

TOWN OF DAVIE
PLANNING & ZONING DIVISION
6591 ORANGE DRIVE, DAVIE, FLORIDA 33314-3399
PHONE: 954.797.1103, WWW.DAVIE-FL.GOV

**NOTICE OF MEETING
PLANNING & ZONING BOARD
MARCH 11 2020 - 6:30 PM**

Location: Council Chambers, 6591 Orange Drive, Davie, Florida 33314

***** AGENDA*****

1. ROLL CALL
2. APPROVAL OF MINUTES
 - 2.1. February 12, 2020 Meeting Minutes

Documents:

[DRAFT MINUTES 02-12-20.PDF](#)

3. PUBLIC HEARING
Quasi-Judicial

- 3.1. Variance (V19-138) Munnial
4321 Southwest 67th Terrace

Documents:

[V19-138_PLANNING_REPORT.PDF](#)

- 3.2. Variance (V19-180) Discount Tire

Documents:

[V19-180 PLANNING REPORT.PDF](#)

- 3.3. Variance (V19-182) Discount Tire
5800 South University Drive

Documents:

[V19-182 PLANNING REPORT.PDF](#)

4. PUBLIC HEARING

- 4.1. Land Development Code Amendment (ZB-TXT20-030 Medical Marijuana)

Documents:

[ZB-TXT20-023 PLANNING REPORT.PDF](#)

5. OLD BUSINESS
6. NEW BUSINESS

6.1. 2020 Updated Calendar

Documents:

[2020 CALENDAR REVISED.PDF](#)

7. COMMENTS AND/OR SUGGESTIONS

8. ADJOURNMENT

Members of the Town Council may be present

Pursuant to Florida Statute § 286.0105, if a person decides to appeal any decision made by this board, agency, committee, or council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings. For such purpose he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk at 797-1023 at least five business days prior to the meeting to request such accommodations. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8700 (voice) or 1-800-955-8771 (TDD).



TOWN OF DAVIE
PLANNING & ZONING DIVISION

PLANNING AND ZONING BOARD MEETING MINUTES
February 12, 2020

DRAFT

1. ROLL CALL

The meeting was called to order at 6:30 p.m. Board members present were Chair Donna Evans, Vice Chair Tom Jacob, and Lisa Alvarez. David Oakes was absent. Also present were Planning & Zoning Manager David Quigley, Deputy Planning & Zoning Manager David Abramson, Board Attorney Allan Weinthal, and Lorraine Robinson, Board Secretary.

2. APPROVAL OF MINUTES

2.1 December 11, 2019 Meeting Minutes

Motion made by Vice Chair Jacob, seconded by Ms. Alvarez, to approve the December 11, 2019 meeting minutes. In a voice vote, the motion passed 3-0 (with David Oakes absent).

2.2 January 8, 2020 Meeting Minutes

Motion made by Vice Chair Jacob, seconded by Ms. Alvarez, to approve the January 8, 2020 meeting minutes. In a voice vote, the motion passed 3-0 (with David Oakes absent).

3. PUBLIC HEARING

Quasi-Judicial

**3.1 Variance (V19-133) Gleason (Tabled from 1/8/20)
11345 Earnest Boulevard**

Ms. Alicia Lewis, GM Law appeared on behalf of the Applicant and did not waive quasi-judicial proceeding.

Mr. Weinthal stated the item would proceed in quasi and swore in the participants.

Mr. Abramson provided a brief staff report. The variance being requested would allow a 1,440 ft. pre-fabricated detached garage to be placed 12 ft. from the side (west) property line (a 25 ft. side yard setback is normally required).

Mr. Weinthal asked Ms. Lewis if she like opportunity to cross examine and Ms. Lewis responded "no".

Chair Evans asked if there was any review for flooding. Mr. Abramson responded that Engineering reviewed the slopes to ensure they were adequate from the property line to the garage. Ms. Lewis did not want to cross examine.

Mr. Weinthal stated that the PowerPoint presentation would be labeled Exhibit A (PP Presentation).

Ms. Lewis provided a brief description describing the existing home and lot size. She said the property was zoned R-1 and permits for accessory structures. She said the variance request was for reduction of the side setback. She stated that Section 12-81 requires a 25 ft. setback; initially they were asking for a 10 ft. setback and revised it to 12 ft. to allow for drainage after Engineering review. She stated the garage was 1,440 ft. and that the owner wanted to farm and store equipment in

the garage. She added the client provided an affidavit that it would not be used to store commercial vehicles. Ms. Lewis said the neighbors provided letters of no objection.

Mr. Weinthal said that staff was desirous of pointing out a potential inaccuracy on the slide #5. Mr. Quigley said that while the slide states that it is not to scale, it appears they took a neighboring shed parcel image and placed it on the parcel to represent the proposed structure. He said the house from front to back is 67 feet in length and the proposed garage is 60 feet in length. He pointed out the scale was a little off. Ms. Lewis did not have an objection.

Ms. Alvarez asked if the trees were to be removed. Mr. Abramson responded there is a condition of approval in the staff report that if there any trees, that a tree removal permit be obtained prior to any building permits. Ms. Lewis didn't anticipate tree removal was needed but would comply if that changed.

Mr. Weinthal addressed the public stating that quasi was a more formal proceeding; any of them could act as interveners and speak out if they were for or against the item including cross examining staff or Ms. Lewis. None of the public wanted to intervene and therefore closed this portion of the hearing.

Mr. Weinthal said that staff has the right to present a closing argument and opted to not have one. Ms. Lewis did not present a closing argument but said she was available if the committee had any questions.

Mr. Weinthal closed this portion to the public.

Chair Evans said they've had similar requests and rejected them. She has a problem with the size of a 1440 sf. garage. Mr. Weinthal said that every application should be reviewed on its own merits. Chair Evans said she feels that a (2) foot difference in the setback request doesn't warrant a variance and it doesn't present a hardship. Vice Chair Jacob said that the (2) feet was to meet Engineering specifications. Chair Evans said the setback request wasn't consistent with the rural lifestyle that the Town represents.

Vice Chair Jacob said he didn't have a problem with the request as it similar to neighboring structures.

Mr. Weinthal said the staff report would be labeled Exhibit A (Staff Report).

Ms. Lewis said there were other slides showing properties with similar structures. Mr. Weinthal said that it would be up to the Chair to showing the slide but that every request is decided on the merits of the specific variance under the criteria in the Town Ordinance. Chair Evans said it was irrelevant.

Motion made by Vice Chair Jacob to approve V19-133 subject to staff recommendations. Failed due to lack of second.

Motion made by Ms. Alvarez, seconded by Chair Evans (who passed the gavel to Vice Chair Jacob) to deny.

In a roll call vote, the motion passed 2-1 (with Vice Chair Jacobs opposed and David Oakes absent).

Planning and Zoning Board

February 12, 2020

DRAFT

4. OLD BUSINESS – none

5. NEW BUSINESS – none

6. COMMENTS AND/OR SUGGESTIONS – none

7. ADJOURNMENT

Hearing no further business, the meeting was adjourned at 7:46 p.m.

Date Approved: _____

Chair/Board Member



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PLANNING & ZONING DIVISION
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PLANNING REPORT

Project Type Number and Name
Variance V19-138 Munnilal

Application	
Petitioner/Representative	Jonathan Munnilal
Owner	Jonathan Munnilal
Project Planner	David Abramson
Date of Report	03/04/20
Date of Public Participation	N/A
Date of Public Notification	02/26/20
Date of Board Review	03/11/20
Date of Town Council Review	04/01/20

Location/Site	
Folio/Identification Number	50-41-27-10-0160
Address (General Location)	4321 Southwest 67 th Terrace
Nearest North/South Road	Southwest 67 th Terrace
Nearest East/West Road	Orange Drive
Size (Approx. Acres)	12,500 sq. ft. (0.29 Acres)
Existing Use	Single-Family Dwelling
Future Land Use	Residential 3 DU/Acre
Zoning	R-3
Council District	1
Redevelopment Area	N/A
Overlay District	N/A
Design Regulation	N/A
Flexibility Zone	99
Planning Area	8
Right-of-way Acquisition	N/A
Utilities Provider	Town of Davie
Drainage District	Central Broward Water Control District
Nearby Equestrian Trail	N/A
Nearby Recreational Trail	N/A
Nearby Park	N/A
Nearby Bus Route	N/A

Key Points
<ul style="list-style-type: none">• The subject property is approximately 695ft. north of Orange Drive, between Southwest 67th Terrace and Southwest 68th Avenue.• The proposed variance would allow a pool and deck 6'-2" from the rear property line and 14'-8" from the side (north) property line (Town code normally requires a minimum yard requirement of 30'-0" and 15'-0", respectively).



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- The variance would permit the construction of a new swimming pool behind the existing single-family home.
- The property fronts both Southwest 67th Terrace as well as Southwest 68th Avenue and the Town code requires a minimum front yard of 30'-0" from both rights-of-way.
- The applicant provided letters of no-objection from adjacent property owners to the north and south.
- The subject property is not regulated by a Homeowners Association.
- The Development Review Committee has reviewed the request and has no objections.

History

1. Related Zoning Information:
 - a. The Del Mar plat was approved by County Commission in 1946 and then later recorded in Plat Book 22, Page 27.

Analysis

The following Staff analysis (*italic font*) based on the criteria established in the Town of Davie Code of Ordinances, Sec. 12-309(B)(1) for Variance applications.

- a. There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for any person having an interest in the property.
The special circumstance is that the residential lots along the western boundary of the established Del Mar Plat were subject more restrictive yard requirements because of the placement of a right-of-way (Southwest 68th Avenue) through the Town approval of the Marlboro Estates Plat in 1976.
- b. The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.
The variance is not necessary for the reasonable use of the land. The land is already being used as a single-family home.
- c. That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
There is no evidence that granting the variance will be detrimental to the public safety and welfare of the neighborhood.



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Recommendations

Staff finds the application complete and suitable for further review.

Attachments

1. Petitioner Documentation
2. Related Maps
3. Noticing Information

Scope of Work

We are requesting a variance for the property of 4321 SW 67th Ter, Davie, FL 33314. We are asking to reduce the setbacks for a pool and deck ~~on the rear side of our property to 10 feet~~ in which Town of Davie code requires 30 feet.

from the rear property line and 15 feet from the side (north) property line

Thank you!

Sincerely,

Jonathan Munnilal

Property owner

4321 SW 67th Ter, Davie FL 33314

Justification letter

To whom it may concern,

The property in question, 4321 SW 67th Ter, Davie, FL 33314, is currently zoned for a pool and deck setback of a distance of 30 feet. This provision was interpreted due to our property being located from the rear property line and 15 feet from the side (north) property line between two streets. As we submitted plans we were told we had a rear and front setback and now it has been interpreted differently as we submit our pool plans for review. The strict application of the above provisions of the zoning ordinance would result in practical difficulties in addition to unnecessary hardship inconsistent with the general purpose, design and intent of the pool to be built. The current conditions pertaining to this particular piece of property are very strict and create an unnecessary hardship due to the size and shape of what is intended to be built. This hardship is not self-imposed by either myself, Jonathan Munnilal, or my wife, Rashbir Munnilal. The granting of this variance is necessary for the use of land because it would deprive us of its reasonable use and intent as we dreamed of when we purchased our property. The granting of this variance will be in harmony with the general purpose, as neighbors with similar properties have also built pools. Our neighbors have been in agreement with our construction and have no objections. Granting of this variance will in no way diminish the value of our property nor properties in our area.

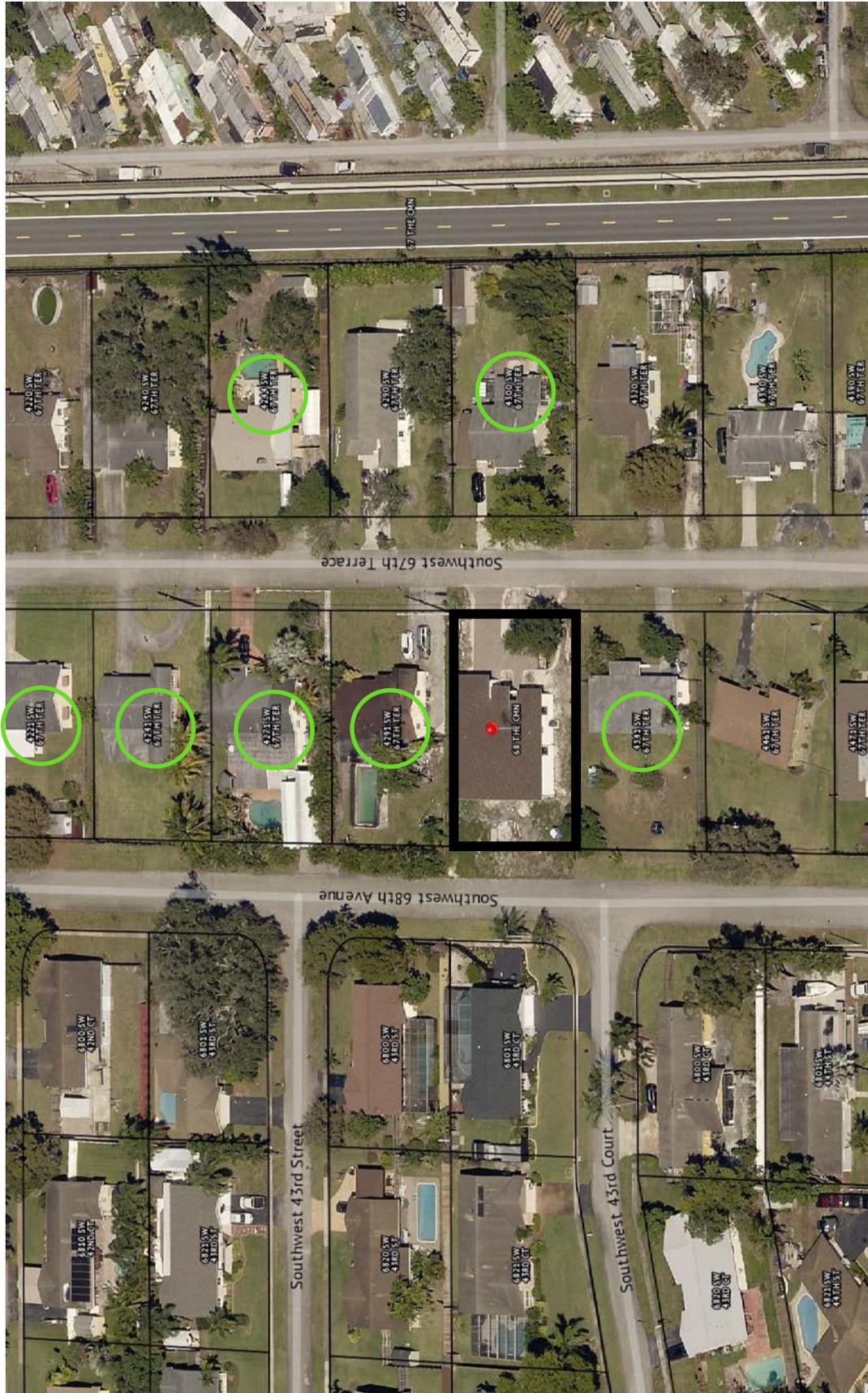
Thank you for taking our application into consideration and I hope to have it reviewed by the Town of Davie.

Sincerely

Jonathan Munnilal

Note: Town staff adjusted this letter on 03/04/20 per the applicant request.

Pictometry Aerial



○ = Property owners the applicant received letters of no objection

July 1, 2019

To whom it may concern,

My name is Erin Reeves, I am and one of Mr. and Mrs. Jonathan Munnial's neighbors. I understand that they have been planning to build a pool in their backyard. I also understand that their permit was denied due to setback requirements. I have seen the Munnial's house being built from ground up and had no objection at that time. After hearing about this setback on their pool plans and reviewing the plans, I am perfectly fine with their plan not meeting the setback requirements and have no objection to this construction. Thank you.

4241 SW 67th Terr.
Davie, FL 33314

Address

Erin Reeves

Print Name

A handwritten signature in blue ink, appearing to read 'Erin Reeves', written over a horizontal line.

Signature

July 1, 2019

To whom it may concern,

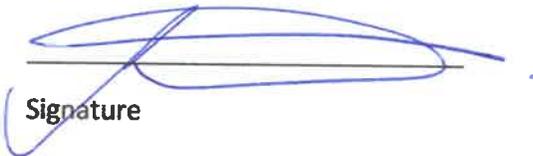
My name is Rafaella Berriel, I am and one of Mr. and Mrs. Jonathan Munnial's neighbors. I understand that they have been planning to build a pool in their backyard. I also understand that their permit was denied due to setback requirements. I have seen the Munnial's house being built from ground up and had no objection at that time. After hearing about this setback on their pool plans and reviewing the plans, I am perfectly fine with their plan not meeting the setback requirements and have no objection to this construction. Thank you.

4300 SW 67th Tr.
Davie, FL 33314

Address

Rafaella G. Berriel

Print Name


Signature

July 1, 2019

To whom it may concern,

My name is Juan Lorenzo, I am and one of Mr. and Mrs. Jonathan Munnial's neighbors. I understand that they have been planning to build a pool in their backyard. I also understand that their permit was denied due to setback requirements. I have seen the Munnial's house being built from ground up and had no objection at that time. After hearing about this setback on their pool plans and reviewing the plans, I am perfectly fine with their plan not meeting the setback requirements and have no objection to this construction. Thank you.

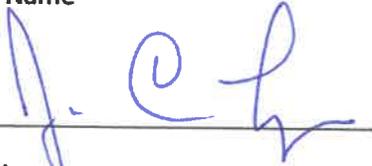
4271 SW 67 Terrace

DAVIE, FL 33314

Address

JUAN C. LORENZO

Print Name



Signature

July 1, 2019

To whom it may concern,

My name is Anna Lewis, I am and one of Mr. and Mrs. Jonathan Munnial's neighbors. I understand that they have been planning to build a pool in their backyard. I also understand that their permit was denied due to setback requirements. I have seen the Munnial's house being built from ground up and had no objection at that time. After hearing about this setback on their pool plans and reviewing the plans, I am perfectly fine with their plan not meeting the setback requirements and have no objection to this construction. Thank you.

4291 Sw 67th ter
Davie FL 33314

Address

Anna Lewis

Print Name

Anna Lewis

Signature

July 1, 2019

To whom it may concern,

My name is Anthony Becker, I am and one of Mr. and Mrs. Jonathan Munnial's neighbors. I understand that they have been planning to build a pool in their backyard. I also understand that their permit was denied due to setback requirements. I have seen the Munnial's house being built from ground up and had no objection at that time. After hearing about this setback on their pool plans and reviewing the plans, I am perfectly fine with their plan not meeting the setback requirements and have no objection to this construction. Thank you.

4244 SW 67th AVE
DAVIE 33314

Address

Anthony Becker

Print Name

Anthony Becker

Signature

July 1, 2019

To whom it may concern,

My name is Sandra Lloyd, I am and one of Mr. and Mrs. Jonathan Munnial's neighbors. I understand that they have been planning to build a pool in their backyard. I also understand that their permit was denied due to setback requirements. I have seen the Munnial's house being built from ground up and had no objection at that time. After hearing about this setback on their pool plans and reviewing the plans, I am perfectly fine with their plan not meeting the setback requirements and have no objection to this construction. Thank you.

4221 SW 67 Terr
Dawie, FL 33314

Address

Sandra Lloyd

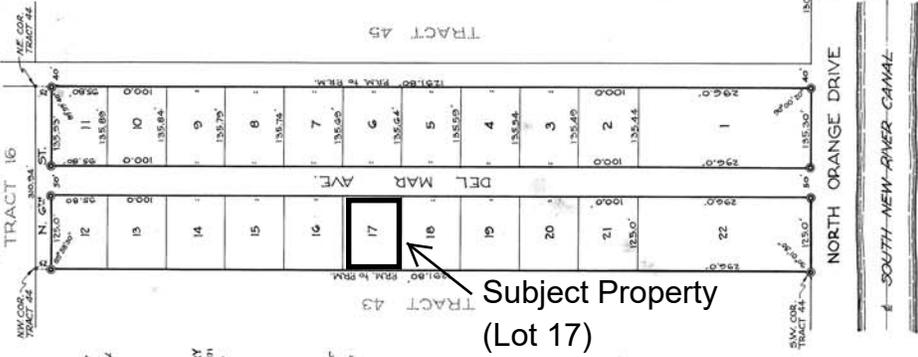
Print Name

S. Lloyd

Signature

DELMAR

BROWARD COUNTY, FLORIDA



SURVEYOR'S CERTIFICATE

I hereby certify that I have this day completed a survey of the above described lands and monuments shown on the attached plat and that said plat is true and correct to the best of my knowledge and belief, and that I am a duly licensed and qualified surveyor of the State of Florida, Broward County, Florida, this 17th day of August, A.D. 1946.

Maurice E. Berry
 MAURICE E. BERRY
 SURVEYOR
 HOLLYWOOD, FLORIDA

DESCRIPTION

Tract 44, of the EVERGLADE LAND SALES CO. SUBDIVISION OF SECTION 27, Township 28 South, Range 34 E of the public records of Dade County, Florida; said lands being located in Broward County, Florida, and containing 10 acres, more or less.

DEDICATION

STATE OF FLORIDA) S.S.
 COUNTY OF BROWARD)
 I, HENNAH W. BOOTH, a widow, is the owner in fee simple of the lands shown and described herein, and has caused said lands to be subdivided into 22 lots in the manner shown hereon and to be known as DELMAR.
 All streets shown on said plat are hereby dedicated to the perpetual use of the public, reserving, however, unto herself, her heirs and assigns, the reversion thereof whenever discontinued by her or her heirs.
 In Witness Whereof, I hereunto set my hand and seal, this 20th day of September, A.D. 1946.

M. E. Berry
 WITNESSES
Hannah W. Booth
 HENNAH W. BOOTH (SEAL)

NOTE

• = Permanent Reference Monument.

COUNTY COMMISSION

This plat was approved and accepted for record by the Board of County Commissioners of Broward County, Florida, this 30th day of September, A.D. 1946.

ATTEST: *John G. Cabot*
 JOHN G. CABOT
 CLERK OF COUNTY COMMISSION
 BY *Richard Vandenberg, Jr.*
 RICHARD VANDENBERG, JR.
 CLERK OF COUNTY COMMISSION
 (SEAL)

CIRCUIT COURT CLERK'S CERTIFICATE

This plat was approved and accepted for record by the Board of County Commissioners of Broward County, Florida, this 30th day of September, A.D. 1946, in plain view of the public records of Broward County, Florida, and in compliance with the provisions of chapter 102725 (102723) Laws of the State of Florida.

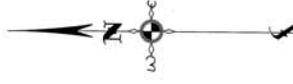
ATTEST: *John G. Cabot*
 JOHN G. CABOT
 CLERK OF CIRCUIT COURT
 BY *Richard Vandenberg, Jr.*
 RICHARD VANDENBERG, JR.
 CLERK OF CIRCUIT COURT
 (SEAL)

ACKNOWLEDGMENT

STATE OF FLORIDA) S.S.
 COUNTY OF BROWARD)
 I, HENNAH W. BOOTH, a widow, being duly sworn, depose and say that on this day personally appeared before me *Hannah W. Booth*, the person whose name is described in and who executed the foregoing plat and instrument of dedication, and that she acknowledged the execution hereof to me in my official capacity as a Notary Public for the County of Broward, Florida, this 20th day of September, A.D. 1946.

Hannah W. Booth
 HENNAH W. BOOTH
 (SEAL)

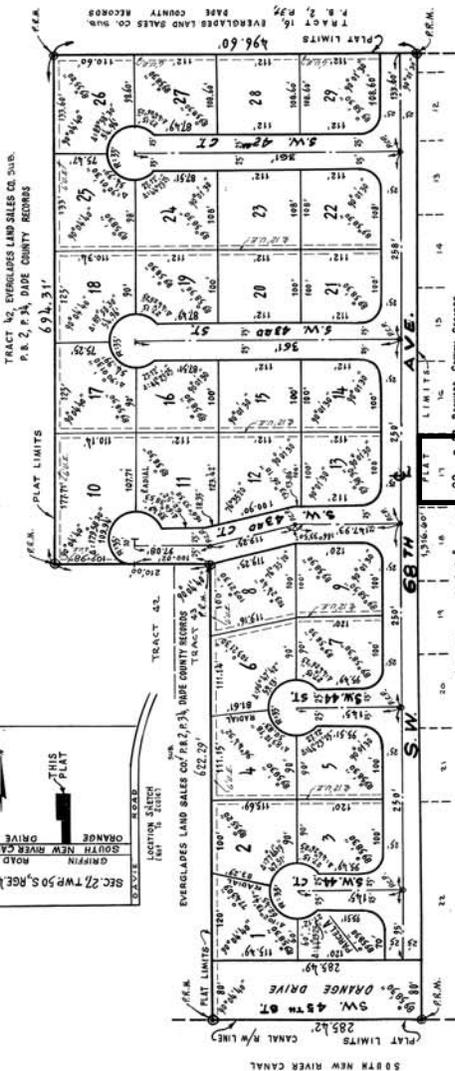
MY COMMISSION EXPIRES... *Sept. 8, 1946*
 (SEAL)



M. E. BERRY
 SURVEYOR
 HOLLYWOOD - BRS
 605 S. 20th Ave.
 HOLLYWOOD, FLORIDA

"MARLBORO ESTATES"

SECTION 27, TWP. 50 S., RGE. 41 E.
TOWN OF DAVIE, BROWARD COUNTY, FLORIDA



Subject Property
(Lot 17)

DESCRIPTION
All of the East 1/2 of Tract 42, and all of Tract 43, EVERGLADES LAND SALES in Section 27, Township 50 South, Range 41 East, according to this Plat thereof, recorded in Plat Book 2, Page 34 of the public records of Dade County, Florida, less the following described portion thereof:
All of those portions of the South 622.78 feet of Tracts 42 and 43, of EVERGLADES LAND SALES COMPANY SUBDIVISION, in Section 27, Township 50 South, Range 41 East, Broward County, Florida, according to the plat thereof, recorded in Plat Book 2, Page 34 of the public records of Dade County, Florida, lying East of and within 210.00 feet of the West line of the East 1/2 of said Tract 42.

DEDICATION
AS KNOW ALL MEN BY THESE PRESENTS: That Herbert Siegel, Eleanor Siegel, his wife, David Siegel, Jeannette Siegel, his wife, Harry Siegel, Shirley Siegel, his wife, Albert Abrams, Sophie Abrams, his wife, as General Partners, and Joan Siegel, Jean Siegel, his wife, Albert Abrams, Sophie Abrams, his wife, as limited partners, Owners of the MARLBORO ESTATES, LTD, a limited partnership, Owners of land described and shown as included in this plat, have caused said lands to be subdivided and platted as shown, said plat to be known as "MARLBORO ESTATES".

IN WITNESS WHEREOF: We, the heretofore set our hands and affixed our seals, this 16th day of January, 1971, in the City of Fort Lauderdale, County of Broward, State of Florida.

