



City of Alachua

Planning & Community Development Department

Staff Report

Planning & Zoning Board Hearing Date: December 8, 2015
Legislative Hearing

SUBJECT: LDR Text Amendment Regarding Medical Marijuana Cultivation, Processing, and Dispensing Locations

APPLICANT/AGENT: City of Alachua

PROJECT PLANNERS: Adam Hall, AICP; Kathy Winburn, AICP

RECOMMENDATION: Staff recommends that the Planning & Zoning Board find that the proposed Text Amendments to the Land Development Regulations are consistent with the City of Alachua Comprehensive Plan and transmit such finding to the City Commission.

RECOMMENDED MOTION: *This Board finds that the proposed text amendment to the Land Development Regulations is consistent with the City of Alachua Comprehensive Plan and transmits such finding to the City Commission.*

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Summary

The Planning and Community Development Department has been tasked with drafting a proposed amendment to the City of Alachua's Land Development Regulations that would permit and regulate the cultivation, processing, and retail sale (dispensing) of low-THC cannabis¹, referred to in this report as medical marijuana (definition provided in Attachment A). Generally, the proposed text amendment places geographical restraints on any use involving medical marijuana in the form of separation requirements from churches, schools, bars, residentially zoned parcels, and US Highway 441. These separation requirements were determined, in part, on the requirements proposed or already adopted by other municipalities within Florida.² Furthermore, it includes additional requirements that are meant to mitigate against any real or perceived threats to public safety in the form of required security measures. Finally, this amendment would mitigate against any odor by mandating minimum lot sizes for cultivation.

On June 16, 2014, Senate Bill 1030 "Compassionate Medical Cannabis Act of 2014" ("Act") relating to the medical use of low-THC cannabis was adopted as Chapter 2014-157, Laws of Florida (See Attachment A). The Act required the Florida Department of Health ("DOH") to promulgate rules for the implementation of the Act, which were filed on May 28, 2015 and became effective on June 17, 2015. The Act also requires the DOH to approve five (5) "Dispensing Organizations," one in each of the five established regions in Florida. On May 27, 2015, Administrative Law Judge W. David Watkins rendered a 65-page Final Order regarding the rule making process, indicating that the proposed rules "do not constitute an invalid exercise of delegated legislative authority".

On January 12, 2015 the City Commission adopted Ordinance 15-02, which placed a six (6) month moratorium on medical marijuana dispensing organizations. Ordinance 15-08 provided an extension of Ordinance 15-02, extending for six (6) months the temporary moratorium on all applications for development approval for dispensing organizations/facilities. On June 22, 2015, the City Commission approved Ordinance 15-08 upon first reading, with a vote of 5-0. On July 13, 2015 the City Commission

¹ Low THC cannabis refers to any number of strains of marijuana that have been bred to have high cannabidiol (CBD) and low tetrahydrocannabinol (THC). The purpose of the low THC cannabis is to provide the medicinal benefits of the plant without the psychoactive effects often associated with marijuana. The levels of CBD and THC are regulated by the Department of Health and the definition of low THC cannabis found in this proposed LDR amendment.

² The table below generally summarizes the separation requirements of several municipalities.

Jurisdiction	Separation Requirements
Vero Beach	1000' from schools, day cares, parks, other dispensaries; 500' from residential
Ponce Inlet	2,500' from schools, houses of worship, day cares, parks, beaches, other dispensaries
Mount Dora	2,500' from schools, day cares, parks, other dispensaries
Palm Shores	2,500' from pharmacies, schools, medical offices, day cares, adult living facilities, playgrounds, parks, religious institutions, other dispensaries, residential structures
Cocoa Beach	1,000' from schools, churches; 200' from residential zoned property
Flagler Beach	2,500' from schools, churches, day cares, parks, other dispensaries
Palm Springs	1000' from school, church, day care, park, substance abuse treatment facility; 2,500' from other dispensaries; 100' from residentially zoned property
Indian Harbor Beach	2,500' from pharmacies, schools, medical offices, day cares, adult living facilities, playgrounds, parks, religious institutions, other dispensaries, residential structures
Winter Park	1,000' from schools, day cares, parks, playgrounds, religious institutions', other dispensaries; 100' from residential zoned property

approved Ordinance 15-08 upon second reading, with a vote of 5-0. The moratorium on dispensing organizations and facilities ends on January 13, 2016.

As of the July 8, 2015 deadline, the Florida Department of Health received five applications from firms interested in becoming the dispensing organization for our region, which includes Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns, Suwannee, and Union Counties. Based on the information provided in the applications, it does not appear that any firm is proposing to establish a cultivation, processing, or dispensing site within the corporate limits of the City of Alachua at this time. However, after the dispensing organization is designated for our region, that firm may change or add cultivation, processing, or dispensing locations during the next application period. On November 23, 2015, the Florida Department of Health approved Chestnut Hill Tree Farm, LLC as the dispensing organization for the Northeast region of Florida.

This amendment has been drafted to address medical marijuana cultivation, processing, or dispensing locations as permitted and regulated under the current State licensing scheme. In the next section of this report, Staff has provided the text of the proposed amendment to the City's Land Development Regulations, with margin notes indicating the purpose or explanation of certain regulations.

Proposed Text Amendment

EXHIBIT "A"

TO

ORDINANCE 16-01

Table 4.1-1 of the Land Development Regulations is amended as follows (text that is underlined is to be added and text that is shown as ~~strikethrough~~ is to be removed.) Except as amended herein, the remainder of Table 4.1-1 remains in full force and effect.

Table 4.1-1: Table of Allowed Uses																									
P = Permitted Use S = Special exception permit A = Allowed in the PD districts Blank Cell = Prohibited																									
Use Category/ Use Type	CSV	A	Residential									Business								Planned Development				Use Specific Standards (Sec. 4.3)	
			Single-Family (RSF)				Mobile Home (RMH)		Multiple Family (RMF)			OR	CN	CC	CBD	CI	CP	ILW	IG	GF	COMM	R	TND		EC
			1	3	4	6	5	P	8	15															
<u>Medical Marijuana Dispensary</u>															<u>P</u>		<u>P</u>				<u>A</u>				<u>4.3.2 (E) (3)</u>
<u>Medical Marijuana Cultivation</u>		<u>P</u>																<u>P</u>	<u>P</u>						<u>4.3.3(A)(1), (7)</u>
<u>Medical Marijuana Processing</u>																		<u>P</u>	<u>P</u>						<u>4.3.4 (D) (2)</u>
<u>Non-medical marijuana processing, cultivating, dispensing</u>																									

Subsection 4.3.2 (E) (3) of the Land Development Regulations is amended as follows (text that is underlined is to be added and text that is shown as ~~strikethrough~~ is to be removed.) Except as amended herein, the remainder of Section 4.3.2 (E) remains in full force and effect.

(3) Medical Marijuana Dispensary. All medical marijuana dispensaries shall comply with the following standards:

(a) Separations. As measured in a straight line from the property line of each listed use to the center of the primary front entrance of the dispensary, be separated at least:

- (i) 2000 feet from public and private Schools
- (ii) 2000 feet from established houses of worship
- (iii) 2000 feet from established daycares
- (iv) 2000 feet from any other licensed or permitted medical marijuana dispensary
- (v) 2000 feet from uses permitting onsite consumption of alcohol, except for restaurants that derive 51% of their income from sales of nonalcoholic beverages and food
- (vi) 200 feet from residentially zoned parcels and residential PUD parcels
- (vii) 500 feet from the centerlines of the following streets:

1. US Highway 441 (also known as, M L King Boulevard / NW 13th Street)

(b) Adequate facilities. Provide adequate interior seating or waiting area so that patients will not be required to wait or stand outside.

(c) Alcohol Sales Prohibited. No sales of alcohol permitted on site.

(d) Drive through service prohibited. Drive-through services, pick-up windows, or any other services in which a patient is not

Staff Comment: The purpose of the minimum separation distances is to minimize the potential for conflicting land uses. These distance separation requirements should prevent negative visual or olfactive impacts to certain sensitive uses.

Staff Comment: See Footnote #2 to this Staff Report for a table comparing these separation requirements to other jurisdictions in Florida.

Staff Comment: Because of the potential visual impacts of the proposed uses, staff has recommended separating the proposed medical marijuana uses from the heavily trafficked US Highway 441 corridor.

required to exit their vehicle is not permitted, except in compliance with any Americans with Disabilities Act (ADA) requirements.

(e) Outside display. Display of any goods, materials, equipment, and marijuana outside of the structure is prohibited.

(f) Signage. All signs shall comply with Section 6.5 of these Land Development Regulations.

(g) Security. Dispensary uses shall have a security system or apparatus in place that includes:

(i) Time -delay safe

(ii) Security camera system

(iii) At least one of the following: dedicated private security officer on premises during operating hours, pass-through door constructed with bullet-resistant glass or other transparent bullet- resistant -material, or a security services agreement with Alachua Police Department.

(h) Hours of Operation. No medical marijuana dispensary shall be open to the general public before 7:00 AM or after 9:00 PM.

(i) Exclusion areas. In no case, shall medical marijuana dispensaries be permitted in the following :

(i) Residential zoning categories

(ii) The US Highway 441/ Interstate 75 Gateway Overlay District

(iii) Within the Community Redevelopment Area

Staff Comment: Because of the lack of clarity of the relation between State statute and federal law, many medical and recreational marijuana businesses rely primarily on cash payments. This creates the potential for the use, especially the retail dispensaries, to be a target of crime.

(iv) Within the geographic area located south of U.S.

Highway 441 and between Turkey Creek

Boulevard and NW 109th Lane

(j) Dispensing Organization. The operator of the property must be a dispensing organization licensed and permitted through the State of Florida Department of Health, Office of Compassionate Use.

(k) On-site consumption prohibited. No consumption in any fashion or manner is permitted on the premises.

(l) Recreational or non-medical marijuana dispensaries prohibited. Nothing in these Land Development Regulations shall be construed to permit recreational or non-medical marijuana dispensaries.

(m) Existing pharmacies exempted. Licensed pharmacies, together only with their existing respective locations, in existence as of the effective date of the enactment of this ordinance shall be exempt from the requirements of this ordinance. All new licensed pharmacies thereafter shall be required to adhere to all of the guidelines and restrictions outlined and specified in this ordinance.

Staff Comment: *Because of the high concentration of single-family developments that access US Highway 441 in this area of the City, and because those access points are adjacent to commercially designated areas, the amendment proposes to exclude this geographic area from dispensing organizations, processing and cultivating.*

Staff Comment: *The goal of this section is to permit the current existing pharmacies to dispense medical marijuana at their current locations if they, at some point in the future, decide to do so, but not to expressly permit the use at their locations. For example, if the pharmacy were to move then it would be required to comply with the requirements of this section. And if another pharmacy or dispensary wanted to move into the current locations, they would also need to comply with the regulations set forth in this LDR amendment.*

Subsection 4.3.3 (A) (7) of the Land Development Regulations is amended as follows (text that is underlined is to be added and text that is shown as ~~strike through~~ is to be removed.) Except as amended herein, the remainder of Section 4.3.3 (A) remains in full force and effect.

(7) Medical Marijuana Cultivating. All medical marijuana cultivating uses shall comply with the following standards:

(a) Separations. As measured in a straight line from the property line of each listed use to the center of the primary front entrance(s) of the structure(s) in which the cultivation use is housed, be separated at least:

- (i) 2000 feet from public and private schools
- (ii) 2000 feet from established houses of worship
- (iii) 2000 feet from established daycares
- (iv) 2000 feet from any other licensed or permitted medical marijuana dispensary
- (v) 2000 feet from uses permitting onsite consumption of alcohol, except for restaurants that derive 51% of their income from sales of nonalcoholic beverages and food
- (vi) 200 feet from residentially zoned parcels and residential PUD parcels
- (vii) 500 feet from the centerlines of the following streets:

1. US Highway 441 (also known as, M L King Boulevard / NW 13th Street)

_____ (b) *No sales or dispensing.* All sales or dispensing of any product is prohibited.

_____ (c) *Outside display.* Display of any goods, materials, equipment, and marijuana outside of the structure is prohibited.

_____ (d) *Security.* Cultivating uses shall have a security systems or apparatus in place that includes:

_____ (i) Fencing to include all structures used for cultivation purposes.

_____ (ii) Locking gate at access point(s) to property from right-of-way

_____ (e) *Enclosed structure.* All cultivating must be in an entirely enclosed structure and so designed so that no odor is emitted from the structure and detectable off the site.

