



STATE OF FLORIDA

**ASHLEY MOODY
ATTORNEY GENERAL**

December 19, 2019

The Honorable Charles Canady
Chief Justice, and Justices of
The Supreme Court of Florida
The Supreme Court Building
Tallahassee, Florida 32399-1925

Dear Chief Justice Canady and Justices:

In accordance with the provisions of Article IV, section 10, Florida Constitution, and section 16.061, Florida Statutes, it is my responsibility as Attorney General to petition this Honorable Court for a written opinion as to the validity of an initiative petition circulated pursuant to Article XI, section 3, Florida Constitution.

On November 19, 2019, this office received a letter from the Secretary of State (a copy of which is attached) advising that the initiative petition entitled "Adult Use of Marijuana," No. 19-11 had met the registration, submission, and signature criteria set forth in section 15.21, Florida Statutes.

The full text of the proposed amendment, which purports to create or amend of Article X, Section 33 of the Florida Constitution, is as follows:

Section 33. Adult Use of Marijuana.

(a) Definitions. As pertaining to this section

(1) "Adult" means a person 21 years of age or older.

(2) "Department" means the Florida Department of Health or its successor agency.

(3) "Marijuana" shall have the same meaning as defined in Article X, Section 29.

(4) "Marijuana accessories" means any equipment, products, or materials of any kind which are for ingesting, inhaling, topically applying, or otherwise introducing marijuana into the human body.

(5) "Medical Marijuana Treatment Center" shall have the same meaning as defined in Article X, Section 29, except a licensed Medical Marijuana Treatment Center is permitted to sell, distribute, or dispense marijuana to a person 21 years of age or older for personal use for any reason in compliance with this section.

(6) "Public place" means any public street, sidewalk, park, beach, or other public commons.

(b) Public policy.

(1) An adult is permitted to possess, use, display, purchase, or transport marijuana or marijuana accessories for personal use for any reason in compliance with this section and Department regulations and is not subject to criminal or civil liability or sanctions under Florida law.

(2) A Medical Marijuana Treatment Center is permitted to sell, distribute, or dispense marijuana or marijuana accessories to an adult for personal use for any reason in compliance with this section and Department regulations and is not subject to criminal or civil liability or sanctions under Florida law.

(c) Restrictions.

(1) An adult may possess, display, purchase, or transport up to two and a half ounces of marijuana for personal use for any reason.

(2) A Medical Marijuana Treatment Center that sells, distributes, or dispenses marijuana or marijuana accessories to an adult shall ensure any marijuana or

marijuana accessories are clearly labeled and in childproof packaging.

(3) Marijuana or marijuana accessories shall not be advertised or marketed to target persons under the age of 21.

(4) Marijuana authorized by this section may not be used in any public place.

(5) The limitations set forth in Article X, Section 29(c)(4), (5), (6), and (8) shall apply to personal use of marijuana authorized by this section.

(d) Authority.

(1) The Department shall issue reasonable regulations necessary for the implementation and enforcement of this section.

(2) Nothing in this section shall limit the legislature from enacting laws consistent with this section.

(e) Severability. The provisions of this section are severable and if any clause, sentence, paragraph, or section of this measure, or an application thereof, is adjudged invalid by a court of competent jurisdiction, other provisions shall continue to be in effect to the fullest extent possible.

The ballot title for the proposed amendment is: "Adult Use of Marijuana." The ballot summary for the proposed amendment states:

Permits adults 21 years or older to possess, use, purchase, display, and transport up to 2.5 ounces of marijuana and marijuana accessories for personal use for any reason. Permits Medical Marijuana Treatment Centers to sell, distribute, or dispense marijuana and marijuana accessories if clearly labeled and in childproof packaging to adults. Prohibits advertising or marketing targeted to persons under 21. Prohibits marijuana use in defined public places. Maintains limitations on marijuana use in defined circumstances.

