

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

FLORIDA DECIDES HEALTHCARE,
INC., *et al.*

Plaintiffs-Intervenors,

v.

CORD BYRD, in his official capacity as
Secretary of the State of Florida, *et al.*

Defendants.

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

**PLAINTIFFS' THIRD MOTION
FOR PRELIMINARY INJUNCTION**

Pursuant to Rule 65, Federal Rules of Civil Procedure, Plaintiffs Florida Decides Healthcare (“FDH”), Mitchell Emerson, and Jordan Simmons (collectively “Plaintiffs”) move for a preliminary injunction against Florida’s 67 county supervisors of elections (“Supervisors”) in their official capacities. In support, Plaintiffs state:

1. On May 4, 2025, Plaintiffs filed their Complaint for Declaratory and Injunctive Relief alleging, *inter alia* and pursuant to 28 U.S.C. § 1983, that Defendants’ threatened enforcement of HB 1205 violates the First and Fourteenth Amendments to the U.S. Constitution. On May 7, 2025, Plaintiffs filed a substantively identical Corrected Complaint, ECF No. 19. Plaintiffs later filed a First

Amended Complaint on June 2, 2025, and a Second Amended Complaint on July 23, 2025. The Second Amended Complaint is presently operative.

2. HB 1205 imposes various new restrictions and requirements on the citizen-led initiative process. In Plaintiffs' First Motion for Preliminary Injunction, ECF No. 92, Plaintiffs challenged provisions of HB 1205 that took immediate effect. Plaintiffs' Second Motion for Preliminary Injunction, ECF No. 169, challenged additional provisions of HB 1205 that took effect on July 1, 2025. In this Third Motion for Preliminary Injunction, Plaintiffs challenge several provisions that authorize the Supervisors to post and collect new, significantly higher signature-verification fees. The Supervisors began notifying FDH of the higher fees on June 30, 2025 and maintain that they will not proceed with signature verification unless the amounts due are received on or before October 1, 2025.

3. Plaintiffs file this Third Motion for Preliminary Injunction in accordance with the briefing schedule adopted by this Court, ECF No. 327, following a joint motion by the parties, ECF No. 326.

4. For the reasons detailed in the accompanying Memorandum of Law, Plaintiffs seek a preliminary injunction enjoining the Supervisors from enforcing HB 1205's provisions related to signature verification fees (the "Verification Fee provisions."). Specifically, Plaintiffs seek to enjoin:

- Ch. 2025-21, § 6, at 18, Laws of Fla. (codified at Fla. Stat. § 100.371(14)(f)), which redefines the “actual cost” of verifying a signature for a statewide ballot initiative to include the cost of “operating and personnel costs associated with comparing signatures, printing and all postage costs related to the verification notice required by paragraph (e), and transmitting petition forms to” Florida’s Division of Elections, and also authorizes Supervisors to increase the posted “actual cost” annually;
- Ch. 2025-21, § 5, at 8, Laws of Fla. (codified at Fla. Stat. § 99.097(4)(a)), insofar as it amends the “actual cost” owed by statewide initiatives sponsors; and
- Ch. 2025-21, § 7, at 23, Laws of Fla., which authorizes Supervisors to “increase the cost of signature verification” pursuant to Fla. Stat. § 100.371(14)(f) “[n]o later than October 1, 2025.”

WHEREFORE, for the foregoing reasons, and those in Plaintiffs’ supporting Memorandum of Law and supported by the exhibits referenced in the accompanying declaration of Ben Stafford, Plaintiffs respectfully request this Court enter a preliminary injunction enjoining the Supervisors’ implementation of HB 1205 as outlined in this motion.

LOCAL RULE 7.1(B) CERTIFICATION

Plaintiffs' counsel, Frederick Wermuth, conferred with Supervisors' counsel and confirmed that the Supervisors oppose the requested relief and plan to submit their opposition(s) on or before the deadline adopted in the Court's Order Regarding Preliminary Injunction Schedule, August 29. ECF No. 344 (adopting ECF No. 326 at 4).

LOCAL RULE 7.1(F) CERTIFICATION

The undersigned counsel certifies that this motion contains 497 words, excluding the case style, signature block and certifications.

Dated: August 11, 2025

Respectfully submitted,

s/ Frederick S. Wermuth

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CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the counsel of record in this case.

/s/ Frederick S. Wermuth

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