IN THE SUPREME COURT OF FLORIDA
Case No.: SC15-1796

ADVISORY OPINION TO THE ATTORNEY GENERAL
RE: USE OF MARIJUANA FOR
DEBILITATING MEDICAL CONDITIONS

INITIAL BRIEF OF SPONSOR
People United for Medical Marijuana

IN SUPPORT OF THE INITIATIVE

JON L. MILLS
Florida Bar No. 148286
jmills@bsfllp.com
Boies Schiller & Flexner, LLP
100 S.E. 2nd Street
Suite 2800
Miami, Florida 33131
Telephone: 305-539-8400
Facsimile: 305-539-1307

TIMOTHY McLENDON
Florida Bar No. 0038067
tedmcl@msn.com
3324 West University Ave., Box 331
Gainesville, Florida 32607
Telephone: 352-359-0952

ANDREW M. STARLING
Florida Bar No. 116590
amstarling@gmail.com
1224 Norwood Place
Orlando, Florida 32804
Telephone: 407-301-6701

Counsel for Sponsor,
People United for Medical Marijuana

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STATEMENT OF THE CASE

This matter comes before the Court upon a petition for an advisory opinion submitted by the Attorney General on October 2, 2015 pursuant to Article IV, Section 10, Florida Constitution, and Section 16.061, Florida Statutes. In an order dated October 20, 2015, this Court directed interested parties to submit initial briefs. People United for Medical Marijuana, as Sponsor of the proposed amendment entitled "Use of Marijuana for Debilitating Medical Conditions" (hereinafter the "Proposed Amendment"), submits this brief in support of the Proposed Amendment.[1]

The ballot title of the Proposed Amendment is "Use of Marijuana for Debilitating Medical Conditions." The ballot summary reads:

> Allows medical use of marijuana for individuals with debilitating medical conditions as determined by a licensed Florida physician. Allows caregivers to assist patients' medical use of marijuana. The Department of Health shall register and regulate centers that produce and distribute marijuana for medical purposes and shall issue identification cards to patients and caregivers. Applies only to Florida

[1] The Sponsor of the Proposed Amendment also sponsored the 2014 medical marijuana initiative proposal upheld by this Court in *Advisory Opinion to the Attorney General re Use of Marijuana for Certain Medical Conditions*, 132 So. 3d 786 (Fla. 2014). As is noted below, that proposal did not meet the constitutional 60% approval threshold when considered by Florida voters in November 2014. As will also be discussed *infra*, the Sponsor believes that the Proposed Amendment is substantially similar to the 2014 proposal in purpose and effect.

law. Does not immunize violations of federal law or any non-medical use, possession or production of marijuana.

The Proposed Amendment would create Section 29 of Article X, and provide:

FULL TEXT OF THE PROPOSED CONSTITUTIONAL AMENDMENT:

ARTICLE X, SECTION 29.– Medical marijuana production, possession and use.

(a) PUBLIC POLICY.

(1) The medical use of marijuana by a qualifying patient or caregiver in compliance with this section is not subject to criminal or civil liability or sanctions under Florida law.

(2) A physician shall not be subject to criminal or civil liability or sanctions under Florida law solely for issuing a physician certification with reasonable care to a person diagnosed with a debilitating medical condition in compliance with this section.

(3) Actions and conduct by a Medical Marijuana Treatment Center registered with the Department, or its agents or employees, and in compliance with this section and Department regulations, shall not be subject to criminal or civil liability or sanctions under Florida law.

(b) DEFINITIONS. For purposes of this section, the following words and terms shall have the following meanings:

(1) “Debilitating Medical Condition” means cancer, epilepsy, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), post-traumatic stress disorder (PTSD), amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis, or other debilitating medical conditions of the same kind or class as or comparable to those enumerated, and for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient.

(2) “Department” means the Department of Health or its successor agency.

(3) “Identification card” means a document issued by the Department that identifies a qualifying patient or a caregiver.