WITNESS: *Michael B. Roberts*
WITNESS: *James B. Butler*
WITNESS: *James B. Butler*
WITNESS: *Michael B. Roberts*
WITNESS: *James B. Butler*
WITNESS: *James B. Butler*

ACKNOWLEDGEMENT

STATE OF FLORIDA: I HEREBY CERTIFY: That on this day personally appeared before me, an officer duly authorized by law to administer oaths and take acknowledgments, Herbert Siegel, Eleanor Siegel, his wife, David Siegel, Jeannette Siegel, his wife, Harry Siegel, Shirley Siegel, his wife, Albert Abrams, Sophie Abrams, his wife, as General Partners and Joan Siegel, Jean Siegel, his wife, Albert Abrams, Sophie Abrams, his wife, as limited partners, all of MARLBORO ESTATES, LTD, a limited partnership, to me well known to be the individuals described in, and who acknowledged before me, that they executed the foregoing subdivision, freely and voluntarily for the purposes therein expressed.

WITNESS: My seal and official seal in the City of Fort Lauderdale, County of Broward, State of Florida, this 16th day of January, 1971.
My Commission Expires: *January 22, 1975*

CENTRAL BROWARD DRAINAGE DISTRICT

This plat of MARLBORO ESTATES has been approved this 17th day of January, 1971.
Howard G. Wiles
Chairman

TOWN PLANNING AND ZONING BOARD

THIS IS TO CERTIFY: That the Town Planning Board of DAVIE, Florida, accepted and approved this plat, this 23rd day of January, 1971.
John H. Hirschman
Chairman

TOWN COUNCIL'S APPROVAL

THIS IS TO CERTIFY: That this plat has been approved and accepted for record by the Council of the Town of DAVIE, Florida, in and by resolution, adopted by said Council on the 6th day of October, 1971.

IN WITNESS WHEREOF: The said Council has caused these presents to be attested by its Clerk, and the Corporate Seal to be affixed this 23rd day of January, 1971.

MAYORS SIGNATURE: THIS IS TO CERTIFY: That the Town of DAVIE, Florida, approved and accepted this plat, on this 23rd day of January, 1971.
John H. Hirschman
Acting Director of Public Works

CIRCUIT COURT CLERK'S CERTIFICATES

STATE OF FLORIDA: I HEREBY CERTIFY: That this plat complies with an act to regulate the making of maps and plating in this State of Florida, approved by the Governor, June 27th 1911. This plat accepted for record by the Board of Commissioners of Broward County, Florida, this 23rd day of January, 1971.

CLERK: *James B. Butler*
This instrument filed for record, this 17th day of January, 1971, and recorded in Plat Book 74, Page 20, record volume 171.

SURVEYOR'S CERTIFICATE

STATE OF FLORIDA: I HEREBY CERTIFY: That this Plat of MARLBORO ESTATES is a true and correct representation of a Survey made by us, and that Permanent Reference Monuments, (P.R.M.'s), have been set as indicated.
Dated at Fort Lauderdale, Florida, this 23rd day of January, 1971.

BROWARD COUNTY AREA PLANNING BOARD

THIS IS TO CERTIFY: That the Broward County Area Planning Board approved this plat with regard to Traffic Ways by resolution, duly adopted this 23rd day of January, 1971.

COUNTY ENGINEER'S SIGNATURE

This Plat approved and accepted for Record, this 23rd day of January, 1971.
John H. Hirschman
Acting Director of Public Works

MORTGAGE HOLDERS SIGNATURES

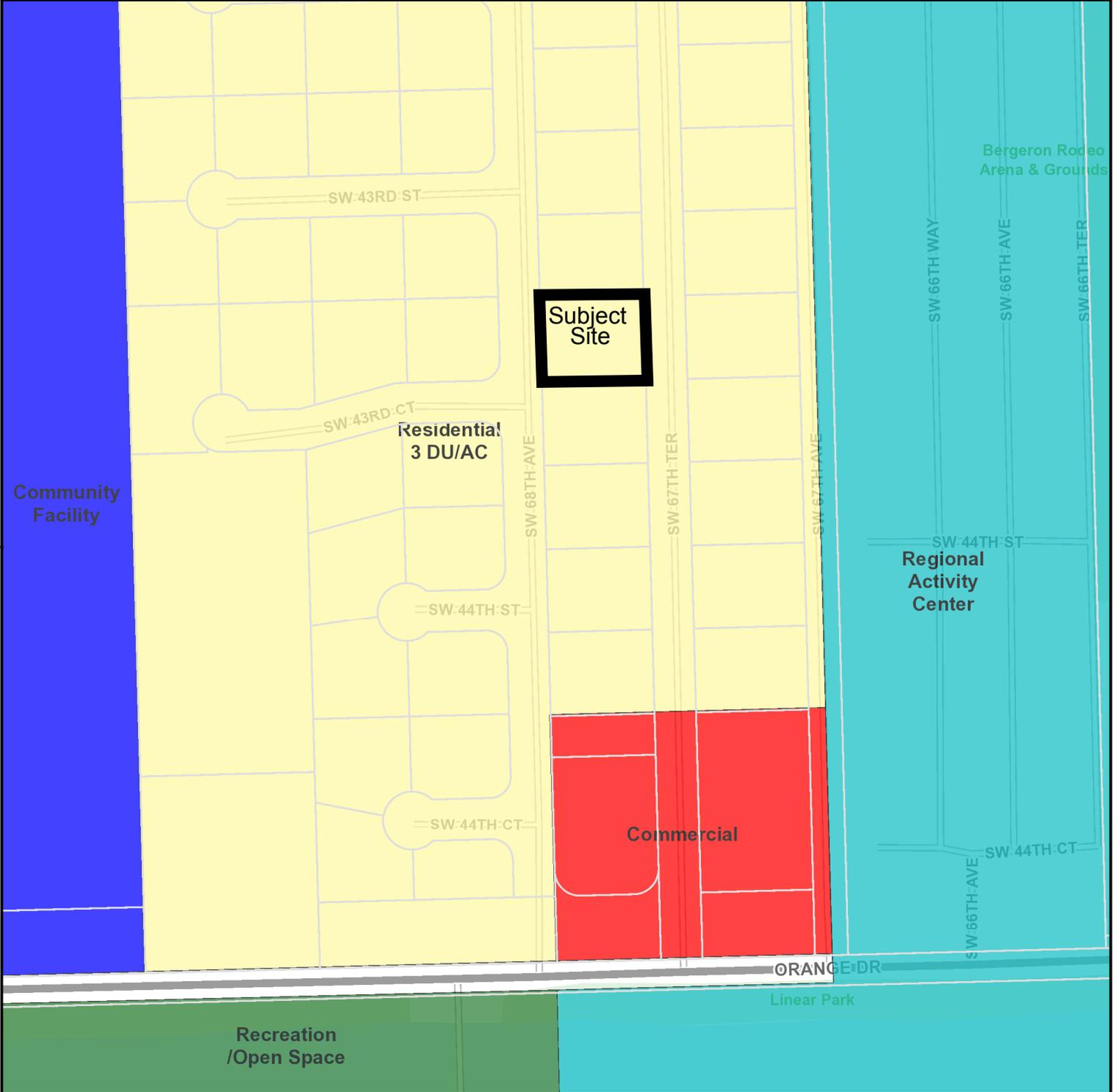
Richard D. Early
Richard D. Early

John H. Hirschman
Acting Director of Public Works

Book Cross Refer: 25 feet
Blank Line: reference not required by F.S.
+ PLU: indicates utility easement
O P.C.E. indicates Permanent Control Points

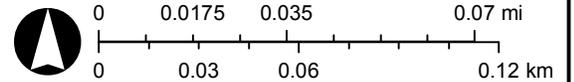


Land Use Map



-  Parcels
-  Pre-Annexation Agreements

2/24/2020, 11:04:43 AM



GIS MAP DISCLAIMER
 The information on this map is for graphical purposes only. It does not represent a legal survey and has not been prepared or is it suitable for legal, engineering, or surveying purposes. While every effort has been made to ensure that these data are accurate and reliable the Town of Davie cannot assume liability for any damages caused by any errors or omissions in the data.

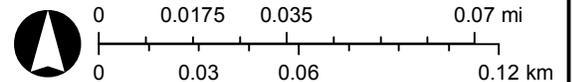


Zoning Map



-  Parcels
-  Pre-Annexation Agreements
-  Zoning

2/24/2020, 11:03:24 AM

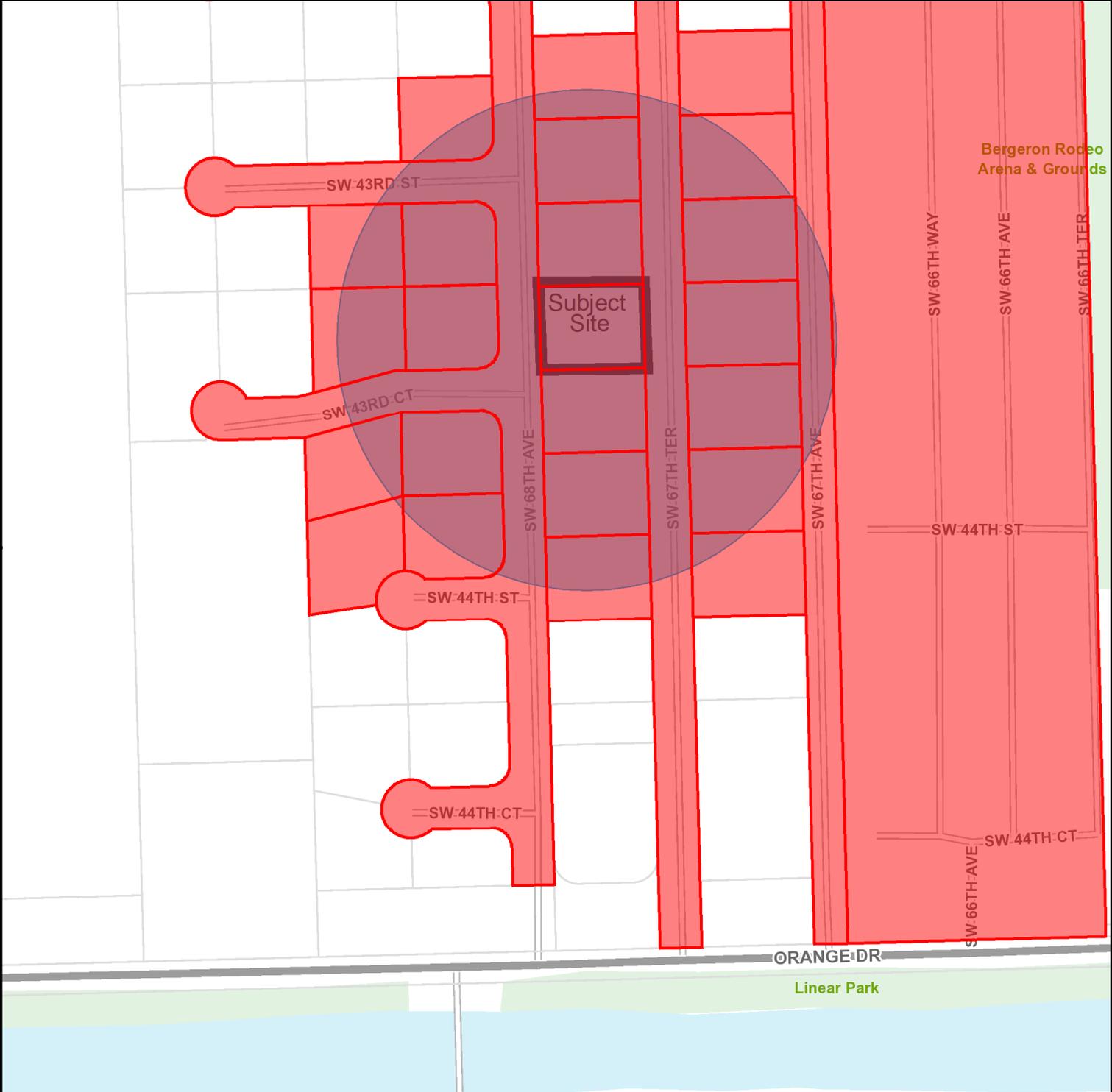


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Mailout Map



Search Results: Parcels

 Override 1

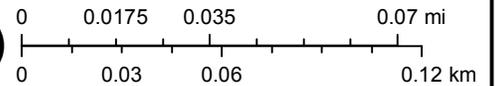
Search Buffer Results

 Override 1

 Parcels

 Pre-Annexation Agreements

2/24/2020, 11:13:01 AM



GIS MAP DISCLAIMER

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V19-138_Notice_List

NAME	ADD	CITY	ST	ZIP
DILELLA,JOSEPH	16709 SW 5 WAY	WESTON	FL	33326
KNUTSON,AERON H/E	4240 SW 67 TER	DAVIE	FL	33314
STOKOE,ERIC	4241 SW 67 TER	DAVIE	FL	33314
BUCHER,ANTHONY P JR & LANA B	4244 SW 67 TER	DAVIE	FL	33314
VANGORDER,TAMI	4265 ELBOW RD	VIRGINIA BCH	VA	23456
LORENZO,JUAN C H/E	4271 SW 67 TER	DAVIE	FL	33314
LA ROCCA,BARBARA	4290 SW 67 TER	DAVIE	FL	33314
LEWIS,ERNEST &	4291 SW 67 TER	DAVIE	FL	33314
BURNS,ANTHONY & BERRIEL,RAFAELLA	4300 SW 67 TER	DAVIE	FL	33314
JACKSON,CHRISTOPHER S &	4320 SW 67 TER	DAVIE	FL	33314
REMYNGTON,RICHARD & CATHERINE	4340 SW 67 TER	DAVIE	FL	33314
LAZARO,ALFRED	4341 SW 67 TER	DAVIE	FL	33314
Current Occupant	4390 SW 67 TER	DAVIE	FL	33314
Current Occupant	4412 SW 66 WAY	DAVIE	FL	33314
Current Occupant	4414 SW 66 WAY	DAVIE	FL	33314
Current Occupant	4416 SW 66 WAY	DAVIE	FL	33314
Current Occupant	4418 SW 66 WAY	DAVIE	FL	33314
Current Occupant	4420 SW 66 WAY	DAVIE	FL	33314
Current Occupant	4422 SW 66 WAY	DAVIE	FL	33314
Current Occupant	4424 SW 66 WAY	DAVIE	FL	33314
HURDLE,MARY LOU LE	4461 SW 67 TER	DAVIE	FL	33314
GROSSO,VINCENT J & DIANE L	4471 SW 67 TER	DAVIE	FL	33314
ROSE MARIE ANDERSON REV TR	4950 SW 111 TER	DAVIE	FL	33328
MUNNILAL,JONATHAN MICHAEL	5543 SW 57 PL	DAVIE	FL	33314
ORANGE BLOSSOM MOBILE PARK LLC	6400 TELEGRAPH RD #2000	BLOOMFIELD TOWNSHIP	MI	48301
Current Occupant	6800 SW 43 CT	DAVIE	FL	33314
KOSTECKI,GEORGE & ELIZABETH	6800 SW 43 ST	DAVIE	FL	33314
COHEN,RICHARD H	6801 SW 43 CT	DAVIE	FL	33314
RODRIGUEZ,EDUARDO J & ILIANA O	6801 SW 44 ST	DAVIE	FL	33314
Current Occupant	6820 SW 43 CT	DAVIE	FL	33314
BROWN,MICHAEL	6820 SW 43 ST	DAVIE	FL	33314
WRIGHT,DARRYL J	6821 SW 43 CT	DAVIE	FL	33314
Current Occupant	6821 SW 43 ST	DAVIE	FL	33314
DACHTON,CHARLES II	6821 SW 44 ST	DAVIE	FL	33314
PROGRESS RESIDENTIAL BORROWER 2	PO BOX 4090	SCOTTSDALE	AZ	85261



TOWN OF DAVIE
PLANNING & ZONING DIVISION
 6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
 Phone: 954.797.1103 • www.davie-fl.gov

PLANNING REPORT

Project Type, Number and Name
Variance, V19-180 Discount Tire

Application	
Petitioner/Representative	Halle Properties LLC/ Francis Dayao
Owner	Target Corporation
Project Planner	Matt Coyle
Date of Report	02/26/2020
Date of Public Participation	N/A
Date of Public Notification	02/21/2020
Date of Board Review	03/11/2020
Date of Town Council Review	04/01/2020

Location/Site	
Folio/Identification Number	504133310010
Address (General Location)	5800 S University Drive
Nearest North/South Road	University Drive
Nearest East/West Road	Stirling Road
Size (Approx. Acres)	1.04 acres
Existing Use	Parking lot
Future Land Use	Commercial
Zoning	Urban Commercial (UC)
Council District	2
Redevelopment Area	N/A
Overlay District	N/A
Design Regulation	N/A
Flexibility Zone	102
Planning Area	10
Right-of-way Acquisition	N/A
Utilities Provider	Town of Davie
Drainage District	Central Broward Water Control District (CBWCD)
Nearby Equestrian Trail	N/A
Nearby Recreational Trail	N/A
Nearby Park	N/A
Nearby Bus Route	N/A

Key Points
<ul style="list-style-type: none"> Lakeside Town Shops covers 38.73 acres and is currently divided into 9 separate parcels under various ownership. Six of the nine parcels are considered outparcels and are approximately 1 acre in size. Target and Lakeside Town Shops have an operation and easement agreement that includes a non-exclusive easement for the passage of vehicles over and across the driveway areas.



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- The property owner is proposing to create a lot that is approximately 1.04 acres in order to develop an 8,192 square foot building for minor vehicle repair use.
- The variance request is to allow the creation of a lot that is approximately 1.04 acres. The property is zoned Urban Commercial (UC). (Town Code normally requires properties zoned UC to have a minimum lot size of 10 acres).
- The Development Review Committee (DRC) members have no objections to the requested variance.
- Staff has not received any correspondence objecting to the proposed variance.

History

1. Related Zoning Information:

- *Rezoning* (ZB) 12-1-03 from Commerce Center (CC) to Urban Commercial (UC) Zoning District was approved by Town Council on 6/16/2004.

2. Previous Requests:

- The *Wolf Family Plat* was approved by Town Council on 3/16/1999 (RE: R 99-91).
- *Delegation* (DG) 12-2-03 was approved by Town Council on 5/19/2004 to restrict the property to 275,000 square feet of commercial use.
- *Delegation* (DG) 3-1-04 was approved by Town Council on 6/16/2004 to amend non-vehicular access lines along the property's Stirling Road frontage.
- *Land Use Plan Amendment* (LA) 3-10 was approved by Town Council on 7/7/2004, changing the property's land use from Commercial/Office to Commercial.
- *Master Site Plan* (MSP) 2-1-04 was approved by Town Council on 8/4/2004 to develop up to 275,375 square feet of commercial retail on the property.
- *Variance* (V) 6-2-04 was approved by Town Council on 8/4/2004 to reduce the landscape buffers along South University Drive and reduce the medians between double parking bays to zero feet on the property.
- *Variance* (V) 6-3-04 was approved by Town Council on 8/4/2004 to allow four outparcels to diminish up to 44% of overall street frontage along South University Drive and Stirling Road.
- *Site Plan* (SP) 11-2-04, Wachovia at Lakeside Town Shops, was approved by Town Council on 7/20/2005.
- *Site Plan* (SP) 4-9-05, Steak & Shake, was approved by Town Council on 12/7/2005.
- *Delegation* (DG) 14-311, Lakeside Town Shops, was approved by Town Council on 1/21/2015 to restrict the property to 290,000 square feet of commercial use.
- *Developer Agreement* (DA) 15-036, Lakeside Town Shops, was approved by Town Council on 04/01/2015 to amend the recorded Covenants and Restrictions to allow an increase in the amount of allowable commercial building area on the property.
- *Site Plan* (SP) 14-312, Lakeside Town Shops, was approved by Town Council on 04/01/2015 to facilitate the development of a +/-6,300-square-foot secondary inline retail center containing three tenants (including *Starbucks* and *Chipotle*).
- *Variance* (V) 15-035, Lakeside Town Shops, was approved by Town Council on 04/01/2015 to allow the creation of an outparcel and installation of a second menu board.

3. Concurrent Requests:

- *Site Plan* (SP) 19-179, Lakeside Town Shops, to develop an 8,192 square foot building for minor vehicle repair use.



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- *Variance (V) 19-182, Lakeside Town Shops, to reduce the required off-street parking requirements as follows:*
 - o From 1,162 spaces to 1,052 spaces for the Lakeside Town Shops;
 - o From 41 spaces to 31 spaces for Discount Tire property (Town Code normally requires 41 parking spaces).

Analysis

The following Staff analysis (*italic font*) based on the criteria established in the Town of Davie Code of Ordinances, Sec. 12-309(B)(1) for Variance applications.

- a. There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for any person having an interest in the property.

There are no circumstances or conditions applying to the land to justify the variance to the minimum lot size.

- b. The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

The reasonable use of either the land or new building does not depend on a new outparcel. A shopping center with an anchor tenant and inline and standalone commercial/retail components already exists on the premises.

- c. That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

There is no evidence that granting the variance will be detrimental to the public safety and welfare of the neighborhood. The proposed size of the outparcel is consistent with the 6 existing outparcels in Lakeside Town Shops that are all zoned Urban Commercial (UC).

Recommendations

Staff finds the application complete and suitable for further review.

Attachments

1. Petitioner Documentation
2. Related Maps
3. Noticing Information

H & T CONSULTANTS, INC.
Civil Engineering – Land Development

9310 Old Kings Road S, Suite 1001
Jacksonville, FL 32257

(904) 419-1001 Phone • (904) 419-1004 Fax

April 25, 2019

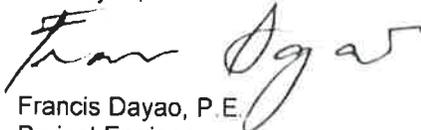
Mr. David Abramson
Deputy Manager
Town of Davie
Planning & Zoning Division
6591 Orange Drive
Davie, Florida 33314-3399

RE: Discount Tire Store – Scope of Work Letter
Variance for Minimum Lot Size

The proposed Discount Tire store within the existing Target tract at 5800 S University Drive will require a variance for minimum lot size requirement. The proposed tire retail store is located within the Urban Commercial (UC) District of the Town of Davie and per code, the minimum lot size in the UC District is 10 acres. A variance is being requested to allow the proposed development which is approximately 1 acre to be allowed within the UC District.

We sincerely hope you find this scope of work letter acceptable. If there is anything else you need, please don't hesitate to let us know.

Thank you,


Francis Dayao, P.E.
Project Engineer

Copy to:

Steven Vandebossche, Target Corporation
Scott Fournier, Halle Properties, LLC

H & T CONSULTANTS, INC.
Civil Engineering – Land Development

9310 Old Kings Road S, Suite 1001
Jacksonville, FL 32257

(904) 419-1001 Phone • (904) 419-1004 Fax

September 13, 2019

Mr. Mathew Coyle, AICP
Planner II
Town of Davie Planning & Zoning Division
6591 Orange Drive
Davie, Florida 33314-3399

RE: Discount Tire Store – Criteria Letter
Request for Variance - Variance for Minimum Lot Size Requirement
5800 South University Drive, City of Davie, County of Broward, State of Florida

Mr. Coyle,

Please consider the following justification criteria when considering the variance request to the above-referenced matter.

a) There are special circumstances or conditions applying to the land or building for which a variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self-created by any person having an interest in the property.

The proposed request seeks a variance to the minimum lot size requirement of ten (10) acres for the Urban Commercial (UC) District, as specified under Section 12-84 of the Code of Ordinances Town of Davie, Florida (the "Code"). The location of the proposed Discount Tire retail store (the "DT Outparcel") is currently a parking lot and is approximately 1.039± acres, which is suitable for the proposed Discount Tire store. For this type of business, a 10-acre lot is not practical since the proposed building's gross floor area is only eight thousand one hundred ninety-two (8,192) square feet. The size of the DT Outparcel is comparable to the existing establishments along South University Drive and Stirling Road, all within the same UC District. Furthermore, the existing Target and surrounding development does not have any available or existing outparcel that is ten (10) acres or more. The granting of the variance is necessary for the development of the DT Outparcel and for the reasonable use of the land (conversion of an existing parking lot to a commercial tire retail store). All landscape, building setback, parking and open space requirements will be met on site.

b) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

Granting of the variance for minimum lot size requirement is necessary in order to develop the existing parking lot. Granting of the variance will be consistent with sizes (less than ten (10) acres) of several existing commercial establishments along South University Drive and Stirling Road within the UC District. Currently, the existing parking lot is seldom used, if at all, due to its location being the furthest parking lot from the Target main entrance.

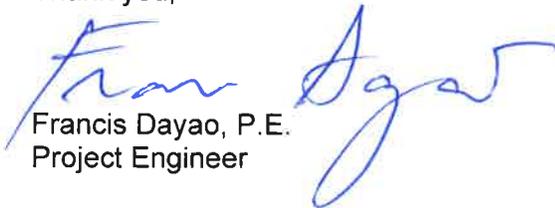
c) That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Granting of the minimum lot size variance will have no negative consequences to the rest of the development and will not be injurious to the neighborhood or detrimental to public welfare. The proposed Discount Tire store will provide additional employment and will generate revenue to the Town of Davie. The existing parking lot will be of better use and will be more aesthetically appealing with the proposed Discount Tire store constructed.

We sincerely hope that the Town of Davie finds this criteria letter for the minimum lot size variance acceptable.

If there is anything else you need, please do not hesitate to contact us. We appreciate your consideration.

