

C7 AG A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE AT ITS DECEMBER 20, 2024 MEETING TO DIRECT THE CITY ADMINISTRATION TO IMPLEMENT A POLICY THAT WOULD ALLOW EMPLOYEES OF THE CITY WHO ARE PRESCRIBED MEDICAL MARIJUANA BY A PROPERLY LICENSED MEDICAL PROFESSIONAL TO BE PERMITTED TO USE PROPERLY PRESCRIBED MEDICATION DURING NONWORKING HOURS AND SUFFICIENTLY IN ADVANCE OF ANY SCHEDULED WORK SHIFT, BUT THAT WOULD ALSO MAKE APPROPRIATE EXCEPTIONS WHERE REQUIRED TO MAINTAIN A DRUGFREE WORKPLACE, COMPLY WITH STATE AND FEDERAL LAWS REGULATING SOME LICENSED STAFF (SUCH AS, FOR EXAMPLE, HOLDERS OF CDL DRIVER'S LICENSES), AND TO PROVIDE APPROPRIATE LIMITED ACCOMMODATIONS FOR EMPLOYEES IN SAFETY-SENSITIVE POSITIONS (WHICH MAY CONSIST OF LIGHT-DUTY, A CHANGE OF DUTIES, AND/OR LEAVE).

Applicable Area:

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: February 3, 2025

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE AT ITS DECEMBER 20, 2024 MEETING TO DIRECT THE CITY ADMINISTRATION TO IMPLEMENT A POLICY THAT WOULD ALLOW EMPLOYEES OF THE CITY WHO ARE PRESCRIBED MEDICAL MARIJUANA BY A PROPERLY LICENSED MEDICAL PROFESSIONAL TO BE PERMITTED TO USE PROPERLY PRESCRIBED MEDICATION DURING NONWORKING HOURS AND SUFFICIENTLY IN ADVANCE OF ANY SCHEDULED WORK SHIFT, BUT THAT WOULD ALSO MAKE APPROPRIATE EXCEPTIONS WHERE REQUIRED TO MAINTAIN A DRUGFREE WORKPLACE, COMPLY WITH STATE AND FEDERAL LAWS REGULATING SOME LICENSED STAFF (SUCH AS, FOR EXAMPLE, HOLDERS OF CDL DRIVER'S LICENSES), AND TO PROVIDE APPROPRIATE LIMITED ACCOMMODATIONS FOR EMPLOYEES IN SAFETY-SENSITIVE POSITIONS (WHICH MAY CONSIST OF LIGHT-DUTY, A CHANGE OF DUTIES, AND/OR LEAVE).

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

### **ANALYSIS**

The attached resolution is presented by the sponsor, Commissioner Kristen Rosen Gonzalez, for the consideration of the Mayor and City Commission.

### **FISCAL IMPACT STATEMENT**

N/A

### **Does this Ordinance require a Business Impact Estimate?** (FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

### **FINANCIAL INFORMATION**

## **CONCLUSION**

### **Applicable Area**

Citywide

**Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?**

No

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

### **Department**

City Attorney

### **Sponsor(s)**

Commissioner Kristen Rosen Gonzalez

### **Co-sponsor(s)**

### **Condensed Title**

Medical Marijuana Use by Employees. (Rosen Gonzalez) CA

### **Previous Action (For City Clerk Use Only)**

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE AT ITS DECEMBER 20, 2024 MEETING TO DIRECT THE CITY ADMINISTRATION TO IMPLEMENT A POLICY THAT WOULD ALLOW EMPLOYEES OF THE CITY WHO ARE PRESCRIBED MEDICAL MARIJUANA BY A PROPERLY LICENSED MEDICAL PROFESSIONAL TO BE PERMITTED TO USE PROPERLY PRESCRIBED MEDICATION DURING NONWORKING HOURS AND SUFFICIENTLY IN ADVANCE OF ANY SCHEDULED WORK SHIFT, BUT THAT WOULD ALSO MAKE APPROPRIATE EXCEPTIONS WHERE REQUIRED TO MAINTAIN A DRUGFREE WORKPLACE, COMPLY WITH STATE AND FEDERAL LAWS REGULATING SOME LICENSED STAFF (SUCH AS, FOR EXAMPLE, HOLDERS OF CDL DRIVER'S LICENSES), AND TO PROVIDE APPROPRIATE LIMITED ACCOMMODATIONS FOR EMPLOYEES IN SAFETY-SENSITIVE POSITIONS (WHICH MAY CONSIST OF LIGHT-DUTY, A CHANGE OF DUTIES, AND/OR LEAVE).**

**WHEREAS**, at the February 21, 2024 City Commission meeting, the Mayor and City Commission approved a referral (Item C7 O) the Finance and Economic Resiliency Committee (FERC or Committee) to discuss a proposed resolution to establish a policy for the City that would allow employees of the City who are prescribed medical marijuana by a properly licensed medical professional to be permitted to use properly prescribed medication during nonworking hours and sufficiently in advance of any scheduled work shift; and

**WHEREAS**, the Committee met and discussed the item at its December 20, 2024 meeting; and

**WHEREAS**, the Committee unanimously recommended that the City Commission pass a resolution directing the City Administration to implement a policy that would allow employees of the City who are prescribed medical marijuana by a properly licensed medical professional to be permitted to use properly prescribed medication during nonworking hours and sufficiently in advance of any scheduled work shift, but that would also make appropriate exceptions where required to maintain a drugfree workplace, comply with state and federal laws regulating some licensed staff (such as, for example, holders of CDL driver's licenses), and to provide appropriate limited accommodations for employees in safety-sensitive positions (which may consist of light-duty, a change of duties, and/or leave); and

**WHEREAS**, the Mayor and City Commission desire to accept the unanimous recommendation of the Committee.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA,** that the Mayor and City Commission hereby accept the recommendation of the Finance and Economic Resiliency Committee at its December 20, 2024 meeting to direct the City Administration to implement a policy that would allow employees of the City who are prescribed medical marijuana by a properly licensed medical professional to be permitted to use properly prescribed medication during nonworking hours and sufficiently in advance of any scheduled work shift, but that would also make appropriate exceptions where required to maintain a drugfree workplace, comply with state and federal laws regulating some licensed staff (such as, for example, holders of CDL driver's licenses), and to provide appropriate limited accommodations for employees in safety-sensitive positions (which may consist of light-duty, a change of duties, and/or leave).

**PASSED** and **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2025.

**ATTEST:**

\_\_\_\_\_  
Steven Meiner, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Kristen Rosen Gonzalez)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

1/24/2025  
\_\_\_\_\_  
Date

RFR