plan is not timely executed, the Committee may revoke the Certificate of Approval.

(3) A Certificate of Approval shall be revoked and be available for issuance subject to the process outlined in this Ordinance if dispensing fails to occur within 12 months after the Certificate has been issued, except that the Committee may grant an extension of this requirement upon good cause shown.

(4) Notwithstanding the foregoing, upon a finding by the Committee, for good cause shown, that the continued operation of the business presents an imminent and immediate grave threat to the public health or safety, the County may suspend the Certificate of Approval and issue an emergency order directing the Operator to temporarily cease sales at that location pending resolution of the deficiency.

**Sec. 14-157. - No County liability; indemnification; no defense.**

(1) By accepting a Certificate of Approval and Premises Authorization issued pursuant to this Ordinance, the Operator waives any claim concerning, and releases the County, its officers, elected officials, employees, attorneys, Sheriff's Office and other Constitutional offices, the City of Kissimmee, the City of St. Cloud, and agents from, any liability for injuries or damages of any kind that result from any arrest or prosecution of business owners, Operators, employees, clients, or customers of the Operator for a violation of state or federal laws, rules, or regulations.

(2) By accepting a Certificate of Approval and Premises Authorization issued pursuant to this Ordinance, all Operators, jointly and severally if more than one, agree to indemnify, defend, and hold harmless the County, its officers, elected officials, employees, attorneys, Sheriff's Office and other Constitutional offices, the City of Kissimmee, the City of St.

Cloud, agents, insurers and self-insurance pool against all liability, claims, and demands on account of any injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the Medical Marijuana Treatment Center that is the subject of the Certificate of Approval and Premises Authorization.

(3) The issuance of a Certificate of Approval and Premises Authorization pursuant to this Ordinance shall not be deemed to create an exception, defense, or immunity for any person in regard to any potential criminal liability the person may have under state or federal law for the cultivation, possession, sale, distribution, or use of cannabis.

(4) Nothing herein requires the County to issue a Certificate of Approval to any applicant or operator regardless of ranking.

**Sec. 14-158. - Severability.**

If any provision of this Ordinance or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**SECTION 2. INCLUSION IN CODE.** It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Osceola County Code and that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions.

**SECTION 3. CONFLICTS.** Any ordinance, resolution, or part thereof, in conflict with this Ordinance, or any part hereof, is hereby repealed to the extent of such conflict.

**SECTION 4. FILING WITH THE DEPARTMENT OF STATE.** The Clerk shall be and is hereby directed to forthwith send a certified copy of this Ordinance to the Secretary of State for the State of Florida within ten days after its enactment.

**SECTION 5 EFFECTIVE DATE.** This Ordinance shall become effective immediately upon filing with the Florida Department of State.

BOARD OF COUNTY COMMISSIONERS  
OF OSCEOLA COUNTY, FLORIDA

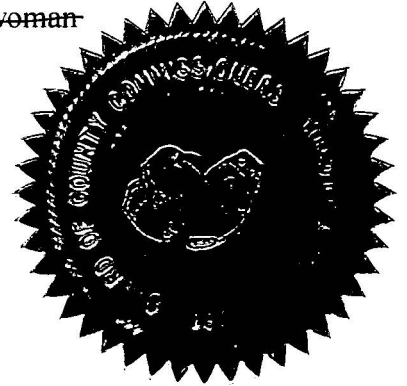
By: *Twisha Javer*  
Chairwoman/Vice Chairwoman

ATTEST:  
OSCEOLA COUNTY CLERK OF THE BOARD

By: *Debra A Davis*  
Clerk/ Deputy Clerk of the Board

As authorized for execution at the Board of  
County Commissioners meeting of:

*October 17, 2016*



**ORDINANCE NO. 2016- 18  
GLADES COUNTY, FLORIDA**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GLADES COUNTY, FLORIDA, AMENDING THE GLADES COUNTY CODE OF LAWS AND ORDINANCES, PART I – GENERAL ORDINANCES, CHAPTER 46 – LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS; CREATING A NEW ARTICLE V - CANNABIS DISPENSING BUSINESSES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CODIFICATION; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR CONFLICT; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature enacted legislation legalizing Cannabis for medical uses; and

**WHEREAS**, future constitutional amendments and legislation may further expand the legal use of Cannabis in Florida; and

**WHEREAS**, a comprehensive State licensing and regulatory framework for the cultivation, processing, and dispensing of Cannabis exists; and

**WHEREAS**, the comprehensive State licensing and regulatory framework directs that the criteria for the number and location of and other permitting requirements that do not conflict with state law or department rule for dispensing facilities of Cannabis Dispensing Businesses may be determined by local ordinance; and

**WHEREAS**, Cannabis Dispensing Businesses licensed pursuant to the law have begun cultivating Cannabis for processing and dispensing; and

**WHEREAS**, potential adverse impacts on the health, safety, and welfare of residents and business from secondary effects associated with the distribution of Cannabis exist, potentially including: offensive odors, trespassing, theft, fire hazards, increased crime in and about the Cannabis Dispensing Business, robberies, negative impacts on nearby businesses, nuisance problems; and

**WHEREAS**, certain of the above potential adverse impacts are accentuated by the current difficulties experienced by Cannabis Dispensing Businesses in obtaining banking services necessitating such businesses to operate on a cash basis; and

**WHEREAS**, there exists the potential for misappropriation and diversion of medical Cannabis to non-medical uses, and;

**WHEREAS**, an overabundance of dispensing facilities can affect the viability of such facilities, result in compliance issues and increased regulatory costs, lead to the improper diversion of products, and accentuate threats to the public health, safety, and welfare; and

**WHEREAS**, other jurisdictions have regulated the dispensing of Cannabis by limiting the number of such Cannabis Dispensing Businesses to reduce threats to the public health, safety, and welfare; and

**WHEREAS**, there is a need to adopt health, safety, and welfare regulations to avoid adverse impacts on the community which may arise from the distribution of Cannabis; and

**WHEREAS**, other jurisdictions that allow Cannabis Dispensing Businesses have implemented effective regulatory and enforcement systems that address the adverse impacts that Cannabis Dispensing Businesses could pose to public safety, health, and welfare; and

**WHEREAS**, an effective regulatory system governing the Dispensing of Cannabis, as provided in this ordinance, will address potential adverse impacts to the public health, welfare, and safety consistent with Florida law; and

**WHEREAS**, it is not the purpose or intent of this section to restrict or deny access to Cannabis as permitted by Florida law, but instead to enact reasonable restrictions intended to protect the public health, safety, and welfare; and

**WHEREAS**, Glades County has determined it is in the public interest to adopt this ordinance pursuant to Glades County police powers and section 381.986, as well as other applicable state laws and provisions of the Florida Constitution, to protect the health, safety, and welfare of the public;

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Glades County, Florida as follows:

**SECTION 1. RECITALS.**

The above recitals are true and correct and incorporated herein as though fully set forth below.

**SECTION 2. ADOPTION OF NEW ARTICLE V. CANNABIS DISPENSING BUSINESSES WITHIN PART I – GENERAL ARTICLES, CHAPTER 46 – LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS.**

**ARTICLE V. – CANNABIS DISPENSING BUSINESSES**

**Sec. 46-100. - Purpose and Intent.**

The purpose of this Article is to establish requirements that regulate Cannabis Dispensing Businesses in the interest of the public health, safety and general welfare and that ease the regulatory burden on Glades County. In particular, this Article is intended to regulate the sale and distribution of Cannabis to ensure a supply of Cannabis to patients who qualify to obtain, possess, and use Cannabis, or any other use of Cannabis permissible under state law, while promoting compliance with other state laws that regulate Cannabis. Nothing in this Article is intended to promote or condone the sale, distribution, possession, or use of Cannabis in violation of any applicable state law. Compliance with the requirements of this Article shall not provide a defense to criminal prosecution under any applicable law. This Article is only applicable in the unincorporated area of Glades County.

**Sec. 46-101. - Definitions.**

(a) The following words and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

- (1) Applicant shall mean any person or entity that has submitted an application for a Certificate of Approval or renewal of a Certificate of Approval issued pursuant to this Article. If the Applicant is an entity and not a natural person, Applicant shall include all persons who are the managers, officers, directors, contractual agents, partners, and licensors of such entity, as well as all members, shareholders, or Investors holding an ownership interest of 10% or more of such entity.
- (2) Cannabis has the meaning given to it by section 893.02(3), Florida Statutes, and shall include all forms of medical Cannabis or low-THC Cannabis.
- (3) Cannabis Dispensing Business or Business shall mean a business licensed to dispense Cannabis pursuant to applicable law and that is engaged in the retail sale of Cannabis or Derivative

1 Products, but shall not include making deliveries of Cannabis or Derivative Products to the  
2 residence or business of an authorized individual, or to a health care facility, as permitted by other  
3 relevant Articles and state law.

4 (4) **Certificate of Approval** shall mean a document issued by the Jurisdiction officially authorizing an  
5 Applicant to operate a Cannabis Dispensing Business pursuant to this Article. A Certificate of  
6 Approval generally authorizes an Applicant to establish and operate a Cannabis Dispensing  
7 Business pursuant to this Article, but does not authorize the Dispensing of Cannabis at any physical  
8 location within the Jurisdiction until a Premises Authorization, as defined herein, has been issued  
9 for such location. Each Certificate of Approval authorizes the issuance of a single Premises  
10 Authorization at any one time.

11 (5) **Compassionate Use Act** shall mean section 381.986, Florida Statutes, and chapter 2016-123,  
12 Laws of Florida, as amended from time to time, and any rules or regulations promulgated  
13 thereunder.

14 (6) **Cultivation or cultivate** shall mean the process by which a person grows a Cannabis plant.

15 (7) **Derivative Products** shall mean products derived from Cannabis, including but not limited to,  
16 Cannabis oil or consumable products containing or derived from Cannabis.

17 (8) **Dispensing** shall mean the retail sales of Cannabis or Derivative Products at a Cannabis  
18 Dispensing Business, but does not include making deliveries of Cannabis or Derivative Products  
19 to the residence or business of an authorized individual, or to a health care facility, as permitted by  
20 other relevant Articles and state law.

21 (9) **Investor** shall mean any person or entity entitled to share in the profits of the Applicant, or any  
22 Lender. The term shall not include any employees who share in the profits of the Applicant pursuant  
23 to an employee profit sharing program.

24 (10) **Lender** shall mean any person or entity who has provided funds to an Applicant with the  
25 expectation of receiving from the Applicant repayment or the receipt from the Applicant of anything  
26 of value. The term Lender shall include any person who owns, directly or indirectly, 20% or more  
27 of any entity which qualifies as a Lender, but does not include any bank, credit union, or other  
28 financial institution created under federal or state law.

29 (11) **Operator** shall mean the person or entity to whom a Certificate of Approval has been issued  
30 pursuant to this Article.

31 (12) **Premises Authorization** shall mean a document issued by the Jurisdiction to the Operator,  
32 authorizing the Operator to conduct Cannabis Dispensing Business operations at a single,  
33 specifically approved physical location. No Premises Authorization may be issued to any individual  
34 or entity who does not hold a Certificate of Approval. Any relocation of operations to a separate  
35 address shall require amendment of the Premises Authorization to authorize operations at the new  
36 location.

37 (13) **State** shall mean the State of Florida.

38 (b) In addition to the definitions contained in Subsection (a), other terms used in this Article shall have the  
39 meaning ascribed to them in the Compassionate Use Act, and such definitions are incorporated into this  
40 Article by this reference.

41 **Sec. 46-102. - Certificate of Approval required; term of Certificate of Approval; renewal application.**  
42

1 (a) It shall be unlawful for any person or entity to establish or operate a Cannabis Dispensing Business in  
2 Glades County without first having obtained from the State of Florida approval to do so pursuant to the  
3 Compassionate Use Act or any other relevant law, and having obtained from Glades County a Certificate  
4 of Approval, and having obtained from Glades County a Premises Authorization for the facility to be  
5 operated in connection with such business.

6 (b) The Certificate of Approval and Premises Authorization shall be kept current at all times and shall be  
7 conspicuously displayed at all times in the premises to which they apply. The failure to maintain a current  
8 Certificate of Approval, or to maintain a current Premises Authorization for any location at which Cannabis  
9 Dispensing Business is conducted, shall constitute a violation of this Article.

10 (c) A Certificate of Approval issued by Glades County pursuant to this Article shall specify the date of  
11 issuance, the period of licensure, and the name of the Operator.

12 (d) A Certificate of Approval issued by Glades County under this Article shall expire three years after the  
13 date of its issuance.

14 (e) Renewal of an existing Certificate of Approval shall be automatic for successive three year periods  
15 upon payment of required fees to Glades County, as provided in the fee schedule adopted by Glades  
16 County from time to time.

17 (1) Within the 30 days prior to the expiration date, each Operator shall pay a nonrefundable renewal  
18 fee to the Glades County Board of County Commissioners as set forth in the fee schedule adopted  
19 by Glades County from time to time, to defray the costs incurred by Glades County for review of  
20 the application and inspection of the proposed premises, as well as any other costs associated with  
21 the processing of the application. The Operator is responsible for paying the renewal fee prior to  
22 expiration of the Certificate of Approval.

23 (2) A Certificate of Approval shall be revoked if an Operator fails to remit a renewal fee prior to the  
24 expiration of the Certificate of Approval. Notwithstanding the expiration and revocation, an  
25 Operator whose Certificate of Approval has been revoked for not more than 30 days may be  
26 reinstated upon the payment of a late fee, as set forth in the fee schedule adopted by Glades  
27 County from time to time.

28 (f) Any Premises Authorization issued by Glades County under this Article shall be deemed to expire on  
29 the date upon which the Certificate of Approval pursuant to which it is issued expires. Any Premises  
30 Authorization shall be deemed automatically renewed upon the renewal, as set forth herein, of the  
31 Certificate of Approval pursuant to which it is issued.

32 (g) In the event a Certificate of Approval is not renewed, it shall be noticed by Glades County as available  
33 and be subject to a new application process as set forth in this Article.

34 **Sec. 46-103. - Numerical limit on Cannabis Dispensing Businesses.**

35  
36 (a) The maximum number of Certificates of Approval in the County shall not exceed one for every 67,600  
37 residents, as certified in the most recent census or periodic demographic studies conducted by the  
38 University of Florida.

39 (b) A Certificate of Approval authorizes the holder to operate a single licensed premises pursuant to an  
40 approved Premises Authorization.



**Sec. 46-104. – Application minimum requirements; payment of application fee.**

(a) An Applicant for a new Certificate of Approval, or an Operator seeking to change the ownership of an existing Certificate of Approval, pursuant to the Compassionate Use Act, any other applicable state law, and the provisions of this Article, shall submit an application to Glades County Community Development Department. At the time of any such application, the Applicant shall pay an application fee to Glades County, as set forth in the fee schedule adopted by Glades County from time to time, to defray the costs incurred by Glades County for review of the application, as well as any other costs associated with the processing of the application.

**(1) The Applicant shall include the following in its application to Glades County:**

- i. Payment of the application fee as set forth in the fee schedule established by the County.
- ii. If the Applicant is a business entity, information regarding the entity, including without limitation the name and address of the entity, its legal status and proof of registration with, or a certificate of good standing from, the Florida Secretary of State, as applicable;
- iii. If the Applicant is an individual, government issued identification including name, address and photograph of the individual;
- iv. Evidence of the State of Florida, Department of Health, Office of Compassionate Use's (or any successor agency of the State of Florida's) approval of the Operator to operate a Cannabis Dispensing Business pursuant to the Compassionate Use Act or any other relevant law;
- v. All documentation necessary to demonstrate compliance with the requirements identified in this Article, including evidence that the Applicant continues to meet all requirements of section 381.986(5)(b)(1), Florida Statutes.
- vi. All documentation the Applicant wishes to have considered for scoring purposes, including documentation demonstrating the Applicant meets the criteria detailed in Sec. 46-105 of this Article.

(b) Upon receipt of more than one application, Glades County shall review and score the applications pursuant to the scoring and review process established by Sec. 46-105 of this Article.

**Sec. 46-105. – The Application Period and Scoring and Review of Applications.**

(a) The application period shall begin when an application for a Cannabis Dispensing Business is received by the County. Upon receipt of an application, the County shall notice on the County's website that the application period has commenced and shall indicate the closing date of the application period, which shall be 30 days after notification is placed on the website.

