

ORDINANCE NO. 10-8E

AN ORDINANCE OF HILLSBOROUGH COUNTY RELATING TO PUBLIC HEALTH AND SAFETY; PROVIDING FOR THE TITLE "PAIN MANAGEMENT CLINIC ORDINANCE"; PROVIDING FOR LEGISLATIVE FINDINGS AND AUTHORITY; PROVIDING FOR THE PURPOSE AND INTENT; RECOGNIZING THE EMERGENCY NEED TO REGULATE CERTAIN PAIN MANAGEMENT CLINICS; PROVIDING FOR DEFINITIONS; REQUIRING LICENSURE OF CERTAIN PAIN MANAGEMENT CLINICS; PROVIDING THAT ONLY PAIN MANAGEMENT CLINICS IN OPERATION PRIOR TO JUNE 15, 2010 MAY BE GRANTED A LICENSE; PROVIDING FOR LICENSING EXEMPTIONS; CREATING A LICENSE APPLICATION PROCESS AND REQUIREMENTS FOR LICENSURE; PROVIDING FOR GROUNDS TO DENY A LICENSE OR REVOKE A LICENSE; PROVIDING FOR REVIEW OF LICENSE DENIAL OR REVOCATION; PROVIDING FOR ADDITIONAL LICENSE COMPLIANCE REQUIREMENTS; PROVIDING FOR LICENSE RENEWALS; PROVIDING FOR VIOLATIONS AND INSPECTIONS; PROVIDING FOR SERVICE OF NOTICE; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR ALLOCATION OF FEES AND FINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE HILLSBOROUGH COUNTY CODE; AND PROVIDING FOR FILING OF EMERGENCY ORDINANCE AND AN EFFECTIVE DATE.

WHEREAS, the Hillsborough County Board of County Commissioners ("BOCC") has been advised by the Hillsborough County Sheriff's Office, that a pattern of illegal drug use and distribution has been linked to pain management clinics operating in Hillsborough County; and

WHEREAS, the illegal narcotic activity and significant increased crime associated with such clinics has created an urgent situation requiring immediate action to reduce the threat to the health, safety and welfare of Hillsborough County citizens; and

WHEREAS, the Florida Legislature has identified identical concerns regarding the increased use and frequency of injury and deaths occurring through use of pain

management clinics by persons obtaining prescription drugs for improper purposes and enacted the Prescription Drug Monitoring Program scheduled to go into effect December 1, 2010, and the Prescription Drug Monitoring Act, which requires physicians and other persons dispensing prescription drugs through pain management clinics, facilities or offices, to register with the State Department of Health in order to conduct such business; and

WHEREAS, many counties and municipalities in Florida have established moratoriums on new pain management businesses to curb negative impacts created by these clinics, such as illegal prescription drug trafficking and sales of illegal drugs around the clinics, loitering by pain clinic customers while waiting in long lines to receive drugs and loitering in areas surrounding the clinics; and

WHEREAS, the illegal activities associated with certain pain management clinics creates an emergency situation necessitating immediate regulation of such clinics in Hillsborough County; and

WHEREAS, the Hillsborough County Sheriff's Office has advised that two to five deaths occur each week in Hillsborough County which are directly attributable to prescription drug abuse; and

WHEREAS, the BOCC has determined that licensing of existing businesses operating as pain management clinics within the jurisdiction of Hillsborough County, will provide local oversight of these businesses and hinder illegal activities related to these clinics; and

WHEREAS, it is not the intent of this Ordinance to interfere with legitimate medical clinics or the legal use of controlled substances; and

WHEREAS, the BOCC finds and declares a need to impose regulations on pain management clinics and to limit the number of pain management clinics licensed to operate in Hillsborough County.

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

SECTION 1: TITLE.

This Ordinance shall be known and may be cited as the "Pain Management Clinic Ordinance."

SECTION 2: LEGISLATIVE FINDINGS AND AUTHORITY.

The recitals set forth above are incorporated herein. The BOCC finds and declares there exists an emergency need to enact an ordinance requiring the regulation of certain

pain management clinics operating in Hillsborough County and to prevent the opening of any new clinics.

