



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139,  
[www.miamibeachfl.gov](http://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: Moratorium on Medical Marijuana Treatment Centers.  
Statement to be read into the record

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In 2016, a supermajority of Florida voters supported the legalization of medical marijuana. In fact, 79 percent of all Miami Beach voters supported medical marijuana.

Since February 2016, nine months prior to the approval of the Constitutional Amendment, the City Commission had been considering enacting ordinances relating to the proper location for, and regulation of, medical marijuana treatment centers. In fact, when the original sponsor of the ordinances, Commissioner Michael Grieco, withdrew his sponsorship on or about February 2017, I stepped up to the plate to ensure that proper regulations would be put into place.

During the regular session which ended in May 2017, the Florida Legislature had negotiated a medical marijuana bill that would have provided local zoning control to the counties and cities of Florida. Based upon that draft bill, the City of Miami Beach had begun drafting a medical cannabis licensure (BTR) ordinance that would ensure proper background checks, security measures, bonding, etc. The City was also proposing to create four districts in which a medical cannabis dispensary could open. The City wanted to make sure that the use was not immediately adjacent to residential districts that the use was not adjacent to private or public schools; or parks; and that sufficient safeguards were in place to ensure that the use would not interfere with the general health, safety and welfare of the community at large. Second reading of the ordinances is scheduled for July 26, 2017.

Unfortunately, the ordinances are now moot. On June 23, 2017, Governor Rick Scott, signed into law Senate Bill 8-A, which has preempted the City from enacting the proposed medical marijuana treatment center ordinances. In short, unless the City completely prohibits any medical marijuana treatment center from opening in the City, the State law would require the City to regulate "medical marijuana treatment centers," unless those treatment centers are located within 500 feet of a public or private school, equal to a pharmacy. As pharmacies are currently allowed in almost all commercial and mixed use districts of the City, as well as within multifamily residential districts, the City

would not be able to control the number of treatment centers, or regulate the hours of sale, the signage, advertising, or security for such establishments.

Due to the State law, it is clear that it is necessary for the City to implement a moratorium. The impacts of the State law on the economy of the City, on police resources, and on the quality of life of our residents are uncalculated. The moratorium would enable the City to be better prepared for allowing medical marijuana treatment centers – in the proper locations and with the proper restrictions.