

ORDINANCE NO. 2012 - 03

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA, PERTAINING TO THE REGULATION OF SYNTHETIC CANNABINOID HERBAL INCENSE AND SYNTHETIC STIMULANT BATH SALTS AND RELATED SUBSTANCES; PROVIDING FOR SHORT TITLE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITED CONDUCT; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS AND CONFLICT; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS, PROVIDING FOR SCOPE OF ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, under the guise of herbal incense, products are being sold at commercial businesses within Calhoun County, Florida that contain chemical compounds designed as synthetic alternatives to controlled substances prohibited under Florida law; and

WHEREAS, the Board of County Commissioners of Calhoun County ("Board") is concerned about the sale of those items and the potential for increased sales if remedial action is not taken; and

WHEREAS, synthetic cannabinoids, commonly known as synthetic marijuana, are chemically engineered substances, similar to tetrahydrocannabinol (THC), the active ingredient in marijuana, that may produce a "high" similar to marijuana when smoked or ingested; and

WHEREAS, synthetic cannabinoids have been developed over the last 30 years for research purposes to investigate how cannabinoid interacts with the human body; and

WHEREAS, no legitimate non-research uses have been identified for synthetic cannabinoids, and they have not been approved by the U.S. Food and Drug Administration for human consumption; and

WHEREAS, products containing synthetic cannabinoids are particularly attractive to children and young adults due to their packaging similar to candy, their availability in small packages at convenience stores at minimal costs, as well as due to the names being given to these substances, which are intended to appeal to children and young adults; and

WHEREAS, these products currently may be purchased legally, in the absence of this Ordinance, for use as an alternative to substances otherwise regulated as controlled substances and illegal at the federal or state levels; and

WHEREAS, synthetic cannabinoids are typically marketed as herbal incense and also known as Spice, Fake Pot, Fake Weed or K2, among other names; and

WHEREAS, despite being labeled as “not for human consumption,” synthetic cannabinoids are being used as recreational drugs and have been marketed as legal and safer alternatives to illegal methods of “getting high”; and

WHEREAS, despite these claims, these substances are often many times more potent and dangerous than the illegal drugs that they mimic; and

WHEREAS, in the Northwest Florida area, these substances have been found readily available to adults and youth alike at convenience stores, discount tobacco outlets, gas stations, pawnshops and tattoo parlors, among other locations, and are reportedly being used predominately by the youth population; and

WHEREAS, synthetic cannabinoids are abused typically by smoking; and

WHEREAS, the Drug Enforcement Administration (“DEA”) has determined that the consumption of synthetic cannabinoids can have adverse health effects such as agitation, anxiety, nausea, vomiting, rapid heartbeat, elevated blood pressure, tremors, seizures, hallucinations, paranoid behavior and non-responsiveness; and

WHEREAS, there also have been fatal overdoses, which are believed to have resulted from consumption of synthetic cannabinoids; and

WHEREAS, the American Association of Poison Control Centers is reporting increasing calls in recent years to poison control centers across the United States related to exposure to synthetic cannabinoids, with 2,906 calls in 2010; 6,959 calls in 2011; and 3,372 calls in the first six months of 2012; and

WHEREAS, Chapter 893, Florida Statutes, sets forth the Florida Comprehensive Drug Abuse Prevention and Control Act and classifies controlled substances into five schedules, which are used to regulate the manufacture, distribution, preparation and dispensing of the substances listed in the Act; and

WHEREAS, the distinguishing factors between the different drug schedules are the potential for abuse of the substance listed in each schedule, and whether there is a currently accepted medical use for the substance; and

WHEREAS, Schedule I substances such as cannabis, tetrahydrocannabinol (also known as THC), and heroin have a high potential for abuse and currently have no accepted medical use in the United States; and

WHEREAS, during the 2011 Legislative Session, the Florida Legislature passed HB 39, Chapter 2011-73, Laws of Florida, which added five synthetic cannabinoids or synthetic cannabinoid-mimicking compounds to Schedule I of Florida's controlled substance schedule, allowing law enforcement officials and prosecutors to arrest and prosecute for the possession and sale of those five particular substances under Florida law; and

