

Cannabis BTR Procedure Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6 OF THE CITY CODE, ENTITLED "ALCOHOLIC BEVERAGES," TO MODIFY THE TITLE TO REFLECT "ALCOHOLIC BEVERAGES AND MEDICAL CANNABIS/MARIJUANA;" TO CREATE ARTICLE III, ENTITLED "MEDICAL CANNABIS" TO CREATE A LICENSURE PROCEDURE FOR MEDICAL CANNABIS DISPENSARIES; PROVIDING FOR APPLICATIONS, REVIEW PROCESS, APPEALS, ENFORCEMENT, PENALTIES, CRITERIA FOR INSPECTIONS, GENERAL SECURITY AND VIDEO REQUIREMENTS, AND OTHER GENERAL LICENSURE REQUIREMENTS; AMENDING CHAPTER 102, "TAXATION," ARTICLE V, "LOCAL BUSINESS TAX" AT SECTION 102-379, "SCHEDULE OF TAXES, EFFECTIVE OCTOBER 1, 2016;" PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, pursuant to the Compassionate Medical Cannabis Act of 2014, the Florida Legislature authorized a very limited number of large nurseries to cultivate, process, and dispense non-euphoric, low THC cannabis and operate dispensing organizations, as of January 1, 2015; and

WHEREAS, in 2016, the Florida Legislature amended Section 381.986 of the Florida Statutes to include medical cannabis, revise the requirements for physicians ordering low-THC cannabis, medical cannabis, or cannabis delivery devices, amend the requirements for the cultivation, processing, transportation, and dispensing of low-THC cannabis or medical cannabis, revise the Florida Department of Health's authority and responsibility and provide for penalties; and

WHEREAS, pursuant to Section 381.986(8) of the Florida Statutes, a municipality may determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law for dispensing facilities of dispensing organizations located within its municipal boundaries; and

WHEREAS, the supermajority of voters in the State of Florida approved Ballot Question No. 2, creating Article X, Section 29 of the Florida Constitution, recognizing the public policy that the medical use of marijuana (cannabis) by a qualifying patient or caregiver in compliance with Section 29 of the Constitution is not subject to criminal or civil liability or sanctions under Florida law; and

WHEREAS, Section 29 also recognizes that a physician shall not be subject to criminal or civil liability or sanctions under Florida law solely for issuing a physician certification with reasonable care to a person diagnosed with a debilitating medical condition in compliance with the Constitutional Amendment; and actions and conduct by a Medical Marijuana Treatment Center registered with the Department, or its agents or employees, and in compliance with Section 29 and Department regulations, shall not be subject to criminal or civil liability or sanctions under Florida law; and

WHEREAS, due to the historical prohibition of cannabis, the city of Miami Beach does not currently have any land development regulations nor business tax receipt procedures governing the use of real property for the purpose of on- site distribution, sale, delivery or retail of low-THC cannabis, medical cannabis (marijuana) or cannabis delivery devices as provided by Florida Statutes Sections 381.986 and 499.0295; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 6 of the city Code, entitled "Alcoholic Beverages," is hereby amended as follows:

CHAPTER 6

ALCOHOLIC BEVERAGES AND MEDICAL CANNABIS/MARIJUANA

* * *

ARTICLE III – MEDICAL CANNABIS

Sec. 6-50 Purpose and Intent.

(a) Article X, Section 29 of the Florida Constitution (the "Medical Marijuana Amendment") recognizes (1) that the medical use of marijuana (cannabis) by a qualifying patient or caregiver in compliance with the Constitutional Amendment is not subject to criminal or civil liability or sanctions under Florida law; (2) a physician shall not be subject to criminal or civil liability or sanctions under Florida law solely for issuing a physician certification with reasonable care to a person diagnosed with a debilitating medical condition in compliance with state law; and (3) actions and conduct by a Medical Marijuana Treatment Center registered with the Department, or its agents or employees, and in compliance with state law, shall not be subject to criminal or civil liability or sanctions under Florida law. The state has yet to enact regulations relating to Article X, Section 29, and the city of Miami Beach, in an abundance of caution, and using the example of other locations throughout the United States, that have already adopted regulations relating to medical marijuana, has created regulations taking best practices into consideration, to ensure the health, safety, welfare of the community. The city's zoning regulations relating to Medical Marijuana are located in Chapter 142, of the land development regulations, at division X, entitled "Cannabis Regulations And Use", as to the process for approving cannabis dispensaries, and process for obtaining zoning authorization of same.

(b) The city commission has determined to allow retail medical cannabis dispensaries in the city on the condition that the establishments are operated in compliance with all applicable state and local laws. This ordinance creating the local procedural requirements is necessary for proper administration and enforcement.

(c) The purpose of these regulations is to establish specific standards and procedures for local licensing of retail medical cannabis dispensaries and to protect the health, safety, and welfare of the residents and consumers of the city of Miami Beach ("the city") by prescribing the manner in which these establishments can be conducted in the city. Retail medical cannabis dispensaries are a heavily regulated industry in the state and city. The city has a zero-tolerance policy for violations of this ordinance or the regulations contained herein.

(d) By enacting these regulations, the city does not intend to encourage or promote the establishment of any business or operation, or the commitment of any act, that constitutes or may constitute a violation of state or federal law. As of the date of the enactment of these regulations, the use, possession, distribution, and sale of marijuana is illegal under federal law and those who engage in such activities do so at their own risk of criminal prosecution.

(e) Solely medical marijuana as provided under the State Constitution, Section 381.986, Florida Statutes, and Florida Administrative Code Chapter 64-4 is authorized, and solely a medical marijuana dispensary or low-THC or medical *cannabis dispensary is authorized for licensure. No recreational or other retail use of cannabis is authorized.*

Sec. 6-51 Definitions.

"Applicant" means a person that has submitted an application pursuant to these rules that was accepted by the city for review but has not yet been approved or denied by the city. A person submitting multiple applications for retail medical cannabis dispensary business tax receipt in the city is considered to be a separate applicant for each of the applications submitted.

"Business manager" means an individual designated in the application for a business tax receipt or renewal thereof as the person responsible for all operations of the business in the absence of the owner from the premises to receive the business tax receipt, and shall include any person with managerial authority in the business, and any person that has access to lock or unlock the safe, to lock or unlock the business, or set or disarm the alarm.

