

**AGENDA FOR REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
INVERNESS, FLORIDA, CITY HALL, 212 WEST MAIN STREET
October 18, 2016 - 5:30 PM**

NOTICE TO THE PUBLIC

Any person who decides to appeal any decision of the Governing Body with respect to any matter considered at this meeting will need a record of the proceedings and, for such purpose, may need to provide that a verbatim record of the proceeding is made, which record includes testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

Accommodation for the disabled (hearing or visually impaired, etc.) may be arranged with advance notice of seven (7) days before the scheduled meeting, by dialing (352) 726-2611 weekdays from 8 AM to 4 PM.

ENCLOSURES*

- 1) INVOCATION, PLEDGE OF ALLEGIANCE AND ROLL CALL**
- 2) PLEASE SILENCE ELECTRONIC DEVICES**
- 3) ACCEPTANCE OF AGENDA**
- 4) PUBLIC HEARINGS**
 - 4 - 19 a) Carry Forward Budget Funds - Resolution*
- 5) OPEN PUBLIC MEETING**

The public is invited to express opinion on any item for this meeting or pending action at a future meeting of City Council. (Speaking time limit: Individual - 3 minutes; Group/Organization - 5 minutes)
- 6) PRE-SCHEDULED PUBLIC APPEARANCES**
- 7) MAYOR'S LOCAL ACHIEVEMENT AWARDS**
 - a) Proclamation Presentation - National Hospice/Palliative Care Month

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October 18, 2016 - 5:30 PM**

Red Ribbon Week
National Bullying Prevention Month

8) CITY ATTORNEY REPORT

9) CONSENT AGENDA

20 - 21 a) Bill Listing *

Recommendation - Approval

22 - 24 b) Council Minutes - 10/04/16 *

Recommendation - Approval

25 - 27 c) Proclamations - The 45th Festival of the Arts *
National American Indian Heritage Month*

Recommendation - Approval

10) CITY MANAGER'S REPORT Correspondence/Reports/Recommendations

28 - 31 a) Voluntary Contractor Registration - Ordinance* (1st Reading)

32 - 38 b) Fund Balance Designation - Resolution*

39 - 43 c) State Revolving Fund Loan*

44 - 46 d) CRA Reimbursement Resolution* (*Verbal*)

47 - 50 e) Financial Consultant Presentation*

51 - 59 f) Valerie Theatre Operations Agreement*

60 - 220 g) Medical Marijuana*

h) November 1, 2016 Council Meeting Venue - Valerie Theatre (*Verbal*)

i) Other

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11) COUNCIL/MAYOR SUBJECTS

12) NON-SCHEDULED PUBLIC COMMENT

(Speaking time limit: Individual - 3 minutes; Group/Organization - 5 minutes)

13) ADJOURNMENT

a)

DATES TO REMEMBER

Friday Night Thunder

Friday, October 21, 2016 from 5:00-8:00pm

One Courthouse Square

Cooter Festival

October 28 - 30, 2016

Liberty Park

COOTERFESTIVAL.COM

Inverness City Council Regular Meeting

Tuesday, November 1, 2016 at 5:30pm

Valerie Theatre

Agenda Memorandum – *City of Inverness*

DATE: October 14, 2016
ISSUE: Carry-Forward of Existing Funds – Public Hearing – Resolution
FROM: City Manager
CC: City Clerk, Finance Director, Asst City Manager
ATTACHED: Resolution
Memo by Sheri Chiodo
Published Ad

This is an annual exercise to amend the 2016/17 Budget and move existing unspent funds from one calendar fiscal cycle to the next. This action does not create new spending or demands. All funds have been earmarked for specific purposes in prior year allocation. Additional detailed information is found on attachments. To enact this action, City Council must conduct a Public Hearing for comment, and adopt an enabling Resolution.

Sum total amount of all funds represents \$3,820,546 inclusive of Capital Projects, Utility, Cemetery and Impact Fees.

Defined use of funds follows:

Government Plaza	<u>\$95,490</u>
Data Preservation	<u>\$42,610</u>
Sign Wayfinding	<u>\$57,495</u>
Security Cameras – IP	<u>\$3,303</u>
IGC Capital Maintenance	<u>\$125,000</u>
IGC Landscape Protection Plan	<u>\$28,140</u>
GIS System Development	<u>\$15,000</u>
Automation – Software	<u>\$52,671.</u>
Data Backup System	<u>\$15,000</u>
PC Replacement Program	<u>\$1,700</u>
Computer Equipment	<u>\$45,855</u>
ICRA Storefront Façade Program	<u>\$50,313</u>
Downtown Kiosks	<u>\$40,000</u>
White Lake Industrial Plan	<u>\$25,000</u>
Medical Arts District Plan	<u>\$17,500</u>
Dampier Bldg Refurbish/Demo	<u>\$9,492</u>
Visitor’s Center	<u>\$31,000</u>
CDBG Phase IV Streetscape	<u>\$85,745</u>
Street Pole Banners	<u>\$10,000</u>
Downtown Amenity Replacement	<u>\$85,000</u>

Administrative Offices
212 West Main Street, Inverness Florida 34450
www.Inverness-FL.gov

Agenda Memorandum – *City of Inverness*

Speed Trailer Program	<u>\$30,000</u>
Storm Water Improvements	<u>\$75,500</u>
Zephyr Street Improvements	<u>\$454,049</u>
Bicycle Master Plan	<u>\$25,000</u>
Permanent/Portable Safety Items	<u>\$35,047</u>
Cooter Pond Theme Lighting	<u>\$25,174</u>
Cooter Pond Park Improvements	<u>\$4,500</u>
Mossy Oak Park Improvements	<u>\$20,000</u>
Solar Compacting Trash Cans	<u>\$10,000</u>
Wallace Brooks Park Playground	<u>\$49,414</u>
Valerie Theater Building	<u>\$41,967</u>

Whispering Pines Park

- Comfort Station Renovations \$10,000
- Playground/Fitness Trail \$7,000

UTILITY FUND

- Water Modeling Analysis \$81,100
- Water Plant Chlorine Skid \$25,000
- Citrus Booster Control Center \$77,324
- Citrus Water Booster Pump \$40,000
- 581 MCC Upgrade Well #3 \$15,375
- Water Plant Surge Protection \$19,919
- Wastewater Plant Permit Renew \$18,900
- Lift Station Lighting Installation \$20,000
- Utility Equipment Storage \$50,000
- Water Reclamation Wash Station \$5,000
- Master Lift Station \$25,000
- Lift Station Fencing \$10,000
- Lift Station Upgrade #24 \$26,190
- Lift Station Three Phase Power \$20,000
- Sewer Plant Sidewalk \$4,735
- WWTP Fence and Security \$15,000
- Lift Station Pumps \$15,328
- Wastewater Infiltration Repair \$30,000
- Sewer Plant Surge Protection \$48,119
- Lift Station Safety Grates \$10,000
- Master Lift Station Generator \$71,520
- SCADA System \$283,205
- Lift Station Pump Units \$15,000
- Sewer Plant Equipment Upgrades \$14,557
- Sweetwater Pointe Water Project \$337,631

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Agenda Memorandum – *City of Inverness*

• Lift Station Rehabilitation	<u>\$32,234</u>
• Fire Hydrant Maintenance	<u>\$30,603</u>
• Water Line Extensions	<u>\$60,000</u>
• Water Line Improvements	<u>\$97,100</u>
• Utility Acquisition Project	<u>\$41,442</u>
• Automated Meter Reading	<u>\$81,465</u>
• Utility Lines – Highland Blvd	<u>\$196,241</u>
• Sewer Line Replacements	<u>\$89,005</u>
• Sewer Lateral Replacements	<u>\$80,000</u>

CEMETERY FUND

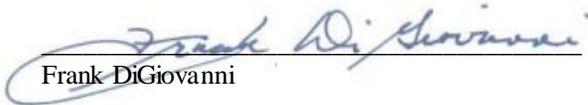
• Cemetery Study	<u>\$83,950</u>
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IMPACT FEE FUND

• Zephyr Street Improvements	<u>\$125,640</u>
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Recommended Action –

1. Motion and Vote to read the Resolution by title only
 - a. City Clerk reads the Resolution title
2. Open and Conduct the Public Hearing
 - a. Allow the City Manager to make a statement about the process
 - b. Those for; Those against
3. Close the Public Hearing
4. Council Deliberates to the matter to amend the 2017 Budget
5. Motion and vote to adopt the Resolution by roll-call


Frank DiGiovanni

Administrative Offices
212 West Main Street, Inverness Florida 34450
www.Inverness-FL.gov

RESOLUTION 2016-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INVERNESS, FLORIDA AMENDING THE ADOPTED BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017, AMENDING THE CAPITAL PROJECTS FUND, UTILITY FUND, CEMETERY FUND AND IMPACT FEE FUND REVENUES AND EXPENDITURES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Inverness desires to amend the Fiscal Year 2016-2017 budget to provide for recognition of Fiscal Year 2016 carry forward reserves, grant funds, and impact fee funds in the Capital Projects, Utility, Cemetery, and Impact Fee Funds; and

WHEREAS, the City Council desires to appropriate the reserves, grant and impact fee funds for authorized project expenses appropriated in Fiscal Year 2016 and not expended; and

WHEREAS, the City Council held a public hearing on October 18, 2016; as required by Florida Statute 200.065; and

WHEREAS, Resolution Number 2016-20, Section 5, authorizes amendments to the final adopted budget by resolution approved by the City Council of the City of Inverness, Florida.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF INVERNESS AS FOLLOWS:

Section 1. That revenue accounts in the Capital Projects Fund shall be amended as follows:

Revenues	Original Budget	Revised Budget	Adjustment
CIGP Grant Funds	\$ 441,750	\$ 641,750	\$ 200,000
Beginning Reserves	\$2,202,606	\$ 3,626,570	<u>\$1,423,964</u>
			\$1,623,964

Section 2. That expenditure accounts in the Capital Projects Fund shall be amended as follows:

Expenditures	Original Budget	Revised Budget	Adjustment
General Government	\$ 653,000	\$1,135,263	\$ 482,263
Economic Environment	\$ 5,323,200	\$5,677,250	\$ 354,050
Public Safety	\$ 242,000	\$ 272,000	\$ 30,000
Transportation	\$ 770,250	\$1,359,847	\$ 589,597
Cultural/Recreation	\$ 416,650	\$ 584,704	<u>\$ 168,054</u>
			\$ 1,623,964

Section 3. That revenue accounts in the Utility Fund shall be amended as follows:

Revenues	Original Budget	Revised Budget	Adjustment
Special Assessment – Water	\$ -0-	\$ 337,631	\$ 337,631
Beginning Reserves	\$5,322,148	\$6,971,509	<u>\$ 1,649,361</u>
			\$ 1,986,992

Section 4. That expenditure accounts in the Utility und shall be amended as follows:

Expenditures	Original Budget	Revised Budget	Adjustment
Physical Environment	\$3,084,677	\$5,071,669	\$1,986,992

Section 5. That revenue accounts in the Cemetery Fund shall be amended as follows:

Revenues	Original Budget	Revised Budget	Adjustment
Beginning Reserves	\$ 589,370	\$ 673,320	\$ 83,950

Section 6. That expenditures accounts in the Cemetery Fund shall be amended as follows:

Expenditures	Original Budget	Revised Budget	Adjustment
Cemetery	\$ 152,425	\$236,375	\$ 83,950

Section 7. That revenue accounts in the Impact Fund shall be amended as follows:

Revenues	Original Budget	Revised Budget	Adjustment
Beginning Reserves	\$ 493,945	\$ 619,585	\$ 125,640

Section 8. That expenditure accounts in the Impact Fee Fund shall be amended as follows:

Expenditures	Original Budget	Revised Budget	Adjustment
Transportation	\$ -0-	\$ 125,640	\$ 125,640

Section 9. That this resolution shall be effective on the 18th day of October, 2016.

PASSED AND ADOPTED this ___ day of _____, 2016.

CITY OF INVERNESS

By: _____
David Ryan
President of City Council

ATTEST:

Susan Jackson
Interim City Clerk

FINANCE DEPARTMENT



212 W. Main Street
Inverness, FL 34450
(352) 726-5016 Phone
(352) 726-5534 Fax

Memorandum

To: Frank DiGiovanni, City Manager

From: Sheri Chiodo, Director of Finance

CC: Susan Jackson, Interim City Clerk

Paula Carnevale, Assistant Finance Director

Date: October 12, 2016

Reference: Fiscal Year 2017 Appropriations Carry-Forward – All Funds

Department Directors have completed requests for project budget carry forwards for Fiscal Year 2017. The purpose of this amendment is to appropriate funds in Fiscal Year 2017 for projects that were not started or were started but not completed by September 30, 2016. The amounts not expended are proposed to be appropriated in Fiscal Year 2017 to ensure project completion without interruption.

A budget summary ad for publication, notice of public hearing, and resolution, has been provided with this submittal for your reference and council consideration. The total amounts of carry forward projects are **\$3,820,546** allocated between the Capital Projects, Utility, Cemetery and Impact Fee Funds.

A Description of Affected Projects and Related Amounts are as Follows:

CAPITAL FUND

General Government

Government Plaza - Continual development of Government Plaza concept for downtown Inverness. Providing for the interaction of various governmental agencies, providing for centralized government for citizens' access, and creating synergism through cooperation.
\$95,490

Data Preservation - Implementation and maintenance of document imaging and records management systems. Project scope includes Tyler Consulting Solutions Best Business Practice analysis and custom documentation, implementation services and equipment including 2 scanners and 2 bar code readers. \$42,610

Wayfind Signs - Development and installation of Wayfind Directional and advertising kiosks to direct visitors and guests to downtown city and mercantile locations. \$57,495

Security Cameras – IP – Continued funding to install security cameras in the Finance Department and IGC locations. \$3,303

IGC Capital Maintenance - Inverness Government Center – Continued funding for maintenance to the exterior/interior of the IGC. \$125,000

IGC Landscape Protection Plan - Continued funding to provide decorative amenities (fencing) and/or additional plantings to discourage parking lot patrons from crossing landscaped areas to get to/from Tompkins Street. \$28,140

GIS System Development – Continued funding for GIS Technology. GIS data provides for volumes of information to be accessed instantly, enabling City staff to be more proactive maintaining public infrastructure such as roads and streets, and utility lines. GIS data will help promote the City to potential businesses, land owners and citizens alike by bringing vast amounts of data like property information, points of interest, and travel routes instantly to their computer or mobile devices. \$15,000

Automation – Software – Continued implementation of software purchased including Utility Billing, Fixed Assets, Central Property File, Applicant Tracking, , Vendor Self Service, and Employee Self Service (web service pages), MapLink GIS Integration, and Mobile Application Development. \$52,671.

Data Backup System – Ongoing program to automate and improve system backup functionality. \$15,000

PC Replacement Program – Funding to replace outdated desktop computers throughout the City Departments. \$1,700

Computer Equipment – Ongoing program to maintain and enhance technology throughout the city. \$45,855

Economic Environment

ICRA Storefront Façade Program - This project continues the downtown redevelopment effort by promoting and partially funding storefront façade improvements within the CRA District. ICRA Storefront Façade Matching Grant Program pays up to 50% of the total cost of each project up to \$15,000. Each project application must be reviewed and approved by the ICRA Board and A/ARC Committee. \$50,313

Downtown Kiosks - Development and installation of Wayfind Directional and advertising kiosks to direct visitors and guests to downtown city and mercantile locations. \$40,000

White Lake Industrial Plan - This project relates to the redevelopment of the industrial area around White Lake. These professional services relate to planning, urban design, landscape architecture, entitlement management, infrastructure development, market assessment, and professional representation. \$25,000

Medical Arts District Plan – This project relates to the identification of boundaries associated with a special area plan to be known as the "Medical Arts District". These professional services relate to campus planning, urban design, landscape architecture, entitlement management, infrastructure development, and professional representation. \$17,500

Dampier Building Refurbish/Demolition – CUB - Rehabilitate 2 dwellings in the CBD on Dampier Street next to the multi-unit low income structure. One was recently purchased while the other has been used for storage by the Supervisor of Elections. \$9,492

Visitor's Center – Relocation of IEVB to new Visitor Center Location as part of Depot District and Wallace Brooks Park Marina. Location: Dampier Street and MLK Avenue. \$31,000

CDBG Phase IV Streetscape - Improve deficiencies on MLK between Hwy 41/44 and Old East Main. Improve Dampier Street between Apopka Avenue and Seminole Avenue. Storm Water Management, Canopy Street Trees, Theme Lighting, sidewalks, cycle friendly, curbs and gutter are elements that will be accomplished. \$85,745

Street Pole Banners - Two phases - one for Courthouse and one for Main Street. 40 Double-sided banners on light poles for Cooter, Grand Prix, Patriotic Festival of the Arts, Taste of Inverness, #SmallTownDoneRight, Inverness After Dark. \$10,000

Downtown Amenities Replacement – An annual program to replace downtown amenities as necessary to improve the function of the downtown streetscape. Amenities would include but not be limited to benches, trash receptacles, tree grates, fencing, banners and other misc. street furniture. \$85,000

Public Safety

Speed Trailer Program - Purchase and utilization of electronic monitoring enhances driver awareness of traveling speed, which is a proven method to improve safety and greatly increases efficiencies to the allocation of sworn Law Enforcement personnel. The system is well received by residents and drivers alike and has been highly effective when used. Additional units will expand the program. \$30,000

Public Works – Roads and Streets

Storm Water Improvements - Annual funding for storm water system replacements and upgrades for undersized or damaged infrastructure, unsuitable materials of construction, aged infrastructure, poor piping configurations, swale or pond re-grading or other situations which may be interrupting conveyance of storm water. \$75,500

Zephyr Street Improvements - Construct improvements to critical intersections on Zephyr Street, including straightening the intersection at Zephyr and Cherry. Zephyr Street is a traffic reliever for HWY 44 and 41 for residents living on roads accessed by North Apopka Avenue. Funding represents the City's matching funds for the CIGP program for the design work as outlined in the 5-year FDOT Plan. \$454,049

Bicycle Master Plan – Share the Road ID (Sharrows) – A safety program to mark target roadways by signs and lane markings to pronounce "Share the Road." Selected roads will be those leading to places of interest (shopping, schools, downtown, trail, medical, etc.). The program will be limited to roadways of high use by cyclists and vehicles. (State Roads will be exempt.) \$25,000

Permanent and Portable Safety Devices – Continued funding to include trail crossing flashers at Turner Camp, Eden, and Mossy Oak trail crossings. Funding also includes portable radar speed, and/or reader board signs. \$35,047

Culture/Recreation

Satellite Parks

Cooter Pond Theme Lighting - Boardwalk & landscape lighting as well as electrical outlets will be designed and installed throughout the Cooter Pond Linear Park. Illumination will accommodate special events and fee based activities. \$25,174

Cooter Pond Park Improvements –Continued funding for project to include annual improvements to Cooter Pond Park and the linear trail system. 2016 budget item includes permitting and dredging of the existing harvester access point to Cooter Pond for removal of vegetation. \$4,500

Mossy Oak Park Improvements - No vehicle parking limits park use. The addition of a fishing dock and lights in the park would attract more visitors. A decorative sign will be designed to tie into the City's theme. Parking, fencing and fishing facility improvements are included in this budget item. \$20,000

Solar Compacting Trash Cans - Purchase of 5 solar powered trash cans to be located in the highest use areas of the Parks system. The trash cans compact the contents allowing longer time between pick-ups. They also communicate by text message when they need to be emptied. \$10,000

Wallace Brooks Park Playground Improvements - Design and installation of new playground equipment. \$49,414

Valarie Theater

Valarie Theater – Ongoing program to renovate the Valarie Theater. \$41,967

Whispering Pines Park

Comfort Station Renovations - Replacement of worn fixtures, removing access gates to replace with locking doors, installing a nonslip surface on floors and a long lasting metal roof to comfort stations. \$10,000

Playground and Fitness Trail Equipment - Upgrade and replacement of playground features, fitness stations and trail features. Rehabilitation of playground fencing. \$7,000

UTILITY FUND

Water Capacity Modeling Analysis – Contract with an engineering company to evaluate the existing infrastructure in place to determine where upgrades and repairs are required to support future growth to the water customer base. \$81,100

581 Water Plant Chlorine Skid Replacement - Replace and upgrade the aging chlorine skid at the 581 Water Treatment Plant. Purchase a new three pump skid to replace the current two pump skid. The skid will include three new pumps and all associated piping and dosing components. \$25,000

Citrus Booster Station Motor Control Center - Planned replacement of the aging Motor Control Center (MCC) at the Citrus booster station. The MCC is equipment crucial to the operation of the Citrus Booster Pumps. It governs and controls when pumps operate, the speed at which they start and stop, and many other pump functions. Pumps of this size in a water system operation cannot be operated without the MCC. \$77,324

Citrus Water Booster Pump Replacements - Water booster pump replacements as needed. \$40,000

581 MCC Upgrade Well #3 - Upgrade the 581 MCC panel portion that houses the components for Well 3. The housing and starter are undersized and cause Well 3 to overheat and trip the breaker. The project will include enlarging the current housing on the MCC panel and replacing the undersized starter assembly. \$15,375

581 Water Plant – Lightning Protection – Lightning protection installations at the 581 Water Plant resulting from analysis completed in FY 2016. \$19,919

Wastewater Treatment Plant Permit Renewal – Professional services to renew the City’s Wastewater treatment plant permit. \$18,900

Lift Station Lighting Installation - Install maintenance service lighting fixtures and connections to all lift station not already equipped. \$20,000

Equipment Storage – Water Reclamation Facility - Construct a new equipment storage facility at the Water Reclamation Facility. Store the jet rodder, portable generators, portable lift station, portable lift station pump, and other equipment. \$50,000

Water Reclamation Facility Wash Stations - Install wash-down hoses at strategic points at the WRF. Construction will improve efficiency of facility housekeeping and improve equipment aesthetics. \$5,000

Master Lift Station – Master Pump and Piping - This project is driven by anticipated future increases to flow levels into the Master Lift Station. Allocation includes an engineering evaluation of capacities and flows of the master lift station's capacity. Project involves upgrades and modernization of the pumps and piping. \$25,000

Lift Station Fencing - Security fence to be installed around sewer pump stations located in public right of ways. Currently one of thirty stations is fenced, the objective is to provide safety fencing to the entire system and do so as a phased project. \$10,000

Lift Station Upgrade #24 - Lift station #24 requires physical, electrical and mechanical upgrades. Repairs include replacement of the corroded control panel, compromised effluent piping, and electrical conduit damage. Sulfide corrosion of the interior lining also necessitates an interior re-lining to ensure the physical integrity of the station. \$26,190

Lift Station Three Phase Power - Upgrade lift station power source from single phase to three phase. \$20,000

Water Reclamation Facility Sidewalk Installation - Complete sidewalk upgrade at the WRF. Install sidewalks at locations where they do not exist. \$4,735

WWTP Fence and Security - Removal and Replacement to a decorative, black color, chain link fence, which is more compatible with City improvements to Dampier Street, Wallace Brooks Park and general area. \$15,000

Lift Station Pumps - Purchase several new lift station pumps that will be utilized in lift stations that are having a pump serviced. The purchase will include one pump of each size that are utilized at the 33 lift stations throughout the City of Inverness. \$15,328

Wastewater Infiltration Repair - Infiltration repairs to the collection system to reduce the overall infiltration of storm water into the wastewater system. \$30,000

Wastewater Reclamation Facility Lightning Protection - Install lightning protection for facility equipment, instrumentation, and communication devices. \$48,119

Lift Station Safety Grates - Install lift station safety grates to all collection system lift stations. \$10,000

Master Lift Station Generator - Planned replacement of aging Master Lift Station emergency generator equipment. \$71,520

SCADA System - Install remote monitoring (SCADA) for all utility lift stations and the water treatment facility to a central location(WWTF Administration Building). \$283,205

Lift Station Pump Units - Purchase back-up lift station pump units to service lift station. \$15,000

Water Reclamation Facility – Equipment Upgrades - Perform WRF upgrades to repair, replace or upgrade existing equipment or instrumentation associated with the treatment process. \$14,557

Sweetwater Pointe – Water Line Installation – Complete water line installation and service to the Sweetwater Pointe Subdivision Project funded by Special Assessment - \$337,631

Lift Station Upgrades and Rehabilitation Program - General annual LS improvements to include electrical and panel replacements and upgrades for SCADA, wet-well lining, lift station equipment replacement, alarm installation, and lift station spare pumps. \$32,234

Fire Hydrant Maintenance - Replace aging and out of service fire hydrants. Some hydrants are traffic hazards that need to be moved further from the road. Some hydrants need isolation valves installed so they can be turned off in the event of an emergency. The project will include installing hydrants, isolation valves, and in-line valves that can be used to facilitate hydrant replacement without disrupting water service to customers' homes and businesses. \$30,603

Water Line Extensions - Annual funding is for water line extensions, or to upgrade undersized infrastructure in order to increase capacity for future line extensions, improve water flow or improve water quality. Fund will build until eligible project is funded. \$60,000

Water Line Improvements – Upgrades – Continued funding to improve water lines and appurtenances in scenarios such as undersized infrastructure, unsuitable materials of construction, aged infrastructure, poor piping configurations or other situations which may be detrimental to the distribution piping system. \$97,100

Utility Acquisition Project – Acquisition of Rosemont/Rolling Green utility system from Citrus County and to purchase AMI meter replacements for the acquisition. \$41,442

Automated Meter Reading System – Continued Installation of Automatic Metering Infrastructure (AMI) and equipment (booster station in area of new utility acquisitions). \$81,465

Utility Lines – Highland Blvd – Water/Sewer Line construction associated with the Highland Boulevard Improvement Project. \$196,241

Sewer Line Replacements – Ongoing program to upgrade aging infrastructure. \$89,005

Sewer Lateral Replacements – Continued funding to contract replacement of existing sewer laterals located in the public right-of-ways. \$80,000

CEMETERY FUND

Cemetery Study - A study to provide guidance for the future development and oversight of the cemetery. To streamline processes, encompass comprehensive maintenance, increase revenue and improve customer satisfaction. \$83,950

IMPACT FEE FUND

Zephyr Street Improvements – City Impact Fee portion to construct improvements to critical intersections on Zephyr Street, including straightening the intersection at Zephyr and Cherry. Zephyr Street is a traffic reliever for HWY 44 and 41 for residents living on roads accessed by North Apopka Avenue. Funding represents the City’s matching funds for the CIGP program for the design work as outlined in the 5-year FDOT Plan. \$125,640

Recommended Action –

It is recommended that City Council proceed to carry-forward allocated and unused funds to the current fiscal program to complete the stated projects.

1. Open and Conduct the Public Hearing
 - a. Allow the City Manager to make a statement about the process
 - b. Those for; Those against
2. Close the Public Hearing
3. Council Deliberates the Matter
4. Motion and Vote to read the Resolution by title only
 - a. City Clerk reads the Resolution title
5. Deliberate the matter to recognize the carry-forward projects and amounts, and to amend the 2017 Budget expenditure as indicated
6. Motion and vote to adopt the Resolution by roll-call

NOTICE OF BUDGET HEARING

The City Council of the City of Inverness will hold a public hearing on Tuesday, October 18th at 5:30 p.m. at the Inverness Government Center, 212 W. Main Street, Inverness, FL to consider and finalize a resolution amending the adopted budget for the Capital Projects Fund, Cemetery Fund, Impact Fee Fund and the Utility Fund for the fiscal year commencing October 1, 2016 and ending September 30, 2017.

CITY OF INVERNESS
2016/2017 FISCAL YEAR
THE PROPOSED OPERATING BUDGET EXPENDITURES OF THE CITY OF INVERNESS ARE 4.5% MORE THAN LAST YEAR'S TOTAL OPERATING EXPENDITURES

GENERAL FUND 7.5729

ESTIMATED REVENUES	GENERAL FUND	ROAD					IMPACT FEE FUND	PENSION FUNDS	TOTAL BEFORE COMPONENT UNIT	I.C.R.A. TRUST FUND	TOTAL ALL FUNDS
		WHISPERING PINES PARK	IMPROVEMENT FUND	CAPITAL PROJECTS FUND	WATER & SEWER	CEMETERY					
TAXES:											
AD-VALOREM MILLAGE PER \$1000 -7.5729	3,231,427								3,231,427	-	3,231,427
AD-VALOREM Delinquent Taxes	80,000								80,000		80,000
SALES AND USE TAXES	335,817								335,817		335,817
FRANCHISE FEES	745,320								745,320		745,320
UTILITY SERVICE TAXES	783,826								783,826		783,826
COMMUNICATIONS SERVICE TAX	285,000								285,000		285,000
LOCAL BUSINESS TAX	49,000								49,000		49,000
LICENSES AND PERMITS	172,000								172,000		172,000
GRANTS/SHARED REVENUE	110,119			922,250	620,000				1,652,369	612,023	2,264,392
STATE SHARED REVENUES	778,500								778,500		778,500
CHARGES FOR SERVICES	1,050,275	87,300			3,608,931				4,746,506		4,746,506
FINES AND FORFEITURES	22,500								22,500		22,500
INTEREST EARNINGS	38,500	1,500	300		29,000	9,300	700	23,500	102,800	31,600	134,400
RENTS & ROYALTIES	312,276				250				312,526		312,526
SPECIAL ASSESSMENTS/IMPACT FEES				338,000	337,631		31,000		706,631		706,631
CONTRIBUTIONS/DONATIONS		300							300		300
SALE OF FIXED ASSETS	5,000					7,600			12,600		12,600
PENSION CONTRIBUTIONS							1,500		1,500		1,500
MISCELLANEOUS REVENUES	25,400	6,000			14,000	300			45,700		45,700
DEBT PROCEEDS				3,497,659		100,000			3,597,659		3,597,659
TOTAL SOURCES	8,024,960	95,100	300	4,757,909	4,609,812	117,200	31,700	25,000	17,661,981	643,623	18,305,604
TRANSFERS IN	740,000	474,014		2,076,941	3,778,030				7,068,985	603,812	7,672,797
FUND BALANCES/RESERVES/NET ASSETS	6,688,352	347,480	13,699	3,626,570	6,971,509	673,320	619,585	401,545	19,342,060	70,156	19,412,216
TOTAL REVENUES, TRANSFERS & BALANCES	15,453,312	916,594	13,999	10,461,420	15,359,351	790,520	651,285	426,545	44,073,026	1,317,591	45,390,617
EXPENDITURES											
GENERAL GOVERNMENTAL	2,450,306			1,135,263			17,500		3,603,069		3,603,069
PUBLIC SAFETY	1,339,157			272,000					1,611,157		1,611,157
PHYSICAL ENVIRONMENT	1,074,760				5,071,669	236,375			6,382,804		6,382,804
TRANSPORTATION	768,623			1,359,847			125,640		2,254,110		2,254,110
ECONOMIC ENVIRONMENT	266,320			5,677,250					5,943,570	461,385	6,404,955
CULTURE & RECREATION	826,773	569,114		584,704					1,980,591	-	1,980,591
DEBT SERVICES	-				875,609				875,609		875,609
TOTAL EXPENDITURES	6,725,939	569,114		9,029,064	5,947,278	236,375	125,640	17,500	22,650,910	461,385	23,112,295
TRANSFERS - OUT	2,373,976	-		-	4,499,271	3,500			6,876,747	796,050	7,672,797
FUND BALANCES/RESERVES/NET ASSETS	6,353,397	347,480	13,999	1,432,356	4,912,802	550,645	525,645	409,045	14,545,369	60,156	14,605,525
TOTAL APPROPRIATED EXPENDITURES, TRANSFERS, RESERVES & BALANCES	15,453,312	916,594	13,999	10,461,420	15,359,351	790,520	651,285	426,545	44,073,026	1,317,591	45,390,617

THE TENTATIVE, ADOPTED, ADN/OR FINAL BUDGETS ARE ON FILE IN THE OFFICE OF THE ABOVE REFERENCED TAXING AUTHORITY AS A PUBLIC RECORD

10/14/2016 08:14
siddings

CITY OF INVERNESS
CASH REQUIREMENTS REPORT

P 1
apcshreq

VENDOR DOCUMENT	INVOICE	VOUCHER	DESCRIPTION	DUE DATE	DUE 10/31/16
			TOTALS FOR ACE HARDWARE CO OF INV INC		22.47
			TOTALS FOR ANCHOR BENEFIT CONSULTING, INC		1,185.39
			TOTALS FOR AUTOZONE		22.95
			TOTALS FOR CASHIER, DEPT. OF COMMUNITY AFFAIRS		175.00
			TOTALS FOR CITRUS COUNTY CHRONICLE		57.92
			TOTALS FOR CITY TIRE OF INVERNESS		44.05
			TOTALS FOR CLERK OF THE CIRCUIT COURT, ANGELA VICK		10.00
			TOTALS FOR LIZ DOWNS		70.00
			TOTALS FOR E G P INC		213.79
			TOTALS FOR FLORIDA MUNICIPAL INSURANCE TRUST		258.08
			TOTALS FOR GAI CONSULTANTS, INC		731.00
			TOTALS FOR GOLDEN X PLUMBING SUPPLY INC		10.04
			TOTALS FOR MAILFINANCE INC		917.68
			TOTALS FOR HAWKINS, INC.		324.00
			TOTALS FOR A.C.M.S., INC		7,236.43
			TOTALS FOR HUMPHREY & SALTMARSH, PL		1,425.00
			TOTALS FOR JANUSZEWSKI, CINDY		238.00
			TOTALS FOR MANN-ICURE LAWN SERVICE AND LANDSCAPING		3,555.33
			TOTALS FOR NAPA OF INVERNESS		148.71
			TOTALS FOR OFFICE DEPOT INC		68.64
			TOTALS FOR B-III, INC		1,330.00
			TOTALS FOR OXFORD PIPELINE, INC		53,204.40
			TOTALS FOR PAVE-RITE		46,613.62
			TOTALS FOR PETTY CASH		30.94
			TOTALS FOR PUBLIC RISK MANAGMENT OF FLORIDA		35,491.68
			TOTALS FOR SANDPIPER SIGN & SCREEN PRINTING IN		125.00



10/14/2016 08:14
siddings

CITY OF INVERNESS
CASH REQUIREMENTS REPORT

P 2
apcshreq

VENDOR DOCUMENT	INVOICE	VOUCHER	DESCRIPTION	DUE DATE	DUE 10/31/16
			TOTALS FOR SS SOLUTIONS, LLC.		4,698.47
			TOTALS FOR SUMTER ELECTRIC COOPERATIVE INC		119.02
			TOTALS FOR SWARTZ, KATHLEEN		180.00
			TOTALS FOR UNIFIRST CORPORATION		48.28
			TOTALS FOR WESCO TURF INC		125.84
			REPORT TOTALS		158,681.73

** END OF REPORT - Generated by Stacey Iddings **

October 4, 2016
5:30 PM

The City Council of the City of Inverness met on the above date in Regular Session at 212 W. Main Street with the following members present:

President Ryan
Vice President McBride
Councilwoman Hepfer – *not present*
Councilwoman Bega – *not present*
Councilman Hinkle
Mayor Plaisted

Also present were City Manager DiGiovanni, City Attorney Haag, Asst. City Manager Williams, Community Development Director Day, and Interim City Clerk Jackson.

The Invocation was given by Mayor Plaisted and the Pledge of Allegiance was led by the City Council.

ACCEPTANCE OF AGENDA

Councilman McBride motioned to accept the Agenda as presented. Seconded by Councilman Hinkle. The motioned carried.

PUBLIC HEARINGS

4)a) City Utility System Tax Ordinance* (2nd Reading) with City Manager noting the Public Hearing was duly noticed as part of the 2nd Ordinance reading to impose a tax on water service. The public hearing is for public comment before enacting the tax. The City will provide a 120-day notice to the Department of Revenue and the proposed effective date of the Ordinance would be February 2, 2017.

Councilman McBride motioned to have the Clerk read Ordinance 2016-721 by Title only. Seconded by Councilman Hinkle. The motion carried.

ORDINANCE NO. 2016- 721

AN ORDINANCE OF THE CITY OF INVERNESS, FLORIDA, AMENDING CHAPTER 20, TAXATION, ARTICLE II IN THE CODE OF ORDINANCES, "UTILITY TAX;" AMENDING ARTICLE II TITLE TO PUBLIC SERVICE TAX; AMENDING SECTION 20-16. - LEVIED, TO PROVIDE FOR A THREE PERCENT (3%) PUBLIC SERVICE TAX ON WATER; AMENDING SECTION 20-19 COMPENSATION TO SELLERS TO ADD THE SELLER OF WATER; AMENDING SECTION 20-20 DUTY OF SELLER TO COLLECT TAX TO ADD WATER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Hinkle motioned to adopt Ordinance 2016-721 on the 2nd reading by roll-call vote. Seconded by Councilman McBride. Roll call vote was as follows: Councilman Hinkle, yes; Councilman McBride, yes; President Ryan, yes. The motion carried.

OPEN PUBLIC MEETING

None

SCHEDULED APPEARANCES

None

MAYOR'S LOCAL ACHIEVEMENT AWARDS

None

CITY ATTORNEY REPORT

None

CONSENT AGENDA

- a) Bill Listing*
 - Recommendation – Approval
- b) Council Minutes – 09/20/16* & 09/22/16PH*
 - Recommendation – Approval
- c) Proclamations –
 - National Hospice/Palliative Care Month*
 - Red Ribbon Week*
 - National Bullying Prevention Month*
 - Recommendation – Approval

Councilman McBride motioned to accept the Consent Agenda. Seconded by Councilman Hinkle. The motion carried.

CITY MANAGER'S REPORT

10)a) Highland Boulevard Agreement* was addressed by City Manager DiGiovanni stating this project was presented to Council on September 6, 2016 to award the bid. To preserve the integrity of the bid process, full disclosure of all project aspects is provided for Council to separately and formally approve the Project Construction Agreement.

Councilman McBride motioned to accept the Project Agreement for construction, and authorize the Council President to execute the document. Seconded by Councilman Hinkle. The motion carried.

10)b) Use of Contingencies* with City Manager stating that the use of contingency funds for marketing. The Inverness Event & Visitors Bureau (IEVB) has done a remarkable job in promoting the City in new and dynamic ways, keeping the City as a destination, and it is important to support local market support efforts to broaden appeal. This will be used to contract with entities that have supported City efforts for years.

Councilman McBride motioned to authorize the transfer of \$3,500 from Contingencies to Marketing. Seconded by Councilman Hinkle. The motion carried.

10)c) ICRA Board Appointment – Jesse Brashear* was addressed with City Manager noting Mr. Brashear is a downtown businessman who is interested to serve in a volunteer capacity as a member of the Inverness Community Redevelopment Agency (ICRA). This addition will bring ICRA to full membership. While this is good for ICRA, other boards are in need of members. It is asked that the Elected Officials recruit citizens who may be interested in serving.

Councilman Hinkle motioned to appoint Jesse Brashear as a volunteer member to the Inverness Community Redevelopment Agency to a three-year term. Seconded by Councilman McBride. The motion carried.

10)d) Veteran's Day Parade – FDOT Permit* was addressed with City Manager DiGiovanni explaining that FDOT must approve the temporary closing of Hwy 41/44 (FDOT roadway) to accommodate the Veteran's Day Parade. City Council must authorize the City's hosting of the parade and accommodation of the parade to be held on Veteran's Day, Friday November 11, 2016. This action is taken by FDOT confirming that the elected officials support the closing of the road. **Councilman Hinkle motioned to authorize that the City host and accommodate the Veteran's Day Parade on November 11, 2016, on the FDOT Highway 41/44 through town, and accordingly support a temporary closure of the road for this purpose. Seconded by Councilman McBride. The motion carried unanimously.**

City Manager DiGiovanni additionally reported on the following:

- The Inverness Fire Department responded to a fire on Russell Street within 5 minutes of the call.
- This past Sunday was the Rails to Trails bike ride with 1,000 riders.
- The Spanish-American Club held an event at the Valerie Theatre last weekend and it was very well attended.
- Met with the owner of Inverness Car Wash to discuss a potential sewer project involving businesses along 44W.
- City representatives met with CMH administration regarding surrounding properties and future plans.
- Spoke to upcoming events including Cooter Festival, Festival of the Arts, and the Inverness Grand Prix.

