

**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 addressing the issue of whether the statute regulating medical marijuana is an unconstitutional special law, 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:

RECEIVED, 09/10/2020 09:20:32 AM, Clerk, Supreme Court

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;

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 Court has previously permitted Triangle Capital, Inc. to file an Amicus Brief in this matter.

12. 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 10<sup>th</sup> day of September 2020.

/s/Jeff Kottkamp  
Jeff Kottkamp  
Fla. Bar No. 771295  
Jeff Kottkamp, P.A.  
3311 Dartmoor Drive  
Tallahassee, FL. 32312  
Tel. (239)297-9741  
JeffKottkamp@gmail.com

*Counsel for Triangle Capital, Inc.*

## 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 10<sup>th</sup> day of September 2020:

Katherine E. Giddings  
[Katherine.giddings@akerman.com](mailto:Katherine.giddings@akerman.com)  
Akerman, LLP  
106 E. College Ave.  
Suite 1200  
Tallahassee, FL. 32301  
(850)224-9634

Jonathan S. Robbins  
[Jonathan.robbins@akerman.com](mailto:Jonathan.robbins@akerman.com)  
Akerman LLP  
Las Olas Centre II, Suite 1600  
350 East Las Olas Blvd.  
Fort Lauderdale, FL. 33301

Ari H. Gerstin  
[Ari.gerstin@akerman.com](mailto:Ari.gerstin@akerman.com)  
Akerman LLP  
Three Brickell City Centre  
98 Southeast Seventh St.  
Suite 1100  
Miami, FL 33131  
(305) 374-5600  
*Counsel for Respondent*

Louise Wilhite-St. Laurent  
General Counsel  
Florida Dept. of Health  
4052 Bald Cypress Way  
Bin A-02  
Tallahassee, Fl. 32399  
(850)245-4956  
[Louise.StLaurent@flhealth.gov](mailto:Louise.StLaurent@flhealth.gov)  
*Counsel for Petitioners*

Jason Gonzalez  
Daniel Nordby  
Amber Stoner Nunnally  
Rachel Procaccini  
Shutts & Bowen, LLP  
215 S. Monroe Street  
Suite 804  
Tallahassee, FL 32301  
(850) 241-1717  
[JasonGonzalez@shutts.com](mailto:JasonGonzalez@shutts.com)  
[DNordby@shutts.com](mailto:DNordby@shutts.com)  
[ANunnally@shutts.com](mailto:ANunnally@shutts.com)  
[RProcaccini@shutts.com](mailto:RProcaccini@shutts.com)

Joe Jacquot  
Colleen Ernst  
Executive Office of the Governor  
The Capitol, PL-5  
400 S. Monroe Street  
Tallahassee, FL. 32399  
[Joe.Jacquot@eog.myflorida.com](mailto:Joe.Jacquot@eog.myflorida.com)  
[Colleen.Ernst@eog.myflorida.com](mailto:Colleen.Ernst@eog.myflorida.com)  
(850) 717-9310

Mohammad O. Jazil  
Joseph A. Brown  
Brooke E. Lewis  
Michael R. Beato  
Hopping Green & Sams, P.A.  
119 South Monroe Street  
Suite 300  
Tallahassee, FL. 32301  
(850)222-7500  
[mjazil@hgslaw.com](mailto:mjazil@hgslaw.com)  
[brookel@hgslaw.com](mailto:brookel@hgslaw.com)  
[michaelb@hgslaw.com](mailto:michaelb@hgslaw.com)  
*Counsel for Fla. House of Reps.*

/s/Jeff Kottkamp