"Liquid assets" are assets in the form of money or cash in hand, assets that will be placed directly into the retail medical cannabis dispensary or other assets that can be quickly converted into cash. Liquid assets include, but are not limited to the following: funds in checking or savings accounts, certificates of deposit, money market accounts, mutual fund shares, publicly traded stocks, United States savings bonds, furniture and equipment, and packaged marijuana, and related products and inventory to be transferred to the retail medical cannabis dispensary. For purposes of these regulations, household items, vehicles, marijuana plants, and real property and improvements thereto are not considered to be liquid assets.

"Person" means a natural person, partnership, association, company, corporation, or organization, or a director, officer, shareholder, partner, manager, agent, servant, or employee thereof.

Sec. 6-52 Relationship to Other Laws.

The provisions in these regulations that are different from the applicable state law are consistent with the city's responsibility to protect the public health, safety, and welfare as authorized by the home rule authority granted to the city under Article IX, Section 2, of the Florida Constitution, section 166.011, Florida Statutes, and the charter of the city. Where these regulations are more restrictive than any state regulations, the city regulation shall control. Whenever possible, these regulations and any city business tax receipt issued under these regulations shall be construed to comply with federal law, specifically including the Controlled Substances Act (21U.S.C. 801 et seq.).

Sec. 6-53 Medical Marijuana Business Tax Receipt Process; Generally; Application Process

(a) This article III establishes the business tax receipt requirements for regulating and controlling the licensing and sale of retail medical cannabis in the city. The finance director shall serve as the primary point of contact. The city manager, or his designee, shall have the final authority of review, approval or revocation of business tax receipts under this article III.

(b) State licensure required and business tax receipt. It is unlawful for any person to operate a retail medical cannabis dispensary in the city without obtaining a valid license from the State of Florida, and a city Business Tax Receipt.

(c) No entitlement or vested right. No person shall have any entitlement or vested right to a business tax receipt under these regulations. Operation of a retail medical cannabis dispensary is a revocable privilege and not a right in the city. The applicant bears the burden of proving that all qualifications for a business tax receipt have been satisfied.

(d) The city shall require a retail medical cannabis dispensary obtain business tax receipt prior to opening the dispensary. No business tax receipt shall issue relating to the cultivation, production, manufacturing or testing of medical marijuana.

(e) Business tax receipt application process:

(1) State Application Required. Filing a local application for a retail medical cannabis dispensary with the city does not constitute an application with the State of Florida. A separate state application must be processed simultaneous to, or prior to seeking a business tax receipt in the city for a "medical marijuana treatment center", as defined in chapter 381, Florida Statutes. The City business tax receipt shall be void if a state license or authorization for the type of use (medical marijuana treatment center) does not issue within 30 days of issuance of the City's business tax receipt.

(2) Letter of Intent. The purpose of the letter is to notify the city that an application may be forthcoming. The letter shall set forth: the name of the individual(s) or entity applying for business tax receipt; contact information for the applicant or primary contact person; the address of the proposed retail medical cannabis dispensary; a statement, not to exceed 100 words, defining the applicant's intent to submit an application for a retail medical cannabis dispensary; and the dated signature of the prospective applicant.

(3) Application materials. All applications for retail medical cannabis dispensary business tax receipt shall be made upon forms provided by the city and shall include the following supplemental materials:

A. If an owner is not a natural person, the organizational documents for all entities identified in the application consistent with disclosure requirements of city code section 2-450;

B. A copy of the lease or deed for the property (a document showing clear legal title to the proposed site, an option to purchase the site, the lease);

C. If the property is leased, written, notarized, consent from the owner allowing operation of a retail medical cannabis dispensary on the leased

premises:

D. A site plan of all buildings on the property where the premises is located, including but not limited to: a floor plan showing how the floor space is or will be used, parking for the premises, total floor area of the building(s), and the nature and location of any existing or proposed exterior lighting and signage;

E. A list of all other uses on the property (not just the leasehold interest, but the entire building);

F. A list of all proposed changes or modifications to the premises, including any such proposed changes that are purposed because of state licensing requirements;

G. A security plan indicating how the applicant will comply with the requirements of this ordinance and any other applicable law, rule, or regulation; and

H. Fingerprints and personal histories of applicant, and all persons affiliated with applicant, including a copy of the driver's license of each person, as may be specified on forms provided by the city.

(4) Specialized Requirements. In addition, applicants shall satisfy the following requirements when applying for a medical marijuana dispensary business tax receipt.

A. Liquid assets. All applicants for retail medical cannabis dispensary store business tax receipts must demonstrate/document a minimum of \$400,000 in liquid assets under control of the Owners of the Business Tax Receipt, and available at the time of application. This threshold must be separately met for each of the retail medical cannabis dispensary stores for which the applicant is seeking licensure. Only assets held or titled in the name of the actual applicant will qualify toward meeting this requirement – for example, in the case of a corporate applicant, the personal assets of owners or assets of related business entities would not be considered. For jointly held assets, only the applicant's portion of ownership will be considered toward the minimum requirement. The applicant must provide satisfactory documentation of asset ownership such as bank statements, lines of credit, stock certificates, and invoices or receipts. The city has discretion to make final determinations as to whether assets qualify as liquid assets and whether sufficient proof of ownership in the name of the applicant has been demonstrated.

B. Background. The applicant and any employees must complete a city police department background check. The city shall establish a fee for such background check. No business tax receipt may issue should the applicant or persons affiliated with the applicant have a felony conviction, guilty pleas or a plea of nolo contendere from any state, the United States, the military, territorial, or Indian tribal authority; no drug-related misdemeanor convictions, guilty pleas, or please of nolo contendere for the past ten years, nor any criminal convictions relating to moral turpitude in the United States, or a military, territorial, or Indian tribal authority. Moreover, neither the applicant nor any person affiliated with the applicant may be under indictment or under prosecution for a felony or drug related misdemeanor.

C. Administrative actions. The applicant shall provide a description of any past or pending legal or enforcement actions in any other state against any

officer, executive, director, or board member of the applicant or its members, or against any other entity owned or controlled in whole or in part by them, relating to the cultivation, processing, distribution, or sale of marijuana for medical purposes. This information shall be taken into consideration by the city in determining whether to issue a business tax receipt.

D. Prior license revocation. The applicant shall provide a description of any past or pending denial, suspension, or revocation of a license or registration, or the denial of a renewal of license or registration, for any type of business or profession, by any federal, state, or local government, or any foreign jurisdiction, including denial, suspension, revocation, or refusal to renew certification for Medicaid or Medicare. This information shall be taken into consideration by the city in determining whether to issue a business tax receipt.

