Exhibit C

	City of Coral Gables Planning and Zoning Staff Recommendation
Applicant:	City of Coral Gables
Application:	Zoning Code Text Amendment- Article 8, "Definitions", Article 4, "Zoning Districts" and Article 5, "Development Standards"
Public Hearing - Dates/Time/ Location:	Local Planning Agency(LPA)Planning and Zoning Board October 8, 2014, 6:00 – 9:00 p.m. City Commission Chambers, City Hall, 405 Biltmore Way, Coral Gables, Florida, 33134

Application Request.

The City of Coral Gables is requesting review and consideration of the following:

An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code: Amending Article 8, "Definitions" by providing definitions related to medical marijuana uses; Amending Article 4, "Zoning Districts", to restrict the location of medical marijuana uses; Amending Article 5 "Development Standards", by providing development standards for medical marijuana uses; Affirming that the City will only approve uses that are legal under federal and state law; providing for severability, repealer, codification, and an effective date.

Background Information.

BACKGROUND

In June, the Governor signed Senate Bill 1030, codified in Florida Statutes, Section 381.986, which legalized the use of a non-euphoric, Low-THC cannabis/marijuana for limited medical use by Florida residents. Also approved was HB 1700 which protects public records related to the use of medical marijuana. In addition, a proposed Constitutional Amendment (the "Amendment") on the November 4, 2014 ballot proposes to legalize all types of cannabis/marijuana for a very broad range of medical uses.

Existing State Law

Known as the "Compassionate Use of Low-THC Cannabis Act," the new Florida law sets up a narrow framework for the growth, selling, and use of a very specific, non-euphoric grade of medical marijuana. The law prohibits the smoking of marijuana. It also limits who may grow the marijuana, the type of marijuana that can be grown and integrates the use into research studies. The conditions which qualify

a person to use this medical grade marijuana are limited to "cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms."

The approved Florida law is independent of, and does not require approval of, the Amendment. The statute charges the Department of Health (the "Department") with rulemaking and implementation of the State law. The Department has been in the process of developing the rules, including the requirements and procedures for the selection and licensing of dispensing facilities – which encompasses all aspects of the process – from cultivation to dispensing to the patient.

The Department's draft rule is currently the subject of an administrative challenge. If the challenge, which will be heard by an Administrative Law Judge, is not resolved prior to the required implementation date of January 1, 2015, the dispensing and licensing process will be delayed until the challenge is resolved. However, qualifying patients will still be legally authorized to possess and consume low-THC marijuana.

Constitutional Amendment

The Amendment to the Florida Constitution, which is on the November 4, 2014 ballot, asks whether voters wish to approve medical marijuana in the state of Florida. Many polls project that the Amendment will pass. If approved, the Amendment will go into effect on January 6, 2015. The Amendment is much broader than the existing State law.

The Amendment allows the use of *any kind of marijuana* for a "Debilitating Medical Condition," which is defined very broadly to include "cancer, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis **or other conditions for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient.**" *(Emphasis supplied.)* The Amendment also allows marijuana to be smoked.

Under the Amendment just as under the statute, the Department of Health is charged with implementation. They are required to begin issuing qualifying patient and personal caregiver identification cards and registering Treatment Centers no later than October 6, 2015. If the state fails to implement the Amendment, the Amendment protects use by patients with a physician certification. However, the provisions for Treatment Centers are not self-executing, and cannot be implemented until the Department acts.

There are several significant differences between the Statute and the Amendment, so legislative changes would be required in order to eliminate conflicts related to the type of marijuana (e.g., to include euphoric), method of delivery (e.g., to include smoking) and qualifying illnesses, among other details. However, the distribution system approved by the Legislature may not necessarily be in conflict with the Amendment.

Federal law

The Federal Controlled Substances Act (CSA) expressly prohibits the production, distribution and use of marijuana, for medical or recreational purposes. Under the principle of federal supremacy, the CSA is still effective and the Federal Government can still enforce it throughout the Country – regardless of state regulations, constitutions or referendums allowing the use of marijuana. The statute and the Amendment identify the conflict with federal law and do not purport to provide any type of immunity from federal prosecution. Thus everyone who uses, produces, or distributes marijuana – whether for medical or recreational use – is subject to federal law, and potential prosecution thereunder.

The policy of the Department of Justice has been to place discretion in the local US Attorney's office to determine, in accordance with a set of guidelines, how actively to enforce the CSA in a state that permits medical or recreational marijuana. Different US Attorney's offices around the country have taken different approaches to the issue, sometimes taking different approaches in the same state. At this time, the US Attorney for the Southern District of Florida – who has jurisdiction over South Florida – has not yet taken a position on how he might enforce the CSA against legalized medical marijuana under the statute or the Amendment.

Local action

Local government implementation and regulatory schemes for medical marijuana across the country have covered the gamut – from no regulation at all to full prohibition. Where facilities have not been prohibited, local government experiences have varied widely depending on the degree of state regulation and, more importantly, on the level of local government regulation. Experiences in California – the State with the longest historical profile – have highlighted the importance of decisive action. Where the location of marijuana dispensaries was not prohibited and also was not regulated or regulated very loosely, significant land use impacts were (and, in many cases, still are) often experienced in the communities – similar to Florida's pill mill experience. However, where strict regulations were imposed early, many of the anticipated adverse side effects such as parking, traffic and stigmatization were avoided.

PROPOSED ZONING ORDINANCE

The attached Ordinance amends the City's Zoning Code to provide definitions and land use regulations which will address the location of medical marijuana uses in the City.

First, it is important to note that the proposed Ordinance affirms the City's commitment to the enforcement of federal and state law. Section 4 of the Ordinance specifically identifies that Medical Marijuana Retail Centers will not be approved until they are legal under state and federal law. So why should the City adopt an ordinance now? Adopting the regulations send a clear signal to the industry and the public of the City's position on the use, and allows the City to be prepared with a zoning strategy as the legal environment changes over time. The language in lines 144 and 257-258 of the proposed Ordinance allows for a Medical Marijuana Retail Center ONLY if that use is permitted under state AND federal law. Thus, given the current prohibition under the CSA, the use would not be permitted. If Federal law ultimately allows or tolerates the use, the City's regulations will immediately provide regulatory guidance and protection.

The proposed Ordinance will allow only for a "Medical Marijuana Retail Center" subject to a limited, two-year conditional use approval by the City Commission. All other related uses, including cultivation, processing, storage, on-site consumption, etc., are prohibited under the Ordinance.

