

ORDINANCE NO. 2012-_____

SEMINOLE COUNTY, FLORIDA

2 **AN ORDINANCE OF SEMINOLE COUNTY RELATING TO PAIN**
3 **MANAGEMENT CLINICS; AMENDING THE SEMINOLE COUNTY**
4 **CODE TO INCLUDE A NEW CHAPTER 186 ADDRESSING PAIN**
5 **MANAGEMENT CLINICS; ADOPTING FINDINGS; PROVIDING**
6 **DEFINITIONS; CREATING LICENSING AND REPORTING**
7 **REQUIREMENTS FOR ALL PAIN MANAGEMENT CLINICS;**
8 **CREATING SUPPLEMENTAL REGULATIONS FOR PAIN**
9 **MANAGEMENT CLINICS; CREATING OTHER MISCELLANEOUS**
10 **PROVISIONS; PROVIDING FOR PENALTIES; PROVIDING FOR**
11 **APPLICABILITY IN UNINCORPORATED AND INCORPORATED**
12 **AREAS OF THE COUNTY UNLESS THERE IS A CONFLICT;**
13 **PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS;**
14 **PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE**
15 **DATE.**

16 **WHEREAS,** pursuant to Article VIII, Section 1 of The Florida Constitution and Chapter
17 125, Florida Statutes, Seminole County is authorized to protect the public health, safety, and
18 welfare of its residents and has the power and authority to enact regulations for valid
19 governmental purposes that are not inconsistent with general or special law; and

20 **WHEREAS,** the Seminole County Sheriff's Office and the City/County Investigative
21 Bureau have informed the Seminole County Board of County Commissioners ("Board") that a
22 pattern of illegal drug use and distribution of certain dangerous drugs has been linked in large
23 part to certain Pain Management Clinics operating in and around Seminole County and has
24 recommended changes to the Seminole County Code and Land Development Code of Seminole
25 County that will result in additional substantive and zoning regulations for Pain Management
26 Clinics in Seminole County; and

27 **WHEREAS,** on January 11, 2011, the Board adopted Ordinance No. 2011-2 to establish
28 a moratorium on the issuance of any new Business Tax Receipts for Pain Management Clinics,
29 to prohibit Pain Management Clinics from limiting patient payment options to cash only, and to
30 establish hours of operation; and

32 **WHEREAS**, on July 19, 2011, Orange County Mayor Teresa Jacobs' Prescription Drug
Task Force ("Task Force") began a series of meetings to address the serious issue of prescription
34 drug abuse in the Central Florida community, through law enforcement, healthcare and
pharmacies, prevention, education, and public policy; and

36 **WHEREAS**, on September 13, 2011, the Board adopted Ordinance No. 2011-24
extending the moratorium to allow the Seminole County Sheriff's Office to investigate and
38 determine what, if any, additional steps were needed by way of local regulation of Pain
Management Clinics in addition to restricting cash only operations and regulating hours of
40 operation of existing clinics through the period of the moratorium; and

WHEREAS, on March 6, 2012, the Task Force and Orange County staff presented to the
42 Orange County Board of County Commissioners a report detailing negative adverse secondary
effects associated with Pain Management Clinics; and

44 **WHEREAS**, the Seminole County Sheriff's Office has determined that similar negative
effects exist in Seminole County; and

46 **WHEREAS**, on March 27, 2012, the Board adopted Ordinance No. 2012-2 to further
extend the moratorium to October 1, 2012; and

48 **WHEREAS**, on August 28, 2012, the Board adopted an amendment to the Land
Development Code of Seminole County to establish zoning regulations for Pain Management
50 Clinics in Seminole County; and

WHEREAS, it is not the intent of this Ordinance to interfere with the legal prescription,
52 dispensation, or use of controlled substances.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
54 **COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:**

Section 1. Incorporation of Recitals. The above recitals are incorporated herein by

reference and form an integral part of this Ordinance.

Section 2. Short Title. This Ordinance shall be known and referred to as the “Seminole

County Pain Management Clinic Ordinance”.

Section 3. Findings of Fact; Intent and Purpose.