E. Disciplinary actions. The applicant shall provide a description of any past discipline by, or a pending disciplinary action or unresolved complaint by the state, or a like action or complaint by another state, the United States, or a military, territorial, or Indian tribal authority with regard to any professional license or registration for an executive of the applicant, as well as by any member of the applicant. This information shall be taken into consideration by the city in determining whether to issue a business tax receipt.

F. Tax compliance. In evaluating an applicant's history of tax compliance, the local licensing entity will review the federal, state, and local tax returns of the applicant, to determine whether a timely history of payment has been established. The city will also review available public records to determine whether the applicant, have in the past three years been subject to any tax-related liens, seizures, or fines, or have been convicted of a tax-related criminal offense. This information shall be taken into consideration by the city in determining whether to issue a business tax receipt.

G. Security plan. All applicants must include a security plan as part of their application package, which will be reviewed by the city in conjunction with members of the police department. The applicant shall be required to provide enhanced security measures which shall include, but not be limited to, steel security doors, improved video surveillance system capabilities, and advanced alarm systems. It will also address security relating to inventory procedures, transportation of the medical marijuana, and procedures for quality control and testing of product for potential contaminants.

H. Limitation on number of business tax receipts per person. No person may hold an ownership interest in more than two retail medical cannabis dispensary stores located throughout the city. While a person may submit an unlimited number of applications for retail medical cannabis dispensary store licensure, a maximum of two business tax receipts may be awarded to any particular owner.

I. Conditional use approval pursuant to the land development regulations.

J. Provide, either prior to or at the time of building plan submittal to the building article III, a plan that specifies the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system of the city.

K. Provide a ventilation and filtration plan at the time of plan submittal to the building division, describing the systems that will be used to prevent the

detection of any odor of marijuana from the premises.

L. Pay all business tax receipt charges, and any applicable fees. All fees and tax receipts are nonrefundable.

(5) Waiver or Additional Requirements. The city may, at its discretion, waive specific submission requirements (provided the intent and minimum type of criteria delineated in this Article are complied with) or require the submission of additional materials as may be useful in making a determination under these regulations. To the extent any of the foregoing supplemental materials have been included with the applicant's state license application and forwarded to the city by the state licensing authority, the city may rely upon the information forwarded from the state without requiring resubmittal of the same materials in conjunction with the local business tax receipt application.

(6) Complete Application. The city will not accept an incomplete application. An application shall not be considered complete until the city has: (i) determined that all requirements of the application have been provided to the city, (ii) fingerprints and photographs of each person required, (iii) received all applicable city business tax receipt fees, and any applicable additional fees from the applicant, and (iv) obtained all other information the city determines necessary to make a decision whether to approve or deny the application, or approve it with conditions. No business tax receipt shall issue until all the requirements of this article III are complied with, and a final order is rendered authorizing a conditional use permit for a medical marijuana dispensary, as provided under chapter 142, division X.

(7) Denial. The city will deny any application that does not meet the requirements of these regulations or any other applicable law, rule, or regulation or that contains any false or incomplete information. In the event an application for licensure is denied, the city will notify the applicant in writing, explaining the reasons for the denial.

(8) Appeal. Persons whose applications have been denied have a right to appeal the denial via the procedures set forth in section 6-62.

(9) Annually, the city will issue no more than four (4) retail medical cannabis dispensary store business tax receipts. See chapter 142, division X, of this code. The business tax receipt shall be on a first come, first serve basis, and provided all zoning authorizations, and all licensure requirements are met.

(10) Transfer of Ownership and Changes in Business Structure. A business tax receipt holder for a retail medical cannabis dispensary shall apply to the city prior to initiating a transfer of ownership or changing the business structure of the entity. Such application shall be made upon forms prescribed by the city. No application for transfer of ownership or change in business structure shall be approved by the city until all occupational taxes, sales and excise taxes, any fines, penalties, and interest assessed against or imposed upon such business tax receipt holder in relation to the business are paid in full. For one year after the date any business tax receipt is issued by the city pursuant to the ordinance, the holder is prohibited from transferring ownership of the business tax receipt or making changes to the business structure of the entity, unless the holder can demonstrate that a transfer of ownership

or change in structure is made necessary by death or disability of the holder or a similarly substantial financial hardship. A retail medical cannabis dispensary business tax receipt issued by the city is not transferable except as provided in these rules. No transfer of ownership shall be permitted until after the city considers the application, and such additional information as it may require, and issues a business tax receipt to the transferee. Upon issuance of the new business tax receipt in the transferee's name, the prior business tax receipt holder becomes invalid and the transferor must immediately cease operations. The transferee may not commence operations until all inspections and approvals have been completed and the new business tax receipt has been issued.

(11) Change of location. Any business tax receipt granted under these regulations is limited to the location specified on the application. A change in location would require a new conditional use approval under See chapter 142, division X, of this code, and a new application for a business tax receipt for the new location.

(12) BTR – valid one year. A retail medical cannabis dispensary business tax receipt shall be valid for a period of one year from the date of issuance or upon the expiration and non-renewal of the associated business tax receipt, whichever occurs first.

(13) Renewal; application procedure. Renewal of a retail medical cannabis dispensary business tax receipt is not automatic, and it is the business tax receipt holder's responsibility to ensure that the renewal application and all supplemental materials are submitted in a timely manner. Such application is made in addition to, and not in lieu of the state application for license renewal. The business tax receipt holder shall apply for renewal using forms provided by the city. The application for renewal must include the supplemental information set forth below before the application will be considered complete and processed by the city.

A. The yearly business tax receipt, and late fee if applicable, shall accompany the renewal application. The fees shall be nonrefundable.

B. In the event there has been a change to any of the plans identified in the business tax receipt application which were submitted to and approved by the city with the application or an earlier renewal, the renewal application shall include specifics of the changes or proposed changes in any of such plans.

C. In the event any person who has an interest as described in the disclosures made to the city pursuant to this chapter, or any business manager, financier, agent as defined herein, or employee, has been charged with or accused of violations of any law since such disclosure, the renewal application shall include the name of the violator, the date of the violation, the court and case number where the violation was filed, and the disposition of the violation with the renewal application.

D. In the event the retail medical cannabis dispensary license has been suspended or revoked or a business tax receipt holder has received any notice of violation of any law, the renewal application shall include a copy of the notice, suspension, or revocation.

E. The renewal application shall include verification that the retail medical cannabis dispensary has a valid state license and the state license is in

good standing.

F. The renewal application shall include a summary report for the previous twelve months identifying any police report numbers or case numbers of all police calls to the retail medical cannabis dispensary; and, for calls resulting in a charge of a violation of any law, the charge, case number, and disposition of any of the charges.

