

ORDINANCE NO. 1721-17

AN ORDINANCE OF THE CITY OF ALTAMONTE SPRINGS, FLORIDA, AMENDING ARTICLE II, "CITY BUSINESS PERMITS," OF CHAPTER 19, "LOCAL BUSINESS TAXES AND CITY BUSINESS PERMITS," OF THE ALTAMONTE SPRINGS CODE OF ORDINANCES, BY REPEALING, IN ITS ENTIRETY, SECTION 19-30, "MARIJUANA BUSINESSES,"; PROVIDING FOR CONFLICTS AND REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION INTO THE ALTAMONTE SPRINGS CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the voters of the state of Florida approved proposed Amendment 2 to the Florida Constitution on November 8, 2016, which amendment is codified at Article X, Section 29, Florida Constitution, and which amendment legalized medical marijuana for individuals with specific debilitating diseases or comparable debilitating conditions as determined by a licensed state physician, and required the Florida Department of Health to regulate marijuana production and distribution centers, and issue identification cards to patients and caregivers; and

WHEREAS, the Florida legislature enacted Senate Bill 8A, implementing Amendment 2, which Bill was signed into law by Governor Rick Scott on June 23, 2017 and which became law on July 1, 2017; and

WHEREAS, Senate Bill 8A is codified into the Florida Statutes as Section 381.986, F.S., and it preempts to the state much of the regulation of marijuana for medicinal purposes in the state of Florida; and

WHEREAS, Section 381.986, F.S., as well as Chapter 64-4, Florida Administrative Code, set forth numerous regulations, rules, requirements, obligations, disclosures, standards, and specifications regarding the licensing of medical marijuana treatment centers, the dispensing of marijuana to qualified patients or caregivers and certain locational and site standards for dispensing facilities of medical marijuana treatment centers; and

WHEREAS, the City Commission of the City of Altamonte Springs finds that the state laws and rules governing the dispensing of marijuana for medicinal purposes, and the licensing of medical marijuana treatment centers is comprehensive, and that the need for a business permit for marijuana businesses is redundant to the documentation submitted to the state, and which would be provided to the City as part of a conditional use application to operate a dispensing facility in the City; and

WHEREAS, the City Commission of the City of Altamonte Springs finds that it is appropriate to repeal Section 19-30, City Code of Ordinances in its entirety; and

WHEREAS, the City Commission of the City of Altamonte Springs finds that this ordinance furthers the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ALTAMONTE SPRINGS, as follows:

SECTION ONE: Repeal. Section 9-30, "Marijuana Businesses," of Article II, "City Business Permits," of Chapter 19, "Local Business Taxes and City Business Permits," of the Altamonte Springs Code of Ordinances is hereby repealed in its entirety.

SECTION TWO: Repeal of Conflicting Provisions. Any and all Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION THREE: Severability. If any section, phrase, sentence, portion or provision of this Ordinance or the application thereof to any person or circumstance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION FOUR: Codification in Code. It is the intent of the City Commission, and it is therefore ordained, that the provisions of this Ordinance shall become and be codified as a part of the City Code of Ordinances.

SECTION FIVE: Effective Date. This ordinance shall become effective immediately after passage.

PASSED AND ADOPTED THIS 5th DAY OF December, 2017.

FIRST READING: 11-21-17

ADVERTISED: 11-5-17

SECOND READING: 12-5-17

Pat Bates

PAT BATES, MAYOR
City of Altamonte Springs, Florida

ATTEST:

Angela M. Apperson

ANGELA M. APPERSON, CITY CLERK

Approved as to form and legality
for use and reliance by the City
of Altamonte Springs, Florida

James A. Fowler
JAMES A. FOWLER, ESQ.
CITY ATTORNEY

