




COUNTY ATTORNEY'S OFFICE
JEFFREY J. NEWTON, County Attorney

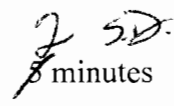
201 South Rosalind Avenue ■ 3rd Floor
Reply To: Post Office Box 1393
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http://www.ocfl.net

07-27-16 P04:39 RCDV

MEMORANDUM

DATE: July 27, 2016
TO: Katie Smith, Manager
Comptroller Clerk's Office
THROUGH: Sheri Davis, Agenda Development Coordinator
Agenda Development Office, BCC
FROM: Whitney E. Evers, Assistant County Attorney 
CONTACT PERSON: **Whitney E. Evers, Assistant County Attorney**
County Attorney's Office
407-836-7321; email to: whitney.evers@ocfl.net
SUBJECT: Request for Public Hearing at 2:00 p.m. on August 23, 2016;
Ordinance Regarding Moratorium on all Medical Cannabis
Activities

Title of Ordinance: **AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM WITHIN THE UNINCORPORATED AREAS OF ORANGE COUNTY; PROHIBITING ANY AND ALL MEDICAL CANNABIS ACTIVITIES DURING THE MORATORIUM PERIOD FOR ANY PROPERTY WITHIN ANY UNINCORPORATED AREAS OF ORANGE COUNTY; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE**

Applicant: Staff
Location: All Districts
Estimated time required for public hearing: 
Hearing controversial: No

Deputy County Attorney
Joel D. Prinsell

Senior Assistant County Attorneys
Elaine Asad
Lila McHenry

Assistant County Attorneys

Andrea Adibe
Roberta Alfonso
Edward M. Chew
Anthony Cotter
Whitney E. Evers
Wanzo Galloway, Jr.
Erin E. Hartigan
Georgiana Holmes
Katherine W. Latorre
Scott McHenry
Sawsan Mohiuddin
Scott Shevenell
William Turner

Legal Administrative Supervisor
Anna M. Caban

Senior Paralegal
Kimberly Cundiff

Paralegals
Melessia Lofgren
Maria Vargas, ACP

August 23, 2016
@ 2pm

Advertising requirements: Publish once in the *The Orlando Sentinel* in the portion of the newspaper where legal notices and classified advertisements appear.

Advertising timeframe: Not later than August 13, 2016, so that the ad appears at least 10 days prior to the public hearing at 2:00 p.m. on August 23, 2016.

Applicant/Abutters to be notified: Not applicable.

Hearing required by Fla. Statute: Section 125.66(2)(a), Florida Statutes.

Spanish Contact Person: Para más información en español acerca de estas reuniones publicas o de cambios por ser efectuados, favor de llamar a la Oficina de los Abogados del Condado, Roberta Alfonso, at 407-836-7320.

Materials enclosed: None. Draft ordinance to be provided before advertisement appears.

SPECIAL INSTRUCTIONS TO CLERK:

1. Please verify hearing date and time with Agenda Development.
2. Please publish advertisement by not later than August 13, 2016.

WEE:sac

cc: Joel D. Prinsell, Deputy County Attorney
Carol Burkett, Director, Office of Drug-Free Communities
Carol Hossfield, Manager, Zoning Division
Art Interiano, Assistant Manager, Zoning Division

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ORDINANCE NO. 2016-__

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM WITHIN THE UNINCORPORATED AREAS OF ORANGE COUNTY; PROHIBITING ANY AND ALL MEDICAL CANNABIS ACTIVITIES DURING THE MORATORIUM PERIOD FOR ANY PROPERTY WITHIN ANY UNINCORPORATED AREAS OF ORANGE COUNTY; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in 2014, the Florida Legislature passed the Compassionate Medical Cannabis Act, codified at Section 381.986, Florida Statutes (the “Compassionate Use Act”), which legalized the cultivation, processing, and dispensing of “Low-THC Cannabis,” as defined by Section 381.986(1)(e), Florida Statutes, by a licensed dispensing organization for “Qualified Patients,” as defined by Section 381.986(1)(h); and

