

CONSTITUTIONAL AMENDMENT FULL TEXT

Ballot Title: Legalizes Personal Use Marijuana for Adults Twenty-One or Older, Permits Adults to Cultivate Marijuana.

Ballot Summary: Legalizes Marijuana for adults age twenty-one or older for personal use, to possess, use, process, transport marijuana, marijuana products and marijuana accessories, permits cultivating nine live marijuana plants per adult with eighteen plants maximum per household. Preserves current medical marijuana law by repealing Note 1 A. of Florida Statute 381.986 2020. Prevents legislature from limiting marijuana Tetrahydrocannabinol percentage. Does not permit selling marijuana. Does not immunize federal law violations.

Article and Section Being Created or Amended: Creating Article X, Section 33, Florida Constitution

Full Text of the Proposed Amendment:

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

Section 33. Adult Use and Cultivation of Marijuana.

(a) Definitions. As pertaining to this section

- (1) "Adult" means a person twenty-one years of age or older.
- (2) "Female marijuana plant" means a live plant capable of producing female marijuana flowers also known as marijuana buds. Female marijuana flowers are comprised of resinous calyxes, pistils, and floral growth.
- (3) "Flowering stage" means the mature stage of a live marijuana plant during which a female marijuana plant produces marijuana flowers, also known as marijuana buds.
- (4) "Hermaphroditic marijuana plant" means a live marijuana plant bearing both female marijuana flowers and male pollen sacs.
- (5) "Household" means a residence of any kind that is owned or rented for use as a home, residence, or sleeping place by one or more persons who maintain a common household.
- (6) "Adult Household member" means a person or persons presently residing together in a household and are age twenty-one years old or older.
- (7) "Male marijuana plant" means a live marijuana plant producing only pollen sacs during the flowering stage, incapable of producing female marijuana flowers also known as marijuana buds.
- (8) "Marijuana" shall have the same meaning as defined in Article X, Section 29 of the Florida Constitution.
- (9) "Marijuana accessories" means any equipment, products, or materials of any kind which are for ingesting, inhaling, smoking, topically applying, infusing, extracting, or otherwise introducing marijuana into the human body.
- (10) "Marijuana plant" shall mean a live marijuana plant, including, but not limited to, a seedling or cutting, if it has readily observable evidence of root formation, such as root hairs. To determine if a piece or part severed from the marijuana plant is itself a marijuana

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plant, the severed piece or part must have readily observable evidence of root formation, such as root hairs. Callus tissue is not readily observable root formation.

(11) "Marijuana products" means products that are comprised of marijuana, or marijuana and other ingredients, intended for human consumption, inhalation, ingestion, smoking, or human topical application, including but not limited to, marijuana flower, marijuana trim, edible products, infused products, concentrates, ointments, and tinctures.

(12) "Process" means to create marijuana products.

(13) "Vegetative stage" means a live marijuana plant with roots, where new stem and new leaf growth occurs prior to the flowering stage. Pre-flower calyx growth may be present at plant nodes which may indicate a female marijuana plant. A marijuana plant has not entered the flowering stage if it is still actively growing new shoots, stems and leaves but not new floral growth.

(b) Public policy.

(1) An adult is permitted to cultivate, possess, use, process, display, make marijuana products, or transport marijuana, marijuana products, or marijuana accessories for personal use in compliance with this section and is not subject to criminal or civil liability or sanctions under Florida law.

(2) The legislature shall not enact laws which limit the Tetrahydrocannabinol content of marijuana or marijuana products authorized pursuant to this section.

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

(c) Cultivation and personal use of marijuana. Notwithstanding any other provision of law, the following acts are not unlawful and an adult may not be subject to criminal or civil liability or sanctions and it shall not be an offense under Florida law or the law of any county or municipality within Florida or be a basis for seizure or forfeiture of assets under Florida law for adults acting in compliance with this section.

(1) Cultivating marijuana by adults twenty-one or older shall be permitted under the following conditions:

a Each adult household member may cultivate up to nine live marijuana plants, if there are more than two adults in the household the maximum total for the household shall be eighteen total live marijuana plants regardless of how many adults are in the household;

b Each adult household member may cultivate up to nine live marijuana plants, with up to six female marijuana plants in the flowering stage at a time, with the balance of any live marijuana plants in vegetative stage; when counting the six flowering stage plants, male marijuana plants shall not be included in that total and shall only count as vegetative stage plants. A hermaphroditic marijuana plant bearing any female flowers shall be included in the flowering stage total;

c Adult household members may possess their personal harvest therefrom and use it in any manner consistent with this section;

d The cultivation must take place indoors in a lockable area with marijuana plants not visible by or accessible to the public, or outside in an enclosed lockable structure with marijuana plants not visible by or accessible to the public. The outdoor structure can be translucent and allow for the passage of sunlight for cultivation. Any area or structure where the cultivation, processing, or drying of marijuana takes place must remain locked except when an adult is present and any marijuana or marijuana products contained within shall be inaccessible to all persons under twenty-one years of age, and the marijuana cultivated or marijuana products shall not be made available for sale;

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(2) Adults twenty-one or older are allowed to possess, use, process, display, make marijuana products, or transport marijuana and marijuana products in quantities reasonably indicative of personal use, but shall not make marijuana or marijuana products available for sale;

(d) 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.

(e) Effect on other Florida laws relating to cannabis or marijuana.

(1) Nothing in this section shall be construed to affect or repeal s. 112.0455, Florida Statutes (2020) (Drug-Free Workplace Act).

(2) To prevent the expiration of the current medical marijuana program, the Florida Legislature shall, no later than four months from the effective date of this amendment, repeal section 381.986 Note 1. A, Florida Statute (2020) or as amended, which states “[i]t is the intent of the Legislature to implement s. 29, Article X of the State Constitution by creating a unified regulatory structure. If s. 29, Article X of the State Constitution is amended or a constitutional amendment related to cannabis or marijuana is adopted, this act shall expire 6 months after the effective date of such amendment.”

(f) Limitations: Employers, driving, minors, and federal law.

(1) Nothing in this section is intended to require accommodation of any on-site use of marijuana in a correctional institution or detention facility, or a place of education or employment, or smoking marijuana in any public place.

(2) Nothing in this section shall permit the operation of any vehicle, aircraft, train, or boat while under the influence of marijuana.

(3) Nothing in this section is intended to permit the transfer of marijuana, with or without remuneration, to a person under the age of twenty-one or to allow a person under the age of twenty-one to purchase, possess, use, transport, cultivate, or consume marijuana, except as otherwise permitted under state law or the Florida Constitution.

(4) Nothing in this section allows for a violation of any law other than for conduct in compliance with the provisions of this section.

(5) Nothing in this section requires a violation of federal law or purports to give immunity under federal law.

(g) Self-executing, severability, conflicting provisions. All provisions of this section are self executing except as specified herein. All provisions of this section are severable, and, except where otherwise indicated in the text, shall supersede conflicting state statutory, local charter, ordinance, or resolution, and other state and local provisions.

(h) Effective date. Except as otherwise provided herein, all provisions of this proposed amendment shall be effective as an amendment to the Constitution of the State of Florida on the first Tuesday after the first Monday in January following the general election.

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