- (14) Denial of renewal. The city may refuse or deny a business tax receipt renewal:
- (A) If renewal of the business tax receipt will have a harmful or damaging impact on the public health, safety or the general welfare of the city or the neighborhood where the establishment is located.
 - (B) If during the prior licensure year, there is a felony conviction, pleas of guilt, or pleas of nolo contendere, or a drug related misdemeanor conviction, pleas of guilt or plea of nolo contendere, of any employee or principal of the applicant.
 - (C) If evidence is obtained by the city of any attempt by applicant, or person affiliated with applicant attempted to obtain a registration, license, business tax receipt, or approval to operate in any state by fraud, misrepresentation, or the submission of false information.
 - (D) Nothing in these regulations limits the city's consideration of behavior occurring on or about the authorized premises. It may consider behavior that occurs in other jurisdictions in which the business tax receipt holder conducts business in determining the potential impact on the city and the surrounding neighborhood.
 - (E) If there is a civil or administrative action under the laws of the State, another state, the United States, or a military, territorial, or Indian tribal authority relating to any persons' profession, occupation or fraudulent practices, including but not limited to fraudulent billing practices.
 - (F) A business tax receipt holder may file an appeal request of the business tax receipt denial pursuant to section 6-62, below.

(15) Notice of renewal. Approximately 90 days prior to the expiration of an existing business tax receipt, the city will send a renewal notification to the business tax receipt holder's mailing address of record via first class mail. Failure to receive a renewal notification does not relieve the business tax receipt holder of the obligation to renew all business tax receipts in a timely manner. Application for renewal of the retail medical cannabis dispensary business tax receipt shall be at least 30 days, but no earlier than 90 days prior to the expiration date. If the applicant fails to apply for renewal at least 30 days before the expiration date, but does apply for renewal prior to expiration, the city may process the renewal application if the applicant provides a written explanation of the reasons for the late renewal and submits a late filing fee at the time of submittal of the renewal application. If the city accepts a late application as described above, it may elect to administratively continue the business tax receipt beyond the expiration date while the renewal process is pending.

(16) Expiration of the business tax receipt. A retail medical cannabis dispensary business tax receipt is immediately invalid upon expiration of the year, unless the receipt holder has filed a late renewal application and the city has granted an administrative continuance of the license as described above. Expiration of a retail

medical cannabis dispensary business tax receipt for any reason, including, without limitation, failure to file a renewal application in a timely manner, shall be considered an inactive city business tax receipt and no longer valid. A business tax receipt holder whose receipt has expired shall not sell any retail medical cannabis dispensary until all required licenses and receipts have been obtained. If the holder of an expired business tax receipt files a renewal application after 90 days from date of expiration, the application will be treated as a new application.

Sec. 6-54 General requirements for Medical Marijuana Dispensaries; Premises.

(a) Retail medical cannabis shall only be stored, weighed, displayed, packaged, sold, or possessed for sale in a limited access area under the business tax receipt holder's control. Business tax receipt holders shall restrict entrance to limited access areas only to owners and employees in possession of an occupational license from the state of Florida relating to medical cannabis sales, along with visitors registered as described below.

(b) Visitors in limited access areas. Visitors must be escorted at all times by a person holding a valid owner or occupational license. Management personnel of the business tax receipt holder must take the following actions prior to allowing any visitor to enter a limited access area:

(1) Enter the visitor's name, address and the purpose of the visit into a log, which shall be made available for inspection upon request;

(2) Check the identification for all visitors to verify that the name on the identification matches the name in the visitor log and that the visitor is at least 21 years of age; and

(c) Required signage.

(1) All areas of ingress and egress to limited access areas on the premises shall be clearly identified by the posting of a sign at least 12 inches wide and 12 inches long, which shall state, "Do Not Enter - Limited Access Area – Access Limited to Personnel and Escorted Visitors" in letters at least one-half inch in height.

(2) Price list.

(d) Violations. A retail medical cannabis dispensary's failure to comply with the limited access area restrictions and procedures described in this rule may be considered a violation affecting the public safety.

(e) Evidence of lawful possession. All applicants for retail medical cannabis dispensary business tax receipt must demonstrate proof of lawful possession of the premises at the time of application. Evidence of lawful possession consists of properly executed deeds of trust, leases, or other written documentation the city may consider satisfactory. Lease agreements contingent upon the applicant being approved are acceptable to show the applicant's lawful possession of the intended premises.

(f) Relocation or modification prohibited. A business tax receipt issued to a medical marijuana dispensary shall be tied to the site plan, security plan, and video plan submitted to the city. Any material modifications to the plans, and any expansion, or relocation shall require zoning review, and a new application for an updated business tax receipt. Material or substantial changes, alterations, or modifications of the site plan requiring

approval include, but are not limited to the following:

- (1) Any increase or decrease in the total physical size or capacity of the premises;
- (2) The sealing off, creation of or relocation of a common entryway, doorway, passage or other such means of public ingress and/or egress, when such common entryway, doorway or passage alters or changes the limited access areas;
- (3) The permanent addition of a separate sales counter or display case in a retail medical cannabis dispensary store; or
- (4) The procedures for material changes listed above are in addition to, and not in lieu of, other general building requirements that may apply to building structures and land parcels in the city. Modification of any building structure where a retail medical cannabis dispensary store is located is subject to all applicable provisions of the land development regulations and Florida Building Code.

(g) Security requirements.

- (1) Security Plan. All applicants for retail medical cannabis dispensary licensure shall file a written security plan with the city. The written security plan shall be consistent with the requirements of the conditional use permit and address, at a minimum, the following elements:
 - A. Evidence that the space will comply with all security and video surveillance requirements set forth in these rules.
 - B. A site plan showing the entire vicinity in which the retail medical cannabis dispensary is located, including the street(s), parking lot(s), other tenants within the facility, and any other entities that physically border the establishment.
 - C. A floor plan of the retail medical cannabis dispensary detailing the locations of the following:
 - i. All entrances and exits to the establishment;
 - ii. The location of any windows, skylights, and roof hatches;
 - iii. The location of all cameras, and their field of view;
 - iv. The location of all alarm inputs (door contacts, motion detectors, duress/hold up devices) and alarm sirens;
 - v. The location of the digital video recorder and alarm control panel;
and
 - vi. Restricted and public areas.
 - D. The type of security training provided for, and completed by, establishment personnel, including conflict resolution training and procedures for handling violent incidents. Employee security policies, including personal safety and crime prevention techniques.
 - E. How the applicant intends to use and maintain an incident log.
 - F. The establishment's procedures for preventing the use of marijuana on the premises.
 - G. Security measures taken by the applicant to prevent individuals from entering the limited access area portion of the registered premises.
 - H. The applicant's closing procedures after the cessation of business each day.
 - I. The applicant's plan to prevent theft or the diversion of marijuana, including maintaining all marijuana in a secure, locked room that is accessible only to authorized persons.