COUNCIL/MAYOR SUBJECTS

Mayor Plaisted spoke to all of the great evening activities in the downtown.

Councilman Hinkle spoke of the exciting times with the positive planning, including the Valerie Theatre.

Councilman McBride spoke of a conversation with a local businessman being very complimentary of the City. He attended the last BOCC meeting where Andy Houston addressed the Board regarding Sheriff services and equity.

President Ryan noted the City Clerk's recent retirement and of the positive responses regarding the Patriotic Evening video.

CITIZENS NOT ON AGENDA

None

Meeting adjourned at 5:54pm.

Interim City Clerk

Council President

Agenda Memorandum – *City of Inverness*

DATE: October 18, 2016
ISSUE: Authorization for Proclamation Issuance

- “The 45th Festival of the Arts Weekend”
- “National American Indian Heritage Month”

FROM: Interim City Clerk Jackson
CC: City Manager
ATTACHED: Draft Proclamations

The attached request is for the Inverness City Council to consider and authorize issuance of a Proclamation in recognizing,

“The 45th Festival of the Arts Weekend”
“National American Indian Heritage Month”

Recommended Action:

If City Council supports the above listed subject, and wishes to issue Proclamations, please motion, second and vote to authorize that we finalize such Proclamations to be issued by the Mayor as arranged by the Office of the City Clerk.



Susan Jackson, Interim City Clerk

Proclamation

WHEREAS, *the Festival of the Arts is a tradition, bringing focus to its historical significance and preservation of all art forms; and*

WHEREAS, *the Festival of the Arts, coordinated by the City of Inverness, the Festival of the Arts Committee, and the Citrus County Chronicle, is celebrating 45 years of successfully sharing the talents of Artists and Craftsmen from across the Country; and*

WHEREAS, *an appreciation of the Arts is experienced by all ages the 1st weekend in November around Courthouse Square; and*

NOW, THEREFORE I, *Bob Plaisted, Mayor of the City of Inverness do hereby proclaim November 5th and 6th, 2016 as*

THE 45th FESTIVAL OF THE ARTS WEEKEND

in the City of Inverness, and urge our citizens to participant in this event.

*Bob Plaisted, Mayor
City of Inverness*

ATTEST:

Susan Jackson, Interim City Clerk

Proclamation

WHEREAS, the history and culture of our great nation have been significantly influenced by American Indians and indigenous peoples; and

WHEREAS, the contributions of American Indians have enhanced the freedom, prosperity, and greatness of America today; and

WHEREAS, their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States; and

WHEREAS, Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and

WHEREAS, in honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational and historical activities have been planned;

NOW, THEREFORE, I, Bob Plaisted, by virtue of the authority vested in me as Mayor of the City of Inverness, do hereby proclaim **November** as the

“National American Indian Heritage Month”

And urge all our citizens to observe this month with appropriate programs, ceremonies and activities.

ATTEST:

Susan Jackson, Interim City Clerk

Bob Plaisted, Mayor
City Council of Inverness

Agenda Memorandum – *City of Inverness*

DATE: October 18, 2016
ISSUE: City Code of Ordinances Chapter 12: Voluntary Contractor Registration Program
“Licenses, Business Taxes and Miscellaneous Business Regulations”
FROM: City Manager (Prepared by Bruce Day)
CC: City Clerk
Attached: Ordinance No. 2016- 722

Effective July 1, 2016, the City of Inverness Building Division eliminated the contractor registration program for contractors located outside the City. New 2016 state legislation (HB535) prohibits cities and counties from requiring a registration fee associated with providing proof of licensure as a contractor, recording a contractor license, or providing or recording evidence of workers' compensation insurance covered by a contractor. Registration for contractors, located in Inverness, is achieved through the business tax receipt program at no additional charge.

The contractor registration program will maintain a database of permit documentation for contractors, and will also serve our citizens by documenting licensure and insurance regarding companies that work on homes and businesses in the City. Residents often call the City to check if a potential contractor is registered. After stopping the program, we received comments from numerous contractors, expressing that they would gladly pay a fee in order to expedite the permit process and reduce their paperwork load. Last year the mandatory program took in approximately \$8,000. We do not expect to equal that number, but wish to have the service available for those who voluntarily want it.

The Ordinance for consideration will structure the program to be fully voluntary, and is ready for the 1st reading by City Council.

Recommended Action:

1. Motion, Second and Vote to read the Ordinance by title only
2. Clerk reads title
3. Deliberate, and if the desire is to proceed, motion and second to adopt the Ordinance on the first reading by roll-call

(If adopted on the 1st reading, a Public Hearing and second reading will be scheduled for the next meeting.)


Frank DiGiovanni

ORDINANCE NO. 2016-722

AN ORDINANCE OF THE CITY OF INVERNESS, FLORIDA, AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES, ENTITLED "LICENSES, BUSINESS TAXES AND MISCELLANEOUS BUSINESS REGULATIONS", BY AMENDING SECTION, 12-1, ESTABLISHING A VOLUNTARY CONTRACTOR REGISTRATION PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR MODIFICATION AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Council has determined that creation of a voluntary contractor registration program would contribute to a more organized and efficient building permit program for the City.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Inverness, Florida, this ____ day of _____, 2016, as follows:

Section 1. AMENDMENTS TO CHAPTER 12, ARTICLE I

Section 12-1 is hereby adopted as more particularly set forth in Exhibit A which is attached hereby and made a part hereof.

Section 2. SEVERABILITY

If any article or portion of this ordinance is found to be invalid, unlawful or unconstitutional, all other articles of this ordinance shall remain valid and enforceable.

Section 3. INCLUSION IN THE CODE OF ORDINANCES

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Inverness as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code of Ordinances.

Section 4. MODIFICATION

It is the intent of the Inverness City Council that the provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Council and filed by the Clerk.

Section 5. EFFECTIVE DATE

The effective date of this ordinance shall be as provided by law.

Upon motion duly made and carried on first reading, the foregoing ordinance was approved on the _____ day of _____, 2016.

Upon motion duly made and carried on second reading, the foregoing ordinance was adopted on the _____ day of _____, 2016.

CITY OF INVERNESS, FLORIDA

By: _____
DAVID RYAN, President

ROBERT PLAISTED, Mayor

ATTEST:

SUSAN JACKSON, Interim City Clerk

Approved as to form and content:

LARRY M. HAAG, City Attorney

EXHIBIT A
TO ORDINANCE _____

Chapter 12 - LICENSES, BUSINESS TAXES AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE I. - IN GENERAL

- **Sec. 12-1. - Out-of-town businesses transacting within the city.**
 - Any person or business entity who does not maintain a permanent business or branch office within the City of Inverness, but who desires to transact business or engage in any occupation or profession hereinafter named within the city, shall, on the form provided, register with the city manager of the City of Inverness, or ~~his~~ designated representative.

Those businesses, professions and occupations required to be licensed by the Florida Department of Professional Regulation or any business entity applying for City issued permits shall submit a copy of their current Florida state license. Applicants for registration may also be required to submit proof of insurance and a copy of the license of that municipality or governmental subdivision in which a permanent business location is maintained. Such registration shall be accomplished prior to commencement of any business, profession or occupation within the city and ~~may shall~~ be subject to a voluntary registration fee, ~~of twenty dollars (\$20.00), and~~ Such registration shall be valid from date of issuance to the next succeeding October first.

Contractors or other businesses that anticipate repeated application for City issued permits may voluntarily elect to pay a yearly information maintenance fee to keep business documentation on file in City records. City staff shall administer a program whereby the voluntary information maintenance fee is renewed in advance to be made effective on a fiscal year term basis. The annual voluntary information maintenance fee shall be that adopted by City Council.

All commercially licensed vehicles used for a business purpose requiring a license under this section shall have the name, address, phone number and state registration number (if applicable) displayed on the door of the driver's side of the vehicle. These numbers and/or letters shall be a minimum of two (2) inches in height.

Agenda Memorandum – *City of Inverness*

DATE: October 14, 2016
ISSUE: Reserve Fund Balance Designations – Resolution
FROM: City Manager
CC: City Clerk, Finance Director
ATTACHED: Resolution
Memo by Sheri Chiodo

Reference is made to attachments.

The importance of maintaining adequate reserve fund balances cannot be overstated. The Inverness community enjoys a constant stream of project accomplishments that are directly tangible to the financial stability that reserve funds provide. With the commencement of each fiscal year, City Council designates available reserve fund balances to specific purposes. The purpose of this action is to manage funds to support specific elements of the community. A Resolution has been prepared for this purpose that once adopted, will become part of the annual auditor review. (See Exhibit A of the Resolution)

Fund Balance Designations

- Total General Fund: \$6,353,397
- Whispering Pines Park Fund: \$347,480
- Capital Improvement Projects Fund: \$1,432,356
- Utility Funds: \$4,912,802
- Cemetery Fund: \$550,645
- Transportation Impact Fees: \$525,645
- Road Improvement Fund: \$13,999
- Pension Assets: \$409,045
- ICRA Fund: \$60,156

Total City reserves, designations, and unreserved funds total \$14,605,525.

Recommended Action –

1. Motion, second and vote to read the Resolution by title
 - a. Clerk reads Resolution title
2. Deliberate the manner
3. To proceed, motion and second to adopt the Resolution by roll-call


Frank DiGiovanni

Administrative Offices
212 West Main Street, Inverness Florida 34450
www.Inverness-FL.gov

RESOLUTION 2016-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INVERNESS, FLORIDA ESTABLISHING FUND BALANCE RESERVE DESIGNATIONS FOR FISCAL YEAR 2017 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Inverness desires, from time to time, to earmark or segregate unreserved, undesignated Fund Balance for planning and preparing for future uses; and

WHEREAS, the City Council desires to regulate the use of said funds, and allow their appropriation for expenditure only under specific circumstances and with appropriate controls for the protection of the City's interest,

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF INVERNESS as follows:

Section 1. That the unreserved, undesignated Fund Balance of any governmental fund may be, from time to time, earmarked or segregated for purposes identified by the City Council, by resolution.

Section 2. That designations of Fund Balance created under Section 1 of this resolution may be amended, increased, decreased or appropriated, by recommendation of the City Manager and upon adoption of a resolution of the City Council.

Section 3. That the designations listed in Exhibit A attached are hereby established effective October 1, 2016 and shall remain until amended, deleted or appropriated for expenditure by the City Council.

Section 4. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 5. That this resolution shall become effective on October 18, 2016.

PASSED AND ADOPTED this ____ day of October, 2016.

CITY OF INVERNESS

By:

DAVID RYAN
President of City Council

ATTEST:

SUSAN JACKSON
Interim City Clerk

**EXHIBIT A
RESOLUTION 2016-22**

<u>DESIGNATION/RESERVES</u>	<u>AMOUNT</u>
<u>GOVERNMENTAL FUNDS</u>	
GENERAL FUND (0001)	
<u>COMMITTED FUND BALANCE</u>	
Land Acquisition Reserve	\$ 250,687
Employee Accrual Balance	\$ 146,000
Disaster Preparation	\$ 500,000
IGC Building Maintenance Reserve	\$ 562,878
Valerie Theatre Building Reserve	\$ 43,125
Fire Services Reserve	\$ 25,000
Capital Equipment Purchases	\$ 210,000
Tort Liability	<u>\$ 200,000</u>
TOTAL GENERAL FUND COMMITTED FUND BALANCE	\$1,937,690
<u>RESERVED FUND BALANCE</u>	
Prepaid Items	<u>\$ 60,000</u>
<u>UNASSIGNED FUND BALANCE</u>	
	<u>\$4,355,707</u>
TOTAL GENERAL FUND - FUND BALANCE	\$6,353,397
<u>WHISPERING PINES PARK FUND</u>	
<u>UNASSIGNED FUND BALANCE</u>	
	<u>\$347,480</u>
TOTAL WHISPERING PINES PARK FUND BALANCE	\$ 347,480
<u>CAPITAL IMPROVEMENT FUND</u>	
Designated For Capital Projects	<u>\$1,432,356</u>
TOTAL CAPITAL IMPROVEMENT FUND	\$1,432,356
TOTAL GOVERNMENTAL FUNDS	\$8,133,233
<u>PROPRIETARY FUNDS (ENTERPRISE)</u>	
<u>REVENUE FUND</u>	
Unrestricted	\$ 140,400
TOTAL REVENUE FUND	\$ 140,400
<u>OPERATIONS AND MAINTENANCE FUND</u>	
Restricted – Customer Deposits	\$ 238,948
Restricted – Capacity Fees	<u>\$ 609,271</u>
TOTAL RESTRICTED RESERVES	\$ 848,219
Unrestricted	<u>\$3,410,054</u>
TOTAL OPERATIONS AND MAINTENANCE	\$4,258,273

RENEWAL AND REPLACEMENT FUND-UTILITIES

Designated – Capital Equipment		
Unrestricted Fund Balance	\$ 415,000	
	<u>\$ 99,129</u>	
TOTAL RENEWAL AND REPLACEMENT FUND		\$ 514,129
TOTAL UTILITY FUND		\$4,912,802
CEMETERY FUND		
Reserve for Perpetual Care	\$ 530,049	
Unrestricted Fund Balance	<u>\$ 20,596</u>	
TOTAL CEMETERY FUND		\$ 550,645
RESERVE FOR TRANSPORTATION IMPACT FEES		\$ 525,645
RESERVE FOR ICRA – COMPONENT UNIT		\$ 60,156
RESERVE FOR ROAD IMPROVEMENTS		\$ 13,999
RESERVE FOR PENSION FUND ASSETS		\$ 409,045
<u>TOTAL RESERVES AND FUND BALANCES</u>		<u>\$14,605,525</u>



FINANCE DEPARTMENT

212 W. Main Street
Inverness, FL 34450
(352) 726-5016 Phone
(352) 726-5534 Fax

Memorandum

To: Frank DiGiovanni, City Manager

From: Sheri Chiodo, Director of Finance

CC: Susan Jackson, Interim City Clerk
Paula Carnevale, Assistant Finance Director

Date: October 12, 2016

Reference: Fiscal Year 2017 Fund Balance Designations

Annually through the budgetary process, Council establishes fund balance designations and reserves for future intended uses.

The Fiscal Year 2017 budget establishes designations, reserves and unrestricted fund balance totaling \$6,353,397 in the General Fund, \$347,480 in the Whispering Pines Park Fund, \$1,432,356 in the Capital Improvement Projects Fund, \$4,912,802 in the Utility Funds, \$ 550,645 in the Cemetery Fund, \$525,645 in Transportation Impact Fees, \$13,999 in the Road Improvement Fund, \$409,045 in pension assets and \$60,156 in the ICRA Fund. Total City reserves, designations, and unreserved funds total \$14,605,525. Exhibit A of the enclosed resolution identifies those designations. Designations are earmarked for specific purposes and may be amended during the budgetary process annually by recommendation of the City Manager and adoption of a resolution by City Council. Designations remain until amended, deleted or appropriated for expenditure.

Forwarded is the recommended resolution format for council adoption and an Exhibit A, which details the fund balance designations by fund and type.

CASH RESERVE BALANCES	10/1/2016	2017		2017		2017 ENDING BALANCE	2017 INC/(DEC)
		ANTICIPATED REVENUES	PROJECTED EXPENDITURES	ANTICIPATED REVENUES	PROJECTED EXPENDITURES		
GENERAL FUND							
Unrestricted*	\$ 4,410,449	\$ 8,403,173	\$ (8,457,915)	\$ 4,355,707	\$ (54,742)		
Designated Land	\$ 500,687	\$ 100,000	\$ (350,000)	\$ 250,687	\$ (250,000)		
Designated Tort Liability	\$ 200,000			\$ 200,000	\$ -		
Designated-Disaster Preparation	\$ 500,000			\$ 500,000	\$ -		
Designated - IGC Building Reserve	\$ 454,216	\$ 168,662	\$ (60,000)	\$ 562,878	\$ 108,662		
Designated - Valerie Building Reserve (2 Yrs)	\$ -	\$ 43,125		\$ 43,125	\$ 43,125		
Designated Reserve - Employee Accruals	\$ 146,000			\$ 146,000	\$ -		
Designated- Fire Services	\$ 25,000			\$ 25,000	\$ -		
Reserve-Prepaid Items	\$ 60,000			\$ 60,000	\$ -		
Reserve-Capital Equipment	\$ 392,000	\$ 50,000	\$ (232,000)	\$ 210,000	\$ (182,000)		
General Fund Total	\$ 6,688,352	\$ 8,764,960	\$ (9,099,915)	\$ 6,353,397	\$ (334,955)		
Whispering Pines Park	\$ 347,480	\$ 569,114	\$ (569,114)	\$ 347,480	\$ -		
Road Improvement Fund	\$ 13,699	\$ 300	\$ -	\$ 13,999	\$ 300		
Community Development Block Grant	\$ (0)	\$ -	\$ -	\$ (0)	\$ -		
Inverness Community Redevelopment Agency	\$ 70,156	\$ 1,247,435	\$ (1,257,435)	\$ 60,156	\$ (10,000)		
CAPITAL FUNDS							
Unrestricted	\$ 2,202,606	\$ 6,634,850	\$ (7,405,100)	\$ 1,432,356	\$ (770,250)		
Restricted				\$ -			
TOTAL CAPITAL PROJECTS	\$ 2,202,606	\$ 6,617,350	\$ (7,405,100)	\$ 1,432,356	\$ (770,250)		
Oak Ridge Cemetery	\$ 73,021	\$ 103,500	\$ (155,925)	\$ 20,596	\$ (52,425)		
Perpetual Care	\$ 516,349	\$ 13,700	\$ -	\$ 530,049	\$ 13,700		
TOTAL NON-UTILITY RESERVES	\$ 9,911,663	\$ 17,316,359	\$ (18,487,489)	\$ 8,758,033	\$ (1,153,630)		

CASH RESERVE BALANCES	10/1/2016	2017 ANTICIPATED REVENUES	2017 PROJECTED EXPENDITURES	2017 ENDING BALANCE	2017 INC/(DEC)
UTILITY FUNDS					
REVENUE FUND					
Unrestricted	\$ 316,449	\$ 3,624,581	\$ (3,800,630)	\$ 140,400	\$ (176,049)
TOTAL REVENUE FUND	\$ 316,449	\$ 3,624,581	\$ (3,800,630)	\$ 140,400	\$ (176,049)
OPERATIONS & MAINTENANCE FUND					
Unrestricted	\$ 3,638,351	\$ 2,635,882	\$ (2,864,179)	\$ 3,410,054	\$ (228,297)
Restricted - Customer Deposits	\$ 238,948			\$ 238,948	\$ -
Restricted - Debt Service	\$ -			\$ -	\$ -
Designated - Capital Construction	\$ -			\$ -	\$ -
Restricted - Capacity Fees (was Connection)	\$ 599,271	\$ 10,000		\$ 609,271	\$ 10,000
Restricted - 25% Excess	\$ -			\$ -	\$ -
TOTAL OPERATIONS & MAINTENANCE	\$ 4,476,570	\$ 2,645,882	\$ (2,864,179)	\$ 4,258,273	\$ (218,297)
RENEWAL & REPLACEMENT FUND					
Unrestricted	\$ 79,129	\$ 1,779,748	\$ (1,759,748)	\$ 99,129	\$ 20,000
Restricted Debt Proceeds - WWTP				\$ -	\$ -
Reserve - Water Quality Projects				\$ -	\$ -
Designated - Capital Equipment Fund	\$ 450,000		\$ (35,000)	\$ 415,000	\$ (35,000)
TOTAL RENEWAL & REPLACEMENT	\$ 529,129	\$ 1,779,748	\$ (1,794,748)	\$ 514,129	\$ (15,000)
TOTAL UTILITY CASH RESERVES	\$ 5,322,149	\$ 8,050,211	\$ (8,459,557)	\$ 4,912,803	\$ (409,346)
Impact Fee Fund	\$ 493,945	\$ 31,700	\$ -	\$ 525,645	\$ 31,700
Pension Fund - Restricted	\$ 401,545	\$ 25,000	\$ (17,500)	\$ 409,045	\$ 7,500
TOTAL CASH RESERVE BALANCES	\$ 16,129,301	\$ 25,423,270	\$ (26,964,546)	\$ 14,605,525	\$ (1,523,776)

Agenda Memorandum – *City of Inverness*

DATE: October 14, 2016
ISSUE: State Revolving Fund (SRF) Loan Grant Update
Wastewater & Recovery Plant Project
FROM: City Manager
CC: City Clerk, Finance Director
ATTACHED: Memo by Sheri Chiodo
Letter by SRF
SRF Agreement Update

In this situation, nothing changes for the City, but the SRF program is moving its principle (cash) to other (fundable) programs.

To fund the Wastewater Treatment Plant and Recovery program, we entered into a grant agreement with the DEP SRF program. Outstanding debt principle has been reduced by some \$5,000,000 since 2009, and remains at \$9,279,278.14.

The State is moving their internal funds and wants to amend the agreement. The annual debt payment of \$104, 124 will not change and will remain until fully satisfied in July 2036.

Recommended Action –

Motion, second and vote to accept the modification loan agreement, and authorize the Council President to execute the document.


Frank DiGiovanni

Administrative Offices
212 West Main Street, Inverness Florida 34450
www.Inverness-FL.gov

FINANCE DEPARTMENT



212 W. Main Street
Inverness, FL 34450
(352) 726-5016 Phone
(352) 726-5534 Fax

Memorandum

To: Frank DiGiovanni, City Manager

From: Sheri Chiodo, Director of Finance

CC: Susan Jackson, Interim City Clerk

Paula Carnevale, Assistant Finance Director

Date: October 13, 2016

**Reference: State Revolving fund – Amendment 5 to the Loan Agreement and
Amendment 3 to the Grant Agreement**

The City entered into a grant agreement in FY 2009 with the State of Florida Department of Environmental Protection for the construction of the City's Wastewater and Reclamation Facility in the amount of \$10,000,000. In addition the City entered into a loan agreement in the amount of \$16,438,625 at the same time and then made a one-time payment in the amount of \$4,000,000 in 2011 to reduce its debt service exposure. Grant payments have been made annually in the amount of \$500,000 toward the loan's principal and interest amount. As of September 30, 2016 the City's outstanding debt service to the SRF is \$9,279,278.14.

The State is requesting an amendment to the Grant Agreement to provide for the remaining grant funds to be transferred to the loan on January 15, 2017 in the amount of \$6,024,340 instead of paying \$500,000 incrementally through FY 2030. The city has the last remaining grant agreement that is paid in annual installments which they now have funding to pay out the present value of the grant amount in a lump sum so they can pursue a new loan program offering this year.

The City's debt service under the agreement has not changed and the semi-annual payments in the amount of \$104,123.98 will continue unchanged through July 15, 2036.



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

October 13, 2016

Ms. Cheryl Chiodo
Finance Director
City of Inverness
West 212 Main Street
Inverness, Florida 34450

Re: WW57806P & SG578070 - Inverness
Treatment and Reuse Facilities

Dear Ms. Chiodo:

Attached is a copy of the proposed amendment to the City of Inverness' State Revolving Fund loan/grant agreement. The amendment provides for the remaining grant funds to be transferred to the loan on January 15, 2017.

Please have the appropriate officials sign and seal two copies, and return them to us as soon as possible at 3900 Commonwealth Boulevard, Mail Station 3505, Tallahassee, Florida, 32399-3000. We will sign the documents and mail a fully executed original to the City. If you have any questions about the amendment, please call Teresa Cruce at 850/245-2810.

Sincerely,

A handwritten signature in blue ink that reads "Angela Knecht".

Angela Knecht, Program Administrator
State Revolving Fund Management

AK/tc/w

Attachments

cc: Eric Williams - City of Inverness
Honorable Robert Plaisted - City of Inverness

www.dep.state.fl.us

**STATE REVOLVING FUND
AMENDMENT 5 TO LOAN AGREEMENT DP57806P
AMENDMENT 3 TO GRANT AGREEMENT SG578070
CITY OF INVERNESS**

This amendment is executed by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (Department) and the CITY OF INVERNESS, FLORIDA, (Local Government) existing as a local government agency under the laws of the State of Florida.

WITNESSETH:

WHEREAS, the Department and the Local Government entered into a State Revolving Fund Loan Agreement, Number DP57806P, as amended, authorizing a Loan amount of \$16,052,561, excluding Capitalized Interest and including a Grant amount of \$10,000,000; and

WHEREAS, the Department will transfer the balance of Grant funds for Loan repayment on January 15, 2017; and

WHEREAS, the Semiannual Loan Payment amount needs revision to reflect adjustment of the Grant Amount and re-amortization of the Loan balance.

NOW, THEREFORE, the parties hereto agree as follows:

1. The amount of the Grant is reduced to \$9,024,340. The remaining Grant balance of \$6,024,340 will be transferred by the Department on January 15, 2017, and the Grant will be administratively closed.
2. The Semiannual Loan Payment is hereby revised and shall be in the amount of \$104,123.98 which is the Local Government Share. Such payments shall be received by the Department on January 15, 2017 and semiannually thereafter on July 15 and January 15 of each year until all amounts due hereunder have been fully paid.
3. All other terms and provisions of the Loan Agreement shall remain in effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

This Amendment 5 to Loan Agreement DP57806P and Amendment 3 of the included Grant Agreement SG578070 may be executed in two or more counterparts, any of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Department has caused this amendment to the Loan Agreement to be executed on its behalf by the Secretary or Designee, and the Local Government has caused this amendment to be executed on its behalf by its Authorized Representative and by its affixed seal. The effective date of this amendment shall be as set forth below by the Department.

for
CITY OF INVERNESS

Council President

Attest:

City Clerk

SEAL

for
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Secretary or Designee

Date

Agenda Memorandum – *City of Inverness*

October 12, 2016

TO: Elected Officials
FROM: City Manager (Prepared by Eric Williams)
SUBJECT: CRA Reimbursement Resolution (Verbal)
CC: City Clerk, Finance Director, Community Development Director
Enclosure: CRA Reimbursement Resolution

The mission and objective goal of the expanded Community Redevelopment Area (CRA) is to address deficiencies; to plan and create improvement projects; to invest, build and improve locations from blight into functional assets. The Capital Action Plan identified 16 major initiatives and was presented to the ICRA Board and City Council at a joint workshop on May 5, 2016.

The importance of project accomplishment and the need to leverage borrowed funds has been discussed with ICRA Board Members and Elected Officials. At its last meeting, the ICRA Board moved to secure Larson Consulting Services as Financial Advisor, and Akerman LLP as Bond Council. ICRA Members additionally adopted a Reimbursement Resolution to enable the recapturing of expenditures made prior to bond/loan proceeds becoming available. The Resolution essentially allows for certain current and future expenditures to be reimbursed by bond proceeds once they become available. Adoption of the Resolution also codifies that such reimbursements enjoys a tax exemption.

The action by ICRA to adopt the Resolution did not, in any way, authorize or commit the City to the issuance of bonds. It did however, authorize and enable the CRA and City Finance and Project Team to proceed with the next steps with bond issuance and validation process. Not more than \$16.5 Million in debt proceeds to fund designated projects, for a term not to exceed the life of the CRA being less than 30 years, is anticipated.

Recommended Action –

This item is a verbal and requires no action by Council. The adopted resolution by ICRA is attached for review.

If you wish to discuss this further, please contact me at your convenience.


Frank DiGiovanni

RESOLUTION NO. CRA 2016-2

A RESOLUTION OF THE INVERNESS COMMUNITY REDEVELOPMENT AGENCY DESIGNATING THE FINANCE TEAM TO WORK WITH THE AGENCY IN CONNECTION WITH THE ISSUANCE BY THE AGENCY OF ITS NOT TO EXCEED \$16.5 MILLION TAX INCREMENT BONDS, TO FINANCE VARIOUS COMMUNITY REDEVELOPMENT WITHIN THE COMMUNITY REDEVELOPMENT AREA AUTHORIZING THE CHAIR OR VICE CHAIR OF THE AGENCY TO EXECUTE THE ENGAGEMENT LETTERS; AUTHORIZING THE CHAIR OR THE VICE CHAIR OF THE AGENCY OR THE CITY MANAGER OF THE CITY OF INVERNESS TO RETAIN OTHER PROFESSIONAL FIRMS AS NEEDED; EXPRESSING THE INTENT FOR PURPOSES OF COMPLIANCE WITH UNITED STATES TREASURY REGULATION SECTION 1.150-(2)(e) TO REIMBURSE WITH THE PROCEEDS OF SUCH BONDS CERTAIN EXPENDITURES MADE WITH RESPECT TO SUCH FINANCING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Inverness Community Redevelopment Agency (the "Agency") has determined to undertake a financing to finance various "community redevelopment" within its Agency's "community redevelopment area" (the "Project"); and

WHEREAS, the Agency has been working with Larson Consulting Services LLC (the "Financial Advisor"), and Akerman LLP, (collectively, the "Finance Team"), and City Staff in connection with the proposed issuance of bonds to finance the Project (the "Bonds"); and

WHEREAS, the Agency now desires, pursuant hereto, to formally designate the Finance Team; and

WHEREAS, the Agency reasonably expects to initially pay certain costs associated with the Bonds with funds other than proceeds of the Bonds (the "Advanced Funds") and to reimburse itself for such expenditures with proceeds from the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE BOARD OF THE INVERNESS COMMUNITY REDEVELOPMENT AGENCY, THAT:

AUTHORITY. This Resolution is adopted pursuant to Chapter 163 Part III, Florida Statutes and other applicable provisions of law (collectively, the "Act").

DESIGNATION OF FINANCE TEAM AND APPROVAL OF TERMS OF ENGAGEMENT. The Finance Team with respect to the issuance of the Bonds shall consist of

{39139543;1}

Larson Consulting Services LLC as Financial Advisor and Akerman LLP as Bond Counsel. The Chair or Vice Chair of the Agency or the City Manager of the City of Inverness ("the City"), on behalf of the Agency, is hereby authorized to execute and deliver to the various members of the Finance Team supplemental or amended engagement letters in customary form, as needed. The Chair and/or Vice Chair, or the City Manager, on behalf of the Agency, is also authorized to work with the Agency's Financial Advisor, City Staff, and the rest of the Finance Team to retain other professional firms, as needed and recommended by the Financial Advisor, to assist in the issuance of the Bonds. Such additional professionals are expected to include, but not be limited to, selection of Underwriting firms following an Agency or City authorized Underwriter RFP, Disclosure Counsel, Validation Counsel, Registrar and Paying Agent, Dissemination Agent, and involve reviews/presentations with the rating agencies and potential bond insurer.

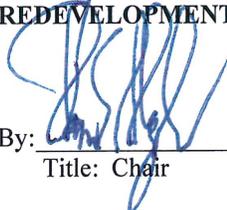
EXPRESSION OF INTENT. The Agency reasonably expects to use certain proceeds of the Bonds expected to be issued in a principal amount not exceeding \$16.5 million to reimburse itself for all expenditures made with the Advanced Funds. This Resolution is a declaration of the official intent of the Agency in that regard, within the contemplation of Section 1.150-(2)(e) of the Income Tax Regulations promulgated by the United States Department of the Treasury.

EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at the regular meeting of the Members of the Board of the Inverness Community Redevelopment Agency on the 1st day of September, 2016.

6th October

**INVERNESS COMMUNITY
REDEVELOPMENT AGENCY**



By: _____
Title: Chair

Attest:


Secretary

Agenda Memorandum – *City of Inverness*

DATE: October 14, 2016
ISSUE: Financial Consultant Presentation: TIF & City Borrowing Program
FROM: City Manager
CC: Finance Director, Asst City Manager, Development Director
ATTACHED: Memo by Sheri Chiodo
Letter by Jeff Larson, Financial Consultant

Jeff Larson will be in attendance to share information and make a presentation regarding financial diligence to date; talk about the steps moving forward, and discuss the support and role that general government must take in the process.

We mentioned the importance of debt service to jump start development of the City's Capital Action Plan. Tax Increment Financing will be a source of funding to support defined debt, and importantly, Mr. Larson will explain the responsibility and involvement of City Council to back the repayment program.

Recommended Action –

Update of Status and Process
Formal Action: None


Frank DiGiovanni

Administrative Offices
212 West Main Street, Inverness Florida 34450
www.Inverness-FL.gov

FINANCE DEPARTMENT



212 W. Main Street
Inverness, FL 34450
(352) 726-5016 Phone
(352) 726-5534 Fax

Memorandum

To: Frank DiGiovanni, City Manager

From: Sheri Chiodo, Director of Finance

CC: Susan Jackson, Interim City Clerk

Paula Carnevale, Assistant Finance Director

Date: October 13, 2016

Reference: Tax Increment Financing (Bond Issue)

City staff continues to perform due diligence towards a Tax Increment Finance Bond Issue in the current fiscal year. The adoption of the FY 2017 budget with the inclusion of CRA projects requiring debt issuance will require an upfront effort to ensure the City obtains the best advantage in the bond market moving forward. The ICRA Board has authorized a reimbursement resolution at its meeting of October 6, 2016 which allows the City and ICRA to reimburse itself for any project expenditures that occur before the issuance of the bonds; including both soft project costs (design/engineering) and hard project costs (construction costs) from the bond proceeds should an issue be approved, which allows the City to continue in the design phases for the CRA Capital Action Plan.

The next logical step is to determine the affordability of the financing plan and to provide a "guarantee" to bond rating agencies that the CRA can cover its annual debt service to the bond holders. If the City should proceed with the Tax Increment Financing (TIF) plan the primary source of revenues will be pledged from the TIF revenues and will be an ICRA financial obligation. Because TIF revenues can fluctuate and may not appreciate as expected, the TIF bonds will require the City's credit support should ICRA not meet its annual debt obligations due to a shortfall in revenues. Should this occur; the City will need to pledge certain revenues to cover any shortfalls to provide confidence to the rating agencies that the City will not allow default on the bonds.

The City will need to select non-advallorem revenue streams to secure the debt issuance which could include some or all of the following revenue sources:

1. Utility Taxes (electric, gas, water)
2. Franchise Fees (electric, gas, solid waste)
3. Communications Service Tax
4. Guaranteed Portion of State Revenue Sharing
5. Half Cent Sales Tax

The City's Financial Advisor, Jeff Larson from Larson Consulting Services, LLC will be present at the meeting to discuss how the City's credit support would work in the bond issue and to answer any questions they may have before we move forward with the rating agencies.

I have provided correspondence from Mr. Larson outlining his presentation and approach for the next council meeting.



October 13, 2016

To: Mr. Frank DiGiovanni, City Manager
Ms. Cheryl Chiodo, Finance Director
City of Inverness, Florida ("the City")

From: Jeff Larson, President, Larson Consulting Services, Orlando
Financial Advisor to the City

Re: General Update and Financing Process Presentation to City Council, City of Inverness, October 18, 2016

Please allow this memo to serve as a Summary of the items that I will cover, at your request, with the City Council next week regarding the proposed Financing Plan for the Phase I Projects for the Inverness Community Development Agency ("ICRA"). We understand that ICRA Board met last week to approve their 2016-2017 Budget, engage Mike Williams, Senior Partner, Akerman, as Bond Counsel, and adopt the Reimbursement Resolution. These were all important and necessary steps. We also understand that City Staff has provided both the City and ICRA in the past with an overview of the CRA Development Plan, updates on these projects and on the local assessment discussions, and has led the efforts to begin to quantify estimates for "Phase I" Project Costs. Larson Consulting was retained earlier this year as the Financial Advisor to the City to help support ICRA and work with both ICRA and the City in looking at various financing options, including bank placements and long term bond issues, building in the flexibility for grant funding, developing a Finance Plan, coordinating the actions of the Finance team, and developing and updating a Financing Timetable.

The major items to be discussed, at a high level, will include:

- Phase I Projects and Debt Affordability
- Finance Plan focused on leveraging the Tax Increment Revenues from ICRA
- Credit Support to be provided by City, as needed, to cover any potential "shortfall"
- Importance of Financing in Phases
- Recommended Finance Plan- Long Term Bond Financing plus Grants
- General Financing Timetable, including Bond Validation

This is a very fluid process, subject to many factors, and we are excited to be able to serve the City and ICRA. We will prepare a short Power Point Presentation for the 25th, and will be happy to address any questions.

Jeffrey T. Larson
President
Larson Consulting Services, Orlando
SEC Licensed, Series 50, Municipal Advisor

Agenda Memorandum – *City of Inverness*

DATE: October 14, 2016
ISSUE: Valerie Theatre Cultural Center / City Agreement
FROM: City Manager
CC: City Clerk, Finance Director, Alan Forino
ATTACHED: Inter-Agency Agreement (IA)

The Valerie Theatre facility is owned and funded by the City of Inverness. Programming, events and sponsorship program is being developed and administered by the Valerie Theatre Cultural Center 501c-3 Board. Due to numerous interruptions, we have been developing the enclosed agreement for months, and while not perfect, we are ready to make it final.

Please review the attached and not the particulars of the City's involvement and that of the Valerie Board. The action by City Council this evening will not be final. Council is asked to comment and vote to send the document to the Valerie 501c-3 Board for acceptance and ratification. Once signed by them, it will be returned for the Council President to execute the document.

As a point of information, the City Attorney reviewed this document, and his comments have been incorporated as part of the language.

Recommended Action –

Motion, second and vote to accept the documents as composed and authorize it be sent to the Valerie Theatre Cultural Center Board, and for the Council President to sign the document following final action by the VTCC Board.


Frank DiGiovanni

Administrative Offices
212 West Main Street, Inverness Florida 34450
www.Inverness-FL.gov

**VALERIE THEATRE
CULTURAL CENTER
PROGRAMMING
AGREEMENT**

THIS PROGRAMING AGREEMENT ("Agreement"), dated this 18th day of October, 2016, (the "Effective Date") is made and entered into by and between the CITY OF INVERNESS, FLORIDA, (the "CITY") and the VTCC CULTURAL CENTER, INC., a Florida non-profit corporation (the "VTCC").

