

**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.

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

Pursuant to Florida Rule of Appellate Procedure 9.370, Liner Source, Inc. (“LSI”) 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 states as follows:

**Interest of Amicus Curiae**

1. LSI is a Florida Corporation which has been registered to do business in Florida for more than thirty (30) consecutive years.

2. On or about October 2, 2017 LSI went to the Office of Medical Marijuana’s address on the statutorily defined due date of October 3, 2017 to hand deliver its “application”/registration and application fee. At that time, the

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Department would not accept the “application”/registration and instead directed LSI to drop the highly confidential “application”/registration and application fee in an unattended and unsecure dropbox. LSI attempted to contact the OMMU office directly via telephone to accept the “application”/registration to no avail.

3. On October 8, 2018, LSI submitted a Request for Registration to the Florida Department of Health, Office of Medical Marijuana Use specifically requesting that it be registered to operate as a MMTC pursuant to Article V Section 29(b)(5) of the Florida Constitution.

4. The 2017 and 2018 applications/registrations are currently the subject of litigation. *See Liner Source, Inc. v. Florida Department of Health, et al.*, Case No.: 2018-CA-001932 (Fla. 2nd Cir. Ct.) (Currently pending).

5. LSI filed a Motion to Intervene in the underlying action filed in Circuit Court by Respondent, Florigrown, LLC, against Petitioners. The lower Court granted that motion and LSI filed a Complaint which argues many of the issues raised in the Complaint filed by Florigrown, LLC.

6. Specifically, LSI argued that portions of Section 381.986 constitute an unlawful special law.

7. LSI has a direct interest in the outcome of this matter.

8. LSI has an interest in upholding constitutional amendments, like Article V, that are overwhelmingly adopted by the citizenry, and ensuring that the amendment be enforced as written and not disregarded or diluted.

9. LSI has an interest in creating competition in the medical marijuana market in Florida and not allowing only a specific class of private corporations to operate as MMTCs in Florida.

### **Subject of Amicus Curiae**

10. LSI seeks leave to file an amicus brief to assist the court in addressing the issue of whether Section 381.986(8)(a)2, Florida Statutes is a special law granting a privilege to private corporations.

### **Conference with Counsel**

11. The undersigned has conferred with counsel for Respondents regarding this motion and counsel for the Respondents do not object to this motion. The undersigned has conferred with counsel for Petitioners regarding this motion and counsel for Petitioners do not have a position on this motion.

WHEREFORE, for all the foregoing reasons, Liner Source, Inc., respectfully requests that the Court grant its motion for leave to file an amicus curiae brief in support of Respondents.

Respectfully submitted this 11th day of June, 2020.

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