_____ (f) *Minimum Lot Size.* The minimum lot size for this use shall be 10 acres.

_____ (g) *Dispensing Organization.* The operator of the property must be a dispensing organization licensed and permitted through the State of Florida Department of Health, Office of Compassionate Use.

_____ (h) *Recreational or non-medical marijuana cultivations prohibited.* Nothing in these Land Development Regulations shall be construed to permit recreational or non-medical marijuana cultivation.

_____ (i) *Exclusion areas.* In no case, shall medical marijuana dispensaries be permitted in the following :

_____ (i) Residential zoning categories

(ii) The US Highway 441/ Interstate 75 Gateway

Overlay District

(iii) Within the Community Redevelopment Area

(iv) Within the geographic area located south of U.S.

Highway 441 and between Turkey Creek

Boulevard and NW 109th Lane

Subsection 4.3.4 (D) (2) of the Land Development Regulations is amended as follows (text that is underlined is to be added and text that is shown as ~~struckthrough~~ is to be removed.) Except as amended herein, the remainder of Section 4.3.4 (D) remains in full force and effect.

(2) Medical Marijuana Processing. All medical marijuana processing uses shall comply with the following standards:

(a) Separations. As measured in a straight line from the property line of each listed use to the center of the primary front entrance(s) of the structure(s) in which the processing use is housed, be separated at least:

(i) 2000 feet from public and private schools

(ii) 2000 feet from established houses of worship

(iii) 2000 feet from established daycares

(iv) 2000 feet from any other licensed or permitted medical marijuana dispensary

(v) 2000 feet from uses permitting onsite consumption of alcohol, except for restaurants that derive 51% of their income from sales of nonalcoholic beverages and food

(vi) 200 feet from residentially zoned parcels and residential PUD parcels

_____ (vii) 500 feet from the centerlines of the following streets:

_____ 1. US Highway 441 (also known as, M L King Boulevard / NW 13th Street)

_____ (b) No sales or dispensing. All sales or dispensing of any product is prohibited.

_____ (c) Outside display. Display of any goods, materials, equipment, and marijuana outside of the structure is prohibited.

_____ (d) Security. Processing uses shall have a security systems or apparatus in place that includes:

_____ (i) Security camera system

_____ (e) Enclosed structure. All processing must be in an entirely enclosed structure and so designed so that no odor is emitted from the structure and detectable off the site.

_____ (f) Dispensing Organization. The operator of the property must be a dispensing organization licensed and permitted through the State of Florida Department of Health, Office of Compassionate Use.

_____ (g) Recreational or non-medical marijuana cultivations prohibited. Nothing in these Land Development Regulations shall be construed to permit recreational or non-medical marijuana cultivation.

_____ (h) Exclusion areas. In no case, shall medical marijuana dispensaries be permitted in the following :

_____ (i) Residential zoning categories

(ii) The US Highway 441/ Interstate 75 Gateway

Overlay District

(iii) Within the Community Redevelopment Area

(iv) Within the geographic area located south of U.S.

Highway 441 and between Turkey Creek

Boulevard and NW 109th Lane

Section 10.2 of the Land Development Regulations is amended as follows (text that is underlined is to be added and text that is shown as ~~striethrough~~ is to be removed.) Except as amended herein, the

remainder of Section 10 remains in full force and effect. Additional definitions should be placed in their respective alphabetical location.

Dispensing organization means an organization that meets the requirements of Section 381.986(5)(b)1., F.S., including its contractual agents, which has been authorized by the State of Florida to cultivate, process and dispense low-THC cannabis.

Medical marijuana dispensary means a location where the dispensing organization has been authorized by the State of Florida to dispense medical marijuana at retail to those individuals who have been added to the State's compassionate use registry by an authorized physician.

Medical marijuana cultivation means a location where the dispensing organization has been authorized by the State of Florida to cultivate medical marijuana. This includes research carried out by entities permitted by the State to carry out such research.

Medical marijuana processing means a location where the dispensing organization has been authorized by the State of Florida to process medical marijuana.

Medical marijuana means low- THC cannabis permitted by the State of Florida for the treatment of medical conditions.

Cannabis farm means a location used for medical marijuana cultivation.

Medical cannabis means medical marijuana.

Recreational or non-medical marijuana means any marijuana or marijuana product that does not meet the definition of medical marijuana.

Non-medical marijuana dispensary means a location, as defined in Chapter 64-4, F.A.C., where recreational or non-medical marijuana is distributed at retail.

Non-medical marijuana cultivation means a location, as defined in Chapter 64-4, F.A.C., where recreational or non-medical marijuana is cultivated.

Non-medical marijuana processing means a location, as defined in Chapter 64-4, F.A.C., where recreational or non-medical marijuana is processed.

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. The term does not include the possession, use, or administration of cannabis or cannabis derivative by burning or igniting and inhaling the smoke. See s. 385.211, F.S.

Security Camera System means a system of video cameras that record the following areas: all entrances and exits to all buildings, including loading bays or doors, parking lots, and any other sensitive areas of the site including vaults, safes, points of customer transactions and restricted areas. Each camera must be placed where it can obtain an unobstructed front view of the head and shoulders of all individuals entering and exiting the facility. Digital or analog records of activity must be maintained for a minimum of ten days.

Private Security Officer means an individual who is licensed through the Florida Department of Agriculture and Consumer Services to provide security services.

Subsection 3.7.2 (C) (4) of the Land Development Regulations is amended as follows (text that is underlined is to be added and text that is shown as ~~strike through~~ is to be removed.) Except as amended herein, the remainder of Section 3.7.2 (C) remains in full force and effect.

(4) *Prohibited uses.*

(a) Permitted and special exception uses allowed in the underlying zoning designation shall be allowed in the U.S. 441/1-75 Gateway Overlay District, unless modified by the Overlay District standards of this section. The following uses shall be prohibited within the U.S. 441/1-75 Gateway Overlay District:

- (i) Automobile body shop.
- (ii) Commercial parking lot or structure.
- (iii) Crematory.
- (iv) Funeral home.
- (v) Laundromat.
- (vi) Machine shop.
- (vii) Medical and non-medical marijuana dispensaries, processing locations, and cultivation locations
- ~~(vii)~~(viii) Outdoor display of any type of motorized vehicles, boats, or equipment for sale or rental, except for automobile rentals associated with hotels or motels.
- ~~(viii)~~(ix) Outdoor kennel.
- ~~(ix)~~(x) Recycling dropoff center.
- ~~(x)~~(xi) Sexually oriented businesses.
- ~~(xi)~~(xii) Tattoo parlors.

Findings of Fact; Compliance with Land Development Regulations and Comprehensive Plan

Subsection 2.4.1(E)(1) of the Land Development Regulations (LDRs) states that, “in determining whether to approve a proposed text amendment to the Land Development Regulations, the City Commission shall find that an application is consistent with the following standards.” These standards are listed below, followed by Staff’s evaluation.

- (a) **Consistent with Comprehensive Plan** – Whether and the extent to which the proposed amendment is consistent with the Comprehensive Plan.

Evaluation & Findings: *This amendment does not conflict with any Goals, Objectives, or Policies of the Comprehensive Plan. See further analysis below.*

- (b) **Consistent with Ordinances** – Whether the proposed amendment is in conflict with any provision of these LDRs or the City Code of Ordinances.

Evaluation & Findings: *This amendment does not conflict with any provisions of the LDRs or the City Code of Ordinances. See further analysis below.*

- (c) **Changed Conditions** – Whether and the extent to which there are changed conditions that require an amendment.

Evaluation & Findings: *Recent changes in State Statute necessitate that the City consider zoning rules and regulations regarding the cultivation, processing, and dispensing of low-THC medical marijuana.*

- (d) **Community Need** – Whether and the extent to which the proposed amendment addresses a demonstrated community need.

Evaluation & Findings: *The amendment addresses any community need by establishing provisions which would permit and regulate medical marijuana facilities.*

- (e) **Compatible with Surrounding Uses** – Whether and the extent to which the proposed amendment is consistent with the purpose and intent of the zone districts in these LDRs, or will improve compatibility among uses and will ensure efficient development within the City.

Evaluation & Findings: *The amendment seek to minimize conflict between potentially nuisance-like uses and existing uses such as churches, schools, daycares, residential neighborhoods, etc. See further analysis below under “Land Development Regulation Analysis”.*

- (f) **Development Patterns** – Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

Evaluation & Findings: *The amendment would limit agriculture type uses to the agricultural and industrial zone districts, it would limit processing to industrial zone districts, and it would limit retail dispensing of medical marijuana to commercial zoning districts. This will result in an orderly and logical development pattern.*

- (g) **Effect on Natural Environment** – Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Evaluation & Findings: *The proposed amendment will not impact the natural environment.*

- (h) **Public Facilities** – Whether and the extent to which the proposed amendment would result in development that is adequately served by public facilities (roads, potable water, sewage, storm water management, parks, and solid wastes).

Evaluation & Findings: *The proposed amendment will have no impact to the provision of public facilities.*

Comprehensive Plan Analysis

Staff has identified the following Comprehensive Plan Goals, Objectives or Policies that pertain to this proposed amendment. Where necessary, Staff has provided comments or analysis relating the Comprehensive Plan Goal, Objective, or Policy to the proposed amendment.

FUTURE LAND USE ELEMENT GOALS, OBJECTIVES AND POLICIES

GOAL 1: Future Land Use Map 2025: The City of Alachua shall maintain a Future Land Use Map in order to effectively guide development in a sustainable manner and to ensure economic prosperity and stability while maintaining a high quality of life for all of its present and future citizens.

Objective 1.1: Agriculture

The City of Alachua shall establish an Agriculture land use category in order to maintain agriculture operations within the city limits as well as preserve the rural character and small- town charm of Alachua.

Staff Analysis: The cultivation of low-THC medical marijuana is being limited to agricultural and industrial areas. It is anticipated that large-scale production of this crop will be similar in scope and impact to other large scale agricultural production uses.

Objective 1.3: Commercial

The City of Alachua shall establish three commercial districts: Community Commercial, Commercial and Central Business District. These districts shall provide a broad range of retail sales and services, as well as office uses, in order to provide for the availability of goods and services, both to the citizens of Alachua and to the citizens of the North Central Florida region.

Policy 1.3.a: Community Commercial: The Community Commercial land use category is established to provide neighborhood and community scale goods and services to adjacent neighborhood and residential areas. The following uses are allowed within the Community Commercial land use category:

1. Neighborhood commercial establishments;
2. Residential/office;
3. Business and professional offices;
4. Personal services;
5. Financial Institutions;
6. Retail sales and services that serve the community;
7. Eating establishments;
8. Indoor recreation/entertainment;
9. Single-family and multi-family residential above first floor commercial uses;
10. Bed and Breakfasts;
11. Supporting community services, such as schools, houses of worship, parks, and community centers;
12. Traditional Mixed-use Neighborhood Planned Developments;

Policy 1.3.b: Commercial: The Commercial land use category is established to provide for general commercial uses, as well as more intense commercial and highway commercial uses. This is the land use category in which large-scale, regional commercial uses may locate. The following uses are allowed within the Commercial land use category:

1. Retail sales and services;
2. Personal services;
3. Financial Institutions;
4. Outdoor recreation and entertainment;
5. Tourist-related uses;
6. Hotels, motels;
7. Commercial shopping centers;
8. Auto-oriented uses;
9. Traditional Mixed-use Neighborhood Planned Developments;
10. Employment Center Planned Developments;
11. Commercial recreation centers;

12. Office/business parks;
13. Limited industrial services;
14. Eating Establishments

Staff Analysis: The retail dispensing of medical marijuana is considered a retail sales and service use, and, as indicated in the above policies, is most appropriate for the commercial and community commercial land use categories. Traffic impacts are anticipated to be similar to pharmacies and general stores.

