

1 **Summary of Ordinance**

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

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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 JULY 1, 2013, TO OCTOBER 1, 2013;**
16 **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**, on February 12, 2013, the Board of County Commissioners enacted
4 Ordinance No. 2013-6, which extended the Moratorium until July 1, 2013, in order to
5 allow staff to monitor the 2013 Florida Legislative Session with regard to pain
6 management clinic legislation; and

7 **WHEREAS**, no new or additional State legislation pertaining to pain
8 management clinics was passed in the 2013 Legislative Session, and the Board finds it to
9 be in the best interests of the citizens of Lake County to extend the Moratorium until
10 October 1, 2013, so that staff can evaluate the effect of current State laws on the
11 operation of pain management clinics, and to analyze whether additional local regulatory
12 measures are necessary.

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

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16 **SECTION 1. RECITALS.** The foregoing recitals are true and correct and
17 incorporated herein by reference.

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

22
23 **Section 14-101. Moratorium.**

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

1 Local Business Tax Receipt or Occupational License is not eligible for renewal or
2 transfer.

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

4 (1) On ~~July 1, 2013~~ October 1, 2013;

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

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

11

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

17

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

22

23 **SECTION 5. FILING WITH THE DEPARTMENT OF STATE.** The Clerk
24 shall be and is hereby directed to forthwith send a certified copy of this Ordinance to the
25 Secretary of State for the State of Florida.

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27 **SECTION 6. EFFECTIVE DATE.** This ordinance shall become effective as
28 provided by law.

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

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6
7 Enacted this _____ day of _____, 2013.

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9 Filed with the Secretary of State _____, 2013.

10
11 Effective _____, 2013.
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14
15 BOARD OF COUNTY COMMISSIONERS
16 OF LAKE COUNTY, FLORIDA
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19
20 _____
21 Leslie Campione, Chairman

22
23 This _____ day of _____, 2013.
24

25
26 ATTEST:

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