(a) The Seminole County Sheriff's Office has informed the Seminole County Board of County Commissioners (“Board”) that a pattern of illegal drug use and distribution of certain Dangerous Drugs has been linked in large part to certain Pain Management Clinics operating in and around Seminole County distributing or prescribing Dangerous Drugs; and

(b) Certain opioids and opiate analgesic Dangerous Drugs, that may be safe when used properly, have been shown to be particularly dangerous when over-prescribed by doctors who are primarily focused on treating large numbers of individuals who complain of pain with very high doses of opiate drugs, and have been shown to be particularly dangerous when over-consumed by citizens and visitors who may obtain a large number of such opiate drugs by engaging in doctor shopping to obtain multiple prescriptions, close in time, from multiple doctors, by failing to disclose prior recent prescriptions to subsequent doctors, and then obtaining the prescriptions from multiple dispensing pharmacies, often by using multiple and false identities at both medical clinics and pharmacies; and

(c) The dangerous overprescribing and excessive consumption of high amounts of those dangerous opiate prescription drugs has resulted in increased addiction, increased crime associated with such activity, and a high number of deaths in Seminole County related to prescription drug abuse; and

(d) The Florida Legislature has identified concerns regarding the increased use and abuse of substances controlled by federal and/or State law and the frequency of injury and death occurring as a result of the increased availability of controlled substances and certain Dangerous Drugs via medical practitioners operating in Pain Management Clinics; and

(e) Under its home rule authority, Seminole County can pass legislation to further regulate Pain Management Clinics as long as these additional regulations are not preempted and are not inconsistent with applicable statutory provisions.

Section 4. Creation of Chapter 186, Seminole County Code. Chapter 186, “Pain Management Clinics”, is hereby created to read as follows:

PART 1. PAIN MANAGEMENT CLINICS.

Sec. 186.1. Definitions. As used in this Chapter, the following terms shall mean as indicated below.

Applicant: The owner or a person or person(s) authorized by the owner to complete an application for a license to operate a Pain Management Clinic.

Code Enforcement Officer: Board designated employees or agents of Seminole County whose duty it is to enforce codes and ordinances in the County or any law enforcement officer as defined in Section 943.10(1), Florida Statutes, or its successor provision.

Dangerous Drug: A substance listed in Section 893.03, Florida Statutes, as amended, which is recognized as effective for pain relief, including but not limited to, an opioid or opiate analgesic listed in Schedule II or Schedule III. Additionally, the term includes a non-opiate analgesic listed in Schedule II, III or IV, when prescribed in addition to or directly preceding or following another prescription for a Dangerous Drug for pain relief. The term does not include suboxone, which contains a mixture of buprenorphine and naloxone.

100 Operator: Any Person on the premises of a Pain Management Clinic who puts or keeps the
business in operation, who is authorized to manage the business, who exercises overall operational
102 control of the business premises, or who is legally authorized to prescribe a Dangerous Drug. A
Person may be found to be an Operator of a Pain Management Clinic regardless of whether that
104 Person is an employee, contractor, owner, part owner, Designated Physician, manager or licensee of
the business.

106 Pain Management Clinic: Any privately owned clinic, facility or office, including but
not limited to a “wellness center”, “urgent care facility”, or “detox center”, that has at least one
108 of the following characteristics:

(a) It is a facility where a physician, or any other Person legally authorized to issue
110 prescriptions for a Dangerous Drug, issues prescriptions for a Dangerous Drug to more than
twenty (20) patients in a single day;

112 (b) It holds itself out through a sign or advertising in any medium as being in
business to prescribe or dispense pain medication whether for acute pain or chronic pain;

114 (c) It holds itself out through a sign or advertising in any medium as being in
business to provide services for the treatment or management of pain and where the services are
116 also accompanied with the prescription or dispensing of a Dangerous Drug for the treatment of
pain, whether acute pain or chronic pain; or

118 (d) It meets the definition of Pain Management Clinic in Section 458.3265 or Section
459.0137, Florida Statutes, as may be amended from time to time, or is registered as a Pain
120 Management Clinic with the State.

Exceptions. A business is not a Pain Management Clinic, as defined herein, if it has at
122 least one of the following characteristics:

(a) It is licensed as a hospital or other licensed facility or is owned or operated by a hospital or other licensed facility pursuant to Chapter 395, Florida Statutes, as may be amended. However, a medical office located on the same premises as a hospital facility that meets the criteria for a Pain Management Clinic as defined above is not exempt;

(b) The majority of the physicians who provide services in the clinic primarily provide surgical or oncology services;

(c) It is affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows;

(d) It does not prescribe or dispense controlled substances for the treatment of pain;
or

(e) It is operated for the sole purpose of serving a governmental entity.

