




Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
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MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney 
DATE: January 3, 2017
SUBJECT: Ordinance Concerning Medical Cannabis

BACKGROUND.

On October 18, 2016, the Indian River County Board of County Commissioners (the "Board") enacted land development regulations concerning medical marijuana treatments centers in advance of the vote on Amendment 2. As part of the agenda item, the Community Development Department included a memorandum from the County Attorney's Office, which stated "[a]s section 381.986, Florida Statutes, addresses low-THC and medical cannabis, I recommend that any potential regulations concerning such uses be addressed under a separate discussion item."

Under section 381.986, Florida Statutes, the State of Florida has preempted local governments from regulating the cultivation and processing of medical cannabis or low-THC cannabis. However, under the statute, a county may adopt an ordinance regulating the number, location, and some permitting requirements for low-THC and medical cannabis dispensing facilities. The County Attorney's Office is seeking guidance from the Board as to whether the Board wishes to regulate such dispensing facilities in the same manner as medical marijuana treatment centers under Amendment 2, by enacting additional regulations under Chapter 315 of the Indian River County Code of Ordinances.

Since the approval of Amendment 2, County staff has been approached by entities who wish to operate in Indian River County under section 381.986, Florida Statutes or Amendment 2. One entity recommended considering additional requirements to ensure well-qualified operations. If the Board wishes for the County Attorney's Office to draft an ordinance regulating low-THC and medical cannabis dispensing facilities, the County Attorney's Office seeks guidance from the Board to whether the Board would like the ordinance to contain additional requirements for medical marijuana treatment centers and low-THC and medical cannabis dispensing facilities.

*Approved for January 10, 2017 BCC Meeting
County Attorney's Matters*

COUNTY ATTORNEY

Board of County Commissioners

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FUNDING.

The cost of publication of a required public notice for a public hearing with respect to a proposed ordinance change would be approximately \$150.00. This cost would be funded from the County Attorney's Office budget within the General Fund (account number 00110214-033190).

RECOMMENDATION.

The County Attorney's Office recommends that the Board vote as to whether to proceed with an ordinance which would regulate low-THC and medical cannabis dispensing facilities under section 381.986, Florida Statutes, in the same manner as medical marijuana treatment centers under Amendment 2. If the Board wishes for the County Attorney's Office to draft such an ordinance, the County Attorney's Office recommends that the Board vote as to whether the ordinance should contain additional requirements for medical marijuana treatment centers and such dispensing facilities.