WITNESSETH:

WHEREAS, the Valerie Theatre is of historical, economic, and cultural significance; and

WHEREAS, the CITY is desirous of continuing to encourage, support and facilitate opportunities for the promotion and advancement of the arts and culture for the benefit of the residents of the CITY, the values of the CITY and the community as a whole; and

WHEREAS, the continued operation and maintenance of the Valerie Theatre promotes and enhances existing business and the economic development and redevelopment of downtown Inverness; and

WHEREAS, it is the desire of CITY that the Valerie Theatre continue to be operated and maintained as a regional cultural center, open to and for the benefit of the public to provide plays, live performances, concerts, movies, community events, and educational programs (collectively referred as the "Events"); and

WHEREAS, the continued operation and maintenance of the Valerie Theatre for the benefit of the public is declared by CITY to represent a municipal public purpose; and

WHEREAS, the VTCC is a non-profit organization and desires to administer the programing of the Valerie Theatre; and

WHEREAS, the VTCC board of directors is made up of people from Citrus County and beyond, and the VTCC represents to CITY that it is fully qualified, legally and otherwise, to administer the programing for the Valerie Theatre and meet The VTCC's obligations and responsibilities described and required by this Agreement; and

WHEREAS, the CITY has determined that it is in the best interest to have the VTCC continue the programing for the Valerie Theatre and that such participation is a public service for the convenience and benefit of the public; and

NOW, THEREFORE, for and in consideration of the above premises, the promises and provisions contained herein, CITY and the VTCC agree as follows:

1. **Recitals:** The above premises are true and correct and are incorporated herein as material provisions of this Agreement.
2. **Initial Term:** This Agreement shall be effective upon the execution by the parties from October 1, 2015, and remain in effect, unless terminated sooner pursuant to its tenants, for the term of five (5) years commencing on the Effective Date and continuing to and including the 30 day of September, 2020, (the "Initial Term") in accordance with and upon the covenants, agreements, promises, conditions and provisions as provided herein, upon the execution of this Agreement.
3. **Renewal Options:** Provided the VTCC is not in default under this Agreement, and CITY, determines (in the case of each renewal notice) that it is in the best interest of CITY and the public to renew this Agreement, the VTCC may renew this Agreement, for up to four (4) consecutive, five (5) year renewal terms, each on the same terms, conditions and provisions renewal terms, applicable during the Initial Term subject to the following terms and conditions:
 - (a.) The VTCC shall provide written notice of its desire to renew to CITY thirty (30) days prior to the commencement of the fourth year of the Initial Term and, thereafter, prior to the commencement of the final year of each renewal term, if applicable.
4. **Use:** As long as this Agreement and the VTCC's operation remains in effect, the VTCC shall utilize the Valerie Theatre as provided in this Agreement for the purpose of programming for the Valerie Theatre as a regional cultural center for the benefit of the public to provide the Events, and such ancillary uses related to the Events, by way of example and not limitation, rental and use of the facility for qualifying events as determined by the VTCC Board, the retail sale of paraphernalia, memorabilia, novelties, and food. The VTCC shall be responsible for obtaining all grants and monies in support of the programing for the Valerie Theatre and to carry out the Events, meet the Performance Standards and perform its obligations under this Agreement.
5. **Event Programming:** As long as this Agreement remains in effect, the VTCC shall have the right to program, schedule and coordinate the Valerie Theatre facilities for regular and special events, including, but not limited to, the selection of films, performances, special exhibits, programs, concerts, presentations, and other Events that support the CITY and community.
6. **Events; Hours of Operation; Performance Standards:** The VTCC acknowledges and agrees that the primary objective of this Agreement is the furtherance of the public purposes set forth in the Recitals of this Agreement for the benefit of the public and economy of the CITY. The remainder of this paragraph, constitutes the "Performance Standards" under this Agreement. The VTCC will produce or cause Events in the Valerie Theatre to occur on a constant basis, screenings, shows, productions, or performances throughout the calendar year. The VTCC will produce or cause events in the Valerie Theatre to be open to the public at times to be free of charge. The VTCC will ensure that the Valerie Theatre has a

broad array of family entertainment. The VTCC will make the Valerie Theatre available to CITY for CITY sponsored and CITY produced functions and events for the dates when the VTCC has not scheduled other events at the time requested by CITY at no rental charge (subject to the payment by CITY of incremental costs for opening/closing/cleaning for such CITY event).

- (a.) **Staffing:** The VTCC shall provide sufficient volunteers, and/or contractors for programing of the Valerie Theatre and shall be solely liable for all compensation and remuneration provided to any such volunteers and/or contractors and shall indemnify and hold CITY harmless from any claims for compensation and for tort liability for injuries and losses suffered by such volunteers and/or contractors arising out of or related to the programing of the Valerie Theatre or service provided by any such volunteers and/or contractors.
 - (b.) **Security:** The VTCC shall keep the Valerie Theatre locked and secured at all times when not occupied, and shall activate or deactivate, as necessary, any alarm system which may be installed on any portion of the Valerie Theatre. The VTCC shall provide adequate security personnel during the operating hours of the Valerie Theatre. Under no circumstances shall CITY be liable to the VTCC for any loss of, damage to, any property belonging to the VTCC occasioned by theft, vandalism, or similar causes.
7. **Utilities and Taxes:** The VTCC shall not be responsible for and will not pay any charges for utilities, including without limitation, sewer and water, electricity, gas, telephone, cable, heat and other utilities provided to, or used in conjunction with, the Valerie Theatre and Valerie Theatre Equipment during the Initial Term and all renewal and extended terms of this Agreement as the same become due.
 8. **Early Termination:** Notwithstanding anything to the contrary provided for in this Agreement, the CITY may, in addition to any right permitted by this Agreement or statute, terminate this Agreement upon thirty (30) days written notice.
 9. **Appropriations:** Nothing in this Agreement constitutes or shall constitute a pledge of ad valorem real property taxes by CITY and nothing contained in this Agreement shall be construed as binding CITY to appropriate funds to satisfy the operating budget for the VTCC by the CITY, or to expend or loan any sum in excess of appropriations actually made by CITY's obligations under this Agreement. The CITY may appropriate funds at its discretion in the support of the VTCC.
 10. **Insurance:** Valerie Theatre covenants and agrees that during the term of this Agreement, at VTCC's own cost and expense, maintain and provide general public, Directors & Officers and Performers liability insurance for the benefit and protection of the CITY and VTCC in an amount not less than \$500,000.00 each person/1,000,000.00 each accident, or \$1,000,000.00 each occurrence/\$2,000,000.00 aggregate. Said policy of insurance shall cover the

Valerie Theatre and the CITY shall be named as an additional insured under said policy as to general public liability and as a loss payee as to property damage. A certificate of said insurance shall be delivered to the CITY at, or prior to the commencement of the Initial Term and each renewal term hereof, together with proof of payment of the premium thereon, and shall contain thereon an undertaking by the insurer to give the CITY not less than ten (10) days written notice of any cancellation, or change in the scope of coverage, of such policy. Proof of payment of renewal premiums of said policy shall be furnished to the CITY not less than ten (10) days prior to the expiration date of any such policy. If VTCC fails to comply with the requirements hereof, as to insurance, the CITY may obtain such insurance and keep the same in effect, and VTCC shall pay the CITY therefore upon demand; and if not paid as required, the CITY shall have the right to recover the amount thereof, together with interest at the maximum lawful rate. Failure to pay the sum above when due shall constitute a material default of this Agreement.

11. **Assignment:** This Agreement and the parties' respective rights and obligations herein are not assignable by either the act or agreement of any other party or by operation of law without the prior written consent of CITY and the VTCC (or their respective successors and assigns).
12. **Equipment & Cleaning by the VTCC:** The VTCC will be responsible for cleaning of the Valerie Theatre and Valerie Theatre Equipment. The VTCC shall not remove any of the Valerie Theatre Equipment from the Valerie Theatre, without the express written consent in advance by the City Manager, other than temporarily provided in this Agreement for cleaning, repair, replacement or improvement.
13. **No Agency:** The VTCC is not the agent of CITY for any purpose, shall not have the right to bind CITY to any agreement, promise, undertaking, commitment, offer or otherwise, and shall not make any representation on behalf of CITY without the prior written consent of CITY. Further, this Agreement does not create a partnership or joint venture between CITY and the VTCC and subject to the VTCC's obligations under this Agreement, the VTCC is to operate the Valerie Theatre and Valerie Theatre Equipment independently from CITY.
14. **Notice:** It is understood and agreed between the parties hereto that written notice mailed or delivered to the Valerie Theatre at 207 Courthouse Square, Inverness, Florida 34450; Attention: Valerie Theatre Board President, shall constitute sufficient notice to the VTCC and written notice mailed or delivered to CITY at Government Center 212 W. Main Street, Inverness, Florida, 34450 Attention: City Manager, shall constitute sufficient notice to CITY to comply with the terms of this Agreement.
15. **Expenses:** In the event of any default on the part of any party to this Agreement and the necessity to initiate court action for the enforcement of any right here under, then in such event, the parties in such action shall be responsible for their own respective costs and expenses of such action, including attorney's fees at the trial and appellate

level.

16. **Corporate Authority:** As a material inducement to CITY to enter into this Agreement, the VTCC represents and warrants to CITY that the VTCC is duly organized, validly existing and in good standing under the laws of the State of Florida and has the requisite power and authority to enter into this Agreement and to carry out the terms hereof.
17. **Entire Agreements; Amendments:** This Agreement constitutes the entire agreement between the parties and supersedes all previous representations, negotiations, Agreements made by the parties any officer or employees or agents of either party. The Agreement may not be amended or modified except by written instrument approved by the parties.
18. **Yearly Statement:** Commencing December 31, 2016, and subsequent years thereafter, the VTCC shall furnish to CITY a statement showing its gross receipts for the preceding year, or earlier upon request by CITY. CITY shall have the right to audit the books and accounts of the VTCC as it pertains to the Valerie Theatre. It is agreed that funds received by the VTCC in the programing for the Valerie Theatre shall be utilized to operate the Valerie Theatre. Under no circumstances shall any members of the VTCC derive any pecuniary gain from activities associated with the operation and maintenance of the Valerie Theatre nor shall any part of the proceeds or income, if any, inure to the members of the VTCC. Any revenues collected for the rental use of the VTCC shall remain with the City of Inverness and will not be recognized as revenue of the VTCC. Any funds collected for facility rental shall be transferred to the City of Inverness Finance Department within one business day of collection. (See Exhibit A)
19. **Charitable Support:** The CITY is aware that VTCC will annually raise funds through charitable donations and gifts, to support operations, programing campaigns and/or cultural enrichment, which would include, without limitation, campaigns to raise funding for modernization, programming, or marketing, and to further endow the cultural arts. Such fund-raising is important to the success of the VTCC, and the parties recognize the importance to provide recognition to donors at various levels. VTCC, incident to such fund-raising activities, may afford naming opportunities to donors, involving the placement of signage or signs, plaques or other visual and identification of donors or contributors to VTCC; upon review and written approval of the City Manager. Any and all intangible personal property, cash, objects or articles of art, or other personal property acquired by, or donated to VTCC that is solely to be used at the VTCC, will become property of the City, under the custodianship of the VTCC. Objects of art and other personal property may be placed in the Valerie Theatre by VTCC, or VTCC may display such property it receives on loan. Such acquired property shall become property of the City, or if on loan or under another agreement, shall remain property of the parties providing the same to VTCC, and shall not become property of the City, during the term of this Agreement, or upon any termination thereof.
20. **Public Records:** The following is in accordance with Section 119.0701 Florida St.

1. Keep and maintain public records required by the public agency in order to perform the service.
2. Upon request from the public agency's custodian of public records, provide the public agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.
3. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the contractor does not transfer the records to the public agency.
4. Upon completion of the contract, transfer, at no cost, to the public agency all public records in possession of the contractor or keep and maintain public records required by the public agency to perform the service. If the contractor transfers all public records to the public agency upon completion of the contract, the contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the contractor keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the public agency, upon request from the public agency's custodian of public records, in a format that is compatible with the information technology systems of the public agency.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (352) 726-2611, CITYCLERK@INVERNESS-FL.GOV, OR THE INVERNESS GOVERNMENT CENTER, 212 W MAIN STREET, INVERNESS, FL 34450

(SIGNATURES APPEAR ON FOLLOWING PAGE)

IN WITNESS WHEREOF, the parties hereto have executed this instrument for the purpose herein expressed, the day and year first above written.

WITNESSES:

Printed Name

Printed Name

**CITY OF INVERNESS, a Florida
Municipal Corporation by:**

Frank DiGiovanni, CITY Manager

ATTEST:

Susan Jackson, CITY Clerk

**VTCC CULTURAL CENTER, INC.,
a Florida Non-Profit Corporation by:**

Karen Anderson, President

**CITY OF INVERNESS CITY COUNCIL
by:**

David Ryan, President

STATE OF FLORIDA
COUNTY OF CITRUS

The foregoing instrument was acknowledged before me this _____ day of _____, 2016 by FRANK DiGIOVANNI, as CITY Manager of the CITY of Inverness, Florida, a Florida municipal corporation, on behalf of the municipality.

(Signature of Notary Public, State of Florida)

(Print Type or Stamp Commissioned Name of Notary Public)

STATE OF FLORIDA
COUNTY OF CITRUS

The foregoing instrument was acknowledged before me this _____ day of _____, 2016 by KAREN ANDERSON, as President of the VTCC Cultural Center, Inc., and by David Ryan, as President of the CITY of Inverness CITY Council.

(Signature of Notary Public, State of Florida)

(Print Type or Stamp Commissioned Name of Notary Public)

EXHIBIT A

Any revenues collected for the rental use of the VTCC shall remain with the City of Inverness and will not be recognized as revenue of the VTCC. Any funds collected for facility rental shall be transferred to the City of Inverness Finance Department within one business day of collection.

DEFINATION AND DESCRIPTION OF COLLECTED FUNDS DEPOSIT

1. Collected Funds are to always be deposited at 212 West Main Street, City Finance Office, or at an approved bank deposit facility. A remote bank facility must be approved by the City Manager.
 - a. Deposits made at City Finance are to be done by 2:00pm.
 - b. Deposits made at an approved bank facility may be made after 2:00pm and before 8:00am on a City business day
2. Funds collected a day prior to a recognized City Holiday will be deposited at the City Finance Office or approved bank facility the day following the performance and/or holiday.
3. Funds collected on a Friday after 2:00pm, will be deposited at City Finance Office or approved bank facility the first business day following the Friday performance.
4. Funds collected during a weekend performance will be deposited at the City Finance Office or bank facility on the first business day following the weekend performance.
5. If a City Holiday follows a weekend performance or weekday performance, the deposit of funds will be accomplished on the next business day of the City and made at the City Finance Department Office or bank facility.

Agenda Memorandum – *City of Inverness*

DATE: October 14, 2016
ISSUE: Medical Marijuana, Land Use & Zoning Regulations
FROM: City Manager
CC: City Clerk, Asst City Manager, Bruce Day
ATTACHED: Memo to Council, 10/17/14
Questions and Answers about Medical Marijuana in Florida
Medical Marijuana: Questions, answers on what we know so far
City of Edgewood Regulations
City of Flagler Beach Regulations
City of Mount Dora Regulations
City of Palm Beach Shores Regulations

In October 2014, my attempt to bring the matter before City Council to discuss possible regulations, location designations (land use regulations) and generally what you would like Ordinance language accomplish, did not go very well. The matter of Medical Marijuana marches forward to election day, and by all accounts, it appears a 60% margin of approval will be achieved.

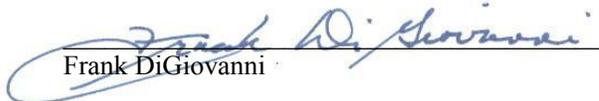
Reference is made to attachments.

There is no need to repeat what has previously stated or provided, and we look forward to your comments.

Recommended Action –

Discuss and provide a general understanding of the type regulations that would be preferred with respect to cultivating, processing, storing, dispensing, and the general sale of medical marijuana in Inverness.

A formal vote is not requested or necessary.


Frank DiGiovanni

Administrative Offices
212 West Main Street, Inverness Florida 34450
www.Inverness-FL.gov

Agenda Memorandum – *City of Inverness*

DATE: October 17, 2014
ISSUE: Medical Marijuana Regulatory Concepts
FROM: City Manager
CC: City Clerk and Legal Counsel
ATTACHED: Questions and Answers about Medical Marijuana in Florida
Medical Marijuana: Questions, answers on what we know so far
City of Edgewood Regulations
City of Flagler Beach Regulations
City of Mount Dora Regulations
City of Palm Beach Shores Regulations

Included herein are regulations from cities in the State of Florida that are designed to address the potential regulation and dispensing of medical marijuana if passed this November.

To help understand this, two documents are also provided that pose and answer questions about the Amendment and after affects. Much will be determined and legislated by the State; however, local communities (cities) are at liberty to determine where and when the product may be dispensed. It is advised that you read the Q&A papers first.

The purpose of this presentation is to provide a forum for Elected Officials to express the type and level of authorization and regulation they would like us to achieve in developing ordinance language to regulate the product. Conclusions do not have to be detailed, but a general understanding will be beneficial. The goal will be to bring forward an ordinance for adoption in January 2015.

Recommended Action –

Discuss and provide a general understanding of the type regulations that would be preferred with respect to cultivating, processing, storing, dispensing and the sale of medical marijuana in Inverness.

A formal vote is not requested or necessary.


Frank DiGiovanni

Administrative Offices
212 West Main Street, Inverness Florida 34450
www.Inverness-FL.gov

Medical marijuana: Questions, answers on what we know so far

HOW IT MIGHT WORK

Isn't medical marijuana already legal in Florida? Yes, in a narrow way. The legislature passed a law allowing treatment of a few conditions with low THC cannabis, such as the strain Charlotte's Web. Some of those conditions are cancer, seizures and several muscle spasms.

Why is it called Charlotte's Web?

It's named after Charlotte Figi, a 7-year-old Colorado girl who has a rare form of epilepsy. She was suffering 300 grand mal seizures a week and was often hospitalized for cardiac arrest. Medical marijuana, the liquid form, was the last thing her parents tried and it worked.

Back to Amendment 2

So what am I voting on in November? The proposed amendment to the Florida Constitution will greatly expand the number of people who can legally possess and use marijuana. The "Use of Marijuana for Certain Medical Conditions," or Amendment 2, will require 60 percent of the votes to pass.

If it passes, who gets marijuana? Patients who get a doctor's certification that they need marijuana to treat their debilitating illnesses and that the benefits outweigh the harm.

So if the doctor OKs it, what's next? He must sign a certification that also indicates how long he wants the patients to be treated with pot. The certifications would be submitted to the Florida Department of Health, which issues ID cards for patients and for caregivers. The doctor cannot *prescribe* it. Why? Because marijuana for medical treatment or any other reason is still illegal under federal law.

The health department is supposed to be issuing cards and dispensaries are supposed to be up and running by Oct. 1, 2015, if the amendment passes.

Caregivers can get pot, too? Yes, the health department will issue cards to anyone 21 or older, who is designated by the patient. The caregiver can pick up the pot but can't smoke it. A caregiver can assist up to five patients at a time. Hospice workers may help more than five people.

How much pot can patients or caregivers legally possess? Don't know yet. That's one of these details for the health department. Other states set rules on how many plants AND how much pot patients can possess, but Florida's proposed law allows for the marijuana to be doled out only by dispensaries. So no plants allowed. The state is estimating sales tax revenue on annual use per patient of 3.53 ounces (100 grams) of pot at \$225 an ounce.

Where do the patients get the marijuana? At a Medical Marijuana Treatment Center. The Health Department will decide how these centers will operate, within six months after passage of the law. Officials estimate 1,800 across the state. Local government would decide where the shops could be in their particular areas.

When will this all begin if the law is passed?

If the amendment passes, the state department of health has six months to write rules, among them:

1. How to apply for an ID card – either patients or caregivers.
2. How Treatment Centers are set up and regulated.

3. How much pot qualifying patients and caregivers could carry.

4. The department would start issuing ID cards for patients and caregivers in October 2015.

THE SCIENCE

How will patients get marijuana into their systems; isn't smoking it harmful?

Some patients find that the use of the whole plant is more effective for them than drugs such as Marinol, a drug developed using THC only. The plant can have 60 active cannabinoids in addition to THC. The FDA, however, says smoking is harmful and has never been a recommended delivery system for any legal drug.

How does marijuana work in your body? Scientists in the past several years have discovered what is known as cannabinoid receptors, found in parts of the brain and spinal cord. Not only can they play a part in pain control, they also help control the vomiting reflex, appetite, emotional responses, motor skills and memory formation.

BREAKING THE LAW?

Isn't paraphernalia, used to smoke pot, illegal? Yes, but Ben Pollara, campaign manager of United for Care, pointed out that the amendment's definition of marijuana's "medical use" includes "related supplies." Anything now outlawed as drug paraphernalia, including "metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes," may be legally sold if used to smoke marijuana to treat a medical condition, Pollara told the Tribune/Scripps Capital Bureau. That could even include a "2-liter-type soda bottle," which state legislators have banned if used with a controlled substance.

Other objects banned previously by Florida lawmakers:

- Those "used to hold burning material, such as a cannabis cigarette, that has become too small or too short to be held in the hand"
- Miniature cocaine spoons and carburetor pipes.
- Balloons and duct tape if used as drug paraphernalia
- Bongos, which were banned last year. Before that, they had been legal to sell if 75 percent of a shop's sales were tobacco.

Are the doctors at risk of arrest? Yes, if they "prescribe" it instead of "certify" it, which is a recommendation.

Why? Under federal law, possessing marijuana remains illegal, even if state law allows it. It is still listed as a "Schedule I" drug, which means it has no accepted medical uses, and doctors are expressly forbidden from prescribing it. Also, pot is not approved by the FDA. Florida Surgeon General John Armstrong objects to Amendment 2 because there is no medical and peer-reviewed guidance on how much to prescribe, etc

How much does the pot cost? The state is estimating \$225 an ounce, but that could be affected by the black market. They cited www.priceofweed.com as the most reliable source of the going price.

THE MONEY

Will Florida make out on taxes? It isn't clear. If Florida is to make money, it must get past a bunch of tax exemptions that would seem to apply.

We have a lot of farming in Palm Beach County. Will growers be here? Only at the dispensaries. Pot needs to be grown under high energy discharge lights with low humidity and even carbon dioxide emitters.

I hear these are all-cash businesses. How come? – . Why? The feds regulate the banks and the banks don't want

to attract any problems from the authorities who will still operate under a law that makes any kind of possession illegal. That federal law can extend beyond street sales to anyone dealing with pot, including banks, which could encounter money-laundering problems.

The law – One problem is federal law still prohibits possession and sales. The U.S. attorney said last summer that it wouldn't require minimum mandatories in these arrests, but the proposed amendment says it doesn't provide immunity from federal law.

Can you smoke and drive? The law doesn't protect against Driving Under the Influence. The police chiefs association and the sheriffs association are opposed to the amendment.

THE POLITICS

Will a big turnout at the polls sweep Democrat Charlie Crist into the Governor's Office? Proponents of the new law think the marijuana vote will attract younger voters who would lean toward Crist, who favors the law, against incumbent Gov. Rick Scott, who opposes it.

Friends and foes: It's a million-dollar battle – [Two big money men are squaring off](#) – John Morgan, an Orlando personal injury lawyer, against Sheldon Adelson of Sands Casinos, one of the 10 richest men in the world. Adelson contributed \$2.5 million to Drug Free Florida and Morgan, a Crist backer, says he expects to plow \$6 million into United for Care.

Questions and answers about medical marijuana in Florida

Who could use medical marijuana?

A person with a doctor's certificate stating that the patient qualifies for medical marijuana. The Florida Department of Health would issue an identification card to be shown at purchase. The card would let law enforcement know the patient can possess amounts set by law.

What medical conditions would qualify?

Specific diseases or other "debilitating" conditions for which the doctor thinks benefits of use would outweigh risk. Cancer, glaucoma, HIV/AIDS, hepatitis C, ALS, multiple sclerosis, Parkinson's disease and Crohn's disease are all specified.

When could a patient start legally using marijuana?

The effective date of the amendment is Jan. 6. After that date, the Department of Health must implement regulations within six months and begin issuing identification cards within nine months. If the department fails to issue cards within nine months, the doctor's certification will serve as identification.

How much marijuana could a patient possess?

That will be determined by the Department of Health, based on what is "reasonably presumed to be an adequate supply." Patients who think they need more could appeal. Marijuana, oil, tinctures and cannabis-laced food products would be allowed.

How would a patient fill a prescription?

There will be no prescriptions because marijuana is not an FDA-approved medicine with controlled doses. It would be more like an over-the-counter herb. Certifying doctors must be licensed in Florida and perform a physical exam and "full assessment of a patient's history," but the amendment does not require doctors and patients to have an ongoing relationship.

Where would medical marijuana be sold?

Only at state-licensed dispensaries called "Medical Treatment Centers." Growers would also be licensed as treatment centers. The Department of Health would issue rules about how dispensaries would be monitored. Growing your own pot would remain illegal, as it is under current law.

What if the Department of Health writes regulations so restrictive that usage is effectively banned?

The department must issue "timely" and "reasonable" rules that "ensure the availability and safe use of medical marijuana by qualifying patients." If the regulations are too restrictive, any Florida citizen could sue to enforce constitutional intent.

Can caregivers possess marijuana?

A person over 21 can buy and handle the marijuana on behalf of up to five patients. Caregivers would have an identification card issued by the state.

How old must a patient be?

The amendment does not set age limits. In other states, use by minors requires parental consent, as with traditional medicinal treatments.

Would insurance cover it?

That would be up to the insurer. The amendment does not require coverage. Medicare does not cover nonprescription drugs and supplements.

What about using it at work or in schools?

Schools and employers would be free to prohibit on-site use. The amendment does not prohibit employers from requiring drug tests or imposing sanctions for positive results.

Would information on identification cards be public?

No. The Department of Health must keep records confidential, even from employers or family members. But the information could be disclosed for "valid medical or law enforcement purposes."

Could the Legislature set up its own system to regulate medical marijuana?

Yes, but it could not contradict the amendment. For example, the Legislature could not make dispensaries illegal. However, it could permit home cultivation, which is now banned by statute.

Could the Florida Supreme Court ruling on the ballot language be appealed?

Not successfully. Federal courts leave interpretation of state constitutions to state courts.

Could pot-smoking in public be regulated just as cigarette smoking is regulated?

Yes. Calling it medicine does not confer the right to use pot anywhere.

What about DUI?

Driving under the influence of "medical" marijuana would still be illegal, as with alcohol.



Under the proposed amendment to Florida's Constitution, medical marijuana would be legal for people with debilitating conditions like cancer, glaucoma, HIV/AIDS, hepatitis C, ALS, multiple sclerosis, Parkinson's disease and Crohn's disease.

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA THAT:

SECTION 1. Appendix A, “Land Development Regulations,” Article II, “Zoning,” of the City of Flagler Beach Code of Ordinances is hereby amended as follows (note: strikethrough text indicates deletions, underline text indicates additions, ellipses (***) identify text that remains unchanged and that is not reprinted herein):

* * *

Sec. 2.02.00. – Definitions.

* * *

Cannabis. Any plant or part of a 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

Cannabis Farm. Any property used in whole or in part for the growing or cultivation of Cannabis plants, whether or not such growing or cultivation is lawful under federal or state law.

* * *

Medical Marijuana Dispensary. A facility that is operated by an organization or business holding all necessary licenses and permits from which marijuana, cannabis, cannabis-based products, or cannabis plants are delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all local, federal and state laws. Physicians authorized by State law to order low-THC cannabis, as defined in Florida Statutes, for patients’ medical use are not included in the definition of Medical Marijuana Dispensary.

Medical Use. The prescriptive use of any form of cannabis to treat a qualifying medical condition and the symptoms associated with that condition or to alleviate the side effects of a qualifying medical treatment as authorized by State law.

* * *

Non-Medical Marijuana Sales. The purchase, sale, transfer or delivery of marijuana, cannabis, cannabis-based products or cannabis plants when such sale, transfer or delivery is not associated with any medical purpose or use, whether or not such purchase, sale, transfer or delivery is lawful under federal or state law.

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Sec. 2.06.04. – Marijuana and Cannabis.

Non-medical Marijuana Sales and Cannabis Farms shall be prohibited uses in all zoning districts of the City. Medical Marijuana Dispensaries shall be a prohibited use in all zoning districts of the City except Highway Commercial. Medical Marijuana Dispensaries shall be allowed as a special exception use within the Highway Commercial zoning district upon application, hearing and approval as provided in this Code of Ordinances. An application for special exception use for a Medical Marijuana Dispensary may be denied, approved or approved with conditions. In addition to all other requirements and conditions, the applicant shall comply with all the following conditions contained herein and no special exception for a Medical Marijuana Dispensary shall be approved unless the applicant has shown by competent substantial evidence its ability to comply with each of the conditions contained herein.

(1) *Loitering.* A Medical Marijuana Dispensary shall provide adequate seating for its patients and business invitees and shall not allow patients or business invitee to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary operates, including in any parking areas, sidewalks, right-of-way, or neighboring properties for any period of time longer than that reasonably required to arrive and depart. The Medical Marijuana Dispensary shall post conspicuous signs on at least three sides of the building that no loitering is allowed on the property.

(2) *No drive through service.* No Medical Marijuana Dispensary shall have a drive through or drive in service aisle. All dispensing, payment for and receipt of products shall occur from inside the Medical Marijuana Dispensary.

(3) *Alcoholic Beverages.* No consumption of alcoholic beverages shall be allowed on the premises on which a Medical Marijuana Dispensary is located, including the parking areas and sidewalks.

(4) *Separation Distances.* No Medical Marijuana Dispensary shall operate within two thousand five hundred (2,500) feet of any pre-existing school, church, day care facility, public park or another Medical Marijuana Dispensary.

(5) *Compliance with Other Laws.* All Medical Marijuana Dispensaries shall at all times be in compliance with all federal, state and local laws and regulations.

Each application for a special exception shall be accompanied by a site plan incorporating the regulations established herein. The site plan shall be drawn to scale indicating property lines, rights-of-way, and the location of buildings, parking areas, curb cuts and driveways.

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Sec. 2.04.02.8. Zoning Schedule One Land Use Controls.

* * *

SCHEDULE ONE ZONING SCHEDULE OF USE CONTROLS CITY OF FLAGLER BEACH			
CATEGORY OF USE	USES PERMITTED		
	UNRESTRICTED USES		SPECIAL EXCEPTION USES
	PRINCIPAL	ACCESSORY	
<p>HC - HIGHWAY COMMERCIAL</p> <p>a. The provisions of this district are intended to complement the Commercial designation of the Future Land Use Map by providing a variety of commercial uses indigenous with the category. The activities permitted are oriented to the need of vehicular uses. These include activities that generate traffic volumes and require high demand parking considerations.</p> <p>b. Each parcel shall be developed so that pedestrian and vehicular circulation is coordinated with the circulation patterns of adjacent properties. To minimize vehicular, pedestrian and bicycle conflict, cross access drives and internal oriented ingress, egress to individual parcels shall be employed, where applicable.</p> <p>NOTE: All commercial uses in existence at the time of the adoption date of Ordinance 2006-13, which are not in conformance with Schedule Two, Lot, Yard,</p>	<ol style="list-style-type: none"> 1. Automotive retail parts store. 2. Automotive service stations without major mechanical repairs. 3. Automotive repair centers, tire sales and service without major mechanical repairs. 4. Car wash to include self wash and/or drive-thru. 5. Bars, Cocktail lounges, taverns and nightclubs within a principal building or as an accessory to hotels and motels. 6. Financial institutions without drive-thru windows. 7. Health clubs. 8. Outdoor eating facilities and service associated with, and on the same property of an enclosed restaurant. There shall be no outdoor music or entertainment. 9. Personal services. 10. Personal storage facilities conducted within a totally enclosed structure. 11. Professional and business services including but not limited to: <ol style="list-style-type: none"> a. Medical services and facilities without overnight care 	<ol style="list-style-type: none"> 1. Automobile parking structures. 2. Customary uses and structures clearly incidental to one (1) or more permitted uses or structures. 3. Monopole communication towers and communication antennas which do not exceed the established height limitations. 	<ol style="list-style-type: none"> 1. Commercial recreational facilities (e.g. bowling alley, billiard parlor). 2. Hotel, motels and inns. 3. Automotive service stations, automotive repair centers, and lube shops if abutting any residential zoning district. 4. Bars, cocktail lounges, taverns and the like with outdoor entertainment. 5. Restaurants with drive-thru window service. 6. Financial institutions with drive-thru windows. 7. Private, social, recreational or fraternal clubs or organizations. 8. Churches, synagogues or other houses of worship. 9. <u>Medical Marijuana</u>

<p>and Bulk Regulations, shall hereby be deemed conforming uses (Ord. No. 2006-13, § 2, 4-3-06)</p>	<p>of patients.</p>		<p>Dispensaries NOTE: All Special Exception uses are subject to Section 2.03.00 Establishment of Districts, and Section 2.06.01, Special Exception uses.</p>
	<p>b. Veterinary offices. There shall be no overnight stays of animals, except for emergency care. c. Veterinary hospitals or clinics wholly within a noise-attenuated structure with no overnight stays of animals, except for emergency care. 12. Retail building supplies. 13. Retail sales and services. 14. Restaurants. 15. Shopping centers providing retail sales of food, hardware and other household items normally required to serve the residents of the community. 16. Sexually oriented businesses as defined in Chapter 4, Article II; City Code subject to the following: a. All such sexually oriented businesses, as defined in Ordinance 2006-15, shall maintain a minimum 200 foot setback from the following: 1. An area zoned within the county, municipality or adjoining municipality for residential use,</p>		
	<p>2. Areas designated as a category that permits residential uses on the Future Land Use Map of the city/, adjoining city or county. 3. Preexisting residence. 4. Preexisting religious institution. 5. Preexisting park. 6. Preexisting education facility. b. The distance from a</p>		

	<p>proposed sexually oriented business to the aforementioned residential areas and other uses shall be measured by drawing a straight line between the closest property line of said residential areas or other uses and the closest exterior wall of any building in which the sexually oriented business is licensed to operate.</p> <p><u>17.</u> Adult Arcades, as permitted in <u>Chapter 4</u> of the Code of Ordinances.</p> <p>(Ord. No. 2007-30, § 2, 9-27-07; Ord. No. 2007-33, § 2, 10-25-07)</p>		
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SECTION 2. CODIFICATION. It is the intent of the City Commission of the City of Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

SECTION 3. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 4. CONFLICTS. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ORDAINED this 22ND day of May, 2014, by the City Commission of the City of Flagler Beach, Florida.

PASSED ON FIRST READING THIS 8TH DAY OF MAY, 2014.

PASSED AND ADOPTED THIS 22ND DAY OF MAY, 2014.

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CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

Linda Provencher, Mayor

ATTEST:

Penny Overstreet, City Clerk

1
2
3 **ORDINANCE NO. 1581**

4 **AN ORDINANCE AFFECTING THE USE OF LAND IN THE CITY OF COCOA BEACH, FLORIDA**
5 **RELATING TO MARIJUANA DISPENSARIES/MEDICAL MARIJUANA TREATMENT CENTERS,**
6 **WHETHER FOR MEDICAL OR RECREATIONAL USE; AMENDING THE CITY LAND**
7 **DEVELOPMENT CODE, CHAPTER III, "ZONING," BY AMENDING ARTICLE III,**
8 **"ESTABLISHMENT OF STANDARD DISTRICTS," SECTION 3-11, "CG GENERAL COMMERCIAL**
9 **DISTRICT", TO AMEND SUBSECTION E., "SPECIAL EXCEPTIONS," TO REPEAL AND REVISE**
10 **SUBSECTION 15., "PAIN MANAGEMENT CLINICS," TO INCLUDE AND ALLOW "MARIJUANA**
11 **DISPENSARIES/MEDICAL MARIJUANA TREATMENT CENTERS" AS SPECIAL EXCEPTIONS**
12 **IN THE CG ZONING CATEGORY AND; BY SETTING FORTH SITING STANDARDS AND**
13 **REQUIREMENTS FOR MARIJUANA DISPENSARIES; PROVIDING FOR CONFLICTS;**
14 **PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

15 **WHEREAS,** the State of Florida is considering legalizing the dispensing of marijuana; and

16
17 **WHEREAS,** the City Commission has reviewed studies regarding the impacts of marijuana
18 dispensaries/medical marijuana treatment centers to the surrounding area; and

19
20 **WHEREAS,** the City Commission of the City of Cocoa Beach has determined that it is in the best
21 interests of the citizenry and general public to regulate the location of marijuana dispensaries/medical marijuana
22 treatment centers in the event the State of Florida legalizes said dispensaries, whether for medical or recreational
23 use; and

24
25 **WHEREAS,** the City Commission has the responsibility and authority to determine what uses are best
26 suited to particular zoning categories as well as land use categories within the City; and

27
28 **WHEREAS,** the City Commission of the City of Cocoa Beach has determined that given the potential
29 impact on the surrounding area, marijuana dispensaries/medical marijuana treatment centers should only be
30 permitted within the CG – General Commercial zoned areas of the City, as integrated into and repealing and
31 revising the Land Development Code (LDC) Chapter III, Section 3-11. CG General Commercial District,
32 Paragraph E-15, Special Exception for "Pain Management Clinics," to include "Marijuana Dispensaries/Medical
33 Marijuana Treatment Centers" after a hearing and finding by the City Board of Adjustment that said dispensary
34 meets the requirements for granting a special exception; and

35
36 **WHEREAS,** the City Commission of the City of Cocoa Beach has determined that it is advisable and in
37 the public interest to set certain distance and other siting standards in regard to the location and operation of
38 marijuana dispensaries/medical marijuana treatment centers; and

39
40 **WHEREAS,** the City Commission of the City of Cocoa Beach finds that this ordinance promotes the
41 general welfare.

42
43 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF COCOA BEACH,**
44 **FLORIDA, as follows:**

45
46 **SECTION 1. MARIJUANA DISPENSARIES/MEDICAL MARIJUANA TREATMENT CENTERS**
47 **ALLOWED AS SPECIAL EXCEPTION USES IN "ONLY" THE CG GENERAL COMMERCIAL**
48 **ZONING DISTRICT.** Subsection E., "Special Exceptions," of Section 3-11, "CG General Commercial
49 District", of Article III, "Establishment of Districts" of Chapter III, "Zoning," of the Cocoa Beach Land
50 Development Code is hereby amended to repeal and revise subsection E.15, "Pain Management Clinics," to
51 include "Marijuana Dispensaries/Medical Marijuana Treatment Centers" as special exceptions, as follows:

52 E. 15. *Pain Management Clinics and Marijuana Dispensaries/Medical Marijuana Treatment Centers*. When
53 considering an application for pain management clinics and marijuana dispensaries/medical marijuana treatment
54 centers, the board must consider the special exception criteria listed below, in addition to that criteria listed in
55 subsection 5-57C. The board may deny the request, approve the request, or approve the request with conditions,
56 based upon a review of these considerations. The board may assign additional conditions and safeguards as
57 deemed necessary:
58

- 59 a. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.
60
- 61 b. Any parking demand created by a pain management clinic or marijuana dispensary/medical marijuana
62 treatment center shall not exceed the parking spaces located or allocated on site, as required by the
63 city's parking regulations. An applicant shall be required to demonstrate that on-site traffic and
64 parking attributable to the pain management clinic or marijuana dispensary/medical marijuana
65 treatment center will be sufficient to accommodate traffic and parking demands generated by the pain
66 management clinic or marijuana dispensary/medical marijuana treatment center, based upon a current
67 traffic and parking study prepared by a certified professional.
68
- 69 c. No pain management clinic or marijuana dispensary/medical marijuana treatment center shall be
70 located within one thousand (1,000) feet of any school or church, or within two hundred (200) feet of
71 any residentially zoned property, as further defined by these regulations. Distances shall be measured
72 by drawing a straight line between the closest point of the pain management clinic or marijuana
73 dispensary/medical marijuana treatment center structure (be it a building or leased space in a
74 building) to the closest property line or edge of leased space (whichever is closer) of the school,
75 church or residentially zoned property.
76
- 77 d. Unlike Pain Management Clinics, which are also permitted as special exceptions in other Commercial
78 zoning districts, marijuana dispensaries/medical marijuana treatment centers shall be permitted as
79 special exceptions in only the CG General Commercial zoning districts throughout the City, as
80 further defined and/or restricted by the paragraphs of this ordinance, and only through the special
81 exception approval process required for the Board of Adjustment. Also, no other business, aside or
82 separate from the dispensing of marijuana, shall be permitted to be conducted from the same address
83 where the marijuana dispensary/medical marijuana treatment center is located.
84
- 85 e. *Community Redevelopment Agency*: No marijuana dispensaries/medical marijuana treatment centers
86 shall be permitted within the legal boundaries defined as the Community Redevelopment Agency
87 (CRA) District for the City of Cocoa Beach. The boundaries of the CRA are defined as the area
88 between Fourth Street South to the south, Cocoa Isles Boulevard to the north, the Atlantic Ocean to
89 the east, and Cedar Avenue to the west. The current CRA has a sunset date which could cause the
90 CRA to expire. Regardless of whether the CRA does or does not expire, no marijuana
91 dispensary/medical marijuana treatment center shall be located within the boundaries of the CRA
92 since this district contains multi-family residential properties and residential/commercial mixed use
93 properties, with the focus of the CRA district being one of redevelopment, with a high concentration
94 of commercial uses designed to accommodate family-oriented tourists and locals. As a result, and
95 since it is the City's desire to locate marijuana dispensaries/medical marijuana treatment centers away
96 from residential zoning districts and family-friendly, tourist hot-spots, it has been determined that a
97 marijuana dispensary/medical marijuana treatment center would not be a good use on the properties
98 currently zoned as CG – General Commercial in this district.
99
- 100 f. *Controlled Substances*. The onsite sale, provision, or dispensing of marijuana is prohibited except as

101 specifically authorized by either federal or state law. The onsite cultivating and processing of
 102 marijuana shall be prohibited within the City limits.
 103
 104
 105 g. *Loitering.* A marijuana dispensary/medical marijuana treatment center shall provide adequate seating
 106 for its patients and business invitees. The marijuana dispensary/medical marijuana treatment center
 107 shall not direct or encourage any patient or business to stand, sit (including in a parked car), or gather
 108 or loiter outside of the building where the dispensary/center operates, including in any parking areas,
 109 sidewalks, rights-of-way, or neighboring properties for any period of time longer than reasonably
 110 required for patients to conduct their official business and depart. The marijuana dispensary/medical
 111 marijuana treatment center shall post conspicuous signs on at least three (3) sides of the building
 112 stating that no loitering is allowed on the property.
 113
 114 h. *Queuing of Vehicles.* The marijuana dispensary/medical marijuana treatment center shall ensure that
 115 there is no queuing of vehicles in the rights-of-way. The marijuana dispensary/medical marijuana
 116 treatment center shall take all necessary and immediate steps to ensure compliance with this
 117 paragraph.
 118
 119 i. *No Drive-Through Service.* No marijuana dispensary/medical marijuana treatment center shall have a
 120 drive-through or drive-in service aisle. All dispensing, payment for and receipt of said marijuana
 121 shall occur from within or inside the marijuana dispensary/medical marijuana treatment center.
 122
 123 j. *On-Site Consumption of Marijuana and/or Alcoholic Beverages.* No consumption of marijuana or
 124 alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks or
 125 rights-of-way. The marijuana dispensary/medical marijuana treatment center shall take all necessary
 126 and immediate steps to ensure compliance with this paragraph.
 127
 128 k. *Additional Separation Distances.* Marijuana dispensaries/medical marijuana treatment centers and all
 129 business signage shall not be permitted to be located within two hundred (200) feet from the
 130 centerline of the following streets: *State Route A1A; State Route 520; Ocean Beach Boulevard; and,*
 131 *Minutemen Causeway.* A marijuana dispensary may operate in the CG – General Commercial
 132 districts located in these areas and along these streets, as long as they do not front onto said streets or
 133 have any building signage or property signage facing these streets. Distances shall be measured by
 134 drawing a straight line from the centerline of said streets to the nearest part of the signage, wall or
 135 part of the structure of the space or building leased or purchased for the proposed marijuana
 136 dispensary/medical marijuana treatment center. The applicant may request a variance from the
 137 requirements of this paragraph, or paragraph ‘c’ above, as provided for in the requirements outlined
 138 in the City of Cocoa Beach Land Development Code.
 139
 140 l. *Hours of Operation.* Marijuana dispensaries/medical marijuana treatment centers shall only be
 141 allowed to operate between 7:00 A.M. and 7:00 P.M., Monday through Friday, and between 7:00
 142 A.M. and 12:00 P.M. (Noon) on Saturdays and Sundays.
 143
 144 m. *Compliance with Other Laws.* All marijuana dispensaries/medical marijuana treatment centers shall
 145 at all times be in compliance with all federal and state regulations, and the Cocoa Beach City Code of
 146 Ordinances and Land Development Code, as may be applicable and amended from time to time.
 147
 148 n. *Exemptions.* Licensed pharmacies existing as of the effective date of the enactment of this ordinance
 149 shall be exempt from the requirements of this ordinance. All new licensed pharmacies thereafter shall
 150 be required to adhere to all of the guidelines and restrictions outlined and specified in this ordinance.
 151

152 **SECTION 2. CONFLICTS.** Any ordinance, resolution, or part thereof, in conflict with this Ordinance, or any
153 part hereof, is hereby repealed to the extent of such conflict.

