

Bond Case Briefs

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VOTER INITIATIVE - FLORIDA

In re Advisory Opinion to Attorney General re Use of Marijuana for Certain Medical Conditions

Supreme Court of Florida - January 27, 2014 - So.3d - 2014 WL 289984

Attorney general filed petition for advisory opinion as to validity of proposed citizen medical marijuana initiative amendment to Florida Constitution and corresponding financial impact statement.

The Justices of the Supreme Court held that:

- Proposed amendment satisfied single-subject requirement of state constitution;
- Title and summary of proposed amendment complied with statutory requirement that they fairly inform voters of chief purpose of amendment and not mislead voters; and
- Financial impact statement satisfied statutory requirements.

For purposes of single-subject analysis of a proposed citizen initiative amendment to the state constitution, “logrolling” is a practice wherein several separate issues are rolled into a single initiative in order to aggregate votes or secure approval of an otherwise unpopular issue.

Proposed amendment to state constitution legalizing medical use of marijuana did not violate “log-rolling” aspect of constitutional single-subject requirement for citizen initiative petitions by providing for specific role of Department of Health in overseeing and licensing medical use of marijuana, as such provision was directly connected with question of whether state residents wanted provision in state constitution authorizing medical use of marijuana, as determined by licensed Florida physician, under Florida law.

Proposed constitutional amendment based on citizen initiative petition legalizing medical use of marijuana did not substantially alter or perform functions of multiple aspects of government, in violation of single-subject requirement of state constitution; amendment calling for Department of Health or its successor agency to register and oversee providers, issue identification cards, and determine treatment amounts to ensure safe use of medical marijuana by qualifying patients did not substantially affect or alter Department’s functions, and amendment did not empower Department to make primary policy decisions in usurpation of legislative power.

Title and summary of proposed constitutional amendment based on citizen initiative petition legalizing medical use of marijuana complied with statutory requirement that they fairly inform voters of chief purpose of amendment and not mislead voters. Neither title, “Use of Marijuana for Certain Medical Conditions[,]” nor summary hid true scope of proposed amendment, title and summary were not affirmatively misleading for omitting issue of physician criminal or civil liability, and title and summary were not required to inform voters as to current state of federal law with respect to possession and use of marijuana.

