

**Summary of Ordinance**

The purpose of this Ordinance is to establish a temporary moratorium concerning medical cannabis activities, also referred to as medical marijuana, in Lake County, Florida, until May 23, 2017, or until such time as the County has determined the impacts and regulations, if necessary, regarding such activities.

**ORDINANCE 2016 - \_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; ESTABLISHING A TEMPORARY MORATORIUM WITHIN THE UNINCORPORATED AREAS OF LAKE COUNTY PROHIBITING MEDICAL CANNABIS ACTIVITIES DURING THE MORATORIUM PERIOD; PROHIBITING THE TAX COLLECTOR FROM ISSUING ANY NEW BUSINESS TAX RECEIPTS COUNTYWIDE FOR MEDICAL CANNABIS ACTIVITIES DURING THE MORATORIUM PERIOD; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in 2014, the Florida legislature passed the Compassionate Medical Cannabis Act (“Compassionate Use Act”) legalizing the cultivation, processing and dispensing of low-THC cannabis by a qualified dispensing organization for qualified patients; and

**WHEREAS**, in 2016, the Florida legislature amended the Right to Try Act, amending the Compassionate Use Act and legalized the cultivation, production and dispensing of medical cannabis, and derived products, by a qualified dispensing organization for eligible patients; and

**WHEREAS**, future constitutional amendments and legislation may further expand the legal use of medical cannabis in Florida; and

**WHEREAS**, businesses licensed pursuant to the law have begun cultivating cannabis for processing and dispensing; and

**WHEREAS**, the Board of County Commissioners desires to discuss the impacts of medical cannabis dispensing facilities on both city and county residents with the fourteen (14) municipalities located within Lake County; and

**WHEREAS**, the Board and the municipalities need time in which to evaluate whether regulations pertaining to the location and number of dispensing facilities are justified and appropriate; and

**WHEREAS**, the Board of County Commissioners finds that regulation of the cultivating and dispensing of cannabis will benefit the health, safety and welfare of the residents of both incorporated and unincorporated Lake County and will reduce adverse impacts on the community; and

**WHEREAS**, the purpose of this ordinance is to place a temporary moratorium on cannabis dispensing businesses, as defined herein, for a period of time that is reasonably necessary for the Board of County Commissioners and/or the municipalities to determine proper regulations regarding such businesses and facilities, if deemed advisable.

1           **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake  
2 County, Florida, as follows:

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4           **Section 1.       Recitals.** The foregoing recitals are true and correct and incorporated herein by  
5 reference.

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7           **Section 2.       Amendment.** The following new article entitled “Medical cannabis activities” is  
8 hereby included as Lake County Code, Chapter 3, Article IX, stating as follows:

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11           **ARTICLE IX.       MEDICAL CANNABIS ACTIVITIES.**

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13           **Sec. 3-65. Definitions.**

14           For the purposes of this article, the following terms, whether appearing in the singular or plural  
15 form, shall have the following meanings:

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

21           Medical cannabis activities means the growing, plating, harvesting, drying, processing and  
22 wholesale and retail sale of Medical cannabis, including Low-THC cannabis and derivative  
23 products, or any subset of such activities, or any related activities.

24           Medical cannabis means the substance defined in section F.S. § 381.986, as may be amended.

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26           **Sec. 3-66. Moratorium.**

27           (a) As of the effective date of this article, a moratorium shall exist until May 23, 2017, or sooner  
28 as provided herein, during which time the tax collector shall not issue any new local business  
29 tax receipt to any person or entity for the purpose of engaging in, operating, or managing a  
30 business or facility for Medical cannabis activities.

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

32                   (1) On May 23, 2017;

33                   (2) The effective date of an ordinance, adopted by the board of county commissioners, to  
34 address Medical cannabis activities in Lake County; or

35                   (3) At such time as the board of county commissioners receives a report from county staff  
36 regarding the impact of Medical cannabis activities in Lake County and votes by majority  
37 vote to repeal this moratorium.

38           (c) The on-site sale, provision, or dispensing of Medical cannabis, Low-THC and cannabis  
39 derivative products in unincorporated Lake County is prohibited during the moratorium  
40 period, except as set forth in applicable federal, state or local law.

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42           **Section 3.       Inclusion in Code.** It is the intent of the Board of County Commissioners that  
43 the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the  
44 sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to  
45 "section", "article", or such other appropriate word “or phrase in order to accomplish such intentions.

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**Section 4. Severability.** If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance; and it shall be construed to have been the Commissioner’s intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not effect the applicability thereof to any other person, property or circumstances.

**Section 5. Filing with the Department of State.** The Clerk shall be and is hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the State of Florida.

**Section 6. Effective Date.** This ordinance shall become effective as provided for by law.

ENACTED this day of \_\_\_\_\_ day of \_\_\_\_\_, 2016.

FILED with the Secretary of State the \_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF LAKE COUNTY, FLORIDA

\_\_\_\_\_  
Neil Kelly, Clerk of the  
Board of County Commissioners of  
Lake County, Florida

\_\_\_\_\_  
Sean M. Parks, Chairman  
  
This \_\_\_\_ day of \_\_\_\_\_, 2016.

Approved as to form and legality:

\_\_\_\_\_  
Melanie Marsh, County Attorney