



**CITY OF FORT LAUDERDALE**  
**City Commission Agenda Memo**  
**CONFERENCE MEETING**

**#18-0428**

**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Lee R. Feldman, ICMA-CM, City Manager

**DATE:** April 17, 2018

**TITLE:** Update on Moratorium for Medical Cannabis Dispensing Facilities

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**Background**

The purpose of this item is to discuss with the City Commission the status of the moratorium placed on the processing, approval, and issuance of any licenses, development orders, and permits for Medical Cannabis Dispensing Facilities.

On May 16, 2017, the City Commission approved an ordinance establishing regulations for locations, operation standards, and criteria for Medical Cannabis Dispensing Facilities in the Unified Land Development Regulations (ULDR). To review the adopted ordinance regulating Medical Cannabis Dispensing Facilities, please refer to Exhibit 1.

The Florida Senate met on June 23, 2017, and approved an Act relating to medical use of marijuana, providing a unified regulatory structure for the implementation of Article X, Section 29 of the Florida Constitution, allowing the use, production, and distribution of medical marijuana, and preempting the majority of the regulation of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers to the State. The approval of Senate Bill 8-A appeared to not align with portions of the City's adopted ordinance and could be interpreted as inconsistent with Senate Bill 8-A and consequently would require amending our ordinance.

In addition, under Section 381.986, Florida Statutes, a municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permit, or determine the locations for pharmacies licensed under Chapter 465, Florida Statutes. Since the City's ordinance does not mention pharmacies, this inconsistency may also require an amendment to the Medical Cannabis Dispensing Facilities Ordinance.

With the possibility of the City's ordinance being interpreted as inconsistent with legislative regulations, the moratorium on the processing, approval, and issuance of any licenses, development orders, and permits for Medical Cannabis Dispensing Facilities was proposed and approved for 180 days to maintain the status quo to allow staff sufficient time to thoroughly research and analyze impacts of the new legislative regulations to recommend, if necessary, amendments to the ULDR. The Moratorium is due to expire on May 6, 2018.

To review the Moratorium, please refer to Exhibit 2.

Staff is seeking direction from the City Commission on whether to extend the moratorium, allow it to expire or amend the City's ordinance to better align with legislative regulations.

**Attachments**

Exhibit 1 – Medical Cannabis Dispensing Facilities Ordinance

Exhibit 2 – Moratorium for Medical Cannabis Dispensing Facilities

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