

Florida May Add Cannabis Permits If Adult-Use Passes in 2024

Florida's Amendment 3: What Voters Need to Know About the High-Stakes Push for Recreational Cannabis

With Election Day fast approaching, Florida's Amendment 3—the most expensive cannabis legalization initiative in U.S. history—is poised to redefine the state's marijuana market. If 60% of voters support it, recreational cannabis will become legal for adults aged 21 and older in the nation's largest medical-only market as of May 2025. This would mark a significant shift in the state's approach to cannabis, where only medical use is currently allowed.

But there's a catch: The Republican-led state government, led by Governor Ron DeSantis, has voiced strong opposition to the amendment, raising questions about how smoothly the implementation will unfold even if the amendment passes.

The Stakes for Florida: Unlocking a Billion-Dollar Market

Supporters of Amendment 3 argue that recreational cannabis could bring a substantial economic boost to Florida. With the state's medical marijuana sales projected to reach \$2.1 billion by the end of 2024, the transition to a recreational market would likely increase revenue and create a larger tax base. According to recent polling by the University of North Florida, the amendment has strong backing, with 66% of respondents expressing support.

The amendment's language states that if passed, licensed Medical Marijuana Treatment Centers (MMTCs) will be permitted to grow, process, and sell cannabis for recreational use starting in May 2025. This would give Florida's 25 licensed MMTCs, including the state's largest cannabis provider, Trulieve Cannabis Corp., first-mover status in the recreational market. Trulieve has poured \$141.9 million into the campaign through Smart & Safe Florida, the committee sponsoring Amendment 3, which highlights the significant stakes for these established players.

Potential Roadblocks from State Leaders

Although polling is in favor of legalization, Amendment 3 faces political obstacles. Governor Ron DeSantis and the Republican-led legislature are actively campaigning against it. Their opposition is based on concerns about potential public health risks, federal regulatory conflicts, and the perception that the amendment would benefit large, established operators like Trulieve disproportionately.

The state's constitutional amendment process requires 60% voter approval for passage, and even if it clears this hurdle, state legislators would need to enact "implementation legislation" to define the regulatory framework for adult-use cannabis. This includes addressing areas that Amendment 3 leaves unregulated, such as public consumption, home cultivation, and potential licensing for new dispensaries.

Implementation Details: What Amendment 3 Includes (and Omits)

One of the critical limitations of Amendment 3 is its focus. Florida's constitutional amendment rules require each amendment to address a single issue, so Amendment 3 does not include provisions for home cultivation, meaning Floridians cannot legally grow cannabis plants at home. Attorney John Morgan, a longtime advocate for medical cannabis in Florida, emphasized this omission, noting that a separate bill would be needed to address personal cultivation.

Furthermore, follow-up legislation would be necessary to set restrictions on public consumption. Republican state Senator Joe Gruters, a supporter of the amendment, has indicated his intention to introduce a bill to restrict public use of cannabis, including vaping and smoking on the state's beaches.

"There's an implementing bill that follows," said Democratic state Senator Jason Pizzo, who also supports legalization. "And there's going to be a lot of consternation and complaints about how narrow it is and how many guardrails are put in place." This follow-up legislation will likely shape Florida's recreational cannabis landscape, affecting everything from who can operate in the market to public-use regulations.

The Influence of Established Cannabis Operators

The first-mover advantage provided to existing MMTCs in Amendment 3 has drawn criticism from opponents, who argue it could create a monopoly-like environment. Trulieve, the most prominent operator with 156 dispensaries across Florida, stands to benefit significantly. With a \$141.9 million investment in the campaign, Trulieve has become a central figure in the push for recreational legalization, sparking concerns among critics who argue that Amendment 3 primarily serves large cannabis corporations.

In anticipation of possible legislative changes, established MMTCs are preparing to scale their operations, though some are proceeding cautiously. Brady Cobb, CEO of Fort Lauderdale-based Sunburn Cannabis, which operates 14 dispensaries, shared that his company has extensive expansion plans but is waiting for legislative clarity before making substantial investments.

"I'm ready to hit the button," Cobb stated, "but we need to know how the Legislature will shape the adult-use market first."

Potential for New Business Opportunities

While established operators like Trulieve have a head start, questions remain about whether new licenses will be issued to create a more competitive market. In a preemptive move, some MMTCs, including Ayr Wellness, Green Thumb Industries, and Verano Holdings, have formed a lobbying group, the Florida Medical Marijuana Trade Association (FMMTA), to represent their interests at the state capitol. So far, FMMTA has not disclosed any specific plans, leaving industry observers to speculate on its approach to protecting the current market structure.

Attorney Seann Frazier, a partner at the Parker Hudson law firm, speculates that these companies will fight to maintain their market position. "There's a reason the biggest MMTCs have spent so much in support of the amendment, and it's probably not to invite new competition," Frazier noted. Any limitations on new licenses could be met with lawsuits from businesses hoping to enter Florida's lucrative market.

Anticipated Legal Battles

If Amendment 3 passes, litigation is widely expected as various stakeholders seek clarity or challenge elements of the amendment's implementation. Under Florida's existing cannabis laws, regulators are

supposed to issue additional MMTC licenses based on the number of patients added to the state registry. In 2023, regulators accepted 73 applications for 22 new MMTC licenses, but as of now, no licenses have been granted, and there's no timeline for when they will be.

This ongoing delay has led to frustration among would-be operators and could result in legal challenges if Amendment 3 passes. Frazier argues that there's "nothing" in the amendment that should prevent regulators from issuing these licenses, but notes that the state's inaction on pending applications remains unexplained.

Could Florida Follow Ohio's Path?

Looking at recent precedents, many observers believe Florida's rollout of adult-use cannabis could follow a model similar to Ohio's, where voters approved recreational marijuana despite opposition from Republican lawmakers. In Ohio, officials allowed medical operators to start serving the adult-use market while taking a gradual approach to licensing additional businesses.

This approach could be repeated in Florida, allowing the state to avoid regulatory chaos while ensuring voters' wishes are respected. However, with the Florida Legislature still controlling key aspects of cannabis policy, it remains unclear how the market will be structured and when additional licenses might be issued.

Election Day Approaches with Uncertain Outcomes

As Floridians prepare to vote on Amendment 3, the outcome remains uncertain. While support appears strong, the amendment's success depends on reaching the 60% threshold and overcoming opposition from the state's Republican leadership. Advocates are urging supporters to vote, highlighting the potential economic benefits and the advantages of a regulated market.

If Amendment 3 passes, the next steps will hinge on the Florida Legislature's decisions regarding regulatory frameworks and additional licenses. The stakes are high for Florida's medical marijuana operators, who could gain a massive new market, but they may face stiff competition if the state decides to issue new licenses.

Whether Florida follows a smooth path to legalization or faces significant hurdles will become clearer after Election Day. Either way, the debate over recreational cannabis in Florida underscores the complex intersections of politics, economics, and public opinion that continue to shape the U.S. cannabis industry.

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