PANAMA CITY BEACH CITY COUNCIL
AGENDA
NOTE: AT EACH OF ITS REGULAR OR SPECIAL MEETINGS, THE CITY COUNCIL ALSO SITS, EX-OFFICIO, AS THE CITY OF PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY AND MAY CONSIDER ITEMS AND TAKE ACTION IN THAT LATTER CAPACITY.

WORKSHOP DATE: DECEMBER 1, 2016
MEETING TIME: 2:00 P.M.

I. CALL TO ORDER AND ROLL CALL.
II. INVOCATION - COUNCILMAN REICHARD
III. PLEDGE OF ALLEGIANCE - COUNCILMAN REICHARD

IV. WORKSHOP
1. LOW SPEED VEHICLES REGULATION.
2. MEDICAL MARIJUANA DISPENSARIES REGULATION.
3. OVERSIGHT FOR PROJECTS FOR ½ CENT SALES TAX AND OVERSIGHT COMMITTEE.

V. ADJOURN.

JOHN REICHARD  X
PHIL CHESTER  X
JOSIE STRANGE  X
HECTOR SOLIS  X
MIKE THOMAS  X

I certify that the Council members listed above have been contacted and made aware of the items on this agenda.

City Clerk  Date

IN AN EFFORT TO CONDUCT YOUR COUNCIL MEETINGS IN AN ORDERLY AND EXPEDITIOUS MANNER, WE RESPECTFULLY REQUEST THAT YOU WAIT UNTIL THE CHAIR RECOGNIZES YOU TO SPEAK, THEN COME TO THE PODIUM AND State YOUR NAME AND ADDRESS FOR THE RECORD.

E-mailed and/or Faxed to following interested parties on: 11/29/16, noon.

NEWS MEDIA  CONTACT
News Herald  John Henderson
Bullet  Editor
Channel 4  Ryan Rodig
Channel 7  Rex Ogburn
Channel 13  Ken MCVay
Comcast  Kay C. McWilliams
WOW  Cil Schnitker
WKGC  Emily Balazs
WLTG  A. D. Whitehurst
Clear Channel  Crystal Presley
Powell Broadcasting  Jeff Storey, GM

NOTE: COPIES OF THE AGENDA ITEMS ARE POSTED ON THE CITY’S WEBSITE WWW.PCBGOV.COM UNDER “AGENDA INFORMATION”.

Workshop Agenda
December 1, 2016
THIS MEETING WILL BE LIVE-STREAMED ON THE CITY WEBSITE.

If a person decides to appeal any decision made by the City Council with respect to any matter considered at the meeting, if an appeal is available, such person will need a record of the proceeding, and such person may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based. Sec. 286.0105, FS (1995)
AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, RELATED TO THE REGULATION OF AMUSEMENT VEHICLES; AMENDING THE CITY'S CODE OF ORDINANCES TO DEFINE AMUSEMENT VEHICLES AND AMENDING DEFINITIONS, EXPAND THE APPLICATION OF EXISTING RULES FOR MOTOR SCOOTER RENTALS TO AMUSEMENT VEHICLES; DELETE CERTAIN REQUIREMENTS RELATED TO THE PROVISION OF INSURANCE AND VESTS, CLARIFY THE HOURS DURING SPRING BREAK IN WHICH RENTED MOTOR SCOOTERS MAY NOT BE MADE AVAILABLE FOR RENT, REQUIRE THE REGISTRATION OF AMUSEMENT VEHICLES, AND LIMIT THE NUMBER OF LOW SPEED VEHICLES RENTED IN THE CITY AS MORE PARTICULARLY SET FORTH IN THE BODY OF THE ORDINANCE; AMENDING THE CITY'S LAND DEVELOPMENT CODE TO CREATE A NEW SUPPLEMENTAL USE CATEGORY FOR LOW SPEED RENTAL BUSINESSES IN CH ZONES; PROVIDING DEFINITIONS; PROVIDING STANDARDS FOR LOCATION, STORAGE, DISPLAY AND RETURN OF VEHICLES, SIGNAGE, AND APPEARANCE OF SUCH BUSINESSES AS MORE PARTICULARLY SET FORTH IN THE BODY OF THE ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. Intent. The City Council finds that the number of rented low speed vehicles in the City is rising at such a rapid rate that the number must be capped and regulations established before efforts to do so are overcome by the sheer volume of rented low speed vehicles operated in the City, and therefore intends to immediately limit the number of rented low speed vehicles to a maximum of [three hundred (300)] units throughout the City on the effective date of this Ordinance. Further, the Council finds that by limiting the number of low speed vehicles that may be rented, not only will the City be better able to police
the rental drivers but also the economics of having fewer units available for rent should have a positive effect upon the responsibility of the operators to whom the remaining units are rented.

SECTION 2. From and after the effective date of this ordinance, Chapter 22 of the Code of Ordinances of the City of Panama City Beach related to Traffic and Motor Vehicles, is amended to read as follows (new text bold and underlined, deleted text struckthrough):

Sec. 22-05. Definitions.
Definitions. The following words, terms or phrases, when used in this Chapter 22, shall have the meanings respectively ascribed to them:

**Amusement vehicle** shall mean a motorcycle, moped, motor scooter, motorized scooter, low speed street vehicle, golf cart, dune or swamp buggy, go-cart, megacycle, or other vehicle rented or leased to customers which provides locomotion on a street or highway, but not including bicycles.

**Bicycles** shall mean every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than twenty (20) miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than twenty-five (25) inches from the ground when the seat is adjusted to its highest position or a scooter or similar device.

**Emergency vehicles** shall include, but not be limited to, law enforcement, firefighting, rescue squad, ambulance, or other emergency vehicles which are marked as such.

**Fire and safety lane** shall mean a fire apparatus or emergency vehicle access way to or beside a commercial building, having an all-weather driving surface of not less than ten (10) feet of unobstructed width and required by governmental authority.

**Golf cart** shall mean a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour. A low speed vehicle modified pursuant to section 319.14(10)(a), Florida Statutes, shall be considered a golf cart for the purpose of this section once proof of compliance is presented to the City.

**Low speed street vehicle** shall mean any four-wheeled vehicles whose top speed is greater than 20 miles per hour but is not greater than 25 miles per hour, but shall not include golf carts or motor scooters. Low-speed vehicles must comply with the safety standards enumerated in C.F.R. s. 571.500 and section 316.2122, Florida Statutes.

**Marked fire and safety lane** shall mean a fire and safety lane marked by a pavement stripe and posted at intervals of fifty feet (50') or less by signs which state: "Fire and Safety Lane. Parking of motor vehicles prohibited at all times."
Moped shall mean any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels; with a motor rated not in excess of two (2) brake horsepower and not capable of propelling the vehicle at a speed greater than thirty (30) miles per hour on level ground; and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed fifty (50) cubic centimeters.

Motor scooter or scooter shall mean a motorcycle or two or three or four wheeled vehicle powered by a motor with a displacement of fifty (50) cubic centimeters or less or is rated not in excess of two (2) brake horsepower and which is not capable of propelling such motor eye-vehicle motor scooter at a speed greater than thirty (30) miles per hour on level ground, and shall include a moped as defined in this section FS 316.03(77)(2013), and any other two or three wheeled, self-propelled vehicle for which state law does not require proof of financial responsibility (see FS Chapter 324 (2013)).

Motorized scooter shall mean any vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three (3) wheels, and not capable of propelling the vehicle at a speed greater than thirty (30) miles per hour on level ground.

Motor vehicle shall mean any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, or moped.

Private property shall mean any real property within the city which is privately owned and which is not public property.

Public property shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

Registered owner shall mean the person or entity that is registered by state law as the title holder of a motor vehicle on the date that a violation of this section occurs.

Stop, stand or park shall mean any stopping, standing or parking of a vehicle, whether occupied or not, other than momentarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

Vehicle shall mean every device including golf carts, bicycles, motor scooters, motor vehicles, and mopeds in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

ARTICLE VI.- VEHICLE RENTALS
Sec. 22-100. - Prohibited acts.

(a) It shall be unlawful for any person to rent, lease or hire within the City an amusement vehicle, motorcycle, motor scooter or any other two- or three-wheeled, self-propelled vehicle, or solicit the same within the City, unless each of the following requirements is met:

(1) There is promptly available for delivery without charge with each such vehicle available for rental if requested by the customer, protective headgear, and eye-protective devices, and a fluorescent highway safety vest, of a type approved by the Department of Highway Safety and Security.
Motor Vehicles, and there is present on the same premises a vest described in this section for each scooter available for rental.

(2) Protective headgear and an eye-protective device approved by the Department of Highway Safety and Motor Vehicles are furnished without charge if requested by the customer.

(3) For each motor scooter rented, there is affixed to it one of the number of unique medallions issued by the City for that location as required by the City's Land Development Code as a condition of the continuation of the rental of scooters as a non-conforming use.

(4) For each motor scooter rented, all occupants are outfitted with a florescent green highway safety vest meeting at a minimum Class 2 ANSI 107-2010 or equivalent revised standards, upon the back of which the word "RENTAL" is applied in black, block letters four inches (4")-high, and the occupants are not allowed to leave the rental business on the vehicle unless wearing the vest in a normal fashion on the outside of all clothing or apparel.

(5) All persons who will operate the vehicle hold and have in their possession a valid driver's license authorizing operation of the vehicle upon the public streets of Florida and the name and address of all operators and the number and state of issuance of all licenses shall be made a part of the contract pursuant to which possession of the vehicle is transferred.

(6) Reserved.

(7) All operators listed on the rental agreement for each motor-scooter amusement vehicle shall be required to read, print their name, sign and date a brochure in form and substance approved by the Chief of Police outlining the laws applicable to the operation of motorcycles the rented amusement vehicle in Florida (a "Safety Brochure"). The Safety Brochure shall also explain (i) that the City understands that the rental about to commence is more of an amusement ride than transportation, (ii) that vests are required to maximize the visibility of the amusement vehicles for the occupants' safety and the protection of property, and (iii) that the police are particularly sensitive to reckless and unlawful operation of the amusement vehicles because they have seen frequent injuries and damages caused by them. A subsequent rental on a following day shall require a new Safety Brochure.

(8) There is prominently affixed to such vehicle a current registration decal or medallion, or both, supplied by the City.

(9) Reserved.

(10) The entity owning and renting a motorcycle or motor-scooter shall have provided and have in effect a policy of insurance through an insurance company licensed to do business in Florida insuring the owner and operator of such rented scooter against loss from liability for bodily injury, death, and property damage arising out of the ownership, maintenance or use of the vehicle in not less than the limits described below and conforming to the requirements of FS 324.151 (2013) subject to the usual policy exclusions that have been approved in policy forms by the Florida Office of Insurance Regulation:

In the amount of ten thousand dollars ($10,000) because of bodily injury to, or death of, one (1) person in any one (1) crash; and
Subject to such limits for one (1) person, in the amount of twenty thousand dollars ($20,000) because of bodily injury to, or death of, two or more persons in any one (1) crash; and
In the amount of ten thousand dollars ($10,000) because of injury to, or destruction of, property of others in any one (1) crash.
There is conspicuously posted at all entrances to such business premises and above wherever rental forms are signed, on a sign in size and form (including font) approved by the Chief of Police displaying the schedule of maximum deposits allowed and including substantially the following notices:

**CITY ORDINANCE REQUIRES DELIVERY OF A WRITTEN ITEMIZATION OF PARTS AND LABOR CHARGED AGAINST A SECURITY DEPOSIT AND A CLEAR PHOTOGRAPH OF ANY DAMAGE CLAIMED.**

**CITY ORDINANCE PROHIBITS YOUR DEPOSIT BEING USED FOR ANOTHER PERSON UNLESS YOU CONSENT BY SEPARATE WRITTEN INSTRUMENT.**

**IN ORDER TO RENT A MOTORCYCLE AN AMUSEMENT VEHICLE, YOU MUST HOLD A VALID DRIVER'S LICENSE WHICH WOULD PERMIT YOU TO OPERATE A MOTORCYCLE SUCH VEHICLE IN YOUR HOME STATE.**

**IT IS ILLEGAL FOR ANYONE NOT LISTED AS AN OPERATOR ON THE RENTAL AGREEMENT TO OPERATE THE RENTAL VEHICLE MOTORCYCLE OR SCOOTER.**

**TO RENT AN AMUSEMENT VEHICLE A MOTOR SCOOTER YOU MUST READ, SIGN AND HAVE IN YOUR POSSESSION WHILE DRIVING IN THE CITY A "SAFETY BROCHURE" AND WEAR A VEST WHICH THIS BUSINESS WILL GIVE TO YOU.**

**OPERATING A MOTOR SCOOTER AN AMUSEMENT VEHICLE WITHOUT THE BROchure OR WITHOUT WEARING THE VEST, OR VIOLATING ANY FLORIDA TRAFFIC LAWS, WILL SUBJECT YOU TO A CIVIL PENALTY OF BETWEEN $100 AND $500 DOLLARS, OR MORE.**

Said notice shall have a white background with black Roman lettering in substantially the form on file and available for inspection in the office of the City Clerk.

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(f) The City consents to the applicability within its boundaries, and may enforce against persons who rent, lease, or hire, motor scooters amusement vehicles within the unincorporated area of Bay County bounded by Phillips Inlet, the Intracoastal waterway and St. Andrews Bay, any requirements imposed by Bay County upon such persons to the extent consistent with this article or any interlocal agreement entered between the City and Bay County.

Sec. 22-101. - Overnight rentals and operation of rented motor scooters at night prohibited during college spring break.

As used here, college spring break means the period commencing March 1 at 12:01 a.m. and ending March 31 at 11:59 p.m. each year, unless that period is extended by resolution of the City Council adopted on or before the immediately preceding January 31st as authorized here.

(1) No person who makes a scooter available for rent shall make a scooter available for rent overnight, or rent a scooter overnight or between 7 p.m. and 7 a.m. sunset and sunrise each day, during college spring break.

(2) Any rented scooter operated on the road between 7 p.m. and 7 a.m. at night (between one half-hour after sunset and one half-hour before sunrise as estimated by the times listed in any local publication or government website) during college spring break shall be confiscated and impounded by the City. Possession of the impounded scooter shall be surrendered to the owner of the scooter, or to his, her or its authorized representative, no sooner than the next business day and only after payment of an impound fee and storage fee in such amounts as may be established by resolution of the City Council from time to time based upon the charges negotiated by the City with private parties for those services.

Sec. 22-102. - Itemization of damage claims.

No person or business renting, leasing or hiring within the City a amusement vehicle motorcycle, motor scooter, moped or any other two or three wheeled, self-propelled vehicle, shall make any charge for damage to such vehicle without first delivering to the customer a written, itemized statement of such charge, separately stating each replacement part and its cost, all labor costs, and any other charge made, and one (1) or more color photographs clearly depicting the damaged parts. No additional charge may be made for such statement and photographs.

Sec. 22-103. - Threat of arrest.

No person or business renting, leasing or hiring within the City a amusement vehicle motorcycle, motor scooter, moped or any other two or three wheeled, self-propelled vehicle, shall threaten a customer with arrest or criminal prosecution for refusal to pay a damage claim or any other charge.

Sec. 22-104. - Limitations on deposits; cross-collateralization prohibited; exceptions.

(a) No person or business renting, leasing or hiring within the City (hereafter in this section "renting" or "rental") a self-propelled vehicle intended to be operated upon a public street shall accept anything of value as security or collateral for the full performance of the rental agreement
therefor (hereafter in this section a "deposit"), other than (i) cash, or (ii) a credit card invoice upon which a maximum amount is clearly written, and in either case not exceeding the amount per vehicle set forth in subsection (d). The fee paid by a customer as consideration for the rental is not a deposit.

(b) Any value transferred to a person or business renting a vehicle within the City in connection with such rental shall be conclusively deemed to be a deposit within the meaning of the forgoing prohibition whenever the circumstances of the rental provide or reasonably infer that such value will be returned to the customer if the customer fully performs the customer's obligations under the rental agreement, including the obligation to pay the cost to repair any damage or loss sustained by the vehicle during the rental period. Nothing herein shall prohibit such person or business from collecting a non-refundable, voluntary fee to limit a customer's liability in the event of damage or loss to the rented vehicle, such a fee not being a deposit; however, any value held to secure satisfaction of the customer's liability so limited is a deposit within the meaning of the forgoing prohibition.

(c) No person or business renting within the City a self-propelled vehicle intended to be operated upon a public street shall permit or require the cash or credit card deposit given by one (1) or more persons, individually or jointly, with respect to one or more vehicles to be applied in excess of the amount per vehicle set forth in subsection (d).

(d) Maximum deposits permitted:

<table>
<thead>
<tr>
<th>Vehicle Type</th>
<th>Deposit Cap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor Scooter (2 or 3 or 4 wheel, less than 50cc)</td>
<td>$150</td>
</tr>
<tr>
<td>Electric Cart or Dune Buggy (3 or 4 wheel)</td>
<td>$300</td>
</tr>
<tr>
<td>Motorcycle (50cc or greater)</td>
<td>$500</td>
</tr>
<tr>
<td>All other vehicles</td>
<td>$500</td>
</tr>
<tr>
<td>Vehicle Type</td>
<td>Deposit Cap</td>
</tr>
</tbody>
</table>

Sec. 22-105. - Registration and inspection.

(a) Each amusement vehicle, motorcycle, motor scooter, moped or any other two- or three-wheeled, self-propelled vehicle, or low speed vehicle rented, leased or hired within the City shall be inspected and registered annually with the Chief of Police at the offices of the Police Department at such times as shall be specified by the Chief. The annual application for registration of each vehicle shall include:

(1) The name, residence and mailing address of the owner, and

(2) The name, location and mailing address of the rental, etc. business, and

(3) A description of each type of vehicle to be rented by the business, including make, model and manufacturer, engine displacement, maximum brake horsepower, maximum seat height from ground, and whether equipped with pedals to permit propulsion by human power, and

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(4) The approximate number of vehicles of each type to be rented by the business, subject to a continuing obligation to promptly advise the Chief of Police of any material change in such number, and

(5) A description of each type of protective headgear and eye protective device to be used, including manufacturer, make model and serial number, if any, and the approximate number of each type, and

(6) Evidence satisfactory to the City of any trust deposit or bond financial responsibility required by law.

(b) Each application shall be accompanied by a registration fee in the amount of fifty dollars ($50), plus one dollar ($1) for each decal or medallion furnished, to defray the cost of enforcing the regulations contained in this Article.

(c) Each registration shall expire on December 31 next following issuance, regardless of the date of issuance.

(d) Each vehicle to be rented pursuant to this Article shall be inspected by the Chief of Police or his designee to confirm that the vehicle meets all applicable local, state, and federal safety standards, including but not limited to, confirming that the throttle, brakes, lights, blinkers and horn are in apparent working order, that the vehicle has a current tag and does not appear to leak fuel.

(e) If all conditions in the application and inspection are met, the Chief of Police or his designee shall supply and place upon each vehicle to be rented a decal or medallion, or both, in form and content specified by the Chief of Police or his designee, to identify the vehicle as a rental vehicle associated with the business renting the vehicle.

Sec. 22-105.5. – Authorized Low Speed Vehicles Medallions.

(a) On the effective date of this Ordinance, the issuance of medallions for low speed vehicles shall be limited to the following Existing Low Speed Vehicle Rental Businesses as defined in this section:

(1) Classy Cycles/California Cycles/Outlaw Cycles
(2) Classic Rentals, Inc.
(3) MOT Dead Sea, Inc., d/b/a King of Scooters
(4) The Hangout by the Sea
(5) Sara’s Rentals, Inc.
(6) Bike The Beach PCB

Existing Low Speed Vehicle Rental Business shall mean any person or entity which engages in a commercial enterprise for the rental, sale, or hire of low speed vehicles within the City as of May 12, 2016, and any affiliated person or entity that has one or more of the same principals or officers as the entities delineated in section (a) of this section which engages in the same or equivalent trade or activity.

(b) Each Existing Low Speed Vehicle Business delineated in section (a) shall apply for and be granted up to 50 low speed vehicle medallions in accordance with procedures of this section 22-105 of this chapter and as designated by the Chief of Police. Each medallion issued to a Low Speed Vehicle Business shall bear a distinct serial number specific to that particular Low Speed Vehicle Rental Business. Once issued the City shall maintain a
database of each medallion issued, the Low Speed Vehicle Rental Business assigned, and
the particular low speed vehicle assigned to that medallion’s serial number.

(c) Once issued, low speed vehicle medallions may only be assigned, sold, and or
transferred by an Existing Low Speed Vehicle Business to another person or entity under
the following conditions:

(1) The medallion(s) assigned must match the serial number previously issued to the
Low Speed Vehicle Rental Business.

(2) The parties provide the City with a Bill of Sale and Assignment executed by both
parties in a form approved by the City attached hereto as Exhibit A and as may be
amended or replaced from time to time. The Bill of Sale and Assignment shall state
the consideration for the transfer of medallions, the serial number of each
medallion transferred, the low speed vehicle to be de-registered and newly
registered, and the applicable local, state, and federal taxes applicable to the
transfer

(3) Following the approved transfer of the medallion(s), the City shall inspect the low
speed vehicle to be assigned the transferred medallion in accordance with section
22-105 of this Code. The sale of a low speed vehicle medallion shall be subject to
the requirements of Section 14 of the City’s Code of Ordinances.

(d) The City shall prepare and issue for each Low Speed Vehicle Rental Business
medallions unique to that business and each Low Speed Vehicle available for rent at a
Low Speed Vehicle Rental Business must have one of those medallions affixed to it. The
fifty Medallions assigned to each business as a result of this Ordinance may be
transferrable to an existing or newly established Low Speed Vehicle Rental Business,
provided however, the business to whom such medallions are transferred shall enjoy no
grandfathering from the requirements of Section 5.04.07 of the City’s Land Development
Code.

Sec. 22-105.56. - Enforcement and penalties.

(a) The City finds that a violation of any section of this Article, except Section 22-105,
presents a serious threat to the public health, safety and welfare which is irreparable and
irreversible and of an itinerant or transient nature.

(b) Each violation of this Article shall constitute a separate, civil infraction within the meaning
of Florida Statutes Chapter 162, Part II, punishable by a civil penalty in the amount specified
below unless a different amount is specified in the section violated.

First violation of this Article: .....$100.
Second violation of this Article: .....$200.
Third and all subsequent violations of this Article: .....$500.

Unless otherwise specified, a person who does not contest the civil citation for violation of this
Article shall be subject to a civil penalty in the following amount:

First violation of this Article: .....$50.
Second violation of this Article: .....$100.
Third and all subsequent violations of this Article: .....$250.

The penalty for uncontested civil citations may be paid directly to the City Clerk.
(c) This Article may be enforced by the issuance of a civil citation by a sworn police officer of the City who has reasonable cause to believe that a person has violated any section of this Article. All sworn police officers of the City shall be considered code enforcement officers for the purpose of enforcing every section of this Article. A citation issued under any section of this Article may be contested in the county court for Bay County, Florida. The civil citation shall contain the matters specified in § 162.21 Florida Statutes (2013), or subsequent, superseding legislation, in form approved by the Chief of Police. Any person who willfully refuses to sign and accept a citation issued pursuant to this section shall be guilty of a misdemeanor of the second degree, punishable as provided in §§ 162.21(6), 775.082 & 775.083, Florida Statutes or subsequent, superseding legislation. In addition to the penalties specified in this Article, a person voluntarily paying a civil citation or convicted of a civil citation shall be required to bear all costs and fees imposed by the County Court or the office of the Clerk.

(d) Any amusement vehicle operated on the road without a medallion shall be confiscated and impounded by the City. Possession of the impounded amusement vehicle shall be surrendered to the owner of the vehicle, or to his, her or its authorized representative, no sooner than the next business day and only after payment of an impound fee and storage fee in such amounts as may be established by resolution of the City Council from time to time based upon the charges negotiated by the City with private parties for those services.

(e) The penalties provided here are cumulative to any other civil or criminal penalties available for violation of this the Panama City Beach Code of Ordinances, or state law.

(f) Each day (any 24 consecutive hour period) that a continuing violation of this Chapter occurs or continues shall constitute a separate, civil infraction punishable by a civil penalty in the cumulative amount specified above. Repeat violations by a single person or entity may relate to different requirements imposed by this law and in different circumstance and still constitute a repeat violation for the purpose of determining the civil penalty due.

SECTION 3. From and after the effective date of this ordinance, Section 1.07.00 of the Land Development Code of the City of Panama City Beach related to Definitions, is amended to read as follows (new text bold and underlined, deleted text struckthrough):

1.07.00 Acronyms and Definitions
...

Low Speed Vehicle: The term "Low Speed Vehicle" means any four-wheeled vehicles whose top speed is greater than 20 miles per hour but is not greater than 25 miles per hour, but shall not include unmodified golf carts or motor scooters. Low-speed vehicles must comply with the safety standards enumerated in C.F.R. s. 571.500 and section 316.2122, Florida Statutes.
Low Speed Vehicle Rental Businesses. The term "Low Speed Vehicle Rental Business" means a commercial establishment or place of business at which a Low Speed Vehicle is rented on a short-term basis and which possession of such vehicle is delivered to customers onsite for immediate use from that rental establishment or place of business. A Low Speed Vehicle Rental Business shall not include businesses where Low Speed Vehicles are sold but are not made available for rent.

SECTION 4. From and after the effective date of this ordinance, Section 5.04.07 of the Land Development Code of the City of Panama City Beach related to Low Speed Vehicle Rentals and Sales, is created to read as follows:

5.04.07 Low Speed Vehicle Rental, Sales and Services

A. Location and Distance limitations.

1. Low Speed Vehicle Rental Business shall be located only on parcels fronting a road with a posted speed limit of 35 miles per hour or less.

2. Low Speed Vehicle Rental Business shall be located no closer than one thousand five hundred (1,500) feet to a Single Family Residential zoning district (R-1, R-1B, R-1C, R-1CT, and R-0).

3. No Low Speed Vehicle Rental Business opened or established after [the effective date of this Ordinance] shall be located within five hundred (500) feet from the next closest Low Speed Vehicle Rental Business.

B. Display of Low Speed Vehicles - All new Low Speed Vehicle Rental Businesses shall comply with the following Vehicle Display and appearance requirements.

1. The outdoor display of Low Speed Vehicles shall be limited to a single area no more than the size of one (1) Parking Space not to exceed ten (10) feet wide and eighteen (18) feet long (the "Outdoor Display Area"). The Outdoor Display Area shall not encroach any right-of-way nor interfere with on-site parking or traffic patterns. The Outdoor Display Area shall be located contiguous to the Low Speed Vehicle Rental Businesses' physical Storefront. Except as provided herein, no Low Speed Vehicles may be displayed outdoors on the Premises of any Low Speed Vehicle Rental Business in such a way as to be visible from a Scenic Corridor or on any portion of a property lying between the primary business entrance and the ROW.

2. All Outdoor Display Areas shall be on a hard, durable surface such as concrete or compacted gravel.
3. All **Low Speed Vehicles** displayed shall be properly anchored, secured, or stored in such a manner to avoid shifting or movement.

4. No Signs of any kind may be displayed within the **Outdoor Display Area**.

5. **Low Speed Vehicles** awaiting departure or recently returned may not be displayed or otherwise visible from a **Scenic Corridor** or on any portion of a property lying between the primary business entrance and the ROW.

C. Repair and maintenance activities are limited to equipment rented on site, and shall be conducted within enclosed structures and otherwise screened from view of a **Scenic Corridor**.

D. Each **Low Speed Vehicle Rental Business** shall designate a **Runway Zone** at least ten (10) feet wide from which all **Low Speed Vehicles** rented or sold must depart and return to the **Premises**. The **Runway Zone** shall be placed so that it does not interfere with the line of sight, traffic patterns, transit service, or access to or from the site but may be marked by two orange traffic cones no more than two (2) feet in height.

E. The **Use**, including any signage or other display of merchandise, shall not interfere with pedestrian movement along public sidewalks or public entrances or otherwise create an unsafe condition and shall be in full compliance with all applicable federal and state accessibility standards, including but not limited to, the Americans with Disabilities Act.

F. After the effective date of this Ordinance, there shall be no storage, parking, **Vehicle display**, signs, banners, tents or other **Accessory** or sales activity on the public right of way.

G. All **Low Speed Vehicle Rental Businesses**, regardless of their location in the City, shall comply with the requirements of Section 7.02.03G of this Code relating to the use of Front Yards and the items authorized within them.

H. **Sign and Appearance Requirements** -- All **Low Speed Vehicle Rental Businesses** shall comply with the following Sign and appearance requirements. **Low Speed Vehicle Rental Businesses** existing on May 12, 2016, shall have until [December 31, 2017] to come into compliance with these requirements. All capitalized terms used in this section shall have the meanings ascribed in the City of Panama City Beach Sign Code, as amended from time to time, which ordinance shall apply to the extent not inconsistent with this section.

1. All Signs shall be flat **Wall Signs**.

2. The amount of allowable **Sign Area** shall be one square foot of **Sign Area** per linear foot of **Frontage** of that **Premises**, to a maximum of twenty-five (25) square feet.
3. Free-Standing On-Premises Signs are prohibited.

I. A Low Speed Vehicle Rental Business shall be limited to offering a maximum of fifty (50) Low Speed Vehicles for rental at any one location. This limitation shall not be interpreted to limit the number of vehicles that may be stored or displayed indoors at a location that can reasonably accommodate the storage or display of such vehicles.

J. Section Not Independently Authorizing Use. Nothing in this section shall be construed to permit the establishment or maintenance of any Low Speed Vehicle Rental Business not otherwise permitted by the other chapters of this LDC or any other applicable law.

SECTION 5. From and after the effective date of this ordinance, Table 2.03.02 of the Land Development Code of the City of Panama City Beach related to Land Uses in Base Zoning Districts, is amended to read as follows (new text bold and underlined, deleted text struckthrough):

Table 2.03.02: Land Uses in Base Zoning Districts

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<th>Land Uses</th>
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<th>R-1b</th>
<th>R-1c</th>
<th>R-1CT</th>
<th>RO</th>
<th>RTH</th>
<th>R-2</th>
<th>R-3</th>
<th>CL</th>
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<th>R</th>
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<tr>
<td>Low Speed Vehicle Rental Business</td>
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SECTION 6. REPEAL. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 7. CODIFICATION. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code of
Ordinances and the Panama City Beach Land Development Code, and unless a contrary ordinance is adopted within ninety (90) days following each such publication, each codification of this Ordinance shall become the final and official record of the matters herein ordained and there codified. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 8. SEVERABILITY. If any section, subsection, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 9. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this ___ day of ___________, 2017.

______________________________
MAYOR

ATTEST:

______________________________
CITY CLERK

EXAMINED AND APPROVED by me this ___ day of ___________, 2017.

______________________________
MAYOR

Published in the __________________ on the ___ day of _______.

