

Summary of Ordinance

The purpose of this Ordinance is to ban medical marijuana treatment center dispensing facilities from being located within the boundaries of unincorporated Lake County, Florida. The authority given to the Lake County Board of County Commissioners to impose this ban is addressed in Chapter 2017-232, Laws of Florida (2017).

ORDINANCE NO. 2017 - ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; REPEALING LAKE COUNTY CODE, CHAPTER 3, ARTICLE IX, ENTITLED “MEDICAL CANNABIS ACTIVITIES”; AMENDING LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, CHAPTER II, ENTITLED “DEFINITIONS” TO ADD DEFINITIONS RELATING TO MARIJUANA; ADDING NEW SECTION 3.15.00 IN LAKE COUNTY CODE, APPENDIX E, BANNING MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES FROM BEING LOCATED WITHIN THE UNINCORPORATED AREAS OF LAKE COUNTY, FLORIDA; 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, an amendment to Article X of the Florida Constitution establishing Section 29, regarding medical marijuana production, possession and use adopted; and

WHEREAS, on November 8, 2016, the Lake County Board of County Commissioners adopted Ordinance No. 2016-51, establishing a temporary moratorium on medical cannabis activities within unincorporated areas of Lake County until May 23, 2017 to provide time for the County to determine proper regulations regarding such businesses and facilities; and

WHEREAS, on May 9, 2017, the Lake County Board of County Commissioners adopted Ordinance No. 2017-24, extending the temporary moratorium on medical cannabis activities within the unincorporated areas of Lake County until August 31, 2017, while legislation was pending with the Florida Legislature; and

WHEREAS, on June 23, 2017, Senate Bill No. 8-A relating to medical use of marijuana in the State of Florida was approved by the Governor; and

WHEREAS, on August 22, 2017, the Lake County Board of County Commissioners adopted Ordinance No. 2017-33, extending the temporary moratorium on the retail sales of medical cannabis until November 30, 2017; and

WHEREAS, Section 381.986(11), Florida Statutes (2017), provides that a county may, by ordinance, ban medical marijuana treatment center dispensing facilities from being located with the boundaries of that county.

1
2 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake
3 County, Florida, as follows:
4

5 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated herein by
6 reference.
7

8 **Section 2. Repeal.** Lake County Code, Chapter 3, Article IX, entitled “Medical cannabis
9 activities”, shall be repealed and deleted in its entirety. The title of Chapter 3, Article IX, shall be removed
10 from the Table of Contents of the Lake County Code. The moratorium imposed on Medical cannabis
11 activities is, as of the effective date of this ordinance, no longer in effect.
12

13 **Section 3. Amendment.** Lake County Code, Appendix E, Land Development Regulations,
14 Chapter II, entitled “Definitions”, shall be amended to read as follows. All other definitions contained in
15 Chapter II, not specifically referenced herein as being amended, shall remain the same.
16

17 **Chapter II – Definitions.**

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

23 Marijuana means the substance defined in section F.S. § 381.986, as may be amended.

24 Medical Marijuana Treatment Center Dispensing Facilities means a center, facility, clinic, store
25 or office licensed by the State of Florida Department of Health which sells or dispenses Marijuana,
26 Low-THC cannabis, medical cannabis, cannabis delivery devices, Marijuana derivative products
27 or food items made with Marijuana oil.

28
29 **Section 4. Amendment.** Lake County Code, Appendix E, Land Development Regulations,
30 Chapter III, entitled “Zoning District Regulations”, is hereby amended to add a new Section 3.15.00,
31 entitled “Medical Marijuana Treatment Center Dispensing Facilities”, stating as below. The Table of
32 Contents of the Lake County Code, Appendix E, Land Development Regulations shall be amended to reflect
33 the new Section 3.15.00.
34

35 **3.15.00 Medical Marijuana Treatment Center Dispensing Facilities.**

36 Medical Marijuana Treatment Center Dispensing Facilities are prohibited from being located in or
37 operated in the unincorporated boundaries of Lake County.

38
39 **Section 5. Inclusion in Code.** It is the intent of the Board of County Commissioners that
40 the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the
41 sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to
42 "section", "article", or such other appropriate word “or phrase in order to accomplish such intentions.”
43

44 **Section 6. Severability.** If any section, sentence, clause, phrase or word of this Ordinance is
45 for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall
46 not affect the remaining portions of this Ordinance; and it shall be construed to have been the
47 Commissioner’s intent to pass this Ordinance without such unconstitutional, invalid or inoperative part

1 therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and
2 held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof
3 shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set
4 of circumstances, such holding shall not affect the applicability thereof to any other person, property or
5 circumstances.
6

7 **Section 7. Filing with the Department of State.** The Clerk shall be and is hereby directed
8 forthwith to send a certified copy of this Ordinance to the Secretary of State for the State of Florida.
9

10 **Section 8. Effective Date.** This ordinance shall become effective as provided for by law.
11

12
13 ENACTED this day of _____ day of _____, 2017.
14

15 FILED with the Secretary of State the ____ day of _____, 2017.
16

17
18 ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

19
20
21
22
23 _____
24 Neil Kelly, Clerk of the
25 Board of County Commissioners of
26 Lake County, Florida

Timothy I. Sullivan, Chairman

This ____ day of _____, 2017.

27
28
29 Approved as to form and legality:
30

31
32 _____
33 Melanie Marsh, County Attorney