WHEREAS, in 2016 the Florida Legislature amended the Right to Try Act, codified at Section 499.0295, Florida Statutes, which amended the Compassionate Use Act and legalized the cultivation, production, and dispensing of “Medical Cannabis,” as defined by Section 381.986(1)(f), Florida Statutes, and derivative products by a licensed dispensing organization to “Eligible Patients,” as defined by Section 499.0295, Florida Statutes; and

WHEREAS, to date, the Department of Health has authorized six “Dispensing Organizations,” as defined by Section 381.986(1)(b), Florida Statutes, throughout the state of Florida; and

WHEREAS, in November of this year, Florida voters will decide whether 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 Low-THC cannabis, Medical Cannabis, and their respective derivative products are rapidly changing, raising substantial questions about whether cannabis-related land uses may have deleterious and negative secondary effects on surrounding land uses and communities; and

42 **WHEREAS**, the purpose of this ordinance is to place a temporary moratorium on Medical
44 Cannabis Activities, as defined herein, for a period of time reasonably necessary for the County to
46 determine the best way to regulate Medical Cannabis Activities for the benefit of the public health,
safety, and welfare and to promulgate reasonable regulations relating to such activities if deemed
advisable by the County; and

48 **WHEREAS**, the Board of County Commissioners hereby finds that this ordinance
advances an important government purpose by reducing the likelihood of the unregulated
50 negative secondary effects of Medical Cannabis Activities; and

52 **WHEREAS**, the Board of County Commissioners hereby finds that this ordinance is in the
best interest of the public health, safety, and welfare.

54 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE
56 COUNTY:

Section 1. Findings of Fact.

58 The foregoing recitals are hereby ratified and confirmed as being true and correct and are
hereby made a part of this ordinance.

60 ***Section 2. Definitions.***

(a) *Derivative Product* means any form of cannabis suitable for administration to or
62 consumption or use by a Qualified Patient, Eligible Patient, or any other similarly situated
individual.

64 (b) *Low-THC Cannabis* means a plant of the genus *Cannabis*, the dried flowers of
which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of
66 cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant;
or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seed
68 or resin.

70 (c) Medical 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
72 compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.

(d) Medical Cannabis Activities means the growing, cultivation, processing, and
74 wholesale and retail sale of Medical Cannabis, Low-THC Cannabis, and Derivative Products, or
any subset of such activities, or any related activities.

76 **Section 3. Study and Review; Purpose.**

(a) During the moratorium period described in Section 4 of this ordinance, the County
78 staff, including the Zoning Division, is hereby directed to study Medical Cannabis Activities and
their impact on the health, safety, and welfare of residents and businesses located within the County,
80 and to develop and recommend land development regulations for Medical Cannabis Activities in
the unincorporated areas of the County, and any other relevant regulations and recommendations,
82 with such recommendations and proposed regulations being delivered to the Board of County
Commissioners within a reasonable time before the expiration of this moratorium.

(b) The ultimate purpose of such review and study by the staff is to propose
84 amendments to Chapter 38 of the Orange County Code for Medical Cannabis Activities within the
unincorporated area of Orange County.
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Section 4. Moratorium period. Except as set forth below in subsection 4(b) of
88 this ordinance, until the effective date of an ordinance establishing new or amended land
development regulations concerning Medical Cannabis Activities within unincorporated Orange
90 County, or until May 23, 2017, whichever date is earlier, no development permits shall be issued
for any Medical Cannabis Activities. Furthermore, the review of any applications for such

92 Medical Cannabis Activities that may be pending on August 23, 2016, the date of adoption of this
ordinance, shall be abated, and no new applications for such permits shall be accepted or processed
94 during the moratorium period.

Section 5. Codification. This ordinance shall be temporarily codified at Section
96 38-80 of the Orange County Code, with Section 38-80 being entitled: *“Moratorium regarding
Medical Cannabis Activities within unincorporated areas of Orange County.”*

98 **Section 6. Effective date.** This ordinance shall become effective on August 25, 2016.

ADOPTED THIS 23rd DAY OF AUGUST, 2016.

100 ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

102
104 By: _____
Teresa Jacobs, Orange County Mayor

106 ATTEST: Martha O. Haynie, County Comptroller
108 As Clerk to the Board of County Commissioners

110 By: _____
Deputy Clerk