154
155 **SECTION 3. SEVERABILITY.** If any portion of this Ordinance is for any reason held or declared to be
156 unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If
157 this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or
158 circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

159 **SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon passage and adoption
160 by the City Commission as to the acceptable siting locations for marijuana dispensaries/medical marijuana
161 treatment centers, however the opening of a marijuana dispensary/medical marijuana treatment center and the
162 selling of marijuana products as defined by the Florida Constitution or Florida Law shall occur only upon and
163 after the official date in which the sale and distribution of marijuana has been deemed legal by the State of
164 Florida.

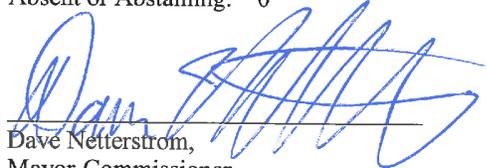
165
166 **SECTION 5. REPEALER.** Any and all ordinances and regulations in conflict herewith are hereby repealed to
167 the extent of any conflict. This ordinance specifically repeals and replaces the following ordinance(s) and
168 regulation(s): Land Development Code, Chapter III, Article 3, Section 3-11, Subsection E, Paragraph 15 titled
169 "Pain Management Clinics."

170
171 **SECTION 6. INCLUSION INTO THE LAND DEVELOPMENT CODE.** It is the intent of the City
172 Commission that the provisions of this ordinance shall become and be made a part of the City of Cocoa Beach
173 Land Development Code, and that the sections of this ordinance may be renumbered or relettered and the word
174 "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in
175 order to accomplish such intentions.

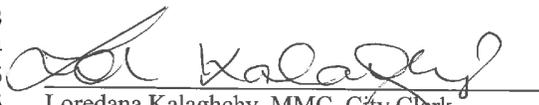
176
177 Passed on the first reading on the 5th day of June, 2014.

178
179 Upon Motion by Commissioner Williams and Seconded by Commissioner Dillon, this Ordinance was duly adopted
180 at a Regular Meeting of the City Commission of the City of Cocoa Beach, Florida, held on the 19th day of June,
181 2014.

182 Ayes: 4
183 Nays: 1
184 Absent or Abstaining: 0

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190 Dave Netterstrom,
191 Mayor-Commissioner

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193
194
195 ATTEST:

196 
197 Loredana Kalaghchy, MMC, City Clerk

198 First Reading: June 5, 2014
199 Date Published: May 1, 2014
Date Posted: May 24, 2014

ORDINANCE NO.: 2014-04

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA RELATING TO MEDICAL MARIJUANA; AMENDING THE CODE OF ORDINANCES, CHAPTER 134, "ZONING;" PROVIDING DEFINITIONS; PROVIDING THAT MEDICAL MARIJUANA DISPENSARIES, NON-MEDICAL MARIJUANA SALES AND CANNABIS FARMS ARE PROHIBITTED USES IN CERTAIN ZONING DISTRICTS; PROVIDING THAT MEDICAL MARIJUANA DISPENSARIES ARE A PERMITTED SPECIAL EXCEPTION USE IN THE INDUSTRIAL ZONING DISTRICT; PROVIDING ADDITIONAL STANDARDS AND CONSIDERATIONS FOR APPROVAL OF A SPECIAL EXCEPTION APPLICATION FOR A MEDICAL MARIJUANA DISPENSARY PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida is considering legalizing the dispensing of marijuana for medical purposes; and

WHEREAS, the City Council of the City of Edgewood has determined that it is in the best interests of the citizenry and general public to regulate the location of medical marijuana dispensaries in the event the State of Florida legalizes said dispensaries; and

WHEREAS, the City Council has the responsibility and authority to determine what uses are best suited to particular zoning categories as well as land use categories within the City; and

WHEREAS, the City Council of the City of Edgewood has determined that given the potential impact on the surrounding area, that Medical Marijuana Dispensaries should only be allowed within the Industrial zoning district, as a special exception use; and

WHEREAS, the City Council of the City of Edgewood has determined that it is advisable and in the public interest to consider certain distance and other siting standards in regard to the location of operation of medical marijuana dispensaries as a special exception use; and

WHEREAS, the Planning and Zoning Commission, sitting as the local planning agency, has found this ordinance to be consistent with the City's Comprehensive Development Plan and recommended approval; and

WHEREAS, the City Council of the City of Edgewood finds that this ordinance promotes the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA THAT:

SECTION 1. Chapter 134, "Zoning," Article IV, "District Regulations," of the City of Edgewood Code of Ordinances is hereby amended as follows (note: strikethrough text indicates deletions, underline text indicates additions, ellipses (***) identify text that remains unchanged and that is not reprinted herein):

DIVISION 6. -P-O PROFESSIONAL OFFICE DISTRICT

* * *

Sec. 134-317. - Uses prohibited.

The following uses shall be prohibited in the P-O district:

- (1) Any business, except a medical or dental clinic or pharmacy, which displays merchandise for sale at retail or wholesale, or any business requiring the physical handling of merchandise to be sold at retail or wholesale on the premises.
- (2) Any use conducted either partially or totally outside a building or structure except for parking areas.
- (3) Veterinary establishments.
- (4) Medical Marijuana Dispensaries.
- (5) Non-medical Marijuana Sales.
- (6) Cannabis Farm.
- (4)(7) Other uses which are similar to those listed above, and which are not specifically permitted in this division and which the prohibition thereof would maintain the intent and authority and directive of the city council, which shall be determined after public notice and public hearing.

* * *

DIVISION 7. -C-1 RETAIL COMMERCIAL DISTRICT

* * *

Sec. 134-347. - Uses prohibited.

The following uses shall be prohibited in any C-1 retail commercial district:

- (1) Title loan stores.
- (2) Check cashing, payday advance stores, or other similar businesses.
- (3) Labor pool offices.
- (4) Bail bond offices.
- (5) Tattoo, body piercing, massage parlors and fortunetelling shops.
- (6) Soup kitchens.
- (7) Runaway and related emergency shelters; homeless shelters.
- (8) Convalescent facilities.
- (9) Residential social service facilities; welfare, food stamp, and other social service offices and institutional facilities.
- (10) Treatment and recovery facilities.
- ~~(11) New and used automobile and boat sales.~~
- ~~(12) Medical Marijuana Dispensaries.~~
- ~~(13) Non-medical Marijuana Sales.~~
- ~~(14) Cannabis Farm.~~
- ~~(11)(15)~~ Other similar uses consistent with this subsection.
- ~~(12) New and used automobile and boat sales.~~
- ~~(13)(16)~~ Any use or activity which is not in full compliance with all the requirements and standards set forth in this division.
- ~~(14)(17)~~ Uses listed in section 134-403, except uses listed at section 134-403(1), or section 134-404 of the C-3, wholesale commercial district (article IV, division 9 of this chapter).

DIVISION 10. –I INDUSTRIAL DISTRICT

* * *

Sec. 134-437. – Uses Prohibited.

The following uses shall be prohibited in any “I” Industrial district:

- (1) Non-medical Marijuana Sales.
- (2) Cannabis Farm

Sec. 134-438. – Special Exception uses.

Medical Marijuana Dispensaries. Medical Marijuana Dispensaries shall be allowed as a special exception use upon application, hearing and approval as provided in this Code of Ordinances. An application for special exception use for a Medical Marijuana Dispensary may be denied, approved or approved with conditions. In considering an application for special exception pursuant to this section, planning and zoning board and the city council shall consider the following criteria:

- (1) Compatibility of the proposed facility with the surrounding uses.
- (2) The size of the lot on which the proposed facility will be located.
- (3) The maximum number of persons that can occupy the proposed facility.
- (4) The amount of traffic generated by the proposed facility.
- (5) The general health, safety and welfare of the community.
- (6) All safety measures to be implemented by the applicant to protect the property, employees and invitees during and outside of its operating hours.

In addition to all other requirements and conditions, the applicant shall comply with all the following conditions contained herein. No special exception for a Medical Marijuana Dispensary shall be approved unless the applicant has shown by competent substantial evidence its ability to comply with each of the conditions contained herein.

- (1) Loitering. A Medical Marijuana Dispensary shall provide adequate seating for its patients and business invitees and shall not allow patients or business invitee to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary operates, including in any parking areas, sidewalks, right-of-way, or neighboring properties for any period of time longer than that reasonably required to arrive and depart. The Medical Marijuana Dispensary shall post conspicuous signs on at least three sides of the building that no loitering is allowed on the property.
- (2) No drive through service. No Medical Marijuana Dispensary shall have a drive through or drive in service aisle. All dispensing, payment for and receipt of products shall occur from inside the Medical Marijuana Dispensary.
- (3) Alcoholic Beverages. No consumption of alcoholic beverages shall be allowed on the premises on which a Medical Marijuana Dispensary is located, including the parking areas and sidewalks.

(4) Separation Distances. No Medical Marijuana Dispensary shall operate within two thousand five hundred (2,500) feet of any pre-existing school, church, day care facility, public park or another Medical Marijuana Dispensary.

(5) No Delivery Service. No Medical Marijuana Dispensary shall conduct any form of off-site delivery service of Medical Marijuana.

(6) No vending machines. No Medical Marijuana Dispensary shall utilize any type of vending machines for the dispensing of Medical Marijuana.

(7) Maximum copy area of freestanding signs. The maximum aggregate copy area for any freestanding signs utilized by a Medical Marijuana Dispensary shall be twelve square feet.

(8) Security. Every Medical Marijuana Dispensary shall incorporate safety measures to protect its property, employees and invitees during and outside of the dispensary's business hours, which measures shall include at a minimum installation of a security system and/or security personnel.

(9) Compliance with Other Laws. All Medical Marijuana Dispensaries shall at all times be in compliance with all federal, state and local laws and regulations.

(10) Revocation of Permit. In the event any Medical Marijuana Dispensary is found to have violated the provisions of this Section or any other conditions of approval of the special exception three times within any twelve month period, the city shall as soon as reasonably practical schedule a hearing before the code enforcement special magistrate. Upon the city establishing by competent substantial evidence that the Medical Marijuana Dispensary has violated the provisions of this Section or any other conditions of approval of the special exception three times within any twelve month period, the code enforcement special magistrate shall order the special exception revoked. Any Medical Marijuana Dispensary that has its special exception revoked pursuant to this paragraph shall not be eligible to reapply for a special exception for twelve months from the date of the revocation.

Each application for a special exception shall be accompanied by a site plan incorporating the regulations established herein. The site plan shall be drawn to scale indicating property lines, rights-of-way, and the location of buildings, parking areas, curb cuts and driveways. Said site plan shall be submitted to and considered by the planning and zoning board and the city council as provided for in article II of this chapter prior to the granting of a building permit. Upon such approval, said site plan becomes a part of the building permit and may be amended only by action of the city council after recommendation by the planning and zoning board.

* * *

SECTION 2. Chapter 134, “Zoning,” Article I, “In General,” of the City of Edgewood Code of Ordinances is hereby amended as follows (note: strikethrough text indicates deletions, underline text indicates additions, ellipses (***) identify text that remains unchanged and that is not reprinted herein):

Sec. 134-1. – Definitions.

* * *

Cannabis. Any plant or part of a 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

Cannabis Farm. Any property used in whole or in part for the growing or cultivation of Cannabis plants, whether or not such growing or cultivation is lawful under federal or state law.

Medical Marijuana Dispensary. A facility that is operated by an organization or business holding all necessary licenses and permits from which marijuana, cannabis, cannabis-based products, or cannabis plants are delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all local, federal and state laws. Physicians authorized by State law to order low-THC cannabis, as defined in Florida Statutes, for patients’ medical use are not included in the definition of Medical Marijuana Dispensary.

Medical Use. The prescriptive use of any form of cannabis to treat a qualifying medical condition and the symptoms associated with that condition or to alleviate the side effects of a qualifying medical treatment.

* * *

Non-Medical Marijuana Sales. The purchase, sale, transfer or delivery of marijuana, cannabis, cannabis-based products or cannabis plants when such sale, transfer or delivery is not associated with any medical purpose or use, whether or not such purchase, sale, transfer or delivery is lawful under federal or state law.

* * *

SECTION 3. Chapter 134, “Zoning,” Article V, “Supplement District Regulations,” of the City of Edgewood Code of Ordinances is hereby amended as follows (note: strikethrough text indicates deletions, underline text indicates additions, ellipses (***) identify text that remains unchanged and that is not reprinted herein):

Sec. 134-518. –Home Occupations.

Prohibited home occupations. Notwithstanding any other provision of this section, the following uses shall be prohibited as home occupations:

Adult entertainment.
Antique shops.
Auto service and repair.
Barbershops and beauty shops.
Bed and breakfast facilities.
Cannabis Farms.
Child care centers.
Churches.
Clubs, private.
Drive-in facilities.
Eating and drinking establishments.
Food processing.
Fortunetellers.
Funeral homes.
Group instruction of more than four people.
Health spas.
Hospital and clinics.
Hotels/motels.
Kennels.
Massage establishments.
Medical Marijuana Dispensaries.
Non-medical Marijuana Sales.
Plasmapheresis facilities.
Primary offices of professionals.
Vehicle sales, rental or repair.
Whole blood facilities.
Any other similar use or activity as determined by the city clerk.

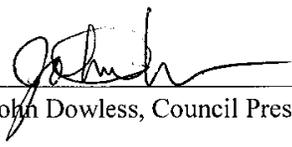
SECTION 4. CODIFICATION. It is the intent of the City Council of the City of Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

SECTION 5. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

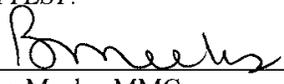
SECTION 6. CONFLICTS. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

ADOPTED by the City Council of the City of Edgewood, Florida, this 17th day of June, 2014.



John Dowless, Council President

ATTEST:


Bea Meeks, MMC
City Clerk

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ORDINANCE NO. 2014-05

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA RELATING TO MEDICAL MARIJUANA; AMENDING THE *LAND DEVELOPMENT CODE*, CHAPTER III, "ZONING REGULATIONS;" PROVIDING DEFINITIONS; PROVIDING THAT MEDICAL MARIJUANA DISPENSARIES, NON-MEDICAL MARIJUANA SALES AND CANNABIS FARMS ARE PROHIBITED USES IN CERTAIN ZONING DISTRICTS; PROVIDING THAT MEDICAL MARIJUANA DISPENSARIES ARE A PERMITTED CONDITIONAL USE PERMIT IN THE WORKPLACE (INDUSTRIAL) ZONING DISTRICT; PROVIDING ADDITIONAL STANDARDS AND CONSIDERATIONS FOR APPROVAL OF A CONDITIONAL USE PERMIT APPLICATION FOR A MEDICAL MARIJUANA DISPENSARY; REMOVING AGRICULTURE USES FROM THE LIST OF PERMITTED USES IN CERTAIN RESIDENTIAL DISTRICTS; UPDATING DEFINITIONS; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the State of Florida is considering legalizing the dispensing of marijuana for medical purposes; and

WHEREAS, the City Council of the City of Mount Dora has determined that it is in the best interests of the citizenry and general public to regulate the location of medical marijuana dispensaries in the event the State of Florida legalizes said dispensaries; and

WHEREAS, the City Council has the responsibility and authority to determine what uses are best suited to particular zoning categories as well as land use categories within the City; and

WHEREAS, the City Council of the City of Mount Dora has determined that given the potential impact on the surrounding area, that Medical Marijuana Dispensaries should only be allowed within the Industrial zoning district, as a special exception use; and

WHEREAS, the City Council of the City of Mount Dora has determined that it is advisable and in the public interest to consider certain distance and other siting standards in regard to the location of operation of medical marijuana dispensaries as a special exception use; and

WHEREAS, the Planning and Zoning Commission, sitting as the local planning agency, has found this ordinance to be consistent with the City's Comprehensive Development Plan and recommended approval; and

WHEREAS, the City Council of the City of Mount Dora finds that this ordinance promotes the public health, safety and welfare.

47 NOTE: Underlined words constitute additions to the original text of the *Land Development*
48 *Code*; ~~strike throughs~~ constitute deletions to the original text of the *Land Development Code*; and
49 asterisks (***) indicate omissions from the original text of the *Land Development Code* which is
50 intended to remain unchanged.

51
52 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Mount
53 Dora, Florida, as follows:
54

55 **SECTION 1:** The recitals set forth above are hereby adopted as legislative findings of
56 the City Council of the City of Mount Dora.
57

58 **SECTION 2.** Chapter III, "Zoning Regulations," of the City of Mount Dora Land
59 Development Code is hereby amended as follows:
60

61 ***
62 3.4.1. *GB Greenbelt District:*
63 ***

- 64 4. Prohibited uses:
65 a. Medical marijuana dispensaries.
66 b. Non-medical marijuana sales.
67 c. Cannabis farms.
68

69 ~~4.5~~ *Site development standards:*
70 ***

71
72 3.4.2. *R-IAAAA, R-IAAA, R-IAA, R-1A, R-1, R-1B, Single-Family Residential Districts:*
73 ***

- 74 3. *Conditional uses (See section 2.5.1.5):*
75 a. ~~—~~ *Agriculture.*
76 ~~ba.~~ *Churches.*
77 ~~eb.~~ *Public utility and service facilities.*
78 ~~dc.~~ *Schools.*
79 ~~ed.~~ *Recreation, including live theater or other city sponsored cultural uses.*
80 ~~fd.~~ *Temporary sales offices (subsection 3.5.14).*
81 ~~gf.~~ *Home occupations (subsection 3.5.12).*
82 ~~hg.~~ *Bed and breakfast establishments in R-1 and R-1B zoning districts*
83 *(subsection 3.5.17).*
84

- 85 4. Prohibited uses:
86 a. Medical marijuana dispensaries.
87 b. Non-medical marijuana sales.
88 c. Cannabis farms.

Ordinance No. 2014-05

- 89 4~~5~~. *Site development standards:*
90 ***
91
92 3.4.3. *R-2 Duplex (one-and-two-family) Residential District:*
93
94 ***
95 3. *Conditional uses (See 2.5.1.5):*
96
97 a. ~~—~~ *Agriculture.*
98 **a.** *Churches.*
99 **b.** *Public utility and service facilities.*
100 **c.** *Schools.*
101 **d.** *Recreation facilities.*
102 **e.** *Temporary sales offices (subsection 3.4.14).*
103 **f.** *Bed and breakfast establishments (subsection 3.5.17).*
104 **g.** *Hospitals.*
105 **h.** *Home occupations (subsection 3.5.12).*
106 **i.** *Day care centers.*
107 **j.** *Group homes and adult living facilities (subsection 3.5.13).*
108 **k.** *Parking associated with adjacent nonresidential uses provided that the*
109 *vacant land used for the construction of a parking facility is not created as*
110 *the result of the demolition of an existing structure (subsection 6.5).*
111
112 4. *Prohibited uses:*
113 a. *Medical marijuana dispensaries.*
114 b. *Non-medical marijuana sales.*
115 c. *Cannabis farms.*
116
117 4~~5~~. *Site development standards:*
118
119 ***
120
121 3.4.4. *R-3 Multifamily Residential District:*
122
123 ***
124 3. *Conditional uses (See section 2.5.1.5):*
125 a. ~~—~~ *Agriculture.*
126 **a.** *Churches.*
127 **b.** *Public utilities and service facilities.*
128 **c.** *Group homes and adult living facilities (subsection 3.5.13).*
129 **d.** *Schools.*

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171 e. Non-medical marijuana sales.

172 f. Cannabis farms.

173 ***

174

175 3.4.7. *C-2 Downtown Commercial District.*

176 ***

177 4. *Prohibited uses:* The following uses are specifically excluded from the C-2
178 district:

179 a. Gas and oil service centers.

180 b. Shopping centers and discount houses.

181 c. Any commercial establishment involving manufacturing, warehousing,
182 excessive traffic generating activity, or any activity likely to cause
183 objectionable noise, fumes, vibrations, dust, odor or fire hazard.

184 d. Drive-in facilities.

185 e. Day Care centers.

186 f. Medical marijuana dispensaries.

187 g. Non-medical marijuana sales.

188 h. Cannabis farms.

189 ***

190

191 3.4.7-A. *C-2-A Peripheral Commercial District.*

192

193 ***

194 4. *Prohibited uses.*

195 a. Any commercial establishment involving manufacturing, warehousing,
196 excessive traffic or any activity which may cause objectionable noise,
197 fumes, vibrations, dust, odor or fire hazard.

198 b. Medical marijuana dispensaries.

199 c. Non-medical marijuana sales.

200 d. Cannabis farms.

201 ***

202

203 3.4.8. *C-3 Highway Commercial District.*

204 ***

205 4. *Prohibited uses.*

206 a. All uses not allowed as either a permitted use or a conditional use above
207 are prohibited unless adopted as part of a planned unit development, and
208 ~~those uses specifically as follows:~~

209 b. Medical marijuana dispensaries.

210 c. Non-medical marijuana sales.

Ordinance No. 2014-05

- 211 d. Cannabis farms.
- 212 ***
- 213
- 214 3.4.9. *RP Residential Professional District.*
- 215 ***
- 216
- 217 4. Prohibited uses:
- 218 a. Medical marijuana dispensaries.
- 219 b. Non-medical marijuana sales.
- 220 c. Cannabis farms.
- 221
- 222 4.5. *Site development standards:*
- 223 ***
- 224
- 225 3.4.10. *OP Office Professional District.*
- 226
- 227 ***
- 228 4. Prohibited uses:
- 229 a. Medical marijuana dispensaries.
- 230 b. Non-medical marijuana sales.
- 231 c. Cannabis farms.
- 232
- 233 4.5. *Site development standards:*
- 234 ***
- 235
- 236 3.4.11 *WP-1 Workplace District:*
- 237 ***
- 238 4. Prohibited uses:
- 239 a. Medical marijuana dispensaries.
- 240 b. Non-medical marijuana sales.
- 241 c. Cannabis farms.
- 242
- 243 4.5. *Site development standards:*
- 244 ***
- 245
- 246
- 247
- 248
- 249

250 3.4.12 *WP-2 Workplace District:*

251 ***

252 3. *Conditional uses* (See section 2.5.1.5):

253 a. Utility facilities.

254 b. Telecommunications towers (subject to subsection 3.5.21).

255 c. Any building or structure that is, in the opinion of the development review
256 coordinator, not clearly permitted in the WP-2 district, but is similar and
257 compatible to the uses listed above, may be required to obtain a
258 conditional use permit.

259 d. Medical marijuana dispensaries. In addition to all other requirements and
260 conditions, the applicant shall comply with all the following conditions:

261
262 i. Loitering. A medical marijuana dispensary shall provide adequate
263 seating for its patients and business invitees and shall not allow
264 patients or business invitee to stand, sit (including in a parked car),
265 or gather or loiter outside of the building where the dispensary
266 operates, including in any parking areas, sidewalks, right-of-way,
267 or neighboring properties for any period of time longer than that
268 reasonably required to arrive and depart. The medical marijuana
269 dispensary shall post conspicuous signs on at least three sides of
270 the building that no loitering is allowed on the property.

271 ii. No drive through service. No medical marijuana dispensary shall
272 have a drive through or drive in service aisle. All dispensing,
273 payment for and receipt of products shall occur from inside the
274 medical marijuana dispensary.

275 iii. Alcoholic Beverages. No consumption of alcoholic beverages shall
276 be allowed on the premises on which a medical marijuana
277 dispensary is located, including the parking areas and sidewalks.

278 vi. Separation Distances. No medical marijuana dispensary shall
279 operate within two thousand five hundred (2,500) feet of any pre-
280 existing school, day care facility, public park or another medical
281 marijuana dispensary.

282 v. Compliance with Other Laws. All medical marijuana dispensaries
283 shall at all times be in compliance with all federal, state and local
284 laws and regulations.

285

286 In addition to the requirements of section 2.5 the planning and zoning commission
287 shall determine that there are adequate systems to prevent ground, air or noise
288 pollution, that the required setback requirements of the WP-2 zoning district are
289 adequate for the proposed conditional use, and that the facility shall conform to
290 the standards set forth in the description of the WP-2 district in subsection
291 3.4.12.1 above.

292

293

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- 294 4. Prohibited uses:
295 a. Non-medical marijuana sales.
296 b. Cannabis farms.
297
298 4~~5~~. Site development standards:
299 ***
300
301 3.4.13. PLI Public Lands and Institutions District:
302 ***
303 4. Prohibited uses:
304 a. Medical marijuana dispensaries.
305 b. Non-medical marijuana sales.
306 c. Cannabis farms.
307
308 4~~5~~. Site development standards:
309 ***
310
311 3.4.14. MHP Mobile Home Park District:
312 ***
313 4. Prohibited uses:
314 a. Medical marijuana dispensaries.
315 b. Non-medical marijuana sales.
316 c. Cannabis farms.
317
318 4~~5~~. Site development standards:
319 ***
320 5~~6~~. Additional requirements:
321 ***
322
323 3.4.15. EC Employment Center District:
324 ***
325 4. Prohibited uses:
326 a. Medical marijuana dispensaries.
327 b. Non-medical marijuana sales.
328 c. Cannabis farms.
329
330 4~~5~~. Other requirements.
331 ***
332 5~~6~~. Site development standards:
333 ***

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334 3.4.16 *MU-1 Mixed Use transitional and MU-2 Mixed Use Downtown Districts.*

335 ***

336 4. *Prohibited uses:*

337 a. Medical marijuana dispensaries.

338 b. Non-medical marijuana sales.

339 c. Cannabis farms.

340

341 ~~4-5.~~ *Accessory Uses Within Sidewalks:*

342 ***

343 ~~5 6.~~ *Mixed Use Standards:*

344 ***

345 ~~6 7.~~ *Site Development Standards:*

346 ***

347 ~~7-8.~~ *Building Placement and Orientation Requirements:*

348 ***

349 ~~8 9.~~ *Requirements For Pedestrian Friendly Infrastructure:*

350 ***

351 ~~9-10.~~ *Parking and On-Street Parking*

352 ***

353 ~~10 11.~~ *Specific Development Guideline:*

354 ***

355 ~~11 12.~~ *Phasing Plan:*

356 ***

357 ~~12 13.~~ *Public Arts:*

358 ***

359 ~~13 14.~~ *Applicability to other code Sections:*

360 ***

361 ~~14 15.~~ *Approval expiration:*

362 ***

363 ~~15 16.~~ *Bonds:*

364 ***

365 ~~16 17.~~ *Process And Application Requirement:*

366 ***

367 ~~17 18.~~ *Existing uses and structures:*

368 ***

369

370 **SECTION 3.** Chapter VIII, "Definitions," of the City of Mount Dora Land Development

371 Code is hereby amended as follows:

372

373 The following definitions shall apply throughout this code. Words not specifically
374 defined or otherwise explained within this code shall be as defined in a standard
375 dictionary or as understood by the development review coordinator.

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Agriculture. means the science and art of production of plant(s) and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production, including hay or grass harvesting and bailing operation. For the purposes of marketing and promotional activities, seafood shall also be included in this definition.

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

Cannabis farm. Any property used in whole or in part for the growing or cultivation of Cannabis plant(s), whether or not such growing or cultivation is lawful under federal or state law.

Medical Marijuana Dispensary. A facility that is operated by an organization or business holding all necessary licenses and permits from which marijuana, cannabis, cannabis-based products, or cannabis plant(s) are delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all local, federal and state laws.

Medical Use. The prescriptive use of any form of cannabis to treat a qualifying medical condition and the symptoms associated with that condition or to alleviate the side effects of a qualifying medical treatment.

Non-Medical Marijuana Sales. The purchase, sale, transfer or delivery of marijuana, cannabis, cannabis-based products or cannabis plant(s) when such sale, transfer or delivery is not associated with any medical purpose or use, whether or not such purchase, sale, transfer or delivery is lawful under federal or state law.

SECTION 4: CONFLICTS. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 5: SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall

Ordinance No. 2014-05

422 phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or
423 unconstitutional.

424

425 **SECTION 6: CODIFICATION.** The provisions of this Ordinance shall be codified as
426 and become and be made a part of the Land Development Code of the City of Mount Dora. The
427 Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and
428 the word "Ordinance", or similar words, may be changed to "Section," "Article", or other
429 appropriate word. The Code codifier is granted liberal authority to codify the provisions of this
430 Ordinance.

431

432 **SECTION 7: EFFECTIVE DATE.** This Ordinance shall become effective immediately
433 upon adoption.

434

435 **PASSED AND ORDAINED** this 20 day of May 2014, by the City Council of the City
436 of Mount Dora, Florida.

437 Attest:

438

439 
440 Gwen Johns, City Clerk
441 City of Mount Dora

442


Catherine T. Hoechst, Mayor
City of Mount Dora

443

Date of First Reading: May 6, 2014

444

Date of Second Reading: May 20, 2014

445

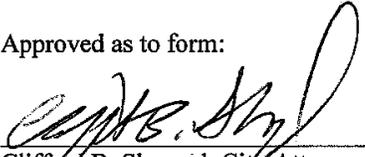
Duly Advertised:

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447 Approved as to form:

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449

450 
451 Clifford B. Shepard, City Attorney
452 City of Mount Dora

RESOLUTION NO. 14-104

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SUPPORTING FLORIDA SENATE BILL 1562 AND SUPPORTING FLORIDA HOUSE BILL 1039, RELATING TO RECREATIONAL MARIJUANA; AUTHORIZING THE CITY CLERK TO TRANSMIT CERTIFIED COPIES OF THE RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Florida Senate is considering Senate Bill 1562, and the Florida House is considering House Bill 1039, which, if passed, would set forth definitions, excise tax, regulatory enforcement, licensure of marijuana establishments, penalties, and related regulations regarding the purchase, sale and use of recreational marijuana; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the Key West City Commission supports SB 1562, and HB 1039 and urges its legislators to support such measures.

Section 2: That the City Clerk is hereby authorized to transmit a certified copy of this Resolution to Representative

Raschein, Senator Bullard, Governor Rick Scott and members of the House and Senate leadership.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 1st day of April, 2014.

Authenticated by the Presiding Officer and Clerk of the Commission on 2nd day of April, 2014.

Filed with the Clerk on April 2, 2014.

Mayor Craig Cates	<u>Yes</u>
Vice Mayor Mark Rossi	<u>Yes</u>
Commissioner Teri Johnston	<u>No</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>
Commissioner Tony Yaniz	<u>Yes</u>



CRAIG CATES, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK

Thursday, March 20, 2014

5

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Session Live The House is currently in Session. » Watch Now Currently Discussing: 550093 Amendment

Home Bills HB 1039

HB 1039 - Recreational Marijuana

General Bill by Bracy (CO-SPONSORS) Rehwinkel Vasilinda

Recreational Marijuana: Imposes excise tax on recreational marijuana; exempts certain activities involving marijuana from use & possession offenses; authorizes persons age 21 & over to engage in certain activities involving personal use of marijuana in limited amounts; provides limits on where persons may engage in specified activities; provides for licensure of marijuana establishments that may engage in manufacture, possession or purchase of marijuana, marijuana products & marijuana accessories or sell marijuana, marijuana products or marijuana accessories to consumer; provides for enforcement; provides for limits on number of retail marijuana stores in localities based on population; provides standards for prospective licensees; provides restrictions on location of marijuana establishments; prohibits certain activities by marijuana establishments; authorizes localities to prohibit one or more types of marijuana establishments; provides an exemption from specified provisions for marijuana research.

Effective Date: July 1, 2015

Last Event: Now in Criminal Justice Subcommittee on Wednesday, March 05, 2014 3:53 PM

Referred Committees and Committee Actions

House Referrals

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Criminal Justice Subcommittee

Related Bills

Bill #	Subject	Relationship
SB 1562	Recreational Marijuana	Similar

Bill Text

Original Filed Version

Staff Analysis

(None Available)

Note History

(no votes recorded)

Bill History

Event	Time	Member	Committee
Now in Criminal Justice Subcommittee	Wednesday, March 05, 2014 3:53 PM		Criminal Justice Subcommittee

3/20/2014

Florida House of Representatives - HB 1039 - Recreational Marijuana

Referred to Judiciary Committee	Wednesday, March 05, 2014 3:53 PM	Judiciary Committee
Referred to Finance & Tax Subcommittee	Wednesday, March 05, 2014 3:53 PM	Finance & Tax Subcommittee
Referred to Business & Professional Regulation Subcommittee	Wednesday, March 05, 2014 3:53 PM	Business & Professional Regulation Subcommittee
Referred to Criminal Justice Subcommittee	Wednesday, March 05, 2014 3:53 PM	Criminal Justice Subcommittee
1st Reading	Tuesday, March 04, 2014 11:50 PM	
Filed	Thursday, February 20, 2014 2:45 PM	Bracy

Statutes Referenced by this Bill

[20.165](#)

[561.025](#)

[500.03](#)

[500.105](#)

[562.13](#)

[569.0073](#)

[893.13](#)

[893.135](#)

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F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 1039

2014

1 A bill to be entitled
2 An act relating to recreational marijuana; amending s.
3 20.165, F.S.; renaming the Division of Alcoholic
4 Beverages and Tobacco of the Department of Business
5 and Professional Regulation; amending s. 561.025,
6 F.S.; renaming the Alcoholic Beverage and Tobacco
7 Trust Fund; specifying distribution of funds;
8 providing a directive to the Division of Law Revision
9 and Information; creating chapter 566, F.S., relating
10 to recreational marijuana; providing definitions
11 relating to an excise tax on recreational marijuana;
12 imposing an excise tax on recreational marijuana;
13 providing for inflation adjustments to the tax rate;
14 providing for collection of the tax; providing for
15 distribution of tax revenues; requiring an annual
16 report concerning tax revenues; providing definitions
17 relating to regulation of recreational marijuana;
18 exempting certain activities involving marijuana from
19 use and possession offenses; authorizing persons age
20 21 and over to engage in certain activities involving
21 personal use of marijuana in limited amounts;
22 providing limits on where persons may engage in
23 specified activities; prohibiting the use of false
24 ~~identification by persons under 21 years of age for~~
25 specified activities relating to recreational
26 marijuana; providing noncriminal penalties; providing

Page 1 of 54

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1039-00

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 1039

2014

27 | for alternative sentencing; providing for licensure of
28 | marijuana establishments that may engage in the
29 | manufacture, possession, or purchase of marijuana,
30 | marijuana products, and marijuana accessories or sell
31 | marijuana, marijuana products, or marijuana
32 | accessories to a consumer; specifying duties of the
33 | Division of Alcoholic Beverages, Marijuana, and
34 | Tobacco; providing for enforcement of regulatory
35 | provisions; authorizing agreements with other entities
36 | for certain enforcement activities; requiring an
37 | annual report; providing for licensing of marijuana
38 | establishments; providing for license fees; providing
39 | for a licenses process; providing limits on the number
40 | of retail marijuana stores in localities based on
41 | population; providing standards for prospective
42 | licensees; providing restrictions on the location of
43 | marijuana establishments; prohibiting certain
44 | activities by marijuana establishments; providing
45 | procedures when a marijuana establishment's license
46 | expires; authorizing localities to prohibit one or
47 | more types of marijuana establishments through local
48 | ordinance; authorizing localities to specify an entity
49 | within the locality to be responsible for processing
50 | applications for a license to operate a marijuana
51 | establishment; providing for submission of
52 | applications to localities if the division has not

Page 2 of 54

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1039-00

53 | issued establishment licenses by a specified date;
 54 | specifying duties of the Attorney General concerning
 55 | federal subpoenas; providing an exemption from
 56 | specified provisions for marijuana research;
 57 | specifying that the chapter does not apply to employer
 58 | drug policies or operating under the influence laws;
 59 | specifying that the chapter does not allow persons
 60 | under 21 years of age to engage in activities
 61 | permitted therein; providing that the rights of
 62 | property owners are not affected; authorizing
 63 | rulemaking; specifying that conduct allowed by the
 64 | chapter may not be considered the basis for the
 65 | finding of a lack of good moral character as that term
 66 | is used in law; providing for emergency rulemaking;
 67 | amending s. 500.03, F.S.; providing that marijuana
 68 | establishments that sell food containing marijuana are
 69 | considered food service establishments for the
 70 | purposes of specified regulations; creating s.
 71 | 500.105, F.S.; specifying that food products
 72 | containing marijuana that are prepared in permitted
 73 | food establishments and sold by licensed retail
 74 | marijuana stores are not considered adulterated;
 75 | amending s. 562.13, F.S.; providing that it is
 76 | unlawful for marijuana establishments to employ
 77 | persons under 18 years of age; amending s. 569.0073,
 78 | F.S.; exempting licensed marijuana establishments from

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 1039

2014

79 specified provisions regulating the sale of pipes and
80 smoking devices; amending ss. 893.13 and 893.135,
81 F.S.; providing that conduct authorized under chapter
82 566, F.S., is not prohibited by specified controlled
83 substance prohibitions; providing effective dates.
84

85 Be It Enacted by the Legislature of the State of Florida:
86

87 Section 1. Paragraph (b) of subsection (2) of section
88 20.165, Florida Statutes, is amended to read:

89 20.165 Department of Business and Professional
90 Regulation.—There is created a Department of Business and
91 Professional Regulation.

