CASE NO. SC19-2116

In the Supreme Court of Florida

ADVISORY OPINION TO THE ATTORNEY GENERAL
RE: ADULT USE OF MARIJUANA

SPONSOR MAKE IT LEGAL, FLORIDA'S SUPPLEMENTAL BRIEF REGARDING CHAPTER 2020-15, LAWS OF FLORIDA

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TABLE OF CONTENTS

TABLE OF AUTHORITIES

PAGE(S)

Cases

Statutes

SUPPLEMENTAL STATEMENT OF THE CASE

Make It Legal, Florida is the political committee sponsoring the proposed amendment to the Florida Constitution, titled "Adult Use of Marijuana," Serial Number 19-11 ("Amendment"), which is at issue in this proceeding. On December 19, 2019, the Attorney General asked this Court to review the Amendment for compliance with section 101.161, Florida Statutes, and article XI, section 3 of the Florida Constitution.

Nearly five months later, on April 8, 2020, the Governor signed Chapter 2020-15, Laws of Florida, into law. That law amended sections 15.21 and 16.061, Florida Statutes, among other statutory provisions related to the citizen initiative process.

On April 13, 2020, this Court entered an order allowing the parties to submit supplemental briefs on the implications, if any, of Chapter 2020-15 on the instant proceeding. For the reasons set forth below, Chapter 2020-15 has no impact on this Court's review of the Amendment.

Three opponent groups filed supplemental briefs, all taking different positions regarding the import of Chapter 2020-15: Florida Attorney General Ashley Moody; the Florida Senate ("Senate"); and Drug Free America Foundation, Florida Coalition Alliance, National Families in Action, and Smart Approaches to Marijuana (collectively, "DFA"). All opposing parties are collectively referred to as "Opponents."

SUMMARY OF ARGUMENT

Chapter 2020-15, Laws of Florida, does not change the scope of this Court's review. Chapter 2020-15 makes several amendments to the petition initiative process, two of which the Opponents identify as relevant in this proceeding: the addition of a new substantive hurdle to ballot placement in section 16.061, Florida Statutes, and an increase in the signatures required to invoke this Court's jurisdiction in section 15.21(3), Florida Statutes.

First, retroactive application of Chapter 2020-15—particularly, its amendment to section 16.061, Florida Statutes—would unlawfully impose a substantive impediment to ballot placement that did not exist at the time the Amendment qualified for review by this Court. As amended, section 16.061 directs the Attorney General to petition this Court for an opinion on the Amendment's facially validity under the United States Constitution in addition to the long standing requirements for requesting review of a petition for compliance with article XI, section 3, Florida Constitution, and section 101.161, Florida Statutes. Regardless of the Legislature's intent, this 19-day-old directive cannot operate retroactively to impair vested rights or impose new legal obligations or penalties, which is precisely the consequence that would result if Chapter 2020-15 applied to the Amendment in this case.

Regardless of whether it may be applied retroactively, the Legislature's attempt to impose substantive restrictions on the initiative process is constitutionally infirm. The Florida Constitution already proscribes what may not be included in an initiative petition, and the Legislature lacks the authority to unilaterally expand those limitations.

Nonetheless, application of Chapter 2020-15 would not change the outcome of this Court's review because the Amendment is not facially unconstitutional. Facial unconstitutionality requires an extraordinary showing that none of the Opponents can make. First, none of the Opponents have identified any provision in the United States Constitution that the Amendment violates. The Senate makes a passing reference to the Supremacy Clause, but focuses the entirety of its legal argument on the policy conflict between the proposed Amendment and the federal Controlled Substances Act—a conflict that is outside the scope of section 16.061. Likewise, the Attorney General prudently declines to take a position on the Amendment's constitutionality, and DFA is silent as to the same.

The Opponents' positions are unsurprising, because the Amendment is plainly not unconstitutional under every conceivable factual scenario—a finding that this Court would have to make in order to find the Amendment facially unconstitutional. If passed, the Amendment would decriminalize the sale and possession of marijuana under Florida law within the limited contours of the Amendment. This change in

state law would reflect a rational and permissible policy choice by Florida voters to cease using the state's limited resources to prosecute conduct that is currently unlawful. The Amendment does not mandate any Floridian to violate federal law. Nor does it have any effect on federal law enforcement, or purport to immunize Floridians from violations of federal law—nor could it. Simply put, divergent policy choices by the state and federal government with regard to the criminalization of certain conduct does not establish a facial violation of the United States Constitution.