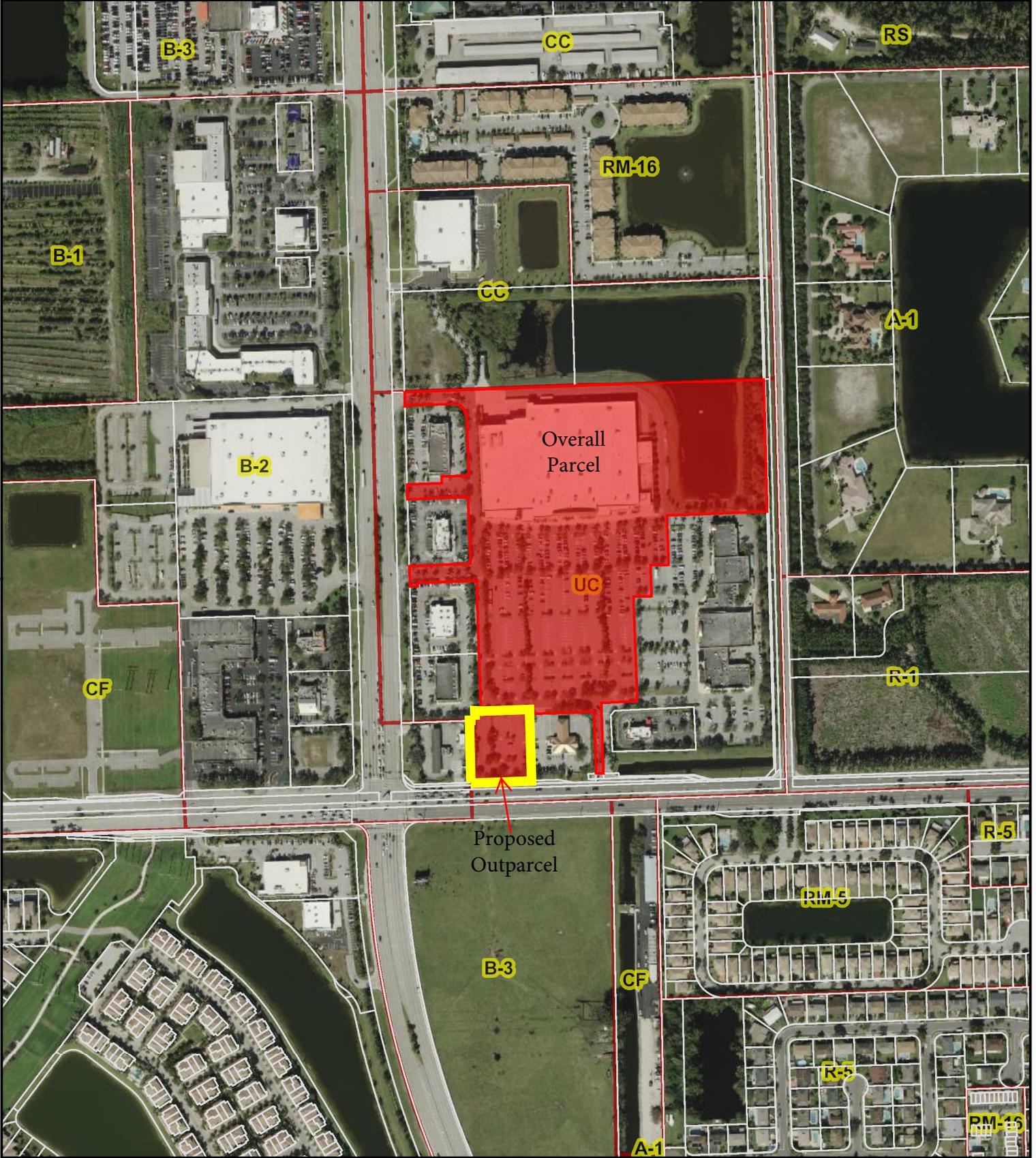
Thank you,

A handwritten signature in blue ink, appearing to read "Francis Dayao".

Francis Dayao, P.E.
Project Engineer



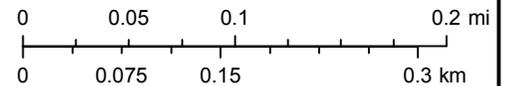
Zoning Map



GIS MAP DISCLAIMER

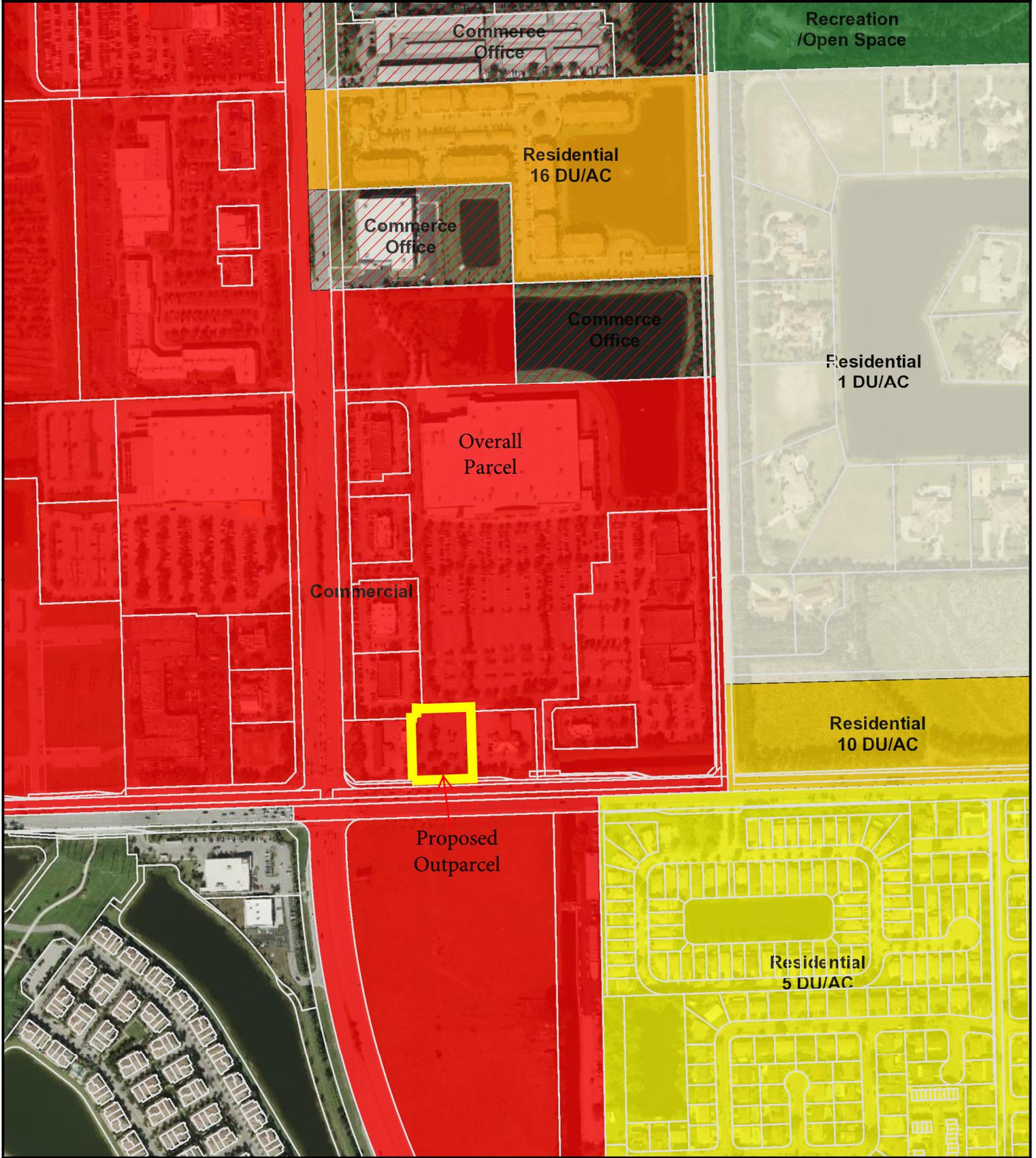
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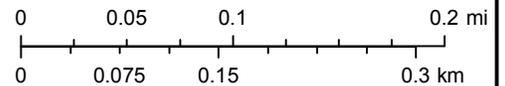


Land Use Map



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2/27/2020, 3:35:46 PM

**NOTICE OF PUBLIC HEARING FOR:
VARIANCE APPLICATIONS**

The Town of Davie proposes to conduct public hearings to consider the following resolutions:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TAKING FINAL ACTION ON VARIANCE APPLICATION V19-180 DISCOUNT TIRE, PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TAKING FINAL ACTION ON VARIANCE APPLICATION V19-182 DISCOUNT TIRE, PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Planning and Zoning Board and the Town Council of the Town of Davie will hold public hearings in the Council Chambers of the Davie Town Hall, 6591 Orange Drive, Davie, Florida on the dates hereinafter specified. The item will be discussed at 6:30 p.m. or as soon thereafter as practicable. Comments of any interested party relative to this matter may be submitted in writing and/or presented at the hearing.

PETITIONER/OWNER: Halle Properties LLC/Target Corporation

PROPERTY LOCATION: 5800 S University Drive
(Parcel Folio No. 5041-33-31-0010)

**DATE OF PLANNING &
ZONING BOARD HEARING:** March 11, 2020

**DATE OF TOWN
COUNCIL HEARING:** April 1, 2020

VARIANCE APPLICATIONS: To allow the creation of an outparcel that is approximately 1.04 acres and zoned Urban Commercial (UC) (Town Code normally requires properties zoned UC to have a minimum lot size of 10 acres).

To reduce the required off-street parking requirements as follows:

- from 1,162 spaces to 1,052 spaces for the Lakeside Town Shops.
- from 41 spaces to 31 spaces for Discount Tire property (Town Code normally requires 41 parking spaces).

**SAID APPLICATIONS SHOULD
BE REFERRED AS:** Variance V19-180 and V19-182 Discount Tire

For further information, call the Planning and Zoning Division at (954) 797-1103. The proposed application may be inspected at the Planning and Zoning Division, 6591 Orange Drive, between the hours of 8:30 a.m. to 5:00 p.m. Monday through Friday.

Pursuant to Florida Statute § 286.0105, if a person decides to appeal any decision made by this board, agency, committee, or council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings. For such purpose he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk at 797-1023 at least five business days prior to the meeting to request such accommodation. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 (voice) or 1-800-955-8771 (TDD).



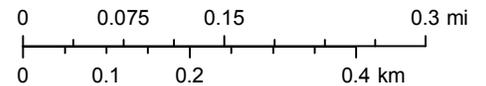
Mailout Map



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10/3/2019, 10:06:38 AM



NAME_LINE_1	MAILING_ADDRESS_1	Mailing Address 2	MAILING_CITY	MAILING_STATE	MAILING_ZIP
2017-1 IH BORROWER LP	1717 MAIN ST #2000		DALLAS	TX	75201
7-ELEVEN INC	1722 ROUTH ST STE 1000		DALLAS	TX	75201
ABREU,LUIS A & EDNA M	4021 W SILVERADO CIR		DAVIE	FL	33024
ALAM,MOHAMMAD & RAHEJA	4060 W SILVERADO CIR		DAVIE	FL	33024
ALDI FLORIDA LLC	PO BOX 460049 DEPT 501		HOUSTON	TX	77056
BARI,MOHAMMED A H/E	3930 NW 79 WAY		HOLLYWOOD	FL	33024
BD UNIVERSITY LLC	13001 ZAMBRANA ST		CORAL GABLES	FL	33156
BOWE,DWAYNE LORENZO	7401 PEPPERTREE CIR S		DAVIE	FL	33314
BROWARD COUNTY	115 S ANDREWS AVE RM 501-RP		FORT LAUDERDALE	FL	33301
BUDHNA,JAGDISH & LILLOWATIE	7926 N SILVERADO CIR		DAVIE	FL	33024
BULLOCK,STEVE	PO BOX 172934		MIAMI	FL	33017
CARBEE,DENNIS P & MICHELLE L	4100 W SILVERADO CIR		DAVIE	FL	33024
CASCADA HOMEOWNERS ASSN INC	11784 W SAMPLE RD #103		CORAL SPRINGS	FL	33065
CC BROWARD PROPERTY V LLC	2020 SALZEDO ST		CORAL GABLES	FL	33134
CENTRAL BROWARD WATER CONTROL	8020 STIRLING ROAD		HOLLYWOOD	FL	33024
CFT DEVELOPMENTS LLC	1683 WALNUT GROVE AVE		ROSEMEAD	CA	91770
CHANG,YU TING & WEN HUEI	7963 S SILVERADO CIR		DAVIE	FL	33024
CHOY,JENNIFER M	3303 CHICA CIR		MELBOURNE	FL	32904
COLE,KERRYANN H/E	7939 S SILVERADO CIR		DAVIE	FL	33024
CONTENTUS DAVIE LLC	5500 S UNIVERSITY DR		DAVIE	FL	33328
CORRENTI,ALISON	7957 S SILVERADO CIR		DAVIE	FL	33024
COSME,BARBARA ANN C	4120 W SILVERADO CIR		DAVIE	FL	33024
COSME,KAREN & LAURENCE	4121 W SILVERADO CIR		DAVIE	FL	33024
Current Occupant	4001 W SILVERADO CIR		DAVIE	FL	33024
Current Occupant	4041 W SILVERADO CIR		DAVIE	FL	33024
Current Occupant	4061 W SILVERADO CIR		DAVIE	FL	33024
Current Occupant	5510 S UNIVERSITY DR	UNIT 1108	DAVIE	FL	33328
Current Occupant	5510 S UNIVERSITY DR	UNIT 1205	DAVIE	FL	33328
Current Occupant	5510 S UNIVERSITY DR	UNIT 1204	DAVIE	FL	33328
Current Occupant	5510 S UNIVERSITY DR	UNIT 1203	DAVIE	FL	33328
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Current Occupant	5510 S UNIVERSITY DR	UNIT 1303	DAVIE	FL	33328
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Current Occupant	5510 S UNIVERSITY DR	UNIT 1201	DAVIE	FL	33328
Current Occupant	5510 S UNIVERSITY DR	UNIT 1103	DAVIE	FL	33328
Current Occupant	5510 S UNIVERSITY DR	UNIT 1102	DAVIE	FL	33328

Current Occupant	5530 S UNIVERSITY DR	UNIT 3302	DAVIE	FL	33328
Current Occupant	5530 S UNIVERSITY DR	UNIT 3211	DAVIE	FL	33328
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Current Occupant	5540 S UNIVERSITY DR	UNIT 8308	DAVIE	FL	33328

Current Occupant	5540 S UNIVERSITY DR	BLD 8	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8304	DAVIE	FL	33328
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Current Occupant	5540 S UNIVERSITY DR	UNIT 8104	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8102	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8105	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8309	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8310	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8103	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8108	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8110	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8111	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8203	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8201	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8107	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8112	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8109	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8202	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8204	DAVIE	FL	33328
Current Occupant	5543 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7201	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7104	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7106	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7312	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7310	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7108	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7105	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7107	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7311	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7111	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7203	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7109	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7205	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7112	DAVIE	FL	33328

Current Occupant	5550 S UNIVERSITY DR	UNIT 7202	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7110	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7204	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7206	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7302	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7210	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7304	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7208	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7207	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7211	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7301	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7209	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7303	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	BLD 7	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7309	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7102	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7306	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7103	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7101	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7308	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7305	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7307	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7212	DAVIE	FL	33328
Current Occupant	5551 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5555 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5559 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4101	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4103	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4310	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4307	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4105	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4309	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4102	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4311	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4308	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4104	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4202	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4110	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4312	DAVIE	FL	33328

Current Occupant	5745 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5749 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5755 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5759 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5765 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5769 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5775 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5779 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5780 S UNIVERSITY DR	UNIT 107	DAVIE	FL	33328
Current Occupant	5780 S UNIVERSITY DR	UNIT 101	DAVIE	FL	33328
Current Occupant	5780 S UNIVERSITY DR	UNIT 105	DAVIE	FL	33328
Current Occupant	5780 S UNIVERSITY DR	UNIT 102	DAVIE	FL	33328
Current Occupant	5780 S UNIVERSITY DR	UNIT 103	DAVIE	FL	33328
Current Occupant	5780 S UNIVERSITY DR	UNIT 106	DAVIE	FL	33328
Current Occupant	5780 S UNIVERSITY DR	UNIT 104	DAVIE	FL	33328
Current Occupant	5785 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5789 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5790 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5791 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5795 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5796 S UNIVERSITY DR	UNIT 101	DAVIE	FL	33328
Current Occupant	5796 S UNIVERSITY DR	UNIT 102	DAVIE	FL	33328
Current Occupant	5796 S UNIVERSITY DR	UNIT 103	DAVIE	FL	33328
Current Occupant	5800 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5801 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 110	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 101	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 116	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 121	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 127	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 113	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 107	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 104	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 124	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 108	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 105	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 125	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 119	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 102	DAVIE	FL	33328

Current Occupant	5810 S UNIVERSITY DR	UNIT 122	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 128	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 120	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 114	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 103	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 123	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 117	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 111	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 118	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 112	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 129	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 115	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 109	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 106	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 126	DAVIE	FL	33328
Current Occupant	5820 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5830 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5840 S UNIVERSITY DR	UNIT 104	DAVIE	FL	33328
Current Occupant	5840 S UNIVERSITY DR	UNIT 101	DAVIE	FL	33328
Current Occupant	5840 S UNIVERSITY DR	UNIT 106	DAVIE	FL	33328
Current Occupant	5840 S UNIVERSITY DR	UNIT 102	DAVIE	FL	33328
Current Occupant	5840 S UNIVERSITY DR	UNIT 107	DAVIE	FL	33328
Current Occupant	5840 S UNIVERSITY DR	UNIT 108	DAVIE	FL	33328
Current Occupant	5840 S UNIVERSITY DR	UNIT 103	DAVIE	FL	33328
Current Occupant	5840 S UNIVERSITY DR	UNIT 105	DAVIE	FL	33328
Current Occupant	5890 SW 76 AVE		DAVIE	FL	33328
Current Occupant	5901 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5905 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5907 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5909 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5911 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5913 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5915 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5917 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5919 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5921 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5923 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5925 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5927 S UNIVERSITY DR		DAVIE	FL	33328

Current Occupant	5929 S UNIVERSITY DR			FL	33328
Current Occupant	5931 S UNIVERSITY DR			FL	33328
Current Occupant	5933 S UNIVERSITY DR			FL	33328
Current Occupant	5935 S UNIVERSITY DR			FL	33328
Current Occupant	5937 S UNIVERSITY DR			FL	33328
Current Occupant	5939 S UNIVERSITY DR			FL	33328
Current Occupant	5941 S UNIVERSITY DR			FL	33328
Current Occupant	5943 S UNIVERSITY DR			FL	33328
Current Occupant	5945 S UNIVERSITY DR			FL	33328
Current Occupant	5947 S UNIVERSITY DR			FL	33328
Current Occupant	5949 S UNIVERSITY DR			FL	33328
Current Occupant	5951 S UNIVERSITY DR			FL	33328
Current Occupant	5953 S UNIVERSITY DR			FL	33328
Current Occupant	5955 S UNIVERSITY DR			FL	33328
Current Occupant	5957 S UNIVERSITY DR			FL	33328
Current Occupant	5959 S UNIVERSITY DR			FL	33328
Current Occupant	5961 S UNIVERSITY DR			FL	33328
Current Occupant	5963 S UNIVERSITY DR			FL	33328
Current Occupant	5965 S UNIVERSITY DR			FL	33328
Current Occupant	5967 S UNIVERSITY DR			FL	33328
Current Occupant	5969 S UNIVERSITY DR			FL	33328
Current Occupant	5971 S UNIVERSITY DR			FL	33328
Current Occupant	5973 S UNIVERSITY DR			FL	33328
Current Occupant	5975 S UNIVERSITY DR			FL	33328
Current Occupant	5977 S UNIVERSITY DR			FL	33328
Current Occupant	5979 S UNIVERSITY DR			FL	33328
Current Occupant	5981 S UNIVERSITY DR			FL	33328
Current Occupant	5983 S UNIVERSITY DR			FL	33328
Current Occupant	5985 S UNIVERSITY DR			FL	33328
Current Occupant	5989 S UNIVERSITY DR			FL	33328
Current Occupant	5990 S UNIVERSITY DR			FL	33328
Current Occupant	7890 N SILVERADO CIR			FL	33024
Current Occupant	7921 S SILVERADO CIR			FL	33024
Current Occupant	7927 S SILVERADO CIR			FL	33024
Current Occupant	7961 N SILVERADO CIR			FL	33024
DANYLSHYN,WLODYMIR	4161 W SILVERADO CIR			FL	33024
DAVIE REALTY ACQUISITION INC	941 CLINT MOORE RD STE A			FL	33487
DAVIE SQUARE LLC	1645 SE 3 CT #200			FL	33441
DAVIE SQUARE OUTPARCEL LLC	1645 SE 3 CT STE 200			FL	33441

DAVIS,WINSTON L & ARMAN Q H/E	7920 N SILVERADO CIR			FL	DAVIE			33024
DICKSTEIN,ITZHAK & MEIRAV	5711 PEPPERTREE LN			FL	DAVIE			33314
DUAME,PAUL EDWARD & MIRIAM R	4080 W SILVERADO CIR			FL	DAVIE			33024
EXOTIC ACRES HOA INC	11011 SHERIDAN ST #208			FL	COOPER CITY			33026
FLORIDA DEPT OF TRANSPORTATION	3400 W COMMERCIAL BLVD			FL	FORT LAUDERDALE			33309
FOWLER,WINFORD ALLEN	7913 NW 40 ST			FL	DAVIE			33024
GABBAI,VICTOR H/E	7451 PEPPERTREE CIR S			FL	DAVIE			33314
GALAN,GERARDO C & MARIA D G	7956 N SILVERADO CIR			FL	DAVIE			33024
GOMEZ,KIMBERLY & THOMAS	7871 N SILVERADO CIR			FL	DAVIE			33024
GONZALEZ,RICARDO & NOELVY	7909 S SILVERADO CIR			FL	DAVIE			33024
HILL,LAWRENCE	1120 HOLLYWOOD BLVD			FL	HOLLYWOOD			33019
HO,KHAN XUAN	7914 N SILVERADO CIR			FL	DAVIE			33024
HOME DEPOT U S A INC	PO BOX 105465			GA	ATLANTA			30348
HUBSCH,MATTHIAS	7933 S SILVERADO CIR			FL	DAVIE			33024
HYLTON,JOHN B	5721 PEPPERTREE LN			FL	DAVIE			33314
IH3 PROPERTY FLORIDA LP	1717 MAIN ST #2000			TX	DALLAS			75201
JRX REAL ESTATE LLC	3986 NW 52 PL			FL	BOCA RATON			33496
KARL,THOMAS A	7962 N SILVERADO CIR			FL	DAVIE			33024
KAUR,DHOOP	4181 W SILVERADO CIR			FL	DAVIE			33024
KOLONIAS,JOANNE	4141 W SILVERADO CIR			FL	DAVIE			33024
LAIK,MARCEL	5700 PEPPERTREE CIR W			FL	DAVIE			33314
LAKESIDE TOWN SHOPS (E&A) LLC	PO BOX 528			SC	COLUMBIA			29202
LAMB,TRINESE	7932 N SILVERADO CIR			FL	DAVIE			33024
LANNEAU,PETER MICHEL	7884 N SILVERADO CIR			FL	DAVIE			33024
LEROY,NATHALIE	3861 SW 31 ST			FL	WEST PARK			33023
LIUGET,COREY	5750 PEPPERTREE CIR W			FL	DAVIE			33314
MAMOOD,MOHAMED S & FAZEELA	7967 N SILVERADO CIR			FL	DAVIE			33024
MASSE,MURRAY E & YVETTE	1738 E 4 ST APT 2			NY	BROOKLYN			11223
MATHEW,MARY & BABU	7915 S SILVERADO CIR			FL	DAVIE			33024
MIAMI CITY SELF STORAGE	2801 SW 31 AVE STE 2-B			FL	MIAMI			33133
MONTERRA COMMUNITY	5385 N NOB HILL RD			FL	FORT LAUDERDALE			33351
NEW LIFE ASSEMBLY OF GOD OF	7885 PINES BLVD			FL	HOLLYWOOD			33024
NGUYEN,QUINN	4101 W SILVERADO CIR			FL	DAVIE			33024
O'BRIEN,ANTHONY H/E	7905 NW 40 ST			FL	DAVIE			33024
ONG,SAI HAI H/E	7919 N SILVERADO CIR			FL	DAVIE			33024
PARENTEAU,STEPHANE &	7907 N SILVERADO CIR			FL	DAVIE			33024
PERKINS,CAMERON L	7896 N SILVERADO CIR			FL	DAVIE			33024
PETROSIUS,DARIUS	4081 W SILVERADO CIR			FL	DAVIE			33024
PHAN,HONG THI H/E	7951 S SILVERADO CIR			FL	DAVIE			33024

RAFT CAPITAL CORP	3074 LAKEWOOD CIR			WESTON	FL	33332
RAGAN,LISA	7945 S SILVERADO CIR			DAVIE	FL	33024
RASHID,ABDOOL H/E	7878 N SILVERADO CIR			DAVIE	FL	33024
RG STIRLING LLC	3325 S UNIVERSITY DR STE 210			DAVIE	FL	33328
RIGAUD,JULIETTE & RONY	7944 N SILVERADO CIR			DAVIE	FL	33024
ROMAN,MONICA	7902 N SILVERADO CIR			DAVIE	FL	33024
RUS,ION & MARY	7500 PEPPERTREE CIR N			DAVIE	FL	33314
SALEHJEE,MUHAMMAD ALI	7895 N SILVERADO CIR			DAVIE	FL	33024
SCHUCKERS,DANIEL RICHARD	7950 N SILVERADO CIR			DAVIE	FL	33024
SHORTYS II INC	9150 SW 87 AVE STE 205			MIAMI	FL	33176
SIDDIQUI,FAIZA	7351 PEPPERTREE CIR S			DAVIE	FL	33314
SILVERADO OWNERS ASSOCIATION	1145 SAWGRASS CORP PKWY			SUNRISE	FL	33323
SINGH-PERSAUD,VERONICA	7909 NW 40 ST			DAVIE	FL	33024
SPECTOR,EVAN IAN	7901 N SILVERADO CIR			DAVIE	FL	33024
STAMPLER,HARRY H/E	5800 PEPPERTREE CIR W			DAVIE	FL	33314
STEAK N SHAKE OPERATIONS INC	PO BOX 460169			HOUSTON	TX	77056
STORAGE TRUST PROPERTIES LP	PO BOX 25025 DEPT-PT-FL 28092			GLENDALE	CA	91221
TARGET CORPORATION	PO BOX 9456			MINNEAPOLIS	MN	55440
THAUREAUX,DORIS	7889 N SILVERADO CIR			DAVIE	FL	33024
TOIBA,RUTH	5650 PEPPERTREE CIR W			DAVIE	FL	33314
TOLEDO,IVETTE N LE	7913 N SILVERADO CIR			DAVIE	FL	33024
UNIVERSITY CREEK ASSOC I LTD	1645 SE 3 COURT SUITE 200			DEERFIELD BEACH	FL	33441
UNIVERSITY PARK HOLDINGS LLC	151 N NOB HILL RD STE 290			PLANTATION	FL	33324
UPADHYAYA,NARENDRA R &	11067 GARDEN RIDGE CT			DAVIE	FL	33328
VILARINO,ANTONIO &	5870 SW 76 AVE			DAVIE	FL	33328
VILARINO,ANTONIO & NILDA	6015 GARFIELD ST			HOLLYWOOD	FL	33024
VILLANUEVA,SAUD H/E &	7877 N SILVERADO CIR			DAVIE	FL	33024
VUONG,TU HONG & LINDA	7938 N SILVERADO CIR			DAVIE	FL	33024
WACHOVIA BANK NA	PO BOX 2609			CARLSBAD	CA	92018
WALDREP ENTERPRISES LLLP	3707 NW 110 AVE			OCALA	FL	34482
WISH WASH 7 LLC	PO BOX 44229			ATLANTA	GA	30336
ZAIDI,TAYYAB EST	1001 NW NORTH RIVER DRIVE			MIAMI	FL	33136
ZARACHA,MARCOS H/E	7908 N SILVERADO CIR			DAVIE	FL	33024
ZIA,MUHAMMAD USMAN	7883 N SILVERADO CIR			DAVIE	FL	33024



TOWN OF DAVIE
PLANNING & ZONING DIVISION
6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
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PLANNING REPORT

Project Type, Number and Name
Variance, V19-182 Discount Tire

Application	
Petitioner/Representative	Halle Properties LLC/ Francis Dayao
Owner	Target Corporation
Project Planner	Matt Coyle
Date of Report	02/26/2020
Date of Public Participation	N/A
Date of Public Notification	02/21/2020
Date of Board Review	03/11/2020
Date of Town Council Review	04/01/2020

Location/Site	
Folio/Identification Number	504133310010
Address (General Location)	5800 S University Drive
Nearest North/South Road	University Drive
Nearest East/West Road	Stirling Road
Size (Approx. Acres)	1.04 acres
Existing Use	Parking lot
Future Land Use	Commercial
Zoning	Urban Commercial (UC)
Council District	2
Redevelopment Area	N/A
Overlay District	N/A
Design Regulation	N/A
Flexibility Zone	102
Planning Area	10
Right-of-way Acquisition	N/A
Utilities Provider	Town of Davie
Drainage District	Central Broward Water Control District (CBWCD)
Nearby Equestrian Trail	N/A
Nearby Recreational Trail	N/A
Nearby Park	N/A
Nearby Bus Route	N/A

Key Points
<ul style="list-style-type: none">• Lakeside Town Shops covers 38.73 acres and is currently divided into 9 separate parcels under various ownership. The Lakeside Town Shops is a commercial retail center with 266,192 square feet and 1,162 parking spaces.• Target and Lakeside Town Shops have an operation and easement agreement that includes a non-exclusive easement for the passage of vehicles over and across the driveway areas. The agreement requires that outparcels maintain adequate parking on



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their respective properties.

