



**FLORIDA DEPARTMENT *of* STATE**

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

December 4, 2017

Ms. Paula S. O'Neil  
Clerk and Comptroller  
The East Pasco Governmental Center  
Pasco County  
14236 6<sup>th</sup> Street, Suite 201  
Dade City, Florida 33523

Attention: Ms. Katie McCormick

Dear Ms. O'Neil:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Pasco County Ordinance No. 17-42, which was filed in this office on December 4, 2017.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 17-42

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING ARTICLE 500 ZONING; SECTION 525 C-1, NEIGHBORHOOD COMMERCIAL DISTRICT; SECTION 527 C-3, COMMERCIAL/LIGHT MANUFACTURING DISTRICT; SECTION 528 I-1, LIGHT INDUSTRIAL PARK DISTRICT; SECTION 529 I-2, GENERAL INDUSTRIAL PARK DISTRICT; AMENDING APPENDIX A DEFINITIONS; PROVIDING FOR APPLICABILITY; REPEALER; PROVIDING FOR SEVERABILITY, INCLUSION IN THE PASCO COUNTY LAND DEVELOPMENT CODE, AND AN EFFECTIVE DATE.

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**WHEREAS**, the Board of County Commissioners of Pasco County, Florida, is authorized under Chapters 125, 162, 163, and 380 Florida Statutes, to enact zoning and other land development regulations to protect the health, safety and welfare of the citizens of Pasco County; and

**WHEREAS**, Sections 163.3201, 163.3202, 163.3211 and 163.3213, Florida Statutes, empowers and requires the Board of County Commissioners of Pasco County, Florida, to implement adopted Comprehensive Plans by the adoption of appropriate land development regulations and specifies the scope, content and administrative review procedures for said regulations; and

**WHEREAS**, in 2014, the Florida Legislature enacted Section 381.986, Florida Statutes, known as the "Compassionate Medical Cannabis Act of 2014", which was amended by Chapter 2016-123, adopted by the Florida Legislature in 2016; and

**WHEREAS**, in 2016 the Florida Legislature enacted the "Right to Try Act," codified at Section 499.0295, Florida Statutes. This Act amended the Compassionate Use Act of 2016 and legalized the cultivation, production, and dispensing of "Medical Cannabis" and derivative products by a licensed dispensing organization to certain patients; and

**WHEREAS**, in furtherance of locally implementing Sections 381.986 and 499.0295, Florida Statutes, the Board of County Commissioners adopted Ordinance No. 16-41 on December, 13, 2016, codified in the Pasco County Land Development Code; and

**WHEREAS**, the 2017 Special Legislative Session resulted in the SB 8A, amending and rewriting Section 381.986, Florida Statutes, effective July 1, 2017, which preempts Pasco County Ordinance No. 16-41 but allows for others amendments to the Land Development Code; and

**WHEREAS**, the Board of County Commissioners has determined that it is in the best interests of and would serve to promote and protect the public health, safety and welfare to regulate the location of medical marijuana center dispensing facilities; and

**WHEREAS**, the Board of County Commissioners has conducted duly noticed public hearings as required by law, at which hearings all parties-in-interest and citizens were afforded notice and the opportunity to be heard; and

**WHEREAS**, the Board of County Commissioners hereby finds and declares that this Ordinance is in the best interest of the public health, safety, and welfare, and that it advances a valid and important public purpose.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Pasco County, Florida, as follows:

**SECTION 1. Authority.**

This Ordinance is enacted pursuant to Chapter 125, Florida Statutes (2017) and under the home rule powers of the County.

**SECTION 2. Recitals.**

The Whereas Clauses above are true and accurate and are incorporated by reference and made a part of this Ordinance.

**SECTION 3. Section 525, C-1 Neighborhood Commercial District, is hereby amended as follows.**

A. Principal Uses

1. Retail sales for local or neighborhood needs, to the following limited extent, and when such business is conducted entirely within a building:

b. The sale of books, magazines, newspapers, tobacco, ~~drugs~~, gifts, and stationery.