Pursuant to Rule 9.510(b), Florida Rules of Appellate Procedure, this petition provides the following information:

1. The name and address of the sponsor of the initiative petition:

Nick Hansen, Chairperson
Make It Legal Florida
P.O. Box 8200
Tallahassee, FL 32314

2. Name and address of the sponsor's attorney, if the sponsor is represented: Unknown.

3. A statement as to whether the sponsor has obtained the requisite number of signatures on the initiative petition to have the proposed amendment put on the ballot: As of November 19, 2019, the sponsor has not obtained the requisite number of signatures to have the proposed amendment placed on the ballot. A total of 766,200 valid signatures are required for placement on the 2020 general election ballot.

4. The current status of the signature-collection process: As of November 19, 2019, Supervisors of Elections have certified a total of 100,717 valid petition signatures to the Division of Elections for this initiative petition. This number represents more than 10% of the total number of valid signatures needed from electors statewide and in at least one-fourth of the congressional districts in order to have the initiative placed on the 2020 general election ballot.

5. The date of the election during which the sponsor is planning to submit the proposed amendment to the voters: Unknown. The earliest date of election that this proposed amendment can be placed on the ballot is November 3, 2020, provided the sponsor successfully obtains the requisite number of valid signatures by February 1, 2020.

6. The last possible date that the ballot for the target election can be printed in order to be ready for the election: Unknown.

7. A statement identifying the date by which the Financial Impact Statement will be filed, if the Financial Impact Statement is not filed concurrently with the request: The Secretary of State forwarded a letter to the Financial Impact Estimating Conference in the care of the coordinator on November 19, 2019.

8. The names and complete mailing addresses of all of the parties who are to be served: This information is unknown at this time. Section 16.061(2), Florida Statutes, requires that a copy of the petition be provided to the Secretary of State and to the principal officer of the sponsor:

Laurel M. Lee
Secretary of State
Florida Department of State
R.A. Gray Building
500 S. Bronough St.
Tallahassee, Florida 32399-0250

Nick Hansen, Chairperson
Make It Legal Florida
P.O. Box 8200
Tallahassee, FL 32314

While not required by law, this office provides copies of the petition to:

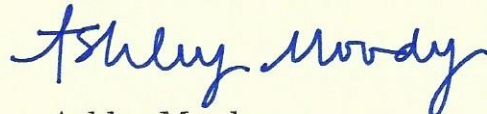
The Honorable Ron DeSantis
Governor, State of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

The Honorable Bill Galvano
President, The Florida Senate
Senate Office Building
404 S. Monroe St.
Tallahassee, FL 32399-1100

The Honorable Jose Oliva
Speaker, Florida House of Representatives
The Capital, Room 420
402 S. Monroe St.
Tallahassee, FL 32399-1300

In accordance with the provisions of Article IV, section 10, Florida Constitution, the Attorney General respectfully requests this Court's opinion as to whether the proposed amendment "Adult Use of Marijuana" complies with the single-subject requirement of Article XI, section 3, Florida Constitution, and whether the ballot title and summary of the amendment comply with the substantive and technical requirements in section 101.161(1), Florida Statutes.

Respectfully submitted,



Ashley Moody
Attorney General



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

November 19, 2019

The Honorable Ashley Moody
Attorney General
Department of Legal Affairs
PL-01 The Capitol
Tallahassee, Florida 32399-1050

Dear Attorney General Moody:

Section 15.21, Florida Statutes, provides that the Secretary of State shall submit an initiative petition to the Attorney General when a sponsoring political committee has met the registration, petition form submission and signature criteria set forth in that section.

The criteria in section 15.21, Florida Statutes, has been met for the initiative petition titled **ADULT USE OF MARIJUANA**, Serial Number **19-11**. Therefore, I am submitting the proposed constitutional amendment petition form, along with a status update for the initiative petition, and a chart that provides a statewide signature count and count by congressional districts.

Sincerely,

A handwritten signature in blue ink that reads "Laurel M. Lee".

Laurel M. Lee
Secretary of State

LL/ljr

pc: Nick Hansen, Chairperson, Make it Legal Florida
Enclosures

NOV19'19 RCVD

Handwritten initials in blue ink, possibly "N-H" and "A-D".

CONSTITUTIONAL AMENDMENT FULL TEXT

Ballot Title:

ADULT USE OF MARIJUANA

Ballot Summary:

Permits adults 21 years or older to possess, use, purchase, display, and transport up to 2.5 ounces of marijuana and marijuana accessories for personal use for any reason. Permits Medical Marijuana Treatment Centers to sell, distribute, or dispense marijuana and marijuana accessories if clearly labeled and in childproof packaging to adults. Prohibits advertising or marketing targeted to persons under 21. Prohibits marijuana use in defined public places. Maintains limitations on marijuana use in defined circumstances.

