IN THE SUPREME COURT OF FLORIDA

CASE NO. _____

FLORIDIANS PROTECTING FREEDOM, INC., and SARA LATSHAW,

Petitioners,

v.

PAUL RENNER, in his official capacity as Speaker of the House of Representatives; KATHLEEN PASSIDOMO, in her official capacity as President of the Senate; FINANCIAL IMPACT ESTIMATING CONFERENCE; and CHRIS SPENCER, RACHEL GRESZLER, AZHAR KHAN, and AMY BAKER, in their official capacities as Principals of the Financial Impact Estimating Conference,

Respondents.

TIME-SENSITIVE, NON-ROUTINE PETITION FOR WRIT OF *QUO WARRANTO*

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I. INTRODUCTION & SUMMARY OF ARGUMENT

Petitioners are Floridians Protecting Freedom, Inc. ("FPF"), and its chair, Florida citizen and taxpayer Sara Latshaw. FPF is the Sponsor of a proposed citizen initiative, the Amendment to Limit Government Interference with Abortion, known as Amendment 4, which this Court has approved for placement on the November general election ballot. *See Advisory Op. to Att'y Gen. re Limiting Gov't Interference with Abortion*, 384 So. 3d 122 (Fla. 2024). Since this Court's decision, the Sponsor has been fighting to protect its constitutional and statutory rights to a clear and accurate presentation of this amendment to voters—rights this Court upheld—against the State's efforts to undermine Amendment 4 by appending a misleading "Financial Impact Statement" to it on the ballot. This Petition for Writ of *Quo Warranto* challenges the State's actions in unilaterally revising the Financial Impact Statement to circumvent judicial review.

Historically, this Court provided an advisory opinion on the legality of the accompanying Financial Impact Statement. *See* Art. XI, § 5(c), Fla. Const. ("The legislature shall provide by general law, prior to the holding of an election pursuant to this section, for the provision of a statement to the public regarding the probable financial impact

of any amendment proposed by initiative[.]"); *Advisory Op. to Att'y Gen. re Raising Fla.'s Minimum Wage* (*Minimum Wage*), 285 So. 3d 1273, 1280-81 (Fla. 2019) ("The Legislature has arranged for the provision of financial impact statements to the public within section 100.371(13)."). But in 2019, this Court ruled in *Minimum Wage* that its original jurisdiction to issue an advisory opinion deciding the validity of initiative petitions did not extend to deciding whether a Financial Impact Statement was also lawful. *See* 285 So. 3d at 1280-81. Still, because the statutory scheme enacted by the Legislature for promulgating and reviewing Financial Impact Statements contemplated judicial involvement, this Court stated that its decision in *Minimum Wage* "[o]bviously" did not "preclude a challenge to a financial impact statement in circuit or county court, by declaratory judgment action under current law." *Id.* at 1281 n.4.

This began as one such case. Mere days after this Court approved its initiative, the Sponsor sought a declaration from the circuit court that the accompanying Financial Impact Statement violated section 100.371(13). (App'x at 24). This lawsuit was important, not just to the Sponsor's right to a fair presentation of Amendment 4 on the ballot, but to the right of every Floridian to decide for themselves, without a thumb on the scale in favor of any

one outcome, whether to support or oppose an amendment to their governing charter. *See Advisory Op. to Att'y Gen. re Stds. for Estab. Legis. Dist. Boundaries*, 2 So. 3d 161, 165 (Fla. 2009) (noting that Financial Impact Statements may not be used to "manipulate the public based solely upon whether the entity empowered and entrusted with preparing the statements favors or disfavors a proposal"). Indeed, as this Court has recognized, "[b]ecause the financial impact statement will be printed on the ballot, the same due process concerns that inure to the title and summary of a proposed amendment are also applicable to the financial impact statement." *Legis. Dist. Boundaries*, 2 So. 3d at 164.