- The property owner is proposing to develop an 8,192 square foot building for minor vehicle repair use.
- The variance request is to reduce the required off-street parking requirements as follows:
 - from 1,162 spaces to 1,052 spaces for the Lakeside Town Shops (Town Code normally requires 1,157 parking spaces).
 - from 41 spaces to 31 spaces for the proposed Discount Tire property (Town Code normally requires 41 parking spaces).
- The applicant requested the variance for Lakeside Town Shops because they are proposing to remove an existing parking lot with 110 parking spaces to develop the Discount Tire store.
- The Development Review Committee (DRC) members have no objections to the requested variances.
- Staff has not received any correspondence objecting to the proposed variances.

History

1. Related Zoning Information:
 - *Rezoning* (ZB) 12-1-03 from Commerce Center (CC) to Urban Commercial (UC) Zoning District was approved by Town Council on 6/16/2004.
2. Previous Requests:
 - The *Wolf Family Plat* was approved by Town Council on 3/16/1999 (RE: R 99-91).
 - *Delegation* (DG) 12-2-03 was approved by Town Council on 5/19/2004 to restrict the property to 275,000 square feet of commercial use.
 - *Delegation* (DG) 3-1-04 was approved by Town Council on 6/16/2004 to amend non-vehicular access lines along the property's Stirling Road frontage.
 - *Land Use Plan Amendment* (LA) 3-10 was approved by Town Council on 7/7/2004, changing the property's land use from Commercial/Office to Commercial.
 - *Master Site Plan* (MSP) 2-1-04 was approved by Town Council on 8/4/2004 to develop up to 275,375 square feet of commercial retail on the property.
 - *Variance* (V) 6-2-04 was approved by Town Council on 8/4/2004 to reduce the landscape buffers along South University Drive and reduce the medians between double parking bays to zero feet on the property.
 - *Variance* (V) 6-3-04 was approved by Town Council on 8/4/2004 to allow four outparcels to diminish up to 44% of overall street frontage along South University Drive and Stirling Road.
 - *Site Plan* (SP) 11-2-04, Wachovia at Lakeside Town Shops, was approved by Town Council on 7/20/2005.
 - *Site Plan* (SP) 4-9-05, Steak & Shake, was approved by Town Council on 12/7/2005.
 - *Delegation* (DG) 14-311, Lakeside Town Shops, was approved by Town Council on 1/21/2015 to restrict the property to 290,000 square feet of commercial use.
 - *Developer Agreement* (DA) 15-036, Lakeside Town Shops, was approved by Town Council on 04/01/2015 to amend the recorded Covenants and Restrictions to allow an increase in the amount of allowable commercial building area on the property.
 - *Site Plan* (SP) 14-312, Lakeside Town Shops, was approved by Town Council on 04/01/2015 to facilitate the development of a +/-6,300-square-foot secondary inline



TOWN OF DAVIE
PLANNING & ZONING DIVISION
6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
Phone: 954.797.1103 • www.davie-fl.gov

- retail center containing three tenants (including *Starbucks* and *Chipotle*).
- *Variance* (V) 15-035, Lakeside Town Shops, was approved by Town Council on 04/01/2015 to allow the creation of an outparcel and installation of a second menu board.
3. Concurrent Requests:
- *Site Plan* (SP) 19-179, Lakeside Town Shops, to develop an 8,192 square foot building for minor vehicle repair use.
 - *Variance* (V) 19-180, Lakeside Town Shops, to allow the creation of an outparcel that is approximately 1.04 acres and zoned Urban Commercial (UC) (Town Code normally requires properties zoned UC to have a minimum lot size of 10 acres).

Analysis

The following Staff analysis (*italic font*) based on the criteria established in the Town of Davie Code of Ordinances, Sec. 12-309(B)(1) for Variance applications.

a. There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for any person having an interest in the property.
There are no special circumstances or conditions applying to the land to justify the variance to reduce the off-street parking requirements.

b. The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.
The granting of the variance isn't necessary for the reasonable use of the land. A shopping center with an anchor tenant and inline and standalone commercial/retail components already exists on the premises. The applicant hasn't provided any evidence that 31 parking spaces would be the minimum necessary parking for the Discount Tire store.

c. That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
There is no evidence that granting the variance will be detrimental to the public safety and welfare of the neighborhood. The 110 parking spaces that are proposed to be removed are the farthest parking spaces from the Target and inline retail building. The parking spaces are approximately 700 feet from the entrance to Target and over 600 feet from the inline retail building.

Recommendations

Staff finds the application complete and suitable for further review.

Attachments

1. Petitioner Documentation
2. Related Maps
3. Noticing Information

H & T CONSULTANTS, INC.
Civil Engineering – Land Development

9310 Old Kings Road S, Suite 1001
Jacksonville, FL 32257

(904) 419-1001 Phone • (904) 419-1004 Fax

November 25, 2019

Mr. Mathew Coyle, AICP
Planner II
Town of Davie
Planning & Zoning Division
6591 Orange Drive
Davie, Florida 33314-3399

RE: Discount Tire Store – Scope of Work Letter
Variance for Parking Requirements – Target and Discount Tire
5800 South University Drive, City of Davie, County of Broward, State of Florida

Dear Mr. Coyle,

Attached is a completed application form for parking variances, submitted on behalf of Target Corporation and Discount Tire, requesting variances from the Code required parking ratio of one (1) space per every two hundred twenty-five (225) square feet for retail centers and one (1) space for every two hundred square feet for repair shops. Please note: capitalized terms used herein shall have the same meaning as set forth in the accompanying Criteria Letter.

Per the attached survey and parking analysis, it was determined that the existing parking for the Shopping Center, which includes Target and Retail Spaces B, C, D, E, F, G, H & I, is deficient per current Code requirements. The proposed site plan for the DT Outparcel would further exacerbate this deficiency by losing one hundred ten (110) parking spaces from the current parking total for the Shopping Center. As such, the proposed request seeks variances for: (a) one (1) space per every two hundred fifty-five (255) square feet for the Shopping Center and (b) one (1) space per every two hundred sixty-five square (265) feet for the DT Outparcel. The Shopping Center would still be Code compliant, should the site plan be approved for Discount Tire. The Outparcel Variance is the absolute minimum amount of parking spaces needed for Discount Tire's Intended Use.

If there is anything else you need, please don't hesitate to let us know.

Thank you,


Francis Dayao, P.E.
Project Engineer

H & T CONSULTANTS, INC.
Civil Engineering – Land Development

9310 Old Kings Road S, Suite 1001
Jacksonville, FL 32257

(904) 419-1001 Phone • (904) 419-1004 Fax

November 25, 2019

Mr. Mathew Coyle, AICP
Planner II
Town of Davie Planning & Zoning Division
6591 Orange Drive
Davie, Florida 33314-3399

RE: Discount Tire Store – Criteria Letter
Request for Parking Variance – Target and Discount Tire
5800 South University Drive, City of Davie, County of Broward, State of Florida

Mr. Coyle,

Please consider the following justification criteria when considering the variance request to the above-referenced matter.

a) There are special circumstances or conditions applying to the land or building for which a variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self-created by any person having an interest in the property.

SC Variance: *Conversion of the existing Target parking lot to a new retail tire store (“Discount Tire”) will reduce the number of parking spaces available by one hundred ten (110) parking spaces for Target and the adjacent retail stores within the development (collectively, the “Shopping Center”). Pursuant to Section 12-208(A)(29) of the Code of Ordinances Town of Davie, Florida (the “Code”) the minimum requirement for retail centers of this size is one (1) space per every two hundred twenty-five (225) square feet of commercial space. The proposed request seeks a variance of one (1) parking space per every two hundred fifty-five (255) square feet in lieu thereof (the “SC Variance”). The Shopping Center would still have a remaining combined total of one thousand fifty-two (1,052) parking spaces, which is a significant amount of available parking spaces for the Shopping Center. Based on previous years, the current number of parking spaces exceeds the total number of actual shoppers using the parking areas at any given time.*

Outparcel Variance: *A parking variance of one (1) space per two hundred sixty-five (265) square feet (the “Outparcel Variance”) is also requested for the proposed Discount Tire site (the “DT Outparcel”) since the Code requirement for repair shops of one (1) space per two hundred (200) square feet cannot be met due to site constraints, such as, building setbacks,*

landscaping/greenspace buffers and requirements. At one (1) space per two hundred (200) square feet, the DT Outparcel would have to provide forty-one (41) parking spaces, however, only thirty-one (31) parking spaces can be provided. Granting of the variance will enable Discount Tire to develop the DT Outparcel (the furthest parking lot from the Target store) for the sale and installation of automobile and light truck tires and wheels (the "Intended Use"). Discount Tire does not perform any other automotive repair services. We strongly believe that the development of the DT Outparcel is a more reasonable use of the land and is more beneficial to the overall Shopping Center. The proposed development will also generate additional revenue for the Town of Davie and will provide additional employment in the area for years to come.

b) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

Granting of the SC Variance and the Outparcel Variance is necessary in order to develop the DT Outparcel. The proposed Discount Tire building is approximately two thousand (2,000) square feet of retail and office space, with the remaining square footage allotted to service bays and tire storage. The thirty-one (31) proposed parking spaces on the DT Outparcel is sufficient to support Discount Tire's Intended Use of the DT Outparcel. Approval of the requested parking variances will have no negative impact on Target's parking ratio and Target will still be in compliance with Code.

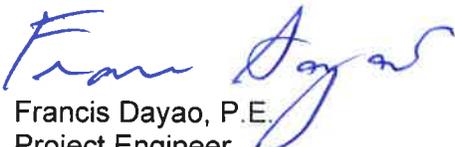
c) That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Granting of the SC Variance and the Outparcel Variance will have no negative consequences to the Shopping Center and will not be injurious to the neighborhood or detrimental to public welfare. There will still be a significant amount of parking spaces available for use for shoppers at any given time. Furthermore, the thirty-one (31) parking spaces Discount Tire will be able to provide (with variance) is sufficient for the Intended Use of the DT Outparcel. The DT Outparcel is the furthest parking lot from the Target store entrance and is seldom used.

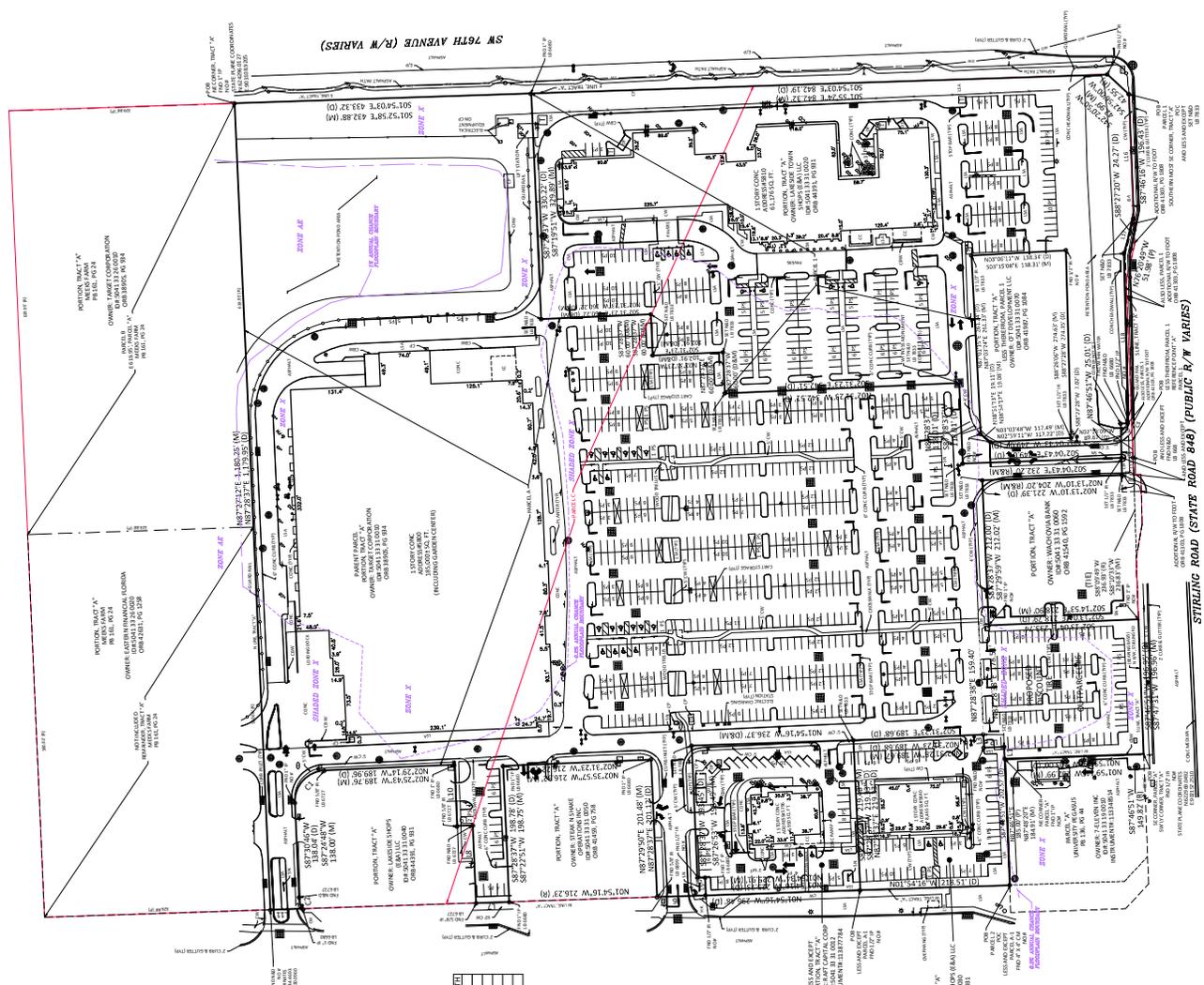
We sincerely hope that the Town of Davie finds this criteria letter for the requested parking variances acceptable.

If there is anything else you need, please do not hesitate to contact us. We appreciate your consideration.

Thank you,


Francis Dayao, P.E.
Project Engineer

BOUNDARY SURVEY



LINE BEARING	DELTA ANGLE	ARC LENGTH	CORDED BEARING	CORDED LENGTH
C1	45.00°	92.0000'	N87°23.04'W	83.64' (I)
C2	40.00°	87.5100'	S74°53.26'W	77.91' (I)
C3	13.00°	84.0000'	S70°00.00'W	77.13' (I)

LINE BEARING	DELTA ANGLE	ARC LENGTH	CORDED BEARING	CORDED LENGTH
L1	187°40.72'	17.72' (M)	N87°23.04'W	83.64' (I)
L2	100°13.73'W	29.70' (I)	S74°53.26'W	77.91' (I)
L3	102°49.14'W	29.00' (M)	S70°00.00'W	77.13' (I)
L4	187°23.04'W	19.25' (M)	S70°00.00'W	77.13' (I)
L5	187°23.04'W	19.25' (M)	S70°00.00'W	77.13' (I)
L6	187°23.04'W	19.25' (M)	S70°00.00'W	77.13' (I)
L7	187°23.04'W	19.25' (M)	S70°00.00'W	77.13' (I)
L8	187°23.04'W	19.25' (M)	S70°00.00'W	77.13' (I)
L9	187°23.04'W	19.25' (M)	S70°00.00'W	77.13' (I)
L10	187°23.04'W	19.25' (M)	S70°00.00'W	77.13' (I)
L11	187°23.04'W	19.25' (M)	S70°00.00'W	77.13' (I)
L12	187°23.04'W	19.25' (M)	S70°00.00'W	77.13' (I)
L13	187°23.04'W	19.25' (M)	S70°00.00'W	77.13' (I)
L14	187°23.04'W	19.25' (M)	S70°00.00'W	77.13' (I)
L15	187°23.04'W	19.25' (M)	S70°00.00'W	77.13' (I)
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L18	187°23.04'W	19.25' (M)	S70°00.00'W	77.13' (I)
L19	187°23.04'W	19.25' (M)	S70°00.00'W	77.13' (I)
L20	187°23.04'W	19.25' (M)	S70°00.00'W	77.13' (I)

PARKING COUNT:

PROPOSED DISCOUNT THE PARCEL:	REMARKS OF SITE:	TOTAL:
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111	HANDICAP	31
112	REGULAR	1131
113	HANDICAP	31

ADDRESS:
6800 S UNIVERSITY DRIVE
DAVIE, FL 33328

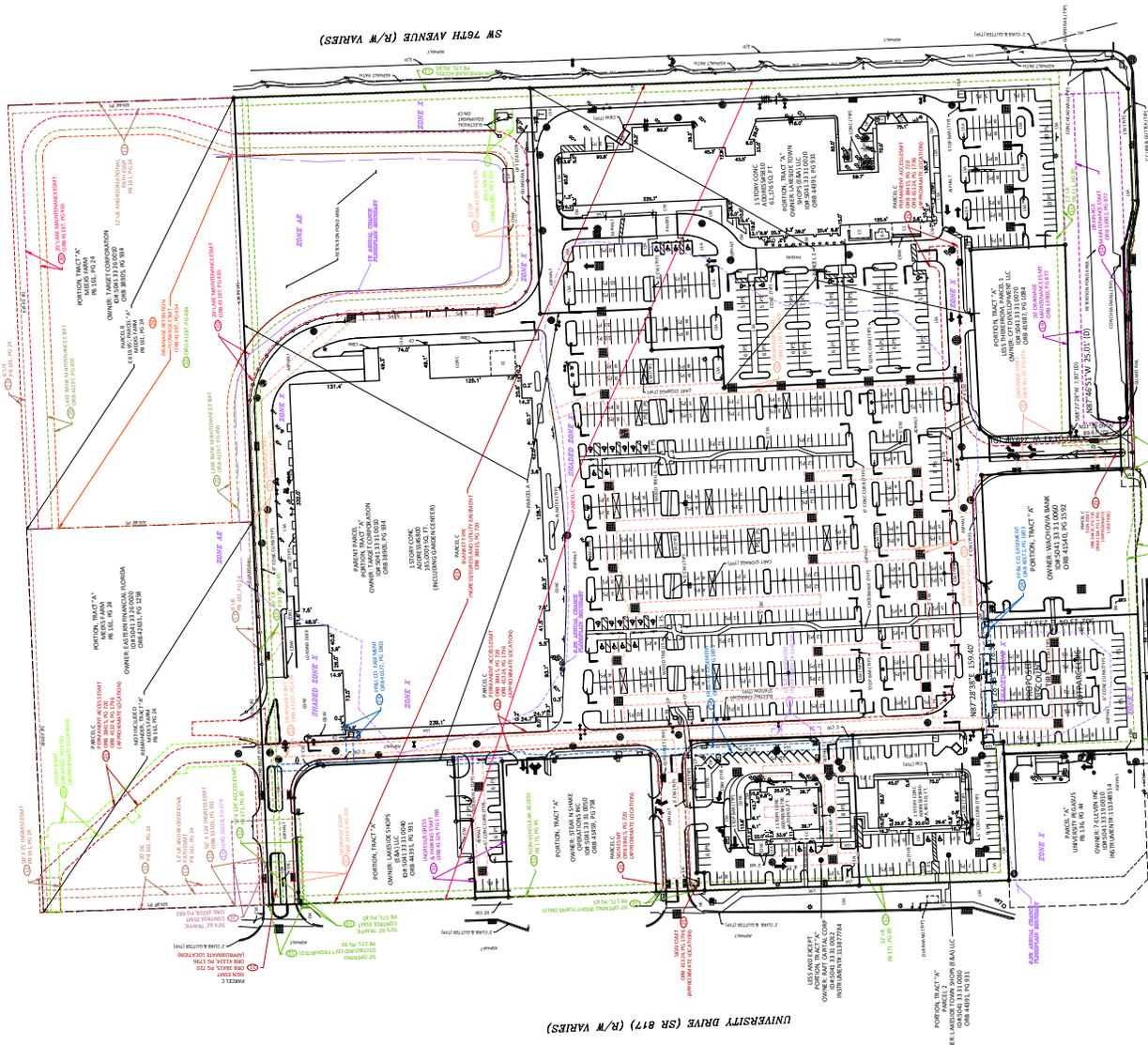
Job Information
 CLIENT: [REDACTED]
 FIELD DATE: 08-15-2013
 DRAWN BY: [REDACTED]

Altamax Surveying
 9100 16th Avenue, Suite 1140
 Casselberry, FL 32709
 Licensed Business No. 28333
 www.altamaxsurveying.com

SHEET 2 OF 3

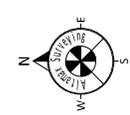


BOUNDARY SURVEY



PARKING COUNT:

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REMAINDER OF SITE:	1021
REGULAR	31
HANDICAP	0
TOTAL:	1133
REGULAR	31
HANDICAP	0



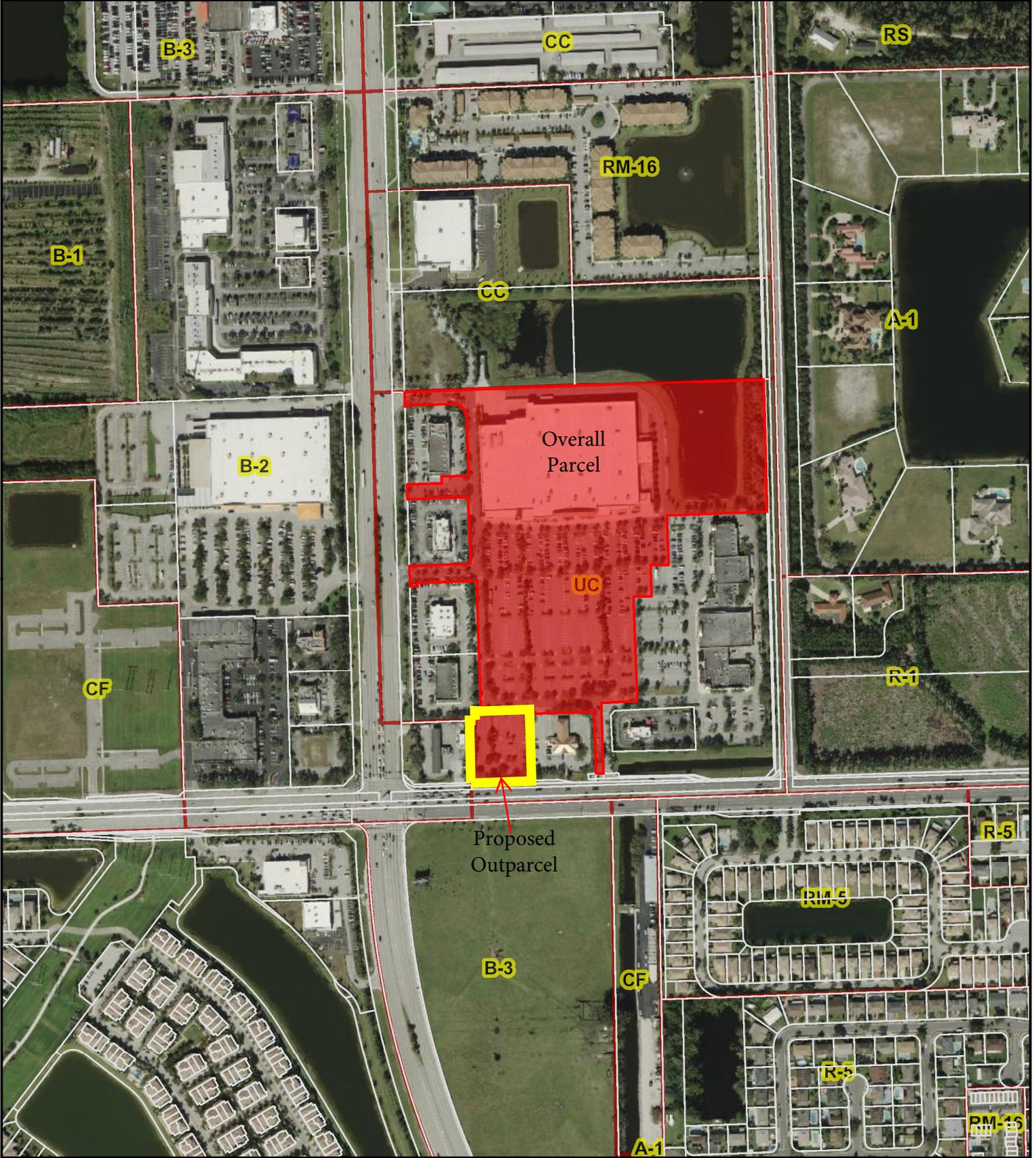
ADDRESS:
6800 S UNIVERSITY DRIVE
DAVIE, FL 33328

Job Information
 PROJECT NO. 2024-001
 FIELD DATE: 08-15-2023
 SCALE: 1" = 80'
 DRAWING NO. 24-001

Altamax Surveying
 9100 Julia Avenue, Suite 1140
 Casselberry, FL 32726
 Licensed Business No. 78333
 www.altamaxsurveying.com



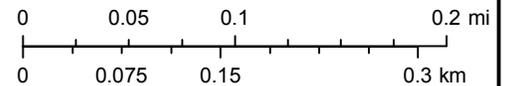
Zoning Map



GIS MAP DISCLAIMER

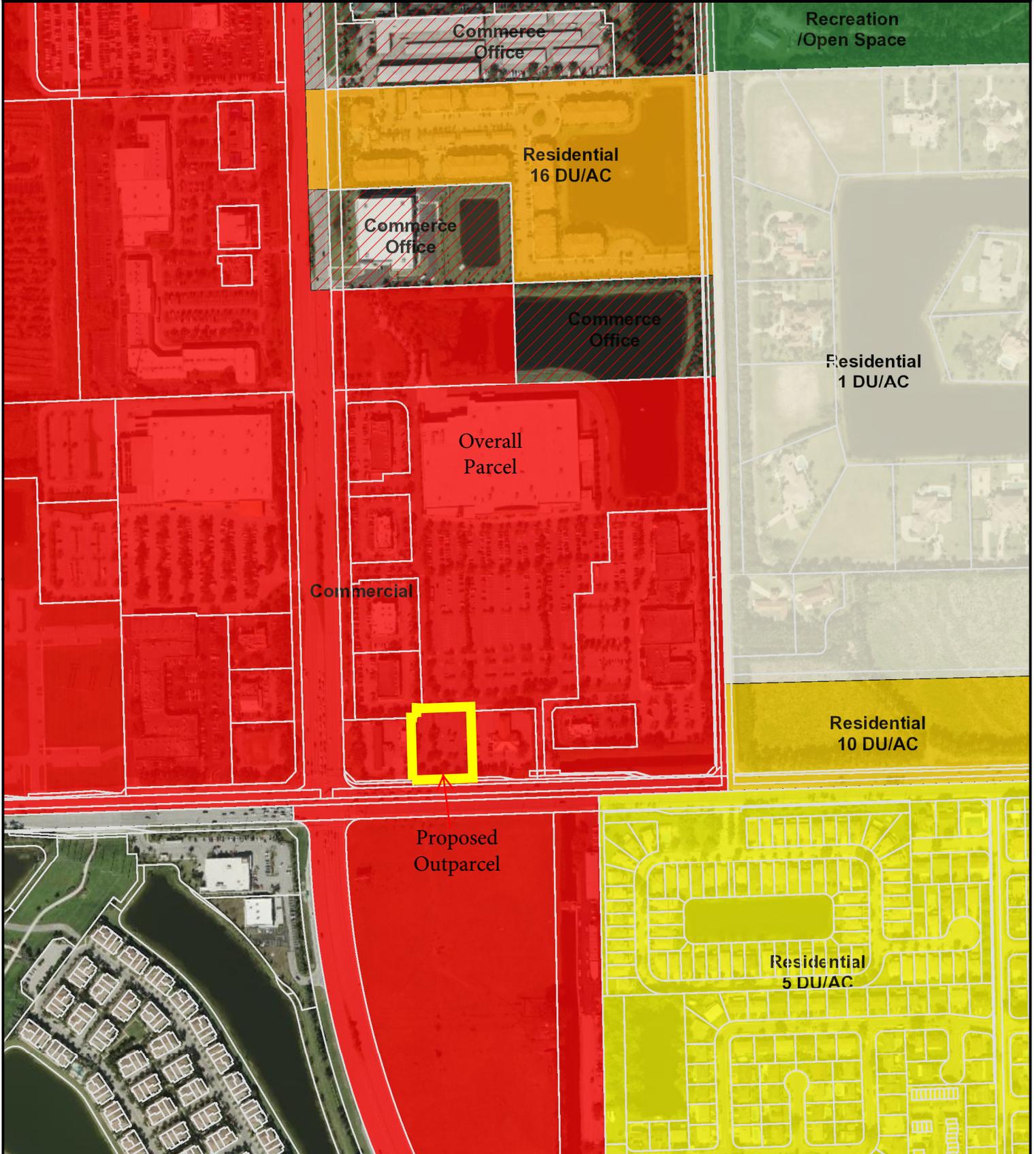
The information on this map is for graphical purposes only. It does not represent a legal survey and has not been prepared or is it suitable for legal, engineering, or surveying purposes. While every effort has been made to ensure that these data are accurate and reliable the Town of Davie cannot assume liability for any damages caused by any errors or omissions in the data.

