

Medical Marijuana Notes on Ordinances Review
February 6, 2017

Alachua (low-THC; medical cannabis)

Ordinance 16-15: amends Unified Land Development Code

- Separation requirements: 750 feet from a school
- Definitions
- Zoning: dispensaries permitted only in zoning districts where MMD is listed as a limited use (commercial districts; special districts like hospital/medical)

Baker

Moratorium likely in early Feb (1st reading held in January)

Bay (low-THC; medical cannabis)

Moratorium: 240 days

Ordinance 16-38

- Moratorium on opening, relocating, expanding any dispensing facility
- Unincorporated areas only
- Study and recommend

Bradford

Issue to be discussed in March 2017; potential moratorium.

Brevard

No official information yet.

Broward (likely comprehensive medical marijuana)

- Discussion likely on an ordinance to amend zoning code to add provisions for the regulation of MM cultivation, processing, and dispensing
- February consideration

Calhoun (low-THC and medical cannabis)

Moratorium: 364 days

Ordinance 2017-01

- Moratorium on opening, relocating, expanding any dispensing facility
- Unincorporated areas only
- Study and recommend

Charlotte (cannabis)

Moratorium: 9 months

Ordinance 2016-036

- Moratorium on opening of new cannabis dispensing businesses and on the expansion/relocation of existing cannabis dispensing businesses in the county
- The county will not accept, process or approve any application for business tax receipts, licenses, building permits, land use permits, or any development permits concerning or related to a cannabis dispensing business;

- Does not apply to the use or delivery of cannabis under the Compassionate Use Act
- Study and assess impacts

Citrus (medical cannabis)

LDR Code provisions

- Distance requirements: 1000 feet from school, child care, day care, houses of workshop, public libraries, public parks/playgrounds
- Separation requirements: one mile in between dispensing facilities

Clay (comprehensive medical marijuana)

Moratorium: time period not specified

Ordinance 2017-6

- County cannot accept, process, or approve any application relating to the operation of a MMTC or licensed DO.

Collier

Issue likely being discussed in February 2017

Columbia (cannabis; cannabis dispensing business)

Moratorium: timeframe silent

Ordinance 2016-31

- No permits to open or cause to be opened; permits to relocate or cause to be relocated; to expand or cause to be expanded any cannabis dispensing businesses in the unincorporated areas
- The county will not accept, process or approve any application for business tax receipts, licenses, building permits, land use permits, or any development permits concerning or related to a cannabis dispensing business
- Does not apply to the use or delivery of cannabis under the Compassionate Use Act
- Study and assess impacts

Desoto (cannabis; cannabis dispensing business)

Moratorium: timeframe silent

Ordinance 2016-21

- No permits to open or cause to be opened; permits to relocate or cause to be relocated; to expand or cause to be expanded any cannabis dispensing businesses in the unincorporated areas
- The county will not accept, process or approve any application for business tax receipts, licenses, building permits, land use permits, or any development permits concerning or related to a cannabis dispensing business
- Does not apply to the use or delivery of cannabis under the Compassionate Use Act
- Study and assess impacts

Dixie (cannabis; cannabis dispensing business)

Moratorium: timeframe silent

Ordinance 2016-13

- No permits to open or cause to be opened; permits to relocate or cause to be relocated; to expand or cause to be expanded any cannabis dispensing businesses in the unincorporated areas
- The county will not accept, process or approve any application for business tax receipts, licenses, building permits, land use permits, or any development permits concerning or related to a cannabis dispensing business
- Does not apply to the use or delivery of cannabis under the Compassionate Use Act
- Study and assess impacts

Duval (low-THC)