But since *Minimum Wage*, the State has sought to remove the judiciary *entirely* from determining the legality of Financial Impact Statements. *See Fla. Fin. Impact Est. Conf. v. All Voters Vote, Inc.*, 328 So. 3d 1149, 1150 (Fla. 1st DCA 2021) (dismissing a challenge to a Financial Impact Statement as moot because this Court had not issued an advisory opinion on its validity by the 75th day before the election, so the statement was "automatically" approved for the ballot under language in the statute predating *Minimum Wage*). So here, although the State did not contest that Amendment 4's Statement was unlawful, it based its defense on justiciability grounds. (App'x at

62). When the circuit court rejected the State's extreme position as inconsistent with *Minimum Wage* and section 100.371(13), invalidated the Statement on an expedited basis, and remanded it to the Financial Impact Estimating Conference for redrafting in accordance with the statute, the State appealed, obtained a stay from the First District, and filed briefs arguing that the judiciary is powerless to review Financial Impact Statements. (App'x at 217, 236-255). That issue was quickly and fully briefed and then awaited decision in the First District for more than two weeks. (App'x at 272, 343).

Then things took a turn. "While [the] appeal was pending"—and the circuit court's order stayed at the State's request—"the President of the Florida Senate and the Speaker of the House directed the [Financial Impact Estimating Conference] to consider revisions to the [Statement]." *Fin. Impact Est. Conf. v. Floridians Protecting Freedom, Inc.*, No. 1D2024-1485, 2024 WL 3491704, at *1 (Fla. 1st DCA July 22, 2024). The State, and later the First District, characterized those meetings as "voluntary, not pursuant to the circuit court's order," *id.*—even though they were convened only after the circuit court had invalidated the Statement and ordered the State to redraft it.

At the meetings, the Conference speculated broadly about the nonbudgetary effects of Amendment 4 and ultimately included items in its revised Statement that, as the Conference's longest serving member put it, have "nothing to do" with financial impact. (App'x at 425). The revised Statement on its face violates this Court's precedent, in part by its inclusion of speculation about the effect of future litigation. *See, e.g.*, *Legis. Dist. Boundaries*, 2 So. 3d at 166; *In re Advisory Op. to Att'y Gen. re Referenda Required for Adoption & Amend. of Loc. Gov't Comprehensive Land Use Plans*, 992 So. 2d 190, 192–93 (Fla. 2008). The revised Statement also plainly fails to conform to the circuit court's order.

Because the Conference adopted a new Statement while the appeal was pending and the circuit court's order stayed, the First District dismissed—over the objection of *both* parties—the appeal as moot. *See Floridians Protecting Freedom*, 2024 WL 3491704, at *2.[1] The result is that, absent this Court's intervention, the State intends to place a Financial Impact Statement on the ballot that is plainly misleading in contravention of *Minimum Wage*, section 100.371(13),

[1] The Sponsor believes that the First District's decision creates conflict in the law regarding mootness and a circuit court's ongoing jurisdiction to enforce its orders. That conflict may form a companion basis for this Court to exercise jurisdiction here.

and the circuit court order.

But here's the thing. This Court need not—and should not—sanction this unlawful outcome, for one very simple reason: the State never had the power to reconvene the Conference and revise the Statement outside the parameters established by the circuit court. While the Constitution vests the Legislature with the duty to provide Financial Impact Statements "by general law," the Legislature has "arranged for the provision of financial impact statements to the public within section 100.371(13)." *Minimum Wage*, 285 So. 3d at 1279. Section 100.371(13) is "the scheme the Legislature enacted for the preparation and publication of financial impact statements." *Id.*

And nowhere in the text of the Legislature's duly enacted "scheme" does the Legislature vest the Senate President or House Speaker with freewheeling authority to *sua sponte* reconvene the Conference at any time, outside the process the statute establishes, to revise a Financial Impact Statement that has already been submitted to the Secretary of State, published to the public, and invalidated by a circuit court. Rather, the statute meticulously sets forth a specific process for the drafting of Financial Impact Statements and contemplates revisions solely when a court, like the circuit court here, declares the Statement invalid. *See*

§ 100.371(13)(c), Fla. Stat. ("Any financial impact statement that a court finds not to be in accordance with this section shall be remanded solely to the Financial Impact Estimating Conference for redrafting. The Financial Impact Estimating Conference shall redraft the financial impact statement within 15 days.").