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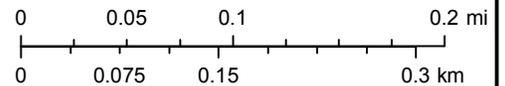


Land Use Map



GIS MAP DISCLAIMER

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2/27/2020, 3:35:46 PM

**NOTICE OF PUBLIC HEARING FOR:
VARIANCE APPLICATIONS**

The Town of Davie proposes to conduct public hearings to consider the following resolutions:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TAKING FINAL ACTION ON VARIANCE APPLICATION V19-180 DISCOUNT TIRE, PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TAKING FINAL ACTION ON VARIANCE APPLICATION V19-182 DISCOUNT TIRE, PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Planning and Zoning Board and the Town Council of the Town of Davie will hold public hearings in the Council Chambers of the Davie Town Hall, 6591 Orange Drive, Davie, Florida on the dates hereinafter specified. The item will be discussed at 6:30 p.m. or as soon thereafter as practicable. Comments of any interested party relative to this matter may be submitted in writing and/or presented at the hearing.

PETITIONER/OWNER: Halle Properties LLC/Target Corporation

PROPERTY LOCATION: 5800 S University Drive
(Parcel Folio No. 5041-33-31-0010)

**DATE OF PLANNING &
ZONING BOARD HEARING:** March 11, 2020

**DATE OF TOWN
COUNCIL HEARING:** April 1, 2020

VARIANCE APPLICATIONS: To allow the creation of an outparcel that is approximately 1.04 acres and zoned Urban Commercial (UC) (Town Code normally requires properties zoned UC to have a minimum lot size of 10 acres).

To reduce the required off-street parking requirements as follows:

- from 1,162 spaces to 1,052 spaces for the Lakeside Town Shops.
- from 41 spaces to 31 spaces for Discount Tire property (Town Code normally requires 41 parking spaces).

**SAID APPLICATIONS SHOULD
BE REFERRED AS:** Variance V19-180 and V19-182 Discount Tire

For further information, call the Planning and Zoning Division at (954) 797-1103. The proposed application may be inspected at the Planning and Zoning Division, 6591 Orange Drive, between the hours of 8:30 a.m. to 5:00 p.m. Monday through Friday.

Pursuant to Florida Statute § 286.0105, if a person decides to appeal any decision made by this board, agency, committee, or council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings. For such purpose he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk at 797-1023 at least five business days prior to the meeting to request such accommodation. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 (voice) or 1-800-955-8771 (TDD).



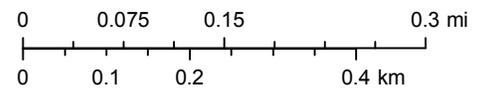
Mailout Map



GIS MAP DISCLAIMER

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10/3/2019, 10:06:38 AM



NAME_LINE_1	MAILING_ADDRESS_1	Mailing Address 2	MAILING_CITY	MAILING_STATE	MAILING_ZIP
2017-1 IH BORROWER LP	1717 MAIN ST #2000		DALLAS	TX	75201
7-ELEVEN INC	1722 ROUTH ST STE 1000		DALLAS	TX	75201
ABREU,LUIS A & EDNA M	4021 W SILVERADO CIR		DAVIE	FL	33024
ALAM,MOHAMMAD & RAHEJA	4060 W SILVERADO CIR		DAVIE	FL	33024
ALDI FLORIDA LLC	PO BOX 460049 DEPT 501		HOUSTON	TX	77056
BARI,MOHAMMED A H/E	3930 NW 79 WAY		HOLLYWOOD	FL	33024
BD UNIVERSITY LLC	13001 ZAMBRANA ST		CORAL GABLES	FL	33156
BOWE,DWAYNE LORENZO	7401 PEPPERTREE CIR S		DAVIE	FL	33314
BROWARD COUNTY	115 S ANDREWS AVE RM 501-RP		FORT LAUDERDALE	FL	33301
BUDHNA,JAGDISH & LILLOWATIE	7926 N SILVERADO CIR		DAVIE	FL	33024
BULLOCK,STEVE	PO BOX 172934		MIAMI	FL	33017
CARBEE,DENNIS P & MICHELLE L	4100 W SILVERADO CIR		DAVIE	FL	33024
CASCADA HOMEOWNERS ASSN INC	11784 W SAMPLE RD #103		CORAL SPRINGS	FL	33065
CC BROWARD PROPERTY V LLC	2020 SALZEDO ST		CORAL GABLES	FL	33134
CENTRAL BROWARD WATER CONTROL	8020 STIRLING ROAD		HOLLYWOOD	FL	33024
CFT DEVELOPMENTS LLC	1683 WALNUT GROVE AVE		ROSEMEAD	CA	91770
CHANG,YU TING & WEN HUEI	7963 S SILVERADO CIR		DAVIE	FL	33024
CHOY,JENNIFER M	3303 CHICA CIR		MELBOURNE	FL	32904
COLE,KERRYANN H/E	7939 S SILVERADO CIR		DAVIE	FL	33024
CONTENTUS DAVIE LLC	5500 S UNIVERSITY DR		DAVIE	FL	33328
CORRENTI,ALISON	7957 S SILVERADO CIR		DAVIE	FL	33024
COSME,BARBARA ANN C	4120 W SILVERADO CIR		DAVIE	FL	33024
COSME,KAREN & LAURENCE	4121 W SILVERADO CIR		DAVIE	FL	33024
Current Occupant	4001 W SILVERADO CIR		DAVIE	FL	33024
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Current Occupant	5510 S UNIVERSITY DR	UNIT 1108	DAVIE	FL	33328
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Current Occupant	5530 S UNIVERSITY DR	UNIT 3302	DAVIE	FL	33328
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Current Occupant	5540 S UNIVERSITY DR	UNIT 8103	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8108	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8110	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8111	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8203	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8201	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8107	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8112	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8109	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8202	DAVIE	FL	33328
Current Occupant	5540 S UNIVERSITY DR	UNIT 8204	DAVIE	FL	33328
Current Occupant	5543 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7201	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7104	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7106	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7312	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7310	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7108	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7105	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7107	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7311	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7111	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7203	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7109	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7205	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7112	DAVIE	FL	33328

Current Occupant	5550 S UNIVERSITY DR	UNIT 7202	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7110	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7204	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7206	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7302	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7210	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7304	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7208	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7207	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7211	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7301	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7209	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7303	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	BLD 7	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7309	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7102	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7306	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7103	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7101	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7308	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7305	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7307	DAVIE	FL	33328
Current Occupant	5550 S UNIVERSITY DR	UNIT 7212	DAVIE	FL	33328
Current Occupant	5551 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5555 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5559 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4101	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4103	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4310	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4307	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4105	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4309	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4102	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4311	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4308	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4104	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4202	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4110	DAVIE	FL	33328
Current Occupant	5560 S UNIVERSITY DR	UNIT 4312	DAVIE	FL	33328

Current Occupant	5745 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5749 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5755 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5759 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5765 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5769 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5775 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5779 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5780 S UNIVERSITY DR	UNIT 107	DAVIE	FL	33328
Current Occupant	5780 S UNIVERSITY DR	UNIT 101	DAVIE	FL	33328
Current Occupant	5780 S UNIVERSITY DR	UNIT 105	DAVIE	FL	33328
Current Occupant	5780 S UNIVERSITY DR	UNIT 102	DAVIE	FL	33328
Current Occupant	5780 S UNIVERSITY DR	UNIT 103	DAVIE	FL	33328
Current Occupant	5780 S UNIVERSITY DR	UNIT 106	DAVIE	FL	33328
Current Occupant	5780 S UNIVERSITY DR	UNIT 104	DAVIE	FL	33328
Current Occupant	5785 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5789 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5790 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5791 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5795 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5796 S UNIVERSITY DR	UNIT 101	DAVIE	FL	33328
Current Occupant	5796 S UNIVERSITY DR	UNIT 102	DAVIE	FL	33328
Current Occupant	5796 S UNIVERSITY DR	UNIT 103	DAVIE	FL	33328
Current Occupant	5800 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5801 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 110	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 101	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 116	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 121	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 127	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 113	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 107	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 104	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 124	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 108	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 105	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 125	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 119	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 102	DAVIE	FL	33328

Current Occupant	5810 S UNIVERSITY DR	UNIT 122	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 128	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 120	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 114	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 103	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 123	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 117	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 111	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 118	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 112	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 129	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 115	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 109	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 106	DAVIE	FL	33328
Current Occupant	5810 S UNIVERSITY DR	UNIT 126	DAVIE	FL	33328
Current Occupant	5820 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5830 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5840 S UNIVERSITY DR	UNIT 104	DAVIE	FL	33328
Current Occupant	5840 S UNIVERSITY DR	UNIT 101	DAVIE	FL	33328
Current Occupant	5840 S UNIVERSITY DR	UNIT 106	DAVIE	FL	33328
Current Occupant	5840 S UNIVERSITY DR	UNIT 102	DAVIE	FL	33328
Current Occupant	5840 S UNIVERSITY DR	UNIT 107	DAVIE	FL	33328
Current Occupant	5840 S UNIVERSITY DR	UNIT 108	DAVIE	FL	33328
Current Occupant	5840 S UNIVERSITY DR	UNIT 103	DAVIE	FL	33328
Current Occupant	5840 S UNIVERSITY DR	UNIT 105	DAVIE	FL	33328
Current Occupant	5890 SW 76 AVE		DAVIE	FL	33328
Current Occupant	5901 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5905 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5907 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5909 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5911 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5913 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5915 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5917 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5919 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5921 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5923 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5925 S UNIVERSITY DR		DAVIE	FL	33328
Current Occupant	5927 S UNIVERSITY DR		DAVIE	FL	33328

Current Occupant	5929 S UNIVERSITY DR			FL	33328
Current Occupant	5931 S UNIVERSITY DR			FL	33328
Current Occupant	5933 S UNIVERSITY DR			FL	33328
Current Occupant	5935 S UNIVERSITY DR			FL	33328
Current Occupant	5937 S UNIVERSITY DR			FL	33328
Current Occupant	5939 S UNIVERSITY DR			FL	33328
Current Occupant	5941 S UNIVERSITY DR			FL	33328
Current Occupant	5943 S UNIVERSITY DR			FL	33328
Current Occupant	5945 S UNIVERSITY DR			FL	33328
Current Occupant	5947 S UNIVERSITY DR			FL	33328
Current Occupant	5949 S UNIVERSITY DR			FL	33328
Current Occupant	5951 S UNIVERSITY DR			FL	33328
Current Occupant	5953 S UNIVERSITY DR			FL	33328
Current Occupant	5955 S UNIVERSITY DR			FL	33328
Current Occupant	5957 S UNIVERSITY DR			FL	33328
Current Occupant	5959 S UNIVERSITY DR			FL	33328
Current Occupant	5961 S UNIVERSITY DR			FL	33328
Current Occupant	5963 S UNIVERSITY DR			FL	33328
Current Occupant	5965 S UNIVERSITY DR			FL	33328
Current Occupant	5967 S UNIVERSITY DR			FL	33328
Current Occupant	5969 S UNIVERSITY DR			FL	33328
Current Occupant	5971 S UNIVERSITY DR			FL	33328
Current Occupant	5973 S UNIVERSITY DR			FL	33328
Current Occupant	5975 S UNIVERSITY DR			FL	33328
Current Occupant	5977 S UNIVERSITY DR			FL	33328
Current Occupant	5979 S UNIVERSITY DR			FL	33328
Current Occupant	5981 S UNIVERSITY DR			FL	33328
Current Occupant	5983 S UNIVERSITY DR			FL	33328
Current Occupant	5985 S UNIVERSITY DR			FL	33328
Current Occupant	5989 S UNIVERSITY DR			FL	33328
Current Occupant	5990 S UNIVERSITY DR			FL	33328
Current Occupant	7890 N SILVERADO CIR			FL	33024
Current Occupant	7921 S SILVERADO CIR			FL	33024
Current Occupant	7927 S SILVERADO CIR			FL	33024
Current Occupant	7961 N SILVERADO CIR			FL	33024
DANYLSHYN,WLODYMIR	4161 W SILVERADO CIR			FL	33024
DAVIE REALTY ACQUISITION INC	941 CLINT MOORE RD STE A			FL	33487
DAVIE SQUARE LLC	1645 SE 3 CT #200			FL	33441
DAVIE SQUARE OUTPARCEL LLC	1645 SE 3 CT STE 200			FL	33441

DAVIS,WINSTON L & ARMAN Q H/E	7920 N SILVERADO CIR			FL	33024
DICKSTEIN,ITZHAK & MEIRAV	5711 PEPPERTREE LN			FL	33314
DUAME,PAUL EDWARD & MIRIAM R	4080 W SILVERADO CIR			FL	33024
EXOTIC ACRES HOA INC	11011 SHERIDAN ST #208			FL	33026
FLORIDA DEPT OF TRANSPORTATION	3400 W COMMERCIAL BLVD			FL	33309
FOWLER,WINFORD ALLEN	7913 NW 40 ST			FL	33024
GABBAI,VICTOR H/E	7451 PEPPERTREE CIR S			FL	33314
GALAN,GERARDO C & MARIA D G	7956 N SILVERADO CIR			FL	33024
GOMEZ,KIMBERLY & THOMAS	7871 N SILVERADO CIR			FL	33024
GONZALEZ,RICARDO & NOELVY	7909 S SILVERADO CIR			FL	33024
HILL,LAWRENCE	1120 HOLLYWOOD BLVD			FL	33019
HO,KHAN XUAN	7914 N SILVERADO CIR			FL	33024
HOME DEPOT U S A INC	PO BOX 105465			GA	30348
HUBSCH,MATTHIAS	7933 S SILVERADO CIR			FL	33024
HYLTON,JOHN B	5721 PEPPERTREE LN			FL	33314
IH3 PROPERTY FLORIDA LP	1717 MAIN ST #2000			TX	75201
JRX REAL ESTATE LLC	3986 NW 52 PL			FL	33496
KARL,THOMAS A	7962 N SILVERADO CIR			FL	33024
KAUR,DHOOP	4181 W SILVERADO CIR			FL	33024
KOLONIAS,JOANNE	4141 W SILVERADO CIR			FL	33024
LAIK,MARCEL	5700 PEPPERTREE CIR W			FL	33314
LAKESIDE TOWN SHOPS (E&A) LLC	PO BOX 528			SC	29202
LAMB,TRINESE	7932 N SILVERADO CIR			FL	33024
LANNEAU,PETER MICHEL	7884 N SILVERADO CIR			FL	33024
LEROY,NATHALIE	3861 SW 31 ST			FL	33023
LIUGET,COREY	5750 PEPPERTREE CIR W			FL	33314
MAMOOD,MOHAMED S & FAZEELA	7967 N SILVERADO CIR			FL	33024
MASSE,MURRAY E & YVETTE	1738 E 4 ST APT 2			NY	11223
MATHEW,MARY & BABU	7915 S SILVERADO CIR			FL	33024
MIAMI CITY SELF STORAGE	2801 SW 31 AVE STE 2-B			FL	33133
MONTERRA COMMUNITY	5385 N NOB HILL RD			FL	33351
NEW LIFE ASSEMBLY OF GOD OF	7885 PINES BLVD			FL	33024
NGUYEN,QUINN	4101 W SILVERADO CIR			FL	33024
O'BRIEN,ANTHONY H/E	7905 NW 40 ST			FL	33024
ONG,SAI HAI H/E	7919 N SILVERADO CIR			FL	33024
PARENTEAU,STEPHANE &	7907 N SILVERADO CIR			FL	33024
PERKINS,CAMERON L	7896 N SILVERADO CIR			FL	33024
PETROSIUS,DARIUS	4081 W SILVERADO CIR			FL	33024
PHAN,HONG THI H/E	7951 S SILVERADO CIR			FL	33024

RAFT CAPITAL CORP	3074 LAKEWOOD CIR		WESTON	FL	33332
RAGAN,LISA	7945 S SILVERADO CIR		DAVIE	FL	33024
RASHID,ABDOOL H/E	7878 N SILVERADO CIR		DAVIE	FL	33024
RG STIRLING LLC	3325 S UNIVERSITY DR STE 210		DAVIE	FL	33328
RIGAUD,JULIETTE & RONY	7944 N SILVERADO CIR		DAVIE	FL	33024
ROMAN,MONICA	7902 N SILVERADO CIR		DAVIE	FL	33024
RUS,ION & MARY	7500 PEPPERTREE CIR N		DAVIE	FL	33314
SALEHJEE,MUHAMMAD ALI	7895 N SILVERADO CIR		DAVIE	FL	33024
SCHUCKERS,DANIEL RICHARD	7950 N SILVERADO CIR		DAVIE	FL	33024
SHORTYS II INC	9150 SW 87 AVE STE 205		MIAMI	FL	33176
SIDDIQUI,FAIZA	7351 PEPPERTREE CIR S		DAVIE	FL	33314
SILVERADO OWNERS ASSOCIATION	1145 SAWGRASS CORP PKWY		SUNRISE	FL	33323
SINGH-PERSAUD,VERONICA	7909 NW 40 ST		DAVIE	FL	33024
SPECTOR,EVAN IAN	7901 N SILVERADO CIR		DAVIE	FL	33024
STAMPLER,HARRY H/E	5800 PEPPERTREE CIR W		DAVIE	FL	33314
STEAK N SHAKE OPERATIONS INC	PO BOX 460169		HOUSTON	TX	77056
STORAGE TRUST PROPERTIES LP	PO BOX 25025 DEPT-PT-FL 28092		GLENDALE	CA	91221
TARGET CORPORATION	PO BOX 9456		MINNEAPOLIS	MN	55440
THAUREAUX,DORIS	7889 N SILVERADO CIR		DAVIE	FL	33024
TOIBA,RUTH	5650 PEPPERTREE CIR W		DAVIE	FL	33314
TOLEDO,IVETTE N LE	7913 N SILVERADO CIR		DAVIE	FL	33024
UNIVERSITY CREEK ASSOC I LTD	1645 SE 3 COURT SUITE 200		DEERFIELD BEACH	FL	33441
UNIVERSITY PARK HOLDINGS LLC	151 N NOB HILL RD STE 290		PLANTATION	FL	33324
UPADHYAYA,NARENDRA R &	11067 GARDEN RIDGE CT		DAVIE	FL	33328
VILARINO,ANTONIO &	5870 SW 76 AVE		DAVIE	FL	33328
VILARINO,ANTONIO & NILDA	6015 GARFIELD ST		HOLLYWOOD	FL	33024
VILLANUEVA,SAUD H/E &	7877 N SILVERADO CIR		DAVIE	FL	33024
VUONG,TU HONG & LINDA	7938 N SILVERADO CIR		DAVIE	FL	33024
WACHOVIA BANK NA	PO BOX 2609		CARLSBAD	CA	92018
WALDREP ENTERPRISES LLLP	3707 NW 110 AVE		OCALA	FL	34482
WISH WASH 7 LLC	PO BOX 44229		ATLANTA	GA	30336
ZAIDI,TAYYAB EST	1001 NW NORTH RIVER DRIVE		MIAMI	FL	33136
ZARACHA,MARCOS H/E	7908 N SILVERADO CIR		DAVIE	FL	33024
ZIA,MUHAMMAD USMAN	7883 N SILVERADO CIR		DAVIE	FL	33024



TOWN OF DAVIE
PLANNING & ZONING DIVISION
6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
Phone: 954.797.1103 • www.davie-fl.gov

MEMORANDUM

TO: Planning and Zoning Board

FROM: David Quigley, Planning & Zoning Manager 

DATE: March 3, 2020

SUBJECT: Ordinance to amend the Land Development Regulations regarding pharmacies and medical marijuana dispensing facilities

BACKGROUND

On April 17, 2019, Town Council directed the Town Attorney to prepare a draft ordinance to address where medical marijuana dispensing facilities may be permitted within the Town.

Pursuant to Section 163.3174(4)(c), Florida Statutes, proposed land development regulations must be reviewed by the designated Local Planning Agency for consistency with the adopted Comprehensive Plan.¹ Staff finds that the proposed ordinances are consistent with and further the Town's adopted Comprehensive Plan.

RECOMMENDATION

Find that the proposed ordinance is consistent with and furthers the Town's comprehensive plan and make such recommendation to Town Council.

ATTACHMENTS

- A. Draft Ordinance
- B. Zoning map depicting the zoning districts referenced in the draft ordinance
- C. Map of existing pharmacy locations
- D. Sec. 381.986, Florida Statutes, Medical Use of Medical Marijuana

¹ Per Section 2-138 of the Town Code, the Planning and Zoning Board serves as the Local Planning Agency for the Town.

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE FOLLOWING SECTIONS OF CHAPTER 12, LAND DEVELOPMENT CODE: ARTICLE III, USE REGULATIONS, SEC. 12-32, PERMITTED USES, SEC. 12-34, STANDARDS FOR SPECIFIC USES CONCERNING MEDICAL MARIJUANA DISPENSING BUSINESSES, PHARMACIES AND LIMITATIONS OF USES WITHIN THE COMMERCE CENTER [CC] DISTRICT; SEC. 12-436.4, PERMITTED USES OF THE GRIFFIN ROAD CORRIDOR DISTRICTS, SEC. 12-437.4, PERMITTED USES OF THE REGIONAL ACTIVITY CENTER-ACADEMICAL VILLAGE DISTRICT; SEC. 12-438.7, PERMITTED USES OF THE REGIONAL ACTIVITY CENTER DISTRICTS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sections 381.986 (11)(b) 1 and 2, Florida Statutes, provide two options concerning the location of medical marijuana dispensing facilities: a municipality may either ban all such uses within its boundaries, or, if such facilities are allowed, it may not enact ordinances for permitting or for determining the location of dispensing facilities that are more restrictive than its regulations permitting or determining the locations of pharmacies licensed under Chapter 465, Florida Statutes, except that a medical marijuana treatment center dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school; and

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes, the Town of Davie is authorized to protect the public health, safety and welfare of its residents and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, the Town Council finds it periodically necessary to amend its Land Development Code in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, on November 1, 2017, the Town Council of the Town of Davie adopted Ordinance No. 2017-033, which created Sec. 12-34 (UU) of the Town of Davie Land Development code, banning medical marijuana dispensing facilities; and

WHEREAS, the Town of Davie desires to amend Sec. 12-34 (UU) and related provisions of the Town of Davie Land Development Code to allow medical marijuana dispensing facilities in compliance with the statutory requirements; and

WHEREAS, at a public hearing on [REDACTED], the Planning and Zoning Board reviewed this ordinance and made a recommendation to Town Council; and

WHEREAS, following proper notice to the public and after having received input and participation from interested members of the public and staff, and having considered the recommendation of the Planning and Zoning Board, the Town Council finds this proposed ordinance consistent with its Comprehensive Plan, as amended, as well as Florida and Federal law; and

WHEREAS, the Town Council has held two advertised public hearings in accordance with Florida Statutes; and

WHEREAS, the Town Council deems it to be in the best interest of the citizens and residents of the Town of Davie to adopt the proposed amendments to the Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. The Town of Davie Code of Ordinances, Chapter 12, Land Development Code, is hereby amended as set forth in Exhibit “A” (new language is underlined, deleted language is struck through).

