

Florida Supreme Court Paves Way for Voters to Legalize Recreational Marijuana in November

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Marking a significant development for the cannabis industry both in the state of Florida and throughout the U.S., an initiative will appear on the November 5, 2024, ballot in Florida, which could amend its constitution to allow the sale of recreational marijuana.

On April 1, 2024, Florida's Supreme Court ruled against the state attorney general. It permitted a ballot initiative to appear on the November 5, 2024, ballot that could amend Florida's Constitution to allow the sale of recreational marijuana. Florida's attorney general, Ashley Moody, challenged the language on the ballot initiative to amend the constitution as misleading. The Florida Supreme Court, however, disagreed. A similar initiative was attempted in 2022 but was invalidated on constitutional grounds by the same court.

If approved, the amendment will change Florida's Constitution to permit existing medical cannabis companies in the state to begin selling marijuana to all adults over the age of 21. An individual's possession of marijuana for personal use cannot exceed three ounces, only five grams of which can be marijuana concentrate products. Lawmakers will also be allowed to take steps to approve additional businesses to sell marijuana. Home cultivation will not be permitted under the initiative as drafted. The measure would take effect six months after approval by voters.

The move to legalize adult-use cannabis through a constitutional amendment would make Florida only the second state to take this approach to legalization, joining Colorado, which was the first, and thus far the only, state to do so. This approach is important because it would impose limitations on the ways in which the Florida legislative and executive branches may implement or alter an adult-use cannabis program.

Even though Florida currently only permits medical marijuana consumption, it is still considered the third-largest cannabis market in the country in sales, behind only California and Colorado (both of which allow recreational consumption). If the amendment is approved in November, Florida will likely leapfrog Colorado and become the country's second-largest cannabis market. Along with that distinction will come an exponential increase in tax dollars and jobs created (both directly plant-touching and ancillary) in the state of Florida. Indeed, economic analysts from the Florida legislature and the office of Governor Ron DeSantis estimate that marijuana legalization would generate between \$195.6 million and \$431.3 million in new tax revenue annually.

This is a significant development for Florida's marijuana industry. Two-thirds of voters support a bid to legalize recreational marijuana in Florida, according to a poll from the University of North Florida taken in December of

2023. With the supreme court's decision, it is likely a question of when – not if – recreational marijuana sales will be legal in Florida. Based on the language of the initiative, if the polling accurately reflects the will of the Florida voters, Florida will likely allow legal sales of recreational marijuana starting in May 2025.

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