Policy 1.3.d: Design and performance standards: The following criteria shall apply when evaluating commercial development proposals:

1. Integration of vehicular and non-vehicular access into the site and access management features of site in terms of driveway cuts and cross access between adjacent sites, including use of frontage roads and/or shared access;
2. Buffering from adjacent existing/potential uses;
3. Open space provisions and balance of proportion between gross floor area and site size;
4. Adequacy of pervious surface area in terms of drainage requirements;
5. Placement of signage;
6. Adequacy of site lighting and potential impacts of lighting upon the surrounding area. Lighting should be designed to minimize impacts and preserve the ambiance and quality of the nighttime sky by reducing light trespass and light pollution on adjacent properties by utilizing lighting at an appropriate intensity, direction and times to ensure light is not overused or impacting areas where it is not intended;
7. Safety of on-site circulation patterns (patron, employee and delivery vehicles), including parking layout and drive aisles, and points of conflict;
8. Landscaping, as it relates to the requirements of the Comprehensive Plan and Land Development Regulations;
9. Unique features and resources which may constrain site development, such as soils, existing vegetation and historic significance; and
10. Performance based zoning requirements, which may serve as a substitute for or accompany land development regulations in attaining acceptable site design.
11. Commercial uses shall be limited to an intensity of less than or equal to .50 floor area ratio for parcels 10 acres or greater, .50 floor area ratio for parcels less than 10 acres but 5 acres or greater, a .75 floor area ratio for parcels less than 5 acres but greater than 1 acre, and 1.0 floor area ratio to parcels 1 acre or less.

Staff Analysis: The retail dispensing of medical marijuana is considered a retail sales and service use and would be required to demonstrate compliance with the above policy.

Objective 1.5: Industrial

The City of Alachua shall establish one industrial district: Industrial. This district shall provide a broad range of clean industry, warehousing, research, and technology industries, to provide a variety of job opportunities to the citizens of Alachua and the North Central Florida Region.

Policy 1.5.a: Industrial: Industrial uses are generally intense uses that require large land area and convenient access to transportation facilities, such as roads, highways, and rail lines. Industrial uses, such as warehousing and manufacturing, shall be located and designed in such a manner as to prevent unwanted impacts to adjacent properties.

Policy 1.5.b: The Industrial land use category may also include industrial service uses, office/business parks, biotechnology and other technologies, business incubators, self-storage facilities, a limited amount of retail sales and services, traditional neighborhood design planned developments, employment center planned developments, outdoor storage yard or lots, and construction industry uses either as allowed uses or with special exceptions.

Staff Analysis: Because the cultivation and processing of low-THC medical marijuana will take place in completely enclosed structures, will generally require large land areas, and could potentially have unwanted impacts on surrounding land uses, the industrial land use category is appropriate for low-THC medical marijuana cultivation and processing.

Policy 1.5.c: Waste and salvage operations, including but not limited to, junk yards, landfills, and recycling drop off centers, may be allowed by special exception in the Industrial land use category. These operations shall address impacts, such as noise, lighting, fumes, odors, hazardous materials, pests, and other performance standards established by City, State and Federal regulations. These operations shall not be located adjacent to residential districts.

Policy 1.5.d: The City shall develop performance standards for industrial uses in order to address the following:

1. Integration of vehicular and non-vehicular access into the site and access management features of site in terms of driveway cuts and cross access between adjacent sites, including use of frontage roads and/or shared access;
2. Buffering from adjacent existing/potential uses;
3. Open space provisions and balance of proportion between gross floor area and site size;

4. Adequacy of pervious surface area in terms of drainage requirements;
5. Placement of signage;
6. Adequacy of site lighting and potential impacts of lighting upon the surrounding area. Lighting should be designed to minimize impacts and preserve the ambiance and quality of the nighttime sky by reducing light trespass and light pollution on adjacent properties by utilizing lighting at an appropriate intensity, direction and times to ensure light is not overused or impacting areas where it is not intended;
7. Safety of on-site circulation patterns (patron, employee and delivery vehicles, trucks), including parking layout and drive aisles, and points of conflict;
8. Landscaping, as it relates to the requirements of the Comprehensive Plan and Land Development Regulations;
9. Unique features and resources which may constrain site development, such as soils, existing vegetation and historic significance; and
10. Performance based zoning requirements that may serve as a substitute for or accompany land development regulations in attaining acceptable site design.
11. Industrial uses shall be limited to an intensity of less than or equal to .50 floor area ratio for parcels 10 acres or greater, .50 floor area ratio for parcels less than 10 acres by 5 acres or greater, .75 floor area ratio for parcels less than 5 acres but greater than 1 acre, and 1.0 floor area ratio for parcels 1 acre or less.

Land Development Regulation Analysis

Staff has identified the following land development regulations that pertain to this proposed amendment. Where necessary, Staff has provided comments relating the existing land development regulation to the proposed amendment.

Sec. 3.3. - Agricultural district.

3.3.1 *General purposes.* The A district is established and intended to:

(A)*Support agriculture and agriculture supportive uses.* Support the primary use of land for agriculture and agriculture support uses to help maintain the agricultural and rural character of the district;

(B)*Ensure residential development consistent with rural and agricultural character.* Ensure that residential development is consistent with the rural and agricultural character of the district, by requiring either low-density residential development or encouraging residential cluster development, and subdivisions that are harmonious with the rural economy and agricultural uses; and

(C)*Consistent with Comprehensive Plan.* Be consistent with the areas designated as agriculture on the Comprehensive Plan

Staff Analysis: The cultivation of low-THC medical marijuana is considered to be an agricultural use and appropriate for the agricultural zoning district, with certain use-specific requirements.

Sec. 3.5. - Business districts.

3.5.1 *General purposes.* The business zone districts are established for the general purpose of ensuring there are lands in the City that provide a wide range of office, retail, service, light industrial and related uses to meet household and business needs, and more specifically:

(A)*Provide appropriately located lands for business uses consistent with Comprehensive Plan.* Provide appropriately located lands in areas served by water and sewer for the full range of business uses needed by Alachua's residents, businesses, and workers, consistent with the goals, objectives, and policies of the Comprehensive Plan;

(B)*Strengthen economic base.* Strengthen the City's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities;

(C)*Provide suitable environment for business uses.* Create suitable environments for various types of business uses, and protect them from the adverse effects of incompatible uses; and

(D)*Minimize impact of business development on residential districts and uses.* Minimize the impact of business development on residential districts and uses.

3.5.2 *Business district specific purposes.*

(C) *CC, Community Commercial District.* The CC district is established and intended to provide lands for business uses that provide goods and services to residents of the entire community. Because these commercial uses are subject to public view, they should provide appropriate appearance, adequate parking, controlled traffic movement, suitable landscaping, appropriate pedestrian facilities, and protect abutting residential areas from adverse impacts. The CC district should typically be located along major arterials or at the intersection of an arterial and highway.

(E) *CI, Commercial Intensive District.* The CI District is established and intended to provide lands and facilitate highway-oriented development opportunities within the City, for uses that require high public visibility and an accessible location. The CI district should be located along major arterials or highways and at the US 441/Interstate-75 interchange.

Staff Analysis: The retail dispensing of low-THC medical marijuana is appropriate for the community commercial ("CC") and commercial intensive ("CI") zoning districts, based on the specific purposes described in the land development regulation subsections above.

(G)*ILW, Light and Warehouse Industrial District.* The ILW district is established and intended to accommodate a wide range of employment-generating office, institutional, research and development, and light manufacturing uses. Such uses shall be developed in a manner compatible

with surrounding land uses, and to minimize potential nuisances or damage to the environment. In addition, by allowing a wide range of permitted uses, the ILW district is intended to accommodate the development of "flex space" arrangements, where the developer can establish different combinations of uses on a site over time, as the market dictates, as long as all uses and development conform to the standards established by these LDRs to protect adjacent land uses and the natural environment. Residential uses are limited to caretaker dwellings, live/work units, and upper-story dwellings.

(H)*IG, General Industrial District.* The IG district is established and intended to provide lands for industrial uses which can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent residential or business districts. Allowable uses include limited manufacturing and functionally related uses such as distribution, storage, and processing. General commercial uses are allowed, but are considered incidental to the predominantly industrial nature of the district. Residential uses, other than caretaker dwellings, are not permitted. Any uses that generate hazardous wastes shall have a hazardous materials management plan and operate in accordance with all local, State, and Federal requirements.

Staff Analysis: The cultivation and processing of low-THC medical marijuana is permitted in both the ILW and IG zoning districts. No retail sales of low-THC medical marijuana are permitted in these districts.

Sec. 3.6. - Planned development (PD) districts.

3.6.1 *General provisions.*

(A)*General purpose.* The planned development (PD) districts are established for the purpose of encouraging innovative land planning and site design concepts that conform to community quality of life benchmarks and that achieve a high quality of development, environmental sensitivity, energy efficiency, and other City goals by:

(1)*Increasing flexibility.* Reducing or diminishing the uniform design that results from the strict application of zoning and development standards that are designed primarily for individual lots;

(2)*Greater freedom to provide access, open space and amenities.* Allowing greater freedom in selecting the means to provide access, open space, and design amenities;

(3)*Greater freedom to provide mix of uses and housing types.* Allowing greater freedom in providing a mix of land uses in the same development, including a mix of housing types, lot sizes, and densities;

(4)*Providing greater opportunity for more efficient land use patterns.* Providing for an efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs;

(5)*Promoting quality design and environmentally sensitive development through site characteristics.* Promoting quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses; and

(6)*Quality design through density increases.* In specific instances, encouraging quality design and environmentally sensitive development by allowing increases in base densities or floor area ratios when such increases can be justified by superior design or the provision of additional amenities such as public open space.

(B)*Types of PD districts.* There are four types of PD options. They are subject to the development review procedures of Section 2.4.3, Planned development, the general standards of Subsection 3.6.2 of this section, General standards for all PD districts, and the specific standards for the individual PD options in Subsection 3.6.3 of this section, Additional standards for PD districts. The four PD options are described more specifically as follows:

(4) *Planned Development-Commercial District (PD-COMM).* The purpose and intent of the Planned Development-Commercial (PD-COMM) District is to provide mixed-use retail and office development, with limited moderate and higher density residential uses integrated into the development above street levels and as separate stand-alone uses.

Staff Analysis: The retail dispensing of low-THC medical marijuana is appropriate for the Planned Development- Commercial District (“PD-COMM”); the use specific standards would still be applied to any such use in the PD-COMM district.

Sec. 4.1. - Table of uses. Table 4.1-1, Table of Allowed Uses, sets forth the uses allowed within the general use zone districts.

4.1.1 *Explanation of table.*

(B)*Permitted uses.* The letter "P" in a cell indicates that a use category or use type is allowed by right in the respective zone district, subject to compliance with the use-specific standards set forth in the final column of the use table. Permitted uses are subject to all other applicable regulations of these LDRs, including those set forth in [Article 5](#), Density, Intensity and Dimensional Standards; [Article 6](#), Development Standards; and [Article 7](#), Subdivision Standards.

(D)*Allowed uses in planned developments.* The letter "A" in a cell indicates that a use category or use type is an allowed use in the respective planned development district, subject to compliance with the standards for planned development district approval.

(E)*Prohibited uses.* A blank cell indicates that the use type is prohibited in the zone district.

(F)*Use specific standards.* Regardless of whether a use category or use type is permitted by right or permitted as a special exception use, there may be additional regulations that are applicable to a specific use. The existence of these use-specific standards is noted through a section reference in the last column of the use table entitled Use Specific Standards. References refer to [Section 4.3](#), Use specific standards. These standards apply to all zone districts unless otherwise specified.

Staff Analysis: While low-THC medical marijuana cultivation, processing, and retail dispensing are proposed to be permitted in certain zoning categories, use-specific standards are being recommended to address any potential conflicts between adjacent land uses. Use-specific standards are often used for this purpose.

(C)*U.S. Highway 441/Interstate 75 Gateway Overlay District.*

(1)*General purposes.* In recognition of the importance of promoting the City as an attractive, vibrant, and economically prosperous community, and in accordance with the requirements of Future Land Use Element Policy 1.3.f.1 of the City's Comprehensive Plan, the City hereby creates the U.S. Highway 441/Interstate 75 Gateway Overlay District for the purpose of:

(a) Welcoming existing and future residents and visitors to the City;

(b) Promoting Alachua as an attractive, vibrant, and economically prosperous community;

(c) Establishing consistent and harmonious design standards in order to unify the visual quality of the Gateway Overlay District;

(d) Creating an enhanced visual gateway to an area that serves as a main entrance to the City;

(e) Improving the sense of place and community;

(f) Creating a positive impression of the City, reflecting community values;

(g) Maintaining and enhancing property values; and

(h) Protecting the public health, safety, and welfare.

(2) Applicability.

(a) The standards of this section shall apply to all lands that lie within 2,000 feet of the radius of the center point of the interchange of U.S. 441 and I-75.

(b) The standards of this section shall apply to the entire parcel when all or a portion of a parcel is located within the Gateway Overlay District.

(c) All proposed uses on property located within the Gateway Overlay District shall comply with all of the requirements of this section.

