

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

FLORIDA DECIDES HEALTHCARE,
INC., et al.,

Plaintiffs,

Case No.: 4:25-cv-00211-MW-MAF

v.

CORD BYRD, et al.,

Defendants.

_____ /

SMART & SAFE FLORIDA,
a registered Florida Political Committee,

Plaintiff,

v.

CORD BYRD, et al.,

Defendants.

_____ /

**PLAINTIFF SMART & SAFE FLORIDA’S SECOND
EMERGENCY MOTION FOR PRELIMINARY INJUNCTION
AND INCORPORATED MEMORANDUM OF LAW**

By Order dated July 8, 2025 (“Order”), this Court granted Smart & Safe’s motion for preliminary injunction and enjoined the Secretary of the State, the Attorney General, and the Supervisors of Elections from enforcing sections

100.371(4)(b)3., 100.3714(c)8., 100.3714(g), 100.371(11), 100.371(14)(h), 104.187, and 104.188(2), Florida Statutes (2025), against Smart & Safe Florida and non-residents who gather signed petitions on Smart & Safe Florida's behalf. The Order also expressly binds these Defendants' "officers, agents, servants, employees, attorneys, and successors in [] office—and others in active concert or participation with any of them—who receive actual notice of this injunction by personal service or otherwise." Order, ¶ 2. However, because "Smart & Safe Florida has not sued any state attorneys, this injunction does not include the state attorneys with respect to their authority to enforce §§ 104.187 and 104.188(2), Fla. Stat." Order, n. 22. Accordingly, via a simultaneously filed motion, Plaintiff Smart & Safe Florida ("Smart & Safe") has moved for leave to amend its Complaint to assert claims against the state attorneys and hereby moves pursuant to Federal Rules of Civil Procedure 65(a) and 65(b) for a preliminary injunction preventing the state attorneys from enforcing Section 104.187 and 104.188(2), Florida Statutes (2025).

In support thereof, Smart & Safe incorporates by reference the Statement of Facts, Argument, and case law set forth in Smart & Safe's first motion for preliminary injunction, filed May 30, 2025. For all the same reasons the Court enjoined the Secretary of State, the Attorney General, and the Supervisors of Elections from enforcing the Non-resident Circulator Prohibition of HB 1205, the State Attorneys should likewise be enjoined. The Defendants State Attorneys, in

their official capacities, are the prosecuting officers of all trial courts in Florida. *See* § 27.02, Fla. Stat. Unless enjoined, the Defendants State Attorneys remain free to prosecute Smart & Safe’s non-resident circulators under Section 104.187, Fla. Stat. (2025) (HB 1205 at 1323-1326) and/or 104.188(2), Fla. Stat. (2025) (HB 1205 at 1329-41) in violation of Smart & Safe’s First Amendment rights.

The Order further states: “Smart & Safe did not sue any state attorneys, and thus, is not entitled to an injunction prohibiting their criminal enforcement of the registration requirement to the extent it incorporates the residency requirement for petition circulation. Nonetheless, inasmuch as the relief Smart & Safe is entitled to affords Smart & Safe partial redress, Smart & Safe still has standing to seek preliminary injunctive relief against the Secretary, Attorney General, and Supervisors of Elections.” Order, n. 21. Accordingly, for the same reasons set forth in the briefing, as well as at hearing, incorporated herein by reference, Smart & Safe respectfully requests that – as the Court enjoined the Secretary, Attorney General, Supervisors of Elections – the State Attorneys each be prohibited from enforcing HB 1205’s registration requirement as applied to Smart & Safe, including its petition circulators, to the extent it incorporates the residency requirement for petition circulation.

Since the Non-Resident Circulator Prohibition (*i.e.*, Sections 100.371(4)(b)3., 100.371(4)(c)(8), and 100.371(g)) has already gone into effect, Smart & Safe asks for emergency relief pursuant to Northern District of Florida Local Rule 7.1(L).

ORAL ARGUMENT

Smart & Safe is seeking expedited resolution on this motion, and does not request oral argument on the matter. Because the issue has been fully briefed and argued, and the Defendants State Attorneys do not oppose this motion, Smart & Safe asks this Court to rule without a hearing.

LOCAL RULE 7.1(B) CERTIFICATION

Plaintiff's counsel conferred by telephone with counsel for Defendants State Attorneys, who does not oppose this motion. This motion does not seek relief against any of the other Defendants or Defendant-Intervenors.

LOCAL RULE 7.1(F) CERTIFICATION

The undersigned certifies on this 15th day of July, 2025, that this document complies with word limits set forth in Rule 7.1(F), N.D. Fla. Loc. R., and contains 517 words which includes footnotes, and quotations, but does not include the case style, signature block or certifications.

Respectfully submitted this 16th day of July, 2025.

**STEARNS WEAVER MILLER
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s/ Glenn Burhans, Jr.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 16, 2025, I electronically filed the foregoing through the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

s/ Glenn Burhans, Jr.

Attorney

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