(4) “Marijuana” has the meaning given cannabis in Section 893.02(3), Florida Statutes (2014), and, in addition, “Low-THC cannabis” as defined in Section 381.986(1)(b), Florida Statutes (2014), shall also be included in the meaning of the term “marijuana.”

(5) “Medical Marijuana Treatment Center” (MMTC) means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Department.

(6) “Medical use” means the acquisition, possession, use, delivery, transfer, or administration of an amount of marijuana not in conflict with Department rules, or of related supplies by a qualifying patient or caregiver for use by the caregiver’s designated qualifying patient for the treatment of a debilitating medical condition.

(7) “Caregiver” means a person who is at least twenty-one (21) years old who has agreed to assist with a qualifying patient's medical use of marijuana and has qualified for and obtained a caregiver identification card issued by the Department. The Department may limit the number of qualifying patients a caregiver may assist at one time and the number of caregivers that a qualifying patient may have at one time. Caregivers are prohibited from consuming marijuana obtained for medical use by the qualifying patient.

(8) “Physician” means a person who is licensed to practice medicine in Florida.

(9) “Physician certification” means a written document signed by a physician, stating that in the physician's professional opinion, the patient suffers from a debilitating medical condition, that the medical use of marijuana would likely outweigh the potential health risks for the patient, and for how long the physician recommends the medical use of marijuana for the patient. A physician certification may only be provided after the physician has conducted a physical examination and a full assessment of the medical history of the patient. In order for a physician certification to be issued to a minor, a parent or legal guardian of the minor must consent in writing.

(10) “Qualifying patient” means a person who has been diagnosed to have a debilitating medical condition, who has a physician certification and a valid qualifying patient identification card. If the Department does not begin issuing identification cards within nine (9) months after the effective date of this section, then a valid physician certification will serve as a patient identification card in order to allow a person to become a "qualifying patient" until the Department begins issuing identification cards.

(c) LIMITATIONS.

(1) Nothing in this section allows for a violation of any law other than for conduct in compliance with the provisions of this section.

(2) Nothing in this section shall affect or repeal laws relating to non-medical use, possession, production, or sale of marijuana.

(3) Nothing in this section authorizes the use of medical marijuana by anyone other than a qualifying patient.

(4) Nothing in this section shall permit the operation of any vehicle, aircraft, train or boat while under the influence of marijuana.

(5) Nothing in this section requires the violation of federal law or purports to give immunity under federal law.

(6) Nothing in this section shall require any accommodation of any on-site medical use of marijuana in any correctional institution or detention facility or place of education or employment, or of smoking medical marijuana in any public place.

(7) Nothing in this section shall require any health insurance provider or any government agency or authority to reimburse any person for expenses related to the medical use of marijuana.

(8) Nothing in this section shall affect or repeal laws relating to negligence or professional malpractice on the part of a qualified patient, caregiver, physician, MMTC, or its agents or employees.

(d) DUTIES OF THE DEPARTMENT. The Department shall issue reasonable regulations necessary for the implementation and enforcement of this section.

The purpose of the regulations is to ensure the availability and safe use of medical marijuana by qualifying patients. It is the duty of the Department to promulgate regulations in a timely fashion.

(1) Implementing Regulations. In order to allow the Department sufficient time after passage of this section, the following regulations shall be promulgated no later than six (6) months after the effective date of this section:

a. Procedures for the issuance and annual renewal of qualifying patient identification cards to people with physician certifications and standards for renewal of such identification cards. Before issuing an identification card to a minor, the Department must receive written consent from the minor's parent or legal guardian, in addition to the physician certification.

b. Procedures establishing qualifications and standards for caregivers, including conducting appropriate background checks, and procedures for the issuance and annual renewal of caregiver identification cards.

c. Procedures for the registration of MMTCs that include procedures for the issuance, renewal, suspension and revocation of registration, and standards to ensure proper security, record keeping, testing, labeling, inspection, and safety.

d. A regulation that defines the amount of marijuana that could reasonably be presumed to be an adequate supply for qualifying patients' medical use, based on the best available evidence. This presumption as to quantity may be overcome with evidence of a particular qualifying patient's appropriate medical use.