Ord. 1398
Page 14 of 15
ITEM 2
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON GROWING, CULTIVATION, PROCESSING, MANUFACTURING, DISPENSING, DISTRIBUTION, AND WHOLESALE AND RETAIL SALE OF MEDICAL CANNABIS, LOW-THC CANNABIS, AND DERIVATIVE PRODUCTS, OR ANY RELATED ACTIVITIES; ESTABLISHING A TEMPORARY MORATORIUM ON THE OPENING, RELOCATION, OR EXPANSION OF ANY MEDICAL MARIJUANA DISPENSING FACILITY WITHIN UNINCORPORATED BAY COUNTY; DIRECTING COUNTY STAFF TO DEVELOP PROPOSED LAND DEVELOPMENT REGULATIONS AND OTHER RECOMMENDATIONS REGARDING SUCH CANNABIS-RELATED ACTIVITIES; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2014 the Florida Legislature enacted the Compassionate Medical Cannabis Act, codified at Section 381.986, Florida Statutes (the “Compassionate Use Act”), which legalized the cultivation, processing, and dispensing of “Low-THC Cannabis,” as defined by Section 381.986(1)(e), Florida Statutes, by a licensed dispensing organizing for “Qualified Patients,” as defined by Section 381.986(1)(h); and

WHEREAS, in 2016 the Florida Legislature amended the Right to Try Act, codified at Section 499.0295, Florida Statutes, which amended the Compassionate Use Act and legalized the cultivation, production, and dispensing of “Medical Cannabis,” as defined by Section 381.986(1)(f), Florida Statutes, and derivative products by a licensed dispensing organization to “Eligible Patients,” as defined by Section 499.0295, Florida Statutes; and

WHEREAS, the comprehensive State licensing and regulatory framework directs that the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of cannabis businesses may be determined by local ordinance; and

WHEREAS, cannabis businesses licensed pursuant to the law have begun cultivating cannabis for processing and dispensing; and

WHEREAS, the dispensing of cannabis is currently illegal under federal law and the United States Drug Enforcement Agency has recently confirmed that cannabis remains a Schedule I drug under federal law, but the United States Department of Justice has discussed federal enforcement of such laws with respect to state regulated cannabis operations in the 2012 “Cole Memorandum,” and;
WHEREAS, potential adverse impacts on the health, safety, and welfare of residents and business from secondary effects associated with the distribution of cannabis exist, potentially including, offensive odors, trespassing, theft, fire hazards, increased crime in and about the dispensary, robberies, negative impacts on nearby businesses, nuisance problems, and increased DUI incidents; and

WHEREAS, in November of this year, Florida voters decided to amend the Florida Constitution to legalize the cultivation, production, and dispensing of medical cannabis for a broader population of eligible patients; and

WHEREAS, Florida laws relating to the cultivation, production, and dispensing of cannabis products are rapidly changing – raising substantial questions about whether cannabis-related land uses, as a category of commercial use, may have deleterious and negative secondary effects on surrounding land uses and communities; and

WHEREAS, the purpose of this ordinance is to place a temporary moratorium on Medical Cannabis Activities, as defined herein, for a period of time reasonably necessary for the County to determine the best way to regulate Medical Cannabis Activities for the benefit of the public health, safety, and welfare and to promulgate reasonable regulations relating to such activities if deemed advisable by the County; and

WHEREAS, the Bay County Board of County Commissioners hereby finds that the temporary moratorium imposed by this ordinance is intended to give the County the time reasonably necessary to investigate the impacts of cannabis dispensing facilities, and if necessary, to promulgate reasonable regulations relating to such establishments; and

WHEREAS, the County hereby finds that this ordinance advances an important government purpose by reducing the likelihood of the unregulated negative secondary effects of Medical Cannabis Activities; and

WHEREAS, the County has determined it is in the best interest of the public to adopt this ordinance pursuant to the County’s police powers and Section 381.986, Florida Statutes, to protect the health, safety, and welfare of the public;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY, AS FOLLOWS:

Section 1. Findings of fact.
The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

Section 2. Definitions.
a. **Derivative Product** means any form of cannabis suitable for administration to or consumption or use by a Qualified Patient, Eligible Patient, or any other similarly situated individual.
b. **Dispensing Facility** means any facility where Derivative Product is dispensed at retail.

c. **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 seed or resin.

d. **Medical Cannabis** means all parts of any plant of the genus *cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.

e. **Medical Cannabis Activities** means, without limitation, the growing, cultivation, processing, manufacturing, dispensing, distribution, and wholesale and retail sale of Medical Cannabis, Low-THC Cannabis, and Derivative Products, or any subset of such activities, or any related activities.

**Section 3. Temporary Moratorium.**

Beginning on the effective date of this Ordinance and continuing for a period of 240 days, or less if provided by an ordinance by the Bay County Board of County Commissioners, a moratorium is hereby imposed on the opening, relocation, or expansion of any Dispensing Facility within unincorporated Bay County, including but not limited to Dispensing Facilities owned or operated by an approved dispensing organization under Section 381.986, Florida Statutes. In addition, the moratorium is hereby imposed upon all Medical Cannabis Activities by any person or entity that is not an approved dispensing organization under Section 381.986, Florida Statutes, except where inconsistent with Florida law.

**Section 4. Study and Recommendations.**

During the moratorium period described in Section 3 of this ordinance, the County staff, including Planning & Zoning Department, is hereby directed to study Medical Cannabis Activities and their impact on the health, safety, and welfare of residents and businesses located within the County, and to develop and recommend land development regulations for Medical Cannabis Activities in the unincorporated areas of the County, and any other relevant regulations and recommendations, with such recommendations and proposed regulations being delivered to the Board of County Commissioners within a reasonable time before the expiration of this moratorium.

**Section 5. Penalties.**

Any person or entity who violates any provision of this ordinance, or who fails to comply therewith, shall be subject to the penalties as prescribed in Chapter 7, Bay County Code.

**Section 6. Severability.**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given
effect without the invalid provision or application, and to this end the provisions of this ordinance
are severable.

Section 7. Codification.

It is the intention of the Board of County Commissioners of Bay County Florida, and it is hereby
provided that the provisions of this ordinance shall become and be made a part of the Code of Bay
County, Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish
such intention; and that the word "ordinance" may be changed to "section", "article" or other
appropriate designation.

Section 8. Effective Date.

A certified copy of this ordinance as enacted shall be filed by the Clerk of the Board with the office
of the Secretary of State of the State of Florida within ten (10) days after enactment, and this
ordinance shall take effect in accordance with Section 125.66, Florida Statutes.

DULY ADOPTED on this ______ day of ______, 2016.

ATTEST: 

BILL KINSAUL, Clerk

WILLIAM T. DOZIER, Chairman

BOARD OF COUNTY COMMISSIONERS
BAY COUNTY FLORIDA

Approved as to Form:

Office of the County Attorney
Ordinance No. 2016-97

An Ordinance of the Board of County Commissioners of Osceola County, Florida, Relating to Marijuana Businesses; Enacting New Article VIII, "Marijuana Businesses," of Chapter 14, "Miscellaneous Provisions and Offenses," of the Osceola County Code of Ordinances, to Provide for Permits, Regulations, Restrictions, Penalties for Violations, and Procedures for the Operation of Medical Marijuana Treatment Centers; Providing for Conflict; Providing for Severability; and Providing for an Effective Date.

WHEREAS, the Florida Legislature enacted legislation legalizing cannabis for medical uses; and

WHEREAS, future constitutional amendments and legislation may further expand the legal use of marijuana in Florida; and

WHEREAS, a comprehensive State licensing and regulatory framework for the cultivation, processing, and dispensing of marijuana exists; and

WHEREAS, the comprehensive State licensing and regulatory framework directs that the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule, for Medical Marijuana Treatment Centers may be determined by local ordinance; and

WHEREAS, Medical Marijuana Treatment Centers licensed pursuant to the law have begun cultivating Cannabis for processing and Dispensing; and

WHEREAS, potential adverse impacts on the health, safety, and welfare of residents and business from secondary effects associated with the distribution of medical marijuana exist, potentially including: offensive odors, trespassing, theft, fire hazards, increased crime in and about the Medical Marijuana Treatment Center, robberies, negative impacts on nearby businesses, nuisance problems; and

WHEREAS, certain of the above potential adverse impacts are accentuated by the current difficulties experienced by Medical Marijuana Treatment Centers in obtaining banking services necessitating such businesses to operate on a cash basis; and

WHEREAS, there exists the potential for misappropriation and diversion of medical cannabis to non-medical uses, and;
WHEREAS, an overabundance of treatment centers can affect the viability of such facilities, result in compliance issues and increased regulatory costs, lead to the improper diversion of products, and accentuate threats to the public health, safety, and welfare; and

WHEREAS, other jurisdictions have regulated the dispensing of cannabis by limiting the number of such Medical Marijuana Treatment Centers to reduce threats to the public health, safety, and welfare; and

WHEREAS, there is a need to adopt health, safety, and welfare regulations to avoid adverse impacts on the community which may arise from the distribution of cannabis; and

WHEREAS, other jurisdictions that allow Medical Marijuana Treatment Centers have implemented effective regulatory and enforcement systems that address the adverse impacts that Medical Marijuana Treatment Centers could pose to public safety, health, and welfare; and

WHEREAS, an effective regulatory system governing the dispensing of cannabis, as provided in this Ordinance, will address potential adverse impacts to the public health, welfare, and safety consistent with Florida law; and

WHEREAS, it is not the purpose or intent of this section to restrict or deny access to cannabis as permitted by Florida law, but instead to enact reasonable restrictions intended to protect the public health, safety, and welfare; and

WHEREAS, the County has determined it is in the public interest to adopt this Ordinance pursuant to the County's police powers and section 381.986, Florida Statutes, as well as other applicable state laws and provisions of the Florida Constitution, to protect the health, safety, and welfare of the public;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. Adoption of Marijuana Businesses Regulations. Article VIII, “Marijuana Businesses,” of Chapter 14, “Miscellaneous Provisions and Offenses,” Osceola County Code is hereby enacted to read as follows:

Sec. 14-140. - Purpose and intent.

The purpose of this Ordinance is to establish requirements that regulate Medical Marijuana Treatment Centers in the interest of the public health, safety and general welfare and that ease the regulatory burden on the County. In particular, this Ordinance is intended to regulate the sale and distribution of cannabis to ensure a supply of cannabis to patients who qualify to obtain, possess, and use cannabis, pursuant to state law, while promoting compliance with other state laws that regulate cannabis. Nothing in this Ordinance shall prohibit a Medical Marijuana Treatment Center, or another entity licensed under state law to dispense cannabis, from making deliveries of cannabis or derivative products to the residence or business of an authorized individual, or to a health care facility, as permitted by other relevant ordinances and state law. Nothing in this Ordinance is intended to promote or condone the sale, distribution,
possession, or use of Cannabis in violation of any applicable state or federal law. Compliance with the requirements of this Ordinance shall not provide a defense to criminal prosecution under any applicable law.

Sec. 14-141. - Definitions.

(1) The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section:

a. Applicant shall mean any person or entity that has submitted an application for a Certificate of Approval or renewal of a Certificate of Approval issued pursuant to this Ordinance. If the Applicant is an entity and not a natural person, Applicant shall include all persons who are the managers, officers, directors, contractual agents, partners, and licensors of such entity, as well as all members, shareholders, or Investors holding an ownership interest of 10% or more of such entity.

b. Cannabis has the meaning given to it by section 893.02(3), Florida Statutes, and shall include all forms of medical cannabis or low-THC cannabis. The term cannabis and marijuana shall be interchangeable for purposes of this Ordinance.

c. Medical Marijuana Treatment Center or Business shall mean a business licensed to dispense cannabis pursuant to any applicable state law, including but not limited to the Compassionate Use Act, and that is engaged in the dispensing of cannabis or derivative products, but shall not include growing, cultivating or processing cannabis or derivative products or making deliveries of cannabis or derivative products to the residence or business of an authorized individual, or to a health care facility, as permitted by other relevant ordinances and state law.

d. Certificate of Approval shall mean a document issued by the Jurisdiction officially authorizing an Applicant to operate a Medical Marijuana Treatment Center pursuant to this Ordinance. A Certificate of Approval generally authorizes an Applicant to establish and operate a Medical Marijuana Treatment Center pursuant to this Ordinance, but does not authorize the dispensing of cannabis at any physical location within the Jurisdiction until a Premises Authorization, as defined herein, has been issued for such location. Each Certificate of Approval authorizes the issuance of a single Premises Authorization at any one time, and any relocation of operations to a separate address shall require amendment of the Premises Authorization to authorize operations at the new location.

e. Compassionate Use Act shall mean section 381.986, Florida Statutes, and chapter 2016-123, Laws of Florida, as amended from time to time, and any rules or regulations promulgated thereunder.

f. Cultivation or cultivate shall mean the process by which a person grows a cannabis plant.
g. **Derivative Products** shall mean products derived from cannabis, including but not limited to, cannabis oil or consumable products containing or derived from cannabis.

h. **Dispensing** shall mean the distribution of cannabis or derivative products at a Medical Marijuana Treatment Center, but does not include making deliveries of cannabis or derivative products to the residence or business of an authorized individual, or to a health care facility, as permitted by other relevant ordinances and state law.

i. **Fee Resolution** shall mean the mechanism by which Osceola County annually adopts certain fees to defray the costs of administering programs, when permitted.

j. **Investor** shall mean any person or entity entitled to share in the profits of the Applicant, or any Lender. The term shall not include any employees who share in the profits of the Applicant pursuant to an employee profit sharing program.

k. **Lender** shall mean any person or entity who has provided funds to an Applicant with the expectation of receiving from the Applicant repayment or the receipt from the Applicant of anything of value. The term Lender shall include any person who owns, directly or indirectly, 20% or more of any entity which qualifies as a Lender, but does not include any bank, credit union, or other financial institution created under federal or state law.

l. **Jurisdiction** shall mean Osceola County, Florida.

m. **Medical Director** shall mean licensed physician or licensed pharmacist who established protocols and standing orders and who is specifically identified as being responsible to assure the competency of the performance of those acts by such Marijuana Treatment Center Providers. Any reference to a "physician advisor" in any previously adopted rules shall apply to a "medical director" as defined in these rules.

n. **Operator** shall mean the person or entity to whom a Certificate of Approval has been issued pursuant to this Ordinance.

o. **Premises Authorization** shall mean a document issued by the Jurisdiction to the Operator, authorizing the Operator to conduct Medical Marijuana Treatment Center operations at a single, specifically approved physical location. No Premises Authorization may be issued to any individual or entity who does not hold a Certificate of Approval. Likewise, no Premises Authorization may be issued until the selected location has obtained the required site development and building permits, including Site Development Permit, and made the necessary improvements to obtain occupancy of the building for a Medical Marijuana Treatment Center. For the purposes of the Site Development Permit approval process, the Medical Marijuana Treatment Center shall be considered "new development: and the site shall meet County development guidelines accordingly or applicable City guidelines.
p. **Process or Processing** when referring to cannabis shall mean to take the cannabis plant and transform same into a form for medical use, whether cannabis or derivative product.

q. **State** shall mean the State of Florida.

(2) In addition to the definitions contained in Subsection (1), other terms used in this Ordinance shall have the meaning ascribed to them in the Compassionate Use Act, and such definitions are incorporated into this Ordinance by this reference.

**Sec. 14-142. Application review committee created.**

There shall be and is hereby created an Application Review Committee, hereafter referred to in this Ordinance as the "Committee."

**Sec. 14-143. Composition of the committee.**

The Committee shall consist of members as determined and appointed by the County Manager or Designee.

**Sec. 14-144. Functions of the Committee.**

(1) The Committee shall be responsible, pursuant to the Compassionate Use Act and this Ordinance, for reviewing all applications for a Certificate of Approval for a Medical Marijuana Treatment Center, evaluating all applicants as set forth herein, ranking all Applicants and recommending approval or denial to the Board of County Commission.

(2) The County Manager or Designee shall have the power to: (i) promulgate rules and regulations concerning the procedures for any meetings conducted by the Committee; (ii) require any Applicant or Operator to furnish any relevant information requested by the Committee; and (iii) to require the presence of persons and the production of papers, books, and records at any hearing that the Committee is authorized to conduct.

**Sec. 14-145. Certificate of Approval required; term of Certificate of Approval; Premises Authorization; renewal application.**

(1) It shall be unlawful for any person or entity to establish or operate a Medical Marijuana Treatment Center in the County without first having obtained from the State of Florida approval to do so pursuant to the Compassionate Use Act or any other relevant law, and having obtained from the County a Certificate of Approval, and having obtained from the County a Premises Authorization for the facility to be operated in connection with such business. Such Certificate of Approval and Premises Authorization shall be kept current at all times and shall be conspicuously displayed at all times in the premises to which they apply. The failure to maintain a current Certificate of Approval, or to maintain a current Premises Authorization for any location at which Medical Marijuana Treatment Center is conducted, shall constitute a violation of this Section.

(2) Each Certificate of Approval issued by the County pursuant to this Ordinance shall specify the date of issuance, the period of licensure, and the name of the Operator.
Any Certificate of Approval issued by the County under this Ordinance shall expire three years after the date of its issuance.

Once a Certificate of Approval is issued by the County, the County Manager or Designee shall review the Application and proposed location of the Medical Marijuana Treatment Center and shall issue or deny a Premises Authorization for said location, based upon compliance with all County and City (as applicable) codes and ordinances.

Renewal of an existing Certificate of Approval shall be automatic for successive three year periods upon payment of required fees to the County, as provided in the fee resolution adopted by the County from time to time.

(i) Within 30 days of the expiration date of the Certificate of Approval, each Operator shall notify the County of its intent to renew, or not renew the Certificate of Approval. If an Operator elects to renew the Certificate of Approval, said Operator shall pay a nonrefundable fee to the County, as set forth in the fee resolution adopted by the County from time to time, to defray the costs incurred by the County for review of the application and inspection of the premises, as well as any other costs associated with the processing the renewal of the Certificate of Approval.

(ii) In the event the renewal fees, and taxes are not paid to the County within 30 days prior to the renewal date, the certificate of approval is revoked. An Operator who’s Certificate of Approval has been expired for not more than 90 days will be reinstated upon the payment of a nonrefundable late application fee, as set forth in the fee resolution adopted by the County from time to time. A Certificate of Approval shall be revoked if renewal fees have not been paid within 90 days of the renewal date/expiration of the Certificate of Approval.

Any Premises Authorization issued by the County Manager or Designee under this Ordinance shall expire one year after issued and may be renewed. In the event a Certificate of Authorization is not renewed, it shall be noticed by the Committee as available and be subject to a new application process as set forth herein.

Sec. 14-146. - Application minimum requirements; payment of application fee.

An Applicant for a new Certificate of Approval, or an Operator seeking to change the ownership of an existing Certificate of Approval, pursuant to the Compassionate Use Act, any other applicable state law, and the provisions of this Ordinance, shall submit an application to the County. At the time of any such application, each Applicant shall pay an application fee to the County, as set forth in the fee resolution adopted by the County Commission from time to time, to defray the costs incurred by the County for review of the application, as well as any other costs associated with the processing of the application.

The Applicant shall include the following in its application to the County:

a. Payment of the application fee as set forth in the fee resolution established by the Jurisdiction.
b. If the Applicant is a business entity, information regarding the entity, including without limitation the name and address of the entity, its legal status and proof of registration with, or a certificate of good standing from, the Florida Secretary of State, as applicable;

c. If the Applicant is an individual, government issued identification including name, address and photograph of the individual;

d. Evidence of the State of Florida, Department of Health, Office of Compassionate Use's (or any successor agency of the State of Florida's) approval of the Operator to operate a Medical Marijuana Treatment Center pursuant to the Compassionate Use Act or any other relevant law;

e. All documentation necessary to demonstrate compliance with the requirements identified in this Ordinance, including evidence that the Applicant continues to meet all requirements of section 381.986(5)(b)(1), Florida Statutes, and all other relevant provisions of state law.

f. All documentation the Applicant wishes to have considered for scoring purposes, including documentation demonstrating the Applicant meets the criteria detailed in this Ordinance.

g. All documentation evidencing the Applicant is in good standing with County fees and requirements.

(3) Upon receipt of an application, the Committee shall review and score the application pursuant to the scoring and review process established in this Ordinance.

Sec. 14-147. – The Application Period and Scoring and Review of Applications.

(1) The initial application period shall commence on the January 3, 2017 and shall close on January 31, 2017 at 2:00 p.m. Subsequent application periods shall commence upon certification by the Committee that additional Certificates of Approval are available and shall close 30 days after such certification.

(2) Each Applicant shall submit an application in a format sufficient to provide the Committee with all relevant information necessary to review, evaluate, score, rank and recommend approval or denial of the application. The members of the Committee shall score and review each application pursuant to the criteria, and 100 point scale, detailed below. Members and Applicants may discuss their application at any time during the application process. Each application will be independently scored by Committee members.

(i) Previous dispensing experience in a regulated market in any state: 30 points
   Number of different dispensaries operated.
   Number of years of operating dispensaries.
   Documented hiring practices.
Number of different cannabis strains and derivative products sold.
Dispensing licenses held in different states.
Previous infractions resulting in the revocation of any Cannabis license.
Previous citations/notices of non-compliance with licensing requirements in any state.
Experience with maintaining chain of custody and tracking mechanisms.

(ii) Technical Ability: 25 points
Review of standard operating procedures, operating manuals, policies, training modules, and procedures.
Training process.
Comprehensive ordering system.
Ability to fulfill prescriptions in a timely manner.
Product delivery system to the Medical Marijuana Treatment Center.
System for tracking fulfillment of prescriptions to patients.

(iv) Qualifications of Security Team: 15 points
Years of security experience with Cannabis dispensaries in a regulated Cannabis market.
Integration of security procedures and training into your vertically integrated operations.
All owners, Investors, managers, and security employees located within Osceola County have successfully passed a Level 2 background check and have not been convicted of any felonies involving fraud, false representation, or distribution of Cannabis.
Description of the Security Plan for the Medical Marijuana Treatment Center.

(v) Qualifications of Medical Director: 30 points
Licensed in the State of Florida as a physician or pharmacist.
Education and training in related field.
Licensed Medical Director in another state.
Previous experience as Medical Director for similar businesses.
Experience with identifying and knowledge of substance abuse.
Experience with epileptic patients.
Experience with cancer patients.
Experience with patients with severe seizures or muscle spasms.
Experience with terminal patients.
Experience in recognition of signs and symptoms of substance abuse, including tolerancy, dependency and withdrawal.
Knowledge of the use of medical Cannabis for treatment of cancer or physical medical conditions that chronically produce symptoms of seizures or severe and persistent muscle spasms.
Knowledge of analytical and organic chemistry;
Knowledge of analytical laboratory methods;
Knowledge of medical Cannabis, including CBD/low-THC routes of administration;
Experience in or knowledge of clinical trials or observational studies;
Knowledge of, and experience with, producing CBD/low-THC products;
Experience with or knowledge of botanical medicines;
Experience with dispensing medications.

(3) Applications shall contain evidence of compliance with this Ordinance, the Compassionate Use Act, or any other applicable law, and the Committee shall reject any application which does not meet such requirement. Rejected applications shall not be scored. The Committee and County Manager or Designee shall also disqualify any application that contains any false or misleading information.

(4) The scores awarded by the members of the Committee for each Applicant shall be totaled and averaged for each Applicant. The Applicants shall then be ranked from highest to lowest based on the average scores awarded, with Certificates of Approval recommended for the highest scoring Applicant, and proceeding to the next highest scored Applicant until all Certificates of Approval authorized pursuant to this Ordinance have been recommended. In the event of a tie in the rankings, the Committee shall by majority vote break the tie.

(5) Appeal from the Board of County Commissioners' award decision shall be filed with the Ninth Circuit Court, in and for Osceola County, via Petition for Writ of Certiorari. Said appeal shall be filed within 30 days from the final determination on the award of Certificates of Approval by the Board of County Commissioners.


(1) Upon expiration of the appeal deadline detailed in this Ordinance, if no appeal is filed, or upon issuance of a final order if an appeal is filed, the County shall issue Certificates of Approval as provided in this Ordinance.

(2) A Certificate of Approval issued pursuant to this Ordinance does not eliminate the need for the Operator to obtain other required permits or licenses related to the operation of the Medical Marijuana Treatment Center including, without limitation, payment of business taxes, and any development approvals or building permits required by Law.

(3) Amendment of a Certificate of Approval or Premises Authorization, solely to change the location of a Medical Marijuana Treatment Center shall not be denied so long as all other conditions for the issuance of a Certificate of Approval have been met and the new location complies with this Ordinance and all laws.

(4) A Certificate of Approval or Premises Authorization may not be transferred.

(5) Operator shall notify the County of any change in Medical director, and provide appropriate credentials evidencing their experience as comparable of the Director at the time of Certificate of Approval. The County may reasonably reject a replacement director at its discretion.
Sec. 14-149. - Persons or Entities prohibited as Operators.

No Certificate of Approval shall be issued to, held by, or renewed by any Applicant or Operator who fails to comply with the following Mandatory Requirements:

(1) Maintain approval as a dispensing organization by the State of Florida, Department of Health, Office of Compassionate Use pursuant to the Compassionate Use Act, or any other applicable law.

(2) Ensure no owner, Investor, or manager of the Applicant or Operator has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent, and the record has not been sealed or expunged for, any crime enumerated in section 435.04(2), Florida Statutes, or any felony involving false representations or false statements, fraud, money laundering, or drug trafficking.

(3) Ensure no security employee located within Osceola County of the Applicant or Operator has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent, and the record has not been sealed or expunged for, any crime enumerated in section 435.04(2), Florida Statutes, or any felony, within the last three (3) years.

Sec. 14-150. - Numerical limit on Medical Marijuana Treatment Centers.

(1) The County shall consider issuance of Certificates of Approval for Medical Marijuana Treatment Centers for qualified Applicants based upon the County population. The maximum number of Certificates of Approval in the Jurisdiction shall not exceed one for every 100,000 residents, as certified in the most recent census or periodic demographic studies conducted by the University of Florida. For example:

<table>
<thead>
<tr>
<th>Residents Indicated</th>
<th>Certificates of Approval Authorized</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 100,000</td>
<td>1</td>
</tr>
<tr>
<td>100,001 - 200,000</td>
<td>2</td>
</tr>
<tr>
<td>200,001 - 300,000</td>
<td>3</td>
</tr>
<tr>
<td>300,001 - 400,000</td>
<td>4</td>
</tr>
<tr>
<td>400,001 - 500,000</td>
<td>5</td>
</tr>
</tbody>
</table>

For each subsequent 100,000 residents an additional Certificate of Approval may be authorized.

(2) A dispensing organization may hold more than one Certificate of Approval, but may not hold all available Certificates of Approval issued by the County if more than one is available.

(3) In order to ensure that the population of the Jurisdiction has access to the best qualified dispensing organizations, while likewise maintaining competition in the cannabis
dispensing industry within the Jurisdiction, when multiple Certificates of Approval are available. Applicants shall be entitled to receive, upon request, up to the number of Certificates of Approval set forth in the below table, and shall identify in their application the number of Certificates of Approval that they are requesting:

<table>
<thead>
<tr>
<th>Number of Certificates Available</th>
<th>First Ranked Applicant</th>
<th>Second Ranked Applicant</th>
<th>Third Ranked Applicant</th>
<th>Fourth Ranked Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>0</td>
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<td>2</td>
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<tr>
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<td>3</td>
<td>1</td>
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<td>0</td>
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<tr>
<td>6</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>7</td>
<td>4</td>
<td>2</td>
<td>1</td>
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<tr>
<td>8</td>
<td>4</td>
<td>2</td>
<td>1</td>
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<td>9</td>
<td>5</td>
<td>2</td>
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<td>10</td>
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<td>2</td>
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<td>11</td>
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<td>12</td>
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<td>10</td>
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<td>2</td>
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<tr>
<td>20</td>
<td>10</td>
<td>5</td>
<td>3</td>
<td>2</td>
</tr>
</tbody>
</table>

If any Certificates of Approval remain available following the distribution of requested Certificates of Approval to Applicants in accordance with the above table, one Certificate of Approval shall be offered to each remaining eligible applicant, in declining order of rank, until all Certificates of Approval have been distributed. If, following the completion of such process, Certificates of Approval still remains available, one additional Certificate of Approval shall be offered to each Applicant, in declining order of rank, until all Certificates of Approval have been distributed.

(4) If additional Certificates of Approval are made available, the County Manager or Designee shall provide notice of a new application process conducted pursuant to this Ordinance.

(5) Each Certificate of Approval authorizes the holder to operate a single licensed premise pursuant to an approved Premises Authorization.

Sec. 14-151. — Premises Authorization.

After obtaining a Certificate of Approval, and prior to dispensing cannabis, an Operator shall select a location from which such dispensing will occur, and provide notice to the County
Manager or Designee of the dispensing location and request issuance of Premises Authorization for such location. Such request shall be provided a minimum of 30 days prior to the dispensing of any cannabis from the location, and shall identify the Certificate of Approval at issue, and the location from which dispensing will occur. A Medical Marijuana Treatment Center shall not open or operate without the Premises Authorization. Premises Authorization shall be renewed annually.

Sec. 14-152. – Location Requirements.

(I) Premises Authorization shall be granted for any location which complies with the requirements of this Ordinance, the permitted uses of the applicable zoning district, and where, regardless of the zoning category of the proposed location, the proposed location is in a multi-tenant building that is predominately office/medical office tenancy (more than 50% licensed office/medical office use (by gross square feet), is not within all Community Redevelopment Agencies and West 192 Community Redevelopment Agency, and which complies with all other requirements set forth in the Osceola County and City Codes and ordinances, as applicable.

(2) No Medical Marijuana Treatment Center shall be located within five (5) miles of another Medical Marijuana Treatment Center or within 250 feet of any public or private elementary, middle, or secondary school or licensed daycare facility. However, a Medical Marijuana Treatment Center does not violate this subsection and may not be forced to relocate if it meets the requirements of this section and a school or licensed daycare facility is subsequently established within 250 feet of the business. Should spacing be an issue, the location of the site Premise Authorization shall be granted in the order that the substantially completed applications are received. Evidence of these distance requirements shall be provided with the Premises Authorization application in the form of a survey, certified by an engineer registered by the State of Florida, which shows the 5 mile radius and 250-foot separation from the proposed site and any applicable Medical Marijuana Treatment Centers, schools or licensed daycare facility in the applicable area.

(3) For purposes of this Ordinance, measurements shall be made from the nearest property line of the school or licensed daycare facility to the nearest property line of the Medical Marijuana Treatment Center. If the Medical Marijuana Treatment Center is located in a multi-tenant building, the distance shall be measured from the nearest property line of the school or licensed daycare facility to the nearest line of the leasehold or other space actually controlled or occupied by the Medical Marijuana Treatment Center. The Medical Marijuana Treatment Center shall ensure security for cannabis activities complies with state requirements.

Sec. 14-153. - Inspection of approved premises and issuance of Premises Authorization.

(1) During business hours and other times of apparent activity, all approved premises shall be subject to inspection by the Fire Chief, the Building Official, Code Enforcement Officer, County Sheriff, Police, or the authorized representative, for the purpose of investigating and determining compliance with the provisions of this Ordinance and any other applicable state or local law or regulation. Such inspection may include, but need not be limited to, the inspection of books, records, and inventory. Where any part of the premises consists of a locked area, such
area shall be made available for inspection, without delay, upon reasonable request. The frequency of such inspections shall not be unreasonable and shall be conducted in a manner to ensure the operation of the premises is not inhibited.

(2) Cannabis may not be dispensed pursuant to a Certificate of Approval until the County Manager or Designee has caused the proposed premises to be inspected to determine compliance of the premises with any applicable requirements of this Ordinance and all other County Codes, City Codes as applicable, and has issued Premises Authorization.

(3) The County Manager or Designee, within 30 days of receipt of a request for Premises Authorization, and after inspection of the premises to be utilized, notify the Certificate holder that it may begin dispensing cannabis at that premises and issue a Premises Authorization to the Certificate holder, or provide to the Operator written notice detailing the reasons the selected location does not comply with this Ordinance. Each Premises Authorization issued by the County pursuant to this Ordinance shall specify the Certificate of Approval pursuant to which it is issued, all information set forth on the Certificate of Approval, and the physical location of the premises approved, once such approval is received.

Sec. 14-154. - Requirements related to the premises.

Medical Marijuana Treatment Centers shall be subject to the following additional requirements:

(1) All cannabis or cannabis derivative products ready for sale shall be in a sealed or locked container or cabinet except when being accessed for distribution.