(b) If more than one application is received within the 30 day period, the County shall score and review each application pursuant to the criteria, and 100 point scale, detailed below. A minimum of three County staff shall review and score each application. One staff person shall be designated as the point-of-contact and may address questions and requests for further information from staff to the Applicants at any time during the application process. The criteria to be used for scoring are listed below:

**(1) Previous retail dispensing experience in a regulated market in any state: 20 points**

- i. Number of different retail dispensaries operated.
- ii. Total square footage of retail dispensaries operated.
- iii. Number of years of operating retail dispensaries.
- iv. Number of retail dispensary employees managed.
- v. Gross sales of Cannabis and Cannabis Derivative Products.

- vi. Number of different Cannabis strains and Derivative Products sold.
  - vii. Retail dispensing licenses held in different states.
  - viii. Previous infractions resulting in the revocation of any Cannabis license.
  - ix. Experience with maintaining chain of custody and tracking mechanisms.
- (2) Quality of Derivative Product offerings: 20 points
- i. Length of time Derivative Products you intend to dispense have been available in regulated markets.
  - ii. Gross sales number of units of these Derivative Products previously sold in regulated markets.
  - iii. Gross revenue derived from previous sales of these Derivative Products in regulated markets.
- (3) Technical Ability: 10 points
- i. Review of standard operating procedures, operating manuals, policies, training modules, and procedures.
  - ii. Training process.
  - iii. Online ordering system.
  - iv. Procedures for expediting ordering and / or providing for medically disadvantaged.
  - v. Operational ERP (Enterprise Resource Planning) System.
  - vi. Retail delivery system.
  - vii. Point-of-sale systems and solutions.
- (4) Qualifications of Security Team: 15 points
- i. Years of security experience with Cannabis dispensaries in a regulated Cannabis market.
  - ii. Integration of security procedures and training into your vertically integrated operations.
  - iii. All owners, Investors, and managers have successfully passed a Level 2 background check and have not been convicted of any felonies involving fraud, false representation, or distribution of Cannabis.
- (5) Qualifications of Medical Director: 25 points
- i. Experience with epileptic patients;
  - ii. Experience with cancer patients;
  - iii. Experience with patients with severe seizures or muscle spasms;
  - iv. Experience with terminal patients;
  - v. Knowledge of the use of medical Cannabis for treatment of cancer or physical medical conditions that chronically produce symptoms of seizures or severe and persistent muscle spasms;
  - vi. Knowledge of good manufacturing practices;
  - vii. Knowledge of analytical and organic chemistry;
  - viii. Knowledge of analytical laboratory methods;
  - ix. Knowledge of analytical laboratory quality control, including maintaining a chain of custody;
  - x. Knowledge of, and experience with, medical Cannabis CBD/low-THC extraction techniques;
  - xi. Knowledge of medical Cannabis, including CBD/low-THC routes of administration;
  - xii. Experience in or knowledge of clinical trials or observational studies;
  - xiii. Knowledge of, and experience with, producing CBD/low-THC products;
  - xiv. Experience with or knowledge of botanical medicines;
  - xv. Experience with dispensing medications.
- (6) Awards: 10 points

- 1 i. Any awards, recognitions, or certifications received for expertise in Cannabis related  
2 businesses.

3  
4 (c) An application that is considered incomplete shall be rejected by the County. Rejected applications  
5 shall not be scored unless resubmitted within the 30 day application period and subsequently found  
6 complete.

7  
8 (d) The County shall disqualify any application that contains any false or misleading information.

9  
10 (e) The scores awarded by Staff for each Applicant shall be totaled and averaged for each Applicant. The  
11 Certificate of Approval issued to the highest scoring Applicant. In the event of a tie in the rankings, the  
12 Community Development Director shall identify the Applicant that shall be given the Certificate of Approval.  
13 Challenges to Staff's award decision shall be filed with the County Manager within ten days of the decision  
14 being challenged. The County Manager shall review the challenge and issue a decision dismissing such  
15 challenge or affirming such challenge.

16 (f) If more than one application is not received, the County shall review the information included in the  
17 application to determine completeness and sufficiency and shall award the Certificate of Approval based  
18 upon a positive review of both items.

19 **Sec. 46-106. – Issuance of Certificate of Approval.**

20  
21 (a) Upon expiration of the challenge deadlines detailed in Sec.46-105, if no challenge is filed, or upon  
22 issuance of a final order if a challenge is filed, Glades County shall issue a Certificate of Approval.

23 (b) A Certificate of Approval issued pursuant to this Article does not eliminate the need for the Operator to  
24 obtain other required permits or licenses related to the operation of the Cannabis Dispensing Business  
25 including, without limitation, any development approvals or building permits required by this Code.

26 (c) Amendment of a Certificate of Approval or Premises Authorization solely to change the location of a  
27 Cannabis Dispensing Business shall not be denied so long as all other conditions for the issuance of a  
28 Certificate of Approval have been met and the new location complies with all premises requirements set  
29 forth in this Article and all applicable zoning requirements.

30 (d) A Certificate of Approval or Premises Authorization may be transferred only to an entity which has been  
31 approved by the State of Florida, Department of Health, Office of Compassionate Use (or any successor  
32 agency of the State of Florida) to operate a Cannabis Dispensing Business pursuant to the Compassionate  
33 Use Act or any other relevant law, and who meets all other requirements of this Article.

34 **Sec. 46-107. - Persons or Entities prohibited as Operators.**

35  
36 (a) No Certificate of Approval shall be issued to, held by, or renewed by any Applicant or Operator who  
37 fails to comply with the following Mandatory Requirements:

38 (1) Maintain approval as a dispensing organization by the State of Florida, Department of Health, Office  
39 of Compassionate Use pursuant to the Compassionate Use Act, or any other applicable law.

40 (2) Ensure no owner, Investor, or manager of the Applicant or Operator has been found guilty of,  
41 regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has been adjudicated

1 delinquent, and the record has not been sealed or expunged for, any crime enumerated in section  
2 435.04(2), Florida Statutes, or any felony involving false representations or false statements, fraud,  
3 or money laundering.

4 **Sec. 46-108. – Confidential, Proprietary, Copyrighted, or Trade Secret Material**  
5

6 (a) If an Applicant considers any portion of the documents, data or records submitted with its application  
7 to be confidential, proprietary, trade secret or otherwise not subject to disclosure pursuant to chapter 119,  
8 Florida Statutes, the Florida Constitution or other authority, the Applicant must mark the document as  
9 "Confidential" and simultaneously provide the Authority a separate redacted copy of its application and  
10 briefly describe in writing the grounds for claiming exemption from the public records law, including the  
11 specific statutory citation for such exemption. This redacted copy shall contain the name of the Applicant  
12 on the cover, and shall be clearly titled "Redacted Copy." The Redacted Copy should only redact those  
13 portions of material that the Applicant claims are confidential, proprietary, trade secret or otherwise not  
14 subject to disclosure.

15 (b) If a request for public records pursuant to chapter 119, Florida Statutes, the Florida Constitution or  
16 other authority, is filed, to which documents that are marked as confidential are responsive, the County will  
17 provide the Redacted Copy to the requestor. If a requestor asserts a right to the Confidential Information,  
18 the County will notify the Applicant such an assertion has been made. It is the Applicant's responsibility to  
19 assert that the information in question is exempt from disclosure under chapter 119 or other applicable law.  
20 The Applicant shall be responsible for defending its determination that the redacted portions of its response  
21 are confidential, proprietary, trade secret, or otherwise not subject to disclosure.

22 (c) If Applicant fails to submit a redacted copy of information it claims is confidential, the County is  
23 authorized to produce the entire documents, data, or records submitted to the County in answer to a public  
24 records request for these records.

25 **Sec. 46-109. – Premises Authorization.**  
26

27 After obtaining a Certificate of Approval, and prior to dispensing Cannabis, an Operator shall select a  
28 location from which such dispensing will occur, and provide notice to the County of the dispensing location  
29 and request issuance of Premises Authorization for such location. Such request shall be provided a  
30 minimum of 10 days prior to the dispensing of any Cannabis from the location, and shall identify the location  
31 from which dispensing will occur.  
32

33 **Sec. 46-110. – Zoning Requirements**  
34

35 (a) Premises Authorization shall be granted for any location which complies with the requirements of this  
36 Article and in which retail sales are permitted pursuant to applicable zoning or land use regulations as a  
37 principal use.  
38

39 (b) No Cannabis Dispensing Business shall be located within 1,000 feet of any public or private elementary,  
40 middle, or secondary school, of a house of worship, or of a public park. However, a Cannabis Dispensing  
41 Business does not violate this subsection and may not be forced to relocate if it meets the requirements of  
42 this section and a school, house of worship, or public park is subsequently established within 1,000 feet of  
43 the business.  
44

(c) For purposes of this Article, measurements shall be made from the nearest property line of the uses listed in subsection (b) of this section to the nearest property line of the Cannabis Dispensing Business. If the Cannabis Dispensing Business is located in a multi-tenant building, the distance shall be measured from the nearest property line of the uses listed in subsection (b) of this section to the nearest line of the leasehold or other space actually controlled or occupied by the Cannabis Dispensing Business.

**Sec. 46-109. - Inspection of approved premises and issuance of Premises Authorization.**

(a) During business hours and other times of apparent activity, all approved premises shall be subject to inspection by the Chief of Police, the Fire Chief, the Building Official, County Sheriff, or the authorized representative of any of them, for the purpose of investigating and determining compliance with the provisions of this Article and any other applicable state or local law or regulation. Such inspection may include, but need not be limited to, the inspection of books, records, and inventory. Where any part of the premises consists of a locked area, such area shall be made available for inspection, without delay, upon reasonable request. The frequency of such inspections shall not be unreasonable and shall be conducted in a manner to ensure the operation of the premises is not inhibited.

(b) Cannabis may not be dispensed pursuant to a Certificate of Approval until the Authority has caused the proposed premises to be inspected to determine compliance of the premises with any applicable requirements of this Article and Code, and has issued Premises Authorization.

(c) The County shall, within 10 days of receipt of a request for Premises Authorization, and after inspection of the premises to be utilized, notify the Certificate holder that it may begin dispensing Cannabis at that premises and issue a Premises Authorization to the Certificate holder, or provide to the Operator written notice detailing the reasons the selected location does not comply with this Article. A Premises Authorization issued by the County pursuant to this Article shall specify the Certificate of Approval pursuant to which it is issued, all information set forth on the Certificate of Approval, and the physical location of the premises approved, once such approval is received.

**Sec. 46-110. - Requirements related to the premises.**

(a) A Cannabis Dispensing Business shall be subject to the following additional requirements:

(1) All Cannabis or Cannabis Derivative products ready for sale shall be in a sealed or locked container or cabinet except when being accessed for distribution.

(2) Only individuals authorized pursuant to Florida law may Dispense Cannabis, and such Cannabis may only be dispensed to persons authorized pursuant to Florida law to receive Cannabis.

(3) No Cannabis shall be dispensed outside of the hours permitted by Florida law.

(4) No unaccompanied minor may be dispensed Cannabis unless otherwise authorized under state law.

(5) The Cannabis Dispensing Business shall employ reasonable measures and means to eliminate odors emanating from dispensing and shall properly dispose of controlled substances in a safe, sanitary and secure manner and in accordance with applicable laws and regulations.

1 (6) After issuance of a Premises Authorization, an Operator shall not make a physical change,  
2 alteration or modification of the premises that would not comply with this Article.

3 (7) The Cannabis Dispensing Business shall ensure security for Cannabis activities complies with state  
4 requirements.

5  
6 **Sec. 46-111. - Nonrenewal, suspension or revocation of Certificate of Approval.**  
7

8 (a) The County may suspend, revoke, or refuse to renew a Certificate of Approval for any of the following  
9 reasons, after notice and opportunity to cure is given:

10  
11 (1) The Applicant or Operator, or his or her agent, manager, or employee, have violated, do not meet,  
12 or have failed to comply with any of the terms, requirements, or provisions of this Article or with any  
13 applicable state law or regulation, and only if such failure materially impacts the accessibility,  
14 availability, or safety of the Cannabis or Derivative Product.

15 ii. The County shall provide notice of any of the above deficiencies accompanied by a 30 calendar  
16 day period in which to cure such deficiencies.

17 iii. Within 30 days of receipt of notice a notice of deficiencies, the Operator shall submit to the  
18 County a plan to correct such deficiencies.

19 iv. The Operator must execute the plan within 30 days of the date the plan was submitted to the  
20 County.

21 v. If a plan is not timely submitted, or the plan is not timely executed, the County may take  
22 appropriate action.

23 vi. Notwithstanding the foregoing, upon a finding by the County for good cause shown that the  
24 continued operation of the business presents an imminent and immediate grave threat to the  
25 public health or safety, the County may issue an emergency order directing the Operator to  
26 temporarily cease sales at that location pending resolution of the deficiency.

27 (2) The Applicant or Operator has been issued a Citation in regards to a violation of the Code of Laws  
28 and Ordinances.

29 (3) If dispensing fails to occur within 12 months of a Certificate of Approval being issued, the Certificate  
30 shall be revoked and be available for issuance to a new Applicant subject to the process outlined  
31 in this Article.

32 **Sec. 46-112. - No County liability; indemnification; no defense.**  
33

34 (a) By accepting a Certificate of Approval and Premises Authorization issued pursuant to this Article, the  
35 Operator waives any claim concerning, and releases the County, its officers, elected officials, employees,  
36 attorneys and agents from, any liability for injuries or damages of any kind that result from any arrest or  
37 prosecution of business owners, Operators, employees, clients, or customers of the Operator for a violation  
38 of state or federal laws, rules, or regulations.

39 (b) By accepting a Certificate of Approval and Premises Authorization issued pursuant to this Article, all  
40 Operators, jointly and severally if more than one, agree to indemnify, defend, and hold harmless the County,  
41 its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all  
42 liability, claims, and demands on account of any injury, loss, or damage, including without limitation claims  
43 arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other

1 loss of any kind whatsoever arising out of or in any manner connected with the operation of the Cannabis  
2 Dispensing Business that is the subject of the Certificate of Approval and Premises Authorization.

3 (c) The issuance of a Certificate of Approval and Premises Authorization pursuant to this Article shall not  
4 be deemed to create an exception, defense, or immunity for any person in regard to any potential criminal  
5 liability the person may have under state or federal law for the cultivation, possession, sale, distribution, or  
6 use of Cannabis.

**SECTION 3. AUTHORITY.**

This Ordinance is enacted pursuant to the provisions of Chapters 125 and Chapter 403, Florida Statutes, and other applicable provisions of law.

**SECTION 4. CODIFICATION.**

It is hereby the intention of the Board of County Commissioners of Glades County, Florida, and it is hereby provided that the provisions of this Ordinance may become and be made a part of the Code of Glades County, Florida.

**SECTION 5. SCRIVENER'S ERRORS.**

Sections of this Ordinance may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the County Manager, or the County Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the County Clerk.

**SECTION 6. CONFLICT.**

Any provision of any Glades County ordinance or regulation which is in conflict with the provisions of this Ordinance is repealed prospectively to the extent of such conflict.

**SECTION 7. LIBERAL CONSTRUCTION.**

The terms and provisions of this Ordinance shall be liberally construed to affect the purpose for which it is adopted.

**SECTION 8. SEVERABILITY.**

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, invalid or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect the applicability of this Ordinance to any other person, property or circumstances.

**SECTION 9. EFFECTIVE DATE.**

This Ordinance shall take effect upon the adoption of this Ordinance by the Board of Commissioners of Glades County, Florida, and upon a filing of a certified copy hereof with the Florida Department of State.

The foregoing Ordinance was offered by Commissioner AHERN, who moved its adoption. The motion was seconded by Commissioner BECK, and being put to a vote, the vote was as follows:

WESTON PRYOR  
DONNA STORTER LONG  
PAUL S. BECK  
JOHN AHERN

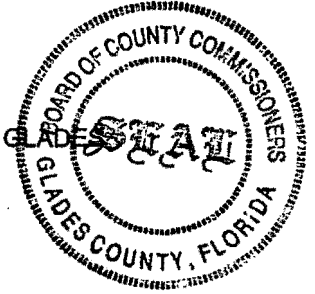
Aye  
Aye  
Aye  
Aye



This Ordinance was duly passed and adopted this 24th day of October, 2016.

