

SC25-1703

In the Supreme Court of Florida

SMART & SAFE FLORIDA,
Petitioner,

v.

CORD BYRD, in his official capacity as Secretary of
State, and MARIA MATTHEWS, in her official capacity
as Director of the Division of Elections,
Respondents.

ON PETITION FOR A WRIT OF MANDAMUS

**RESPONSE TO PETITION
FOR WRIT OF MANDAMUS**

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November 17, 2025

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BACKGROUND

Petitioner Smart & Safe Florida (“Smart & Safe”) is the political committee sponsoring “Adult Personal Use of Marijuana,” an initiative petition to amend the Florida Constitution. The petition seeks a writ of mandamus ordering Respondents, Secretary of State Cord Byrd and Division of Elections Director Maria Matthews, to issue Smart & Safe a letter under Section 15.21(1)(c), Florida Statutes.

On November 17, 2025, Ms. Matthews sent Smart & Safe a letter confirming that the committee has “submitted to the appropriate supervisors for verification, and the supervisors have verified, forms signed and dated equal to 25 percent of the number of electors statewide required by s. 3, Art. XI of the State Constitution in one-half of the congressional districts of the state.” See § 15.21(1)(c), Fla. Stat. Secretary Byrd submitted the Adult Personal Use of Marijuana initiative petition to the Attorney General the same day. See § 15.21(1), Fla. Stat.

Copies of the letters sent by Ms. Matthews and Secretary Byrd are attached to this Response.

ARGUMENT

The petition should be dismissed as moot.

Under this Court's precedents, moot cases must be dismissed. *Godwin v. State*, 593 So. 2d 211, 212 (Fla. 1992).¹ The doctrine is "a corollary to the limitation on the exercise of judicial power to the decision of justiciable controversies." *Casiano v. State*, 310 So. 3d 910, 913 (Fla. 2021).

A case becomes moot when it "has been so fully resolved that a judicial determination can have no actual effect," it "presents no actual controversy," or "the issues have ceased to exist." *Godwin*, 593 So. 2d at 212 (citing *DeHoff v. Imeson*, 15 So. 2d 258, 259 (1943); quoting *Moot*, Black's Law Dictionary 1008 (6th ed. 1990)); *see also* *Scott v. State*, 318 So. 3d 635, 636 (Fla. 1st DCA 2021) (dismissing as moot a mandamus petition that sought to compel the Secretary of State to place petitioner's name on the 2020 election ballot "because the election had already occurred").

¹ This Court recognizes two narrow exceptions to the mootness doctrine, neither of which applies here. *See Godwin*, 593 So. 2d at 212; *Casiano*, 310 So. 3d at 913 n.4.

Accordingly, mandamus proceedings become moot when the respondent takes the action the petition seeks to compel. *See, e.g., Dorsey v. State*, No. SC2024-0553, 2024 WL 3050524, at *1 (Fla. June 19, 2024) (dismissing mandamus petition seeking an order directing a District Court of Appeal to reinstate an appeal because the court “ha[d] already issued an order reinstating the appeal”); *Sigman v. City of Miami*, 500 So. 2d 693, 694 (Fla. 3d DCA 1987) (dismissing as moot a mandamus petition that sought “to have the Court require the City to perform an act that it has already performed”); *Waters v. Dep’t of Corr.*, 306 So. 3d 1264, 1266 (Fla. 1st DCA 2020) (dismissing mandamus petition as moot after the petitioner was provided the medical passes and medication demanded by his petition).

The sole relief sought by Smart & Safe’s petition is an order “compelling Respondents to issue the Section 15.21 Letter, thus advancing the [Initiative] Petition.” Pet. 10. Respondents have now sent the demanded Section 15.21(1)(c) letter to Smart & Safe and submitted the initiative petition to the Attorney General. This case has “been so fully resolved that a judicial determination can have no actual effect” and no longer “presents [an] actual controversy.” *Godwin*, 593

So. 2d at 212. This case is therefore moot.

CONCLUSION

The petition should be dismissed as moot.

Date: November 17, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was furnished via the e-Filing Portal to the following on this 17th day of November, 2025:

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CERTIFICATE OF COMPLIANCE

I certify that this document complies with all applicable font and word-count requirements. It was prepared in 14-point Bookman Old Style font and contains 573 words.

/s/ Samuel F. Elliott
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