92 (2) The following divisions of the Department of Business
93 and Professional Regulation are established:

94 (b) Division of Alcoholic Beverages, Marijuana, and
95 Tobacco.

96 Section 2. Section 561.025, Florida Statutes, is amended
97 to read:

98 561.025 Alcoholic Beverage, Marijuana, and Tobacco Trust
99 Fund.—There is created within the State Treasury the Alcoholic
100 Beverage, Marijuana, and Tobacco Trust Fund. All funds collected
101 by the division under ss. 210.15, 210.40, or under s. 569.003
102 and the Beverage Law with the exception of state funds collected
103 pursuant to ss. 563.05, 564.06, and 565.12 shall be deposited in
104 the State Treasury to the credit of the trust fund,

Page 4 of 54

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1039-00

105 | notwithstanding any other provision of law to the contrary. In
 106 | addition, funds collected by the division under chapter 566
 107 | shall be deposited into the trust fund, except that funds from
 108 | the excise tax in s. 566.012 shall be deposited as provided in
 109 | s. 566.013. Moneys deposited to the credit of the trust fund
 110 | shall be used to operate the division and to provide a
 111 | proportionate share of the operation of the office of the
 112 | secretary and the Division of Administration of the Department
 113 | of Business and Professional Regulation; except that:

114 | (1) The revenue transfer provisions of ss. 561.32 and
 115 | 561.342(1) and (2) shall continue in full force and effect, and
 116 | the division shall cause such revenue to be returned to the
 117 | municipality or county in the manner provided for in s. 561.32
 118 | or s. 561.342(1) and (2).~~and~~

119 | (2) Ten percent of the revenues derived from retail
 120 | tobacco products dealer permit fees collected under s. 569.003
 121 | shall be transferred to the Department of Education to provide
 122 | for teacher training and for research and evaluation to reduce
 123 | and prevent the use of tobacco products by children.

124 | (3) Until January 1, 2023, an amount equal to 5 percent of
 125 | the revenues received by the division during the previous month
 126 | pursuant to the tax imposed by s. 566.012 shall be transferred
 127 | to the Department of Health to be used to provide grants for the
 128 | purpose of producing peer-reviewed research on marijuana's
 129 | beneficial uses and safety.

130 | Section 3. The Division of Law Revision and Information is

131 directed to prepare a reviser's bill for the 2015 Regular
 132 Session of the Legislature to redesignate the Division of
 133 Alcoholic Beverages and Tobacco of the Department of business
 134 and Professional Regulation as the "Division of Alcoholic
 135 Beverages, Marijuana, and Tobacco" and the Alcoholic Beverage
 136 and Tobacco Trust Fund as the "Alcoholic Beverage, Marijuana,
 137 and Tobacco Trust Fund," respectively, wherever those terms
 138 appear in the Florida Statutes.

139 Section 4. Chapter 566, Florida Statutes, consisting of
 140 sections 566.011 through 566.042, is created to read:

141 CHAPTER 566

142 RECREATIONAL MARIJUANA

143 PART I

144 EXCISE TAX

145 566.011 Definitions.—As used in this part, the term:

146 (1) "Department" means the Department of Business and
 147 Professional Regulation.

148 (2) "Division" means the Division of Alcoholic Beverages,
 149 Marijuana, and Tobacco of the department.

150 (3) "Marijuana" means all parts of the plant of the genus
 151 cannabis, whether growing or not, the seeds thereof, the resin
 152 extracted from any part of the plant, and every compound,
 153 manufacture, salt, derivative, mixture, or preparation of the
 154 plant, its seeds, or its resin, including marijuana concentrate.
 155 The term does not include industrial hemp, fiber produced from
 156 the stalks, oil, cake made from the seeds of the plant,

157 | sterilized seed of the plant that is incapable of germination,
 158 | or the weight of any ingredient combined with marijuana to
 159 | prepare topical or oral administrations, food, drink, or any
 160 | other product.

161 | (4) "Marijuana cultivation facility" means an entity
 162 | licensed to cultivate, prepare, and package and sell marijuana
 163 | to retail marijuana stores, to marijuana product manufacturing
 164 | facilities, and to other marijuana cultivation facilities, but
 165 | not to consumers.

166 | (5) "Marijuana establishment" means a marijuana
 167 | cultivation facility, marijuana testing facility, marijuana
 168 | product manufacturing facility, or retail marijuana store.

169 | (6) "Marijuana product manufacturing facility" means an
 170 | entity licensed to:

171 | (a) Purchase marijuana;

172 | (b) Manufacture, prepare, and package marijuana products;
 173 | or

174 | (c) Sell marijuana and marijuana products to other
 175 | marijuana product manufacturing facilities and to retail
 176 | marijuana stores, but not to consumers.

177 | (7) "Marijuana products" means concentrated marijuana and
 178 | products that consist of marijuana and other ingredients and are
 179 | intended for use or consumption, including, but not limited to,
 180 | edible products, ointments, and tinctures.

181 | (8) "Marijuana testing facility" means an entity licensed
 182 | to analyze and certify the safety and potency of marijuana.

183 (9) "Retail marijuana store" means an entity licensed to
 184 purchase marijuana from a marijuana cultivation facility and
 185 marijuana products from a marijuana product manufacturing
 186 facility and to sell marijuana and marijuana products to
 187 consumers.

188 566.012 Excise tax on marijuana.-

189 (1) An excise tax is imposed on the sale or transfer of
 190 marijuana from a marijuana cultivation facility to a retail
 191 marijuana store or marijuana product manufacturing facility.
 192 Each marijuana cultivation facility shall pay an excise tax at
 193 the rate of \$50 per ounce, or proportionate part thereof, on
 194 marijuana that is sold or transferred from a marijuana
 195 cultivation facility pursuant to part II.

196 (2) The excise tax rate under subsection (1) shall be
 197 adjusted annually for inflation.

198 (a) Beginning in 2016, on or about February 15 of each
 199 year, the department shall calculate the adjusted excise tax
 200 rates by multiplying the rates in effect on the calculation date
 201 by an inflation index computed as provided in paragraph (b). The
 202 adjusted rates must be rounded to the nearest penny and become
 203 effective on the first day of July immediately after the
 204 calculation. The division shall publish the annually adjusted
 205 excise tax rates and shall provide all necessary forms and
 206 reports.

207 (b) The inflation index is the Consumer Price Index for
 208 All Urban Consumers, U.S. City Average, or successor reports, as

209 | reported by the United States Department of Labor, Bureau of
 210 | Labor Statistics, for the calendar year ending on December 31
 211 | immediately before the calculation date, divided by the Consumer
 212 | Price Index for the previous calendar year. The inflation index
 213 | may not be less than one.

214 | (c)1. A marijuana cultivation facility subject to the
 215 | licensing requirement of s. 566.034 shall file, on or before the
 216 | last day of each month, a return on a form prescribed and
 217 | furnished by the division together with payment of the tax due
 218 | under this part. The return must report all marijuana products
 219 | held, purchased, manufactured, brought in, or caused to be
 220 | brought in from outside the state or shipped or transported to a
 221 | retail marijuana store or marijuana product manufacturing
 222 | facility within the state during the previous calendar month. A
 223 | marijuana cultivation facility shall keep a complete and
 224 | accurate record at its principal place of business to
 225 | substantiate all receipts and sales of marijuana products.

226 | 2. The return must include further information as the
 227 | division may prescribe. Tax previously paid on marijuana
 228 | products that are returned to a marijuana establishment because
 229 | the product has become unfit for use, sale, or consumption and
 230 | for marijuana products that are returned to a marijuana
 231 | cultivation facility that are subsequently destroyed by the
 232 | marijuana cultivation facility may be taken as a credit on a
 233 | subsequent return. The division may either witness the
 234 | destruction of the product or may accept another form of proof

235 that the product has been destroyed by the marijuana cultivation
 236 facility.

237 3. A person who is not a marijuana cultivation facility
 238 licensed pursuant to S. 566.034 who imports, receives, or
 239 otherwise acquires marijuana products for use or consumption in
 240 the state from a person other than a licensed marijuana
 241 cultivation facility shall file, on or before the last day of
 242 the month after each month in which marijuana products were
 243 acquired, a return on a form prescribed by the division together
 244 with payment of the tax imposed by this part at the rate
 245 provided in subsection (1). The return must report the quantity
 246 of marijuana products imported, received, or otherwise acquired
 247 from a person other than a licensed marijuana cultivation
 248 facility during the previous calendar month and additional
 249 information that the division may require.

250 (d) If a marijuana cultivation facility fails to make tax
 251 payments as required by this section, the division may revoke
 252 the marijuana cultivation facility's license.

253 566.013 Distribution of revenues.—Revenues derived from
 254 the tax imposed by this part must be credited to the General
 255 Revenue Fund. On or before the last day of each month, the Chief
 256 Financial Officer shall transfer 15 percent of the revenue
 257 received by the division during the preceding month pursuant to
 258 the tax imposed by s. 566.012 to the Alcoholic Beverage,
 259 Marijuana, and Tobacco Trust Fund established under s. 561.025.
 260 On or before the last day of each month, the Chief Financial

261 Officer shall transfer the remainder of the revenues to the
 262 General Revenue Fund.
 263 566.014 Annual report.—The division shall report annually
 264 beginning January 30, 2016, the amount of tax revenue collected
 265 pursuant to s. 566.012 and the amount distributed pursuant to s.
 266 561.025(3) to the appropriations committees of each house of the
 267 Legislature.

268 PART II

269 MARIJUANA REGULATION

270 566.031 Definitions.—As used in this part, the term:
 271 (1) "Consumer" means a person 21 years of age or older who
 272 purchases marijuana or marijuana products for personal use by
 273 persons 21 years of age or older, but not for resale to others.
 274 (2) "Department" has the same meaning as provided in s.
 275 566.011.
 276 (3) "Division" has the same meaning as provided in s.
 277 566.011.
 278 (4) "Licensee" means any individual, partnership,
 279 corporation, firm, association, or other legal entity holding a
 280 marijuana establishment license within the state.
 281 (5) "Locality" means a municipality or, in reference to a
 282 location in the unorganized territory, the county in which that
 283 locality is located.
 284 (6) "Marijuana" has the same meaning as provided in s.
 285 566.011.
 286 (7) "Marijuana accessories" means equipment, products, or

287 materials of any kind that are used, intended, or designed for
 288 use in planting, propagating, cultivating, growing, harvesting,
 289 composting, manufacturing, compounding, converting, producing,
 290 processing, preparing, testing, analyzing, packaging,
 291 repackaging, storing, vaporizing, or containing marijuana or for
 292 ingesting, inhaling, or otherwise introducing marijuana into the
 293 human body.

294 (8) "Marijuana cultivation facility" has the same meaning
 295 as provided in s. 566.011.

296 (9) "Marijuana establishment" has the same meaning as
 297 provided in s. 566.011.

298 (10) "Marijuana product manufacturing facility" has the
 299 same meaning as provided in s. 566.011.

300 (11) "Marijuana testing facility" means an entity licensed
 301 to analyze and certify the safety and potency of marijuana.

302 (12) "Minor" means a person under 21 years of age.

303 (13) "Retail marijuana store" has the same meaning as
 304 provided in s. 566.011.

305 (14) "Seedling" means a marijuana plant that has no
 306 flowers, is less than 12 inches in height, and is less than 12
 307 inches in diameter.

308 566.032 Exemption from criminal and noncriminal penalties,
 309 seizure, or forfeiture.—Notwithstanding chapter 893 or any other
 310 provision of law, and except as provided in this part, the
 311 actions specified in this part are legal under the laws of this
 312 state and do not constitute a civil or criminal offense under

313 the laws of this state or the law of any political subdivision
 314 within this state or serve as a basis for seizure or forfeiture
 315 of assets under state law.

316 566.033 Personal use of marijuana.-

317 (1) A person who is 21 years of age or older may:

318 (a) Use, possess or transport marijuana accessories and up
 319 to 2 1/2 ounces of marijuana.

320 (b) Transfer or furnish, without remuneration, up to 2 1/2
 321 ounces of marijuana and up to 6 seedlings to a person who is 21
 322 years of age or older.

323 (c) Possess, grow, cultivate, process or transport up to 6
 324 marijuana plants, including seedlings, and possess the marijuana
 325 produced by the marijuana plants on the premises where the
 326 plants were grown.

327 (d) Purchase up to 2 1/2 ounces of marijuana, up to 6
 328 seedlings, and marijuana accessories from a retail marijuana
 329 store.

330 (2) The following apply to the cultivation of marijuana
 331 for personal use by a person who is 21 years of age or older:

332 (a) A person may cultivate up to 6 marijuana plants,
 333 including seedlings, at that person's place of residence, on
 334 property owned by that person, or on another person's property
 335 with permission of the owner of the other property.

336 (b) A person who elects to cultivate marijuana shall take
 337 reasonable precautions to ensure the plants are secure from
 338 unauthorized access or access by a person under 21 years of age.

339 Reasonable precautions include, but are not limited to,
 340 cultivating marijuana in a fully enclosed secure outdoor area,
 341 locked closet, or locked room inaccessible to persons under 21
 342 years of age.

343 (3) A person may smoke or ingest marijuana in a nonpublic
 344 place, including a private residence.

345 (a) This subsection does not permit a person to consume
 346 marijuana in a manner that endangers others.

347 (b) The prohibitions and limitations on smoking tobacco
 348 products in specified areas in part II of chapter 386 apply to
 349 marijuana.

350 (c) A person who smokes marijuana in a public place other
 351 than as governed by part II of chapter 386 commits a noncriminal
 352 violation subject to a civil penalty of \$100.

353 566.0311 False identification.-

354 (1) As used in this section, the term "minor" means a
 355 person who is under 21 years of age.

356 (2) A minor may not present or offer to a marijuana
 357 establishment or the marijuana establishment's agent or employee
 358 any written or oral evidence of age that is false, fraudulent,
 359 or not actually the minor's own for the purpose of:

360 (a) Ordering, purchasing, attempting to purchase or
 361 otherwise procuring or attempting to procure marijuana; or

362 (b) Gaining access to marijuana.

363 (3) (a) A minor who violates subsection (2) commits:

364 1. For a first offense, a noncriminal violation subject to

365 a civil penalty of at least \$200 and not more than \$400.

366 2. For a second offense, a noncriminal violation subject
 367 to a civil penalty of at least \$300 and not more than \$600,
 368 which may only be suspended as provided in paragraph (b).

369 3. For a third or subsequent offense, a noncriminal
 370 violation subject to a civil penalty of \$600, which may only be
 371 suspended as provided in paragraph (b).

372

373 When a minor is adjudged to have committed a first offense under
 374 subsection (2), the judge shall inform that minor that the
 375 noncriminal penalties for the second and subsequent offenses are
 376 mandatory and may only be suspended as provided in paragraph
 377 (b). Failure to inform the minor that subsequent noncriminal
 378 penalties are mandatory is not a ground for suspension of any
 379 subsequent civil penalty.

380 (b) A judge, as an alternative to or in addition to the
 381 noncriminal penalties specified in paragraph (a), may assign the
 382 minor to perform specified work for the benefit of the state,
 383 the municipality, or other public entity or a charitable
 384 institution for no more than 40 hours for each violation.

385 566.034 Marijuana establishments.—

386 (1) A marijuana establishment may engage in the
 387 manufacture, possession, or purchase of marijuana, marijuana
 388 products, and marijuana accessories and sell marijuana,
 389 marijuana products, or marijuana accessories to a consumer as
 390 described in this subsection.

- 391 (a) A retail marijuana store may:
 392 1. Possess, display, or transport marijuana, marijuana
 393 products, or marijuana accessories.
 394 2. Purchase marijuana from a marijuana cultivation
 395 facility.
 396 3. Purchase marijuana or marijuana products from a
 397 marijuana product manufacturing facility.
 398 4. Sell marijuana, marijuana products, or marijuana
 399 accessories to consumers.
 400 (b) A marijuana cultivation facility may:
 401 1. Cultivate, harvest, process, package, transport,
 402 display, or possess marijuana.
 403 2. Deliver or transfer marijuana to a marijuana testing
 404 facility.
 405 3. Sell marijuana to another marijuana cultivation
 406 facility, a marijuana product manufacturing facility, or a
 407 retail marijuana store.
 408 4. Purchase marijuana from another marijuana cultivation
 409 facility.
 410 (c) A marijuana product manufacturing facility may:
 411 1. Package, process, transport, manufacture, display, or
 412 possess marijuana or marijuana products.
 413 2. Deliver or transfer marijuana or marijuana products to
 414 a marijuana testing facility.
 415 3. Sell marijuana or marijuana products to a retail
 416 marijuana store or marijuana product manufacturing facility.

417 4. Purchase marijuana from a marijuana cultivation
 418 facility.

419 5. Purchase marijuana or marijuana products from a
 420 marijuana product manufacturing facility.

421 (d) A marijuana testing facility may possess, cultivate,
 422 process, repackage, store, transport, display, transfer, or
 423 deliver marijuana or marijuana products.

424
 425 A marijuana establishment may lease or otherwise allow the use
 426 of property owned, occupied, or controlled by a person,
 427 corporation, or other entity for any of the activities conducted
 428 lawfully in accordance with this subsection.

429 (2) This section does not prevent the imposition of
 430 penalties for violating this chapter or state or local rules
 431 adopted pursuant to this chapter.

432 566.035 Duties of the division.—The division shall:

433 (1) Enforce the laws and rules relating to the
 434 manufacturing, processing, labeling, storing, transporting,
 435 testing, and selling of marijuana by marijuana establishments
 436 and administer those laws relating to licensing and the
 437 collection of taxes.

438 (2) Adopt rules consistent with this chapter for the
 439 administration and enforcement of laws regulating and licensing
 440 marijuana establishments.

441 (3) If determined necessary by the division, enter into a
 442 memorandum of understanding with the Department of Law

443 Enforcement, a county sheriff, or other state or municipal law
 444 enforcement agency to perform inspections of marijuana
 445 establishments.

446 (4) Issue marijuana cultivation facility, marijuana
 447 testing facility, marijuana product manufacturing facility, and
 448 retail marijuana store licenses.

449 (5) Prevent the sale of marijuana by licensees to minors
 450 and intoxicated persons.

451 (6) Ensure that licensees have access to the provisions of
 452 this chapter and other laws and rules governing marijuana in
 453 accordance with this section.

454 (7) Post on the department's publicly accessible website
 455 this chapter and all rules adopted under this chapter. The
 456 division shall notify all licensees of changes in the law and
 457 rules through a publicly accessible website posting within 90
 458 days after adjournment of each session of the Legislature. The
 459 division shall update the posting on the department's publicly
 460 accessible website to reflect new laws and rules before the
 461 effective date of the laws and rules.

462 (8) Certify monthly to the Chief Financial Officer a
 463 complete statement of revenues and expenses for licenses issued
 464 and for revenues collected by the division and submit an annual
 465 report that includes a complete statement of the revenues and
 466 expenses for the division to the Governor, the Speaker of the
 467 House of Representatives, and the President of the Senate.

468 (9) Suspend or revoke the license of a licensee in

469 accordance with rules adopted by the division. A marijuana
 470 establishment with a license that is suspended or revoked
 471 pursuant to this subsection may:

472 (a) Continue to possess marijuana during the time its
 473 license is suspended, but may not dispense, transfer, or sell
 474 marijuana. If the marijuana establishment is a marijuana
 475 cultivation facility, it may continue to cultivate marijuana
 476 plants during the time its license is suspended. Marijuana may
 477 not be removed from the licensed premises except as authorized
 478 by the division and only for the purpose of destruction.

479 (b) Possess marijuana for up to 7 days after revocation of
 480 its license, during which time the marijuana establishment shall
 481 dispose of its inventory of marijuana in accordance with
 482 division rules.

483 (10) Beginning January 15, 2016, and annually thereafter,
 484 report to the committees of each house of the Legislature having
 485 jurisdiction over marijuana regulation. The report must include,
 486 but is not limited to, all rules adopted by the division and
 487 statistics regarding the number of marijuana establishment
 488 applications received, and licensed and the licensing fees
 489 collected within the previous year.

490 566.036 Licensing of marijuana establishments.—

491 (1) An applicant for a marijuana establishment license
 492 shall file an application in the form required by the division
 493 for the type of marijuana establishment license sought, along
 494 with the application fee, not to exceed \$5,000, as set by rule.

495 An applicant may apply for and be granted more than one type of
 496 marijuana establishment license, except that a person licensed
 497 as a marijuana testing facility may not hold another marijuana
 498 establishment license. The division shall begin accepting and
 499 processing applications by August 1, 2015.

500 (2) Upon receiving an application for a marijuana
 501 establishment license, the division shall immediately forward a
 502 copy of the application and 50 percent of the license
 503 application fee to the locality in which the applicant desires
 504 to operate.

505 (3) The division shall issue or renew a license to operate
 506 a marijuana establishment to an applicant who meets the
 507 requirements of the division as set forth in rule and in
 508 subsection (9) within 90 days after the date of receipt of the
 509 application unless:

510 (a) The division finds the applicant is not in compliance
 511 with this section or rules adopted by the division;

512 (b) The division is notified by the relevant locality that
 513 the applicant is not in compliance with an ordinance, rule, or
 514 regulation in effect at the time of application; or

515 (c) The number of marijuana establishments allowed in the
 516 locality has been limited pursuant to s. 566.037 or is limited
 517 by subsection (5) and the division has already licensed the
 518 maximum number of marijuana establishments allowed in the
 519 locality for the category of license that is sought.

520 (4) The following shall control when more than one

521 application is received by the division for establishment of a
 522 marijuana establishment in the same locality:

523 (a) If a greater number of applications are received from
 524 qualified applicants to operate a marijuana establishment in a
 525 locality than are allowed under the limits enacted by the
 526 locality pursuant to s. 566.037 or pursuant to subsection (5),
 527 the division shall solicit and consider input from the locality
 528 regarding the locality's preference or preferences for
 529 licensure. Within 90 days after the date that the first
 530 application is received, the division shall issue the maximum
 531 number of applicable licenses for each type of marijuana
 532 establishment license application received.

533 (b) In a competitive application process to determine
 534 which applicants will receive licenses for a marijuana
 535 establishment, the division shall give preference to an
 536 applicant who has at least 1 year of previous experience in
 537 operating another business in this state in compliance with
 538 state law.

539 (c) The division may not grant a license for a marijuana
 540 establishment to a licensee who has already received a license
 541 to operate the same type of marijuana establishment if doing so
 542 would prevent another qualified applicant from receiving a
 543 license.

544 (5) Unless the locality has prohibited retail marijuana
 545 stores or has enacted a lower limit on the number of retail
 546 marijuana stores, the division shall license no more than:

547 (a) One retail marijuana store per each 5,000 persons in a
 548 locality with a population over 20,000.

549 (b) Two retail marijuana stores in a locality with a
 550 population of at least 5,001 but less than 20,000.

551 (c) One retail marijuana store in a locality with a
 552 population of at least 2,000 but less than 5,001.

553
 554 The division may license one retail marijuana store in a
 555 locality where the population is less than 2,000 if the
 556 municipality or county commissioners for the locality has not
 557 prohibited retail marijuana stores. The division may grant a
 558 locality's request to allow additional marijuana stores. The
 559 division may consider the impact of seasonal population or
 560 tourism and other related information provided by the locality
 561 requesting an additional marijuana establishment location.

562 (6) Upon denial of an application, the division shall
 563 notify the applicant in writing of the specific reason for its
 564 denial.

565 (7) All licenses under this part are valid for 1 year from
 566 the date of issuance.

567 (8) A prospective licensee as a marijuana establishment:

568 (a) May not have been convicted of a disqualifying drug
 569 offense. For purposes of this section, "disqualifying drug
 570 offense" means a conviction for a violation of a state or
 571 federal controlled substance law that is a crime punishable by
 572 imprisonment for 1 year or more. It does not include an offense

573 for which the sentence, including any term of probation,
 574 incarceration, or supervised release, was completed 10 or more
 575 years before application for licensure or an offense that
 576 consisted of conduct that would be permitted under this part.

577 (b) May not have had a previous license revoked for a
 578 marijuana establishment.

579 (c) If the applicant is a corporation, may not be issued a
 580 license if any of the principal officers of the corporation
 581 would be personally ineligible under paragraph (a) or paragraph
 582 (b).

583 (9) A marijuana establishment:

584 (a) May not be located within 500 feet of the property
 585 line of a preexisting public or private school. The distance
 586 must be measured from the main entrance of the marijuana
 587 establishment to the main entrance of the school by the ordinary
 588 course of travel.

589 (b) Shall implement appropriate security measures,
 590 consistent with rules issued by the division, that are designed
 591 to prevent:

592 1. Unauthorized entrance into areas containing marijuana.

593 2. The theft of marijuana located on the premises or in
 594 transit to or from the premises by the licensee.

595 3. Tampering with or adulteration of the marijuana
 596 products.

597 4. Unauthorized access to marijuana or marijuana
 598 accessories.

599 5. Access to marijuana by or sales of marijuana to minors.

600 (c) Shall prepare and maintain documents that include
 601 procedures for the oversight of all aspects of operations and
 602 procedures to ensure accurate record keeping.

603 (d) Shall make available for inspection its license at the
 604 premises to which that license applies. A licensee may not
 605 refuse a representative of the division the right at any time to
 606 inspect the entire licensed premises or to audit the books and
 607 records of the licensee.

608 (e) May not sell marijuana to a person under 21 years of
 609 age or to a visibly intoxicated person.

610 (f) If the licensee is a retail marijuana store, it may
 611 not allow a minor to enter or remain on the premises unless the
 612 minor is an employee of the division, a law enforcement officer,
 613 emergency personnel, or a contractor performing work on the
 614 facility that is not directly related to marijuana, such as
 615 installing or maintaining security devices or performing
 616 electrical wiring.

617 (g) May not sell marijuana between the hours of 1 a.m. and
 618 6 a.m.

619 (h) May not employ as a manager or leave in charge of the
 620 licensed premises any person who, by reason of conviction for a
 621 disqualifying drug offense or because of a revocation of that
 622 person's marijuana establishment license, is not eligible for a
 623 marijuana establishment license.

624 (i) If a retail marijuana store, may not offer any free

625 merchandise, a rebate, or a gift to a consumer.

626 (j) If a retail marijuana store, may only sell or furnish
 627 marijuana to a consumer from the premises licensed by the
 628 department. A retail marijuana store may not, either directly or
 629 indirectly, by any agent or employee, travel from locality to
 630 locality, or from place to place within the same locality,
 631 selling, bartering, carrying for sale, or exposing for sale
 632 marijuana from a vehicle.

633 (10) A person who intentionally provides false information
 634 on an application for a marijuana establishment license violates
 635 s. 837.06.

636 (11) When a licensee's license expires:

637 (a) A licensee who unintentionally fails to renew a
 638 license upon its expiration date and continues to engage in
 639 activities allowed by s. 566.034 may not be charged with illegal
 640 sales for a period of 7 days after the expiration date. A
 641 licensee who continues to make sales of marijuana after having
 642 been properly notified of the expired license may be charged
 643 with illegally selling marijuana.

644 (b) At least 30 days before expiration of a licensee's
 645 license issued pursuant to this part, the division shall notify
 646 the licensee by the most expedient means available:

- 647 1. That the licensee's license is scheduled to expire.
 648 2. The date of expiration.
 649 3. That all sales of marijuana must be suspended after the
 650 date of expiration and remain suspended until the license is

651 properly renewed.

652

653 Failure by the division to notify a licensee pursuant to this
 654 paragraph does not excuse a licensee from being charged with a
 655 violation of this part.

656 566.037 Local control.-

657 (1) A locality may prohibit the operation of one or more
 658 types of marijuana establishments through the enactment of an
 659 ordinance.

660 (2) If a locality does not prohibit the operation of a
 661 marijuana establishment pursuant to subsection (1), the
 662 following apply:

663 (a) No later than September 1, 2015, a locality may enact
 664 an ordinance or regulation specifying the entity within the
 665 locality that is responsible for processing applications
 666 submitted for a licensee to operate a marijuana establishment
 667 within the boundaries of the locality. The locality may provide
 668 that the entity may issue such licenses if issuance by the
 669 locality becomes necessary because of a failure by the division
 670 to adopt rules pursuant to s. 566.035 or because of a failure by
 671 the division to process and issue licenses as required by s.
 672 566.036.

673 (b) A locality may enact ordinances, rules, or regulations
 674 pursuant to this paragraph as long as those ordinances, rules,
 675 or regulations do not conflict with this section or with rules
 676 issued pursuant to s. 566.035. The ordinances may:

- 677 1. Govern the time, place, and manner of operations and
 678 number of marijuana establishments.
- 679 2. Establish procedures for the issuance, suspension, and
 680 revocation of a license issued by the locality in accordance
 681 with paragraph (c) or paragraph (d).
- 682 3. Establish a schedule of annual operating, licensing,
 683 and application fees for a marijuana establishment. This
 684 subparagraph applies only if the application fee or licensing
 685 fee is submitted to a locality in accordance with paragraph (c)
 686 or (d).
- 687 4. Establish noncriminal penalties for violation of an
 688 ordinance, rule, or regulation governing the time, place, and
 689 manner that a marijuana establishment may operate in that
 690 locality.
- 691 (c) If the division does not begin issuing licenses by
 692 January 1, 2016, an applicant may submit an application directly
 693 to the locality in which it wants to operate. A locality that
 694 receives an application pursuant to this paragraph shall issue a
 695 license to an applicant within 90 days after receipt of the
 696 application unless the locality finds, and notifies the
 697 applicant, that the applicant is not in compliance with an
 698 ordinance, rule, or regulation made pursuant to s. 566.035 or
 699 paragraph (b) in effect at the time of application. The locality
 700 shall notify the division if the locality issues an annual
 701 license to the applicant.
- 702 (d) If the division does not issue a license to an

703 applicant within 90 days after receipt of the application filed
 704 in accordance with s. 566.036 and does not notify the applicant
 705 of the specific reason for denial, in writing and within 90 days
 706 after receipt of the application, the applicant may resubmit its
 707 application directly to the locality and the locality may issue
 708 an annual license to the applicant. A locality issuing a license
 709 to an applicant shall do so within 90 days after receipt of the
 710 resubmitted application unless the locality finds, and notifies
 711 the applicant, that the applicant is not in compliance with an
 712 ordinance, rule or regulation made pursuant to s. 566.035 or
 713 paragraph (b) in effect at the time the application is
 714 resubmitted. The locality shall notify the division if the
 715 locality issues an annual license to the applicant. If an
 716 application is submitted to a locality under this paragraph, the
 717 division shall forward to the locality the application fee paid
 718 by the applicant to the division upon request by the locality.

719 (e) A license issued by a locality in accordance with
 720 paragraph (c) or paragraph (d) has the same effect as a license
 721 issued by the division in accordance with s. 566.036 and the
 722 holder of that license is not subject to regulation or
 723 enforcement by the division during the term of that license. A
 724 subsequent or renewed license may be issued under this paragraph
 725 on an annual basis if the division has not adopted rules
 726 required by s. 566.035 at least 90 days before the date upon
 727 which such subsequent or renewed license would be effective, or
 728 if the division has adopted rules pursuant to 566.041 but has

729 not, at least 90 days after the adoption of those rules, issued
 730 any marijuana establishment licenses pursuant to s. 566.036.

731 566.038 Defense of state law.—The Attorney General shall
 732 to the best of the abilities of the office and in good faith
 733 advocate to quash any federal subpoena for records involving
 734 marijuana establishments.

735 566.039 Research.—Notwithstanding the provisions of this
 736 part regulating the distribution of marijuana, a scientific or
 737 medical researcher who has previously published peer-reviewed
 738 research may purchase, possess, and securely store marijuana for
 739 purposes of conducting research. A scientific or medical
 740 researcher may administer and distribute marijuana to a
 741 participant in research who is at least 21 years of age after
 742 receiving informed consent from that participant.

743 566.040 Construction.—

744 (1) EMPLOYMENT POLICIES.—This chapter does not require an
 745 employer to permit or accommodate the use, consumption,
 746 possession, transfer, display, transportation, sale, or growing
 747 of marijuana in the workplace or to affect the ability of
 748 employers to have policies restricting the use of marijuana by
 749 their employees.

750 (2) OPERATING UNDER THE INFLUENCE.—This chapter does not
 751 exempt a person from the laws prohibiting operating under the
 752 influence under chapter 316 or chapter 327.

753 (3) TRANSFER TO MINOR.—This chapter does not permit the
 754 transfer of marijuana, with or without remuneration, to a minor

755 or to allow a minor to purchase, possess, use, transport, grow,
 756 or consume marijuana.

757 (4) RESTRICTION ON USE OF PROPERTY.—This chapter does not
 758 prohibit a person, employer, school, hospital, detention
 759 facility, corporation, or other entity that occupies, owns, or
 760 controls real property from prohibiting or otherwise regulating
 761 the possession, consumption, use, display, transfer,
 762 distribution, sale, transportation, or growing of marijuana on
 763 or in that real property.

764 566.041 Rulemaking.—The division shall adopt any rules
 765 necessary to administer and enforce the provisions of this
 766 chapter.

767 566.042 Good moral character.—Engaging in conduct allowed
 768 by this chapter may not be the basis for a finding of a lack of
 769 good moral character as that term is used in the Florida
 770 Statutes.

771 Section 5. Section 566.037, Florida Statutes, as created by
 772 this act, which relates to local control, shall take effect upon
 773 this act becoming a law.

774 Section 6. Rulemaking.—This section shall take effect upon
 775 this act becoming a law.

776 (1) By June 1, 2015, the Division of Alcoholic Beverages,
 777 Marijuana, and Tobacco of the Department of Business and
 778 Professional Regulation shall adopt emergency rules for the
 779 administration and the enforcement of laws regulating and
 780 licensing marijuana establishments pursuant to part II of

781 chapter 566, Florida Statutes, as created by this act. These
 782 rules must be developed by the division and may not be
 783 contracted out to an entity outside the division. These rules
 784 may not prohibit the operation of marijuana establishments,
 785 either expressly or through restrictions that make the operation
 786 of marijuana establishments unreasonably impracticable. As used
 787 in this section, "unreasonably impracticable" means that the
 788 measures necessary to comply with the rules require such a high
 789 investment of risk, money, time, or other resource or asset that
 790 the operation of a marijuana establishment is not worthy of
 791 being carried out in practice by a reasonably prudent
 792 businessperson.

793 (2) Rules adopted pursuant to this section must include:

794 (a) Provisions for administering and enforcing part II of
 795 chapter 566, Florida Statutes, including oversight requirements
 796 and noncriminal penalties for violations.

797 (b) The form and content of applications for each type of
 798 marijuana establishment license, registration renewal forms, and
 799 associated licensing and renewal fee schedules, except that an
 800 application, licensing, or renewal fee may not exceed \$5,000.

801 (c) Procedures allowing an applicant who has been denied a
 802 license due to failure to meet the requirements for licensing to
 803 correct the reason for failure.

804 (d) Procedures and timelines for background checks and
 805 appeals.

806 (e) Rules governing the transfer of a license, which must

807 be substantially the same as rules governing the transfer of a
 808 beverage license under chapter 561, Florida Statutes.
 809 (f) Minimum standards for employment, including
 810 requirements for background checks, restrictions against hiring
 811 persons under 21 years of age, and safeguards to protect against
 812 unauthorized employee access to marijuana.
 813 (g) Minimum recordkeeping requirements, including the
 814 recording of the disposal of marijuana that is not sold. Rules
 815 developed pursuant to this subsection may not require a consumer
 816 to provide a retail marijuana store with personal information
 817 other than government-issued identification to determine the
 818 consumer's age or require the retail marijuana store to acquire
 819 and record personal information about its consumers.
 820 (h) Health and safety rules and standards for the
 821 manufacture of marijuana products and the cultivation of
 822 marijuana.
 823 (i) Labeling requirements for marijuana and marijuana
 824 products sold or distributed by a marijuana establishment.
 825 (j) Restrictions on the advertising, signage, and display
 826 of marijuana and marijuana products.
 827 (k) Minimum security requirements, including standards to
 828 reasonably protect against unauthorized access to marijuana at
 829 all stages of the licensee's possession, transportation,
 830 storage, and cultivation of marijuana; these security
 831 requirements may not prohibit outdoor cultivation in an
 832 enclosed, secured space.

833 (1) Procedures for enforcing s. 566.034(9) and (10),
 834 Florida Statutes, including noncriminal penalties for
 835 violations, procedures for suspending or terminating the license
 836 of a licensee who violates licensing provisions or the rules
 837 adopted pursuant to this section, and procedures for appeals of
 838 penalties or licensing actions.

839 (m) Any other oversight requirements that the division
 840 determines are necessary to administer the laws relating to
 841 licensing marijuana establishments.

842 (3) Rules adopted pursuant to this section may not
 843 prohibit a locality, as defined in s. 566.031, Florida Statutes,
 844 from limiting the number of each type of licensee who may
 845 operate in the locality or from enacting reasonable regulations
 846 applicable to licensees.

847 Section 7. Paragraph (p) of subsection (1) of section
 848 500.03, Florida Statutes, is amended to read:

849 500.03 Definitions; construction; applicability.—

850 (1) For the purpose of this chapter, the term:

851 (p) "Food establishment" means any factory, food outlet,
 852 or any other facility manufacturing, processing, packing,
 853 holding, or preparing food or selling food at wholesale or
 854 retail. The term does not include any business or activity that
 855 is regulated under s. 500.80, chapter 509, or chapter 601. The
 856 term includes a retail marijuana store that sells food
 857 containing marijuana pursuant to chapter 566. The term includes
 858 tomato packinghouses and repackers but does not include any

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859 other establishments that pack fruits and vegetables in their
860 raw or natural states, including those fruits or vegetables that
861 are washed, colored, or otherwise treated in their unpeeled,
862 natural form before they are marketed.

863 Section 8. Section 500.105, Florida Statutes, is created
864 to read:

865 500.105 Retail marijuana store food products containing
866 marijuana.--Food products containing marijuana that are prepared
867 in a food establishment that holds a permit under s. 500.12, if
868 required, and that are sold by a retail marijuana store licensed
869 under chapter 566 are not considered adulterated under this
870 chapter due to the presence of marijuana.

871 Section 9. Subsection (1) of section 562.13, Florida
872 Statutes, is amended to read:

873 562.13 Employment of minors or certain other persons by
874 certain vendors prohibited; exceptions.--

875 (1) Unless otherwise provided in this section, it is
876 unlawful for any vendor licensed under the Beverage Law or a
877 licensee under chapter 566 to employ any person under 18 years
878 of age.

879 Section 10. Subsection (1) of section 569.0073, Florida
880 Statutes, is amended to read:

881 569.0073 Special provisions; smoking pipes and smoking
882 devices.--

883 (1) It is unlawful for any person to offer for sale at
884 retail any of the items listed in subsection (2) unless such

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885 person:

886 (a) Has a retail tobacco products dealer permit under s.
887 569.003 or is a marijuana establishment licensed under s.
888 566.036. The provisions of this chapter apply to any person that
889 offers for retail sale any of the items listed in subsection
890 (2); and

891 (b)1. Derives at least 75 percent of its annual gross
892 revenues from the retail sale of cigarettes, cigars, and other
893 tobacco products or marijuana products sold in compliance with
894 chapter 566; or

895 2. Derives no more than 25 percent of its annual gross
896 revenues from the retail sale of the items listed in subsection
897 (2).