BOARD OF COUNTY COMMISSIONERS OF GLADES  
COUNTY, FLORIDA

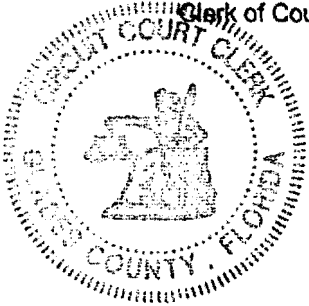
BY: [Signature]  
Weston Pryor, Chairman



ATTEST:

Sandra N Brown

Sandra Brown,  
Clerk of Court



APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: [Signature]  
Richard W. Pringle, County Attorney

ORDINANCE NO. 2014-066

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, (ZONING ORDINANCE AMENDMENT NO. 93) AMENDING SARASOTA COUNTY ORDINANCE NO. 2003-052 (AS AMENDED FROM TIME TO TIME) CODIFIED AS APPENDIX A OF THE SARASOTA COUNTY CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF SARASOTA COUNTY; PROVIDING FOR FINDINGS; AMENDING SECTION 5.1, RELATING TO USE TABLE; AMENDING SECTION 5.2, RELATING TO USE CATEGORIES; AMENDING SECTION 5.3., RELATING TO LIMITED AND SPECIAL EXCEPTION USE STANDARDS; AMENDING SECTION 7.1 RELATING TO OFF-STREET VEHICULAR FACILITIES; PARKING AND LOADING; AMENDING SECTION 10 RELATING TO DEFINITIONS; PROVIDING FOR EFFECT ON OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODING OF AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

BOARD RECORDS  
FILED FOR THE RECORD  
2014 NOV -4 PM 3:48  
KAREN E. RUSHING  
CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FL

**WHEREAS**, on November 4, 2014, the voters of the State of Florida will consider Amendment No. 2 on the ballot, which if passed will create Article X, Section 29 of the Florida Constitution, relating to the issue of medical marijuana production, possession, and use;

**WHEREAS**, under Article VIII, Section 1(g) of the Florida Constitution and as a charter county, the Board of County Commissioners possesses the powers of local self-government, including to enact any ordinance, not inconsistent with general law, or with special law approved by vote of the electors;

**WHEREAS**, the Board of County Commissioners may designate proper zoning districts to create compatibility of uses amongst neighboring properties; and

**WHEREAS**, the co-location of use associated with cultivation, processing, and delivery of medical marijuana in Medical Marijuana Treatment Centers and through Personal Caregiver cooperatives, as those terms are described by Amendment No. 2, will disrupt the Euclidean zoning separating agricultural, industrial, and commercial uses established by the Zoning Regulations;

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:**

**Section 1. Findings.** The Board of County Commissioners, hereinafter referred to as the "Board" hereby makes the following findings:

A. The Board has held public hearings on the proposed amendments described herein in accordance with the requirements of the Sarasota County Zoning Ordinance and has considered the information received at said public hearings.

B. By a vote of majority plus one, the Board has waived the requirement for a public hearing after 5:00 p.m.

C. The Board, sitting as the Sarasota County Land Development Regulation Commission, has reviewed the proposed amendments provided herein and has found that the amendments are consistent with the Sarasota County Comprehensive Plan.

**Section 2. Amendment to Section 5. of Ordinance No. 2003-052, as amended, relating to Use Table.**

**Subsection 5.1.2.** of Sarasota County Zoning Ordinance No. 2003-052, as amended, is hereby amended as follows:

5.1.2. Use Table.

		OPEN USE					RESIDENTIAL				COMMERCIAL AND INDUSTRIAL											
USE CATEGORY	SPECIFIC USE	OUA	OUC	OUM	OUR	OUE	RE	RSF	RMF	RMH	CN	OPI	CG	PCD	CHI	CI	CM	IR	ILW	GU	Standards	
KEY: P = Permitted Use; L = Permitted Subject to Limitations in Section 5.3; SE = Special Exception Use; E = Existing; Blank = Use Not Permitted																						
OPEN USES																						
Agriculture [see 5.2.2.a]	All agriculture, except as listed below	L		L	L	L	L														5.3.1.a	
	Animal boarding	L/SE			L/SE	L/SE	L/SE														5.3.1.b	
	Animal shelter	SE			SE	SE													SE	SE	5.3.1.c	
	Aviary	L			L	SE															5.3.1.d	
	Farm/produce stand	L/SE			L/SE	L/SE															5.3.1.f	
	Keeping of ponies or horses	L			L	L	L														5.3.1.g	
	Livestock auction, feeding pen, milk processing, packing house, stockyard	L			L																5.3.1.h	
	Plant nursery	L			L	L															5.3.1.i	
	Plant nursery with landscape supply	L/SE			L/SE	L/SE															5.3.1.j	
	Retail or wholesale sales of agriculturally-related supplies and equipment	SE			SE	SE													P		5.3.1.l	
	<u>Cannabis Farm</u>	<u>SE</u>			<u>SE</u>	<u>SE</u>															<u>5.3.1.a.7</u>	
Resource Extraction [see 5.2.2.b]	All resource extraction, except as listed below			L																	5.3.1.k	
	Borrow pit	L		L	L	L															5.3.1.e	

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RESIDENTIAL USES		OUA	OUC	OUM	OUR	OUE	RE	RSF	RMF	RMH	CN	OPI	CG	PCD	CHI	CI	CM	IR	ILW	GU	
Household Living [see 5.2.3.a]	Single-family detached	P	L	L	P	P	P	P	P												5.3.2.i
	Lot line, traditional, patio, villa or atrium house							L	P												5.3.2.e
	Two-family house							L	P												5.3.2.e
	Townhouse (semi-attached, roof-deck, stacked)							L	P					P							5.3.2.e
	Multifamily (multiplex, apartment)								P					P							
	Manufactured home									P											
	Manufactured home park/subdivision									P											
	Accessory dwelling unit						L	L													5.3.2.a
	Guest house	L			L	L	L	L													5.3.2.d
	Short term rental								L												5.3.2.g, 5.3.2.h
	Live-work unit										L	L	L	L		L		L	L		5.3.2.e
	Upper story/attached residential										L	L	L	P		L	L				5.3.2.j, 5.3.4.aa
Group Living [see 5.2.3.b]	All group living, except as listed below				SE	SE	L	L	L	SE	L	L	L	L						L	5.3.2.c
	Boarding house, rooming house, fraternity or sorority				SE	SE	SE	SE	L	SE	L	L	L	L							5.3.2.c
	Community residential home, 6 or fewer residents	L/SE			L	L	L	L	L	L											5.3.2.b
	Community residential home, 7 to 14	SE			SE	SE	SE	SE	SE												5.3.2.b

	residents																				
		OUA	OUC	OUM	OUR	OUE	RE	RSF	RMF	RMH	CN	OPI	CG	PCD	CHI	CI	CM	IR	ILW	GU	
	Group home, 15 or more residents						SE	SE	L												5.3.2.b
<b>PUBLIC AND CIVIC USES</b>																					
Community Service [see 5.2.4.a]	All community service				SE	SE	SE	SE	SE	SE	P	P	P	P		P				P	5.3.3.c
	Rural retreat center	SE			SE	SE															5.3.3.k
Day Care [see 5.2.4.b]	Family day care home	P			P	P	P	P	P	P	P	P	P	P		P			SE		
	Large family child care home	P			P	P	P	P	P	P	P		P	P		P			SE		
	Day care facility	L/SE			SE	SE	SE	SE	L	SE	L	L	L	L		L		SE	SE	L	5.3.3.e
	Adult day care home (up to 6)	P			P	P	P	P	P	P	P	P	P	P		P					
	Adult day care facility (7 or more)	SE			SE	SE	SE	SE	L	SE	P	P	P	P		P					5.3.3.d
Educational Facilities [see 5.2.4.c]	College or university										SE	P	P	P		P		P	P		
	Day facility				SE	SE	SE				P	P	P	P		P			P	P	5.3.3.d
	Elementary, middle or high school				SE	SE	SE	SE	SE			P		P						P	
	Vocational, trade or business school										P	P	P	P		P		P	P	P	
Government Facilities [see 5.2.4.d]	All government facilities, except as listed below																			P	
	Jail, prison or work camp																			SE	
Medical Facilities [see 5.2.4.e]	All medical facilities, except as listed below										L	P	P	P		P			P	SE	5.3.3.g

	Patient family accommodations											L	L	L						L	5.3.3.j
		OUA	OUC	OUM	OUR	OUE	RE	RSF	RMF	RMH	CN	OPI	CG	PCD	CHI	CI	CM	IR	ILW	GU	
	Pain Management Clinics											SE	SE								5.3.4.cc
Parks and Open Areas [see 5.2.4.f]	All parks and open areas, except as listed below	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Cemetery, columbaria, mausoleum, memorial park	L/SE			L/SE	L/SE	SE	SE	SE											P	5.3.3.b
	Wild animal sanctuary	SE			SE	SE															5.3.3.n
Passenger Terminals [see 5.2.4.g]	All passenger terminals, except as listed below											P	P	P		P		P	P	P	
	Airport, heliport				L							L	L	L		L		L	L	L	5.3.3.a
Places of Worship [see 5.2.4.h]	All places of worship	SE			SE	SE	SE	SE	SE	SE	L	P	P	P		P					5.3.3.j 5.3.3.k
Social Service Institutions [see 5.2.4.i]	All social service institutions, except as listed below											SE	SE	SE		SE				SE	5.3.3.l
	Neighborhood resource center								SE		L	L	P	P		P			P	P	5.3.3.h
Utilities [see 5.2.4.j]	Major utilities	L			L	L	L	L	L	L	L/SE	L/SE	L/SE	L/SE	L	L/SE	L	L	L	L	5.3.3.f
	Minor utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Electric or gas generation plant																	SE	SE	SE	
	Stormwater facility in different zoning district than principal					L/SE	L/SE	L/SE	L/SE	L/SE	P	P	P	P	P	P	P	P	P	P	5.3.3.m



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	quarters or training quarters																				
	Community recreation facility					SE	SE	SE	P	SE	P	P	P	P		P				P	
		OUA	OUC	OUM	OUR	OUE	RE	RSF	RMF	FMH	CN	OPI	CG	PCD	CHI	CI	CM	IR	ILW	GU	
	Dog or horse track, jai-alai fronton												SE	SE		SE					
	Entertainment, outdoor												L/SE	L/SE	L	L/SE	L/SE		L/SE		5.3.4.g
	Extreme sports facility	L/SE			SE	SE										P			SE	P	5.3.4.h
	Firing or archery range, outdoor	SE			SE											SE			SE	L	5.3.4.i
	Flea market, outdoor												SE			SE					
	Golf course, executive and par-three golf courses, clubhouse, yacht club, tennis club, country club	L/SE			SE	SE	SE	SE	SE	SE											5.3.4.j
	Hunting/fishing camp or dude ranch	L/SE			SE	SE	SE														5.3.4.k
	Recreational vehicle park/campground				SE	SE	SE			SE											5.3.4.n
	Riding academy or public stable	L/SE			L/SE	L/SE	L/SE														5.3.4.q
	Sports academy	L/SE			SE	SE															5.3.4.s
	Wilderness camping	L																			5.3.4.w
	Commercial hunting and trapping	L/SE																			5.3.4.e
	Polo club	L/SE			SE	SE							SE	SE		SE					5.3.4.m
	Special events in conjunction with an	SE			SE	SE	SE	SE	SE		SE	SE	SE	SE		SE					5.3.4.y

	approved outdoor recreation use																				
Parking, Commercial [see 5.2.5.d]	All commercial parking						SE	SE	SE			P	P	P	P	P			P	P/L	5.2.4.d.
		OUA	OUC	OUM	OUR	OUE	RE	RSF	RMF	FMH	CN	OPI	CG	PCD	CHI	CI	CM	IR	ILW	GU	
Restaurants [see 5.2.5.e]	All restaurants, except as listed below								SE		L/SE		L	L	L	L	L		L		5.3.4.o, 5.3.4.u
	Drive-thru (drive in)												P	P	P	P			P		
Retail Sales and Service [see 5.2.5.f]	All retail sales and service, except as listed below										L/SE		P	P	L	P	P				5.3.4.p, 5.3.4.u
	Animal hospital, veterinary clinic, with or without animal boarding	L/SE			L/SE	L/SE	L/SE				L/SE		L	L		L					5.3.4.a, 5.3.4.t
	Convenience store with gas pumps, gas station with minimart										L/SE		L	L	L	L			L		5.3.4.t, 5.3.4.f
	Convenience store without gas pumps										L/SE		P	P	P	P			P		5.3.4.t
	Drive-thru retail sales or service										L		P	P	L	P					5.3.4.p
	Garden center/completely enclosed										L/SE		P	SE		P			SE		5.3.4.p
	Garden center/outside merchandise										SE		SE	SE		P			SE		5.3.4.p
	Package store												P	P		P					
	Vehicle parts and accessories										L/SE		P	P	L	P			P		5.3.4.p, 5.3.4.t
	Retail sales of lumber												P	P		P			P		

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	and building supplies up to 60,000 square feet gross floor area																			
	Pawn shops												P							
		OUA	OUC	OUM	OUR	OUE	RE	RSF	RMF	RMH	CN	OPI	CG	PCD	CHI	CI	CM	IR	ILW	GU
	Retail sales, over 60,000 square feet gross floor area in a single occupant building												SE	SE		SE			SE	
	<u>Medical Marijuana Dispensary</u>											SE	SE							<u>5.2.5.f</u> <u>5.3.4.ee</u>
Self-Service Storage [see 5.2.5.g]	All self-service storage											L	P	P		P			P	5.3.4.r
Transient Accommodations [see 5.2.5.h]	All transient accommodations, except as listed below										L/SE		SE	L	L	L	SE		L	5.3.4.p, 5.3.4.t, 5.3.4.u
	Bed and breakfast	L/SE			SE	SE	SE	SE	SE		L/SE		L		L		SE			5.3.4.c, 5.3.4.t
Vehicle Sales and Service [see 5.2.5.i]	Car wash, full or self-service												P	P	P	P			P	
	Truck stop												SE		SE	P			P	
	Vehicle sales, leasing or rental															P			P	
	Vehicle service, intensive															P			P	
	Vehicle service, general												L	L	L	L			L	5.3.4.u
Water-Oriented	Boat livery/marina												P			P	P		SE	

[see 5.2.5.j]	Boat sales accessory to boat livery or marina													P				P				
	Dock or pier (commercial)													E				P			P	
INDUSTRIAL USES																						
		OUA	OUC	OUN	OUR	OUE	RE	RSF	RMF	FMH	CN	OPI	CG	PCD	CHI	CI	CM	IR	ILW	GU		
Light Industrial Service [see 5.2.6.a]	All light industrial service, except as listed below													P		P		P	P	P		
	Crematorium	L			L	L												SE	SE		5.3.5.e	
	Research laboratory without manufacturing facility											P		P				P	P			
	<u>Medical Marijuana Research and/or Processing</u>																	<u>SE</u>	<u>SE</u>		<u>5.3.5.f</u>	
Warehouse and Freight Movement [see 5.2.6.b]	All warehouse and freight movement, except as listed below													P				P	P	P		
	Stockpiling of sand and gravel	L/SE			SE	SE												SE	SE		5.3.5.b	
Waste-Related Service [see 5.2.6.c]	All waste-related services																	SE	SE	SE		
	Landfill																			SE		
	Recycling equipment and facilities	SE			SE	SE												SE	SE	SE	5.3.5.b	
	Composting facility	SE																			5.3.5.c	
Wholesale Trade [see 5.2.6.d]	All wholesale trade												P	P		P		P	P			

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Heavy Industrial [see 5.2.6.e]	All heavy industrial, except as listed below																	SE	SE		
	Asphalt processing or manufacture, concrete batch plant	SE			SE	SE												L	L	L	5.3.5.a
	Heavy industrial within a completely enclosed building																	P	P	P	
	Slaughterhouse	SE			SE													SE	SE		5.3.5.d
		OUA	OUC	OUN	OUR	OUE	RE	RSF	RMF	RMH	CN	OPI	CG	PCD	CHI	CI	CM	IR	ILW	GU	
	Warehouse, storage of flammable liquids																	SE	SE	SE	
	Wholesale trade of flammable liquids																				

**Section 3. Amendment to Section 5.2.5.f. of Ordinance No. 2003-052, as amended, relating to Limited and Special Exception Use Standards.**

**Subsection 5.2.5.f** of Sarasota County Zoning Ordinance No. 2003-052, as amended, is hereby amended as follows:

*f. Retail Sales and Service.* Characteristics: Companies or Individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.