Ordinance 2015-782-E

- Zoning Code amendments
- Definitions
- Authorizing and dispensing are now authorized permitted uses in Commercial Community/General-1, -2; Industrial Business Park District; cultivation, process and dispensing in Industrial Light District; cultivation in Agriculture district.
- Establishing performance standards and development criteria for cultivation, processing and dispensing of low-THC cannabis
- Must be approved by DOH
- Only one dispensing facility within each planning district
- Separation requirements: one mile between dispensing facilities
- Must be sufficient space for customers to queue inside the facility (no outside waiting)
- Off-street parking requirements
- Cannot create excessive traffic, noise, lights, vibration, fumes, odors, dust, physical activities or other detrimental effects or nuisances to surrounding properties
- No prohibitions of licensed health care practitioners from prescribing cannabis

Escambia (low-THC dispensed by state DOs)

Ordinance 2017-____ (enacted on January 5, 2017)

- Amended provisions of the land development code
- Retail sales of low-THC marijuana when ancillary to cultivation or processing, permitted in Agricultural district; retail dispensing facilities permitted in rural mixed use district; retail dispensing facilities (small scale) permitted in low density mixed use district and high density mixed use district; retail dispensing facilities permitted in commercial district, heavy commercial and light industrial district
- Definition of dispensing facility refers to retail sales.

Flagler (comprehensive MM)

Moratorium: 180 days or June 17, 2017

Ordinance 2016-___

- Prohibits the acceptance, processing, or approval of any application, including one for a business tax receipt relating to the establishment or operation of qualified dispensing organizations
- Study and recommend

Franklin

Moratorium anticipated March 2017

Gadsden

No action taken.

Gilchrist

Moratorium

Glades (cannabis; cannabis dispensing business)

Ordinance 2016-5

- Highly regulatory
- Certificate of approval required to be issued by the county (three year term); renewal allowed for successive three year periods
- Limits on ## of county certificates that will be issued (1 for every 67,600 in population)
- Application fee for the certificate of approval
- Application requirements established; process created; timelines instituted
- Upon receiving a certificate of approval, the operator must seek a premises authorization for the location chosen for the dispensary
 - Requirements include previous retail dispensing experience in a regulated market; quality of derivative product offerings; technical ability; qualifications of security team; qualifications of medical director; award received
- Distances requirements: cannot be located within 1500 feet of a school, house of workshop, public park/recreation area, day care center, county owned or run building, senior care center.
- Inspection requirements
- On-premises requirements, including security, business hours, no on-site consumption, odor elimination standards

Gulf

Five month moratorium enacted last week of January 2017.

Hamilton (cannabis; cannabis business)

Moratorium: silent as to duration

Ordinance 2016-07

- No permits to open or cause to be opened; permits to relocate or cause to be relocated; to expand or cause to be expanded any cannabis dispensing businesses in the unincorporated areas
- The county will not accept, process or approve any application for business tax receipts, licenses, building permits, land use permits, or any development permits concerning or related to a cannabis dispensing business
- Does not apply to the use or delivery of cannabis under the Compassionate Use Act
- Study and assess impacts

Hardee

Moratorium anticipated February 2017.

Hendry

Issue expected to be discussed in February 2017.

Hernando (comprehensive medical marijuana)¹

Moratorium: 12 months

Ordinance 2016-_____

- Moratorium on the issuance of zoning approvals, development permits or other development approvals for the establishment or location of MM dispensaries or MM cultivation facilities
- Requires certificate of use be applied for and granted, annual b the county to authorize the operation of a specific MM dispensary or cultivation facility, including criminal background checks
- Inspections authorized
- Application fee, nonrefundable (\$5,000); annual permit fee (\$2500)
- Articulates grounds on which certificate of use can be denied
- Established compliance standards, including facilities cannot have any outdoor seating areas, ques, or customer waiting areas; all activities must be conducted within a completely enclosed building; mobile/temp facilities are prohibited; use of vending machine to dispense MM prohibited
- Hours of operation limited
- Cannot be a home occupation
- No retail sales or dispensation of MM at a cultivation facility
- Cultivation facility must be fully enclosed structure with min of 5000 square feet of gross floor area; proper ventilation; building code compliance
- Exterior signage regulations
- Security plans must include surveillance cameras; professionally monitored alarm systems; exterior security lighting; deadbolt locks on exterior doors; permanently affixed locking safe for storage of cash
- Transaction records retention
- Warning signs posted of health risks of MM

¹ Awaiting verification of final enactment.

