

IN THE SUPREME COURT OF FLORIDA

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

Petitioners,

Case No. SC19-1464
DCA Case No.: 1D18-4471
L.T. Case No. 2017-CA-2549

v.

FLORIGROWN, LLC, a Florida Limited
Liability Company and VOICE OF
FREEDOM, INC., d/b/a Florigrown,

Respondents.

_____ /

**MOTION FOR LEAVE OF COURT TO FILE AMICUS CURIAE BRIEF
IN SUPPORT OF RESPONDENTS**

Pursuant to Florida Rule of Appellate Procedure 9.370, Triangle Capital, Inc., by and through the undersigned counsel, seeks leave of court to appear amicus curiae to file a brief in support of Respondents, and as grounds state as follows:

Interest of Amicus Curiae

1. Triangle Capital, Inc. is a Florida Corporation which has been registered to do business in Florida for five consecutive years.

2. On or about February 15, 2019 Triangle Capital, Inc. submitted a Request for Registration to the Florida Department of Health, Office of Medical Marijuana Use specifically requesting that they be registered to operate a Medical Marijuana Treatment Center.

3. In their Request for Registration Triangle specifically noted they:

a. Will meet any safety standard required for security, inventory and control including the use of video surveillance, alarms and physical barrier to control access to their facilities;

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- b. Will comply with any record keeping requirements for inventory control, tracking and chain of custody, and will use software that can be audited by an independent third party;
- c. Will comply with testing requirements for medical marijuana including internal testing and maintaining batch samples for auditing and/or testing by an independent third party;
- d. Will maintain records necessary to meet any standard for labeling of products including lists of ingredients and THC content, as well as any necessary product safety warnings;
- e. Will make its facilities, processes and records available for inspection by the appropriate government entity;
- f. Will consider the safety of its products and the well-being of patients to be a paramount concern;
- g. Will satisfy and exceed any safety requirement established by the State of Florida;
- h. Will satisfy any zoning requirements of the jurisdictions in which it will operate facilities;
- i. Will hire and maintain a professional staff including a Medical Director that advances their core principle of patient safety.
- j. Have the experience and financial ability to successfully operate and Medical Marijuana Treatment Center and are prepared to immediately tender, a check for \$60,830 to the State of Florida as a registration fee.

4. After the Office of Medical Marijuana Use failed to respond, or even acknowledge, the Triangle Request for Registration, Triangle Capital, Inc. filed a Motion to Intervene in the underlying action filed in Circuit Court by Respondent Florigrown, LLC against Petitioners. The Court granted the motion and thereafter Triangle Capital, Inc. filed a Complaint which closely mirrors the Complaint filed by Florigrown, LLC.

5. In their Complaint Triangle Capital, Inc. asked the Court to declare the current statute regulating medical marijuana unconstitutional and further asked for leave to register as a medical marijuana treatment center.

6. Triangle Capital, Inc. has invested significant financial resources in an effort to enter the medical marijuana industry in Florida and continues to incur expenses to advance that effort.

7. Triangle Capital, Inc. has a direct interest in the outcome of this matter.
8. Triangle Capital, Inc. has an interest in preserving the rulings of the lower court and the First District Court of Appeals which have both held that the current statute regulating medical marijuana is unconstitutional.
9. Triangle Capital, Inc. has an interest in upholding the intent of the drafters of the medical marijuana constitutional amendment as well as the will of the 71% of voters who voted for the medical marijuana constitutional amendment in 2016.
10. Triangle Capital, Inc. has an interest in creating competition in the medical marijuana market in Florida which will have the effect of increasing supply and lowering the price of medical marijuana for patients as well as reducing the likelihood that patients will seek lower priced marijuana from illegal sources.
11. The undersigned has conferred with counsel for the Respondents regarding this motion and counsel for the Respondents does not object to this motion.

WHEREFORE, for all the foregoing reasons Triangle Capital, Inc. respectfully request that the Court grant their motion for leave to file an amicus curiae brief in support of the Respondents.

Submitted this 19th day of December 2019.

/s/Jeff Kottkamp
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Leave of Court to File Amicus Curiae Brief in Support of Respondents has been provided to the following via electronic mail this 19th day of December 2019:

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