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The affidavits of each legislator asserting the apex doctrine show a reliance on information provided by staff members and the Governor's Office as to the map drawing. Because this Court is constrained by the holding in *Apportionment IV* as to legislators being deposed regarding map-making, this Court finds that the apex doctrine shields Chief of Staff Bahl and each legislator from questions regarding the process by which the bill moved through each respective chamber. The apex doctrine does not protect any individual legislator or Chief of Staff Bahl from information he or she received related to the drafting of the bill or drawing of the map.


#### Relief

This Court finds the balancing test applied in *Apportionment IV* not to be directly applicable in this case. In *Apportionment IV*, "the challengers uncovered communications between the Legislature and partisan political organizations and political consultants" and the use of that information in map-drawing. 132 So. 3d at 141. In this case, based on the affidavits already submitted, the information regarding redistricting and map-drawing came from the Governor's office. Therefore, drawing the line between "thoughts or impressions of legislators" and "'objective' information and communications" within the respective chamber is unnecessary and does not strike the proper balance between the privilege and the compelling competing interest. The appropriate line in this case is where the doors to the House and Senate meet the outside world. Accordingly, each legislator and legislative staff member may be questioned regarding any matter

already part of the public record and information received from anyone not elected to the Legislature, their direct staff members, or the staff of the legislative bodies themselves. They may not be questioned as to information internal to each Legislative Body that is not already public record (e.g., their thoughts or opinions or those of other legislators).

For the foregoing reasons, the Motion for Protective Order Preventing Depositions of Individual Legislators and Staff is **GRANTED in part and DENIED in part**. The motion for protective order as to all Individual Legislators and Staff is granted to the extent that they may not be questioned as to information internal to each Legislative Body that is not already public record (e.g., their thoughts or opinions or those of other legislators). The motion is denied in that they may be questioned only as to any matter already part of the public record and information received from anyone not elected to the Legislature, their direct staff members, or the staff of the legislative bodies themselves. This includes the identity of or sources of information outside of the groups identified in this paragraph.

**DONE AND ORDERED** in Tallahassee, Leon County, Florida, this Thursday, October 27, 2022.

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J. Lee Marsh, Circuit Judge  
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J. LEE MARSH  
CIRCUIT JUDGE

Copies furnished to:

All Counsel of Record