WHEREAS, following passage of HB 39, rogue chemists reconfigured the particular synthetic cannabinoids and synthetic cannabinoid-mimicking compounds made illegal by HB 39, and marketed new products that were not illegal under Florida law; and

WHEREAS, in some cases, these new products went so far as to list on the packaging the five particular synthetic cannabinoids or synthetic cannabinoid-mimicking compounds made illegal by HB 39, and further indicate that the product was not one of those substances; and

WHEREAS, illicit products are being marketed as "bath salts" that are synthetic substitutes that mimic the pharmacological effects of amphetamines, cocaine, ecstasy and other illegal drugs; and

WHEREAS, despite being labeled as "not for human consumption," these bath salts are being used as recreational drugs, and have been marketed as legal and safer alternatives to illegal methods of "getting high"; and

WHEREAS, such bath salts, which have been being sold at commercial businesses in the County, have, as part of their composition, synthetic central nervous system stimulants that are typically in a class of drugs known as synthetic cathinones; and

WHEREAS, these synthetic stimulants sell for many times more than legitimate bath salts, and are also marketed as plant food, insect repellent and iPod cleaner (hereinafter collectively "bath salts"); and

WHEREAS, cathinone is a Schedule I controlled substance under Florida Law and is an alkaloid found in the khat shrub that is chemically similar to amphetamines and other stimulants; and

WHEREAS, the molecular architecture of cathinone can be altered to produce a series of different compounds, which are closely structurally related to cathinone, but which are not listed in Schedule I of Florida's controlled substance schedule; and

WHEREAS, synthetic stimulants are commonly distributed in powder, crystal and liquid forms, but they are also available and abused in tablet and capsule forms; and

WHEREAS, products containing synthetic stimulants are particularly attractive to children and young adults due to their availability in small packages at convenience stores at minimal costs, as well as due to the names being given to these substances, such as Bliss, Blizzard, Blue Silk, Charge+, Cloud Nine, Hurricane Charlie, Ivory Snow, Ivory Wave, Mr. Nice Guy, Ocean Burst, Pure Ivory, Purple Wave, Red Dove, Snow Leopard, Star Dust, Vanilla Sky, White Dove, White Knight, White Rush, and White Lightning; which are intended to appeal to children and young adults; and

WHEREAS, despite claims related to safety, these substances often are many times more potent and dangerous than the illegal drugs that they mimic; and

WHEREAS, the DEA has determined that consumption of synthetic stimulants have been linked to severe psychotic episodes, increased heartbeat, panic attacks and hallucinations; and

WHEREAS, the Calhoun County Substance Awareness Coalition and law enforcement officers have reported that individuals who use synthetic stimulants experience serious side effects which include convulsions, seizures, anxiety attacks, combativeness, delirium, panic, dangerously elevated heart rates, increased blood pressure, vomiting, sharp increase in body temperature and disorientation; and

WHEREAS, in the most extreme cases, bath salts have been linked to self-mutilation and drug-induced deaths, including an increased risk of suicides; and

WHEREAS, the American Association of Poison Control Centers is reporting increasing calls in recent years to poison control centers across the United States related to exposure to bath salts, with 304 calls in 2010; 6,138 calls in 2011; and 1,717 calls in the first six months of 2012; and

WHEREAS, Chapter 893, Florida Statutes, sets forth the Florida Comprehensive Drug Abuse Prevention and Control Act and classifies controlled substances into five schedules, which are used to regulate the manufacture, distribution, preparation and dispensing of the substances listed in the Act; and

WHEREAS, Schedule I substances have a high potential for abuse and have no medical uses currently accepted in the U.S., such as cathinone and heroin; and

WHEREAS, during the 2011 Session, the Florida Legislature passed HB 1039, Chapter 2011-90, Laws of Florida, which added six synthetic stimulants to Schedule I of Florida's controlled substance schedule, allowing law enforcement officials and prosecutors to arrest and prosecute for the possession and sale of those six particular substances under Florida law; and

WHEREAS, following passage of HB 1039, rogue chemists reconfigured the particular synthetic stimulants made illegal by HB 1039, and marketed new products that were not illegal under Florida law; and