(2) The Medical Marijuana Treatment Center shall at a minimum include a waiting area with sufficient seating to accommodate the customers without requiring waiting outside the building. There shall be no display of products, nor ancillary products, in the waiting area. The layout of the floor plan shall provide for convenient access to the public functional areas, incorporating high end furnishings, cabinetry, displays, and state of the art lighting. Building materials shall be maintained in good condition (paint, wear and tear of furniture, etc.) to represent a high quality facility, including high end finishes (wood, marble, glass, etc.). Ceiling heights shall be over ten feet to reflect greater volume. All elevators, HVAC, and other mechanical equipment shall be functional and maintained to the highest level of quality (latest technology, with maintenance records up to date). All doors, hallways, stairwells and areas available to the public shall be ample to create an ease of access and maintained to reflect a high quality (natural materials for finishes, with flooring not exhibiting wear and tear nor staining, paint, wood or wallpaper with no appreciable blemishes, tears or stains). The dispensing of medical marijuana shall be accomplished in an area isolated from the waiting area, with the exit doors separated from the entrance, so that the progression of the service from the waiting area to the dispensary and other services to the exit is apparent and does not create overlap into the waiting area. Access to the entrance and waiting areas shall be well lit and illustrate a professional office décor. Exterior material on the building façade shall also be maintained to reflect a professional quality, with the image of the building as new or recently upgraded image.
(3) Only individuals authorized pursuant to Florida law may dispense cannabis, and such cannabis may only be dispensed to persons authorized pursuant to Florida law to receive cannabis.

(4) No cannabis shall be dispensed outside of the hours permitted by Florida law. However, Medical Marijuana Treatment Centers may conduct administrative functions or delivery functions, including making deliveries of cannabis or derivative products to the residence or business of an authorized individual, or to a health care facility as permitted by other relevant ordinances and state law.

(5) No unaccompanied minor may be dispensed cannabis unless otherwise authorized under state law.

(6) The Medical Marijuana Treatment Center shall employ reasonable measures and means to eliminate odors emanating from dispensing and shall properly dispose of controlled substances in a safe, sanitary and secure manner and in accordance with applicable laws and regulations.

(7) Loitering. The facility shall provide adequate seating for its clients within the interior of the building in a designated area. The facility shall not direct or encourage any patient or business invitee to stand, sit (including in a parked car), or gather or loiter outside of the building where the facility operates, including in any parking areas, sidewalks, right-of-way, or neighboring properties for any period of time longer than that reasonably required to arrive and depart. The facility shall post conspicuous signs on at least three sides of the building that no loitering is allowed on the property.

(8) Queuing of vehicles. The facility shall ensure there is no queuing of vehicles in the right-of-way. The facility shall take all necessary and immediate steps to ensure compliance with this paragraph.

(9) Alcoholic Beverages. No consumption of alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks, or right-of-way. The facility shall take all necessary and immediate steps to ensure compliance with this paragraph.

(10) On-Site Parking. The facility shall include a minimum of 1 parking space for every 200 gross square feet of building area.

(11) After issuance of a Premises Authorization, an Operator shall not make a physical change, alteration or modification of the premises that would not comply with this Ordinance.

Sec. 14-155. - Signage requirements.

All signage associated with a Medical Marijuana Treatment Center shall meet the standards established in this Code for signs. Delivery vehicles shall be limited to 4 Square Feet of signage. Each vehicle shall be predominantly one color.
Sec. 14-156. - Suspension or revocation of Certificate of Approval.

The County may revoke a Certificate of Approval for any of the following reasons, after notice and opportunity to cure is given:

(1) The Applicant or Operator, or his or her agent, manager, or employee, have violated, do not meet, or have failed to comply with, any of the terms, mandatory requirements or other provisions of this Ordinance, or with any applicable state law or regulation, if such failure materially impacts the accessibility, availability, or safety of the cannabis or derivative product, or impacts the safety of the patients at the Medical Marijuana Treatment Center.

(2) The County Manager or Designee shall provide notice of any deficiencies accompanied by a 30 calendar day period in which to cure such deficiencies. Within 30 days of receipt of notice a notice of deficiencies, the Operator shall submit to the Committee a plan to correct such deficiencies. The Committee shall review the plan and notify the Operator that the plan is acceptable, or shall reject the plan. If the plan is rejected, the Operator shall have 15 days to submit an acceptable plan to correct the deficiencies, or the Certificate of Approval shall be revoked. If the original or resubmitted plan is accepted, the Operator must execute the plan within 30 days of the date the plan was submitted to the Committee. If a plan is not timely submitted, or the plan is not timely executed, the Committee may revoke the Certificate of Approval.

(3) A Certificate of Approval shall be revoked and be available for issuance subject to the process outlined in this Ordinance if dispensing fails to occur within 12 months after the Certificate has been issued, except that the Committee may grant an extension of this requirement upon good cause shown.

(4) Notwithstanding the foregoing, upon a finding by the Committee, for good cause shown, that the continued operation of the business presents an imminent and immediate grave threat to the public health or safety, the County may suspend the Certificate of Approval and issue an emergency order directing the Operator to temporarily cease sales at that location pending resolution of the deficiency.

Sec. 14-157. - No County liability; indemnification; no defense.

(1) By accepting a Certificate of Approval and Premises Authorization issued pursuant to this Ordinance, the Operator waives any claim concerning, and releases the County, its officers, elected officials, employees, attorneys, Sheriff's Office and other Constitutional offices, the City of Kissimmee, the City of St. Cloud, and agents from, any liability for injuries or damages of any kind that result from any arrest or prosecution of business owners, Operators, employees, clients, or customers of the Operator for a violation of state or federal laws, rules, or regulations.

(2) By accepting a Certificate of Approval and Premises Authorization issued pursuant to this Ordinance, all Operators, jointly and severally if more than one, agree to indemnify, defend, and hold harmless the County, its officers, elected officials, employees, attorneys, Sheriff's Office and other Constitutional offices, the City of Kissimmee, the City of St.
Cloud, agents, insurers and self-insurance pool against all liability, claims, and demands on account of any injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the Medical Marijuana Treatment Center that is the subject of the Certificate of Approval and Premises Authorization.

(3) The issuance of a Certificate of Approval and Premises Authorization pursuant to this Ordinance shall not be deemed to create an exception, defense, or immunity for any person in regard to any potential criminal liability the person may have under state or federal law for the cultivation, possession, sale, distribution, or use of cannabis.

(4) Nothing herein requires the County to issue a Certificate of Approval to any applicant or operator regardless of ranking.

Sec. 14-158. - Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 2. INCLUSION IN CODE. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Osceola County Code and that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions.

SECTION 3. CONFLICTS. Any ordinance, resolution, or part thereof, in conflict with this Ordinance, or any part hereof, is hereby repealed to the extent of such conflict.

SECTION 4. FILING WITH THE DEPARTMENT OF STATE. The Clerk shall be and is hereby directed to forthwith send a certified copy of this Ordinance to the Secretary of State for the State of Florida within ten days after its enactment.
SECTION 5 EFFECTIVE DATE. This Ordinance shall become effective immediately upon filing with the Florida Department of State.

BOARD OF COUNTY COMMISSIONERS
OF OSCEOLA COUNTY, FLORIDA

By: [Signature]
Chairwoman/Vice Chairwoman

ATTEST:
OSCEOLA COUNTY CLERK OF THE BOARD

By: [Signature]
Clerk/Deputy Clerk of the Board

As authorized for execution at the Board of County Commissioners meeting on:

October 17, 2016
AGENDA ITEM SUMMARY
GLADES COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT: Cannabis Dispensing Businesses Ordinance

DEPARTMENT REQUEST:
The Community Development Department requests that the Board of County Commissioners approve adoption of the proposed Ordinance.

BACKGROUND/SUMMARY OF REPORT:

Authority for Local Governments to Regulate
Cities and counties were specifically given the right to regulate the policies and number of actual dispensaries on a local level (381.986 FL Statutes):
"A municipality may determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of dispensing organizations located within its municipal boundaries. A county may determine by ordinance the criteria for the number, location, and other permitting requirements that do not conflict with state law or department rule for all dispensing facilities of dispensing organizations located within the unincorporated areas of that county."
The preamble section of the ordinance establishes the basis for the county's authority:
• the state's cannabis statute itself grants these rights,
• general police powers exist, and
• the county is showing a rational basis for wanting to protect the health, safety, and welfare of the public.

Why Now
1. There are currently 6 statewide licenses issued for medical cannabis and likely more to be issued in the future.
2. There are no statewide limits to the number of dispensaries.
3. License holders are allowed to open unlimited numbers of dispensaries.
4. Without local regulations in place, there are no limits to the number of retail dispensaries that could open in a community.
5. This could result in thousands of dispensaries around the state.
6. It could negatively impact property values for neighbors if local control is not placed on the number and location of dispensaries.
7. There is also the threat of offensive smells associated with cannabis businesses that can cause public nuisance.
8. If Amendment 2 passes on November 8, expanding cannabis use to more patients could spur the establishment of more dispensaries.

PLANNING AND ZONING BOARD RECOMMENDATION: The Planning and Zoning Board recommended approval of the ordinance with some additional language, which has been incorporated into the Ordinance. These changes were:
- [Section 46-110(b)] Increase the distance requirement from 1,000 to 1,500 feet, and add to that same paragraph the uses of a licensed day care center, county-owned or county-run buildings, and licensed senior care centers.
- [Section 46-112(3)] Specify that Cannabis can only be dispensed between the hours of 8 AM and 11 PM.
- [Section 46-112] Add prohibition against on-site consumption or use of the cannabis product.

MOTION FOR APPROVAL:
"I move to approve AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GLADES COUNTY, FLORIDA, AMENDING THE GLADES COUNTY CODE OF LAWS AND ORDINANCES, PART I - GENERAL ORDINANCES, CHAPTER 46 - LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS; CREATING A NEW ARTICLE V - CANNABIS DISPENSING BUSINESSES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CODIFICATION; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR CONFLICT; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE."

MOTION FOR DENIAL:
"I move to deny the adoption of the Cannabis Dispensing Businesses Ordinance."

REQUEST BY: Meeting Date: October 24, 2016

Inga Williams, Comm. Dev. Director
ORDINANCE NO. 2016-
GLADES COUNTY, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GLADES COUNTY, FLORIDA, AMENDING THE GLADES COUNTY CODE OF LAWS AND ORDINANCES, PART I - GENERAL ORDINANCES, CHAPTER 46 - LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS; CREATING A NEW ARTICLE V - CANNABIS DISPENSING BUSINESSES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CODIFICATION; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR CONFLICT; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature enacted legislation legalizing Cannabis for medical uses; and

WHEREAS, future constitutional amendments and legislation may further expand the legal use of Cannabis in Florida; and

WHEREAS, a comprehensive State licensing and regulatory framework for the cultivation, processing, and dispensing of Cannabis exists; and

WHEREAS, the comprehensive State licensing and regulatory framework directs that the criteria for the number and location of and other permitting requirements that do not conflict with state law or department rule for dispensing facilities of Cannabis Dispensing Businesses may be determined by local ordinance; and

WHEREAS, Cannabis Dispensing Businesses licensed pursuant to the law have begun cultivating Cannabis for processing and dispensing; and

WHEREAS, potential adverse impacts on the health, safety, and welfare of residents and business from secondary effects associated with the distribution of Cannabis exist, potentially including: offensive odors, trespassing, theft, fire hazards, Increased crime in and about the Cannabis Dispensing Business, robberies, negative impacts on nearby businesses, nuisance problems; and

WHEREAS, certain of the above potential adverse impacts are accentuated by the current difficulties experienced by Cannabis Dispensing Businesses in obtaining banking services necessitating such businesses to operate on a cash basis; and

WHEREAS, there exists the potential for misappropriation and diversion of medical Cannabis to non-medical uses, and;

WHEREAS, an overabundance of dispensing facilities can affect the viability of such facilities, result in compliance issues and increased regulatory costs, lead to the improper diversion of products, and accentuate threats to the public health, safety, and welfare; and

WHEREAS, other jurisdictions have regulated the dispensing of Cannabis by limiting the number of such Cannabis Dispensing Businesses to reduce threats to the public health, safety, and welfare; and

WHEREAS, there is a need to adopt health, safety, and welfare regulations to avoid adverse impacts on the community which may arise from the distribution of Cannabis; and

WHEREAS, other jurisdictions that allow Cannabis Dispensing Businesses have implemented effective regulatory and enforcement systems that address the adverse impacts that Cannabis Dispensing Businesses could pose to public safety, health, and welfare; and
WHEREAS, an effective regulatory system governing the Dispensing of Cannabis, as provided in
this ordinance, will address potential adverse impacts to the public health, welfare, and safety consistent
with Florida law; and

WHEREAS, it is not the purpose or intent of this section to restrict or deny access to Cannabis as
permitted by Florida law, but instead to enact reasonable restrictions intended to protect the public health;
safety, and welfare; and

WHEREAS, Glades County has determined it is in the public interest to adopt this ordinance
pursuant to Glades County police powers and section 381.986, as well as other applicable state laws and
provisions of the Florida Constitution, to protect the health, safety, and welfare of the public;

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

SECTION 1. RECITALS.
The above recitals are true and correct and incorporated herein as though fully set forth below.

SECTION 2. ADOPTION OF NEW ARTICLE V. CANNABIS DISPENSING BUSINESSES WITHIN PART
I – GENERAL ARTICLES, CHAPTER 46 – LICENSES, TAXATION AND MISCELLANEOUS BUSINESS
REGULATIONS.

ARTICLE V. – CANNABIS DISPENSING BUSINESSES

Sec. 46-100. - Purpose and Intent.
The purpose of this Article is to establish requirements that regulate Cannabis Dispensing Businesses in
the interest of the public health, safety and general welfare and that ease the regulatory burden on Glades
County. In particular, this Article is intended to regulate the sale and distribution of Cannabis to ensure a
supply of Cannabis to patients who qualify to obtain, possess, and use Cannabis, or any other use of
Cannabis permissible under state law, while promoting compliance with other state laws that regulate
Cannabis. Nothing in this Article is intended to promote or condone the sale, distribution, possession, or
use of Cannabis in violation of any applicable state law. Compliance with the requirements of this Article
shall not provide a defense to criminal prosecution under any applicable law. This Article is only applicable
in the unincorporated area of Glades County.

Sec. 46-101. - Definitions.
(a) The following words and phrases, when used in this Article, shall have the meanings ascribed to them
in this Section:

(1) Applicant shall mean any person or entity that has submitted an application for a Certificate of
Approval or renewal of a Certificate of Approval issued pursuant to this Article. If the Applicant is
an entity and not a natural person, Applicant shall include all persons who are the managers,
officers, directors, contractual agents, partners, and licensors of such entity, as well as all members,
shareholders, or Investors holding an ownership interest of 10% or more of such entity.

(2) Cannabis has the meaning given to it by section 893.02(3), Florida Statutes, and shall include all
forms of medical Cannabis or low-THC Cannabis.

(3) Cannabis Dispensing Business or Business shall mean a business licensed to dispense
Cannabis pursuant to applicable law and that is engaged in the retail sale of Cannabis or Derivative
Products, but shall not include making deliveries of Cannabis or Derivative Products to the residence or business of an authorized individual, or to a health care facility, as permitted by other relevant Articles and state law.

(4) **Certificate of Approval** shall mean a document issued by the Jurisdiction officially authorizing an Applicant to operate a Cannabis Dispensing Business pursuant to this Article. A Certificate of Approval generally authorizes an Applicant to establish and operate a Cannabis Dispensing Business pursuant to this Article, but does not authorize the Dispensing of Cannabis at any physical location within the Jurisdiction until a Premises Authorization, as defined herein, has been issued for such location. Each Certificate of Approval authorizes the issuance of a single Premises Authorization at any one time.

(5) **Compassionate Use Act** shall mean section 381.986, Florida Statutes, and chapter 2016-123, Laws of Florida, as amended from time to time, and any rules or regulations promulgated thereunder.

(6) **Cultivation** or **cultivate** shall mean the process by which a person grows a Cannabis plant.

(7) **Derivative Products** shall mean products derived from Cannabis, including but not limited to, Cannabis oil or consumable products containing or derived from Cannabis.

(8) **Dispensing** shall mean the retail sales of Cannabis or Derivative Products at a Cannabis Dispensing Business, but does not include making deliveries of Cannabis or Derivative Products to the residence or business of an authorized individual, or to a health care facility, as permitted by other relevant Articles and state law.

(9) **Investor** shall mean any person or entity entitled to share in the profits of the Applicant, or any Lender. The term shall not include any employees who share in the profits of the Applicant pursuant to an employee profit sharing program.

(10) **Lender** shall mean any person or entity who has provided funds to an Applicant with the expectation of receiving from the Applicant repayment or the receipt from the Applicant of anything of value. The term Lender shall include any person who owns, directly or indirectly, 20% or more of any entity which qualifies as a Lender, but does not include any bank, credit union, or other financial institution created under federal or state law.

(11) **Operator** shall mean the person or entity to whom a Certificate of Approval has been issued pursuant to this Article.

(12) **Premises Authorization** shall mean a document issued by the Jurisdiction to the Operator, authorizing the Operator to conduct Cannabis Dispensing Business operations at a single, specifically approved physical location. No Premises Authorization may be issued to any individual or entity who does not hold a Certificate of Approval. Any relocation of operations to a separate address shall require amendment of the Premises Authorization to authorize operations at the new location.

(13) **State** shall mean the State of Florida.

(b) In addition to the definitions contained in Subsection (a), other terms used in this Article shall have the meaning ascribed to them in the Compassionate Use Act, and such definitions are incorporated into this Article by this reference.
(a) It shall be unlawful for any person or entity to establish or operate a Cannabis Dispensing Business in
Glades County without first having obtained from the State of Florida approval to do so pursuant to the
Compassionate Use Act or any other relevant law, and having obtained from Glades County a Certificate
of Approval, and having obtained from Glades County a Premises Authorization for the facility to be
operated in connection with such business.

(b) The Certificate of Approval and Premises Authorization shall be kept current at all times and shall be
conspicuously displayed at all times in the premises to which they apply. The failure to maintain a current
Certificate of Approval, or to maintain a current Premises Authorization for any location at which Cannabis
Dispensing Business is conducted, shall constitute a violation of this Article.

(c) A Certificate of Approval issued by Glades County pursuant to this Article shall specify the date of
issuance, the period of licensure, and the name of the Operator.

(d) A Certificate of Approval issued by Glades County under this Article shall expire three years after the
date of its issuance.

(e) Renewal of an existing Certificate of Approval shall be automatic for successive three year periods
upon payment of required fees to Glades County, as provided in the fee schedule adopted by Glades
County from time to time.

(1) Within the 30 days prior to the expiration date, each Operator shall pay a nonrefundable renewal
fee to the Glades County Board of County Commissioners as set forth in the fee schedule adopted
by Glades County from time to time, to defray the costs incurred by Glades County for review of
the application and inspection of the proposed premises, as well as any other costs associated with
the processing of the application. The Operator is responsible for paying the renewal fee prior to
expiration of the Certificate of Approval.

(2) A Certificate of Approval shall be revoked if an Operator fails to remit a renewal fee prior to the
expiration of the Certificate of Approval. Notwithstanding the expiration and revocation, an
Operator whose Certificate of Approval has been revoked for not more than 30 days may be
reinstated upon the payment of a late fee, as set forth in the fee schedule adopted by Glades
County from time to time.

(f) Any Premises Authorization issued by Glades County under this Article shall be deemed to expire on
the date upon which the Certificate of Approval pursuant to which it is issued expires. Any Premises
Authorization shall be deemed automatically renewed upon the renewal, as set forth herein, of the
Certificate of Approval pursuant to which it is issued.

(g) In the event a Certificate of Approval is not renewed, it shall be noticed by Glades County as available
and be subject to a new application process as set forth in this Article.

Sec. 46-103. - Numerical limit on Cannabis Dispensing Businesses.

(a) The maximum number of Certificates of Approval in the County shall not exceed 1 for every 87,600
residents, as certified in the most recent census or periodic demographic studies conducted by the
University of Florida.

(b) A Certificate of Approval authorizes the holder to operate a single licensed premises pursuant to an
approved Premises Authorization.
Sec. 46-104. – Application minimum requirements; payment of application fee.

(a) An Applicant for a new Certificate of Approval, or an Operator seeking to change the ownership of an existing Certificate of Approval, pursuant to the Compassionate Use Act, any other applicable state law, and the provisions of this Article, shall submit an application to Glades County Community Development Department. At the time of any such application, the Applicant shall pay an application fee to Glades County, as set forth in the fee schedule adopted by Glades County from time to time, to defray the costs incurred by Glades County for review of the application, as well as any other costs associated with the processing of the application.

(1) The Applicant shall include the following in its application to Glades County:

i. Payment of the application fee as set forth in the fee schedule established by the County.

ii. If the Applicant is a business entity, information regarding the entity, including without limitation the name and address of the entity, its legal status and proof of registration with, or a certificate of good standing from, the Florida Secretary of State, as applicable.

iii. If the Applicant is an Individual, government issued identification including name, address and photograph of the individual;

iv. Evidence of the State of Florida, Department of Health, Office of Compassionate Use's (or any successor agency of the State of Florida's) approval of the Operator to operate a Cannabis Dispensing Business pursuant to the Compassionate Use Act or any other relevant law;

v. All documentation necessary to demonstrate compliance with the requirements identified in this Article, including evidence that the Applicant continues to meet all requirements of section 381.986(5)(b)(1), Florida Statutes;

vi. All documentation the Applicant wishes to have considered for scoring purposes, including documentation demonstrating the Applicant meets the criteria detailed in Sec. 46-105 of this Article.

(b) Upon receipt of more than one application, Glades County shall review and score the applications pursuant to the criteria, and 100 point scale, detailed below. A minimum of three County staff shall review and score each application. One staff person shall be designated as the point-of-contact and may address questions and requests for further information from staff to the Applicants at any time during the application process. The criteria to be used for scoring are listed below:

Sec. 46-105. – The Application Period and Scoring and Review of Applications.

(a) The application period shall begin when an application for a Cannabis Dispensing Business is received by the County. Upon receipt of an application, the County shall notice on the County’s website that the application period has commenced and shall indicate the closing date of the application period, which shall be 30 days after notification is placed on the website.

(b) If more than one application is received within the 30 day period, the County shall score and review each application pursuant to the criteria, and 100 point scale, detailed below. A minimum of three County staff shall review and score each application. One staff person shall be designated as the point-of-contact and may address questions and requests for further information from staff to the Applicants at any time during the application process. The criteria to be used for scoring are listed below:

(1) Previous retail dispensing experience in a regulated market in any state: 20 points

i. Number of different retail dispensaries operated.

ii. Total square footage of retail dispensaries operated.

iii. Number of years of operating retail dispensaries.

iv. Number of retail dispensary employees managed.

v. Gross sales of Cannabis and Cannabis Derivative Products.
vi. Number of different Cannabis strains and Derivative Products sold.

vii. Retail dispensing licenses held in different states.

viii. Previous infractions resulting in the revocation of any Cannabis license.

ix. Experience with maintaining chain of custody and tracking mechanisms.

(3) Quality of Derivative Product offerings: 20 points

i. Length of time Derivative Products you intend to dispense have been available in regulated markets.

ii. Gross sales number of units of these Derivative Products previously sold in regulated markets.

iii. Gross revenue derived from previous sales of these Derivative Products in regulated markets.

(4) Technical Ability: 10 points

i. Review of standard operating procedures, operating manuals, policies, training modules, and procedures.

ii. Training process.

iii. Online ordering system.

iv. Procedures for expediting ordering and / or providing for medically disadvantaged.

v. Operational ERP (Enterprise Resource Planning) System.

vi. Retail delivery system.

vii. Point-of-sale systems and solutions.

(5) Qualifications of Security Team: 15 points

i. Years of security experience with Cannabis dispensaries in a regulated Cannabis market.

ii. Integration of security procedures and training into your vertically integrated operations.

iii. All owners, investors, and managers have successfully passed a Level 2 background check and have not been convicted of any felonies involving fraud, false representation, or distribution of Cannabis.

(6) Qualifications of Medical Director: 25 points

i. Experience with epileptic patients;

ii. Experience with cancer patients;

iii. Experience with patients with severe seizures or muscle spasms;

iv. Experience with terminal patients;

v. Knowledge of the use of medical Cannabis for treatment of cancer or physical medical conditions that chronically produce symptoms of seizures or severe and persistent muscle spasms;

vi. Knowledge of good manufacturing practices;

vii. Knowledge of analytical and organic chemistry;

viii. Knowledge of analytical laboratory methods;

ix. Knowledge of analytical laboratory quality control, including maintaining a chain of custody;

x. Knowledge of, and experience with, medical Cannabis CBD/low-THC extraction techniques;

xi. Knowledge of medical Cannabis, including CBD/low-THC routes of administration;

xii. Experience in or knowledge of clinical trials or observational studies;

xiii. Knowledge of, and experience with, producing CBD/low-THC products;

xiv. Experience with or knowledge of botanical medicines;

xv. Experience with dispensing medications.

(7) Awards: 10 points
1. Any awards, recognitions, or certifications received for expertise in Cannabis related businesses.

(c) An application that is considered incomplete shall be rejected by the County. Rejected applications shall not be scored unless resubmitted within the 30 day application period and subsequently found complete.

(d) The County shall disqualify any application that contains any false or misleading information.

(e) The scores awarded by Staff for each Applicant shall be totaled and averaged for each Applicant. The Certificate of Approval issued to the highest scoring Applicant. In the event of a tie in the rankings, the Community Development Director shall identify the Applicant that shall be given the Certificate of Approval. Challenges to Staff's award decision shall be filed with the County Manager within ten days of the decision being challenged. The County Manager shall review the challenge and issue a decision dismissing such challenge or affirming such challenge.

(f) If more than one application is not received, the County shall review the information included in the application to determine completeness and sufficiency and shall award the Certificate of Approval based upon a positive review of both items.

Sec. 46-106. - Issuance of Certificate of Approval.

(a) Upon expiration of the challenge deadlines detailed in Sec. 46-105, if no challenge is filed, or upon issuance of a final order if a challenge is filed, Glades County shall issue a Certificate of Approval.

(b) A Certificate of Approval issued pursuant to this Article does not eliminate the need for the Operator to obtain other required permits or licenses related to the operation of the Cannabis Dispensing Business including, without limitation, any development approvals or building permits required by this Code.

(c) Amendment of a Certificate of Approval or Premises Authorization solely to change the location of a Cannabis Dispensing Business shall not be denied so long as all other conditions for the issuance of a Certificate of Approval have been met and the new location complies with all premises requirements set forth in this Article and all applicable zoning requirements.

(d) A Certificate of Approval or Premises Authorization may be transferred only to an entity which has been approved by the State of Florida, Department of Health, Office of Compassionate Use (or any successor agency of the State of Florida) to operate a Cannabis Dispensing Business pursuant to the Compassionate Use Act or any other relevant law, and who meets all other requirements of this Article.

Sec. 46-107. - Persons or Entities prohibited as Operators.

(a) No Certificate of Approval shall be issued to, held by, or renewed by any Applicant or Operator who fails to comply with the following Mandatory Requirements:

(1) Maintain approval as a dispensing organization by the State of Florida, Department of Health, Office of Compassionate Use pursuant to the Compassionate Use Act, or any other applicable law.

(2) Ensure no owner, investor, or manager of the Applicant or Operator has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has been adjudicated...
delinquent, and the record has not been sealed or expunged for, any crime enumerated in section 435.04(2), Florida Statutes, or any felony involving false representations or false statements, fraud, or money laundering.

Sec. 46-108. – Confidential, Proprietary, Copyrighted, or Trade Secret Material

(a) If an Applicant considers any portion of the documents, data or records submitted with its application to be confidential, proprietary, trade secret or otherwise not subject to disclosure pursuant to chapter 119, Florida Statutes, the Florida Constitution or other authority, the Applicant must mark the document as "Confidential" and simultaneously provide the Authority a separate redacted copy of its application and briefly describe in writing the grounds for claiming exemption from the public records law, including the specific statutory citation for such exemption. This redacted copy shall contain the name of the Applicant on the cover, and shall be clearly titled "Redacted Copy." The Redacted Copy should only redact those portions of material that the Applicant claims are confidential, proprietary, trade secret or otherwise not subject to disclosure.

(b) If a request for public records pursuant to Chapter 119, Florida Statutes, the Florida Constitution or other authority, is filed, to which documents that are marked as confidential are responsive, the County will provide the Redacted Copy to the requester. If a requestor asserts a right to the Confidential Information, the County will notify the Applicant such an assertion has been made. It is the Applicant's responsibility to assert that the information in question is exempt from disclosure under Chapter 119 or other applicable law. The Applicant shall be responsible for defending its determination that the redacted portions of its response are confidential, proprietary, trade secret, or otherwise not subject to disclosure.

(c) If Applicant fails to submit a redacted copy of information it claims is confidential, the County is authorized to produce the entire documents, data, or records submitted to the County in answer to a public records request for these records.

Sec. 46-109. – Premises Authorization.

After obtaining a Certificate of Approval, and prior to dispensing Cannabis, an Operator shall select a location from which such dispensing will occur, and provide notice to the County of the dispensing location and request issuance of Premises Authorization for such location. Such request shall be provided a minimum of 10 days prior to the dispensing of any Cannabis from the location, and shall identify the location from which dispensing will occur.

Sec. 46-110. – Zoning Requirements

(a) Premises Authorization shall be granted for any location which complies with the requirements of this Article and in which retail sales are permitted pursuant to applicable zoning or land use regulations as a principal use.

(b) No Cannabis Dispensing Business shall be located within 1,500 feet of any:
   (1) Public or private elementary, middle, or secondary school,
   (2) House of worship,
   (3) Public park and recreation area,
   (4) Licensed day care center and facility,
   (5) County owned or county-run building,
   (6) Licensed senior care center and facility.
However, a Cannabis Dispensing Business does not violate this subsection and may not be forced to relocate if it meets the requirements of this section and any use listed in subsection is subsequently established within 1,500 feet of the business.

(c) For purposes of this Article, measurements shall be made from the nearest property line of the school or house of worship to the nearest property line of the Cannabis Dispensing Business. If the Cannabis Dispensing Business is located in a multi-tenant building, the distance shall be measured from the nearest property line of the school or house of worship to the nearest line of the leasehold or other space actually controlled or occupied by the Cannabis Dispensing Business.

Sec. 46-111. - Inspection of approved premises and issuance of Premises Authorization.

(a) During business hours and other times of apparent activity, all approved premises shall be subject to inspection by the Chief of Police, the Fire Chief, the Building Official, County Sheriff, or the authorized representative of any of them, for the purpose of investigating and determining compliance with the provisions of this Article and any other applicable state or local law or regulation. Such inspection may include, but need not be limited to, the inspection of books, records, and inventory. Where any part of the premises consists of a locked area, such area shall be made available for inspection, without delay, upon reasonable request. The frequency of such inspections shall not be unreasonable and shall be conducted in a manner to ensure the operation of the premises is not inhibited.

(b) Cannabis may not be dispensed pursuant to a Certificate of Approval until the Authority has caused the proposed premises to be inspected to determine compliance of the premises with any applicable requirements of this Article and Code, and has issued Premises Authorization.

(c) The County shall, within 10 days of receipt of a request for Premises Authorization, and after inspection of the premises to be utilized, notify the Certificate holder that it may begin dispensing Cannabis at that premises and issue a Premises Authorization to the Certificate holder, or provide to the Operator written notice detailing the reasons the selected location does not comply with this Article. A Premises Authorization issued by the County pursuant to this Article shall specify the Certificate of Approval pursuant to which it is issued, all information set forth on the Certificate of Approval, and the physical location of the premises approved, once such approval is received.

Sec. 46-112. - Requirements related to the premises.

(a) A Cannabis Dispensing Business shall be subject to the following additional requirements:

(1) All Cannabis or Cannabis Derivative products ready for sale shall be in a sealed or locked container or cabinet except when being accessed for distribution.

(2) Only individuals authorized pursuant to Florida law may Dispense Cannabis, and such Cannabis may only be dispensed to persons authorized pursuant to Florida law to receive Cannabis.

