



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and
Members of the City Commission
Jimmy L. Morales, City Manager

FROM: Commissioner John Elizabeth Aleman

DATE: June 28, 2017

SUBJECT: Referral to LUDC and direction to Planning staff on analysis relating to
pharmacies and medical cannabis dispensaries

I would like to refer a discussion to the Land Use and Development Committee relating to medical cannabis dispensaries or “medical marijuana treatment centers.”

On June 9, 2017, the Florida Legislature, during a special session, in less than 48 hours time – introduced, modified, and passed, in both houses, a new cannabis bill (SB 8-A, 3rd Engrossed). It provides in relevant part: that the regulation of medical marijuana is preempted to the state, except as to the following: (1) the “medical marijuana treatment center (medical cannabis dispensary) cannot be within 500 feet of a public or private school; (2) that a city [or county] *may ban medical marijuana treatment centers entirely*; or (3), if a city does not ban medical marijuana treatment centers, the city “may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within [that city].” “The city may determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or department rule for, medical marijuana treatment center dispensing facilities located within the boundaries of [the city].” Additionally, a city “*may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under chapter 465*. A municipality or county may not charge a medical marijuana treatment center a license or permit fee in an amount greater than the fee charged by such [city] to pharmacies.”

I would like planning staff to analyze the relevant sections of the state legislation, particularly as it relates to pharmacies and the proposed new use. Specifically, I would ask that planning staff identify all city rules regulating pharmacies, the zoning districts in which the use is allowed, prohibited, any distance regulations, etc. This information would assist the Commission in deciding how to implement SB 8-A, within the City of Miami Beach.

If you have any questions please contact my assistant Cilia Maria Ruiz-Paz at 305-673-7000 x 6437