(2) Identification cards and registrations. The Department shall begin issuing qualifying patient and caregiver identification cards, and registering MMTCs no later than nine (9) months after the effective date of this section.

(3) If the Department does not issue regulations, or if the Department does not begin issuing identification cards and registering MMTCs within the time limits set in this section, any Florida citizen shall have standing to seek judicial relief to compel compliance with the Department's constitutional duties.

(4) The Department shall protect the confidentiality of all qualifying patients. All records containing the identity of qualifying patients shall be confidential and kept from public disclosure other than for valid medical or law enforcement purposes.

(e) LEGISLATION. Nothing in this section shall limit the legislature from enacting laws consistent with this section.

(f) SEVERABILITY. The provisions of this section are severable and if any clause, sentence, paragraph or section of this measure, or an application thereof, is adjudged invalid by a court of competent jurisdiction other provisions shall continue to be in effect to the fullest extent possible.

SPONSOR'S STATEMENT OF INTENT

People United for Medical Marijuana (hereinafter the "Sponsor") seeks to authorize the use of marijuana by any individual suffering from a physician-certified debilitating medical condition. The Proposed Amendment is the second iteration of the Sponsor's initiative. This Court approved the prior proposal in 2014. *See Advisory Opinion to the Att'y Gen. re Use of Marijuana for Certain Med. Conditions*, 132 So. 3d 786 (Fla. 2014). Although the prior proposal was approved by 58% of Florida voters in the 2014 election, it did not meet the 60% threshold for constitutional amendments imposed by Article XI, Section 5(e), Florida Constitution. The Proposed Amendment, though not identical, is substantially the same as the previous initiative upheld by this Court. Departures from the prior proposal were made only to make provisions of the Proposed Amendment even more clear to voters and to further specify the limitations on the administration of medical marijuana in Florida.

STANDARD OF REVIEW

This Court has noted its duty to uphold an initiative proposal where possible, and has stated that it will invalidate a proposal only when it is "clearly and conclusively defective." *Use of Marijuana for Certain Med. Conditions*, 132 So. 2d at 795 (quoting *Advisory Opinion to the Att'y Gen. re Florida's Amendment to Reduce Class Size*, 816 So. 2d 580, 582 (Fla. 2002)).

SUMMARY OF THE ARGUMENT

The duty of the Court is to evaluate the Proposed Amendment to assure it is presented in a form that meets constitutional and statutory standards. The Court does not judge the desirability of the proposal. That is the role of the voters. The Proposed Amendment has the singular purpose to authorize the use of medical marijuana when a Florida physician has recommended that use in writing. That purpose is clearly and unambiguously stated in its title and summary.

The Proposed Amendment is not identical to that approved by this Court in its 2014 advisory opinion, and the Sponsor does not maintain that the prior opinion forms binding precedent. However, an advisory opinion, though not binding, is "frequently very persuasive and usually adhered to." *Barley v. South Florida Water Mgmt. Dist.*, 823 So. 2d 73, 82 (Fla. 2002) (quoting *Lee v. Dowda*, 155 Fla. 68, 19 So. 2d 570, 572 (1944)). This Court has stated that "only under extraordinary circumstances will we revisit an issue decided in our earlier

advisory opinions." *Ray v. Mortham*, 742 So. 2d 1276, 1285 (Fla. 1999). No such extraordinary circumstance exists with regard to the issues previously evaluated by this Court and re-submitted in the Proposed Amendment. It is so similar to that considered and approved by this Court in 2014 that the Court should be persuaded by the substantively congruous language and its common overall purpose. In fact, the Sponsor has responded to issues raised by prior opponents by adding language that further clarifies an already compliant proposal. The goal was to use the clearest and most effective language to fulfill the purposes of the Proposed Amendment to allow those with debilitating medical conditions to receive treatment from medical marijuana when needed.

The Proposed Amendment complies with the single subject requirement of Article XI, Section 3, Florida Constitution, by presenting voters with a unified and limited question of whether to de-criminalize marijuana to treat "debilitating medical conditions," as determined by a licensed Florida physician. Everything accompanying this limited policy change is "matter directly connected" to that objective.