This Ordinance is enacted pursuant to Florida Statutes Section 125.66, and under the home rule powers of Hillsborough County and is in the best interest of the health, peace, safety and general welfare of the people of Hillsborough County.

SECTION 3: PURPOSE AND INTENT.

The purpose and intent of this Ordinance is to promote the health, safety and general welfare of the residents of Hillsborough County through the regulation of certain pain management clinics (as defined below) currently in operation and to prevent the opening of any additional pain management clinics.

SECTION 4: DEFINITIONS.

- A. Applicant** means 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.
- B. Chronic Nonmalignant Pain** means pain unrelated to cancer, which persists beyond the usual course of the disease or injury that is the cause of the pain, for more than ninety (90) days after surgery.
- C. Code Enforcement Officer** means any employee designated as a code enforcement officer pursuant to Florida Statutes Sections 125.69 or 162.21.
- D. Department** shall mean the Department designated by the County Administrator to administer the mandates of this Ordinance.
- E. Pain Management Clinic** means any privately owned pain management clinic, facility or office which advertises in any medium for any type of pain management services, or which employs a physician who is primarily engaged in the treatment of pain¹, and is required to register with the Florida Department of Health pursuant to Florida Statutes Sections 458.309 or 459.005. Also included in this definition are centers designating themselves as a pain research center and, which may or may not be required to be registered with the State even though controlled substance medications are dispensed or prescribed to patients. Pain management clinic does not include clinics:

1. Licensed as a facility pursuant to Florida Statutes Chapter 395;

¹ For the purposes of this Ordinance, a physician will be considered primarily engaged in the treatment of pain, by prescribing or dispensing controlled substance medications when the majority of the patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic nonmalignant pain.

2. Where the majority of the physicians who provide services in the clinic primarily provide surgical services;
3. Owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded \$50 million;
4. Affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows;
5. That do not prescribe or dispense controlled substances for the treatment of pain; or
6. Owned by a corporate entity exempt from federal taxation under 26 U.S.C. 501(c)(3) or (4).

F. License shall mean a certificate issued pursuant to this Ordinance by the Department, on an annual basis, authorizing the operation of a specific pain management clinic location in Hillsborough County and which contains the State's required registration number on its face, if applicable. Each license shall at a minimum identify on its face, the clinic's name and physical address, the responsible physician's name, the clinic owner's name and address and the property owner's name and address.

Each license shall have a unique number identification on its face.

G. Person means an individual, partnership, corporation, association or other legal entity.

H. Operating or to operate a Pain Management Clinic means to conduct the affairs of or manage the operations of a Pain Management Clinic including, but not limited to, any one or more of the following:

1. scheduling or accepting appointment(s) solely for initial pain management services or to obtain prescription drugs for pain management including controlled substances listed in Schedule I, Schedule II, Schedule III, Schedule IV or Schedule V of Florida Statutes Section 893.03 or any other state, or the United States; or
2. prescribing, dispensing or administering any controlled substances listed in paragraph 1, above; or
3. accepting cash payments for pain management services or controlled substances listed in paragraph 1, above; or

4. advertising in any medium including road or other signage as a pain management or pain control clinic or business or words of similar import; or
5. evaluating patients for pain management drug treatment without the equipment necessary or without having copies in the medical record of diagnostic testing such as x-rays, scans, or other tests to substantiate with a reasonable degree of certainty the need for prescription pain medication; or
6. leasing or owning property for use as or in connection with a Pain Management Clinics or business; or
7. employing or contracting with any person for compensation to work in connection with the provision of medical services at a Pain Management Clinic.

SECTION 5: LICENSE REQUIRED.

Beginning June 15, 2010, no pain management clinic, as defined in this Ordinance, may operate in Hillsborough County without first obtaining a pain management clinic license issued by the Department; except that any pain management clinic who has filed an application and paid the application fee may continue operating until the Department renders a decision to either grant or deny the license and notifies the clinic of the decision. The clinic must obtain its license, if approved, from the Department within ten (10) business days of notification by the Department. Licenses shall be granted only for clinics that satisfy the requirements of this Ordinance, were open and operational prior to June 15, 2010, and have satisfied all other requirements of this Ordinance including the payment of the applicable application and license fees.

SECTION 6: LICENSE APPLICATION PROCESS AND REQUIREMENTS.