Thus, because the Statement here was adopted through a process unmoored from section 100.371(13)'s text, the Sponsor and its chair petition this Court to issue a writ of *quo warranto* to require the State—the Legislature, its principals, the Conference, its principals—to explain "by what authority" they have revised Amendment 4's Financial Impact Statement. And because the State will be unable to identify any textual authority within section 100.371(13) for revising the Statement in this way, this Court should invalidate the Statement as the fruit of an unlawful process.

II. BASIS FOR INVOKING THIS COURT'S JURISDICTION

This Court has original jurisdiction to issue writs of *quo warranto* to state officers and state agencies. Art. V, § 3(b)(8), Fla. Const.; Fla. R. App. P. 9.030(a)(3). Though limited in scope, *quo warranto* is the proper vehicle for challenging whether a state officer or state agency has exercised a power they do not possess. *See W. Flagler Assocs., Ltd. v. DeSantis*, 382 So. 3d 1284, 1286 (Fla. 2024)

(*quo warranto* historically used to test a person's right to "exercise some right or privilege the peculiar powers of which are derived from the state."); *Boan v. Fla. Fifth Dist. Ct. of Appeal Jud. Nominating Comm'n*, 352 So. 3d 1249, 1252 (Fla. 2022) (*quo warranto* proper to challenge judicial nominating commissions' certification of nonresident nominees).

The Respondents here are all state officers or state agencies, against whom a writ of *quo warranto* is properly directed. *See Chiles v. Phelps*, 714 So. 2d 453, 457 (Fla. 1998) (presiding legislative officers subject to *quo warranto*); *cf. State ex rel. Bruce v. Kiesling*, 632 So. 2d 601, 602 (Fla. 1994) (appointees of statutorily created Public Service Commission subject to *quo warranto*). The Petitioners here, the Sponsor of Amendment 4 and its chair—a Florida citizen and taxpayer—are directly affected and have standing to seek the writ. *See Martinez v. Martinez*, 545 So. 2d 1338, 1339 (Fla. 1989). And the writ is properly sought directly in this Court because the issue is of statewide importance, because, despite moving as expeditiously as possible, the time for the courts to remedy the State's unlawful actions is limited, and because there are no substantial facts in material dispute. *See Whiley v. Scott,* 79 So. 3d at 708 (Fla. 2011); (App'x at 404) (State acknowledging impending

election deadlines and that it is "unclear if there will otherwise be adequate time for these issues to be fully resolved").

III. STATEMENT OF THE FACTS

When a citizen initiative like Amendment 4 is proposed to the public, the Florida Constitution requires the Legislature to provide, by general law, for "a statement to the public regarding the probable financial impact" of the amendment. Art. XI, § 5(c), Fla. Const. By enacting section 100.371(13), the Legislature has by general law created a process for the provision of Financial Impact Statements to the public. As this Court has recently summarized it:

> Section 100.371(13) creates the FIEC and requires it to analyze the financial impact of a proposed amendment and prepare a statement of that financial impact within a certain time frame of receipt of the proposed amendment from the Secretary of State. § 100.371(13)(a), (c). The statute contemplates that the financial impact statement will be placed on the ballot with the related proposed amendment unless it is not judicially approved. § 100.371(13)(a), (c) 3. The statute dictates the length and content of the financial impact statement and requires the FIEC to submit the financial impact statement to the Attorney General. § 100.371(13)(a), (c). The statement must be "clear and unambiguous," no more than 150 words, and address "the estimated increase or decrease in any revenues or costs to state or local governments, estimated economic impact on the state and local economy, and the overall

> impact to the state budget resulting from the proposed initiative." § 100.371(13)(a), (c).

Minimum Wage, 285 So. 3d at 1278–79.

A. The State drafts Amendment 4's Financial Impact Statement.

In accordance with section 100.371(13), on September 7, 2023, the Secretary of State submitted Amendment 4 to the Attorney General and the Financial Impact Estimating Conference. (App'x at 5). After grappling with the uncertainty of what the state of the law would be at the time of the 2024 election—given a newly adopted ban on abortions past six weeks gestation, contingent on the outcome of pending litigation challenging a ban on abortions past 15 weeks gestation—the Conference crafted a Statement not of Amendment 4's probable financial impact, but of why such impact could not be determined. (App'x at 10).

