

**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' FIRST MOTION
FOR PRELIMINARY INJUNCTION**

Pursuant to Rule 65, Federal Rules of Civil Procedure, Plaintiffs Florida Decides Healthcare (“FDH”), Mitchell Emerson, and Jordan Simmons and Intervenor-Plaintiff Smart & Safe Florida (“Smart & Safe” and collectively “Plaintiffs”) move for a preliminary injunction against Cord Byrd, in his official capacity as Secretary of State of Florida, James Uthmeier, in his official capacity as Attorney General of the State of Florida, and the Florida’s 20 State Attorneys, 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, and a motion for TRO, ECF No. 14.

2. On May 10, 2025, Smart & Safe moved to intervene as a Plaintiff, ECF No. 50, which the Court granted on May 12, 2025, ECF No. 53.

3. On May 13, 2025, the Court denied Plaintiffs' prior motion for a TRO and ordered Plaintiffs to file a motion for preliminary injunction. ECF No. 70.

4. HB 1205 imposes various new restrictions and requirements on the citizen-led initiative process. The law is complex. Some provisions of HB 1205 take immediate effect and, as described in the accompanying Memorandum of Law, are causing Plaintiffs immediate irreparable injury. These provisions are addressed in this motion. Other provisions of HB 1205 challenged in this lawsuit will take effect on July 1, 2025. Plaintiffs anticipate filing a subsequent motion for preliminary injunction to address this second type of provision.

5. For the reasons detailed in the accompanying Memorandum of Law, Plaintiffs seek a preliminary injunction enjoining Defendants from enforcing the following provisions of HB 1205:

- (a) Severe and Punitive Fines, Fla. Stat. § 100.371(4)(g), (7)(a)1–3, (8), and (10) (2025);
- (b) Ten-Day Return Time, Fla. Stat. § 100.371(7)(a)1–3 (2025); and

- (c) Vague Criminal Penalties, Fla. Stat. §§ 100.371(9), 104.85(2), and 895.02(8)(d) (2025).

WHEREFORE, for the foregoing reasons, and those set forth in Plaintiffs' supporting Memorandum of Law, Plaintiffs respectfully request this Court enter a preliminary injunction enjoining Defendants' implementation of HB 1205 as outlined in this motion.

REQUEST FOR ORAL ARGUMENT

Plaintiffs seek leave to present 60 minutes of oral argument in support of this motion pursuant to Local Rule 7.1(K).

LOCAL RULE 7.1(B) CERTIFICATION

Plaintiffs' counsel, Frederick Wermuth, conferred with counsel for the Secretary of State, Mohammad Jazil; counsel for the Attorney General, William Stafford; and counsel for the State Attorneys, Doug Wyler, regarding Plaintiffs' intent to seek the requested injunctive relief. The Secretary and Attorney General oppose. The State Attorneys take no position. This motion does not seek relief against the Defendant Supervisors of Elections, but Plaintiffs have also conferred with counsel for the Defendant Supervisors of Elections. The Supervisors take no position and Counsel for the Miami Dade County Supervisor further states that "Supervisor Garcia does not take a position on the Motion at this time except that,

in accordance with Florida law, the Supervisor does not consent to any of the relief requested therein.”

LOCAL RULE 7.1(F) CERTIFICATION

The undersigned counsel certifies that this motion contains 380 words, excluding the case style, signature block and certifications.

Dated: May 14, 2025

Respectfully submitted,

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*Admitted *pro hac vice*

***Pro hac vice* application forthcoming

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 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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Attorney for Plaintiff