



## Kevin Madok, CPA

Clerk of the Circuit Court & Comptroller – Monroe County, Florida

August 2, 2017

Department of State  
Administrative Code & Register  
500 S Bronough Street  
Tallahassee FL 32399-0250

To Whom It May Concern,

Attached is an electronic copy of Ordinance No. 010-2017 to defer the acceptance and approval of new applications for the establishment of medical marijuana dispensing facilities commencing February 15, 2017, until such time as a Comprehensive Plan and Land Development Code amendment process is completed regarding medical marijuana dispensing facilities and providing for expiration within 365 days of the effective date of the interim development Ordinance or when the Comprehensive Plan and Land Development Code amendments become effective, whichever comes first; providing for severability; providing for transmittal to the State Land Planning Agency and the Secretary of State; providing for an effective date.

This Ordinance was adopted by the Monroe County Board of County Commissioners at a regular meeting, held in formal session, on July 19, 2017. Should you have any questions, please feel free to contact me at (305) 295-3130.

Respectfully Submitted,

Kevin Madok, CPA, Clerk of  
the Circuit Court & Comptroller &  
ex-officio to the Monroe County  
Board of County Commissioners

*by: Pamela G. Hancock, D.C.*

cc: Growth Management  
County Attorney  
BOCC  
File

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KEY WEST  
500 Whitehead Street  
Key West, Florida 33040  
305-294-4641

MARATHON  
3117 Overseas Highway  
Marathon, Florida 33050  
305-289-6027

PLANTATION KEY  
88820 Overseas Highway  
Plantation Key, Florida 33070  
305-852-7145

PK/ROTH BUILDING  
50 High Point Road  
Plantation Key, Florida 33070  
305-852-7145



**MONROE COUNTY, FLORIDA  
ORDINANCE 010 -2017**

**AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TO DEFER THE ACCEPTANCE AND APPROVAL OF NEW APPLICATIONS FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSING FACILITIES COMMENCING FEBRUARY 15, 2017, UNTIL SUCH TIME AS A COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AMENDMENT PROCESS IS COMPLETED REGARDING MEDICAL MARIJUANA DISPENSING FACILITIES AND PROVIDING FOR EXPIRATION WITHIN 365 DAYS OF THE EFFECTIVE DATE OF THIS INTERIM DEVELOPMENT ORDINANCE OR WHEN THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AMENDMENTS BECOME EFFECTIVE, WHICHEVER COMES FIRST; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the Monroe County Board of County Commissioners adopted Resolution 047-2017, at a regular meeting on February 15, 2017 in Key West, Florida, directed staff to process an ordinance to impose a temporary moratorium deferring the approval of new private applications for the establishment of medical marijuana dispensing facilities commencing February 15, 2017; and

**WHEREAS**, pursuant to Article 8 of the Florida Constitution and Section 125.66, Florida Statutes, Monroe County possesses the police powers to enact Resolutions in order to protect the health, safety, and welfare of the County's citizens; and

**WHEREAS**, the Monroe County Board of County Commissioners determines that it is in the best interest of its residents, businesses and visitors to enact sufficient zoning regulations to ensure their health, safety and welfare; and

**WHEREAS**, medical marijuana dispensing facilities are a new and unique use which is not currently addressed by the County Land Development Code or the Comprehensive Plan; and

**WHEREAS**, Amendment 2 to the Florida Constitution, and the expanded qualifying medical conditions, became effective on January 3, 2017; and

**WHEREAS**, Amendment 2 requires the Florida Department of Health to: issue regulations for implementation of the amendment within 6 months (July 3, 2017); and

**WHEREAS**, Florida Department of Health rulemaking is ongoing and several statutory amendments are under review in the current Legislative Session; and

**WHEREAS**, Section 381.986(8)(b), F.S., permits counties to “determine by ordinance the criteria for the number, location, and other permitting requirements that do not conflict with state law or department rule for all dispensing facilities of dispensing organizations located within the unincorporated areas of that county” and

**WHEREAS**, a temporary moratorium on the acceptance and approval of applications for the processing of, and the issuance of development permits, development orders or any other official action of Monroe County permitting or having the effect of permitting new medical marijuana dispensing facilities will allow time to review, study, hold public hearings, and prepare and adopt an amendment or amendments to the Land Development Code and the Comprehensive Plan to address this new and unique use: and

**WHEREAS**, adoption an ordinance addressing the interim time period between the current adopted comprehensive plan and land development code and the adoption of any new amendment(s) [new definitions and/or other code requirements] is necessary to ensure that any requirements are fully evaluated to ensure public health, safety, and welfare of the citizens of unincorporated Monroe County, including the provision of public participation in the planning process;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY:**

**Section 1. Moratorium Imposed.** Monroe County Planning and Environmental Resource Department shall defer the approval of new applications for the establishment of medical marijuana dispensing facilities commencing February 15, 2017. Providing for expiration within 365 days of the effective date of an interim development ordinance or when the Comprehensive Plan and Land Development Code amendments become effective, whichever comes first.

**Section 2. Term.** The moratorium imposed by this Ordinance is temporary and, unless dissolved earlier by the Board of County Commissioners, shall automatically dissolve upon the adoption of Comprehensive Plan and Land Development Code amendments. In no event, however, shall the moratorium imposed by this Ordinance extend beyond 365 days from the effective date of this ordinance.

**Section 3. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Transmittal.** This ordinance shall be transmitted to the Florida State Land Planning Agency as required by F.S. 380.05(11) and F.S. 380.0552(9).

**Section 5. Filing and an Effective Date.** The provisions of this Ordinance constitute a "land development regulation" as State law defines that term. This ordinance shall be filed in the Office of the Secretary of State of Florida, but shall not become effective until a notice is issued by the State Land Planning Agency or Administration Commission finding the amendment in compliance, and if challenged until such challenge is resolved pursuant to Chapter 120, F.S.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 19th day of July, 2017.

Mayor George Neugent	<u>Yes</u>
Mayor <i>Pro Tem</i> David Rice	<u>Yes</u>
Commissioner Danny L. Kolhage	<u>Yes</u>
Commissioner Heather Carruthers	<u>Yes</u>
Commissioner Sylvia Murphy	<u>Yes</u>

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

BY

*George L. Neugent*  
Mayor George Neugent



ATTEST: KEVIN MADOK, CLERK

*Kevin Madok*

DEPUTY CLERK

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:  
*Stev Williams*  
STEVEN T. WILLIAMS  
ASSISTANT COUNTY ATTORNEY  
Date 6/27/17

FILED FOR RECORD  
2017 AUG -2 PM 3:58  
CLK. CIR. CL.  
MONROE COUNTY, FLA