(3) No Cannabis Dispensing Business shall be open to the public between the hours of 11PM and 8 AM, and shall only dispense Cannabis between the hours of 8 AM and 11 PM.

(4) No unaccompanied minor may be dispensed Cannabis unless otherwise authorized under state law.
(5) There shall be no on-site consumption or other use of Cannabis.

(6) The Cannabis Dispensing Business shall employ reasonable measures and means to eliminate odors emanating from dispensing and shall properly dispose of controlled substances in a safe, sanitary and secure manner and in accordance with applicable laws and regulations.

(7) After issuance of a Premises Authorization, an Operator shall not make a physical change, alteration or modification of the premises that would not comply with this Article.

(8) The Cannabis Dispensing Business shall ensure security for Cannabis activities complies with state requirements.

Sec. 46-113. - Nonrenewal, suspension or revocation of Certificate of Approval.

(a) The County may suspend, revoke, or refuse to renew a Certificate of Approval for any of the following reasons, after notice and opportunity to cure is given:

(1) The Applicant or Operator, or his or her agent, manager, or employee, have violated, do not meet, or have failed to comply with any of the terms, requirements, or provisions of this Article or with any applicable state law or regulation, and only if such failure materially impacts the accessibility, availability, or safety of the Cannabis or Derivative Product.

i. The County shall provide notice of any of the above deficiencies accompanied by a 30 calendar day period in which to cure such deficiencies.

ii. Within 30 days of receipt of notice a notice of deficiencies, the Operator shall submit to the County a plan to correct such deficiencies.

iii. The Operator must execute the plan within 30 days of the date the plan was submitted to the County.

iv. If a plan is not timely submitted, or the plan is not timely executed, the County may take appropriate action.

v. Notwithstanding the foregoing, upon a finding by the County for good cause shown that the continued operation of the business presents an imminent and immediate grave threat to the public health or safety, the County may issue an emergency order directing the Operator to temporarily cease sales at that location pending resolution of the deficiency.

(2) The Applicant or Operator has been issued a Citation in regards to a violation of the Code of Laws and Ordinances.

(3) If dispensing fails to occur within 12 months of a Certificate of Approval being issued, the Certificate shall be revoked and be available for issuance to a new Applicant subject to the process outlined in this Article.

Sec. 46-114. - No County liability; indemnification; no defense.

(a) By accepting a Certificate of Approval and Premises Authorization issued pursuant to this Article, the Operator waives any claim concerning, and releases the County, its officers, elected officials, employees, attorneys and agents from, any liability for injuries or damages of any kind that result from any arrest or prosecution of business owners, Operators, employees, clients, or customers of the Operator for a violation of state or federal laws, rules, or regulations.
(b) By accepting a Certificate of Approval and Premises Authorization issued pursuant to this Article, all Operators, jointly and severally if more than one, agree to indemnify, defend, and hold harmless the County, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims, and demands on account of any injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the Cannabis Dispensing Business that is the subject of the Certificate of Approval and Premises Authorization.

(c) The issuance of a Certificate of Approval and Premises Authorization pursuant to this Article shall not be deemed to create an exception, defense, or immunity for any person in regard to any potential criminal liability the person may have under state or federal law for the cultivation, possession, sale, distribution, or use of Cannabis.

SECTION 3. AUTHORITY.

This Ordinance is enacted pursuant to the provisions of Chapters 125 and Chapter 403, Florida Statutes, and other applicable provisions of law.

SECTION 4. CODIFICATION.

It is hereby the intention of the Board of County Commissioners of Glades County, Florida, and it is hereby provided that the provisions of this Ordinance may become and be made a part of the Code of Glades County, Florida.

SECTION 5. SCRIVENER'S ERRORS.

Sections of this Ordinance may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the County Manager, or the County Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the County Clerk.

SECTION 6. CONFLICT.

Any provision of any Glades County ordinance or regulation which is in conflict with the provisions of this Ordinance is repealed prospectively to the extent of such conflict.

SECTION 7. LIBERAL CONSTRUCTION.

The terms and provisions of this Ordinance shall be liberally construed to affect the purpose for which it is adopted.

SECTION 8. SEVERABILITY.

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, invalid or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect the applicability of this Ordinance to any other person, property or circumstances.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall take effect upon the adoption of this Ordinance by the Board of Commissioners of Glades County, Florida, and upon a filing of a certified copy hereof with the Florida Department of State.
The foregoing Ordinance was offered by Commissioner ________________, who moved its adoption. The motion was seconded by Commissioner ________________, and being put to a vote, the vote was as follows:

WESTON PRYOR
DONNA STORTER LONG
PAUL S. BECK
JOHN AHERN

This Ordinance was duly passed and adopted this _____ day of ________________, 2016.

BOARD OF COUNTY COMMISSIONERS OF GLADES COUNTY, FLORIDA

BY: ____________________________
    Weston Pryor, Chairman

ATTEST:

______________________________
Sandra Brown,
Clerk of Court

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY:
    Richard W. Pringle, County Attorney
Supporting Information
Municipal Dispensary License Allocation: Florida

Economic and Social Considerations

Synopsis: This report describes the benefits and costs that should be considered by Florida’s city and county planners as they prepare their cannabis dispensary licensing rules. As cannabis policy and planning experts, the Marijuana Policy Group makes the following recommendations:

- **Phased Approach:** Based upon past experience, municipalities should use an incremental approach to issuing dispensary licenses. This mitigates the cost of early-stage errors in license criteria and processing. In general, it is easier for authorities to issue additional licenses over time, than to revoke licenses from previously issued licensees.

- **Optimal Number of Dispensaries:** The optimal number of dispensaries depends upon the number of patients likely to register, the local area population, and the required scale of operation for dispensaries to remain profitable. The average resident ratio among similar states (with laws similar to Amendment 2) is one dispensary per 67,222 residents (1:67,222). This ratio is found to be “optimal” by the MPG for cities and counties in Florida.

- **Risks of Unprofitable Dispensaries:** Unlike conventional business, cannabis business failure creates risks because the product is still prohibited by federal law. Small and struggling cannabis entities are more likely to sell (or “divert”) into illegal markets (e.g., minors and out-of-state smuggling). For example, struggling entities can utilize their license to legally cultivate or purchase cannabis, and then re-sell to illegal markets, if they cannot survive in Florida’s legal market.

- The **Minimum Effective Scale Ratio:** As a second rational approach to setting standards for dispensary numbers, it is helpful to note that the minimum effective scale for a dispensary is approximately 600 patients. Under Amendment 2, the minimum population-to-patient ratio in Florida should be no more than one dispensary for each fifty-thousand residents (1:50,000) with the optimal ratio at 1:67,222.

- **The Failure Rate:** The percentage of companies expected to become unprofitable in the regulated market is 61% if the allocation ratio is 1:30,000. Expected failures decline to 32% if the ratio is 1:50,000, and to only 13% if the ratio is 1:67,222.

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1 The Marijuana Policy Group (MPG) is a Denver-based economics and policy consulting firm dedicated to cannabis economics and policy. This memo provides a quantitative assessment of the benefits and challenges related to cannabis dispensary permitting and licensing. The MPG is nationally recognized for its role in shaping the Colorado regulated cannabis market. Since 2014, the MPG has served as the lead cannabis economist for the State of Colorado, providing detailed market and economic analysis that informs state legislators and policymakers. MPG experts have also advised private sector clients for location, investment, and operations – this experience helps the MPG to bring private-sector understanding into the public-policy forum in an articulate manner. The MPG now operates in 13 states and two foreign countries.

Note: Results and findings are solely based upon MPG research. Quotations or citations of the report findings must include “The Marijuana Policy Group” as the original owner of this intellectual property.
- **Upper-Bound Sales**: The MPG finds no evidence to indicate an upper-boundary on the ability of dispensaries to service or supply customers. Single storefronts in Washington State, for example, were serving as many as 6,000 patrons in July 2016. It is therefore unlikely that a dispensary would experience “too many” patients to service.

- **Cole Memo Compliance**: Florida regulators should respect the priorities stated in the United States Department of Justice’s 2013 Cole Memorandum. This memorandum outlines the position of the federal government, and the conditions under which federal authorities will allow state-level rule on cannabis possession. Two of the eight priorities in the Cole Memorandum are to mitigate diversion to minors, and mitigate diversion out of the state. Proper allocation of licenses should be designed to ensure that licensees will remain compliant with state laws, and with federal guidelines.

- **Inexperienced Operators**: Due to increased risks associated with dispensary failures, regulators should prioritize license applicants who have demonstrated the ability to operate a successful cannabis business in the past.

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Note: Results and findings are solely based upon MPG research. Quotations or citations of the report findings must include “The Marijuana Policy Group” as the original owner of this intellectual property.
Background

Florida’s medical cannabis program is changing rapidly. The passage of Amendment 2 in November 2016 will increase substantially the size and scope of the program. This ballot measure represents the latest of three measures which altered the state’s approach to medical cannabis.


Under the Compassionate Medical Cannabis Act, passed in 2014, the Legislature permitted low-THC/high CBD, non-smokable cannabis to be dispensed and utilized for the treatment of a handful of medical conditions. However, due to the legal restrictions, limiting access and prescriptions, and by forbidding smokable products, few patients have chosen to obtain medical cannabis through legal channels.

On March 25, 2016, Florida Governor Rick Scott signed House Bill 307 into law. This law expanded access to medical cannabis, including high-THC products as an efficacious treatment for patients with terminal illnesses. The state has licensed six medical cannabis dispensing organizations, which are vertically integrated and authorized to cultivate, manufacture, and sell medical cannabis. However, the program remains nascent; as of August, 2016, the Florida Department of Health has just 87 registered cannabis patients.

The passage of Amendment 2 is likely to expand significantly the number of registered patients and potential dispensaries seeking to serve such patients. State and local authorities must prepare themselves for an onslaught of medical cannabis dispensary applications. Under current law (section 381.986(8)(b), Florida Statutes), each county and municipality is authorized to implement rules and regulations for permitting of retail cannabis dispensaries. The statute specifies that such regulations should be reasonable and tailored to protect the public health, safety, and welfare. Most city or county managers have not faced such a decision, and are uncertain how many dispensaries to permit in a certain locality. This document is designed to help these authorities to understand what has been done elsewhere, and what to expect if too many or too few dispensaries are permitted in specific localities.

State-Level Licensing and Restrictiveness

The MPG collected state-level medical cannabis program data for 22 states where some form of medical cannabis is allowed. Each state chose a regulatory system that is influenced by local sentimentality toward cannabis. Despite the disparity among different state and county rules, most impose restrictions on medical cannabis programs through 1) Limitations on the scope of medical conditions treatable using medical cannabis and the medical prescription ("recommendation") process; and 2) Rules to limiting dispensary numbers.

Restrictions on Condition Types – and the Capture Rate

Certain states restrict use by limiting the types of conditions that are allowed to be treated using cannabis. Illinois, for example, has such restrictive conditions that there are only 7,000 approved medical cannabis patients, in a state with 12.8 million residents. The corresponding patient to population ratio – called the "Capture Rate" – is therefore just 5 people per 10,000, or 0.05%.
Most states have fewer restrictions on allowed medical conditions, and higher Capture Rates, than Illinois. Colorado, Maine, and Oregon allow most types of conditions, including "chronic pain," to be recommended for treatment using cannabis. As a result, these states have much higher capture rates. The rate in Colorado is 1.94%, in Oregon, it is 1.83%, and in Maine it is 3.42%, the highest in the dataset. Table 1 provides a listing for selected states (22 different states where information was available), of the current patient count, compared to the resident population, to provide a capture rate for each state program.

Table 1: Medical Cannabis State Populations and Eligible Patient Populations, based upon allowed medical conditions for medical cannabis.

<table>
<thead>
<tr>
<th>State</th>
<th>State population (2015)</th>
<th>Patient numbers</th>
<th>Current through</th>
<th>Capture Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maine</td>
<td>1,329,328</td>
<td>45,520</td>
<td>6/16/2016</td>
<td>3.42%</td>
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<tr>
<td>Michigan</td>
<td>9,922,576</td>
<td>203,889</td>
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<td>Colorado</td>
<td>5,456,574</td>
<td>106,066</td>
<td>5/31/2016</td>
<td>1.94%</td>
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<td>California</td>
<td>39,144,818</td>
<td>715,133</td>
<td>6/16/2016</td>
<td>1.83%</td>
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<tr>
<td>Oregon</td>
<td>4,028,977</td>
<td>73,605</td>
<td>6/6/2016</td>
<td>1.83%</td>
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<tr>
<td>Arizona</td>
<td>6,828,065</td>
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<td>Rhode Island</td>
<td>1,056,298</td>
<td>14,459</td>
<td>6/15/2016</td>
<td>1.37%</td>
</tr>
<tr>
<td>Montana</td>
<td>1,032,949</td>
<td>13,288</td>
<td>5/31/2016</td>
<td>1.29%</td>
</tr>
<tr>
<td>New Mexico</td>
<td>2,085,109</td>
<td>24,902</td>
<td>6/3/2016</td>
<td>1.19%</td>
</tr>
<tr>
<td>Hawaii</td>
<td>1,431,603</td>
<td>14,074</td>
<td>6/1/2016</td>
<td>0.98%</td>
</tr>
<tr>
<td>Nevada</td>
<td>2,890,845</td>
<td>18,599</td>
<td>5/31/2016</td>
<td>0.64%</td>
</tr>
<tr>
<td>D.C.</td>
<td>672,228</td>
<td>3,707</td>
<td>6/3/2016</td>
<td>0.55%</td>
</tr>
<tr>
<td>Vermont</td>
<td>626,042</td>
<td>2,936</td>
<td>6/27/2016</td>
<td>0.47%</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>6,794,422</td>
<td>25,980</td>
<td>5/31/2016</td>
<td>0.38%</td>
</tr>
<tr>
<td>Connecticut</td>
<td>3,590,886</td>
<td>10,861</td>
<td>6/12/2016</td>
<td>0.30%</td>
</tr>
<tr>
<td>Delaware</td>
<td>945,934</td>
<td>1,490</td>
<td>6/15/2016</td>
<td>0.16%</td>
</tr>
<tr>
<td>Alaska</td>
<td>738,432</td>
<td>1,071</td>
<td>5/31/2016</td>
<td>0.15%</td>
</tr>
<tr>
<td>New Jersey</td>
<td>8,958,013</td>
<td>7,956</td>
<td>6/15/2016</td>
<td>0.09%</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>1,330,608</td>
<td>780</td>
<td>7/1/2016</td>
<td>0.06%</td>
</tr>
<tr>
<td>Illinois</td>
<td>12,859,995</td>
<td>7,000</td>
<td>6/1/2016</td>
<td>0.05%</td>
</tr>
<tr>
<td>Minnesota</td>
<td>5,489,594</td>
<td>1,486</td>
<td>6/10/2016</td>
<td>0.03%</td>
</tr>
<tr>
<td>New York</td>
<td>19,795,791</td>
<td>4,688</td>
<td>6/9/2016</td>
<td>0.02%</td>
</tr>
</tbody>
</table>

Average: 0.92%

Source: MPG Calculations based upon publically-available state patient and population data. Patient data was sourced from the Marijuana Policy Project.

Note: Results and findings are solely based upon MPG research. Quotations or citations of the report findings must include "The Marijuana Policy Group" as the original owner of this intellectual property.
Florida State Estimated Capture Rates

*Under HB 307/SB 460*

Although HB 307/SB 460 has added access medical cannabis for the terminally ill, it is estimated that the patient-count will remain low given the restrictions that remain. Based upon the new regulations, the MPG estimates that the state’s patient Capture Rate will grow from current levels to approximately 12,000 patients.

The most binding constraints to access include the low-THC requirement for several of the qualifying conditions, difficulty for doctors to legally recommend the drug, and a cumbersome / costly path to become a registered cannabis patient. In total, the MPG estimates the Capture Rate under existing legislation to be approximately six-tenths of one percent (0.06%).

*Under Amendment 2*

Upon passage of Amendment 2, the number of eligible conditions will expand to include more prevalent indications, and the use of high-THC, smokable products would be allowed, making the Florida law similar to laws in approximately 7 other states.

Using these states for guidance, the MPG constructed an estimated capture rate for Florida. The estimated capture rate for the state under Amendment 2 is 1.21%. The results are shown below, in Table 2.

<table>
<thead>
<tr>
<th>Florida Estimated Patient Population</th>
<th>Sample Average 0.92%</th>
<th>Average (Programs similar to Florida): 1.21%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida Population (2015)</td>
<td>20,271,272</td>
<td>Estimated Florida Patient Count:</td>
</tr>
<tr>
<td>Using Sample Average (0.92%)</td>
<td>186,575</td>
<td>Using Similar Program Ave (1.21%)</td>
</tr>
<tr>
<td>Using Upper Bound (2.2%)</td>
<td>445,968</td>
<td></td>
</tr>
</tbody>
</table>

Source: MPG Calculations

While the overall sample average capture rate was 0.92%, the average for states who have deployed a program that is *similar* to Florida’s, is 1.21%. This higher rate reflects the exclusion of certain highly-restrictive states (e.g., New Jersey, New York, and Illinois).

Dispensary License Allocations

The passage of Amendment 2 will lead to an onslaught of cannabis dispensary applications, and city and county planners must be prepared to handle such applications. Cannabis dispensaries and storefronts are perceived by many planners to carry increased risks compared to typical merchandise stores. These stores sell products that are prohibited under federal law, and they tend to hold large quantities of cash and high-value products. Accordingly, these stores can become burdensome on law enforcement resources. Additionally, community leaders in other states have expressed concern that numerous...
cannabis dispensaries increase the risk of blight and may reduce property values for neighboring communities.

In order to mitigate these risks and the burden on law enforcement, state and municipal authorities have placed limitations upon the number of dispensary operations in a given area. The first and most common limitation is population-based, where a fixed number dispensary licenses are allowed within a specific population center.

Experience from Other Industries

Rationing and allocation of licenses to certain types of private businesses is not new. Certain states with a more pious outlook continue to limit liquor store licensees. Utah, for example, limits storefronts to 1:44,000 residents. Other regional limits are often requested by private business due to high startup costs. Hospital developers require a setback that limits competition for a period of time - in order to ensure they can survive and provide medical services. Pure public goods, such as fire stations and parks, are allocated to meet community needs, while balancing the costs and benefits of additional service outlets.

Cannabis dispensaries are privately-funded entities that provide services to a specific population segment. Therefore, the benefits of increased access to these entities is balanced against the potential costs of having too many outlets and subsequent failing businesses (along with considerations for the health, safety, and wellbeing of the public including increased risk of crime and burdens on law enforcement). While zoning rules can help to navigate the location of these entities, the number of entities can be directly controlled through license allocations.

Experience from Other States

Of the 22 states from which MPG collected data, three states place no explicit limit upon the number of dispensing licenses: Colorado, New Mexico, and Oregon. Colorado and Oregon provide licenses to any applicant who can meet the qualifications to be an operator, while New Mexico takes into consideration the need for additional dispensaries on an annual basis. Since two of these states have legalized cannabis for anyone over 21 years of age, their policies should be viewed differently from states with medical programs only.

Among medical-only states, there is a gap between two types of dispensary allowances. Many states have systems that allow 1 dispensary for every 60,000 to 80,000 residents. The MPG compared these states with the program in Florida outlined in Amendment 2 – the most similar states are Arizona, New Mexico, Maryland, Nevada, Pennsylvania, and Hawaii. Those states had an average of 67,222 residents per dispensary. See Figure 0-1 below, for a graphical depiction of dispensary ratios.

2 Most state have liquor store ratios that average 1 for every 3,000 residents.

Note: Results and findings are solely based upon MPG research. Quotations or citations of the report findings must include "The Marijuana Policy Group" as the original owner of this intellectual property.
Figure 0-1: Ratio of State Resident Population to Cannabis Dispensaries for Selected US States (2015/2016)

Dispensary Population Ratios - US States

<table>
<thead>
<tr>
<th>State</th>
<th>Population Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illinois</td>
<td>11,355 / 3.562M</td>
</tr>
<tr>
<td>Maine</td>
<td>767 / 632K</td>
</tr>
<tr>
<td>Vermont</td>
<td>386 / 1.9M</td>
</tr>
<tr>
<td>Hawaii</td>
<td>111 / 1M</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>84,500 / 11M</td>
</tr>
<tr>
<td>Nevada</td>
<td>68,350 / 1.3M</td>
</tr>
<tr>
<td>Maryland</td>
<td>26,900 / 1.3M</td>
</tr>
<tr>
<td>New Mexico</td>
<td>20,700 / 1.1M</td>
</tr>
<tr>
<td>Arizona</td>
<td>5,600 / 1.3M</td>
</tr>
<tr>
<td>Colorado</td>
<td>2,315 / 6.5M</td>
</tr>
<tr>
<td>Oregon</td>
<td>1,779 / 4.2M</td>
</tr>
</tbody>
</table>

Source: MPG Calculations based upon publicly-available state patient and population data.

Two states stand out for the extremely "low" population to dispensary ratios: Colorado and Oregon. However these ratios can be misleading because most of these licensees are allowed to sell recreational (adult-use) cannabis from the same location. The ability to sell adult-use as well as medical cannabis means that these locations are not relying solely upon patients to sustain their business, as dispensaries in medical-only states do.

Case of Oregon Dispensaries

The history of Oregon's medical program offers some insights as a medical-only state that converted into an adult-use state. In Oregon, no a-priori limit was placed on dispensary licensing. As a result, the industry faced a "boom/bust" scenario.

In 2014 and 2015, some Oregon towns incurred periods of under-supply, and then over-supply, eventually leading to dispensary failures. In 2015, pre-existing dispensaries benefitted by an interim law passed by the Oregon legislature, allowing medical dispensaries to sell cannabis to any adult over 21 years of age. At the same time, no recreational retail licenses were issued, giving pre-existing dispensaries exclusive rights to sell recreational cannabis to adults. Starting in January 2017, medical dispensaries must choose whether to sell exclusively to recreational or medical markets.

According to an article by the Guardian, Southeast Portland had approximately 12,000 medical card holders, and 136 medical dispensaries during calendar year 2015. This meant there were just 88 patients per dispensary, on average — leading to closures, license transfers, and product diversion. After October 2015, many dispensaries were revived, as their client base was expanded to any adult over 21 years of age.

3 Stores and dispensaries are allowed to sell both products, so long as the area can be easily distinguished between medical and recreational retail. Most stores have a large orange line down the floor to indicate each section.


Note: Results and findings are solely based upon MPG research. Quotations or citations of the report findings must include "The Marijuana Policy Group" as the original owner of this intellectual property.
In general, the Oregon program is perceived as one that was fraught with uncertainty, leading to general discontent among industry members.

Dispensary Economics – Minimum Effective Scale
The Marijuana Policy Group has unique access to operating information for small and large vendors, both for medical and adult-use markets. The MPG can utilize their unique experience and insights to calculate – in a clear way – the so-called “minimum effective scale” required to sustain a medical cannabis operation. Clearly, cities and the state wish to have a well-organized and functional dispensary system, one that does not create negative incentives for failing operators.

**Approach:** We use the State of Florida capture rate that was estimated above (1.21%) to illustrate some basic economics related to the dispensary licensees – and to compute the share of “failing” dispensaries under different scenarios. We find that in Florida under Amendment 2, the minimum effective scale is one dispensary for every 50,000 residents. However, given the risk associated with failing dispensaries, the “optimal” ratios is one dispensary for every 67,222 residents.

If the estimated capture rate is used, then on average, each dispensary would serve either 813 patients using the 1:67,222 ratio, or 605 patients using the 1:50,000 ratio.

**Demand by Patients:** Previous demand studies conducted by the MPG show that medical patients typically use cannabis on a near daily basis. Those consumers are estimated to demand 1.6 grams of flower (or its equivalent in non-flower products) per day of use. The average use rate is 29 days per month. Thus, total demand by weight for these customers is expected to be 1.6 g per day * 29 days per month = 44.6 grams of cannabis per month – or 1.66 ounces of cannabis per month.

The average price of medical cannabis flower in Colorado is $5.05 per gram. Typically, medical cannabis is purchased in portions of 1 ounce at a time. If the dispensary ratios are 1:67,222, then a typical dispensary will serve 813 patients, and these dispensaries can be expected to have average revenues of approximately $190,600 per month, under these assumptions.

On average, the cost of wholesale cannabis inputs account for 50% of total sales value (i.e., there is a 100% markup on product). Thus, net revenues on average would be approximately $95,300 per month. While rent and payroll expenses can vary widely, we can make some basic assumptions in order to provide context and draw a line of profitability.

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5 See “Market Size and Demand for Colorado” (2014), produced by MPG and commissioned by the Colorado Marijuana Enforcement Division. This study supplied a deep assessment of market demand (by weight) for cannabis flower. The study found that heavy users consume almost 3 times as much cannabis per day than irregular users. [https://www.colorado.gov/pacific/sites/default/files/Market%20Size%20and%20Demand%20Study%20July%202014%5B1%5D.pdf](https://www.colorado.gov/pacific/sites/default/files/Market%20Size%20and%20Demand%20Study%20July%202014%5B1%5D.pdf)

6 The price of illicit cannabis, according to “ThePriceofWeed.com” – a crowsource site for product pricing, equals $7.92 per gram for medium quality cannabis in Florida. This price is expected to decline, as it did in Colorado, under a regulated market.

7 The same logic applies to vertically-integrated firms, who grow and sell the product. These firms implicitly pay wholesale prices for their own cannabis, because they could have sold their product at the wholesale price. This is a well-known economic concept regarding implicit versus explicit pricing.

**Note:** Results and findings are solely based upon MPG research. Quotations or citations of the report findings must include “The Marijuana Policy Group” as the original owner of this intellectual property.
Table 3: Example Accounting for Florida Dispensaries - by Population Ratio

<table>
<thead>
<tr>
<th>Cost and Profits: Typical Dispensary Operation</th>
<th>Minimum</th>
<th>Below Minimum</th>
<th>Optimal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assumptions / Estimates:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dispensary Ratio:</td>
<td>1:50,000</td>
<td>1:30,000</td>
<td>1:67,222</td>
</tr>
<tr>
<td>Patient Capture Rate:</td>
<td>1.21%</td>
<td>1.21%</td>
<td>1.21%</td>
</tr>
<tr>
<td>Number of Patients per Dispensary:</td>
<td>605</td>
<td>363</td>
<td>813</td>
</tr>
<tr>
<td>Total Estimated Revenues:</td>
<td>$142,008</td>
<td>$85,205</td>
<td>$190,921</td>
</tr>
<tr>
<td>Costs:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COGS (Cost of Goods Sold)</td>
<td>$71,004</td>
<td>$42,602</td>
<td>$95,461</td>
</tr>
<tr>
<td>Rent (or imputed rent)</td>
<td>$15,000</td>
<td>$15,000</td>
<td>$15,000</td>
</tr>
<tr>
<td>Payrolls (including payroll taxes &amp; insurance)</td>
<td>$25,000</td>
<td>$15,000</td>
<td>$30,000</td>
</tr>
<tr>
<td>Utilities, cleaning, internet and other basic services</td>
<td>$5,000</td>
<td>$5,000</td>
<td>$5,000</td>
</tr>
<tr>
<td>Accounting, legal, consulting, and professional services</td>
<td>$6,000</td>
<td>$6,000</td>
<td>$6,000</td>
</tr>
<tr>
<td>Total Estimated Costs:</td>
<td>$122,004</td>
<td>$83,602</td>
<td>$151,461</td>
</tr>
<tr>
<td>EBITA (Earnings before Interest, Taxes, and Amortization)</td>
<td>$20,004</td>
<td>$1,602</td>
<td>$39,461</td>
</tr>
<tr>
<td>Income Taxes (assuming 280E Compliance)</td>
<td>$19,881</td>
<td>$11,929</td>
<td>$26,729</td>
</tr>
<tr>
<td>Income Taxes (under regular conditions)</td>
<td>$5,601</td>
<td>$449</td>
<td>$11,049</td>
</tr>
<tr>
<td>Net Profit (Monthly)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Under 280E</td>
<td>$123</td>
<td>($10,326)</td>
<td>$12,732</td>
</tr>
<tr>
<td>Under Regular Conditions</td>
<td>$14,403</td>
<td>$1,154</td>
<td>$28,412</td>
</tr>
</tbody>
</table>

*Source: MPG Calculations based upon state captures rates and spending profiles.

Table 3 shows what a Florida state dispensary license holder can expect financially under various dispensary to population ratios. If there exists one dispensary for every 67,222 residents, then net profits after taxes (assuming the owner somehow maneuvers around certain applicable IRS regulations) are $31,896 per month on average, or $382,752 per year. Under Section 280E of the IRS Code, profits would be $211,392 for the year.

In contrast, if the ratio were 1:30,000 – then the license holder would lose approximately $120,000 under 280E, or earn just $13,212 under normal operating conditions. Profits are “normal” compared to the at-risk capital if the ratio is 1:50,000. In this case, annual after-tax profits would be $1,475 under Section 280E, and would be $172,835 under regular business conditions.

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* Section 280E of the IRS Code prohibits cannabis vendors from claiming any expenses, except for the cost of the cannabis product itself. For more information see: [http://www.thedailybeast.com/articles/2016/02/18/feds-slap-70-tax-on-legal-marijuana-businesses.html](http://www.thedailybeast.com/articles/2016/02/18/feds-slap-70-tax-on-legal-marijuana-businesses.html)

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These profit estimates do not include the initial cost of investment, called “at risk capital”. The initial investment expense to open a dispensary is expected to equal approximately $200,000, depending upon the location, building, staff, and licensing process.

**Dispensary Failure Rates Under Three Scenarios**

Under an allocation ratio of 1:50,000 residents, the MPG estimates that approximately 32% of the licensees will struggle or become unprofitable, and would present increased risks for enforcement and regulators. An allocation closer to the average among MPG’s sample (1:67,222) results in slightly fewer dispensaries, as well as a higher success rate, effectively shifting the failure rate down from 32% to 13% (i.e. only 1 in 8 licensees fail). In contrast, if more licenses are permitted, then assuming the same capture rate, a higher share of those licensees must be failures, since the total spending on cannabis is effectively “capped” by the number of patients. For example, if a ratio of 1:30,000 is used, more than half of the licensees would be expected to fail or be in danger of failing. Under this regime, the average dispensary teeters between a gain of $1,039 per month if they do not comply with 280E, or a loss of $10,379 per month, if they comply. Only 39% of dispensaries are expected to be sustainable under this scenario, and 61% of dispensaries become “high risk” failing entities.

Table 4 below shows the relative number of dispensaries under different allocation schemes:

<table>
<thead>
<tr>
<th>Dispensary Failure Rate</th>
<th>Population Ratio</th>
<th>Number of Dispensaries</th>
<th>Failure Rate</th>
<th>Number of Store Failures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:30,000</td>
<td>676</td>
<td>61%</td>
<td>412</td>
<td></td>
</tr>
<tr>
<td>1:50,000</td>
<td>405</td>
<td>32%</td>
<td>130</td>
<td></td>
</tr>
<tr>
<td>1:67,222</td>
<td>302</td>
<td>13%</td>
<td>39</td>
<td></td>
</tr>
</tbody>
</table>

*Based upon 2015 Florida population, and MPG failure rate estimates.

The expected failure rate is 61% under a 1:30,000 ratio. This rate falls to approximately one-third (32%) if fewer licenses are issued, to bring the dispensary population in-line with the state population (405 stores). Under this scenario, the number of failed stores falls from 412 to 130, for a 68% reduction in failed licensees. Under a ratio of 1:67,222, the failure rate falls to 13%, and the number of failed stores falls from 130 down to 39. The MPG believes that 1:67,222 provides an “optimal” balance between access of store locations and risks of store failures, given the estimated parameters for Florida, under passage of Amendment 2. It is also important to note that, because the six currently licensed organizations in Florida also offer statewide delivery, patients will have additional access to medicine (in addition to retail outlets). This suggests that rural and remote populations can still be served, in some manner, even when store density is not high.

