

NB 16. **A REFERRAL TO DISCUSS A PROPOSED RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ESTABLISHING AS THE POLICY OF THE CITY OF MIAMI BEACH THAT MEDICAL MARIJUANA IS MEDICINE AND NOT AN ILLICIT RECREATIONAL DRUG; THAT EMPLOYEES OF THE CITY WHO ARE PRESCRIBED MEDICAL MARIJUANA BY A PROPERLY LICENSED MEDICAL PROFESSIONAL IN COMPLIANCE WITH ALL REQUIREMENTS SET FORTH IN FLORIDA LAW SHALL BE PERMITTED TO USE THIS PROPERLY PRESCRIBED MEDICATION DURING NONWORKING HOURS AND SUFFICIENTLY IN ADVANCE OF ANY SCHEDULED WORK SHIFT IN ORDER TO ENSURE THAT THE EMPLOYEE IS NOT IMPAIRED BY THE USE OF THE MEDICAL MARIJUANA WHILE ON THE JOB; AND DIRECTING THE CITY ADMINISTRATION TO DRAFT AND PROMULGATE WRITTEN DIRECTIVES EFFECTUATING THIS CITY POLICY**
Applicable Area:

Pre-Employment Drug Testing as of 07/2024

Child Care / Housing

Heavy Machine/Driving /PW PR CDL

Safety Sensitive/Pol/Fire incl CDL/Code/Ocean Rescue

Jobs With Min/Max Salary Ranges Updated 05/23/2024

Job Class	Job Description	Group/BU	Base Pay Desc	Grade
3406	ALL STAR ONE TO ONE FACIL PT	CUNC	BASE HOURLY TEMPORARY	HR09
5417	AQUATICS CORDINATOR	CUNC	BASE SALARIED EMP	U19
5418	AQUATICS MANAGER	CUNC	BASE SALARIED EMP	U21
6016	ATHLETIC MANAGER	CUNC	BASE SALARIED EMP	U21
3405	C.D.B.G. PROJECTS COORDINATOR	CUNC	BASE SALARIED EMP	U23
3407	CHILD GROUP FACILITATOR	CUNC	BASE HOURLY TEMPORARY	U06
6126	CONCESSION ATTENDANT	CAFC	BASE SALARIED EMP	A03
6103	CONCESSION ATTENDANT PT	CAFC	BASE HOURLY	A03
6120	ICE RINK MANAGER	CUNC	BASE SALARIED EMP	U16
6122	ICE RINK TECHNICIAN	CAFC	BASE SALARIED EMP	A12
6112	INCLUSIONARY AIDE	CUNC	BASE HOURLY	H10
3408	PARENT CHILD FACILITATOR	CUNC	BASE HOURLY TEMPORARY	U15
6005	PARK FACILITIES MANAGER	CUNC	BASE SALARIED EMP	U21
6004	PARK OPERATIONS SUPERVISOR	CGSA	BASE SALARIED EMP	512
6008	PARK SUPERVISOR	CAFC	BASE SALARIED EMP	A14
6015	PARKS & RE PROJECTS SUPER	CUNC	BASE SALARIED EMP	U20
6010	PARKS & REC PROJECT COOR	CUNC	BASE SALARIED EMP	U21
6119	PARKS & RECREATION ANALYST	CUNC	BASE SALARIED EMP	U16
6104	REC LEADER I PT Y	CAFC	BASE HOURLY	H07A
6018	REC PROGRAM ASSISTANT MANAGER	CUNC	BASE SALARIED EMP	U18
6105	REC PROGRAM SUPERVISOR	CAFC	BASE SALARIED EMP	A14
6102	RECREATION AIDE	COTH	BASE SALARIED EMP	C07
6108	RECREATION ATTENDANT	CAFC	BASE SALARIED EMP	A05
6118	RECREATION LEADER I	CAFC	BASE SALARIED EMP	A07
6117	RECREATION LEADER II	CAFC	BASE SALARIED EMP	A10
6017	RECREATION PROGRAM MANAGER	CUNC	BASE SALARIED EMP	U21
6109	RECREATION SUPERVISOR	CUNC	BASE SALARIED EMP	U16
6107	RECREATION SUPERVISOR I	CGSA	BASE SALARIED EMP	511
6129	SEASON POOL GUARD PT	COTH	BASE HOURLY	H12A
6113	SEASONAL INCLUSIONARY AIDE	CUNC	BASE HOURLY	H10
6127	SEASONAL REC AIDE S PT	COTH	BASE HOURLY	H07A
7113	SOCIAL WORKER	CUNC	BASE SALARIED EMP	U22
1091	SUCCESS COACH	CUNC	BASE SALARIED EMP	U12
6125	TENNIS CENTER SUPERVISOR	CGSA	BASE SALARIED EMP	506
5211	VICTIM'S ADVOCATE	CUNC	BASE SALARIED EMP	U15
5220	VICTIM'S ADVOCATE SUPERVISOR	CUNC	BASE SALARIED EMP	U18

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Heavy Machine/Driving /PW PR CDL