- A. **Application required** - Any pain management clinic, as defined in Section 4 above, must complete an application available from the Department which shall at a minimum require the applicant to provide the following information:
 1. The registration number from the State Department of Health as required by Florida Statutes Section 458.309 or 459.005, if the clinic must be registered in accordance with state law;
 2. Proof satisfactory to the Department that the applicant is or has been conducting business in Hillsborough County as a pain management

clinic at the registered location for which the applicant is seeking a Hillsborough County license prior to and up through June 14, 2010;

3. Designation of the physician who shall be responsible for complying with all requirements related to registration and operation of the clinic and the physician's DEA number. The designated physician must have a full, active, and unencumbered license under Florida Statutes Chapters 456 or 459 and shall practice at the clinic location for which the physician has assumed responsibility. Within ten (10) days after termination or absence of a designated physician, the clinic must notify the Department of the identity of another designated physician for the clinic or forfeit the clinic's license;
4. A list of all persons associated with the management or operation of the clinic, whether paid or unpaid, part-time or full time, including all contract labor and independent contractors. This list includes, but is not limited, to all owners, operators, employees and volunteers. For persons listed, the following additional information must be provided:
 - A. The person's title;
 - B. A current home address, telephone number and date of birth;
 - C. A list of all criminal convictions whether misdemeanor or felony;
 - D. A copy of a current Florida driver's license or a government issued photo I.D.; and
 - E. A set of fingerprints.
 - F. A list of any and all arrests for an offense that constitutes a felony for receipt, possession, delivery, distribution, selling, manufacturing or purchasing of illicit drugs, including any controlled substance listed in Schedule I, Schedule II, Schedule III, Schedule IV, or Schedule V of Florida Statutes Section 893.03, or any other state, or the United States. This list must include the arrest dates, the location of the alleged crime and the case number(s). If the case has been finalized, the result of the case as to guilty, not guilty, a withhold of adjudication or entry into an intervention program must be provided to Staff. The arrest alone is not grounds for denial or revocation of the Pain Management Clinic License, but failure to disclose and update any portion of the required information within thirty (30) days after the arrest or results is grounds for denial or revocation of a Pain Management Clinic License.
 - G. 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 Pain Management Clinic License. Failure to fully disclose past disciplinary actions and any new disciplinary actions along with updates throughout the proceedings and the final result within thirty (30) days after receipt of the disciplinary action is grounds for denial or revocation of a Pain Management Clinic License.

5. The property owner's name, address, telephone number and a copy of a Florida driver's license or a government issued photo I.D., if the property owner is different than the clinic owner.
6. A copy of a valid business tax receipt required pursuant to Florida Statute Chapter 205, issued before June 15, 2010. For renewals, a copy of the current valid business tax receipt required by Florida Statute Chapter 205 must be provided.;
7. Whether the pain management clinic dispenses controlled substances at the pain management clinic site;
8. A floor plan of the pain management clinic showing the location and size of the waiting area, location and size of the patient rooms and location of any type of diagnostic equipment. In addition, if any controlled substances are dispensed at the site or are stored at the site and the location and method of security for any controlled substances kept on the clinic's premises.
9. Any other information the individuals designated in the Department by the County Administrator to review applications and issue licenses on behalf of the County, (hereinafter "Staff") deems necessary; and
10. A sworn and notarized statement from both the designated physician and the clinic owner attesting to the veracity and accuracy of the information provided in the application.
11. In the event that any information provided in the application changes, a new updated application must be filed with the Department in accordance with Section 9 below within ten (10) days of the change.

- B. Application Fee and Requirements** - Each application for a pain management clinic license shall be accompanied by a nonrefundable application fee in the amount of One Thousand Five Hundred Dollars (\$1,500.00). The application fee is in addition to the One Thousand Five Hundred Dollar (\$1,500.00) annual license fee. Any changes to the application or license fees authorized by this Ordinance may be accomplished by Resolution of the BOCC without the need to revise this Ordinance.

It is the applicant's sole responsibility to provide accurate contact information when submitting the application to the Department. If the application for a pain management clinic license is not properly completed, in the sole discretion of the Department, the Department shall notify the designated contact person listed in the application. A completed application must be received by the Department within fifteen (15) business days of receipt of the deficiency notice from the Department in order to avoid assessment of another application fee. Failure to timely respond within the fifteen (15) days shall result in a denial of the application as incomplete. A new application must then be submitted that is accompanied by the full nonrefundable application fee, in order to request a license.

