

ORDINANCE NO. 543

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA AMENDING ORDINANCE 529 BY EXTENDING THE TEMPORARY MORATORIUM ON THE OPERATION OF MEDICAL MARIJUANA TREATMENT CENTERS AND LICENSED DISPENSING ORGANIZATIONS WITHIN THE CITY OF PORT ST. JOE FOR AN ADDITIONAL PERIOD OF TWELVE (12) MONTHS UNLESS RESCINDED OR EXTENDED BY A SUBSEQUENT ORDINANCE, OR BY A SUBSEQUENT AMENDMENT TO THE CITY'S LAND DEVELOPMENT REGULATIONS REGARDING THE REGULATION OF MARIJUANA TREATMENT CENTERS AND LICENSED DISPENSING ORGANIZATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN IMMEDIATE EFFECTIVE DATE.

**WHEREAS**, on November 8, 2016, Florida voters passed an amendment to the Florida Constitution, titled "Use of Marijuana for Debilitating Medical Conditions" ("Amendment 2"); and

**WHEREAS**, Amendment 2 legalizes the medical use of marijuana and/or cannabis ("marijuana") throughout the State of Florida for individuals with debilitating medical conditions as determined by a licensed Florida physician and authorize the registration and regulation of centers that acquire, produce and distribute marijuana for medical purposes; and

**WHEREAS**, Florida Statutes, Section 381.986, titled the "Compassionate use of local-THC and medical cannabis," authorizes qualified physicians to order low-THC cannabis or medical cannabis for qualified patients diagnosed with certain conditions; and

**WHEREAS**, the Florida Department of Health’s Office of Compassionate Use has recently been established and charged with overseeing the regulatory infrastructure for medical cannabis in the state; and

**WHEREAS**, due to the historic and longstanding legal prohibition of marijuana prior to enactment of Florida Statutes, Section 381.986 and the passing of Amendment 2, the land development regulations of the City of Port St. Joe (“the City”) do not address the use of real property for purposes of cultivating, processing, distributing or selling medical marijuana, low-THC cannabis or related activities, and such uses of real property have historically not existed within the City; and

**WHEREAS**, in order to promote effective and responsible land use planning within the City, the City Commission wishes to allow for sufficient time to research, study and analyze the potential impact of Medical Marijuana Treatment Centers or approved Dispensing Organizations upon adjacent uses and the surrounding areas, traffic, congestion, surrounding property values, demand for City services and other aspects of the public safety and welfare; and

**WHEREAS**, the City Commission finds that a temporary moratorium on the operation of Medical Marijuana Treatment Centers and approved Dispensing Organizations will allow the City a sufficient period of time to determine what uses are best suited to particular zoning categories and how best to formulate land development regulations that appropriately govern the use of real property for purposes of cultivation, processing, distributing or selling marijuana or related activities; now therefore,

**BE IT ORDAINED** by the City Commission of Port St. Joe that:

Section 1. Moratorium Extended. The temporary moratorium is hereby extended on the operation of Medical Marijuana Treatment Centers and Licensed Dispensing

Organizations within the City of Port St. Joe for twelve (12) months. While the temporary moratorium is in effect, the City shall not accept, process or approve any application relating to the operation of a Medical Marijuana Treatment Center or Licensed Dispensing Organization. Nothing in this temporary moratorium shall be construed to prohibit the medical use of marijuana or low-THC cannabis by a qualifying patient, as determined by a licensed Florida physician, pursuant to Amendment 2, Florida Statutes, Section 381.986 or other Florida law.

Section 2. Definitions. For purposes of the temporary moratorium:

A) “Medical Marijuana Treatment Center” means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers and is registered by the Florida Department of Health.

B) “Licensed Dispensing Organization” means an organization approved by the Florida Department of Health’s Office of Compassionate Use to cultivate, process and dispense low-THC cannabis and medical cannabis pursuant to Florida Statutes, Section 381.986 or Amendment 2.

Section 3. Conflicts. In the event that the provisions of this Ordinance are in conflict with any other ordinance, then the provisions of this Ordinance shall prevail.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its adoption. The temporary moratorium enacted by this Ordinance shall terminate twelve

(12) months from the effective date of this Ordinance, unless rescinded or extended by subsequent ordinance or by an amendment to the City's Land Development Regulations addressing the use of real property for purposes of cultivating, processing, distributing or selling medical marijuana, low-THC cannabis or related activities.

Passed on first reading this 19<sup>th</sup> day of September, 2017.

Passed on second reading this 3<sup>rd</sup> day of October, 2017.

  
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JAMES "BO" PATTERSON  
MAYOR

ATTEST:

  
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CHARLOTTE M. PIERCE  
CITY CLERK