

COLUMBIA COUNTY, FLORIDA
ORDINANCE NO. 2016- ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON CANNABIS DISPENSING BUSINESSES AS FURTHER DEFINED HEREIN; PROVIDING FOR GEOGRAPHIC AREA COVERED; PROVIDING FOR PENALTIES, PROVIDING A SAVINGS CLAUSE, A GENERAL REPEALER CLAUSE, AND FOR AN EFFECTIVE DATE.

WHEREAS, in 2014 the Florida Legislature enacted a law legalizing low-THC medical cannabis in Florida;

WHEREAS, in 2016 the Florida Legislature expanded the law to legalize medical cannabis in Florida;

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

WHEREAS, a comprehensive State licensing and regulatory framework for the cultivation, processing and dispensing of cannabis now exists;

WHEREAS, the comprehensive State licensing and regulatory framework directs that the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of cannabis businesses may be determined by local ordinance;

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

WHEREAS, the dispensing of cannabis is currently illegal under federal law and the United States Drug Enforcement Agency has reiterated that cannabis remains a Schedule I drug under federal law, but the United States Department of Justice has discussed the low probability federal enforcement of such laws with respect to state-regulated cannabis operations in the 2013 “Cole Memorandum”;

WHEREAS, potential adverse impacts on the health, safety, and welfare of residents and businesses from secondary effects associated with the distribution of cannabis exist, potentially including offensive odors, trespassing, theft, fire hazards, increased crime in and about the dispensary, robberies, negative impacts on nearby businesses, nuisance problems, and increased DUI incidents;

WHEREAS, there exists the potential for misappropriation of medical cannabis to non-medical uses;

WHEREAS, an overabundance of dispensing facilities can affect the viability of such facilities, result in compliance issues, lead to the improper diversion of products, and accentuate threats to the public health, safety, and welfare;

WHEREAS, in November of this year, Floridians voted to amend the Florida Constitution to legalize the cultivation, production, and dispensing of medical cannabis for a broader population of eligible patients; and

WHEREAS, Florida laws relating to the cultivation, production, and dispensing of cannabis products are rapidly changing, raising substantial questions about whether cannabis-related land uses, as a category of commercial use, may have negative secondary effects on surrounding land uses and communities;

WHEREAS, the purpose of this ordinance is to place a temporary moratorium on the opening of certain new cannabis dispensing facilities, and on the expansion or relocation of certain existing cannabis dispensing facilities;

WHEREAS, the Columbia County Board of County Commissioners has determined that a temporary moratorium imposed by this ordinance is intended to give the county the time reasonably necessary to investigate the impacts of cannabis dispensing facilities and, if necessary, promulgate reasonable regulations relating to such establishments;

WHEREAS, the Columbia County Board of County Commissioners finds that this ordinance advances an important government purpose by reducing the likelihood of the unregulated negative secondary effects of cannabis dispensing facilities;

WHEREAS, the Columbia County Board of County Commissioners finds that this ordinance is in the best interest of the public health, safety, and welfare; and

WHEREAS, the Columbia County Board of County Commissioners has determined it is in the public interest to adopt this Ordinance pursuant to the County's police powers and section 381.986(8)(b) to protect the health, safety, and welfare of the public.

NOW THEREFORE, be it ordained by the Board of County Commissioners for Columbia County, Florida:

Purpose and intent.

The purpose of this Ordinance is to provide the County with an adequate opportunity to review the likely impact of recent changes in the law and passage of a constitutional amendment relating to dispensary of medical cannabis, as well as the impact of cannabis dispensing in other jurisdictions, to determine how such dispensing should be permitted or regulated in the County.

Definitions.

(1) The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Ordinance:

a. **Cannabis** means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.

b. **Cannabis dispensing business** or **business** shall mean a business location offering cannabis for retail sale pursuant to a license to dispense cannabis issued under applicable law.

c. **Compassionate Use Act** shall mean section 381.986, Florida Statutes, and chapter 2016-123, Laws of Florida, as amended from time to time, and any rules or regulations promulgated thereunder.

d. **State** shall mean the State of Florida.

(2) In addition to the definitions contained in Subsection (1), other terms used in this Ordinance shall have the meaning ascribed to them in the Compassionate Use Act, and such definitions are incorporated into this Ordinance by this reference.

Temporary Moratorium.

Beginning on the effective date of this Ordinance, a moratorium is hereby imposed on the opening of new

cannabis dispensing businesses or the expansion or relocation of existing cannabis dispensing businesses in the County.

(1.) During the moratorium, it shall be unlawful and a violation of this ordinance for any person or entity to obtain any permit from the County to open or cause to be opened any cannabis dispensing business within the unincorporated areas of the County.

(2.) During the moratorium, it shall be unlawful and a violation of this ordinance for any person or entity to obtain any permit from the County to relocate or cause to be relocated any cannabis dispensing business within the unincorporated areas of the County.

(3.) During the moratorium, it is unlawful and a violation of this ordinance for any person or entity to obtain any permit from the County to expand or cause to be expanded any cannabis dispensing business within the unincorporated areas of the County.

(4.) During the moratorium, the County shall 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.

(5.) During the moratorium, the County shall not accept, process or approve any business tax receipts, building permits, land use permits, or any development permits concerning or related to a cannabis dispensing business.

(6.) During the moratorium, the County shall not accept, process or approve any licenses, permits, or approvals for any property, entity, or individual for the sale or dispensation of cannabis so long as this ordinance is in effect.

Nothing in this temporary moratorium shall be construed to prohibit the use of cannabis pursuant to the Compassionate Use Act or other applicable Florida Law, or the delivery of cannabis in compliance with the Compassionate Use Act or other applicable Florida Law.

Study and Recommendations.

The County Manager is hereby directed to study potential land development regulations for cannabis dispensaries and the impact of such regulations in other jurisdictions, and to make report to the Board of County Commissioners of the County Manager's findings together with proposals for amendments to the County's Land Development Regulations to address any identified potential adverse impacts.

Penalties.

Any person or entity who violates any provision of this Ordinance or who fails to comply therewith, or with any of the requirements thereof, shall be fined in an amount not exceeding five hundred dollars (\$500.00) per violation, per day, or be imprisoned for a period not to exceed sixty (60) days.

Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Repeal.

All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the County or any of its officials that conflict with this ordinance are hereby repealed to the extent inconsistent herewith.

Effective Date.

This ordinance takes effect immediately upon adoption.

ADOPTED this _____ day of _____, 2016.

BOARD OF COUNTY COMMISSIONERS
COLUMBIA COUNTY, FLORIDA

By: _____

Bucky Nash, Chairman

ATTEST: _____

P. DeWitt Cason, Clerk of Courts

(SEAL)