Likewise, the ballot title and summary for the Proposed Amendment clearly and accurately explain the chief purpose of the amendment: to authorize marijuana for patients with debilitating medical conditions. Reading them

together, the voter will be adequately informed and able to cast an intelligent vote about whether to include the proposal in the Florida Constitution.

ARGUMENT

I. AS WITH THE INITIATIVE APPROVED BY THIS COURT IN 2014, THE PROPOSAL PRESENTS A SINGLE UNIFIED QUESTION TO VOTERS: WHETHER THE MEDICAL USE OF MARIJUANA MAY BE AUTHORIZED FOR A PERSON WITH A DEBILITATING MEDICAL CONDITION AS DETERMINED BY A LICENSED FLORIDA PHYSICIAN

This Court approved the predecessor to the Proposed Amendment in 2014. In its advisory opinion, the Court noted that the 2014 initiative presented a unified question, "whether Floridians want a provision in the state constitution authorizing the medical use of marijuana, as determined by a licensed Florida physician, under Florida law." *Use of Marijuana for Certain Med. Conditions*, 132 So. 2d at 786. Every aspect of that amendment had "a natural relation and connection as component parts or aspects of a single dominant plan or scheme." *Id.* (quoting *Advisory Opinion to the Att'y Gen. re Standards for Establishing Legislative Dist. Boundaries*, 2 So. 3d 175, 181-82 (Fla. 2009)).

The Proposed Amendment, though not absolutely identical, is substantially the same as that approved by this Court in 2014. It presents the same unified question to voters of whether to amend their Constitution to authorize the use of marijuana for medical purposes, as determined by a licensed Florida physician.

The 2014 advisory opinion, though not binding on this Court, provides persuasive reasons to uphold the Proposed Amendment. As this Court has noted, its advisory opinions are "frequently very persuasive and usually adhered to." *Barley*, 823 So. 2d at 82 (quoting *Lee v. Dowda*, 155 Fla. 68, 19 So. 2d 570, 572 (1944)); *see also State ex. rel. Williams v. Lee*, 121 Fla. 815, 164 So. 536, 538 (1935). As this Court has noted in the initiative amendment context, "although our advisory opinions are not strictly binding precedent in the most technical sense, only under *extraordinary* circumstances will we revisit an issue decided in our earlier advisory opinions." *Ray v. Mortham*, 742 So. 2d at 1285. No such extraordinary circumstances exist here with regard to the Proposed Amendment. As with the 2014 proposal, this Court should find that it complies with the single subject requirement of Article XI, Section 3, Florida Constitution.

Article XI, Section 3, Florida Constitution, provides, "[t]he power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, any such revision or amendment, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith." This Court has described the single subject requirement of Article XI, Section 3 as a "rule of restraint designed to insulate Florida's organic law from precipitous and cataclysmic change." *Advisory Opinion to the Att'y Gen. re 1.35% Property Tax*

Cap, Unless Voter Approved, 2 So. 3d 968, 972 (Fla. 2009) (quoting *In re Advisory Opinion to the Att'y Gen. - Save Our Everglades*, 636 So. 2d 1336, 1339 (Fla.1994)).

When considering an amendment under Article XI, Section 3, this Court has focused on whether the proposal has a "logical and natural oneness of purpose." *Advisory Opinion to the Att'y Gen. re Extending Existing Sales Tax to Non-Taxed Services Where Exclusion Fails to Serve Public Purpose*, 953 So. 2d 471, 478 (Fla. 2007) (quoting *Fine v. Firestone*, 448 So. 2d 984, 990 (Fla. 1984)). The Court also looks to whether the proposal performs, alters or substantially affects multiple, distinct functions of government. *See Advisory Opinion to the Att'y Gen. re Right to Treatment & Rehabilitation of Non-Violent Drug Offenses*, 818 So. 2d 491, 496 (Fla. 2002). Finally, the Court also considers whether the amendment will cause substantial impacts on other sections of the Constitution. *See Advisory Opinion to the Att'y Gen. re the Med. Liability Claimant's Compensation Amendment*, 880 So. 2d 675, 677-78 (Fla. 2004). *But see Advisory Opinion to the Att'y Gen. re Term Limits Pledge*, 718 So. 2d 798, 802 (Fla. 1998) (an initiative will not be removed merely because there is some "possibility that an amendment might interact with other parts of the Florida Constitution").