- J. The type of alarm system and outdoor lighting to be used by the applicant.
- K. The applicant's procedures for accepting delivery of retail medical cannabis dispensary products at the facility, including procedures for how it is received, where it is stored, and how the transaction is recorded.
- L. Emergency procedures, including a disaster plan with procedures to be followed in case of fire or other emergencies.

(2) The applicant must demonstrate that the following security measures are in place or will be implemented prior to opening:

- A. Installation of a safe or vault for storage of any processed marijuana or marijuana product and cash on the premises when the business is closed to the public. The safe or vault must be incorporated into the building structure or secured to the structure to prevent removal. For marijuana-infused products that must be kept refrigerated or frozen, the establishment may lock the refrigerated container or freezer so long as the appliance is affixed to the building structure.
- B. Any dumpster or similar trash receptacle on the premises used to discard retail medical cannabis dispensary products must have a metal cover or lid that is locked at all times when the receptacle is unattended.

(3) Security alarm system. All retail medical cannabis dispensaries shall install, maintain, and use a professionally monitored security alarm system meeting the following requirements:

- A. The system shall provide coverage of all facility entrances and exits, rooms with exterior windows, rooms with exterior walls or walls shared with other building tenants, roof hatches, skylights, and storage rooms containing safes or vaults;
- B. The system shall include at least one silent holdup or duress alarm that can be manually triggered in case of emergency;
- C. The alarm system must be equipped with a failure notification, and a battery backup system sufficient to support a minimum of four (4) hours in the event of a power outage;
- D. The alarm system must be monitored by a company that is staffed 24 hours a day, seven (7) days a week. The security plan submitted to the city shall identify the company monitoring the alarm, including contact information, and shall be updated within 72 hours in the event the monitoring company is changed; and
- E. The business tax receipt holder shall maintain for a period of three (3) years, reports of any incidents triggering an alarm, and such reports shall be made available to the city and the police department during any inspection of the facility.

(h) Video surveillance.

- (1) Prior to receiving a business tax receipt to operate, all retail medical cannabis dispensaries are required to install a video surveillance system satisfying the minimum standards described below, in addition to the state requirements.
- (2) Retail medical cannabis dispensaries are responsible for ensuring that all video surveillance equipment is properly functioning and maintained, such that the

surveillance equipment is capturing the identity of all individuals and activities in the monitored areas with a recording quality suitable for viewing. The surveillance systems must be continuously operational at all times, 24 hours per day. The retail medical cannabis dispensary or agent overseeing the functioning of the video surveillance system must immediately report to the police department any malfunctions or technical problems with the system.

(3) Video surveillance equipment shall, at a minimum, consist of digital or network video recorders, cameras capable of meeting the recording requirements described in this rule, video monitors, digital archiving devices, and a color printer capable of delivering still photos. The surveillance equipment must meet the following specifications:

A. The video cameras employed in the system must have a minimum resolution of 1.3 megapixels (1280 x 1024 pixels) and record at a minimum rate of 12 frames per second;

B. All video cameras employed in the system must have infrared capabilities to capture images in low lighting conditions;

C. The use of motion detection is authorized when the applicant can demonstrate that monitored activities are adequately recorded;

D. All video surveillance systems must be equipped with a failure notification system and a battery backup system sufficient to support a minimum of four hours of recording in the event of a power outage; and

E. The Applicant's surveillance system or equipment must have the capabilities to produce a color still photograph from any camera image, live or recorded, of the premises.

(4) Camera placement and coverage. The retail medical cannabis dispensary shall install and use security cameras to monitor and record all interior areas of the premises, except in restrooms, along with trash receptacles and all points of ingress and egress to the exterior of the premises. All entrances and exits to the facility shall be recorded from both indoor and outdoor vantage points, with camera placement capable of identifying activity occurring within 20 feet of all such points of ingress and egress. Camera placement in all areas shall allow for the clear and certain identification – with sufficient detail to identify facial features and clothing – of any individual and activities present on the premises.

(5) Location and maintenance of surveillance equipment.

A. Surveillance recording equipment must be housed in a designated, locked, and secured room or other enclosure with access limited to authorized employees, service personnel or contractors, state or local law enforcement agencies, and agents of the city and the state.

B. Applicant must maintain a current list of all authorized employees and service personnel who have access to the surveillance system and shall keep a surveillance equipment maintenance activity log on the premises to record all service activity including the identity of the individual(s) performing the service, the service date and time and the reason for service to the surveillance system.

C. Each retail establishment must have a separate surveillance room or area that is dedicated to those specific premises, regardless of any shared or adjoining location in a common building.

- (6) Video recording and retention requirements.
- A. All surveillance recordings are required to be retained for a minimum of 60 days and shall be in a digital format that can be easily accessed for viewing and that ensures authentication of the recording as being legitimately captured without alterations.
- B. In addition to maintaining surveillance recordings in a locked area on the premises, a copy of the surveillance recordings must be stored at a secure off-site location in the city or through a network "cloud" service that provides on-demand access to the recordings. The off-site location or network service provider shall be included in the security plan submitted to the city and provided to the police department upon request, and updated within seventy-two hours of any change to the location or provider.
- C. All surveillance recordings shall be embedded with the date and time without significantly obscuring the picture.
- D. Regardless of the expiration of the 60-day limit for retention of surveillance video recordings, such recordings may not be destroyed if the Applicant/business tax receipt holder knows or should have known of a pending criminal, civil or administrative investigation, or any other proceeding for which the recording may contain relevant information.

(j) Applicant shall provide a policy for the immediate dismissal of any dispensary agent, or employee who has diverted marijuana, which shall be reported to law enforcement officials; engaged in unsafe practices with regard to the operation of the dispensary, which shall be reported to the city; indictment for a state or federal felony or a misdemeanor drug related activity, which shall be reported to the city; or conviction, pleas of guilty, pleas of nolo contendere for a felony or misdemeanor drug related activity in any state, the United States, military, territorial or Indian tribal authority, which shall be reported to the city.

Sec. 6-56 General Operational Requirements

The following requirements apply to all retail medical cannabis dispensaries within the city.

