

ADVISORY OPINION TO THE ATTORNEY GENERAL RE ADULT PERSONAL USE OF MARIJUANA CASE NO. SC23-0682

>> Marshal: ALL RISE. HEAR YE HEAR YE HEAR YE..THE SUPREME COURT OF FLORIDA IS NOW IN SESSION, ALL WHO HAVE CAUSE TO PLEA, DRAW NEAR. GIVE ATTENTION. YOU SHALL BE HEARD. GOD SAVE THESE UNITED STATES,THE GREAT STATE OF FLORIDA, AND THIS HONORABLE COURT.

LADIES AND GENTLEMEN, THE SUPREME COURT OF FLORIDA. PLEASE BE SEATED.

>> Chief Justice Carlos Muniz: GOOD MORNING AND WELCOME TO THE FLORIDA SUPREME COURT. OUR FIRST CASE TODAY IS ADVISORY OPINION TO THE ATTORNEY GENERAL RE: ADULT PERSONAL USE OF MARIJUANA CASE NO. SC23-0682.

>> MR. CHIEF JUSTICE WE ARE HERE THIS MORNING ON BEHALF OF THE ATTORNEY GENERAL.

>> Justice Charles Canady: I'M HAVING TROUBLE HEARING YOU.

>> WE ARE HERE THIS MORNING ON THE ATTY. GEN.'S PETITION FOR AN ADVISORY OPINION ON THE ADULT PERSONAL USE OF MARIJUANA AMENDMENTS. I WILL SPEAK FIRST FOR THE ATTORNEY GENERAL. I'M JOINED BY COUNSEL FOR THE FLORIDA CHAMBER OF COMMERCE.

SAMUEL SALARIO. WE WILL SPLIT OUR TIME AND ARE EACH REQUESTING TWO MINUTES F AND YOU WILL OR REBUTTAL. HEAR. WE ALSO HAVE JOHN BASH FOR THE RESPONDENT. ONE OF THE MOST CONSEQUENTIAL CHOICES THAT A VOTER CAN MAKE IS WHETHER OR NOT TO AMEND THE FLORIDA CONSTITUTION. THAT'S WHY THE TRUTH AND PACKAGING REQUIREMENTS OF SECTION 101.161 ARE SO CRITICAL TO ENSURING THAT VOTERS MAKE AN INFORMED CHOICE IN PROVIDING THEIR INFORMED CONSENT. BUT THE STATUTE REQUIRES CLEAR AND UNAMBIGUOUS LANGUAGE AND ABOUT SUMMARY RATE THAT IS AND EXPALNATORY STATEMENT OF THE CHIEF PURPOSE OF THE MISSION. THE ATTORNEY GENERAL. OPPOSES THE BALLOT PLACEMENT BECAUSE WE THINK IN SEVERAL WAYS THIS BALLOT SUMMARY IS MISLEADING. I'D LIKE TO START THIS MORNING WITH WHAT WE THINK IS THE MOST STRAIGHTFORWARD AND UNCONTROVERSIAL OF THOSE WAYS.

WHICH IS ABOUT SOME RECENT DISCUSSION ABOUT THE STATE LICENSE ENTITIES. IN ITS RECENT RECENT CASES THIS COURT HAS SAID THAT WHEN APPELLATE SUMMARY PROMISES THAT A PROPOSED AMENDMENT WILL DO SOMETHING, AND THE AMENMENT ITSELF DOES NOT DO THAT,

>> Chief Justice Carlos Muniz: HOW DO YOU READ THOSE WORDS TO BE A PROMISE?

>> Jeffrey P. DeSousa: BECAUSE THE WORDS ALLOW YOU HONOR SUGGEST LIKE IN THE VERY FIRST LINE ALLOWS, PEOPLE OVER 21 TO USE AND POSSESS MARIJUANA THAT THERE WOULD BE IN FACT IS A DIRECT RESULT OF THE AMENDMENT OTHER

STATE LICENSE ENTITIES.

>> Chief Justice Carlos Muniz: I GUESS MY QUESTION THE WORDS ARE AND OTHER STATE LICENSED ENTITIES.

I DON'T SEE HELP ME UNDERSTAND WHAT IS PROMISED AS A RESULT OF THOSE WORDS. WHAT WILL HAPPEN WHAT IS THE PROMISE THAT THE VOTER YOU SAY IS MISLED BY.

>> Jeffrey P. DeSousa: WHAT THE SUMMARY SUGGESTS IS THE POST-RATIFICATION THERE WILL BE AN AVAILABILITY OF LICENSES FOR THESE OTHER STATE LICENSE ENTITIES THAT ARE NOT.

>> Chief Justice Carlos Muniz: YOU ARE SAYING IF THE WORDS WORKED AND SUCH OTHER ENTITIES AT THE STATE LICENSE, YOU WOULD HAVE NO PROBLEM WITH THAT LANGUAGE.

>> Jeffrey P. DeSousa: THAT WOULD BE LESS PROBLEMATIC ALTHOUGH I DO THINK IT IS WORTH NOTING AS WE SAY IN OUR BRIEF THAT REALLY IS NOT EVEN THE EFFECT OF THE PROPOSED AMENDMENT. ALL THAT THE PROPOSED AMENDMENT WOULD DO ... IT DOESN'T CHANGE ANYTHING BUT EXISTING FLORIDA LAW OR EXISTING ARTICLE 10 SECTION 29. TODAY IF THE LEGISLATURE WANTED TO HE COULD PROVIDE THAT ALLEGED ADDITIONAL LICENSURE AS A MATTER OF ITS ORDINARY POLICE POWERS AND BECAUSE ARTICLE 10 SECTION 29 RIGHT NOW ALLOWS CONSISTENT LEGISLATION I THINK WHAT'S REALLY GOING ON HERE IS SAID THAT THE BALLOT SUMMARY IS PLAYING ON A DESIRE OF VOTERS TO SEE GREATER COMPETITION IN THIS MARKETPLACE BECAUSE THERE HAVE BEEN PUBLIC COMPLAINTS THAT THE MARKETPLACE IS MONOPOLIZED AND THEREBY RAISING PRICES. SO VOTERS BELIEVED SOME VOTERS MAY WELL FIND IT TO BE SIGNIFICANT THAT THEY WILL NOW BE AND AVAILABILITY OF OTHER LICENSES. BUT IN FACT WE KNOW THAT THAT IS REALLY NOT WHAT WILL HAPPEN.

TO THE EXTENT THAT THIS PROPOSED AMENDMENT HAS ANY EFFECT AT ALL IT WILL ONLY BE ALLOWING THESE OTHER ENTITIES THAT WOULD LIKE TO BE LICENSED TO GO INTO THE LOBBY OF THE LEGISLATURE. THEN THE LEGISLATURE WOULD HAVE TO DECIDE IF THE LICENSES SHOULD EXIST. I'D LIKE TO HIGHLIGHT.

>> Chief Justice Carlos Muniz: I'M SORRY TO INTERRUPT IT SEEMS LIKE I AGREE WITH YOU IN ONE SENSE. YOU COULD ARGUE THAT IN THE SUBSTANTIVE LANGUAGE ITSELF NOT IN THE SUMMARY, THAT THIS THING ABOUT ALLOWING THE LEGISLATURE TO LICENSE ENTITIES ISN'T REALLY DOING ANY WORK.

IT SEEMS LIKE IN THE ABSENCE OF SOMETHING LIKE THAT IN THE FUTURE CASE IF VILLAGE LATER DID TRY TO DO THAT SOMEONE WOULD INEVITABLY COME IN AND SAY THE AMENDMENT TALKED ABOUT IT THE MEDICAL MARIJUANA TREATMENT CENTERS AND THEREFORE THIS WAS MEANT TO BE KIND OF A CONFERENCING THING AND BY NEGATIVE IMPLICATION NO ONE ELSE CAN DO IT. IT SEEMS LIKE IT WASN'T AN UNREASONABLE CHOICE TO PUT THAT IN THE SUBSTANTIVE PART OF THIS ITSELF. DID THEY THEN EXPECT THIS SPONSOR TO GO INTO THIS KIND OF CONVOLUTED EXPLANATION IN THE SUMMARY GIVEN THAT THE BASELINE HERE IF THE CHIEF PURPOSE IS THE TARGET . IT JUST SEEMS LIKE I DON'T KNOW HOW REASONABLE

THAT IS.

>> Jeffrey P. DeSousa: CHIEF JUSTICE MUNIZ ONE WAY OR ANOTHER THERE'S A PROBLEM WITH THE BALLOT SUMMARY. BECAUSE I THINK THE AMENDMENT ITSELF DOES THE ALLOWING. WHEN THAT IS NOT AT ALL WHAT IS GOING ON. I THINK WHAT THEY COULD'VE SAID THAT WOULD'VE BEEN LESS PROBLEMATIC IS SIMPLY THAT THE PROPOSED AMENDMENT WOULD PRESERVE THE LEGISLATURE'S PRE-EXISTING AUTHORITY. AT A MINIMUM,

>> Chief Justice Carlos Muniz: THAT IS GETTING REALLY UNDERSTAND IF WE ARE HAVING A KIND OF A LAWYERLY DISCUSSION I UNDERSTAND THAT. BUT WE ARE TALKING ABOUT APPELLATE SUMMARY 75 WORDS CHIEF PURPOSE, MATERIAL EFFECTS HAVE TO BE DISCLOSED.

IF YOU READ IT LITERALLY WHAT IT'S TELLING PEOPLE IS THAT THERE MIGHT BE 2 ENTITIES IN THE STATE LICENSED OTHER THAN THESE MEDICAL MARIJUANA TREATMENT CENTERS. IF YOU WANT TO READ IT LITERALLY AND ASK WHAT IS THIS TELLING PEOPLE?

IS THAT REALLY RELEVANT TO THE OVERALL COMPETITIVE LANDSCAPE?

THERE COULD BE TWO. THERE COULD BE 1000. DO YOU KNOW WHAT I'M SAYING? WE ARE GOING TO PARSE IT LIKE THAT IS THAT WE ARE TALKING ABOUT.

>> Jeffrey P. DeSousa: WE DON'T UNDERSTAND THE WORD ALLOW US THAT WAY. TO LOOK AT THE CONTEXT THAT FIRST SENTENCE OF THE BALLOT SUMMARY IS QUITE CLEAR THAT THE MINUTE WE THINK THIS IS WHAT IT SAYS IT WOULD ALLOW THE POSSESSION AND USE OF MARIJUANA. THE RECREATIONAL POSITION AND USE. ALLOWS IS BEING UNDERSTOOD BY VOTERS IN A VERY PARTICULAR WAY IN THE CONTEXT OF THIS BALLOT SUMMARY. THE AMENDMENT WITH SELF GENERATE SOME RIGHTS INCLUDING THE RIGHT TO APPLY FOR LICENSURE I THINK.