(d) All proposed uses on property located within the Gateway Overlay District shall be subject to the development standards set forth in the underlying zoning district, unless a more restrictive standard is established in this section.

(e) Existing legally approved development on property located within the Gateway Overlay District shall be considered to be a legal nonconformity subject to the nonconformity requirements set forth in [Article 8](#)

(3) Exemptions.

(a) Properties with a zoning designation of Planned Unit Development (PUD) or Planned Development (PD) as of the effective date of these regulations (May 23, 2011) shall be exempt from Section 3.7.2 (C) in its entirety.

(b) Upon written application, the LDR Administrator may grant exemptions from Section 3.7.2(C)(5), Development Standards, for parcels or portions of a parcel that would otherwise be included in the Gateway Overlay District, based on one or more of the following findings:

(i) Due to site topography, the development of the property or portion of the property to be exempted will not be substantially visible from I-75 or U.S. 441.

(ii)The property is proposed to be developed with a residential, passive recreation, or agricultural related use located on an individual parcel that is not part of a subdivision permitted after the effective date of these regulations.

Staff Analysis: Because of the visual importance of the U.S. Highway 441/Interstate 75 Gateway and the potential for negative aesthetic impacts from the low-THC medical marijuana uses, this proposed amendment to the Land Development Regulations would prohibit these uses in the gateway district.

Regulation by Other Jurisdictions

Staff has researched ordinances adopted or proposed by other jurisdictions within Florida. A majority of the ordinances have limits or regulations similar to the regulations proposed by this Land Development Regulations amendment. These include creating development standards that limit the hours of operation, prohibit drive-through service, create separation distances from certain sensitive land uses such as schools, and churches, create exclusion areas such as CRA districts, and create certain security standards. A summary of land development regulation provisions from other jurisdictions located in Florida can be found as Attachment C to this Staff Report.

Most ordinances pertaining to the regulation of medical marijuana limit the uses to dispensaries only with no cultivation or processing of medical marijuana is permitted. These dispensaries are often limited to commercial or light industrial zoning categories. In many cases the ordinances pertain to all forms of medical marijuana and not just the low-THC variant that is permitted through this proposed ordinance.

Current State Statute Analysis

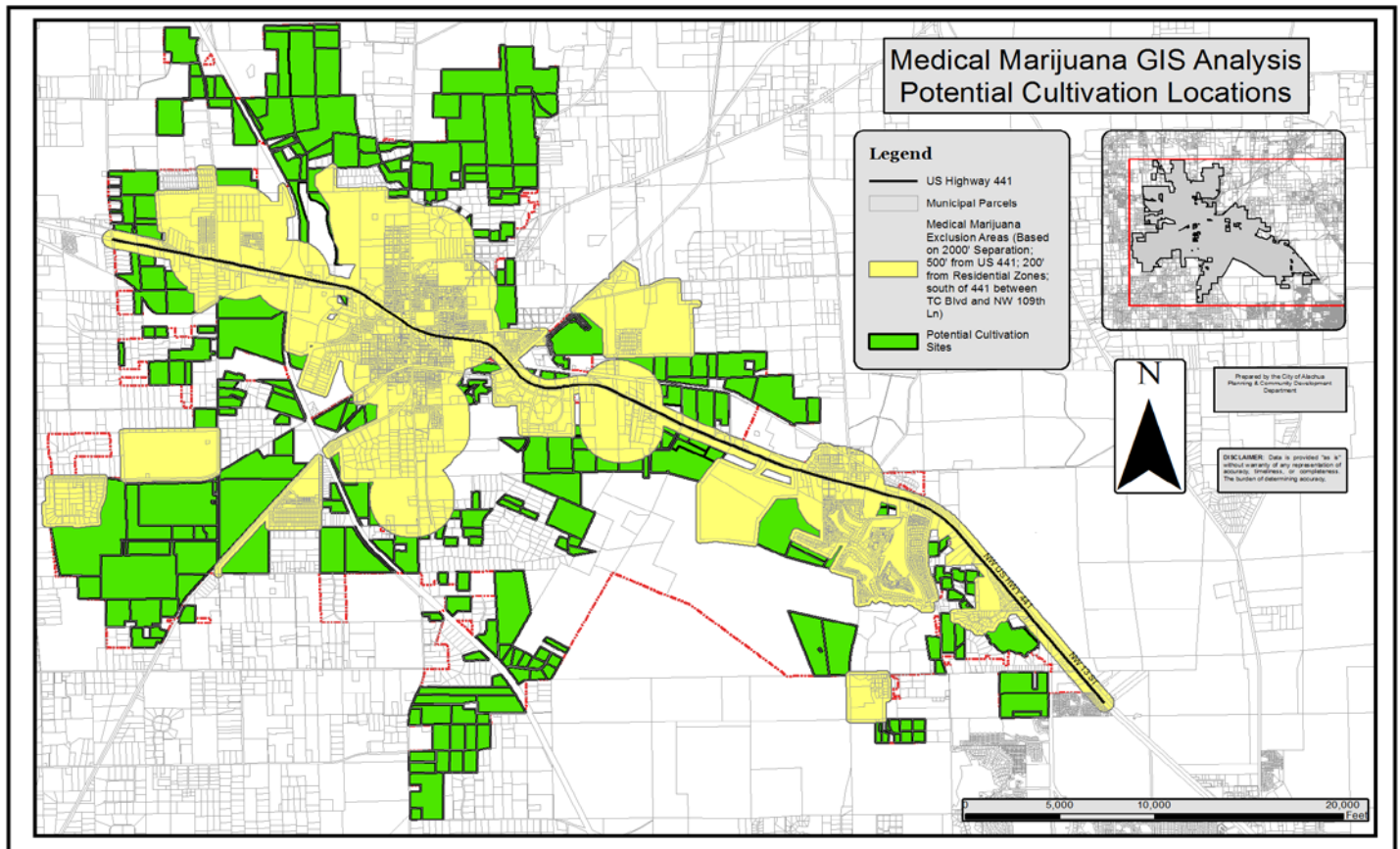
State statute does not prohibit or otherwise address local regulation of low-THC medical marijuana cultivation, processing, or dispensing. Chapter 64-4, Florida Administrative Code likewise does not prohibit or otherwise address local regulation of low-THC medical marijuana cultivation, processing, or dispensing.

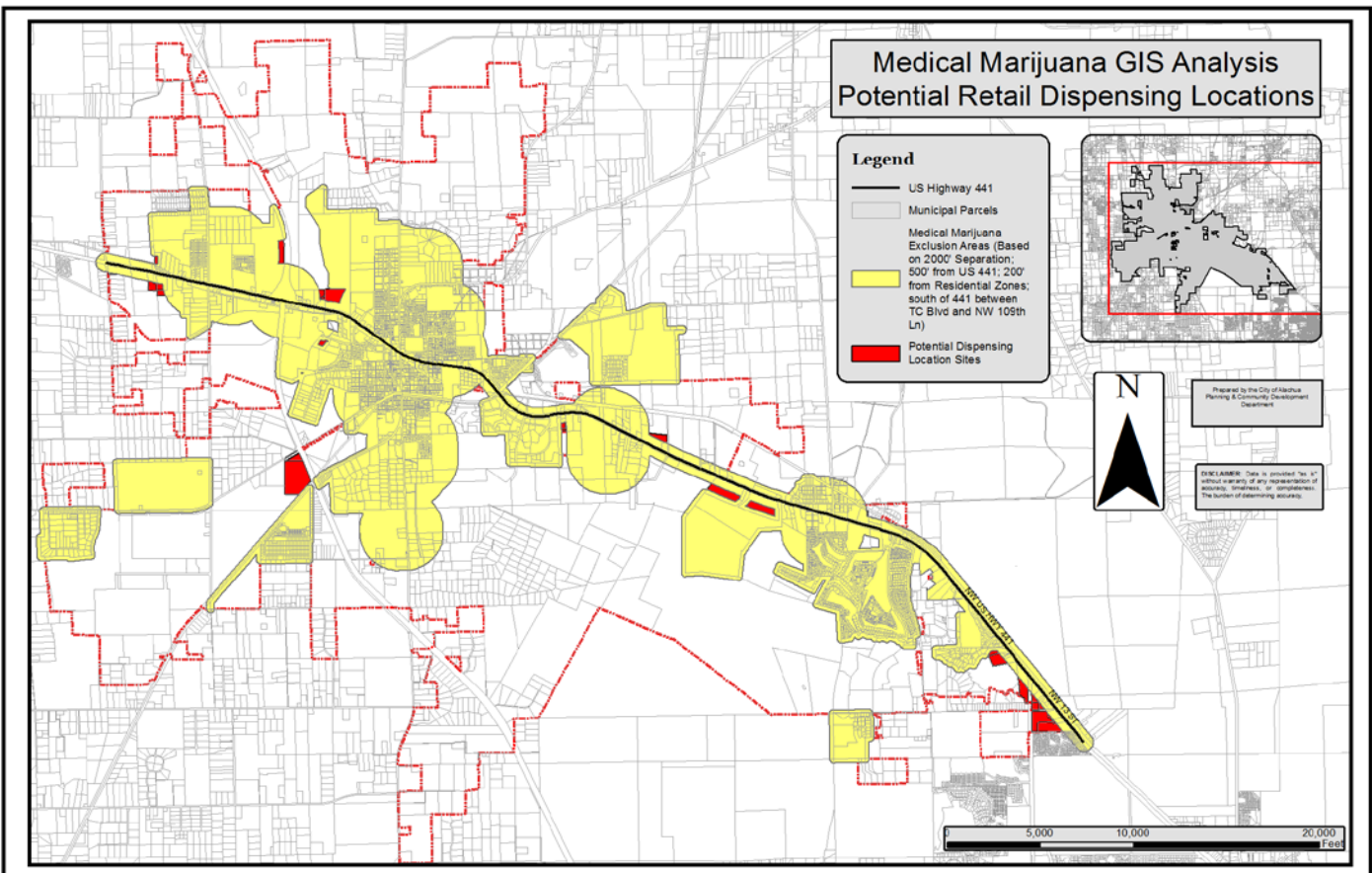
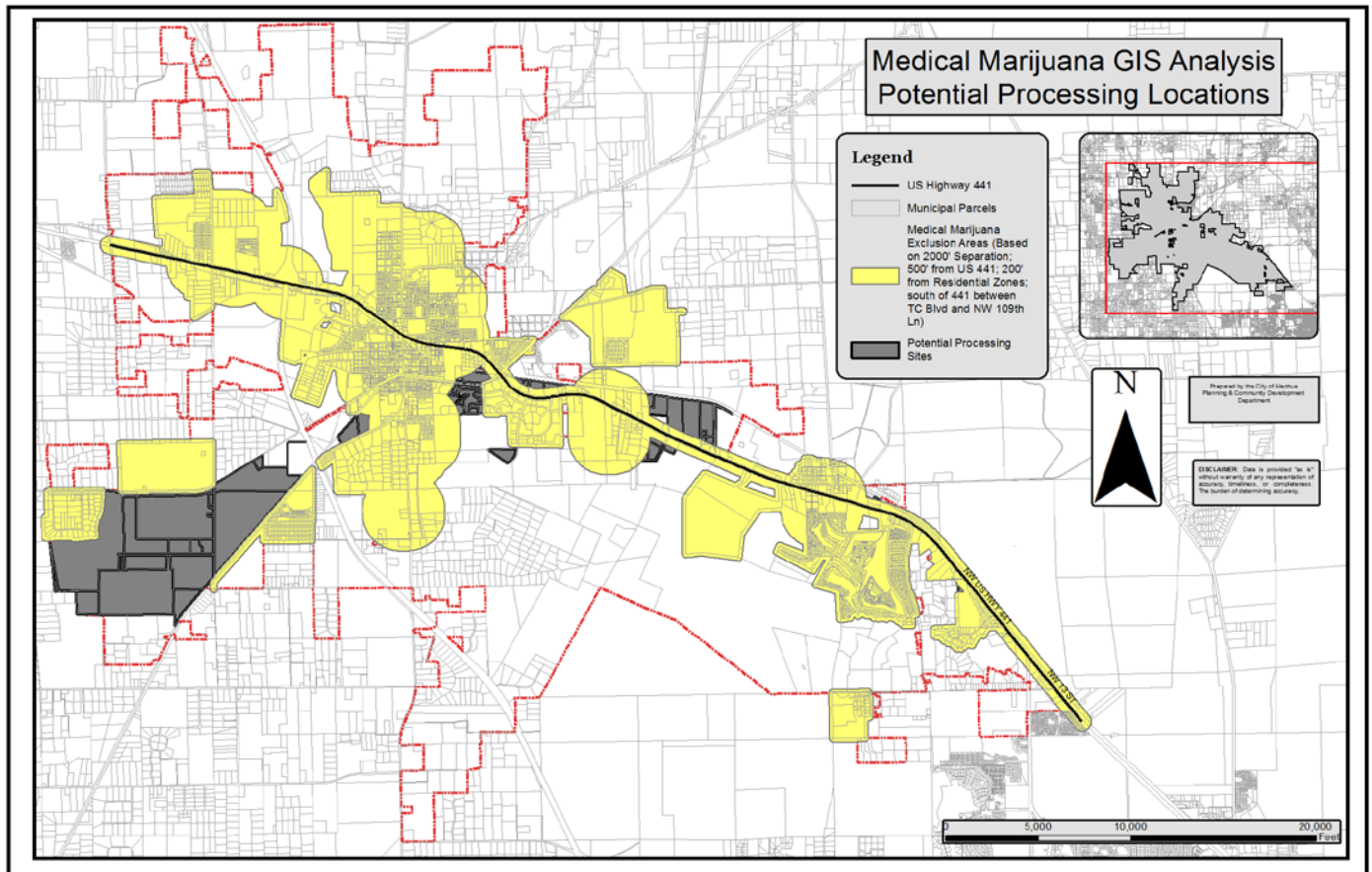
GIS Analysis

The maps found below are meant to be *illustrative* of the areas in which cultivation, processing, and dispensing would be able to take place. These are not the exact areas since measurements, as defined in this LDR, would be required at the time that the use applied for a local business tax or at the site plan review level. This GIS analysis is based on parcel lines only and should be used to roughly estimate where the medical marijuana uses might be able to locate. Full size maps can be found as Attachment D to this staff report.