- (1) Age limitation. Retail medical cannabis dispensaries may not allow persons less than 21 years of age to enter limited access areas under any circumstances. No retail medical cannabis dispensary store is permitted to sell marijuana to persons younger than 21 years of age, and stores must conspicuously post signage in the entrance area that clearly states: "You must be at least 21 years old to enter."
- (2) Identification scanners. For retail medical cannabis dispensary stores, the business shall verify the proof of age of every person entering the business with an electronic identification scanner. An electronic identification scanner is a device that is capable of quickly and reliability confirming the validity of an identification using computer processes.
- (3) Receipts. All receipts for the sale of retail medical cannabis dispensary to consumers must contain the statement: "It is illegal to transfer or sell retail medical cannabis dispensary or retail medical cannabis dispensary products to anyone under the age of 21."
- (4) Posting of hours of operation. Retail medical cannabis dispensaries shall post their hours of operation at the main entry of the store or facility.

- (5) Public access restricted. Retail medical cannabis dispensaries shall require visitors to be tracked in an entry log identifying the visitor's name, entry and departure times, and the purpose of the visit. Visitors to such establishments must be escorted by a manager or owner at all times.
- (6) Display of business tax receipt and state license(s) required. The general business tax receipt and any required state licenses shall be conspicuously posted inside the retail medical cannabis dispensary near the main entrance.
- (7) Emergency contact information. The name and contact information for the owner or owners and any business manager of the retail medical cannabis dispensary shall be conspicuously posted inside the premises near the main entrance.
- (8) Owner or business manager required on premises. No retail medical cannabis dispensary shall be managed by any person other than the owner or the business manager listed on the application for the business tax receipt or a renewal thereof. Such persons shall be on the premises and responsible for all activities within the business during all hours of operation. In the event the Owner intends to employ a business manager or employee(s) to run the business when the Owner or business manager are not present, the Owner shall immediately report the name of such business manager or employee to the city, and such person shall submit to the city, at least 30 days prior to commencing employment, the requested contact and background information for the person on a form specified by the city. Owner shall report to the city the release or removal of a business manager, or any employee from employment no later than five (5) days after such an occurrence.
- (9) Each Owner, business manager or employee shall be required to undergo a background check by the city of Miami Beach police department. (1) A conviction, pleas of guilty, or pleas of nolo contendere for a felony or drug related misdemeanor, from any state, the United States, the military, a territory, or Indian tribal council, by any business manager or employee may be cause for termination of a business tax receipt. The applicant, owner, must advise the City of any conviction, pleas of guilt or pleas of nolo contendere, within 24 hours of the event.
- (10) The business tax receipt holder shall record all delivery documents and manifests for movement of any marijuana and/or marijuana product between any of the retail medical cannabis dispensaries.
- (11) Trash. Each business is responsible for removing trash, litter and garbage from its property. An active trash contract service contract must be maintained on file, and trash must be removed from the property on a weekly basis, or more often if necessary. In the event that the hauler is changed, the applicant must notify the City within 72 hours. The contract shall identify procedures for the safe disposal of cannabis and other medical waste. Dumpsters and trash containers must not be overflowing, and the surrounding area must be kept free of litter and trash. All dumpsters and containers shall be screened from public view. Per the security regulations above, all trash receptacles on the premises used to discard retail medical cannabis dispensary products shall be kept in an indoor trash area except when trash pickup is occurring. The trash receptacle must have a metal cover or lid that is locked at all times when the receptacle is unattended and security cameras must be installed to record

activities in the area of such trash receptacles.

(12) Exterior maintenance. Every wall, window, roof, and door must be weatherproof and watertight and must be kept free of holes, loose or rotting boards or timbers. Faded or deteriorating walls, trim, siding and doors must be painted or replaced as appropriate. Sidewalks, driveways and parking surfaces must be maintained free of weeds, potholes, dirt, trash and debris. Businesses must stripe parking spaces and maintain the pavement. Any graffiti located on premises shall be removed promptly.

Sec. 6-57 Sales Limitations and Advertising.

(a) Direct sales. All retail sales of marijuana must be in person, directly to the purchaser. No sales may be made through a drive up window, by telephone, internet, or other means of remote purchase.

(b) Giveaways. Retail medical cannabis dispensary stores may not distribute marijuana or marijuana-infused products to a consumer free of charge.

(c) All retail medical cannabis dispensaries are subject to the signage requirements of the land development regulations.

(d) No advertisement for marijuana or marijuana products is permitted on signs mounted on vehicles, temporary signs, hand-held or other portable signs, handbills, leaflets or other flyers directly handed to any person in a public place, left upon a motor vehicle or posted upon any public or private property without consent of the property owner. This prohibition shall not apply to (1) any advertisement contained within a newspaper, magazine or other periodical of general circulation within the city or on the Internet; and (2) advertising which is purely incidental to sponsorship of a charitable event not geared to or for the benefit of children or youth.

(e) Packaging and labeling. Marijuana shall be packaged in plain, opaque, tamper-proof, and child-proof containers without depictions of the product, cartoons, or images other than the logo of the company. Edible medical marijuana products shall not bear a reasonable resemblance to any product available for consumption as a commercially available candy.

Sec. 6-58 Reporting and Response.

(a) Reporting Requirements. A retail medical cannabis dispensary shall report to the city each of the following within the time specified. If no time is specified, the report shall be provided within 24 hours of the event.

(b) A violation of any law by any business tax receipt holder or applicant of a retail medical cannabis dispensary;

(c) A notice of potential violation of any law related to the holder of the business tax receipt;

(d) Any report that the retail medical cannabis dispensary is required to provide to the State of Florida; or

(e) Reports of all criminal activities or attempts of violation of any law at the retail medical cannabis dispensary or related thereto shall immediately be reported to the police department.

(f) Reports of any criminal activities, convictions, pleas of guilt, pleas of nolo contendere of any person affiliated with the applicant.

(g) Response to city officials. The owner or a business manager of a retail marijuana establishment is required to respond by phone or email within 24 hours of contact by a city official concerning its retail medical cannabis dispensary at the phone number or e-mail

address provided to the city as the contact for the establishment. Each 24 hour period during which an owner or manager does not respond to the city official shall be considered a separate violation.

Sec. 6-59 Inspection.

(a) Grant of authorization. By signing and submitting a medical marijuana dispensary business tax receipt application, the owner of the premises certifies that the applicant has received permission from the property owner to allow inspections, including of the limited access area, as may be required under state or local law. In addition, the owner of the premises authorizes the city (the police, the building, code compliance, or planning personnel) to enter upon and inspect the premises upon presentation of official credentials. These inspections are part of the routine policy of inspection and enforcement of these regulations for the purpose of protecting the public safety, individuals operating and using the services of the retail medical cannabis dispensary, and the adjoining properties and neighborhood. This rule shall not limit any inspection authority authorized under any other provision of law or regulation, including those of police, fire, building and code enforcement officials.