MOST REASONABLE VOTERS WOULD ASSUME. I WILL HIGHLIGHT TWO CASES THAT MOVED TO OUR NEXT ARGUMENT. IN 2021 AND 2020 THE COURT DECIDED A COUPLE OF CASES THAT I THINK OF VERY SIMILAR TO HERE. 2021, WAS THE REGULATED MARIJUANA LIKE A CASE. THE BALLOT SUMMARY SPOKE IN TERMS OF THE AMENDMENT REGULATING FOR LIMITED USE RECREATIONAL MARIJUANA FOR LIMITED USE.

SO THE COURT SAYS IS THERE ANYTHING IN THE PROPOSED AMENDMENT ITSELF THAT ACTUALLY IMPOSES A LIMIT ON THAT THE USE. OF COURSE THE WASN'T AND SO THE COURT FOUND THAT THE BALLOT SUMMARY WAS MISLEADING.

SIMILARLY IN THE COMPETITIVE ENERGY MARKET CASE THE YEAR BEFORE THAT REGULATE RELIED ON THE COURT FOUND LIKE LANGUAGE IN THE BALLOT SUMMARY REPORTING TO CREATE A RIGHT TO SELL ELECTRICITY BACK TO THE GRID WAS MISLEADING BECAUSE AT MOST WITH THE LIMIT WOULD DO WOULD NOT LIMIT THE RIGHTS. TO SELL ENERGY BACK. IT WOULD JUST LEAVE IT TO LEGISLATURE TO DECIDE WHETHER TO CREATE THAT RIGHT. I THINK THAT IS MORE OR LESS AN ALL FOURS. WHAT THIS AMENDMENT WOULD ACTUALLY DO WITH SIMPLY LIMITED LEGISLATURE TO THE SIDE FOR LICENSURE POINTS.

>> Chief Justice Carlos Muniz: CAN YOU TELL ME YOU.. I KNOW YOU WANT TO GET YOUR

OTHER STUFF BUT QUICKLY WALK THROUGH THE THOUGHT PROCESS OF THE VOTER TO WHOM THIS DISTINCTION THAT YOU ARE RAISING WOULD BE MATERIAL.

>> Chief Justice Carlos Muniz: I'M IN THERE AND I THINK THE IDEA OF ALLOWING RECREATIONAL USE IS GOOD. BUT I WOULD VOTE NO BECAUSE THE LEGISLATURE MIGHT NOT AUTHORIZE ENTITIES OTHER THAN MMTC'S TO SELL?

WHO ARE YOU TRYING TO PROTECT?

>> Jeffrey P. DeSousa: I THINK THAT SECTION 101.161 IS CLEAR THAT WE NEED TO BE CLEAR ON THE US LANGUAGE. IF I CAN IDENTIFY THE HYPOTHETICAL VOTER I STILL THINK THE VOTER WOULD LEAVE THE COUNTRY ON WHAT THE AMENDMENT ACTUALLY DOES THAT IS REASON ENOUGH ALONE EVEN IF MAYBE IT'S NOT SILLY CHANGING ANYBODY'S VOTES. I THINK PROBABLY SOME SUBSET OF VOTERS THAT SORT OF ARE APATHETIC ABOUT RECREATIONAL MARIJUANA USE HAS NO INTEREST IN USING IT THEMSELVES. BUT THEY WOULD LIKE TO SEE MORE COMPETITION IN THE MARKETPLACE AND SO THEY WILL SUPPORT IT UNDER THE IDEA THAT THIS WILL LOWER PRICES.

THEY OPPOSE MONOPOLIES SO THEY WANT MORE COMPETITION IN THE MARKET. I WILL TURN NEXT TO OUR ARGUMENT ABOUT FEDERAL LAW.

WHICH PROCEEDS BASICALLY IN TWO STEPS. THE STARTING POINT IS THE RIGHT OF THE JUMP THE SPONSOR HAS INJECTED UNCERTAINTY AND CONFUSION ABOUT THE INTERPLAY BETWEEN THE PROPOSED AMENDMENT AND FEDERAL LAW.

>> Chief Justice Carlos Muniz: IS THAT AN INJECTION OR IS IT JUST REALITY? THERE IS IN FACT CONFUSION. THE FEDERAL GOVERNMENT HAS DONE ITSELF I WOULD SAY VERY LITTLE TO CLARIFY ITS POSITION RIGHT.

>> Jeffrey P. DeSousa: YES I THINK IT IS A VERY EASY CIRCUMSTANCE FOR VOTERS TO BE CONFUSED ABOUT THIS. BOTH BECAUSE OF THE DEPARTMENT OF JUSTICE'S CONFLICTING STANCES ON THIS ALSO BECAUSE OF THE SPONSOR'S OWN AFFIRMATIVE STATEMENTS TO VOTERS BUT ALSO BECAUSE JUST AS A MATTER OF COMMON UNDERSTANDING IF YOU DRIVE AROUND THE CITY OF TALLAHASSEE YOU CANNOT HELP BUT PASS ANY NUMBER OF MARIJUANA DISPENSARIES. IT JUST SORT OF A VERY UNUSUAL AND UNPRECEDENTED.

>> Chief Justice Carlos Muniz: HELP ME WHAT THIS DOES TO INJECT CONFUSION.

>> Jeffrey P. DeSousa: BECAUSE IT USES THE WORD ALLOW US.

>> Chief Justice Carlos Muniz: YES BUT COME ON IT ALSO SAYS APPLIES TO FLORIDA LAW.

WE CAN'T NOT READ THE CONTEXT OF THE WHOLE STATEMENT.

LAST YEAR WE AGREED WITH THAT ARGUMENT BECAUSE THE BALL WAS HIT IN. WHERE IS THE HIDDEN FALL.

IT SAYS ON THE FACE OF THIS IT APPLIES TO FLORIDA LAW.

>> Jeffrey P. DeSousa: I SEE MY TIME IS EXPIRED.

>> Chief Justice Carlos Muniz: IT DOES NOT IMMUNIZE VIOLATIONS OF FEDERAL LAW.

>> Jeffrey P. DeSousa: I UNDERSTAND THAT'S THE FIRST STEP TO GET THE BALL ROLLING ON THE WRONG FOOT BECAUSE IT ALLOWS. THE SECOND STEP BECAUSE OF THAT CONFUSION TEMPORALLY TO THE POINT YOU TO SOME PLACE IN THE

BALLOT SUMMARY FOR CLARIFIES. YOUR HONOR HAS IDENTIFIED THE BIT ABOUT NOT IMMUNIZING VIOLATIONS OF FEDERAL LAW. BUT I WOULD POINT YOU TO JUSTICE CANADY'S DISSENT IN THE 2014 CASE. BECAUSE WHAT HE POINTED OUT THERE.

>> Justice Charles Canady: THAT'S A TOTALLY DIFFERENT WORD THAT WAS AUTHORIZED. THAT WAS TOTALLY DIFFERENT.

>> Jeffrey P. DeSousa:

>> Justice Charles Canady: HAD A DIFFERENT VIEW WHEN THIS TERMINOLOGY WAS USED.

YOU PROBABLY REMEMBER.

>> Jeffrey P. DeSousa: [LAUGHTER] WE OBVIOUSLY DON'T KNOW WHAT WAS IN THE JUSTICES MIND IN 2015. THERE WAS A CASE THAT WAS NOT BRIEFED AND ARGUED. WE HAVE RACKED OUR BRAINS TO TRY FIGURE OUT WHAT THE DIFFERENCE BETWEEN AUTHORIZED AND IMMUNIZED WOULD BE IF YOU JUST SUBSTITUTED THE WORDS IN THE YOUR HONOR'S OPINION IN 2014, WHAT REASONABLE VOTERS I BELIEVE FROM THAT CAVEAT WAS QUOTING FROM PAGE 821 ABOUT THE OPINION SUBSTITUTING THE VERB . WHAT THE CONDUCT IMMUNIZED BY THE PROPOSED AMENDMENT WOULD NOT BE CONDUCT THAT WAS ILLEGAL UNDER FEDERAL LAW. IT'S THE SAME POLITICAL MOVE. I THINK THERE IS AT LEAST AMBIGUITY IN THIS BALLOT SUMMARY THAT A REASONABLE VOTER COULD LOOK TO AND THINK THIS WILL NOT BE CRIMINAL UNDER FEDERAL LAW OR LEASE THERE WILL BE SOME SENSE.

>> Justice Charles Canady: I DON'T KNOW HOW VOTERS COULD WHEN IT DOES SAY DOES NOT IMMUNIZE VIOLATIONS OF FEDERAL LAW. HOWEVER VOTER COULD BE CONFUSED BY THAT.

I'M BAFFLED BY THE ARGUMENT.

MAYBE IT IS JUST ME.

>> I KNOW YOUR TIME YOU'RE RUNNING INTO IT. LET ME ASK HIM A QUESTION. WHAT LANGUAGE IS APPROPRIATE?

>> Jeffrey P. DeSousa: I THINK WHAT SPONSORS SHOULD DO IS TRY TO PARROT AS CLOSELY AS THEY CAN ALSO EXPLAINING THE LANGUAGE IN THE PROPOSED AMENDMENTS ITSELF. THEY'VE CHOSEN ALLOW LIST BECAUSE IT'S MUCH MORE APPEALING TO VOTERS TO VOTE FOR SOMETHING THAT ACTUALLY DOES SOMETHING IT ALLOWS SOMETHING. WHAT THEY SHOULD PROBABLY HAVE SAID IS THE AMENDMENT ELIMINATES STATE LAW PENALTIES AND LIABILITY FOR CERTAIN USES OF MARIJUANA. THAT IS FAR MORE ACCURATE.

THEY DIDN'T WANT TO DO THAT BECAUSE WELL IT'S JUST LESS SEXY AND LESS APPEALING TO VOTERS BECAUSE THAT IS PUBLIC WITH THE LANGUAGE THAT SHOULD HAVE BEEN USING.

>> Chief Justice Carlos Muniz: THANK YOU YOU CAN STILL HAVE A MINUTE AND HALF IN REBUTTAL.

>> Samuel J. Salario: GOOD MORNING MAY IT PLEASE THE COURT.

