

**In the Supreme Court of Florida**

CASE NO. SC19-1464  
Lower Tribunal Case No. 1D18-4471

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**FLORIDA DEPARTMENT OF HEALTH,  
OFFICE OF MEDICAL MARIJUANA USE, et al.,**

*Petitioners,*

v.

**FLORIGROWN, LLC,  
a Florida limited liability company, and  
VOICE OF FREEDOM, INC., D/B/A FLORIGROWN,**

*Respondents.*

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**FLORIDA HOUSE OF REPRESENTATIVES'  
UNOPPOSED MOTION FOR LEAVE TO FILE  
AMICUS CURIAE BRIEF IN SUPPORT OF PETITIONERS**

The Florida House of Representatives, by and through undersigned counsel and under Fla. R. App. P. 9.370(a), hereby moves to file an *amicus curiae* brief in support of the Petitioners and, in support, states:

1. This Court has accepted jurisdiction to resolve the following question:

WHETHER THE PLAINTIFFS HAVE DEMONSTRATED A SUBSTANTIAL LIKELIHOOD OF SUCCESS ON THE MERITS OF THEIR CLAIMS THAT THE STATUTORY REQUIREMENTS OF VERTICAL INTEGRATION AND CAPS ON THE NUMBER OF MEDICAL MARIJUANA TREATMENT CENTER LICENSES AS SET FORTH IN SECTION 381.986(8), FLORIDA STATUTES, ARE

IN DIRECT CONFLICT WITH ARTICLE X, SECTION 29, OF THE  
FLORIDA CONSTITUTION?

As one of the two chambers of the Florida Legislature that passed Section 381.986, Florida Statutes, and as one of the two chambers of state government exclusively vested with policymaking authority, Art. III, § 1, Fla. Const., the House has an interest in this case.

2. Before this Court accepted jurisdiction, the Second Judicial Circuit had denied the House's motion to intervene. However, the First District Court of Appeal subsequently reversed the circuit court's order denying intervention, holding that "the Legislature has a clear and actual cognizable interest in defending this challenge." *Fla. House of Representatives v. Florigrown, LLC*, 278 So. 3d 935, 940 (Fla. 1st DCA 2019). The First District explained:

The Legislature has the authority and responsibility to protect the public from harm by regulating the availability of a controlled substance that the federal government has determined is not safe for medical use, is susceptible to abuse, and presents a harm to the public. The underlying declaratory action challenges the manner in which the Legislature has attempted to exercise its broad constitutional authority to enact policies to protect the public.

*Id.* As the First District determined, the House has interest in this case and can assist with its resolution.

3. More specifically, the House can assist this Court in the disposition of this case by providing its unique perspective regarding the policy choices underlying the statute at issue, which the Legislature enacted in response to the adoption of

Article X, Section 29 of the Florida Constitution, including its directive that the Department establish standards for registration of Medical Marijuana Treatment Centers “to ensure proper security, record keeping, testing, labeling, inspection, and safety.” Art. X, § 29(e), Fla. Const.

4. Under Florida Rule of Appellate Procedure 9.370, an *amicus curiae* must serve its brief no later than ten days after the first brief, petition, or response of the party being supported is filed. In this case, the motion for leave and corresponding *amicus curiae* brief must be filed no later than ten days from the filing of Petitioners’ initial brief, which occurred on December 5, 2019. Accordingly, this motion is timely.

5. Under Florida Rule of Appellate Procedure 9.370, counsel for the House has conferred with counsel for the parties and is authorized to represent that neither the Petitioners nor the Respondents object.

WHEREFORE, the House respectfully requests that it be permitted to file its *amicus curiae* brief in support of the Petitioners.

Respectfully submitted:

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December 16, 2019

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## CERTIFICATE OF SERVICE

I certify that on this 16<sup>th</sup> day of December 2019, the foregoing was filed electronically via the Florida Court's E-Filing Portal, which will send a copy of this filing to the following:

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