(b) Initial inspection. The city will inspect all portions of a retail medical cannabis dispensaries prior to issuance of a business tax receipt, to verify that the facilities are constructed and can be operated in accordance with the application submitted and the requirements of these regulations and the ordinance. The initial inspection shall occur after the retail medical cannabis dispensary is ready for operation, but no marijuana or marijuana products will be allowed on the premises until the inspection is complete and a business tax receipt is issued.

(c) Regular inspections. At a minimum, the city may perform regular inspections of portions of a dispensary on a quarterly basis during the first year following licensure, and on a yearly basis prior to renewal of the business tax receipt following the first year of operation.

(d) Random inspections. The regular licensing inspection procedures described shall not prevent the city from inspecting all portions of a retail medical cannabis dispensaries at random intervals and without advance notice.

(e) Building plans. A copy of the building plans must be retained on the premises at all times. The business tax receipt holder must also maintain a floor plan, including depictions of limited access areas and security camera placement.

(f) Inspection of records. Upon request, the business tax receipt holder or business manager on duty shall retrieve and provide any relevant business records pertaining to the inspection, including but not limited to, security camera recordings, marijuana inventory manifests, and copies of invoices and receipts. The city may require any business tax receipt holder to furnish such information as it considers necessary for the proper administration of these regulations.

(g) Reporting of source, quantity, and sales. The records to be maintained by each retail medical cannabis dispensary shall include the source and quantity of any marijuana and or marijuana product distributed, produced, or possessed within the premises. Such reports shall include the following information, at a minimum, for both acquisitions from wholesalers and retail sales transactions: date, weight, type of marijuana, and dollar amount or other consideration of transaction; and the amount of marijuana within the limited access areas.

(h) Disclosure of records. By applying for a retail medical cannabis dispensary business tax receipt holder, he or she is providing consent to disclose any information required under these regulations. Any document that the applicant considers eligible for protection under Chapter 119, Florida Statutes shall be clearly marked as confidential, and the reasons for such confidentiality shall be stated. If the city finds that such documents are subject to inspection as public records of the city, it will attempt to provide appropriate notice to the applicant prior to such disclosure.

(i) Separate bank accounts. The revenues and expenses of a retail medical cannabis dispensary shall not be commingled in a checking account or any other bank account with the deposits or disbursements of any other business or individual person.

(j) Audits. The city may require an audit to be made of the books of account and business records of a retail medical cannabis dispensary or on such occasions it may consider necessary.

Sec. 60-60. Prohibitions.

A retail medical cannabis dispensary is prohibited:

(a) From dispensing, delivering or otherwise transferring marijuana to a person other than a registered qualifying patient or to his or her personal caregiver, or to another dispensary.

(b) From acquiring marijuana except through the cultivation of marijuana by a properly licensed state entity.

(c) From acquiring, possessing, delivering, transferring, transporting, supplying, or dispensing marijuana for any purpose except to assist registered qualifying patients.

(d) From receiving orders for marijuana in any manner other than from a registered qualifying patient or personal caregiver in-person at the dispensary.

(e) From selling any products other than marijuana. No marijuana paraphernalia may be sold on premises.

(f) From allowing the consumption of marijuana on the premises or grounds of the dispensary.

(g) From adulterating the marijuana, including with psychoactive additives or other illicit substances.

(h) From acquiring or selling marijuana plants from the dispensary.

(i) From selling marijuana to anyone under the age of 21.

Sec 6-61 Basis for Suspension, Revocation, or Denial, Mitigating or Aggravating Factors, Prohibitions during suspension.

(a) The special master may suspend or revoke a retail medical cannabis dispensary business tax receipt, or may deny an application for business tax receipt renewal if, after notice and hearing thereon, the special master finds that any of the following occurred:

- (1) The business tax receipt holder has failed to pay all required fees;
- (2) The business tax receipt holder is overdue on payments to the city of taxes, fines, or penalties assessed against or imposed upon the business;
- (3) The business tax receipt holder has made any false statement as to any of the facts in the initial or renewal application;
- (4) The business tax receipt holder has refused to allow or has unreasonably interfered with an authorized inspection of the premises;
- (5) The business tax receipt holder has failed to operate the retail medical cannabis dispensary in accordance with any applicable building, fire, health or zoning statute, code, ordinance, or regulation;
- (6) The business tax receipt holder has knowingly permitted or encouraged, or has knowingly and unreasonably failed to prevent a public nuisance from occurring in or about the premises; or
- (7) The business tax receipt holder has failed to appear after issuance of citations and notice of hearing.
- (8) The business tax receipt holder has failed to comply with the provisions of this article III.

(b) Mitigating and aggravating factors. In deciding whether a business tax receipt should be suspended, revoked, or denied renewal, and in deciding what conditions to impose in the event of a suspension, if any, the special master shall consider:

- (1) The nature and seriousness of the violation;
- (2) Corrective action, if any, taken by the business tax receipt holder;
- (3) Prior violation(s), if any, at the premises by the business tax receipt holder and the effectiveness of prior corrective action, if any;
- (4) The likelihood of recurrence;
- (5) All circumstances surrounding the violation;
- (6) Whether the violation was willful;
- (7) The length of time the business tax receipt has been held by the same entity;
- (8) The number of violations by the business tax receipt holder within the applicable 12 month period;
- (9) Previous sanctions, if any, imposed against the business tax receipt holder; and
- (10) Any other factor making the situation with respect to the business tax receipt holder or the premises unique or the violation of greater concern.

(c) Prohibited activity during suspension. Unless otherwise ordered by the special master, during any period of active suspension, the business tax receipt holder shall not engage in the selling, serving, giving away, distribution, transfer, or transport of any product — on the premises, nor allow customers to enter the premises.

(d) Removal or destruction prohibited. During any period of active suspension, retail medical cannabis dispensary and any such products shall not be removed from the premises or destroyed except under the supervision of the police department as ordered by the city.

Sec. 6-62 Penalties, Enforcement and Appeals.

(a) Penalties and enforcement.

(1) The city manager has the authority to suspend or revoke a business tax receipt following notice and hearing, or to summarily suspend a business tax receipt pending a hearing pursuant to section 102-385 of the city code.