MY NAME APPEARANCE FOR FLORIDA CHAMBER OF COMMERCE

SAMUEL J. SALARIO

. [LISTING NAMES] THE CHAMBER IS INTERESTED IN THIS AMENDMENT BECAUSE IT ADVOCATED FOR THE PRINCIPLES THAT OUR FOUNDATIONAL DOCUMENT THE CONSTITUTION IS NOT THE PLACE FOR IMPULSIVE POLICY CHANGE THAT LEGISLATION ON TOUGH QUESTIONS IS THE CONSTITUTIONAL PROVINCE OF THE LEGISLATURE AND UNDER THE CONSTITUTIONAL STRUCTURE CITIZEN INITIATIVES ARE RESERVED FOR SIMILAR CHANGES ACCEPTABLE OF A SINGLE UP OR DOWN VOTE. THIS AMENDMENT FAILS UNDER THOSE MEASURES. THE AMENDMENT MAKES TWO FUNDAMENTAL CHANGES IN OUR ORGANIC LAW. ONE IS TO IMMUNIZE FROM LEGAL SANCTION FOR THE ADULT RECREATIONAL USE OF MARIJUANA. BUT IT ACCOMPLISHES A SECOND OBJECTIVE WHICH IS NOT DISCLOSED IN THE BALLOT SUMMARY. THAT IS TO GIVE MEDICAL MARIJUANA TREATMENT CENTERS EFFECTIVE REGULATORY CAPTURE OVER A COMMERCIAL MARKET. THE INITIATIVE CREATES A COMMERCIAL MARKET FOR RECREATIONAL MARIJUANA.

IT CREATES EXISTING MEDICAL MARIJUANA TREATMENT CENTERS AN IMMEDIATE AND EFFECTIVE OLIGOPOLY OVER DISTRIBUTION OF RECREATIONAL MARIJUANA REFERS TO A LATER DATE IF EVER MEDICAL MARIJUANA TREATMENT CENTERS WILL HAVE COMPETITION FROM OTHER MARKET PARTICIPANTS AT LEAST. IN THE NEAR TERM IT FORECLOSES AND AT LEAST CREATES SUBSTANTIAL DOUBT OVER PERSONAL CULTIVATION OF MARIJUANA FOR PERSONAL USE.

>> Chief Justice Carlos Muniz: I JUST WANT TO UNDERSTAND UNDER THIS ARGUMENT WHAT A ONENESS OF PURPOSE MEANS?

IF A MEASURE IS TO HAVE A ONENESS OF PURPOSE UNDER OUR CASE LAW, DOES THAT MEAN YOU CAN NEVER WITH ONE CHANGE TO THE ORGANIC LAW OF THE STATE BOTH PERMIT SOMETHING OR REMOVE PENALTIES FOR SOMETHING WITHOUT SPEAKING TO THE MARKET IMPLICATIONS OF IT?

>> Samuel J. Salario: I'M NOT SUGGESTING THAT I'M TO SUGGEST TWO APPROACHES TO HOW YOU DO WITH THE SINGLE SUBJECT REQUIREMENT I THINK THAT ENTIRELY DEPENDENT ON YOUR INCLINATION. I THINK THE FIRST IS TO LOOK TO YOUR EXISTING ONENESS OF PURPOSE TEST IN THE MOST APPLICABLE PRECEDENT LISTEN I'M NOT GOING TO PRETEND THAT I CAN DEFINE A SINGLE RULE THAT HARMONIZES EVERY SINGLE SUBJECT CASE IN THE COURT.

>> Chief Justice Carlos Muniz: WE CAN'T WE HAVEN'T I CAN ASK YOU TO DO IT.

>> Samuel J. Salario: WHAT I WILL SAY WE ARE IN AMENDMENT LIKE THIS ONE DOES MULTIPLE THINGS I THINK THE APPROACH THAT IS CONSISTENT WITH THE MOST APPLICABLE PRECEDENT AND MAKES THE MOST SENSE IS TO ASK TWO QUESTIONS. FIRST, WHAT IS THE MAIN THING THAT THE AMENDMENT DOES AND THEN NUMBER TWO, OR SECOND ARE THE SECONDARY THINGS THAT THE AMENDMENT DOES. THE RESULT OF DIRECT INFERENCE. FROM THAT FIRST THING.

>> Chief Justice Carlos Muniz: MY TROUBLE WITH THAT IS MARCY'S LAW. IF YOU LOOK AT WHAT THAT AMENDMENT TO THE CONSTITUTION DID. IT BOTH CREATED SUBSTANTIVE RIGHTS OR DIDN'T CREATE IT SAID IT WOULD PROTECT SUBSTANTIVE RIGHTS ON THE PART OF CRIME VICTIMS. THEN WENT TO SOME LENGTH TO TALK

ABOUT WHAT THOSE RIGHTS ENTAIL. IT DOESN'T SEEM TO ME TO BE ALL THAT DIFFERENT I DON'T REMEMBER THE CHAMBER OR ANYONE ELSE ARGUING THAT MARCY'S LAW SUFFERED FROM A ONENESS OF PURPOSE PROBLEM.

>> Samuel J. Salario: I'M NOT GOING TO PRETEND I AM FAMILIAR WITH EVERY BIT OF MARCY'S LAW.

>> Chief Justice Carlos Muniz: I GUESS THAT GOES TO THE ONE POINT YOU'RE MAKING WHICH IS VERY HARD TO BE FAMILIAR WITH EVERY THOUGHT AND TITTLE OF THE 40,000 WORD CONSTITUTION AS OPPOSED TO A 9000 WORD U.S. CONSTITUTION.

>> Samuel J. Salario: OF COURSE MARCY'S LAW CAME THROUGH THE CONSTITUTIONAL REVISION PROCESS.

>> Chief Justice Carlos Muniz: A SIGNIFICANT DECISION.

>> Samuel J. Salario: WHICH IS NOT HAVE THE REQUIREMENT.

>> Chief Justice Carlos Muniz: FOCUSING ON THE IDEA THAT THERE'S SOME ANALYTICAL UNITY OF PURPOSE TO EACH LIMIT TO THE CONSTITUTION I WONDER WHAT PASSES IF WE AGREE WITH YOU THAT THIS ONE IS PROBLEMATIC?

>> Samuel J. Salario: I THINK WE CAN GIVE YOU SOME EXAMPLES BOTH FROM THE CAGES OF WHICH WE WILL RELY AND THE CASES IN WHICH THE SPONSOR LAST. I THINK IF YOU LOOK AT CASES LIKE NONPARTISAN COMMISSION OR SAVE OUR EVERGLADES OR EVEN.

[LISTING NAMES] WHAT YOU'LL SEE IS KIND OF AN AGGREGATION OF PROVISIONS THAT SOMEBODY MAY HAVE THOUGHT WAS A GOOD IDEA AND AT SOME LEVEL OF DISTRACTION BUT HAVE SOME RELATIONSHIP BUT WERE NOT DIRECTLY CONNECTED BY INFERENCE. SO LOOK AT NONPARTISAN COMMISSION THE PRIMARY THING THAT AMENDMENT DID WAS TO CREATE A REDISTRICTING COMMISSION. NOW IT ALSO REQUIRES SINGLE MEMBER LEGISLATIVE DISTRICTS. THERE IS NOTHING ABOUT THE CREATION OF NONPARTISAN DISTRICTING COMMISSION WHICH NECESSARILY IMPLIES THAT YOU WOULD HAVE A SINGLE MEMBER LEGISLATIVE DISTRICT. THAT IMPLICATED THE LOG ROLLING CONCERNS THE TROUBLED THE COURT AND ULTIMATELY THE REASON STANDING ALONE OF THE COURT IN THE CASE DETERMINE THE THING VIOLATED SINGLE SUBJECT. LOOK AT SAVE OUR EVERGLADES. THE PRIMARY THING THAT AMENDMENT DID WAS TO PROVIDE FOR EVERGLADES RESTORATION.

NOW IT ALSO PROVIDED THAT THE SUGAR INDUSTRY WOULD HAVE TO PAY FOR IT AND YOU MIGHT SAY AT SOME LEVEL OF ABSTRACTION IF YOU ARE GOING TO RESTORE THE EVERGLADES MONIES TO COME FOR SOMEPLACE. BUT HAVING THE SUGAR INDUSTRY PAY FOR IT WE ARE NOT SO CLOSELY RELATED ONE IS NOT THE DIRECT INFERENCE FROM THE OTHER THE COURT SAID BOTH ON LOG ROLLING AND ON MULTIPLE FUNCTIONS OF GOVERNMENT THAT THAT THING FAILED THE TEST.

[LISTING NAMES] IS KIND OF SIMILAR.

>> WHY WOULD WE NOT LOOK THROUGH THE LENS LIKE A DISUNITY LENS OF ONENESS OF PURPOSE IF WE LOOKING AT IT HISTORICALLY FROM LOG ROLLING PERSPECTIVE LOG ROLLING WOULD'VE BEEN UNDERSTOOD AS UNRELATED TOPICS THAT WOULD EACH GARNER A MINORITY SUPPORT ROLLED INTO ONE TO GARNER A

MAJORITY?

WHY IN THIS CASE WOULD WE NOT LOOK AT IT FROM A DISUNITY PERSPECTIVE IT'S RELATED RIGHT?

>> IT MAY NOT NECESSARILY BE TO YOUR KIND OF NECESSARY CONSEQUENCE TEST.

BUT WHY IS THAT NOT AN ISSUE FOR THE VOTER WEATHER IF THEY WANT TO AUTHORIZE NON-MEDICAL USE OF MARIJUANA THEY GET TO ALSO CONSIDER WHETHER OR NOT THEY WANT TO VOTE FOR THIS BILL OR THIS CONSTITUTIONAL AMENDMENT CONSIDERING THE LICENSING ISSUES AND THAT OTHER SORT OF THING. WHY WOULD IT NOT BE AN ISSUE FOR THE VOTER OTHER THAN THE ONENESS OF PURPOSE ISSUE.

>> Samuel J. Salario: I THINK IF I UNDERSTAND YOUR HONOR'S QUESTION I THINK YOU'RE RIGHT. I THINK THAT THE DISUNITY HERE LIKE WHEN YOU THINK ABOUT LOG ROLLING I THINK IT'S A USEFUL TEST FOR DETERMINING USEFUL KIND OF INDICATOR OF WHETHER SOMETHING VIOLATES SINGLE SUBJECT. AND HERE YOU WOULD THINK LISTEN I THINK THAT YOU CAN EASILY CONCEIVE OF A VOTER WOULD THINK THAT I'M IN SUPPORT OF DECRIMINALIZING RECREATIONAL MARIJUANA. I'M A LIBERTARIAN I THINK IT'S A RELATIVELY HARMLESS PERSONAL BIAS I DON'T REALLY CARE WHAT PEOPLE DO IN THE PRIVACY OF THEIR OWN HOME.

>> I GUESS IF IT IS STILL TOPICALLY RELATED WE KIND OF HAD TWO ISSUES. WE HAVE ONE WHETHER IT BE.