First, the Proposed Amendment does not logroll. Florida voters are not forced to "accept part of an initiative proposal which they oppose in order to

obtain a change in the constitution which they support." *Advisory Opinion to the Att'y Gen. re Standards for Establishing Legislative Dist. Boundaries*, 2 So. 3d 175, 180 (Fla. 2009) (quoting *Advisory Opinion to the Att'y Gen. re Amendment to Bar Gov't From Treating People Differently Based on Race in Pub. Educ.*, 778 So. 2d 888, 891 (Fla. 2000)).

Furthermore, the Proposed Amendment does not substantially alter or perform the functions of multiple branches of state government. As with the 2014 proposal, the Department of Health is given a regulatory role in administering the amendment, if adopted. This regulatory role "would not substantially alter its function or have a substantial impact on legislative functions or powers." *Use of Marijuana for Certain Med. Conditions*, 132 So. 3d at 796. As in 2014, the Department of Health is charged under the instant proposal with issuing identification cards to qualified patients, determining treatment amounts, registering and overseeing providers. As this Court found in 2014, the regulatory role of the Department of Health in administering the new amendment does not place the agency in the position of making "the types of primary policy decisions that are prohibited under the doctrine of nondelegation of legislative power." *Id.* (citing *Askew v. Cross Keys Waterways*, 372 So. 2d 913, 925 (Fla. 1978)). As this Court has explained, "a proposal may *affect* several branches of government and still pass muster, [but] no single proposal can substantially *alter* or *perform*

the functions of multiple branches." *Advisory Opinion to the Att'y Gen. re Limits or Prevents Barriers to Local Solar Electric Supply*, Case No. SC15-1780, 2015 WL 6387952, at *6 (Fla. Oct. 22, 2015) (quoting *Save Our Everglades*, 636 So. 2d at 1340).

In short, the Proposed Amendment has the unified purpose of authorizing the use of medical marijuana for certain medical conditions where a licensed Florida physician determines such use would be appropriate and that benefits would outweigh risks. Other aspects of the Proposed Amendment, including the role of the Department of Health and the provisions regarding liability of patients, caregivers, physicians and treatment centers are directly related to this purpose. All parts of the amendment further this dominant plan and are directly connected to that purpose.

II. THE BALLOT TITLE AND SUMMARY, READ TOGETHER, CLEARLY AND ACCURATELY INFORM THE VOTERS ABOUT THE CHIEF PURPOSE OF THE AMENDMENT WHICH IS TO AUTHORIZE THE USE OF MEDICAL MARIJUANA FOR INDIVIDUALS WITH A DEBILITATING MEDICAL CONDITION AS DETERMINED BY A LICENSED FLORIDA PHYSICIAN

This Court considers whether the ballot title and summary comply with Section 101.161, Florida Statutes, to give voters "fair notice of the content of the proposed amendment." *Advisory Opinion to the Att'y Gen. re Stop Early Release of Prisoners*, 661 So. 2d 1204, 1206 (Fla. 1995); *cf. Askew v. Firestone*, 421 So.

2d 151, 155 (Fla.1982) ("All that the Constitution requires or that the law compels or ought to compel is that the voter have notice of that which he must decide. . . . What the law requires is that the ballot be fair and advise the voter sufficiently to enable him intelligently to cast his ballot.") (quoting *Hill v. Milander*, 72 So. 2d 796, 798 (Fla.1954)). Recognizing the statutory 15-word limit for titles and 75-word limit for summaries, this Court has noted that the title and summary need not explain every aspect of the proposed amendment. *See Advisory Opinion to the Att'y Gen. re Right to Treatment & Rehabilitation for Non-Violent Drug Offenses*, 818 So. 2d 491, 497 (Fla. 2002) ("it is not necessary to explain every ramification of a proposed amendment, only the chief purpose"); *Advisory Opinion to the Att'y Gen. re Limited Casinos*, 644 So. 2d 71, 74-75 (Fla. 1994). The purpose is that voters are "advised of the true meaning, and ramifications, of an amendment." *Askew*, 421 So. 2d at 156.

