

1 Introduced by Council Member Clark:

2
3 ORDINANCE 2015-436

4 AN ORDINANCE ESTABLISHING A TEMPORARY
5 MORATORIUM (180 DAYS) ON THE ISSUANCE OF ANY
6 DEVELOPMENT ORDER FOR, OR THE ALLOWANCE OF,
7 THE GROWING, PROCESSING OR DISPENSING OF LOW-
8 THC CANNABIS, ALSO KNOWN AS MEDICAL MARIJUANA;
9 REQUESTING ONE CYCLE EMERGENCY PASSAGE;
10 PROVIDING AN EFFECTIVE DATE.

11
12 WHEREAS, in 2014, the Florida Legislature enacted Section
13 381.986, F.S. ("Compassionate use of low-THC cannabis"), known as
14 the "Compassionate Medical Cannabis Act of 2014" ("the Act"); and

15 WHEREAS, the Act allows the use of low-THC cannabis by
16 qualified patients for medical use when ordered by a Florida
17 physician; and

18 WHEREAS, the Act authorized licensed physicians to order low-
19 THC cannabis beginning January 1, 2015, for qualified patients
20 under specified conditions, primarily those suffering from cancer
21 or severe and persistent seizures and muscle spasms; and

22 WHEREAS, the Act charged the Florida Department of Health
23 ("the Department") with the responsibility of implementing the law
24 including the establishment of a compassionate-use registry by
25 January 1, 2015, the establishment of an Office of Compassionate
26 Use, requiring the Department to work with the state university
27 system to bring FDA-approved investigational new drugs for the
28 treatment of refractory epilepsy to Florida, and to establish five
29 "dispensing organizations" to grow, process, and dispense low-THC
30 cannabis to qualified Florida patients; and

1 WHEREAS, a "dispensing organization" is defined in Sec.
2 381.986(1)(a), F.S. as "an organization approve by the department
3 to cultivate, process, and dispense low THC cannabis pursuant to
4 this section."; and

5 WHEREAS, in order to assure statewide accessibility, the Act
6 directed that the five dispensing organizations be located, one in
7 each of the following regions: northwest Florida, northeast
8 Florida, central Florida, southeast Florida, and southwest Florida;
9 and

10 WHEREAS, the Act required qualifications of the dispensing
11 organizations such as holding a valid certificate of registration
12 from the Department of Agriculture and Consumer Services for the
13 cultivation of more than 400,000 plants, having been in the nursery
14 business in Florida for over 30 years, the ability to maintain
15 accountability of all raw materials, finished products and by-
16 products to prevent diversion or unlawful access to or possession
17 of the substances, posting a \$5 million performance bond, passing
18 background tests, and employing a licensed physician as a medical
19 director to supervise the activities of the dispensing
20 organization; and

21 WHEREAS, the Department began rulemaking immediately after the
22 legislative session to establish a regulatory structure for
23 approving the five dispensing organizations; and

24 WHEREAS, a robust regulatory scheme was needed because among
25 other things, cannabis remains illegal under federal law, and the
26 passage of the Act fundamentally altered the partnership between
27 the federal law enforcement agencies and state and local law
28 enforcement agencies; and

29 WHEREAS, during rulemaking, provisions of the proposed rule
30 (Rule 64-4.001, et. seq., Florida Administrative Code) ("the Rule")

1 were challenged by several nurseries that had operated for over 30
2 years, as well as the Florida Medical Cannabis Association; and

3 WHEREAS, the rule challenge halted the progress in
4 implementing the Rule, but the challenge has now been resolved in
5 favor of the Department opening the opportunity for a dispensing
6 organization to become authorized and located in northeast Florida;
7 and

8 WHEREAS, the Council finds that there is a legitimate public
9 purpose in imposing a moratorium on the locating a dispensing
10 organization within the City, whether that organization cultivates,
11 processes or dispenses low-THC cannabis, as there are no
12 regulations or development standards currently in place regarding
13 this use; and

14 WHEREAS, the uncontrolled siting of dispensing organizations
15 would pose serious adverse effects and cause irreparable harm to
16 the public health, safety and welfare of the City of Jacksonville;
17 and

18 WHEREAS, the City's current laws and regulations governing the
19 siting and construction of businesses that could qualify as
20 dispensing organizations under the Act do not adequately address
21 the potential social, scientific, economic, infrastructure, health
22 and related impacts associated with the use and likely to be
23 proposed for location within the City of Jacksonville; and

24 WHEREAS, the Department of Health is still working toward
25 implementing the Rule; and

26 WHEREAS, during this time the Council finds that there is a
27 need to restrict the location and construction of dispensing
28 organizations within the City of Jacksonville to enable the City to
29 fully study this issue and review appropriate legislation to
30 address the increasing public concern about the potential location

1 of dispensing facilities within the City of Jacksonville; now,
2 therefore,

3 **BE IT ORDAINED** by the Council of the City of Jacksonville:

4 **Section 1. Findings and Statement of Intent.**

5 (a) The above recitals are hereby adopted as the Council's
6 Findings of Fact; and

7 (b) It is the intent of the Council to undertake an in-depth
8 review of the City's current laws governing the siting and
9 construction of any type of dispensing organization and to propose
10 comprehensive revisions to same.

11 **Section 2. Temporary Moratorium Imposed.** The Council
12 hereby imposes a temporary moratorium on the issuance of any
13 permits authorizing the construction or siting of any dispensing
14 organization, or the operation or use of a facility that could be
15 defined as a "dispensing organization." This includes entities
16 that desire to add any facet of this operation to an existing
17 business or location. This moratorium is imposed pursuant to the
18 Council's police powers to protect the public health, safety and
19 welfare of the community at large.

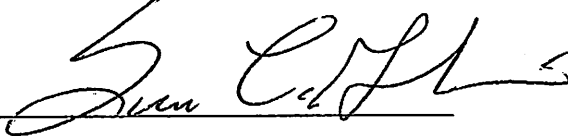
20 **Section 3. Duration of Moratorium.** This moratorium shall
21 remain in effect for 180 days from the effective date of this
22 Ordinance or until such time as repealed by the Council, whichever
23 occurs first.

24 **Section 4. Requesting one cycle emergency passage**
25 **pursuant to Council Rule 4.901 Emergency.** A one cycle emergency
26 passage is requested due to the July 1, 2015 date upon which an
27 entity may apply to the state for the right to become a dispensing
28 organization, and may begin the cultivation, processing or
29 distribution of low-THC cannabis. Absent bill passage prior to
30 that date, the City will have no means to impose a moratorium

1 regarding development standards on entities already in the pipeline
2 for state approval.

3 **Section 5. Effective Date.** This ordinance shall become
4 effective upon signature by the Mayor or upon becoming effective
5 without the Mayor's signature.

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7 Form Approved:

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10 Office of General Counsel

11 Legislation prepared by Susan C. Grandin

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