- Application process, appeals, timing
- Penalties
- Distance separation requirements (1000 feet)
- Authorized use in certain commercial districts and certain commercial/industrial districts

Highlands (comprehensive medical marijuana)

Moratorium: 180 days

Ordinance 16-17-04

- During moratorium, unlawful to establish, open or cause to be opened any MMTC or cannabis dispensing facility in unincorporated area
- No action will be taken by the county on any application for development permit, development order or take any other official action that would have the effect of allowing or permitting the development of any MMTC or cannabis dispensing facility.
- Any applicant for any development permit, development order or other official county action that would facilitate the establishment of a MMTC or cannabis dispensing facilities must disclose the intention to establish such a facility (failure to disclose = penalties)

Hillsborough (low-THC and medical cannabis)

Moratorium: 180 days

Ordinance 2016-20

- Moratorium on the acceptance of applications for, the processing of, and the issuance of development permits, site plan approvals or any other official action of the county permitting or having the effect of permitting new MM dispensing facilities.
- Does not affect any DO that has received dispensing authorization from DOH for which the county has issued a zoning verification letter and for which development permits have been obtained in reliance on the zoning verification letter; however, no expansions permitted during moratorium.

Holmes

No action taken.

Indian River (comprehensive medical marijuana)

Ordinance 2016-005

- Amendments to “Pain Management Clinics and Controlled Substances” portion of the county code to include MMTCs
- Prohibits the operation of a MMTC that is not wholly owned and operated by one or more: (a) board certified anesthesiologists, physiatrists, or neurologists; or (b) board certified medical specialists who have also completed fellowships in pain medicine or who are also board certified in pain medicine
- Prohibits cultivation, administration or consumption of marijuana at a pain management clinic.

- More rigorous permit application process for MMTCs than other pain management clinics

Jackson

Scheduled for enactment in February 2017; proposed ordinance mirrors Bay County.

Jefferson

No action yet.

Lafayette

No action yet. Discussion of a possible moratorium likely in February.

Lake (low-THC and medical marijuana)

Moratorium: until May 23, 2017

Ordinance 2016-51

- Prohibits the on-site sale, provision, or dispensing of medical cannabis, low-THC and cannabis derivative products except as otherwise authorized by applicable federal, state or local law
- Prohibits the tax collector from issuing new local business tax receipts to any person or entity for the purpose of engaging in, operating, or managing a business or facility for “medical cannabis activities”

Leon

Workshop scheduled for February 2017.

Levy (only had first hearing; final hearing in February 2017)

(comprehensive medical cannabis)

Moratorium: until November 9, 2017

Ordinance 2017-002

- Violation of moratorium for any person, firm, corporation or other entity to open, establish or operate, or cause to be opened, established or operated, any facility conducting any medical cannabis activities, or to conduct any medical cannabis activities in the unincorporated areas during moratorium
- County will not accept applications for, process, or issue any development permits, development orders, or any other official action allowing or having the effect of allowing any medical cannabis activities w/in unincorporated areas
- Study during moratorium period

Liberty

No action yet.

Madison

N/A

Manatee (comprehensive medical marijuana)

Moratorium: 180 days

Ordinance 2016-49

- County will not accept, process or approve any application relating to the establishment or operation of a medical marijuana dispensing organization or MMTC.
- Zoning review and recommendations

Marion (low THC/medical cannabis)²

Moratorium: 180 days

Ordinance 2016-_____

- Moratorium on the acceptance of applications for, the processing of, and the issuance of development permits, site plan approvals or any other official action of the county permitting or having the effect of permitting new MM dispensing facilities.
- Does not affect any DO that has received dispensing authorization from DOH for which the county has issued a zoning verification letter and for which development permits have been obtained in reliance on the zoning verification letter; however, no expansions permitted during moratorium.