WHEREAS, in some cases, the vendors of the new products went so far as to list on the packaging the particular synthetic stimulants made illegal by HB 1039, and indicated that those products were not any of those substances listed in HB 1039; and

WHEREAS, during the 2012 Session, the Legislature passed HB 1175, Chapter 2012-23, Laws of Florida, which added dozens of additional synthetic cannabinoids, synthetic cannabinoid-mimicking compounds, and synthetic stimulants to Schedule I of Florida's controlled substance schedule; and

WHEREAS, it is anticipated that drug designers and chemists will again take the particular chemical compounds that the Legislature made illegal during the 2012 Session and reconfigure the molecular structure of the compounds, resulting in a similar structural make up and effect, but new and different chemical compounds not listed as controlled substances in Chapter 893; and, therefore, not illegal; and

WHEREAS, these new synthetic cannabinoids, synthetic cannabinoid-mimicking compounds, and synthetic stimulants will likely nonetheless carry the same or perhaps even further heightened dangers associated with illegal drugs; and

WHEREAS, Section 893.035, Florida Statutes, grants Florida's Attorney General rulemaking authority to add new substances to Florida's schedules of controlled substances, but the rulemaking process may take time; and

WHEREAS, the Board desires to act quickly to make illegal those new synthetic cannabinoids, synthetic cannabinoid-mimicking compounds, and new synthetic stimulants that drug designers and chemists create to mimic the effects of illegal drugs; and

WHEREAS, the Board finds that the Calhoun County Code Sections created pursuant to this Ordinance, coupled with Sections 893.145 and 893.147, Florida Statutes (concerning drug paraphernalia), will facilitate the continued diligent and comprehensive efforts of the Board and the Calhoun County Sheriff's Office in their ongoing, vigorous efforts to combat crime, protect, and keep the public safe; and

WHEREAS, it is within the police power of Calhoun County to ban the sale and display of synthetic cannabinoids, synthetic cannabinoid-mimicking compounds, and synthetic stimulants that mimic the effects of illegal drugs; and

WHEREAS, the Board has determined that implementation of this Ordinance as set forth herein will promote, protect, and improve the health, safety, and welfare of the people of Calhoun County, Florida;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA, that:

Section 1. Short title.

This Section shall be known and may be cited as "Prohibitions Against Synthetic Cannabinoid Herbal Incense and Synthetic Stimulant Bath Salts and Related Substances Ordinance of Calhoun County."

Section 2. Purpose and intent.

(a) Synthetic Cannabinoid Herbal Incense - The Board of County Commissioners of Calhoun County ("Board") finds and declares that the products and synthetic substances described under this Section are commonly used as alternatives to marijuana. The Board further finds that these synthetic substances are particularly appealing to youth, and that these synthetic substances are potentially dangerous to users in the short term and that the long term effects are not yet known. The Board finds that the manufacturers of these products, which contain these synthetic substances, often use a disclaimer that the product is "not for human consumption" to avoid regulations requiring the manufacturer to list the product's active ingredients. The Board finds that drug designers and chemists can quickly create new synthetic drugs once federal or state law makes a particular synthetic drug illegal. As such, the Board finds that there is a need to declare illegal the sale, offer for sale, purchase with intent to sell or public display for sale of synthetic substances that

mimic illegal controlled substances that have not yet themselves been categorized as illegal controlled substances under federal or state law. The Board further finds that it is necessary and proper for it to exercise its authority to safeguard and protect the public health, safety and welfare by taking such action.

(b) Synthetic Stimulant Bath Salts, Synthetic Cathinones, Synthetic Amphetamines and Other Synthetic Stimulants that mimic illegal drugs - The Board finds and declares that the products and synthetic substances described under this Section are commonly used as alternatives to amphetamines, cocaine, ecstasy and other illegal drugs. The Board further finds that these synthetic substances are particularly appealing to youth, and that these synthetic substances are potentially dangerous to users in the short term and the long term effects are not yet known. The Board finds that the manufacturers of these products, which contain these synthetic substances often use a disclaimer that the product is "not for human consumption" to avoid regulations that require the manufacturer to list the product's active ingredients. The Board finds that drug designers and chemists can quickly create new synthetic drugs once federal or state law makes a particular synthetic drug illegal. As such, the Board finds that there is a need to declare illegal the sale, offer for sale, purchase with intent to sell or public display for sale of synthetic substances that mimic illegal controlled substances, even though such synthetic substances have not yet themselves been categorized as illegal controlled substances under federal or state law. The Board further finds that it is necessary and proper for it to exercise its authority to safeguard and protect the public health, safety and welfare by taking such action.

