



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 16, 2025

Originating Department: Special Events

Agenda Title: Special Event Request - Florida Hemp Festival

Approved by Town Manager: _____ **Date:** _____

Cost of Item: \$0 **Funding Source:** _____

Account Number: _____ **Finance Signature:** _____

Advertised:

Date: _____ **Newspaper:** _____

Attachments: Florida Hemp Festival Special Event Permit Application, PBSO Notice, Florida Senate CS-CS-SB 1020 State Hemp Program, Florida Senate Bill 581.217 Florida State Hemp Program, Florida Senate CS/SB 1698 Food and Hemp Products, Florida Senate Bill 386.209 Regulation of Smoking Preempted to State

Please initial one:

X Yes I have notified everyone

_____ Not applicable in this case

Summary Explanation/Background:

On February 10, 2025, the Special Events Department received a special event permit application from Mr. Shelby Lowe, a Lake Park resident, on behalf of the Southeast Florida Public Market Fair Association, Inc., a non-profit organization dedicated to promoting Florida's agriculture.

The special event application is proposing the two-day Florida Hemp Festival on Saturday, July 12, 2025 and Sunday, July 13, 2025, from 3:00 PM – 9:00 PM, in Kelsey Park. The proposed event is a collaboration with Stay Lifted Events, organizers of the annual Okeechobee Cannabis Festival.

The proposed festival, which is requested to be held in Kelsey Park, is intended to be a celebration of hemp agriculture, which involves cultivating the plant to be used for various industrial and commercial products, including textiles, rope, food, paper, insulation and biofuel. The event will be used as a fundraiser for the Southeast Florida Public Market Fair Association, Inc. and a catalyst to help meet the requirements of the Florida Public Market Fair Association.

The proposed festival is proposed to be open to all ages and is estimated to have at least 500 attendees over the two days. The event will include a minimum of fifty (50) vendors, live music, various food, beverage, art and craft vendors, industry speakers, lifestyle influencers, medical workshops, wellness activities, carnival games and a special VIP smoking area for attendees 21 years of age or older.

As part of Section 581.217, Florida Statutes - State hemp program (Florida State CS/SB 1698), event organizers are prohibited from promoting, advertising or facilitating an event where hemp extract products are sold and do not comply with general law or are sold by a business that is not properly permitted. State law further requires that before an event where hemp extract products are sold or marketed, the event organizers, in accordance with state law, must provide the Town with a list of state permitted businesses (prior to the event permit being issued) that are proposed to sell or market hemp extract products at the event and verify that each business is only selling hemp products from an approved source.

Thus, if proposed vendors/businesses are not permitted in accordance with state law, the event organizer will be required to ensure that those vendors/businesses do not participate in the event. If non-state approved vendors/businesses are found to be participating during the event, the Town and PBSO would have the right to remove the vendor immediately from the event.

On March 3, 2025, Town staff and PBSO met with the organizers to discuss the festival details, logistics and concerns surrounding the event. Although hemp is considered a legal agricultural product (under the State's 2018 Farm Bill), it is derived from the same plant species as marijuana. The key difference lies in the THC content, with hemp containing 0.3% or less THC, while marijuana contains more.

However, it is not possible to determine if a crop is legal hemp or illegal marijuana by merely looking at the plants, and the THC level can only be determined by a laboratory test. Thus, making it impossible for law enforcement to distinguish between hemp and marijuana.

In addition, consumers are not required to have a license or permit to possess hemp; however, state law prohibits the sale of hemp to anyone under 21 years of age. Thus, making it legal for customers to use hemp for various products and to consume it via eating and smoking.

Note: Section 386.209 – Florida Statutes - Regulation of smoking preempted to state. – provides that counties and municipalities may further restrict smoking within the boundaries of any public beaches and public parks that they own, except that they may not further restrict the smoking of unfiltered cigars; however, the Town has not considered an ordinance prohibiting smoking within eligible facilities (many cities and counties throughout the state have approved this type of restriction).

Thus, at this time, it is legal to smoke (including legal hemp) in Town parks in accordance with state law; however, PBSO has indicated that, if the event is approved, it would be extremely difficult in preventing hemp smoking outside of the designated VIP area.

Additionally, with so much uncertainty regarding the regulation or verification of smoking hemp during the event, Town staff and PBSO would be unable to ensure that there will not be any illegal activities (i.e., smoking of prohibited or illegal substances, etc.) during the proposed event.

Further, the permit review team has outlined a concern due to the various activities/facilities within Kelsey Park that are in close proximity to the planned event's location and timeframe (i.e., children's playground, exercise and fitness activities, tennis courts, pickleball courts, picnic pavilions, open spaces, etc.).

As a result, Town staff and the permit review team are seeking direction from the Town Commission on proceeding forward with the proposed event permit.

Recommended Motion:

The Town Commission is requested to provide direction on the proposed Florida Hemp Festival.