Martin

No action yet.

Miami-Dade (low THC/medical cannabis)

Ordinance 2016-67

- Amended existing code to establish the zoning regulations related to the location and permitting of establishments that dispense low-THC cannabis or medical cannabis; established zoning districts where facilities are permitted uses (including site requirements in certain districts)
- Sets minimum distance between dispensaries and child care facilities, preschools, schools, religious facilities at 1000 feet; certain zoning districts designated as residential (500 feet) and establishments dispensing same (one mile)
- Requires entities to obtain an annual certificate of use
- Sets operating hours; prohibits the dispensing, receipt, payment and consumption of low-THC cannabis outside of the dispensing establishment except for delivery to eligible patients
- Inspections authorized

Monroe

No action yet. Issue to be discussed in February 2017.

Nassau

² Awaiting verification on final enactment.

Moratorium: 180 days (from 12/21/16)

Ordinance 2016-15

- Moratorium on the acceptance of applications for, the processing of, and the issuance of development permits, site plan approvals or any other official action of the county permitting or having the effect of permitting new MM dispensing facilities.
- Does not affect any DO that has received dispensing authorization from DOH for which the county has issued a zoning verification letter and for which development permits have been obtained in reliance on the zoning verification letter; however, no expansions permitted during moratorium.

Okaloosa (comprehensive medical marijuana)

Moratorium: 180 days

Ordinance 2017-____ (enacted on 1/15/2017)

- Moratorium on the county's accepting, processing or taking any action on any application for a development permit, development order or any other official action that would have the effect of allowing or permitting the development of MM dispensing facilities.

Okeechobee (comprehensive medical marijuana)

Moratorium: 180 days

Ordinance 2016-0003

- Moratorium on the acceptance of applications for, the processing of, and the issuance of development permits, site plan approvals or any other official action of the county permitting or having the effect of permitting new MM dispensing facilities.
- Does not affect any DO that has received dispensing authorization from DOH for which the county has issued a zoning verification letter and for which development permits have been obtained in reliance on the zoning verification letter; however, no expansions permitted during moratorium.

Orange (low THC and medical cannabis)

Moratorium: until May 23, 2017

- Study and recommend
- No development permits to be issued during moratorium for any medical cannabis activities

Osceola (comprehensive medical marijuana)

Ordinance 2016-97

- Regulates the sale and distribution of medical marijuana to ensure a supply of medical marijuana to patients who qualify to obtain, possess, and use cannabis, pursuant to state law, while promoting compliance with other state laws that regulate cannabis.
- Allows for 1 marijuana treatment center per 100,000 residents.

- Requires the County Manager to create an Application Review Committee to rank and recommend applications for Certificates of Approval to the Board of County Commissioners.
- Premise Authorization process and issuance.
- Location restrictions including not allowing centers in CRAs
- Premises activity restrictions including
 - Products must be in sealed or locked containers
 - Waiting area must have sufficient seating w/o them waiting outside; no display of products in the waiting area; ceiling height requirements; dispensing must be in an area separated from the waiting area; lighting requirements; professional office décor
 - No unaccompanied minors
 - No loitering
 - No queueing of vehicles
 - No consumption of alcohol
 - One parking space for every 200 gross square feet of building area
- Signage regulations on site; signage regulations on delivery vehicles
- Ongoing inspections of the operators
- Method of revocation should the operator fail to adhere to the requirements in the ordinance.
- Indemnification of the county for operations in the county
- Certificate of approval has an initial term of three years
- Requires a medical director for each company
- Requires state approval of applicant before issuance of certificate of approval.
- Outlines requirements and quals for applicants.

Palm Beach

No action yet; possibly in February 2017.