- C. The Department shall perform inspection(s) of the facility as necessary to determine whether or not the application submitted is accurate in all respects and to verify a physician licensed under Florida Statutes Chapter 456 or 459 is on the premises during all times medications are dispensed or prescribed.
- D. Beginning June 15, 2010, no pain management clinic may operate in Hillsborough County without a valid Hillsborough County License (as defined herein) except as provided in Section 5 above. In addition, it shall be a violation of this Ordinance for the property owner where the clinic is situated to allow an unlicensed pain management clinic to open or operate without a valid pain management clinic license, except as provided in Section 5, above.

SECTION 7: GROUNDS FOR LICENSE DENIAL OR REVOCATION.

Staff shall deny or revoke a pain management clinic license upon the occurrence of one or more of the following:

- A. An application contains material false information or missing information;
- B. The clinic is not registered, if required, with the State in accordance with Florida Statutes Section 458.309 or Section 459.005, or has had its registration suspended or revoked by the State;
- C. A copy of a valid business tax receipt issued prior to June 15, 2010, is not

submitted with the initial application for each clinic location and kept current during any licensure period;

- D. The clinic was not open and fully operational immediately prior to June 15, 2010;
- E. Failure to allow for inspection of the clinic at any time by a code enforcement officer, law enforcement officer, or any other person authorized to enforce ordinance violations in Hillsborough County at any time the clinic is open or occupied;
- F. Failure to abide by any provision of this Ordinance;
- G. Allowing any person to work or volunteer at the clinic, whether paid or unpaid, who 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 purchase of illicit drugs, including any controlled substance listed in Schedule I, Schedule II, Schedule III, Schedule IV, or Schedule V of Florida Statutes Section 893.03, or any other state, or the United States;
- H. The facility is owned or operated by any person or has any contractual or employment relationship with a physician or other licensed health care practitioner as defined by Florida Statutes Section 456.001(4):
 - 1. whose Drug Enforcement Administration number has ever been revoked;
 - 2. whose application for a license to prescribe, dispense, supply, sell, give, compound or administer a controlled substance has been denied or revoked by any jurisdiction;
 - 3. who 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 purchase of illicit drugs, including any controlled substance listed in Schedule I, Schedule II, Schedule III, Schedule IV, or Schedule V of Florida Statutes 893.03 or any other state, or the United States; or
 - 4. whose license has been suspended or revoked or has had other action taken as a result of physician or other licensed health care provider's abuse of drugs or alcohol, or from the improper prescribing, dispensing, administering, supplying, selling, giving, mixing, or otherwise preparing any controlled substance listed in

Schedule I, Schedule II, Schedule III, Schedule IV, or Schedule V of Florida Statutes 893.03 or any other state, or the United States.

Staff may grant an exception to sub-sections G and H above, if more than ten (10) years have elapsed since the adjudication date.

- I. The fact that an appeal is pending for any items listed in G and H, above, has no effect on Staff's obligation to deny or revoke a pain management clinic license.
- J. If the payment for the application fee or license fee is invalid or uncollectible for any reason.
- K. The owner or operator of a clinic whose license or permit related to the ownership or management of a medical clinic that provided pain management services for chronic non-malignant pain in another jurisdiction has been denied or revoked.
- L. Failure to disclose and update information within thirty (30) days as required by Section 6, Paragraph (A)(4)(F).
- M. Failure to disclose and update information within thirty (30) days as required by Section 6, Paragraph (A)(4)(G).

SECTION 8: ADDITIONAL LICENSE COMPLIANCE REQUIREMENTS.

- 1. A valid Hillsborough County pain management clinic license issued pursuant to this Ordinance must be prominently displayed in a common public area of the pain management clinic no later than June 15, 2010, except as provided in Section 5, above.
- 2. In the event any information contained in the license application changes, a new updated application must be filed with the Department within ten (10) days of the change. Failure to do so will result in license revocation and penalty as provided for in Section 13, below.
- 3. A pain management clinic license is non-transferable and cannot be assigned. Whenever ownership or management of a pain management clinic changes, a new application must be filed for a new license and all applicable fees paid.
- 4. A valid business tax receipt must be maintained by the pain management clinic.
- 5. Any code enforcement officer, law enforcement officer, or any other persons authorized to enforce county ordinances must be allowed access for inspections of the clinic premises at any time someone is present.