Finally, even if the Court were to determine that the revisions to section 15.21(3) wrought by Chapter 2020-15 could be applied retroactively, the Amendment has garnered substantially more than 25% of the requisite petitions in one half of the congressional districts, and indisputably met the threshold requirements to invoke this Court's review.

ARGUMENT

I. CHAPTER 2020-15, LAWS OF FLORIDA, DOES NOT CHANGE THIS COURT'S REVIEW OF THE AMENDMENT.

a. Section 16.061, as amended, cannot require this Court to retroactively review the Amendment's validity under the United States Constitution.

The Secretary of State certified that the Amendment satisfied all registration, petition submission, and signature criteria set forth in section 15.21, Florida Statutes, on November 19, 2019—more than five months ago. *See* Ex. A, Att'y Gen. Req. for Advisory Op. at 6. The Attorney General then petitioned this Court on December

19, 2019 to review the Amendment and ballot summary for compliance with section 101.161, Florida Statutes, and article XI, section 3 of the Florida Constitution. *Id.* at 1. This Court accepted jurisdiction in accordance with article IV, section 10, and article V, section 3 of the Florida Constitution, and entered a briefing schedule on December 20, 2019. Briefing on the Amendment's compliance with section 101.161 and the constitutional single-subject requirement was complete as of February 20, 2020, and this Court has since been positioned to approve or disapprove of the Amendment for placement on the ballot.

All of this occurred months before Chapter 2020-15, Laws of Florida, was enacted and became effective on April 8, 2020. As of 19 days ago, section 16.061, Florida Statutes, now directs the Attorney General to petition this Court to review whether a "proposed amendment is facially invalid under the United States Constitution." This new language cannot apply in this proceeding because this Court's jurisdiction was invoked long before Chapter 2020-15 became law. The scope of this Court's review was fixed at the time that the Amendment was certified by the Secretary of State as satisfying section 15.21, Florida Statutes. At the absolute latest, the scope of review was fixed at the time that the Attorney General petitioned this Court to review the Amendment's compliance with section 101.161 and article XI, section 3 as those provision existed on December 19, 2019. Expanding the scope of review now by raising new legal obstacles to ballot placement would impair the

Sponsor's vested rights and the rights of Florida electors who have signed Initiative Petition 19-11.

Moreover, the Attorney General is the party on which section 16.061 places a new affirmative obligation. *See* § 16.061, Fla. Stat. (2020). But the Attorney General's petition to this Court under section 16.061 did not request an opinion on the Amendment's relationship with the federal Constitution, nor could it have. The Attorney General has not filed a supplemental petition seeking this Court's review for federal constitutionality, and disavows any interest in the same in its supplemental brief. *See* Br. of Attorney Gen. at 1–2, 6–7.

Simply put, this train left the station long before Chapter 2020-15 became law, and nothing in in the text of section 16.061 expressly directs this Court to retroactively enlarge the scope of its review in already-pending cases. This Court's review must be guided by the legal requirements that existed at the time that the Amendment satisfied the existing statutory threshold to trigger this Court's jurisdiction. The Court need not and should not change course at this late stage.

Chapter 2020-15's purported application to all amendments proposed for the 2020 general election and onward does not change this conclusion. *See* Ch. 2020-15, Laws of Fla., at § 6. First, the effective date of the statutory changes that Chapter 2020-15 enacts is April 8, 2020. *See id.*, at § 8. The Legislature's specification of an effective date has been found to cast doubt on legislative intent to apply a law

retroactively. *See Fla. Ins. Guar. Ass'n, Inc. v. Devon Neighborhood Ass'n, Inc.*, 67 So. 3d 187, 196 (Fla. 2011) (explaining that while the principle is not "unbending," the "Legislature's including of an effective date for an amendment is considered to be evidence rebutting intent for retroactive application"); *cf.* Art. III, § 9, Fla. Const. (providing laws shall take effect on the sixtieth day after adjournment sine die unless otherwise specified).