Under the proposed Ordinance, the use must:

- Be located only in the Commercial (C) Zoning District;
- Be located outside of the Central Business District (CBD);
- Be located at least 600 feet from a SFR or MF1 Zoning District;
- Be located at least 1,000 feet from any other Medical Marijuana Retail Center;
- Be located at least 1,000 feet from an elementary, middle or secondary school, child day care facility, county or municipal park, or place of worship
- Obtain conditional use approval from the City Commission which must be renewed every two years; and
- Provide on-site parking at 1 space per 150 square feet of floor area plus one (1) space per Full Time Employee (FTE) and 1 space for every two (2) Part Time Employees (PTE).

In addition to the City Code's standard public hearing notice to property owners within 1,000 feet of the property, the proposed Ordinance also requires that the applicant provide notice to *tenants* within 1,000 feet of the property for all conditional use public hearings. Other provisions include specific application requirements, and grounds for revocation and transfer of a conditional use approval.

It is important to note that this Ordinance addresses only some of the regulations which will govern the potential operation of a Medical Marijuana Retail Center in the City. A second, non-zoning ordinance, outside the review authority of the Planning and Zoning Board, will provide business regulations in Chapter 14 of the City Code of Ordinances. The business regulations will include, among other requirements:

- A requirement that a Medical Marijuana Retail Centers obtain an annual Medical Marijuana Permit;
- Applicant, owner and employee Level 2 background screening requirements;
- Extensive security requirements, including
  - Operations plan
  - Video
  - Display and storage security planning requirements
  - Cash storage and protection planning requirements
  - Alarm system, and
  - Implementation of Police Crime Prevention Through Environmental Design Review (CPTED) standards
- Limited hours of operation;
- A prohibition of on-site consumption of marijuana or alcohol;
- Performance-based standard for odor mitigation, including double doors and air filtration/scrubbing system;
- Signage controls;
- Increased maintenance of the business premises and surrounding areas; and
- Grounds for revocation of the Medical Marijuana Permit.

After your review, the attached Zoning Ordinance, together with the business regulations ordinance, will be heard by the City Commission in order for the two to be effective at the same time and for both to be in effect prior to the implementation of the state law on January 1, 2015, and the possible effective date of the Amendment on January 6, 2015.

Proposed Zoning Code Amendments.

Draft Ordinance in ~~strike-through~~/underline format showing the proposed amendments is provided as Attachment A.

Public Hearing Timetable.

Consideration of the proposed Zoning Code amendments by the City Commission has been tentatively scheduled for Tuesday, November 18, 2014.

Public Notification.

The following has been completed to provide notice of the request:

Public Notice

Type	Date
Legal advertisement	09.26.14
Posted agenda on City web page/City Hall	10.03.14
Posted Staff report on City web page	10.03.14

Staff Recommendation.

The Planning Division recommends approval of the following:

An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code: amending Article 8, "Definitions" by providing definitions related to medical marijuana uses; amending Article 4, "Zoning Districts", to restrict the location of medical marijuana uses; amending Article 5 "Development Standards", by providing development standards for medical marijuana uses; affirming that the City will only approve uses that are legal under federal and state law; providing for severability, repealer, codification, and an effective date.

Attachments.

A. Draft Ordinance in ~~strike-through~~/underline format.
B. Constitutional Amendment
C. Florida Statutes Section 381.986
D. Florida Statutes Section 381.987
E. Map depicting areas affected by the proposed Ordinance

Please visit the City's webpage at www.coralgables.com to view all Application materials, notices, applicable public comments, minutes, etc. The complete Application and all background information also is on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134.

Respectfully submitted,

Ramon Trias
Director of Planning and Zoning
City of Coral Gables, Florida

Attachment A

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE: AMENDING ARTICLE 8, "DEFINITIONS" BY PROVIDING DEFINITIONS RELATED TO MEDICAL MARIJUANA USES; AMENDING ARTICLE 4, "ZONING DISTRICTS", TO RESTRICT THE LOCATION OF MEDICAL MARIJUANA USES; AMENDING ARTICLE 5 "DEVELOPMENT STANDARDS", BY PROVIDING DEVELOPMENT STANDARDS FOR MEDICAL MARIJUANA USES; AFFIRMING THAT THE CITY WILL ONLY APPROVE USES THAT ARE LEGAL UNDER FEDERAL AND STATE LAW; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the City's regulations are current and consistent with the City's planning and regulatory needs; and

WHEREAS, the 2014 Florida Legislature approved Senate Bill 1030 providing for the growing, processing, and distributing of specific forms of low-THC (non-euphoric) cannabis to qualified patients and their caregivers for the treatment of listed medical conditions, which became effective on June 16, 2014 as Chapter 2014-157, Laws of Florida, and is codified at Section 381.986, Florida Statutes ("Senate Bill 1030"); and

WHEREAS, the Florida Department of Health is currently adopting a rule to implement Senate Bill 1030, which rule must be effective by January 1, 2015; and

WHEREAS, despite the adoption of Senate Bill 1030, the activities it condones remain illegal under federal law; and

WHEREAS, on November 4, 2014, Florida voters will be considering the approval of an amendment to the Florida Constitution to allow for broader medical use of any kind of marijuana (including euphoric strains) within the State (the "Constitutional Amendment"); and

WHEREAS, the proposed Constitutional Amendment authorizes and defines "Medical Marijuana Treatment Centers" to encompass the entire supply chain (cultivation, processing, storage, distribution, etc.), not just retail sales to qualified patients; and

WHEREAS, the Constitutional Amendment, if approved, will, permit the use of additional alternative forms of marijuana (marijuana in all its forms including low-THC cannabis, together referred to as "marijuana") and alternative dispensing methods (including, but not limited to, smoking and food products); and

WHEREAS, significant safety and security issues exist for any establishment involved in the cultivation, processing or distribution of marijuana, because they maintain large drug inventories and are forced to deal in cash because their activities have not yet been sanctioned by federal law; and

WHEREAS, such businesses are inherently attractive targets for criminals, and it is therefore essential that the City limit the permissible scope of such uses and regulate them to ensure their compatibility with surrounding businesses and the community, and to protect and advance the public health, safety and welfare; and

WHEREAS, other attributes of land uses dealing with marijuana, such as odors, must be regulated to minimize their impact on surrounding properties and uses and prevent the creation of attractive nuisances; and

WHEREAS, both Senate Bill 1030 and the Constitutional Amendment are silent on the topic of local government regulation and, consistent with Florida caselaw governing preemption, local governments are therefore not preempted from regulating marijuana uses; and

WHEREAS, the City Commission has determined that it is in the best interests of the citizenry and general public to provide appropriate zoning regulations to ensure that the location and development standards applicable to any business involved with marijuana is compatible with surrounding businesses, as well as the safety of the employees, neighbors, customers and area residents, and consistent with the Comprehensive Plan; and

WHEREAS, after notice being duly published, a public hearing was held before the Planning and Zoning Board on October 8, 2014, at which hearing all interested persons were afforded the opportunity to be heard; and,

WHEREAS, at the October 8, 2014 Planning and Zoning Board meeting, the Board recommended _____ (vote: __-__) of the text amendment; and,

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on _____ at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, on _____ the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, (approved/denied) the amendment on First Reading (vote:__-__).