6. The designated physician shall secure all prescription pads so that only authorized persons may access them. Beginning on June 15, 2010, every written prescription must include the clinic's name, address and Hillsborough County's license number.
7. The pain management clinic shall not limit the form of payment for services, prescriptions or drugs to cash only.
8. The hours of operation of the pain management clinic shall be limited to 7:00 a.m. to 9:00 p.m., Monday through Saturday.
9. Except as provided herein, the clinic must continue operations without a lapse of more than sixty (60) consecutive calendar days or the clinic will be considered abandoned. Any operation lapse exceeding sixty (60) consecutive calendar days shall result in revocation of the license by Staff for abandonment, unless an extension is requested and approved by Staff before the sixty (60) consecutive calendar days lapse. An extension will only be granted by Staff upon "good cause", shown by the clinic. Circumstances in which "good cause" is shown includes, but is not limited to: extensive clinic renovations or repairs; absence of the responsible medical director for charitable reasons, illness or death, and/or other causes stated in the Hearing Procedure Policy.

SECTION 9: REVIEW OF LICENSE DENIAL OR REVOCATION.

Staff shall provide written notice, with proof of delivery, of the denial of any new or renewal license, or revocation of an existing license, specifying in writing the grounds for the denial or revocation.

The applicant whose application has been denied (except for an incomplete application) may request a formal review of the denial before the County's hearing officer if the denial was erroneous. The applicant must submit a written request for review indicating the specific alleged error or errors made by the County along with any and all facts and documents that support the applicant's position that the County erred. The request must be received by Hillsborough County's Consumer Protection Agency within ten (10) business days of the delivery date of the denial notice. The review shall be performed by an independent hearing officer appointed by the County to perform license reviews and hearings. The hearing officer shall review the applicant's request and all supporting documents to determine, if by the preponderance of the evidence, sufficient cause exists to grant a hearing on the request. In the event applicant's request and supporting documents do not state a prima facie case error has occurred, the hearing officer may summarily dismiss the request and notify applicant in writing of the dismissal. Whenever, in the opinion of the hearing officer, an applicant's request and supporting documentation establishes a prima facie case of error, a hearing will be set and conducted for the hearing officer to rule upon the

matter.

The licensee whose license has been revoked may request a hearing before the hearing officer. The applicant must submit a written request for hearing, which must be received by Hillsborough County's Consumer Protection Agency within ten (10) business days of the delivery date of the revocation notice. A hearing will be set and conducted by an independent hearing officer appointed by the County to perform reviews and hearings. The standard of review is clear and convincing evidence the facts support the revocation.

The County Administrator shall adopt a policy establishing review and hearing procedures. Reviews and hearings will be conducted in accordance with that policy. In addition to other powers of the hearing officer as set forth under the County Administrator's policy, the hearing officer shall have the power to issue subpoenas for the production of documents and attendance of witnesses at a hearing, upon the written request of either Staff or Applicant or Licensee. The decision of the hearing officer shall be final. Any clinic whose license is revoked or denied (except for an incomplete license application), shall be subject to the moratorium provisions of this Ordinance and may not re-apply for licensure until or unless the revocation or denial is overturned on appeal by a court of competent jurisdiction.

In addition, the owner(s) and the physician(s) listed on the application, for the revoked or denied license, regardless of the clinic's name, may not be an applicant for a license at another clinic while the moratorium is in effect or for a period of five (5) years, whichever is longer, unless the denial is solely based on an incomplete application or the application is for renewal of a clinic license at a different address and the owner(s) and/or physician(s) were listed on license application immediately preceding the renewal request.

Any license that has been denied or revoked may not be reissued to the clinic location, regardless of the clinic's name, while the moratorium is in effect or for a period of five (5) years, whichever is longer; except, that when a denial is solely based on an incomplete application, there is no prohibition against reapplying as provided for elsewhere in this Ordinance.