Notwithstanding the dubious statement in Chapter 2020-15 that it applies to initiatives proposed for the 2020 election and after, the specific direction in section 6 addresses "ballot requirements for certain disclosures and statements"—considerations that have not yet ripened for the 2020 general election or elections occurring thereafter. *Compare* Ch. 2020-15, Laws of Fla., at § 6 ("The provisions of this act, *including the ballot requirements for certain disclosures and statements*, apply to constitutional amendments . . . proposed for the 2020 general election and each election thereafter . . ." (emphasis supplied)); *with id.* at § 3 (requiring posting of the aggregate number of verified signatures), § 4 (designating the language to be included on the ballot depending on the fiscal estimate assigned to a petition initiative), and § 5 (revising the requirements for the posting of amendments in polling places). Nothing in the express or implied text of the law directs the Secretary, the Attorney General, or this Court to revisit actions it has already taken or already commenced.

Regardless, even if this Court were to find that the Legislature intended section 16.061 to apply retroactively, it could not be so applied in this case. "Retroactivity is generally disfavored in the law," and "presents problems of unfairness . . . because it can deprive citizens of legitimate expectations and upset settled transactions." *Eastern Enters. v. Apfel*, 524 U.S. 498, 532–33 (1998) (marks and citations omitted). "[E]ven where the Legislature has expressly stated that a statute will have retroactive application, this Court will reject such an application if the statute impairs a vested right, creates a new obligation, or imposes a new penalty." *Menendez v. Progressive Exp. Ins. Co., Inc.*, 35 So. 3d 873, 877 (Fla. 2010); *State Farm Mut. Auto. Ins. Co. v. Laforet*, 658 So. 2d 55, 61 (Fla. 1995) (same). This Court's "central inquiry" in evaluating whether a statute can be applied retroactively is "whether retroactive application . . . attaches new legal consequences to events completed before its enactment." *Menendez*, 35 So. 3d at 877 (marks omitted).

On its face, Chapter 2020-15 erects new legal barriers to ballot placement that did not exist at the time the Amendment came to this Court for review. As amended, section 16.061 now mandates substantive consideration of a proposed amendment's validity under the United States Constitution, exposing proposed amendments to

potential removal from the ballot as an implied potential consequence.[1] Thus, with regard to the Amendment in this case, Chapter 2020-15 plainly "attaches new legal consequences to events completed before its enactment." *See id.* Legislation requiring the Amendment to clear new, substantive hurdles at this late stage is the quintessential example of creating new obligations and imposing new penalties, to the detriment of the Sponsor and the more than 553,000 Florida voters who signed Petition 19-11. *See Laforet*, 658 So. 2d at 61; *accord Raphael v. Schecter*, 15 So. 3d 1152, 1157–58 (Fla. 4th DCA 2009) (holding that statute could not apply retroactively because it impaired appellant's vested right in cause of action that had already accrued before statutory change).

In addition to imposing new legal burdens after the Amendment qualified for this Court's review, retroactive application of Chapter 2020-15 risks stripping the Sponsor of its vested rights to obtain an advisory opinion of this Court, and impairing Floridians' fundamental right to amend their constitution. The Legislature has no authority to so drastically change the rules of the game during the ninth inning, yet this is precisely the improper result that the Senate's interpretation of Chapter 2020-15 intends to achieve: to prohibit voters from considering any amendment that is

[1] The Sponsor does not concede that removal from the ballot is the appropriate remedy to address a proposed initiative amendment that the Court deems to be "facially invalid" under the United States Constitution, and certainly Chapter 2020-15 does not specify any such remedy.

"invalid" under the United States Constitution, a determination that would necessarily be made without the benefit of the full adjudicatory process that is ordinarily required to apply a law and test its effect.

b. <u>The directive in section 16.061, Florida Statutes, requiring the Court to review the facial validity of an initiative petition is unconstitutional.</u>

If the Court concludes that Chapter 2020-15 could apply retroactively, the Court should nevertheless decline to conduct the facial review that section 16.061 contemplates on the ground that this new requirement is unconstitutional.

The Legislature lacks the authority to impose through statutory enactments substantive limitations on the content of initiative petitions. The Legislature is only empowered to enact procedural requirements governing how the Attorney General is to seek guidance from this Court on an initiative petition. S*ee* Art. IV, § 10, Fla. Const. ("The attorney general shall, as directed by general law, request the opinion of the justices of the supreme court as to the validity of any initiative petition circulated pursuant to Section 3 of Article XI."). The validity of any petition is measured exclusively against article XI, section 3 and its procedural compliance with sections 15.21 and 101.161, Florida Statutes—*and nothing more*. All political power is inherent in the people. Art. I, § 1, Fla. Const. The people have already set substantive limits on the subjects which may be included in an initiative petition through article XI, section 3—specifically, the single subject requirement—and that

may only be altered by another constitutional amendment, and not through statutory enactment.