Section 3. Definitions.

For purposes of this Section, the following definitions shall apply:

(a) "Board" as used herein shall mean the Board of County Commissioners of Calhoun County, Florida.

(b) "*Structurally similar*" as relating to "synthetic cannabinoid herbal incense," as used herein shall mean chemical substitutions off a common chemical backbone associated with synthetic cannabinoids or synthetic cannabinoid-mimicking compounds listed in the controlled substance schedules in Chapter 893, Florida Statutes, as amended from time to time, or otherwise prohibited by federal or state law.

(c) "*Structurally similar*" as relating to "synthetic stimulant bath salts, synthetic cathinones, synthetic amphetamines and other synthetic stimulants that mimic illegal drugs," as used herein shall mean chemical substitutions off a common chemical backbone associated with cathinone, methcathinone, amphetamine, methamphetamine, cocaine, 3,4-methylenedioxyamphetamine (MDMA), 3,4-methylenedioxy-methcathinone, 3,4-methylenedioxypropylamphetamine (MDPV), methylmethcathinone, methoxymethcathinone, methylethcathinone, fluoromethcathinone, BZP (benzylpiperazine), fluorophenylpiperazine, methylphenylpiperazine, chlorophenylpiperazine, methoxyphenylpiperazine, DBZP (1,4-dibenzylpiperazine), TFMPP (3-Trifluoromethylphenylpiperazine), MBDB (Methylbenzodioxolylbutanamine), 5-Hydroxy-alpha-methyltryptamine, 5-Hydroxy-N-methyltryptamine, 5-Methoxy-N-methyl-N-isopropyltryptamine, 5-Methoxy-alpha-methyltryptamine, methyltryptamine, 5-Methoxy-N,N-dimethyltryptamine, 5-Methyl-N,N-dimethyltryptamine, Tyramine (4-Hydroxyphenethylamine), 5-Methoxy-N,N-Diisopropyltryptamine, DiPT (N,N-Diisopropyltryptamine), DPT (N,N-Dipropyltryptamine), 4-Hydroxy-N,N-diisopropyltryptamine, N,N-Diallyl-5-Methoxytryptamine, DOI (4-Iodo-2,5-dimethoxyamphetamine), DOC (4-Chloro-2,5-dimethoxyamphetamine), 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine), 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine), 2C-C (4-Chloro-2,5-dimethoxyphenethylamine), 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine), 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine), 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine), 2C-I (4-Iodo-2,5-dimethoxyphenethylamine), Butylone (beta-keto-N-methylbenzodioxolylpropylamine), Ethcathinone, Ethylone (3,4-methylenedioxy-N-ethylcathinone), Naphyrone (naphthylpyrovalerone), N-N-Dimethyl-3,4-methylenedioxy-cathinone, N-N-Diethyl-3,4-methylenedioxy-cathinone, 3,4-methylenedioxy-propiofenone, 2-Bromo-3,4-Methylenedioxypropiofenone, 3,4-methylenedioxy-propiofenone-2-oxime, N-Acetyl-3,4-methylenedioxy-cathinone, N-Acetyl-N-Methyl-3,4-Methylenedioxy-cathinone, N-Acetyl-N-Ethyl-3,4-Methylenedioxy-cathinone, Bromomethcathinone, Buphedrone (alpha-methylamino-butyrophenone), Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine), Dimethylcathinone, Dimethylmethcathinone, Pentylone (beta-Keto-Methylbenzodioxolylpentanamine), (MDPPP) 3,4-Methylenedioxy-alpha pyrrolidinopropiofenone, (MDPBP) 3,4-Methylenedioxy-alpha pyrrolidinobutiophenone, Methoxy-alpha-pyrrolidinopropiofenone (MOPPP), Methyl-alpha-pyrrolidinohexiophenone