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The Official Zoning Code of the City of Coral Gables is hereby amended as follows (changes in ~~strike-through~~ / underline format):

ARTICLE 8. – DEFINITIONS.

* * *

Manufacturing means the transformation of materials or substances into new products, including the assembly of component parts, and the production or refining of goods, materials, or substances into new products, including the assembly of component parts, but not including research and technology production uses.

Marijuana means any strain of cannabis or marijuana, in any form, that is authorized by state law to be dispensed or sold in the State of Florida. Also referred to as "Medical Marijuana."

Marina means any structure constructed on pilings over open water or supported by flotation on the water which provides three (3) or more boat slips for the purpose of sale or lease.

* * *

Medical clinic means a health care facility, or clinic, licensed by the State of Florida or operated by two (2) or more physicians or medical practitioners licensed by the State of Florida, that is not part of a hospital and that provides elective care for patients on-site who remain less than twenty-four (24) hours. Medical clinics shall not include sanitariums, convalescent homes, or nursing homes but may include, but is not limited to outpatient surgical clinics and sleep disorder centers.

Medical Marijuana Retail Center means a retail establishment, licensed by the Florida Department of Health as a "medical marijuana treatment facility," "medical marijuana treatment center," "dispensing organization," "dispensing organization facility" or similar use, that sells and dispenses medical marijuana, but does not engage in any other activity related to preparation, wholesale storage, distribution, transfer, cultivation, or processing of any form of Marijuana or Marijuana product, and does not allow on-site consumption of Marijuana.

Medical Marijuana Treatment Center means a facility licensed by the Florida Department of Health to acquire, cultivate, possess, process (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfer, transport, sell, distribute, dispense, store, or administer Marijuana, products containing Marijuana, related supplies, or educational materials, as authorized by state law. A Medical Marijuana Treatment Center may include retail sales or dispensing of Marijuana. A facility which provides only retail sales or dispensing of

Marijuana shall not be classified as a Medical Marijuana Treatment Center under this Chapter. Also may be referred to as a "Medical Marijuana Treatment Facility" or "dispensing organization" or other similar term recognized by state law.

Mediterranean Architecture, Coral Gables means an architectural style that exhibits George Merrick's vision.

* * *

Publicly accessible means an area that is accessible by the public for use twenty-four (24) hours a day/seven (7) days a week.

Qualified registered patient/Qualified patient means a resident of the state of Florida who has been added to the State's compassionate use registry by a physician licensed under chapter 458 or chapter 459, Florida Statutes to receive marijuana from a dispensing organization or Medical Marijuana Treatment Center as defined in Florida Statutes.

Receiving site means the site which will receive unused development rights.

* * *

SECTION 3. The Official Zoning Code of the City of Coral Gables is hereby amended as follows (changes in ~~strike-through~~ / underline format):

ARTICLE 4 - ZONING DISTRICTS

The chart on the proceeding page is a summary of the uses permitted in the following zoning districts:

Single-Family Residential District	SFR
Multi-Family 1 Duplex District	MF1
Multi-Family 2 District	MF2
Multi-Family Special Area District	MFSA
Mixed Use District	MXD
University Campus District	UCD
Special Use District	S
Preservation District	P
Commercial Limited District	CL
Commercial District	C
Industrial District	I
Downtown Overlay District	DO

The letter "P" indicates that the use is a permitted use in the district subject to approval as set out in Article 3 and in compliance with the standards in the district and Article 5 of these

regulations. The letter "C" indicates that the use is permitted in the district as a conditional use in accordance with the procedures set out in Article 3, Division 4 and the standards in these regulations.

Article 4 – Table No. 1. Zoning District Uses											
Use categories	Zoning Districts										
	SFR	MF1	MF2	MFSA	CL	C	I	MXD	S	UCD	P
* * *											
Non-residential uses											
* * *											
Medical clinic					P/C	P	P				
Medical Marijuana Retail Center						C					
Mixed use buildings						C	C				

* * *

Section 4-302. Commercial District (C).

* * *

C. *Conditional uses*. The following uses are permitted as conditional uses, if approved under the provisions of Article 3, Division 4, subject to the standards in this Section and other applicable regulations in Article 5:

1. Drive through facilities abutting and/or adjacent to SFR, MF1, MF2, and MFSA zoning districts.

2. Helistop.

3. Marina facilities.

4. Medical Marijuana Retail Center, unless prohibited under state or federal law, subject to all of the following additional requirements:

a. *Application.* In addition to meeting the application requirements for a Medical Marijuana Permit in Chapter 14 "Businesses," Article 5 "Marijuana Sales" of the City Code of Ordinances, an application for conditional use approval for a Medical Marijuana Retail Center shall:

i. be a joint application by the property owner and the tenant, if the Medical Marijuana Treatment Center and the property are not owned by the same person or entity;

ii. be accompanied by a lease identifying the specific use, if the Medical Marijuana Treatment Center and the property are not owned by the same person or entity; and

iii. conduct the public information meeting required Section 3-302D. Notice of the public information meeting shall be provided to all property owners and tenants within 1,000 feet of the property on which the Medical Marijuana Retail Center is proposed.

iv. provide, in addition to the quasi-judicial notice of conditional use hearings to property owners required by this Code, no later than 10 days prior to each and every public hearing, provide proof of notice of the public hearing to all tenants within 1,000 feet of the property on which the Medical Marijuana Retail Center is proposed.

b. *Location requirements.* A Medical Marijuana Retail Center shall not be located:

i. within 600 feet of any SFR or MF1 zoning district;

ii. within 1,000 feet of another Medical Marijuana Retail Center;

iii. within 1,000 feet of an elementary, middle or secondary school, child day care facility, county or municipal park, or place of worship; and

iv. within the Central Business District;

c. *Effect of future uses on spacing.* Where a Medical Marijuana Retail Center is located in conformity with the provisions of this Chapter, the subsequent locating of one of the uses listed in b. above within 1000 feet of an existing Medical Marijuana Retail Center shall not cause a violation of this Section. Whenever a Conditional Use approval for a Medical Marijuana Retail Center has been lawfully procured and thereafter an elementary, middle or secondary school, child day care facility, county or municipal park, or place of worship be established within a distance otherwise prohibited by law, the establishment of such use shall not be cause for the revocation of the Conditional Use approval or related Medical Marijuana Permit or prevent the subsequent renewal of same.

