



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 Joy Malakoff

DATE: June 28, 2017

SUBJECT: Referral to LUDC and Planning Board

I would like to jointly refer an ordinance to the Land Use and Development Committee and the Planning Board that would prohibit 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) which is highly unusual. 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.”

Based upon the foregoing, I would like to refer an ordinance banning such use from the City of Miami Beach.

If you have any questions please contact my assistant Bonnie Stewart at 305-673-7000 x 6722.