Article and Section Being Created or Amended:

Creating Article X, Section 33, Florida Constitution

Full Text of the Proposed Amendment: Words added are underlined. Words removed are ~~struck through~~

Section 1. A new section in Article X is created to read:

Section 33. Adult Use of Marijuana.

(a) Definitions. As pertaining to this section

(1) "Adult" means a person 21 years of age or older.

(2) "Department" means the Florida Department of Health or its successor agency.

(3) "Marijuana" shall have the same meaning as defined in Article X, Section 29.

(4) "Marijuana accessories" means any equipment, products, or materials of any kind which are for ingesting, inhaling, topically applying, or otherwise introducing marijuana into the human body.

(5) "Medical Marijuana Treatment Center" shall have the same meaning as defined in Article X, Section 29, except a licensed Medical Marijuana Treatment Center is permitted to sell, distribute, or dispense marijuana to a person 21 years of age or older for personal use for any reason in compliance with this section.

(6) "Public place" means any public street, sidewalk, park, beach, or other public commons.

(b) Public policy.

(1) An adult is permitted to possess, use, display, purchase, or transport marijuana or marijuana accessories for personal use for any reason in compliance with this section and Department regulations and is not subject to criminal or civil liability or sanctions under Florida law.

(2) A Medical Marijuana Treatment Center is permitted to sell, distribute, or dispense marijuana or marijuana accessories to an adult for personal use for any reason in compliance with this section and Department regulations and is not subject to criminal or civil liability or sanctions under Florida law.

Initiative Information

Date Approved 9/6/19

Serial Number 19-11

Sponsor Name: Make It Legal Florida

Sponsor Address: Post Office Box 8200 Tallahassee, FL 32314

CONSTITUTIONAL AMENDMENT FULL TEXT

(c) Restrictions.

(1) An adult may possess, display, purchase, or transport up to two and a half ounces of marijuana for personal use for any reason.

(2) A Medical Marijuana Treatment Center that sells, distributes, or dispenses marijuana or marijuana accessories to an adult shall ensure any marijuana or marijuana accessories are clearly labeled and in childproof packaging.

(3) Marijuana or marijuana accessories shall not be advertised or marketed to target persons under the age of 21.

(4) Marijuana authorized by this section may not be used in any public place.

(5) The limitations set forth in Article X, Section 29(c)(4), (5), (6), and (8) shall apply to personal use of marijuana authorized by this section.

(d) Authority.

(1) The Department shall issue reasonable regulations necessary for the implementation and enforcement of this section.

(2) Nothing in this section shall limit the legislature from enacting laws consistent with this section.

(e) Severability. The provisions of this section are severable and if any clause, sentence, paragraph, or section of this measure, or an application thereof, is adjudged invalid by a court of competent jurisdiction, other provisions shall continue to be in effect to the fullest extent possible.