Florida voters have a fundamental right to amend their constitution through the petition initiative process. The Legislature's imposition of a new legal barrier to ballot placement infringes this right by prohibiting voters from considering certain amendments based on their subject matter. This Court has traditionally been "reluctant to interfere with the right of self-determination for all Florida's citizens to formulate their own organic law." *In re Advisory Op. to Att'y Gen. re Use of Marijuana for Certain Med. Conditions*, 132 So. 3d 786, 794–95 (Fla. 2014) (citing *Advisory Op. to Att'y Gen. re Right to Treatment & Rehab. For Non-Violent Drug Offenses*, 818 So. 2d 491, 494 (Fla. 2002)) (marks omitted). Chapter 2020-15 should not change that approach, and this Court should maintain the authority of the people to amend their constitution, substantively bridled only by express constitutional limitations. Accordingly, even if the Court finds the provisions of chapter 2020-15 could be retroactively applied, it should also find the Legislature's statutory attempt to limit the substance of initiative petitions to be an constitutionally invalid, and decline to review the Amendment for facial validity under the United States Constitution.

c. <u>Even if this Court were to apply the amended version of section 16.061, the Amendment is not facially unconstitutional.</u>

The Amendment is not facially unconstitutional. Therefore, even if this Court were to apply the amended version of section 16.061, it would not change the result in this case.

A party seeking to demonstrate facial unconstitutionality bears an extremely "heavy burden." *U.S. v. Salerno*, 481 U.S. 739, 745 (1987). "A facial challenge to a legislative [a]ct is, of course, the most difficult to mount successfully, since the challenger must establish that no set of circumstances exists under which the [law] would be valid." *Id.* This Court must construe an amendment as constitutional if possible. *Crist v. Fla. Ass'n of Criminal Defense Lawyers, Inc.*, 978 So. 2d 134, 139 (Fla. 2008) ("[S]tatutes come clothed with a presumption of constitutionality and must be construed whenever possible to effect a constitutional outcome . . . the presumption is in favor of constitutionality."). And of course, this Court "must act with extreme care, caution, and restraint before it removes a constitutional amendment from the vote of the people." *Askew v. Firestone*, 421 So. 2d 151, 156 (Fla. 1982). Together, these principles caution against retroactively applying Chapter 2020-15 to find the proposed Amendment facially unconstitutional in an abbreviated initiative petition proceeding.

Because the Amendment is not "facially invalid under the United States Constitution," § 16.061, Fla. Stat. (2020), Chapter 2020-15 does not change the

result in this case even if could be properly applied—which it cannot. The Amendment addresses only the decriminalization of marijuana under Florida law within narrowly-defined contours. As the Attorney General acknowledged, the Amendment simply affects "the legal status of certain conduct *under state law*." Br. of Attorney Gen. at 9 (emphasis supplied).[2] The Amendment does not alter or impede—or even mention—the federal Controlled Substances Act ("CSA"), which itself could be amended by Congress at any time. If federal preemption is not implicated, then, the Amendment certainly does not implicate the Supremacy Clause, which is the only provision of the Constitution with which the Amendment could conceivably conflict.

Importantly, none of the Opponents identify any provision of the United States Constitution that the Amendment violates. The Senate makes a passing

[2] Other courts have recognized this fundamental principle as well, despite coming to differing conclusions regarding the preemptive relationship between the CSA and state marijuana laws. *See, e.g.*, *Haver v. M&K Construction*, 225 A. 3d 137, 147–48 (N.J. Sup. Ct. 2020) (noting that state marijuana laws did not "require . . . the actions proscribed by the CSA," and holding that no conflict between state and federal law existed because "it is not physically impossible to comply with" both); *Bourgoin v. Twin Rivers Paper Company, LLC*, 187 A. 3d 10, 19–20 (Me. 2018) (finding that CSA preempted Maine's medical marijuana statute with regard to specific facts—an employer's reimbursement of the cost of medical marijuana—but recognizing that "state laws . . . provide safe harbor from *state* prosecution" but have "no bearing on *federal* criminalization or exposure to federal prosecution" (emphases in original)); *Mann v. Gullickson*, No. 15-cv-03630, 2016 WL 6473215, at *3–*4 (N.D. Cal. Nov. 2, 2016) ("California's enactment . . . does not affect the fact that marijuana, including medical marijuana, is prohibited under the CSA.").

