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3 **Summary of Ordinance**

4 The purpose of this Ordinance is to amend Chapter 14 of the Lake County Code, Article
5 VII (“Pain Management Clinics”), Section 14-101, (“Moratorium”), for the purpose of
6 extending the moratorium on the issuance of business tax receipts for Pain Management
7 Clinics, which currently expires on February 28, 2013, to July 1, 2013.

8 **ORDINANCE NO. 2013-__**

9
10 **AN ORDINANCE OF LAKE COUNTY, FLORIDA RELATING TO PAIN**
11 **MANAGEMENT CLINICS; AMENDING LAKE COUNTY CODE, CHAPTER 14,**
12 **ARTICLE VII, ENTITLED “PAIN MANAGEMENT CLINICS”, SECTION 14-**
13 **101, ENTITLED “MORATORIUM”, TO EXTEND A MORATORIUM ON THE**
14 **ISSUANCE OF BUSINESS TAX RECEIPTS FOR NEW PAIN MANAGEMENT**
15 **CLINICS THAT IS DUE TO EXPIRE ON FEBRUARY 28, 2013, TO JULY 1,**
16 **2013; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR**
17 **SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF**
18 **STATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

19
20 **WHEREAS**, on March 1, 2011, the Board of County Commissioners enacted
21 Ordinance No. 2011-14, which defined the term “pain management clinic” and imposed a
22 moratorium on the issuance of business tax receipts by the Lake County Tax Collector for
23 new pain management clinics (hereinafter, “Moratorium”) beginning on March 1, 2011
24 and expiring on February 29, 2012; and

25 **WHEREAS**, on February 28, 2012, the Board of County Commissioners enacted
26 Ordinance No. 2012-12, which extended the Moratorium until August 29, 2012, in order
27 to monitor the 2012 Florida Legislative Session with regard to whether new and
28 additional state regulations pertaining to pain management clinics would be forthcoming;
29 and

30 **WHEREAS**, on July 24, 2012, Lake County staff, the Lake County Sheriff’s
31 Office, the Lake County Health Department, and LifeStream Behavioral Center gave a
32 presentation to the Lake County Board of County Commissioners that addressed the
33 current status of pain management clinics in Lake County, state regulations to date
34 concerning pain management clinics, and issues pertaining to potential local regulatory
35 measures; and

36 **WHEREAS**, on August 14, 2012, the Board of County Commissioners enacted
37 Ordinance No. 2012-54, which extended the Moratorium until February 28, 2013, in

1 order to allow time for staff to meet with the cities to determine their interest in local
2 regulatory efforts and with physicians to obtain their input; and

3 **WHEREAS**, the Board finds it to be in the best interests of the citizens of Lake
4 County to extend the Moratorium until July 1, 2013, so that staff can monitor the 2013
5 Florida Legislative Session with regard to pain management clinic legislation, and draft,
6 if necessary, local regulatory measures concerning pain management clinics.

7 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County
8 Commissioners of Lake County, Florida that:

9
10 **SECTION 1. RECITALS.** The foregoing recitals are true and correct and
11 incorporated herein by reference.

12
13 **SECTION 2. AMENDMENT.** Chapter 14 of the Lake County Code, entitled
14 “Miscellaneous Provisions and Offenses”, Article VII, entitled “Pain Management
15 Clinics”, Section 14-101, entitled “Moratorium”, is hereby amended to read as follows:

16
17 **Section 14-101. Moratorium.**

18 (a) Beginning on March 1, 2011, a moratorium shall exist until ~~February 28,~~
19 ~~2013~~ July 1, 2013, or sooner as provided herein, during which time the Tax Collector
20 shall not issue any new Local Business Tax Receipt to any person for the purpose of
21 engaging in, operating, or managing a pain management clinic. The Tax Collector is
22 authorized to renew or transfer any Local Business Tax Receipt or Occupational License
23 to any person for the purpose of engaging in or managing a pain management clinic
24 existing on the effective date of this ordinance. However, if a pain management clinic is
25 not registered with the Florida Department of Health as required by F.S. §§ 458.3265 or
26 459.0137, the Local Business Tax Receipt or Occupational License is not eligible for
27 renewal or transfer.

28 (b) The moratorium shall expire upon the earlier of the following:

29 (1) On ~~February 28, 2013~~ July 1, 2013;

30 (2) The effective date of an ordinance, adopted by the Board of
31 County Commissioners, to address drug use and distribution associated with pain
32 management clinics which dispense narcotic drugs on site in Lake County; or

1 (3) At such time as the Board of County Commissioners receives a
2 report from County staff on issues relating to pain management clinics and votes by
3 majority vote to repeal this moratorium.
4

5 **SECTION 3. INCLUSION IN CODE.** It is the intent of the Board of County
6 Commissioners that the provisions of this Ordinance shall become and be made a part of
7 the Lake County Code and that the sections of this Ordinance may be renumbered or re-
8 lettered and the word “ordinance” may be changed to “section,” “article,” or such other
9 appropriate word or phrase to accomplish such intentions.
10

11 **SECTION 4. SEVERABILITY.** If any section, sentence, clause or phrase of
12 the Ordinance is held to be invalid or unconstitutional by any court of competent
13 jurisdiction, then said holding shall in no way affect the validity of the remaining portions
14 of this Ordinance.
15

16 **SECTION 5. FILING WITH THE DEPARTMENT OF STATE.** The Clerk
17 shall be and is hereby directed to forthwith send a certified copy of this Ordinance to the
18 Secretary of State for the State of Florida.
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20 **SECTION 6. EFFECTIVE DATE.** This ordinance shall become effective as
21 provided for by law.
22

1 Ordinance No. 2013-____: Amending Section 14-101, Lake County Code, to Extend a Moratorium on the Issuance of
2 Business Tax Receipts for New Pain Management Clinics until July 1, 2013

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7 Enacted this _____ day of _____, 2013.

8
9 Filed with the Secretary of State _____, 2013.

10
11 Effective _____, 2013.
12

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14
15 BOARD OF COUNTY COMMISSIONERS
16 OF LAKE COUNTY, FLORIDA
17

18
19
20 _____
21 _____, Chairman
22

23 This _____ day of _____, 2013.
24

25
26 ATTEST:
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29
30 _____
31 Neil Kelly, Clerk of the
32 Board of County Commissioners
33 of Lake County, Florida
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36
37 Approved as to form and legality:
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39
40
41 _____
42 Sanford A. Minkoff
43 County Attorney