The Conference ultimately adopted a Financial Impact Statement during a November 16 meeting and transmitted it to the Secretary of State in accordance with section 100.371(13). (App'x at 8-23). The Statement read:

> The proposed amendment was analyzed late in the 2023 calendar year. At that time, litigation was pending before the Florida Supreme Court challenging the Legislature's 2022 enactment of a prohibition on most abortions being

> performed if the gestational age of the fetus is more than 15 weeks. If the Court upholds the 2022 law, a 2023 law further reducing the 15 weeks to 6 weeks will take effect 30 days later. This could lead to additional litigation. In order to measure the proposed amendment's impact on state and local government revenues and costs, a reasonable expectation of what the state of the law will be at the time of the election is required. Because there are several possible outcomes related to this litigation that differ widely in their effects, the impact of the proposed amendment on state and local government revenues and costs, if any, cannot be determined.

(*Id.*)

B. The circuit court invalidates the Financial Impact Statement.

On April 5, 2024—four days after this Court's opinions settling the legality of abortion and approving Amendment 4 for ballot placement—Petitioners sued in Leon County Circuit Court, asserting that the Financial Impact Statement violated section 100.371 and article XI, section 5 of the Florida Constitution. (App'x at 62). On June 5—the earliest date the circuit court felt it could hold a summary-judgment hearing under the rules (the State refused to waive any deadlines)—the circuit court held such a hearing. (*Id.*) On June 10, the circuit court granted the Sponsor's motion for summary judgment, finding that the Statement violated the constitutional and

statutory accuracy and clarity requirements. (*Id.*) As contemplated by section 100.371(13)(c), the circuit court ordered the Conference to redraft the Statement within 15 days, retaining jurisdiction to review the legality of the revised Statement. (*Id.*)[2]

That same day, the State noticed an appeal to the First District. (App'x at 69). The sole issues on appeal were justiciability issues, and in particular whether the court had jurisdiction under *Minimum Wage* and *All Voters Vote*, to review the Statement at all. (App'x at 237–257) ("But the statutes relating to financial impact statements do not give any court other than the Florida Supreme Court the authority to review a financial impact statement, much less to remand one to the FIEC." App'x. at 244.). The State did not challenge the merits of the circuit court's order. (*Id.*)

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[2] Specifically, the court found that the Statement (1) was inaccurate and presented outdated information; (2) was not limited to summarizing Amendment 4's probable impact to state and local government revenues or costs and to the state budget, as required by law; and (3) was inaccurate, ambiguous, misleading, unclear, and confusing, in violation of section 100.371. (App'x at 66). The court took special issue with the inclusion of speculation about future litigation and that the Statement "[did] not clearly announce its purpose." (App'x at 67). And the court said that "if the [Conference's] redrafted [Statement] does not reflect [the] analysis that it already completed [finding a probable cost savings under a six-week ban], it must justify to this Court the departure from its prior determination." (*Id.*).

The circuit court then vacated the automatic stay imposed by Florida Rule of Appellate Procedure 9.310(b)(2), but the First District immediately reimposed it. (App'x at 210). The First District also declined the Petitioners' suggestion that it pass the appeal through to this Court, but it did expedite the briefing. (App'x at 214). The briefs were filed in less than two weeks, and the case was ready for resolution as of 9 a.m. on July 1. (App'x at 214, 343).

C. The State unlawfully drafts a revised Financial Impact Statement.

On June 10, the same day the State appealed the circuit court's order, and while it was seeking a stay of it, the Conference noticed a "series of conference meetings" to "consider potential revisions to the financial impact statement to be placed on the ballot that shows the estimated increase or decrease in any revenues or costs to state and local governments resulting from [Amendment 4]." (App'x at 83). In its appellate brief below, the State claimed that "[a]ny revision adopted pursuant to that *voluntary process* would supersede the statement at issue." (App'x at 224). The State did not explain what authority it had for revising the Statement outside the process mandated by the circuit court. (*Id.*) The State did not explain what authority it had for revising the Statement outside the process

mandated by the circuit court. (Id.) For the July meetings, two principals had been substituted: staff director of the House Ways and Means Committee Vince Aldridge was replaced with Rachel Greszler, a senior research fellow of the Heritage Foundation who is listed on the transmission letter as a senior economist with the House, and health and human services policy coordinator of the Executive Office of the Governor Brea Gelin had been replaced with the executive director of the State Board of Administration, Chris Spencer. App'x at 8–9, 379–380.