d. *Measurement.* Distances shall be measured using an airline measurement from the property line of the property on which the Medical Marijuana Retail Center is located to the nearest property line of the use or zone identified in b.i. through b.iv. that existed before the date the Medical Marijuana Retail Center submitted its initial application for approval.

e. *Building requirements and other uses.* The Medical Marijuana Retail Center shall be the only use permitted on the property if the Center is located in a freestanding building. If the Medical Marijuana Retail Center is located in a bay or multi-bay space within a multi-tenant structure, the Center shall be the only use permitted within the bay or multi-bay space it occupies.

f. *Queuing of vehicles.* The Medical Marijuana Retail Center shall ensure that there is no queuing of vehicles in the adjacent rights-of-way, the drive aisles of the Center's parking lot, or on any adjacent properties. The Medical Marijuana Retail Center shall take all necessary and immediate steps to ensure compliance with this paragraph.

g. *No Drive-through service.* No Medical Marijuana Retail Center shall have a Drive-through service aisle. All dispensing and sales of products shall occur inside the building.

h. *Prohibited activities.* A Medical Marijuana Retail Center shall not engage in any activity other than those activities specifically defined herein as an authorized part of the use. The preparation, wholesale storage, cultivation, or processing of any form of Marijuana or Marijuana product and on-site consumption of any Marijuana or Marijuana product is specifically prohibited. On-site storage of any form of Marijuana or Marijuana product is prohibited, except to the extent reasonably necessary for the conduct of the on-site retail business.

i. *Conditional use duration.* A conditional use approval for a Medical Marijuana Retail Center shall be valid for two years, subject to compliance with the conditions of approval and all state laws, licensing and operational requirements. A new conditional use approval must be obtained prior to expiration of the active approval to ensure continued operation.

j. *Revocation of conditional use approval.* Any conditional use approval granted under this section shall be immediately terminated if any one or more of the following occur:

i. The Applicant provides false or misleading information to the City;

ii. Anyone on the premises knowingly dispenses, delivers, or otherwise transfers any Marijuana or Marijuana product to an individual or entity not authorized by state law to receive such substance or product;

iii. An Applicant, Owner or manager is convicted of a felony offense;

iv. Any Applicant, Owner, manager or Employee is convicted of any drug-related crime under Florida Statutes;

v. The Applicant fails to correct any City Code violation or to otherwise provide an action plan to remedy the violation acceptable to the City Manager within 30 days of citation;

vi. The Applicant fails to correct any State law violation or address any warning in accordance with any corrective action plan required by the State within the timeframes and completion date the Applicant provided to the City;

vii. The Applicant's State license or approval authorizing the dispensing of Medical Marijuana expires or is revoked; or

viii. The Applicant fails to maintain a Medical Marijuana Permit as required by Chapter 14 "Businesses," Article 5 "Marijuana Sales" of the City Code of Ordinances.

k. *Transfer of Medical Marijuana Conditional Use Approval.*

i. A Conditional Use Approval for a Medical Marijuana Retail Center shall not be transferred to a new Owner, or possession, control, or operation of the establishment surrendered to such other person until a new Medical Marijuana Permit has been obtained by the new Applicant in accordance with Chapter 14 "Businesses," Article 5 "Marijuana Sales" of the City Code.

ii. An application for a Conditional Use Approval transfer, meeting the requirements of Section 4-302.C.4.a., shall be filed with the City at the same time the new Applicant files its application for a Medical Marijuana Permit.

iii. The Application for a Conditional Use Approval transfer shall be accompanied by a Conditional Use Approval transfer fee to be set by resolution of the Commission; and

iv. If the new Applicant is granted a Medical Marijuana Permit and the transfer application meets the requirements of Section 4-302.C.4., the City Manager shall approve the Conditional Use Approval transfer.

v. A Conditional Use approval is particular only to the approved location and shall not be transferred to another location.

vi. An attempt to transfer a Conditional Use approval either directly or indirectly in violation of this Section is hereby declared void, and in that event the Conditional Use shall be deemed abandoned, and the related Medical Marijuana Permit shall be forfeited.

* * *

Section 4-417. Marijuana Businesses.

The preparation, cultivation, storage, processing, manufacturing, delivering or dispensing of marijuana shall not be conducted for personal, business or occupational use anywhere within the City of Coral Gables. Notwithstanding the foregoing, if permitted under both state and federal law, a Medical Marijuana Retail Center as defined herein, may be approved by the City Commission as a conditional use in the Commercial District, if the use obtains and maintains a Medical Marijuana Permit as required by Article 3 of the City Code of Ordinances.

* * *

Section 5-1409. Amount of required parking.

* * *

Medical clinic.	One (1) space per two-hundred (200) square feet of floor area, plus one (1) space per FTE.
Medical Marijuana Retail Center	One (1) space per 150 square feet of floor area, plus one (1) space per FTE and one (1) space for every two (2) PTEs.
Mixed use or multi-use	Parking shall be provided for each use in the mix of uses in correlation with the requirements of this table.

* * *

SECTION 4. The City Commission hereby affirms the policy that the City shall approve only those uses, businesses and activities which are legal and permitted under state and federal law. No use, business or activity which is illegal under state or federal law shall be tolerated, supported, or approved within the City. Specifically, the City will not allow any Medical Marijuana Retail Center or other type of marijuana related business as long as such business or activity is impermissible under state and federal law in the opinion of the City Attorney.

SECTION 5. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 6. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 7. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the "Zoning Code" of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and that the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

SECTION 8. If the Official Zoning Code of the City of Coral Gables Table of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 9. This Ordinance shall become effective _____, 2014.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2014.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY

Attachment B

CONSTITUTIONAL AMENDMENT PETITION FORM

Note:
- All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections.
- Under Florida law, it is a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes, to knowingly sign more than one petition for a candidate, a minor political party, or an issue. [Section 104.185, Florida Statutes]
- If all requested information on this form is not completed, the form will not be valid.