(MPHP), Benocyclidine (BCP), benzothiophenylcyclohexylpiperidine (BTCP), Fluoromethylaminobutyrophenone (F-MABP), Methoxypyrrolidinobutyrophenone (MeO-PBP), Ethyl-pyrrolidinobutyrophenone (Et-PBP), 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT), Methylethylaminobutyrophenone (Me-EABP), Methylamino-butyrophenone (MABP), Pyrrolidinopropiophenone (PPP), Pyrrolidinobutiophenone (PBP), Pyrrolidinovalerophenone (PVP), Methyl-alpha-pyrrolidinopropiophenone (MPPP) or related salts, isomers, and salts of isomers, listed in the controlled substance schedules in Chapter 893, Florida Statutes, as amended from time to time, or otherwise prohibited by federal or state law, as such may be amended from time to time

(d) "*Synthetic cannabinoid herbal incense*" as used herein shall mean aromatic or non-aromatic plant material containing a synthetic drug, or to which a synthetic drug has been sprayed, applied or otherwise added that is distributed in a loose, leafy, powder or granular form or in a compressed block or blocks that can be crushed to result in a powder or granular form, and can be placed into a pipe, cigarette paper or drug paraphernalia for purposes of ingestion by smoking, inhaling or other methods.

(e) "*Synthetic drug*" as used herein shall mean any chemical or mixture of chemicals, however packaged, that is structurally similar to synthetic cannabinoids or synthetic cannabinoid-mimicking compounds listed in the controlled substance schedules in Chapter 893, Florida Statutes, or otherwise prohibited by federal or state law. "Synthetic drug" also shall include any chemical or mixture of chemicals, however packaged, that mimics the effects of tetrahydrocannabinol (also known as THC), the main active ingredient found in marijuana. Packaging that indicates or implies that a product mimics the effects of marijuana, such as "fake weed" or "fake pot," shall create a presumption that the product mimics the effects of tetrahydrocannabinol. "Synthetic drug" shall not include any substance currently listed in the controlled substance schedules in Chapter 893, Florida Statutes, or otherwise prohibited by federal or state law.

(f) "*Synthetic stimulant bath salts*" as used herein shall mean any substance, whether in powder, crystal, liquid, tablet or capsule form, containing a synthetic stimulant as defined in this Section or to which a synthetic stimulant has been added or applied, that can be ingested by smoking, inhaling or any other method, regardless of whether the substance is marketed as "not for the purpose of human consumption," and regardless of how the

substance is labeled, including but not limited to use as bath salts, insect repellent, plant food, herbs, incense, iPod cleaner, nutrient, dietary supplement or spice.

(g) "*Synthetic stimulant*" as used in this Section shall mean any chemical or mixture of chemicals, however packaged, that has a stimulant effect on the central nervous system and is structurally similar to cathinone, methcathinone, amphetamine, methamphetamine, cocaine, MDMA or any other substance listed in paragraph one (1) above, or related salts, isomers, and salts of isomers, as listed in the controlled substance schedules in Chapter 893, Florida Statutes, as amended from time to time, or otherwise prohibited by federal or state law. "Synthetic stimulant" shall also include any chemical or mixture of chemicals, however packaged, that mimics the pharmacological effects of cathinone, methcathinone, amphetamine, methamphetamine, cocaine, MDMA or any other substance listed in paragraph one (1) above, or related salts, isomers, and salts of isomers. Packaging that indicates, suggests or implies that a product mimics the pharmacological effects of cathinone, methcathinone, amphetamine, methamphetamine, cocaine, ecstasy or any other substance listed in paragraph one (1) above, shall create a presumption that the product mimics the effects of the substance. "Synthetic stimulant" shall not include any substance currently listed in the controlled substance schedules in Chapter 893, Florida Statutes, or otherwise prohibited by federal or state law, as such may be amended from time to time.

Section 4. Prohibited conduct.