SECTION 3. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

SECTION 5. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ___ DAY OF _____, 2020.

PASSED ON SECOND READING THIS ___ DAY OF _____, 2020.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK
APPROVED THIS _____ DAY OF _____, 2020.

Approved as to Form and Legality:

TOWN ATTORNEY

EXHIBIT "A"

SEC. 12-32. - PERMITTED USES.

The tables set forth in this section indicate the permitted uses for each district. Where possible, the tables identify uses which have specific standards, such as minimum lot sizes or special setback requirements. All uses, however, are subject to the general and specific provisions of this article. The meaning of the table notations is as follows:

P = Permitted use in the district

N = Not a permitted use in the district

* = Conditionally permitted subject to the specific standards set forth in section 12-34.

The town administrator or his or her designee shall have the discretion to permit uses which are not specifically listed but which are similar in nature to those expressly permitted.

(B) Commercial, Office and Business Districts:

Permitted Uses	SC & B-1	WT & B-2	UC & B-3	O	FB	CC	C1	RO	B-2M
Medical Marijuana Dispensing <u>Business Facility</u>	N	N*	N	N	N	N	N	N	N
Pharmacy	N	<u>P</u> *	<u>P</u> <u>N</u>	N	<u>P</u> <u>N</u>	<u>*N</u>	<u>P</u> <u>N</u>	N	N

(C) Business Park and Industrial:

Permitted Uses	BP	M-1	M-2	M-3
Medical Marijuana Dispensing <u>Business Facility</u>	N	N	N	N
<u>Pharmacy</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

(D) *Recreational, Community Facilities and Utilities Districts:*

Permitted Uses	RS	CR	NCF	CF	U
Medical Marijuana Dispensing Business <u>Facility</u>	N	N	N	N	N

SEC. 12-436.4. - PERMITTED USES.

[GRIFFIN CORRIDOR DISTRICT]

	Gateway West	Downtown	Gateway East	Griffin Commerce	Node
RETAIL USES:					
Medical Marijuana Dispensing Business <u>Facility</u>	N	N	N	N	N
Pharmacy	R(8) <u>N</u>	P <u>N</u>	P <u>N</u>	P(9) <u>N</u>	P <u>N</u>

SEC. 12-437.4. – PERMITTED USES.

[REGIONAL ACTIVITY CENTER – ACADEMICAL VILLAGE DISTRICT]

Uses	Mixed Use	University (Higher Education)	School (Pre-K thru 12)
<u>Medical marijuana dispensing facility</u>	* -	* -	<u>N</u>
<u>Pharmacy</u>	* -	* -	<u>N</u>

P = Permitted use.

C =Conditional use.

N = Not permitted.

* = ~~Conditional use subject to special use regulations (Article X, Division 4).~~

C = Conditionally permitted subject to the specific standards set forth in section 12-34.

SEC. 12-438.7. – PERMITTED USES.

[REGIONAL ACTIVITY CENTER]

TABLE 12-438.7(C) Table of Permitted Uses						
Permitted Uses	Transit-Oriented Street(9)	RAC-RTE RAC-RTW	RAC-ED	RAC-TC	RAC-ND2	RAC-ND4
RETAIL						
Retail sales permitted within the B-2 District, subject to section 12-34	P	P	P	P	(7)	(6)
Medical Marijuana Dispensing Business Facility	N	N	N	N	N	N
Pharmacy	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

SEC. 12-34. - STANDARDS FOR SPECIFIC USES.

(F) Commerce Center (CC) District—Limitations of Uses:

- (1) A maximum of twenty (20) percent of the gross floor area of a CC development may be used for one or more of the following uses:
 - (a) Personal services, such as barber shops, beauty salons, dry cleaners subject to limitations below, photographic studio, shoe repairs, health clubs.
 - (b) Restaurants, nightclubs, lounges with entertainment or consumption of alcoholic beverages on-premises.
 - (c) Florists.

- (d) Gift shops.
- (e) Newsstands, bookstores.
- (f) Office supplies, sales and service, including printing, and excluding furniture sales.

~~(g) Pharmacy.~~

~~(hg) Child care center, day nursery, preschool.~~

- (2) All exterior loading doors shall remain fully closed except during loading and unloading activities. All exterior loading doors shall be completely screened from public view from all property lines.
- (3) The minimum parcel size for development of a hotel or motel complex shall be five (5) acres.
- (4) Any machinery utilizing motor(s) larger than twenty (20) horsepower shall be operated within a fully enclosed building.
- (5) The minimum parcel size for development of an automobile sales facility shall be five (5) acres. The sales and display of trucks may be permitted as a secondary product to the automobile sales facility; provided, however, the trucks sold and displayed consist of no more than two (2) axles and consume no more than fifty (50) percent of display/sales area. An automobile service facility, including auto body and paint shop, may be included within the development, provided the facility is wholly internalized within the development and is clearly ancillary to the automobile sales facility. No independent signage, except directional sign(s) within the development itself, shall be permitted for the automobile service facility.
- (6) Fences, walls and screening: see attached.
 - (a) Fences and walls may be erected within the Commerce Center District to a maximum height of eight (8) feet.
 - (b) The service entrances of buildings shall be screened from direct view through the use of a wall, fence or landscaped berm as recommended at the discretion of the site plan committee.
- (7) Other than as set forth in paragraph (5), above, no outdoor storage of goods or materials is permitted and no fabrication of any kind shall be conducted outside of an enclosed building.

~~(UU) — Marijuana dispensing businesses.~~

~~(1) — The purpose of this subsection (UU) is to establish requirements that regulate marijuana dispensing, in the interest of the public health, safety, and welfare. The purpose of this subsection is not to deny the residents of the Town of Davie medical marijuana as now allowed by Florida law, but to promote compliance with state laws and to ensure compatibility with the community, surrounding businesses, and to protect the health, safety, and welfare of the public.~~

~~(2) — Definitions:~~

~~a. Applicant shall mean any person or entity that has submitted an application for approval to conduct business pursuant to this subsection. If 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 ten (10) percent or more of such entity.~~

~~b. Marijuana has the meaning given to it by Florida Statute § 893.02(3) and shall include all forms of medical marijuana or low-THC marijuana.~~

~~c. Marijuana dispensing business shall mean a business licensed to dispense marijuana pursuant to applicable law and that is engaged in the retail sale of marijuana or marijuana derivative products.~~

~~d. Cultivation or cultivate shall mean the process by which a person grows a marijuana plant.~~

~~e. Derivative products shall mean products derived from marijuana, including but not limited to, marijuana oil or consumable products containing or derived from marijuana.~~

~~f. Dispensing shall mean the retail sale of marijuana or derivative products at a marijuana dispensing business.~~

~~g. The town adopts the definitions listed in Florida Statute § 499.0295 and 381.986, as amended from time to time, for any definitions not described above.~~

~~(3) — Medical marijuana dispensing ban:~~

~~a. It shall be unlawful for any person or entity to establish or operate a medical marijuana dispensing business in the town.~~

(UU) Pharmacies and Medical Marijuana Dispensing Facilities.

(1) Purpose and intent. The purpose of this subsection (UU) is to regulate new Pharmacies and Medical Marijuana Dispensing Facilities. The purpose of this subsection is not to deny the residents of the Town of Davie Medical Marijuana as now allowed by Florida law, but to promote compliance with state laws and to ensure compatibility with the community, surrounding businesses, and to protect the health, safety, and welfare of the public. Note that Pain Clinics are regulated by Chapter 10, Article IV and Synthetic Cannabinoids and Synthetic Stimulants are regulated in Chapter 16, Article VII of the Town Code.

(2) Definitions:

- a. *Applicant.* An individual or business entity desiring to operate a Pharmacy or Medical Marijuana Dispensing Facility within the Town of Davie limits.
- b. *Medical Marijuana.* All part of any plant(s) of the genus Cannabis, whether growing or not, the seeds thereof; the resin extracted from any part of the plant(s); and every compound, manufacture, salt derivative, mixture, or preparation of the plant(s) or seed or resin that is dispensed only from a dispensing organization for medical use by an eligible patient as defined in § 499.0295, Florida Statutes. Medical Marijuana includes any strain of Marijuana or Cannabis, in any form that is authorized from time to time by State law to be dispensed or sold in the State of Florida.
- c. *Medical Marijuana Dispensing Facility.* A retail establishment, licensed by the Florida Department of Health as a "medical marijuana treatment facility," "medical marijuana treatment center," "dispensing organization," "dispensing organization facility" or similar use, that sells and dispenses Medical Marijuana, but does not engage in any other activity related to the preparation, wholesale storage, distribution, transfer, cultivation, or processing of any form of Marijuana or Marijuana product, and does not allow on-site consumption of Marijuana.
- d. *Pharmacy.* Pharmacy has the meaning given to it by Florida Statute § 465.003(11)(a) but specifically excludes Medical Marijuana Dispensing Facility.
- e. *Premises.* The building, within which a Pharmacy or Medical Marijuana Dispensing Facility is permitted to operate by the Town of Davie, including the property on which the building is located, and all parking areas on the property.

(3) Requirements for Pharmacies and Medical Marijuana Dispensing Facilities.

- a. Permitted Uses: Pharmacies and Medical Marijuana Dispensing Facilities shall be only be permitted in the zoning districts specified in Sections 12-32 and 12-437.4 of the Town Code.
- b. Distance requirements. No Pharmacy or Medical Marijuana Dispensing Facility shall be located closer than 1,000 linear feet from the nearest School K-12, as defined in Section 12-503. The Applicant must submit a survey sealed by a Florida licensed and registered land surveyor. The survey shall indicate a separation distance measured in a straight line from the furthest extent of the proposed principal building housing the Pharmacy or Medical Marijuana Dispensing Facility to the nearest property line of the nearest School K-12. In lieu of a survey, the Applicant may furnish a map acceptable to the Town Administrator or designee, provided that such map is scalable and utilizes the current parcel boundaries as provided by the Broward County Property Appraiser.
- c. Freestanding building. Pharmacies and Medical Marijuana Dispensing Facilities shall only be permitted within a freestanding building, one that does not share common walls or a roof with another building or establishment.
- d. Demonstration of compliance with state and local requirements. Prior to issuance of any Town zoning or development approval, the Applicant must provide a copy of any relevant state license and otherwise demonstrate compliance with all requirements of the State of Florida and this Chapter.
- e. Public Consumption of Marijuana Prohibited. Nothing in this paragraph (UU) shall be deemed to permit the public consumption of any form of Marijuana. Further, it shall be unlawful for any person to smoke, ingest or consume Marijuana, Medical Marijuana, Cannabis, or low-THC Cannabis as defined in Florida Statutes, in any form in any public building, public right-of-way, or public space within the Town.

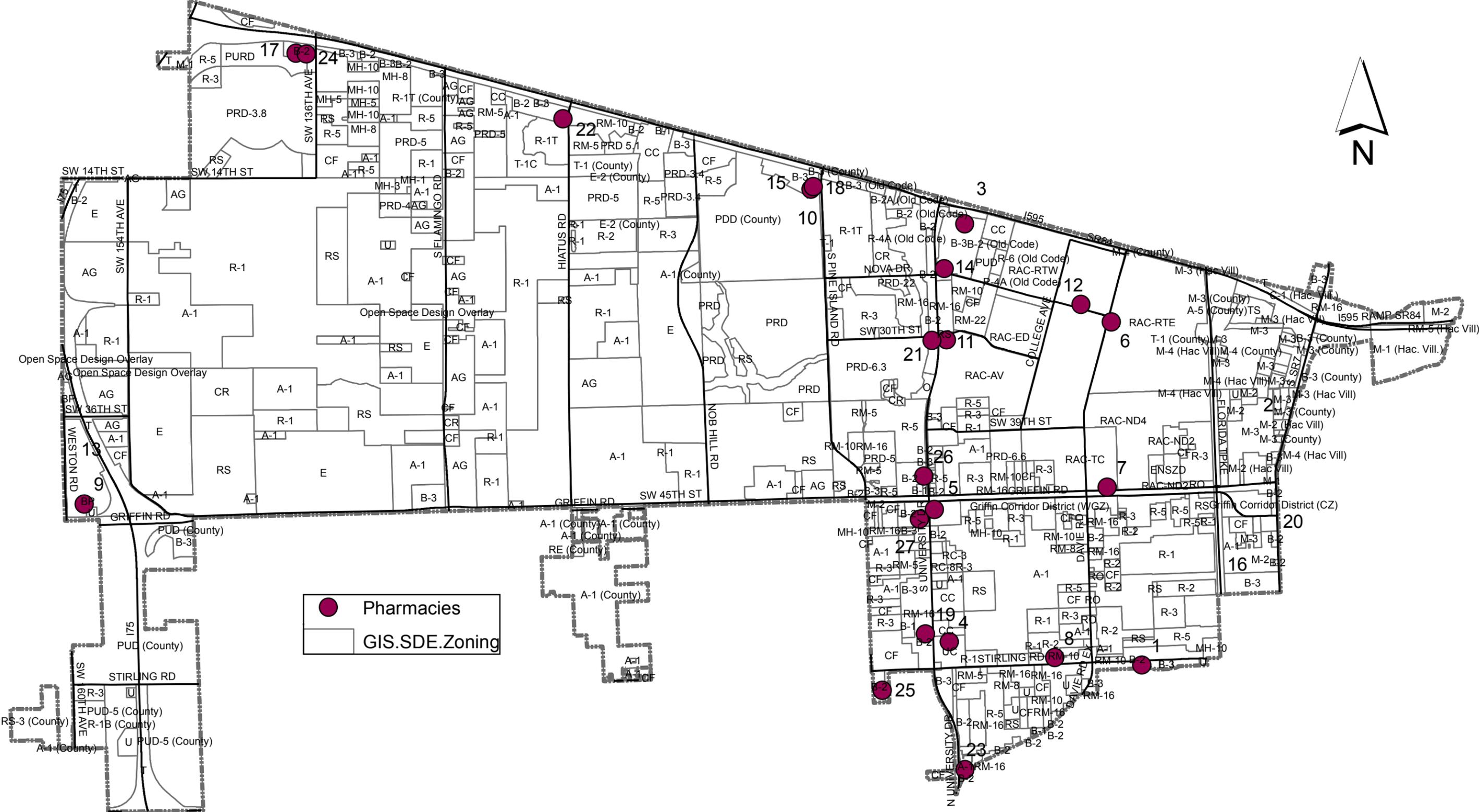
(4) Nonconformities. Despite any provision to the contrary in Article III, Division 5, the requirements of paragraph (3), above, are not intended to apply to any Pharmacy which was lawfully established at a particular location prior to January 1, 2020 unless such Pharmacy use is discontinued for one (1) year or more.

B-2 and RAC-AV Zoning Districts

ATTACHMENT "B"



Pharmacies in the Town of Davie



Name	Address	Phone_Number	Zoning	Freestanding
Brady's Pharmacy	6810 Stirling Rd	9547971568	B-2	No
Costco Pharmacy	1890 S University Dr	2064517919	B-3	Yes
CVS	5800 S University Dr	4017702816	UC	Yes
CVS	4610 S University Dr	4017703449	GriffinUDN	Yes
CVS	2920 Davie Rd	4017703449	RAC-RTE	Yes
Five Star RX	6191 SW 45th St Suite 6177	<Null>	RAC-TC	No
Martnicks Pharmacy	6783 Stirling Rd	9543040890	B-2	No
EZ RX Pharmacy	4478 Westion Rd	9544550004	BP	No
Neighborhood Drugs	8844 State Rd 84	9543463555	B-3	No
NSU Pharmacy	3200 S University Dr	9544527903	RAC-AV	No
Partner RX	6555 Nova Dr Suite 304	3057983477	RAC-RTW	No
Pill Box Pharmacy	7701 Nova Dr	9544757455	B-2OldCode	No
Publix	13700 State Rd 84	8136805223	B-2	No
Publix	8842 State Rd 84	<Null>	B-3	No
Radiant Care Pharmacy	5779 S University Dr	9546295921	B-2	No
Walgreens	3015 S University Dr	<Null>	B-2	Yes
Walgreens	11204 State Rd 84	<Null>	B-2	Yes
Walgreens	2710 N University Dr	9544319811	B-2	Yes
Walgreens	13628 State Rd 84	<Null>	B-2	No
Walmart	8550 Stirling Rd	4792773963	B-2	Yes
Walmart	4301 S University Dr	9543313612	B-2	Yes
Publix	4701 S University Dr	9544535348	B-2	No

Select Year:

The 2019 Florida Statutes

[Title XXIX](#)[Chapter 381](#)[View Entire Chapter](#)

PUBLIC HEALTH

PUBLIC HEALTH: GENERAL PROVISIONS

381.986 Medical use of marijuana.—

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

(a) “Caregiver” means a resident of this state who has agreed to assist with a qualified patient’s medical use of marijuana, has a caregiver identification card, and meets the requirements of subsection (6).

(b) “Chronic nonmalignant pain” means pain that is caused by a qualifying medical condition or that originates from a qualifying medical condition and persists beyond the usual course of that qualifying medical condition.

(c) “Close relative” means a spouse, parent, sibling, grandparent, child, or grandchild, whether related by whole or half blood, by marriage, or by adoption.

(d) “Edibles” means commercially produced food items made with marijuana oil, but no other form of marijuana, that are produced and dispensed by a medical marijuana treatment center.

(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 from a medical marijuana treatment center.

(f) “Marijuana” 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, including low-THC cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient.

(g) “Marijuana delivery device” means an object used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing marijuana into the human body, and which is dispensed from a medical marijuana treatment center for medical use by a qualified patient, except that delivery devices intended for the medical use of marijuana by smoking need not be dispensed from a medical marijuana treatment center in order to qualify as marijuana delivery devices.

(h) “Marijuana testing laboratory” means a facility that collects and analyzes marijuana samples from a medical marijuana treatment center and has been certified by the department pursuant to s. [381.988](#).

(i) “Medical director” means a person who holds an active, unrestricted license as an allopathic physician under chapter 458 or osteopathic physician under chapter 459 and is in compliance with the requirements of paragraph (3)(c).

(j) “Medical use” means the acquisition, possession, use, delivery, transfer, or administration of marijuana authorized by a physician certification. The term does not include:

1. Possession, use, or administration of marijuana that was not purchased or acquired from a medical marijuana treatment center.
 2. Possession, use, or administration of marijuana in the form of commercially produced food items other than edibles or of marijuana seeds.
 3. Use or administration of any form or amount of marijuana in a manner that is inconsistent with the qualified physician's directions or physician certification.
 4. Transfer of marijuana to a person other than the qualified patient for whom it was authorized or the qualified patient's caregiver on behalf of the qualified patient.
 5. Use or administration of marijuana in the following locations:
 - a. On any form of public transportation, except for low-THC cannabis not in a form for smoking.
 - b. In any public place, except for low-THC cannabis not in a form for smoking.
 - c. In a qualified patient's place of employment, except when permitted 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, except as provided in s. [1006.062](#).
 - f. In a school bus, a vehicle, an aircraft, or a motorboat, except for low-THC cannabis not in a form for smoking.
 6. The smoking of marijuana in an enclosed indoor workplace as defined in s. [386.203\(5\)](#).
 - (k) "Physician certification" means a qualified physician's authorization for a qualified patient to receive marijuana and a marijuana delivery device from a medical marijuana treatment center.
 - (l) "Qualified patient" means a resident of this state who has been added to the medical marijuana use registry by a qualified physician to receive marijuana or a marijuana delivery device for a medical use and who has a qualified patient identification card.
 - (m) "Qualified physician" means a person who holds an active, unrestricted license as an allopathic physician under chapter 458 or as an osteopathic physician under chapter 459 and is in compliance with the physician education requirements of subsection (3).
 - (n) "Smoking" means burning or igniting a substance and inhaling the smoke.
 - (o) "Terminal condition" means a progressive disease or medical or surgical condition that causes significant functional impairment, is not considered by a treating physician to be reversible without the administration of life-sustaining procedures, and will result in death within 1 year after diagnosis if the condition runs its normal course.
- (2) QUALIFYING MEDICAL CONDITIONS.—A patient must be diagnosed with at least one of the following conditions to qualify to receive marijuana or a marijuana delivery device:
- (a) Cancer.
 - (b) Epilepsy.
 - (c) Glaucoma.
 - (d) Positive status for human immunodeficiency virus.
 - (e) Acquired immune deficiency syndrome.
 - (f) Posttraumatic stress disorder.
 - (g) Amyotrophic lateral sclerosis.
 - (h) Crohn's disease.
 - (i) Parkinson's disease.
 - (j) Multiple sclerosis.

(k) Medical conditions of the same kind or class as or comparable to those enumerated in paragraphs (a)-(j).

(l) A terminal condition diagnosed by a physician other than the qualified physician issuing the physician certification.

(m) Chronic nonmalignant pain.

(3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

(a) Before being approved as a qualified physician, as defined in paragraph (1)(m), and before each license renewal, a physician must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompass the requirements of this section and any rules adopted hereunder. The course and examination shall be administered at least annually and may be offered in a distance learning format, including an electronic, online format that is available upon request. The price of the course may not exceed \$500. A physician who has met the physician education requirements of former s. 381.986(4), Florida Statutes 2016, before June 23, 2017, shall be deemed to be in compliance with this paragraph from June 23, 2017, until 90 days after the course and examination required by this paragraph become available.

(b) A qualified physician may not be employed by, or have any direct or indirect economic interest in, a medical marijuana treatment center or marijuana testing laboratory.

(c) Before being employed as a medical director, as defined in paragraph (1)(i), and before each license renewal, a medical director must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompass the requirements of this section and any rules adopted hereunder. The course and examination shall be administered at least annually and may be offered in a distance learning format, including an electronic, online format that is available upon request. The price of the course may not exceed \$500.

(4) PHYSICIAN CERTIFICATION.—

(a) A qualified physician may issue a physician certification only if the qualified physician:

1. Conducted a physical examination while physically present in the same room as the patient and a full assessment of the medical history of the patient.

2. Diagnosed the patient with at least one qualifying medical condition.

3. Determined that the medical use of marijuana would likely outweigh the potential health risks for the patient, and such determination must be documented in the patient's medical record. If a patient is younger than 18 years of age, a second physician must concur with this determination, and such concurrence must be documented in the patient's medical record.

4. Determined whether the patient is pregnant and documented such determination in the patient's medical record. A physician may not issue a physician certification, except for low-THC cannabis, to a patient who is pregnant.

5. Reviewed the patient's controlled drug prescription history in the prescription drug monitoring program database established pursuant to s. 893.055.

6. Reviews the medical marijuana use registry and confirmed that the patient does not have an active physician certification from another qualified physician.

7. Registers as the issuer of the physician certification for the named qualified patient on the medical marijuana use registry in an electronic manner determined by the department, and:

a. Enters into the registry the contents of the physician certification, including the patient's qualifying condition and the dosage not to exceed the daily dose amount determined by the

department, the amount and forms of marijuana authorized for the patient, and any types of marijuana delivery devices needed by the patient for the medical use of marijuana.

b. Updates the registry within 7 days after any change is made to the original physician certification to reflect such change.

c. Deactivates the registration of the qualified patient and the patient's caregiver when the physician no longer recommends the medical use of marijuana for the patient.

8. Obtains the voluntary and informed written consent of the patient for medical use of marijuana each time the qualified physician issues a physician certification for the patient, which shall be maintained in the patient's medical record. The patient, or the patient's parent or legal guardian if the patient is a minor, must sign the informed consent acknowledging that the qualified physician has sufficiently explained its content. The qualified physician must use a standardized informed consent form adopted in rule by the Board of Medicine and the Board of Osteopathic Medicine, which must include, at a minimum, information related to:

- a. The Federal Government's classification of marijuana as a Schedule I controlled substance.
- b. The approval and oversight status of marijuana by the Food and Drug Administration.
- c. The current state of research on the efficacy of marijuana to treat the qualifying conditions set forth in this section.
- d. The potential for addiction.
- e. The potential effect that marijuana may have on a patient's coordination, motor skills, and cognition, including a warning against operating heavy machinery, operating a motor vehicle, or engaging in activities that require a person to be alert or respond quickly.
- f. The potential side effects of marijuana use, including the negative health risks associated with smoking marijuana.
- g. The risks, benefits, and drug interactions of marijuana.
- h. That the patient's de-identified health information contained in the physician certification and medical marijuana use registry may be used for research purposes.

(b) If a qualified physician issues a physician certification for a qualified patient diagnosed with a qualifying medical condition pursuant to paragraph (2)(k), the physician must submit the following to the applicable board within 14 days after issuing the physician certification:

1. Documentation supporting the qualified physician's opinion that the medical condition is of the same kind or class as the conditions in paragraphs (2)(a)-(j).
2. Documentation that establishes the efficacy of marijuana as treatment for the condition.
3. Documentation supporting the qualified physician's opinion that the benefits of medical use of marijuana would likely outweigh the potential health risks for the patient.
4. Any other documentation as required by board rule.

The department must submit such documentation to the Consortium for Medical Marijuana Clinical Outcomes Research established pursuant to s. [1004.4351](#).

(c) If a qualified physician determines that smoking is an appropriate route of administration for a qualified patient, other than a patient diagnosed with a terminal condition, the qualified physician must submit the following documentation to the applicable board:

1. A list of other routes of administration, if any, certified by a qualified physician that the patient has tried, the length of time the patient used such routes of administration, and an assessment of the effectiveness of those routes of administration in treating the qualified patient's qualifying condition.

2. Research documenting the effectiveness of smoking as a route of administration to treat similarly situated patients with the same qualifying condition as the qualified patient.

3. A statement signed by the qualified physician documenting the qualified physician's opinion that the benefits of smoking marijuana for medical use outweigh the risks for the qualified patient.

(d) A qualified physician may not issue a physician certification for marijuana in a form for smoking to a patient under 18 years of age unless the patient is diagnosed with a terminal condition, the qualified physician determines that smoking is the most effective route of administration for the patient, and a second physician who is a board-certified pediatrician concurs with such determination. Such determination and concurrence must be documented in the patient's medical record and in the medical marijuana use registry. The certifying physician must obtain the written informed consent of such patient's parent or legal guardian before issuing a physician certification to the patient for marijuana in a form for smoking. The qualified physician must use a standardized informed consent form adopted in rule by the Board of Medicine and the Board of Osteopathic Medicine which must include information concerning the negative health effects of smoking marijuana on persons under 18 years of age and an acknowledgment that the qualified physician has sufficiently explained the contents of the form.

(e) The Board of Medicine and the Board of Osteopathic Medicine shall review the documentation submitted pursuant to paragraph (c) and shall each, by July 1, 2021, adopt by rule practice standards for the certification of smoking as a route of administration.

(f) A qualified physician may not issue a physician certification for more than three 70-day supply limits of marijuana or more than six 35-day supply limits of marijuana in a form for smoking. The department shall quantify by rule a daily dose amount with equivalent dose amounts for each allowable form of marijuana dispensed by a medical marijuana treatment center. The department shall use the daily dose amount to calculate a 70-day supply.