reference to the Supremacy Clause, but focuses its legal argument on the inconsistency between the Amendment and the CSA—a federal statute subject to change at the whim of Congress. *See* Senate Br. at 1–3. Even if section 16.061 could apply as amended, it provides only for a review of an amendment's facial violation of the United States Constitution. *See* § 16.061, Fla. Stat. (2020). It does *not* allow review of a proposed amendment's consistency with federal statutes.

Florida voters' fundamental right to amend their constitution includes the freedom to decide which behaviors they wish to criminalize. It is perfectly reasonable for Florida's voters to make the policy choice to decriminalize certain activities and not expend the state's limited resources to arrest, detain, prosecute, and fill its prisons with individuals who possess and use a limited amount of marijuana. If the Amendment passes, no Floridian would be compelled to violate federal law. Nor would Florida law shield anyone from liability under federal law. Rather, the state would simply not criminalize conduct that it has in the past.

Thus, under the Amendment, Florida's treatment of the sale and possession of marijuana could still coexist alongside the United States' treatment of the same. The Amendment would decriminalize conduct under Florida law, while leaving undisturbed the federal statutory framework criminalizing the same conduct, just as Florida has already done once, as have 32 other states who have deviated from federal laws on marijuana. Nothing in the Amendment purports to change federal

law (nor could it), or obstruct federal law enforcement. Federal authorities would remain fully empowered to prohibit and prosecute federal crimes within their jurisdiction.

The relationship between state and federal regulation in this case is therefore distinguishable from cases like *Gonzales v. Raich*, 545 U.S. 1, 8, 29 (2005). The Plaintiffs in *Raich* sought injunctive and declaratory relief prohibiting enforcement of the federal Controlled Substances Act. *Id*. In other words, state law was raised as a shield to prevent liability under federal law. By contrast, the Amendment here does not purport to usurp the role of the federal government, or to prohibit the federal government's enforcement of its own laws. Instead, it would simply remove criminal liability under Florida law for conduct falling within the Amendment's contours.

Moreover, if the Amendment passes, courts would remain empowered to address its application through traditional judicial channels. Courts will be free to apply federal preemption principles to discrete factual scenarios, with a full record, just as courts in other states have done when evaluating the relationship between state and federal regulation of marijuana.[3] And of course, if an individual chooses to

[3] Different courts have come to different conclusions when faced with question of whether state marijuana laws are preempted by the CSA and how that preemption implicates the Supremacy Clause. *See supra* note 2. These varying conclusions further caution this Court against a finding that a still-unadopted and untested proposed initiative amendment is facially unconstitutional under every conceivable set of facts.

not engage in the possession of marijuana, then he or she would comply with both state and federal law simultaneously.

Because the coexistence of state and federal law is not impossible under every possible factual scenario, the Amendment is not facially unconstitutional. *See Salerno*, 481 U.S. at 755 (holding that a law cannot be facially unconstitutional unless "no set of circumstances exists under which [the law] would be valid").

Simply put, state law does not violate the Supremacy Clause by choosing to *not* criminalize behavior that the federal government has criminalized. As explained above, this choice is importantly distinct from an attempt to use state law to immunize violations of federal law. That Florida and the United States may opt to treat the same activities differently may create a policy divergence, but it does not create an irreconcilable, facially unconstitutional conflict. Taken to its logical conclusion, a contrary rule would mandate states to mimic federal law in any area in which the federal government has acted. But states are not required to mirror the United States Code, particularly in areas of traditional state concern, such as criminal law. *See, e.g., Bond v. U.S.*, 572 U.S. 844, 858–59 (2014) ("Perhaps the clearest example of traditional state authority is the punishment of local criminal activity."); *U.S. v. Morrison*, 529 U.S. 598, 610 (2000) (recognizing the regulation of criminal conduct as an area of traditional state concern). Facial unconstitutionality and

inconsistent policy choices are two different animals, and the latter can be present without the former.