>> Samuel J. Salario: I SEE WHAT YOU ARE SAYING.

>> THIS IS KIND OF LIKE TO THE SPONSORS DETRIMENT OR WHATEVER IF THEY ARE GOING TO CREATE A CONSTITUTIONAL PROPOSED CONSTITUTIONAL AND EMINENT THAT TOUCHES ON SO MANY VARIOUS CONSEQUENCES OF THE BROADER TOPIC, THAT IS SOMETHING KIND OF THAT THEY TAKE ON THAT BURDEN OF CONVINCING THE VOTER THROW THIS IS GOOD WHEREAS IT STILL TOUCHES ON A SINGLE TOPIC FOR THE PURPOSE OF THE TEST.

WHY SHOULD WE NOT VIEW IT THROUGH THAT LENS.

>> Samuel J. Salario: I THINK A FEW POINTS ON THAT.

ONE IS JUST TO KIND OF GO BACK TO KIND OF THE CONTEXT AND HISTORY OF THE SINGLE SUBJECT RULE.

IT STANDS ALONE IN OUR CONSTITUTION AMONG METHODS FOR AMENDMENT IN THAT IT IS NOT SUBJECT TO PUBLIC HEARING AND DEBATE.

IT IS NOT SUBJECT TO THE NEGOTIATION AND COMPROMISE THAT IS REFLECTED IN THE LEGISLATION. IT IS NOT SUBJECT TO THE KIND OF FINE PEN DRAFTING AND EDITING

>> OF COURSE WE HAVE A SINGLE SUBJECT REQUIREMENT FOR LEGISLATION I'M NOT FOLLOWING THIS.

>> Samuel J. Salario: EXCEPT THE SINGLE SUBJECT REQUIREMENT FOR LEGISLATION I WOULD ARGUE IN THIS COURT HELD IN FINE IS MOST TEXTUALLY AND CONTEXTUALLY DIFFERENT THE SINGLE SUBJECT REQUIREMENT.

>> Justice Charles Canady: IT'S A LITTLE DIFFERENT BUT LOOKS PRETTY SIMILAR.

>> Samuel J. Salario: I THINK PROPERLY AND DIRECTLY IMPLIED TWO VERY DIFFERENT THINGS. I THINK DIRECTLY IMPLIES A CLOSE CONNECTION PROPERLY APPLIES.

>> Justice Charles Canady: CAN I GO BACK TO WHAT YOU STARTED OFF WITH. YOUR FUNDAMENTAL POSITION IS THAT THIS IS JUST NOT A PROPER SUBJECT FOR THE CONSTITUTIONAL THE INITIATIVE PROCESS IT'S A POLICY MATTER. WHICH THERE IS REALLY NO WAY THAT THE CITIZENS COULD ACT IN THIS ARENA THROUGH THE INITIATIVE PROCESS EFFECTIVELY.

>> Samuel J. Salario: I DON'T THINK THAT IS QUITE RIGHT.

>> Justice Charles Canady: LET ME ASK YOU THIS I THINK IT IS IMPLICIT IN YOUR ARGUMENT SOMEBODY DECIDES THAT THEY WANT,, THE STATE DEPARTMENT PURPOSE IS TO HAVE THE COMMERCIAL SALE OF MARIJUANA FOR PERSONAL USE. THAT IS THEIR PURPOSE.

THE CITIZENS WANT TO DO THAT THE PEOPLE THAT SELL IT. THEY WANT TO DO THAT. IS THERE ANY WAY THEY CAN ENCOMPASS THAT EFFECTIVELY IN YOUR VIEW?

>> Samuel J. Salario: THINK THAT IF YOU ARE TALKING ABOUT AN AMENDMENT THAT WOULD COMBINE THE DECRIMINALIZATION OR LEGALIZATION.

>> Justice Charles Canady: SO THEY COULD THEY COULD JUST SAY THE PEOPLE COULD AUTHORIZE A COMMERCIAL SALE OF A PRODUCT THAT WOULD BE ILLEGAL TO POSSESS?

>> Samuel J. Salario: THEY ARE DISTINCT IDEAS THAT ARE NOT CONNECTED BY DIRECT INFERENCE THAT VOTERS FEEL VERY DIFFERENTLY ABOUT AND ARE BOUNDED BY DIFFERENT POLICY AND ANALYTICAL CONSIDERATIONS.

>> Justice Charles Canady: SEEMS LIKE THIS IS TURNING THE SINGLE SUBJECT REQUIREMENT NOT INTO ANYTHING OTHER THAN A STRAIGHT JACKET ON THE PEOPLE. WE MAY THINK THAT THE PEOPLE MIGHT WELL THINK THAT THE PEOPLE IF THEY ADOPTED THIS WOULD BE MAKING AN UNWISE CHOICE. BUT THAT'S A DIFFERENT QUESTION.

AND WHETHER THE CONSTITUTION BASICALLY PRECLUDES THEM FROM ACTING EFFECTIVELY IN THIS ARENA.

>> Samuel J. Salario: I DON'T THINK ONE I THINK WHAT WE ARE ASKING YOU TO DO IS CONSISTENT WITH CASES YOU'VE ALREADY DECIDED. I THINK THIS CASE IS CLOSE TO THE CASES I'VE TALKED ABOUT. I DON'T THINK THEY DEPARTURE ON WHAT YOU'VE SAID IN A SINGLE SUBJECT ANOTHER CONTEXT. ALSO I THINK IS ENTIRELY CONSISTENT WITH THE CONSTITUTIONAL RESERVATION OF POWER TO THE PEOPLE TO PROPOSE AMENDMENTS BY INITIATIVE RIGHTS. THAT POWER HAS NEVER BEEN A BROAD UNLIMITED POWER BEFORE 1972, IT WAS MORE LIMITED YOU CAN ONLY AMEND ONE SECTION OF THE CONSTITUTION. SO THIS SINGLE SUBJECT RULE KEEPS ON BROADENING. IF PLACED IN THE HISTORICAL CONTEXT, IT IS NOT LIKE THE CITIZENS OF FLORIDA HAVE ALWAYS HAD THIS EXPENSIVE POWER TO PROPOSE ANY AMENDMENT TO THE CONSTITUTION ON HOWEVER MANY SUBJECTS CONTAINING HOWEVER MANY PROVISIONS THAT THEY WANT.

>> Chief Justice Carlos Muniz: I'M SORRY COUNSEL, YOU CAN HAVE 30 SECONDS TO WRAP UP.

>> Samuel J. Salario: THEN TWO QUICK POINTS I DON'T WANT TO LOSE WHAT IS THE POINT THAT RECREATIONAL MARIJUANA IS DIFFERENT FROM MEDICAL MARIJUANA. IT IS DIFFERENT IN THE SENSE THAT DECRIMINALIZING MARIJUANA FOR MEDICAL USE NECESSARILY IMPLIES A DISTRIBUTION CHANGE IN OTHER WORDS A PRESCRIPTION FOR ANTIBIOTICS DOESN'T DO ANY GOOD FOR YOUR SINUS INFECTION WITHOUT A MEANS OF GETTING THE ANTIBIOTICS I THINK THE SAME IS TRUE OF MEDICAL MARIJUANA.

THAT CONCERN IS NOT PRESENT HERE A DECRIMINALIZATION AND EFFECTIVE ON ITS OWN WITHOUT DOING ANYTHING ELSE. SECONDLY I JUST DIDN'T WANT TO LOSE SIGHT OF THE ARGUMENT WE MAKE IN THE BRIEF THAT THE SECOND OPTION YOU HAVE HERE IS TO ADOPT AN INTERPRETATION OF ONE SUBJECT AND THAT ARE DIRECTLY CONNECTED THEREWITH THAT IS MORE TO ABANDON THE ONENESS OF PURPOSE PRECEDENT AND SAY ONE SUBJECT REALLY MEANS ONE SUBJECT AND THE MATTER DIRECTLY CONNECTED THE STEP THAT IS NECESSARY TO MAKE IT WORK.

>> Chief Justice Carlos Muniz: THANK YOU VERY MUCH.

>> John Bash: MAY IT PLEASE THE COURT AND LIKE TO START IF I COULD WITH WHAT THE GOVERNMENT HAS MADE ITS LEAD ARGUMENT AT THE PODIUM WHICH IS THE OTHER LICENSED ENTITIES ISSUE. LET ME JUST MAKE THREE RESPONSIVE POINTS TO THAT.

THE FIRST IS THAT THIS COURT HAS REPEATEDLY SAID FOR EXAMPLE IN THE COMPETITIVE ENERGY CASE FROM 2020, THE SUMMARY LANGUAGE THAT JUST TRACKS THE LANGUAGE OF THE ACTUAL AMENDMENT TYPICALLY IS NOT MISLEADING.

IN THIS CASE THE LANGUAGE REFERRING TMTCC AND OTHER STATE LICENSED ENTITIES ATTRACT THE LANGUAGE OF THE OPERATIVE PROVISIONS OF THE AMENDMENT SUBSECTION A4 AND A5. THE SECOND POINT I WOULD MAKE IF WE HAD EXCLUDED OTHER LICENSED ENTITIES FROM THE SUMMARY, THERE IS NO DOUBT THAT THE GOVERNMENT WOULD BE AT THE PODIUM SAYING THAT WAS MISLEADING. BECAUSE YOU'VE ESSENTIALLY CONVEYED TO VOTERS THAT ONLY ENTITIES WITH A MEDICAL DELETION.

>> ARGUMENT IS REALLY IT ALLOWS OTHER LICENSED ENTITIES. WHAT IS YOUR RESPONSE TO THE ARGUMENT THAT IT IS MISLEADING BECAUSE IT CREATES THE MIND OF THE VOTER THAT THERE WILL BE OTHER STATE LICENSED ENTITIES THAT ARE PERMITTED TO SELL MARIJUANA FOR NON-MEDICAL USE. WHEN IN FACT IT DOES NOT DO THAT THERE'S INTERVENING STEP THAT REQUIRES LEGISLATIVE ACTION.

