

IN THE SUPREME COURT OF FLORIDA

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

Case No. SC23-682

**OPPONENTS' JOINT MOTION FOR A 7-DAY EXTENSION
TO FILE THE REPLY BRIEFS**

The opponents of the *Adult Personal Use of Marijuana* initiative—the Attorney General of Florida, Florida Chamber of Commerce, and Drug Free America Foundation—hereby jointly move for a 7-day extension for filing their reply briefs. *See* Fla. R. App. P. 9.300(a). The grounds are as follows.

1. Per this Court's May 23, 2023 briefing schedule, the opponents' reply briefs are due to be filed seven days after the filing of the answer briefs. The Attorney General previously requested, and was granted, a 2-week extension for filing the initial briefs, making the answer briefs due July 19 and reply briefs due July 26.

2. The sponsor and two other proponents of the initiative timely filed their answer briefs on July 19. A fourth proponent, the ACLU of Florida, filed its answer brief on July 21. That same day, this

Court granted the ACLU's request to file the brief out of time.

3. An extension of seven days is warranted for several reasons. First, each opponent has raised a variety of challenges to the initiative, and they collectively must reply to responses contained in four separate briefs for the proponents of the initiative.

4. Second, the fourth such brief, filed by the ACLU of Florida, was filed two days after the deadline for filing answer briefs. As a result, the current deadline gives the opponents just three business days to respond to the arguments in that brief.

5. Third, counsel for each of the opponents have numerous other responsibilities during the relevant period. For example, counsel for the Attorney General, apart from having supervisory responsibilities within the Office of the Solicitor General, is the principal drafter of two other briefs during that period, including a First District brief (due July 24) concerning a criminal defendant's federal preemption challenge to a state statute, and a Second District *en banc* supplemental brief (due August 2).¹

¹ The Second District ordered *en banc* briefing only after counsel for the Attorney General moved for the 2-week extension for filing the initial briefs, so counsel was unaware of the scheduling conflict.

6. A 7-day extension will cause no prejudice. The Court need not resolve this advisory opinion case until April 1, 2024, *see* Art. IV, § 10, Fla. Const., giving the Court eight months from the proposed extended deadline of August 2 to conduct oral argument and issue its written opinion.

7. The undersigned has consulted with counsel for the sponsor of the citizen initiative, John Bash, who has indicated that the sponsor opposes a 7-day extension but does not oppose a 2-day extension.

Wherefore, the opponents jointly request that this Court extend the time for filing all opponents' reply briefs by seven days to August 2, 2023.

Dated: July 23, 2023

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CERTIFICATE OF SERVICE

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