



April 14, 2017

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

THROUGH: George Ralls, M.D., Deputy County Administrator, Public Safety & Health

FROM: Carol Burkett, Director, Drug Free Office

CONTACT: **Whitney E. Evers, Assistant County Attorney**
(407) 836-7321

SUBJECT: April 25, 2017 – Public Hearing
Extend the Temporary Moratorium Ordinance on Medical Cannabis Activities
within Unincorporated Orange County

On March 7, 2017, staff presented a Medical Marijuana update to the Orange County Board of County Commissioners ("BCC") which included a review of five proposed bills relating to Amendment 2 (Florida Legalization of Medical Marijuana) approved by voters in November 2016, that are being considered in the current legislative session. In addition, staff reviewed the Department of Health rulemaking process as it relates to Amendment 2. Due to the rapidly changing laws regarding medical marijuana, pending bills in the Florida Legislature proposing to amend existing laws regulating medical marijuana, and the ongoing promulgation of rules by the Department of Health, staff is proposing to extend the temporary moratorium ordinance. The County's current moratorium ordinance on medical cannabis activities within unincorporated Orange County was approved by the BCC on August 23, 2016. The current moratorium period started on August 25, 2016, and will expire, if not extended, on May 23, 2017.

Due to the time sensitive nature of the Ordinance, the Ordinance has not yet been heard by the Planning and Zoning Commission ("PZC"), but is scheduled to be heard by the PZC on April 20, 2017. At that time, Orange County staff will request that the PZC approve an ordinance extending the temporary moratorium for an additional six months or until an ordinance establishing substantive regulations is adopted by the BCC. The extension to the temporary moratorium will allow staff to continue tracking proposed state legislation and potential impacts to local government, as well as, the Department of Health rule-making process regarding Amendment 2, to ensure that any land development regulations we recommend for medical cannabis activities in the unincorporated areas of the County are consistent with, and take into account, all relevant laws and regulations.

Pursuant to the draft Ordinance, the moratorium would remain in effect until the effective date of an ordinance establishing new or amended land development regulations concerning medical cannabis activities within unincorporated Orange County, or until November 23, 2017, whichever date is earlier. Staff will provide the BCC with the recommendation of the PZC at the April 25th public hearing.

ACTION REQUESTED: Approval of an ORDINANCE AMENDING SECTION 38-80, ORANGE COUNTY CODE, TO EXTEND A TEMPORARY MORATORIUM ON ANY AND ALL MEDICAL CANNABIS ACTIVITIES DURING THE MORATORIUM PERIOD FOR ANY PROPERTY WITHIN ANY UNINCORPORATED AREAS OF ORANGE COUNTY; AND PROVIDING AN EFFECTIVE DATE. All Districts

Attachment

c: Ajit M. Lalchandani, County Administrator
Jeff Newton, County Attorney
George Ralls, MD, Deputy County Administrator
Joel Prinsell, Deputy County Attorney

ORDINANCE NO. 2017-_____

AN ORDINANCE AMENDING SECTION 38-80, ORANGE COUNTY CODE, TO EXTEND A TEMPORARY MORATORIUM ON ANY AND ALL MEDICAL CANNABIS ACTIVITIES DURING THE MORATORIUM PERIOD FOR ANY PROPERTY WITHIN ANY UNINCORPORATED AREAS OF ORANGE COUNTY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on August 23, 2016, the Board of County Commissioners adopted Ordinance No. 2016-18, effective on August 25, 2016, to place a temporary moratorium on Medical Cannabis Activities, as defined therein, for a period of time reasonably necessary for the County to 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

WHEREAS, in 2016 Florida voters approved Amendment 2, codified as Section 29, Article X of the Florida Constitution, which legalized medical marijuana for a broader group of patients than had previously been authorized under Florida law; and

WHEREAS, prior to the start of the 2017 legislative session, the Florida Legislature introduced at least six bills proposing to amend existing laws regulating the use of medical marijuana; and

WHEREAS, pursuant to Amendment 2, the Department of Health was given six months to undertake and complete rulemaking to implement Amendment 2; and

WHEREAS, given the rapidly changing laws regarding medical marijuana, and pending bills in the Florida Legislature proposing to amend existing laws regulating medical marijuana, the Board of County Commissioners hereby finds that this ordinance to extend the existing moratorium is in the best interest of the public health, safety, and welfare.

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

40 **Section 1. Amendment to Section 38-80.** The Orange County Code, Section 38-80,
Moratorium Regarding Medical Cannabis Activities Within Unincorporated Areas of Orange
42 County, is hereby amended as set forth below, with the new language indicated by underlining and
the deleted language being struck through:

44 **Sec. 38-80. Moratorium Regarding Medical Cannabis**
46 **Activities Within Unincorporated Areas of Orange County.**

 * * *

48 (c) *Moratorium Period.* Until the effective date of an
ordinance establishing new or amended land development
50 regulations concerning Medical Cannabis Activities within
unincorporated Orange County, or until May November 23, 2017,
52 whichever date is earlier, no development permits shall be issued for
any Medical Cannabis Activities. Furthermore, the review of any
54 applications for such Medical Cannabis Activities that may be
pending on August 23, 2016, the date of adoption of this ordinance,
56 shall be abated, and no new applications for such permits shall be
accepted or processed during the moratorium period.

58
Section 2. Effective date. This ordinance shall become effective pursuant to general
60 law.

ADOPTED THIS 25th DAY OF APRIL, 2017.

62 ORANGE COUNTY, FLORIDA
64 By: Board of County Commissioners

66 By: _____
68 Teresa Jacobs, Orange County Mayor

68 ATTEST: Phil Diamond, CPA, County Comptroller
70 As Clerk to the Board of County Commissioners

72 By: _____
74 Deputy Clerk

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