Person: Any individual, firm, partnership, joint venture, syndicate, or other group or combination acting as a unit, association, corporation, estate, trust, business trust, trustee, executor, administrator, receiver, or other fiduciary, and includes the plural as well as the singular.

Sec. 186.2. License Required.

(a) Requirement. It is unlawful for any Person to operate, or to be an Operator of, a Pain Management Clinic which has not first obtained a license pursuant to this Chapter. Beginning October 15, 2012, any Person desiring to operate a new Pain Management Clinic shall file an application with the Licensing Official. Pain Management Clinics that were operating prior to the enactment of this Chapter must submit an application for a Pain Management Clinic license by November 9, 2012. ~~October 11, 2012.~~ Any Pain Management Clinic that was operating prior to the enactment of this Chapter, who has timely filed an application and paid the

146 application fee, may continue to operate until the Licensing Official renders a decision to either
grant or deny the license and notifies the Pain Management Clinic of the decision. All
148 applications shall contain the information and documents as provided in this Chapter and shall be
signed by the Applicant and notarized.

150 (b) Licensing Official. Unless the County Manager designates in writing an office to
administer the provisions of this Chapter, he or she shall serve as the Licensing Official. The
152 County Manager may modify his or her designation from time to time in writing. When the
phrase “County Manager or his or her designee” is used in this Chapter, the designee referred to
154 shall be the Department or individual designated in writing pursuant to this Subsection.

(c) Single License. Each Pain Management Clinic location must have a separate
156 license regardless of whether the Pain Management Clinic is operated under the same business
name or management entity as another Pain Management Clinic.

158 **Sec. 186.3. Contents of Application.** The completed application, which shall include
the following information and documents shall be accompanied by a non-refundable application
160 fee which shall be used to defray the costs of the application review process by various offices
and departments; provided, however, that the fee shall be applied as a credit toward the annual
162 license fee for licensing under this Chapter:

(a) Designated Physician. A physician shall be designated as responsible for
164 complying with all requirements related to licensing and operating the Pain Management Clinic.
The Designated Physician shall provide the physician’s Drug Enforcement Administration
166 number. The Designated Physician must have a full, active, and unencumbered license under
Chapter 456, 458 or 459, Florida Statutes, and shall practice at the Pain Management Clinic
168 location for which the physician has assumed responsibility. The Pain Management Clinic must

notify the Licensing Official within ten (10) days after the Designated Physician terminates his
or her employment with the Pain Management Clinic and provide the identity of another
Designated Physician for the Pain Management Clinic or forfeit the Pain Management Clinic's
license, and that Designated Physician must comply with all requirements otherwise related to
licensing and operating the Pain Management Clinic as contained in this Chapter.

(b) Persons Responsible. A list of all individuals associated with the management or
operation of the clinic, whether paid or unpaid, part-time or full-time. This list includes, but is
not limited to, all owners, Operators, employees and volunteers. For individuals listed, the
following additional information must be provided:

- (1) The individual's title;
- (2) A current home address, telephone number, and date of birth;
- (3) A list of all felony or misdemeanor criminal convictions;
- (4) A copy of a current Florida driver's license or current government issued
photo identification; and
- (5) A list of any and all past disciplinary actions and new disciplinary actions
initiated against any physician or other licensed health care practitioners, including the initiation
date, location and case number of the disciplinary action and the final result of the disciplinary
action. The mere fact that a disciplinary action has been initiated does not alone constitute
grounds for denial or revocation of the license. Failure to disclose past disciplinary actions and
any new disciplinary actions, along with updates throughout the proceedings and the final result,
within thirty (30) days after the occurrence of each event associated with the disciplinary action,
is grounds for denial or revocation of a license.

(6) The Applicant shall state whether the Applicant or any of the other individuals listed pursuant to Subsection 186.3(b) has had a previous license under this Chapter, or Florida law, suspended or revoked including the name and location of the Pain Management Clinic for which the license was suspended or revoked, the date of the suspension or revocation, and whether the Applicant or any other individuals listed pursuant to Subsection 186.3(b) has been a partner in a partnership or an officer, director or principal stockholder of a corporation whose license under this Chapter has previously been suspended or revoked, including the name and location of the Pain Management Clinic for which the license was suspended or revoked, as well as the date of the suspension or revocation.

