

**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
SUPPLEMENT TO SECOND MOTION FOR
PRELIMINARY INJUNCTION AND NOTICE OF FILING EXHIBITS**

Plaintiff Smart & Safe Florida hereby files the following Exhibits in support of its Second Motion for Preliminary Injunction:

1. Fourth Declaration of Meghan Cox, Corporate Representative of Smart & Safe Florida, dated July 18, 2025.

2. Second Declaration of Jarvis K. DeBise, dated July 17, 2025.
3. Declaration of Matthew Hohnholt, dated July 17, 2025.
4. Declaration of Hill McCrory, dated July 18, 2025.
5. Declaration of Jessica White, dated July 18, 2025.

As this Court explained in its Order on Motions for Preliminary Injunction (ECF No. 283), HB 1205’s prohibition of non-residents engaging in petition circulation violates the First Amendment. But the scheme enacted by HB 1205 requires enjoining a number of actors in order to afford Smart & Safe Florida (“Smart & Safe”) complete relief, including the State Attorneys, who are empowered to enforce criminal provisions incorporating the residency requirements. *See* §§ 104.187, 104.188(2), Fla. Stat. (2025) (collectively the “Non-Resident Circulator Criminal Penalties”).¹

¹ The Secretary of State filed this morning a notice arguing that the notice of appeal of the preliminary injunction divests this District Court of jurisdiction to issue a new and separate injunction against the State Attorneys. ECF No. 298. Such is not the case. First, a notice of appeal only prevents this court from “[m]odifying or clarifying a judgment that is on appeal,” it does not prohibit it from issuing new injunctions against different parties. ECF No. 298 at 2 (quoting *Dekker v. Weida*, 4:22-cv-325, Doc. 266 at 6-7 (N.D. Fla. Jan. 31, 2024)). Second, the Secretary of State and Attorney General only have standing to appeal the injunction as it applies to them. *Florida Immigrant Coal. v. Attorney Gen.*, No. 25-11469, 2025 WL 1625385, at *5 (11th Cir. June 6, 2025) (explaining that the Attorney General was “not aggrieved by the portion of the district court’s order enjoining non-party law-enforcement officials,” and therefore did not have standing to appeal “other trial court rulings that do not affect their interests,” including portions of the injunction). A new injunction against Defendant State Attorneys—different parties that have not

Smart & Safe has standing to move to enjoin the State Attorneys from enforcing Non-Resident Circulator Criminal Penalties. First, Smart & Safe continues to suffer First Amendment speech and associational injuries, as non-resident circulators remain unwilling to risk criminal penalties to collect petitions on its behalf given the risk of criminal penalties. McCrory Decl. ¶ 4; Hornholt Decl. ¶ 5; White Decl. ¶ 3; Debrise Decl. ¶ 4; ECF No. 166-2 ¶ 13; ECF No. 166-3 ¶ 12; ECF No. 166-4 ¶ 14. Thus, because of HB 1205, Smart & Safe is unable to associate with the petition circulators of its choosing. Cox Decl. ¶¶ 4-8; ECF No. 166-5. This is the case across each one of Florida's twenty judicial circuits. Cox Decl. ¶ 6. Accordingly, Smart & Safe remains injured by the criminal penalties against non-resident circulators.

Further, Smart & Safe's injuries are traceable to the State Attorneys, who are tasked with enforcing the Non-Resident Circulator Criminal Penalties.² Smart &

filed any notices of appeal in this case—would have no impact on the the Secretary of State and Attorney General's pending appeal.

² Counsel for the Secretary of State misconstrues the Defendant State Attorneys' position. ECF No. 298 at 3 ("Given the acquiescence of the state attorneys to Plaintiffs' requests to date, including their consent to preliminary relief, Doc. 291 at 4, Smart & Safe has yet to explain how the most recent preliminary injunction is necessary to maintain that status quo."). Smart & Safe represented in its certificate of conferral that counsel for the Defendant State Attorneys "does not oppose" the motion. Upon reasonable request by counsel for Defendant State Attorneys, counsel for Smart & Safe clarifies below that they "take no position" on the motion. Regardless, Defendant State Attorneys have *not* agreed to a stay of enforcement, and without an injunction remain free to enforce the Non-Resident Circulator Criminal Penalties.

Safe's injuries would be redressed by an injunction prohibiting the State Attorneys from enforcing the Non-Resident Circulator Criminal Penalties against the non-resident circulators who wish to circulate on its behalf. With the Non-Resident Circulator Criminal Penalties enjoined, non-circulators would feel safe to collect petitions, and Smart & Safe would be able to get its non-resident circulators back to work collecting petitions and actively recruit even more highly qualified circulators, thus ameliorating the First Amendment injuries caused by HB 1205.

LOCAL RULE 7.1(F) CERTIFICATION

The undersigned certifies on this 21st 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 735 words, which includes footnotes, and quotations, but does not include the case style, signature block or certifications.

LOCAL RULE 7.1(B) CERTIFICATION

On July 21, 2025, Plaintiff's counsel conferred by telephone with counsel for Defendant State Attorneys for a second time. Counsel for Defendant State Attorneys requested that Plaintiff's counsel clarify their position as "take no position" on the motion.

Respectfully submitted this 21st day of July, 2025.

**STEARNS WEAVER MILLER
WEISSLER ALHADEFF & SITTERSON, P.A.**

s/ Glenn Burhans, Jr.

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Counsel for Plaintiff, Smart & Safe Florida

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 21, 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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