898 Section 11. Subsection (11) is added to section 893.13,
899 Florida Statutes, to read:

900 893.13 Prohibited acts; penalties.—

901 (11) Subsections (1)-(8) are not applicable to conduct
902 authorized under chapter 566.

903 Section 12. Subsection (1) of section 893.135, Florida
904 Statutes, is amended to read:

905 893.135 Trafficking; mandatory sentences; suspension or
906 reduction of sentences; conspiracy to engage in trafficking.—

907 (1) Except as authorized in this chapter, ~~or in~~ chapter
908 499, or chapter 566 and notwithstanding ~~the provisions of s.~~
909 893.13:

910 (a) Any person who knowingly sells, purchases,

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911 manufactures, delivers, or brings into this state, or who is
912 knowingly in actual or constructive possession of, in excess of
913 25 pounds of cannabis, or 300 or more cannabis plants, commits a
914 felony of the first degree, which felony shall be known as
915 "trafficking in cannabis," punishable as provided in s. 775.082,
916 s. 775.083, or s. 775.084. If the quantity of cannabis involved:

917 1. Is in excess of 25 pounds, but less than 2,000 pounds,
918 or is 300 or more cannabis plants, but not more than 2,000
919 cannabis plants, such person shall be sentenced to a mandatory
920 minimum term of imprisonment of 3 years, and the defendant shall
921 be ordered to pay a fine of \$25,000.

922 2. Is 2,000 pounds or more, but less than 10,000 pounds,
923 or is 2,000 or more cannabis plants, but not more than 10,000
924 cannabis plants, such person shall be sentenced to a mandatory
925 minimum term of imprisonment of 7 years, and the defendant shall
926 be ordered to pay a fine of \$50,000.

927 3. Is 10,000 pounds or more, ~~or~~ is 10,000 or more cannabis
928 plants, such person shall be sentenced to a mandatory minimum
929 term of imprisonment of 15 calendar years and pay a fine of
930 \$200,000.

931
932 For the purpose of this paragraph, a plant, including, but not
933 limited to, a seedling or cutting, is a "cannabis plant" if it
934 has some readily observable evidence of root formation, such as
935 root hairs. To determine if a piece or part of a cannabis plant
936 severed from the cannabis plant is itself a cannabis plant, the

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937 severed piece or part must have some readily observable evidence
 938 of root formation, such as root hairs. Callous tissue is not
 939 readily observable evidence of root formation. The viability and
 940 sex of a plant and the fact that the plant may or may not be a
 941 dead harvested plant are not relevant in determining if the
 942 plant is a "cannabis plant" or in the charging of an offense
 943 under this paragraph. Upon conviction, the court shall impose
 944 the longest term of imprisonment provided for in this paragraph.

945 (b)1. Any person who knowingly sells, purchases,
 946 manufactures, delivers, or brings into this state, or who is
 947 knowingly in actual or constructive possession of, 28 grams or
 948 more of cocaine, as described in s. 893.03(2)(a)4., or of any
 949 mixture containing cocaine, but less than 150 kilograms of
 950 cocaine or any such mixture, commits a felony of the first
 951 degree, which felony shall be known as "trafficking in cocaine,"
 952 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 953 If the quantity involved:

954 a. Is 28 grams or more, but less than 200 grams, such
 955 person shall be sentenced to a mandatory minimum term of
 956 imprisonment of 3 years, and the defendant shall be ordered to
 957 pay a fine of \$50,000.

958 b. Is 200 grams or more, but less than 400 grams, such
 959 person shall be sentenced to a mandatory minimum term of
 960 imprisonment of 7 years, and the defendant shall be ordered to
 961 pay a fine of \$100,000.

962 c. Is 400 grams or more, but less than 150 kilograms, such

963 person shall be sentenced to a mandatory minimum term of
 964 imprisonment of 15 calendar years and pay a fine of \$250,000.

965 2. Any person who knowingly sells, purchases,
 966 manufactures, delivers, or brings into this state, or who is
 967 knowingly in actual or constructive possession of, 150 kilograms
 968 or more of cocaine, as described in s. 893.03(2)(a)4., commits
 969 the first degree felony of trafficking in cocaine. A person who
 970 has been convicted of the first degree felony of trafficking in
 971 cocaine under this subparagraph shall be punished by life
 972 imprisonment and is ineligible for any form of discretionary
 973 early release except pardon or executive clemency or conditional
 974 medical release under s. 947.149. However, if the court
 975 determines that, in addition to committing any act specified in
 976 this paragraph:

977 a. The person intentionally killed an individual or
 978 counseled, commanded, induced, procured, or caused the
 979 intentional killing of an individual and such killing was the
 980 result; or

981 b. The person's conduct in committing that act led to a
 982 natural, though not inevitable, lethal result,

983
 984 such person commits the capital felony of trafficking in
 985 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
 986 person sentenced for a capital felony under this paragraph shall
 987 also be sentenced to pay the maximum fine provided under
 988 subparagraph 1.

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989 3. Any person who knowingly brings into this state 300
990 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
991 and who knows that the probable result of such importation would
992 be the death of any person, commits capital importation of
993 cocaine, a capital felony punishable as provided in ss. 775.082
994 and 921.142. Any person sentenced for a capital felony under
995 this paragraph shall also be sentenced to pay the maximum fine
996 provided under subparagraph 1.

997 (c)1. Any person who knowingly sells, purchases,
998 manufactures, delivers, or brings into this state, or who is
999 knowingly in actual or constructive possession of, 4 grams or
1000 more of any morphine, opium, oxycodone, hydrocodone,
1001 hydromorphone, or any salt, derivative, isomer, or salt of an
1002 isomer thereof, including heroin, as described in s.
1003 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more
1004 of any mixture containing any such substance, but less than 30
1005 kilograms of such substance or mixture, commits a felony of the
1006 first degree, which felony shall be known as "trafficking in
1007 illegal drugs," punishable as provided in s. 775.082, s.
1008 775.083, or s. 775.084. If the quantity involved:

1009 a. Is 4 grams or more, but less than 14 grams, such person
1010 shall be sentenced to a mandatory minimum term of imprisonment
1011 of 3 years, and the defendant shall be ordered to pay a fine of
1012 \$50,000.

1013 b. Is 14 grams or more, but less than 28 grams, such
1014 ~~person shall be sentenced to a mandatory minimum term of~~

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1015 imprisonment of 15 years, and the defendant shall be ordered to
 1016 pay a fine of \$100,000.

1017 c. Is 28 grams or more, but less than 30 kilograms, such
 1018 person shall be sentenced to a mandatory minimum term of
 1019 imprisonment of 25 calendar years and pay a fine of \$500,000.

1020 2. Any person who knowingly sells, purchases,
 1021 manufactures, delivers, or brings into this state, or who is
 1022 knowingly in actual or constructive possession of, 30 kilograms
 1023 or more of any morphine, opium, oxycodone, hydrocodone,
 1024 hydromorphone, or any salt, derivative, isomer, or salt of an
 1025 isomer thereof, including heroin, as described in s.
 1026 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
 1027 more of any mixture containing any such substance, commits the
 1028 first degree felony of trafficking in illegal drugs. A person
 1029 who has been convicted of the first degree felony of trafficking
 1030 in illegal drugs under this subparagraph shall be punished by
 1031 life imprisonment and is ineligible for any form of
 1032 discretionary early release except pardon or executive clemency
 1033 or conditional medical release under s. 947.149. However, if the
 1034 court determines that, in addition to committing any act
 1035 specified in this paragraph:

1036 a. The person intentionally killed an individual or
 1037 counseled, commanded, induced, procured, or caused the
 1038 intentional killing of an individual and such killing was the
 1039 result; or

1040 b. The person's conduct in committing that act led to a

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1041 natural, though not inevitable, lethal result,
1042
1043 such person commits the capital felony of trafficking in illegal
1044 drugs, punishable as provided in ss. 775.082 and 921.142. Any
1045 person sentenced for a capital felony under this paragraph shall
1046 also be sentenced to pay the maximum fine provided under
1047 subparagraph 1.

1048 3. Any person who knowingly brings into this state 60
1049 kilograms or more of any morphine, opium, oxycodone,
1050 hydrocodone, hydromorphone, or any salt, derivative, isomer, or
1051 salt of an isomer thereof, including heroin, as described in s.
1052 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or
1053 more of any mixture containing any such substance, and who knows
1054 that the probable result of such importation would be the death
1055 of any person, commits capital importation of illegal drugs, a
1056 capital felony punishable as provided in ss. 775.082 and
1057 921.142. Any person sentenced for a capital felony under this
1058 paragraph shall also be sentenced to pay the maximum fine
1059 provided under subparagraph 1.

1060 (d)1. Any person who knowingly sells, purchases,
1061 manufactures, delivers, or brings into this state, or who is
1062 knowingly in actual or constructive possession of, 28 grams or
1063 more of phencyclidine or of any mixture containing
1064 phencyclidine, as described in s. 893.03(2)(b), commits a felony
1065 of the first degree, which felony shall be known as "trafficking
1066 in phencyclidine," punishable as provided in s. 775.082, s.

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1067 775.083, or s. 775.084. If the quantity involved:
1068 a. Is 28 grams or more, but less than 200 grams, such
1069 person shall be sentenced to a mandatory minimum term of
1070 imprisonment of 3 years, and the defendant shall be ordered to
1071 pay a fine of \$50,000.
1072 b. Is 200 grams or more, but less than 400 grams, such
1073 person shall be sentenced to a mandatory minimum term of
1074 imprisonment of 7 years, and the defendant shall be ordered to
1075 pay a fine of \$100,000.
1076 c. Is 400 grams or more, such person shall be sentenced to
1077 a mandatory minimum term of imprisonment of 15 calendar years
1078 and pay a fine of \$250,000.
1079 2. Any person who knowingly brings into this state 800
1080 grams or more of phencyclidine or of any mixture containing
1081 phencyclidine, as described in s. 893.03(2)(b), and who knows
1082 that the probable result of such importation would be the death
1083 of any person commits capital importation of phencyclidine, a
1084 capital felony punishable as provided in ss. 775.082 and
1085 921.142. Any person sentenced for a capital felony under this
1086 paragraph shall also be sentenced to pay the maximum fine
1087 provided under subparagraph 1.
1088 (e)1. Any person who knowingly sells, purchases,
1089 manufactures, delivers, or brings into this state, or who is
1090 knowingly in actual or constructive possession of, 200 grams or
1091 more of methaqualone or of any mixture containing methaqualone,
1092 as described in s. 893.03(1)(d), commits a felony of the first

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1093 degree, which felony shall be known as "trafficking in
1094 methaqualone," punishable as provided in s. 775.082, s. 775.083,
1095 or s. 775.084. If the quantity involved:

1096 a. Is 200 grams or more, but less than 5 kilograms, such
1097 person shall be sentenced to a mandatory minimum term of
1098 imprisonment of 3 years, and the defendant shall be ordered to
1099 pay a fine of \$50,000.

1100 b. Is 5 kilograms or more, but less than 25 kilograms,
1101 such person shall be sentenced to a mandatory minimum term of
1102 imprisonment of 7 years, and the defendant shall be ordered to
1103 pay a fine of \$100,000.

1104 c. Is 25 kilograms or more, such person shall be sentenced
1105 ~~to a mandatory minimum term of imprisonment of 15 calendar years~~
1106 and pay a fine of \$250,000.

1107 2. Any person who knowingly brings into this state 50
1108 kilograms or more of methaqualone or of any mixture containing
1109 methaqualone, as described in s. 893.03(1)(d), and who knows
1110 that the probable result of such importation would be the death
1111 of any person commits capital importation of methaqualone, a
1112 capital felony punishable as provided in ss. 775.082 and
1113 921.142. Any person sentenced for a capital felony under this
1114 paragraph shall also be sentenced to pay the maximum fine
1115 provided under subparagraph 1.

1116 (f)1. Any person who knowingly sells, purchases,
1117 manufactures, delivers, or brings into this state, or who is
1118 knowingly in actual or constructive possession of, 14 grams or

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1119 | more of amphetamine, as described in s. 893.03(2)(c)2., or
1120 | methamphetamine, as described in s. 893.03(2)(c)4., or of any
1121 | mixture containing amphetamine or methamphetamine, or
1122 | phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine
1123 | in conjunction with other chemicals and equipment utilized in
1124 | the manufacture of amphetamine or methamphetamine, commits a
1125 | felony of the first degree, which felony shall be known as
1126 | "trafficking in amphetamine," punishable as provided in s.
1127 | 775.082, s. 775.083, or s. 775.084. If the quantity involved:
1128 | a. Is 14 grams or more, but less than 28 grams, such
1129 | person shall be sentenced to a mandatory minimum term of
1130 | imprisonment of 3 years, and the defendant shall be ordered to
1131 | pay a fine of \$50,000.
1132 | b. Is 28 grams or more, but less than 200 grams, such
1133 | person shall be sentenced to a mandatory minimum term of
1134 | imprisonment of 7 years, and the defendant shall be ordered to
1135 | pay a fine of \$100,000.
1136 | c. Is 200 grams or more, such person shall be sentenced to
1137 | a mandatory minimum term of imprisonment of 15 calendar years
1138 | and pay a fine of \$250,000.
1139 | 2. Any person who knowingly manufactures or brings into
1140 | this state 400 grams or more of amphetamine, as described in s.
1141 | 893.03(2)(c)2., or methamphetamine, as described in s.
1142 | 893.03(2)(c)4., or of any mixture containing amphetamine or
1143 | methamphetamine, or phenylacetone, phenylacetic acid,
1144 | pseudoephedrine, or ephedrine in conjunction with other

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1145 chemicals and equipment used in the manufacture of amphetamine
 1146 or methamphetamine, and who knows that the probable result of
 1147 such manufacture or importation would be the death of any person
 1148 commits capital manufacture or importation of amphetamine, a
 1149 capital felony punishable as provided in ss. 775.082 and
 1150 921.142. Any person sentenced for a capital felony under this
 1151 paragraph shall also be sentenced to pay the maximum fine
 1152 provided under subparagraph 1.

1153 (g)1. Any person who knowingly sells, purchases,
 1154 manufactures, delivers, or brings into this state, or who is
 1155 knowingly in actual or constructive possession of, 4 grams or
 1156 more of flunitrazepam or any mixture containing flunitrazepam as
 1157 described in s. 893.03(1)(a) commits a felony of the first
 1158 degree, which felony shall be known as "trafficking in
 1159 flunitrazepam," punishable as provided in s. 775.082, s.
 1160 775.083, or s. 775.084. If the quantity involved:

1161 a. Is 4 grams or more but less than 14 grams, such person
 1162 shall be sentenced to a mandatory minimum term of imprisonment
 1163 of 3 years, and the defendant shall be ordered to pay a fine of
 1164 \$50,000.

1165 b. Is 14 grams or more but less than 28 grams, such person
 1166 shall be sentenced to a mandatory minimum term of imprisonment
 1167 of 7 years, and the defendant shall be ordered to pay a fine of
 1168 \$100,000.

1169 c. Is 28 grams or more but less than 30 kilograms, such
 1170 person shall be sentenced to a mandatory minimum term of

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1171 imprisonment of 25 calendar years and pay a fine of \$500,000.
1172 2. Any person who knowingly sells, purchases,
1173 manufactures, delivers, or brings into this state or who is
1174 knowingly in actual or constructive possession of 30 kilograms
1175 or more of flunitrazepam or any mixture containing flunitrazepam
1176 as described in s. 893.03(1)(a) commits the first degree felony
1177 of trafficking in flunitrazepam. A person who has been convicted
1178 of the first degree felony of trafficking in flunitrazepam under
1179 this subparagraph shall be punished by life imprisonment and is
1180 ineligible for any form of discretionary early release except
1181 pardon or executive clemency or conditional medical release
1182 under s. 947.149. However, if the court determines that, in
1183 addition to committing any act specified in this paragraph:
1184 a. The person intentionally killed an individual or
1185 counseled, commanded, induced, procured, or caused the
1186 intentional killing of an individual and such killing was the
1187 result; or
1188 b. The person's conduct in committing that act led to a
1189 natural, though not inevitable, lethal result,
1190
1191 such person commits the capital felony of trafficking in
1192 flunitrazepam, punishable as provided in ss. 775.082 and
1193 921.142. Any person sentenced for a capital felony under this
1194 paragraph shall also be sentenced to pay the maximum fine
1195 provided under subparagraph 1.
1196 (h)1. Any person who knowingly sells, purchases,

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1197 manufactures, delivers, or brings into this state, or who is
 1198 knowingly in actual or constructive possession of, 1 kilogram or
 1199 more of gamma-hydroxybutyric acid (GHB), as described in s.
 1200 893.03(1)(d), or any mixture containing gamma-hydroxybutyric
 1201 acid (GHB), commits a felony of the first degree, which felony
 1202 shall be known as "trafficking in gamma-hydroxybutyric acid
 1203 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.
 1204 775.084. If the quantity involved:

1205 a. Is 1 kilogram or more but less than 5 kilograms, such
 1206 person shall be sentenced to a mandatory minimum term of
 1207 imprisonment of 3 years, and the defendant shall be ordered to
 1208 pay a fine of \$50,000.

1209 b. Is 5 kilograms or more but less than 10 kilograms, such
 1210 person shall be sentenced to a mandatory minimum term of
 1211 imprisonment of 7 years, and the defendant shall be ordered to
 1212 pay a fine of \$100,000.

1213 c. Is 10 kilograms or more, such person shall be sentenced
 1214 to a mandatory minimum term of imprisonment of 15 calendar years
 1215 and pay a fine of \$250,000.

1216 2. Any person who knowingly manufactures or brings into
 1217 this state 150 kilograms or more of gamma-hydroxybutyric acid
 1218 (GHB), as described in s. 893.03(1)(d), or any mixture
 1219 containing gamma-hydroxybutyric acid (GHB), and who knows that
 1220 the probable result of such manufacture or importation would be
 1221 the death of any person commits capital manufacture or
 1222 importation of gamma-hydroxybutyric acid (GHB), a capital felony

1223 punishable as provided in ss. 775.082 and 921.142. Any person
 1224 sentenced for a capital felony under this paragraph shall also
 1225 be sentenced to pay the maximum fine provided under subparagraph
 1226 1.

1227 (i)1. Any person who knowingly sells, purchases,
 1228 manufactures, delivers, or brings into this state, or who is
 1229 knowingly in actual or constructive possession of, 1 kilogram or
 1230 more of gamma-butyrolactone (GBL), as described in s.
 1231 893.03(1)(d), or any mixture containing gamma-butyrolactone
 1232 (GBL), commits a felony of the first degree, which felony shall
 1233 be known as "trafficking in gamma-butyrolactone (GBL)," ~~and~~
 1234 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 1235 If the quantity involved:

1236 a. ~~Is 1 kilogram or more but less than 5 kilograms~~, such
 1237 person shall be sentenced to a mandatory minimum term of
 1238 imprisonment of 3 years, and the defendant shall be ordered to
 1239 pay a fine of \$50,000.

1240 b. Is 5 kilograms or more but less than 10 kilograms, such
 1241 person shall be sentenced to a mandatory minimum term of
 1242 imprisonment of 7 years, and the defendant shall be ordered to
 1243 pay a fine of \$100,000.

1244 c. Is 10 kilograms or more, such person shall be sentenced
 1245 to a mandatory minimum term of imprisonment of 15 calendar years
 1246 and pay a fine of \$250,000.

1247 2. Any person who knowingly manufactures or brings into
 1248 the state 150 kilograms or more of gamma-butyrolactone (GBL), as

1249 described in s. 893.03(1)(d), or any mixture containing gamma-
 1250 butyrolactone (GBL), and who knows that the probable result of
 1251 such manufacture or importation would be the death of any person
 1252 commits capital manufacture or importation of gamma-
 1253 butyrolactone (GBL), a capital felony punishable as provided in
 1254 ss. 775.082 and 921.142. Any person sentenced for a capital
 1255 felony under this paragraph shall also be sentenced to pay the
 1256 maximum fine provided under subparagraph 1.

1257 (j)1. Any person who knowingly sells, purchases,
 1258 manufactures, delivers, or brings into this state, or who is
 1259 knowingly in actual or constructive possession of, 1 kilogram or
 1260 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of
 1261 any mixture containing 1,4-Butanediol, commits a felony of the
 1262 first degree, which felony shall be known as "trafficking in
 1263 1,4-Butanediol," punishable as provided in s. 775.082, s.
 1264 775.083, or s. 775.084. If the quantity involved:

1265 a. Is 1 kilogram or more, but less than 5 kilograms, such
 1266 person shall be sentenced to a mandatory minimum term of
 1267 imprisonment of 3 years, and the defendant shall be ordered to
 1268 pay a fine of \$50,000.

1269 b. Is 5 kilograms or more, but less than 10 kilograms,
 1270 such person shall be sentenced to a mandatory minimum term of
 1271 imprisonment of 7 years, and the defendant shall be ordered to
 1272 pay a fine of \$100,000.

1273 c. Is 10 kilograms or more, such person shall be sentenced
 1274 to a mandatory minimum term of imprisonment of 15 calendar years

1275 and pay a fine of \$500,000.

1276 2. Any person who knowingly manufactures or brings into
 1277 this state 150 kilograms or more of 1,4-Butanediol as described
 1278 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,
 1279 and who knows that the probable result of such manufacture or
 1280 importation would be the death of any person commits capital
 1281 manufacture or importation of 1,4-Butanediol, a capital felony
 1282 punishable as provided in ss. 775.082 and 921.142. Any person
 1283 sentenced for a capital felony under this paragraph shall also
 1284 be sentenced to pay the maximum fine provided under subparagraph
 1285 1.

1286 (k)1. Any person who knowingly sells, purchases,
 1287 manufactures, delivers, or brings into this state, or who is
 1288 knowingly in actual or constructive possession of, 10 grams or
 1289 more of any of the following substances described in s.
 1290 893.03(1)(c):

- 1291 a. 3,4-Methylenedioxymethamphetamine (MDMA);
- 1292 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 1293 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 1294 d. 2,5-Dimethoxyamphetamine;
- 1295 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 1296 f. N-ethylamphetamine;
- 1297 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 1298 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 1299 i. 4-methoxyamphetamine;
- 1300 j. 4-methoxymethamphetamine;

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1301 k. 4-Methyl-2,5-dimethoxyamphetamine;
1302 l. 3,4-Methylenedioxy-N-ethylamphetamine;
1303 m. 3,4-Methylenedioxyamphetamine;
1304 n. N,N-dimethylamphetamine; or
1305 o. 3,4,5-Trimethoxyamphetamine,
1306
1307 individually or in any combination of or any mixture containing
1308 any substance listed in sub-subparagraphs a.-o., commits a
1309 felony of the first degree, which felony shall be known as
1310 "trafficking in Phenethylamines," punishable as provided in s.
1311 775.082, s. 775.083, or s. 775.084.
1312 2. If the quantity involved:
1313 a. Is 10 grams or more but less than 200 grams, such
1314 person shall be sentenced to a mandatory minimum term of
1315 imprisonment of 3 years, and the defendant shall be ordered to
1316 pay a fine of \$50,000.
1317 b. Is 200 grams or more, but less than 400 grams, such
1318 person shall be sentenced to a mandatory minimum term of
1319 imprisonment of 7 years, and the defendant shall be ordered to
1320 pay a fine of \$100,000.
1321 c. Is 400 grams or more, such person shall be sentenced to
1322 a mandatory minimum term of imprisonment of 15 calendar years
1323 and pay a fine of \$250,000.
1324 3. Any person who knowingly manufactures or brings into
1325 this state 30 kilograms or more of any of the following
1326 substances described in s. 893.03(1)(c):

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- 1327 a. 3,4-Methylenedioxyamphetamine (MDMA);
1328 b. 4-Bromo-2,5-dimethoxyamphetamine;
1329 c. 4-Bromo-2,5-dimethoxyphenethylamine;
1330 d. 2,5-Dimethoxyamphetamine;
1331 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
1332 f. N-ethylamphetamine;
1333 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
1334 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
1335 i. 4-methoxyamphetamine;
1336 j. 4-methoxymethamphetamine;
1337 k. 4-Methyl-2,5-dimethoxyamphetamine;
1338 l. 3,4-Methylenedioxy-N-ethylamphetamine;
1339 m. 3,4-Methylenedioxyamphetamine;
1340 n. N,N-dimethylamphetamine; or
1341 o. 3,4,5-Trimethoxyamphetamine,

1342

1343 individually or in any combination of or any mixture containing
1344 any substance listed in sub-subparagraphs a.-o., and who knows
1345 that the probable result of such manufacture or importation
1346 would be the death of any person commits capital manufacture or
1347 importation of Phenethylamines, a capital felony punishable as
1348 provided in ss. 775.082 and 921.142. Any person sentenced for a
1349 capital felony under this paragraph shall also be sentenced to
1350 pay the maximum fine provided under subparagraph 1.

1351 (1)1. Any person who knowingly sells, purchases,
1352 manufactures, delivers, or brings into this state, or who is

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1353 knowingly in actual or constructive possession of, 1 gram or
 1354 more of lysergic acid diethylamide (LSD) as described in s.
 1355 893.03(1)(c), or of any mixture containing lysergic acid
 1356 diethylamide (LSD), commits a felony of the first degree, which
 1357 felony shall be known as "trafficking in lysergic acid
 1358 diethylamide (LSD)," punishable as provided in s. 775.082, s.
 1359 775.083, or s. 775.084. If the quantity involved:

1360 a. Is 1 gram or more, but less than 5 grams, such person
 1361 shall be sentenced to a mandatory minimum term of imprisonment
 1362 of 3 years, and the defendant shall be ordered to pay a fine of
 1363 \$50,000.

1364 b. Is 5 grams or more, but less than 7 grams, such person
 1365 shall be sentenced to a mandatory minimum term of imprisonment
 1366 of 7 years, and the defendant shall be ordered to pay a fine of
 1367 \$100,000.

1368 c. Is 7 grams or more, such person shall be sentenced to a
 1369 mandatory minimum term of imprisonment of 15 calendar years and
 1370 pay a fine of \$500,000.

1371 2. Any person who knowingly manufactures or brings into
 1372 this state 7 grams or more of lysergic acid diethylamide (LSD)
 1373 as described in s. 893.03(1)(c), or any mixture containing
 1374 lysergic acid diethylamide (LSD), and who knows that the
 1375 probable result of such manufacture or importation would be the
 1376 death of any person commits capital manufacture or importation
 1377 of lysergic acid diethylamide (LSD), a capital felony punishable
 1378 as provided in ss. 775.082 and 921.142. Any person sentenced for

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1379 | a capital felony under this paragraph shall also be sentenced to
1380 | pay the maximum fine provided under subparagraph 1.

1381 | Section 13. Except as otherwise expressly provided in this
1382 | act, ~~this act shall take effect~~ July 1, 2015.

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By Senator Bullard

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1 A bill to be entitled
2 An act relating to recreational marijuana; amending s.
3 20.165, F.S.; renaming the Division of Alcoholic
4 Beverages and Tobacco of the Department of Business
5 and Professional Regulation; amending s. 561.025,
6 F.S.; renaming the Alcoholic Beverage and Tobacco
7 Trust Fund; specifying distribution of funds;
8 providing a directive to the Division of Law Revision
9 and Information; creating ch. 566, F.S., relating to
10 recreational marijuana; providing definitions relating
11 to an excise tax on recreational marijuana; imposing
12 an excise tax on recreational marijuana; providing for
13 inflation adjustments to the tax rate; providing for
14 collection of the tax; providing for distribution of
15 tax revenues; requiring an annual report concerning
16 tax revenues; providing definitions relating to
17 regulation of recreational marijuana; prohibiting the
18 use of false identification by persons under 21 years
19 of age for specified activities relating to
20 recreational marijuana; exempting certain activities
21 involving marijuana from use and possession offenses;
22 authorizing persons age 21 and over to engage in
23 certain activities involving personal use of marijuana
24 in limited amounts; providing limits on where persons
25 may engage in specified activities; providing
26 noncriminal penalties; providing for alternative
27 sentencing; providing for licensure of marijuana
28 establishments that may engage in the manufacture,
29 possession, or purchase of marijuana, marijuana

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30 products, and marijuana accessories or sell marijuana,
31 marijuana products, or marijuana accessories to a
32 consumer; specifying duties of the Division of
33 Alcoholic Beverages, Marijuana, and Tobacco; providing
34 for enforcement of regulatory provisions; authorizing
35 agreements with other entities for certain enforcement
36 activities; requiring an annual report; providing for
37 licensing of marijuana establishments; providing for
38 license fees; providing for a license process;
39 providing reasons that prohibit issuance or renewal of
40 a license; providing limits on the number of retail
41 marijuana stores in localities based on population;
42 providing standards for prospective licensees;
43 providing restrictions on the location of marijuana
44 establishments; prohibiting certain activities by
45 marijuana establishments; providing procedures when a
46 marijuana establishment's license expires; authorizing
47 localities to prohibit one or more types of marijuana
48 establishments through local ordinance; authorizing
49 localities to specify an entity within the locality to
50 be responsible for processing applications for a
51 license to operate a marijuana establishment;
52 providing for submission of applications to localities
53 if the division has not issued establishment licenses
54 by a specified date; specifying duties of the Attorney
55 General concerning federal subpoenas; providing an
56 exemption from specified provisions for marijuana
57 research; specifying that the chapter does not apply
58 to employer drug policies or operating under the

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59 influence laws; specifying that the chapter does not
60 allow persons under 21 years of age to engage in
61 activities permitted therein; providing that the
62 rights of property owners are not affected; requiring
63 rulemaking by the division; specifying that conduct
64 allowed by the chapter may not be considered the basis
65 for the finding of a lack of good moral character as
66 that term is used in law; providing for emergency
67 rulemaking; amending s. 500.03, F.S.; providing that
68 marijuana establishments that sell food containing
69 marijuana are considered food service establishments
70 for the purposes of specified regulations; creating s.
71 500.105, F.S.; specifying that food products
72 containing marijuana which are prepared in permitted
73 food establishments and sold by licensed retail
74 marijuana stores are not considered adulterated;
75 amending s. 562.13, F.S.; prohibiting marijuana
76 establishments from employing persons under 18 years
77 of age; amending s. 569.0073, F.S.; exempting licensed
78 marijuana establishments from specified provisions
79 regulating the sale of pipes and smoking devices;
80 amending ss. 893.13 and 893.135, F.S.; providing that
81 conduct authorized under ch. 566, F.S., is not
82 prohibited by specified controlled substance
83 prohibitions; providing effective dates.

84
85 Be It Enacted by the Legislature of the State of Florida:

86

87 Section 1. Paragraph (b) of subsection (2) of section

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88 20.165, Florida Statutes, is amended to read:

89 20.165 Department of Business and Professional Regulation.—
90 There is created a Department of Business and Professional
91 Regulation.

92 (2) The following divisions of the Department of Business
93 and Professional Regulation are established:

94 (b) Division of Alcoholic Beverages, Marijuana, and
95 Tobacco.

96 Section 2. Section 561.025, Florida Statutes, is amended to
97 read:

98 561.025 Alcoholic Beverage, Marijuana, and Tobacco Trust
99 Fund.—There is created within the State Treasury the Alcoholic
100 Beverage, Marijuana, and Tobacco Trust Fund. All funds collected
101 by the division under ss. 210.15, 210.40, or under s. 569.003
102 and the Beverage Law with the exception of state funds collected
103 pursuant to ss. 563.05, 564.06, and 565.12 shall be deposited in
104 the State Treasury to the credit of the trust fund,
105 notwithstanding any other provision of law to the contrary. In
106 addition, funds collected by the division under chapter 566
107 shall be deposited into the trust fund, except that funds from
108 the excise tax in s. 566.012 shall be deposited as provided in
109 s. 566.013. Moneys deposited to the credit of the trust fund
110 shall be used to operate the division and to provide a
111 proportionate share of the operation of the office of the
112 secretary and the Division of Administration of the Department
113 of Business and Professional Regulation; except that:
114 (1) The revenue transfer provisions of ss. 561.32 and
115 561.342(1) and (2) shall continue in full force and effect, and
116 the division shall cause such revenue to be returned to the

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117 municipality or county in the manner provided for in s. 561.32
 118 or s. 561.342(1) and (2). ~~and~~

119 (2) Ten percent of the revenues derived from retail tobacco
 120 products dealer permit fees collected under s. 569.003 shall be
 121 transferred to the Department of Education to provide for
 122 teacher training and for research and evaluation to reduce and
 123 prevent the use of tobacco products by children.

124 (3) Until January 1, 2023, an amount equal to 5 percent of
 125 the revenues received by the division during the previous month
 126 pursuant to the tax imposed by s. 566.012 shall be transferred
 127 to the Department of Health to be used to provide grants for the
 128 purpose of producing peer-reviewed research on marijuana's
 129 beneficial uses and safety.

130 Section 3. The Division of Law Revision and Information is
 131 directed to prepare a reviser's bill for the 2015 Regular
 132 Session of the Legislature to redesignate the Division of
 133 Alcoholic Beverages and Tobacco of the Department of Business
 134 and Professional Regulation as the "Division of Alcoholic
 135 Beverages, Marijuana, and Tobacco" and the Alcoholic Beverage
 136 and Tobacco Trust Fund as the "Alcoholic Beverage, Marijuana,
 137 and Tobacco Trust Fund," respectively, wherever those terms
 138 appear in the Florida Statutes.

139 Section 4. Chapter 566, Florida Statutes, consisting of
 140 sections 566.011 through 566.042, is created to read:

141 CHAPTER 566

142 RECREATIONAL MARIJUANA

143 PART I

144 EXCISE TAX

145 566.011 Definitions.—As used in this part, the term:

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146 (1) "Department" means the Department of Business and
147 Professional Regulation.

148 (2) "Division" means the Division of Alcoholic Beverages,
149 Marijuana, and Tobacco of the department.

150 (3) "Marijuana" means all parts of the plant of the genus
151 cannabis, whether growing or not, the seeds thereof, the resin
152 extracted from any part of the plant, and every compound,
153 manufacture, salt, derivative, mixture, or preparation of the
154 plant, its seeds, or its resin, including marijuana concentrate.
155 The term does not include industrial hemp, fiber produced from
156 the stalks, oil, cake made from the seeds of the plant,
157 sterilized seed of the plant which is incapable of germination,
158 or the weight of any ingredient combined with marijuana to
159 prepare topical or oral administrations, food, drink, or any
160 other product.

161 (4) "Marijuana cultivation facility" means an entity
162 licensed to cultivate, prepare, and package and sell marijuana
163 to retail marijuana stores, to marijuana product manufacturing
164 facilities, and to other marijuana cultivation facilities, but
165 not to consumers.

166 (5) "Marijuana establishment" means a marijuana cultivation
167 facility, marijuana testing facility, marijuana product
168 manufacturing facility, or retail marijuana store.

169 (6) "Marijuana product manufacturing facility" means an
170 entity licensed to:

171 (a) Purchase marijuana;

172 (b) Manufacture, prepare, and package marijuana products;

173 or

174 (c) Sell marijuana and marijuana products to other

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175 marijuana product manufacturing facilities and to retail
176 marijuana stores, but not to consumers.

177 (7) "Marijuana products" means concentrated marijuana and
178 products that consist of marijuana and other ingredients and
179 that are intended for use or consumption, including, but not
180 limited to, edible products, ointments, and tinctures.

181 (8) "Marijuana testing facility" means an entity licensed
182 to analyze and certify the safety and potency of marijuana.

183 (9) "Retail marijuana store" means an entity licensed to
184 purchase marijuana from a marijuana cultivation facility and
185 marijuana products from a marijuana product manufacturing
186 facility and to sell marijuana and marijuana products to
187 consumers.

188 566.012 Excise tax on marijuana.-

189 (1) An excise tax is imposed on the sale or transfer of
190 marijuana from a marijuana cultivation facility to a retail
191 marijuana store or marijuana product manufacturing facility.
192 Each marijuana cultivation facility shall pay an excise tax at
193 the rate of \$50 per ounce, or proportionate part thereof, on
194 marijuana that is sold or transferred from a marijuana
195 cultivation facility pursuant to part II.

196 (2) The excise tax rate under subsection (1) shall be
197 adjusted annually for inflation.

198 (a) Beginning in 2016, on or about February 15 of each
199 year, the department shall calculate the adjusted excise tax
200 rates by multiplying the rates in effect on the calculation date
201 by an inflation index computed as provided in paragraph (b). The
202 adjusted rates must be rounded to the nearest cent and become
203 effective on the first day of July immediately after the

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204 calculation. The division shall publish the annually adjusted
205 excise tax rates and shall provide all necessary forms and
206 reports.

207 (b) The inflation index is the Consumer Price Index for All
208 Urban Consumers, U.S. City Average, or successor reports, as
209 reported by the United States Department of Labor, Bureau of
210 Labor Statistics, for the calendar year ending on December 31
211 immediately before the calculation date, divided by the Consumer
212 Price Index for the previous calendar year. The inflation index
213 may not be less than one.

214 (c)1. A marijuana cultivation facility subject to the
215 licensing requirements of s. 566.036 shall file, on or before
216 the last day of each month, a return on a form prescribed and
217 furnished by the division together with payment of the tax due
218 under this part. The return must report all marijuana products
219 held, purchased, manufactured, brought in, or caused to be
220 brought in from outside the state or shipped or transported to a
221 retail marijuana store or marijuana product manufacturing
222 facility within the state during the previous calendar month. A
223 marijuana cultivation facility shall keep a complete and
224 accurate record at its principal place of business to
225 substantiate all receipts and sales of marijuana products.

226 2. The return must include further information as the
227 division may prescribe. Tax previously paid on marijuana
228 products that are returned to a marijuana establishment because
229 the product has become unfit for use, sale, or consumption and
230 for marijuana products that are returned to a marijuana
231 cultivation facility and that are subsequently destroyed by the
232 marijuana cultivation facility may be taken as a credit on a

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233 subsequent return. The division may either witness the
234 destruction of the product or may accept another form of proof
235 that the product has been destroyed by the marijuana cultivation
236 facility.

237 3. A person who is not a marijuana cultivation facility
238 licensed pursuant to s. 566.034 who imports, receives, or
239 otherwise acquires marijuana products for use or consumption in
240 the state from a person other than a licensed marijuana
241 cultivation facility shall file, on or before the last day of
242 the month after each month in which marijuana products were
243 acquired, a return on a form prescribed by the division together
244 with payment of the tax imposed by this part at the rate
245 provided in subsection (1). The return must report the quantity
246 of marijuana products imported, received, or otherwise acquired
247 from a person other than a licensed marijuana cultivation
248 facility during the previous calendar month and additional
249 information that the division may require.

250 (d) If a marijuana cultivation facility fails to make tax
251 payments as required by this section, the division may revoke
252 the marijuana cultivation facility's license.

253 566.013 Distribution of revenues.—Revenues derived from the
254 tax imposed by this part must be credited to the General Revenue
255 Fund. On or before the last day of each month, the Chief
256 Financial Officer shall transfer 15 percent of the revenue
257 received by the division during the preceding month pursuant to
258 the tax imposed by s. 566.012 to the Alcoholic Beverage,
259 Marijuana, and Tobacco Trust Fund established under s. 561.025.
260 On or before the last day of each month, the Chief Financial
261 Officer shall transfer the remainder of the revenues to the

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262 General Revenue Fund.

263 566.014 Annual report.—The division shall report annually
264 beginning January 30, 2016, the amount of tax revenue collected
265 pursuant to s. 566.012 and the amount distributed pursuant to s.
266 561.025(3) to the appropriations committees of each house of the
267 Legislature.

268 PART II

269 MARIJUANA REGULATION

270 566.031 Definitions.—As used in this part, the term:

271 (1) "Consumer" means a person 21 years of age or older who
272 purchases marijuana or marijuana products for personal use by
273 persons 21 years of age or older, but not for resale to others.

274 (2) "Department" has the same meaning as provided in s.
275 566.011.

276 (3) "Division" has the same meaning as provided in s.
277 566.011.