(7) The Applicant shall state whether the Applicant or any other individuals listed pursuant to Subsection 186.3(b) holds any other licenses under this Chapter and, if so, the names and locations of such other licensed Pain Management Clinics.

(8) The Applicant shall state the location of the proposed Pain Management Clinic including a street address, the name and address of the real property owner of the site, and a legal description of the property on which the establishment is to be located.

(9) The Applicant shall provide a mailing address, and if different, a designated return address where all future correspondence from the County may be sent, and the Applicant's telephone number where communications and inquiries can be made.

(10) The Applicant shall provide the Applicant's social security number or employer's tax identification number and either the Applicant's drivers license number or the number of a government issued photo identification card.

(11) The Applicant shall provide a complete set of the Applicant's fingerprints.

(12) The Applicant shall provide a copy of the lease or deed of conveyance for the premises on which the Pain Management Clinic is located, whichever is applicable.

(13) The Applicant shall provide a statement of the hours of operations of the establishment or business.

(14) The Applicant shall provide a notarized statement that the Applicant has complied with the applicable laws of Florida relating to corporations, partnerships and fictitious names.

(15) Proof of registration with the State Department of Health pursuant to Section 458.3265 or Section 459.0137, Florida Statutes, if required.

Sec. 186.4. Continuing Duty/False or Misleading Information. It is unlawful for an Applicant to fail to disclose changes in information provided or to fail to correct false or erroneous information given in an application immediately upon the Applicant knowing or being in such a position that he or she should have known that the information provided has changed or was false or erroneous when provided.

Sec. 186.5. Review of Application. Upon receipt of an application properly filed with the Licensing Official and upon payment of the non-refundable application fee, the application shall be forwarded to the Sheriff's Office, the Building Official, the Department of Public Safety, and the Planning and Development Division. Each recipient entity shall promptly conduct a review of the Applicant, application and the proposed Pain Management Clinic. At the conclusion of its investigation, each recipient entity shall indicate to the Licensing Official its investigative findings relating to the application.

Sec. 186.6. Responsibilities of Other Offices and Departments. The Board of County Commissioners is the legislative branch of Seminole County government. Ultimate responsibility

for the administration of this Chapter is vested in the County Manager, or his or her designee, as set forth in this Chapter. Other departments having responsibility under this Chapter are as follows:

(a) The Licensing Official is responsible for determining whether the Pain Management Clinic is registered, if required, with the State, whether the Applicant or any individual stated in Section 186.3(b) has had a license issued under this Chapter suspended or revoked, and whether the Applicant is in compliance with applicable Florida Statutes regarding corporations, partnerships or fictitious names.

(b) The Sheriff or his or her designee is responsible for determining whether license Applicants or individuals listed on the application satisfy the criminal background requirements of this Chapter.

(c) The Building Official, or his or her designee, is responsible for inspecting the proposed or renewing Pain Management Clinic in order to ascertain compliance with all applicable building codes, statutes, ordinances and regulations.

(d) The County Fire Chief, or his or her designee, is responsible for inspecting the Pain Management Clinic in order to ascertain compliance with all applicable fire codes, statutes, ordinances and regulations.

(e) The Planning and Development Division is responsible for ascertaining whether the location of the proposed Pain Management Clinic complies with all separation, distance, zoning and location requirements of the Land Development Code of Seminole County and whether compliance with all applicable zoning regulations and land use laws is maintained.

Sec. 186.7. Issuance of License.

(a) Upon completion of the review of the application as required, determination that the Applicant meets the requirements of this Chapter, and payment of the appropriate license fee by the Applicant, the Licensing Official shall issue the license.

(b) If after review as provided herein, the Licensing Official determines that one (1) or more of the reasons for denial set forth in this Chapter exist, the application shall be denied and the Licensing Official shall issue a written and dated notice of the denial and the reasons therefor. A copy of the notice shall be sent to the Applicant by certified mail to the designated return address on the application.