Principal Uses	Accessory Uses	Uses Not Included
Sales-Oriented:	Ancillary indoor storage	Boarding for horses (see Agriculture, stable)
Store selling, leasing or renting consumer, home, and business goods including, but not limited to, alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden center, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, musical instruments, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, postal substation, printed materials, produce, souvenirs, sporting goods, stationery, tobacco and related products, vehicle parts and accessories, videos, full- or self-serve gas (NAICS 44131, 442, 443, 444, 445, 446, 447, 448, 451, 452, 453, except 45393)	Associated office	Car wash (see Vehicle Sales and Service)
Personal Service-Oriented:	Automatic one bay car wash facility (see 5.4.4.a)	Crematorium (see Light Industrial Service)
Animal grooming (NAICS 81291)	Food preparation and dining area	Large-scale catering (see Light Industrial Service)
Animal hospital or veterinarian, with or without animal boarding (NAICS 54194)	Repackaging of goods for on-site sale	Laundry or dry-cleaning plant (see Light Industrial Service)
Athletic, tennis, swim or health club	Residential unit for security purposes (single unit)	Repair or service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service)
Art, music or photographic studio or classroom	Storage of goods	Restaurant (see Restaurants)

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Dry-cleaning or laundry drop-off facility, Laundromat (NAICS 81231, 81232)		Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade)
Funeral home or mortuary		Small-scale catering (see Restaurants)
Hair, nail, tanning, massage therapy and personal care service (NAICS 8121)		Any use that is potentially dangerous, noxious or offensive to neighboring uses in the district or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause (see Heavy Industrial)
Photocopy, blueprint, package shipping and quick-sign service (NAICS 561439)		
Psychic or medium		
Security service		
Taxidermist		
Urgent care or emergency medical office		
Repair-Oriented:		
Appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio, shoe, television or watch repair		
Tailor, milliner, upholsterer (NAICS 8112, 8114)		
Locksmith (NAICS 561622)		
Medical Marijuana Dispensaries		

**Section 4. Amendment to Section 5.2.6.a of Ordinance No. 2003-052, as amended, relating to Limited and Special Exception Use Standards.**

**Subsection 5.2.6.a** of Sarasota County Zoning Ordinance No. 2003-052, as amended, is hereby amended as follows:

- a. *Light Industrial Service.* Characteristics: Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Principal Uses	Accessory Uses	Uses Not Included
Building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (NAICS 232, 234, 235)	Associated showroom	Borrow pit, mining (see Resource Extraction)
Bulk mailing service	Accessory medical clinics	Manufacture and production of goods from composting organic material (see Waste-Related Service)
Catering establishment, large-scale	Ancillary indoor storage	Outdoor storage yard (see Warehousing and Freight Movement)
Clothing or textile manufacturing, manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, electrical items, printing, publishing, and lithography, production of artwork and toys, sign-making (NAICS 313, 314, 315, 316, 323, 334, 335, 339)	Associated office	Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade)
Crematorium	Cafeteria	Small-scale catering establishments (see Restaurants)
Janitorial and building maintenance service, exterminator, maintenance yard or facility (NAICS 56171, 56172, 56173, 56174)	Day care	
Laundry, dry-cleaning, and carpet cleaning plants (NAICS 81233)	Employee recreational facility	
Movie production facility (NAICS 51211)	Off-street parking	
Photo-finishing laboratory (NAICS 812921)	On-site repair facility	
Repair of scientific or professional instruments, electric motors (NAICS 8112)	Residential unit for security purposes (single unit)	
Research, testing, and development laboratory (NAICS 5417)	Retail or wholesale sales of goods manufactured on-site	
Sheet metal shop		
Soft drink bottling		
Storage area used for manufacturing		
Welding, machine, tool repair shop		
Woodworking, including cabinet makers and furniture manufacturing,		
<u>Medical Marijuana Research and/or Processing</u>		

**Section 5. Amendment to Section 5.3.1. of Ordinance No. 2003-052, as amended, relating to Limited and Special Exception Use Standards.**

**Subsection 5.3.1** of Sarasota County Zoning Ordinance No. 2003-052, as amended, is hereby amended to add Subsection 5.3.1.a.7 as follows:

**5.3.1 Open Use Standards**

a. *Agricultural Uses.* Agricultural uses are permitted in accordance with the Use Table in Section 5.1 subject to the following standards:

7. All Cannabis Farms shall adhere to the following minimum standards for planting, growing, harvesting, or drying of marijuana plants or any parts thereof:

a. Outside Cultivation Prohibited. Outside cultivation of Cannabis shall be prohibited. Areas of cultivation shall only be within a closed structure or greenhouse.

b. Gas Products. Gas products (including, without limitation, CO<sub>2</sub>, butane, propane, and natural gas), or generators shall not be used within a closed structure or greenhouse used for the cultivation of Cannabis.

c. Access. Areas of cultivation must be restricted to authorized personnel, eighteen years of age or older. Such area of cultivations shall be secured and locked at all times when not occupied by authorized personnel of the Cannabis Farm.

d. Alarm System. Areas of cultivation shall be equipped with an alarm system that complies with the provisions of Chapter 50, Emergency Services, Sarasota County Code.

e. Separation Distance. Cannabis Farms shall be kept a minimum of 500 feet from any pre-existing school, house of worship, day care facility, public park, or public beach. All distance requirements shall be measured by drawing a straight line from the nearest property line of the pre-existing protected use to the nearest property line of the proposed Cannabis Farm.

f. Medical Marijuana Treatment Centers. Medical Marijuana Treatment Centers are not a permitted combination of uses under the Zoning Regulations. Instead, the individual uses are allowed separately as a Cannabis Farm, Medical Marijuana Dispensary, and Medical Marijuana Research and/or Processing.

**Section 6. Amendment to Section 5.3.4. of Ordinance No. 2003-052, as amended, relating to Limited and Special Exception Use Standards.**

**Subsection 5.3.4** of Sarasota County Zoning Ordinance No. 2003-052, as amended, is hereby amended to add subsection 5.3.4.ee as follows:

**5.3.4 Commercial Use Standards.**

ee. Medical Marijuana Dispensaries. Medical Marijuana Dispensaries are permitted in accordance with the Use Table in Section 5.1, subject to the following standards.

1. Loitering A Medical Marijuana Dispensary shall provide adequate seating for its patients and business invitees and shall not allow patients or business invitee to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary operates, including in any parking areas, sidewalks, right-of-way, or neighboring properties for any period of time longer than that reasonably required to arrive and depart. No consumption of Cannabis is allowed on the premises. The Medical Marijuana Dispensary shall post conspicuous signs on at least three sides of the building that no loitering is allowed on the property.
2. No drive through service. No Medical Marijuana Dispensary shall have a drive through or drive in service aisle. All dispensing, payment for and receipt of products shall occur from inside the Medical Marijuana Dispensary.
3. No Queuing or Stacking of Motor Vehicles. A Medical Marijuana Dispensary shall ensure that there is no queuing or stacking of motor vehicles in any right-of-way.
4. Alcoholic Beverages. No consumption of alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks, or right-of-way. The owner or tenant shall take all necessary and immediate steps to ensure compliance with this paragraph.
5. Separation Distances. Notwithstanding any language contained in Sections 5.1.2 or 5.2.4 of the Zoning Regulations, Medical Marijuana Dispensaries shall not be co-located on the same property with any medical office, pain management clinic, pharmacy, or other medical marijuana dispensary.

Medical Marijuana Dispensaries shall be kept a minimum of 500 feet from any Medical Marijuana Research and Processing Use, pre-existing school, house of worship, day care facility, public park, or public beach. All distance requirements shall be measured by drawing a straight line from the nearest property line of the pre-existing protected use to the nearest property line of the proposed Medical Marijuana Dispensary.

6. Operating Hours. Medical Marijuana Dispensaries shall only be allowed to operate between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 7 a.m. and 12:00 p.m. on Saturdays. Medical Marijuana Dispensaries shall not operate on Sundays.
7. Other Activities. Other than dispensing of Cannabis as permitted herein no Medical Marijuana Dispensary shall sell, market, dispense, provide, exchange, or otherwise vend any other services; product; or drug paraphernalia as defined by federal or state law or this Code.
8. Alarm Systems. Each Medical Marijuana Dispensary shall be equipped with an alarm system that complies with the provisions of Chapter 50, Emergency Services, of the Sarasota County Code governing alarm systems.
9. Compliance with Other Laws. All Medical Marijuana Dispensaries shall at all times be in compliance with all federal and state laws and regulations, and the Sarasota County Code.
10. Non-medical marijuana sales are prohibited in all zoning districts.
11. Notwithstanding any other provisions of the Zoning Regulations, Personal Caregivers may deliver or dispense Cannabis for Medical Use to a Qualifying Patient at an Adult Day Care, Extended Care Facility, hospital, Assisted Living Facility, or Nursing Home.
12. Medical Marijuana Treatment Centers. Medical Marijuana Treatment Centers are not a permitted combination of uses under the Zoning Regulations. Instead, the individual uses are allowed separately as a Cannabis Farm, Medical Marijuana Dispensary, and Medical Marijuana Research and/or Processing.

**Section 7. Amendment to Section 5.3.5 of Ordinance No. 2003-052, as amended, relating to Limited and Special Exception Use Standards.**

Subsection 5.3.5 of Sarasota County Zoning Ordinance No. 2003-052, as amended, is hereby amended to add subsection 5.3.5.f. as follows:

### 5.3.5. Industrial Use Standards

f. Medical Marijuana Research and/or Processing. Medical Marijuana Research and/or Processing is permitted in accordance with the Use Table in Section 5.1, subject to the following standards:

1. Loitering A Medical Marijuana Research and Processing use shall not allow business invitees to stand, sit (including in a parked car), or gather or loiter outside of the building where the plant operates, including in any parking areas, sidewalks, right-of-way, or neighboring properties for any period of time longer than that reasonably required to arrive and depart. No consumption of Cannabis is allowed on the premises. The Medical Marijuana Research and Processing plant shall post conspicuous signs on at least three sides of the building that no loitering is allowed on the property.
2. Separation Distances. Notwithstanding any language contained in Sections 5.1.2 or 5.2.4 of the Zoning Regulations, Medical Marijuana Research and/or Processing use shall not be co-located on the same property with any medical office, pain management clinic, pharmacy, or other medical marijuana research or processing plant.  
  
Medical Marijuana Research and/or Processing use shall be kept a minimum of 500 feet from any Medical Marijuana Dispensary, pre-existing school, house of worship, day care facility, public park, or public beach. All distance requirements shall be measured by drawing a straight line from the nearest property line of the pre-existing protected use to the nearest property line of the proposed Medical Marijuana Research and/or Processing use.
3. Operating Hours. Medical Marijuana Research and/or Processing use shall only be allowed to operate between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 7 a.m. and 12:00 p.m. on Saturdays, and shall not operate on Sundays.
4. Alarm Systems. Each Medical Marijuana Research and/or Processing use shall have any buildings equipped with an alarm system that complies with the provisions of Chapter 50, Emergency Services, of the Sarasota County Code governing alarm systems.
5. Compliance with Other Laws. All Medical Marijuana Research and/or Processing uses shall at all times be in compliance with all

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federal and state laws and regulations, and the Sarasota County Code.

6. Medical Marijuana Treatment Centers. Medical Marijuana Treatment Centers are not a permitted combination of uses under the Zoning Regulations. Instead, the individual uses are allowed separately as a Cannabis Farm, Medical Marijuana Dispensary, and Medical Marijuana Research and/or Processing.

**Section 8. Amendment to Section 7.1 of Ordinance No. 2003-052, as amended, relating to Off-Street Vehicular Facilities: Parking and Loading.**

**Subsection 7.1.7.** of Sarasota County Zoning Ordinance No. 2003-052, as amended, is hereby amended as follows:

**a. In General.**

1. The following required parking ratios are presumed appropriate for development within Sarasota County. Where in the opinion of the applicant, a listed ratio requires too much or too little parking, the applicant may provide an alternative parking plan with data submitted by the applicant in support of higher or lower ratios (in accordance with Section 7.1.11). The County Engineer and Zoning Administrator shall review and make a final decision on the plan.
2. Where development on a specific site has already occurred according to the ratios of this section, but the site exhibits a continuing or recurring parking problem that creates a hazard to public safety, the Zoning Administrator shall have the authority to require an alternative parking plan that illustrates a solution to the parking problem. The Zoning Administrator's decision to require such a plan may be appealed to the Zoning Board of Appeals.
3. Regardless of any other requirement of these zoning regulations, each and every separate individual store, office, or other business shall be provided with at least one off-street parking space, unless specific provision to the contrary is made herein.

**b. Required Parking Ratios.** The following minimum off-street parking requirements are applicable to all base zoning districts. See Section 4.10.4 for additional parking ratios for uses located in the Siesta Key Overlay District (SKOD).

Use	Parking Requirement (spaces)
<b>OPEN USES</b>	
<b>Agricultural Support and Services</b>	<b>1 per 500 SF floor area</b>



<b>Aircraft landing field or helicopter landing facility</b>	<b>1 per 250 SF enclosed floor area, excluding hangars</b>
<b>Commercial Stable</b>	<b>1 per 5 horse stalls</b>
<b>Feeding pen, milk processing, packing house, stockyard</b>	<b>1 per 250 SF office</b>
<b>Kennel or animal boarding</b>	<b>1 per 250 SF office</b>
<b>Livestock Auction</b>	<b>1 per 250 SF office</b>
<b>Resource Extraction</b>	<b>1 per employee plus 1 per 250 SF office</b>
<b><u>Cannabis Farm</u></b>	<b><u>1 per 500 SF floor area</u></b>
<b>RESIDENTIAL USES</b>	
<b>Single-Family Detached, Lot Line, Traditional, Patio, Villa or Atrium House)</b>	<b>2 per unit</b>
<b>Two-Family</b>	<b>2 per unit</b>
<b>Multifamily</b>	<b>1 bedroom—1 ½ per unit, plus 1 per 5 units labeled for visitors, located in proximity to each building</b>
	<b>More than 1 bedroom - 2 per unit, plus 1 per 5 units labeled for visitors, located in proximity to each building</b>
<b>Manufactured Home Park</b>	<b>2 per space, plus 1 per 250 SF office, laundry, recreation or similar building</b>
<b>Upper-Story/Attached Residential</b>	<b>2 per unit</b>
<b>Assisted Living Facility</b>	<b>1 per unit (employ density calculation of units = ½ or ¼/Section 5.3.2.c.)</b>
<b>Fraternity or sorority house</b>	<b>1 per 2 bedrooms</b>
<b>Group Home</b>	<b>1 per 3 residents max, occupancy</b>
<b>Guest House</b>	<b>1 per unit</b>
<b>Rooming or Boarding House</b>	<b>1 per 2 bedrooms</b>
<b>PUBLIC AND CIVIC USES</b>	
<b>Cemetery, Columbaria, Mausoleum, Memorial Park</b>	<b>1 per 4 seats in chapel area plus 1 per 250 SF officer</b>
<b>College or University</b>	<b>1 per 250 SF floor area</b>
<b>Day Care, Adult and Child</b>	<b>1 per employee, plus off-street drop-off area</b>
<b>Golf, Yacht or Tennis Club</b>	<b>4 per golf hole, plus 5 per tennis court, plus 2 per each 3 wet slips, plus</b>