Your name_____
Please print name as it appears on your Voter Information Card

Your residential street address_____

City_____ Zip_____ County_____

Voter Registration Number_____ **OR** Date of Birth_____

I am a registered voter of Florida and hereby petition the Secretary of State to place the following proposed amendment to the Florida Constitution on the ballot in the general election:

BALLOT TITLE: Use of Marijuana for Certain Medical Conditions

BALLOT SUMMARY: Allows the medical use of marijuana for individuals with debilitating diseases as determined by a licensed Florida physician. Allows caregivers to assist patients' medical use of marijuana. The Department of Health shall register and regulate centers that produce and distribute marijuana for medical purposes and shall issue identification cards to patients and caregivers. Applies only to Florida law. Does not authorize violations of federal law or any non-medical use, possession or production of marijuana.

ARTICLE AND SECTION BEING AMENDED OR CREATED: Article X, Section 29

Full text of proposed constitutional amendment is as follows:

ARTICLE X, SECTION 29. Medical marijuana production, possession and use.—

(a) PUBLIC POLICY.

(1) The medical use of marijuana by a qualifying patient or personal caregiver is not subject to criminal or civil liability or sanctions under Florida law except as provided in this section.

(2) A physician licensed in Florida shall not be subject to criminal or civil liability or sanctions under Florida law for issuing a physician certification to a person diagnosed with a debilitating medical condition in a manner consistent with this section.

(3) Actions and conduct by a medical marijuana treatment center registered with the Department, or its employees, as permitted by this section and in compliance with Department regulations, shall not be subject to criminal or civil liability or sanctions under Florida law except as provided in this section.

(b) DEFINITIONS. For purposes of this section, the following words and terms shall have the following meanings:

(1) "Debilitating Medical Condition" means cancer, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis or other conditions for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient.

(2) "Department" means the Department of Health or its successor agency.

(3) "Identification card" means a document issued by the Department that identifies a person who has a physician certification or a personal caregiver who is at least twenty-one (21) years old and has agreed to assist with a qualifying patient's medical use of marijuana.

(4) "Marijuana" has the meaning given cannabis in Section 893.02(3), Florida Statutes (2013).

(5) "Medical Marijuana Treatment Center" means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers and is registered by the Department.

(6) "Medical use" means the acquisition, possession, use, delivery, transfer, or administration of marijuana or related supplies by a qualifying patient or personal caregiver for use by a qualifying patient for the treatment of a debilitating medical condition.

(7) "Personal caregiver" means a person who is at least twenty-one (21) years old who has agreed to assist with a qualifying patient's medical use of marijuana and has a caregiver identification card issued by the Department. A personal caregiver may assist no more than five (5) qualifying patients at one time. An employee of a hospice provider, nursing, or medical facility may serve as a personal caregiver to more than five (5) qualifying patients as permitted by the Department. Personal caregivers are prohibited from consuming marijuana obtained for the personal, medical use by the qualifying patient.

(8) "Physician" means a physician who is licensed in Florida.

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(9) "Physician certification" means a written document signed by a physician, stating that in the physician's professional opinion, the patient suffers from a debilitating medical condition, that the potential benefits of the medical use of marijuana would likely outweigh the health risks for the patient, and for how long the physician recommends the medical use of marijuana for the patient. A physician certification may only be provided after the physician has conducted a physical examination of the patient and a full assessment of the patient's medical history.

(10) "Qualifying patient" means a person who has been diagnosed to have a debilitating medical condition, who has a physician certification and a valid qualifying patient identification card. If the Department does not begin issuing identification cards within nine (9) months after the effective date of this section, then a valid physician certification will serve as a patient identification card in order to allow a person to become a "qualifying patient" until the Department begins issuing identification cards.

(c) LIMITATIONS.

(1) Nothing in this section shall affect laws relating to non-medical use, possession, production or sale of marijuana.

(2) Nothing in this section authorizes the use of medical marijuana by anyone other than a qualifying patient.

(3) Nothing in this section allows the operation of a motor vehicle, boat, or aircraft while under the influence of marijuana.

(4) Nothing in this law section requires the violation of federal law or purports to give immunity under federal law.

(5) Nothing in this section shall require any accommodation of any on-site medical use of marijuana in any place of education or employment, or of smoking medical marijuana in any public place.

(6) Nothing in this section shall require any health insurance provider or any government agency or authority to reimburse any person for expenses related to the medical use of marijuana.

(d) DUTIES OF THE DEPARTMENT. The Department shall issue reasonable regulations necessary for the implementation and enforcement of this section. The purpose of the regulations is to ensure the availability and safe use of medical marijuana by qualifying patients. It is the duty of the Department to promulgate regulations in a timely fashion.

(1) Implementing Regulations. In order to allow the Department sufficient time after passage of this section, the following regulations shall be promulgated no later than six (6) months after the effective date of this section:

a. Procedures for the issuance of qualifying patient identification cards to people with physician certifications, and standards for the renewal of such identification cards.

b. Procedures for the issuance of personal caregiver identification cards to persons qualified to assist with a qualifying patient's medical use of marijuana, and standards for the renewal of such identification cards.

c. Procedures for the registration of Medical Marijuana Treatment Centers that include procedures for the issuance, renewal, suspension, and revocation of registration, and standards to ensure security, record keeping, testing, labeling, inspection, and safety.

d. A regulation that defines the amount of marijuana that could reasonably be presumed to be an adequate supply for qualifying patients' medical use, based on the best available evidence. This presumption as to quantity may be overcome with evidence of a particular qualifying patient's appropriate medical use.

(2) Issuance of identification cards and registrations. The Department shall begin issuing qualifying patient and personal caregiver identification cards, as well as begin registering Medical Marijuana Treatment Centers no later than nine months (9) after the effective date of this section.

(3) If the Department does not issue regulations, or if the Department does not begin issuing identification cards and registering Medical Marijuana Treatment Centers within the time limits set in this section, any Florida citizen shall have standing to seek judicial relief to compel compliance with the Department's constitutional duties.

(4) The Department shall protect the confidentiality of all qualifying patients. All records containing the identity of qualifying patients shall be confidential and kept from public disclosure other than for valid medical or law enforcement purposes.

(e) LEGISLATION. Nothing in this section shall limit the legislature from enacting laws consistent with this provision.

(f) SEVERABILITY. The provisions of this section are severable and if any clause, sentence, paragraph or section of this measure, or an application thereof, is adjudged invalid by any court of competent jurisdiction other provisions shall continue to be in effect to the fullest extent possible.

_____

DATE OF SIGNATURE

X_____

SIGNATURE OF REGISTERED VOTER

Include below the name and address of paid petition circulator if one was used to obtain signature (Section 106.19(3), F.S.)