The Amendment cannot be declared invalid in this summary proceeding because there is a conceivable and entirely rational manner in which Florida's decriminalization and the United States' criminalization can coexist without implicating the Supremacy Clause. Furthermore, application of the Supremacy Clause dictates which law should apply when, *as applied to a particular set of facts*, a state and federal law come into conflict. The Supreme Court has held, for example, that a state law was preempted by federal law, and thus its "*application* [was] unconstitutional, under the Supremacy Clause." *Crosby v. Nat'l Foreign Trade Council*, 530 U.S. 363, 388 (2000) (emphasis supplied); *accord Odebrecht Const. Inc. v. Sec'y, Fla. Dep't of Transp.*, 715 F.3d 1268 (11th Cir. 2013) (applying *Crosby* and granting injunctive relief prohibiting enforcement of state law against a particular interested plaintiff on a particular set of facts). Indeed, the Supremacy Clause does not itself convey any rights or provide a private right of action in the absence of ordinary standing principles and entitlement to relief. *See Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 324–25 (2015). A finding that a proposed amendment is facially constitutionally defective, with no factual record and no interested plaintiff, is premature and starkly distinct from the cases in which the Supremacy Clause is ordinarily implicated.

II. CHAPTER 2020-15, LAWS OF FLORIDA, CANNOT RETROACTIVELY DIVEST THIS COURT OF JURISDICTION OVER THE AMENDMENT, WHICH SATISFIES BOTH THE OLD AND NEW STATUTORY SIGNATURE THRESHOLDS.

The Amendment satisfies the signature threshold to trigger this Court's review under both the old and new versions of section 15.21, Florida Statutes because it has garnered 553,234 valid signatures.[4] The Attorney General recognized as much in its supplemental brief. *See* Br. of Att'y Gen. at 5.[5] Whether this Court applies the criteria that existed at the time that the Amendment originally crossed the statutory threshold, or the amended criteria enacted in Chapter 2020-15, the result is the same: this Court has jurisdiction to review the Amendment for placement on the ballot.

However, for the reasons discussed in Part I.a. above, the new signature criteria in Chapter 2020-15 cannot retroactively applied in this case. As the Secretary of State certified, the Amendment satisfied existing statutory requirements to trigger this Court's review more than five months ago. Moreover, the Legislature cannot retroactively divest this Court of jurisdiction that finds its footing in the Constitution. *See Roberts v. Brown*, 43 So. 3d 673 (Fla. 2010) (explaining that this Court's

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[4] *See* Fla. Dep't of State, Div. of Elections, *Adult Use of Marijuana 19-11*, *available at* https://dos.elections.myflorida.com/Initiatives/initdetail.asp?account=74455&seqnum=2 (last visited April 27, 2020).

[5] DFA's supplemental brief erroneously states that the Amendment does not satisfy the signature threshold in section 15.21 as amended by Chapter 2020-15. *See* DFA Br. at 2–3. As the Sponsor and the Attorney General have shown through a simple review of the Secretary of State's website, DFA is flat wrong. *See supra* note 4; Br. of Att'y Gen. at 5.

exclusive jurisdiction over the consideration of petition initiatives is grounded in article V, § 3 of the Florida Constitution).

In sum, the new signature criteria in section 15.21, Florida Statutes, cannot be retroactively applied. But even if it could, the Amendment satisfies those amended criteria. Thus, this Court retains jurisdiction to review the Amendment, and Chapter 2020-15 does not affect the result in this case.

CONCLUSION

Chapter 2020-15, Laws of Florida, does not change this Court's review of the Amendment because: (i) the Amendment satisfied the all statutory requirements to invoke this Court's jurisdiction before Chapter 2020-15 was enacted; (ii) the Attorney General's petition to this Court predated, and thus did not reflect, the new hurdles imposed by Chapter 2020-15; (iii) Chapter 2020-15 cannot be retroactively applied; and (iv) even if this Court could properly consider the changes that Chapter 2020-15 makes, the Amendment should still be placed on the ballot because the Amendment satisfies the new signature criteria, and does not facially violate the United States Constitution.

Make It Legal, Florida respectfully requests that this Court approve the Amendment for placement on the ballot.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on April 27, 2020, the foregoing brief was filed through the Florida Courts e-Filing Portal, which will furnish a copy by email to the individuals identified on the Service List that follows.

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CERTIFICATE OF FONT COMPLIANCE

I hereby certify that this brief complies with the font requirements of Rule 9.210(a) of the Florida Rules of Appellate Procedure.

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