SECTION 10: LICENSE RENEWALS.

Licenses required for pain management clinics shall be valid for only one (1) year. At least thirty (30) days prior to expiration of the license, a renewal application must be submitted, along with a non-refundable renewal application fee of One Thousand Five Hundred Dollars (\$1,500.00). Provided the pain management clinic named in the renewal application and all information on the application are in compliance with this Ordinance, a renewal license shall be issued by the Department, after payment of an annual license fee of One Thousand Five Hundred Dollars (\$1,500.00). Renewal licenses

shall only be issued to businesses that were previously licensed and who timely file a renewal application.

SECTION 11: VIOLATION AND INSPECTIONS.

It shall be unlawful for any person to violate any provision of this Ordinance or to operate a pain management clinic without a valid County issued pain management clinic license. Any code enforcement officer, law enforcement officer, or any other persons authorized to enforce county ordinances may enter the clinic premises and conduct an inspection to determine compliance with this Ordinance at any time someone is present on the premises.

SECTION 12: SERVICE OF NOTICE; PUBLIC RECORDS.

1. Any notice required by this Ordinance shall be in writing and sent by certified mail or hand delivery to the mailing address set forth on the application for the pain management clinic license, except that notices for Code violations shall be provided in the manner prescribed by Hillsborough County Ordinance No. 05-5. The mailing address set for the in the application shall be considered the correct mailing address.
2. Any information contained in an application under this Ordinance is subject to the public records law, Florida Statutes Chapter 119, unless specifically exempted by law.

SECTION 13: ENFORCEMENT AND PENALTIES.

The County's code enforcement officers, law enforcement or any other person authorized to enforce county ordinances may enforce the provisions of this Ordinance. Any enforcement action or legal remedy available under controlling state law, including, but not limited to, prosecution as a misdemeanor with a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days or by both fine and imprisonment, may be imposed as a penalty. When enforced by a code enforcement officer, the enforcement provisions and procedures contained in Code Enforcement Ordinance No. 05-5, as may be amended, are incorporated herein by reference and will apply. Nothing contained herein shall prevent the County from taking such other lawful action in law and equity as may be necessary to remedy any violation of, or refusal to comply with, any part of this Ordinance, including but not limited to:

1. Revoking of the County Pain Management Clinic License; or
2. Pursuing injunctive or declaratory relief in a court of competent jurisdiction;
or

3. Initiating any action to recover any and all damages that may result from a violation of or refusal to comply with any part of this Ordinance; or
4. Utilizing any other action or enforcement method allowable by law.

SECTION 14: ALLOCATION OF FEES AND FINES.

Fees collected pursuant to this Ordinance shall be used exclusively to pay for the County's administrative costs including but not limited to the application process, inspections and enforcement activities. To the extent allowed by state law, the Clerk of the Circuit Court, as accountant for the BOCC, is hereby directed to deposit civil fines collected pursuant to this Ordinance into the Victim Assistance, Consumer Protection, Crime Prevention and Youth Advocacy Trust Fund.

SECTION 15: SEVERABILITY.

If any section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 16: INCLUSION IN THE HILLSBOROUGH COUNTY CODE.

The provisions of this Ordinance shall be included and incorporated in the Hillsborough County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Hillsborough County Code, once established.

SECTION 17: FILING OF EMERGENCY ORDINANCE AND EFFECTIVE DATE.

This Ordinance has passed as an emergency ordinance with a vote of at least four-fifths of the membership of the Hillsborough County BOCC. A certified copy of this Ordinance shall be filed with the Florida Department of State. In accordance with the provisions of Florida Statutes Section 125.66(3) governing emergency ordinances, this Ordinance shall be deemed filed and shall take effect when a copy has been accepted by the United States postal authorities for special delivery by certified mail to the Department of State.

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STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

I, PAT FRANK, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an emergency ordinance adopted by the Board at its regular meeting of _____, by a vote of ____ voting yes and ____ voting no, as the same appears in record in Minute Book _____ of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this ____ day of _____,
2010.

PAT FRANK
CLERK OF THE CIRCUIT COURT

BY: _____
Deputy Clerk

APPROVED BY COUNTY ATTORNEY
AS TO FORM AND LEGAL SUFFICIENCY:

By: _____