

Legal Challenges Force Florida To Reset Pot Petition Count

Florida Cannabis Legalization Campaign Faces Signature Reset To Zero Ahead Of 2028 Ballot Amid Ongoing Legal Battles

A Florida campaign seeking to place marijuana legalization on the ballot is confronting a major setback as state officials reset its collected signatures to zero for the 2028 cycle, even as litigation continues over the status of its 2026 petition drive.

Under a new election law signed last year by Ron DeSantis, signatures collected for one election cycle cannot carry over into the next. This policy erased nearly 800,000 signatures gathered by the Smart & Safe Florida campaign for the 2026 ballot, which would have allowed voters to decide on adult-use cannabis legalization this November.

“The new law means all signatures expire for the new cycle,” a Smart & Safe Florida spokesperson said, calling it “one more way they screwed over voters.”

Recent Election Law Changes In Florida Include Stricter Petition Rules And Signature Collector Requirements, Campaign Officials Say

The law includes additional reforms that advocates say make ballot access more difficult, including stricter formatting requirements for petitions, registration rules for signature collectors, and limits on the number of issues a campaign committee may pursue simultaneously.

Despite these obstacles, Smart & Safe Florida is continuing its 2026 ballot effort through ongoing legal challenges. The campaign recently appealed to the state Supreme Court after roughly 71,000 signatures were invalidated, while the court simultaneously closed a separate legal review of the measure.

In December, the campaign filed a lawsuit in Leon County circuit court claiming Secretary of State Cord Byrd improperly instructed county officials to invalidate about 42,000 signatures from inactive voters and 29,000 from out-of-state petitioners. The campaign had also previously disputed the invalidation of roughly 200,000 signatures that lacked the full text of the initiative.

Smart & Safe Florida maintains that it submitted over 1.4 million petitions, far above the 880,062 verified signatures required to place the measure on the ballot. According to the secretary of state’s office, the last verified total was 783,592.

Attorney General And Business Groups Join Legal Push To Block Initiative, While Campaign Emphasizes Bipartisan Voter Support

Florida Attorney General James Uthmeier withdrew a prior request to review the initiative's constitutionality after claiming the campaign submitted an insufficient number of valid petitions. Meanwhile, the Florida Chamber of Commerce, Florida Legal Foundation, and a retired judge filed a joint brief arguing that out-of-state actors had abused the citizen initiative process, and urged courts to block the measure.

The campaign has also faced criminal investigations and subpoenas related to alleged fraud in the petition process. Advocates have argued delays in certification by the state have further complicated their efforts to qualify for the ballot.

Despite these legal and procedural hurdles, Smart & Safe Florida remains optimistic about the 2026 initiative. The revised proposal includes measures responding to previous criticisms, such as banning smoking and vaping in public and requiring legislative approval of rules governing public consumption.

Governor DeSantis has repeatedly predicted that the initiative would face significant legal challenges and would likely be blocked by the Florida Supreme Court.

Polling Shows Overwhelming Voter Support For Adult-Use Cannabis In Florida Despite Legal And Political Challenges

Despite the uncertainty, polling indicates strong voter backing for legalization, with a survey last February showing 67 percent support statewide, including 82 percent of Democrats, 66 percent of independents, and 55 percent of Republicans.

With litigation ongoing and the signature reset now in effect, the campaign's ability to appear on future ballots remains in question, highlighting the continued tension between citizen initiatives, state law changes, and political opposition in Florida.

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