**Regulatory Risks from Failing Dispensaries**

In general, the free market system is an effective mechanism that allocates resources to their best use. It rewards efficient operators and it eventually pushes inefficient or ineffective operators out of the market through closures or consolidation.

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The free market system works best for the sale and distribution of innocuous goods and services. But there are special risks and considerations when the market is a “Schedule 1” narcotic. Most of these risks are related to product diversion and crime. An itemized list of considerations is below:

- Struggling cannabis vendors have an incentive to divert sales to illegal markets if they cannot compete in the regulated market. In order to survive, struggling operators are more likely to allow sales to unauthorized users or to divert some of their products for sale outside of the region, or outside of the state (ex-state diversion).
- The diversion of cannabis to minors or to other states are listed as the Federal Government’s “priorities and concerns” in relation to the state-level sale and distribution of cannabis products. These concerns are prominently described in the 2013 “Cole Memorandum.”
- Struggling vendors are less likely to pay for laboratory testing, for proper packaging, and for proper safety standards in the workplace. Profitable operators have an incentive to maintain their good-standing with state licensing agents, and are more likely to maintain higher levels of safety, quality-control, packaging, and monitoring, compared to poorly-funded organizations.
- Tax compliance and promptness of payment for license fees are generally higher for well-funded and well-organized licensees, compared to struggling and near-bankrupt licensees. Near-bankrupt operators have “less to lose” compared to profitable enterprises, and therefore are therefore less likely to comply with the rules and regulations. This effect has been documented in studies of entrepreneurial behavior and attitudes among small-business owners.
- Until federal laws change, almost all cannabis dispensaries are cash-based operations. This raises the risk of crime and burglaries targeted toward dispensary locations. This, in turn, creates an incremental burden for local law enforcement and potential threats to public safety.

Summary
The passage of Amendment 2 will fundamentally alter Florida’s medical cannabis program. City and county planners throughout the state will be faced with a number of decisions that will ultimately determine the success of medical cannabis operations in their respective communities. This report is intended to assist government administrators as they begin to consider cannabis dispensary licensing rules. MPG’s recommendations, based on other medical cannabis states’ experiences and data-driven economic analysis, provides Florida municipalities with a targeted rulemaking framework that will enable a well-functioning medical cannabis market.

MPG’s calculated “optimal ratio” of one dispensary per 67,222 residents (1:67,222) has been customized to Florida’s specific patient population and regulatory structure. The ratio ensures that the majority of licensed medical cannabis dispensaries in Florida will have a sufficient medical patient customer base, based upon an estimated Capture Rate of 1.21%, to create a profitable business environment for licensed actors. Reducing the number of “at-risk” or failing medical cannabis licensees is imperative for creating a medical cannabis market that mitigates regulatory risk in the form of diversion and crime. The

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actions taken and rules enacted by city and county planners must be cautious, incremental, and should reflect the medical cannabis market unique to Florida, as the ultimate success or failure of the medical cannabis program is highly dependent upon the regulatory structure.
Local regulations 'mixed bag' for Florida medical marijuana dispensaries

By Dara Kam, The News Service of Florida

Tallahassee — As pot shops start to sprout in Florida, cities are struggling with how — or whether — to regulate the state's new marijuana industry.

Last week, the state's first medical-marijuana dispensary, operated by Trulieve, opened its doors to customers in Tallahassee.
Local regulations 'mixed bag' for Florida medical marijuana dispensaries

doors to customers in Tallahassee. Health officials gave the go-ahead to a second group, Surterra, to start distributing its cannabis products. Both marijuana operators have permission to deliver products statewide, and Surterra plans to open a dispensary in Tampa next month.

After competing for a handful of highly coveted "dispensing organization" licenses, pot operators now have to convince local officials to let them open retail storefronts where they can sell products to patients.

Several dispensing organization executives agree they've encountered "a mixed bag" when it comes to local regulations.

"Some communities have been great and are welcoming us with open arms and are maybe more educated in terms of what exactly the (state) law allows, and others are potentially just operating from a place of misinformation," Trulieve CEO Kim Rivers said. "So we do feel it's our responsibility to go in and try to educate those folks on what we really are offering, that this is a very important medicine for some of their most vulnerable citizens."

For now, the state's six dispensing organizations are growing, processing and distributing marijuana and derivative products that are low in euphoria-inducing THC and high in CBD, as allowed under a 2014 law. Doctors can order the treatment for patients with chronic muscle spasms, cancer or severe forms of epilepsy.

Soon, the dispensing organizations will be able to sell full-strength marijuana for terminally ill patients, something added to the 2014 law by legislators this year. This year's law in some ways helps set the stage for a medical marijuana proposal on the November ballot — similar to a measure that narrowly failed to pass in 2014 — that would vastly expand the number of patients eligible for the full-strength cannabis treatment.

State law bars counties or cities from restricting where marijuana can be grown or processed. But the law leaves it up to locals to decide how to regulate retail establishments where products are sold.

In the two years since Florida first legalized medical marijuana, more than two dozen cities have passed or considered ordinances regulating or banning the sales of cannabis products. As Florida's six medical marijuana operators start opening dispensaries throughout the state, more cities and counties are likely to consider similar regulations or outright prohibitions. And even more communities might join in, if the November initiative passes.

Like state lawmakers, many local officials have expressed concerns about "a pot shop on every corner," using marijuana sales in states like Colorado and California as examples of what they want to avoid.
"Everybody’s afraid of a Colorado-style distribution system," said Bruce Knox, owner of Winter Garden-based Knox Nursery, which has a dispensing license in the Central region of the state. "They want this to be very tightly controlled and very tightly regulated."

Many of the local ordinances were floated around the time the first medical marijuana proposal hit the ballot in 2014. Some observers believe that this year’s measure could prompt more local governments to once again consider restricting where pot can be sold.

Miami-Dade County recently passed an ordinance prohibiting dispensaries from opening within 500 feet of a residential area or within 1,000 feet of a school. The county law also bans dispensaries from opening within a mile of each other.

Orlando recently approved a moratorium on any new pot dispensaries in the city, putting a lid on the three already approved, until after the November vote.

"There are some cities that are more welcoming but the classic city response is no, until we know more," said Susan Trevarthen, a lawyer who has worked on marijuana-related ordinances for numerous cities in South Florida. "They’re either examining how they can ban them or how they can regulate them to minimize the potential land-use compatibility issues within their community."

While some local officials want to treat the dispensaries like pharmacies or doctors’ offices, others aren’t quite sure what to do and are holding off on any regulations, Rivers said.

In the meantime, Rivers and other dispensing organization executives are doing what they can to quell local officials’ fears by meeting with them face-to-face.

"One of the things we’ve been fighting really hard to do is demystify medical cannabis and the use of medical cannabis for these very sick patients," she said.

State law bans the medical marijuana products from being smoked, and the dispensaries aren’t allowed to sell bongs, rolling papers or other items shoppers might typically find in a head shop.

Surterra Therapeutics won’t have any pictures of pot flowers or pot plants in its dispensaries, which the company refers to as “wellness centers,” said company president Susan Driscol.
Surterra, which is affiliated with Alpha Foliage, will begin delivering low-THC cannabis products to patients next week before opening a Tampa dispensary in August, Driscoll said.

"We really want to make sure the communities, the customers feel very comfortable in the environment. Because there is a lot of unknown, a lot of misconceptions about therapeutic cannabis products," she said. "It really is about us being very responsible citizens in our communities and showing that we're committed to high-quality products. And, as much as we can, educate, educate, educate, and then being very responsible in our business."

Rivers pointed out that her company's products are tested three times before they are available to patients.

"It is a very specific medical-grade product," she said. "I think there's still this thought that maybe it's a wink and a nod, but that's not the case at all."
The 2016 Florida Statutes

Title XXIX  
PUBLIC HEALTH

Chapter 381  
PUBLIC HEALTH: GENERAL PROVISIONS

381.986  Compassionate use of low-THC and medical cannabis.—

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

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

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

(c) "Independent testing laboratory" means a laboratory, including the managers, employees, or contractors of the laboratory, which has no direct or indirect interest in a dispensing organization.

(d) "Legal representative" means the qualified patient's parent, legal guardian acting pursuant to a court's authorization as required under s. 744.3215(4), health care surrogate acting pursuant to the qualified patient's written consent or a court's authorization as required under s. 765.113, or an individual who is authorized under a power of attorney to make health care decisions on behalf of the qualified patient.

(e) "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.

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

(g) "Medical use" means administration of the ordered amount of low-THC cannabis or medical cannabis. The term does not include the:

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

2. Transfer of low-THC cannabis or medical cannabis to a person other than the qualified patient for whom it was ordered or the qualified patient's legal representative on behalf of the qualified patient.

3. Use or administration of low-THC cannabis or medical cannabis:
   a. On any form of public transportation.
   b. In any public place.
   c. In a qualified patient's place of employment, if restricted by his or her employer.
   d. In a state correctional institution as defined in s. 944.02 or a correctional institution as defined in s. 944.241.
e. On the grounds of a preschool, primary school, or secondary school.

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

(h) “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 or medical cannabis from a dispensing organization.

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

(2) PHYSICIAN ORDERING.—A physician is authorized to order low-THC cannabis to treat a qualified patient suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms; order low-THC cannabis to alleviate symptoms of such disease, disorder, or condition, if no other satisfactory alternative treatment options exist for the qualified patient; order medical cannabis to treat an eligible patient as defined in s. 499.0295; or order a cannabis delivery device for the medical use of low-THC cannabis or medical cannabis, only if the physician:

(a) Holds an active, unrestricted license as a physician under chapter 458 or an osteopathic physician under chapter 459;

(b) Has treated the patient for at least 3 months immediately preceding the patient’s registration in the compassionate use registry;

(c) Has successfully completed the course and examination required under paragraph (4)(a);

(d) Has determined that the risks of treating the patient with low-THC cannabis or medical cannabis are reasonable in light of the potential benefit to the 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;

(e) Registers as the orderer of low-THC cannabis or medical 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, including the amount of low-THC cannabis or medical cannabis that will provide the patient with not more than a 45-day supply and a cannabis delivery device needed by the patient for the medical use of low-THC cannabis or medical cannabis. The physician must also update the registry within 7 days after any change is made to the original order to reflect the change. The physician shall deactivate the registration of the patient and the patient’s legal representative when treatment is discontinued;

(f) 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 or medical cannabis;

(g) 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 and medical cannabis on patients;

(h) Obtains the voluntary written informed consent of the patient or the patient’s legal representative 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;

(i) Obtains written informed consent as defined in and required under s. 499.0295, if the physician is ordering medical cannabis for an eligible patient pursuant to that section; and

(j) Is not a medical director employed by a dispensing organization.

(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) A physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the physician orders medical cannabis for a patient without a reasonable belief that the patient has a terminal condition as defined in s. 499.0295.

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

(d) An eligible patient as defined in s. 499.0295 who uses medical cannabis, and such patient's legal representative who administers medical cannabis, in plain view of or in a place open to the general public, on the grounds of a school, or in a school bus, vehicle, aircraft, or motorboat, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(e) A physician who orders low-THC cannabis, medical cannabis, or a cannabis delivery device and receives compensation from a dispensing organization related to the ordering of low-THC cannabis, medical cannabis, or a cannabis delivery device is subject to disciplinary action under the applicable practice act and s. 456.072(1)(n).

4 PHYSICIAN EDUCATION.—

(a) Before ordering low-THC cannabis, medical cannabis, or a cannabis delivery device for medical use by a patient in this state, the appropriate board shall require the ordering physician 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 and medical cannabis, the contraindications for such use, and the relevant state and federal laws governing the ordering, dispensing, and possessing of these substances and devices. The course and examination shall be administered at least annually. 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 to hold an active, unrestricted license as a physician under chapter 458 or as an osteopathic physician under chapter 459 and 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, medical cannabis, and cannabis delivery devices.

(c) Successful completion of the course and examination specified in paragraph (a) is required for every physician who orders low-THC cannabis, medical cannabis, or a cannabis delivery device 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, medical cannabis, or a cannabis delivery device may be subject to disciplinary action under the applicable practice act and under s. 456.072(1)(k).

5 DUTIES OF THE DEPARTMENT.—The department shall:

(a) Create and maintain a secure, electronic, and online compassionate use registry for the registration of physicians, patients, and the legal representatives of patients as provided under this section. The registry must be accessible to law enforcement agencies and to a dispensing organization to verify the authorization of a patient or a patient's legal representative to possess low-THC cannabis, medical cannabis, or a cannabis delivery device and
record the low-THC cannabis, medical cannabis, or cannabis delivery device 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, medical cannabis, or a cannabis delivery device 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.

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. However, upon a dispensing organization's serving at least 1,000 qualified patients, the dispensing organization is only required to maintain a $2 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 to supervise the activities of the dispensing organization.

(c) Upon the registration of 250,000 active qualified patients in the compassionate use registry, approve three dispensing organizations, including, but not limited to, an applicant that is a recognized class member of Pigford v. Glickman, 185 F.R.D. 82 (D.D.C. 1999), or in Re Black Farmers Litig., 856 F. Supp. 2d 1 (D.D.C. 2011), and a member of the Black Farmers and Agriculturalists Association, which must meet the requirements of subparagraphs (b)2.-7. and demonstrate the technical and technological ability to cultivate and produce low-THC cannabis.

(d) Allow a dispensing organization to make a wholesale purchase of low-THC cannabis or medical cannabis from, or a distribution of low-THC cannabis or medical cannabis to, another dispensing organization.

(e) Monitor physician registration and ordering of low-THC cannabis, medical cannabis, or a cannabis delivery device for ordering practices that could facilitate unlawful diversion or misuse of low-THC cannabis, medical cannabis, or a cannabis delivery device and take disciplinary action as indicated.

(f) DISPENSING ORGANIZATION.—An approved dispensing organization must, at all times, maintain compliance with the criteria demonstrated for selection and approval as a dispensing organization under subsection (5) and the criteria required in this subsection.

(a) When growing low-THC cannabis or medical cannabis, a dispensing organization:

1. May use pesticides determined by the department, after consultation with the Department of Agriculture and Consumer Services, to be safely applied to plants intended for human consumption, but may not use pesticides designated as restricted-use pesticides pursuant to s. 487.042.

2. Must grow low-THC cannabis or medical cannabis within an enclosed structure and in a room separate from any other plant.

3. Must inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state, notify the Department of Agriculture and Consumer Services within 10 calendar days after a determination that a plant is infested or infected by such plant pest, and implement and maintain phytosanitary policies and procedures.
4. Must perform fumigation or treatment of plants, or the removal and destruction of infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.

(b) When processing low-THC cannabis or medical cannabis, a dispensing organization must:
   1. Process the low-THC cannabis or medical cannabis within an enclosed structure and in a room separate from other plants or products.
   2. Test the processed low-THC cannabis and medical cannabis before they are dispensed. Results must be verified and signed by two dispensing organization employees. Before dispensing low-THC cannabis, the dispensing organization must determine that the test results indicate that the low-THC cannabis meets the definition of low-THC cannabis and, for medical cannabis and low-THC cannabis, that all medical cannabis and low-THC cannabis is safe for human consumption and free from contaminants that are unsafe for human consumption. The dispensing organization must retain records of all testing and samples of each homogenous batch of cannabis and low-THC cannabis for at least 9 months. The dispensing organization must contract with an independent testing laboratory to perform audits on the dispensing organization’s standard operating procedures, testing records, and samples and provide the results to the department to confirm that the low-THC cannabis or medical cannabis meets the requirements of this section and that the medical cannabis and low-THC cannabis is safe for human consumption.
   4. Package the low-THC cannabis or medical cannabis in a receptacle that has a firmly affixed and legible label stating the following information:
      a. A statement that the low-THC cannabis or medical cannabis meets the requirements of subparagraph 2.;
      b. The name of the dispensing organization from which the medical cannabis or low-THC cannabis originates; and
      c. The batch number and harvest number from which the medical cannabis or low-THC cannabis originates.
   5. Reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose of testing pursuant to the audit required under subparagraph 2.

(c) When dispensing low-THC cannabis, medical cannabis, or a cannabis delivery device, a dispensing organization:
   1. May not dispense more than a 45-day supply of low-THC cannabis or medical cannabis to a patient or the patient’s legal representative.
   2. Must have the dispensing organization’s employee who dispenses the low-THC cannabis, medical cannabis, or a cannabis delivery device enter into the compassionate use registry his or her name or unique employee identifier.
   3. Must verify in the compassionate use registry that a physician has ordered the low-THC cannabis, medical cannabis, or a specific type of a cannabis delivery device for the patient.
   4. May not dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes, bongs, or wrapping papers, other than a physician-ordered cannabis delivery device required for the medical use of low-THC cannabis or medical cannabis, while dispensing low-THC cannabis or medical cannabis.
   5. Must verify that the patient has an active registration in the compassionate use registry, the patient or patient’s legal representative holds a valid and active registration card, the order presented matches the order contents as recorded in the registry, and the order has not already been filled.
   6. Must, upon dispensing the low-THC cannabis, medical cannabis, or cannabis delivery device, record in the registry the date, time, quantity, and form of low-THC cannabis or medical cannabis dispensed and the type of cannabis delivery device dispensed.

(d) To ensure the safety and security of its premises and any off-site storage facilities, and to maintain adequate controls against the diversion, theft, and loss of low-THC cannabis, medical cannabis, or cannabis delivery devices, a dispensing organization shall:
1.a. Maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms; or

b. Maintain a video surveillance system that records continuously 24 hours each day and meets at least one of the following criteria:

   (I) Cameras are fixed in a place that allows for the clear identification of persons and activities in controlled areas of the premises. Controlled areas include grow rooms, processing rooms, storage rooms, disposal rooms or areas, and point-of-sale rooms;

   (II) Cameras are fixed in entrances and exits to the premises, which shall record from both indoor and outdoor, or ingress and egress, vantage points;

   (III) Recorded images must clearly and accurately display the time and date; or

   (IV) Retain video surveillance recordings for a minimum of 45 days or longer upon the request of a law enforcement agency.

2. Ensure that the organization's outdoor premises have sufficient lighting from dusk until dawn.

3. Establish and maintain a tracking system approved by the department that traces the low-THC cannabis or medical cannabis from seed to sale. The tracking system shall include notification of key events as determined by the department, including when cannabis seeds are planted, when cannabis plants are harvested and destroyed, and when low-THC cannabis or medical cannabis is transported, sold, stolen, diverted, or lost.

4. Not dispense from its premises low-THC cannabis, medical cannabis, or a cannabis delivery device between the hours of 9 p.m. and 7 a.m., but may perform all other operations and deliver low-THC cannabis and medical cannabis to qualified patients 24 hours each day.

5. Store low-THC cannabis or medical cannabis in a secured, locked room or a vault.

6. Require at least two of its employees, or two employees of a security agency with whom it contracts, to be on the premises at all times.

7. Require each employee to wear a photo identification badge at all times while on the premises.

8. Require each visitor to wear a visitor's pass at all times while on the premises.

9. Implement an alcohol and drug-free workplace policy.

10. Report to local law enforcement within 24 hours after it is notified or becomes aware of the theft, diversion, or loss of low-THC cannabis or medical cannabis.

   (e) To ensure the safe transport of low-THC cannabis or medical cannabis to dispensing organization facilities, independent testing laboratories, or patients, the dispensing organization must:

   1. Maintain a transportation manifest, which must be retained for at least 1 year.

   2. Ensure only vehicles in good working order are used to transport low-THC cannabis or medical cannabis.

   3. Lock low-THC cannabis or medical cannabis in a separate compartment or container within the vehicle.

   4. Require at least two persons to be in a vehicle transporting low-THC cannabis or medical cannabis, and require at least one person to remain in the vehicle while the low-THC cannabis or medical cannabis is being delivered.

   5. Provide specific safety and security training to employees transporting or delivering low-THC cannabis or medical cannabis.

   (7) DEPARTMENT AUTHORITY AND RESPONSIBILITIES.

(a) The department may conduct announced or unannounced inspections of dispensing organizations to determine compliance with this section or rules adopted pursuant to this section.

(b) The department shall inspect a dispensing organization upon complaint or notice provided to the department that the dispensing organization has dispensed low-THC cannabis or medical cannabis containing any mold, bacteria, or other contaminant that may cause or has caused an adverse effect to human health or the environment.
(c) The department shall conduct at least a biennial inspection of each dispensing organization to evaluate the dispensing organization's records, personnel, equipment, processes, security measures, sanitation practices, and quality assurance practices.

(d) The department may enter into interagency agreements with the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, the Department of Transportation, the Department of Highway Safety and Motor Vehicles, and the Agency for Health Care Administration, and such agencies are authorized to enter into an interagency agreement with the department, to conduct inspections or perform other responsibilities assigned to the department under this section.

(e) The department must make a list of all approved dispensing organizations and qualified ordering physicians and medical directors publicly available on its website.

(f) The department may establish a system for issuing and renewing registration cards for patients and their legal representatives, establish the circumstances under which the cards may be revoked by or must be returned to the department, and establish fees to implement such system. The department must require, at a minimum, the registration cards to:
   1. Provide the name, address, and date of birth of the patient or legal representative.
   2. Have a full-face, passport-type, color photograph of the patient or legal representative taken within the 90 days immediately preceding registration.
   3. Identify whether the cardholder is a patient or legal representative.
   4. List a unique numeric identifier for the patient or legal representative that is matched to the identifier used for such person in the department's compassionate use registry.
   5. Provide the expiration date, which shall be 1 year after the date of the physician's initial order of low-THC cannabis or medical cannabis.
   6. For the legal representative, provide the name and unique numeric identifier of the patient that the legal representative is assisting.
   7. Be resistant to counterfeiting or tampering.

(g) The department may impose reasonable fines not to exceed $10,000 on a dispensing organization for any of the following violations:
   1. Violating this section, s. 499.0295, or department rule.
   2. Failing to maintain qualifications for approval.
   3. Endangering the health, safety, or security of a qualified patient.
   4. Improperly disclosing personal and confidential information of the qualified patient.
   5. Attempting to procure dispensing organization approval by bribery, fraudulent misrepresentation, or extortion.
   6. Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the business of a dispensing organization.
   7. Making or filing a report or record that the dispensing organization knows to be false.
   8. Willfully failing to maintain a record required by this section or department rule.
   9. Willfully impeding or obstructing an employee or agent of the department in the furtherance of his or her official duties.
   10. Engaging in fraud or deceit, negligence, incompetence, or misconduct in the business practices of a dispensing organization.
   11. Making misleading, deceptive, or fraudulent representations in or related to the business practices of a dispensing organization.
   12. Having a license or the authority to engage in any regulated profession, occupation, or business that is related to the business practices of a dispensing organization suspended, revoked, or otherwise acted against by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law.
13. Violating a lawful order of the department or an agency of the state, or failing to comply with a lawfully issued subpoena of the department or an agency of the state.

(h) The department may suspend, revoke, or refuse to renew a dispensing organization's approval if a dispensing organization commits any of the violations in paragraph (g).

(i) The department shall renew the approval of a dispensing organization biennially if the dispensing organization meets the requirements of this section and pays the biennial renewal fee.

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

(9) PREEMPTION.—

(a) All matters regarding the regulation of the cultivation and processing of medical cannabis or low-THC cannabis by dispensing organizations are preempted to the state.

(b) A municipality may determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of dispensing organizations located within its municipal boundaries. A county may determine by ordinance the criteria for the number, location, and other permitting requirements that do not conflict with state law or department rule for all dispensing facilities of dispensing organizations located within the unincorporated areas of that county.

(9) 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 or medical cannabis ordered for the patient, but not more than a 45-day supply, and a cannabis delivery device 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, medical cannabis, or a cannabis delivery device. For purposes of this subsection, the terms “manufacture,” “possession,” “deliver,” “distribute,” and “dispense” have the same meanings as provided in s. 893.02.

(c) 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 independent testing laboratory may possess, test, transport, and lawfully dispose of low-THC cannabis or medical cannabis as provided by department rule.

(d) An approved dispensing organization and its owners, managers, and employees are not subject to licensure or regulation under chapter 465 or chapter 499 for manufacturing, possessing, selling, delivering, distributing, dispensing, or lawfully disposing of reasonable quantities, as established by department rule, of low-THC cannabis, medical cannabis, or a cannabis delivery device.

(e) An approved dispensing organization that continues to meet the requirements for approval is presumed to be registered with the department and to meet the regulations adopted by the department or its successor agency for the purpose of dispensing medical cannabis or low-THC cannabis under Florida law. Additionally, the authority provided to a dispensing organization in s. 499.0295 does not impair the approval of a dispensing organization.

(f) This subsection does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the medical use of low-THC cannabis or medical cannabis or relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

History.—s. 2, ch. 2014-157; s. 1, ch. 2016-123; s. 24, ch. 2016-145.
CONSTITUTIONAL AMENDMENT PETITION FORM

Note:
• All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections.
• Under Florida law, it is a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.08, Florida Statutes, to knowingly sign more than one petition for an issue. [Section 104.185, Florida Statutes]
• If all requested information on this form is not completed, the form will not be valid.

Your name ______________________________________
Please Print Name as it appears on your Voter Information Card

Your address ____________________________________
City ___________________ Zip _______ County _________

☐ Please change my legal residence address on my voter registration record to the above residence address (check box, if applicable).
Voter Registration Number ____________

Date of Birth ____________

I am a registered voter of Florida and hereby petition the Secretary of State to place the following proposed amendment to the Florida Constitution on the ballot in the general election:

BALLOT TITLE: Use of Marijuana for Debilitating Medical Conditions

BALLOT SUMMARY: Allows medical use of marijuana for individuals with debilitating medical conditions as determined by a licensed Florida physician. Allows caregivers to assist patients’ medical use of marijuana. The Department of Health shall register and regulate centers that produce and distribute marijuana for medical purposes and shall issue identification cards to patients and caregivers. Applies only to Florida law. Does not immunize violations of federal law or any non-medical use, possession or production of marijuana.

ARTICLE AND SECTION BEING CREATED OR AMENDED: Article X, Section 29

FULL TEXT OF THE PROPOSED CONSTITUTIONAL AMENDMENT:

ARTICLE X, SECTION 29.- Medical marijuana production, possession and use.
(a) PUBLIC POLICY.
(1) The medical use of marijuana by a qualifying patient or caregiver in compliance with this section is not subject to criminal or civil liability or sanctions under Florida law.
(2) A physician shall not be subject to criminal or civil liability or sanctions under Florida law solely for issuing a physician certification with reasonable care to a person diagnosed with a debilitating medical condition in compliance with this section.
(3) Actions and conduct by a Medical Marijuana Treatment Center registered with the Department, or its agents or employees, and in compliance with this section and Department regulations, shall not be subject to criminal or civil liability or sanctions under Florida law.
(b) DEFINITIONS. For purposes of this section, the following words and terms shall have the following meanings:
(1) "Debilitating Medical Condition” means cancer, epilepsy, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), post-traumatic stress disorder (PTSD), amyotrophic lateral sclerosis (ALS), Crohn’s disease, Parkinson’s disease, multiple sclerosis, or other debilitating medical conditions of the same kind or class as or comparable to those enumerated, and for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient.
(2) "Department" means the Department of Health or its successor agency.
(3) "Identification card” means a document issued by the Department that identifies a qualifying patient or a caregiver.
(4) "Marijuana” has the meaning given cannabis in Section 893.02(3), Florida Statutes (2014), and, in addition, “Low-THC cannabis” as defined in Section 381.986(1)(b), Florida Statutes (2014), shall also be included in the meaning of the term “marijuana.”
(5) "Medical Marijuana Treatment Center” (MMTC) means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Department.
(6) "Medical use” means the acquisition, possession, use, delivery, transfer, or administration of an amount of marijuana not in conflict with Department rules, or of related supplies by a qualifying patient or caregiver for use by the caregiver’s designated qualifying patient for the treatment of a debilitating medical condition.
(7) "Caregiver” means a person who is at least twenty-one (21) years old who has agreed to assist with a qualifying patient's medical use of marijuana and has qualified for and obtained a caregiver identification card issued by the Department. The Department may limit the number of qualifying patients a caregiver may assist at one time and the number of caregivers that a qualifying patient may have at one time. Caregivers are prohibited from consuming marijuana obtained for medical use by the qualifying patient.
(8) "Physician” means a person who is licensed to practice medicine in Florida.

(Continues on next page)
(9) "Physician certification" means a written document signed by a physician, stating that in the physician's professional opinion, the patient suffers from a debilitating medical condition, that the medical use of marijuana would likely outweigh the potential health risks for the patient, and for how long the physician recommends the medical use of marijuana for the patient. A physician certification may only be provided after the physician has conducted a physical examination and a full assessment of the medical history of the patient. In order for a physician certification to be issued to a minor, a parent or legal guardian of the minor must consent in writing.

(10) "Qualifying patient" means a person who has been diagnosed to have a debilitating medical condition, who has a physician certification and a valid qualifying patient identification card. If the Department does not begin issuing identification cards within nine (9) months after the effective date of this section, then a valid physician certification will serve as a patient identification card in order to allow a person to become a "qualifying patient" until the Department begins issuing identification cards.

(c) LIMITATIONS.

(1) Nothing in this section allows for a violation of any law other than for conduct in compliance with the provisions of this section.

(2) Nothing in this section shall affect or repeal laws relating to non-medical use, possession, production, or sale of marijuana.

(3) Nothing in this section authorizes the use of medical marijuana by anyone other than a qualifying patient.

(4) Nothing in this section shall permit the operation of any vehicle, aircraft, train or boat while under the influence of marijuana.

(5) Nothing in this section requires the violation of federal law or purports to give immunity under federal law.

(6) Nothing in this section shall require any accommodation of any on-site medical use of marijuana in any correctional institution or detention facility or place of education or employment, or of smoking medical marijuana in any public place.

(7) Nothing in this section shall require any health insurance provider or any government agency or authority to reimburse any person for expenses related to the medical use of marijuana.

(8) Nothing in this section shall affect or repeal laws relating to negligence or professional malpractice on the part of a qualified patient, caregiver, physician, MMTC, or its agents or employees.

(d) DUTIES OF THE DEPARTMENT. The Department shall issue reasonable regulations necessary for the implementation and enforcement of this section. The purpose of the regulations is to ensure the availability and safe use of medical marijuana by qualifying patients. It is the duty of the Department to promulgate regulations in a timely fashion.

(1) Implementing Regulations. In order to allow the Department sufficient time after passage of this section, the following regulations shall be promulgated no later than six (6) months after the effective date of this section:

a. Procedures for the issuance and annual renewal of qualifying patient identification cards to people with physician certifications and standards for renewal of such identification cards. Before issuing an identification card to a minor, the Department must receive written consent from the minor's parent or legal guardian, in addition to the physician certification.

b. Procedures establishing qualifications and standards for caregivers, including conducting appropriate background checks, and procedures for the issuance and annual renewal of caregiver identification cards.

c. Procedures for the registration of MMTCs that include procedures for the issuance, renewal, suspension and revocation of registration, and standards to ensure proper security, record keeping, testing, labeling, inspection, and safety.

d. A regulation that defines the amount of marijuana that could reasonably be presumed to be an adequate supply for qualifying patients' medical use, based on the best available evidence. This presumption as to quantity may be overcome with evidence of a particular qualifying patient's appropriate medical use.

(2) Identification cards and registrations. The Department shall begin issuing qualifying patient and caregiver identification cards, and registering MMTCs no later than nine (9) months after the effective date of this section.

(3) If the Department does not issue regulations, or if the Department does not begin issuing identification cards and registering MMTCs within the time limits set in this section, any Florida citizen shall have standing to seek judicial relief to compel compliance with the Department's constitutional duties.

(4) The Department shall protect the confidentiality of all qualifying patients. All records containing the identity of qualifying patients shall be confidential and kept from public disclosure other than for valid medical or law enforcement purposes.

