

November 1, 2022

Dear Governor DeSantis,

We write to you today to urge you to grant full pardons to Floridians with only a simple marijuana possession conviction. We also ask that you prioritize these pardons on the agenda of the December 14 hearing of the State Board of Executive Clemency. As public sentiment toward the War on Drugs has evolved, momentum builds across the U.S. toward bipartisan reforms, including the adoption of a constitutional amendment legalizing marijuana for medical use in 2016, passed with 71% approval of Florida voters. Even so, there are people sitting in Florida’s jails and prisons whose only offense is having a small amount of marijuana in their possession.

According to the Florida Department of Law Enforcement, Florida [arrested 20,765 and convicted 4,202 people in 2021](#) for marijuana possession, a 13% and 29% increase, respectively, from 2020.<sup>1</sup> Incarcerating these individuals costs state taxpayers around [\\$28,000](#) annually to detain one person in a Florida prison. People arrested for such a minor offense often suffer major consequences, including [up to a year of jail time and a \\$1,000 fine](#) for possessing only 20 grams or less. A conviction and accompanying criminal record bring challenges to securing gainful employment, education, and housing opportunities. While people of all races tend to use marijuana at the same rate, Black Floridians make up [56% of marijuana possession arrests](#) while only making up [17% of the state population](#).

A [2022 University of North Florida](#) poll found that 76% of Floridians supported legalizing marijuana – including an impressive 64% approval rating among Republicans. Voters from both sides of the aisle also would like to see change on this issue, recognizing that we cannot incarcerate our way out of the Drug War. While reform has always polled well with Democrats and Independents, a [2021 Gallup poll](#) showed for the first time that 50% of Republicans are in favor of reconsidering our carceral approach to drug enforcement. Moreover, a [2020 Louisiana State University survey](#) of law enforcement found that 63% of officers disagree that incarcerating marijuana users is an effective way to reduce marijuana use, recognizing that their resources could be used toward more serious crimes.

Today, several Florida counties and municipalities including [Miami-Dade, Tampa, and Orlando](#) have already initiated decriminalization on a local level – enacting ordinances giving police discretion to issue citations in lieu of arrest for possessing 20 grams or less of marijuana. Earlier this year [you also were quoted as saying](#), “I’ve never thought that somebody who was caught using it (marijuana) . . . we’re not going to use the prison system for that.” We hope that this statement is a show of support for broader measures that would further alleviate the harms of over-incarceration in Florida.

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<sup>1</sup> The Florida Department of Law Enforcement does not explicitly distinguish simple marijuana possession arrests and convictions from other possession cases, but does report it separately from marijuana trafficking and smuggling which presumably would involve cases with larger amounts.

As Governor, you [have the authority](#), with the approval of two members of the Board, to pardon individuals with only minor marijuana possession charges and convictions – a measure unlikely to jeopardize public safety, but that will instead alleviate burdens on the [third-largest carceral system](#) in the U.S.

Accordingly, we fully encourage you to join the bipartisan chorus of policymakers pushing toward change. We advocate that you use your authority as Governor to pardon simple marijuana possession charges in Florida, and prioritize marijuana pardons on the agenda for the December 14 hearing of the State Board of Executive Clemency.

Sincerely,

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