_____

Name of paid circulator (if applicable)

_____

Address

RETURN TO:

People United for Medical Marijuana
Post Office Box 560296
Orlando, FL 32856

For official use only: *Serial number* 13-02

Date approved 7/10/2013

Pd. pol. adv. paid for and sponsored by People United for Medical Marijuana, P.O. Box 560296, Orlando, FL 32856

Select Year: 2014 Go

The 2014 Florida Statutes

Title XXIX PUBLIC HEALTH | Chapter 381 PUBLIC HEALTH: GENERAL PROVISIONS | View Entire Chapter

381.986 Compassionate use of low-THC cannabis.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Dispensing organization" means an organization approved by the department to cultivate, process, and dispense low-THC cannabis pursuant to this section.

(b) "Low-THC cannabis" means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.

(c) "Medical use" means administration of the ordered amount of low-THC cannabis. The term does not include the possession, use, or administration by smoking. The term also does not include the transfer of low-THC cannabis to a person other than the qualified patient for whom it was ordered or the qualified patient's legal representative on behalf of the qualified patient.

(d) "Qualified patient" means a resident of this state who has been added to the compassionate use registry by a physician licensed under chapter 458 or chapter 459 to receive low-THC cannabis from a dispensing organization.

(e) "Smoking" means burning or igniting a substance and inhaling the smoke. Smoking does not include the use of a vaporizer.

(2) PHYSICIAN ORDERING.—Effective January 1, 2015, a physician licensed under chapter 458 or chapter 459 who has examined and is treating a patient suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms may order for the patient's medical use low-THC cannabis to treat such disease, disorder, or condition or to alleviate symptoms of such disease, disorder, or condition, if no other satisfactory alternative treatment options exist for that patient and all of the following conditions apply:

(a) The patient is a permanent resident of this state.

(b) The physician determines that the risks of ordering low-THC cannabis are reasonable in light of the potential benefit for that patient. If a patient is younger than 18 years of age, a second physician must concur with this determination, and such determination must be documented in the patient's medical record.

(c) The physician registers as the orderer of low-THC cannabis for the named patient on the compassionate use registry maintained by the department and updates the registry to reflect the contents of the order. The physician shall deactivate the patient's registration when treatment is discontinued.

(d) The physician maintains a patient treatment plan that includes the dose, route of administration, planned duration, and monitoring of the patient's symptoms and other indicators of tolerance or reaction to the low-THC cannabis.

(e) The physician submits the patient treatment plan quarterly to the University of Florida College of Pharmacy for research on the safety and efficacy of low-THC cannabis on patients.

(f) The physician obtains the voluntary informed consent of the patient or the patient's legal guardian to treatment with low-THC cannabis after sufficiently explaining the current state of knowledge in the medical community of the effectiveness of treatment of the patient's condition with low-THC cannabis, the medically acceptable alternatives, and the potential risks and side effects.

(3) PENALTIES.—

(a) A physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the physician orders low-THC cannabis for a patient without a reasonable belief that the patient is suffering from:

1. Cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms that can be treated with low-THC cannabis; or

2. Symptoms of cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms that can be alleviated with low-THC cannabis.

(b) Any person who fraudulently represents that he or she has cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms to a physician for the purpose of being ordered low-THC cannabis by such physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) PHYSICIAN EDUCATION.—

(a) Before ordering low-THC cannabis for use by a patient in this state, the appropriate board shall require the ordering physician licensed under chapter 458 or chapter 459 to successfully complete an 8-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association that encompasses the clinical indications for the appropriate use of low-THC cannabis, the appropriate delivery mechanisms, the contraindications for such use, as well as the relevant state and federal laws governing the ordering, dispensing, and possessing of this substance. The first course and examination shall be presented by October 1, 2014, and shall be administered at least annually thereafter. Successful completion of the course may be used by a physician to satisfy 8 hours of the continuing medical education requirements required by his or her respective board for licensure renewal. This course may be offered in a distance learning format.

(b) The appropriate board shall require the medical director of each dispensing organization approved under subsection (5) to successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association that encompasses appropriate safety procedures and knowledge of low-THC cannabis.

(c) Successful completion of the course and examination specified in paragraph (a) is required for every physician who orders low-THC cannabis each time such physician renews his or her license. In addition, successful completion of the course and examination specified in paragraph (b) is required for the medical director of each dispensing organization each time such physician renews his or her license.

(d) A physician who fails to comply with this subsection and who orders low-THC cannabis may be subject to disciplinary action under the applicable practice act and under s. 456.072(1)(k).

(5) DUTIES OF THE DEPARTMENT.—By January 1, 2015, the department shall:

(a) Create a secure, electronic, and online compassionate use registry for the registration of physicians and patients as provided under this section. The registry must be accessible to law

enforcement agencies and to a dispensing organization in order to verify patient authorization for low-THC cannabis and record the low-THC cannabis dispensed. The registry must prevent an active registration of a patient by multiple physicians.

(b) Authorize the establishment of five dispensing organizations to ensure reasonable statewide accessibility and availability as necessary for patients registered in the compassionate use registry and who are ordered low-THC cannabis under this section, one in each of the following regions: northwest Florida, northeast Florida, central Florida, southeast Florida, and southwest Florida. The department shall develop an application form and impose an initial application and biennial renewal fee that is sufficient to cover the costs of administering this section. An applicant for approval as a dispensing organization must be able to demonstrate:

1. The technical and technological ability to cultivate and produce low-THC cannabis. The applicant must possess a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131 that is issued for the cultivation of more than 400,000 plants, be operated by a nurseryman as defined in s. 581.011, and have been operated as a registered nursery in this state for at least 30 continuous years.

2. The ability to secure the premises, resources, and personnel necessary to operate as a dispensing organization.

3. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.

4. An infrastructure reasonably located to dispense low-THC cannabis to registered patients statewide or regionally as determined by the department.

5. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financials to the department. Upon approval, the applicant must post a $5 million performance bond.

6. That all owners and managers have been fingerprinted and have successfully passed a level 2 background screening pursuant to s. 435.04.

7. The employment of a medical director who is a physician licensed under chapter 458 or chapter 459 to supervise the activities of the dispensing organization.

(c) Monitor physician registration and ordering of low-THC cannabis for ordering practices that could facilitate unlawful diversion or misuse of low-THC cannabis and take disciplinary action as indicated.

(d) Adopt rules necessary to implement this section.