(e) LEGISLATION. Nothing in this section shall limit the legislature from enacting laws consistent with this section.

(f) SEVERABILITY. The provisions of this section are severable and if any clause, sentence, paragraph or section of this measure, or an application thereof, is adjudged invalid by a court of competent jurisdiction other provisions shall continue to be in effect to the fullest extent possible.

DATE OF SIGNATURE

If paid petitioner circulator is used:

Circulator's name: ____________________________

Circulator's address: ____________________________

X SIGNATURE OF REGISTERED VOTER

RETURN TO:
People United for Medical Marijuana
Post Office Box 402527
Miami Beach, FL 33140

For Official Use Only: Serial Number: 15–01
Date Approved: 1/9/2015
ORDINANCE __ - Cannabis Dispensing Businesses

PREAMBLE

WHEREAS, the Florida Legislature enacted legislation legalizing Cannabis for medical uses; and

WHEREAS, future constitutional amendments and legislation may further expand the legal use of Cannabis in Florida; and

WHEREAS, a comprehensive State licensing and regulatory framework for the cultivation, processing, and Dispensing of Cannabis exists; and

WHEREAS the comprehensive State licensing and regulatory framework directs that the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, Dispensing facilities of Cannabis Dispensing Businesses may be determined by local ordinance; and

WHEREAS, Cannabis Dispensing Businesses licensed pursuant to the law have begun cultivating Cannabis for processing and Dispensing; and

WHEREAS, potential adverse impacts on the health, safety, and welfare of residents and business from secondary effects associated with the distribution of Cannabis exist, potentially including: offensive odors, trespassing, theft, fire hazards, increased crime in and about the Cannabis Dispensing Business, robberies, negative impacts on nearby businesses, nuisance problems; and

WHEREAS, certain of the above potential adverse impacts are accentuated by the current difficulties experienced by Cannabis Dispensing Businesses in obtaining banking services necessitating such businesses to operate on a cash basis; and

WHEREAS, there exists the potential for misappropriation and diversion of medical Cannabis to non-medical uses, and;

WHEREAS, an overabundance of Dispensing facilities can affect the viability of such facilities, result in compliance issues and increased regulatory costs, lead to the improper diversion of products, and accentuate threats to the public health, safety, and welfare; and

WHEREAS, other jurisdictions have regulated the Dispensing of Cannabis by limiting the number of such Cannabis Dispensing Businesses to reduce threats to the public health, safety, and welfare; and

WHEREAS, there is a need to adopt health, safety, and welfare regulations to avoid adverse impacts on the community which may arise from the distribution of Cannabis; and
WHEREAS, other jurisdictions that allow Cannabis Dispensing Businesses have implemented effective regulatory and enforcement systems that address the adverse impacts that Cannabis Dispensing Businesses could pose to public safety, health, and welfare; and

WHEREAS, an effective regulatory system governing the Dispensing of Cannabis, as provided in this Ordinance, will address potential adverse impacts to the public health, welfare, and safety consistent with Florida law; and

WHEREAS, it is not the purpose or intent of this section to restrict or deny access to Cannabis as permitted by Florida law, but instead to enact reasonable restrictions intended to protect the public health, safety, and welfare; and

WHEREAS, the [City/County] has determined it is in the public interest to adopt this Ordinance pursuant to the [City’s/County’s] police powers and section 381.986, as well as other applicable state laws and provisions of the Florida Constitution, to protect the health, safety, and welfare of the public;

NOW THEREFORE, the following ordinance is adopted.

Sec. _-__-10. - Purpose and intent.

The purpose of this Ordinance is to establish requirements that regulate Cannabis Dispensing Businesses in the interest of the public health, safety and general welfare and that ease the regulatory burden on the [City/County]. In particular, this Ordinance is intended to regulate the sale and distribution of Cannabis to ensure a supply of Cannabis to patients who qualify to obtain, possess, and use Cannabis, or any other use of Cannabis permissible under state law, while promoting compliance with other state laws that regulate Cannabis. Nothing in this Ordinance is intended to promote or condone the sale, distribution, possession, or use of Cannabis in violation of any applicable state law. Compliance with the requirements of this Ordinance shall not provide a defense to criminal prosecution under any applicable law.

Sec. _-__-20. - Definitions.

(1) The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section:

a. Applicant shall mean any person or entity that has submitted an application for a Certificate of Approval or renewal of a Certificate of Approval issued pursuant to this Ordinance. If the Applicant is an entity and not a natural person, Applicant shall include all persons who are the managers, officers, directors, contractual agents, partners, and licensors of such entity, as well as all members, shareholders, or Investors holding an ownership interest of 10% or more of such entity.

b. Cannabis has the meaning given to it by section 893.02(3), Florida Statutes, and shall include all forms of medical Cannabis or low-THC Cannabis.
c. **Cannabis Dispensing Business or Business** shall mean a business licensed to dispense Cannabis pursuant to applicable law and that is engaged in the retail sale of Cannabis or Derivative Products, but shall not include making deliveries of Cannabis or Derivative Products to the residence or business of an authorized individual, or to a health care facility, as permitted by other relevant ordinances and state law.

d. **Certificate of Approval** shall mean a document issued by the Jurisdiction officially authorizing an Applicant to operate a Cannabis Dispensing Business pursuant to this Ordinance. A Certificate of Approval generally authorizes an Applicant to establish and operate a Cannabis Dispensing Business pursuant to this Ordinance, but does not authorize the Dispensing of Cannabis at any physical location within the Jurisdiction until a Premises Authorization, as defined herein, has been issued for such location.

e. **Compassionate Use Act** shall mean section 381.986, Florida Statutes, and chapter 2016-123, Laws of Florida, as amended from time to time, and any rules or regulations promulgated thereunder.

f. **Cultivation** or **cultivate** shall mean the process by which a person grows a Cannabis plant.

g. **Derivative Products** shall mean products derived from Cannabis, including but not limited to, Cannabis oil or consumable products containing or derived from Cannabis.

h. **Dispensing** shall mean the retail sales of Cannabis or Derivative Products at a Cannabis Dispensing Business, but does not include making deliveries of Cannabis or Derivative Products to the residence or business of an authorized individual, or to a health care facility, as permitted by other relevant ordinances and state law.

i. **Investor** shall mean any person or entity entitled to share in the profits of the Applicant, or any Lender. The term shall not include any employees who share in the profits of the Applicant pursuant to an employee profit sharing program.

j. **Lender** shall mean any person or entity who has provided funds to an Applicant with the expectation of receiving from the Applicant repayment or the receipt from the Applicant of anything of value. The term Lender shall include any person who owns, directly or indirectly, 20% or more of any entity which qualifies as a Lender, but does not include any bank, credit union, or other financial institution created under federal or state law.

k. **Jurisdiction** shall mean [the City of __________ / __________ County].

l. **Operator** shall mean the person or entity to whom a Certificate of Approval has been issued pursuant to this Ordinance.

m. **Premises Authorization** shall mean a document issued by the Jurisdiction to the Operator, authorizing the Operator to conduct Cannabis Dispensing Business operations at a single, specifically approved physical location. No Premises Authorization may be issued to any individual or entity who does not hold a
n. Certificate of Approval. Each Certificate of Approval authorizes the issuance of a single Premises Authorization at any one time, and any relocation of operations to a separate address shall require amendment of the Premises Authorization to authorize operations at the new location.

o. State shall mean the State of Florida.

(2) In addition to the definitions contained in Subsection (1), other terms used in this Ordinance shall have the meaning ascribed to them in the Compassionate Use Act, and such definitions are incorporated into this Ordinance by this reference.

Sec. ___-__-30. - Approval authority created.
There shall be and is hereby created a Cannabis Dispensing Regulatory Authority hereafter referred to in this Ordinance as the “Authority.”

Sec. ___-__-40. - Composition of the Authority.
The Authority shall consist of [three] members appointed by the [City/County] [Manager/Mayor/Attorney] for a term of three years each.

Sec. ___-__-50. - Functions of the Authority.
(1) The Authority shall be responsible, pursuant to the Compassionate Use Act and this Ordinance, for granting or denying Certificates of Approval and Premises Authorizations, and shall have all powers of a county or municipal government as set forth in the Compassionate Use Act and any other applicable state laws.

(2) The Authority shall have the power to: (i) promulgate rules and regulations concerning the procedures for any hearings conducted by the Authority; (ii) require any Applicant or Operator to furnish any relevant information requested by the Authority; and (iii) administer oaths and to require the presence of persons and the production of papers, books, and records at any hearing that the Authority is authorized to conduct.

Sec. ___-__-60. - Certificate of Approval required; term of Certificate of Approval; renewal application.
(1) It shall be unlawful for any person or entity to establish or operate a Cannabis Dispensing Business in the [City/County] without first having obtained from the State of Florida approval to do so pursuant to the Compassionate Use Act or any other relevant law, and having obtained from the [City/County] a Certificate of Approval, and having obtained from the [City/County] a Premises Authorization for the facility to be operated in connection with such business. Such Certificate of Approval and Premises Authorization shall be kept current at all times and shall be conspicuously displayed at all times in the premises to which they apply. The failure to maintain a current Certificate of Approval, or to maintain a current Premises Authorization for any location at which Cannabis Dispensing Business is conducted, shall constitute a violation of this Section.
(2) Each Certificate of Approval issued by the [City/County] pursuant to this Ordinance shall specify the date of issuance, the period of licensure, and the name of the Operator.

(3) Any Certificate of Approval issued by the Authority under this Ordinance shall expire three years after the date of its issuance.

(4) Renewal of an existing Certificate of Approval shall be automatic for successive three year periods upon payment of required fees to the [City/County], as provided in the fee schedule adopted by the [City/County] from time to time.

   a. Within 30 days of the expiration date, and upon notice of renewal by the [City/County], each Operator shall pay a nonrefundable fee to the [City/County], as set forth in the fee schedule adopted by the [City/County] from time to time, to defray the costs incurred by the [City/County] for review of the application and inspection of the proposed premises, as well as any other costs associated with the processing of the application. Notice of renewal shall be provided to each Operator no less than 30 days prior to the renewal date of the Certificate of Authority.

   b. A notice of intent to revoke shall be issued to all Operators who have not remitted renewal fees within 30 days of the renewal date. Notwithstanding the provisions of Subsection (a), an Operator whose Certificate of Authority has been expired for not more than 90 days will be reinstated upon the payment of a nonrefundable late application fee, as set forth in the fee schedule adopted by the [City/County] from time to time. A Certificate of Authority shall be revoked if renewal fees have not been paid within 90 days of the renewal date.

(5) Any Premises Authorization issued by the Authority under this Ordinance shall be deemed to expire on the date upon which the Certificate of Approval pursuant to which it is issued expires. Any Premises Authorization shall be deemed automatically renewed upon the renewal, as set forth herein, of the Certificate of Approval pursuant to which it is issued.

(6) In the event a Certificate of Authorization is not renewed, it shall be noticed by the Authority as available and be subject to a new application process as set forth in Sec._-_75.

Sec. _-_70. - Application minimum requirements; payment of application fee.

(1) An Applicant for a new Certificate of Approval, or an Operator seeking to change the ownership of an existing Certificate of Approval, pursuant to the Compassionate Use Act, any other applicable state law, and the provisions of this Ordinance, shall submit an application to the [City/County]. At the time of any such application, each Applicant shall pay an application fee to the [City/County], as set forth in the fee schedule adopted by the [City/County] Council from time to time, to defray the costs incurred by the [City/County] for review of the application, as well as any other costs associated with the processing of the application.
(2) The Applicant shall include the following in its application to the [City/County]:

a. Payment of the application fee as set forth in the fee schedule established by the Jurisdiction.

b. If the Applicant is a business entity, information regarding the entity, including without limitation the name and address of the entity, its legal status and proof of registration with, or a certificate of good standing from, the Florida Secretary of State, as applicable;

c. If the Applicant is an individual, government issued identification including name, address and photograph of the individual;

d. Evidence of the State of Florida, Department of Health, Office of Compassionate Use’s (or any successor agency of the State of Florida’s) approval of the Operator to operate a Cannabis Dispensing Business pursuant to the Compassionate Use Act or any other relevant law;

e. All documentation necessary to demonstrate compliance with the requirements identified in this Ordinance, including evidence that the Applicant continues to meet all requirements of section 381.986(5)(b)(1), Florida Statutes.

f. All documentation the Applicant wishes to have considered for scoring purposes, including documentation demonstrating the Applicant meets the criteria detailed in Sec._-_-.75 of this Ordinance.

(3) Upon receipt of an application, the Authority shall review and score the application pursuant to the scoring and review process established by Sec._-_-.75 of this Ordinance.

Sec._-_-.75. – The Application Period and Scoring and Review of Applications.

(1) The initial application period shall commence on the effective date of this Ordinance and shall close 30 days after the effective date of this Ordinance. Subsequent application periods shall commence upon certification by the Authority that additional Certificates of Approval are available and shall close 30 days after such certification. Such certification will be posted in a conspicuous location on a website to be established by the Authority.

(2) The members of the Authority shall score and review each application pursuant to the criteria, and 100 point scale, detailed below. Members and Applicants may discuss their application at any time during the application process. Each application will be independently scored by Authority members.

a. Previous retail dispensing experience in a regulated market in any state: 20 points
   i. Number of different retail dispensaries operated.
   ii. Total square footage of retail dispensaries operated.
iii. Number of years of operating retail dispensaries.
iv. Number of retail dispensary employees managed.
v. Gross sales of Cannabis and Cannabis Derivative Products.
vi. Number of different Cannabis strains and Derivative Products sold.
vii. Retail dispensing licenses held in different states.
viii. Previous infractions resulting in the revocation of any Cannabis license.
ix. Experience with maintaining chain of custody and tracking mechanisms.

b. Quality of Derivative Product offerings: 20 points
i. Length of time Derivative Products you intend to dispense have been available in regulated markets.
ii. Gross sales number of units of these Derivative Products previously sold in regulated markets.
iii. Gross revenue derived from previous sales of these Derivative Products in regulated markets.

c. Technical Ability: 10 points
i. Review of standard operating procedures, operating manuals, policies, training modules, and procedures.
ii. Training process.
iii. Online ordering system.
iv. Procedures for expediting ordering and / or providing for medically disadvantaged.
v. Operational ERP (Enterprise Resource Planning) System.
vi. Retail delivery system.

vii. Point-of-sale systems and solutions.

d. Qualifications of Security Team: 15 points
i. Years of security experience with Cannabis dispensaries in a regulated Cannabis market.
ii. Integration of security procedures and training into your vertically integrated operations.
iii. All owners, Investors, and managers have successfully passed a Level 2 background check and have not been convicted of any felonies involving fraud, false representation, or distribution of Cannabis.

e. Qualifications of Medical Director: 25 points
i. Experience with epileptic patients;
ii. Experience with cancer patients;
iii. Experience with patients with severe seizures or muscle spasms;
iv. Experience with terminal patients;
v. Knowledge of the use of medical Cannabis for treatment of cancer or physical medical conditions that chronically produce symptoms of seizures or severe and persistent muscle spasms;
vi. Knowledge of good manufacturing practices;

vii. Knowledge of analytical and organic chemistry;

viii. Knowledge of analytical laboratory methods;

ix. Knowledge of analytical laboratory quality control, including maintaining a chain of custody;

x. Knowledge of, and experience with, medical Cannabis CBD/low-THC extraction techniques;

xi. Knowledge of medical Cannabis, including CBD/low-THC routes of administration;

xii. Experience in or knowledge of clinical trials or observational studies;

xiii. Knowledge of, and experience with, producing CBD/low-THC products;

xiv. Experience with or knowledge of botanical medicines;

xv. Experience with dispensing medications.

f. Awards: 10 points

i. Any awards, recognitions, or certifications received for expertise in Cannabis related businesses.

(3) Prior to scoring applications the Authority shall review applications for compliance with this Ordinance, the Compassionate Use Act, or any other applicable law, and shall reject any application which does not meet such requirement. Rejected applications shall not be scored. The Authority shall also disqualify any application that contains any false or misleading information.

(4) Within 30 days after the Authority’s identified deadline for filing applications, the scores awarded by the members of the Authority for each Applicant shall be totaled and averaged for each Applicant. The Applicants shall then be ranked from highest to lowest based on the average scores awarded, with Certificates of Approval issued to the highest scoring Applicant, and proceeding to the next highest scored Applicant until all Certificates of Approval authorized pursuant to this Ordinance have been awarded. In the event of a tie in the rankings, the Authority shall by majority vote break the tie.

(5) Challenges to the Authority’s award decision shall be filed with the [City/County] Manager within ten days of the decision being challenged. The [City/County] Manager shall review the challenge and issue a decision dismissing such challenge or affirming such challenge. Challenges to the [City/County] Manager’s decision dismissing or affirming such challenge shall be via a request for administrative hearing pursuant to Florida’s Administrative Procedures Act, and must be filed within ten days of issuance of the decision being challenged. Petitions meeting the requirements of Florida’s Administrative Procedures Act shall be referred to the Division of Administrative Hearings for a formal hearing, and issuance of a recommended order to the City/County. Within 15 days of issuance of a recommended order, the City/County will issue a final order.

Sec. _-_-80. – Issuance of Certificate of Approval.
(1) Upon expiration of the challenge deadlines detailed in Sec._-_-75(5) if no challenge is filed, or upon issuance of a final order if a challenge is filed, the Authority shall issue Certificates of Approval as provided in Sec._-_-100 of this Ordinance.

(2) A Certificate of Approval issued pursuant to this Ordinance does not eliminate the need for the Operator to obtain other required permits or licenses related to the operation of the Cannabis Dispensing Business including, without limitation, any development approvals or building permits required by this Code.

(3) Amendment of a Certificate of Approval or Premises Authorization, as defined below, solely to change the location of a Cannabis Dispensing Business shall not be denied so long as all other conditions for the issuance of a Certificate of Approval have been met and the new location complies with all premises requirements set forth in this Ordinance and all applicable zoning requirements.

(4) A Certificate of Approval or Premises Authorization may be transferred only to an entity which has been approved by the State of Florida, Department of Health, Office of Compassionate Use (or any successor agency of the State of Florida) to operate a Cannabis Dispensing Business pursuant to the Compassionate Use Act or any other relevant law, and who meets all other requirements of this Ordinance.

Sec._-_-85. - Persons or Entities prohibited as Operators.

No Certificate of Approval shall be issued to, held by, or renewed by any Applicant or Operator who fails to comply with the following Mandatory Requirements:

(1) Maintain approval as a dispensing organization by the State of Florida, Department of Health, Office of Compassionate Use pursuant to the Compassionate Use Act, or any other applicable law.

(2) Ensure no owner, Investor, or manager of the Applicant or Operator has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent, and the record has not been sealed or expunged for, any crime enumerated in section 435.04(2), Florida Statutes, or any felony involving false representations or false statements, fraud, or money laundering.

Sec. _-_-90. - Confidential, Proprietary, Copyrighted, or Trade Secret Material

(1) If an Applicant considers any portion of the documents, data or records submitted with its application to be confidential, proprietary, trade secret or otherwise not subject to disclosure pursuant to chapter 119, Florida Statutes, the Florida Constitution or other authority, the Applicant must mark the document as “Confidential” and simultaneously provide the Authority a separate redacted copy of its application and briefly describe in writing the grounds for claiming exemption from the public records law, including the specific statutory citation for such exemption. This redacted copy shall contain the name of the Applicant on the cover, and shall be clearly titled “Redacted Copy.” The Redacted Copy should only redact those portions of
material that the Applicant claims are confidential, proprietary, trade secret or otherwise not subject to disclosure.

(2) If a request for public records pursuant to chapter 119, Florida Statutes, the Florida Constitution or other authority, is filed, to which documents that are marked as confidential are responsive, the Authority will provide the Redacted Copy to the requestor. If a requestor asserts a right to the Confidential Information, the Authority will notify the Applicant such an assertion has been made. It is the Applicant’s responsibility to assert that the information in question is exempt from disclosure under chapter 119 or other applicable law. If the Authority becomes subject to a demand for discovery or disclosure of the Confidential Information of the Applicant in a legal proceeding, the Authority shall give the Applicant prompt notice of the demand prior to releasing the information (unless otherwise prohibited by applicable law). The Applicant shall be responsible for defending its determination that the redacted portions of its response are confidential, proprietary, trade secret, or otherwise not subject to disclosure.

(3) If Applicant fails to submit a redacted copy of information it claims is confidential, the Authority is authorized to produce the entire documents, data, or records submitted to the Authority in answer to a public records request for these records.

Sec. _-_-100. - Numerical limit on Cannabis Dispensing Businesses.

(1) The maximum number of Certificates of Approval in the Jurisdiction shall not exceed one for every 67,600 residents, as certified in the most recent census or periodic demographic studies conducted by the University of Florida. However, if a census or periodic demographic studies conducted by the University of Florida indicates a resident count of at least 50% of that required for issuance of a new Certificate of Authority, a new Certificate of Approval shall be authorized. For example:

<table>
<thead>
<tr>
<th>Residents Indicated</th>
<th>Certificates of Authority Authorized</th>
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<tbody>
<tr>
<td>0 - 101,399</td>
<td>1</td>
</tr>
<tr>
<td>101,400 - 169,000</td>
<td>2</td>
</tr>
<tr>
<td>169,001 - 236,599</td>
<td>3</td>
</tr>
<tr>
<td>236,600 - 304,199</td>
<td>4</td>
</tr>
<tr>
<td>304,200 - 371,799</td>
<td>5</td>
</tr>
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</table>

(2) A dispensing organization may hold more than one Certificate of Approval, but may not hold all available Certificates of Approval issued by the Authority if more than one are available.

(3) In order to ensure that the population of the Jurisdiction has access to the best qualified dispensing organizations, while likewise maintaining competition in the Cannabis Dispensing industry within the Jurisdiction, when multiple Certificates of Approval are available Applicants shall be entitled to receive, upon request, up to the number of Certificates of Approval set forth in the below table, and shall identify in their application the number of Certificates of Approval that they are requesting:
<table>
<thead>
<tr>
<th>Number of Certificates Available</th>
<th>First Ranked Applicant</th>
<th>Second Ranked Applicant</th>
<th>Third Ranked Applicant</th>
<th>Fourth Ranked Applicant</th>
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</thead>
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</table>

If any Certificates of Approval remain available following the distribution of requested Certificates of Approval to Applicants in accordance with the above table, one Certificate of Approval shall be offered to each remaining eligible applicant, in declining order of rank, until all Certificates of Approval have been distributed. If, following the completion of such process, Certificates of Approval still remain available, one additional Certificate of Approval shall be offered to each Applicant, in declining order of rank, until all Certificates of Approval have been distributed.

(4) If additional Certificates of Approval are made available, the Authority shall provide notice of a new application process conducted pursuant to this Ordinance.

(5) Each Certificate of Approval authorizes the holder to operate a single licensed premises pursuant to an approved Premises Authorization.

Sec. __-__-110. – Premises Authorization.

After obtaining a Certificate of Approval, and prior to Dispensing Cannabis, an Operator shall select a location from which such Dispensing will occur, and provide notice to the Authority of the Dispensing location and request issuance of Premises Authorization for such location. Such request shall be provided a minimum of 10 days prior to the Dispensing of any Cannabis from the location, and shall identify the Certificate of Approval at issue, and the location from which Dispensing will occur.
Sec. __-__-115. – Zoning Requirements

(1) Premises Authorization shall be granted for any location which complies with the requirements of this Ordinance and in which retail sales of any kind are permitted pursuant to applicable zoning or land use regulations, either as a principal or accessory use.

(2) No Cannabis Dispensing Business shall be located within 250 feet of any public or private elementary, middle, or secondary school or house of worship. However, a Cannabis Dispensing Business does not violate this subsection and may not be forced to relocate if it meets the requirements of this section and a school or house of worship is subsequently established within 250 feet of the business.

(3) For purposes of this Ordinance, measurements shall be made from the nearest property line of the school or house of worship to the nearest property line of the Cannabis Dispensing Business. If the Cannabis Dispensing Business is located in a multi-tenant building, the distance shall be measured from the nearest property line of the school or house of worship to the nearest line of the leasehold or other space actually controlled or occupied by the Cannabis Dispensing Business. The Cannabis Dispensing Business shall ensure security for Cannabis activities complies with state requirements.

Sec. __-__-120. – Inspection of approved premises and issuance of Premises Authorization.

(1) During business hours and other times of apparent activity, all approved premises shall be subject to inspection by the Chief of Police, the Fire Chief, the Building Official, County Sheriff, or the authorized representative of any of them, for the purpose of investigating and determining compliance with the provisions of this Ordinance and any other applicable state or local law or regulation. Such inspection may include, but need not be limited to, the inspection of books, records, and inventory. Where any part of the premises consists of a locked area, such area shall be made available for inspection, without delay, upon reasonable request. The frequency of such inspections shall not be unreasonable and shall be conducted in a manner to ensure the operation of the premises is not inhibited.

(2) Cannabis may not be Dispensed pursuant to a Certificate of Approval until the Authority has caused the proposed premises to be inspected to determine compliance of the premises with any applicable requirements of this Ordinance and Code, and has issued Premises Authorization.

(3) The Authority shall, within 10 days of receipt of a request for Premises Authorization, and after inspection of the premises to be utilized, notify the Certificate holder that it may begin Dispensing Cannabis at that premises and issue a Premises Authorization to the Certificate holder, or provide to the Operator written notice detailing the reasons the selected location does not comply with this Ordinance. Each Premises Authorization issued by the [City/County] pursuant to this Ordinance shall specify the Certificate of Approval pursuant to which it is issued, all information set forth on the Certificate of Approval, and the physical location of the premises approved, once such approval is received.
Sec. __-__-125. - Requirements related to the premises.

Cannabis Dispensing Businesses shall be subject to the following additional requirements:

(1) All Cannabis or Cannabis Derivative products ready for sale shall be in a sealed or locked container or cabinet except when being accessed for distribution.

(2) Only individuals authorized pursuant to Florida law may Dispense Cannabis, and such Cannabis may only be Dispensed to persons authorized pursuant to Florida law to receive Cannabis.

(3) No Cannabis shall be Dispensed outside of the hours permitted by Florida law. However, Cannabis Dispensing Businesses may conduct administrative or delivery functions, including making deliveries of Cannabis or Derivative Products to the residence or business of an authorized individual, or to a health care facility, as permitted by other relevant ordinances and state law.

(4) No unaccompanied minor may be Dispensed Cannabis unless otherwise authorized under state law.

(5) The Cannabis Dispensing Business shall employ reasonable measures and means to eliminate odors emanating from Dispensing and shall properly dispose of controlled substances in a safe, sanitary and secure manner and in accordance with applicable laws and regulations.

(6) After issuance of a Premises Authorization, an Operator shall not make a physical change, alteration or modification of the premises that would not comply with this Ordinance.

Sec. __-__-130. - Signage requirements.

All signage associated with a Cannabis Dispensing Business shall meet the standards established in this Code for signs.

Sec. __-__-135. - Nonrenewal, suspension or revocation of Certificate of Approval.

The Authority may suspend, revoke, or refuse to renew a Certificate of Approval for any of the following reasons, after notice and opportunity to cure is given:

(1) The Applicant or Operator, or his or her agent, manager, or employee, have violated, do not meet, or have failed to comply with, any of the terms, Mandatory Requirements as specified in Sec __-__-85, conditions, or provisions of this Ordinance or with any applicable state law or regulation, only if such failure materially impacts the accessibility, availability, or safety of the Cannabis or Derivative Product.
(2) The Authority shall provide notice of any of the above deficiencies accompanied by a 30 calendar day period in which to cure such deficiencies. Within 30 days of receipt of notice a notice of deficiencies, the Operator shall submit to the Authority a plan to correct such deficiencies. The Operator must execute the plan within 30 days of the date the plan was submitted to the Authority. If a plan is not timely submitted, or the plan is not timely executed, the Authority may take appropriate action. If any deficiencies are incapable of being cured, the Authority shall direct the Operator to take reasonable steps to ensure the deficiency is mitigated and does not pose a material threat to the public health, safety, or welfare. Compliance with such mitigation requirements shall constitute a cure of such deficiencies.

(3) A Certificate of Approval shall be revoked and be available for issuance subject to the process outlined in Sec. _-_-75 if Dispensing fails to occur within thirty-six months after the Certificate has been issued, except that the Authority may grant an extension of this requirement upon good cause shown.

(4) Notwithstanding the foregoing, upon a finding by the Authority, for good cause shown, that the continued operation of the business presents an imminent and immediate grave threat to the public health or safety, the [City/County] may issue an emergency order directing the Operator to temporarily cease sales at that location pending resolution of the deficiency.

Sec. _-_-140. - No [City/County] liability; indemnification; no defense.

(1) By accepting a Certificate of Approval and Premises Authorization issued pursuant to this Ordinance, the Operator waives any claim concerning, and releases the [City/County], its officers, elected officials, employees, attorneys and agents from, any liability for injuries or damages of any kind that result from any arrest or prosecution of business owners, Operators, employees, clients, or customers of the Operator for a violation of state or federal laws, rules, or regulations.

(2) By accepting a Certificate of Approval and Premises Authorization issued pursuant to this Ordinance, all Operators, jointly and severally if more than one, agree to indemnify, defend, and hold harmless the [City/County], its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims, and demands on account of any injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the Cannabis Dispensing Business that is the subject of the Certificate of Approval and Premises Authorization.

(3) The issuance of a Certificate of Approval and Premises Authorization pursuant to this Ordinance shall not be deemed to create an exception, defense, or immunity for any person in regard to any potential criminal liability the person may have under state or federal law for the cultivation, possession, sale, distribution, or use of Cannabis.

Sec. _-_-150. - Treatment of Existing Cannabis Dispensing Businesses.
Notwithstanding anything in this Ordinance to the contrary, any Cannabis Dispensing Business operating in the Jurisdiction as of September 1, 2016, may continue operating at any retail locations from which the Cannabis Dispensing Business dispensed medical cannabis on or before September 1, 2016. Such Cannabis Dispensing Business shall be issued a non-transferable Certificate of Approval and non-moveable Premise Authorization, and shall be disregarded for purposes of Section 100 of this Ordinance. Such Certificates of Approval and Premises Authorization shall become void if the Cannabis Dispensing Business ceases retail operations.

Sec. __-__-160. - Severability.

If any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.
ITEM 3
Local Government Infrastructure Surtax
Section 212.055(2), Florida Statutes

Summary:
The Local Government Infrastructure Surtax may be levied at the rate of 0.5 or 1 percent pursuant to an ordinance enacted by a majority vote of the county’s governing body and approved by voters in a countywide referendum. Generally, the proceeds must be expended to finance, plan, and construct infrastructure; acquire land for public recreation, conservation, or protection of natural resources; or finance the closure of local government-owned solid waste landfills that have been closed or are required to be closed by order of the Department of Environmental Protection (DEP). Additional spending authority exists for select counties. During the 2016-17 local fiscal year, the 18 counties levying this surtax will realize an estimated $838 million in revenue. The 22 eligible counties not currently levying this surtax at the maximum rate will allow an estimated $2.12 billion to go unrealized.

General Law Amendments:
Chapter 2016-225, L.O.F., (CS/CS/HB 447) expands the purposes for which the surtax proceeds and accrued interest can be used to include the prevention or satisfaction of private property rights claims resulting from limitations imposed by the designation of an area of critical state concern. Additionally, the legislation expands the definition of infrastructure in s. 212.055(2)(d)
l.a., F.S. Prior to this law change, the statute limited the definition, in part, to mean any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have life expectancies of 5 or more years, related land acquisition, land improvement, design, and engineering costs. The legislation expands this definition to include all other professional and related costs required to bring public facilities into service. As used here, the term public facilities means facilities as defined in ss. 163.3164(38), 163.3221(13), or 189.012(5), F.S. These changes became effective on July 1, 2016.