(2) A violation of this article III shall be subject to the following fines:

A. If the violation is the first offense, a person or business shall receive a civil fine of \$5,000.00;

B. If the violation is the second violation within the preceding six (6) months, a person or business shall receive a civil fine of \$10,000.00;

C. If the violation is the third violation within the preceding six (6) months, a person or business shall receive a civil fine of \$20,000.00; and

D. If the violation is the fourth or subsequent violation within the preceding six (6) months, a person or business shall receive a civil fine of \$30,000.00 and the business tax receipt shall be revoked.

(3) Enforcement. The code compliance department shall enforce this article III. This shall not preclude other law enforcement agencies from any action to assure compliance with this article III and all applicable laws. If a violation of this article III is observed, the enforcement officer will be authorized to issue a notice of violation. The notice shall inform the violator of the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, that the violation may be appealed by requesting an administrative hearing before a special master within ten (10) days after service of the notice of violation, and that the failure to appeal the violation within ten (10) days of service shall constitute an admission of the violation and a waiver of the right to a hearing.

(4) Rights of violators; payment of fine; right to appear; failure to pay civil fine or to appeal; appeals from decisions of the special master.

A. A violator who has been served with a notice of violation must elect to either:

i. pay the civil fine in the manner indicated on the notice of violation;

or

ii. request an administrative hearing before a special master to appeal the notice of violation, which must be requested within ten (10) days of the service of the notice of violation.

B. The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in sections 30-72 and 30-73 of this Code. Applications for hearings must be accompanied by a fee as approved by a resolution of the city commission, which shall be refunded if the named violator prevails in the appeal.

C. If the named violator, after issuance of the notice of violation, fails to pay the civil fine, or fails to timely request an administrative hearing before a special master, the special master may be informed of such failure by report from the police officer or code compliance officer. The failure of the named violator to appeal the decision of the police officer or code compliance officer within the prescribed time period shall constitute a waiver of the violator's right to an administrative hearing before the special master, and shall be treated as an admission of the violation, for which fines and penalties shall be assessed accordingly.

D. A certified copy of an order imposing a fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes. On or after the sixty-first (61st) day following the recording of any such lien that remains unpaid, the city may foreclose or otherwise execute upon the lien.

E. Any party aggrieved by a decision of a special master may appeal that decision to a court of competent jurisdiction.

F. The special master shall be prohibited from hearing the merits of the notice of violation or considering the timeliness of a request for an administrative hearing if the violator has failed to request an administrative hearing within ten (10) days of the service of the notice of violation.

G. The special master shall not have discretion to alter the penalties prescribed in subsection (a)(2).

* * *

SECTION 2. Chapter 102, "Taxation," Article V, "Local Business Tax" at Section 102-379 "Schedule of taxes, effective October 1, 2016," is hereby amended as to a certain business tax receipt, as follows:

**CHAPTER 102
TAXATION
ARTICLE V -
LOCAL BUSINESS TAX**

* * *

Sec. 102-379. - Schedule of taxes, effective October 1, 2016.

(a) Business taxes for the following businesses, occupations or professions are hereby levied and imposed as follows:

(b) Effective on October 1, 2005 (fiscal year 2005-2006), the following business taxes will be increased by five percent rounded to the nearest dollar, and further increased by five percent every other year on October 1, until such taxes/fees have caught up with the cumulative percentage change in the Consumer Price Index (CPI) measure between June 1994 through March 2003, which is 24.5 percent; further providing for another change equal to the cumulative percentage change in the CPI from March 2003 to September 2011.

(c) As provided in Resolution No. 2003-25299, a review of the annual permit fee/business tax will be required whenever the change in the Consumer Price Index (CPI), between the latest CPI and the date of the CPI used for the last tax/fee adjustment, is five percent or greater.

(d) Effective on October 1, 2009 (fiscal year 2009—2010), business tax receipt applications shall be charged a \$45.00 fee for the processing of new applications.

Occupation Code	Business Tax Category	Amount
	* * *	
	M	
	Machine and games, mechanical photographs, consoles, jukeboxes, picture-taking, record-making, or other similar machines:	
95011800	Distributors	845.00
95011802	Each machine	106.00
95004705	Mail order business; bond required	233.00
95011600	Manufacturers, all products; to include any assembling or processing operations otherwise mentioned in this section	310.00
95011700	Manufacturer representative	233.00
95240008	Marine appraiser, surveyor, testing	233.00
95011999	Massage clinic; state license required	233.00

95012000	Massage therapist; state license required	49.00
		*
	<u>Medical Cannabis/Marijuana</u>	
	Merchants, all persons engaged in the business of selling medical cannabis, as defined in Chapter 6, Article III, or Chapter 142, Division 10, of any kind, sort or description, except as otherwise specifically provided by this section, shall be required to pay a merchant's business tax, determined as follows; based on cost of inventory:	*
95012100	1. First \$1,000.00 of value or less	274.00
95012100	2. Each additional \$1,000.00—\$99,999.00	27.00
95012100	3. From \$100,000.00—\$199,000.00	2,815.00
95012100	4. From \$200,000.00—\$499,000.00	4,221.00
95012100	5. From \$500,000.00 and over	5,629.00
05012200	Messenger service (exclusive of telegrams)	128.00
95000625	Model, talent agency; state license required	233.00
95012400	Money broker	233.00
95012500	Money order agency	78.00
95012550	Monogram, silkscreen, retail	233.00
95000610	Mortgage broker, all firms; state license required:	233.00
95000610	1. Each additional broker connected therewith	233.00
95000652	2. Salesman; state license required	100.00
	Motor scooter, motorcycle, rental agency; insurance required:	

95012800	1. 1 to 20 units	401.00
95012800	2. Each unit over 20	27.00
	Movie theater:	
95012900	1. One screen	1,322.00
95012901	2. Each additional screen	141.00
	N	

* * *

SECTION 3. Repealer.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 4. Codification.

It is the intention of the city Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the city of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. Severability.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. Effective Date.

This Ordinance shall take effect ten days following adoption.

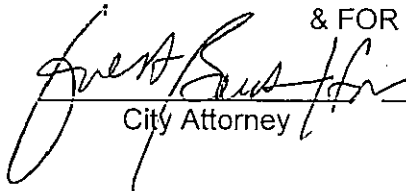
PASSED and ADOPTED this _____ day of _____, 2017.

Philip Levine
Mayor

ATTEST:

Rafael E. Granado
City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney

5/8/17

Date

First Reading: _____, 2017
Second Reading: _____, 2017

Verified by: _____
Thomas R. Mooney, AICP
Planning Director