1. A qualified physician may request an exception to the daily dose amount limit, the 35-day supply limit of marijuana in a form for smoking, and the 4-ounce possession limit of marijuana in a form for smoking established in paragraph (14)(a). The request shall be made electronically on a form adopted by the department in rule and must include, at a minimum:

- a. The qualified patient's qualifying medical condition.
- b. The dosage and route of administration that was insufficient to provide relief to the qualified patient.
- c. A description of how the patient will benefit from an increased amount.
- d. The minimum daily dose amount of marijuana that would be sufficient for the treatment of the qualified patient's qualifying medical condition.

2. A qualified physician must provide the qualified patient's records upon the request of the department.

3. The department shall approve or disapprove the request within 14 days after receipt of the complete documentation required by this paragraph. The request shall be deemed approved if the department fails to act within this time period.

(g) A qualified physician must evaluate an existing qualified patient at least once every 30 weeks before issuing a new physician certification. A physician must:

1. Determine if the patient still meets the requirements to be issued a physician certification under paragraph (a).
2. Identify and document in the qualified patient's medical records whether the qualified patient experienced either of the following related to the medical use of marijuana:

- a. An adverse drug interaction with any prescription or nonprescription medication; or
- b. A reduction in the use of, or dependence on, other types of controlled substances as defined in s. [893.02](#).

3. Submit a report with the findings required pursuant to subparagraph 2. to the department. The department shall submit such reports to the Consortium for Medical Marijuana Clinical Outcomes Research established pursuant to s. [1004.4351](#).

(h) An active order for low-THC cannabis or medical cannabis issued pursuant to former s. [381.986](#), Florida Statutes 2016, and registered with the compassionate use registry before June 23, 2017, is deemed a physician certification, and all patients possessing such orders are deemed qualified patients until the department begins issuing medical marijuana use registry identification cards.

(i) The department shall monitor physician registration in the medical marijuana use registry and the issuance of physician certifications for practices that could facilitate unlawful diversion or misuse of marijuana or a marijuana delivery device and shall take disciplinary action as appropriate.

(j) The Board of Medicine and the Board of Osteopathic Medicine shall jointly create a physician certification pattern review panel that shall review all physician certifications submitted to the medical marijuana use registry. The panel shall track and report the number of physician certifications and the qualifying medical conditions, dosage, supply amount, and form of marijuana certified. The panel shall report the data both by individual qualified physician and in the aggregate, by county, and statewide. The physician certification pattern review panel shall, beginning January 1, 2018, submit an annual report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(k) The department, the Board of Medicine, and the Board of Osteopathic Medicine may adopt rules pursuant to ss. [120.536\(1\)](#) and [120.54](#) to implement this subsection.

(5) **MEDICAL MARIJUANA USE REGISTRY.**—

(a) The department shall create and maintain a secure, electronic, and online medical marijuana use registry for physicians, patients, and caregivers as provided under this section. The medical marijuana use registry must be accessible to law enforcement agencies, qualified physicians, and medical marijuana treatment centers to verify the authorization of a qualified patient or a caregiver to possess marijuana or a marijuana delivery device and record the marijuana or marijuana delivery device dispensed. The medical marijuana use registry must also be accessible to practitioners licensed to prescribe prescription drugs to ensure proper care for patients before medications that may interact with the medical use of marijuana are prescribed. The medical marijuana use registry must prevent an active registration of a qualified patient by multiple physicians.

(b) The department shall determine whether an individual is a resident of this state for the purpose of registration of qualified patients and caregivers in the medical marijuana use registry. To prove residency:

1. An adult resident must provide the department with a copy of his or her valid Florida driver license issued under s. [322.18](#) or a copy of a valid Florida identification card issued under s. [322.051](#).

2. An adult seasonal resident who cannot meet the requirements of subparagraph 1. may provide the department with a copy of two of the following that show proof of residential address:

a. A deed, mortgage, monthly mortgage statement, mortgage payment booklet or residential rental or lease agreement.

b. One proof of residential address from the seasonal resident's parent, step-parent, legal guardian or other person with whom the seasonal resident resides and a statement from the person with whom the seasonal resident resides stating that the seasonal resident does reside with him or her.

- c. A utility hookup or work order dated within 60 days before registration in the medical use registry.
 - d. A utility bill, not more than 2 months old.
 - e. Mail from a financial institution, including checking, savings, or investment account statements, not more than 2 months old.
 - f. Mail from a federal, state, county, or municipal government agency, not more than 2 months old.
 - g. Any other documentation that provides proof of residential address as determined by department rule.
3. A minor must provide the department with a certified copy of a birth certificate or a current record of registration from a Florida K-12 school and must have a parent or legal guardian who meets the requirements of subparagraph 1.

For the purposes of this paragraph, the term “seasonal resident” means any person who temporarily resides in this state for a period of at least 31 consecutive days in each calendar year, maintains a temporary residence in this state, returns to the state or jurisdiction of his or her residence at least one time during each calendar year, and is registered to vote or pays income tax in another state or jurisdiction.

(c) The department may suspend or revoke the registration of a qualified patient or caregiver if the qualified patient or caregiver:

1. Provides misleading, incorrect, false, or fraudulent information to the department;
2. Obtains a supply of marijuana in an amount greater than the amount authorized by the physician certification;
3. Falsifies, alters, or otherwise modifies an identification card;
4. Fails to timely notify the department of any changes to his or her qualified patient status; or
5. Violates the requirements of this section or any rule adopted under this section.

(d) The department shall immediately suspend the registration of a qualified patient charged with a violation of chapter 893 until final disposition of any alleged offense. Thereafter, the department may extend the suspension, revoke the registration, or reinstate the registration.

(e) The department shall immediately suspend the registration of any caregiver charged with a violation of chapter 893 until final disposition of any alleged offense. The department shall revoke a caregiver registration if the caregiver does not meet the requirements of subparagraph (6)(b)6.

(f) The department may revoke the registration of a qualified patient or caregiver who cultivates marijuana or who acquires, possesses, or delivers marijuana from any person or entity other than a medical marijuana treatment center.

(g) The department shall revoke the registration of a qualified patient, and the patient’s associated caregiver, upon notification that the patient no longer meets the criteria of a qualified patient.

(h) The department may adopt rules pursuant to ss. [120.536\(1\)](#) and [120.54](#) to implement this subsection.

(6) CAREGIVERS.—

(a) The department must register an individual as a caregiver on the medical marijuana use registry and issue a caregiver identification card if an individual designated by a qualified patient meets all of the requirements of this subsection and department rule.

(b) A caregiver must:

1. Not be a qualified physician and not be employed by or have an economic interest in a medical marijuana treatment center or a marijuana testing laboratory.

2. Be 21 years of age or older and a resident of this state.
3. Agree in writing to assist with the qualified patient's medical use of marijuana.
4. Be registered in the medical marijuana use registry as a caregiver for no more than one qualified patient, except as provided in this paragraph.

5. Successfully complete a caregiver certification course developed and administered by the department or its designee, which must be renewed biennially. The price of the course may not exceed \$100.

6. Pass a background screening pursuant to subsection (9), unless the patient is a close relative of the caregiver.

(c) A qualified patient may designate no more than one caregiver to assist with the qualified patient's medical use of marijuana, unless:

1. The qualified patient is a minor and the designated caregivers are parents or legal guardians of the qualified patient;
2. The qualified patient is an adult who has an intellectual or developmental disability that prevents the patient from being able to protect or care for himself or herself without assistance or supervision and the designated caregivers are the parents or legal guardians of the qualified patient;
3. The qualified patient is admitted to a hospice program; or
4. The qualified patient is participating in a research program in a teaching nursing home pursuant to s. [1004.4351](#).

(d) A caregiver may be registered in the medical marijuana use registry as a designated caregiver for no more than one qualified patient, unless:

1. The caregiver is a parent or legal guardian of more than one minor who is a qualified patient;
2. The caregiver is a parent or legal guardian of more than one adult who is a qualified patient and who has an intellectual or developmental disability that prevents the patient from being able to protect or care for himself or herself without assistance or supervision;
3. All qualified patients the caregiver has agreed to assist are admitted to a hospice program and have requested the assistance of that caregiver with the medical use of marijuana; the caregiver is an employee of the hospice; and the caregiver provides personal care or other services directly to clients of the hospice in the scope of that employment; or
4. All qualified patients the caregiver has agreed to assist are participating in a research program in a teaching nursing home pursuant to s. [1004.4351](#).

(e) A caregiver may not receive compensation, other than actual expenses incurred, for any services provided to the qualified patient.

(f) If a qualified patient is younger than 18 years of age, only a caregiver may purchase or administer marijuana for medical use by the qualified patient. The qualified patient may not purchase marijuana.

(g) A caregiver must be in immediate possession of his or her medical marijuana use registry identification card at all times when in possession of marijuana or a marijuana delivery device and must present his or her medical marijuana use registry identification card upon the request of a law enforcement officer.

(h) The department may adopt rules pursuant to ss. [120.536\(1\)](#) and [120.54](#) to implement this subsection.

(7) IDENTIFICATION CARDS.—

(a) The department shall issue medical marijuana use registry identification cards for qualified patients and caregivers who are residents of this state, which must be renewed annually. The

identification cards must be resistant to counterfeiting and tampering and must include, at a minimum, the following:

1. The name, address, and date of birth of the qualified patient or caregiver.
2. A full-face, passport-type, color photograph of the qualified patient or caregiver taken within the 90 days immediately preceding registration or the Florida driver license or Florida identification card photograph of the qualified patient or caregiver obtained directly from the Department of Highway Safety and Motor Vehicles.
3. Identification as a qualified patient or a caregiver.
4. The unique numeric identifier used for the qualified patient in the medical marijuana use registry.
5. For a caregiver, the name and unique numeric identifier of the caregiver and the qualified patient or patients that the caregiver is assisting.
6. The expiration date of the identification card.
 - (b) The department must receive written consent from a qualified patient's parent or legal guardian before it may issue an identification card to a qualified patient who is a minor.
 - (c) The department shall adopt rules pursuant to ss. [120.536\(1\)](#) and [120.54](#) establishing procedures for the issuance, renewal, suspension, replacement, surrender, and revocation of medical marijuana use registry identification cards pursuant to this section and shall begin issuing qualified patient identification cards by October 3, 2017.
 - (d) Applications for identification cards must be submitted on a form prescribed by the department. The department may charge a reasonable fee associated with the issuance, replacement, and renewal of identification cards. The department shall allocate \$10 of the identification card fee to the Division of Research at Florida Agricultural and Mechanical University for the purpose of educating minorities about marijuana for medical use and the impact of the unlawful use of marijuana on minority communities. The department shall contract with a third-party vendor to issue identification cards. The vendor selected by the department must have experience performing similar functions for other state agencies.
 - (e) A qualified patient or caregiver shall return his or her identification card to the department within 5 business days after revocation.
- (8) **MEDICAL MARIJUANA TREATMENT CENTERS.—**
 - (a) The department shall license medical marijuana treatment centers to ensure reasonable statewide accessibility and availability as necessary for qualified patients registered in the medical marijuana use registry and who are issued a physician certification under this section.
 1. As soon as practicable, but no later than July 3, 2017, the department shall license as a medical marijuana treatment center any entity that holds an active, unrestricted license to cultivate, process, transport, and dispense low-THC cannabis, medical cannabis, and cannabis delivery devices, under former s. [381.986](#), Florida Statutes 2016, before July 1, 2017, and which meets the requirements of this section. In addition to the authority granted under this section, these entities are authorized to dispense low-THC cannabis, medical cannabis, and cannabis delivery devices ordered pursuant to former s. [381.986](#), Florida Statutes 2016, which were entered into the compassionate use registry before July 1, 2017, and are authorized to begin dispensing marijuana under this section on July 3, 2017. The department may grant variances from the representations made in such an entity's original application for approval under former s. [381.986](#), Florida Statutes 2014, pursuant to paragraph (e).
 2. The department shall license as medical marijuana treatment centers 10 applicants that meet the requirements of this section, under the following parameters:

a. As soon as practicable, but no later than August 1, 2017, the department shall license any applicant whose application was reviewed, evaluated, and scored by the department and which was denied a dispensing organization license by the department under former s. 381.986, Florida Statutes 2014; which had one or more administrative or judicial challenges pending as of January 1, 2017, or had a final ranking within one point of the highest final ranking in its region under former s. 381.986, Florida Statutes 2014; which meets the requirements of this section; and which provides documentation to the department that it has the existing infrastructure and technical and technological ability to begin cultivating marijuana within 30 days after registration as a medical marijuana treatment center.

b. As soon as practicable, the department shall license one 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). An applicant licensed under this sub-subparagraph is exempt from the requirement of subparagraph (b)2.

c. As soon as practicable, but no later than October 3, 2017, the department shall license applicants that meet the requirements of this section in sufficient numbers to result in 10 total licenses issued under this subparagraph, while accounting for the number of licenses issued under sub-subparagraphs a. and b.

3. For up to two of the licenses issued under subparagraph 2., the department shall give preference to applicants that demonstrate in their applications that they own one or more facilities that are, or were, used for the canning, concentrating, or otherwise processing of citrus fruit or citrus molasses and will use or convert the facility or facilities for the processing of marijuana.

4. Within 6 months after the registration of 100,000 active qualified patients in the medical marijuana use registry, the department shall license four additional medical marijuana treatment centers that meet the requirements of this section. Thereafter, the department shall license four medical marijuana treatment centers within 6 months after the registration of each additional 100,000 active qualified patients in the medical marijuana use registry that meet the requirements of this section.

5. Dispensing facilities are subject to the following requirements:

a. A medical marijuana treatment center may not establish or operate more than a statewide maximum of 25 dispensing facilities, unless the medical marijuana use registry reaches a total of 100,000 active registered qualified patients. When the medical marijuana use registry reaches 100,000 active registered qualified patients, and then upon each further instance of the total active registered qualified patients increasing by 100,000, the statewide maximum number of dispensing facilities that each licensed medical marijuana treatment center may establish and operate increases by five.

b. A medical marijuana treatment center may not establish more than the maximum number of dispensing facilities allowed in each of the Northwest, Northeast, Central, Southwest, and Southeast Regions. The department shall determine a medical marijuana treatment center's maximum number of dispensing facilities allowed in each region by calculating the percentage of the total statewide population contained within that region and multiplying that percentage by the medical marijuana treatment center's statewide maximum number of dispensing facilities established under sub-subparagraph a., rounded to the nearest whole number. The department shall ensure that such rounding does not cause a medical marijuana treatment center's total number of statewide dispensing facilities to exceed its statewide maximum. The department shall initially calculate the maximum number of dispensing facilities allowed in each region for each medical marijuana treatment center using county population estimates from the Florida Estimates of Population 2016, as published by the Office of Economic and Demographic Research, and shall perform recalculations following the official release of

county population data resulting from each United States Decennial Census. For the purposes of this subparagraph:

(I) The Northwest Region consists of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington Counties.

(II) The Northeast Region consists of Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns, Suwannee, and Union Counties.

(III) The Central Region consists of Brevard, Citrus, Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia Counties.

(IV) The Southwest Region consists of Charlotte, Collier, DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee, Okeechobee, and Sarasota Counties.

(V) The Southeast Region consists of Broward, Miami-Dade, Martin, Monroe, and Palm Beach Counties.

c. If a medical marijuana treatment center establishes a number of dispensing facilities within a region that is less than the number allowed for that region under sub-subparagraph b., the medical marijuana treatment center may sell one or more of its unused dispensing facility slots to other licensed medical marijuana treatment centers. For each dispensing facility slot that a medical marijuana treatment center sells, that medical marijuana treatment center's statewide maximum number of dispensing facilities, as determined under sub-subparagraph a., is reduced by one. The statewide maximum number of dispensing facilities for a medical marijuana treatment center that purchases an unused dispensing facility slot is increased by one per slot purchased. Additionally, the sale of a dispensing facility slot shall reduce the seller's regional maximum and increase the purchaser's regional maximum number of dispensing facilities, as determined in sub-subparagraph b., by one for that region. For any slot purchased under this sub-subparagraph, the regional restriction applied to that slot's location under sub-subparagraph b. before the purchase shall remain in effect following the purchase. A medical marijuana treatment center that sells or purchases a dispensing facility slot must notify the department within 3 days of sale.

d. This subparagraph shall expire on April 1, 2020.

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

(b) An applicant for licensure as a medical marijuana treatment center shall apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of implementing and administering this section, and establishing supplemental licensure fees for payment beginning May 1, 2018, sufficient to cover the costs of administering ss. 381.989 and 1004.4351. The department shall identify applicants with strong diversity plans reflecting this state's commitment to diversity and implement training programs and other educational programs to enable minority persons and minority business enterprises, as defined in s. 288.703, and veteran business enterprises, as defined in s. 295.187, to compete for medical marijuana treatment center licensure and contracts. Subject to the requirements in subparagraphs (a)2.-4., the department shall issue a license to an applicant if the applicant meets the requirements of this section and pays the initial application fee. The department shall renew the licensure of a medical marijuana treatment center biennially if the

licensee meets the requirements of this section and pays the biennial renewal fee. An individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as a medical marijuana treatment center. An individual or entity may not be awarded more than one license as a medical marijuana treatment center. An applicant for licensure as a medical marijuana treatment center must demonstrate:

1. That, for the 5 consecutive years before submitting the application, the applicant has been registered to do business in the state.
 2. Possession of a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. [581.131](#).
 3. The technical and technological ability to cultivate and produce marijuana, including, but not limited to, low-THC cannabis.
 4. The ability to secure the premises, resources, and personnel necessary to operate as a medical marijuana treatment center.
 5. 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.
 6. An infrastructure reasonably located to dispense marijuana to registered qualified patients statewide or regionally as determined by the department.
 7. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financial statements to the department.
 - a. Upon approval, the applicant must post a \$5 million performance bond issued by an authorized surety insurance company rated in one of the three highest rating categories by a nationally recognized rating service. However, a medical marijuana treatment center serving at least 1,000 qualified patients is only required to maintain a \$2 million performance bond.
 - b. In lieu of the performance bond required under sub-subparagraph a., the applicant may provide an irrevocable letter of credit payable to the department or provide cash to the department. If provided with cash under this sub-subparagraph, the department shall deposit the cash in the Grants and Donations Trust Fund within the Department of Health, subject to the same conditions as the bond regarding requirements for the applicant to forfeit ownership of the funds. If the funds deposited under this sub-subparagraph generate interest, the amount of that interest shall be used by the department for the administration of this section.
 8. That all owners, officers, board members, and managers have passed a background screening pursuant to subsection (9).
 9. The employment of a medical director to supervise the activities of the medical marijuana treatment center.
 10. A diversity plan that promotes and ensures the involvement of minority persons and minority business enterprises, as defined in s. [288.703](#), or veteran business enterprises, as defined in s. [295.187](#), in ownership, management, and employment. An applicant for licensure renewal must show the effectiveness of the diversity plan by including the following with his or her application for renewal:
 - a. Representation of minority persons and veterans in the medical marijuana treatment center's workforce;
 - b. Efforts to recruit minority persons and veterans for employment; and
 - c. A record of contracts for services with minority business enterprises and veteran business enterprises.
- (c) A medical marijuana treatment center may not make a wholesale purchase of marijuana from, or a distribution of marijuana to, another medical marijuana treatment center, unless the medical

marijuana treatment center seeking to make a wholesale purchase of marijuana submits proof of harvest failure to the department.

(d) The department shall establish, maintain, and control a computer software tracking system that traces marijuana from seed to sale and allows real-time, 24-hour access by the department to data from all medical marijuana treatment centers and marijuana testing laboratories. The tracking system must allow for integration of other seed-to-sale systems and, at a minimum, include notification of when marijuana seeds are planted, when marijuana plants are harvested and destroyed, and when marijuana is transported, sold, stolen, diverted, or lost. Each medical marijuana treatment center shall use the seed-to-sale tracking system established by the department or integrate its own seed-to-sale tracking system with the seed-to-sale tracking system established by the department. Each medical marijuana treatment center may use its own seed-to-sale system until the department establishes a seed-to-sale tracking system. The department may contract with a vendor to establish the seed-to-sale tracking system. The vendor selected by the department may not have a contractual relationship with the department to perform any services pursuant to this section other than the seed-to-sale tracking system. The vendor may not have a direct or indirect financial interest in a medical marijuana treatment center or a marijuana testing laboratory.

(e) A licensed medical marijuana treatment center shall cultivate, process, transport, and dispense marijuana for medical use. A licensed medical marijuana treatment center may not contract for services directly related to the cultivation, processing, and dispensing of marijuana or marijuana delivery devices, except that a medical marijuana treatment center licensed pursuant to subparagraph (a)1. may contract with a single entity for the cultivation, processing, transporting, and dispensing of marijuana and marijuana delivery devices. A licensed medical marijuana treatment center must, at all times, maintain compliance with the criteria demonstrated and representations made in the initial application and the criteria established in this subsection. Upon request, the department may grant a medical marijuana treatment center a variance from the representations made in the initial application. Consideration of such a request shall be based upon the individual facts and circumstances surrounding the request. A variance may not be granted unless the requesting medical marijuana treatment center can demonstrate to the department that it has a proposed alternative to the specific representation made in its application which fulfills the same or a similar purpose as the specific representation in a way that the department can reasonably determine will not be a lower standard than the specific representation in the application. A variance may not be granted from the requirements in subparagraph 2. and subparagraphs (b)1. and 2.

1. A licensed medical marijuana treatment center may transfer ownership to an individual or entity who meets the requirements of this section. A publicly traded corporation or publicly traded company that meets the requirements of this section is not precluded from ownership of a medical marijuana treatment center. To accommodate a change in ownership:

a. The licensed medical marijuana treatment center shall notify the department in writing at least 60 days before the anticipated date of the change of ownership.

b. The individual or entity applying for initial licensure due to a change of ownership must submit an application that must be received by the department at least 60 days before the date of change of ownership.

c. Upon receipt of an application for a license, the department shall examine the application and, within 30 days after receipt, notify the applicant in writing of any apparent errors or omissions and request any additional information required.

d. Requested information omitted from an application for licensure must be filed with the department within 21 days after the department's request for omitted information or the application shall be deemed incomplete and shall be withdrawn from further consideration and the fees shall be forfeited.

Within 30 days after the receipt of a complete application, the department shall approve or deny the application.

2. A medical marijuana treatment center, and any individual or entity who directly or indirectly owns, controls, or holds with power to vote 5 percent or more of the voting shares of a medical marijuana treatment center, may not acquire direct or indirect ownership or control of any voting shares or other form of ownership of any other medical marijuana treatment center.

3. A medical marijuana treatment center may not enter into any form of profit-sharing arrangement with the property owner or lessor of any of its facilities where cultivation, processing, storing, or dispensing of marijuana and marijuana delivery devices occurs.

4. All employees of a medical marijuana treatment center must be 21 years of age or older and have passed a background screening pursuant to subsection (9).

5. Each medical marijuana treatment center must adopt and enforce policies and procedures to ensure employees and volunteers receive training on the legal requirements to dispense marijuana to qualified patients.

6. When growing marijuana, a medical marijuana treatment center:

a. 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](#).

b. Must grow marijuana within an enclosed structure and in a room separate from any other plant.

c. Must inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state in accordance with chapter 581 and any rules adopted thereunder.

d. Must perform fumigation or treatment of plants, or remove and destroy infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.

7. Each medical marijuana treatment center must produce and make available for purchase at least one low-THC cannabis product.

8. A medical marijuana treatment center that produces edibles must hold a permit to operate as a food establishment pursuant to chapter 500, the Florida Food Safety Act, and must comply with all the requirements for food establishments pursuant to chapter 500 and any rules adopted thereunder. Edibles may not contain more than 200 milligrams of tetrahydrocannabinol, and a single serving portion of an edible may not exceed 10 milligrams of tetrahydrocannabinol. Edibles may have a potency variance of no greater than 15 percent. Edibles may not be attractive to children; be manufactured in the shape of humans, cartoons, or animals; be manufactured in a form that bears any reasonable resemblance to products available for consumption as commercially available candy; or contain any color additives. To discourage consumption of edibles by children, the department shall determine by rule any shapes, forms, and ingredients allowed and prohibited for edibles. Medical marijuana treatment centers may not begin processing or dispensing edibles until after the effective date of the rule. The department shall also adopt sanitation rules providing the standards and requirements for the storage, display, or dispensing of edibles.

9. Within 12 months after licensure, a medical marijuana treatment center must demonstrate to the department that all of its processing facilities have passed a Food Safety Good Manufacturing Practices, such as Global Food Safety Initiative or equivalent, inspection by a nationally accredited certifying body. A medical marijuana treatment center must immediately stop processing at any facility which fails to pass this inspection until it demonstrates to the department that such facility has met this requirement.

10. A medical marijuana treatment center that produces prerolled marijuana cigarettes may not use wrapping paper made with tobacco or hemp.

11. When processing marijuana, a medical marijuana treatment center must:

a. Process the marijuana within an enclosed structure and in a room separate from other plants or products.

b. Comply with department rules when processing marijuana with hydrocarbon solvents or other solvents or gases exhibiting potential toxicity to humans. The department shall determine by rule the requirements for medical marijuana treatment centers to use such solvents or gases exhibiting potential toxicity to humans.

c. Comply with federal and state laws and regulations and department rules for solid and liquid wastes. The department shall determine by rule procedures for the storage, handling, transportation, management, and disposal of solid and liquid waste generated during marijuana production and processing. The Department of Environmental Protection shall assist the department in developing such rules.

d. Test the processed marijuana using a medical marijuana testing laboratory before it is dispensed. Results must be verified and signed by two medical marijuana treatment center employees. Before dispensing, the medical marijuana treatment center must determine that the test results indicate that low-THC cannabis meets the definition of low-THC cannabis, the concentration of tetrahydrocannabinol meets the potency requirements of this section, the labeling of the concentration of tetrahydrocannabinol and cannabidiol is accurate, and all marijuana is safe for human consumption and free from contaminants that are unsafe for human consumption. The department shall determine by rule which contaminants must be tested for and the maximum levels of each contaminant which are safe for human consumption. The Department of Agriculture and Consumer Services shall assist the department in developing the testing requirements for contaminants that are unsafe for human consumption in edibles. The department shall also determine by rule the procedures for the treatment of marijuana that fails to meet the testing requirements of this section, s. [381.988](#), or department rule. The department may select a random sample from edibles available for purchase in a dispensing facility which shall be tested by the department to determine that the edible meets the potency requirements of this section, is safe for human consumption, and the labeling of the tetrahydrocannabinol and cannabidiol concentration is accurate. A medical marijuana treatment center may not require payment from the department for the sample. A medical marijuana treatment center must recall edibles, including all edibles made from the same batch of marijuana, which fail to meet the potency requirements of this section, which are unsafe for human consumption, or for which the labeling of the tetrahydrocannabinol and cannabidiol concentration is inaccurate. The medical marijuana treatment center must retain records of all testing and samples of each homogenous batch of marijuana for at least 9 months. The medical marijuana treatment center must contract with a marijuana testing laboratory to perform audits on the medical marijuana treatment center's standard operating procedures, testing records, and samples and provide the results to the department to confirm that the marijuana or low-THC cannabis meets the requirements of this section and that the marijuana or low-THC cannabis is safe for human consumption. A medical marijuana treatment center shall reserve two

processed samples from each batch and retain such samples for at least 9 months for the purpose of such audits. A medical marijuana treatment center may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification, but in no event later than July 1, 2018.

e. Package the marijuana in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

f. Package the marijuana in a receptacle that has a firmly affixed and legible label stating the following information:

(I) The marijuana or low-THC cannabis meets the requirements of sub-subparagraph d.