These maps were created using the following basic process: first, using the County's parcel layer and the City's zoning layer, sensitive land uses were identified. These include bars, schools, daycares, churches, residentially zoned parcels, the Community Redevelopment Area boundary, the I-75 / 441 Gateway

Overlay district and commercial areas south of US 441 between Turkey Creek Boulevard and NW 109th Lane. Second, the appropriate buffers were applied to create the areas in which the proposed uses related to medical marijuana would not be permitted. These “exclusion” areas were then overlaid on the City’s zoning maps to create a map showing potential areas for these uses.





CHAPTER 2014-157

Committee Substitute for
Committee Substitute for Senate Bill No. 1030

An act relating to cannabis; providing a short title; creating s. 381.986, F.S.; defining terms; authorizing specified physicians to order low-THC cannabis for use by specified patients; providing conditions; prohibiting specified acts by physicians or persons seeking low-THC cannabis; providing criminal penalties; requiring physician education; providing duties of the Department of Health; requiring the department to create a compassionate use registry; providing requirements for the registry; requiring the department to authorize a specified number of dispensing organizations; authorizing rulemaking; providing requirements and duties for a dispensing organization; providing exceptions to specified laws; creating s. 385.211, F.S.; defining the term "low-THC cannabis"; authorizing certain medical centers to conduct research on cannabidiol and low-THC cannabis; authorizing state or privately obtained research funds to be used to support such research; creating s. 385.212, F.S.; requiring the department to establish an Office of Compassionate Use; authorizing the office to engage in specified activities; authorizing rulemaking; amending s. 893.02, F.S.; revising the term "cannabis" as used in the Florida Comprehensive Drug Abuse Prevention and Control Act and as applicable to certain criminal offenses proscribing the sale, manufacture, delivery, possession, dispensing, distribution, or purchase of cannabis, to which penalties apply; creating s. 1004.441, F.S.; defining the term "low-THC cannabis"; authorizing state universities with both medical and agricultural research programs to conduct specified research on cannabidiol and low-THC cannabis; authorizing state or privately obtained research funds to be used to support such research; providing an appropriation to the department for research of cannabidiol and its effect on intractable childhood epilepsy; specifying how biomedical research funding for research of cannabidiol and its effect on intractable childhood epilepsy shall be awarded; specifying who may apply for such funding; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the "Compassionate Medical Cannabis Act of 2014."

Section 2. Section 381.986, Florida Statutes, is created to read:

381.986 Compassionate use of low-THC cannabis.—

(1) DEFINITIONS.—As used in this section, the term:

1

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(a) "Dispensing organization" means an organization approved by the department to cultivate, process, and dispense low-THC cannabis pursuant to this section.

(b) "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.

(c) "Medical use" means administration of the ordered amount of low-THC cannabis. The term does not include the possession, use, or administration by smoking. The term also does not include the transfer of low-THC 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.

(d) "Qualified patient" means a resident of this state who has been added to the compassionate use registry by a physician licensed under chapter 458 or chapter 459 to receive low-THC cannabis from a dispensing organization.

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

(2) PHYSICIAN ORDERING.—Effective January 1, 2015, a physician licensed under chapter 458 or chapter 459 who has examined and is treating a patient suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms may order for the patient's medical use low-THC cannabis to treat such disease, disorder, or condition or to alleviate symptoms of such disease, disorder, or condition, if no other satisfactory alternative treatment options exist for that patient and all of the following conditions apply:

(a) The patient is a permanent resident of this state.

(b) The physician determines that the risks of ordering low-THC cannabis are reasonable in light of the potential benefit for that patient. If a patient is younger than 18 years of age, a second physician must concur with this determination, and such determination must be documented in the patient's medical record.

(c) The physician registers as the orderer of low-THC cannabis for the named patient on the compassionate use registry maintained by the department and updates the registry to reflect the contents of the order. The physician shall deactivate the patient's registration when treatment is discontinued.

(d) The physician maintains a patient treatment plan that includes the dose, route of administration, planned duration, and monitoring of the

patient's symptoms and other indicators of tolerance or reaction to the low-THC cannabis.

(e) The physician submits the patient treatment plan quarterly to the University of Florida College of Pharmacy for research on the safety and efficacy of low-THC cannabis on patients.

(f) The physician obtains the voluntary informed consent of the patient or the patient's legal guardian to treatment with low-THC cannabis after sufficiently explaining the current state of knowledge in the medical community of the effectiveness of treatment of the patient's condition with low-THC cannabis, the medically acceptable alternatives, and the potential risks and side effects.

(3) PENALTIES.—

(a) A physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the physician orders low-THC cannabis for a patient without a reasonable belief that the patient is suffering from:

1. Cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms that can be treated with low-THC cannabis; or

2. Symptoms of cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms that can be alleviated with low-THC cannabis.

(b) Any person who fraudulently represents that he or she has cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms to a physician for the purpose of being ordered low-THC cannabis by such physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) PHYSICIAN EDUCATION.—

(a) Before ordering low-THC cannabis for use by a patient in this state, the appropriate board shall require the ordering physician licensed under chapter 458 or chapter 459 to successfully complete an 8-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association that encompasses the clinical indications for the appropriate use of low-THC cannabis, the appropriate delivery mechanisms, the contraindications for such use, as well as the relevant state and federal laws governing the ordering, dispensing, and possessing of this substance. The first course and examination shall be presented by October 1, 2014, and shall be administered at least annually thereafter. Successful completion of the course may be used by a physician to satisfy 8 hours of the continuing medical education requirements required by his or her respective board for licensure renewal. This course may be offered in a distance learning format.

(b) The appropriate board shall require the medical director of each dispensing organization approved under subsection (5) to successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association that encompasses appropriate safety procedures and knowledge of low-THC cannabis.

(c) Successful completion of the course and examination specified in paragraph (a) is required for every physician who orders low-THC cannabis each time such physician renews his or her license. In addition, successful completion of the course and examination specified in paragraph (b) is required for the medical director of each dispensing organization each time such physician renews his or her license.

(d) A physician who fails to comply with this subsection and who orders low-THC cannabis may be subject to disciplinary action under the applicable practice act and under s. 456.072(1)(k).

(5) DUTIES OF THE DEPARTMENT.—By January 1, 2015, the department shall:

(a) Create a secure, electronic, and online compassionate use registry for the registration of physicians and patients as provided under this section. The registry must be accessible to law enforcement agencies and to a dispensing organization in order to verify patient authorization for low-THC cannabis and record the low-THC cannabis dispensed. The registry must prevent an active registration of a patient by multiple physicians.

(b) Authorize the establishment of five dispensing organizations to ensure reasonable statewide accessibility and availability as necessary for patients registered in the compassionate use registry and who are ordered low-THC cannabis under this section, one in each of the following regions: northwest Florida, northeast Florida, central Florida, southeast Florida, and southwest Florida. The department shall develop an application form and impose an initial application and biennial renewal fee that is sufficient to cover the costs of administering this section. An applicant for approval as a dispensing organization must be able to demonstrate:

1. The technical and technological ability to cultivate and produce low-THC cannabis. The applicant must possess a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131 that is issued for the cultivation of more than 400,000 plants, be operated by a nurseryman as defined in s. 581.011, and have been operated as a registered nursery in this state for at least 30 continuous years.

2. The ability to secure the premises, resources, and personnel necessary to operate as a dispensing organization.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

3. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.

4. An infrastructure reasonably located to dispense low-THC cannabis to registered patients statewide or regionally as determined by the department.

5. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financials to the department. Upon approval, the applicant must post a \$5 million performance bond.

6. That all owners and managers have been fingerprinted and have successfully passed a level 2 background screening pursuant to s. 435.04.

7. The employment of a medical director who is a physician licensed under chapter 458 or chapter 459 to supervise the activities of the dispensing organization.

(c) Monitor physician registration and ordering of low-THC cannabis for ordering practices that could facilitate unlawful diversion or misuse of low-THC cannabis and take disciplinary action as indicated.

(d) Adopt rules necessary to implement this section.

(6) DISPENSING ORGANIZATION.—An approved dispensing organization shall maintain compliance with the criteria demonstrated for selection and approval as a dispensing organization under subsection (5) at all times. Before dispensing low-THC cannabis to a qualified patient, the dispensing organization shall verify that the patient has an active registration in the compassionate use registry, the order presented matches the order contents as recorded in the registry, and the order has not already been filled. Upon dispensing the low-THC cannabis, the dispensing organization shall record in the registry the date, time, quantity, and form of low-THC cannabis dispensed.

(7) EXCEPTIONS TO OTHER LAWS.—

(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a qualified patient and the qualified patient's legal representative may purchase and possess for the patient's medical use up to the amount of low-THC cannabis ordered for the patient.

(b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, an approved dispensing organization and its owners, managers, and employees may manufacture, possess, sell, deliver, distribute, dispense, and lawfully dispose of reasonable quantities, as established by department rule, of low-THC cannabis. For purposes of this subsection, the terms "manufacture,"

"possession," "deliver," "distribute," and "dispense" have the same meanings as provided in s. 893.02.

(c) An approved dispensing organization and its owners, managers, and employees are not subject to licensure or regulation under chapter 465 for manufacturing, possessing, selling, delivering, distributing, dispensing, or lawfully disposing of reasonable quantities, as established by department rule, of low-THC cannabis.

Section 3. Section 385.211, Florida Statutes, is created to read:

385.211 Refractory and intractable epilepsy treatment and research at recognized medical centers.—

(1) As used in this section, the term "low-THC cannabis" means "low-THC cannabis" as defined in s. 381.986 that is dispensed only from a dispensing organization as defined in s. 381.986.

(2) Notwithstanding chapter 893, medical centers recognized pursuant to s. 381.925 may conduct research on cannabidiol and low-THC cannabis. This research may include, but is not limited to, the agricultural development, production, clinical research, and use of liquid medical derivatives of cannabidiol and low-THC cannabis for the treatment for refractory or intractable epilepsy. The authority for recognized medical centers to conduct this research is derived from 21 C.F.R. parts 312 and 316. Current state or privately obtained research funds may be used to support the activities described in this section.

Section 4. Section 385.212, Florida Statutes, is created to read:

385.212 Powers and duties of the Department of Health; Office of Compassionate Use.—

(1) The Department of Health shall establish an Office of Compassionate Use under the direction of the Deputy State Health Officer.

(2) The Office of Compassionate Use may enhance access to investigational new drugs for Florida patients through approved clinical treatment plans or studies. The Office of Compassionate Use may:

(a) Create a network of state universities and medical centers recognized pursuant to s. 381.925.

(b) Make any necessary application to the United States Food and Drug Administration or a pharmaceutical manufacturer to facilitate enhanced access to compassionate use for Florida patients.

