

Practice Update

# Florida's Latest Attempt at a Recreational-Use Marijuana Constitutional Amendment

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By Jonathan S. Robbins

A constitutional ballot initiative was recently filed for Florida's 2024 General Election titled "Adult Personal Use of Marijuana." If approved by Florida voters, individuals 21 or older will be allowed "to possess, purchase, or use marijuana products and marijuana accessories for non-medical personal consumption by smoking, ingestion, or otherwise."

Unlike the 2016 constitutional amendment that expanded Florida's medical cannabis landscape, the last two attempts to expand Florida's cannabis laws via constitutional amendment did not even make it to the ballot. Both recreational-use measures, meant for the 2022 General Election, were rejected by the Florida Supreme Court on grounds that the summaries and/or the proposals in their entirety would mislead Florida voters.

The backers of the new initiative, not to mention the majority of Florida's voters, are hopeful that the new measure will survive any challenge and make it to the ballot. Before that happens, supporters will have to gather around 900,000 signatures from Florida voters. If the ballot initiative passes muster, the medical program will be expanded and we can expect more players to enter the Florida market. However, as with most constitutional amendments, the Florida Legislature will still have the final say on how the adult-use industry will be structured.

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Language set forth in the proposal specifically states, “Nothing in this amendment prohibits the Legislature from enacting laws that are consistent with the amendment.” Notably absent from the initiative are any social justice provisions, but this can be addressed by the Legislature if it chooses to do so.

Financial backers of the proposed constitutional amendment include The Safe & Smart Florida political committee, which is headed by Florida’s largest medical marijuana treatment center, Trulieve, along with country music legends The Bellamy Brothers. It is anticipated that other Florida licensees, including several multi-state operators will also put their money and energy behind the initiative once reviewed and approved by the Supreme Court.

If you have questions or need additional information about Florida’s constitutional amendment/ballot initiative process or Florida’s cannabis marketplace please contact us at any time.

The Ballot Title & Summary, as well as the full-text of the proposed amendment can be viewed [here](#).

**Disclaimer:**

Possessing, using, distributing, and/or selling marijuana or marijuana-based products is illegal under federal law, regardless of any state law that may decriminalize such activity under certain circumstances. Although federal enforcement policy may at times defer to states’ laws and not enforce conflicting federal laws, interested businesses and individuals should be aware that compliance with state law in no way assures compliance with federal law, and there is a risk that conflicting federal laws may be enforced in the future. No legal advice we give is intended to provide any guidance or assistance in violating federal law.

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