

## FLORIDA RECREATIONAL MARIJUANA ONE STEP CLOSER TO THE NOVEMBER 2024 BALLOT



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By: Cannabis Law Team Leader [Richard Blau](#)

On May 15, 2023, Florida Attorney General Ashley Moody asked the Florida Supreme Court to consider whether a recreational marijuana amendment should be barred from appearing on the ballot in 2024. [In her request to the court](#), the state's chief legal officer stated her belief that the ballot petition failed to comply with the technical requirements of [Section 101.161\(1\) of the Florida Statutes](#), which governs the procedures for proposing a public referendum to amend Florida's constitution.

### **Recreational Marijuana Ballot Initiative for 2024**

The Attorney General is required to render an opinion once a petition effort submits a quarter of the required valid signatures to put an amendment on the ballot and to transmit the measure to the Florida Supreme Court for review. The recreational marijuana amendment that is the subject of the current ballot initiative, titled "**Adult Personal Use of Marijuana**" (Ballot Initiative No. 22-05), would amend Article X, Section 29 of the Florida Constitution to provide that the non-medical personal use of marijuana products and marijuana accessories by an adult is not subject to any criminal or civil liability or sanctions under Florida Law. The proposed amendment defines "personal use" as follows:

"Personal use" means the possession, purchase, or use of marijuana products or marijuana accessories by an adult 21 years of age or older for non-medical personal consumption by smoking, ingestion, or otherwise. An adult need not be a qualifying patient in order to purchase marijuana products or marijuana accessories for personal use from a Medical Marijuana Treatment Center. An individual's possession of marijuana for personal use shall not exceed 3.0 ounces of marijuana except that not more than five grams of marijuana may be in the form of concentrate.

## **Medical Marijuana Ballot Initiative of 2016**

Florida voters in 2016 passed a constitutional amendment legalizing marijuana only for medical uses. That laid the groundwork for Florida's burgeoning cannabis industry and a host of regulations around the product. However, medical marijuana is available only to qualified patients who reside in Florida and must be ordered by a qualified physician. As of May 12, 2023—the most recent [update](#) issued by Florida's Office of Medical Marijuana Use (OMMU)—2,441 qualified physicians were ordering medical marijuana for 816,944 qualified patients.

More relevant to the growing marijuana industry, the same OMMU update reports that for the week of May 5-11, 2023, licensed Florida Medical Marijuana Treatment Centers (MMTCs) dispensed 302,599,412 mgs of Medical Marijuana from 565 distinct dispensaries. The same dispensaries sold 104,814,539 ounces of marijuana in a form for smoking during the same one-week time frame.

## **Ballot Measures in Other States**

In 15 states and Washington, D.C., voters approved ballot measures to legalize recreational marijuana for adult use. In 12 states and D.C., the ballot initiative process was used to legalize marijuana. In two states (New Jersey and Maryland), the respective Legislatures referred a measure to the ballot for voter approval. Advocates for recreational marijuana in Florida cite numerous motivations, including health considerations, libertarian philosophies (i.e., less government interference with private lifestyles), and the desire for an enhancing dynamic to benefit Florida's important hospitality industry.

## **Why Florida, Why Now**

Perhaps just as important, the OMMU's recent statistics underscore the economic incentives promised by the legalization of recreational marijuana, which are tracked closely by industry members and investors. Florida is the largest and most lucrative medical marijuana market in the United States. Kim Rivers, the CEO of cannabis industry leader Truelieve, estimates that Florida, with its 22 million residents and 138 million annual tourist visits, could become a leading legal cannabis market, potentially reaching \$6 billion in annual revenue.

Any constitutional amendment ultimately must pass muster with the Florida Supreme Court. If the ballot measure is approved for submission, the measure must still win approval with 60% of voters in the November 2024 General Election in order to become part of the Florida Constitution.

Florida marijuana advocates reportedly have collected 841,130 signatures for a marijuana legalization ballot initiative as of the end of April—approximately 94% of the signatures required to put the issue before voters next year. Based on monthly signature data reported by the Florida Division of Elections, which updates petition counts on the measure at the end of each month, legalization advocates appear likely to reach the 891,523 signature mandate by the end of May.

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[Richard M. Blau](#) leads the GrayRobinson Cannabis Law Team, focusing on the laws and regulations that govern the cultivation and production, processing, distribution, sale, and dispensing of medical marijuana, hemp, Cannabidiol (CBD), and related cannabis products. Richard has been rated by Chambers USA since 2007, was among the first lawyers in America to be rated Band 1 Nationwide for Cannabis Law, and is listed in Best Lawyers® in America. Richard has been involved extensively with the legalization of cannabis in Florida since its outset, with the passage of the Compassionate Medical Cannabis Act of 2014 (SB 1030) into law on June 6, 2014. Richard also has represented several investors in the cannabis industry, advising principals on compliance issues associated with Florida Medical Marijuana Treatment Center (MMTC) license acquisitions.

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