Authorization to Levy:
Local governments may levy this surtax at a rate of 0.5 or 1 percent pursuant to an ordinance enacted by a majority of the members of the county’s governing body and approved by the voters in a countywide referendum. In lieu of action by the county’s governing body, municipalities representing a majority of the county’s population may initiate the surtax through the adoption of uniform resolutions calling for a countywide referendum on the issue. If the proposal to levy the surtax is approved by a majority of the electors, the levy takes effect.

Additionally, the surtax may not be levied beyond the time established in the ordinance if the surtax was levied pursuant to a referendum held before July 1, 1993. If the pre-July 1, 1993 ordinance did not limit the period of the levy, the surtax may not be levied for more than 15 years. There is no state-mandated limit on the length of levy for those surtax ordinances enacted after July 1, 1993. The levy may only be extended by voter approval in a countywide referendum. This surtax is one of several surtaxes subject to a combined rate limitation. A county cannot levy this surtax and the Small County Surtax, Indigent Care and Trauma Center Surtax, and County Public Hospital Surtax in excess of a combined rate of 1 percent.

Counties Eligible to Levy:
All counties are eligible to levy the surtax.
Distribution of Proceeds:
The surtax proceeds are distributed to the county and its respective municipalities according to one of the following procedures.

1. An interlocal agreement approved by county’s governing body and the governing bodies of the municipalities representing a majority of the county’s municipal population. This agreement may include a school district with the consent of all governing bodies previously mentioned.
2. If there is no interlocal agreement, then the distribution will be based on the Local Government Half-cent Sales Tax formulas provided in s. 218.62, F.S.

Authorized Uses of Proceeds:
The surtax proceeds and any accrued interest are expended by the school district, within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, for any of the following purposes.

1. To finance, plan, and construct infrastructure.
2. To acquire any interest in land for public recreation, conservation, or protection of natural resources or to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern.
3. To provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, if a local government ordinance authorizing such use is approved by referendum.
4. To finance the closure of county or municipal-owned solid waste landfills that have been closed or are required to be closed by order of the DEP. Any use of the proceeds or interest for purposes of landfill closures before July 1, 1993, is ratified.

The surtax proceeds and any interest may not be used to fund the operational expenses of infrastructure, except that a county that has a population of fewer than 75,000 that is required to close a landfill may use the proceeds or interest for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011, F.S., (i.e., Miami-Dade County) and charter counties may use the proceeds or interest to retire or service indebtedness incurred for bonds issued before July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of the proceeds or interest for purposes of retiring or servicing indebtedness incurred for refunding bonds before July 1, 1999, is ratified.

As it relates to the authorized uses of the surtax proceeds and any accrued interest, the term infrastructure has the following meanings.

1. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years, any related land acquisition, land improvement, design, and engineering costs, and all other professional and related costs required to bring the public facilities into service. For this purpose, the term “public facilities” means facilities as defined in ss. 163.3164(38), 1 163.3221(13), 2 or 189.012(5), 3 F.S., regardless of

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1. Section 163.3164(38), F.S., defines the term “public facilities” as major capital improvements, including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities.
2. Section 163.3221(13), F.S., which defines the term “public facilities” as major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and...
whether the facilities are owned by the local taxing authority or another governmental entity.

2. A fire department vehicle, emergency medical services vehicle, sheriff's office vehicle, police department vehicle, or any other vehicle, and the equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

3. Any expenditure for the construction, lease, maintenance, or provision of utilities or security for those court facilities as defined in s. 29.008, F.S.

4. Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or staging area for emergency response equipment during an emergency officially declared by the state or by the local government under s. 252.38, F.S. These "private facility" improvements are limited to those necessary to comply with current standards for public emergency evacuation shelters. The private facility's owner must enter into a written contract with the local government providing the improvement funding to make the private facility available to the public for purposes of emergency shelter at no cost to the local government for a minimum of 10 years after the completion of the improvement with the provision that the obligation will transfer to any subsequent owner until the end of the minimum period.

5. Any land-acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into a ground lease with a public or private person or entity for nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this provision.

Additionally, the term energy efficiency improvement means any energy conservation and efficiency improvement that reduces consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; installation of solar panels; building modifications to increase the use of daylight or shade; replacement of windows; installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; installation of systems for natural gas fuel as defined in s. 206.9951, F.S; and installation of efficient lighting equipment.

Any local government infrastructure surtax imposed or extended after July 1, 1998, may allocate up to 15 percent of the surtax proceeds for deposit within a county trust fund created for the purpose of funding economic development projects having a general public purpose of improving local economies, including the funding of operational costs and incentives related to economic development. The referendum ballot statement must indicate the intention to make the allocation. School districts, counties, and municipalities may pledge the surtax proceeds for the purpose of servicing new bonded indebtedness. Local governments may use the services of the Division of Bond Finance of the State Board of Administration to issue bonds, and counties and municipalities may join together for the issuance of bonds.

Section 189.012(5), F.S., which defines the term "public facilities" as major capital improvements, including, but not limited to, transportation facilities, sanitary sewer facilities, solid waste facilities, water management and control facilities, potable water facilities, alternative water systems, educational facilities, parks and recreational facilities, health systems and facilities, and, except for spoil disposal by those ports listed in s. 311.09(1), F.S., spoil disposal sites for maintenance dredging in waters of the state.
A county with a total population of 50,000 or less on April 1, 1992, or any county designated as an area of critical state concern that imposed the surtax before July 1, 1992, may use the proceeds and accrued interest of the surtax for any public purpose if the county satisfies all of the following criteria.

1. The debt service obligations for any year are met.
2. The county’s comprehensive plan has been determined to be in compliance with part II of ch. 163, F.S.
3. The county has adopted an amendment to the surtax ordinance pursuant to the procedure provided in s. 125.66, F.S., authorizing additional uses of the proceeds and accrued interest.

Those counties designated as an area of critical state concern that qualify to use the surtax for any public purpose may use only up to 10 percent of the surtax proceeds for any public purpose other than for authorized infrastructure purposes. A county that was designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation, and that qualified to use the surtax for any public purpose at the time of the designation’s removal, may continue to use up to 10 percent of the surtax proceeds for any public purpose other than for infrastructure purposes for 20 years following the designation’s removal. After the 20-year period expires, a county may continue to use up to 10 percent of the surtax proceeds for any public purpose other than for infrastructure if the county adopts an ordinance providing for such continued use of the surtax proceeds.

Likewise, a municipality located within such a county may not use the proceeds and accrued interest for any purpose other than an authorized infrastructure purpose unless the municipality’s comprehensive plan has been determined to be in compliance with part II of ch. 163, F.S., and the municipality has adopted an amendment to its surtax ordinance or resolution pursuant to the procedure provided in s. 166.041, F.S., authorizing additional uses of the proceeds and accrued interest. Such municipality may expend the proceeds and accrued interest for any public purpose authorized in the amendment.

Despite any other use restrictions to the contrary, a county, having a population greater than 75,000 in which the taxable value of real property is less than 60 percent of the just value of real property for ad valorem tax purposes for the tax year in which the referendum is placed before voters, and the municipalities within such a county may use the surtax proceeds and accrued interest for operation and maintenance of parks and recreation programs and facilities established with the proceeds throughout the duration of the levy or while accrued interest earnings are available for such use, whichever period is longer.

**Attorney General Opinions:**
Florida’s Attorney General has issued the following legal opinions relevant to this revenue source.

<table>
<thead>
<tr>
<th>Opinion #</th>
<th>Subject</th>
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<tr>
<td>2016-02</td>
<td>Infrastructure surtax, emergency generators</td>
</tr>
<tr>
<td>2012-19</td>
<td>Infrastructure surtax, beach erosion projects/studies</td>
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<tr>
<td>2009-28</td>
<td>Counties, use of infrastructure surtax monies</td>
</tr>
<tr>
<td>2007-51</td>
<td>Municipalities, use of infrastructure surtax monies</td>
</tr>
<tr>
<td>2003-17</td>
<td>Infrastructure surtax use to purchase computer system</td>
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<tr>
<td>2001-45</td>
<td>Local government infrastructure surtax, health care</td>
</tr>
<tr>
<td>2000-06</td>
<td>Expenditure of infrastructure surtax revenues</td>
</tr>
<tr>
<td>99-24</td>
<td>Capital improvements to property leased by county</td>
</tr>
<tr>
<td>95-73</td>
<td>Counties, infrastructure surtax used to fund engineers</td>
</tr>
</tbody>
</table>
The full texts of these opinions are available via a searchable on-line database. Local government officials seeking more clarification should review the opinions in their entirety. The reader should keep the date of the opinion in mind when reviewing its relevance to current law or any interpretations that have been articulated in Florida case law.
Project Name: Bay Parkway (Loop Road Phase 2)  

Priority Rank: 1/8

Government: City of Panama City Beach  

Rank based on total number of projects

Current Status: Conceptual layout

submitted i.e. 1/6, 2/6, 3/6, etc.

Location/Limits: City of Panama City Beach

Description: (projects such as city wide paving, stormwater, etc. include prioritized street names, sites, etc.)

Connection of Bay Parkway Phase 1 to head east down Powerline Road and tie into Nautilus St. This will be a public roadway with associated connector road crossing to help facilitate movement from east to west along the island.

Issues:

Traffic congestion exists year round. All surrounding FDOT roadways are over capacity and their level of service does not accommodate the flow of traffic that currently exists. Traffic in this area is projected to increase thus increasing congestion.

Benefits:

Alternative limited access route to bypass around Pier Park, Brown Park, Palmetto Trace subdivision once connector road is complete. This alternate roadway will alleviate existing and future traffic congestion. The Project is estimated to redirect 14% of the volume from the Panama City Beach Parkway / SR 79 intersection.

Additional Notes:

The Parkway is proposed to first consist of 2 lanes and later be expanded to 4 lanes. The project is included in the Bay County TPO 2018-2022 Transportation Project Priorities.

Estimated Cost: $7,000,000

Possible Additional Funding Sources: TBD

Estimated Year(s) of Construction: 2

Submitted by: City of Panama City Beach  

Date: 06/29/16
Loop Road Options

Sections 7, 8, 16, 17 and 21 of T3S R16W.
Bay County, FL

Legend
- Proposed Connector Road
- PCB-Nausilla Extension Option
- Loop Road Segment One
- Low Quality Wetlands
- High Quality Wetlands
- St. Joe Property Boundary

Map Note:
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St. Joe Company GIS
Cabinet W. Pezner, Jr.
Project Name: Surfside Middle School Sidewalk
Priority Rank: 2/8

Government: City of Panama City Beach
Rank based on total number of projects submitted i.e. 1/6, 2/6, 3/6, etc.

Current Status: Conceptual Layout

Location/Limits: City of Panama City Beach

Description: (projects such as city wide paving, stormwater, etc. include prioritized street names, sites, etc.)

To provide 1,115 linear feet of 6' concrete sidewalk along Nautilus St. The walkway will be located on both the east and west side of the roadway around the school, with the west side all the way to Front Beach road.

Issues: There lacks a complete pedestrian network around the school and promotes the use of the automobile for transporting some children to school.

Benefits: Safe pedestrian access to and from school. The construction of the walkway will offer a safe route to school for children and encourage bicycle and pedestrian activity in the area. In addition it will offer access for all residents in the Seclusion and Bid-a-gee subdivision and reduce the reliance on automobiles. Sufficient R-O-W is available for the project.

Additional Notes:

Estimated Cost: $250,000

Possible Additional Funding Sources: City of Panama City Beach General Fund.

Estimated Year(s) of Construction: 1

Submitted by: City of Panama City Beach
Date: 06/28/16
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<tr>
<th>Project Name:</th>
<th>Arnold High School Sidewalks</th>
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<td>Location/Limits:</td>
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<tr>
<td>Description:</td>
<td>To provide 2,448 linear feet of 6’ wide concrete sidewalk along both sides of Alf Coleman Rd from Arnold H S to Back Beach Rd.</td>
</tr>
<tr>
<td>Issues:</td>
<td>There lacks a complete pedestrian network around the school and promotes the use of the automobile for transporting some children to school.</td>
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<tr>
<td>Benefits:</td>
<td>The project will offer safe pedestrian access to and from school and to Woodlawn Church. In addition it will offer pedestrian access to the commercial corridor along Back Beach Road, reduce the reliance on automobiles for residents in the Waterfall subdivision.</td>
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<tr>
<td>Additional Notes:</td>
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<td>Possible Additional Funding Sources:</td>
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<td>Project Name:</td>
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<td>Location/Limits:</td>
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**Description:** (projects such as city wide paving, stormwater, etc. include prioritized street names, sites, etc.)

Construct 3,041 linear feet of 6' wide concrete sidewalks along Clara Av, Beth St, and Agave St.

**Issues:**

There lacks a complete pedestrian network around the school and promotes the use of the automobile for transporting some children to school.

**Benefits:**

Providing safe pedestrian routes to school. The network completely surrounds the school and will provide connection to people in the Bahama Beach Subdivision, thus minimizing the reliance on the use of the automobile.

**Estimated Cost:**

$250,000

**Possible Additional Funding Sources:**

City of Panama City Beach General Fund

**Estimated Year(s) of Construction:**

1

**Submitted by:**

City of Panama City Beach

**Date:**

06/28/16
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<td></td>
</tr>
<tr>
<td>Location/Limits:</td>
<td>City of Panama City Beach</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description: (projects such as city wide paving, stormwater, etc. include prioritized street names, sites, etc.)</td>
<td>Relocate the entrance to Frank Brown Park and improve internal roads (see attachment). Some of the improvements include locating/replacing wheel stops, signage, pavement markings, roadway resurfacing and a potential interior traffic circle. Additionally a signal is proposed for the new intersection with PCB Parkway.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Issues:</td>
<td>The current entrance creates a dangerous intersection with PCB Parkway and is prone to congestion. Several internal roads are in need of repair and resurfacing and locating/replacing wheel stops, signage, pavement markings is needed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benefits:</td>
<td>SAFETY for tourists and residents. The relocation and redesign of the dangerous entrance and roadway repairs will improve flow and safety adding to an overall improvement to one of the major tourist destinations in the County. The locating/replacing of wheel stops, signage, pavement markings and roadway resurfacing will help eliminate confusion and increase accessibility throughout the park.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated Cost:</td>
<td>$1,200,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Possible Additional Funding Sources:</td>
<td>City of Panama City Beach General Fund</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated Year(s) of Construction:</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Submitted by:</td>
<td>City of Panama City Beach</td>
<td>Date:</td>
<td>06/29/16</td>
</tr>
</tbody>
</table>
**Project Name:** Eagle Drive Stormwater  
**Priority Rank:** 8/8  
**Government:** City of Panama City Beach  
**Current Status:** Proposed for funding in 2019/20  
**Location/Limits:** City of Panama City Beach

**Description:** (projects such as city wide paving, stormwater, etc. include prioritized street names, sites, etc.)

To alleviate the flooding problems around the lake. The improvements are expected to include adding a new outfall structure in the lake and piping to nearby water body.

**Issues:**

Flooding. Problems around Eagle Drive Lake. On the east side of Eagle Dr. due to earthen berm located between the road and the lake. The lake does not have an outfall, which has caused some flooding problems for the properties on the west side of the lake.

**Benefits:**

Alleviate flooding. The proposed modifications are expected to eliminate the ongoing flooding problem experienced in this area.

**Additional Notes:**

**Estimated Cost:** $370,000

**Possible Additional Funding Sources:** Stormwater Utility Fund.

**Estimated Year(s) of Construction:** 2

**Submitted by:** City of Panama City Beach  
**Date:** 06/29/16
CITY OF P.C.B.
UTILITIES DEPARTMENT

EXHIBIT 3

COLONY CLUB & EAGLE DR
STORMWATER IMPROVEMENTS
PARTIAL SHEET 3 OF 3
Project Name: Henley Drive Stormwater Improvements  
Priority Rank: 7/8  

Government: City of Panama City Beach  
Rank based on total number of projects submitted i.e. 1/6, 2/6, 3/6, etc.  

Current Status: Proposed for funding  

Location/Limits: City of Panama City Beach  

Description: (projects such as city wide paving, stormwater, etc. include prioritized street names, sites, etc.)

<table>
<thead>
<tr>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Repair / replace current stormwater pumps. Install storm structure and associated piping to move stormwater discharge location from across private property to public property within the same stormwater system.</td>
</tr>
</tbody>
</table>

Issues: Severe flooding at the intersection of Henley Dr. and Montgomery Dr. Floods the old City pump house property and all the surrounding properties and their associated parking.

Benefits: Reduce and eliminate flooding issues. Reduces need for road closures, opens corridor to foot traffic from beach for surrounding residents.

Estimated Cost: $350,000

Possible Additional Funding Sources: City of Panama City Beach Utility Fund

Estimated Year(s) of Construction: 1

Submitted by: City of Panama City Beach  
Date: 06/28/16
<table>
<thead>
<tr>
<th>Project Name:</th>
<th>Colony Club stormwater</th>
<th>Priority Rank:</th>
<th>8/8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government:</td>
<td>City of Panama City Beach</td>
<td>Rank based on total number of projects submitted i.e. 1/6, 2/6, 3/6, etc.</td>
<td></td>
</tr>
<tr>
<td>Current Status:</td>
<td>Conceptual Layout</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location/Limits:</td>
<td>City of Panama City Beach</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description:</td>
<td>(Projects such as city wide paving, stormwater, etc. include prioritized street names, sites, etc.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Roadway cuts and culvert crossings along Moonlight Bay and fairway to replace old pipes with RCP (15&quot; and 24&quot;). Installing inlets and associated pipework to existing stormwater system to alleviate spot flooding along Fairway.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Issues:</td>
<td>Continued flooding is hindering traffic flow and causing structural problems and roadway damage.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benefits:</td>
<td>Elimination or reduction of flooding. Culvert replacement with concrete to eliminate Roadway failures in these locations.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional Notes:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated Cost:</td>
<td>$400,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Possible Additional Funding Sources:</td>
<td>City of Panama City Beach Stormwater Utility funds.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated Year(s) of Construction:</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Submitted by:</td>
<td>City of Panama City Beach</td>
<td>Date:</td>
<td>06/28/16</td>
</tr>
</tbody>
</table>
ITEM 4
To: City Council  
From: Jim Ponek, Director of Parks and Recreation  
Date: December 1, 2016

CITY COUNCIL WORK SHOP:  
Staff is recommending to City Council to update the Parks and Recreation User Fees to begin January 1, 2017. See Attachment A

The last time City Council had updated Parks and Recreation User Fees was February 27, 2014. Since that time, staff has discovered new language needed for some user fees and a recommendation to increase some fees but not all.

Staff has attached a detailed report for your review of Parks and Recreation Revenues. Attachment B. As you will notice, most revenues have gone up in the last three years. Staff is confident we are making progress moving forward. The recommendation for new user fees for 2017 will help us continue our positive revenue movement.

Discussion Items City Council may have:
1. Comparisons from other Cities - Our staff has researched other Cities and Parks and Recreation Departments. Due to locations and public environment, we have seen user fees in a wide range. We have compared our fees to other areas and have taken into consideration our own local factors determining these fees. We as staff, since the last time user fees had been established have been committed to finding additional ways to generate revenue and to make the process as simple as possible.

2. Non-Resident Fees- The discussion always comes up when updating User Fees. As your director and many of the staff in the department, we strongly recommend to not have non-resident fees in the fee structure. Many of us have gone through charging non-resident fees and it does not work. It only causes confusion, frustration and forces customers to lie. In the busy, chaotic world of parks and recreation we need to keep fees simple and public friendly. Also, please remember that we hire seasonal part-time employees during the busy seasons and the turnover rate is very high. It is important that we keep fees and the fee system simple. Staff recommends to City Council to not add a non-resident fee to the fee structure. It is staff’s opinion that in the big picture the small amount of additional revenues generated from non-resident fees is not more important than all of the issues that are caused from charging these fees.

3. A few changes have been recommended to the Tournament Rate. We have discussed these rates with Richard Sanders, his CVB staff and several Tournament Directors. After long discussions, all involved are OK with the new recommended fees. Staff has addressed many issues we were having with the fee structure for tournaments. We now believe that with the new proposed fees we will not only generate the City additional revenues but we will eliminate tournament directors reserving fields that they do not need. We appreciate the CVB’s help with recommendation for adjusting these fees.

4. The Aquatics Center Fees- Many of the annual season pass fees, swim team/meet fees and swim party fees are being recommended for changes, however the normal day to day lap swim, open swim and water aerobic fees are being recommended to stay the same. Due to other City comparisons and the fact that we have seen a major increase in daily general admission to open swim, lap swim and swim lessons, staff is recommending to not change these fees. Also, staff is anticipating additional revenues from taking over the pool concessions in 2017. We are making huge progress at the Pool.

With City Council approval at the Work Shop, staff will prepare a resolution for the December 8, 2016 City Council meeting, establishing "New User Fees" beginning January 1, 2017.
The City of Panama City Beach values all profit and non-profit organizations that want to use City Facilities. User fees have been established in different tiers for events/activities based on impact to each site and the estimated amount of time staff will spend before, during and after each event. To be fiscally responsible, user fees cannot be discounted or waived without City Manager and City Council approval.

Rental Dates

Facility Rentals may be booked up to one (1) year in advance, contact PCB Parks and Recreation Dept. For Pool rentals & Beach Volleyball Court rentals, please contact Aquatic Center for information.

Note: All recognized City Holidays will change rental rate for requested dates. Holiday rates apply to Veteran’s Day, Day after Thanksgiving, Christmas Eve, New Year’s Eve, New Year’s Day, President’s Day, Memorial Day, Easter Sunday, 4th of July, and Labor Day. No Reservations will be taken on Thanksgiving Day and Christmas Day. No Reservations will be taken for Special Events during the following Blackout Event Dates: (Exception: Sporting Events, Aquatics Center & Lyndell Conference Center)

BLACKOUT DATES - March 1- April 15, Memorial Day Weekend & June 10- August 10.

Priority Dates

Annual local returning events in good standing with the City will receive first priority on rental/lease dates. Any tourism based tournaments/events will have first priority through the PCBCVB.

Private Rentals

Private rentals are defined as birthday parties, family reunions, weddings, etc. Some activities may change your status from Private Rental to Community/Special Event. Please consult the Facilities and Special Events Coordinator before adding an activity that may change your status (i.e. amusements, parades).

Schools

Any school activity/event that takes place in/on P.C.B. Parks/Facilities must have a contract with the Parks & Recreation Department and insurance naming the City of Panama City Beach as additional insured to cover participants on the approved dates. Please see Insurance requirements.

Refunds

All Refunds & Date/Facility Changes to Reservations will be charged a $25.00 Administrative Fee.
Contracts

An Event Request Form must be completed first for approval. If event is approved by the City Manager or staff depending on the event, a contract will be provided to the event holder and must be completed and submitted back to the P.C.B. Parks & Recreation Department no later than 21 days after receiving the contract. Submitted contracts are not considered confirmed until all contract information, signatures and deposits are provided. Exception: Picnic Pavilion, Building & Daily Field Reservations must sign contract and pay rental and deposit (if required) at time of the rental.

Note: All contracts must be processed through the P.C.B. Parks & Recreation Department. Any contracts not processed through the P.C.B. Parks & Recreation Department will be deemed invalid and will not be honored. You must return your completed contract(s) to the Facilities & Special Events Coordinator at:

Frank Brown Park
Attention: Facilities & Special Events Coordinator
16200 Panama City Beach Pkwy
Panama City Beach, FL 32413

Set-up/ Take-down Date(s)

Set-up and take-down should be done during the term of the lease. If there are any unscheduled set-up or clean-up date(s) the Events Rights Holder will be charged a per day rental fee. Please see user fee sheet.

Event Director

Event Director/ designee must be on site during set-up, event, and take-down of event/activity. Event Director/ designee must be available to Parks & Recreation staff as well as the public for information.

On-site Equipment, Storage & Deliveries

Any and all deliveries made to Park property should be made to event site. Our department is not able to store equipment or supplies prior to and after each event. If for any reason items are left on site, the Event Rights Holder will be charged a per day rental fee. Please see user fee sheet. Rooms are available for rent to store equipment if needed. You must pre-arrange this with Facilities & Special Event Coordinator and provide your own staffing for the moving of equipment that is shipped.

Scoreboards/ Timing Equipment

Scoreboard use is included in the lease for the Baseball/Softball tournaments. Scoreboards and timing equipment must be operated by a responsible adult. Any damage to equipment will be the sole responsibility of the Event Director. The use of the timing equipment for the Pool is managed by PCST Club Swim Team.

Neighborhood Parks (Maggie Still Park & Scott’s Field)

These parks are not leased or reserved for any events. These parks are open to the public for daily use.
Rules

All participants must abide by park and facility rules; respect the facility, staff and park patrons. Any and all damages to property will be the responsibility of the Leasee. Should problems arise with any group, the City of P.C.B. Parks & Recreation Department reserves the right to refuse service.

Reservation Fees - Club Sport Rentals

Reservation Fees must be paid at time of reservation; fields will not be scheduled until payment is received. If reservation is cancelled for any reason the Reservation Fee will be forfeited. A minimum of three (3) Full Business Days is required to reschedule a practice. A $5.00 Rebooking Fee will be applied to the rescheduled date. If a request to cancel or reschedule is made within the minimum three (3) Business Days an Administrative Fee of $25.00 will be applied. Should it be brought to our attention that a game/practice was canceled without notifying us, a No-Show Fee of $25.00 (covering staff time, chalk/materials, lights, etc.) will be applied per occurrence to the next agreement; Club will not be in good standing with City until fee is paid.

Reservation Fees - Facility Rentals

Reservation Fees must be paid at the time of reservation. If reservation is cancelled for any reason the Reservation Fee will be forfeited. Some facility/event rentals require upfront payments for the entire rental at the time of booking to secure the dates.

Reservation Security Deposits – Special Events

Reservation Security Deposits must be paid at the time of reservation. If reservation is cancelled for any reason the Reservation Security Deposit Fee will be forfeited. In most cases Reservation Security Deposits will be applied to the fees of the event.

Damage and After Hours Deposit - Building Rentals

A $200.00 Cash Deposit will be provided to the Parks & Recreation Office a minimum of 14 days in advanced. The Cash Deposit less damages/after hour fee will be given back to customer on 3rd business day after event. Out of Town deposits by check need to be processed by check or credit card a minimum of 21 days prior to event.

Fees

All rental fees (cash or credit card) must be paid a minimum of 14 business days in advance. To pay with check, payments must be made a minimum of 21 days prior to rental. In the event that fees are not paid in full by the deadline, the reservation will be cancelled and the deposit will be forfeited. The deadline for any fees that have accrued during the term is 30 days from the last day of the lease term. If accrued fees have not been paid by the end of the 30 days, the Event Rights Holder will no longer be considered in good standing with the City. The City may then void any future contracts on file and will not process any new reservations or contracts. When Event Rights Holder is back in good standing with the City, the City now has the right to require double the deposit for any future reservations.
Concessions (Food & Beverage)

- Concessions for all Sporting Events at Frank Brown Park to be provided by the City contracted concessionaire.
- Concessions for Special Events located at Aaron Bessant Park and Frank Brown Park Festival Site may be provided by Event Rights Holder. All concessionaires must have all the appropriate licenses/permits and pass inspection through the Health Department. **Note:** Any food being served with a shell needs to be pre-approved and additional clean up to be provided by concessionaire. (Example: peel and eat shrimp, peanuts).

Tents

Any tents placed on Park property must have prior approval from Park staff. Any tent larger than 10' x 10' will need a permit and fee through the PCB Planning/Building Department as well as inspection by the PCB Fire Department. Utility locates must be coordinated through the Parks & Recreation Department for tents that have stakes longer than 6 inches.

Inclement Weather

The Panama City Beach Parks & Recreation Department will work very close with the Event Director. In the case of inclement weather the final decision of cancelling an event will be the Event Director’s decision—unless otherwise deemed unsafe by the City Manager, Parks & Recreation Director or designee.

**Note:** Due to uncontrollable weather situations, The City of Panama City Beach Parks and Recreation Department will work with the Event Director based on staff costs, hourly rates and security deposits.

Community Activities/Events

To be considered a Community Activity/Event an organization must meet all of the following criteria.

1. Must be a non-profit and tax exempt organization.
2. Event is not a gated and/or ticketed event.
3. Event is open to the public.
4. Alcohol is not involved.
5. There will be no items for sale.

Special/Commercial Events

An event is considered a Special or Commercial Event if any of the following is part of the event:

1. Hosting organization does not hold tax exempt and non-profit status.
2. The event is gated/ticketed.
3. The event is providing Alcohol.
4. Vendors offering sales.

Security

Security may be required for any event on City property. This is the sole discretion of the Panama City Beach Police Department and Parks & Recreation staff. Security personnel must be licensed and insured. In the event security is requested for an event/activity by City staff and Event Rights Holder is unable to secure personnel, the event may be cancelled.
Schedules, Field Set-up & Per Day Usage Fees

All Tournament and Swim Meet Directors must have final schedules to the Athletic or Aquatics Department a minimum of 3 business days in advance. Tournament Directors must provide (in writing) the set-up request a minimum of 3 business days in advance and 5 business days for any type of rectangular fields.

Daily Field Maintenance and Field Prep Costs for Baseball and Softball Games is included in the costs. Field Prep Cost/Set Up per field/Pool is required before each tournament, swim meet or event.

When reserving fields, Tournament Director’s must reserve each site and pay for a minimum of 12 hours for June, July and 1st week of August and a minimum of 4 hours per site for all other days.

Field Sites: North Complex 5 fields, South Complex 4 fields, Soccer Fields 3, Festival Site Fields 2 or 3 and Aaron Bessant Fields 2 or 3.

Staff will have fields prepared for first game of the day (by 8 am). For all activities at Frank Brown Park, the Parks hours are from 7am to 11pm. However, for games running behind, event holders need to understand that lights for all fields will be turned off and closed at 1:00am. Aaron Bessant Park Sports Events park hours will be from 7am to Sundown.

Vendors

All vendors must be approved by Event Director and be in good standing with the City. Vendors must set-up in pre-approved locations, have a vendor permit, and pay 1% sales tax to the City of Panama City Beach. Permits for Special Events to be obtained through the PCB Building/Planning Dept.

Tournament Vendors: $30 fee per day (This is a per day set-up fee for the vendor). There are no discounts, waiving of fees, refunds, or rain checks. All fees will be billed to Tournament Director. Food and beverage may only be provided by the P.C.B. Parks & Recreation Department concessionaire. Permits for Athletic Events can be obtained through the Facilities & Special Events Coordinator at the Parks and Recreation Dept.

Alcohol

Alcohol is prohibited in Panama City Beach Parks & Facilities with the following exceptions:

Leasee may request approval for alcohol by completing an Alcohol Addendum, paying a $25 Administrative Processing Fee and receiving City Manager approval for the following facilities: Frank Brown Park Festival Site, Athletic Fields, Aaron Bessant Park, Frank Brown Park Community Center & Lyndell Conference Center.

If City Manager approval is granted, leasee must secure a temporary alcohol permit or work through an approved licensed caterer/vendor as well as provide insurance for the event/activity. *Insurance Requirement for Alcohol: Caterer must carry a minimum of $1,000,000.00 Liability and $3,000,000.00 Aggregate and must include alcohol liability on the insurance certificate naming the City of Panama City Beach as additional insured.

Event Information

Each event/activity must furnish the Parks & Recreation Department with flyer/poster, event schedule, public information number and website.
Insurance

Insurance is required for all activities/events. A minimum of $1,000,000.00 Liability and $3,000,000.00 Aggregate is required for any and all Sporting and Commercial/Ticketed Events. A minimum of $1,000,000.00 Liability and $2,000,000.00 Aggregate is required for any and all Community Activities. Certificate of insurance must list the City of Panama City Beach as additional insured and list the event site by name and address. Insurance Certificate must be specific/detailed and must be provided to the P.C.B. Parks & Recreation Department a minimum of 14 business days before lessee takes possession of the site/facility. Note: Sporting events involving children may require $2,000,000 Liability and $3,000,000.00 Aggregate as many insurance companies do not provide 1 million/3 million. Insurance must cover the entire term of lease (including set-up and take-down dates). Exceptions can be made by approval from City Manager.