Pasco (comprehensive medical marijuana)

Ordinance 2016-41

Zoning regulation with conditional use criteria including

- Hours of operation
- Distance requirements
- Separation requirements (one mile)
- Adequate set backs and buffers from boundaries of residential zones
- Signage regulations to NOT target minors
- Prohibit outdoor seating, queues, or waiting areas
- Parking minimums: one space per 300 square feet

Pinellas (comprehensive medical marijuana)

Moratorium: 180 days

Ordinance 2017-05

- Moratorium on the establishment of new MM dispensing facilities under the Compassionate Medical Cannabis Act and MMTCs under Amendment 2.

Polk (comprehensive medical marijuana)

Moratorium: 180 days

Ordinance 2017-001

- County will not accept, process or approve any application relating to the establishment or operation of a medical marijuana dispensing organization or MMTC.
- Study and recommend (dispensing facilities and MMTCs)

Putnam (comprehensive medical marijuana)

Moratorium: until March 2017

Ordinance 2016-22

- Moratorium on accepting, processing or approving any application for business tax receipts, licenses, building permits, land use permits, or any development permits concerning or related to a cannabis dispensing business
- Does not prohibit the use of cannabis under Florida law or the delivery of cannabis in accordance with Florida law

Santa Rosa

No action yet.

Sarasota (comprehensive medical marijuana BUT predates Amendment 2)

Ordinance 2014-66

- Changes to its Zoning Regulations relating to MM, detailing the Zoning Districts in which the separate uses of cultivation, processing, and dispensing are allowed
 - Cannabis Farms allowed only in Open Use Agriculture (OUA), Open Use Rural (OUR), and Open Use Estate (OUE) zoning districts by special exception
 - Research/Processing Facilities allowed only in Industrial and Research (IR) or Industrial, Light Manufacturing, and Warehousing (ILW) zoning districts by special exception
 - Dispensaries allowed only in Office, Professional, and Institutional (OPI) and General Commercial (CG) zoning districts by special exception
- All uses must be approved by the Board of County Commissioners through a special exception
- Prohibitions against loitering in parking areas at dispensaries; against drive-through dispensaries;
- Distance requirements: 500-foot separation distance from pre-existing schools, houses of worship, daycare facilities, public parks, and public beaches
- Prohibits integrated uses of Cannabis Farms, Processing Facilities, and Dispensaries; requires indoor cultivation; prohibits use of gas products associated with cultivation
- Requires use of alarm systems; restricts hours of operation

Seminole

No action yet.

St. Johns

No action yet.

St. Lucie

No action yet; draft moratorium ordinance scheduled for first hearing in February 2017.

Sumter (comprehensive medical marijuana)

Ordinance 2017-01

- Certificate of Approval process established for a Cannabis Dispensing Business; three year term
- Requirements for certificate established, including an application period and scoring process that evaluates the following: previous retail dispensing experience in a regulated market in any state; quality of derivative product offerings; technical ability; qualifications of security team; qualifications of medical director; awards
- Prohibits certain persons or entities from being issued a certificate
- One dispensary for every 67,600 residents
- Inspections of approved premises
- Zoning requirements
- Distance requirements: 250 feet from school, house of workshop
- Premises requirements, including products must in sealed or locked container; operating hours established by Florida law control dispensing hours except for delivery and administrative functions; no unaccompanied minors; odor elimination; proper disposal

Suwanee

No action yet.

Taylor

No action yet.

Union

N/A

Volusia

No action yet.

Wakulla (comprehensive medical marijuana)

Ordinance 2017-02

- "Zoning in progress"
- Any applications for, the processing of, and the issuance of development permits, development orders, or any other official action of the county permitting or having

the effect of permitting new MM dispensing facilities and/or new MMTCs are subject to the zoning which is in progress even though not finalized and adopted at the time an application was submitted.

Walton

No action yet; issue to be discussed February 2017.

Washington (comprehensive medical marijuana)

Moratorium: 240 days

Ordinance 2017-1

- Moratorium is imposed on the opening, relocating, or expanding of any dispensing facilities, including but not limited to DFs owned or operated by an approved dispensing organization under section 381.986.
- Moratorium also imposed on all medical cannabis activities by any person or entity NO approved as a DO under section 381.986
- Study and recommendations