

ORDINANCE NO. 2017-8

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM FOR A PERIOD OF UP TO TWELVE (12) MONTHS WITHIN THE UNINCORPORATED AREAS OF ST. JOHNS 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 UP TO TWELVE MONTH MORATORIUM PERIOD; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; 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 dispensing 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 No. 2 was approved by the voters of the State of Florida on November 8, 2016 by a margin of 71.3% in favor of the amendment to 28.7% opposed and became effective on January 3, 2017; and

WHEREAS, Constitutional Amendment No. 2 was approved by the voters of St. Johns County, Florida on November 8, 2016 by a margin of 98,312 votes (72.73%) in favor of the amendment to 36,856 (27.27%) opposed; and

WHEREAS, Constitutional Amendment No. 2 provides for facilities for the medical use of marijuana to be known as Medical Marijuana Treatment Centers (MMTCs); and

WHEREAS, Constitutional Amendment No. 2 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 organization for

dispensing low-THC and medical cannabis and MMTCs for dispensing marijuana for medical purposes within the unincorporated areas of St. Johns County; and

WHEREAS, two public hearings as required by Section 125.66(4)(b), Florida Statutes, have been advertised and held; and

WHEREAS, the Planning and Zoning Agency, as the local planning agency, has made a recommendation of consistency with the St. Johns County Comprehensive Plan as required by Section 163.3174(4)(c), Florida Statutes; 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.

BE IT ORDAINED by the Board of County Commissioners of St. Johns County Florida on this 31st day of March, 2017 as follows:

Section 1. Findings. The above recitals are incorporated herein as Findings of Fact.

Section 2. 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 declares and enacts:

- a. A temporary moratorium for a period of twelve (12) months is in effect prohibiting the acceptance, processing, or approval of any application, including any application for a business tax receipt or occupational license, within the unincorporated area of St. Johns County 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 twelve months from the effective date of approval or until appropriate land development regulations become effective, whichever occurs first;
- b. 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;
- c. County staff shall report its 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; and
- d. 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 organization for dispensing low-THC and medical cannabis and Medical Marijuana Treatment Centers (MMTCs) for dispensing marijuana for medical purposes within the unincorporated area of St. Johns County; and

- e. The Board may repeal this temporary moratorium through a subsequent ordinance or subsequent resolution at any time prior to expiration of the moratorium.

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. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. Effective Date. This Ordinance shall become effective as provided for by law.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 21 DAY OF March 2017.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

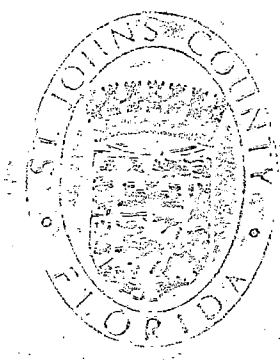
BY: [Signature]
James K. Johns, Chair

RENDITION DATE March 23, 2017

ATTEST: Hunter S. Conrad, Clerk

BY: [Signature]
Deputy Clerk

Effective Date: March 24, 2017



THE ST. AUGUSTINE RECORD

MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW
SAINT AUGUSTINE FL 32084

Ref.:#
P.O.#:

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **JAMIE WILLIAMS**

who on oath says that he/she is an Employee of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement being a

In the matter of **MMTC ORDINANCE NOTICE OF PUBLIC HEARING -**
was published in said newspaper on **02/27/2017**

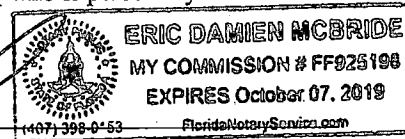
Affiant further says that the St. Augustine Record is a newspaper published
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper
heretofore has been continuously published in said St. Johns County, Florida,
each day and has been entered as second class mail matter at the post office in the
City of St. Augustine, in said St. Johns County, for a period of one year preceding
the first publication of the copy of advertisement; and affiant further says that
he/she has neither paid nor promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing the advertisement for
publication in the said newspaper.