Insurance Program Process & Risk Management Administration Fee

Insurance naming the City of Panama City Beach as additional insured is required for all events. To help the event Director to make sure the proper amount of insurance is in place, an Insurance Program Process and Risk Management Administration fee has been established.

For a nominal application fee, an independent Insurance consultant will review the event and Insurance policy and provide professional advice to make sure the proper liability and aggregate insurance policies are in place. (Tier 1) is estimated for all events that have less than 5,000 participants and spectators. (Tier 2) is estimated for all events over 5,000 participants and spectators. (Tier 3) is estimated for events that are unusual types of events with higher exposure of potential insurance claims. These fees are subject to change.

Insurance Program & Risk Management Fee is required for all activities and events. No Exceptions.

Tier 1 Risk Management Fee - $35.00
Tier 2 Risk Management Fee - $55.00
Tier 3 Risk Management Fee - $75.00

Penalty Fees for Special Events & Sporting Events

Non Submittal of Vendor List (3) business days before event-
Late Contract (including Insurance policy)- Less than (14) days prior to event

$20.00 per vendor in addition to vendor fee
$100.00 per agreement in addition to rental fee
### Lyndell Conference Center

Note: Leasee does not have sole use of facility (including kitchen) unless entire facility is leased. Parks & Recreation Department may lease any unrented space to another user/group.

<table>
<thead>
<tr>
<th>Description</th>
<th>Events will be staffed with one City employee. (Costs include Kitchen)</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Meeting Room:</strong> Reservation Fee goes towards holding Date/Set-up/Clean-up/Staff</td>
<td></td>
<td></td>
</tr>
<tr>
<td>It is Required on Fri, Sat &amp; Sun to use the Meeting Room you must reserve the Ballroom.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meeting Room- (Holiday add $20 hr)- Fees paid upfront (Mon-Thu after 4pm Only)</td>
<td>$35.00–$40.00</td>
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</tr>
<tr>
<td>Reservation Fee - Fees to be paid upfront at time of rental</td>
<td>$50.00</td>
<td></td>
</tr>
<tr>
<td>Tax Exempt Groups-Hourly (Tax-Exempt Groups with Certificate on file) - Holiday add $20 hr</td>
<td>$20.00 $25.00</td>
<td></td>
</tr>
<tr>
<td><strong>Ballroom:</strong> (Reservation Fee goes towards holding Date/Set-up/Clean-up/Staff)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>It is required to have a minimum of 3 hour rental for the Ballroom</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ballroom- Hourly (Holiday add $20 per hr to Rate)- Fees to be paid 5 days prior of rental</td>
<td>$60.00 $70.00</td>
<td></td>
</tr>
<tr>
<td>Reservation Fee - Fees to be paid upfront at time of rental</td>
<td>$200.00</td>
<td></td>
</tr>
<tr>
<td>Tax Exempt Groups-Hourly (Tax-Exempt Groups with Certificate on file) - Holiday add $20 hr</td>
<td>$40.00 $50.00</td>
<td></td>
</tr>
<tr>
<td>Day Before Set Up- 12-4pm Block $100/and or 4-8pm Block $250 – Additional add $60 hr</td>
<td>$100/$250</td>
<td></td>
</tr>
<tr>
<td>Day After- Renter Break Down if facility available - Holiday add $20 per hr</td>
<td>$20.00 $30.00</td>
<td></td>
</tr>
</tbody>
</table>

| **Ballroom & Meeting Room:** (Reservation Fee goes towards holding Date/Set-up/Clean-up/Staff) | | |
| It is required to have a minimum of 3 hr rental for Ballroom/Meeting Room | | |
| Ballroom & Meeting Room-Hourly (Holiday add $20 per hr) - Fees to be paid 5 days prior to rental | $80.00 $90.00 |
| Reservation Fee - Fees to be paid upfront at time of rental | $250.00 |
| Tax Exempt Groups-Hourly (Tax-Exempt Groups with Certificate on file) - Holiday add $20 hr | $50.00 $60.00 |
| Day Before Set Up- 12-4pm Block $100 and or 4-8pm Block $250 – Additional add $60 hr | $100/$250 |
| Day After- Renter Break Down if facility available – Holiday add $20 per hr | $20.00 $30.00 |

### Lyndell Conference Center Other Fees:

| Alcohol Addendum (In reference to page 4) | $25.00 |
| Senior Center Co-op- Not to exceed 8hrs per day use. After 8hrs add $20 per hr | $100.00 $120.00 |

### Community Center- Frank Brown Park

<table>
<thead>
<tr>
<th>Description</th>
<th>Events will be staffed with one City employee. (Costs include Kitchen)</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Classroom:</strong> (Reservation Fee goes towards holding Date/Set-up/Clean-up/Staff)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Classroom- Hourly (Holiday add $20 per hr to Rate)- Fees to be paid upfront</td>
<td>$35.00–$40.00</td>
<td></td>
</tr>
<tr>
<td>Reservation Fee - Fees to be paid upfront at time of rental</td>
<td>$50.00</td>
<td></td>
</tr>
<tr>
<td>Tax Exempt Groups-Hourly (Tax-Exempt Groups with Certificate on file) - Holiday add $20 hr</td>
<td>$20.00 $25.00</td>
<td></td>
</tr>
<tr>
<td><strong>Gymnasium:</strong> (Reservation Fee goes towards holding Date/Set-up/Clean-up/Staff)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>It is required to have a minimum of a 3 hour rental for the Gymnasium</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gymnasium- Hourly (Holiday add $20 per hr to Rate)- Fees to be paid 5 days prior of rental</td>
<td>$60.00 $70.00</td>
<td></td>
</tr>
<tr>
<td>Reservation Fee - Fees to be paid upfront at time of rental</td>
<td>$200.00</td>
<td></td>
</tr>
<tr>
<td>Tax Exempt Groups-Hourly (Tax-Exempt Groups with Certificate on file) - Holiday add $20 hr</td>
<td>$40.00 $50.00</td>
<td></td>
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<tr>
<td><strong>Package:</strong> (Reservation Fee goes towards holding Date/Set-up/Clean-up/Staff)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>It is required to have a minimum of a 3 hour rental for the Gymnasium &amp; Classroom</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gymnasium &amp; Classroom-Hourly (Holiday add $20/hr) - Fees to be paid 5 days prior to rental</td>
<td>$80.00 $90.00</td>
<td></td>
</tr>
<tr>
<td>Reservation Fee - Fees to be paid upfront at time of rental</td>
<td>$250.00</td>
<td></td>
</tr>
<tr>
<td>Tax Exempt Groups-Hourly (Tax-Exempt Groups with Certificate on file) - Holiday add $20 hr</td>
<td>$50.00 $60.00</td>
<td></td>
</tr>
</tbody>
</table>

### Miscellaneous Fees:

| Sound System or Portable Score Clock- Daily | $50.00 |
| AFTER HOURS FEE - If staff is forced to stay longer than event is scheduled- Per ½ hr Plus Tax | $100.00 |
| Table Cloth Rental – For Rectangle & Round Tables (Only in White) (Includes Hooks) | $10.00 Each |
| Table Skirt Rental - 14 Foot Skirt – (Only in White) (15 skirts available) (Includes Hooks) | $30.00 Each |
| Deposit Fee – All Rentals must provide Cash Deposit 14 days prior to event - Damage/After hrs | $200.00 |
Pavilion

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pavilion Rental: Fees to be paid up front at time of rental plus 6.5% tax.</td>
<td></td>
</tr>
<tr>
<td>Non Refundable</td>
<td></td>
</tr>
<tr>
<td>Playground Pavilion- Half Day- Frank Brown Park (10-2 p.m. / 3-7 p.m.)</td>
<td>$50.00</td>
</tr>
<tr>
<td></td>
<td>$60.00</td>
</tr>
<tr>
<td>Playground Pavilion- Full Day- Frank Brown Park (10-7 p.m.)</td>
<td>$100.00</td>
</tr>
<tr>
<td></td>
<td>$110.00</td>
</tr>
<tr>
<td>Lakeside Pavilion- Half Day- Frank Brown Park (10-2 p.m. / 3-7 p.m.)</td>
<td>$50.00</td>
</tr>
<tr>
<td></td>
<td>$60.00</td>
</tr>
<tr>
<td>Lakeside Pavilion- Full Day- Frank Brown Park (10-7 p.m.)</td>
<td>$100.00</td>
</tr>
<tr>
<td></td>
<td>$110.00</td>
</tr>
<tr>
<td>Pavilion – Half Day Conservation Park (Sun Up to Noon or Noon to Sun Down)</td>
<td>$60.00</td>
</tr>
<tr>
<td>Pavilion- Full Day- Conservation Park (Sun Up to Sun Down)</td>
<td>$100.00</td>
</tr>
<tr>
<td></td>
<td>$110.00</td>
</tr>
<tr>
<td>Outdoor Classroom-1/2 Day Conservation Park (Sun Up to Noon/Noon to Sun Down)</td>
<td>$60.00</td>
</tr>
<tr>
<td>Outdoor Classroom – Full Day Conservation Park (Sun Up to Sun Down)</td>
<td>$100.00</td>
</tr>
<tr>
<td></td>
<td>$110.00</td>
</tr>
<tr>
<td>Staff Walking Tour – Per Hour Rate If Staff available</td>
<td>$30.00 per hr</td>
</tr>
<tr>
<td>Staff Wagon Tour - Per Hour Rate If Staff available</td>
<td>$50.00 per hr</td>
</tr>
<tr>
<td>School Discount to Pavilion/Classroom Rentals – Deduct $30.00 from Rental</td>
<td>-$30.00</td>
</tr>
<tr>
<td>Schools &amp; Non Profits are Tax Exempt – (Must provide Tax Exempt Form)</td>
<td></td>
</tr>
</tbody>
</table>

Pier & Beach

*Tax is included in rate

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daily Admission: (Age 7 and Under is Free)</td>
<td></td>
</tr>
<tr>
<td>Spectator</td>
<td>$3.00*</td>
</tr>
<tr>
<td>Fishing</td>
<td>$6.00* $7.00*</td>
</tr>
<tr>
<td>Disabled, Active Military &amp; Senior Rate- Includes Fishing</td>
<td>$3.00*</td>
</tr>
<tr>
<td>Additional Rod (After 5 Poles)</td>
<td>$2.00*</td>
</tr>
<tr>
<td>Passes: (All passes to be purchased at Parks and Recreation Dept)</td>
<td></td>
</tr>
<tr>
<td>20 Visit Spectator Only Pass</td>
<td>$60.00* $40.00*</td>
</tr>
<tr>
<td>20 Visit Fishing Pass</td>
<td>$60.00* $80.00*</td>
</tr>
<tr>
<td>3 Month Spectator Pass</td>
<td>$60.00* $40.00*</td>
</tr>
<tr>
<td>3 Month Fishing Pass</td>
<td>$60.00* $80.00*</td>
</tr>
<tr>
<td>Annual Spectator Pass</td>
<td>$90.00*</td>
</tr>
<tr>
<td>Annual Fishing Pass</td>
<td>$90.00* $120.00*</td>
</tr>
<tr>
<td>Disabled, Active/Retired Military &amp; Senior Pass</td>
<td>50% Discount*</td>
</tr>
<tr>
<td>Beach Volleyball-6.5% Tax is not included in rental</td>
<td></td>
</tr>
<tr>
<td>Courts- First Come First Serve Basis</td>
<td>Free</td>
</tr>
<tr>
<td>Daily Club/Private Rental(Must provide Insurance) (Follow Club Sport Fees)</td>
<td></td>
</tr>
<tr>
<td>Daily Tournament Rental of All 11 Courts (Must Provide Insurance)</td>
<td>$50.00-$100.00</td>
</tr>
<tr>
<td>Daily Tournament Rental-5 or less Courts (Must Provide Insurance)</td>
<td>$75.00</td>
</tr>
<tr>
<td>Court Prep (Lines &amp; Net- per court)</td>
<td>$20.00-$25.00</td>
</tr>
</tbody>
</table>

**PCB Special Event Fees**

**These fees are paid through the PCB Building/Planning Department as part of the Special Event process.**

Please visit [www.PCBGOV.com](http://www.PCBGOV.com) for details
### Event Sites

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Festival Site- Frank Brown Park:</strong> (Additional Charges may apply)</td>
<td></td>
</tr>
<tr>
<td>Event Rent- Per Day (Fees to be paid 14 days prior of rental)</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>Event Rent- Per Day - Non Profit/Tax Exempt (Does not include Staff for event)</td>
<td>$500.00</td>
</tr>
<tr>
<td>Set-up/ Break-down Per Day Rent (Fees to be paid 14 days prior of rental)</td>
<td>$500.00</td>
</tr>
<tr>
<td>Unscheduled Set-up/Break-down - Per day Rent (Plus staffing costs)</td>
<td>$750.00</td>
</tr>
<tr>
<td>Reservation Deposit - 1,000 people or less (Deposit applied to the rental)</td>
<td>$500.00</td>
</tr>
<tr>
<td>Reservation Deposit - 1,000 people or more (Deposit applied to the rental)</td>
<td>$1,000.00</td>
</tr>
<tr>
<td><strong>Aaron Bessant Park Amphitheater:</strong> Fees to be paid 14 days prior of rental</td>
<td></td>
</tr>
<tr>
<td>Event Rent Per Day - Includes 10hrs Special Event Restrooms. After add $40/hr</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Event Rent Per Day - Non-Profit/Tax Exempt (Event Restrooms; same as above)</td>
<td>$500.00</td>
</tr>
<tr>
<td>Set-up/Break-down Per Day Rent - (Fees to be paid 14 days prior of rental)</td>
<td>$500.00</td>
</tr>
<tr>
<td>Special Event Restrooms - Includes Staff/Clean. After 10hrs-$40 per hr</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Unscheduled Set-up/Break-down - Per day Rent (Plus staffing costs)</td>
<td>$750.00</td>
</tr>
<tr>
<td>Reservation Deposit - 1,000 people or less (Deposit applied to the rental)</td>
<td>$500.00</td>
</tr>
<tr>
<td>Reservation Deposit - 1,000 people or more (Deposit applied to the rental)</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Office - Per Day Fee (For Event Holders only)</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

**Miscellaneous Fees:**

- Facility Fee - Aaron Bessant Park - Less than $50 ticket price: $1.00 Per Ticket
- Facility Fee - Aaron Bessant Park - $50 or more ticket price: $2.00 Per Ticket
- Additional Maintenance - Hourly Per Staff (May require 2 staff): $20.00
- Trash Disposal/ Dumpster Fee (if we provide disposal) - per dump: $350.00
- Grounds Sweeper w/ Operator (Costs vary depending on event): Starts at $50.00/hr
- 32' Scissor Lift w/ Operator (Costs vary depending on event): Starts at $50.00/hr
- Sound/ Light Equipment Rental (Costs vary depending on event): Starts at $50.00/hr
- Table Rental: $4.00
- Chair Rental: $1.00
- Bleacher Per Day - Frank Brown Park Only - No Off Site Available: $50.00
- Clay Parking Lot – Parking per day with insurance: $100.00
- Clay Parking Lot – For Events/Activities – Per Day: $500.00
- Staging (16’ x 16’) Per Approval & Availability – Per Day: $250.00

**Trails – (Trails Open at Sun Up and Close at Sun Down)**

- Gayle's Trails (Includes Staff 5k Race Prep. For 10k+ add $30): $150.00
- Conservation Park Trails (Includes Staff 5k Race Prep. For 10k+ add $30): $200.00

**Race Package:**
- Signs, Cones, Water Jugs, Table, 2 Chairs, Trash Cans - Value = $300
- Trash clean up fee – After Event: $100.00
- Damage Assessment – After Event: $300 or portion there of
# Athletic Facilities

**Description:** Frank Brown Park Opens at 7am & Closes at 11pm

## Softball/Baseball/Soccer/Multi-Purpose Fields:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>For games going after park hours, fields/lights will shut down at 1am, No Exceptions! There are No Overtime Fees for Tournament Rates. All hourly per field rates include Field Maintenance after each game if needed.</td>
<td>Fees do not include 6.5% Tax</td>
</tr>
</tbody>
</table>

### Hourly Rental

Prices do not include Lights (No Insurance) - **Holiday Rates Double**

<table>
<thead>
<tr>
<th>Field Prep - Per Game Per Field</th>
<th>Field Prep - Per Field Goals, Equipment/Set-up (Soccer/ Lacrosse/ Football)</th>
<th>Field Prep - 3V3 Fields Per Field; Goals, Equipment/Set-up -(Soccer/ Lacrosse)</th>
<th>Tournament Rates - (Must Rent all fields at chosen site)</th>
<th><strong>Reservation Security Deposit</strong> — Per Field Per Day (Deposit is due at time of rental &amp; will go towards final costs of tournament). Min of $25 per day per field to hold fields</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Holiday Rates Double</strong></td>
<td><strong>$10.00 hr $13.00 hr</strong></td>
<td><strong>$10.00 hr $15.00 hr</strong></td>
<td><strong>$10.00 hr $13.00 hr</strong></td>
<td><strong>$25.00</strong></td>
</tr>
</tbody>
</table>

### Tournament Rates

**Based on 12 hours per day:** After 12 hr minimum, rates are per field per hour.

<table>
<thead>
<tr>
<th>North Complex (5) Fields= $780 x 6 days= $4,680</th>
<th>South Complex (4) Fields = $624 x 6 days= $3,744</th>
<th>Both Complexes (9) fields= $1404 x 6= $8,424</th>
<th>Festival Fields (3)= $648; Aaron Bessant (3) Fields=$648; Soccer Fields (3)=$648</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reservation Security Deposit</strong> — Per Field Per Day (Deposit is due at time of rental &amp; will go towards final costs of tournament). Min of $25 per day per field to hold fields</td>
<td><strong>$25.00</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Tennis, Pickleball & Outside Basketball Courts -

**All Day (7am-11pm)** Includes lights on Basketball & Tennis Courts

<table>
<thead>
<tr>
<th>Tennis, Basketball &amp; Pickleball Courts - First Come First Serve</th>
<th>Tennis Courts (4), Basketball Courts (2), Pickleball Courts (2) — per facility/location</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Free</strong></td>
<td><strong>$200.00</strong></td>
</tr>
</tbody>
</table>

### Club Sports, Schools, Fitness Clubs, For Profit — Must Provide Insurance

<table>
<thead>
<tr>
<th>Fees to be paid up front at time of rental</th>
<th><strong>$10.00 hr $13.00 hr</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Daily Rental (Does not include field prep or lights)</td>
<td><strong>$10.00 hr $13.00 hr</strong></td>
</tr>
<tr>
<td>Long Term Rental Fee - (Not Available for Profit Groups) Must pay for 20 hrs up front at $7 per hour/Practice (Includes Lights)</td>
<td><strong>$5.00 hr $7.00 hr</strong></td>
</tr>
<tr>
<td>Reservations must be made in advance and include all dates for season/session Not available for the months of June, July and first two weeks of August.</td>
<td><strong>$25.00</strong></td>
</tr>
<tr>
<td>Field Prep — Moving of Bases</td>
<td><strong>$30.00</strong></td>
</tr>
<tr>
<td>Field Prep — Moving of Pitching Mound</td>
<td><strong>$20.00</strong></td>
</tr>
<tr>
<td>Field Prep — Chalking of Field</td>
<td><strong>$20.00</strong></td>
</tr>
</tbody>
</table>

### Miscellaneous Fees:

**Lights per field per hour** - This includes Batting Cages when fields not being used

<table>
<thead>
<tr>
<th>Vendor Fee – Per Vendor paid by Tournament Director</th>
<th>North Press Box – For set up/clean up and use for the day</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>$25 $30 per day</strong></td>
<td><strong>$100.00 per day</strong></td>
</tr>
</tbody>
</table>

**Quick Dry** - Per Bag - For Frank Brown Park Only. Includes labor

**$12.00 $13.00**
# Pool Fees

Tax is included in all pool rates

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Daily Admission: (Under 1 year old are free)</strong></td>
<td></td>
</tr>
<tr>
<td>Open Swim Sessions (All Ages)</td>
<td>$5.00</td>
</tr>
<tr>
<td>Lap Swim &amp; Modified Open Swim—(All Ages) (Discounts apply below)</td>
<td>$8.00</td>
</tr>
<tr>
<td>Active/Retired Military</td>
<td>$5.00</td>
</tr>
<tr>
<td>Senior (65+ years)</td>
<td>$5.00</td>
</tr>
<tr>
<td>Toddler Play Time/Kiddie Pool pm hrs (Designated swim days/times) Per Person</td>
<td>$3.00</td>
</tr>
<tr>
<td>Water Aerobics</td>
<td>$3.00</td>
</tr>
<tr>
<td>Groups 20 or more (Churches/Schools/Civic Groups/Teams- With Contract/Reservations)</td>
<td>$4.00</td>
</tr>
<tr>
<td>Non Swimmer Gate Fee (with paid admission of others)</td>
<td>$2.00</td>
</tr>
<tr>
<td>Guest Shower Use</td>
<td>$5.00</td>
</tr>
<tr>
<td><strong>Passes:</strong></td>
<td></td>
</tr>
<tr>
<td>20 Visit (Transferable- each person 1 visit)</td>
<td>$80.00</td>
</tr>
<tr>
<td>10 Visit Pass (Transferable- each person 1 visit)</td>
<td>$40.00</td>
</tr>
<tr>
<td>Individual- Annual</td>
<td></td>
</tr>
<tr>
<td>Individual Annual- (Active/Retired Military &amp; Senior 65+)</td>
<td></td>
</tr>
<tr>
<td>Family Annual (5 Person Max- Must be in same household)</td>
<td></td>
</tr>
<tr>
<td>Family Annual- (Additional Member)</td>
<td></td>
</tr>
<tr>
<td>Summer Individual Pass-(Jun-Sept Open Swim/Toddler/Kiddie Pool Swim/Aerobics)</td>
<td></td>
</tr>
<tr>
<td>Summer Family Pass-(5 max)(May-Sep Open Swim/Toddler/Kiddie Pool H20 Aerobics)</td>
<td></td>
</tr>
<tr>
<td>Mid-Summer Individual Pass - (Aug-Sept Open Swim/Toddler/Kiddie Pool/Aerobics)</td>
<td></td>
</tr>
<tr>
<td>Mid-Summer Family Pass-(5 max)(Aug-Sep Open Swim/Toddler/Kiddie Pool/Aerobics)</td>
<td></td>
</tr>
<tr>
<td><strong>Classroom:</strong></td>
<td></td>
</tr>
<tr>
<td>Classroom- Hourly</td>
<td>$35.00- $40.00</td>
</tr>
<tr>
<td>Classroom- Daily</td>
<td>$150.00</td>
</tr>
<tr>
<td><strong>Miscellaneous Fees:</strong></td>
<td></td>
</tr>
<tr>
<td>Scuba Diving (Contract- Certified Instructor 11am- 4pm)</td>
<td>$16.00 Per Diver</td>
</tr>
<tr>
<td>Gazebo ½ Day Rental – (11:15am-1:30pm or 1:45pm -4pm)</td>
<td>$75.00</td>
</tr>
<tr>
<td>Gazebo Full Day Rental- (11am-4pm Mon-Fri or 11am-4:30pm Sat &amp; Sun)</td>
<td>$150.00</td>
</tr>
</tbody>
</table>
Pool Parties

Tax is included in all pool rates

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Parties – To reserve the entire pool you would be required to rent the Activity Pool &amp; 50 Meter Pool or there is a chance that there could be two private parties at the same time.</td>
<td></td>
</tr>
<tr>
<td>Kiddie Pool Hourly (includes 3 Lifeguards, Big Slide &amp; Clean Up)</td>
<td>$150.00-$160.00</td>
</tr>
<tr>
<td>Big Pool Hourly (Includes 3 guards, Diving Boards, Obstacle &amp; Clean Up)</td>
<td>$250.00-$260.00</td>
</tr>
<tr>
<td>Both Pools Hourly (Includes 6 Guards and all above)</td>
<td>$400.00-$420.00</td>
</tr>
<tr>
<td>Entire Facility Rental All Day (8 hours) Includes 6 Lifeguards</td>
<td>$4,500.00</td>
</tr>
<tr>
<td>Lifeguards- Hourly</td>
<td>$20.00</td>
</tr>
<tr>
<td>Birthday Party Full Day- Includes up to 23 Guest Admissions &amp; Gazebo</td>
<td>$225.00</td>
</tr>
<tr>
<td>Birthday Party ½ Day – Includes up to 23 Guest Admissions &amp; Gazebo</td>
<td>$100.00-$150.00</td>
</tr>
<tr>
<td>Full Day = 11am-4pm Mon-Fri or 11am-4:30pm Sat &amp; Sun</td>
<td></td>
</tr>
<tr>
<td>Half Day = 2hr 15 min Gazebo Rental (11:15am-1:30pm or 1:45pm -4pm)</td>
<td></td>
</tr>
<tr>
<td>(Half Day Rentals are allowed to use the pool for the entire open Swim Session)</td>
<td></td>
</tr>
</tbody>
</table>

Private Party Guard Requirements

<table>
<thead>
<tr>
<th>Activity Pool</th>
<th>No slide</th>
<th>With Slide</th>
</tr>
</thead>
<tbody>
<tr>
<td># of People</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-50</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>51-75</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>75-100</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>50 Meter Pool – Includes Diving Boards</th>
<th>Guards required</th>
</tr>
</thead>
<tbody>
<tr>
<td># of People</td>
<td></td>
</tr>
<tr>
<td>1-50</td>
<td>2</td>
</tr>
<tr>
<td>51-75</td>
<td>3</td>
</tr>
<tr>
<td>75-100</td>
<td>4</td>
</tr>
</tbody>
</table>

Pool Party Packages

Gazebo Rentals & Birthday Parties-
Gazebos are free to use on a first come first serve basis or may be reserved at $75 per day for Half Day Rental or $150 for Full Day Rental. Birthday Party Packages are $150 which includes Gazebo Rental and 23 admissions to the Aquatics Complex. Participants will be provided with 23 tokens for admission. If participants have less than 23 for the party, the extra tokens can be used at a later date. There will be Meal Deals available for an additional charge at the concession stand for Parties.

Private Parties- Saturdays & Sundays 6:00pm-9:00pm. One (1) Hour Minimum. Call 236-2205
Kiddie Pool $150 $160 per hr (Price Includes 3 Lifeguards, Big Slide & Clean Up Fee).
Big Pool $250 $260 per hr (Price Includes 3 Lifeguards, Diving Boards, Obstacle Course & Clean up).
Both Pools $400 $420 per hr (Price Includes 6 Guards & all amenities above).
Additional Guard Fee $20 per hr for groups over 75 people & $40 per hr for groups over 100.
Parties allowed set up 15 min early. Note: Private Parties are Not completely Private unless you reserve both pools. If you only reserve one pool, you may be sharing the facility with another party. All private parties are allowed to come in 15 minutes early to set up.

End of the School Year Parties- Call the Aquatic Center to book your Class Party! Note: School Parties are Not Private Parties unless you reserve both pools. If you only reserve one pool, you may be sharing the facility with another school. Seven lanes in Big Pool are designated to Lap Swimmers. Prices are above.
Swim Meets, Swim Teams, Training & Conferences

Tax is included in all pool rates

<table>
<thead>
<tr>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Swim Meets</strong> - (Half Day Meets are no more than 5 hours). (Full Day Meets are 5 to 15 hours per day). Additional Rates would apply over 15 hours even at the max rate.</td>
</tr>
<tr>
<td>Swim Meets (Short Course up to 20 Lanes) - Half Day 3-9 pm (Max $1,200)</td>
</tr>
<tr>
<td>Swim Meets (Short Course up to 20 Lanes) - Full Day 6:30am-9:30pm (Max $3,000)</td>
</tr>
<tr>
<td>Swim Meet (Long Course - Closed to Public) - 1/2 Day 3-9pm Priced at 8 lanes (Max $1,200)</td>
</tr>
<tr>
<td>Swim Meet (Long Course - Closed to Public) - 1/2 Day 3-9pm Priced at 8 lanes (Max $3,000)</td>
</tr>
<tr>
<td>Large Swim Meets - (Setup/Take Down) Extreme Set Up. Barricades, Bleachers, etc</td>
</tr>
<tr>
<td>Small Swim Meets - (Setup/Take Down) Basic Set Up. Lanes, Tables &amp; Chairs</td>
</tr>
<tr>
<td>Per Swimmer Fee - In addition to rent (All Swim Meets)</td>
</tr>
<tr>
<td>Swim Meet Hospitality Room (Includes Setup and Take Down)</td>
</tr>
<tr>
<td>Swim Meet Rain Policy - No Lane Rental, Only Paying for Facility until Rain Stops</td>
</tr>
</tbody>
</table>

| Swim Practice - Long Course Rate would double - Dependent on normal schedule availability |
| School Swim Practice - Per Day max 6 lanes (2016 & 2017-$5.25) | $5.00 per hr/lane |
| PCST Club Swim Practice - Per lane Per hour fee max 3 hrs/max 14 lanes | $3.50 per hr/lane |
| PCST Club Swim Practice - Long Course Practice - Fee doubles per approved fee | $10/$16 per hr/lane |
| Local Club Swim Team Practice - Long Course Practice - Fee doubles (If Space Available) | $9.00 per hr/lane |
| Visiting Team ($10 Per swimmer 2 practices per day) (Teams also pay $5 per hr per lane) | $10 day/$5 hr lane |
| Visiting Team ($5 Per Swimmer 1 day practice) (Teams also pay $5 per hr per lane) | $6 day/$5 hr lane |
| Holiday Visiting Rate (Min 2hrs - Same info as above - Short Course Only) (City Observed Holidays) | $80.00 per hr |
| Holiday Visiting Rate (Min 2hrs - Same info as above - Short Course Only) (Non-City Observed Holidays) | $150.00 per hr |
| Winter Month Private Rental - Add an additional $40.00 for Pool Set up/Covers | $40.00 |
| Visiting Team - Water Polo - Facility Set Up Fee (Only if Days are available) | $60.00 per day |

| Training & Conferences - Dependent on Pool and classroom availability - Holidays Rates Double |
| Conference/Training - Includes classroom, 8 lanes Short Course - During normal scheduled pool hours | $120.00 per hr |
| Conference/Training - Includes classroom, 8 lanes Short Course - During normal scheduled pool hours | $80.00 Daily |
| Conference/Training - Per Hour Only 8 lanes Short Course - During normal scheduled pool hours | $80.00 per hr |
| Conference/Training Private Rental - Includes 2 Guards, Classroom & Big Pool | $300.00 per hour |
| Classroom Rental - Dependent on daily pool schedule | $40 per hr $150 daily |

Swim Meets, Swim Clubs, Schools, Dive Schools, etc – Contract Information

Must have a finalized contract processed through the Aquatic Center staff and insurance naming the City of Panama City Beach as additional insured. Please see Insurance Requirements.

We also manage a concession stand at the Aquatics Center. For meals to be catered for officials, teams and coaches, please contact the Aquatics Center Staff at 236-2205.

**Proposed to City Council December 1, 2016**

*DRAFT COPY Nov 21, 2016*
<table>
<thead>
<tr>
<th>Code</th>
<th>FY 10</th>
<th>FY 11</th>
<th>FY 12</th>
<th>FY 13</th>
<th>FY 14</th>
<th>FY 15</th>
<th>FY 16 YTD</th>
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**Total: $273,686.94** | **$247,925.36** | **$222,593.21** | **$299,288.70** | **$388,344.82** | **$468,216.73** | **$442,725.63** |

-$25,491.10 down from last year
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