(6) DISPENSING ORGANIZATION.—An approved dispensing organization shall maintain compliance with the criteria demonstrated for selection and approval as a dispensing organization under subsection (5) at all times. Before dispensing low-THC cannabis to a qualified patient, the dispensing organization shall verify that the patient has an active registration in the compassionate use registry, the order presented matches the order contents as recorded in the registry, and the order has not already been filled. Upon dispensing the low-THC cannabis, the dispensing organization shall record in the registry the date, time, quantity, and form of low-THC cannabis dispensed.

(7) EXCEPTIONS TO OTHER LAWS.—

(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a qualified patient and the qualified patient's legal representative may purchase and possess for the patient's medical use up to the amount of low-THC cannabis ordered for the patient.

(b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, an approved dispensing organization and its owners, managers, and

employees may manufacture, possess, sell, deliver, distribute, dispense, and lawfully dispose of reasonable quantities, as established by department rule, of low-THC cannabis. For purposes of this subsection, the terms "manufacture," "possession," "deliver," "distribute," and "dispense" have the same meanings as provided in s. 893.02.

(c) An approved dispensing organization and its owners, managers, and employees are not subject to licensure or regulation under chapter 465 for manufacturing, possessing, selling, delivering, distributing, dispensing, or lawfully disposing of reasonable quantities, as established by department rule, of low-THC cannabis.

History.—s. 2, ch. 2014-157.

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The 2014 Florida Statutes

Title XXIX
PUBLIC HEALTH

Chapter 381
PUBLIC HEALTH: GENERAL PROVISIONS

View Entire Chapter

381.987 Public records exemption for personal identifying information in the compassionate use registry.—

(1) A patient's personal identifying information held by the department in the compassionate use registry established under s. 381.986, including, but not limited to, the patient's name, address, telephone number, and government-issued identification number, and all information pertaining to the physician's order for low-THC cannabis and the dispensing thereof are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2) A physician's identifying information held by the department in the compassionate use registry established under s. 381.986, including, but not limited to, the physician's name, address, telephone number, government-issued identification number, and Drug Enforcement Administration number, and all information pertaining to the physician's order for low-THC cannabis and the dispensing thereof are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) The department shall allow access to the registry, including access to confidential and exempt information, to:

(a) A law enforcement agency that is investigating a violation of law regarding cannabis in which the subject of the investigation claims an exception established under s. 381.986.

(b) A dispensing organization approved by the department pursuant to s. 381.986 which is attempting to verify the authenticity of a physician's order for low-THC cannabis, including whether the order had been previously filled and whether the order was written for the person attempting to have it filled.

(c) A physician who has written an order for low-THC cannabis for the purpose of monitoring the patient's use of such cannabis or for the purpose of determining, before issuing an order for low-THC cannabis, whether another physician has ordered the patient's use of low-THC cannabis. The physician may access the confidential and exempt information only for the patient for whom he or she has ordered or is determining whether to order the use of low-THC cannabis pursuant to s. 381.986.

(d) An employee of the department for the purposes of maintaining the registry and periodic reporting or disclosure of information that has been redacted to exclude personal identifying information.

(e) The department's relevant health care regulatory boards responsible for the licensure, regulation, or discipline of a physician if he or she is involved in a specific investigation of a violation of s. 381.986. If a health care regulatory board's investigation reveals potential criminal activity, the board may provide any relevant information to the appropriate law enforcement agency.

(f) A person engaged in bona fide research if the person agrees:

1. To submit a research plan to the department which specifies the exact nature of the information requested and the intended use of the information;

2. To maintain the confidentiality of the records or information if personal identifying information is made available to the researcher;

3. To destroy any confidential and exempt records or information obtained after the research is concluded; and

4. Not to contact, directly or indirectly, for any purpose, a patient or physician whose information is in the registry.

(4) All information released from the registry under subsection (3) remains confidential and exempt, and a person who receives access to such information must maintain the confidential and exempt status of the information received.

(5) A person who willfully and knowingly violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

History.—s. 1, ch. 2014-158.

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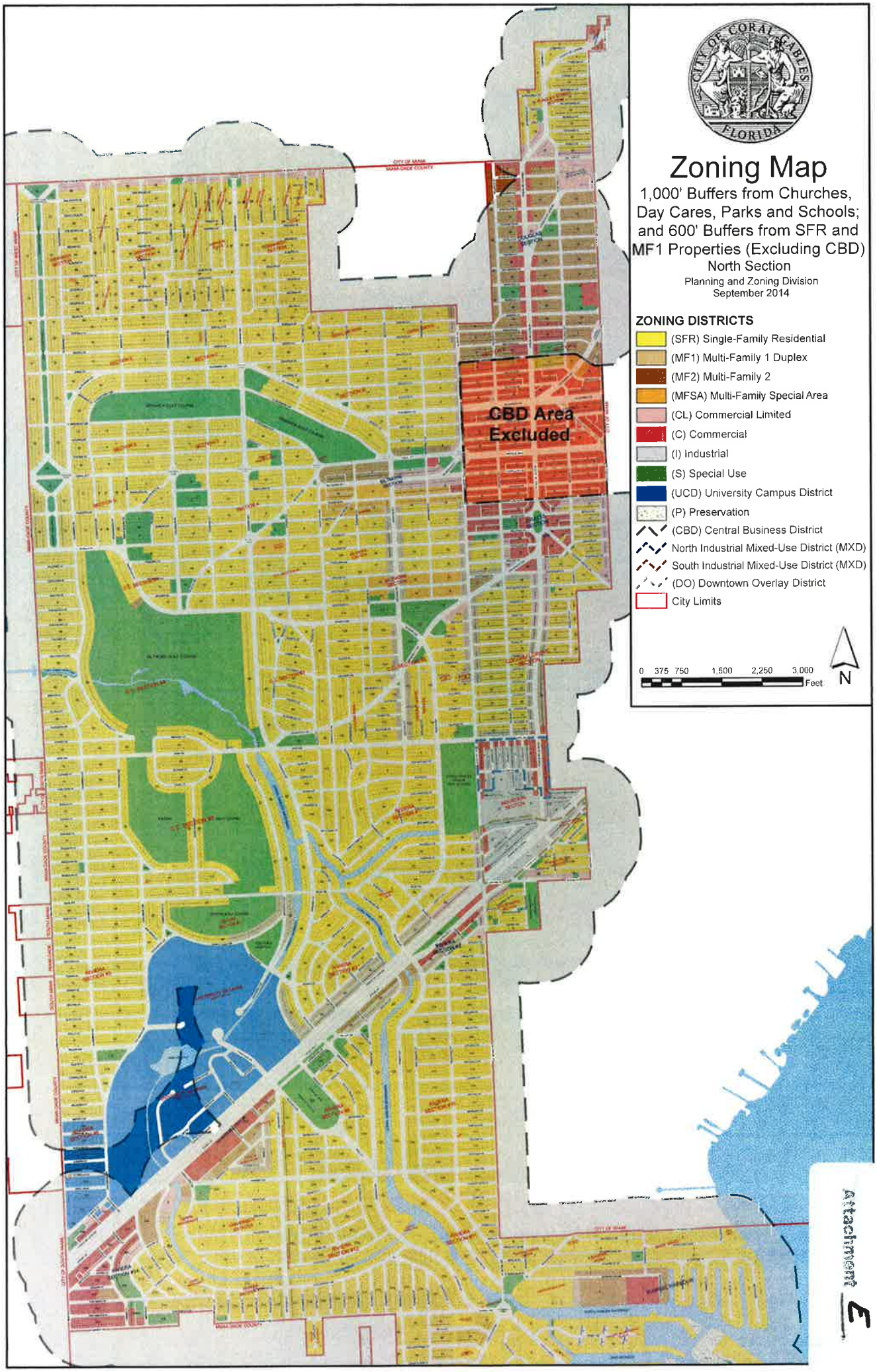


