

ORDINANCE No. 25-44

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 74, "MISCELLANEOUS AND SUPPLEMENTARY REGULATIONS," OF THE CITY OF DORAL LAND DEVELOPMENT CODE TO CREATE SECTION 74-171, "KAVA AND KRATOM ESTABLISHMENTS"; ESTABLISHING DEFINITIONS, DISTANCE REQUIREMENTS, AND OTHER REGULATIONS GOVERNING ESTABLISHMENTS ENGAGED IN THE SALE AND/OR ONSITE CONSUMPTION OF KAVA AND KRATOM PRODUCTS; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Mayor and City Council of the City of Doral ("City") recognize the importance of protecting the public health, safety, and welfare of its residents and visitors; and

WHEREAS, in recent years there has been an increase in establishments engaged in the sale and/or onsite consumption of Kava and Kratom products within the State of Florida; and

WHEREAS, according to the U.S. Drug Enforcement Administration (DEA), Kava (Piper Methysticum) is a plant root containing psychoactive kavalactones that may produce euphoria, muscle relaxation, and sedation when consumed, and its use has been associated with potential liver toxicity; and

WHEREAS, Kratom (Mitragyna Speciosa) is a tropical plant that produces stimulant and opioid-like effects depending on dosage, is known to be addictive, and may cause serious side effects including hallucinations, confusion, or withdrawal symptoms; and

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WHEREAS, while neither Kava nor Kratom is currently listed as a controlled substance under federal law, the U.S. Food and Drug Administration has issued advisories warning of their potential health risks and lack of approved medical uses; and

WHEREAS, the Florida Legislature adopted § 500.92, Florida Statutes (2023), the “Florida Kratom Consumer Protection Act,” prohibiting the sale or distribution of Kratom products to persons under 21 years of age; and

WHEREAS, the Mayor and City Council of the City of Doral find it in the best interest of the City to manage the exposure of youth to Kava and Kratom products by establishing reasonable distance and locational restrictions similar to those applicable to tobacco, vape, hemp, and CBD dealers; and

WHEREAS, the City Council determines that these regulations will preserve the City’s character, protect public health, prevent the clustering of such establishments, and promote a balanced mix of uses within commercial areas.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are incorporated herein by reference.

Section 2. Amending Chapter 74 – Miscellaneous and Supplementary Regulations.

Sec. 74-171. – Kava and Kratom Establishments.

(a) Intent.

It is the intent of this section to regulate establishments engaged in the sale and/or onsite consumption of Kava and Kratom products to protect the health

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and welfare of residents, particularly minors, by reducing youth access and minimizing negative secondary effects on surrounding areas.

(b) Definitions.

For purposes of this section, the following terms shall have the meanings ascribed:

1. Kava means any product derived from the rootstock of the Kava plant (*Piper methysticum*), including powders, extracts, capsules, or beverages intended for human consumption.
2. Kava Beverage means any beverage containing Kava or Kava extract, including but not limited to teas, infusions, or drinks made from a combination of Kava and other ingredients.
3. Kratom means any product, including powders, capsules, pills, or beverages, intended for human consumption that contains any part of the leaf of the Kratom plant (*Mitragyna speciosa*) or its extracts, synthetic alkaloids, or derivatives.
4. Kava/Kratom Establishment means any fixed or movable commercial establishment primarily engaged in the sale of Kava beverages and/or Kratom products for retail sale or onsite consumption. "Primarily engaged" shall mean that 20 percent or more of the floor area or gross revenue is dedicated to such activity.
5. Education Facility means any public, private, or charter school providing instruction to students in kindergarten through twelfth grade. Postsecondary institutions are exempt.
6. Place of Worship means any building used for religious worship or assembly open to the general public.
7. Public Park or Playground means any publicly owned land designated or used for recreation by the general public.

(c) Location Restrictions.

Kava/Kratom establishments, whether fixed or moveable, shall comply with the following distance requirements:

1. **Education Facilities.** No Kava/Kratom establishment shall be located less than 2,500 feet from any education facility.
2. **Places of Worship.** No Kava/Kratom establishment shall be located less than 2,500 feet from any place of worship.
3. **Public Parks and Playgrounds.** No Kava/Kratom establishment shall be located less than 2,500 feet from any public park or playground.
4. **Separation Between Establishments.** No Kava/Kratom establishment shall be located within 1,200 feet of another Kava/Kratom establishment.
5. **Measurement.** Distances shall be measured along the shortest roadway path from the main entrance of the proposed establishment to the nearest property line of the protected use.
6. **Verification.** A scaled survey prepared by a licensed land surveyor shall be required to verify compliance with these distance requirements, unless waived in writing by the Planning Director or designee.

(d) Prohibited Sales.

No Kava/Kratom establishment shall sell or distribute Kava or Kratom products to any person under the age of twenty-one (21) years.

(e) Exemptions.

This section shall not apply to grocery stores, gas stations, or convenience stores where such products comprise less than one percent (1%) of total retail sales and are not offered for onsite consumption.

Section 3. Repeal of Conflicting Provisions. The City Manager shall coordinate with the relevant departments and the City Clerk to ensure timely implementation and ongoing maintenance of the dashboard.

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Section 4. **Severability.** This Resolution shall take effect immediately upon adoption.

Section 5. **Incorporation into the Code.** It is the intent of the Mayor and City Council that the provisions of this Ordinance be incorporated into the Code of Ordinances of the City of Doral; that the sections of this Ordinance may be renumbered or re-lettered to achieve such intent.

Section 6. **Effective Date.** This Ordinance shall become effective ten (10) days after adoption on second reading.

The Prime Sponsor for this Ordinance is Councilwoman Nicole Reinoso.

The foregoing Ordinance was offered by _____, who moved its adoption. The motion was seconded by _____ upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	_____
Vice Mayor Digna Cabral	_____
Councilman Rafael Pineyro	_____
Councilwoman Maureen Porras	_____
Councilwoman Nicole Reinoso	_____

PASSED AND ADOPTED on FIRST READING this 12 day of November, 2025.

PASSED AND ADOPTED on SECOND READING this ____ day of _____, 2025.

CHRISTI FRAGA, MAYOR

ATTEST:

CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

LORENZO COBIELLA
GASTESI, LOPEZ, MESTRE & COBIELLA, PLLC
CITY ATTORNEY

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