	1 per 300 SF of floor area
Hospital	2 per bed
Institution, Community or Neighborhood	1 per 250 SF Floor Area
Jail, Prison, or Work Camp	1 per employee plus 1 per 250 SF office
Medical, Dental Clinic	1 per 250 SF floor area
Passenger Terminal	1 per employee plus 1 per 250 SF of terminal area
Place of Worship	1 per 3 seats in auditorium or chapel area
School, Elementary or Middle	2 per classroom, plus 1 per 3 seats in any area intended to be used as an auditorium
School, High	5 per classroom, plus 1 per 3 seats in any area intended to be used as an auditorium, plus 2 per 3 seats in any stadium that does not share parking
Vocational School	1 per 2 classroom seats, plus 1 per 250 SF office
<b>COMMERCIAL USES</b>	
Bar, up to 100 Seats	1 per 250 SF floor area
Over 100 Seats	1 per 50 SF area for eating, drinking or waiting
Bed and Breakfast	1 space per guest room plus 1 space for owner or operator
Boat Livery	1 per 6 boats in dry storage, plus 1 per 3 wet slips
Campground	2 per space
Car Wash, Full or Self-Service	1 per employee, plus 1 per 250 SF customer floor area
Club, Nonprofit	1 per 250 SF floor area
Convenience Store	1 per 200 SF floor area
Funeral Home	1 per 250 SF floor area
Furniture Stores (freestanding)	1 per 550 SF floor area
Golf Driving Range	1 per 10 lineal feet of tee area, plus 1 per 250 SF floor area
Golf Putting Course	2 per hole, plus 1 per 250 SF floor area
Marina or Boat Sales	2 per 3 slips, accessory uses separate
Mixed Use	Any individual use comprising over 20% of the total gross floor area shall be calculated separately
Office	1 per 250 SF floor area

<b>Pain Management Clinic</b>	<b>1 per 250 SF floor area</b>
<b><u>Medical Marijuana Dispensary</u></b>	<b><u>1 per 250 SF floor area</u></b>
<b>Personal Services</b>	<b>1 per 250 SF floor area</b>
<b>Recreation, Indoor</b>	<b>1 per 250 SF floor area</b>
<b>Recreation, Outdoor</b>	<b>1 per 3 fixed seats, plus 1 per 25 SF exhibit or portable seating space</b>
<b>Recreational Vehicle Park</b>	<b>1 per RV space</b>
<b>Restaurant, Up to 100 seats</b>	<b>1 per 250 SF floor area</b>
<b>Over 100 seats</b>	<b>1 per 50 SF area for eating, drinking or waiting</b>
<b>Retail Sales and Service</b>	<b>1 per 250 SF gross leasable area, plus 1 per 1,000 SF outdoor sales or display</b>
<b>Self-Service Storage</b>	<b>1 per 250 SF nonstorage floor area</b>
<b>Studio, Dance, Art, Music, Photography</b>	<b>1 per 250 SF floor area</b>
<b>Theater, Movie</b>	<b>1 per 3 seats</b>
<b>Transient Accommodations</b>	<b>1 per sleeping room, plus 1 additional per 10 sleeping rooms</b>
<b>Vehicle Sales and Rental</b>	<b>1 per 250 SF floor area must be marked as customer spaces</b>
<b>Vehicle Service</b>	<b>3 spaces per vehicle bay</b>
<b>INDUSTRIAL USES</b>	
<b>Industrial</b>	<b>1 per 500 SF floor area</b>
<b>Recycling or Storage</b>	<b>1 per 1,500 SF floor area</b>
<b>Research Laboratory without Manufacturing Facility</b>	<b>1 per 250 SF floor area</b>
<b>Warehouse and Freight Movement</b>	<b>1 per 1,000 SF floor area</b>
<b>Waste Related Services</b>	<b>2 per 1,000 SF floor area, 5 spaces minimum</b>
<b>Wholesale Trade</b>	<b>1 per 500 SF floor area</b>
<b>Asphalt and Concrete Processing</b>	<b>1 per employee</b>
<b>Slaughterhouse</b>	<b>1 per employee, plus 1 per 250 SF office</b>
<b><u>Medical Marijuana Research and/or Processing</u></b>	<b><u>1 per 500 SF floor area</u></b>

c. Parking Requirements for Unlisted Uses. The Zoning Administrator shall apply the standards of these zoning regulations unless an alternative parking plan has

been approved. Where a use is not listed, the Zoning Administrator shall first determine whether the proposed use is similar to a use listed in the table above (and apply that standard). Where a use is not similar to any use listed in the table, the Zoning Administrator shall require the approval of an alternative parking plan based on parking ratio data submitted by the applicant (see Section 7.1.11).

- d. Special Parking Requirements. Special parking requirements for the HPIOD District (Section 4.10.1), the CTOD District (Section 4.10.2), and the MSOD District (Section 4.10.3) modify the ratios of the table above for certain uses.

**Section 9. Amendment to Section 10 of Ordinance No. 2003-052, as amended, relating to Definitions.**

**Subsection 10.2.** of Sarasota County Zoning Ordinance No. 2003-052, as amended, is hereby amended, to include the following definitions, as follows:

*Cannabis.* Any plant or part of a plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin or oil extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, resin, or oil.

*Cannabis Farm.* Any property used in whole or in part for the growing or cultivation of Cannabis plants.

*Debilitating Medical Condition* means cancer, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis or other conditions for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient.

*Identification card* means a document issued by the Department of Health that identifies a person who has a physician certification or a personal caregiver who is at least twenty-one (21) years old and has agreed to assist with a qualifying patient's medical use of marijuana.

*Marijuana* has the meaning given cannabis in Section 893.02(3), Florida Statutes (2013).

*Medical Marijuana Dispensary.* Any property where Cannabis is sold, purchased, delivered or dispensed for Medical Use. This definition shall include any cooperative effort by Personal Caregivers.

*Medical Marijuana Research and/or Processing.* Any property from which marijuana, cannabis, cannabis-based products, or cannabis plants are researched

and/or processed for conversion into a pill, oil, or other consumable product for Medical Use.

Medical Marijuana Treatment Center means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers and is registered by the Department of Health.

Medical Use. The prescriptive use of any form of Cannabis through a Physician Certification to treat a Debilitating Medical Condition and the symptoms associated with that condition as authorized by State law.

Non-Medical Marijuana Sales. The purchase, sale, transfer or delivery of marijuana, cannabis, cannabis-based products or cannabis plants when such sale, transfer or delivery is not associated with any medical purpose or use, whether or not such purchase, sale, transfer or delivery is lawful under federal or state law.

Personal Caregiver means a person who is at least twenty-one (21) years old who has agreed to assist with a qualifying patient's medical use of marijuana and has a caregiver identification card issued by the Department. A personal caregiver may assist no more than five (5) qualifying patients at one time. An employee of a hospice provider, nursing, or medical facility may serve as a personal caregiver to more than five (5) qualifying patients as permitted by the Department. Personal caregivers are prohibited from consuming marijuana obtained for the personal, medical use by the qualifying patient.

Physician means a physician who is licensed in Florida.

Physician Certification means a written document signed by a physician, stating that in the physician's professional opinion, the patient suffers from a debilitating medical condition, that the potential benefits of the medical use of marijuana would likely outweigh the health risks for the patient, and for how long the physician recommends the medical use of marijuana for the patient. A physician certification may only be provided after the physician has conducted a physical examination of the patient and a full assessment of the patient's medical history.

Qualifying patient means a person who has been diagnosed to have a debilitating medical condition, who has a physician certification and a valid qualifying patient identification card. If the Department does not begin issuing identification cards within nine (9) months after the effective date of this section, then a valid physician certification will serve as a patient identification card in order to allow a person to become a "qualifying patient" until the Department begins issuing identification cards.



**Section 10. Effect on Other Ordinances.** The provisions of this Ordinance shall prevail in the event of conflict with the provisions of any existing ordinance.

**Section 11. Severability.** It is declared to be the intent of the Board of County Commissioners that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

**Section 12. Coding of Amendments.** In this Ordinance, language added to an existing Ordinance is underscored and language deleted is typed in ~~strike through~~ type.

**Section 13. Effective Date.** This Ordinance shall take effect immediately upon filing with the Office of the Secretary of the State of Florida.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA this 4 day of November, 2014.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

By: 

Chair

ATTEST:

KAREN B. RUSHING, Clerk of  
the Circuit Court and  
Ex-Officio Clerk of the Board  
of County Commissioners of  
Sarasota County, Florida

By: 

Deputy Clerk

**ORDINANCE NO. 2014-015**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, TO AMEND SECTION 17-10, "PUBLIC CONSUMPTION OF MARIJUANA" OF THE CITY'S CODE OF ORDINANCES TO PROHIBIT THE SMOKING, INGESTION OR CONSUMPTION OF MARIJUANA IN PUBLIC; TO AMEND CHAPTER 19, "MARIJUANA BUSINESSES," OF THE CITY'S CODE OF ORDINANCES TO PROVIDE REGULATIONS, RESTRICTIONS AND PROCEDURES FOR THE OPERATION OF MEDICAL MARIJUANA RETAIL CENTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

**WHEREAS**, Objective V of the Future Land Use Element of the City of Dania Beach Comprehensive Plan provides that the City of Dania Beach will maintain land development regulations and zoning regulations to implement the City's Comprehensive Plan; and

**WHEREAS**, the City Commission of the City of Dania Beach ("City Commission") finds it periodically necessary to amend its Code of Ordinances and Land Development Code ("Code") in order to update regulations and procedures to implement municipal goals and objectives; and

**WHEREAS**, the 2014 Florida Legislature approved Senate Bill 1030 providing for the growing, processing, and distributing of specific forms of low-THC (non-euphoric) cannabis to qualified patients and their caregivers for the treatment of listed medical conditions, which became effective on June 16, 2014 as Chapter 2014-157, Laws of Florida, and is codified at Section 381.986, Florida Statutes ("Senate Bill 1030"); and

**WHEREAS**, the Florida Department of Health is currently adopting a rule to implement Senate Bill 1030, which rule must be effective by January 1, 2015; and

**WHEREAS**, despite the adoption of Senate Bill 1030, the activities it condones remain illegal under federal law; and



**WHEREAS**, on November 4, 2014, Florida voters will be considering the approval of an amendment to the Florida Constitution to allow for broader medical use of any kind of marijuana (including euphoric strains) within the State (the “Constitutional Amendment”); and

**WHEREAS**, the proposed Constitutional Amendment authorizes and defines “Medical Marijuana Treatment Centers” to encompass the entire supply chain (cultivation, processing, storage, distribution, etc.), not just retail sales to qualified patients; and

**WHEREAS**, the Constitutional Amendment, if approved, will, permit the use of additional alternative forms of marijuana (marijuana in all its forms including low-THC cannabis, together referred to as “marijuana”) and alternative dispensing methods (including, but not limited to, smoking and food products); and

**WHEREAS**, significant safety and security issues exist for any establishment involved in the cultivation, processing or distribution of marijuana, because they maintain large drug inventories and are forced to deal in cash because their activities have not yet been sanctioned by federal law; and

**WHEREAS**, such businesses are inherently attractive targets for criminals, and it is therefore essential that the City of Dania Beach limit the permissible scope of such uses and regulate them to ensure their compatibility with surrounding businesses and the community, and to protect and advance the public health, safety and welfare; and

**WHEREAS**, other attributes of land uses dealing with marijuana, such as odors, must be regulated to minimize their impact on surrounding properties and uses and prevent the creation of attractive nuisances; and

**WHEREAS**, both Senate Bill 1030 and the Constitutional Amendment are silent on the topic of local government regulation and, consistent with Florida caselaw governing preemption, local governments are therefore not preempted from regulating marijuana uses; and

**WHEREAS**, the City Commission has determined that it is in the best interests of the citizenry and general public to provide appropriate business regulations to ensure that the business involved with marijuana is compatible with surrounding businesses, as well as the

safety of the employees, neighbors, customers and area residents, and consistent with the Comprehensive Plan; and

**WHEREAS**, the City Commission finds that adoption of this Ordinance through its police powers will protect the public health, safety, and welfare of the residents of the City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:**

**Section 1.** That the preceding “Whereas” clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

**Section 2.** That Chapter 17, “Offenses – Miscellaneous,” Section 17-10. “Reserved,” of the City of Dania Beach Code of Ordinances is amended to read as follows:

**Sec. 17-10. – ~~Reserved.~~ Public consumption of marijuana.**

It shall be unlawful for any person to smoke, ingest or consume marijuana, medical marijuana, cannabis, or Low-THC cannabis as defined in Chapter 19 of this Code or Florida Statutes, in any form in any public building, public right-of-way, or public space within the City.

**Section 3.** That Chapter 19, “Marijuana Businesses” of the City of Dania Beach Code of Ordinances is amended to read as follows:

**CHAPTER 19. ~~Reserved.~~ Marijuana Businesses.**

**(A) Definitions.** The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) **Applicant.** An individual or business entity desiring to operate a Medical Marijuana Retail Center within the City limits.
- (2) **Business Operating Name.** The legal or fictitious name under which a Medical Marijuana Retail Center conducts its business with the public.
- (3) **Employee.** A person authorized to act on behalf of the Medical Marijuana Retail Center, whether that person is an employee or a contractor, and regardless of whether that person receives compensation.

- (4) Identification Tag. A tamperproof card issued by the City to the persons involved with a Medical Marijuana Retail Center as evidence that they have passed the background checks and other requirements of this Chapter and are authorized to be present on the Premises.
- (5) Marijuana. Any strain of marijuana or cannabis, in any form, that is authorized by state law to be dispensed or sold in the State of Florida. Also referred to as “Medical Marijuana.”
- (6) Medical Marijuana Permit. A permit issued by the City pursuant to this Chapter authorizing a business to sell Marijuana in the City. Also referred to as “Permit.”
- (7) Medical Marijuana Retail Center. A retail establishment, licensed by the Florida Department of Health as a “medical marijuana treatment facility,” “medical marijuana treatment center,” “dispensing organization,” “dispensing organization facility” or similar use, that sells and dispenses medical marijuana, but does not engage in any other activity related to preparation, wholesale storage, distribution, transfer, cultivation, or processing of any form of Marijuana or Marijuana product, and does not allow on-site consumption of Marijuana. A Medical Marijuana Treatment Center shall not be construed to be a Medical Marijuana Retail Center.
- (8) Medical Marijuana Treatment Center. Any facility licensed by the Florida Department of Health to acquire, cultivate, possess, process (including but not limited to development of related products such as food, tinctures, aerosols, oils, or ointments), transfer, transport, sell, distribute, dispense, store, or administer Marijuana, products containing Marijuana, related supplies, or educational materials, as authorized by state law. A Medical Marijuana Treatment Center may include retail sales or dispensing of Marijuana. A facility which provides only retail sales or dispensing of Marijuana shall not be classified as a Medical Marijuana Treatment Center under this Chapter. Also may be referred to as a “Medical Marijuana Treatment Facility” or “dispensing organization” or other similar term recognized by state law.
- (9) Owner. Any person, including any individual or other legal entity, with a direct or indirect ownership interest of 5% or more in the Applicant, which interest includes the possession of stock, equity in capital, or any interest in the profits of the Applicant.
- (10) Premises. The building, within which a Medical Marijuana Retail Center is permitted to operate by the City, including the property on which the building is located, all parking areas on the property or that are utilized by the Medical Marijuana Retail Center and sidewalks and alleys within 100’ of the property on which the Medical Marijuana Retail Center is located.
- (11) Qualified registered patient/Qualified patient. A resident of the state of Florida who has been added to the State’s compassionate use registry by a physician licensed

under chapter 458 or chapter 459, Florida Statutes to receive Medical Marijuana from a dispensing organization or Medical Marijuana Treatment Center or similar use as defined in Florida Statutes.

(B) Medical Marijuana Permit and identification tag required.

- (1) It shall be unlawful for any business or person to operate a Medical Marijuana Retail Center, or to otherwise offer for sale or in any way participate in the conduct of any activities upon the Premises within the City without first obtaining a Medical Marijuana Permit.
- (2) Each person employed in the conduct of such activity shall be screened and approved pursuant to this Chapter and required to obtain an Identification Tag before the Medical Marijuana Retail Center opens for business or, for persons who become involved with the Center after it is open, before having any involvement in Center's activities.
- (3) No Medical Marijuana Permit or Identification Tag shall be transferable; each person must obtain a Medical Marijuana Permit or Identification Tag directly from the City.

