

IN THE SUPREME COURT OF FLORIDA

FLORIDA DEPARTMENT OF HEALTH,
OFFICE OF MEDICAL MARIJUANA USE,
ET AL.,

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

Petitioners,

v.

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

Respondents.

**MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF
IN PARTIAL SUPPORT OF PETITIONERS**

Pursuant to Florida Rule of Appellate Procedure 9.370, Louis Del Favero Orchids, Inc. (“Del Favero”) by and through the undersigned counsel, seeks leave of court to appear amicus curiae to file a brief in partial support of Petitioners, and as grounds states as follows:

Interest of Amicus Curiae

1. Louis Del Favero Orchids, Inc. (“Del Favero”) is a Florida Corporation which has been registered to do business in Florida for more than five consecutive years.

2. Del Favero reviewed Section 381.986, Florida Statutes shortly after that revised law went into effect on June 23, 2017, including the preference for MMTC applicants that own citrus processing facilities described in Section 381.986(8)(a)3.

3. Following the passage of Section 381.986, Florida Statutes, Del Favero investigated the availability of facilities that are or were used for the canning, concentrating, or other processing of citrus fruit or citrus molasses that would be suitable for conversion to facilities used for the processing of medical marijuana.

4. Del Favero found several citrus processing facilities that would meet the requirements of Section 381.986(8)(a)3., Florida Statutes.

5. Del Favero contracted to purchase facilities that were used in citrus processing specifically for the purpose of converting those facilities for use in processing medical marijuana, and to obtain the preference available to any applicant that owned such facilities at the time of application for a MMTC license. Del Favero paid \$775,000 for a citrus processing facility located at 3393 SR 580, Safety Harbor, Florida. Del Favero now owns that citrus processing facility.

6. On October 8, 2018, Del Favero 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.

7. On October 17, 2018, Del Favero supplemented its notice of registration by filing an application to operate a MMTC, along with an application

fee in the amount of \$60,830. This application is currently the subject of litigation. *See Louis Del Favero Orchids, Inc. v. Florida Department of Health, et al.*, No. 2019-001047 (Fla. 2nd Cir. Ct) (Decision Pending).

8. Del Favero has an interest in the outcome of this matter.

9. Del Favero has an interest in preserving the preference created by Section 381.986(8)(a)3 because Del Favero purchased as citrus facility in order to benefit from the preference created by that law.

Issue to Be Addressed

10. Del Favero seeks leave to file an amicus brief to assist the court in addressing the following narrow issue:

Whether Section 381.986(8)(a)3, Florida Statutes is a special law granting a privilege to a private corporation.

Del Favero is situated to assist the court in disposing of this issue because Del Favero purchased a citrus processing facility for \$775,000 in order to receive the preference described in Section 381.986(8)(a)3, Florida Statutes after that law was enacted.

Conference with the Parties

11. The undersigned has conferred with counsel for Respondents regarding this motion and is authorized to represent that Respondents have no objection to the filing of this amicus brief provided the Court grants Respondents an additional 10 days to file its supplemental response brief. Counsel for Respondents has indicated the Respondents will file a motion seeking such relief. The undersigned has

conferred with counsel for Petitioners and is authorized to represent that Petitioners take no position on this motion.

WHEREFORE, for all the foregoing reasons Louis Del Favero Orchids, Inc. respectfully requests that the Court grant their motion for leave to file an amicus curiae brief in partial support of the Petitioners.

Respectfully submitted on this 5th day of June, 2020.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 5th day of June 2020 , a copy of the foregoing has been filed with the Florida Courts E-Portal which will furnish copies *via* e-mail to its registered users, including the following:

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