

## ORDINANCE NO. 115

AN ORDINANCE OF THE VILLAGE OF GOLF, FLORIDA, ESTABLISHING A MORATORIUM ON THE APPROVAL OR ISSUANCE OF ANY NEW BUSINESS TAX RECEIPTS, LICENSES OR PERMITS FOR ANY USES THAT INVOLVE THE CULTIVATION, PROCESSING AND DISPENSING OF MEDICAL MARIJUANA; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166 of the Florida Statutes, the Village of Golf is authorized and required to protect the public health, safety and welfare of its citizens and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

**WHEREAS**, in the 2014 Legislative Session, the Florida Legislature enacted Chapter 2014-157, *Laws of Florida*, set forth at Sec. 381.986, F.S. and cited as the "Compassionate Medical Cannabis Act of 2014, a/k/a "Charlotte's Web" legislation, which permitted prescription of medical marijuana in very limited circumstances, and provided for a limit of five (5) "Dispensing organizations" in the state; and,

**WHEREAS**, in the 2016 Legislative Session, the Florida Legislature entirely amended Sec. 381.986, F.S. concerning the Compassionate use of Low-THC cannabis which revises requirements for dispensing organizations and exempting such organizations from the Florida Drug and Cosmetic Act; and

**WHEREAS**, a statewide referendum to amend the Florida Constitution to legalize a broader use of medical marijuana to treat a wider class of individuals with debilitating medical conditions, Constitutional Amendment 2, is scheduled for November 8, 2016; and,

**WHEREAS**, the proposed Constitutional Amendment 2 does not provide information on how medical marijuana prescribed pursuant to its provisions will be cultivated, processed and dispensed but rather requires the Florida Department of Health ("DOH") to promulgate implementing regulations and register treatment centers and issue identification cards to qualifying patients but does not immunize violations of federal law or any non-medical use, possession or production of marijuana; and,

**WHEREAS**, given the historical legal prohibitions on marijuana, along with the federal marijuana enforcement mandates pursuant to the Controlled Substances Act (CSA), the Village has never had the need to

review the potential implications for the Village of uses that would include the production and/or distribution of marijuana under either Florida's proposed Constitutional Amendment 2, or the very recently amended Charlotte's Web legislation; and,

**WHEREAS**, should the proposed Constitutional Amendment 2 be approved, the DOH will be required to adopt implementing regulations within six (6) months of the adoption and such regulations may pre-empt any local regulations that have been promulgated concerning medical marijuana; and,

**WHEREAS**, in addition to the need for state laws and regulations, the Village will need to review its permitted uses and any required permits which might involve the cultivation, processing and dispensing of medical marijuana within the context of the Village's Land Development Regulations and Business Tax Receipt ordinances; and the scope and content of such review will be dictated by adopted state legislation and rules promulgated by the DOH in the near future under the proposed Constitutional Amendment 2; and,

**WHEREAS**, based upon the above facts, the Village Council deems it necessary and to be in the best interests of the health, safety, and welfare of the citizens and residents of the Village of Golf, to impose a moratorium on the approval of any new applications or the issuance of any new business tax receipts in conformance with Ordinance No. 113, a/k/a "Village of Golf Business Tax Receipt Ordinance", for uses that may involve the cultivation, processing and dispensing of medical marijuana, either by "dispensing organizations" as defined by Sec. 381.986, F.S. or "medical marijuana treatment centers defined in Amendment 2 until September 20, 2017; and;

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA THAT:**

**Section 1.** The foregoing "**WHEREAS**" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance. These clauses represent the legislative findings of the Village Council. It is the purpose and intent of this Ordinance to promote the health, safety and welfare of the residents of the Village of Golf.

**Section 2. Moratorium Declared.** The Village Council of the Village of Golf hereby declares a moratorium shall be immediately imposed on the approval of any applications or the issuance of any new business tax receipts for uses that involve the cultivation, processing and dispensing of medical marijuana until September 20,

2017. This moratorium is not intended to impair the practice of medicine by duly licensed physicians and shall not be interpreted inconsistent with any state preemptions. During the term of the moratorium, the Village shall not accept or review any applications for licenses or permits for uses that include medical marijuana. The moratorium may be extended by the Village Council by subsequent ordinance should additional time be needed by the Village for the adoption of appropriate land development regulations once all state laws and regulations have been adopted and are affective.

**Section 3. Severability.** If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

**Section 4. Conflicts.** All ordinances or parts of ordinances, resolutions or part of resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

**Section 7. Effective Date.** This ordinance shall take effect immediately upon its passage.

FIRST READING this 12<sup>th</sup> day of September, 2016.

SECOND, FINAL READING AND PASSAGE this 20<sup>th</sup> day of September, 2016.

VILLAGE OF GOLF

\_\_\_\_\_  
Aye                      Nay

✓  
\_\_\_\_\_  
Aye                      Nay

✓  
\_\_\_\_\_  
Aye                      Nay

\_\_\_\_\_  
Aye                      Nay

✓  
\_\_\_\_\_  
Aye                      Nay

ATTEST:

\_\_\_\_\_  
Mayor Thomas E. Lynch


\_\_\_\_\_  
Vice Mayor J. Marshall Duane, III.

\_\_\_\_\_  
Councilmember Michael E. Botos

\_\_\_\_\_  
Councilmember Robert C. Buchanan

\_\_\_\_\_  
Councilmember Winstone Windle

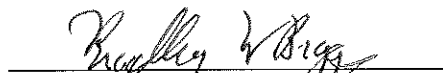
(SEAL)



---

Donn M. Lynn, Village Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY



---

Bradley W. Biggs, Village Attorney