>> John Bash: JUSTICE SASSO THE ANSWER IS THE PHRASE OTHER LICENSE ITSELF SUGGEST A FURTHER PROCESS THAT IS NOT REVEALED IN THE SUMMARY. EVERYBODY KNOWS WHETHER YOU GET A DRIVER LICENSE OR AN OCCUPATIONAL LICENSE OR BUSINESS LICENSES OR LAND USE LICENSES, STATE AGENCIES CREATE REQUIREMENTS THAT IT'S NOT CERTAIN THAT ANY GIVEN APPLICANT WILL GET A LICENSE AND SO REASONABLE VOTER READING THAT WOULD THINK THERE IS GOING TO BE OR THERE COULD BE A PROCESS FOR GETTING LICENSE IS POSSIBLE

THAT THERE WILL BE OTHER ENTITIES THAT GET LICENSES BUT THAT'S SIMPLY NOT DISCUSSED THE DETAILS OF THAT LICENSING SCHEME ARE NOT DISCUSSED IN THE 75 WORDS

>> DEFTLY DISCUSSES AN EXISTING STRUCTURE FOR LICENSING SCHEME I DON'T THINK SO YOUR HONOR I THINK WHAT IS JUST IN-STATE THE LESSONS OTHER ENTITIES AND CONFUSES IN THE MIND OF THE VOTER THAT THEY VOTE FOR THIS IT WILL BE ONLY MMTc SELLING THESE PRODUCTS IT COULD BE OTHER ENTITIES IF THEY'RE ABLE TO ACQUIRE LICENSE FROM THE STATE ANOTHER POINT I WOULD EMPHASIZE IS THAT UNDER THIS COURT'S PRECEDENT THE MAIN PURPOSE OF THIS SUMMARY IS TO DISCLOSE THE CHIEF PURPOSE THEN OF COURSE NOT TO BE AFFIRMATIVELY MISLEADING. THE PROCESS IN WHICH NOT MMTc'S MAY ACQUIRE LICENSES IS PRETTY FAR FROM THE CHIEF PURPOSE OF THIS AMENDMENT WHICH IS TO ENSURE THAT ADULT 21 YEARS OR OLDER CAN PERSONALLY USE AND POSSESS MARIJUANA PRODUCTS. IT'S IMPORTANT BUT IT'S ATTENDED.

IT'S A PART OF THE AMENDMENT THAT FACILITATES THE MAIN RIGHT BUT IT'S NOT CHIEF PURPOSE. IF WE COULD USE LANGUAGE TO TRY TO EXPLAIN THAT THE LEGISLATURE IS EMPOWERED THE AMENDMENT IS TRYING TO NOT ALLOW FOR THE NEGATIVE INFERENCE THAT THE LEGISLATURE IS NOT EMPOWERED BUT THERE IS NO GUARANTEE IF THE LEGISLATURE WOULD ACT USE UP SO MANY WORDS THAT THE GOVERNMENT WOULD BE ARGUING WE DIDN'T DISCLOSE OTHER THINGS. IN THE SUMMARY THERE'S ONLY 75 WORDS TO WORK FROM.

>> Chief Justice Carlos Muniz: IS THIS KIND OF THE POINT THAT THE CHAMBER MAKES YOU WERE SAYING I CAN'T POUR THE OCEAN INTO A THIMBLE AND THE ANSWER IS THEN GO DO THIS ACROSS THE STREET?

GO AND LEAVE THIS KIND OF MATTER TO THE LEGISLATURE IS NOT THE ARGUMENT THAT SORT OF HAS THE MOST PUNCH AGAINST WHAT YOU WERE SAYING.

>> John Bash: JUSTICE COURIEL IT IS THE ARGUMENT THE CHAMBER IS MAKING BUT IT'S INCORRECT BECAUSE INTRUSION REQUIRES ONE FOR BALLOT INITIATIVES IT IS A SINGLE SUBJECT MATTERS DIRECTLY CONNECTED I MAY BE BUTCHERING THE LANGUAGE THAT'S A PARAPHRASE.

IT DOESN'T TELL VOTERS THAT IF YOU SATISFY THAT REQUIREMENT AND SOME THINGS YOU WOULD LIKE TO HAVE A VOTE ON THE LEGISLATURE IS REFUSING TO PUT UP FOR A VOTE YOU CAN'T DO . THE STATUTORY REQUIREMENTS HAVE TO GIVE WAY TO THE CONSTITUTIONAL WHICH IS VOTERS ARE ALLOWED TO PUT THINGS UP FOR A VOTE. AND IF THE STATUE WAS INTERPRETED TO MEAN IF YOU COMPLY WITH A SINGLE SUBJECT THERE ARE MATTERS YOU CANNOT PUT UP FOR A VOTE. I THINK THAT WOULD BE IN TENSION WITH THE CONSTITUTIONAL RIGHT OF VOTERS IN ITS CONTEXT. WHICH THIS COURT HAS SAID MANY TIMES, ITS SACROSANCT, IT'S IMPORTANT PART OF THE STATES DEMOCRACY.

IM HAPPY TO TALK ABOUT WHY WE FEEL THIS SATISFIES

THE SINGLE SUBJECT REQUIREMENT FLEX WHAT IS YOUR RESPONSE TO THE ARGUMENT WE SHOULD DO SINGLE SUBJECT KIND OF AS A NECESSARY PREDICATE NATURAL CONSEQUENCE AND IF IT FALLS OUTSIDE OF THAT AND DOESN'T MEET THE

SINGLE SUBJECT REQUIREMENT.

>> John Bash: WE URGE THE COURT TO ADHERE TO TEST IT ADOPTED EVEN AS THE FORMATION JUSTICE SASSO THAT YOU JUST PROPOSED I DON'T THINK THAT THIS WOULD FILL THAT FORMULATION ESSENTIALLY THIS IS SAYING IF YOU HAVE A RIGHT TO USE A PRODUCT OR TO POSSESS A PRODUCT THERE HAS TO BE THE RIGHT TO PURCHASE THAT PRODUCT AWFULLY WITH THE ATTENDED RELATION TO MAKE SURE IT IS SAFE.

AN ANALOGY THAT COMES TO MIND IS IT WOULD BE STRANGE IF THE SECOND AMENDMENT TO THE U.S. CONSTITUTION WERE INTERPRETED TO CREATE A PERSONAL RIGHT TO WHEN A FIREARM BUT CONGRESS COULD BAN THE PURCHASE OF ANY FIREARM. IT DOESN'T MAKE SENSE THAT THE ABILITY TO LAWFULLY OBTAIN IT IS NATURALLY ATTENDED TO THE ABILITY TO POSSESS IT. THAT'S ALL THAT THIS COMMITMENT DOES. AS JUSTICE CANADY WAS SAYING IF YOU KIND OF REVERSE IT AND SAY WHAT IF THE CHIEF PURPOSE WAS THE RIGHT TO SELL IT COULD YOU THEN SAY NOBODY HAS THE RIGHT TO POSSESS IT. IT WOULDN'T MAKE SENSE BECAUSE AS SOON AS YOU DID THE SALE IT WOULD BE ILLEGAL. I THINK YOUR TWO SIDES OF THE SAME COIN WHICH THE PHRASE THIS COURT IS USED IN DESCRIBING THE SINGLE SUBJECT REQUIREMENT.

I DON'T SEE HOW WE CAN VIOLATE SINGLE SUBJECT TO SAME IF YOU CAN PROCESS YOU CAN PURCHASE. I THINK THAT WOULD BE IN CONSIDERABLE TENSION WITH MANY OF THIS COURT'S PRECEDENTS NOT ONLY.

>> Jeffrey P. DeSousa: IT'S MORE THAN YOU CAN JUST PURCHASE IT WHERE YOU CAN PURCHASE CERTAIN ENTITIES MAY BE LICENSE BUT THEIR ABILITY TO SELL IT IS MUCH MORE THAN THE NECESSARY NATURAL CONSEQUENCE OF THE ABILITY TO PURCHASE.

>> John Bash: JUSTICE SASSO FOR THE MOST PART IT LEAVES THOSE RESERVATION IT DOES SAY YOU CAN PURCHASE FROM MMTC IN ACCORDANCE WITH THE STRUCTURE SET UP BY THE PRIOR COMMITMENTS. BUT IN TERMS OF WHERE YOU CAN PURCHASE THAT THE MOMENT DOES NOT SPEAK TO GEOGRAPHIC PLACEMENT OF STORES IN TERMS OF WHAT OTHER SORTS OF ENTITIES YOU CAN PURCHASE FROM THAT IS LEFT TO LEGISLATIVE JUDGMENT WHICH OF COURSE IF WE HAD NOT DONE THAT THE CHAMBER WOULD BE ARGUING THAT WE SUBSTANTIALLY ALTERED THE FUNCTION OF STATE GOVERNMENT BY FORCING THE LEGISLATURE TO DO SOMETHING A LOT OF THE ARGUMENTS HAVE THAT HEADS I WIN TAILS YOU LOSE ASPECT. WE DID A CONSCIOUS JOB OF TRYING TO FOLLOW THIS COURT'S PRECEDENT I THINK IS MOST CLEAR IN THE FEDERAL LAW ISSUE MARIE FOLLOWED THE ROADMAP THAT THIS COURT LAID OUT TWO YEARS AGO IN TERMS OF LANGUAGE.

LIKewise ON THE SINGLE SUBJECT REQUIREMENT DID HER BEST TO MAKE SURE THAT WE WERE NOT FORCING THE LEGISLATURE TO ACT BUT AT THE SAME TIME WE WERE MAKING SURE THAT THE LEGISLATURE AND THE FOLKS ABILITY TO INJECT MORE COMPETITION IF YOU CHOSE TO DO SO IS A POLICY . WE TRIED VERY HARD WITH YOUR TWO WITH THIS COURT'S CASE HAVE SAID.

>> THE TEXT SAYS DIRECTLY CONNECTED DOESN'T SAY NECESSARILY CONNECTED OR LOGICALLY INFERENTIALLY CONNECTED THEREWITH. IT'S HARD TO SEEM HOW THIS IS NOT DIRECT ALLOWING FOR POSSESSION AND THEN SETTING UP A SCHEME FOR HOW IT WILL BE OBTAINED BY PEOPLE I DON'T SEE HOW THAT IS NOT DIRECTLY CONNECTED.

>> John Bash: I OF COURSE AGREE WITH THAT MR. CHIEF JUSTICE THE ONLY OTHER POINT I WOULD ADD RECEIPT IN THE BRIEF 23 AS OF LAST NIGHT WITH THE OH OHIO VOTE 24 STATES HAVE NOW LEGALIZED AS A MATTER OF STATE LAW THE RECREATIONAL MARIJUANA AND IN VIRTUALLY ALL OF THOSE JURISDICTIONS LOCAL COMMERCIAL SALE WITH RELATION GOES HAND-IN-HAND WITH POSSESSION. I BELIEVE THAT DC IS DIFFERENT BECAUSE OF SOME INTERACTION WITH THE FEDERAL CONTROL OVER DC. WHAT HAS ARISEN THERE AM SPEAKING FAR OUTSIDE THE RECORD OF COURSE THERE IS NO RECORD IN A CASE LIKE THIS MY UNDERSTANDING IS THAT THERE'S A VERY STRANGE GIFTING ECONOMY IN DC BECAUSE YOU CAN'T LAWFULLY SELL AND PEOPLE DO DE FACTO SALES TYING TO OTHER PRODUCTS. I DON'T THINK ANY RESPONSIBLE LEGISLATURE IN THE STATE OR THE PEOPLE WOULD THINK THAT IN ORDER TO AMEND THE CONSTITUTION IN ITS WAKE OF THE SET UP A VERY STRANGE GIFTING SYSTEM SO THAT PEOPLE CAN POSSESS MARIJUANA.