(II) The name of the medical marijuana treatment center from which the marijuana originates.

(III) The batch number and harvest number from which the marijuana originates and the date dispensed.

(IV) The name of the physician who issued the physician certification.

(V) The name of the patient.

(VI) The product name, if applicable, and dosage form, including concentration of tetrahydrocannabinol and cannabidiol. The product name may not contain wording commonly associated with products marketed by or to children.

(VII) The recommended dose.

(VIII) A warning that it is illegal to transfer medical marijuana to another person.

(IX) A marijuana universal symbol developed by the department.

12. The medical marijuana treatment center shall include in each package a patient package insert with information on the specific product dispensed related to:

a. Clinical pharmacology.

b. Indications and use.

c. Dosage and administration.

d. Dosage forms and strengths.

e. Contraindications.

f. Warnings and precautions.

g. Adverse reactions.

13. In addition to the packaging and labeling requirements specified in subparagraphs 11. and 12., marijuana in a form for smoking must be packaged in a sealed receptacle with a legible and prominent warning to keep away from children and a warning that states marijuana smoke contains carcinogens and may negatively affect health. Such receptacles for marijuana in a form for smoking must be plain, opaque, and white without depictions of the product or images other than the medical marijuana treatment center's department-approved logo and the marijuana universal symbol.

14. The department shall adopt rules to regulate the types, appearance, and labeling of marijuana delivery devices dispensed from a medical marijuana treatment center. The rules must require marijuana delivery devices to have an appearance consistent with medical use.

15. Each edible shall be individually sealed in plain, opaque wrapping marked only with the marijuana universal symbol. Where practical, each edible shall be marked with the marijuana universal symbol. In addition to the packaging and labeling requirements in subparagraphs 11. and 12., edible receptacles must be plain, opaque, and white without depictions of the product or images other than the medical marijuana treatment center's department-approved logo and the marijuana universal symbol. The receptacle must also include a list of all the edible's ingredients, storage instructions, an

expiration date, a legible and prominent warning to keep away from children and pets, and a warning that the edible has not been produced or inspected pursuant to federal food safety laws.

16. When dispensing marijuana or a marijuana delivery device, a medical marijuana treatment center:

a. May dispense any active, valid order for low-THC cannabis, medical cannabis and cannabis delivery devices issued pursuant to former s. 381.986, Florida Statutes 2016, which was entered into the medical marijuana use registry before July 1, 2017.

b. May not dispense more than a 70-day supply of marijuana within any 70-day period to a qualified patient or caregiver. May not dispense more than one 35-day supply of marijuana in a form for smoking within any 35-day period to a qualified patient or caregiver. A 35-day supply of marijuana in a form for smoking may not exceed 2.5 ounces unless an exception to this amount is approved by the department pursuant to paragraph (4)(f).

c. Must have the medical marijuana treatment center's employee who dispenses the marijuana or a marijuana delivery device enter into the medical marijuana use registry his or her name or unique employee identifier.

d. Must verify that the qualified patient and the caregiver, if applicable, each have an active registration in the medical marijuana use registry and an active and valid medical marijuana use registry identification card, the amount and type of marijuana dispensed matches the physician certification in the medical marijuana use registry for that qualified patient, and the physician certification has not already been filled.

e. May not dispense marijuana to a qualified patient who is younger than 18 years of age. If the qualified patient is younger than 18 years of age, marijuana may only be dispensed to the qualified patient's caregiver.

f. May not dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes or wrapping papers made with tobacco or hemp, other than a marijuana delivery device required for the medical use of marijuana and which is specified in a physician certification.

g. Must, upon dispensing the marijuana or marijuana delivery device, record in the registry the date, time, quantity, and form of marijuana dispensed; the type of marijuana delivery device dispensed; and the name and medical marijuana use registry identification number of the qualified patient or caregiver to whom the marijuana delivery device was dispensed.

h. Must ensure that patient records are not visible to anyone other than the qualified patient, his or her caregiver, and authorized medical marijuana treatment center employees.

(f) To ensure the safety and security of premises where the cultivation, processing, storing, or dispensing of marijuana occurs, and to maintain adequate controls against the diversion, theft, and loss of marijuana or marijuana delivery devices, a medical marijuana treatment center 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; and

b. Maintain a video surveillance system that records continuously 24 hours a day and meets 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.

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

2. Ensure that the medical marijuana treatment center's outdoor premises have sufficient lighting from dusk until dawn.

3. Ensure that the indoor premises where dispensing occurs includes a waiting area with sufficient space and seating to accommodate qualified patients and caregivers and at least one private consultation area that is isolated from the waiting area and area where dispensing occurs. A medical marijuana treatment center may not display products or dispense marijuana or marijuana delivery devices in the waiting area.

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

5. Store marijuana 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 where cultivation, processing, or storing of marijuana occurs.

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

8. Require each visitor to wear a visitor 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 the medical marijuana treatment center is notified or becomes aware of the theft, diversion, or loss of marijuana.

(g) To ensure the safe transport of marijuana and marijuana delivery devices to medical marijuana treatment centers, marijuana testing laboratories, or qualified patients, a medical marijuana treatment center must:

1. Maintain a marijuana transportation manifest in any vehicle transporting marijuana. The marijuana transportation manifest must be generated from a medical marijuana treatment center's seed-to-sale tracking system and include the:

a. Departure date and approximate time of departure.

b. Name, location address, and license number of the originating medical marijuana treatment center.

c. Name and address of the recipient of the delivery.

d. Quantity and form of any marijuana or marijuana delivery device being transported.

e. Arrival date and estimated time of arrival.

f. Delivery vehicle make and model and license plate number.

g. Name and signature of the medical marijuana treatment center employees delivering the product.

(I) A copy of the marijuana transportation manifest must be provided to each individual, medical marijuana treatment center, or marijuana testing laboratory that receives a delivery. The individual, or a representative of the center or laboratory, must sign a copy of the marijuana transportation manifest acknowledging receipt.

(II) An individual transporting marijuana or a marijuana delivery device must present a copy of the relevant marijuana transportation manifest and his or her employee identification card to a law enforcement officer upon request.

(III) Medical marijuana treatment centers and marijuana testing laboratories must retain copies of all marijuana transportation manifests for at least 3 years.

2. Ensure only vehicles in good working order are used to transport marijuana.
3. Lock marijuana and marijuana delivery devices in a separate compartment or container within the vehicle.
4. Require employees to have possession of their employee identification card at all times when transporting marijuana or marijuana delivery devices.
5. Require at least two persons to be in a vehicle transporting marijuana or marijuana delivery devices, and require at least one person to remain in the vehicle while the marijuana or marijuana delivery device is being delivered.
6. Provide specific safety and security training to employees transporting or delivering marijuana and marijuana delivery devices.

(h) A medical marijuana treatment center may not engage in advertising that is visible to members of the public from any street, sidewalk, park, or other public place, except:

1. The dispensing location of a medical marijuana treatment center may have a sign that is affixed to the outside or hanging in the window of the premises which identifies the dispensary by the licensee's business name, a department-approved trade name, or a department-approved logo. A medical marijuana treatment center's trade name and logo may not contain wording or images commonly associated with marketing targeted toward children or which promote recreational use of marijuana.
2. A medical marijuana treatment center may engage in Internet advertising and marketing under the following conditions:
 - a. All advertisements must be approved by the department.
 - b. An advertisement may not have any content that specifically targets individuals under the age of 18, including cartoon characters or similar images.
 - c. An advertisement may not be an unsolicited pop-up advertisement.
 - d. Opt-in marketing must include an easy and permanent opt-out feature.

(i) Each medical marijuana treatment center that dispenses marijuana and marijuana delivery devices shall make available to the public on its website:

1. Each marijuana and low-THC product available for purchase, including the form, strain of marijuana from which it was extracted, cannabidiol content, tetrahydrocannabinol content, dose unit, total number of doses available, and the ratio of cannabidiol to tetrahydrocannabinol for each product.
2. The price for a 30-day, 50-day, and 70-day supply at a standard dose for each marijuana and low-THC product available for purchase.
3. The price for each marijuana delivery device available for purchase.
4. If applicable, any discount policies and eligibility criteria for such discounts.

(j) Medical marijuana treatment centers are the sole source from which a qualified patient may legally obtain marijuana.

(k) The department may adopt rules pursuant to ss. [120.536\(1\)](#) and [120.54](#) to implement this subsection.

(9) **BACKGROUND SCREENING.**—An individual required to undergo a background screening pursuant to this section must pass a level 2 background screening as provided under chapter 435, which, in addition to the disqualifying offenses provided in s. [435.04](#), shall exclude an individual who has an arrest awaiting final disposition for, has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to an offense under chapter 837, chapter 895, or chapter 896 or similar law of another jurisdiction.

(a) Such individual must submit a full set of fingerprints to the department or to a vendor, entity, or agency authorized by s. [943.053](#)(13). The department, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing.

(b) Fees for state and federal fingerprint processing and retention shall be borne by the individual. The state cost for fingerprint processing shall be as provided in s. [943.053](#)(3)(e) for records provided to persons or entities other than those specified as exceptions therein.

(c) Fingerprints submitted to the Department of Law Enforcement pursuant to this subsection shall be retained by the Department of Law Enforcement as provided in s. [943.05](#)(2)(g) and (h) and, when the Department of Law Enforcement begins participation in the program, enrolled in the Federal Bureau of Investigation's national retained print arrest notification program. Any arrest record identified shall be reported to the department.

(10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS; ADMINISTRATIVE ACTIONS.—

(a) The department shall conduct announced or unannounced inspections of medical marijuana treatment centers to determine compliance with this section or rules adopted pursuant to this section.

(b) The department shall inspect a medical marijuana treatment center upon receiving a complaint or notice that the medical marijuana treatment center has dispensed marijuana containing 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 medical marijuana treatment center to evaluate the medical marijuana treatment center's records, personnel, equipment, processes, security measures, sanitation practices, and quality assurance practices.

(d) The Department of Agriculture and Consumer Services and the department shall enter into an interagency agreement to ensure cooperation and coordination in the performance of their obligations under this section and their respective regulatory and authorizing laws. The department, the Department of Highway Safety and Motor Vehicles, and the Department of Law Enforcement may enter into interagency agreements for the purposes specified in this subsection or subsection (7).

(e) The department shall publish a list of all approved medical marijuana treatment centers, medical directors, and qualified physicians on its website.

(f) The department may impose reasonable fines not to exceed \$10,000 on a medical marijuana treatment center for any of the following violations:

1. Violating this section 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 medical marijuana treatment center 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 medical marijuana treatment center.
7. Making or filing a report or record that the medical marijuana treatment center 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 medical marijuana treatment center.

11. Making misleading, deceptive, or fraudulent representations in or related to the business practices of a medical marijuana treatment center.

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 medical marijuana treatment center 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.

(g) The department may suspend, revoke, or refuse to renew a medical marijuana treatment center license if the medical marijuana treatment center commits any of the violations in paragraph (f).

(h) The department may adopt rules pursuant to ss. [120.536\(1\)](#) and [120.54](#) to implement this subsection.

(11) PREEMPTION.—Regulation of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers is preempted to the state except as provided in this subsection.

(a) A medical marijuana treatment center cultivating or processing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school.

(b)1. A county or municipality may, by ordinance, ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that county or municipality. A county or municipality that does not ban dispensing facilities under this subparagraph may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within that county or municipality.

2. A municipality may determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or department rule for, medical marijuana treatment center dispensing facilities located within the boundaries of that municipality. A county may determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or department rule for, all such dispensing facilities located within the unincorporated areas of that county. Except as provided in paragraph (c), a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under chapter 465. A municipality or county may not charge a medical marijuana treatment center a license or permit fee in an amount greater than the fee charged by such municipality or county to pharmacies. A dispensing facility location approved by a municipality or county pursuant to former s. [381.986\(8\)\(b\)](#), Florida Statutes 2016, is not subject to the location requirements of this subsection.

(c) A medical marijuana treatment center dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location through a formal proceeding open to the public at which the county or municipality determines that the location promotes the public health, safety, and general welfare of the community.

(d) This subsection does not prohibit any local jurisdiction from ensuring medical marijuana treatment center facilities comply with the Florida Building Code, the Florida Fire Prevention Code, or any local amendments to the Florida Building Code or the Florida Fire Prevention Code.

(12) PENALTIES.—

(a) A qualified physician commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#), if the qualified physician issues a physician certification for the medical use of marijuana for a patient without a reasonable belief that the patient is suffering from a qualifying medical condition.

(b) A person who fraudulently represents that he or she has a qualifying medical condition to a qualified physician for the purpose of being issued a physician certification commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(c) A qualified patient who uses marijuana, not including low-THC cannabis, or a caregiver who administers marijuana, not including low-THC cannabis, in plain view of or in a place open to the general public; in a school bus, a vehicle, an aircraft, or a boat; or on the grounds of a school except as provided in s. [1006.062](#), commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(d) A qualified patient or caregiver who cultivates marijuana or who purchases or acquires marijuana from any person or entity other than a medical marijuana treatment center violates s. [893.13](#) and is subject to the penalties provided therein.

(e)1. A qualified patient or caregiver in possession of marijuana or a marijuana delivery device who fails or refuses to present his or her marijuana use registry identification card upon the request of a law enforcement officer commits a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#), unless it can be determined through the medical marijuana use registry that the person is authorized to be in possession of that marijuana or marijuana delivery device.

2. A person charged with a violation of this paragraph may not be convicted if, before or at the time of his or her court or hearing appearance, the person produces in court or to the clerk of the court in which the charge is pending a medical marijuana use registry identification card issued to him or her which is valid at the time of his or her arrest. The clerk of the court is authorized to dismiss such case at any time before the defendant's appearance in court. The clerk of the court may assess a fee of \$5 for dismissing the case under this paragraph.

(f) A caregiver who violates any of the applicable provisions of this section or applicable department rules, for the first offense, commits a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#) and, for a second or subsequent offense, commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(g) A qualified physician who issues a physician certification for marijuana or a marijuana delivery device and receives compensation from a medical marijuana treatment center related to the issuance of a physician certification for marijuana or a marijuana delivery device is subject to disciplinary action under the applicable practice act and s. [456.072](#)(1)(n).

(h) A person transporting marijuana or marijuana delivery devices on behalf of a medical marijuana treatment center or marijuana testing laboratory who fails or refuses to present a transportation manifest upon the request of a law enforcement officer commits a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(i) Persons and entities conducting activities authorized and governed by this section and s. [381.988](#) are subject to ss. [456.053](#), [456.054](#), and [817.505](#), as applicable.

(j) A person or entity that cultivates, processes, distributes, sells, or dispenses marijuana, as defined in s. 29(b)(4), Art. X of the State Constitution, and is not licensed as a medical marijuana treatment center violates s. [893.13](#) and is subject to the penalties provided therein.

(k) A person who manufactures, distributes, sells, gives, or possesses with the intent to manufacture, distribute, sell, or give marijuana or a marijuana delivery device that he or she holds out to have originated from a licensed medical marijuana treatment center but that is counterfeit commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#). For the purposes of this paragraph, the term “counterfeit” means marijuana; a marijuana delivery device; or a marijuana or marijuana delivery device container, seal, or label which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a licensed medical marijuana treatment center and which thereby falsely purports or is represented to be the product of, or to have been distributed by, that licensed medical marijuana treatment facility.

(l) Any person who possesses or manufactures a blank, forged, stolen, fictitious, fraudulent, counterfeit, or otherwise unlawfully issued medical marijuana use registry identification card commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(13) UNLICENSED ACTIVITY.—

(a) If the department has probable cause to believe that a person or entity that is not registered or licensed with the department has violated this section, s. [381.988](#), or any rule adopted pursuant to this section, the department may issue and deliver to such person or entity a notice to cease and desist from such violation. The department also may issue and deliver a notice to cease and desist to any person or entity who aids and abets such unlicensed activity. The issuance of a notice to cease and desist does not constitute agency action for which a hearing under s. [120.569](#) or s. [120.57](#) may be sought. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person or entity who violates any provisions of such order.

(b) In addition to the remedies under paragraph (a), the department may impose by citation an administrative penalty not to exceed \$5,000 per incident. The citation shall be issued to the subject and must contain the subject’s name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. If the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation shall become a final order of the department. The department may adopt rules pursuant to ss. [120.536\(1\)](#) and [120.54](#) to implement this section. Each day that the unlicensed activity continues after issuance of a notice to cease and desist constitutes a separate violation. The department shall be entitled to recover the costs of investigation and prosecution in addition to the fine levied pursuant to the citation. Service of a citation may be made by personal service or by mail to the subject at the subject’s last known address or place of practice. If the department is required to seek enforcement of the cease and desist or agency order, it shall be entitled to collect attorney fees and costs.

(c) In addition to or in lieu of any other administrative remedy, the department may seek the imposition of a civil penalty through the circuit court for any violation for which the department may issue a notice to cease and desist. The civil penalty shall be no less than \$5,000 and no more than \$10,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department prevails, may also award reasonable costs of investigation and prosecution.

(d) In addition to the other remedies provided in this section, the department or any state attorney may bring an action for an injunction to restrain any unlicensed activity or to enjoin the future operation or maintenance of the unlicensed activity or the performance of any service in violation of this section.

(e) The department must notify local law enforcement of such unlicensed activity for a determination of any criminal violation of chapter 893.

(14) 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 caregiver may purchase from a medical marijuana treatment center for the patient's medical use a marijuana delivery device and up to the amount of marijuana authorized in the physician certification, but may not possess more than a 70-day supply of marijuana, or the greater of 4 ounces of marijuana in a form for smoking or an amount of marijuana in a form for smoking approved by the department pursuant to paragraph (4)(f), at any given time and all marijuana purchased must remain in its original packaging.

(b) Notwithstanding paragraph (a), s. [893.13](#), s. [893.135](#), s. [893.147](#), or any other provision of law, a qualified patient and the qualified patient's caregiver may purchase and possess a marijuana delivery device intended for the medical use of marijuana by smoking from a vendor other than a medical marijuana treatment center.

(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 medical marijuana treatment center and its owners, managers, and employees may manufacture, possess, sell, deliver, distribute, dispense, and lawfully dispose of marijuana or a marijuana delivery device as provided in this section, s. [381.988](#), and by department rule. For the purposes of this subsection, the terms "manufacture," "possession," "deliver," "distribute," and "dispense" have the same meanings as provided in s. [893.02](#).

(d) 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 certified marijuana testing laboratory, including an employee of a certified marijuana testing laboratory acting within the scope of his or her employment, may acquire, possess, test, transport, and lawfully dispose of marijuana as provided in this section, in s. [381.988](#), and by department rule.

(e) A licensed medical marijuana treatment center 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 marijuana or a marijuana delivery device, as provided in this section, in s. [381.988](#), and by department rule.

(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 marijuana 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.

(g) Notwithstanding s. [893.13](#), s. [893.135](#), s. [893.147](#), or any other provision of law, but subject to the requirements of this section and pursuant to policies and procedures established pursuant to s. [1006.62\(8\)](#), school personnel may possess marijuana that is obtained for medical use pursuant to this section by a student who is a qualified patient.

(h) 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 research institute established by a public postsecondary educational institution, such as the H. Lee Moffitt Cancer Center and Research Institute, Inc., established under s. [1004.43](#), or a state university that has achieved the preeminent state research university designation

under s. [1001.7065](#) may possess, test, transport, and lawfully dispose of marijuana for research purposes as provided by this section.

(15) APPLICABILITY.—

(a) This section does not limit the ability of an employer to establish, continue, or enforce a drug-free workplace program or policy.

(b) This section does not require an employer to accommodate the medical use of marijuana in any workplace or any employee working while under the influence of marijuana.

(c) This section does not create a cause of action against an employer for wrongful discharge or discrimination.

(d) This section does not impair the ability of any party to restrict or limit smoking or vaping marijuana on his or her private property.

(e) This section does not prohibit the medical use of marijuana or a caregiver assisting with the medical use of marijuana in a nursing home facility licensed under part II of chapter 400, a hospice facility licensed under part IV of chapter 400, or an assisted living facility licensed under part I of chapter 429, if the medical use of marijuana is not prohibited in the facility's policies.

(f) Marijuana, as defined in this section, is not reimbursable under chapter 440.

(16) FINES AND FEES.—Fines and fees collected by the department under this section shall be deposited in the Grants and Donations Trust Fund within the Department of Health.

²(17) Rules adopted pursuant to this section before July 1, 2020, are not subject to ss. [120.54\(3\)\(b\)](#) and [120.541](#). Notwithstanding paragraph (8)(e), a medical marijuana treatment center may use a laboratory that has not been certified by the department under s. [381.988](#) until such time as at least one laboratory holds the required certification pursuant to s. [381.988](#), but in no event later than July 1, 2020. This subsection expires July 1, 2020.

History.—s. 2, ch. 2014-157; s. 1, ch. 2016-123; s. 24, ch. 2016-145; ss. 1, 3, 18, ch. 2017-232; s. 29, ch. 2018-10; s. 43, ch. 2018-110; s. 1, ch. 2018-142; s. 1, ch. 2019-1; s. 39, ch. 2019-116.

¹Note.—

A. Section 1, ch. 2017-232, provides that “[i]t is the intent of the Legislature to implement s. 29, Article X of the State Constitution by creating a unified regulatory structure. If s. 29, Article X of the State Constitution is amended or a constitutional amendment related to cannabis or marijuana is adopted, this act shall expire 6 months after the effective date of such amendment.” If such amendment or adoption takes place, s. 381.986, as amended by s. 1, ch. 2017-232, will read:

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 appropriate cannabis delivery devices, 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.

(6) 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.

3. Package the low-THC cannabis or medical cannabis in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

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.

(8) 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.

B. Section 14(1), ch. 2017-232, as amended by s. 41, ch. 2019-116, "[i]n order to implement Specific Appropriations 467, 468, and 474 of the 2019-2020 General Appropriations Act," provides that:

"(1) EMERGENCY RULEMAKING.—

"(a) The Department of Health and the applicable boards shall adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, and this section necessary to implement ss. 381.986 and 381.988, Florida Statutes. If an emergency rule adopted under this section is held to be unconstitutional or an invalid exercise of delegated legislative authority, and becomes void, the department or the applicable boards may adopt an emergency rule pursuant to this section to replace the rule that has become void. If the emergency rule adopted to replace the void emergency rule is also held to be unconstitutional or an invalid exercise of delegated legislative authority and becomes void, the department and the applicable boards must follow the nonemergency rulemaking procedures of the Administrative Procedures Act to replace the rule that has become void.

"(b) For emergency rules adopted under this section, the department and the applicable boards need not make the findings required by s. 120.54(4)(a), Florida Statutes. Emergency rules adopted under this section are exempt from ss. 120.54

(3)(b) and 120.541, Florida Statutes. The department and the applicable boards shall meet the procedural requirements in s. 120.54(4)(a), Florida Statutes, if the department or the applicable boards have, before July 1, 2019, held any public workshops or hearings on the subject matter of the emergency rules adopted under this subsection. Challenges to emergency rules adopted under this subsection are subject to the time schedules provided in s. 120.56(5), Florida Statutes.

“(c) Emergency rules adopted under this section are exempt from s. 120.54(4)(c), Florida Statutes, and shall remain in effect until replaced by rules adopted under the nonemergency rulemaking procedures of the Administrative Procedures Act. Rules adopted under the nonemergency rulemaking procedures of the Administrative Procedures Act to replace emergency rules adopted under this section are exempt from ss. 120.54(3)(b) and 120.541, Florida Statutes. By July 1, 2020, the department and the applicable boards shall initiate nonemergency rulemaking pursuant to the Administrative Procedures Act to replace all emergency rules adopted under this section by publishing a notice of rule development in the Florida Administrative Register. Except as provided in paragraph (a), after July 1, 2020, the department and applicable boards may not adopt rules pursuant to the emergency rulemaking procedures provided in this section.”

C. Section 42, ch. 2019-116, provides that “[t]he amendment to s. 14(1) of chapter 2017-232, Laws of Florida, by this act expires July 1, 2020, and the text of that subsection shall revert to that in existence on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.” Effective July 1, 2020, s. 14(1), ch. 2017-232, as amended by s. 42, ch. 2019-116, will read:

“(1) EMERGENCY RULEMAKING.—

“(a) The Department of Health and the applicable boards shall adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, and this section necessary to implement ss. 381.986 and 381.988, Florida Statutes. If an emergency rule adopted under this section is held to be unconstitutional or an invalid exercise of delegated legislative authority, and becomes void, the department or the applicable boards may adopt an emergency rule pursuant to this section to replace the rule that has become void. If the emergency rule adopted to replace the void emergency rule is also held to be unconstitutional or an invalid exercise of delegated legislative authority and becomes void, the department and the applicable boards must follow the nonemergency rulemaking procedures of the Administrative Procedures Act to replace the rule that has become void.

“(b) For emergency rules adopted under this section, the department and the applicable boards need not make the findings required by s. 120.54(4)(a), Florida Statutes. Emergency rules adopted under this section are exempt from ss. 120.54(3)(b) and 120.541, Florida Statutes. The department and the applicable boards shall meet the procedural requirements in s. 120.54(a), Florida Statutes, if the department or the applicable boards have, before [June 23, 2017], held any public workshops or hearings on the subject matter of the emergency rules adopted under this subsection. Challenges to emergency rules adopted under this subsection are subject to the time schedules provided in s. 120.56(5), Florida Statutes.

“(c) Emergency rules adopted under this section are exempt from s. 120.54(4)(c), Florida Statutes, and shall remain in effect until replaced by rules adopted under the nonemergency rulemaking procedures of the Administrative Procedures Act. By January 1, 2018, the department and the applicable boards shall initiate nonemergency rulemaking pursuant to the Administrative Procedures Act to replace all emergency rules adopted under this section by publishing a notice of rule development in the Florida Administrative Register. Except as provided in paragraph (a), after January 1, 2018, the department and applicable boards may not adopt rules pursuant to the emergency rulemaking procedures provided in this section.”

²Note.—Section 39, ch. 2019-116, amended subsection (17) “[i]n order to implement Specific Appropriations 467, 468, and 474 of the 2019-2020 General Appropriations Act.”

2020 Calendar



April						
Su	Mo	Tu	We	Th	Fr	Sa
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June						
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September						
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December						
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Holidays indicated in red

Revised 03-03-2020