(a) Sale, offer for sale and purchase with intent to sell synthetic cannabinoid herbal incense or synthetic stimulant bath salts and synthetic stimulants prohibited. It shall be unlawful for any store owner, store manager, store purchasing agent or any other person to sell, offer for sale or purchase with intent to sell any synthetic cannabinoid herbal incense or any synthetic stimulant bath salts as defined in this section or any synthetic stimulants as defined in this Ordinance.

(b) Public display for sale of synthetic cannabinoid herbal incense or synthetic stimulant bath salts and synthetic stimulants prohibited. It shall be unlawful for any store owner, store manager, store purchasing agent or any other person to publicly display for sale any synthetic cannabinoid herbal incense or any synthetic stimulant bath salts as defined in this section or any synthetic stimulants as defined in this Ordinance.

(c) Subsequent federal or state action. If Congress or a federal agency amends federal law to include a particular substance or otherwise enacts or amends a federal law providing for criminal penalties for the prohibitions of substances set forth in this Section, then upon the effective date of such enactment or amendment, the provisions of this Section addressed by federal law shall no longer be deemed effective. Any violations of this Section committed prior to the Congress or a federal agency enacting a federal law, as described above, may be prosecuted.

If the Florida Legislature amends the controlled substance schedules in Section 893.01, Florida Statutes, to include a particular substance or otherwise enacts, or amends a state statute providing for criminal penalties for the prohibitions of substances set forth in this Section, then upon the effective date of such enactment or amendment, the provisions of this Section addressed by the state statute shall no longer be deemed effective.

If the Florida Attorney General, pursuant to the rulemaking authority provided in Chapter 893, adds a particular substance to the controlled substance schedules in Section 893.01, Florida Statutes, then upon the effective date of such enactment or amendment, the provisions of this Section addressed by the rulemaking action shall no longer be deemed effective.

Any violations of this Section committed prior to the Florida Legislature enacting such a statute or the Florida Attorney General promulgating rules may be prosecuted.

Section 5. Enforcement and penalties.

(a) This Ordinance is enforceable by all means provided by law. The provisions of this Ordinance shall be enforced by the Calhoun County Sherriff's Office. Additionally, the County may choose to enforce this article by seeking injunctive relief in the Circuit Court of the County against any person or business violating the provisions of this ordinance. In any action seeking an injunction, the County shall be entitled to collect its enforcement expenses, including forensic costs, law enforcement costs, and reasonable attorney fees and costs incurred at trial and on appeal.

(b) Synthetic cannabinoid herbal incense, synthetic stimulant bath salts, and synthetic stimulants prohibited in this Ordinance may be seized by law enforcement officers and may be destroyed in the same manner used to destroy narcotics and contraband substances, after its use for evidentiary purposes in any judicial proceeding is no longer required.

(c) Any violation of any portion of this Ordinance shall be punishable as provided by law. Any store owner, store manager, store purchasing agent or any other person who violates this Ordinance shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment for a term not to exceed sixty (60) days, or both, for each violation. Any person violating any of the provisions of this ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted.

Section 6. Severability.

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, it is the intent of the Board of County Commissioners that such holding shall not affect the remainder of this Ordinance.

Section 7. Repeal of laws in conflict.

All local laws and ordinances applying to the unincorporated area of Calhoun County in conflict with any provision of this article are hereby repealed to the extent of any conflict.

Section 8. Inclusion in Code of Laws and Ordinances.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Calhoun County Code; and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 9. Captions.

The captions, section headings, and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

Section 10. Scope of Ordinance.

This article shall be applicable in both the unincorporated and incorporated areas of Calhoun County, except that this article shall not apply in any municipality that has adopted and maintains in effect ordinances or regulations governing the same matter.

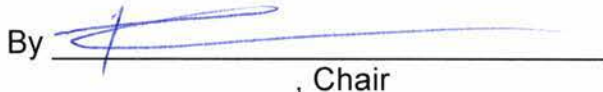
Section 11. Effective date.

This Ordinance shall become effective upon filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Calhoun County, Florida, on this the 20th day of November, 2012.

CLERK OF THE COURT CALHOUN COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By 
Deputy Clerk

By 
, Chair

Filed with the Department of State on the ____ day of _____, 2012.