

# INDIAN SHORES

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19305 Gulf Boulevard, Indian Shores, FL 33785  
www.myindianshores.com

## SPECIAL COUNCIL MEETING

AGENDA – JANUARY 24, 2017

**BEGINS 2:00 P.M.**

### ITEM # AGENDA ITEM

- 1.0 Consideration of Approving the Agenda for January 24, 2017.
- 2.0 Comments from the public on any Agenda item.
- 3.0 **PUBLIC HEARING: SECOND READING OF ORDINANCE 2017-01.**  
AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, IMPOSING A MORATORIUM ON THE OPERATION OF MEDICAL MARIJUANA TREATMENT CENTERS AND DISPENSARIES FOR FIFTEEN MONTHS WITHIN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS WITH OTHER LAWS; PROVIDING FOR AN EFFECTIVE DATE. (Ref.: Pgs. 1-4)
- 4.0 Consideration of approving substitute instructor, Yineth Zuniga, to cover BOOM classes on Thursdays from 10:30 AM to 11:30 AM, 1/26, 2/2, 2/9, and 2/16. (Ref.: Pgs. 5-6)
- 5.0 Citizens comments on any subject.
- 6.0 Mayor's and Council members' comments on any subject.



Elaine Jackson, MMC  
Town Clerk

Any person who decides to appeal any decision of the Town Council with respect to any matter considered at any such meeting, will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes that testimony and evidence upon which the appeal is to be based.

Any person with a disability requiring reasonable accommodations to participate in this meeting should contact the Town Clerk's Office with your request. Phone 727-595-4020, Fax 727-596-050.

Bonnie Dronau Town Administrator  
Terry E. Hughes Chief of Police  
Susan L. Scroggum Director of Finance and Personnel  
Elaine N. Jackson, MMC Town Clerk  
Gregory Yantorno Building Official  
Regina Kardash, Esq. Town Attorney

ORDINANCE 2017 - 01

**AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, IMPOSING A MORATORIUM ON THE OPERATION OF MEDICAL MARIJUANA TREATMENT CENTERS AND DISPENSARIES FOR FIFTEEN MONTHS WITHIN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS WITH OTHER LAWS; PROVIDING FOR AN EFFECTIVE DATE.**

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WHEREAS, ON November 8, 2016, Florida voters approved an amendment to the Florida Constitution entitled "Use of Marijuana for Debilitating Medical Conditions" ("Amendment 2"); and

WHEREAS, Amendment 2 legalized the medically certified use of marijuana throughout the State of Florida and authorized the cultivation, processing, distribution and sale of marijuana, and related activities, by licensed "Medical Marijuana Treatment Centers;" and

WHEREAS, medical marijuana dispensing facilities and treatment centers are new and unique uses which are not currently addressed under the Indian Shores Code of Ordinances; and

WHEREAS, the Florida Legislature enacted the "Compassionate Medical Cannabis Act of 2014," codified at §381.986, *Florida Statutes*, and amended on March 25, 2016, which currently provides that municipalities may "determine by ordinance the criteria for, the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of dispensing organizations located within its municipal boundaries." *Id.* at (8)(b); and

WHEREAS, the 2017 Legislature will be drafting legislation to comply with the requirements set forth in Amendment 2 which established Article X, Section 29 of the Florida Constitution, and the state Department of Health has nine months from the effective date to implement administrative rules for treatment centers; and

WHEREAS, Chapter 64-4 "Compassionate Use" of the Florida Administrative Code has been enacted to regulate the Department of Health with regard to the requirements for dispensing organizations, including procedures for application, review, approval, inspection and authorization of dispensing organizations, and then the Department of Health will commence enactment of new regulations for its application and review process in response to the expansion under Amendment 2; and

WHEREAS, the Town Council believes that providing for the appropriate zoning regulations is in the best interest of the citizens and visitors to the Town to ensure their health, safety and welfare; and

WHEREAS, a temporary moratorium on the establishment of medical marijuana dispensaries and treatment center facilities within the Town will allow time to review, study, hold public hearings, and prepare and adopt appropriate provisions in the Indian Shores Town Code to address this use consistent with State Law and the Department of Health regulations which are forthcoming; and

WHEREAS, the Florida Constitution, Art. VIII § 2(b) and *Florida Statutes* § 166.021, provides for municipal home rule power and the charter of the Town of Indian Shores authorizes the Town Council to exercise any power for municipal purposes, except where prohibited by law;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES:

**SECTION I**

The above recitals are true and correct, and incorporated into the findings of this ordinance as if set forth in full herein. The purpose of this ordinance is to preserve the status quo until such time as the Town can prepare and adopt appropriate zoning regulations for medical marijuana dispensing facilities and treatment centers. It is not the intent of this Ordinance to permanently deny uses permitted by right or special use permits that otherwise comply with State Law and regulations.