278 (4) "Licensee" means any individual, partnership,
279 corporation, firm, association, or other legal entity holding a
280 marijuana establishment license within the state.

281 (5) "Locality" means a municipality or, in reference to a
282 location in the unorganized territory, the county in which that
283 locality is located.

284 (6) "Marijuana" has the same meaning as provided in s.
285 566.011.

286 (7) "Marijuana accessories" means equipment, products, or
287 materials of any kind which are used, intended, or designed for
288 use in planting, propagating, cultivating, growing, harvesting,
289 composting, manufacturing, compounding, converting, producing,
290 processing, preparing, testing, analyzing, packaging,

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291 repackaging, storing, vaporizing, or containing marijuana or for
 292 ingesting, inhaling, or otherwise introducing marijuana into the
 293 human body.

294 (8) "Marijuana cultivation facility" has the same meaning
 295 as provided in s. 566.011.

296 (9) "Marijuana establishment" has the same meaning as
 297 provided in s. 566.011.

298 (10) "Marijuana product manufacturing facility" has the
 299 same meaning as provided in s. 566.011.

300 (11) "Marijuana testing facility" has the same meaning as
 301 provided in s. 566.011.

302 (12) "Minor" means a person under 21 years of age.

303 (13) "Retail marijuana store" has the same meaning as
 304 provided in s. 566.011.

305 (14) "Seedling" means a marijuana plant that has no
 306 flowers, is less than 12 inches in height, and is less than 12
 307 inches in diameter.

308 566.0311 False identification.-

309 (1) A minor may not present or offer to a marijuana
 310 establishment or the marijuana establishment's agent or employee
 311 any written or oral evidence of age which is false, fraudulent,
 312 or not actually the minor's own for the purpose of:

313 (a) Ordering, purchasing, or attempting to purchase or
 314 otherwise procuring or attempting to procure marijuana; or

315 (b) Gaining access to marijuana.

316 (2) (a) A minor who violates subsection (2) commits:

317 1. For a first offense, a noncriminal violation subject to
 318 a civil penalty of at least \$200 and not more than \$400.

319 2. For a second offense, a noncriminal violation subject to

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320 a civil penalty of at least \$300 and not more than \$600, which
321 may be suspended only as provided in paragraph (b).

322 3. For a third or subsequent offense, a noncriminal
323 violation subject to a civil penalty of \$600, which may be
324 suspended only as provided in paragraph (b).

325

326 When a minor is adjudged to have committed a first offense under
327 subsection (1), the judge shall inform that minor that the
328 noncriminal penalties for the second and subsequent offenses are
329 mandatory and may be suspended only as provided in paragraph
330 (b). Failure to inform the minor that subsequent noncriminal
331 penalties are mandatory is not a ground for suspension of any
332 subsequent civil penalty.

333 (b) A judge, as an alternative to or in addition to the
334 noncriminal penalties specified in paragraph (a), may assign the
335 minor to perform specified work for the benefit of the state,
336 the municipality, or other public entity or a charitable
337 institution for no more than 40 hours for each violation.

338 566.032 Exemption from criminal and noncriminal penalties,
339 seizure, or forfeiture.—Notwithstanding chapter 893 or any other
340 provision of law, and except as provided in this part, the
341 actions specified in this part are legal under the laws of this
342 state and do not constitute a civil or criminal offense under
343 the laws of this state or the law of any political subdivision
344 within this state or serve as a basis for seizure or forfeiture
345 of assets under state law.

346 566.033 Personal use of marijuana.—

347 (1) A person who is 21 years of age or older may:

348 (a) Use, possess, or transport marijuana accessories and up

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349 to 2 1/2 ounces of marijuana.

350 (b) Transfer or furnish, without remuneration, up to 2 1/2
 351 ounces of marijuana and up to six seedlings to a person who is
 352 21 years of age or older.

353 (c) Possess, grow, cultivate, process, or transport up to
 354 six marijuana plants, including seedlings, and possess the
 355 marijuana produced by the marijuana plants on the premises where
 356 the plants were grown.

357 (d) Purchase up to 2 1/2 ounces of marijuana, up to six
 358 seedlings, and marijuana accessories from a retail marijuana
 359 store.

360 (2) The following apply to the cultivation of marijuana for
 361 personal use by a person who is 21 years of age or older:

362 (a) A person may cultivate up to six marijuana plants,
 363 including seedlings, at that person's place of residence, on
 364 property owned by that person, or on another person's property
 365 with permission of the owner of the other property.

366 (b) A person who elects to cultivate marijuana shall take
 367 reasonable precautions to ensure the plants are secure from
 368 unauthorized access or access by a person under 21 years of age.
 369 Reasonable precautions include, but are not limited to,
 370 cultivating marijuana in a fully enclosed secure outdoor area,
 371 locked closet, or locked room inaccessible to persons under 21
 372 years of age.

373 (3) A person may smoke or ingest marijuana in a nonpublic
 374 place, including a private residence.

375 (a) This subsection does not permit a person to consume
 376 marijuana in a manner that endangers others.

377 (b) The prohibitions and limitations on smoking tobacco

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378 products in specified areas in part II of chapter 386 apply to
379 marijuana.

380 (c) A person who smokes marijuana in a public place other
381 than as governed by part II of chapter 386 commits a noncriminal
382 violation subject to a civil penalty of \$100.

383 566.034 Marijuana establishments.-

384 (1) A marijuana establishment may engage in the
385 manufacture, possession, or purchase of marijuana, marijuana
386 products, or marijuana accessories and sell marijuana, marijuana
387 products, or marijuana accessories to a consumer as described in
388 this section.

389 (a) A retail marijuana store may:

390 1. Possess, display, or transport marijuana, marijuana
391 products, or marijuana accessories.

392 2. Purchase marijuana from a marijuana cultivation
393 facility.

394 3. Purchase marijuana or marijuana products from a
395 marijuana product manufacturing facility.

396 4. Sell marijuana, marijuana products, or marijuana
397 accessories to consumers.

398 (b) A marijuana cultivation facility may:

399 1. Cultivate, harvest, process, package, transport,
400 display, or possess marijuana.

401 2. Deliver or transfer marijuana to a marijuana testing
402 facility.

403 3. Sell marijuana to another marijuana cultivation
404 facility, a marijuana product manufacturing facility, or a
405 retail marijuana store.

406 4. Purchase marijuana from another marijuana cultivation

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407 facility.

408 (c) A marijuana product manufacturing facility may:

409 1. Package, process, transport, manufacture, display, or
410 possess marijuana or marijuana products.

411 2. Deliver or transfer marijuana or marijuana products to a
412 marijuana testing facility.

413 3. Sell marijuana or marijuana products to a retail
414 marijuana store or marijuana product manufacturing facility.

415 4. Purchase marijuana from a marijuana cultivation
416 facility.

417 5. Purchase marijuana or marijuana products from a
418 marijuana product manufacturing facility.

419 (d) A marijuana testing facility may possess, cultivate,
420 process, repackage, store, transport, display, transfer, or
421 deliver marijuana or marijuana products.

422

423 A marijuana establishment may lease or otherwise allow the use
424 of property owned, occupied, or controlled by a person,
425 corporation, or other entity for any of the activities conducted
426 lawfully in accordance with this subsection.

427 (2) This section does not prevent the imposition of
428 penalties for violating this chapter or state or local rules
429 adopted pursuant to this chapter.

430 566.035 Duties of the division.—The division shall:

431 (1) Enforce the laws and rules relating to the
432 manufacturing, processing, labeling, storing, transporting,
433 testing, and selling of marijuana by marijuana establishments
434 and administer those laws relating to licensing and the
435 collection of taxes.

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436 (2) Adopt rules consistent with this chapter for the
 437 administration and enforcement of laws regulating and licensing
 438 marijuana establishments.

439 (3) If determined necessary by the division, enter into a
 440 memorandum of understanding with the Department of Law
 441 Enforcement, a county sheriff, or other state or municipal law
 442 enforcement agency to perform inspections of marijuana
 443 establishments.

444 (4) Issue licenses for a marijuana cultivation facility,
 445 marijuana testing facility, marijuana product manufacturing
 446 facility, and retail marijuana store.

447 (5) Prevent the sale of marijuana by licensees to minors
 448 and intoxicated persons.

449 (6) Ensure that licensees have access to the provisions of
 450 this chapter and other laws and rules governing marijuana in
 451 accordance with this section.

452 (7) Post on the department's publicly accessible website
 453 this chapter and all rules adopted under this chapter. The
 454 division shall notify all licensees of changes in the law and
 455 rules through a publicly accessible website posting within 90
 456 days after adjournment of each session of the Legislature. The
 457 division shall update the posting on the department's publicly
 458 accessible website to reflect new laws and rules before the
 459 effective date of the laws and rules.

460 (8) Certify monthly to the Chief Financial Officer a
 461 complete statement of revenues and expenses for licenses issued
 462 and for revenues collected by the division and submit an annual
 463 report that includes a complete statement of the revenues and
 464 expenses for the division to the Governor, the Speaker of the

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465 House of Representatives, and the President of the Senate.

466 (9) Suspend or revoke the license of a licensee in
467 accordance with rules adopted by the division. A marijuana
468 establishment with a license that is suspended or revoked
469 pursuant to this subsection may:

470 (a) Continue to possess marijuana during the time its
471 license is suspended, but may not dispense, transfer, or sell
472 marijuana. If the marijuana establishment is a marijuana
473 cultivation facility, it may continue to cultivate marijuana
474 plants during the time its license is suspended. Marijuana may
475 not be removed from the licensed premises except as authorized
476 by the division and only for the purpose of destruction.

477 (b) Possess marijuana for up to 7 days after revocation of
478 its license, during which time the marijuana establishment shall
479 dispose of its inventory of marijuana in accordance with
480 division rules.

481 (10) Beginning January 15, 2016, and annually thereafter,
482 report to the committees of each house of the Legislature having
483 jurisdiction over marijuana regulation. The report must include,
484 but is not limited to, all rules adopted by the division and
485 statistics regarding the number of marijuana establishment
486 applications received, the number of applicants licensed, and
487 the licensing fees collected within the previous year.

488 566.036 Licensing of marijuana establishments.--

489 (1) An applicant for a marijuana establishment license
490 shall file an application on the form prescribed by the division
491 for the type of marijuana establishment license sought, along
492 with the application fee, not to exceed \$5,000, as set by rule.
493 An applicant may apply for and be granted more than one type of

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494 marijuana establishment license, except that a person licensed
495 as a marijuana testing facility may not hold another marijuana
496 establishment license. The division shall begin accepting and
497 processing applications on August 1, 2015.

498 (2) Upon receiving an application for a marijuana
499 establishment license, the division shall immediately forward a
500 copy of the application and 50 percent of the license
501 application fee to the locality in which the applicant desires
502 to operate.

503 (3) The division shall issue or renew a license to operate
504 a marijuana establishment to an applicant who meets the
505 requirements of the division as set forth in rule and in
506 subsection (9) within 90 days after the date of receipt of the
507 application unless:

508 (a) The division finds the applicant is not in compliance
509 with this section or rules adopted by the division;

510 (b) The division is notified by the relevant locality that
511 the applicant is not in compliance with an ordinance, rule, or
512 regulation in effect at the time of application; or

513 (c) The number of marijuana establishments allowed in the
514 locality has been limited pursuant to s. 566.037 or is limited
515 by subsection (5) and the division has already licensed the
516 maximum number of marijuana establishments allowed in the
517 locality for the category of license that is sought.

518 (4) The following shall control when more than one
519 application is received by the division for establishment of a
520 marijuana establishment in the same locality:

521 (a) If a greater number of applications are received from
522 qualified applicants to operate a marijuana establishment in a

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523 locality than are allowed under the limits enacted by the
524 locality pursuant to s. 566.037 or pursuant to subsection (5),
525 the division shall solicit and consider input from the locality
526 regarding the locality's preference or preferences for
527 licensure. Within 90 days after the date that the first
528 application is received, the division may issue the maximum
529 number of applicable licenses for each type of marijuana
530 establishment license application received.

531 (b) In a competitive application process to determine which
532 applicants will receive licenses for a marijuana establishment,
533 the division shall give preference to an applicant who has at
534 least 1 year of previous experience in operating another
535 business in this state in compliance with state law.

536 (c) The division may not grant a license for a marijuana
537 establishment to an applicant who has already received a license
538 to operate the same type of marijuana establishment if doing so
539 would prevent another qualified applicant from receiving a
540 license.

541 (5) Unless the locality has prohibited retail marijuana
542 stores or has enacted a lower limit on the number of retail
543 marijuana stores, the division shall license no more than:

544 (a) One retail marijuana store per each 5,000 persons in a
545 locality with a population of more than 20,000.

546 (b) Two retail marijuana stores in a locality with a
547 population of at least 5,001 but less than 20,000.

548 (c) One retail marijuana store in a locality with a
549 population of at least 2,000 but less than 5,001.

550

551 The division may license one retail marijuana store in a

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552 locality where the population is less than 2,000 if the
553 municipality or county commissioners for the locality has not
554 prohibited retail marijuana stores. The division may grant a
555 locality's request to allow additional marijuana stores. The
556 division may consider the impact of seasonal population or
557 tourism and other related information provided by the locality
558 requesting an additional marijuana establishment location.

559 (6) Upon denial of an application, the division shall
560 notify the applicant in writing of the specific reason for its
561 denial.

562 (7) All licenses under this part are valid for 1 year from
563 the date of issuance.

564 (8) A prospective licensee as a marijuana establishment:

565 (a) May not have been convicted of a disqualifying drug
566 offense. For purposes of this section, "disqualifying drug
567 offense" means a conviction for a violation of a state or
568 federal controlled substance law which is a crime punishable by
569 imprisonment for 1 year or more. It does not include an offense
570 for which the sentence, including any term of probation,
571 incarceration, or supervised release, was completed 10 or more
572 years before application for licensure or an offense that
573 consisted of conduct that would be permitted under this part.

574 (b) May not have had a previous license revoked for a
575 marijuana establishment.

576 (c) If the applicant is a corporation, may not be issued a
577 license if any of the principal officers of the corporation
578 would be personally ineligible under paragraph (a) or paragraph
579 (b).

580 (9) A marijuana establishment:

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581 (a) May not be located within 500 feet of the property line
582 of a preexisting public or private school. The distance must be
583 measured from the main entrance of the marijuana establishment
584 to the main entrance of the school by the ordinary course of
585 travel.

586 (b) Shall implement appropriate security measures,
587 consistent with rules issued by the division, which are designed
588 to prevent:

589 1. Unauthorized entrance into areas containing marijuana.

590 2. The theft of marijuana located on the premises or in
591 transit to or from the premises by the licensee.

592 3. Tampering with or adulteration of the marijuana
593 products.

594 4. Unauthorized access to marijuana or marijuana
595 accessories.

596 5. Access to marijuana by or sales of marijuana to minors.

597 (c) Shall prepare and maintain documents that include
598 procedures for the oversight of all aspects of operations and
599 procedures to ensure accurate recordkeeping.

600 (d) Shall make available for inspection its license at the
601 premises to which that license applies. A licensee may not
602 refuse a representative of the division the right at any time to
603 inspect the entire licensed premises or to audit the books and
604 records of the licensee.

605 (e) May not sell marijuana to a minor or to a visibly
606 intoxicated person.

607 (f) If the licensee is a retail marijuana store, may not
608 allow a minor to enter or remain on the premises unless the
609 minor is an employee of the division, a law enforcement officer,

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610 emergency personnel, or a contractor performing work on the
611 facility that is not directly related to marijuana, such as
612 installing or maintaining security devices or performing
613 electrical wiring.

614 (g) May not sell marijuana between the hours of 1 a.m. and
615 6 a.m.

616 (h) May not employ as a manager or leave in charge of the
617 licensed premises any person who, by reason of conviction for a
618 disqualifying drug offense or because of a revocation of that
619 person's marijuana establishment license, is not eligible for a
620 marijuana establishment license.

621 (i) If a retail marijuana store, may not offer any free
622 merchandise, a rebate, or a gift to a consumer.

623 (j) If a retail marijuana store, may sell or furnish
624 marijuana to a consumer only from the premises licensed by the
625 department. A retail marijuana store may not, directly or
626 indirectly, by any agent or employee, travel from locality to
627 locality, or from place to place within the same locality,
628 selling, bartering, carrying for sale, or exposing for sale
629 marijuana from a vehicle.

630 (10) A person who intentionally provides false information
631 on an application for a marijuana establishment license violates
632 s. 837.06.

633 (11) When a licensee's license expires:

634 (a) A licensee who unintentionally fails to renew a license
635 upon its expiration date and continues to engage in activities
636 allowed by s. 566.034 may not be charged with illegal sales for
637 a period of 7 days after the expiration date. A licensee who
638 continues to make sales of marijuana after having been properly

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639 notified of the expired license may be charged with illegally
640 selling marijuana.

641 (b) At least 30 days before expiration of a licensee's
642 license issued pursuant to this part, the division shall notify
643 the licensee by the most expedient means available:

644 1. That the licensee's license is scheduled to expire.

645 2. The date of expiration.

646 3. That all sales of marijuana must be suspended after the
647 date of expiration and remain suspended until the license is
648 properly renewed.

649

650 Failure by the division to notify a licensee pursuant to this
651 paragraph does not excuse a licensee from being charged with a
652 violation of this part.

653 566.037 Local control.-

654 (1) A locality may prohibit the operation of one or more
655 types of marijuana establishments through the enactment of an
656 ordinance.

657 (2) If a locality does not prohibit the operation of a
658 marijuana establishment pursuant to subsection (1), the
659 following conditions apply:

660 (a) No later than September 1, 2015, a locality may enact
661 an ordinance or regulation specifying the entity within the
662 locality which is responsible for processing applications
663 submitted for a licensee to operate a marijuana establishment
664 within the boundaries of the locality. The locality may provide
665 that the entity may issue such licenses if issuance by the
666 locality becomes necessary because of a failure by the division
667 to adopt rules pursuant to s. 566.035 or because of a failure by

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668 the division to process and issue licenses as required by s.
669 566.036.

670 (b) A locality may enact ordinances, rules, or regulations
671 pursuant to this paragraph as long as those ordinances, rules,
672 or regulations do not conflict with this section or with rules
673 issued pursuant to s. 566.035. The ordinances may:

674 1. Govern the time, place, and manner of operations and
675 number of marijuana establishments.

676 2. Establish procedures for the issuance, suspension, and
677 revocation of a license issued by the locality in accordance
678 with paragraph (c) or paragraph (d).

679 3. Establish a schedule of annual operating, licensing, and
680 application fees for a marijuana establishment. This
681 subparagraph applies only if the application fee or licensing
682 fee is submitted to a locality in accordance with paragraph (c)
683 or (d).

684 4. Establish noncriminal penalties for violation of an
685 ordinance, rule, or regulation governing the time, place, and
686 manner that a marijuana establishment may operate in that
687 locality.

688 (c) If the division does not begin issuing licenses by
689 January 1, 2016, an applicant may submit an application directly
690 to the locality in which it wants to operate. A locality that
691 receives an application pursuant to this paragraph shall issue a
692 license to an applicant within 90 days after receipt of the
693 application unless the locality finds, and notifies the
694 applicant, that the applicant is not in compliance with an
695 ordinance, rule, or regulation made pursuant to s. 566.035 or
696 paragraph (b) in effect at the time of application. The locality

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697 shall notify the division if the locality issues an annual
698 license to the applicant.

699 (d) If the division does not issue a license to an
700 applicant within 90 days after receipt of the application filed
701 in accordance with s. 566.036 and does not notify the applicant
702 of the specific reason for denial, in writing and within 90 days
703 after receipt of the application, the applicant may resubmit its
704 application directly to the locality, and the locality may issue
705 an annual license to the applicant. A locality issuing a license
706 to an applicant shall do so within 90 days after receipt of the
707 resubmitted application unless the locality finds, and notifies
708 the applicant, that the applicant is not in compliance with an
709 ordinance, rule, or regulation made pursuant to s. 566.035 or
710 paragraph (b) in effect at the time the application is
711 resubmitted. The locality shall notify the division if the
712 locality issues an annual license to the applicant. If an
713 application is submitted to a locality under this paragraph, the
714 division shall forward to the locality the application fee paid
715 by the applicant to the division upon request by the locality.

716 (e) A license issued by a locality in accordance with
717 paragraph (c) or paragraph (d) has the same effect as a license
718 issued by the division in accordance with s. 566.036, and the
719 holder of that license is not subject to regulation or
720 enforcement by the division during the term of that license. A
721 subsequent or renewed license may be issued under this paragraph
722 on an annual basis if the division has not adopted rules
723 required by s. 566.035 at least 90 days before the date upon
724 which such subsequent or renewed license would be effective, or
725 if the division has adopted rules pursuant to s. 566.041 but has

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726 not, at least 90 days after the adoption of those rules, issued
727 any marijuana establishment licenses pursuant to s. 566.036.

728 566.038 Defense of state law.—The Attorney General shall,
729 to the best of the abilities of the office and in good faith,
730 advocate to quash any federal subpoena for records involving
731 marijuana establishments.

732 566.039 Research.—Notwithstanding the provisions of this
733 part regulating the distribution of marijuana, a scientific or
734 medical researcher who has previously published peer-reviewed
735 research may purchase, possess, and securely store marijuana for
736 purposes of conducting research. A scientific or medical
737 researcher may administer and distribute marijuana to a
738 participant in research who is at least 21 years of age after
739 receiving informed consent from that participant.

740 566.040 Construction.—

741 (1) EMPLOYMENT POLICIES.—This chapter does not require an
742 employer to permit or accommodate the use, consumption,
743 possession, transfer, display, transportation, sale, or growing
744 of marijuana in the workplace or to affect the ability of
745 employers to have policies restricting the use of marijuana by
746 their employees.

747 (2) OPERATING UNDER THE INFLUENCE.—This chapter does not
748 exempt a person from the laws prohibiting operating under the
749 influence under chapter 316 or chapter 327.

750 (3) TRANSFER TO MINOR.—This chapter does not permit the
751 transfer of marijuana, with or without remuneration, to a minor
752 or to allow a minor to purchase, possess, use, transport, grow,
753 or consume marijuana.

754 (4) RESTRICTION ON USE OF PROPERTY.—This chapter does not

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755 prohibit any person, employer, school, hospital, detention
756 facility, corporation, or other entity that occupies, owns, or
757 controls real property from prohibiting or otherwise regulating
758 the possession, consumption, use, display, transfer,
759 distribution, sale, transportation, or growing of marijuana on
760 or in that real property.

761 566.041 Rulemaking.—The division shall adopt any rules
762 necessary to administer and enforce the provisions of this
763 chapter.

764 566.042 Good moral character.—Engaging in conduct allowed
765 by this chapter may not be the basis for a finding of a lack of
766 good moral character as that term is used in the Florida
767 Statutes.

768 Section 5. Section 566.037, Florida Statutes, as created by
769 this act, which relates to local control, shall take effect upon
770 this act becoming a law.

771 Section 6. Rulemaking.—This section shall take effect upon
772 this act becoming a law.

773 (1) By June 1, 2015, the Division of Alcoholic Beverages,
774 Marijuana, and Tobacco of the Department of Business and
775 Professional Regulation shall adopt emergency rules for the
776 administration and the enforcement of laws regulating and
777 licensing marijuana establishments pursuant to part II of
778 chapter 566, Florida Statutes, as created by this act. These
779 rules must be developed by the division and may not be
780 contracted out to an entity outside the division. These rules
781 may not prohibit the operation of marijuana establishments,
782 either expressly or through restrictions that make the operation
783 of marijuana establishments unreasonably impracticable. As used

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784 in this section, "unreasonably impracticable" means that the
785 measures necessary to comply with the rules require such a high
786 investment of risk, money, time, or other resource or asset that
787 the operation of a marijuana establishment is not worthy of
788 being carried out in practice by a reasonably prudent
789 businessperson.

790 (2) Rules adopted pursuant to this section must include:

791 (a) Provisions for administering and enforcing part II of
792 chapter 566, Florida Statutes, including oversight requirements
793 and noncriminal penalties for violations.

794 (b) The form and content of applications for each type of
795 marijuana establishment license, registration renewal forms, and
796 associated licensing and renewal fee schedules, except that an
797 application, licensing, or renewal fee may not exceed \$5,000.

798 (c) Procedures allowing an applicant who has been denied a
799 license due to failure to meet the requirements for licensing to
800 correct the reason for failure.

801 (d) Procedures and timelines for background checks and
802 appeals.

803 (e) Rules governing the transfer of a license, which must
804 be substantially the same as rules governing the transfer of a
805 beverage license under chapter 561, Florida Statutes.

806 (f) Minimum standards for employment, including
807 requirements for background checks, restrictions against hiring
808 persons under 21 years of age, and safeguards to protect against
809 unauthorized employee access to marijuana.

810 (g) Minimum recordkeeping requirements, including the
811 recording of the disposal of marijuana that is not sold. Rules
812 developed pursuant to this subsection may not require a consumer

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813 to provide a retail marijuana store with personal information
814 other than government-issued identification to determine the
815 consumer's age or require the retail marijuana store to acquire
816 and record personal information about its consumers.

817 (h) Health and safety rules and standards for the
818 manufacture of marijuana products and the cultivation of
819 marijuana.

820 (i) Labeling requirements for marijuana and marijuana
821 products sold or distributed by a marijuana establishment.

822 (j) Restrictions on the advertising, signage, and display
823 of marijuana and marijuana products.

824 (k) Minimum security requirements, including standards to
825 reasonably protect against unauthorized access to marijuana at
826 all stages of the licensee's possession, transportation,
827 storage, and cultivation of marijuana; these security
828 requirements may not prohibit outdoor cultivation in an
829 enclosed, secured space.

830 (1) Procedures for enforcing s. 566.035(9) and (10),
831 Florida Statutes, including noncriminal penalties for
832 violations, procedures for suspending or terminating the license
833 of a licensee who violates licensing provisions or the rules
834 adopted pursuant to this section, and procedures for appeals of
835 penalties or licensing actions.

836 (m) Any other oversight requirements that the division
837 determines are necessary to administer the laws relating to
838 licensing marijuana establishments.

839 (3) Rules adopted pursuant to this section may not prohibit
840 a locality, as defined in s. 566.031, Florida Statutes, from
841 limiting the number of each type of licensee who may operate in

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842 the locality or from enacting reasonable regulations applicable
843 to licensees.

844 Section 7. Paragraph (p) of subsection (1) of section
845 500.03, Florida Statutes, is amended to read:

846 500.03 Definitions; construction; applicability.—

847 (1) For the purpose of this chapter, the term:

848 (p) "Food establishment" means any factory, food outlet, or
849 any other facility manufacturing, processing, packing, holding,
850 or preparing food or selling food at wholesale or retail. The
851 term does not include any business or activity that is regulated
852 under s. 500.80, chapter 509, or chapter 601. The term includes
853 a retail marijuana store that sells food containing marijuana
854 pursuant to chapter 566. The term includes tomato packinghouses
855 and repackers but does not include any other establishments that
856 pack fruits and vegetables in their raw or natural states,
857 including those fruits or vegetables that are washed, colored,
858 or otherwise treated in their unpeeled, natural form before they
859 are marketed.

860 Section 8. Section 500.105, Florida Statutes, is created to
861 read:

862 500.105 Retail marijuana store food products containing
863 marijuana.—Food products containing marijuana which are prepared
864 in a food establishment that holds a permit under s. 500.12, if
865 required, and which are sold by a retail marijuana store
866 licensed under chapter 566 are not considered adulterated under
867 this chapter due to the presence of marijuana.

868 Section 9. Subsection (1) of section 562.13, Florida
869 Statutes, is amended to read:

870 562.13 Employment of minors or certain other persons by

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871 certain vendors prohibited; exceptions.-

872 (1) Unless otherwise provided in this section, it is
873 unlawful for a ~~any~~ vendor licensed under the Beverage Law or a
874 licensee under chapter 566 to employ a ~~any~~ person under 18 years
875 of age.

876 Section 10. Subsection (1) of section 569.0073, Florida
877 Statutes, is amended to read:

878 569.0073 Special provisions; smoking pipes and smoking
879 devices.-

880 (1) A person may not ~~It is unlawful for any person to~~ offer
881 for sale at retail any of the items listed in subsection (2)
882 unless such person:

883 (a) Has a retail tobacco products dealer permit under s.
884 569.003 or is a marijuana establishment licensed under s.
885 566.036. The provisions of this chapter apply to any person that
886 offers for retail sale any of the items listed in subsection
887 (2); and

888 (b)1. Derives at least 75 percent of its annual gross
889 revenues from the retail sale of cigarettes, cigars, and other
890 tobacco products or marijuana products sold in compliance with
891 chapter 566; or

892 2. Derives no more than 25 percent of its annual gross
893 revenues from the retail sale of the items listed in subsection
894 (2).

895 Section 11. Subsection (11) is added to section 893.13,
896 Florida Statutes, to read:

897 893.13 Prohibited acts; penalties.-

898 (11) Subsections (1)-(8) are not applicable to conduct
899 authorized under chapter 566.

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900 Section 12. Subsection (1) of section 893.135, Florida
901 Statutes, is amended to read:

902 893.135 Trafficking; mandatory sentences; suspension or
903 reduction of sentences; conspiracy to engage in trafficking.-

904 (1) Except as authorized in this chapter, ~~or in~~ chapter
905 499, or chapter 566 and notwithstanding ~~the provisions of s.~~
906 893.13:

907 (a) A ~~Any~~ person who knowingly sells, purchases,
908 manufactures, delivers, or brings into this state, or who is
909 knowingly in actual or constructive possession of, in excess of
910 25 pounds of cannabis, or 300 or more cannabis plants, commits a
911 felony of the first degree, which felony shall be known as
912 "trafficking in cannabis," punishable as provided in s. 775.082,
913 s. 775.083, or s. 775.084. If the quantity of cannabis involved:

914 1. Is in excess of 25 pounds, but less than 2,000 pounds,
915 or is 300 or more cannabis plants, but not more than 2,000
916 cannabis plants, such person shall be sentenced to a mandatory
917 minimum term of imprisonment of 3 years, and the defendant shall
918 be ordered to pay a fine of \$25,000.

919 2. Is 2,000 pounds or more, but less than 10,000 pounds, or
920 is 2,000 or more cannabis plants, but not more than 10,000
921 cannabis plants, such person shall be sentenced to a mandatory
922 minimum term of imprisonment of 7 years, and the defendant shall
923 be ordered to pay a fine of \$50,000.

924 3. Is 10,000 pounds or more, or is 10,000 or more cannabis
925 plants, such person shall be sentenced to a mandatory minimum
926 term of imprisonment of 15 calendar years and pay a fine of
927 \$200,000.
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929 For the purpose of this paragraph, a plant, including, but not
930 limited to, a seedling or cutting, is a "cannabis plant" if it
931 has some readily observable evidence of root formation, such as
932 root hairs. To determine if a piece or part of a cannabis plant
933 severed from the cannabis plant is itself a cannabis plant, the
934 severed piece or part must have some readily observable evidence
935 of root formation, such as root hairs. Callous tissue is not
936 readily observable evidence of root formation. The viability and
937 sex of a plant and the fact that the plant may or may not be a
938 dead harvested plant are not relevant in determining if the
939 plant is a "cannabis plant" or in the charging of an offense
940 under this paragraph. Upon conviction, the court shall impose
941 the longest term of imprisonment provided for in this paragraph.

942 (b)1. A ~~Any~~ person who knowingly sells, purchases,
943 manufactures, delivers, or brings into this state, or who is
944 knowingly in actual or constructive possession of, 28 grams or
945 more of cocaine, as described in s. 893.03(2)(a)4., or of any
946 mixture containing cocaine, but less than 150 kilograms of
947 cocaine or any such mixture, commits a felony of the first
948 degree, which felony shall be known as "trafficking in cocaine,"
949 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
950 If the quantity involved:

951 a. Is 28 grams or more, but less than 200 grams, such
952 person shall be sentenced to a mandatory minimum term of
953 imprisonment of 3 years, and the defendant shall be ordered to
954 pay a fine of \$50,000.

955 b. Is 200 grams or more, but less than 400 grams, such
956 person shall be sentenced to a mandatory minimum term of
957 imprisonment of 7 years, and the defendant shall be ordered to

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958 pay a fine of \$100,000.

959 c. Is 400 grams or more, but less than 150 kilograms, such
960 person shall be sentenced to a mandatory minimum term of
961 imprisonment of 15 calendar years and pay a fine of \$250,000.

962 2. A ~~Any~~ person who knowingly sells, purchases,
963 manufactures, delivers, or brings into this state, or who is
964 knowingly in actual or constructive possession of, 150 kilograms
965 or more of cocaine, as described in s. 893.03(2)(a)4., commits
966 the first degree felony of trafficking in cocaine. A person who
967 has been convicted of the first degree felony of trafficking in
968 cocaine under this subparagraph shall be punished by life
969 imprisonment and is ineligible for any form of discretionary
970 early release except pardon or executive clemency or conditional
971 medical release under s. 947.149. However, if the court
972 determines that, in addition to committing any act specified in
973 this paragraph:

974 a. The person intentionally killed an individual or
975 counseled, commanded, induced, procured, or caused the
976 intentional killing of an individual and such killing was the
977 result; or

978 b. The person's conduct in committing that act led to a
979 natural, though not inevitable, lethal result,

980
981 such person commits the capital felony of trafficking in
982 cocaine, punishable as provided in ss. 775.082 and 921.142. A
983 ~~Any~~ person sentenced for a capital felony under this paragraph
984 shall also be sentenced to pay the maximum fine provided under
985 subparagraph 1.

986 3. A ~~Any~~ person who knowingly brings into this state 300

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987 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
988 and who knows that the probable result of such importation would
989 be the death of a ~~any~~ person, commits capital importation of
990 cocaine, a capital felony punishable as provided in ss. 775.082
991 and 921.142. A ~~Any~~ person sentenced for a capital felony under
992 this paragraph shall also be sentenced to pay the maximum fine
993 provided under subparagraph 1.

994 (c)1. A ~~Any~~ person who knowingly sells, purchases,
995 manufactures, delivers, or brings into this state, or who is
996 knowingly in actual or constructive possession of, 4 grams or
997 more of any morphine, opium, oxycodone, hydrocodone,
998 hydromorphone, or any salt, derivative, isomer, or salt of an
999 isomer thereof, including heroin, as described in s.
1000 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more
1001 of any mixture containing any such substance, but less than 30
1002 kilograms of such substance or mixture, commits a felony of the
1003 first degree, which felony shall be known as "trafficking in
1004 illegal drugs," punishable as provided in s. 775.082, s.
1005 775.083, or s. 775.084. If the quantity involved:

1006 a. Is 4 grams or more, but less than 14 grams, such person
1007 shall be sentenced to a mandatory minimum term of imprisonment
1008 of 3 years, and the defendant shall be ordered to pay a fine of
1009 \$50,000.

1010 b. Is 14 grams or more, but less than 28 grams, such person
1011 shall be sentenced to a mandatory minimum term of imprisonment
1012 of 15 years, and the defendant shall be ordered to pay a fine of
1013 \$100,000.

1014 c. Is 28 grams or more, but less than 30 kilograms, such
1015 person shall be sentenced to a mandatory minimum term of

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1016 imprisonment of 25 calendar years and pay a fine of \$500,000.

1017 2. A ~~Any~~ person who knowingly sells, purchases,
1018 manufactures, delivers, or brings into this state, or who is
1019 knowingly in actual or constructive possession of, 30 kilograms
1020 or more of any morphine, opium, oxycodone, hydrocodone,
1021 hydromorphone, or any salt, derivative, isomer, or salt of an
1022 isomer thereof, including heroin, as described in s.
1023 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
1024 more of any mixture containing any such substance, commits the
1025 first degree felony of trafficking in illegal drugs. A person
1026 who has been convicted of the first degree felony of trafficking
1027 in illegal drugs under this subparagraph shall be punished by
1028 life imprisonment and is ineligible for any form of
1029 discretionary early release except pardon or executive clemency
1030 or conditional medical release under s. 947.149. However, if the
1031 court determines that, in addition to committing any act
1032 specified in this paragraph:

1033 a. The person intentionally killed an individual or
1034 counseled, commanded, induced, procured, or caused the
1035 intentional killing of an individual and such killing was the
1036 result; or

1037 b. The person's conduct in committing that act led to a
1038 natural, though not inevitable, lethal result,

1039
1040 such person commits the capital felony of trafficking in illegal
1041 drugs, punishable as provided in ss. 775.082 and 921.142. A ~~Any~~
1042 person sentenced for a capital felony under this paragraph shall
1043 also be sentenced to pay the maximum fine provided under
1044 subparagraph 1.

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1045 3. A ~~Any~~ person who knowingly brings into this state 60
1046 kilograms or more of any morphine, opium, oxycodone,
1047 hydrocodone, hydromorphone, or any salt, derivative, isomer, or
1048 salt of an isomer thereof, including heroin, as described in s.
1049 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or
1050 more of any mixture containing any such substance, and who knows
1051 that the probable result of such importation would be the death
1052 of a ~~any~~ person, commits capital importation of illegal drugs, a
1053 capital felony punishable as provided in ss. 775.082 and
1054 921.142. A ~~Any~~ person sentenced for a capital felony under this
1055 paragraph shall also be sentenced to pay the maximum fine
1056 provided under subparagraph 1.

1057 (d)1. A ~~Any~~ person who knowingly sells, purchases,
1058 manufactures, delivers, or brings into this state, or who is
1059 knowingly in actual or constructive possession of, 28 grams or
1060 more of phencyclidine or of any mixture containing
1061 phencyclidine, as described in s. 893.03(2)(b), commits a felony
1062 of the first degree, which felony shall be known as "trafficking
1063 in phencyclidine," punishable as provided in s. 775.082, s.
1064 775.083, or s. 775.084. If the quantity involved:

1065 a. Is 28 grams or more, but less than 200 grams, such
1066 person shall be sentenced to a mandatory minimum term of
1067 imprisonment of 3 years, and the defendant shall be ordered to
1068 pay a fine of \$50,000.

1069 b. Is 200 grams or more, but less than 400 grams, such
1070 person shall be sentenced to a mandatory minimum term of
1071 imprisonment of 7 years, and the defendant shall be ordered to
1072 pay a fine of \$100,000.

1073 c. Is 400 grams or more, such person shall be sentenced to

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1074 a mandatory minimum term of imprisonment of 15 calendar years
1075 and pay a fine of \$250,000.

1076 2. A ~~Any~~ person who knowingly brings into this state 800
1077 grams or more of phencyclidine or of any mixture containing
1078 phencyclidine, as described in s. 893.03(2)(b), and who knows
1079 that the probable result of such importation would be the death
1080 of a ~~any~~ person commits capital importation of phencyclidine, a
1081 capital felony punishable as provided in ss. 775.082 and
1082 921.142. A ~~Any~~ person sentenced for a capital felony under this
1083 paragraph shall also be sentenced to pay the maximum fine
1084 provided under subparagraph 1.

1085 (e)1. A ~~Any~~ person who knowingly sells, purchases,
1086 manufactures, delivers, or brings into this state, or who is
1087 knowingly in actual or constructive possession of, 200 grams or
1088 more of methaqualone or of any mixture containing methaqualone,
1089 as described in s. 893.03(1)(d), commits a felony of the first
1090 degree, which felony shall be known as "trafficking in
1091 methaqualone," punishable as provided in s. 775.082, s. 775.083,
1092 or s. 775.084. If the quantity involved:

1093 a. Is 200 grams or more, but less than 5 kilograms, such
1094 person shall be sentenced to a mandatory minimum term of
1095 imprisonment of 3 years, and the defendant shall be ordered to
1096 pay a fine of \$50,000.

1097 b. Is 5 kilograms or more, but less than 25 kilograms, such
1098 person shall be sentenced to a mandatory minimum term of
1099 imprisonment of 7 years, and the defendant shall be ordered to
1100 pay a fine of \$100,000.

1101 c. Is 25 kilograms or more, such person shall be sentenced
1102 to a mandatory minimum term of imprisonment of 15 calendar years

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1103 and pay a fine of \$250,000.