Sec. 186.8. Reasons for Denial or Revocation of License. The application for a license shall be denied for any of the following reasons:

- (a) The application does not comply with the requirements of this Chapter;
- (b) The application contains material false information;
- (c) The Applicant or any of the individuals stated in Section 186.3(b) hereto was previously issued a license under this Chapter which has been suspended or revoked;
- (d) The Pain Management Clinic is not registered, if required, with the State in accordance with Section 458.3265 or Section 459.0137, Florida Statutes, or has had its registration suspended or revoked by the State;
- (e) The Applicant has failed to comply with Chapter 607, Florida Statutes, relating to corporations, Chapter 620, Florida Statutes, relating to partnerships, or Section 865.09, Florida Statutes, relating to fictitious names;
- (f) Allowing an individual to work or volunteer at the clinic, whether paid or unpaid, who, within the past five (5) years, has been convicted of or plead guilty or nolo contendere to,

even if sealed or expunged, an offense that constitutes a felony for receipt, possession, delivery, distribution, selling, manufacturing or purchasing illicit drugs, including any controlled substance listed in Schedule I, Schedule II, Schedule III, Schedule IV, or Schedule V of Section 893.03, Florida Statutes;

(g) The Designated Physician, clinic owner, or any person with authority to issue prescriptions under Florida Statutes has been convicted of a crime, or had final administrative action taken against him or her; or

(h) The Pain Management Clinic fails to comply with any other provisions of this Chapter, the Seminole County Code, or the Land Development Code of Seminole County.

Sec. 186.9. Review of License Denial, Non-Renewal or Revocation. Any appeals of denial, non-renewal or revocation of a Pain Management Clinic License may be appealed to the appropriate court of law.

Sec. 186.10. Contents of License, Term of License, Renewals, Expiration, Lapse.

(a) Contents. A Pain Management Clinic license shall state on its face the name of the licensee, the name of the Pain Management Clinic, the street address of the Pain Management Clinic, the date of issuance, and the date of expiration.

(b) Term. All licenses issued under this Chapter shall be annual licenses which shall commence running on October 1, on which date they shall have been paid for, and shall expire on September 30 of the following year. If a license is issued after October 1, but by March 31 of the following year, the Applicant shall pay the appropriate license fee in full. If a license is issued after March 31, but by October 1 of the same year, the Applicant shall pay one-half the appropriate license fee.

302 (c) Expiration/Renewal/Lapse. Each license shall expire on September 30 of each
year and may be renewed only by making an application for a license in accordance with the
304 provisions of this Chapter. Applications for renewal shall be made at least thirty (30) days before
the expiration date of the license. Failure to make application at least thirty (30) days before the
306 expiration date will not suspend the expiration of the license.

Sec. 186.11. Annual License Fee. There shall be collected under this Chapter an annual
308 license fee in an amount determined by the Board. The annual license fee is declared regulatory
in nature, collected for the purpose of examination and inspection of Pain Management Clinics
310 under this Chapter and the administration thereof. This regulatory fee is in addition to and not in
lieu of the Business Tax Receipt imposed by the Seminole County Code or State law and other
312 land development or regulatory fees associated with general commercial activities and locations.

Sec. 186.12. Regulation.

314 (a) Inspection. Any Code Enforcement Officer may enter and inspect those portions
of a Pain Management Clinic open to the public to determine compliance with this Chapter.
316 Entry and inspection shall be limited to only those times when the Pain Management Clinic is
open for business and shall not include a review of patient medical records unless authorized by
318 State or federal law. In the event that a Pain Management Clinic refuses a lawful inspection, then
a Code Enforcement Officer may seek all remedies available in law or equity, including, but not
320 limited to, a criminal warrant, inspection warrant pursuant to Sections 933.20-933.30, Florida
Statutes, subpoena after any required notice, or other court order from a court of competent
322 jurisdiction.

 (b) Display of Licenses. Pain Management Clinics shall prominently display in a
324 public area near their front entrance copies of all State licenses, County licenses, the Local

Business Tax Receipt, and the name of the Operator and Designated Physician responsible for
326 compliance with State and County law.

(c) No Cash Only. No Pain Management Clinic shall limit patient payment options
328 to cash only.

(d) Dangerous Drugs. The on-site sale, provision, or dispensing of Dangerous Drugs
330 at a Pain Management Clinic shall be prohibited, except as is specifically set forth in applicable
federal or State law.