Taken together, the ballot title and summary of the proposed "Use of Marijuana for Debilitating Medical Conditions" initiative accurately inform voters about the chief purpose of the proposal, providing sufficient information for them to cast an intelligent vote. The title and summary place voters on notice that the amendment will authorize medical marijuana for patients with "debilitating medical conditions," explaining that the determination is made by a "licensed Florida physician." The summary informs voters about the role played

by caregivers, explains the regulatory role to be played by the Department of Health, and, importantly, emphasizes that it applies only to Florida law and does not purport to immunize or protect against either violations of federal law or for "any non-medical use, possession or production of marijuana."

In 2014, opponents of the prior proposal argued that the summary, which mentioned "debilitating medical diseases" was potentially misleading because the amendment itself applied to "debilitating medical conditions." Similar concerns were raised by dissenting justices. *See Use of Marijuana for Certain Med. Conditions*, 132 So. 2d at 810-11 (Polston, C.J., dissenting); *id.* at 825 (Labarga, J., dissenting). Concerns were also raised by opponents that the term "debilitating" as used in the summary was misleading because the amendment itself allowed a physician much greater latitude to certify the use of marijuana for conditions that might not be considered "debilitating." This Court rejected the first argument, noting that the title and summary, read together, informed the voters that it applied to debilitating medical conditions or diseases. 132 So. 3d at 804. As for the second argument, this Court looked to the dictionary definition for debilitating, and used accepted rules of statutory construction to find that, having listed specific diseases in the definition section, physicians were limited in the other types of conditions for which medical marijuana might be appropriate. 132 So. 3d at 801-02.

The ballot title and summary for the Proposed Amendment avoid some of the concerns raised by opponents and the dissenters with regard to the prior proposal. The title and summary both *specifically* refer to "debilitating medical conditions." Furthermore, the definition provided in the text of the Proposed Amendment for "debilitating medical condition" provides:

> (1) "Debilitating Medical Condition" means cancer, epilepsy, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), post-traumatic stress disorder (PTSD), amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis, or other debilitating medical conditions of the same kind or class as or comparable to those enumerated, and for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient.

Proposal at Section (b)(1). The text makes clear that any other medical conditions for which a licensed physician might certify the use of marijuana must be "of the same kind or class as or comparable to those enumerated." In other words, the text of the Proposed Amendment makes explicit this Court's implicit interpretation of the prior proposal that the canon of constitutional interpretation, *ejusdem generis*, applied to limit any other medical conditions for which marijuana might be considered as a treatment option. *Cf.* 132 So. 3d at 801.

Opponents of the 2014 proposal likewise raised concerns that the exemption of liability for a licensed physician prescribing marijuana for a debilitating medical condition might also protect doctors who "abuse the practice

of medicine by prescribing marijuana fraudulently or negligently" but that the summary did not reveal that possibility. 132 So. 3d at 806. This Court in 2014 found that the earlier proposal did not repeal medical malpractice statutes and that the provision would have provided limited immunity to physicians to the extent that they certified the use of marijuana in a manner consistent with the amendment. 132 So. 3d at 807.

The Proposed Amendment does provide that "[a] physician shall not be subject to criminal or civil liability or sanctions under Florida law solely for issuing a physician certification with reasonable care to a person diagnosed with a debilitating medical condition in compliance with this section." Proposal at Section (a)(1). However, the instant provision also provides that "[n]othing in this section shall affect or repeal laws relating to negligence or professional malpractice on the part of a qualified patient, caregiver, physician, MMTC, or its agents or employees." Proposal at Section (c)(8). In other words, the instant proposal makes clear and explicit that it does not immunize physicians from malpractice claims. Thus, the concerns raised by opponents in 2014 are inapplicable with regard to the instant provision.