I WOULD TURN NOW WITH THE COURTS LEAVE THE FEDERAL ISSUE BECAUSE MY FRIEND RAISED THAT IN HIS PRESENTATION AT THE PODIUM. AS I MENTIONED EARLIER WE FOLLOWED THE ROADMAP THIS COURT SET JUSTICE CANADY YOUR DISSENT IN THE FIRST MEDICAL MARIJUANA CASE CAME UP IN MY FRIENDS ARGUMENTS. IT WASN'T JUST THAT YOU SAID WHAT THE RIGHTS WITHOUT PROPER STATES THAT YOU SAID SPECIFICALLY IMMUNIZED. WHAT WOULD BE IMPROPER BECAUSE IT FILLING WHICH OF THE AMENDMENT AS IT DOES HERE AND THEN ONE YEAR LATER THE COURT UNANIMOUSLY APPROVED IMMUNIZED. AND SAID THIS IS CLEAR MORE CLEAR THAN AUTHORIZED WHICH I TOOK AS A NOD TO YOUR DISSENT IN THE PRIOR CASE. THEN IN 2021 IN THE NON-MEDICAL MARIJUANA NUMBER ONE CASE DEVELOPED SPONSOR DID NOT MENTION FEDERAL LAW. THIS COURT SAID THIS WOULD HAVE BEEN EASY. ALL YOU DO IS WITH FOLLOW ROADMAP FROM THE PRIOR CASES. IT WOULD BEEN FINE THE COURT DID NOT SAY THAT WHEN WHICH FROM THE PRIOR CASES JUST BARELY PASSES MUSTARD WE WILL LET IT GO IT SAID THAT WAS THE ROADMAP. TWO YEARS LATER WE ARE HERE WITH VIRTUALLY THE SAME LANGUAGE. THE MINOR DIFFERENCE TO ME ARE INCONSEQUENTIAL AND THE GOVERNMENT DID NOT EVEN ACT LIKE THEY WERE CONSEQUENTIAL UNTIL THE REPLY BRIEF. WE FOLLOWED THE ROADMAP THE COURT SAID IN PUTTING ASIDE STARE DECISIS PUTTING ASIDE ANY OF THE CONSIDERATION HOW COULD IT BE THAT LANGUAGE SEVEN MEMBERS OF THIS COURT UNANIMOUSLY SAID WAS A ROADMAP TWO YEARS AGO IS NOW SO UNCLEAR AS TO BE AFFIRMATIVELY MISLEADING. THAT IS THE CRUX OF THE GOVERNMENT'S ARGUMENT.

>> WHY THE WORD ALLOW.

CLEARLY IT DOESN'T PAINT THE WHOLE PICTURE.

>> Samuel J. Salario:

>> John Bash: JUSTICE SASSO THAT WAS PART OF THE ROADMAP LANGUAGE THAT THIS COURT TOLD US TO USE. NUMBER TWO ALLOW IN ISOLATION WOULD NOT BE TOLD PICTURE BUT THEN YOU GET INTO APPLIES TO FLORIDA LAW DOES NOT CHANGE OR IMMUNIZE THE VIOLATIONS OF FEDERAL LAW. IN THAT CONTEXT READING THE WORD ALLOWS IS LIMITED TO FLORIDA LAW BECAUSE IT SAYS SO EXPLICITLY. ONE OF THE EXAMPLES THE GOVERNMENT GIVES.

>> Justice Meredith Sasso: DOES NOT SAY IT EXCLUSIVELY THE REASON SENTENCES IN BETWEEN OUR LAWS IN BETWEEN THAT IT ONLY AFFECTS FLORIDA LAW ALLOWS THE PERSONAL USE OF MARIJUANA.

WHY HOW ARE WE SUPPOSED TO EXPECT THE READER TO SEE THE WORD ALLOWS AND THEN NOTE THAT THAT WORD IS ACTUALLY INACCURATE BECAUSE LATER DOWN IN THE SUMMER IT EXPLAINS IS ONLY FLORIDA LAW.

>> John Bash: LET ME GIVE TO RESPONSES TO THAT. THE FIRST IS THAT WE EXPECT VOTERS TO BE ABLE TO READ THINGS IN CONTEXT. WHEN SEMI FORWARD ASSEMBLY SAYS 50 WORDS AFTER THE ALLOWS THAT APPLIES TO FLORIDA LAW DOES NOT CHANGE OR IMMUNIZE ABOLISHING THE FEDERAL LAW. THIS COURT ASSUMES.

>> Justice Meredith Sasso: WE ASSUME THE READER WILL GO BACK DOESN'T REALLY ALLOW BECAUSE I JUST READ THIS BECAUSE THIS WORD ALLOW DOESN'T MEAN WHAT IT SAYS.

>> John Bash: MAYBE I SHOULD GET TO MY SECOND POINT I DON'T THINK IT'S TRUTH ALLOWS IN CONTEXT ALWAYS MEANS ALLOWS RELATIVE TO OTHER ENTITIES THE ME AND AFTER PROHIBITION I KNOW THE PARTIES HAVE DUELING HYPOTHETICALS ABOUT SCHOOLS IN THEIR BRIEFS. LET ME GIVE YOU ANOTHER HYPOTHETICAL MAKES IT EVEN MORE CLEAR PRINT SUPPOSED ONE OF THE STATES UNIVERSITIES SAID WILL ALLOW STUDENTS TO HAVE ALCOHOL IN THEIR DORM ROOMS. WE DON'T HAVE A RULE AGAINST THAT. I DON'T THINK ANY STUDENT WOULD REASONABLY INTERPRET THAT TO MEAN THAT IF THE STATE POLICE OFFICER CAME IN AND SAW A 19-YEAR-OLD WITH ALCOHOL THAT WOULD MEAN THAT THE STATE POLICE OFFICER COULD NOT GIVE NICOLE CITATION BECAUSE THE UNIVERSITY TOLD THEM THAT THIS ALLOWS THEY ALLOW ALCOHOL AND BOARDROOMS. THE REASON IS MUCH LIKE THE FEDERAL AND STATE GOVERNMENTS MS. HYPOTHETICAL THOSE ARE ESSENTIALLY SEPARATE SOVEREIGNS THEY HAVE THEIR OWN RULES AND NO ONE THINKS THAT THE UNIVERSITY'S RULES APPLY TO THE STATE GOVERNMENT. EVEN IF THAT WAS UNCLEAR HERE EVEN IF SOME VOTER THINGS.

>> Justice Meredith Sasso: HOW DOES THAT HYPOTHETICAL HELP YOU'RE DEALING WITH AN ENTITY IS NOT ALLOWED TO MAKE LAWS AND HERE WE ARE DEALING WITH A CONSTITUTIONAL AMENDMENT GOING TO THE VOTERS THEY ARE RELYING ON THE SUMMARY TO ALLOW WHAT THE CONSTITUTION WILL PERMIT I THINK MOST VOTERS WILL SAY THE CONSTITUTION IS THE LOVE THAT'S WHAT ABOVE US ALL IT SAYS IT ALLOWS ME TO DO THIS.

>> John Bash: EVEN IF THAT WAS THE BELIEF THAT SOME VOTERS MAY HAVE THAT IS WHY UNLIKE IN MY HYPOTHETICAL WE ALSO HAVE THE CLARIFYING LINE WHICH IN

THE SUMMARY. THIS COURT HAS SAID REPEATEDLY IF YOU READ ALL SUMMARY IN THE TITLE CONTEXT.

THERE'S A REASON IT SHOWS SHORT VOTERS WERE ABLE TO READ 75 WORD STATEMENT AND TAKE INTO ACCOUNT ALL CONTEXT. IT IS NOT LONG JUST ONE OTHER EXAMPLE I WOULD GIVE YOU IS THIS COURT TRUSTS ORDINARY CITIZENS AS JURORS EVERY DAY IN THE STATE TO READ COMPLEX INSTRUCTIONS IN WHITE-COLLAR CASES IN DEATH PENALTY CASES WHERE IT IS LITERALLY LIFE OR DEATH.

AND BECAUSE THEY'RE CONSCIENTIOUS BECAUSE THE INSTANT DATES SO MANY OF THEIR DUTY TO READ SOMETHING COMPLEX UNDERSTAND AND APPLY. I THINK DECEPTION BEHIND THE CONSTITUTION AND THIS COURT'S CASES AND COMMON SENSE IS THAT VOTERS GOING INTO THE VOTING BOOTH KNOWING DEVOTING UNCHANGING THE ORGANIC LAW OF THE STATE WILL TAKE THAT DUTY RESPONSIBLY AND SERIOUSLY AND REALLY THINK ABOUT WHAT THEY ARE READING AND IF THIS IS WHAT THEY WANT. IN ORDER IN OUR VIEW WHEN THIS IS APPLIED TO FLORIDA LAW DOES NOT CHANGE OR DEMONIZE VIOLATIONS OF FEDERAL LAW THE TYPICAL VOTER MOST VOTERS WILL UNDERSTAND THAT THE FEDERAL PRESCRIPTION ON MARIJUANA IS NOT AN ISSUE HERE IT'S ABOUT FLORIDA LAW. NOT THE FEDERAL PRESCRIPTION. WE THINK THAT IS CONSISTENT WITH WHAT THIS COURT SAID IN THE ROADMAP I COME BACK TO THE POINT HOW GOOD LANGUAGE THAT THIS COURT SAID WAS CLEAR TWO YEARS AGO NOT ONLY CLEAR BUT THE ROADMAP SUDDENLY BE SO FLAWED AS TO BE AFFIRMATIVELY MISLEADING?

EVEN PUTTING ASIDE STARE DECISIS JUST ON THE MERITS SEVEN MEMBERS OF THIS COURT SO IT IT WAS SUFFICIENTLY CLEAR THAT HE SHOULD BE THE BLUEPRINT RESPONSES. WE TRIED OUR BEST TO FOLLOW EXACTLY WHAT THE COURT SAID. I'M HAPPY TO TURN TO SOME OF THE OF ISSUES WITH MY MARINE TIME I JUST WANT TO MAKE SURE I DON'T FORECLOSE QUESTIONS FROM THE BENCH ON ANY OF THE REMAINING ISSUES.