13. Retail pharmacies and medical marijuana treatment center dispensing facilities. Medical marijuana dispensing facilities shall be located, at a minimum, 500 feet from any existing public or private elementary school, middle school, or secondary school. Measurements shall be made from the nearest property line of the school to the nearest property line of the medical marijuana dispensing facility. If the medical marijuana dispensing facility is located in a multi-tenant building, the distance shall be measured from the nearest property line of the school to the nearest area of the leasehold or other space actually controlled or occupied by the medical marijuana dispensing facility.

**SECTION 4. Section 527, C-3 Commercial/Light Manufacturing District, is hereby amended as follows.**

9. Restaurants, except drive-in and drive-through restaurants.

~~11. Businesses for retail sales conducted entirely within an enclosed structure, such as:~~

~~a. The sale of baked goods and pastries, candy and confectioneries, dairy and ice cream, groceries and meats, fruit and vegetables.~~

~~b. The sale of books, magazines, newspapers, tobacco, drugs, gifts, and stationery.~~

~~c. Eating places, lunchrooms, restaurants and cafeterias, and places for the sale and consumption of soft drinks, juices, and ice cream, but excluding places providing dancing or entertainment.~~

~~d. Service establishments, including barber and beauty shops, custom tailor shops, laundry agencies, self-service laundries, shoe repair, dry cleaning, pressing or tailoring shops, and florist retail outlets in which only nonexplosive and nonflammable solvents and materials are used and where no work is done on the premises for retail outlets elsewhere.~~

**SECTION 5. Section 528, I-1 Light Industrial Park District, is hereby amended as follows.**

528.2 Permitted Uses

20. Manufacturing, compounding, processing, packaging, treatment, and distribution of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food, and kindred products. Retail sales of drugs, pharmaceuticals and medical marijuana treatment center dispensing facilities are prohibited.

**SECTION 6. Section 529, I-2 General Industrial Park District, is hereby amended as follows.**

529.3 Conditional Uses

~~A. Cannabis, Medical Cannabis and Low-THC Cannabis Dispensing Facility as defined in Chapter 50, County Code of Ordinances, provided that:~~

~~1. The hours of operation, including the acceptance of deliveries, are limited to 7:00 am to 9:00 pm, Monday through Sunday.~~

~~2. No dispensing facility shall be located within 1,000 feet from a school, day care, place of worship, park, university, medical office, pharmacy, pain management clinic or alcohol or drug abuse treatment facility. This distance requirement shall be measured from the structure where a dispensing facility would be located to the nearest property line of the uses referenced above.~~

~~3. There shall be a one mile separation between each dispensing~~

facility.

4. ~~The dispensing facility shall be adequately set back and buffered from the boundary of any residentially zoned property.~~
5. ~~Items for sale shall include only those in compliance with Florida Statute for dispensing facilities.~~
6. ~~Exterior signage shall not specifically target individuals under the age of 18. Statements, designs, representations, pictures or illustrations portraying anyone under the age of 18, objects suggestive of the presence of anyone under the age of 18, or the use of a figure, symbol or language that is customarily associated with anyone under the age of 18 is prohibited.~~
7. ~~Dispensing facilities shall provide sufficient waiting and seating areas for all qualified patients, legal representatives and business invitees expected to be in the dispensing facility at the same time. Outdoor seating, queues, or waiting areas are prohibited. The use shall be conducted entirely within a completely enclosed building. Drive-through, drive-up windows or vending machines whether located inside or outside of the facility shall be prohibited.~~
8. ~~Parking shall be at a ratio of (1) space per 300 square feet of the dispensing facility. The County Administrator or designee may require the applicant to submit a parking analysis if the County has concerns as to safety, sufficiency, or configuration of available vehicle parking based on the unique circumstances of the site.~~
9. ~~Dispensing facilities shall submit a proposed safety plan for review and approval by the Pasco County Sheriff's Office. The dispensing facility shall agree to allow Sheriff's Office personnel access to the facility for the purposes of monitoring compliance with the safety plan, including inspection of records during regular business hours.~~
10. ~~The dispensing facility complies with Chapter 50 of the Code of Ordinances, as amended.~~
11. ~~The BCC may apply more stringent standards than those hereinabove based upon the location and unique characteristics of the subject site.~~

