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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 October 1, 2013, to September 30, 2014.

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 OCTOBER 1, 2013, TO SEPTEMBER**
16 **30, 2014; 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**, on June 18, 2013, the Board of County Commissioners enacted
8 Ordinance No. 2013-30, which extended the Moratorium until October 1, 2013, in order
9 to allow staff to evaluate the effect of current State laws on the operation of pain
10 management clinics, and to analyze whether additional local regulatory measures were
11 necessary; and

12 **WHEREAS**, no new or additional State legislation pertaining to pain
13 management clinics was passed in the 2013 Legislative Session, and the Board of County
14 Commissioners finds it to be in the best interests of the citizens of Lake County to extend
15 the Moratorium until September 30, 2014, so that staff can to continue to monitor trends
16 related to existing pain management clinic regulations;

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

19
20 **SECTION 1. RECITALS.** The foregoing recitals are true and correct and
21 incorporated herein by reference.

22
23 **SECTION 2. AMENDMENT.** Chapter 14 of the Lake County Code, entitled
24 “Miscellaneous Provisions and Offenses”, Article VII, entitled “Pain Management
25 Clinics”, Section 14-101, entitled “Moratorium”, is hereby amended to read as follows
26 (deleted text is shown as ~~struck through~~, and additional text is underlined):

27
28 **Section 14-101. Moratorium.**

29 (a) Beginning on March 1, 2011, a moratorium shall exist until ~~October 1,~~
30 2013 September 30, 2014, or sooner as provided herein, during which time the Tax
31 Collector shall not issue any new Local Business Tax Receipt to any person for the
32 purpose of engaging in, operating, or managing a pain management clinic. The Tax

1 Collector is authorized to renew or transfer any Local Business Tax Receipt or
2 Occupational License to any person for the purpose of engaging in or managing a pain
3 management clinic existing on the effective date of this ordinance. However, if a pain
4 management clinic is not registered with the Florida Department of Health as required by
5 F.S. §§ 458.3265 or 459.0137, the Local Business Tax Receipt or Occupational License
6 is not eligible for renewal or transfer.

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

8 (1) On ~~October 1, 2013~~ September 30, 2014;

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

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

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

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

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

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31 **SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective
32 upon filing with the Secretary of State.

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 September 30, 2014**

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6
7 Enacted this _____ day of _____, 2013.

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

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14 **BOARD OF COUNTY COMMISSIONERS**
15 **OF LAKE COUNTY, FLORIDA**

16
17
18
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20 _____
21 Leslie Campione, Chairman

22 This _____ day of _____, 2013.

23
24
25 **ATTEST:**

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28
29 _____
30 Neil Kelly, Clerk of the
31 Board of County Commissioners
32 of Lake County, Florida

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35
36 Approved as to form and legality:

37
38
39
40 _____
41 Sanford A. Minkoff
42 County Attorney