Safety Sensitive/Pol/Fire incl CDL/Code/Ocean Rescue

Jobs With Min/Max Salary Ranges Updated 05/23/2024

Job Class	Job Description	Group/BU	Base Pay Desc	Grade
4212	AIR COND MECHANIC	CCWA	BASE SALARIED EMP	H34B
4211	AIR COND SUPERVISOR	CGSA	BASE SALARIED EMP	514
4025	BACKFLOW COORDINATOR	CGSA	BASE SALARIED EMP	511
4263	CARPENTER	CCWA	BASE SALARIED EMP	H27B
3111	CHIEF ELECTRICAL INSPECTOR	CUNC	BASE SALARIED EMP	U22
3171	CHIEF ELEVATOR INSPECTOR	CUNC	BASE SALARIED EMP	U22
3121	CHIEF MECHANICAL INSPECTOR	CUNC	BASE SALARIED EMP	U22
4017	CONTROL RM OPERATOR	CAFC	BASE SALARIED EMP	A10
4018	CONTROL ROOM SUPERVISOR PW	CUNC	BASE SALARIED EMP	U15
3113	ELECTRICAL INSPECTOR	CCWA	BASE SALARIED EMP	H34B
4232	ELECTRICIAN	CCWA	BASE SALARIED EMP	H34B
4230	ELECTRICIAN SUPERVISOR	CGSA	BASE SALARIED EMP	514
4229	ELECTRONIC/INST SUPERVISOR	CGSA	BASE SALARIED EMP	512
3173	ELEVATOR INSPECTOR MANAGER	CUNC	BASE SALARIED EMP	U19
3107	ENGINEERING INSPECTOR	CCWA	BASE SALARIED EMP	H34B
4404	FACILITIES ZONE MANAGER	CUNC	BASE SALARIED EMP	U20
3040	FIELD INSPECTIONS SUPERVISOR	CUNC	BASE SALARIED EMP	U19
3019	FIELD INSPECTOR I	CCWA	BASE SALARIED EMP	H24B
3018	FIELD INSPECTOR II	CCWA	BASE SALARIED EMP	H30B
3023	FIELD MONITOR	CUNC	BASE SALARIED EMP	U12
4322	FIRE EQUIPMENT MECHANIC	CAFC	BASE SALARIED EMP	A14
4133	FORESTRY FIELD INSPECTOR	COTH	BASE SALARIED EMP	C12
4104	HEAVY EQUIPMENT OPER I	CAFC	BASE SALARIED EMP	A12
4103	HEAVY EQUIPMENT OPER II	CAFC	BASE SALARIED EMP	A14
4136	INFRASTRUCTURE SUPPORT SUPERVI	COTH	BASE SALARIED EMP	C19
4142	INFRASTRUTURE SUPPORT OPER A	COTH	BASE SALARIED EMP	C14
4143	INFRASTRUTURE SUPPORT OPER B	COTH	BASE SALARIED EMP	C12
4144	INFRASTRUTURE SUPPORT OPER C	COTH	BASE SALARIED EMP	C11
4145	INFRASTRUTURE SUPPORT OPER D	COTH	BASE SALARIED EMP	C08
1626	LANDSCAPE CONTRACTS ADMIN	CUNC	BASE SALARIED EMP	U21
4051	MAINTENANCE SUP	CGSA	BASE SALARIED EMP	512
4242	MASON	CCWA	BASE SALARIED EMP	H27B
4243	MASONRY HELPER	CCWA	BASE SALARIED EMP	H18B
4334	MECHANIC I	CAFC	BASE SALARIED EMP	A10
4333	MECHANIC II	CAFC	BASE SALARIED EMP	A12
4332	MECHANIC III	CAFC	BASE SALARIED EMP	A14
3123	MECHANICAL INSPECTOR	CCWA	BASE SALARIED EMP	H34B
4107	MSW I	CAFC	BASE SALARIED EMP	A06
4102	MSW I PT	CAFC	BASE HOURLY	HR06
4106	MSW II	CAFC	BASE SALARIED EMP	A08
4101	MSW II PT	CAFC	BASE HOURLY	H08A
4105	MSW III	CAFC	BASE SALARIED EMP	A11
4110	MSW III PT	CAFC	BASE HOURLY	H11A
4109	MSW TRAINEE	CAFC	BASE HOURLY	H04A