(c) Enter into any agreements necessary to facilitate enhanced access to compassionate use for Florida patients.

(3) The department may adopt rules necessary to implement this section.

Section 5. Subsection (3) of section 893.02, Florida Statutes, is amended to read:

893.02 Definitions.—The following words and phrases as used in this chapter shall have the following meanings, unless the context otherwise requires:

(3) “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, salt, derivative, mixture, or preparation of the plant or its seeds or resin. The term does not include “low-THC cannabis” as defined in s. 381.986, if manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in conformance with s. 381.986.

Section 6. Section 1004.441, Florida Statutes, is created to read:

1004.441 Refractory and intractable epilepsy treatment and research.

(1) As used in this section, the term “low-THC cannabis” means “low-THC cannabis” as defined in s. 381.986 that is dispensed only from a dispensing organization as defined in s. 381.986.

(2) Notwithstanding chapter 893, state universities with both medical and agricultural research programs, including those that have satellite campuses or research agreements with other similar institutions, may conduct research on cannabidiol and low-THC cannabis. This research may include, but is not limited to, the agricultural development, production, clinical research, and use of liquid medical derivatives of cannabidiol and low-THC cannabis for the treatment for refractory or intractable epilepsy. The authority for state universities to conduct this research is derived from 21 C.F.R. parts 312 and 316. Current state or privately obtained research funds may be used to support the activities authorized by this section.

Section 7. (1) As used in this section, the term “cannabidiol” means an extract from the cannabis plant that has less than 0.8 percent tetrahydrocannabinol and the chemical signature 2-[(1R,6R)-6-isopropenyl-3-methylcyclohex-2-en-1-yl]-5-pentylbenzene-1,3-diol, or a derivative thereof, as determined by the International Union of Pure and Applied Chemistry.

(2) For the 2014-2015 fiscal year, \$1 million in nonrecurring general revenue is appropriated to the Department of Health for the James and Esther King Biomedical Research Program and shall be deposited into the Biomedical Research Trust Fund. These funds shall be reserved for research of cannabidiol and its effect on intractable childhood epilepsy.

(3) Biomedical research funding for research of cannabidiol and its effect on intractable childhood epilepsy shall be awarded pursuant to s. 215.5602, Florida Statutes. An application for such funding may be submitted by any research university in the state that has obtained approval from the United States Food and Drug Administration for an exploratory investigational new

drug study of cannabidiol and its effect on intractable childhood epilepsy. For purposes of this section, the Biomedical Research Advisory Council created under s. 215.5602, Florida Statutes, shall advise the State Surgeon General as to the direction and scope of research of cannabidiol and its effect on intractable childhood epilepsy and the award of research funding.

Section 8. This act shall take effect upon becoming a law.

Approved by the Governor June 16, 2014.

Filed in Office Secretary of State June 16, 2014.

Attachment B- Chapter 64-4, Florida Administrative Code, Compassionate Use

CHAPTER 64-4 COMPASSIONATE USE

64-4.001	Definitions
64-4.002	Initial Application Requirements for Dispensing Organizations
64-4.004	Revocation of Dispensing Organization Approval
64-4.005	Inspection and Authorization Procedures
64-4.009	Compassionate Use Registry

64-4.001 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings indicated:

(1) Applicant – A nursery that meets the requirements of Section 381.986(5)(b)1., F.S., applies for approval as a dispensing organization, and identifies a nurseryman as defined in Section 581.011, F.S., who will serve as the operator.

(2) Approval – Written notification from the department to an applicant that its application for dispensing organization approval has been found to be in compliance with the provisions of this chapter and that the department is awaiting notification that it is prepared to be inspected and authorized to begin cultivation, processing, and dispensing.

(3) Cultivation Authorization – Written notification by the department to a Dispensing Organization that it may begin cultivating low-THC cannabis.

(4) Processing Authorization – Written notification by the department to a Dispensing Organization that it may begin processing low-THC cannabis to Derivative Product.

(5) Dispensing Authorization – Written notification by the department to a Dispensing Organization that it may begin dispensing Derivative Product.

(6) Certified Financials – Financial statements that have been audited in accordance with Generally Accepted Auditing Standards (GAAS) by a Certified Public Accountant, licensed pursuant to Chapter 473, F.S.

(7) Cultivation – Growth of low-THC plant source material.

(8) Derivative Product – Forms of low-THC cannabis suitable for routes of administration.

(9) Dispensing Region – A geographical area where the cultivation and production of low-THC cannabis under the control of a Dispensing Organization occurs. The five dispensing regions shall be identified as follows:

(a) Northwest Florida Region consisting of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Santa Rosa, Okaloosa, Taylor, Wakulla, Walton, and Washington counties.

(b) Northeast Florida Region consisting of Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns, Suwannee, and Union counties.

(c) Central Florida Region consisting of Brevard, Citrus, Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia counties.

(d) Southwest Florida Region consisting of Charlotte, Collier, DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee, Okeechobee, and Sarasota counties.

(e) Southeast Florida Region consisting of Broward, Miami-Dade, Martin, Monroe, and Palm Beach counties.

(10) Dispensing Organization – A nursery that meets the requirements of Section 381.986(5)(b)1., F.S., including its contractual agents, which has been authorized by the department to cultivate, process and dispense low-THC cannabis.

(11) Dispensing Organization Facility – Any of the following facilities:

(a) Cultivation Facility: Any area designated in the application to be used for cultivation of low-THC cannabis.

(b) Processing Facility: Any area designated in the application to be used for processing of Derivative Product.

(c) Dispensing Facility: Any area designated in the application where Derivative Product is dispensed at retail.

(12) Financial Statements – A presentation of financial data, including accompanying notes, derived from accounting records that purports to show actual or anticipated financial position and intended to communicate an entity's economic resources or obligations at a point in time, and the results of operations and cash flows for a period of time, in accordance with generally accepted accounting principles or a comprehensive basis of accounting other than generally accepted accounting principles. Financial presentations included in tax returns are not financial statements. The method of preparation (for example, manual or computer preparation) is not relevant to the definition of a financial statement.

(13) Manager – Any person with the authority to exercise operational direction or management of the Dispensing Organization or the authority to supervise any employee of the Dispensing Organization.

(14) Permanent resident – A person who has his or her true, fixed and permanent home, in Florida to which, whenever absent, he or she has the intention of returning. Once a permanent residence is established in Florida it is presumed to continue until the resident shows that a change has occurred. Any person who has established a residence in this state may manifest and evidence the same by filing a sworn statement pursuant to Section 222.17, F.S.

(15) Routes of administration – means the path by which a Derivative Product is ordered by a physician to be taken into the body of the qualified patient, but does not include smoking.

(16) Visitation Protocol – A set of identified policies and procedures of an applicant or Dispensing Organization that details requirements for visitor access to any proposed or existing Dispensing Organization facility.

Rulemaking Authority 381.986(5)(d) FS. Law Implemented 381.986(5)(b) FS. History–New 6-17-15.

64-4.002 Initial Application Requirements for Dispensing Organizations.

Each nursery that meets the requirements of Section 381.986(5)(b)1., F.S., desiring to be approved as a Dispensing Organization shall make application, either electronically or in hard copy, to the department using Form DH8006-OCU-2/2015, “Application for Low-THC Cannabis Dispensing Organization Approval” herein incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05457>. The completed application form must include the following:

(1) An initial application fee of \$60,063.00.

(2) An explanation or written documentation, as applicable, showing how the Applicant meets the statutory criteria listed in Section 381.986(5)(b), F.S. In any explanation, the Applicant must address each item listed for each criterion below. The Applicant must disclose the name, position, and resume of the employee(s) who provides the knowledge or experience explained for each item.

(a) The technical and technological ability to cultivate, process, and dispense low-THC cannabis. Please address the following items:

1. Experience cultivating cannabis;
2. Experience cultivating in Florida plants not native to Florida;
3. Experience introducing new varieties of plants;
4. Regional cultivation knowledge and experience;
5. Experience cultivating plants for human consumption such as food or medicine products;
6. Experience with in-house propagation;
7. Experience with genetic modification or breeding;
8. Experience using clean growing rooms;
9. Knowledge of cannabis cultivation, including:
 - a. Proper cultivation conditions and techniques;

- b. Additives that can be used when growing cannabis;
- c. Pests, disease and deficiencies common for cannabis;
- d. Production of high quality product in a short time;
- 10. Experience with tracking each plant in a harvest;
- 11. Experience with good agricultural practices;
- 12. Experience with good handling practices;
- 13. Experience with good manufacturing practices;
- 14. Experience with analytical organic chemistry and micro-biology;
- 15. Experience with analytical laboratory methods;
- 16. Experience with analytical laboratory quality control, including maintaining a chain of custody;
- 17. Knowledge of, and experience with, cannabis extraction techniques;
- 18. Knowledge of cannabis routes of administration;
- 19. Knowledge of, and experience with, producing cannabis products;
- 20. Experience interacting with patients;
- 21. Experience with handling confidential information;
- 22. A marketing plan;
- 23. Experience gathering and managing data, i.e. data on patient reactions to products dispensed;
- 24. Experience with recalls;
- 25. Training programs for employees addressing:
 - a. The Health Insurance Portability and Accountability Act (HIPAA);
 - b. Patient education;
 - c. Compliance;
 - d. Patient counseling; and,
 - e. Data collection.
- 26. Any awards, recognition or certifications received for relevant expertise.

(b) Written documentation demonstrating that the applicant possesses a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to Section 581.131, F.S., that is issued for the cultivation of more than 400,000 plants, is operated by a nurseryman as defined in Section 581.011, F.S., and has been operated as a registered nursery in this state for at least 30 continuous years.

(c) The ability to secure the premises, resources, and personnel necessary to operate as a Dispensing Organization. Please address the following items, and include a sketch or other illustration:

1. Location of all properties Applicant proposes to utilize to cultivate, process, and dispense low-THC cannabis and Derivative Product, including ownership information for the properties and any lease terms if applicable;

a. For any property that is leased by the Applicant, include documentation that the property owner consents to the use of the property for the purposes of cultivation, processing, or dispensing of low-THC cannabis and Derivative Products and documentation that the mortgagor or lienholder has been given notice of the use of the property for the purposes of cultivation, processing, or dispensing of low-THC cannabis and Derivative Products.

b. For any property owned by the Applicant but subject to a mortgage or lien, include documentation that the mortgagor or lienholder has been notified of the use of the property for the purposes of cultivation, processing, or dispensing of low-THC cannabis and Derivative Products.

2. Compliance with local regulations regarding sanitation and waste disposal;

3. The ability to obtain zoning approval;

4. Sketch or other illustration approximating the property boundaries, land topography, vegetation, proposed and/or existing structures, easements, wells, and roadways for each property proposed;

5. Description of the areas proposed for the cultivation of low-THC cannabis, including the following:

a. Capacity, in square feet of growing area;

b. Cultivation environment, e.g., greenhouse, clean room, aseptic, et cetera;

c. Irrigation system(s); and,

- d. Environmental control system(s);
 - 6. A description of the ability or plan to expand any of the areas proposed for low-THC cannabis;
 - 7. Back-up systems for all cultivation and processing systems;
 - 8. A description of one or more strains of low-THC cannabis the applicant intends to cultivate;
 - 9. Access to water resources that allow for sufficient irrigation;
 - 10. Description of the areas proposed for the processing of Derivative Products, including the following:
 - a. Extraction equipment and location;
 - b. Concentration equipment and location;
 - c. Access to sufficient potable water and hot water;
 - d. Analytical equipment, including separators and detectors, and location;
 - e. Safety equipment and facilities and location;
 - f. Computer systems and software; and,
 - g. Ventilation and exhaust system.
 - 11. Description of the methods proposed for the dispensing of Derivative Products, including the following:
 - a. Accessibility of dispensing facilities, e.g., centrally located to several populated areas, located on a main roadway, not in a high crime area, et cetera;
 - b. Proximity of dispensing facilities to patient populations; and,
 - c. Alternative dispensing, e.g. delivery.
 - 12. A list of current and proposed staffing, including;
 - a. Position, duties and responsibilities;
 - b. Resume; and,
 - c. Professional licensure disciplinary action in all jurisdictions.
 - 13. An organizational chart illustrating the supervisory structure of the proposed Dispensing Organization;
 - 14. Plans and procedures for loss of key personnel;
 - 15. Plans and procedures for complying with OSHA regulations for workplace safety; and,
 - 16. Relationship(s) with an independent laboratory(ies) with cannabis testing protocols and methods.
- (d) The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances. Please address the following items for each property or location:
- 1. Floor plan of each facility or proposed floor plans for proposed facilities, including the following:
 - a. Locking options for each means of ingress and egress;
 - b. Alarm systems;
 - c. Video surveillance;
 - d. Name and function of each room;
 - e. Layout and dimensions of each room;
 - 2. Storage, including the following;
 - a. Safes;
 - b. Vaults;
 - c. Climate control;
 - 3. Diversion and trafficking prevention procedures;
 - 4. A facility emergency management plan;
 - 5. System for tracking low-THC source plant material throughout cultivation, processing, and dispensing;
 - 6. Inventory control system for low-THC cannabis and Derivative Products;
 - 7. Policies and procedures for recordkeeping;
 - 8. Vehicle tracking systems;
 - 9. Vehicle security systems;
 - 10. Methods of screening and monitoring employees;
 - 11. Personnel qualifications and experience with chain of custody or other tracking mechanisms;
 - 12. Personnel reserved solely for inventory control purposes;
 - 13. Personnel reserved solely for security purposes;