Zoning Map

1,000' Buffers from Churches, Day Cares, Parks and Schools; and 600' Buffers from SFR and MF1 Properties (Excluding CBD)

North Section

Planning and Zoning Division
September 2014

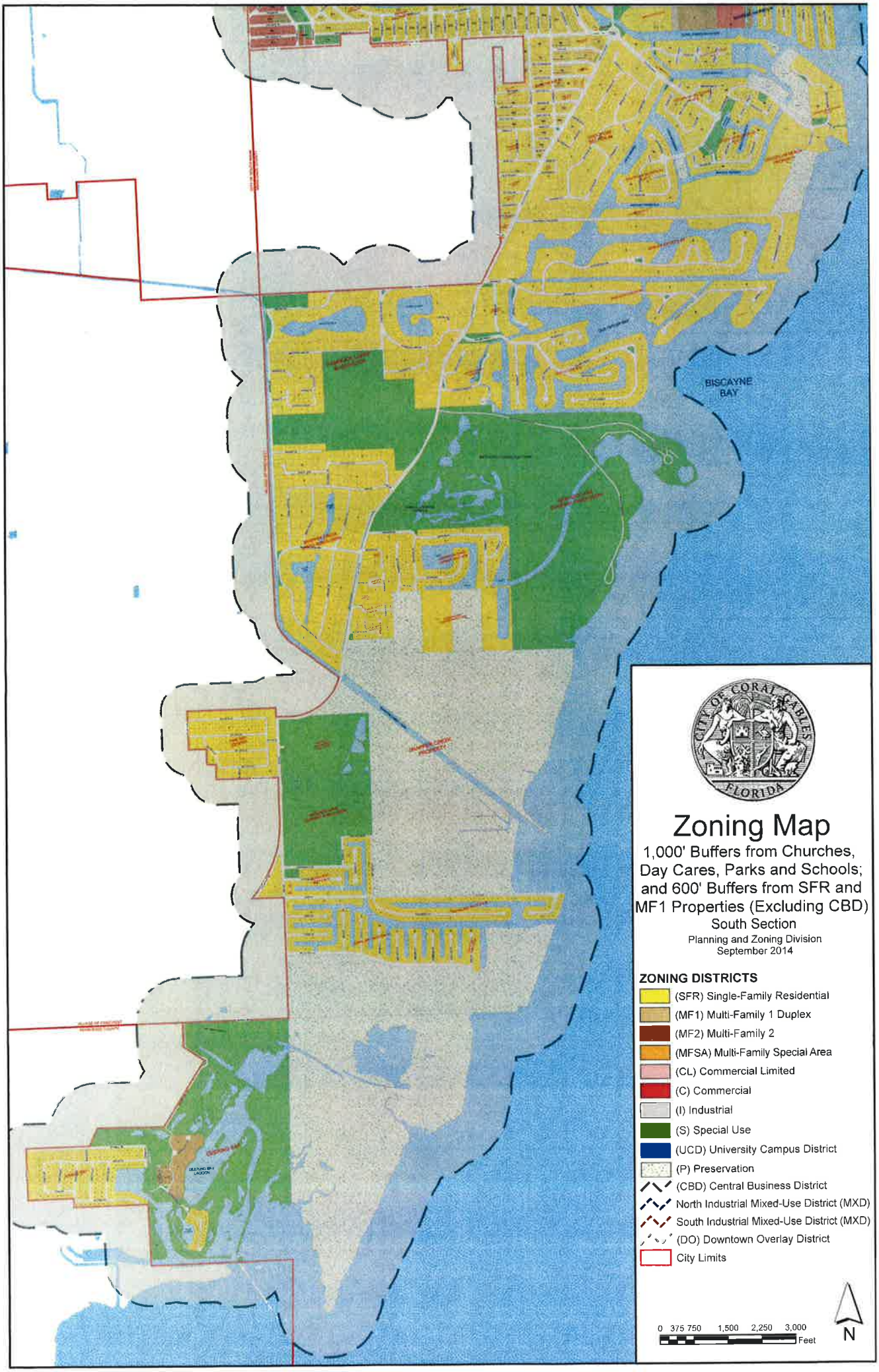
ZONING DISTRICTS

- (SFR) Single-Family Residential
- (MF1) Multi-Family 1 Duplex
- (MF2) Multi-Family 2
- (MFSA) Multi-Family Special Area
- (CL) Commercial Limited
- (C) Commercial
- (I) Industrial
- (S) Special Use
- (UCD) University Campus District
- (P) Preservation
- (CBD) Central Business District
- North Industrial Mixed-Use District (MXD)
- South Industrial Mixed-Use District (MXD)
- (DO) Downtown Overlay District
- City Limits

0 375 750 1,500 2,250 3,000 Feet

N

Attachment 3


BISCAYNE BAY
CITY OF CORAL GABLES FLORIDA
Zoning Map
1,000' Buffers from Churches, Day Cares, Parks and Schools; and 600' Buffers from SFR and MF1 Properties (Excluding CBD)
South Section
Planning and Zoning Division
September 2014
ZONING DISTRICTS
(SFR) Single-Family Residential
(MF1) Multi-Family 1 Duplex
(MF2) Multi-Family 2
(MFSA) Multi-Family Special Area
(CL) Commercial Limited
(C) Commercial
(I) Industrial
(S) Special Use
(UCD) University Campus District
(P) Preservation
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North Industrial Mixed-Use District (MXD)
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City Limits
0 375 750 1,500 2,250 3,000
Feet
N