Job Class	Job Description	Group/BU	Base Pay Desc	Grade
4221	PAINT SUPERVISOR	CGSA	BASE SALARIED EMP	511
1827	PARKING ENF OPS SUPERVISOR	CGSA	BASE SALARIED EMP	513
1815	PARKING ENF SPEC I PT	COTH	BASE HOURLY	H13
1828	PARKING ENFORCEMENT OPER SUP	CGSA	BASE SALARIED EMP	513
1805	PARKING ENFORCEMENT SPEC I	CCWA	BASE SALARIED EMP	H24B
1804	PARKING ENFORCEMENT SPEC II	CCWA	BASE SALARIED EMP	H25B
1807	PARKING METER TECHNICIAN	CCWA	BASE SALARIED EMP	H25B
1806	PARKING METER TECHNICIAN II	CCWA	BASE SALARIED EMP	H27B
1816	PARKING METER TECHNICIAN PT	COTH	BASE HOURLY	H07A
1803	PARKING OPS SUPERVISOR	CGSA	BASE SALARIED EMP	512
4019	SANITARY SEWER SUPERINTENDENT	CUNC	BASE SALARIED EMP	U23
4045	SANITATION OPERATIONS SUPV	CGSA	BASE SALARIED EMP	512
4044	SANITATION SUPER INTENDENT	CUNC	BASE SALARIED EMP	U21
3112	SENIOR ELECTRICAL INSPECTOR	CGSA	BASE SALARIED EMP	514
3122	SENIOR MECHANICAL INSPECTOR	CGSA	BASE SALARIED EMP	514
4052	SERVICE SUP	CGSA	BASE SALARIED EMP	509
4003	SEW FIELD OPERATIONS SUPV	CGSA	BASE SALARIED EMP	513
4008	SEWER PIPEFITTER	CAFC	BASE SALARIED EMP	A12
4006	SEWER SUPERVISOR	CAFC	BASE SALARIED EMP	A15
4028	SIGN MAKER	CAFC	BASE SALARIED EMP	A11
4030	SIGN MAKER P/T	CAFC	BASE HOURLY	HR11
3172	SR ELEVATOR INSPECTOR	CGSA	BASE SALARIED EMP	513
1612	STOREKEEPER I	CAFC	BASE SALARIED EMP	A10
1611	STOREKEEPER II	CAFC	BASE SALARIED EMP	A11
1616	STOREKEEPER III	CAFC	BASE SALARIED EMP	A12
4009	STORMWATER SUPERVISOR	CAFC	BASE SALARIED EMP	A15
4137	STORMWATER FIELD OPER SUPERVIS	COTH	BASE SALARIED EMP	C19
4120	STORMWATER OPERATOR A	COTH	BASE SALARIED EMP	C12
4121	STORMWATER OPERATOR B	COTH	BASE SALARIED EMP	C11
4122	STORMWATER OPERATOR C	COTH	BASE SALARIED EMP	C08
4123	STORMWATER OPERATOR D	COTH	BASE SALARIED EMP	C06
3053	STORMWATER SUPERINTENDENT	CUNC	BASE SALARIED EMP	U23
4036	STREET LIGHT TECHNICIAN I	CAFC	BASE SALARIED EMP	A12
4035	STREET LIGHT TECHNICIAN II	CAFC	BASE SALARIED EMP	A14
4032	STREET OPERATIONS SUPERVISOR	CGSA	BASE SALARIED EMP	512
4034	STREET SUPERVISOR	CAFC	BASE SALARIED EMP	A15
3052	STREETS & STREETLIGHTING SUPT	CUNC	BASE HOURLY	U23
4002	SURVEY CREW CHIEF	CUNC	BASE SALARIED EMP	U17
6023	TREE TRIMMER	CAFC	BASE SALARIED EMP	A10
1610	WAREHOUSE SUPERVISOR	CGSA	BASE SALARIED EMP	512
4047	WASTE COLLECTOR	CAFC	BASE SALARIED EMP	A06
4046	WASTE DRIVER SUP	CAFC	BASE SALARIED EMP	A12
4112	WASTE WATER COLLECTION OPER A	COTH	BASE SALARIED EMP	C12
4113	WASTE WATER COLLECTION OPER B	COTH	BASE SALARIED EMP	C11
4114	WASTE WATER COLLECTION OPER C	COTH	BASE SALARIED EMP	C08
4115	WASTE WATER COLLECTION OPER D	COTH	BASE SALARIED EMP	C06
4001	WATER & SEWER SUPERINTENDENT	CUNC	BASE SALARIED EMP	U23
4116	WATER DIST SYSTEM OPER A	COTH	BASE SALARIED EMP	C14
4117	WATER DIST SYSTEM OPER B	COTH	BASE SALARIED EMP	C12
4118	WATER DIST SYSTEM OPER C	COTH	BASE SALARIED EMP	C11
4119	WATER DIST SYSTEM OPER D	COTH	BASE SALARIED EMP	C08
4004	WATER FIELD OPERATIONS SUPV	CGSA	BASE SALARIED EMP	513
4026	WATER METER SUPERVISOR	CGSA	BASE SALARIED EMP	512

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4024	WATER METER TECH I	CAFC	BASE SALARIED EMP	A09
4023	WATER METER TECH II	CAFC	BASE SALARIED EMP	A10
4124	WATER METER TECHNICIAN A	COTH	BASE SALARIED EMP	C14
4125	WATER METER TECHNICIAN B	COTH	BASE SALARIED EMP	C12
4126	WATER METER TECHNICIAN C	COTH	BASE SALARIED EMP	C11
4127	WATER METER TECHNICIAN D	COTH	BASE SALARIED EMP	C08
4007	WATER PIPEFITTER	CAFC	BASE SALARIED EMP	A12
4010	WATER SUPERINTENDENT	CUNC	BASE SALARIED EMP	U23
4005	WATER SUPERVISOR	CAFC	BASE SALARIED EMP	A16