Initiative Information

Date Approved 9/6/19

Serial Number 19-11

Sponsor Name: Make It Legal Florida

Sponsor Address: Post Office Box 8200 Tallahassee, FL 32314

**Attachment for Initiative Petition
ADULT USE OF MARIJUANA
Serial Number 19-11**

- 1. Name and address of the sponsor of the initiative petition:**
Nick Hansen, Chairperson
Make it Legal Florida
Post Office Box 8200
Tallahassee, FL 32314-
- 2. Name and address of the sponsor's attorney, if the sponsor is represented:**
Unknown
- 3. A statement as to whether the sponsor has obtained the requisite number of signatures on the initiative petition to have the proposed amendment put on the ballot:** As of November 19, 2019, the sponsor has not obtained the requisite number of signatures to have the proposed amendment placed on the ballot. A total of 766,200 valid signatures are required for placement on the 2020 general election ballot.
- 4. If the sponsor has not obtained the requisite number of signatures on the initiative petition to have the proposed amendment put on the ballot, the current status of the signature-collection process:** As of November 19, 2019, Supervisors of Elections have certified a total of 100,717 valid petition signatures to the Division of Elections for this initiative petition. This number represents more than 10% of the total number of valid signatures needed from electors statewide and in at least one-fourth of the congressional districts in order to have the initiative placed on the 2020 general election ballot.
- 5. The date of the election during which the sponsor is planning to submit the proposed amendment to the voters:** Unknown. The earliest date of election that this proposed amendment can be placed on the ballot is November 3, 2020, provided the sponsor successfully obtains the requisite number of valid signatures by February 1, 2020.
- 6. The last possible date that the ballot for the target election can be printed in order to be ready for the election:** Unknown
- 7. A statement identifying the date by which the Financial Impact Statement will be filed, if the Financial Impact Statement is not filed concurrently with the request:** The Secretary of State forwarded a letter to the Financial Impact Estimating Conference in the care of the coordinator on November 19, 2019.
- 8. The names and complete mailing addresses of all of the parties who are to be served:** This information is unknown at this time.

FLORIDA DEPARTMENT OF STATE
DIVISION OF ELECTIONS

SUMMARY OF PETITION SIGNATURES

Political Committee: **Make It Legal Florida**

Amendment Title: **ADULT USE OF MARIJUANA**

Congressional District	Voting Electors in 2016 Presidential Election	For Review 10% of 8% Required By Section 15.21 Florida Statutes	For Ballot 8% Required By Article XI, Section 3 Florida Constitution	Signatures Certified	
FIRST	386,504	3,093	30,921	2,061	
SECOND	360,098	2,881	28,808	2,834	
THIRD	356,715	2,854	28,538	3,390	***
FOURTH	428,190	3,426	34,256	3,941	***
FIFTH	316,115	2,529	25,290	3,366	***
SIXTH	385,918	3,088	30,874	3,593	***
SEVENTH	370,466	2,964	29,638	2,273	
EIGHTH	409,569	3,277	32,766	3,128	
NINTH	362,593	2,901	29,008	2,753	
TENTH	320,548	2,565	25,644	0	
ELEVENTH	417,253	3,339	33,381	4,198	***
TWELFTH	386,775	3,095	30,942	9,060	***
THIRTEENTH	367,818	2,943	29,426	10,140	***
FOURTEENTH	336,289	2,691	26,904	4,456	***
FIFTEENTH	340,331	2,723	27,227	3,738	***
SIXTEENTH	403,805	3,231	32,305	13,341	***
SEVENTEENTH	360,061	2,881	28,805	3,946	***
EIGHTEENTH	388,772	3,111	31,102	3,235	***
NINETEENTH	389,415	3,116	31,154	3,091	
TWENTIETH	291,984	2,336	23,359	2,988	***
TWENTY-FIRST	355,842	2,847	28,468	2,322	
TWENTY-SECOND	361,305	2,891	28,905	2,916	***
TWENTY-THIRD	342,784	2,743	27,423	2,442	
TWENTY-FOURTH	269,446	2,156	21,556	2,919	***
TWENTY-FIFTH	269,983	2,160	21,599	1,270	
TWENTY-SIXTH	294,742	2,358	23,580	1,685	
TWENTY-SEVENTH	304,012	2,433	24,321	1,631	
TOTAL:	9,577,333	76,632	766,200	100,717	

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing petition has been furnished by U.S. Mail to the following on this **19th** day of December 2019:

Laurel M. Lee
Secretary of State
Florida Department of State
R.A. Gray Building
500 S. Bronough St.
Tallahassee, Florida 32399-0250

Nick Hansen
Make It Legal Florida
P.O. Box 8200
Tallahassee, FL 32314

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President, The Florida Senate
Senate Office Building
404 S. Monroe St.
Tallahassee, FL 32399-1100

The Honorable Jose Oliva
Speaker, Florida House of Representatives
The Capital, Room 420
402 S. Monroe St.
Tallahassee, FL 32399-1300

/s/ Jeffrey Paul DeSousa
Jeffrey Paul DeSousa (FBN 110951)
Deputy Solicitor General
Office of the Attorney General
The Capitol, PL-01
Tallahassee, Florida 32399-1050
jeffrey.desousa@myfloridalegal.com