THE GOVERNMENT MAKES TWO OTHER ARGUMENTS AND I WILL ADDRESS THEM BRIEFLY UNLESS THE COURT HAS QUESTIONS. ONE, THE GOVERNMENT'S CLAIM THAT THE PROPOSED AMENDMENT WOULD ACTUALLY LIMIT THE LEGISLATURE FROM REPEALING PRE-EXISTING LIMITS ON MARIJUANA THAT ARE NOT COVERED BY THE IMMUNITY IN OTHER WORDS THAT THE LEGISLATURE NOW COULDN'T LEGALIZE 4.0 OUNCES OR 5.0 OUNCES. WE THINK THAT IS ONE ROLE AND WHAT THE LIMIT DOES BUT IF THERE'S SOME AMBIGUITY ON THAT POINT THERE IS NOTHING MISLEADING IN THAT THE SUMMER IT DOESN'T ADDRESS THE QUESTION OF FUTURE CONSEQUENCES OF THE AMENDMENTS. I WILL JUST TAKE THAT FIRST ARGUMENT BRIEFLY. IF YOU LOOK AT SUBSECTION B OF BOTH THE PRE-EXISTING AMENDMENT IN THIS LOAN THE GOVERNMENT'S BRIEF ON PAGE 4 IF ANYBODY IS LOOKING THERE. THIS IS PRE-EXISTING SUBSECTION B WHICH INTRODUCES THE DEFINITIONAL PROVISIONS. IT STARTS WITH FOR PURPOSES OF THIS SECTION.

EVEN PUTTING ASIDE THE PARTIES KIND OF SEMITIC DISPUTE ABOUT WHETHER SOME OF THESE DEFINITIONAL OR OPERATIONAL EVERYTHING THAT FOLLOWS IS

FOR PURPOSES OF THIS SECTION. MEANING SECTION 29 OF ARTICLE 10 IS AMENDED BY THIS AMENDMENT.

ALL THAT MEANS IS THAT THE IMMUNITY CREATED BY SUBSECTION A4 AND A5 WOULD BE ADDED BY THE SENTIMENT ONLY EXTENDS THE 3.0 OUNCES. IT DOES NOT BAR THE LEGISLATURE INDEPENDENTLY FROM CHANGING PRE-EXISTING FLAWS. THERE'S A LOT OF REASONS FOR THAT BUT MAYBE THE MOST OBVIOUS IS THE LIMIT DOES NOT PRESCRIBE PENALTIES FOR OVER 3.0 OUNCES. IT'S UNCLEAR WHAT IT WOULD MEAN THAT IT PRINTS THE LEGISLATURE FROM LEGALIZING MORE THAN 3.0 OUNCES AS A MATTER OF FLORIDA LAW. THERE IS NO PENALTY REGIME HERE. THE MOST NATURAL READING OF THIS IS THAT IT LIMITS THE IMMUNITY CONFERRED BY THE MINUTE THE 3.0 OUNCES OR 5 OUNCES OF CONCENTRATED BUT IT DOES NOT AFFECT THE LEGISLATURE'S PRE-EXISTING AUTHORITY. LESS THERE ARE OTHER QUESTIONS ON THIS WE THINK IS THE CLEAREST WAY TO READ THE MOMENT AND FRANKLY THE SUMMARY JUST DOESN'T SAY ANYTHING ONE WAY OR THE OTHER ABOUT WHETHER THE LEGISLATURE CAN RAISE LIMITS IN THE FUTURE IN FACT, THE SUMMARY DOESN'T EVEN GIVE YOU THE AMOUNT IT JUST SAYS THEIR POSITION LIMITS IT'S HARD TO BELIEVE THERE WOULD BE A VOTER JUST READING THE SUMMARY AND SAY I LIKE. BUT I DON'T MISS ONLY WHAT THE LEGISLATURE TO GO NUMBER FOUR IT JUST SAYS THERE ARE LIMITS. LESS POINT TO THE GOVERNMENT RAISES LEADS TO THE DEPARTMENT OF HEALTH AUTHORITY WHETHER THERE IS THIS REVELATORY GAP THAT WILL BE CREATED ON DAY ONE OF THE MEN. THERE IS NO WRIGGLE TO RECAP. ON DAY ONE THE WHICH WILL RETAIN FULL AUTHORITY TO REGULATE MMTC WITH RESPECT TO SAFETY LABELING ADULTERATION IN PESTICIDES AND SO FORTH ON DAY ONE. NO OTHER AS WE DISCUSSED ENTITIES WILL BE LICENSED ON DAY ONE BUT THE LEGISLATURE WILL HAVE FULL AUTHORITY TO ENACT AN APPROPRIATE LICENSING REGIME GOING FORWARD THE GOVERNMENT'S ARGUMENT REALLY HINGES ON THE PURPOSE SENTENCE IN SUBSECTION D OF THE PROPOSED AMENDMENT WHICH IS ON PAGE 7 OF THE GOVERNMENT'S BRIEF. AND IF THE GOVERNMENT SAYS WELL THE PURPOSE OF THE DOH RELATION MUST BE TO PROTECT QUALIFYING PATIENTS. THEN ONCE RECREATIONAL MARIJUANA IS ALLOWED DO THE RELATIONS HAVE ANY PURPOSE. THE ANSWER IS YES, DEATH SENTENCE FITS SEAMLESSLY WITH THE PURGATORY SCHEME WOULD BE ESTABLISHED BY THE AMENDMENT AND THAT THE REASON IS WHAT THE MINUTE WE DO IS SAY YOU CAN PURCHASE EVEN IF YOU DON'T PRESENT YOUR QUALIFYING PATIENT . BUT IT WILL STILL BE TRUE THAT NUMEROUS QUALIFYING PATIENTS PEOPLE THAT TODAY SATISFY THE STATUTORY DEFINITION OR THE MINUTE DEFINITION WILL BE GOING TO MMTC'S TO PURCHASE PRODUCTS THEY WILL LOOK AT ALL THE PRODUCTS A METS SHELF AND WHEN THE DEPARTMENT OF HEALTH SAYS MMTC THE MEADOW WHAT YOU SELL NO MATTER WHAT YOU PRODUCE NEED TO CONTINUE TO FOLLOW THE SAFETY STANDARDS THAT IS PROTECTING QUALIFYING PATIENTS.

>> Chief Justice Carlos Muniz: ISN'T THE ARGUMENT OR FUNDAMENTAL AT THE END OF THIS DURING THE PERIOD OF WHAT THEY SUGGEST IS A REVELATORY GAP THESE

ARE NOT PATIENTS ANYMORE.

THE WHOLE LOGIC OF LODGING THIS IN THE DEPARTMENT OF HEALTH IN THE FIRST PLACE IS THE IDEA THAT IT WAS MEDICAL MARIJUANA FOLKS WERE BUYING IT OR SEEKING IT AS A VECTOR OF TREATMENT THIS CHANGES THAT. THE BUYER IS NO LONGER A PATIENT IN ANY MEANINGFUL SENSE. FROM A REGULATORY STANDPOINT IT MAY OR MAY NOT MAKE ANY LOGICAL SENSE TO HOUSE IT IN THE DEPARTMENT OF HEALTH LEGISLATURE MAY DECIDE IT DOESN'T BELONG IN THE DEPARTMENT OF HEALTH. I GUESS THAT IS STRUCTURAL GAP THAT THEY'VE IDENTIFIED HOW DO YOU RESPOND TO THAT.

>> John Bash: IF THAT IS THERE AGREEMENT JUSTICE COURIEL THAT IS NOT THE ONE OR 1.61 CHALLENGE THIS COURT SAID REPEATEDLY IN THE BORDER CONTROL GAMBLING CASE IN THE DEPARTMENTS STATE VERSUS HOLLINGER CASE THAT AMBIGUITIES OR EVEN FLAWS IN THE MINUTES STUFF THAT DOESN'T MAKE SENSE UNDER SOME POINTS OF VIEW IN THE LIMIT IS NOT WHAT THE COURTS ANALYZING IN A 11.161 CHALLENGE THERE IS SIMPLY NOTHING IN THE SUMMARY WHICH IS THE FOCUS OF THE ANALYSIS THAT RELATES TO THIS PURPORTED AMBIGUITY OR ARGUE BOTH LAW AND SOME PEOPLE'S VIEW THAT I WAS OF COURSE BUT IN SOME PEOPLE FLAWS IN THE PURGATORY SCHEME BUYS THE WHICH THE ENTITY REGULATING SALES THAT ARE NOT EXCLUSIVELY TO QUALIFYING PATIENTS THAT'S A POLICY ARGUMENT THAT THE ATTY. GEN. CAN MAKE ON THE STUMP IF SHE POSES THIS AMENDMENT AND SAY WELL THIS DOES NOT MAKE SENSE WHY WOULD DOH BE REGULATING THIS. DOES DOES NOT RELATE TO ANY THING THAT IS AFFIRMATIVELY MISLEADING IN THE SUMMARY AND IT CERTAINLY IS NOT THE CHIEF PURPOSE AND MUST BE DISCLOSED IN THE SUMMARY IT'S ESSENTIALLY A QUESTION OF STATUTORY INTERPRETATION OR PURPOSE THAT IS NOT THE SUBJECT OF A 11.161 CHALLENGE. I SEE MY TIME HAS EXPIRED.

>> Chief Justice Carlos Muniz: YOU CAN HAVE 30 SECONDS TO FINISH UP CALLED THIS COURT HAS SAID MANY TIMES IT'S RELUCTANT TO STRIKE LANGUAGE FROM THE BALLOTS.

OR STRIKE A BALLOT INITIATIVE BECAUSE OF SOLEMN RESPONSIBILITY OF CITIZENS AND CELEBRATE TO AMEND THE CONSTITUTION.

IF THERE WAS EVER A CASE NOT TO DO IT IT'S THE ONE WHERE THE BALLOT SPONSOR LOOKED AT THIS COURT'S PRECEDENT TRIED TO FOLLOW THEM SCRUPULOUSLY EVEN ADOPTED LANGUAGE TO THIS COURT SAID IS A ROADMAP REGARDLESS OF STANDARDS REVIEW OR STARE DECISIS THIS IS NOT THE CASE WHERE THE LANGUAGE IS MISLEADING OR FILE IS THE SINGLE SUBJECT REQUIREMENT. THANK YOU MR. CHIEF JUSTICE.

>> Chief Justice Carlos Muniz: THANK YOU.