**SECTION II**

The following definitions apply to the terms used in this ordinance:

“Dispensing organization” means an organization approved by the State Department of Health to cultivate, process, transport and dispense low-THC cannabis or medical cannabis pursuant to Section 381.986, *Florida Statutes*, and Florida Department of Health Rules.

“Medical Marijuana Dispensing Facility” means any establishment where low-THC or medical cannabis is permitted to be dispensed by an approved dispensing organization pursuant to Section 381.986, *Florida Statutes*, and Florida Department of Health Rules.

“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 caregivers and is registered by the State Department of Health, pursuant to Article X, Section 29 of the Florida Constitution.

**SECTION III**

A temporary moratorium is hereby imposed on the establishment or operation of Medical Marijuana Treatment Centers and dispensing facilities or organizations within the corporate limits of the Town of Indian Shores, Florida. This moratorium is in place for fifteen months following the effective date of this Ordinance, and during that time, the Town shall not accept, process or approve any application relating to the operation of a Medical Marijuana Treatment Center or dispensing facilities or organizations. Nothing in the temporary moratorium shall be construed so as to prohibit the medical use of marijuana or low-THC cannabis by a qualifying patient as determined by a licensed Florida physician, pursuant to Article X, Section 29 of the Florida Constitution, or other Florida Law.

**SECTION IV**

The provisions of this Ordinance are enforceable and punishable under Chapter 2 Administration, Article V Code Enforcement, of the Town of Indian Shores Code of Ordinances.

**SECTION V**

That if a court of competent jurisdiction finds any provisions of this ordinance to be invalid or unenforceable as a matter of law, the offending portion shall be stricken and all other provisions shall remain in full force and effect.

**SECTION VI**

In the event of a conflict between the provisions of this Ordinance and adopted State Law under the Florida Constitution, Florida Statutes or Florida Administrative Code, then the provisions of State Law shall prevail.

**SECTION VII**

That this ordinance shall be in full force and effect immediately upon its passage, in the manner provided by law.

**FIRST READING AND PUBLIC HEARING** this 10<sup>th</sup> day of January, 2017.

**SECOND READING, PUBLIC HEARING AND FINAL PASSAGE** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES, FLORIDA, THIS \_\_\_\_\_ day of \_\_\_\_\_, 2017.**

\_\_\_\_\_  
Patrick C. Soranno  
Mayor

ATTEST:

\_\_\_\_\_  
Elaine Jackson  
Town Clerk

Approved as to form:

\_\_\_\_\_  
Regina A. Kardash, Esq.  
Town Attorney

**From:** Rita [<mailto:rita@fitadult.com>]  
**Sent:** Monday, January 09, 2017 4:01 PM  
**To:** Tracy Bates <[tbates@myindianshores.com](mailto:tbates@myindianshores.com)>  
**Cc:** 'Rita' <[rita@fitadult.com](mailto:rita@fitadult.com)>  
**Subject:** HOLA

I got home this afternoon from the service and an email was waiting for me from SilverSneakers. They have asked that I speak at a number of seminars. Unfortunately some of the dates are on Thursday.

I have reached out to a SilverSneaker instructor who is certified to teach BOOM to see if she is willing to sub those classes. I've also told her she will have to complete paperwork for the town.

If not I will be canceling 1/26, 2/2, 2/9 and 2/16 Thursday 10:30 to 11:30. I will notify everyone via email. the benefit is that they have two other times to attend BOOM during the week.

Anyway she can sub for me and not fill out the paperwork. She teaches at Seminole REC and Highland REC and is a excellent instructor.

I'll wait to hear back and keep you posted.

Rita

# Certificate of Completion



This course has been approved by AFAA for continuing education units, but was not developed by AFAA. Therefore it does not count as an AFAA course, which is required for recertification.

BOOM - 2016

Course Name

Yineth Zuniga

Participant Name (please print)

Josephine O Forbes

Course Trainer

1/9/2016

Bradenton, FL

Program Date

Program Location (City/State)

Crunch Fitness - Bradenton

Program Facility Name

Healthways, Inc.

Provider Name

Provider Signature

Certification	Course #	CECs
ACE	CEP65503	0.60
AEA	6191	3.00
AFAA	10247	5.00
ACSM	664481	6.00
NASM	3051	0.50



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