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5516	ACTIVE RESERVE OFFICER	CUNC	BASE HOURLY TEMPORARY	HR02
5002	ASSISTANT CHIEF OF POLICE	CUNC	BASE SALARIED EMP	U27
5102	ASST FIRE CHIEF	CUNC	BASE SALARIED EMP	U27
5402	BEACH MAINTENANCE DIV DIRECTOR	CUNC	BASE SALARIED EMP	U25
5403	BEACH PATROL OPER SUPERVISOR	CGSA	BASE SALARIED EMP	516
3117	BUILDING CODE COMP OFFICER	COTH	BASE SALARIED EMP	C15
5115	CHIEF FIRE PROTECTION ANALYST	CUNC	BASE SALARIED EMP	U22
3156	CODE COMPLIANCE ADMIN	CCWA	BASE SALARIED EMP	H34B
3159	CODE COMPLIANCE ASSISTANT DIR	CUNC	BASE SALARIED EMP	U27
3165	CODE COMPLIANCE BUSINESS MANAG	CUNC	BASE SALARIED EMP	U19
3147	CODE COMPLIANCE DIRECTOR	CUNC	BASE SALARIED EMP	U28
3154	CODE COMPLIANCE MANAGER	CUNC	BASE SALARIED EMP	U21
3158	CODE COMPLIANCE OFF 1	CCWA	BASE SALARIED EMP	H27B
3162	CODE COMPLIANCE OFF 1 PT	CCWA	BASE HOURLY	HR26
3157	CODE COMPLIANCE OFF 2	CCWA	BASE SALARIED EMP	H31B
3149	CODE COMPLIANCE REC SUPERVISOR	CUNC	BASE SALARIED EMP	U12
5214	COMMUNICATIONS OPERATOR	CCWA	BASE SALARIED EMP	H26B
5213	COMPLAINT OPERATOR II	CCWA	BASE SALARIED EMP	H27B
5217	CRIME ANALYSIS SPEC	CCWA	BASE SALARIED EMP	H32B
5218	CRIME ANALYST MANAGER	CUNC	BASE SALARIED EMP	U22
5013	CRIME SCENE SUPERVISOR	CGSA	BASE SALARIED EMP	514
5015	CRIME SCENE TECHNICIAN I	CCWA	BASE SALARIED EMP	H31B
5014	CRIME SCENE TECHNICIAN II	CCWA	BASE SALARIED EMP	H34B
5025	DEPUTY CHIEF OF POLICE	CUNC	BASE SALARIED EMP	U28
5120	DEPUTY FIRE CHIEF	CUNC	BASE SALARIED EMP	U28
5305	DETENTION OFFICER	CFOP	BASE SALARIED EMP	D01A
5212	DISPATCHER	CCWA	BASE SALARIED EMP	H28B
8014	DISPATCHER TRAINEE	CCWA	BASE SALARIED EMP	H25B
5026	EXEC OFF TO CHIEF OF POLICE	CUNC	BASE SALARIED EMP	U25
5113	FIRE ADMIN SERVICES MANAGER	CUNC	BASE SALARIED EMP	U23
5105	FIRE CAPTAIN	CIAF	BASE SALARIED EMP	C08A
5101	FIRE CHIEF	CUNC	BASE SALARIED EMP	U29
5103	FIRE DIVISION CHIEF	CUNC	BASE SALARIED EMP	U26
5117	FIRE INSPECTOR I	CIAF	BASE SALARIED EMP	FI15
5116	FIRE INSPECTOR SUPERVISOR	CIAF	BASE SALARIED EMP	FI16
5107	FIRE LIEUTENANT	CIAF	BASE SALARIED EMP	C06A
5106	FIRE PROTECTION ANALYST	CUNC	BASE SALARIED EMP	U18
5022	FIREARMS SPECIALIST	COTH	BASE SALARIED EMP	C17
5110	FIREFIGHTER I	CIAF	BASE SALARIED EMP	C02A
5109	FIREFIGHTER II	CIAF	BASE SALARIED EMP	C04A
5018	INVESTIGATOR SUPERVISOR	CUNC	BASE SALARIED EMP	U23
5009	LIEUTENANT POLICE	CFOP	BASE SALARIED EMP	D06A
5406	LIFEGUARD I	CCWA	BASE SALARIED EMP	H54B
5407	LIFEGUARD I PT	COTH	BASE HOURLY	H15