>> Jeffrey P. DeSousa: I WOULD LIKE TO TRY TO MAKE TWO POINTS ABOUT THE OTHER STATE LICENSED ENTITIES ARGUMENT MR. BASCH HAS RESPONDED THAT THE SPONSOR WAS JUST DRAFTING THIS SUMMARY TO TRACK THE ACTUAL LANGUAGE OF THE PROPOSED AMENDMENT. WE DON'T THINK THAT THAT IS TRUE WITH THE PROPOSED WHAT IT SAYS ON THE SCORE IS THAT THIS IS IN PROPOSED SUBSECTION

E THE LEGISLATURE MAY PROVIDE FOR THE LICENSURE OF ENTITIES THAT ARE NOT MMTc. THE AMENDMENT LEAVES IT TO THE LEGISLATURE WITH THE BALLOT SUMMARY SAYS IS THAT THE AMENDMENT MEANING THE AMENDMENT ITSELF WOULD ALLOW OTHER STATE LICENSED ENTITIES TO ENGAGE IN MISCONDUCT. VOTERS MAY UNDERSTAND THAT IN ANY NUMBER OF WAYS THEY MAY THINK THAT THERE ARE EXISTING ENTITIES LIKE PHARMACIES THE NET WILL BE PERMITTED TO ENTER AT THE MARIJUANA SPACE. THEY MAY THINK THAT THE LIMIT ITSELF CREATES A LICENSING REGIME WHICH IS TOTALLY POSSIBLE. THEY MAY THINK THAT THE LIMIT REQUIRES THE LEGISLATURE TO ADOPT THAT LICENSING SCHEME.

>> IF IT IS POSSIBLE THAT THE LANGUAGE WAS UNNECESSARY TO AVOID THE NEGATIVE APPLICATION ARGUMENT ABOUT THE CONTENT BUT NOBODY ELSE. THERE IS A SENSE IN WHICH THE MOVEMENT DOES ALLOW IT OBVIOUSLY PEOPLE AND SUBSEQUENT QUIZZES WILL BE ARGUING WHETHER THIS ADDED ANY VALUE OR NOT IF YOU START FROM THE PREMISE THAT THE DID ADD VALUE AND THAT THERE IS A SENSE IN WHICH THE AMENDMENT IS HAVING THE EFFECT OF ALLOWING THOSE ENTITIES TO DO IT ASSUMING IF THE LEGISLATURE CHOSE TO ACTUALLY DO THE CREATE LICENSING REGIME IN THE FIRST PLACE.

>> Jeffrey P. DeSousa: I THINK YOUR HONOR THE ONLY SENSE WITH USE OF THE WORD ALLOWS IS ACCURATE IS IN THE SENSE THE LIMIT DOESN'T AFFIRMATIVELY BLOCK OTHER STATE LICENSED ENTITIES IT JUST LEAVES IT TO LEGISLATIVE DISCRETION IT'S A LITTLE BIT LIKE SAYING IN A TOTALLY DIFFERENT CONSTITUTIONAL AMENDMENT DEALING WITH SEARCH AND SEIZURE PROTECTION THE MADMAN DOESN'T ALLOWS OTHER STATE LICENSED ENTITIES TO ENGAGE IN THE MARIJUANA TRAINING COURSE THAT IS TRUE I SUPPOSE BUT IT'S NOT THE ORDINARY?

DO WE THINK ABOUT THE TERM LIKE ALLOWS. I THINK THE MORE REASONABLE WAY FOR VOTERS TO UNDERSTAND THIS IS THAT AFTER RATIFICATION ENTITIES WILL BE ABLE TO APPLY FOR A LICENSE AND GO THROUGH AN ADMINISTRATIVE LICENSING REGIME NOT THAT THEY WILL HAVE TO GO TO LEGISLATURE TO LOBBY FOR THE CREATION OF THAT LICENSING REGIME.

THANK YOU.

>> Chief Justice Carlos Muniz: THANK YOU VERY MUCH WE ARE GOING TO TAKE A TWO MINUTE BREAK AND THEN WE WILL BE BACK.

I'M SORRY YOU CAN BRIEFLY I THINK YOU USED UP ALL OF YOUR TIME. GO AHEAD. ONE MINUTE BOX I JUST WANT TO TRY TO TAKE A QUICK SHOT AT YOUR QUESTION ABOUT THE DIRECT CONNECTION PIECE OF THE SINGLE SUBJECT ARGUMENT. PAGE 5 OF OUR REPLY BRIEF WE TOOK BUT THE WORD DIRECT AND HOW IT IS KIND OF WITHOUT INTERVENTION THAT IS KIND OF THE IDEA THAT IN TRYING TO GET OUT WHEN I TALK ABOUT A DIRECT INFERENCE OR LOGICAL INFERENCE I THINK ON THAT SUBJECT RIGHT THE SPONSOR ONCE THE KIND OF POSITION THIS AS A RIGHT AND I REALIZE WE USE SOME OF THAT FRAMING ARE BRIEF AS WELL.

BUT REALISTICALLY STATED IT IS NOT RIGHT IF THEY PROTECTION FROM CRIMINAL PROSECUTION. OR CIVIL ENFORCEMENT. IF THIS WAS A RIGHT YOU MIGHT SAY IF

THERE WAS A DIRECT CONNECTION BETWEEN THE COMMERCIALIZATION AND DECRIMINALIZATION ASPECTS OF THIS.

>> Chief Justice Carlos Muniz: I'M SORRY TO INTERRUPT DOESN'T JUSTICE CANADY'S FLIPPING IT IF THE MAIN PURPOSE OF THIS IS THE COMMERCIAL PART AND CLEARLY YOU WOULD AGREE THAT FROM THAT PERSPECTIVE THE DECRIMINALIZATION IS ESSENTIAL IT'S INEVITABLE RIGHT.

>> Samuel J. Salario: MAYBE IT'S A CLOSER CALL BUT I DO THINK THE COMMERCIALIZATION OF THE PLATES A LOT OF THINGS BESIDES JUST THE SALE IT CONTEMPLATES CULTIVATION DISTRIBUTION AND OF COURSE YOU HAVE.

>> Chief Justice Carlos Muniz: IDENTICALLY WHAT YOU'RE COMPARING IS NOT COMMERCIAL VERSUS THE CAMELIZATION YOU'RE SAYING WITHIN COMMERCIAL SHOULD YOU BE CARVING THAT UP THAT WE WANT YOU TO BE ABLE TO SELL.

>> Samuel J. Salario: EVEN PUTTING THAT TO THE SIDE THEY ARE DISCRETE SUBJECTS.

UNDER THIS COURT'S PRECEDENT AS A MATTER OF LOGIC THEY ARE DISTINCT THEY ARE BOUNDED BY DIFFERENT CONSIDERATIONS OF VOTERS CLEARLY CAN PERCEIVE THEM DIFFERENTLY.

>> Justice Charles Canady: ISN'T THE CASE UNDER OUR PRECEDENT THE LEVEL OF GENERALITY IN WHICH WE'VE ANALYZED THIS HAS GENERATED WILDLY. IT'S DEPENDED ON WHO KNOWS WHAT?

IT'S ALL ABOUT THE LEVEL OF GENERALITY WHEN YOU LOOK AT SINGLE SUBJECT ANALYSIS RIGHT?

>> Samuel J. Salario: I DO THINK THAT ONE THING THAT PERVADES YOUR CASES IS KIND OF LIKE WHAT IS THE RIGHT LEVEL OF SPECIFICITY OR OBSTRUCTION I AGREE WITH YOU ON THAT. I'M NOT SURE HOW IMPORTANT THAT IS HERE. BECAUSE I DON'T THINK THERE WAS ALL THAT MUCH WATER BETWEEN THE PARTIES ABOUT WHAT THIS AMENDMENT DOES.

THERE IS A PIECE OF IT THAT IS DIRECTLY RELATED TO THE PERSONAL USE AND IF THERE IS A PIECE OF IT THAT DEALS WITH COMMERCIAL SALE.

I KNOW I'M RUNNING SHORT ON PATIENTS I DID WANT TO TRY TO ADDRESS YOUR QUESTIONS JUSTICE CANADY WHICH WAS I THINK WHILE WE DON'T THINK YOU CAN PUT BOTH OF THESE TOPICS ON A SINGLE AMENDMENT I DO THINK YOU CAN UNDER THE CITIZENS POWER TO AMEND THEIR CONSTITUTION BY INITIATIVE BY REQUIRING THEM TO BE PUT AS SEPARATE ITEMS. THAT DOES TWO THINGS. IT HONORS THE CITIZEN'S CONSTITUTIONAL ENTITLEMENT TO VOTE BY INITIATIVE. AND IT SIMULTANEOUSLY HONORS THEIR RIGHT NOT TO BE PUT TO AN ALL OR NOTHING VOTE ON THINGS THEY MAY FEEL VERY DIFFERENTLY ABOUT. HERE WHETHER THEY WANT DECRIMINALIZED MARIJUANA AND ON THE OTHER HAND WHETHER THEY WANT LARGE COMMERCIAL APPARATUS THAT MAKES IT WIDELY AVAILABLE.

>> WE WOULD HAVE TO RECEIVE WE HAVE PRECEDENT BASICALLY SAYING IF IT'S PART OF A COHERENT PLAN THAT SATISFIES SINGLE SUBJECT. WOULDN'T WE HAVE TO RECEIVE FROM THAT CLEARLY MEETS THE TEST RIGHT?

>> Samuel J. Salario: AGAIN I'M NOT SURE THAT THERE IS PRECEDENTS THAT YOU

WOULD HAVE TO RECEIVE FROM. I THINK PROBABLY THE RIGHT EXERCISE HERE IS TO LOOK AT WHAT ARE THE MOST ANALOGOUS PRECEDENT TO THIS SITUATION? WHAT DO THOSE WHAT CAN YOU TEASE OUT OF THOSE CASES? WHEN I LOOK AT THE MOST ANALOGOUS PRECEDENT AND I THINK THEY ARE NONPARTISAN COMMISSION FINES AND SAVE OUR EVERGLADES. WHAT YOU HAVE IS A SERIES OF CONCEPTUALLY RELATED IDEAS THAT AREN'T DIRECTLY CONNECTED IN THE INFERENTIAL CHAIN.

AS I SAID I THINK THAT THIS IS VERY DIFFERENT FROM THE MEDICAL MARIJUANA CASES.

BECAUSE OF THE DIRECT CONNECTION BETWEEN THE MEDICAL PURPOSE OF THE USE AND THE NEED FOR COMMERCIAL DISTRICT REGIME CHANGE.

>> Chief Justice Carlos Muniz: THANK YOU WE REALLY APPRECIATE EXCELLENT ARGUMENT EVERYTHING AND WE WILL BE BACK IN TWO MINUTES.

>> Marshal: ALL RISE.