(C) Applications for Permit; investigation and issuance; term.

- (1) Applications for a Medical Marijuana Permit shall be made by the applicant in person to the City Clerk during regular business hours upon such forms and with such accompanying information as may be established by the City. Such application shall be sworn to or affirmed. Every application shall contain at least the following:
  - (a) The Business Operating Name and all Applicant and Owner information. If the Applicant or Owner is:
    1. An individual, his or her legal name, aliases, home address and business address, date of birth, copy of driver's license or a state or federally issued identification card;
    2. A partnership, the full and complete name of the partners, dates of birth, copy of driver's license or state or federally issued identification card of all partners, and all aliases used by all of the partners, whether the partnership is general or limited, a statement as to whether or not the partnership is authorized to do business in the State of Florida and, if in existence, a copy of the partnership agreement (if the general partner is a corporation, then the Applicant shall submit the required information for corporate applicant in addition to the information concerning the partnership);
    3. A corporation, the exact and complete corporate name, the date of its incorporation, evidence that the corporation is in good standing, the legal names and dates of birth, driver's license numbers or state or federally issued identification card numbers of all officers, and directors, and all aliases used, the capacity of all officers, and directors, and, if applicable,

the name of the registered corporate agent, and the address of the registered office for service of process, and a statement as to whether or not each corporation is authorized to do business in the State of Florida.

4. The addresses required by this section shall be physical locations, and not post office boxes. The name, home address, and business address of the Applicant and the name and an address of all Owner(s), if any, other than the Applicant. The addresses required by this section shall be physical locations, and not post office boxes.
- (b) A complete copy of the business' application to the State of Florida and all related exhibits, appendices, and back up materials for approval and licensure as a Medical Marijuana Treatment Center.
- (c) A statement as to whether the Applicant or any Owner or Employee has previously received a Medical Marijuana Permit or Identification Tag from the City.
- (d) A statement as to whether the Applicant or any Owner holds other permits or licenses under this Code and, if so, the names and locations of such other permitted or licensed establishments.
- (e) A statement as to whether the Applicant or any Owner has been a partner in a partnership or an officer or director of a corporation whose permit or license issued under this Code has previously been suspended or revoked, including the name and location of the Establishment for which the permit or license was suspended or revoked, as well as the date of the suspension or revocation.
- (f) A statement as to whether or not the Applicant or any Owner has lost any privilege or had any permit or license to do business revoked by any local, State or Federal government and, if so, the nature of such privilege, permit or license and the reason for such revocation.
- (g) A statement as to whether or not the Applicant or any Owner has lost any privilege or had any permit or license to do business suspended by any local, State or Federal government and, if so, the nature of such privilege, permit or license and the reason for such suspension.
- (h) A statement as to whether or not the Applicant or any Owner or Employee has been found guilty of or has pleaded guilty or nolo contendere to a felony relating to any business in this State or in any other state or Federal court, regardless of whether a judgment of conviction has been entered by the court having jurisdiction of such cases.
- (i) A statement as to whether or not the Applicant or any Owner or Employee has been found guilty of, or have pleaded guilty or nolo contendere to, a felony relating to a battery or a physical violence on any person in this State or in any other state or Federal court, regardless of whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

- (j) A statement as to whether or not the Applicant or any Owner has filed a petition to have their respective debts discharged by a bankruptcy court having jurisdiction of such cases.
- (k) Written documentation that the Applicant, every Owner, and each employee has successfully completed Level-2 background screening within the year.
- (l) A passport photograph of the Applicant, every Owner, and each Employee.
- (m) A notarized, signed, and sworn statement that the information within the application is truthful, independently verifiable, and complete and that the photocopies of the attached driver's licenses or state or federally issued identification cards are true and correct copies of the originals.
- (2) *Rejection of application.* In the event the City determines that the Applicant has not satisfied the application requirements for a proposed Medical Marijuana Retail Center, the Applicant shall be notified of such fact; and the application shall be denied.
- (3) *Fees.* In addition to demonstrating compliance with this Article, the Applicant shall pay a nonrefundable application fee in an amount established by resolution of the City Commission for each Applicant, each Owner, and each Employee to cover its administrative costs and expenses incurred in reviewing and administering the Permit and Identification Tag program, irrespective of the issuance or denial of the application. Each Applicant shall also pay an annual nonrefundable, nonproratable Permit fee in an amount established by resolution of the City Commission before receiving a Medical Marijuana Permit.
- (4) *Application review.*

  - (a) *Investigation.* The City shall refer the application to the Chief of Police, who shall review the application and documentation provided, and conduct a background screening of the Applicant, each Owner and Employee. Upon receipt of the appropriate documentation, the Chief of Police shall forward the information and application to the City Manager, together with any recommendations and other relevant information from the files regarding the Applicant.
  - (b) *City Manager determination.* Upon receipt of such material from the Chief of Police, the City Manager shall, within 30 days, either:

    - 1. Notify the Applicant that the Permit has been denied and the reason for such denial; or
    - 2. Issue a Permit, with or without conditions.
  - (c) *Duration.* Permits shall be issued for a one-year period for a term commencing October 1 or the date of issuance, and ending the following September 30.
  - (d) *Denial.* The City shall deny an Applicant's application for a Medical Marijuana

Permit if:

1. The applicable permit or licensing fees have not been paid in full;
2. The application violates or fails to meet the provisions of this Code, any building, fire or zoning code, statute, ordinance, or regulation;
3. The application contains material false information, or information material to the decision was omitted; failure to list an individual required to be listed, and whose listing would result in a denial, is presumed to be material false information for purposes of denial of the application; the certification that the Applicant owns, possesses, operates and exercises control over the proposed or existing Medical Marijuana Retail Center is a material representation for purposes of this Section;
4. The Applicant or any Owner has a permit or license under this Code, or has had a permit or license under this Code, which has been suspended or revoked
5. The granting of the application would violate a statute or ordinance, or an order from a court of law that prohibits effectively the Applicant from obtaining a Medical Marijuana permit;
6. The Applicant, an Employee, or any Owner has been convicted of fraud or felony by any state or Federal court within the past five years or less than five years has elapsed since the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense; or
7. The Applicant, an Employee, or any Owner has obtained any governmental permit by fraud or deceit.

(e) Background checks, photograph and identification tag. In connection with the issuance of a Medical Marijuana Permit by the City, the Chief of Police shall, upon verification of successful level 2 background screening, cause an Identification Tag to be issued to each approved Applicant for a Permit as well as for each Owner and each Employee. On the face of each Identification Tag, there shall be placed the following:

1. A photograph of the Applicant/Owner/Employee;
2. The Permit number;
3. The Permit holder's name and address;
4. The name and address of the Medical Marijuana Retail Center that the Applicant/Owner/Employee represents or is employed by; and
5. The expiration date of the Permit.



(f) Reapplication. If a Person applies for a Medical Marijuana Permit at a particular location within a period of one year from the date of denial of a previous application for a Medical Marijuana Permit at the location, and there has not been an intervening change in the circumstances material to the decision regarding the former reason(s) for denial, the application shall not be accepted for consideration.

(g) Renewal. Medical Marijuana Permits shall be entitled to renewal annually subject to the provisions of this Article. Before the October 1 expiration date, the annual Medical Marijuana Permit may be renewed by presenting the Permit for the previous year, and:

1. Paying the appropriate permit fee;
2. Updating the information supplied with the latest application or certifying that the information supplied previously remains unchanged; and
3. Providing proof of continued compliance with all State and City licenses, operational and zoning requirements.

(h) Permit Transferability.

1. The Medical Marijuana Permit is specific to the Applicant and the location and shall not be transferred.
2. An attempted transfer of a Medical Marijuana Permit either directly or indirectly in violation of this Section is hereby declared void, and in that event the Medical Marijuana Permit shall be deemed abandoned, and the Medical Marijuana Permit shall be forfeited.

(i) Violation of regulations. In the event of a Code violation, violation of the conditions of the Medical Marijuana Permit or Special Exception approval, or other violation of the laws applicable to the Medical Marijuana Retail Center, the City shall issue a warning notice and the Applicant shall, no later than twenty (20) business days after receipt of the notice, provide a copy of a corrective action plan and timeframes and completion date to address the identified issues to the City.

(j) Illegal transfer. If a Medical Marijuana Permit is transferred contrary to this Chapter, the City shall suspend the Medical Marijuana Permit and notify the permittee of the suspension. The suspension shall remain in effect until all of the requirements of this Chapter have been satisfied and a new Medical Marijuana Permit has been issued by the City.

(k) Grounds for Revocation. Any Medical Marijuana Permit issued under this Article shall be revoked if any one or more of the following occurs:

1. The Applicant provides false or misleading information to the City;

2. Anyone on the premises knowingly dispenses, delivers, or otherwise transfers any Marijuana or Marijuana product to an individual or entity not authorized by state law to receive such substance or product;
  3. The Applicant, an Owner or a manager is convicted of a felony offense;
  4. Any Applicant, Owner, manager or Employee is convicted of any drug-related crime under Florida Statutes;
  5. The Applicant fails to correct any City Code violation or to otherwise provide an action plan to remedy the violation acceptable to the City Manager within 20 days of citation;
  6. The Applicant fails to correct any State Law violation or address any warning in accordance with any corrective action plan required by the State within the timeframes and completion date the Applicant provided to the City;
  7. The Applicant's State license or approval authorizing the dispensing of Medical Marijuana expires or is revoked; or
  8. Any special exception approval granted by the City for the use of a Medical Marijuana Retail Center at a particular location expires or is revoked.
- (l) *Revocation.* In the event the City determines there are grounds for revocation as provided in this Chapter, the City shall notify the permittee of the intent to revoke the Medical Marijuana Permit and the grounds upon which such revocation is proposed. The permittee shall have ten business days in which to provide evidence of compliance with this Chapter. If the permittee fails to show compliance with this Chapter within ten business days, the City shall schedule a hearing before the Special Magistrate. If the Special Magistrate determines that a Permitted Medical Marijuana Retail Center is not in compliance with this Chapter the City shall revoke the Medical Marijuana Permit and shall notify the permittee of the revocation. Nothing in this Section shall take away other enforcement powers of the Special Magistrate or any other agency provided by the Code or statute.
- (m) *Effect of Revocation.*
1. If a Medical Marijuana Permit is revoked, the permittee shall not be allowed to obtain another Medical Marijuana Permit for a period of two years, and no Medical Marijuana Permit shall be issued during that time period to another Applicant for the location and Premises upon which the Medical Marijuana Retail Center was situated.
  2. The revocation shall take effect 15 days, including Saturdays, Sundays, and holidays, after the date the City mails the notice of revocation to the permittee or on the date the permittee surrenders his or her Medical Marijuana Permit to the City, whichever occurs first.

(D) General requirements. Each Medical Marijuana Retail Center shall observe the following general requirements:

- (1) Conform to all applicable Building statutes, codes, ordinances, and regulations, whether federal, State, or local;
- (2) Conform to all applicable fire statutes, codes, ordinances, and regulations, whether federal, State, or local;
- (3) Conform to all applicable health statutes, codes, ordinances, and regulations, whether federal, State, or local;
- (4) Conform to all applicable zoning regulations and land use Laws, whether State or local, including but not limited to the City Land Development Code;
- (5) Keep the original of the Medical Marijuana Permit posted in a conspicuous place at the Premises at all times, which Medical Marijuana Permit shall be available for inspection upon request at all times by the public.

(E) Medical Marijuana Permit operation requirements. Any business operating under a Medical Marijuana Permit shall comply with the following operational guidelines.

(1) Hours of operation.

- (a) Operation is permitted only between the hours of [8 A.M. and 5 P.M. Monday through Saturday].
- (b) No operation is permitted on Sundays or state or federal holidays.

(2) On-Site consumption of Marijuana. No Medical Marijuana Retail Center shall allow any Marijuana to be smoked, ingested or otherwise consumed on the Premises. The Medical Marijuana Retail Center shall take all necessary and immediate steps to ensure compliance with this paragraph. No person shall smoke, ingest or otherwise consume Marijuana on the Premises.

(3) Alcohol prohibited. No Medical Marijuana Retail Center shall allow the sale, service, or consumption of any type of alcoholic beverages on the Premises including in the surrounding rights-of-way. The Medical Marijuana Retail Center shall take all necessary and immediate steps to ensure compliance with this paragraph. No person shall consume an alcoholic beverage on the Premises, including the surrounding rights-of-way.

(4) Outdoor activity. There shall be no outdoor displays, sales, promotions, or activities of any kind permitted on the Premises, including the surrounding rights-of-way. All activities and business shall be conducted within the confines of the permanent building containing the Medical Marijuana Retail Center.

(5) On-site storage. There shall be no on-site storage of any form of Marijuana or Marijuana product, except as reasonably necessary for the conduct of the Medical Marijuana Retail Center's on-site business.

- (6) Live plant materials. No living Marijuana plants are permitted on the site of a Medical Marijuana Retail Center.
- (7) Maintenance of premises. A Medical Marijuana Retail Center shall actively remove litter at least twice each day of operation on the Premises, from the Premises, the area in front of the Premises, from any parking lot used by its patrons, and, if necessary, from public sidewalks or rights-of-way within one hundred (100) feet of the outer edge of the Premises used by its patrons.
- (8) Garbage. Refuse or waste products incident to the distribution of marijuana shall be destroyed on-site at least once every 24 hours.
- (9) Delivery. All deliveries to the Medical Marijuana Retail Center shall be made during regular operating hours while on-site security personnel are present.
- (10) Security. With the application, the Applicant shall submit a security plan demonstrating compliance with Section 381.986, Florida Statutes and all other applicable statutes and State administrative rules.
- (a) In addition to proving compliance with all State requirements, the security plan shall, at a minimum, provide the following:
1. Fully operational lighting and alarms reasonably designed to ensure the safety of persons and to protect the Premises from theft, both in the Premises and in the surrounding rights-of-way, including:
    - a. a silent security alarm that notifies the Police Department or a private security agency that a crime is taking place;
    - b. a vault, drop safe or cash management device that provides minimum access to the cash receipts; and
    - c. a security camera system capable of recording and retrieving an image which shall be operational at all times during and after business hours. The security cameras shall be located:
      - (i) at every ingress and egress to the dispensary, including doors and windows;
      - (ii) on the interior where any monetary transaction shall occur; and
      - (iii) at the ingress and egress to any area where Medical Marijuana is stored;
  2. Traffic management and loitering controls;
  3. Cash and inventory controls for all stages of operation on the Premises, and during transitions and delivery.

4. On-site armed security personnel during business hours.

- (b) The Chief of Police shall review the Applicant's operational and security plan using Crime Prevention Through Environmental Design (CPTED) principles. The Chief may impose site and operational revisions as are deemed reasonably necessary for the health, safety and general welfare of the Applicant, Owner(s), Employees, customers, adjacent property owners and residents, which may include items such as methods and security of display and storage of Marijuana and cash, limitations on window and glass door signage, illumination standards, revisions to landscaping, and any other requirement designed to enhance the safety and security of the Premises.
- (c) Any instance of breaking and entering at a Medical Marijuana Retail Center, regardless of whether Marijuana or Marijuana-based products are stolen, shall constitute a violation of this Chapter if the security alarm fails to activate simultaneous with the breaking and entering.
- (11) Odor and air quality. A complete air filtration and odor elimination filter and scrubber system shall be provided ensuring the use will not cause or result in dissemination of dust, smoke, or odors beyond the confines of the building, or in the case of a tenant in a multi-tenant building, beyond the confines of the occupied space. A double door system shall be provided at all entrances to mitigate odor intrusion into the air outside the Medical Marijuana Retail Center.
- (12) Delivery Vehicle Identification. For security purposes, no vehicle used in the operation of or for the business purposes of a Medical Marijuana Retail Center shall be marked in such a manner as to permit identification with the Medical Marijuana Retail Center.
- (13) Signage. Notwithstanding other provisions of the Code, signage for a Medical Marijuana Retail Center shall be limited as follows:
  - (a) Graphics, logos and symbols shall be prohibited;
  - (b) Neon shall be prohibited;
  - (c) Signs shall not be internally illuminated;
  - (d) signs may be externally illuminated consistent with the requirements of Section XXX, only during hours of operation;
  - (e) A Medical Marijuana Retail Center shall post, at each entrance to the Medical Marijuana Retail Center the following language:

ONLY INDIVIDUALS WITH LEGALLY RECOGNIZED MARIJUANA OR CANNABIS QUALIFYING PATIENT OR CAREGIVER IDENTIFICATION CARDS OR A QUALIFYING PATIENT'S LEGAL GUARDIAN MAY OBTAIN MARIJUANA FROM A MEDICAL MARIJUANA RETAIL CENTER.

