

**IN THE DISTRICT COURT OF APPEAL FOR THE
FIRST DISTRICT, STATE OF FLORIDA**

FLORIDA DEPARTMENT OF
HEALTH, *et al.*,

Appellants,

v.

PEOPLE UNITED FOR MEDICAL
MARIJUANA, *et al.*,

Appellees.

Case No. 1D18-2206

L.T. Case No: 2017 CA 1394

**JOINT MOTION TO DISMISS APPEAL
AND VACATE ORDER AND FINAL JUDGMENT**

Appellants Florida Department of Health, Secretary of Health for the State of Florida, Office of Medical Marijuana Use, and Courtney Coppola, in her official capacity as Director of the Office of Medical Marijuana Use, together with Appellees People United for Medical Marijuana, Florida for Care, Inc., Diana Dodson, and Catherine Jordan (collectively, “Movants”), respectfully move this Court to dismiss this appeal as moot, vacate the trial court’s Order and Final Judgment in this case, and remand the case to the circuit court. As grounds, Movants state:

1. On March 18, 2019, Governor DeSantis signed Senate Bill 182, the Medical Marijuana Research and Education Act into law. Among other things, that law “redefin[es] the term ‘medical use’ to include the possession, use, or

administration of marijuana in a form for smoking.” § 1, S.B. 182. The law became effective as of its enactment. § 5, S.B. 182.

2. In light of the enactment of Senate Bill 182, the parties agree that this appeal should be dismissed as moot.

3. Pursuant to this Court’s usual practice, the Court should dismiss the appeal and vacate the trial court’s Order and Final Judgment. *See Garces v. Legarda*, 86 So. 3d 602, 607 (Fla. 1st DCA 2012) (“[W]e follow accepted practice and vacate the order under review, in order to eliminate any possibility that the order might work to the advantage or disadvantage of the litigants some time in the future.”); *accord, e.g., Pryor v. Pryor*, 141 So. 3d 1279, 1280 (Fla. 1st DCA 2014) (vacating an order extending a temporary injunction after it expired and dismissing the appeal); *Fritz v. City of Hialeah*, 411 So. 2d 973 (Fla. 3d DCA 1982) (per curiam) (“It appearing to the court that during the pendency of the appeal the matter has become moot, the trial court’s judgment is vacated and the cause remanded with directions that the cause be dismissed.”).

WHEREFORE, Movants respectfully ask this Court to dismiss this appeal as moot, vacate the trial court’s Order and Final Judgment, and remand the case to the circuit court.

Respectfully submitted.

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been furnished by e-mail on March 18, 2019, to the following counsel:

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