

FRANKLIN COUNTY ORDINANCE 2017-01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, FLORIDA, ESTABLISHING A TEMPORARY NINE MONTH MORATORIUM WITHIN THE UNINCORPORATED AREAS OF FRANKLIN COUNTY PROHIBITING THE ESTABLISHMENT AND OPERATION OF QUALIFIED DISPENSING FACILITIES FOR LOW-THC AND MEDICAL CANNABIS AND MEDICAL MARIJUANA TREATMENT CENTERS FOR MARIJUANA FOR MEDICAL PURPOSES DURING THE NINE MONTH MORATORIUM PERIOD; PROVIDING FOR FINDINGS; PROVIDING FOR SERVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in 2014, the Florida Legislature passed the Compassionate Medical Cannabis Act of 2014 legalizing the cultivation, processing and dispensing of low-THC cannabis by qualified organizations to qualified patients; and,

WHEREAS, in 2016, the Florida Legislature amended the Compassionate Medical Cannabis Act of 2014, legalizing the cultivation, processing and dispensing of medical cannabis and derived products by qualified dispensing organizations to eligible patients; and,

WHEREAS, Constitutional Amendment Number Two entitled "Use of Marijuana for Debilitating Medical Conditions" was on the November 8, 2016, ballot and was approved by the voters with a margin of 71.3% in favor of the amendment and 28.7% opposed, and became effective January 3, 2017; and,

WHEREAS, Constitutional Amendment Number Two provides for facilities for the medical use of marijuana, to be known as Medical Marijuana Treatment Centers ("MMTCs"); and

WHEREAS, Constitutional Amendment Number Two provides that the Department of Health is to promulgate rules within six months after the effective date of the Amendment that provide, among other things, for the registration of MMTCs no later than nine months after the effective date of the Amendment; and,

WHEREAS, future constitutional amendments and legislation may further expand the legal use of low-THC and medical cannabis and marijuana for medical purposes in Florida; and,

WHEREAS, the Board of County Commissioners desires to study the impacts of qualified dispensing organizations for dispensing low-THC and medical cannabis and MMTCs for dispensing marijuana for medical purposes; and,

WHEREAS, the Board of County Commissioners intends, as part of its study, to provide regulatory guidance for the establishment and operation of qualified dispensing organizations for dispensing low-THC and medical cannabis and MMTCs for dispensing marijuana for medical purposes within the unincorporated area of Franklin County, Florida; and,

WHEREAS, the Board of County Commissioners finds that enacting this temporary moratorium is appropriate to protect the health, safety and general welfare of its citizens.

NOW THEREFORE, be it ordained by the Board of County Commissioners of Franklin County, Florida, on the 7th day of February, 2017, as follows:

SECTION ONE. FINDINGS. The above recitals are incorporated herein as Findings of Fact.

SECTION TWO. MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF QUALIFIED DISPENSING ORGANIZATIONS FOR DISPENSING LOW-THC AND MEDICAL CANNABIS AND MEDICAL MARIJUANA TREATMENT CENTERS (“MMTCs”) FOR DISPENSING MARIJUANA FOR MEDICAL PURPOSES the Board of County Commissioners of Franklin County, Florida declares and enacts:

1. A temporary nine month moratorium is in effect prohibiting the acceptance, processing or approval of any application, including any application for a business tax receipt, within the unincorporated area of Franklin County, Florida relating to the establishment or operation of qualified dispensing organizations for dispensing low-THC and medical cannabis and Medical Marijuana Treatment Centers (“MMTCs”) for dispensing marijuana for medical purposes from the effective date of this ordinance until November 7, 2017, or until appropriate land development regulations become effective, whichever occurs first.
2. During the moratorium, County staff shall study the establishment and operation of qualified dispensing organizations for dispensing low-THC and medical cannabis and Medical Marijuana Treatment Centers (“MMTCs”) for dispensing marijuana for medical purposes.
3. County staff shall report their findings to the Board of County Commissioners, together with any ordinance for the Board’s consideration, prior to the expiration of the temporary moratorium period.
4. If County staff requires additional time to complete the study and provide its recommendations to the Board, the Board may consider extending the moratorium period through a subsequent ordinance providing the justification for the extension, with the extension of the moratorium subject solely to the Board’s discretion provided however that the moratorium shall not be unnecessarily extended so as to prevent the establishment or operation of qualified dispensing organizations for dispensing low-THC and medical cannabis and Medical Marijuana Treatment Centers (“MMTCs”) for dispensing marijuana for medical purposes within the unincorporated area of Franklin County, Florida.

SECTION THREE. 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 FOUR. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION FIVE. EFFECTIVE DATE. This ordinance shall become effective as provided for by law.

Ordained on this the 7th day of February, 2017.

FRANKLIN COUNTY, a political
subdivision of the State of Florida.

By: Joseph A. Parrish
Joseph A. Parrish, Its Chairman

ATTEST

By: Marcia M. Johnson
Marcia M. Johnson, Clerk

Approved as to form and content

By: Thomas M. Shuler
Thomas M. Shuler, County Attorney