(e) Personnel Records. Pain Management Clinics shall maintain the personnel
332 records for all owners, Operators, employees, and volunteers on site at the Pain Management
334 Clinic, and make those records available during any inspection. Personnel records shall, at a
minimum, contain the following information: the individual's name and title; a current home
336 address and telephone number; a copy of a current driver's license or a government issued photo
identification; and a list of all criminal convictions (if any), whether misdemeanor or felony. Pain
338 Management Clinics shall keep all personnel records complete, accurate, and up-to-date.
Employees of Pain Management Clinics shall promptly report any convictions in any criminal
340 matter to the designated record keeper at the Pain Management Clinic so that the Pain
Management Clinic can keep all records complete, accurate, and up-to-date.

(f) Business Records. Pain Management Clinics shall provide to the Licensing
342 Official on a quarterly basis, by the last day of the month following the end the quarter, a sworn
344 summary of the information described below from the prior quarter. To the extent such
information is not otherwise required to be maintained by any other law, the back-up for the
346 required quarterly summary shall be maintained by the Pain Management Clinic for at least
twenty-four (24) months. The summary shall include the following information: the total

number of prescriptions written for Dangerous Drugs listed separately by each physician for each month in the quarter; the total number of patients seen by the Pain Management Clinic; and the county and state of residence of each individual to whom Dangerous Drugs were prescribed or dispensed.

(g) Ownership, Business Relationship, and Employment Restrictions. No Pain Management Clinic shall be wholly or partially owned by, have any contractual relationship with (whether as a principal, partner, officer, member, managing member, employee, or independent contractor), or have any employment relationship with any health care practitioner, as defined in Chapter 456, Florida Statutes, who has been convicted of a crime, has had adjudication withheld for a crime, or has had final administrative action taken:

(1) Involving:

(i) Any felony; or any misdemeanor involving the possession, sale, delivery, fraudulently obtaining, distribution, or manufacture of any Dangerous Drug, narcotic, or prescription drug;

(ii) Any violation of Pain Management Clinic regulations of any county, city, state or government;

(iii) Any administrative or other similar action in which the health care practitioner has been denied the privilege of prescribing, dispensing, administering, supplying or selling any Dangerous Drug by this state or any other state;

(iv) Any administrative or other similar action in which the state or any other state's medical board has taken action against the health care practitioner's medical license as a result of dependency on drugs or alcohol.

(2) For which:

(i) Less than two years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

(ii) Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense;

(iii) Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period; or

(iv) Less than five years have elapsed for any final administrative or other action.

(3) The fact that a conviction is being appealed has no effect on the disqualification of the Applicant under Subsection (1) above.

Sec. 186.13. Transfer of License. It is unlawful for a licensee to transfer his, her or its license to another Person or entity or surrender possession, control, and operation of the licensed establishment to such other Person or entity.

Sec. 186.14. Violations and Penalties. Any Person or Operator who violates any of the provisions of this Chapter shall be prosecuted in the same manner as a misdemeanor, as provided in Section 125.69, Florida Statutes, and Section 1.8, Seminole County Code. The County may also pursue any and all available remedies through any and all available processes and procedures to correct violations of County codes. Included within such remedies are actions in a

court of competent jurisdiction for injunctive or other appropriate relief, criminal prosecution,
code enforcement proceedings, the issuance of citations, the denial or revocation of permits, and
any and all other remedies available under the laws of the State of Florida and the United States.

Sec. 186.15. Applicability. This Ordinance shall apply in both the unincorporated and
incorporated areas of the County; provided that any provision of this Code in conflict with a
municipal ordinance shall not be effective within such municipality to the extent of such conflict.

Section 5. Severability. If any provision of this Ordinance is for any reason held or
declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining
portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be
inapplicable to any person, property, or circumstance, such holding shall not affect its
applicability to any other person, property or circumstance.

Section 6. Conflicts. The provisions of this Ordinance shall prevail in the event of
conflict with the provisions of any existing ordinance.

Section 7. Codification. It is the intention of the Board of County Commissioners that
the substantive provisions of this Ordinance shall become and be made a part of the Seminole
County Code and that the word “ordinance” may be changed to “section”, “part”, or other
appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered
to accomplish such intention; providing, however, that Sections 5, 6, 7 and 8 of this Ordinance
shall not be codified.

Section 8. Effective Date. This Ordinance shall become effective on October 9-1, 2012.

(Signature Page Follows)

416

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this

418 _____ day of _____, 2012.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida

BRENDA CAREY, Chairman

MCC/sjs
9/10/12, 9/18/12, 10/3/12
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