On July 15, after three meetings and 32 days since the circuit court's order, the Conference adopted a revised Financial Impact Statement. (App'x at 379-381). This is the revised Statement adopted over the dissent of longtime Conference member Amy Baker:

> The proposed amendment would result in significantly more abortions and fewer live births per year in Florida. The increase in abortions could be even greater if the amendment invalidates laws requiring parental consent before minors undergo abortions and those ensuring only licensed physicians perform abortions. There is also uncertainty about whether the amendment will require the state to subsidize abortions with public funds. Litigation to resolve those and other uncertainties will result in additional costs to the state government and state courts that will negatively impact the state budget. An increase in abortions may negatively affect the growth of

> state and local revenues over time. Because the fiscal impact of increased abortions on state and local revenues and costs cannot be estimated with precision, the total impact of the proposed amendment is indeterminate.

(App'x at 382).

Because the State claimed not to be revising the Statement pursuant to the circuit court's order, it made no effort to comply with it. (App'x at 224). On its face, the revised Statement violates both the order and precedent of this Court. For example, the revised Statement is devoted in large measure not to the required probable fiscal impact, but to speculative prognostication on the impact of potential future litigation on reproductive care, in what is a rather obvious attempt to put a thumb on the scale in precisely the way the court's precedent forecloses. *See, e.g.*, *Legis. Dist. Boundaries,* 2 So. 3d at 165–66 (prohibiting speculation about future litigation); *Advisory Op. to Att'y Gen. re Repeal of High Speed Rail Amend.*, 880 So. 2d 628, 629 (Fla. 2004) ("Due to the use of the word 'could' in the first sentence, the financial impact of the amendment is not expressed in terms of the 'probable financial impact.'"); *In re Advisory Op. to Att'y Gen. re Pub. Prot. from Repeated Med. Malpractice,* 880 So. 2d 686, 687 (Fla. 2004) (rejecting statement including contingent phrasing); *In re Advisory Op. to Att'y Gen. re Authorizes Miami-Dade*

& Broward Cnty. Voters to Approve Slot Machines in Parimutuel Facilities, 880 So. 2d 689, 690 (Fla. 2004) (rejecting statement including contingent phrasing).

D. The First District dismisses the case as moot.

The day after the Conference adopted the revised Statement, the First District ordered the parties to show cause why the appeal was not moot. (App'x at 401). The State argued that the case was not moot and the question of the justiciability of Financial Impact Statements should be resolved because "[t]here is precious little time for a new lawsuit to proceed through the courts, the central issue in which would continue to be whether there is authority to review a financial impact statement in the first place." (App'x at 409).

While the parties agreed that the appeal was not moot because the question of the circuit court's authority to enter and enforce the order was still at issue, and because the matter was of great public importance and likely to recur, the First District dismissed the appeal, holding: "Here, the order on review is based on a financial impact statement that is no longer operative. No judicial determination or action remains for the circuit court based on the complaint before it." *Floridians Protecting Freedom*, 2024 WL 3491704, at *2.

This ruling's effect is that the State can moot any court order, and evade judicial review, simply by reconvening the Conference and adopting a new Statement—no matter how minor the revision, how long it takes, or how unlawful the revised Statement.

As explained below, this is not the law. The State's unilateral revision of the Financial Impact Statement violates the text of section 100.371(13), which contemplates judicial review of Financial Impact Statements and provides for the revision of those Statements only when ordered by a court.

IV. NATURE OF THE RELIEF SOUGHT

The Petitioners ask this Court for the issuance of a writ of *quo warranto* invalidating the revised Financial Impact Statement for Amendment 4 as unlawful because the Respondents lacked legal authority to adopt it.