**SECTION 7. Appendix A, Definitions, of the Land Development Code is amended as follows:**

~~“Cannabis delivery device” means an object used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing low-THC cannabis or medical cannabis into the human body.~~

~~“Dispensing Facility” means a retail establishment, licensed by the Florida Department of Health as a “medical marijuana treatment facility”, “medical marijuana treatment center”, “dispensing organization”, “dispensing organization facility” or similar use, that sells and dispenses medical marijuana, but does not engage in any other activity related to preparation, wholesale storage, distribution, transfer, cultivation, or processing of any form of Marijuana or Marijuana product, and does not allow on-site consumption of Marijuana.~~

~~“Legal representative” means the qualified patient’s parent, legal guardian acting pursuant to court’s authorization as required under Section 744.3215(4) Florida Statutes, healthcare surrogate acting pursuant to the qualified patient’s written consent or a court’s authorization as required under Section 765.113 Florida Statutes, or an individual who is authorized under a power of attorney to make healthcare decisions on behalf of the qualified patient.~~

~~“Low-THC cannabis” means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.~~

~~“Medical cannabis” means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical use by an eligible patient as defined in Section 499.0295 Florida Statutes.~~

~~“Medical use” means administration of the ordered amount of low-THC cannabis or medical cannabis. The term does not include the:~~

~~1. Possession, use, or administration of low-THC cannabis or medical cannabis by smoking.~~

~~2. The term also does not include the Transfer of low-THC cannabis or medical cannabis to a person other than the qualified patient for whom it was ordered or the qualified patient's legal representative on behalf of the qualified patient.~~

~~3. Use or administration of low-THC cannabis or medical cannabis:~~

~~a. On any form of public transportation.~~

~~b. In any public place.~~

~~c. In a qualified patient's place of employment, if restricted by his or her employer.~~

~~d. In a state correctional institution as defined in Section 944.02 Florida Statutes or a correctional institution as defined in Section 944.241 Florida Statutes.~~

~~e. On the grounds of a preschool, primary school, or secondary school.~~

~~f. On a school bus or in a vehicle, aircraft, or motorboat.~~

~~"Qualified patient" means a resident of this state who has been added to the compassionate use registry by a physician licensed under Chapter 458 Florida Statutes or Chapter 459 Florida Statutes to receive low-THC cannabis or medical cannabis from a dispensing organization.~~

~~"Smoking" means burning or igniting a substance and inhaling the smoke. Smoking does not include the use of a vaporizer.~~

~~"Medical Marijuana Treatment Center Dispensing Facility" means the retail sales component of a Medical Marijuana Treatment Center that has been licensed by the Florida Department of Health Office of Medical Marijuana Use pursuant to Section 381.986, Florida Statutes and is authorized by the State to dispense marijuana, but does not include the cultivation, processing or distribution facilities of the Medical Marijuana Treatment Center.~~

**SECTION 8. Effective Date.**

This Ordinance shall be transmitted to the Department of State by the Clerk to the Board by electronic mail within ten (10) days after adoption of this Ordinance, and this Ordinance shall take effect upon confirmation by the Department of State of its receipt.

ADOPTED with a quorum present and voting this 28<sup>th</sup> day of November, 2017.

BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

ATTEST:

BY:  \_\_\_\_\_

Paula S. O'Neil, Ph.D.  
Clerk & Comptroller

BY:  \_\_\_\_\_

Chairman