Another concern raised by opponents and the dissent in 2014 was that the summary might be construed to give false assurance to voters that marijuana use under that amendment might be allowed under federal law. 132 So. 3d at 818-19

(Polston, C.J., dissenting). This Court rejected that argument, finding that the summary accurately informed voters that the amendment did not "authorize violations of federal law" and that it applied "only to Florida law." 132 So. 3d at 808 (summary wording was similar to text and not legally inaccurate). The summary for the current proposal, however, provides in relevant part that it "Applies only to Florida law. Does not immunize violations of federal law or any non-medical use, possession or production of marijuana." The current summary thus further emphasizes and makes clear to voters that the Proposed Amendment is limited only to changing Florida law and that it cannot protect against violations of federal law.

As this Court noted in its opinion approving the 2014 proposal for ballot placement, the ballot title and summary "need not (and because of the statutory word limit, often cannot) explain 'at great and undue length' the complete details of a proposed amendment." *Use of Marijuana for Certain Med. Conditions*, 132 So. 3d at 808 (quoting *Legislative Dist. Boundaries*, 2 So. 3d at 186). In an effort to improve upon an already-validated proposal, the Sponsor drafted this ballot title and summary so as to be even more clear than the proposal this Court upheld in 2014. Given the commonality between the two titles and summaries, no "extraordinary" reasons exist for this Court to depart from its previous conclusion

that the title and summary fairly and accurately inform voters about the chief purpose of the amendment. *Ray v. Mortham*, 742 So. 2d at 1285.

CONCLUSION

The Proposed Amendment presents a single, unified subject to the voters of whether to approve the authorization of marijuana use for medical purposes, as determined by a licensed Florida physician. All other aspects of the Proposed Amendment, including the role of the Department of Health, the limited removal of liability for physicians, patients and caregivers, and the definitions provided are "matter directly connected therewith." Accordingly, this Court should affirm that the Proposed Amendment complies with the single subject requirement of Article XI, Section 3, Florida Constitution.

Likewise, the ballot title and summary comply with the requirements of Section 101.161, Florida Statutes, by explaining in clear, unambiguous language the chief purpose of the amendment. Both the title and the summary are accurate, and avoid the use of emotional sloganeering. As a result, the Proposed Amendment is neither more nor less than it promises to be.

For these reasons, this Court should uphold the proposed "Use of Marijuana for Debilitating Medical Conditions" amendment and allow it to appear on the ballot.

Respectfully submitted,

/s/ Jon L. Mills
Jon L. Mills, Esq.

JON L. MILLS
Florida Bar No. 148286
jmills@bsfllp.com
Boies Schiller & Flexner, LLP
100 S.E. 2nd Street
Suite 2800
Miami, Florida 33131
Telephone: 305-539-8400
Facsimile: 305-530-9535

TIMOTHY McLENDON
Florida Bar No. 0038067
tedmcl@msn.com
3324 W. University Ave., Box 331
Gainesville, Florida 32607
Telephone: 352-359-0952

ANDREW M. STARLING
Florida Bar No. 116590
amstarling@gmail.com
1224 Norwood Pl
Orlando, Florida 32804
Telephone: 407-301-6701

Counsel for Sponsor,
People United for Medical Marijuana

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing document with the Clerk of the Court by using the Florida Courts e-Filing Portal and that a true and correct copy of the foregoing document has been furnished by electronic mail and U.S. Mail to all parties listed below on this day, October 30, 2015.

/s/ Jon L. Mills
Jon L. Mills, Esq.

The Honorable PAM BONDI
Office of the Attorney General
The Capitol PL-01
Tallahassee, Florida 32399-1050
oag.civil.eserve@myfloridalegal.com

CERTIFICATE OF TYPEFACE COMPLIANCE

I HEREBY CERTIFY that this brief was prepared in Times New Roman 14-point font, in compliance with Rule 9.210(a)(2), Florida Rules of Appellate Procedure.

/s/ Jon L. Mills
Jon L. Mills, Esq.