14. Waste disposal plan;
 15. Plans for the recall of any Derivative Products that have a reasonable probability of causing adverse health consequences based on a testing result, bad patient reaction, or other reason; and,
 16. Access to specialized resources or expertise regarding data collection, security, and tracking.
- (e) An infrastructure reasonably located to dispense low-THC cannabis to registered patients statewide or regionally as determined by the department. Please address the following items:
1. A map showing the location of the applicant's proposed dispensing facilities;
 2. A sketch or other illustration of the actual or proposed dispensing location showing streets; property lines; buildings; parking areas; outdoor areas, if applicable; fences; security features; fire hydrants, if applicable; and access to water and sanitation systems; and,
 3. A floor plan of the actual or proposed building or buildings where dispensing activities will occur showing:
 - a. Areas designed to protect patient privacy;
 - b. Areas designed for retail sales;
 4. A HIPAA compliant computer network utilized by all facilities;
 5. Vehicles that will be used to transport product among cultivating, processing, and dispensing facilities;
 6. Communication systems;
 7. Hours of operation of each dispensing facility; and,
 8. Methods of mitigating odors if applicable.
- (f) The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of Certified Financials to the department. Please provide the following items:
1. Certified Financials issued within the immediately preceding 12 months;
 2. Applicant's corporate structure;
 3. All owners of the Applicant;
 4. All individuals and entities that can exercise control of the Applicant;
 5. All individuals and entities that share in the profits and losses of the Applicant;
 6. All subsidiaries of the Applicant;
 7. Any other individuals or entities for which the Applicant is financially responsible;
 8. Assets of the Applicant and Applicant's subsidiaries;
 9. Liabilities of the Applicant and Applicant's subsidiaries;
 10. Any pending lawsuits to which the Applicant is a party;
 11. Any lawsuits within the past 7 years to which the Applicant was a party;
 12. All financial obligations of Applicant that are not listed as a "liability" in the Certified Financials;
 13. A projected two year budget; and,
 14. Specific reference to sufficient assets available to support the Dispensing Organization activities.
- (g) That all owners and managers have been fingerprinted and have successfully passed a level 2 background screening pursuant to Section 435.04, F.S., within the calendar year prior to application. Each owner and manager should present to FDLE or one of its approved vendors for fingerprinting. At that time, give the entity ORI number FL924890Z (DOH – OFFICE OF COMPASSIONATE USE). The report will be sent directly to the Office of Compassionate Use. Please submit a list of all owners and managers indicating the date of each individual's most recent Level-2 background screening.
- (h) The employment of a medical director who is a physician licensed pursuant to Chapters 458 or 459, F.S., to supervise the activities of the proposed Dispensing Organization. Please address the following items for the physician chosen as medical director:
1. Specialty area, if any;
 2. Experience with epileptic patients;
 3. Experience with cancer patients;
 4. Experience with patients with severe seizures or muscle spasms;
 5. Knowledge of the use of low-THC cannabis for treatment of cancer or physical medical conditions that chronically produce symptoms of seizures or severe and persistent muscle spasms;

6. Knowledge of good manufacturing practices;
 7. Knowledge of analytical and organic chemistry;
 8. Knowledge of analytical laboratory methods;
 9. Knowledge of analytical laboratory quality control, including maintaining a chain of custody;
 10. Knowledge of, and experience with, CBD/low-THC extraction techniques;
 11. Knowledge of CBD/low-THC routes of administration;
 12. Experience in or knowledge of clinical trials or observational studies;
 13. Knowledge of, and experience with, producing CBD/low-THC products;
 14. Experience with or knowledge of botanical medicines;
 15. Experience with dispensing medications;
 16. Description of how the medical director will supervise the activities of the Dispensing Organization;
- and,

17. Description of how the Dispensing Organization will ensure it has a medical director at all times.

(i) The ability to post a \$5 million performance bond for the biennial approval cycle.

(3) If the Applicant intends to claim any exemption from public records disclosure under Section 119.07, F.S., or any other exemption from public records disclosure provided by law for any part of its application, it shall indicate on the application the specific sections for which it claims an exemption and the statutory basis for the exemption. The Applicant shall submit a redacted copy of the application redacting those items identified as exempt.

(4) Failure to submit the \$60,063.00 application fee or documentation sufficient to establish the Applicant meets the requirements of Section 381.986(5)(b), F.S., shall result in the application being denied prior to any scoring as contemplated in subsection (5) of this rule.

(5) Any "Application for Low-THC Cannabis Dispensing Organization Approval" and all required exhibits and supporting documents shall be delivered to the Agency Clerk of the Department of Health physically located at 2585 Merchants Row Boulevard in Tallahassee, Florida, no earlier than 10:00 a.m. (Eastern Time), on the effective date of this rule and no later than 5:00 p.m. (Eastern Time), 21 calendar days after the effective date of this rule.

(a) The department will substantively review, evaluate, and score applications using Form DH8007-OCU-2/2015, "Scorecard for Low-THC Cannabis Dispensing Organization Selection" herein incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05461>. The department's substantive review will be completed by:

1. Director of the Office of Compassionate Use;
2. A member of the Drug Policy Advisory Council appointed by the State Surgeon General; and,
3. A Certified Public Accountant appointed by the State Surgeon General.

(b) Each reviewer will independently review each application and score using Form DH8007-OCU-2/2015, "Scorecard for Low-THC Cannabis Dispensing Organization Selection." Scorecards from each reviewer will be combined to generate an aggregate score for each application. The Applicant with the highest aggregate score in each dispensing region shall be selected as the region's Dispensing Organization.

(c) In the event of a tie in a region, each reviewer will re-review the tied applications and select a winning application. The department will approve the application selected by the majority of the reviewers.

(d) In the event one nursery receives the high score in multiple regions, one of which is the region represented by the address on the nursery's certificate of registration, the Applicant will be approved for that region, and the second highest scored Applicant will be approved for the other region(s). In the event one nursery receives the high score in multiple regions, none of which is the region represented by the address on the nursery's certificate of registration, the Applicant will be approved for the region for which it had the highest aggregate infrastructure score, and the second highest scored Applicant will be approved for the other region(s).

(e) Upon notification that it has been approved as a region's Dispensing Organization, the Applicant shall have 10 business days to post a \$5 million performance bond. The bond shall:

1. Be payable to the department in the event the Dispensing Organization's approval is revoked;

2. Be written by a surety company licensed by the Florida Office of Insurance Regulation.
3. Be written so that the nursery name on the bond corresponds exactly with the Applicant name.
4. If a bond is canceled and the Dispensing Organization fails to file a new bond with the department in the required amount on or before the effective date of cancellation, the Dispensing Organization's approval shall be revoked.

(f) If the selected Applicant fails to post the bond within the required timeframe, the Applicant with the next highest score in the dispensing region shall be selected and notified.

(g) The surety company can use any form it prefers for the performance bond as long as it complies with this rule. For convenience, the surety company can also use Form DH8008-OCU-2/2015, "Florida Low-THC Cannabis Performance Bond" herein incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05460>.

Rulemaking Authority 381.986(5)(d) FS. Law Implemented 381.986(5)(b) FS. History--New 6-17-15.

64-4.004 Revocation of Dispensing Organization Approval.

(1) The department shall revoke its approval of the Dispensing Organization if the Dispensing Organization does any of the following:

(a) Cultivates low-THC cannabis before obtaining department authorization;

(b) Knowingly dispenses Derivative Product to an individual other than a qualified patient or a qualified patient's legal representative without noticing the department and taking appropriate corrective action;

(2) The department may revoke its approval of the Dispensing Organization if any of the following failures impact the accessibility, availability, or safety of the Derivative Product and are not corrected within 30 calendar days after notification to the Dispensing Organization of the failure;

(a) Failure to comply with the requirements in Section 381.986, F.S., or this rule chapter;

(b) Failure to implement the policies and procedures or comply with the statements provided to the department with the original or renewal application;

(3) The department may revoke its approval of the Dispensing Organization for failure to meet the following deadlines if failure is not corrected within 10 calendar days:

(a) Failure to seek Cultivation Authorization within 75 calendar days of application approval; or

(b) Failure to begin dispensing within 210 calendar days of the being granted the Cultivation Authorization requested in subsection 64-4.005(2), F.A.C.

Rulemaking Authority 381.986(5)(d) FS. Law Implemented 381.986(5)(b) FS. History--New 6-17-15.

64-4.005 Inspection and Authorization Procedures.

(1) Submission of an application for Dispensing Organization approval or renewal constitutes permission for entry by the department at any reasonable time during the approval or renewal process, into any Dispensing Organization facility to inspect any portion of the facility; review the records required pursuant to Section 381.986, F.S., or this chapter; and identify samples of any low-THC cannabis or Derivative Product for laboratory analysis, the results of which shall be forwarded to the department. All inspectors shall follow the Dispensing Organization's Visitation Protocol when conducting any inspection.

(2) A Dispensing Organization must request Cultivation Authorization within 75 days of being notified that it has been approved as a region's Dispensing Organization. No less than 30 calendar days prior to the initial cultivation of low-THC cannabis, the Dispensing Organization shall notify the department that the Dispensing Organization is ready to begin cultivation, the Dispensing Organization is in compliance with Section 381.986, F.S., and this rule chapter and is seeking Cultivation Authorization. No low-THC cannabis plant source material may be present in any Dispensing Organization facility prior to Cultivation Authorization.

(3) No less than 10 calendar days prior to the initial processing of low-THC cannabis, the Dispensing Organization shall notify the department that the Dispensing Organization is ready to begin processing, the Dispensing Organization is in compliance with Section 381.986, F.S., and this chapter, and is seeking Processing Authorization.

(4) A Dispensing Organization must begin dispensing Derivative Product within 210 days of being granted Cultivation Authorization. No less than 10 calendar days prior to the initial dispensing of Derivative Product, the Dispensing Organization shall notify the department that the Dispensing Organization is ready to begin dispensing, the Dispensing Organization is in compliance with Section 381.986, F.S., and this chapter, and is seeking Dispensing Authorization.

(5) If the department identifies a violation of Section 381.986, F.S., or this chapter during an inspection of a Dispensing Organization facility, the Dispensing Organization shall notify the department in writing, within 20 calendar days after the date of receipt of the written notice of violation, identifying the corrective action taken and the date of the correction.

Rulemaking Authority 381.986(5)(d) FS. Law Implemented 381.986(5)(b) FS. History—New 6-17-15.

64-4.009 Compassionate Use Registry.

(1) Ordering physicians licensed under Chapters 458 or 459, F.S., meeting the educational requirements of Section 381.986(4), F.S., may access the Compassionate Use Registry using their existing MQA Services credentials.

(2) Other persons may request access to the Compassionate Use Registry by completing form DH8009-OCU-2/2015, “Request for Access to the Compassionate Use Registry,” herein incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05459>. Those requesting access must meet one of the following criteria:

- (a) Authorized employee of a Dispensing Organization;
- (b) Law enforcement official; or
- (c) Authorized employee of the department.

(3) Persons seeking to access to the registry shall have successfully completed a department-approved course in their responsibilities related to patient confidentiality and shall make documentation of completion available to the department upon request.

(4) Before dispensing any Derivative Product to a qualified registered patient or the patient’s legal representative, the Dispensing Organization must verify that the patient has an active registration, the order presented matches the order contents as recorded by the physician in the registry, and the order has not already been dispensed.