V. ARGUMENT

Quo warranto is warranted because section 100.371(13) does not authorize the House Speaker and Senate President to *sua sponte* reconvene the Financial Impact Estimating Conference, nor for the Conference to revise a Financial Impact Statement outside the judicial process. Because the State lacks authority to unilaterally

revise a Financial Impact Statement and avoid the judicial oversight contemplated by law, this Court should invalidate the unlawfully revised Statement.

A. There is no textual authority for a Financial Impact Statement to be revised outside the judicial process.

Under section 100.371(13)(c)(1) of the Florida Statutes, the House Speaker and Senate President each have the authority to appoint a person from their respective "professional staff" to the Financial Impact Estimating Conference. They also have the authority to interpret, implement, and enforce public-notice requirements for Conference meetings. § 100.371(13)(c), Fla. Stat. They do not have any textual authority to order a Conference to convene, reconvene, or consider revisions to an adopted Financial Impact Statement. Yet that is what they did here. (App'x at 83).

Similarly, the work of the Conference itself is circumscribed by the text of section 100.371(13). The Conference's task is triggered by its "receipt of a proposed revision or amendment to the State Constitution by initiative petition from the Secretary of State." § 100.371(13)(a), Fla. Stat. Within 75 days, it must "complete an analysis and financial impact statement to be placed on the ballot of the estimated increase or decrease in any revenues or costs to state

or local governments and the overall impact to the state budget resulting from the proposed initiative." *Id.* Once the Financial Impact Estimating Conference has adopted a financial impact statement, it must submit the statement to the Attorney General and Secretary of State—which it did here. *Id.*; App'x at 8-9.

While the Constitution is silent on whether the Financial Impact Statement appears on the ballot, "[t]he statute contemplates that the financial impact statement will be placed on the ballot with the related proposed amendment unless it is not judicially approved." *Minimum Wage*, 285 So. 3d at 1278. Section 100.371(13) provides that "[a]ny financial impact statement that a court finds not to be in accordance with this section shall be remanded solely to the Financial Impact Estimating Conference for redrafting." It also provides the process for doing so: "The Financial Impact Estimating Conference shall redraft the financial impact statement within 15 days." *Id.*

The Conference thus has the authority to *initially* adopt a Financial Impact Statement in exactly one scenario: when the Secretary of State notifies the Conference that a citizen-initiative petition has met the criteria for review. And the Conference has the authority to *revise* a Financial Impact Statement in exactly one

scenario: when ordered to do so by a court of original jurisdiction. One scours the Florida Statutes in vain for any language purporting to authorize what the State did here.

Simply put, no provision in either the Florida Constitution or the Florida Statutes authorizes the Conference to reconvene except by court order. Thus, other than provisions related to this Court's review of Financial Impact Statements—which no longer apply in light of *Minimum Wage*—the only avenue set forth in the statute for a Financial Impact Statement to be revised is after remand following a challenge in a court of original jurisdiction. Indeed, this is how the State itself understood its authority before this case.[3]

Although the Legislature may be able to provide, by general law, for a different process, it did not do so here. Rather, the Senate President and House Speaker simply *sua sponte* reconvened the

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[3] See, e.g., Financial Impact Estimating Conference (10/19/23), https://thefloridachannel.org/videos/10-19-23-financial-impact-estimating-conference-public-workshop-amendment-to-limit-government-interference-with-abortion/ at 2:13:48 ("[Amy Baker:] [the Supreme Court] can [give the Financial Impact Estimating Conference the opportunity to revise a financial impact statement] and we can't . . . [W]e could proceed ahead saying there's no way for us to get to reasonable numbers at this point, and see if the Supreme Court sent it back to us and said do you guys want another opportunity to review it. [Supreme Court advisory review of financial impact statements] is no longer the case, so I don't know if they would feel that they could even do that at this point.").

Conference, and the Conference unilaterally adopted a new Statement. Nothing in the text of section 100.371(13) allowed them to do so.