Job Class	Job Description	Group/BU	Base Pay Desc	Grade
5405	LIFEGUARD II	CCWA	BASE SALARIED EMP	H58B
5404	LIFEGUARD LT	CCWA	BASE SALARIED EMP	H60B
5408	OCEAN RESCUE DEPUTY DIV CHIEF	CUNC	BASE SALARIED EMP	U24
5401	OCEAN RESCUE DIVISION CHIEF	CUNC	BASE SALARIED EMP	U25
6140	PARK RANGER	COTH	BASE SALARIED EMP	C16
6143	PARK RANGER ASSISTANT MANAGER	CUNC	BASE SALARIED EMP	U18
6144	PARK RANGER MANAGER	CUNC	BASE SALARIED EMP	U21
6142	PARK RANGER PT	COTH	BASE HOURLY	H16A
6141	PARK RANGER SUPERVISOR	CUNC	BASE SALARIED EMP	U18
5006	POLICE CAPTAIN	CUNC	BASE SALARIED EMP	U25
5001	POLICE CHIEF	CUNC	BASE SALARIED EMP	U29
5007	POLICE COMMANDER	CUNC	BASE SALARIED EMP	U25
5004	POLICE DIVISION MAJOR	CUNC	BASE SALARIED EMP	U26
5311	POLICE FLEET SPECIALIST	CCWA	BASE SALARIED EMP	H28B
5011	POLICE OFFICER	CFOP	BASE SALARIED EMP	D02A
8001	POLICE OFFICER TRAINEE	CFOP	BASE SALARIED EMP	D08A
5016	POLICE PHOTO	CCWA	BASE SALARIED EMP	H31B
1529	POLICE RECORDS TECHNICIAN	CCWA	BASE SALARIED EMP	H20B
1530	POLICE RECORDS TECHNICIAN PT	CCWA	BASE HOURLY	H20A
5020	POLICE RTCC SPECIALIST	CUNC	BASE SALARIED EMP	U15
5021	POLICE TRAIN & WELLNESS PROGRA	CUNC	BASE SALARIED EMP	U15
5415	POOL GUARD I	CCWA	BASE SALARIED EMP	H50B
5416	POOL GUARD I PT	COTH	BASE HOURLY	H12B
5414	POOL GUARD II	CCWA	BASE SALARIED EMP	H52B
5309	PROPERTY & EVIDENCE TECH I	CCWA	BASE SALARIED EMP	H23B
5308	PROPERTY & EVIDENCE TECH II	CCWA	BASE SALARIED EMP	H27B
5209	PSCU ADMINISTRATOR	CUNC	BASE SALARIED EMP	U25
5306	PUBLIC SAFETY SPECIALIST	CCWA	BASE SALARIED EMP	H23B
5310	SCHOOL CROSSING GUARD	CAFC	BASE HOURLY	H05A
5520	SCHOOL LIAISON OFFICER	COTH	BASE HOURLY TEMPORARY	HR06
5522	SCHOOL RESOURCE PROG COOR	CUNC	BASE HOURLY TEMPORARY	U11
5010	SERGEANT POLICE	CFOP	BASE SALARIED EMP	D04A
5114	TECH ASST TO FIRE MARSHALL	CUNC	BASE SALARIED EMP	U23
5304	TRAFFIC CONGESTION FIELD SPEC	COTH	BASE SALARIED EMP	C11

NEW BUSINESS 4

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Finance and Economic Resiliency Committee Members

FROM: Rickelle Williams, Interim City Manager

DATE: June 28, 2024

SUBJECT: **A REFERRAL TO DISCUSS A PROPOSED RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ESTABLISHING AS THE POLICY OF THE CITY OF MIAMI BEACH THAT MEDICAL MARIJUANA IS MEDICINE AND NOT AN ILLICIT RECREATIONAL DRUG; THAT EMPLOYEES OF THE CITY WHO ARE PRESCRIBED MEDICAL MARIJUANA BY A PROPERLY LICENSED MEDICAL PROFESSIONAL IN COMPLIANCE WITH ALL REQUIREMENTS SET FORTH IN FLORIDA LAW SHALL BE PERMITTED TO USE THIS PROPERLY PRESCRIBED MEDICATION DURING NONWORKING HOURS AND SUFFICIENTLY IN ADVANCE OF ANY SCHEDULED WORK SHIFT IN ORDER TO ENSURE THAT THE EMPLOYEE IS NOT IMPAIRED BY THE USE OF THE MEDICAL MARIJUANA WHILE ON THE JOB; AND DIRECTING THE CITY ADMINISTRATION TO DRAFT AND PROMULGATE WRITTEN DIRECTIVES EFFECTUATING THIS CITY POLICY**

BACKGROUND/HISTORY

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. A proposed resolution sponsored by Commissioner Rosen Gonzalez was presented at the meeting but was not adopted and was instead referred to FERC for further discussion.

This item was included on the May 24, 2024 FERC agenda but was not reached.

ANALYSIS

After the constitutional amendment to legalize medical marijuana passed in Florida in November 2016, the legislature enacted Section 381.986, Florida Statutes, which provides for medical marijuana to treat certain medical conditions.

The legislature provided for important employment-related matters to be directly addressed by this state law:

- This law provides that employers may “establish, continue, or enforce a drug-free workplace program or policy.”
- This law does not require an employer to accommodate the medical use of marijuana in any workplace or to accommodate an employee working while under the influence of marijuana.
- Importantly, the statute explicitly states that the legalization of medical marijuana in Florida “does not create a cause of action against an employer for wrongful discharge or discrimination” based on an employee’s marijuana use.

While considering the framework of the State’s medical marijuana statute, please also note important issues regarding the illegality of marijuana under Federal law and the impact of Drug-Free Workplace policies.

- Under Federal law marijuana or most cannabis is still a Schedule 1 substance under the Controlled Substances Act (CSA) (see [Drug Scheduling \(dea.gov\)](https://www.dea.gov/drug-scheduling)) and therefore it is not legal. Per the Congressional Research Service in [The Federal Status of Marijuana and the Expanding Policy Gap with States \(congress.gov\)](https://www.congress.gov/research/special/reports/2018/R45087), “Due to its status as a Schedule I controlled substance, the CSA prohibits the manufacture, distribution, dispensation, and possession of marijuana except in federal government-approved research studies.”
- Per the Drug Enforcement Administration (DEA), marijuana is considered to have a high potential for dependency and no recognized medical use under Federal law. The DEA lists these below exceptions to derived cannabis drugs as quoted in the [Drug Fact Sheet: Marijuana/Cannabis \(dea.gov\)](https://www.dea.gov/drug-fact-sheet-marijuana-cannabis):
 - Marinol, a Schedule III drug, is a synthetic version of THC in a capsule (also referred to as dronabinol, the generic or International Nonproprietary Name given to THC), prescribed for the control of nausea and vomiting caused by chemotherapeutic agents used in the treatment of cancer and to stimulate appetite in acquired immune deficiency syndrome (AIDS) patients.
 - Syndros, a Schedule II drug, is an oral dronabinol (THC) solution that is used for the treatment of anorexia associated with weight loss in

patients who have failed to respond adequately to conventional antiemetic treatments.

- Epidoloex, a Schedule V drug, is an oral solution of cannabidiol (CBD) that has no more than 0.1% THC, used to treat two epilepsy conditions, Dravet syndrome and Lennox-Gestaut syndrome.

- The U.S. Department of Transportation (DOT) prohibits the use of Schedule 1 drugs by any CDL driver (see [DOT "Medical Marijuana" Notice | US Department of Transportation](#)). A CDL driver will be medically disqualified if he or she uses any type of Schedule I controlled substance, including marijuana. Many City employees utilize a CDL as a requirement of their job.

- Per the U.S. Department of Labor (DOL), as described at [Preventing Substance Use in the Workforce | U.S. Department of Labor \(dol.gov\)](#): “Under the [Drug-Free Workplace Act of 1988](#), federal workplaces and non-federal workplaces with a federal contract of \$100,000 or more or a federal grant in any amount must implement a [Drug-Free Workplace Program](#), which includes drug testing requirements.”

- The Human Resources (HR) Director certifies that the City of Miami Beach is a Drug-Free Workplace on all required Federal grant forms.

There are also important impacts of Drug-Free Workplace policies under Florida law:

- As stated in [drug-free-workplace-guide.pdf \(myfloridacfo.com\)](#), provided by the State of Florida Division of Workers' Compensation, “In 1990, legislation was enacted that created the Florida Drug-Free Workplace Program. The intent was to ‘promote drug-free workplaces in Florida, in order that employers (would) be afforded the opportunity to maximize their levels of productivity, enhance their competitive positions in the marketplace, and reach their desired levels of success without experiencing the costs, delays, and tragedies associated with work-related accidents resulting from drug abuse by employees.’” (See Sections 440.101 and 102, *Florida Statutes*)

- The City's Human Resources (HR) Director or Risk Manager also certifies annually that the City of Miami Beach is a Drug-Free Workplace to the State of Florida Division of Workers' Compensation.

- This certification provides the City of Miami Beach an annual five percent (5%) credit (a discount valued at almost \$30k annually) to our workers' compensation insurance premiums as the City is self-insured.

- The City also purchases excess worker's compensation (WC) insurance. We anticipate that not maintaining a Drug-Free Workplace Program would impact the ability of the City to re-insure.

- Under State Law, the City is not required to provide an employee WC benefits if drugs are found in the employee's system at or above threshold levels.

- The City could be exposed to comparative or contributory negligence if we were to allow an accommodation for the use of a Schedule 1 drug and impairment was a contributory factor in a workplace accident.

There are important impacts of Drug-Free Workplace policies under the City's adopted Personnel Rules and bargaining agreements:

- The City's Personnel Rules describe the City's Drug-Free Workplace Program. The City's recruitment website includes language that the City is a Drug-Free Workplace. New job candidates for safety sensitive jobs are provided Drug-Free Workplace notices before pre-employment drug testing.
- For many years, there have been established and agreed-upon random (and reasonable suspicion) drug and alcohol testing programs under each of the City's labor agreements which comport with Federal and State of Florida Drug-free Workplace requirements.
 - Each labor agreement defines the testing thresholds under which an employee may be terminated for violating the City's Drug-Free Workplace policy.
 - Marijuana is unique in that widespread drug-testing practices may show a presence of THC (delta- 9-tetrahydrocannabinol), believed to be the main ingredient that produces the psychoactive effect, in the body for up to 30 days. Therefore, many tests may show a "positive" result beyond a period of impairment after use.
 - Many times, if the employee is otherwise in good standing, and if the employee, the union, and management agrees, an employee who tests positive during a drug or alcohol test may be offered a "Last Chance Agreement" during a defined rehabilitation period rather than be terminated for a substance abuse issue. Most employees who are offered this opportunity complete this probationary period successfully.
 - Any proposed change of policy or procedure to the drug and alcohol procedure must be bargained with each union.
- The City of Miami Beach's current employee drug testing practices and procedures are designed with the goals of engaging and assisting employees with a substance use disorder as well as to maintain a safe workplace. The City provides a confidential and free Employee Assistance Program to assist any employee who may have an issue.

Human Resources thoughtfully engages with employees, Departments, and the City Attorney's Office to provide reasonable accommodations to any employee impacted in the workplace by a disability or medical condition.

- If a job candidate or an employee requests a "reasonable accommodation" for a disability, including a medical condition which may be disabling to their ability to perform their job, the City already has an obligation under the Federal Americans with Disabilities Act (ADA) to engage with the employee in an "interactive process" to

determine what, if any, reasonable accommodations may be agreed upon for the job candidate or employee to perform the “essential functions of the job.”

- An agreed-upon reasonable accommodation is unique to the person and their specific medical circumstances and abilities.
- What may be reasonable for one employee may not be reasonable for another employee, based on the nature of the job, or any other factor which may impact the City’s ability to agree to an accommodation as reasonable at that time.
- Sometimes a Fitness for Duty Exam is warranted to determine the medical necessity of an accommodation(s).
- If a job candidate or an employee produces a medical marijuana card, it is the current practice of HR to engage with the candidate or employee in an interactive process under the ADA to determine what reasonable accommodation, if any, may be made.

Conflicts between Federal and state laws are currently being challenged and cases are working their way through courts and appeals:

- The conflicts between state and Federal Law in and of themselves creates a series of challenges in employment practices and confusion with employees as to what is “allowed.” There are many things in flux, both at the state and federal level, which could result in new legal and administrative developments regarding marijuana. These will not necessarily result in clarity or less conflict between state and Federal law.

- See [ORTIZ v. DEPARTMENT OF CORRECTIONS \(2023\) | FindLaw](#) for a recent case in Florida where the termination of a correctional officer who was a regular user of medicinal marijuana was sustained by both the state Public Employees Relation Commission and Florida’s First District Court of Appeal. “Because Mr. Velez Ortiz could not perform an important requirement of the job of corrections officer, training with and using firearms, without being in violation of federal law and causing other agency personnel to be in violation of federal law, his termination was lawful.” The State Supreme Court declined to hear the case.

- California just passed legislation, Assembly Bill No. 2188 which went into effect January 1, 2024, which makes it unlawful for an employer to discriminate against a person in hiring, termination, or any term or condition of employment, or otherwise penalize a person, if the discrimination is based upon the person’s use of cannabis off the job and away from the workplace, except for preemployment drug screening, as specified, or upon an employer-required drug screening test that has found the person to have non-psychoactive cannabis metabolites in their hair, blood, urine, or other bodily fluids.

The bill would exempt certain applicants and employees from the bill’s provisions, including employees in the building and construction trades and applicants and

employees in positions requiring a federal background investigation or clearance, as specified. The bill would specify that it does not preempt state or federal laws requiring applicants or employees to be tested for controlled substances as a condition of employment, receiving federal funding or federal licensing-related benefits, or entering into a federal contract.

- As discussed in recent literature and as cited in this recent legislation “employers now have access to multiple types of tests that do not rely on the presence of non-psychoactive cannabis metabolites. These alternative tests include impairment tests, which measure an individual employee against their own baseline performance and tests that identify the presence of THC in an individual’s bodily fluids.”

The City Administration is exploring with its Medical Review Officer new, valid tests for cannabis which may be better at showing impairment. These have been recently approved for use by the DOL. As noted above, use of new types of tests, including impairment tests using saliva or other bodily fluids would need to be agreed to in collective bargaining. More valid measures of impairment would potentially reduce the potential of a “positive” test for cannabis when an employee is not impaired at work, but used marijuana in the recent past for medical purposes legally under Florida state law.

- The U.S. Justice Department recommended on Tuesday, April 30, 2024, to commence a rule-making process, expected to take many months, to ease federal restrictions on rules surrounding medical marijuana. This rule making process is not expected to end federal criminalization of the drug, but may include changing the schedule classification of cannabis.
- On May 1, 2024, a bill was introduced in the U.S. Senate legalize marijuana and removed it from Schedule 1 on the controlled substances list. As of now, no Republicans have signed on to sponsor the bill in the U.S. House of Representatives.
- In Florida, voters will decide on a referendum for a constitutional amendment on the November 5, 2024 ballot to legalize recreational marijuana in Florida for adults. Governor DeSantis and the Republican Party have come out in opposition to the referendum.

FISCAL IMPACT STATEMENT

NA

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

The Business Impact Estimate (BIE) was published on . See BIE at:
<https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

CONCLUSION

If recommended by the Committee, members of the City Commission will discuss whether to adopt this Resolution as policy and direct the Administration to propose new workplace guidelines that would better allow City employees to use legally prescribed medical marijuana during nonworking hours and sufficiently in advance of any scheduled work shift, and that procedures and practices would be developed and adopted to more broadly accommodate the use of medical marijuana by employees of the City of Miami Beach provided that an employee was not impaired at work. The Administration has provided information on employment practices and legal considerations to inform the Committee's debate and its consideration of the proposed Resolution to adopt this policy.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

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

Human Resources

Sponsor(s)

Commissioner Kristen Rosen Gonzalez

Co-sponsor(s)

MIAMI BEACH

COMMISSION MEETING

Hybrid Meeting - Commission Chamber and Zoom

1700 Convention Center Drive, Miami Beach, FL 33139

Webinar: <https://miamibeachfl-gov.zoom.us/j/81392857671>

Telephone: 1.305.224.1968 or 888.475.4499 (Toll-Free)

Webinar ID: 813 9285 7671

July 24, 2024 - 8:30 AM

Mayor Steven Meiner

Commissioner Tanya K. Bhatt

Vice-Mayor Laura Dominguez

Commissioner Alex Fernandez

Commissioner Joseph Magazine

Commissioner Kristen Rosen Gonzalez

Commissioner David Suarez

City Manager Eric T. Carpenter

City Attorney Ricardo J. Dopico

City Clerk Rafael E. Granado

AFTER ACTION

The Meeting was called to order at 8:32:17 a.m.

8:32:30 a.m.

Rafael E. Granado, City Clerk, explained the process for participating and for providing public comment during the Hybrid Commission Meeting and indicated the webpage to visit, the telephone numbers to call, and the location to go for participation.

City Clerk's Note:

On **July 24, 2024**, commencing at **8:30 AM**, the City of Miami Beach hosted a Hybrid Commission Meeting. During the Hybrid Commission Meeting, the City Commission was physically present in the Miami Beach City Hall, 3rd Floor Commission Chamber, 1700 Convention Center Drive, Miami Beach, FL 33139. Applicants and the public were encouraged to attend the meeting virtually (as provided below). However, members of the public who wished to attend the meeting or provide public comment in person appeared at the Commission Chamber.

Observing the Commission Meeting:

The Commission Meeting was broadcast live on Miami Beach TV (MBTV), viewable on the City's website at <https://www.miamibeachfl.gov/government/mbtv/>, as well as on Breezeline Cable channel 660, AT&T U-verse channel 99, Hotwire Communications channel 395, and ROKU device on PEG.TV channel. Closed captioning displays of the audio portion of the Commission Meeting were available in English and Spanish on MBTV. The Commission Meeting was also broadcast live on social media at <http://facebook.com/cityofmiamibeach>. Closed captioning displays of the audio portion of the Commission Meeting were available in English on Facebook.

Submitting written public comment before the Commission Meeting:

The public could submit written comments by sending an email to CityClerk@miamibeachfl.gov by 5:00 p.m. the day before the Commission Meeting. Any such emails were included as a part of the meeting record.

of the Miami Beach Golf Course Renovation project that has a total project budget of \$9.2 million, of which \$1.0 million was appropriated in FY 2024.

FERC requested that the Administration provide a list of major capital projects with funding gaps, as well as a proposed funding plan for the Fire Station 1 project at the July 12, 2024, FERC meeting.

C6 E REPORT OF THE JUNE 28, 2024 FINANCE AND ECONOMIC RESILIENCY COMMITTEE MEETING.

Applicable Area: Citywide
Finance

Action: Report was given.

OLD BUSINESS

1. 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 MARCH 22, 2024, MEETING TO DIRECT THE ADMINISTRATION TO INITIATE NON-BINDING DISCUSSIONS WITH LIVE NATION WORLDWIDE, INC. REGARDING THE POSSIBLE CONSTRUCTION OF A NEW THEATER AT THE JACKIE GLEASON THEATER SITE; AND REFERRING THIS MATTER BACK TO THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE FOR FURTHER DISCUSSION. Item deferred to the July 26, 2024, FERC meeting.

NEW BUSINESS

2. DISCUSS IDEAS TO INCREASE UTILIZATION OF BALLROOMS AT THE MIAMI BEACH CONVENTION CENTER. Item was heard and closed.

3. DISCUSS/TAKE ACTION TO POTENTIALLY ESTABLISH A PILOT PROGRAM FOR THE UTILIZATION OF CAMERA TECHNOLOGY IN ORDER TO ISSUE WARNINGS TO MOTORISTS CREATING EXCESSIVE AND UNNECESSARY TRAFFIC CONGESTION BY BLOCKING THE BOX IN VIOLATION OF STATE LAW. Commissioner Bhatt motioned to have this Item heard at the Commission with a favorable recommendation to make the "Block the Box" related state law adjustment a legislative priority. The Administration is to also issue an LTC on the PSS deployment. Commissioner Magazine seconded the motion.

4. A REFERRAL TO DISCUSS A PROPOSED RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ESTABLISHING AS THE POLICY OF THE CITY OF MIAMI BEACH THAT MEDICAL MARIJUANA IS MEDICINE AND NOT AN ILLICIT RECREATIONAL DRUG; THAT EMPLOYEES OF THE CITY WHO ARE PRESCRIBED MEDICAL MARIJUANA BY A PROPERLY LICENSED MEDICAL PROFESSIONAL IN COMPLIANCE WITH ALL REQUIREMENTS SET FORTH IN FLORIDA LAW SHALL BE PERMITTED TO USE THIS PROPERLY PRESCRIBED MEDICATION DURING NONWORKING HOURS AND SUFFICIENTLY IN ADVANCE OF ANY SCHEDULED WORK SHIFT IN ORDER TO ENSURE THAT THE EMPLOYEE IS NOT IMPAIRED BY THE USE OF THE MEDICAL MARIJUANA WHILE ON THE JOB; AND DIRECTING THE CITY ADMINISTRATION TO DRAFT AND PROMULGATE WRITTEN DIRECTIVES EFFECTUATING THIS CITY POLICY. Item to be heard at the Commission with an unfavorable recommendation and to modify the resolution to allow for certain exemptions. The motion was made 2 to 1.

5. DISCUSS FUNDING FOR ARTISTIC WAYFINDING SIGNAGE AT CITY HALL. Commissioner Bhatt motioned to have this Item heard at the Commission with a favorable recommendation to direct the Administration to develop an artistic wayfinding signage program at City Hall. Commissioner Rosen Gonzalez seconded the motion. All in favor.