The required text shall be in letters one-half inch in height.

- (14) On-site community relations contact. The Medical Marijuana Retail Center shall provide the City Manager, and all property owners and tenants located within one hundred (100) feet of the entrance to its Premises, with the name, phone number, and e-mail or facsimile number of an on-site community relations staff person to whom they can provide notice during business hours and after business hours to report operating problems. The Medical Marijuana Retail Center shall make every good faith effort to encourage neighbors to call this person to try to solve operating problems, if any, before any calls or complaints are made to the Police Department or other City officials.
- (15) Employment restrictions. It shall be unlawful for any Medical Marijuana Retail Center to employ any person who:
- (a) is not at least 21 years of age; and
  - (b) has not passed a level 2 background screening.
- (16) Persons allowed to enter the Premises.
- (a) Underage entry. It shall be unlawful for any Medical Marijuana Retail Center to allow any person who is not at least 18 years of age on the Premises during hours of operation, unless that person is authorized by State law to purchase Medical Marijuana, whether as a qualified patient with a valid identification card or primary caregiver or legal guardian of a qualified patient with a valid identification card.
  - (b) Entry by persons authorized by State law. It shall be unlawful for any Medical Marijuana Retail Center to allow any person on the Premises during the hours of operation if that person is not authorized by State law to be there. Authorized persons, such as Owners, managers, Employees and qualified registered patients, their legal guardians, qualified registered caregivers must wear an Identification Tag, and authorized inspectors and authorized visitors must wear a visitor identifying badge and be escorted and monitored at all times by a person who wears his or her Identification Tag.
- (17) Product visibility. No Marijuana or product of any kind may be visible from any window or exterior glass door.
- (18) Sole business. No business other than the dispensing of Medical Marijuana shall be permitted to be conducted from the Premises.

(19) Loitering.

- (a) A Medical Marijuana Retail Centers shall provide adequate indoor seating for its customers, clients, patients and business invitees.
- (b) Customers, clients, patients or business invitees shall not be directed, encouraged or allowed to stand, sit (including in a parked car for any period of time longer than reasonably required for a person's passenger to conduct their official business and depart), or gather or loiter outside of the building where the Center is operating, including in any parking areas, sidewalks, rights-of-way, or neighboring properties.
- (c) Pedestrian queuing or loitering at any time, including prior to business hours, outside of the Center's building is prohibited.

(20) Compliance with State regulations and licensure requirements. A Medical Marijuana Retail Center must comply with all federal and state laws, licensing and regulatory requirements.

- (a) A Medical Marijuana Retail Center shall notify the City within five (5) business days of receipt of any notice of violation or warning from the State or of any changes to its State licensing approvals.
- (b) If a Medical Marijuana Retail Center receives a notice of violation or warning from the State, it shall, no later than twenty (20) business days after receipt of the notice, provide a copy of the corrective action plan and timeframes and completion date to address the identified issues to the City.

(21) Prohibited activities. A Medical Marijuana Retail Center shall not engage in any activity other than those activities specifically defined herein as an authorized part of the use. The preparation, wholesale storage, cultivation, or processing of any form of Marijuana or Marijuana product, and on-site consumption of any Marijuana or Marijuana product is specifically prohibited at a Medical Marijuana Retail Center. On-site storage of any form of Marijuana or Marijuana product is prohibited, except to the extent reasonably necessary for the conduct of the on-site retail business.

**Section 4.** That if any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 5.** That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to such extent of the conflict.

**Section 6.** This Ordinance shall be codified in accordance with the foregoing. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City of Dania Beach Code of Ordinances; and that the sections of this



Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

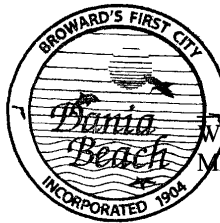
**Section 7.** This Ordinance shall take full effect immediately upon its passage and adoption.

**PASSED** on first reading on October 14, 2014.

**PASSED AND ADOPTED** on second reading on October 28, 2014.

ATTEST:

  
LOUISE STILSON, CMC  
CITY CLERK



WALTER B. DUKE, III  
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

  
THOMAS J. ANSBRO  
CITY ATTORNEY

## ARTICLE XV. - MEDICAL MARIJUANA DISPENSARIES

## Sec. 62.651. - Purpose.

The purpose of this article is to protect the public health, safety, and welfare by prescribing the manner and standards under which a medical marijuana dispensary may be approved for locating and conducting business in the city. The regulations contained in this article and part are intended to:

- (1) Provide for the lawful, safe sale and distribution of marijuana for medical use to qualifying patients who are authorized to legally obtain, possess, and use medical marijuana or to personal caregivers authorized to obtain and possess marijuana in accordance with state law; and
- (2) Protect public health and safety through reasonable limitations on business operations as they relate to noise and public safety, security for the business and its personnel, and other health and safety concerns; and
- (3) Promote and protect the character and vitality of the city's residential neighborhoods and commercial districts through site development standards for dispensaries and limiting location of dispensaries to the M, Industrial District and only as a conditional use; and
- (4) Protect sensitive land uses from the potential adverse impacts of dispensaries by requiring physical separation between such uses and schools, public parks, and child care centers; and
- (5) Prohibit any cultivation and processing of marijuana within the city limits.

(Ord. No. 2014-20, § 4, 11-4-2014; Ord. No. 2015-27, § 4, 10-20-2015)

## Sec. 62.652. - Definitions.

Unless otherwise indicated, the following words and phrases used in this article shall have the following meanings:

- (1) *Marijuana* has the same meaning given cannabis in F.S. § 893.02(3).
- (2) *Medical use* means the acquisition, possession, use, delivery, transfer, or administration of marijuana or related supplies by a qualifying patient or personal caregiver for use by a qualifying patient for the treatment of a debilitating medical condition.
- (3)

*Personal caregiver* means a person who is at least 21 years old who has agreed to assist with a qualifying patient's medical use of marijuana and has a caregiver identification card issued by the Florida Department of Health.

- (4) *Qualifying patient* means a person who has been diagnosed to have a debilitating medical condition, who has a physician certification and a valid qualifying patient identification card pursuant to state law.

(Ord. No. 2014-20, § 4, 11-4-2014; Ord. No. 2015-27, § 4, 10-20-2015)

Sec. 62.653. - Application review and approval process.

The site plan application submittal, review, and approval process for a marijuana medical dispensary and any subsequent amendments shall follow the procedures, review standards, and requirements of this article and chapter 64, article I, of this part for a conditional use. The application shall be in a form as prescribed by the planning director and shall contain all pertinent information necessary for the planning and zoning board to make its decision including documentation by the applicant demonstrating compliance with conditional use requirements and special conditions for operation of a medical marijuana dispensary.

(Ord. No. 2014-20, § 4, 11-4-2014; Ord. No. 2015-27, § 4, 10-20-2015)

Sec. 62.654. - Conditional use requirements and special conditions.

- (a) A medical marijuana dispensary may be permitted by the planning and zoning board as a conditional use, provided that it is so designed, located, and proposed to be operated so that the public health, safety, and welfare are protected. Each application for a medical marijuana dispensary shall be considered on a case-by-case basis. As a condition of approval, the planning and zoning board may attach any other conditions reasonably related to the requirements of this chapter.
- (b) The planning and zoning board shall not approve a proposed medical marijuana dispensary, if it determines any one of the following:
- (1) The proposed medical marijuana dispensary will create noise, traffic, odor, public safety hazards, or other nuisances to a degree that it will be disruptive to abutting or nearby properties and will lead to degradation of property values and instability to nearby neighborhoods or business districts; or
  - (2)

The proposed medical marijuana dispensary does not comply with all the criteria for site plan approval in section 64.10 of this title or the special site standards and conditions of subsection (c) below; or

- (3) The applicant is unable to demonstrate to the satisfaction of the planning and zoning board that the proposed medical marijuana dispensary will be operated in a manner that the required conditions for its operation and conducting of business in subsection (d) will be met and consistency maintained.
- (c) A medical marijuana dispensary shall meet the following site standards:
- (1) Contain all activity at the medical marijuana dispensary within the dispensary building except for on-site parking and waste receptacles; and
  - (2) Not be located within 1,000 feet of any school, child day care facility, public park, or other existing medical marijuana dispensary or within 500 feet of any residentially zoned property or within 250 feet of any residence. Distance shall be measured by drawing a straight line between the perimeter property line of the site occupied by the medical marijuana dispensary use to the closest property line of the school, child day care, public park, residentially zoned property, residence, or property containing any other medical marijuana dispensary; and
  - (3) Contain no more than 2,500 square feet of floor area; and
  - (4) Meet all on-site parking requirements for a medical clinic; and
  - (5) Post conspicuous signs on at least four sides of the building that no loitering is allowed on the property; and
  - (6) Conspicuously post a sign at the entrance of the medical marijuana dispensary notifying persons of the restrictions regarding those authorized to enter the medical marijuana dispensary, as listed in (d)(7) and (8) below; and
  - (7) Not have a drive-through, drive-up, or drive-in facility; and
  - (8) Be properly ventilated to sufficiently filter any odor of marijuana emanating from the medical marijuana dispensary; and
  - (9) Install and maintain a security alarm system and/or panic buttons approved by the city police department in the interior of the medical marijuana dispensary building.
- (d) In conducting its business, a medical marijuana dispensary shall:
- (1) Not allow consumption of marijuana or alcoholic beverages on the property on which the medical marijuana dispensary is located, including parking areas and sidewalks; and
  - (2)

Not allow individuals qualified to enter the dispensary to stand, sit (including in a parked car), or gather outside of the building, including in any parking areas, sidewalks, or rights-of-way proximate to the dispensary for any period of time longer than that reasonably required to arrive, transact the necessary business in accordance with the law and depart; and

- (3) Ensure that no queuing of vehicles of those utilizing said dispensary occurs in the rights-of-way abutting or proximate to the dispensary; and
- (4) Be compliant at all times with state and local laws and regulations; and
- (5) Only operate or accept deliveries between 9:00 a.m. and 7:00 p.m., Monday through Friday, and between 9:00 a.m. and 12:00 p.m. on Saturday; and
- (6) Not allow the odor of marijuana to be detected by a person with a normal sense of smell outside the exterior of the dispensary building; and
- (7) Not allow a person under the age of 18 in the medical marijuana dispensary at any time; and
- (8) Allow only qualifying patients 18 years and older, personal caregivers, employees of the business, or other qualified individuals including authorized city and state officials within the medical marijuana dispensary; and
- (9) Permit entry and inspection by authorized city and state officials of the medical marijuana dispensary during business hours; and
- (10) Not conduct sales of any products other than medical marijuana, related supplies and educational materials; and
- (11) Provide an armed security guard on the premises at all times the dispensary is open for business.

(Ord. No. 2014-20, § 4, 11-4-2014; Ord. No. 2015-27, § 4, 10-20-2015)

**ORDINANCE NO.: 2981-14**

**AN ORDINANCE AFFECTING THE USE OF LAND IN THE CITY OF WINTER PARK, FLORIDA RELATING TO MEDICAL MARIJUANA TREATMENT CENTERS, WHETHER FOR MEDICAL OR RECREATIONAL USE; ESTABLISHING REGULATIONS FOR MEDICAL MARIJUANA TREATMENT CENTERS TO BE CODIFIED AS ARTICLE III, OF CHAPTER 54, HEALTH AND SANITATION, OF THE CITY CODE; AMENDING SECTION 58-78, LIMITED INDUSTRIAL AND WAREHOUSE (I-1) DISTRICT, OF CHAPTER 58, LAND DEVELOPMENT CODE, ARTICLE III, ZONING TO ALLOW "MEDICAL MARIJUANA TREATMENT CENTERS" AS A PERMITTED USE BY SETTING FORTH SITING STANDARDS AND REQUIREMENTS FOR MEDICAL MARIJUANA TREATMENT CENTERS; AMENDING SECTION 58-95, DEFINITIONS, OF CHAPTER 58, LAND DEVELOPMENT CODE, ARTICLE III, ZONING; PROVIDING FOR CONFLICTS; CODIFICATION, SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, a ballot initiative has been scheduled for state wide vote in November 2014 to allow the dispensing and use of marijuana for medical purposes by persons with debilitating diseases; and

**WHEREAS**, in 1996, the state of California became the first state to legalize the use of medical marijuana, and several other states subsequently enacted laws legalizing medical marijuana in various circumstances; and

**WHEREAS**, the California Police Chiefs Association developed a Task Force on Marijuana Dispensaries that prepared the "White Paper on Marijuana Dispensaries" ("White Paper"), which white paper was published in 2009; and

**WHEREAS**, the White Paper on Marijuana Dispensaries examined the direct and indirect adverse impacts of marijuana dispensaries in local communities and indicated that marijuana dispensaries may attract or cause ancillary crimes, and may result in adverse effects, such as marijuana smoking in public, the sale of other illegal drugs at dispensaries, loitering and nuisances, and increased traffic near dispensaries; and

**WHEREAS**, the White Paper further indicates that the presence of marijuana dispensing businesses may contribute to the existence of a secondary market for illegal, street-level distribution of marijuana; and

**WHEREAS**, the White Paper outlines the following typical complaints received from individuals regarding certain marijuana dispensary study areas: high levels of traffic going to and from the dispensaries, people loitering in the parking lot of the dispensaries, people smoking marijuana in the parking lot of the dispensaries, vandalism near dispensaries, threats made by dispensary employees

to employees of other businesses, and citizens worried that they may become a crime victim due to their proximity to dispensaries; and

**WHEREAS**, the White Paper found that many medical marijuana dispensary owners had histories of drug and violence-related arrests, that records or lack of records showed that some owners were not properly reporting income generated from the sales of marijuana, that some medical marijuana businesses were selling to individuals without serious medical conditions, and that the California law had no guidelines on the amount of marijuana which could be sold to an individual; and

**WHEREAS**, the White Paper ultimately concludes that there are many adverse secondary effects created by the presence of medical marijuana dispensaries in communities; and

**WHEREAS**, the City Commission of the City of Winter Park has determined that, in the event the State of Florida legalizes medical marijuana, it is in the best interests of the citizenry and general public for the City to regulate the location of medical marijuana treatment centers to minimize the potential adverse secondary effects on the citizens; and

**WHEREAS**, it has also been determined that if this ordinance is approved by the City of Winter Park City Commission, this ordinance would not permit the opening of any medical marijuana treatment centers until after the State of Florida does in fact legalize the sale of marijuana, whether for medical or recreational uses, and

**WHEREAS**, the City Commission has the responsibility and authority to determine what uses are best suited to particular zoning categories as well as land use categories within the City; and

**WHEREAS**, the City Commission has heard testimony from the Winter Park Police Department regarding the potential impacts of medical marijuana treatment centers on the surrounding area; and

**WHEREAS**, the Planning and Zoning Board has recommended allowing medical marijuana treatment centers as a permitted use in the Limited Industrial and Warehouse (I-1) District zoning category; and

**WHEREAS**, the City Commission of the City of Winter Park has determined that, given the potential impact on the surrounding area, medical marijuana treatment centers should only be permitted within the Limited Industrial and Warehouse (I-1) District zoning category in the City; and

**WHEREAS**, the City Commission of the City of Winter Park has determined that it is advisable and in the public interest to set certain distance and other siting standards in regard to the location and operation of medical marijuana treatment centers; and

**WHEREAS**, the City Commission of the City of Winter Park has determined that it is advisable and in the public interest to promulgate certain requirements, including, but not limited to recordkeeping and reporting requirements, hours of operation, prohibitions of on-site consumption, and lease restrictions, to regulate the operation of medical marijuana treatment centers and to minimize the potential adverse secondary effects of such centers on the surrounding properties and the citizens; and

Ordinance No. 2981-14

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**WHEREAS**, the City Commission approves the addition of Article III, to Chapter 54, Health and Sanitation, and the revision of Sections 58-78 and 58-95 of the Land Development Code, to regulate the operation of medical marijuana treatment centers and minimize the negative secondary effects of such centers on the surrounding properties; and

**WHEREAS**, the City Commission of the City of Winter Park finds that this ordinance promotes the general welfare; and

**WHEREAS**, words with double underline shall constitute additions to the original text and ~~strike-through~~ text shall constitute deletions to the original text, and asterisks ( \* \* \* ) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF WINTER PARK, FLORIDA, AS FOLLOWS:**

**SECTION 1. Recitals.** The foregoing recitals are hereby adopted and confirmed.

**SECTION 2. Creation of Medical Marijuana Treatment Centers.** Chapter 54, Health and Sanitation is hereby amended to add a new Article III, Medical Marijuana Treatment Centers to read as follows:

**Sec. 54-30. Definitions.**

For purposes of this article, the following terms, whether appearing in the singular or plural form, shall have the following meanings.