Ironically, it has been the *State's* approach in this litigation to selectively ignore some statutory provisions, while demanding that other provisions be followed to the letter, even to illogical results. That is the whole (albeit flawed) logic behind the First District's decision in *All Voters Vote*, which the State has taken to its extreme. *All Voters Vote* relies on outdated language in the statute outlining the process that used to apply to the approval of Financial Impact Statements when reviewed by this Court (if this Court did not issue an advisory opinion by the 75th day before the election, the statute deemed the Statement automatically approved). *All Voters Vote*, 328 So. 3d at 1150. Despite this Court's discussion in *Minimum Wage* about the availability of declaratory relief, the State has read *All Voters Vote* to mean that *every* Financial Impact Statement is now automatically approved, with no judicial review allowed. If the State's position is that the statute strictly applies no matter what, then it is hard to see how the State can argue that it has authority under the statute to do something the statute does not authorize.

The State's lack of authority to unilaterally revise a Financial Impact Statement *does* make good sense. Consider the chaos caused by the alternative: the State could change Financial Impact Statements on a whim, at any time, for any reason—providing sponsors, litigants, and the public little or no time to digest the Statements or to challenge them before they are irrevocably placed on the ballot. This is not the "scheme" the Legislature enacted for the preparation and publication of Financial Impact Statements. *Minimum Wage*, 285 So. 3d at 1279.

Regardless, the policy implications are not for this Court to sort out. If the Legislature wants to allow for unilateral revisions to Financial Impact Statements (assuming the constitutionality of any such law), it must do so through a duly enacted general law. The State currently has no authority under section 100.371(13) to unilaterally revise a Statement. For the simple reason that the statute does not allow the State to do what it did, *quo warranto* is warranted.

B. This Court should issue the writ.

Revising the Financial Impact Statement outside the oversight of the circuit court allowed the State to disregard this Court's precedent as well as specific directions in the circuit court's order (1) not to include speculative references to litigation that dominate the

revised Statement; (2) to announce the Statement's purpose, which is never made clear; and (3) to justify any departures from the Conference's original analysis—which the revised Statement completely reverses. (App'x at 60-68). Because the Conference and its principals improperly convened and adopted a revised Financial Impact Statement without any statutory authorization, each of these actions was invalid.

And the effects are dire. Despite Petitioners' diligent efforts to expeditiously resolve the issues with the financial impact statement—Petitioners simply want a fair and accurate presentation of Amendment 4 on the ballot—precious little time remains for effective relief before the election. Petitioners immediately filed suit. They sought summary judgment as soon as possible. They asked the First District to pass the appeal through to this Court. They agreed to expedited resolution of the State's appeal and filed their brief within 5 days (over a weekend).

And yet. Ballot printing deadlines are beginning to approach. Even beyond this practical problem, the State has imposed an artificial deadline, under *All Voters Vote*, at which time whatever Financial Impact Statement they choose is "deemed approved" by statute, rendering any pending challenges moot. 328 So. 3d at 1150;

App'x at 237 ("Here, the circuit court could not grant any effectual relief for a very simple reason: Florida law provides that, if 'the Supreme Court has not issued an advisory opinion on the initial financial impact statement" by the 75-day deadline, 'the financial impact statement shall be deemed approved for placement on the ballot.' § 100.371(13)(e)2., Fla. Stat.").

The State thus claims unfettered authority to—at any time, and to any degree that suits it—revise Financial Impact Statements, moot legal challenges, and have such *sua sponte* revisions automatically considered approved for placement on the ballot. This contradicts the Sponsor's constitutional right to an accurate ballot presentation, voters' rights to clear and accurate ballot language, and the judiciary's constitutional and statutory authority to review Financial Impact Statements. The State's extratextual revision of the Financial Impact Statement was not authorized by law and should therefore not appear on the ballot.

VI. CONCLUSION

For all these reasons, this Court should grant this Petition.

CERTIFICATE OF COMPLIANCE WITH RULE 9.045

I certify that this petition complies with the font (Bookman Old Style 14-point) and word-count requirements. This filing contains 5,859 words, which is within the 13,000 word-limit prescribed in Fla. R. App. P. 9.100(g).

Respectfully submitted,

/s/ Michelle Morton

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to counsel for all parties by email this 24th day of July, 2024.

/s/ Michelle Morton
Michelle Morton
Counsel for Petitioners