

New Florida Bill: Ban on Public Smoking if Cannabis is Legalized

Gov. DeSantis Warns of Statewide Marijuana Smell as Florida Faces Recreational Cannabis Vote

Florida Governor Ron DeSantis (R) has voiced strong opposition to the upcoming vote on legalizing recreational cannabis in the state, citing concerns that the widespread use of marijuana would negatively impact the quality of life in Florida. Speaking just days after the Florida Supreme Court approved putting Amendment 3 on the November ballot, DeSantis said, “This state will start to smell like marijuana in our cities and counties. It will reduce the quality of life.”

Legislative Response to Odor Concerns

In response to these concerns, Sarasota Republican state Senator Joe Gruters announced on Thursday that he plans to introduce legislation next year that would ban smoking marijuana in all public places across Florida. Gruters, who surprised many by expressing support for the proposed constitutional amendment, said his bill is meant to address worries about the potential side effects of legalization, including public exposure to marijuana smoke.

“People don’t want to go outside and smell it,” Gruters said during a remote conference call with reporters. He proposed following Arizona’s model, where a similar law prohibits smoking marijuana in public spaces. “I think this is easy to do, this is well within our authority, and I think that we need to get ahead of this. And that’s the whole purpose of the bill.”

DeSantis and Critics Highlight Amendment Concerns

Florida law limits ballot summary language for proposed constitutional amendments to 75 words, a restriction that critics like DeSantis have used to suggest potential negative consequences if the measure passes. Some opponents have claimed, for example, that the amendment could allow individuals to bring marijuana into inappropriate settings, like elementary schools.

Gruters, however, expressed confidence that the state legislature will address any concerns if Amendment 3 is approved by voters. “When this passes, the implementation portion of the bill that the Legislature will come up with, that’s the easiest time to put some of these guardrails in place,” he said.

Opposition from Anti-Cannabis Advocates

Dr. Jessica Spencer, director of advocacy for the Vote No on 3 campaign, criticized Gruters’s proposal as an acknowledgment that Amendment 3 is flawed. She argued that legalizing recreational marijuana could harm Florida’s tourism industry by allowing public consumption, which could make the state less appealing to visitors.

“It’s ironic that the same people who support legalizing recreational marijuana through constitutional amendment instead of trusting the legislature to do so, are now changing their tune and claiming they trust the legislature to fix the problem that their amendment creates,” Spencer said. She also pointed out that Gruters’s proposal would not prevent people from smoking in their own apartments or condos, potentially affecting neighbors.

Supporters Launch Counter-Campaign

In response to Gruters’s comments, Smart & Safe Florida, the political committee supporting Amendment 3, launched a new website called FreedomDoesn’tStink.com. The site argues that the state legislature has the ability to regulate recreational cannabis similarly to alcohol and tobacco, and accuses politicians of misleading voters about the consequences of legalization.

“What really stinks is politicians lying to Florida voters about the realities of living in a state with more individual freedom and safer communities,” said Morgan Hill, spokesperson for Smart & Safe Florida. Hill emphasized that Amendment 3 would end arrests for simple marijuana possession, allow adults to make their own choices, and provide access to safe, tested cannabis products.

Bipartisan Support for Public Smoking Ban

Joining Gruters on the conference call were Tampa Bay Democratic state Senator Darryl Rouson and Broward County Republican House Representative Chip LaMarca, both of whom expressed support for the public smoking ban. Rouson said he would co-sponsor the bill in the Senate, while LaMarca will sponsor it in the House. LaMarca, who co-authored a 2022 law allowing local governments to restrict smoking on public beaches and parks, said he wants to help protect Florida’s environment and public spaces from marijuana smoke.

“Florida is known for its clean water and its clean air, and we don’t want people to come down in public places regardless of what happens on Nov. 5,” LaMarca said.

Gruters Faces Opposition Within His Party

In backing Amendment 3, Gruters is breaking ranks with DeSantis and the Republican Party of Florida, both of which have come out strongly against the measure. Gruters acknowledged that he has not discussed his support for the amendment directly with DeSantis but has reached out to express his views.

Amendment 3’s Path to Approval

Amendment 3 requires 60 percent support from voters to become law. A recent poll from Florida Atlantic University shows the measure receiving 56 percent support, though other polls suggest it could surpass the 60 percent threshold. As the November vote approaches, the debate over recreational cannabis in Florida is intensifying, with strong opinions on both sides about the potential impact on the state’s future.

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