Debilitating Medical Condition means cancer, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis or other conditions for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient.

Department means the state Department of Health or its successor agency.

Identification card means a document issued by the Department that identifies a person who has a physician certification or a personal caregiver who is at least twenty-one (21) years old and has agreed to assist with a qualifying patient's medical use of marijuana.

Marijuana has the meaning given cannabis in Section 893.02(3), Florida Statutes (2013).

Medical Marijuana Treatment Center means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to



qualifying patients or their personal caregivers and is registered by the state Department of Health.

Medical use means the acquisition, possession, use, delivery, transfer, or administration of marijuana or related supplies by a qualifying patient or personal caregiver for use by a qualifying patient for the treatment of a debilitating medical condition.

Personal caregiver means a person who is at least twenty-one (21) years old who has agreed to assist with qualifying patient's medical use of marijuana and has a caregiver identification card issued by the Department. A personal caregiver may assist no more than five (5) qualifying patients at one time. An employee of a hospice provider, nursing, or medical facility may serve as a personal caregiver to more than five (5) qualifying patients as permitted by the Department. Personal caregivers are prohibited from consuming marijuana obtained for the personal, medical use by the qualifying patient.

Physician means a physician who is licensed under Chapter 458 or 459, Florida Statutes.

Physician certification means a written document signed by a physician, stating that in the physician's professional opinion, the patient suffers from a debilitating medical condition, that the potential benefits of the medical use of marijuana would likely outweigh the health risks for the patient, and for how long the physician recommends the medical use of marijuana for the patient. A physician certification may only be provided after the physician has conducted a physical examination of the patient and a full assessment of the patient's medical history.

Qualifying patient means a person who has been diagnosed to have a debilitating medical condition, who has a physician certification and a valid qualifying patient identification card. If the Department does not begin issuing identification cards within nine (9) months after the effective date of this section, then a valid physician certification will serve as a patient identification card in order to allow a person to become a "qualifying patient" until the Department begins issuing identification cards.

**Sec. 54-31. Registration and operational regulations for medical marijuana treatment centers.**

(a) Registration required. Upon adoption of this article and annually thereafter, medical marijuana treatment centers shall register with the city by completing and submitting to the city manager, or his/her designee, a registration form that is obtained from that official.

(b) Persons responsible. A physician shall be designated as responsible for complying with all requirements related to registration and operation of the medical

marijuana treatment centers. The designated physician and all other persons operating the medical marijuana treatment center shall ensure compliance with the following regulations. Failure to so comply shall be deemed a violation of this article and shall be punishable as provided in section 54-34.

(c) *Supplemental regulations.* All registered medical marijuana treatment centers shall be subject to the supplemental regulations provided in this subsection.

(d) *Display of state registration.* Any medical marijuana treatment center shall be validly registered with the State of Florida, if required, and with the city, and shall prominently display in a public area near its main entrance copies of all state licenses, city licenses, and local business tax receipt, and the name of the owner and designated physician responsible for compliance with state and city law. A medical marijuana treatment center shall register with the city by completing and submitting to the city manager, or his/her designee, a registration form that is obtained from that official.

(e) *Controlled substances.* The on-site sale, provision, or dispensing of controlled substances (other than those types of marijuana approved for sale by the Department) at a medical marijuana treatment center shall be prohibited except as is specifically set forth in applicable federal or state law.

(f) *On-Site consumption of marijuana and/or alcoholic beverages.* No consumption of marijuana or alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks or rights-of-way. The persons responsible for the operation of the medical marijuana treatment center shall take all necessary and immediate steps to ensure compliance with this paragraph.

(g) *Adequate inside waiting area required.* No medical marijuana treatment center shall provide or allow outdoor seating areas, queues, or customer waiting areas. All activities shall be conducted within the building and adequate indoor waiting areas shall be provided for all patients and business invitees. Outdoor sales of medical marijuana, including, but not limited to sales from mobile units or at outdoor markets, are specifically prohibited. The medical marijuana treatment centers shall not permit any patient or business invitee to stand, sit (including in a parked car), gather, or loiter outside of the building where the clinic operates, including in any parking area, sidewalk adjacent, right-of-way, or neighboring property for any period of time longer than that reasonably required to arrive and depart. The medical marijuana treatment centers shall post a conspicuous sign stating that no loitering is allowed on the property. The medical

marijuana treatment center will cooperate with law enforcement at all times to ensure gathering and/or loitering does not occur.

(h) *Queuing of Vehicles.* The persons responsible for the operation of medical marijuana treatment center shall ensure that there is no queuing of vehicles in the rights-of-way. The persons responsible for the operation of the medical marijuana treatment center shall take all necessary and immediate steps to ensure compliance with this paragraph.

(i) *No Drive-Through Service.* No medical marijuana treatment center shall have a drive-through or drive-in service aisle. All dispensing, payment for and receipt of said marijuana shall occur from within or inside the medical marijuana treatment center.

(j) *Operating hours.* A medical marijuana treatment center may operate only Monday through Friday and only during the hours of 7:00 a.m. to 7:00 p.m.

(k) *Monthly business records.* Each business day a medical marijuana treatment center shall record, and shall provide to the city manager or his or her designee on a monthly basis, by the fifth day of each calendar month, a sworn summary of certain limited information from the prior calendar month that is prepared by the medical director and/or the person in charge of prescribing the medical marijuana that month. To the extent such information is not otherwise required to be maintained by any other law, the backup for the required monthly summary shall be maintained by the medical marijuana treatment center for at least 24 months. The monthly summary shall include the following information for the previous calendar month:

- (1) The total number of prescriptions for marijuana filled by the medical marijuana treatment center;
- (2) The state of residence of each person to whom marijuana was dispensed.

(l) *Personnel records.* A medical marijuana treatment center shall maintain personnel records for all owners, operators, employees, workers, and volunteers on site at the medical marijuana treatment center, and make those records available during any inspection. The medical marijuana treatment center shall forward a sworn personnel record containing items (1), (2) and (3), below to the city manager, or his/her designee, on a monthly basis by the fifth day of each calendar month for the previous calendar month. Personnel records shall, at a minimum, contain the following information about each of the above-described persons present for any day in the previous calendar month:

- (1) Name and title;

- (2) Current home address, telephone number, and date of birth;
  - (3) A state or federally-issued driver's license or other identification number;
  - (4) A copy of a current driver's license or a government issued photo identification; and
  - (5) A list of all criminal convictions (if any), whether misdemeanor or felony for all persons hired in the previous calendar month, to be updated annually.
- (m) *Inspections.* A medical marijuana treatment center shall permit law enforcement access to the property to conduct compliance inspections.
- (n) *Compliance with other laws.* A medical marijuana treatment center shall at all times be in compliance with all federal and state laws and regulations, the City of Winter Park City Code and the Orange County Code. In the event of a direct conflict between the City and County Codes, the City Code shall apply.

**Sec. 54-32. Landlord Responsibility.**

- (a) Any landlord, leasing agent or owner of property, upon which a medical marijuana treatment center operates, who knows, or in the exercise of reasonable care should know, that a medical marijuana treatment center is operating in violation of the Winter Park City Code, or applicable Florida law, including the rules and regulations promulgated by the state Department of Health, must prevent, stop, or take reasonable steps to prevent the continued illegal activity on the leased premises.
- (b) Landlords who lease space to a medical marijuana treatment center must expressly incorporate language into the lease or rental agreement stating that failure to comply with the Winter Park City Code is a material non-curable breach of the lease and shall constitute grounds for termination of the lease and immediate eviction by the landlord.

**Sec. 54-33. Certification affidavit by applicants for related uses.**

- (a) *Certification affidavit by applicants for related uses.* Any application for a business certificate under chapter 54, article III, as a medical marijuana treatment center as defined in section 54-30, shall be accompanied by an executed affidavit certifying registration with the State of Florida, and the City of Winter Park as a medical marijuana treatment center. The failure of an applicant to identify the business in the application for a business certificate as a medical marijuana treatment center, which meets the definition of medical marijuana treatment center as defined in section 54-30, will result in the

immediate expiration of the business certificate and immediate ceasing of all activity conducted in the medical marijuana treatment center.

(b) Any applicant's application for a business certificate and executed affidavit relating to use as a medical marijuana treatment center, where applicable, shall be provided to the city building division at the time of the proposed use.

**Sec. 54-34. Penalties.**

Any person violating any of the provisions of this article shall be deemed guilty of an offense punishable as provided in section 1-7, Article II Code Enforcement Citations, and also by revocation of a business certificate and code enforcement violations referred to the code enforcement board.

**SECTION 3.** Section 58-78, Limited Industrial and Warehouse (I-1) District, of Chapter 58, Land Development Code, Article III, Zoning is hereby amended to read as follows:

Sec. 58-78. Limited industrial and warehouse (I-1) district.

\* \* \*

*(b) Permitted uses.* All uses of land located within this district must not be obnoxious by reason of sound, fumes, repulsive odors and the like whether the same constitutes an actual nuisance or not, and the uses shall not, in any way, detract from the desirability of the city as a residential community. Permitted uses include:

\* \* \*

(14) Medical marijuana treatment center, subject to the following requirements:

a. No medical marijuana treatment center shall be located within one thousand (1,000) feet of any school, daycare, park, playground or religious institution, or within one hundred (100) feet of any residentially zoned property, as further defined by these regulations. No medical treatment center shall operate within one thousand (1,000) feet of any existing medical marijuana treatment center. Distances shall be measured by drawing a straight line between the closest point of the medical marijuana treatment center structure (be it a building or leased space in a building) to the closest property line or edge of leased space (whichever is closer) of the school, church or residentially zoned property.

b. Any parking demand created by a medical marijuana treatment center shall not exceed the parking spaces located or allocated on site, as required by the city's parking regulations. An applicant shall be required to demonstrate that on-site traffic and parking attributable to the medical marijuana treatment center will be sufficient to accommodate traffic and parking demands generated by the medical marijuana treatment center, based upon a current traffic and parking study prepared by a certified professional.



\* \* \*

**SECTION 4.** Section 58-95, Definitions, of Chapter 58, Land Development Code, Article III, Zoning, is hereby amended to read as follows:

Sec. 58-95. Definitions.

Medical Marijuana Treatment Center means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers and is registered by the state Department of Health and regulated under Article III of Chapter 54 of the City Code of Ordinances.

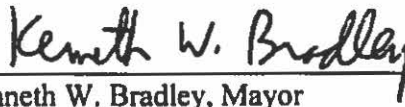
**SECTION 5. CONFLICTS.** All ordinance or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 6. CODIFICATION.** This ordinance shall be incorporated into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.


**SECTION 7. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 8. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

**ADOPTED** by the City Commission of the City of Winter Park, Florida, in a regular meeting held on the 27<sup>th</sup> day of October, 2014.

  
Kenneth W. Bradley, Mayor

ATTEST:

  
Cynthia S. Bonham, City Clerk

Medical Marijuana Ordinance Comparison Chart  
for Municipalities in Florida

County/Municipality → Element of Ordinance ↓	Hernando County	Alachua County	Miami-Dade County	Indian River County	Citrus County	Osceola County	Glades County	Sarasota County	City of Dania Beach	City of Vero Beach	City of Winter Park
Date Ordinance Adopted	5/10/2016	8/9/2016	7/6/2016	5/11/2016	10/11/2016	10/17/2016	10/24/2016	11/4/2014	10/28/2014	10/20/2015	10/27/2014
Restricts To Specific Zoning Districts	Commercial Districts: C-1, C-2	Hospital Medical & Business Retail Districts	Business District, Industrial Distric, and Limited Areas in Urban Center	General Industrial	General Commercial, Light Industrial, Heavy Industrial	Multi-tenant buildings > 50% office/medical use; Not in CRAs	Anywhere retail sales are permitted as a principal use	Commercial and Industrial**	Industrial	Industrial	Industrial
Imposes Distance Requirements	1,000 ft from dispensary/ school/ park/ church / more	750 ft from school	1 mile from dispensary; 1,000 ft school/ church; 500 ft residential prop.	1,000 ft from dispensary/ school/ park; 500 from residential district; 200 ft from planned arterial/ collector ROW	1 mile from dispensary; 1,000 ft from school/ daycare/ chuch/ library/ parks; 200 ft residential structure or land	5 miles from dispensary; 250 ft school/ daycare	1,500 ft from school/ daycare/ church / park /county-owned bldg / senior care center	500 ft from marijuana research and processing use / school / church / daycare / park / beach	1,000 ft from dispensary; 1,500 ft from existing residential use and district / school / daycare / park / church /state or federal roadway facility; 1,000 ft from doctor's office or medical facility	1,000 ft from dispensary / school / daycare / park: 500 ft of residentially zoned property; 250 ft from residence	1,000 ft from dispensary / school/ daycare / park / church; 100 ft from residentially zoned property
Imposes a Minimum or Maximum Building Size			5,000 SF Max (Limitation only in ag zone - on same property as cultivating or processing)						3,000 SF Min; 5,000 SF Max	2,500 SF Max	
Requires "Certificate of Use," License or Registration	X		X	X		X	X	X	X	X	X
Requires Special Exception or Conditional Use Review				X*	X			X	X	X	
Application Fees and Renewals	\$5,000 initial application; \$2,500 annual renewal; \$500 change of owner/operator			X	X	\$10,000 initial application	X		\$3,700 plus \$200 per acre or portion of such area (SE use)		
Imposes Cap and Establishes Selection Criteria						1 dispensary for every 100,000 residents; 2016 Pop (Est): 322,862	1 dispersary for every 67,600 residents; 2016 Pop (Est): 14,665				
Limits Hours of Operation	X		X	X			X	X	X	X	X
Prohibits Persons under 21 from Entering	X								X	X	
Prohibits Outdoor Seating Areas	X					X					X
Prohibits Mobile or Temporary Facilities	X										X
Prohibits Drive-throughs				X				X	X		X
Allows for Deliveries to Eligible Patients			X					X			
Prohibits Loitering	X			X		X		X	X	X	X
Restricts Signage	X								X		
Authorizes Inspections	X		X			X	X			X	X
Provides Waivers for County Liability or Indemnification	X					X	X				
Provides for Suspension, Non-renewal or Revocation of a License or Permit	X		X	X		X	X		X		

\*Requires Planning and Zoning Commission approval  
\*\*Does not allow co-location with medical offices, pain management clinics, pharmacy, or other medical marijuana dispensary

**LEON COUNTY**  
**EXISTING PERMISSIBLE USES AND APPLICABLE ZONING DISTRICTS**

Attachment #21  
Page 1 of 1

	UF	AC	RC	LP	LPN	LT	I	MR1	OR1	OR2	OR3	OA1	C1	C2	CM	CP	UP1	UP2	M1	IC	BC1	BC2	BSC	BOR	WC	NBO	MCN
<b>DRUG STORES</b>	P	P	P		P	P				P1		P	P	P	P	P	P	P			P	P			P		P3
<b>MEDICAL AND DENTAL OFFICES</b>					P				P	P	P	P	P	P	P	P	P	P			P	P		P	P	P	P
<b>WAREHOUSING FACILITIES</b>							P					P				P			P2	P			P				

1 only allowed in a business park development

2 allows ancillary retail uses up to 33% of GFA of principal use

3 no drive-thru allowed