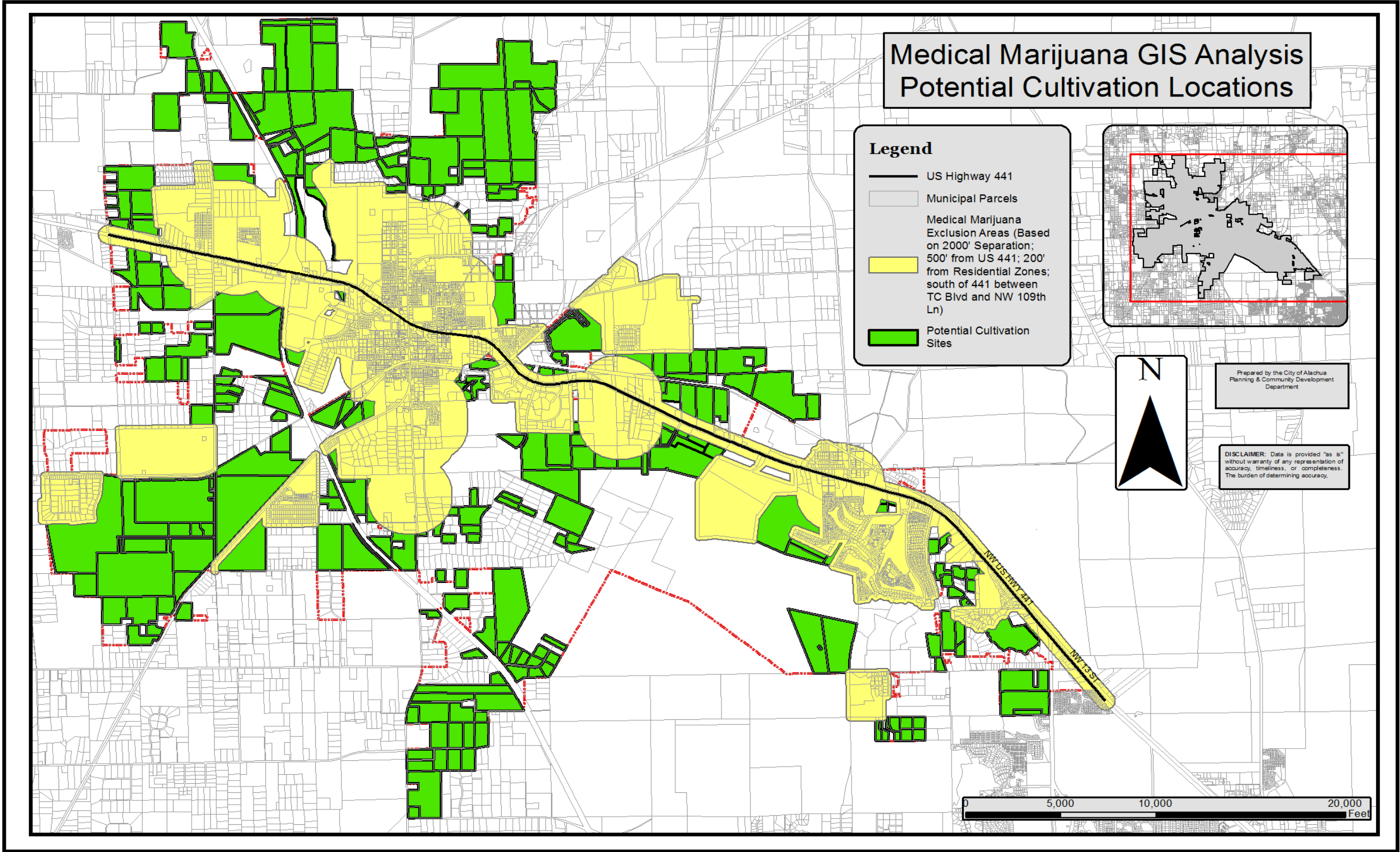
(5) The Dispensing Organization shall enter a dispensing action into the registry immediately upon dispensing the Derivative Product to the qualified registered patient or the patient’s legal representative.

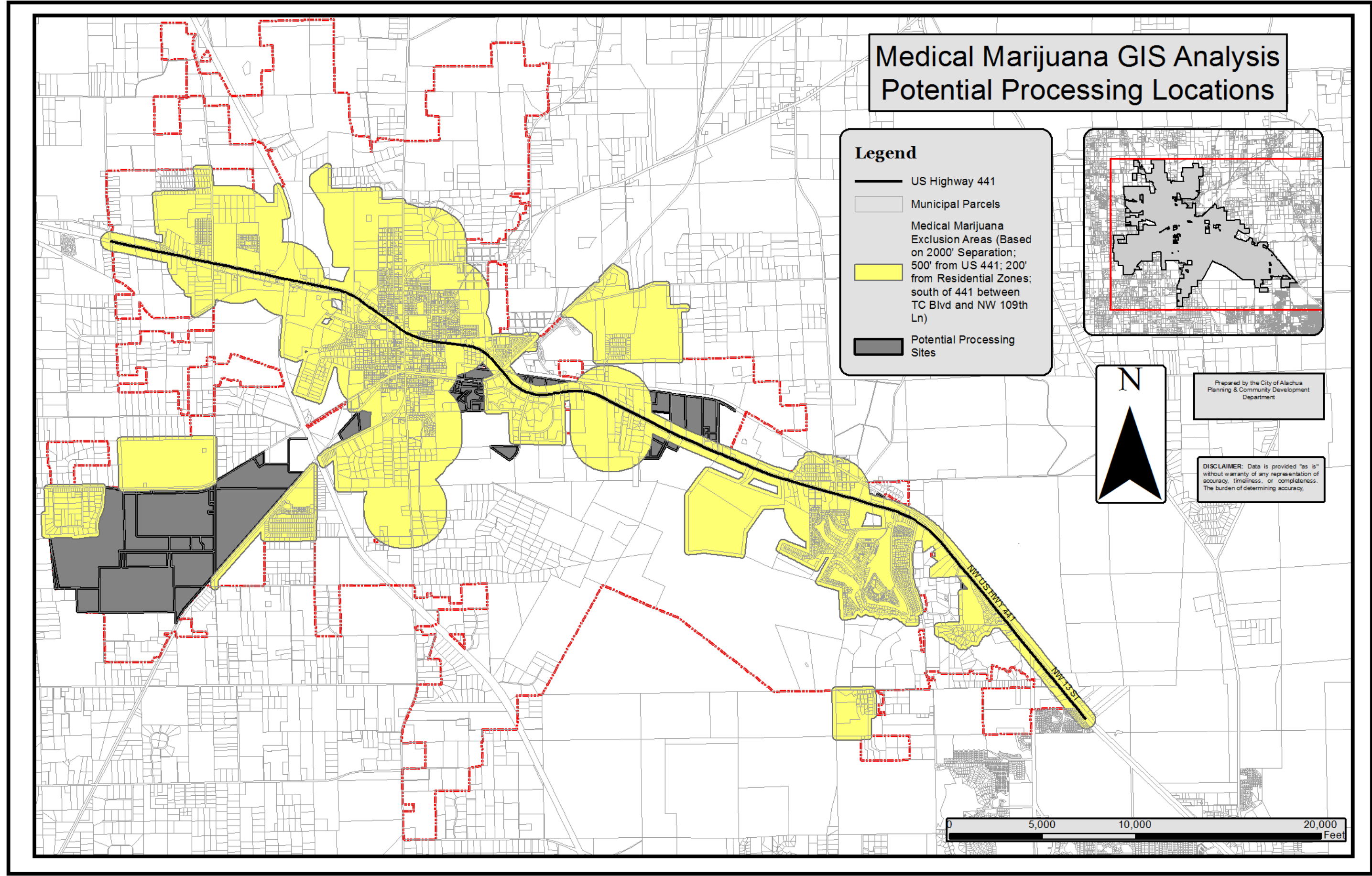
Rulemaking Authority 381.986(5)(d) FS. Law Implemented 381.986(5)(a); 837.06 FS. History—New 6-17-15.

Attachment C- Summary of Regulation by Other Selected Florida Jurisdictions

Jurisdiction	General Provisions	Ordinance Number
Cape Canaveral	Medical Marijuana treatment centers permitted by special exception in the C-1, C-2, and M-1 zoning districts. ½ mile separation required from pain management clinics and other dispensaries; 1,000' from schools, churches, and daycares; limits on hours of operation, prohibition on loitering; prohibition to cash only business; daily reports required; special business requirements.	09-2014 (September 16, 2014)
Cocoa Beach	Dispensaries permitted by special exception in the GC (General Commercial) zoning district; 1,000' from any school or church, 200' from residentially zoned property, prohibited in CRA, no onsite marijuana cultivation, no drive-through service; 200' from arterial roads; limits on hours of operation.	1581 (June 19, 2014)
Indian Harbor Beach	Medical Marijuana facilities permitted in M-1 zoning district as a conditional use permit with a minimum facility size of 1,500 square feet. 2,500' from pharmacies, schools, medical offices, day cares, adult living facilities, playgrounds, parks, religious institutions, other dispensaries, residential structures. Required security features that include a silent alarm system, full time armed security personnel from licensed security firm, a security camera system, bullet-resistant glass at points of transactions, drop safe, lighting requirements, height markings at exits. Outside cultivation prohibited, indoor cultivation limited to 50 square feet of medical marijuana facility. Code does not apply to dispensing organizations as determined by the State of Florida.	2015-1 (February 24, 2015)
Edgewood	Medical marijuana dispensaries permitted in I district as a special exception. Low-THC not included in this definition. 2,500' from any school, day care, park, other dispensary. General security requirements.	2014-04 (June 17, 2014)
Maitland	Medical marijuana dispensaries permitted in OC-1 and OC-3 (office commercial) zoning districts as conditional uses. No drive-through services or vending machines, no consumption of alcohol or medical marijuana on site. 2,500' separation from schools, day cares, park, religious institutions, and other dispensaries. Performance controls for odor.	1265 (November 10, 2014)

Lady Lake	Medical marijuana dispensaries permitted in HC (heavy commercial) zoning district as a special exception. 1,500' from schools, religious facilities, day cares, parks. 2,500 from existing dispensaries. Hours of operation control, no onsite consumption of alcohol.	2014-05 (August 4, 2014)
Mount Dora	Medical marijuana dispensaries permitted as conditional use in WP-2 (workplace district). Prohibition of drive through service, controls on loitering, 2,500' separation from any school, day care, park, or other dispensary	2014-05 (May 20, 2014)
Flagler Beach	Medical marijuana dispensaries permitted as a condition use in HC (highway commercial) district, controls on loitering, 2,500' separation from any school, church, day care, park or other dispensary	2014-12 (May 22, 2014)
Gainesville	Permitted by right in OR and OF (office) and BUS (general business), MU-1, MU-2 (mixed use). UMU-2 (urban mixed use), CCD (central city), MD (medical services), CP (corporate park), zoning districts. Pertains only to low-THC medical marijuana.	150395 (1 st reading- November 5, 2015)
St Augustine	Cultivation and processing of legally available marijuana permitted by exception in IW (industrial) and retail dispensing of legally available marijuana permitted by exception in CM-2 (commercial) zoning districts. Connectivity requirements to US Highway 1.	14-27 (December 8, 2014)

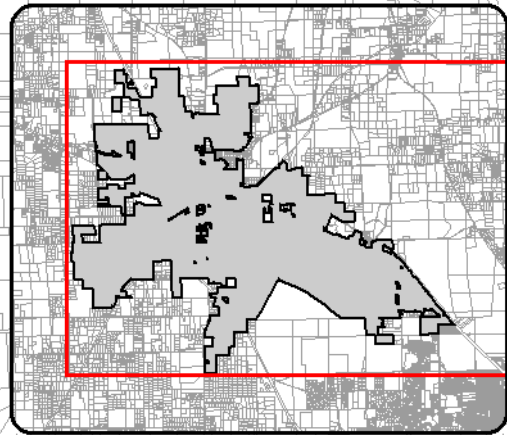




Medical Marijuana GIS Analysis Potential Retail Dispensing Locations

Legend

- US Highway 441
- Municipal Parcels
- Medical Marijuana Exclusion Areas (Based on 2000' Separation; 500' from US 441; 200' from Residential Zones; south of 441 between TC Blvd and NW 109th Ln)
- Potential Dispensing Location Sites



Prepared by the City of Anchorage
Planning & Community Development
Department

DISCLAIMER: Data is provided "as is" without warranty of any representation of accuracy, timeliness, or completeness. The burden of determining accuracy.