1104 2. A ~~Any~~ person who knowingly brings into this state 50
1105 kilograms or more of methaqualone or of any mixture containing
1106 methaqualone, as described in s. 893.03(1)(d), and who knows
1107 that the probable result of such importation would be the death
1108 of a ~~any~~ person commits capital importation of methaqualone, a
1109 capital felony punishable as provided in ss. 775.082 and
1110 921.142. A ~~Any~~ person sentenced for a capital felony under this
1111 paragraph shall also be sentenced to pay the maximum fine
1112 provided under subparagraph 1.

1113 (f)1. A ~~Any~~ person who knowingly sells, purchases,
1114 manufactures, delivers, or brings into this state, or who is
1115 knowingly in actual or constructive possession of, 14 grams or
1116 more of amphetamine, as described in s. 893.03(2)(c)2., or
1117 methamphetamine, as described in s. 893.03(2)(c)4., or of any
1118 mixture containing amphetamine or methamphetamine, or
1119 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine
1120 in conjunction with other chemicals and equipment utilized in
1121 the manufacture of amphetamine or methamphetamine, commits a
1122 felony of the first degree, which felony shall be known as
1123 "trafficking in amphetamine," punishable as provided in s.
1124 775.082, s. 775.083, or s. 775.084. If the quantity involved:

1125 a. Is 14 grams or more, but less than 28 grams, such person
1126 shall be sentenced to a mandatory minimum term of imprisonment
1127 of 3 years, and the defendant shall be ordered to pay a fine of
1128 \$50,000.

1129 b. Is 28 grams or more, but less than 200 grams, such
1130 person shall be sentenced to a mandatory minimum term of
1131 imprisonment of 7 years, and the defendant shall be ordered to

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1132 pay a fine of \$100,000.

1133 c. Is 200 grams or more, such person shall be sentenced to
1134 a mandatory minimum term of imprisonment of 15 calendar years
1135 and pay a fine of \$250,000.

1136 2. A ~~Any~~ person who knowingly manufactures or brings into
1137 this state 400 grams or more of amphetamine, as described in s.
1138 893.03(2)(c)2., or methamphetamine, as described in s.
1139 893.03(2)(c)4., or of any mixture containing amphetamine or
1140 methamphetamine, or phenylacetone, phenylacetic acid,
1141 pseudoephedrine, or ephedrine in conjunction with other
1142 chemicals and equipment used in the manufacture of amphetamine
1143 or methamphetamine, and who knows that the probable result of
1144 such manufacture or importation would be the death of a ~~any~~
1145 person commits capital manufacture or importation of
1146 amphetamine, a capital felony punishable as provided in ss.
1147 775.082 and 921.142. A ~~Any~~ person sentenced for a capital felony
1148 under this paragraph shall also be sentenced to pay the maximum
1149 fine provided under subparagraph 1.

1150 (g)1. A ~~Any~~ person who knowingly sells, purchases,
1151 manufactures, delivers, or brings into this state, or who is
1152 knowingly in actual or constructive possession of, 4 grams or
1153 more of flunitrazepam or any mixture containing flunitrazepam as
1154 described in s. 893.03(1)(a) commits a felony of the first
1155 degree, which felony shall be known as "trafficking in
1156 flunitrazepam," punishable as provided in s. 775.082, s.
1157 775.083, or s. 775.084. If the quantity involved:

1158 a. Is 4 grams or more but less than 14 grams, such person
1159 shall be sentenced to a mandatory minimum term of imprisonment
1160 of 3 years, and the defendant shall be ordered to pay a fine of

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1161 \$50,000.

1162 b. Is 14 grams or more but less than 28 grams, such person
1163 shall be sentenced to a mandatory minimum term of imprisonment
1164 of 7 years, and the defendant shall be ordered to pay a fine of
1165 \$100,000.

1166 c. Is 28 grams or more but less than 30 kilograms, such
1167 person shall be sentenced to a mandatory minimum term of
1168 imprisonment of 25 calendar years and pay a fine of \$500,000.

1169 2. A ~~Any~~ person who knowingly sells, purchases,
1170 manufactures, delivers, or brings into this state or who is
1171 knowingly in actual or constructive possession of 30 kilograms
1172 or more of flunitrazepam or any mixture containing flunitrazepam
1173 as described in s. 893.03(1)(a) commits the first degree felony
1174 of trafficking in flunitrazepam. A person who has been convicted
1175 of the first degree felony of trafficking in flunitrazepam under
1176 this subparagraph shall be punished by life imprisonment and is
1177 ineligible for any form of discretionary early release except
1178 pardon or executive clemency or conditional medical release
1179 under s. 947.149. However, if the court determines that, in
1180 addition to committing any act specified in this paragraph:

1181 a. The person intentionally killed an individual or
1182 counseled, commanded, induced, procured, or caused the
1183 intentional killing of an individual and such killing was the
1184 result; or

1185 b. The person's conduct in committing that act led to a
1186 natural, though not inevitable, lethal result,

1187
1188 such person commits the capital felony of trafficking in
1189 flunitrazepam, punishable as provided in ss. 775.082 and

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1190 921.142. A ~~Any~~ person sentenced for a capital felony under this
1191 paragraph shall also be sentenced to pay the maximum fine
1192 provided under subparagraph 1.

1193 (h)1. A ~~Any~~ person who knowingly sells, purchases,
1194 manufactures, delivers, or brings into this state, or who is
1195 knowingly in actual or constructive possession of, 1 kilogram or
1196 more of gamma-hydroxybutyric acid (GHB), as described in s.
1197 893.03(1)(d), or any mixture containing gamma-hydroxybutyric
1198 acid (GHB), commits a felony of the first degree, which felony
1199 shall be known as "trafficking in gamma-hydroxybutyric acid
1200 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.
1201 775.084. If the quantity involved:

1202 a. Is 1 kilogram or more but less than 5 kilograms, such
1203 person shall be sentenced to a mandatory minimum term of
1204 imprisonment of 3 years, and the defendant shall be ordered to
1205 pay a fine of \$50,000.

1206 b. Is 5 kilograms or more but less than 10 kilograms, such
1207 person shall be sentenced to a mandatory minimum term of
1208 imprisonment of 7 years, and the defendant shall be ordered to
1209 pay a fine of \$100,000.

1210 c. Is 10 kilograms or more, such person shall be sentenced
1211 to a mandatory minimum term of imprisonment of 15 calendar years
1212 and pay a fine of \$250,000.

1213 2. A ~~Any~~ person who knowingly manufactures or brings into
1214 this state 150 kilograms or more of gamma-hydroxybutyric acid
1215 (GHB), as described in s. 893.03(1)(d), or any mixture
1216 containing gamma-hydroxybutyric acid (GHB), and who knows that
1217 the probable result of such manufacture or importation would be
1218 the death of a ~~any~~ person commits capital manufacture or

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1219 importation of gamma-hydroxybutyric acid (GHB), a capital felony
1220 punishable as provided in ss. 775.082 and 921.142. A ~~Any~~ person
1221 sentenced for a capital felony under this paragraph shall also
1222 be sentenced to pay the maximum fine provided under subparagraph
1223 1.

1224 (i)1. A ~~Any~~ person who knowingly sells, purchases,
1225 manufactures, delivers, or brings into this state, or who is
1226 knowingly in actual or constructive possession of, 1 kilogram or
1227 more of gamma-butyrolactone (GBL), as described in s.
1228 893.03(1)(d), or any mixture containing gamma-butyrolactone
1229 (GBL), commits a felony of the first degree, which felony shall
1230 be known as "trafficking in gamma-butyrolactone (GBL),"
1231 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
1232 If the quantity involved:

1233 a. Is 1 kilogram or more but less than 5 kilograms, such
1234 person shall be sentenced to a mandatory minimum term of
1235 imprisonment of 3 years, and the defendant shall be ordered to
1236 pay a fine of \$50,000.

1237 b. Is 5 kilograms or more but less than 10 kilograms, such
1238 person shall be sentenced to a mandatory minimum term of
1239 imprisonment of 7 years, and the defendant shall be ordered to
1240 pay a fine of \$100,000.

1241 c. Is 10 kilograms or more, such person shall be sentenced
1242 to a mandatory minimum term of imprisonment of 15 calendar years
1243 and pay a fine of \$250,000.

1244 2. A ~~Any~~ person who knowingly manufactures or brings into
1245 the state 150 kilograms or more of gamma-butyrolactone (GBL), as
1246 described in s. 893.03(1)(d), or any mixture containing gamma-
1247 butyrolactone (GBL), and who knows that the probable result of

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1248 such manufacture or importation would be the death of a a ~~any~~
1249 person commits capital manufacture or importation of gamma-
1250 butyrolactone (GBL), a capital felony punishable as provided in
1251 ss. 775.082 and 921.142. A ~~Any~~ person sentenced for a capital
1252 felony under this paragraph shall also be sentenced to pay the
1253 maximum fine provided under subparagraph 1.

1254 (j)1. A ~~Any~~ person who knowingly sells, purchases,
1255 manufactures, delivers, or brings into this state, or who is
1256 knowingly in actual or constructive possession of, 1 kilogram or
1257 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of
1258 any mixture containing 1,4-Butanediol, commits a felony of the
1259 first degree, which felony shall be known as "trafficking in
1260 1,4-Butanediol," punishable as provided in s. 775.082, s.
1261 775.083, or s. 775.084. If the quantity involved:

1262 a. Is 1 kilogram or more, but less than 5 kilograms, such
1263 person shall be sentenced to a mandatory minimum term of
1264 imprisonment of 3 years, and the defendant shall be ordered to
1265 pay a fine of \$50,000.

1266 b. Is 5 kilograms or more, but less than 10 kilograms, such
1267 person shall be sentenced to a mandatory minimum term of
1268 imprisonment of 7 years, and the defendant shall be ordered to
1269 pay a fine of \$100,000.

1270 c. Is 10 kilograms or more, such person shall be sentenced
1271 to a mandatory minimum term of imprisonment of 15 calendar years
1272 and pay a fine of \$500,000.

1273 2. A ~~Any~~ person who knowingly manufactures or brings into
1274 this state 150 kilograms or more of 1,4-Butanediol as described
1275 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,
1276 and who knows that the probable result of such manufacture or

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1277 importation would be the death of a ~~any~~ person commits capital
 1278 manufacture or importation of 1,4-Butanediol, a capital felony
 1279 punishable as provided in ss. 775.082 and 921.142. A ~~Any~~ person
 1280 sentenced for a capital felony under this paragraph shall also
 1281 be sentenced to pay the maximum fine provided under subparagraph
 1282 1.

1283 (k)1. A ~~Any~~ person who knowingly sells, purchases,
 1284 manufactures, delivers, or brings into this state, or who is
 1285 knowingly in actual or constructive possession of, 10 grams or
 1286 more of any of the following substances described in s.

1287 893.03(1)(c):

- 1288 a. 3,4-Methylenedioxyamphetamine (MDMA);
- 1289 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 1290 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 1291 d. 2,5-Dimethoxyamphetamine;
- 1292 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 1293 f. N-ethylamphetamine;
- 1294 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 1295 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 1296 i. 4-methoxyamphetamine;
- 1297 j. 4-methoxymethamphetamine;
- 1298 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 1299 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 1300 m. 3,4-Methylenedioxyamphetamine;
- 1301 n. N,N-dimethylamphetamine; or
- 1302 o. 3,4,5-Trimethoxyamphetamine,

1303
 1304 individually or in any combination of or any mixture containing
 1305 any substance listed in sub-subparagraphs a.-o., commits a

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1306 felony of the first degree, which felony shall be known as
1307 "trafficking in Phenethylamines," punishable as provided in s.
1308 ~~775.082~~, s. 775.083, or s. 775.084.

1309 2. If the quantity involved:

1310 a. Is 10 grams or more but less than 200 grams, such person
1311 shall be sentenced to a mandatory minimum term of imprisonment
1312 of 3 years, and the defendant shall be ordered to pay a fine of
1313 \$50,000.

1314 b. Is 200 grams or more, but less than 400 grams, such
1315 person shall be sentenced to a mandatory minimum term of
1316 imprisonment of 7 years, and the defendant shall be ordered to
1317 pay a fine of \$100,000.

1318 c. Is 400 grams or more, such person shall be sentenced to
1319 a mandatory minimum term of imprisonment of 15 calendar years
1320 and pay a fine of \$250,000.

1321 3. A ~~Any~~ person who knowingly manufactures or brings into
1322 this state 30 kilograms or more of any of the following
1323 substances described in s. 893.03(1)(c):

1324 a. 3,4-Methylenedioxyamphetamine (MDMA);
1325 b. 4-Bromo-2,5-dimethoxyamphetamine;
1326 c. 4-Bromo-2,5-dimethoxyphenethylamine;
1327 d. 2,5-Dimethoxyamphetamine;
1328 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
1329 f. N-ethylamphetamine;
1330 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
1331 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
1332 i. 4-methoxyamphetamine;
1333 j. 4-methoxymethamphetamine;
1334 k. 4-Methyl-2,5-dimethoxyamphetamine;

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1335 1. 3,4-Methylenedioxy-N-ethylamphetamine;
 1336 m. 3,4-Methylenedioxyamphetamine;
 1337 n. N,N-dimethylamphetamine; or
 1338 o. 3,4,5-Trimethoxyamphetamine,
 1339
 1340 individually or in any combination of or any mixture containing
 1341 any substance listed in sub-subparagraphs a.-o., and who knows
 1342 that the probable result of such manufacture or importation
 1343 would be the death of a ~~any~~ person commits capital manufacture
 1344 or importation of Phenethylamines, a capital felony punishable
 1345 as provided in ss. 775.082 and 921.142. A ~~Any~~ person sentenced
 1346 for a capital felony under this paragraph shall also be
 1347 sentenced to pay the maximum fine provided under subparagraph 1.
 1348 (1)1. A ~~Any~~ person who knowingly sells, purchases,
 1349 manufactures, delivers, or brings into this state, or who is
 1350 knowingly in actual or constructive possession of, 1 gram or
 1351 more of lysergic acid diethylamide (LSD) as described in s.
 1352 893.03(1)(c), or of any mixture containing lysergic acid
 1353 diethylamide (LSD), commits a felony of the first degree, which
 1354 felony shall be known as "trafficking in lysergic acid
 1355 diethylamide (LSD)," punishable as provided in s. 775.082, s.
 1356 775.083, or s. 775.084. If the quantity involved:
 1357 a. Is 1 gram or more, but less than 5 grams, such person
 1358 shall be sentenced to a mandatory minimum term of imprisonment
 1359 of 3 years, and the defendant shall be ordered to pay a fine of
 1360 \$50,000.
 1361 b. Is 5 grams or more, but less than 7 grams, such person
 1362 shall be sentenced to a mandatory minimum term of imprisonment
 1363 of 7 years, and the defendant shall be ordered to pay a fine of

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 1364 \$100,000.
 1365 c. Is 7 grams or more, such person shall be sentenced to a
 1366 mandatory minimum term of imprisonment of 15 calendar years and
 1367 pay a fine of \$500,000.
 1368 2. A ~~Any~~ person who knowingly manufactures or brings into
 1369 this state 7 grams or more of lysergic acid diethylamide (LSD)
 1370 as described in s. 893.03(1)(c), or any mixture containing
 1371 lysergic acid diethylamide (LSD), and who knows that the
 1372 probable result of such manufacture or importation would be the
 1373 death of a ~~any~~ person commits capital manufacture or importation
 1374 of lysergic acid diethylamide (LSD), a capital felony punishable
 1375 as provided in ss. 775.082 and 921.142. A ~~Any~~ person sentenced
 1376 for a capital felony under this paragraph shall also be
 1377 sentenced to pay the maximum fine provided under subparagraph 1.
 1378 Section 13. Except as otherwise expressly provided in this
 1379 act, this act shall take effect July 1, 2015.

ORDINANCE NO. 2014-08

AN ORDINANCE AMENDING TITLE XV, CHAPTER 157 ZONING REGULATIONS, CODE OF ORDINANCES OF THE TOWN OF PALM SHORES, BREVARD COUNTY, FLORIDA; AMENDING ORDINANCE NO. 2014-06; SETTING FORTH ADDITIONAL REQUIREMENTS FOR MEDICAL MARIJUANA DISPENSARIES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE TOWN OF PALM SHORES CODE.

WHEREAS, the State of Florida is considering the legalization of Medical Marijuana; and,

WHEREAS, the Town Council has determined that it is in the best interests of the citizens of the Town, in the event such legalization shall occur, to regulate the location of Medical Marijuana Dispensaries; and'

WHEREAS, The Town Council finds that protecting patients, caregivers of patients, physicians, persons lawfully engaged in activities associated the operation of a medical marijuana dispensary, property and the general health, safety and welfare of the Town is of a paramount concern; and

WHEREAS, the Town Council finds that protecting the public from criminal activity and to ensure the highest degree of conduct of owners, patients and business invitees of medical marijuana dispensaries will promote the general welfare; and,

WHEREAS, the Town council has determined that it is in the best interest of the public to set siting requirements and other restrictions for medical marijuana dispensaries; and,

WHEREAS, the Town Council adopted Ordinance No. 2014-06, which has not yet been codified; and,

WHEREAS, the Town's Attorney has recommended an amendment to Ordinance No. 2014-06; and,

WHEREAS, the Town Council desires to amend Ordinance No. 2014-06 prior to codification and directs that the provisions of this ordinance be codified and not Ordinance no. 2014-06.

NOW, THEREFORE, BE IT ORDAINED BY THE Town of Palm Shores of Brevard County, Florida, as follows:

SECTION 1. Section 157.315 is amended by adding a new subsection (3) to subparagraph (D) to read as follows:

• • •

“(3) **Medical Marijuana Dispensaries.** Medical Marijuana Dispensaries shall be allowed as a Permitted Conditional Use in the M-1 zoning district. Medical Marijuana dispensaries shall be defined as any business which has been approved by the State of Florida to cultivate, process, and dispense medical marijuana pursuant to state law. All such cultivation, processing and dispensing shall occur wholly within the structure upon which such medical marijuana facility is located. When considering an application for a medical marijuana dispensary, the planning and zoning board and the town council shall consider the criteria below. The town council may impose additional conditions and safe guards as deemed necessary.

(a) Criteria to be considered concerning an application for a medical marijuana dispensary:

(i) *Controlled substance.* The on-site sale, provision, or dispensing of medical marijuana is prohibited except as specifically authorized by applicable federal or state law;

(ii) *Adequate facilities.* Medical marijuana dispensaries shall provide adequate seating for its patients and business invitees. The medical marijuana dispensary shall not direct or encourage any patient or business invitee to stand, sit (including in a parked vehicle), or gather or loiter outside of the building where the dispensary is located and operates, including, but not limited to, sidewalks, parking areas, right-of ways, or neighboring properties for any period of time longer than that is reasonably required to arrive and depart. The medical marijuana dispensary shall post conspicuous “No Loitering” signs on all sides of that portion of a building occupied by the medical marijuana dispensary.

(iii) *Queuing or stacking of motor vehicles.* The medical marijuana dispensary shall ensure that there is no queuing or stacking of motor vehicles in any right-of-way.

(iv) *Outside display.* There shall be no outside display of any products, wares or merchandise.

(v) *Alcoholic beverages.* There shall be no sale, service or consumption of alcoholic beverages on the premises or in any parking area, sidewalk, or right-of-way.

(vi) *Separation distance.* A medical marijuana dispensary shall not be located within twenty five hundred (2,500) feet of any pharmacy, school (as defined in section 1002.01 or 1003.01, Florida Statutes), medical office, day care center, day care home, adult living facility or similar type of facility, playground, religious institution, public park, another medical marijuana dispensary, or residential structure. All distance requirements shall be measured by drawing a straight line from the nearest property line of the premises upon which a medical marijuana dispensary is located to the nearest property line of the preexisting protected use. The applicant may request a variance of this paragraph as provided in the Town of Palm Shores Land Usage Code, Section 157.057.

(vii) *Hours of operation.* Medical marijuana dispensaries shall only operate between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. through 12:00 p.m. on Saturday. Medical marijuana dispensaries shall not operate on Sunday.

(viii) *Other Activities.* Other than the cultivation, processing and dispensing of medical marijuana permitted herein no medical marijuana dispensary shall sell, market, dispense, provide, exchange, or otherwise vend any other services; product; or drug paraphernalia as defined by federal or state law.

(ix) *Compliance with other laws.* In addition to the laws and ordinances of the Town of Palm Shores all medical marijuana dispensaries shall comply with all federal and state laws.

(x) *Security Measures.* Each medical marijuana facility shall be equipped with a silent alarm that notifies the Brevard County Sheriff's Office or a private security agency that a break in or robbery is taking place; a security camera capable of recording and retrieving an image. Such security camera system shall be operational at all times during and after business hours; a drop safe or cash management device that provides minimum access to the facility's cash receipts. The security cameras shall be located at every ingress and egress site of the dispensary, including doors and windows, as well as on the interior where any monetary transaction shall occur and shall also be located at the ingress and egress site where the medical marijuana is grown and/or stored.

(b) **Cultivation.** The term *Cultivation* shall mean the planting, growing, harvesting, drying, or processing of marijuana plants or any part thereof.

(i) Outside cultivation of medical marijuana is prohibited. Cultivation shall only be within a closed structure upon which such medical marijuana facility is located. Indoor cultivation is limited to 50 square feet of the medical marijuana facility. Cultivation may not occur in a structure which is not attached to the building upon which the medical marijuana facility is located.

(ii) Indoor grow lights in any structure shall not exceed an aggregate of one thousand two hundred watts and shall comply with all applicable building code regulations. Gas products (including, without limitation, CO₂, butane, propane, and natural gas), or generators shall not be used within any detached structure used for the cultivation of medical marijuana.

(iii) Cultivation shall not take place in any area of the medical marijuana facility which is accessible by the general public. Such areas of cultivation must be restricted to authorized personnel, eighteen years of age or older, of the medical marijuana facility. Such area of cultivation shall be secured and locked at all times when not occupied by authorized personnel of the medical marijuana facility.

(iv) Such area of cultivation must have a ventilation system installed that shall prevent marijuana plant odors from exiting the interior of the structure and that shall comply with all applicable building code regulations, including obtaining all required permits and approvals. The ventilation system must be approved by a Florida Licensed Engineer and a Florida Licensed Heating and Ventilation Contractor at the applicant's expense, and installed prior to commencing cultivation within the fully-enclosed and secure structure.

(c) Savings clause. In the event that any part of this section shall be preempted by federal or state law those provisions preempted shall be deemed to be invalid and the remaining provisions not preempted shall remain in full force and effect.

SECTION 2. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule code or regulation, the more restrictive shall apply.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. Area Encompassed. This ordinance shall take effect only in the incorporated area of the Town of Palm Shores.

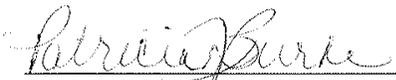
SECTION 5. Effective Date. This ordinance shall take effect upon adoption.

SECTION 6. Inclusion in Code. It is the intention of the Town Council of Palm Shores that the provisions of this ordinance shall become and be made a part of the Town Code, and that the sections of this ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions. The underlined portions of the Ordinance reflect the amendment to Ordinance No. 2014-06 and the Town council directs that this ordinance be codified in full and the Ordinance No. 2014-06 not be codified.

SECTION 10. This ordinance was passed on the first reading at a regular meeting of the Town Council on the 24th day of June, 2014 and adopted on second/final reading at a regular meeting of the Town Council on the 22nd day of July, 2014.



ATTEST:



Patricia J. Burke, MMC
Town Clerk

BY: 
Carol M. McCormack
Mayor

ORDINANCE 2014-06

AN ORDINANCE AMENDING TITLE XV, CHAPTER 157 ZONING REGULATIONS, CODE OF ORDINANCES OF THE TOWN OF PALM SHORES, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 157.315 (M-1 LIGHT INDUSTRIAL); PROVIDING FOR THE ADDITION OF MEDICAL MARIJUANA DISPENSARIES AS A PERMITTED CONDITIONAL USE; PROVIDING FOR DEFINITIONS; SETTING FORTH SITING STANDARDS AND REQUIREMENTS FOR MEDICAL MARIJUANA DISPENSARIES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE TOWN OF PALM SHORES CODE.

WHEREAS, the State of Florida is considering the legalization of Medical Marijuana; and,

WHEREAS, the Town Council has determined that it is in the best interests of the citizens of the Town, in the event such legalization shall occur, to regulate the location of Medical Marijuana Dispensaries; and'

WHEREAS, The Town Council finds that protecting patients, caregivers of patients, physicians, persons lawfully engaged in activities associated the operation of a medical marijuana dispensary, property and the general health, safety and welfare of the Town is of a paramount concern; and

WHEREAS, the Town Council finds that protecting the public from criminal activity and to ensure the highest degree of conduct of owners, patients and business invitees of medical marijuana dispensaries will promote the general welfare; and,

WHEREAS, the Town council has determined that it is in the best interest of the public to set siting requirements and other restrictions for medical marijuana dispensaries.

NOW, THEREFORE, BE IT ORDAINED BY THE Town of Palm Shores of Brevard County, Florida, as follows:

SECTION 1. Sections 157.315 is amended by adding a new subsection (3) to subparagraph (D) to read as follows:

• • •

“(3) Medical Marijuana Dispensaries. Medical Marijuana Dispensaries shall be allowed as a Permitted Conditional Use in the M-1 zoning district. Medical Marijuana dispensaries shall be defined as any business which has been approved by the State of Florida to cultivate, process, and dispense medical marijuana pursuant to state law. All such cultivation, processing and dispensing

shall occur wholly within the structure upon which such medical marijuana is located. When considering an application for a medical marijuana dispensary, the planning and zoning board and the town council shall consider the criteria below. The town council may impose additional conditions and safe guards as deemed necessary.

- (a) Criteria to be considered concerning an application for a medical marijuana dispensary:
- (i) Controlled substance. The on-site sale, provision, or dispensing of medical marijuana is prohibited except as specifically authorized by applicable federal or state law;
 - (ii) Adequate facilities. Medical marijuana dispensaries shall provide adequate seating for its patients and business invitees. The medical marijuana dispensary shall not direct or encourage any patient or business invitee to stand, sit (including in a parked vehicle), or gather or loiter outside of the building where the dispensary is located and operates, including, but not limited to, sidewalks, parking areas, right-of ways, or neighboring properties for any period of time longer than that is reasonably required to arrive and depart. The medical marijuana dispensary shall post conspicuous “No Loitering” signs on all sides of that portion of a building occupied by the medical marijuana dispensary.
 - (iii) Queuing or stacking of motor vehicles. The medical marijuana dispensary shall ensure that there is no queuing or stacking of motor vehicles in any right-of-way.
 - (iv) Outside display. There shall be no outside display of any products, wares or merchandise.
 - (v) Alcoholic beverages. There shall be no sale, service or consumption of alcoholic beverages on the premises or in any parking area, sidewalk, or right-of-way.
 - (vi) Separation distance. A medical marijuana dispensary shall not be located within twenty five hundred (2,500) feet of any pharmacy, school (as defined in section 1002.01 or 1003.01, Florida Statutes), medical office, day care center, day care home, adult living facility or similar type of facility, playground, religious institution, public park, another medical marijuana dispensary, or residential structure. All distance requirements shall be measured by drawing a straight line from the nearest property line of the premises upon which a medical marijuana dispensary is located to the nearest property line of the preexisting protected use. The applicant may request a variance of this paragraph as provided in the Town of Palm Shores Land Usage Code, Section 157.057.
 - (vii) Hours of operation. Medical marijuana dispensaries shall only operate between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. through 12:00 p.m. on Saturday. Medical marijuana dispensaries shall not operate on Sunday.
 - (viii) Other Activities. Other than the cultivation, processing and dispensing of medical marijuana permitted herein no medical marijuana dispensary shall sell, market, dispense, provide, exchange, or otherwise vend any other services; product; or drug paraphernalia as defined by federal or state law. In addition no medical marijuana dispensary or doctors, physicians, agents, employees, representatives, contractors, or the like shall provide any other medical, social, or psychological counseling, diagnosis or advise to any patient or business invitee.
 - (ix) Compliance with other laws. In addition to the laws and ordinances of the Town of Palm Shores all medical marijuana dispensaries shall comply with all federal and state laws.

(b) Savings clause. In the event that any part of this section shall be preempted by federal or state law those provisions preempted shall be deemed to be invalid and the remaining provisions not preempted shall remain in full force and effect.

SECTION 2. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule code or regulation, the more restrictive shall apply.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. Area Encompassed. This ordinance shall take effect only in the incorporated area of the Town of Palm Shores.

SECTION 5. Effective Date. This ordinance shall take effect upon adoption.

SECTION 6. Inclusion in Code. It is the intention of the Town Council of Palm Shores that the provisions of this ordinance shall become and be made a part of the Town Code, and that the sections of this ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 10. This ordinance was passed on the first reading at a regular meeting of the Town Council on the 22nd day of April, 2014 and adopted on second/final reading at a regular meeting of the Town Council on the 27th day of May, 2014.



BY: Carol M. McCormack
Carol M. McCormack
Mayor

ATTEST:

Patricia J. Burke
Patricia J. Burke, MMC
Town Clerk



Meeting Date: July 17, 2014

Agenda Item: 9-B

Report to Town Council

Topic: Ordinance 2014-05, amending the land use and development code to establish zoning requirement for marijuana dispensaries.

Recommended Motion: The Planning Board recommend approval of Ordinance 2014-05.

Summary: Please see staff report and legal memorandum.

Requested by: Town Council

Approved by: Ms. Witt, Town Manager



MEMORANDUM

TOWN OF PONCE INLET, PLANNING AND DEVELOPMENT DEPARTMENT

The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.

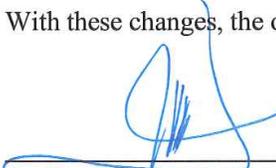
To: Jeaneen Witt, Town Manager
From: Aref Joulani, Planning & Development Director 
Date: July 7, 2014
Subject: 2nd Reading Update – Ord. No. 2014-05, Medical Marijuana Dispensaries

MEETING DATE: July 17, 2014

On June 19, 2014, the Town Council approved first reading of Ordinance #2014-05.

The Council's approval was conditioned upon adding "public beach" to the list of places from which new medical marijuana dispensaries must be separated as a special exception criterion (see Paragraph E, page 4). In the same paragraph regarding distance separation, "church" has been changed to "house of worship" so as not to single-out any particular faith.

With these changes, the ordinance is now ready for second reading.



Aref Joulani, Planning & Development Director

July 7, 2014
Date

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ORDINANCE NO. 2014-05

AN ORDINANCE OF THE TOWN OF PONCE INLET, FLORIDA RELATING TO CANNABIS AND MARIJUANA; AMENDING THE CODE OF ORDINANCES; PROVIDING DEFINITIONS; PROVIDING THAT MEDICAL MARIJUANA DISPENSARIES, NON-MEDICAL MARIJUANA SALES AND CANNABIS FARMS ARE PROHIBITED USES IN ALL ZONING DISTRICTS EXCEPT THE B-1 (GENERAL RETAIL) ZONING DISTRICT; PROVIDING THAT MEDICAL MARIJUANA DISPENSARIES ARE A MAJOR SPECIAL EXCEPTION USE IN THE B-1 ZONING DISTRICT; PROVIDING ADDITIONAL STANDARDS AND CONSIDERATIONS FOR APPROVAL OF A SPECIAL EXCEPTION APPLICATION FOR A MEDICAL MARIJUANA DISPENSARY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida is considering legalizing the dispensing of marijuana for medical purposes; and

WHEREAS, the Town Council of the Town of Ponce Inlet has determined that it is in the best interests of the citizenry and general public to regulate the location of Medical marijuana dispensaries and related activities in the event the State of Florida legalizes said dispensaries; and

WHEREAS, the Town Council has the responsibility and authority to determine what uses are best suited to particular zoning categories as well as land use categories within the Town; and

WHEREAS, the Town Council of the Town of Ponce Inlet has determined that given the potential impact on the surrounding area, that Medical marijuana dispensaries should only be allowed within the B-1 (General Retail) zoning district, as a special exception use; and

WHEREAS, the Town Council of the Town of Ponce Inlet has determined that it is advisable and in the public interest to consider certain distance and other siting standards in regard to the location of operation of Medical marijuana dispensaries as a special exception use; and

WHEREAS, the Town Council of the Town of Ponce Inlet has determined that cannabis farms and Non-medical marijuana sales would not be suited to any zoning district within the Town of Ponce Inlet; and

WHEREAS, the Planning Board, sitting as the local planning agency, has found this ordinance to be consistent with the Town's Comprehensive Plan and recommended approval; and

WHEREAS, the Town Council of the Town of Ponce Inlet finds that this ordinance promotes the public health, safety and welfare.

93 Medical marijuana dispensary. A facility that is operated by an organization or business
94 holding all necessary licenses and permits from which marijuana, cannabis, cannabis-
95 based products, or cannabis plants are delivered, purchased, possessed, or dispensed for
96 medical purposes and operated in accordance with all local, federal and state laws.

97
98 Medical use (of cannabis). The prescriptive use of any form of cannabis to treat a
99 qualifying medical condition and the symptoms associated with that condition or to
100 alleviate the side effects of a qualifying medical treatment.

101
102 Non-medical marijuana sales. The purchase, sale, transfer or delivery of marijuana,
103 cannabis, cannabis-based products or cannabis plants when such sale, transfer or
104 delivery is not associated with any medical purpose or use, whether or not such
105 purchase, sale, transfer or delivery is lawful under federal or state law.

106
107 B. How permitted. See section 2-40, table 2-5 (Table of Permitted Uses).

108
109 C. Prohibited Uses. Non-medical marijuana Sales and Cannabis Farms shall be
110 prohibited uses in all zoning districts of the Town. Medical marijuana dispensaries
111 shall be a prohibited use in all zoning districts of the Town except B-1 (General
112 Retail).

113 **3.33.2. Special Exception Standards**

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116 An application for special exception use for a medical marijuana dispensary may be denied,
117 approved, or approved with conditions. In addition to all other requirements and conditions
118 provided by this Code, no special exception for a medical marijuana dispensary shall be
119 approved unless the applicant has shown by competent substantial evidence its ability to
120 comply with each of the conditions contained herein.

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122 A. Loitering. A Medical marijuana dispensary shall provide adequate seating for its
123 patients and business invitees and shall not allow patients or business invitees to
124 stand, sit (including in a parked car), or gather or loiter outside of the building where
125 the dispensary operates, including in any parking areas, sidewalks, right-of-way, or
126 neighboring properties for any period of time longer than that reasonably required to
127 arrive and depart. The medical marijuana dispensary shall post conspicuous signs on
128 at least three sides of the building that no loitering is allowed on the property.

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130 B. No drive through service. No medical marijuana dispensary shall have a drive-
131 through or drive-in service aisle. All dispensing, payment for and receipt of products
132 shall occur from inside the medical marijuana dispensary.

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134 C. On premises consumption of medical marijuana. No consumption of medical
135 marijuana is allowed on the premises on which a medical marijuana dispensary is
136 located, including the parking areas and sidewalks.

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- 138 D. Alcoholic Beverages. No consumption of alcoholic beverages shall be allowed on the
 139 premises on which a medical marijuana dispensary is located, including the parking
 140 areas and sidewalks.
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 142 E. Separation Distances. No medical marijuana dispensary shall operate within 2,500
 143 feet of any pre-existing school, house of worship, day care facility, public park,
 144 public beach, or another medical marijuana dispensary.
 145
 146 F. Compliance with Other Laws. All medical marijuana dispensaries shall at all times
 147 be in compliance with all federal, state and local laws and regulations.
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150
 151 **SECTION 3.** Part III, “Land Use and Development Code,” Article 2, “Zoning Districts,” of
 152 the Town of Ponce Inlet Code of Ordinances is hereby amended as follows (note: strikethrough text
 153 indicates deletions, underline text indicates additions, ellipses (***) identify text that remains
 154 unchanged and that is not reprinted herein):
 155

156 **Section 2.40.1 Interpretation of uses and structures permitted.**

157 A use or structure that is not expressly permitted in a zoning district is prohibited.
 158 Table 2-5, Table of Permitted Uses
 159
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USE MATRIX												
P	=	Permitted use										
S ^{MN}	=	Use requires minor special exception approval by planning board.										
S ^{MJ}	=	Use requires major special exception approval by town council.										
		Residential					Commercial			Public and Open Space	Use Regulations	
Use		R-1	R-2	R-3	MF-1	MF-2	B-1	B-2	PWD	P/I	C	PUD
* * *												
COMMERCIAL AND OFFICE												
	Adult Uses							S ^{MJ}				Section 3.3
	Animal hospitals, no outside run						P		P			P
	Apparel and accessories						P	P	P			P

Artist lofts/live-work studios						P	P	P			P	
Art galleries and antique shops							P	P				
Banks and other financial institutions						P	P	P			P	
Bars, taverns, and cocktail lounges						P	P	P			P	
Beauty salons and barber shops						P	P	P			P	
Books, newspapers, greeting cards, and stationery						P	P	P			P	
Clinic, medical or dental offices						S ^{MN}	P	P			S ^{MN}	
Coffee shops, and sidewalk cafes						P	P	P			P	
Convenience store, no gasoline sales						P		P			P	
Craftsmen's shops or studios, including woodworking, jewelry and glass-blowing, limited to retail sales on the premises						P	P	P			P	
Delicatessens						P	P	P			P	
Gift shops						P	P	P			P	
Grocery stores						P		P			P	
Kennels, no outside run						P		P			P	
Laundry and dry cleaning establishments (pick-up and drop-off only; actual cleaning to						P	P	P			P	

be done off-site)											
Liquor stores					P	S ^{MN}	P			P	
<u>Medical marijuana dispensaries</u>					<u>S^{MJ}</u>						
Office/warehouse					P		P ^[3]			P	
Pharmacies					P	P	P			P	
Professional offices					P		P			P	
Real estate offices					P	P	P			P	
Rental of recreational equipment such as bicycles, canoes, motorcycles, skis, sailboats, beach chairs, jet skis, surf boards, and beach umbrellas					P	P	P			P	
Restaurants					S ^{MJ}	P	P	P		P	<u>Section 3.26</u>
Restaurants, family oriented					S ^{MJ}	P	P	P		P	<u>Section 3.26</u>
Retail sales and services					P	P	P			P	
Sports and Recreation Instruction					P	P	P			P	
Tailors and shoe repair shops					P	P	P			P	

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SECTION 4. Part III, “Land Use and Development Code,” Article 3, “Use Regulations,” of the Town of Ponce Inlet Code of Ordinances is hereby amended as follows (note: strikethrough text indicates deletions, underline text indicates additions, ellipses (***) identify text that remains unchanged and that is not reprinted herein):

Section 3.23.2 Home occupation standards.

Home occupations shall comply with the following requirements:

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A. Visitation at the home occupation site is limited to two customers, clients, patients, or students at any one time, and only between the hours of 8:00 a.m. and 10:00 p.m.

B. The following activities are prohibited:

1. Manufacturing, processing or fabrication activities that result in audible noise at the property line;
2. Dust, smoke or vapors the are observable at the property line;
3. Fumes or noxious odors that are observable at the property line;~~or~~
4. Electromagnetic interference detected outside the structure in which the home occupation is located; or
5. Cannabis farms, medical marijuana dispensaries, or non-medical marijuana sales.

C. No employees shall be engaged in the home occupation except members of the household residing in the dwelling unit in which the home occupation is conducted.

D. All business activity shall be conducted entirely within the dwelling unit, including instructing, consulting, sales, storage, servicing, assembling, manufacturing, and fabricating.

E. No change in the outward appearance of the premises on which the home occupation is located is permitted that would indicate the premises is anything but a residence.

F. Home occupation signs are permitted in accordance with subsection 3.30.6.B. No outside advertising is permitted on the premises or elsewhere when it can be reasonably construed that such advertising is designed to attract customers to the premises.

SECTION 5. CODIFICATION. It is the intent of the Town Council of the Town of Ponce Inlet that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

SECTION 6. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