Sworn to and subscribed before me this _____ day of **FEB 27 2017**

by Jamie Williams
or who has produced as identification

who is personally known to me

[Signature]



(Signature of Notary Public)

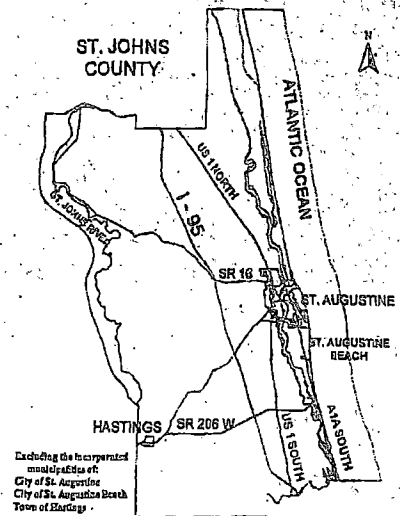
(Seal)

**NOTICE OF PUBLIC HEARINGS
OF THE ST. JOHNS COUNTY
BOARD OF COUNTY
COMMISSIONERS AND
PLANNING & ZONING AGENCY
ON ESTABLISHMENT OF
ORDINANCE/REGULATIONS
AFFECTING THE USE OF LAND**

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing to consider adoption of the following proposed ordinance at a regular meeting on Tuesday, March 7, 2017, at 9:00 a.m., and at a regular meeting of the Planning & Zoning Agency on Thursday, March 16, 2017, at 1:30 p.m., in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM FOR A PERIOD OF UP TO TWELVE (12) MONTHS WITHIN THE UNINCORPORATED AREAS OF ST. JOHNS 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 UP TO TWELVE MONTH MORATORIUM PERIOD; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, and may be examined by parties interested prior to the said public hearings. Please take note that the proposed ordinance is subject to revision prior to the hearing or adoption. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearings.



If a person decides to appeal any decision made with respect to any matter considered at the hearings, such person will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact the ADA Coordinator at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida 32084. For hearing impaired individuals: Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the meetings.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
HUNTER S. CONRAD, ITS CLERK
By: Yvonne King, Deputy Clerk
1002275931 February 27, 2017

MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW
SAINT AUGUSTINE FL 32084

Ref. #:
P.O. #:

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ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **JAMIE WILLIAMS**

who on oath says that he/she is an Employee of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement being a

In the matter of **MMTC MORATORIUM ORDINANCE -**

was published in said newspaper on **03/13/2017**

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this _____ day of **MAR 13 2017**

by Jamie Williams who is personally known to me
or who has produced as identification

[Signature]



(Signature of Notary Public)

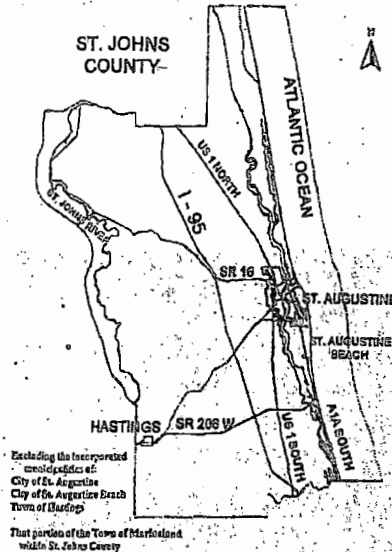
(Seal)

NOTICE OF PUBLIC HEARINGS OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND PLANNING & ZONING AGENCY ON ESTABLISHMENT OF ORDINANCE/REGULATIONS AFFECTING THE USE OF LAND

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing to consider adoption of the following proposed ordinance at a regular meeting on Tuesday, March 21, 2017, at 9:00 a.m., in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida:

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BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
HUNTER S. CONRAD, ITS CLERK
By: Yvonne King, Deputy Clerk
1002294646 March 13, 2017



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 24, 2017

FILED March 24, 2017
ST. JOHNS COUNTY
CLERK OF COURT

Honorable Hunter S. Conrad
Clerk of Court
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

BY: Ivonne King
DEPUTY CLERK

Attention: Ms. Yvonne King

Dear Mr. Conrad:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns Ordinance No. 2017-8, which was filed in this office on March 24, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb