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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: July 20, 2010

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Resolution urging the Florida Legislature and the Florida Attorney General to ban the sale, use and possession of K2 and other synthetic marijuana-like drugs

Resolution No. R-815-10

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice-Chairman Jose "Pepe" Diaz.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: July 20, 2010

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 11(A)(1)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

✓ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(1)
7-20-10

RESOLUTION NO. R-815-10

RESOLUTION URGING THE FLORIDA LEGISLATURE AND THE FLORIDA ATTORNEY GENERAL TO BAN THE SALE, USE AND POSSESSION OF K2 AND OTHER SYNTHETIC MARIJUANA-LIKE DRUGS

WHEREAS, K2, Spice, Genie, Zohai and JWH-018 (collectively "K2") are chemically-treated spices that when smoked or ingested mimic the effects of THC, the psychoactive chemical in marijuana; and

WHEREAS, at the present time, K2 is sold legally as incense, but is a potent drug that is stronger than marijuana, and that can be difficult to detect because it does not show up on marijuana drug screens; and

WHEREAS, the popularity of smoking K2 is on the rise, especially among teenagers and young adults; and

WHEREAS, unlike marijuana, little is known about the toxicity of K2 or its short- or long-term health effects, although seizures, coma, accelerated heart rate and heightened blood pressure have all been reported, in addition to the usual dangers associated with impaired judgment and motor skills from a person getting high; and

WHEREAS, K2 currently is banned in most of Europe; and

WHEREAS, the U.S. Drug Enforcement Administration (DEA) considers K2 to be a "drug and chemical of concern", but K2 is not listed as a controlled substance under federal law; and

WHEREAS, Kansas was the first state to outlaw K2 earlier this year; and

WHEREAS, the legislatures in Alabama, Georgia, Kentucky, North Dakota and Tennessee all have passed legislation outlawing K2 in the last few months; and

WHEREAS, legislation to outlaw K2 currently is moving through the legislative process in a number of other states, including Illinois, Michigan, Missouri, New York and Utah; and

WHEREAS, the Florida Legislature did not consider or pass legislation during the 2010 session outlawing K2; and

WHEREAS, the Florida Legislature should take up and pass legislation during the 2011 session adding K2 to the list of controlled substances in section 893.03, Florida Statutes; and

WHEREAS, in the meantime, section 893.035, Florida Statutes, delegates authority to the Florida Attorney General to add a substance by rule to the list of controlled substance in section 893.03; and

WHEREAS, the Attorney General should exercise his delegated authority to list K2 as a controlled substances in Florida until the Legislature can act,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature and the Florida Attorney General to ban the sale, use and possession of K2 and other synthetic marijuana-like drugs.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Attorney General, Senate President, House Speaker and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation and for the Attorney General to exercise his delegated authority as set forth in

Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2010 and 2011 State Legislative Packages.

The Prime Sponsor of the foregoing resolution is Vice-Chairman Jose "Pepe" Diaz. It was offered by Commissioner **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Dennis C. Moss** and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman **aye**
Jose "Pepe" Diaz, Vice-Chairman **absent**

Bruno A. Barreiro	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**absent**
Barbara J. Jordan	**aye**	Joe A. Martinez	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**absent**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of July, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. JMM

Jess M. McCarty

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