IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

BLACK VOTERS MATTER CAPACITY BUILDING INSTITUTE, INC., et al. Plaintiffs, v. CORD BYRD, in his official capacity as Florida Secretary of State, et al., Defendants.	Case No. 2022-ca-000666

PLAINTIFFS' MOTION FOR JUDGMENT ON THE PLEADINGS AS TO SPECIFIC AFFIRMATIVE DEFENSES

In response to Plaintiffs' Amended Complaint, Defendants the Florida Secretary of State, Florida House of Representatives, and Florida Senate each raised the affirmative defense that they need not comply with the Fair Districts Amendment, Art. III, § 20(a), Fla. Const., because, in their view, the Amendment itself is unconstitutional. But Florida courts have long held that public officials are jurisdictionally barred from asserting that they are excused from a legal duty because that duty is *itself* unconstitutional. *See State ex rel. Atl. Coast Line R.R. Co. v. State Bd. of Equalizers*, 94 So. 681 (Fla. 1922) (establishing Florida's public official standing doctrine).

Although this Court denied as untimely Plaintiffs' motion to strike Defendants' constitutional affirmative defenses, Plaintiffs may raise Defendants' failure to state a legal defense by motion for judgment on the pleadings within any time that does not delay trial, or even at trial itself. Fla. R. Civ. P. 1.140(c) & 1.140(h)(2). Plaintiffs therefore move for judgment on the pleadings under Florida Rule of Civil Procedure 1.140(c) as to the Secretary's first and second

affirmative defenses, the House's third and fifth affirmative defenses, and the Senate's fourth affirmative defense for lack of standing.[1]

In filing this motion, Plaintiffs do not affirmatively seek reconsideration of the Court's substantive determinations.[2] Instead, using a procedural vehicle that is not time-barred, Plaintiffs seek to effectuate this Court's holding that the Secretary's first and second affirmative defenses are barred by the public official standing doctrine and preserve for appeal their argument that the doctrine applies with equal force to Legislative Defendants' affirmative defenses.

PROCEDURAL HISTORY

In their answers to Plaintiffs' Amended Complaint, all three Defendants raised affirmative defenses asserting that the Fair Districts Amendment violates several provisions of the federal Constitution. Specifically, the Secretary argues in his first and second affirmative defenses that the Fair Districts Amendment's non-diminishment and minority-voting-protection provisions "violate the Fourteenth Amendment to the U.S. Constitution" both facially and as applied to North Florida. Sec'y of State's Answer to Am. Compl. ¶¶ 1–2, at 14. Likewise, the Florida House asserts in its fifth affirmative defense that the "[a]pplication of the Florida Constitution's non-diminishment provision to the Benchmark Congressional District 5 would violate the Equal Protection Clause of the United States Constitution." Fla. House Answer to Am. Compl. at 16. Finally, the House's third and Senate's fourth affirmative defense each allege that Plaintiffs' claims violate the federal

---

[1] Plaintiffs' argument in support of their motion for judgment on the pleadings is substantially similar to the argument advanced on the public official standing doctrine in their motion to strike.

[2] Of course, "[a] trial court may sua sponte reconsider and amend or vacate its interlocutory orders prior to final judgment." *Seigler v. Bell*, 148 So. 3d 473, 479 (Fla. 5th DCA 2014) (citing *Silvestrone v. Edell*, 721 So. 2d 1173, 1175 (Fla. 1998)).

Constitution's Elections Clause. Fla. House Answer to Am. Compl. at 16; Fla. Senate Answer to Am. Compl. ¶ 4, at 26.[3]

Plaintiffs moved to strike each of the above-enumerated affirmative defenses under Florida Rule of Civil Procedure 1.140(f), asserting that the public official standing doctrine bars this Court from considering them. *See generally* Pls.' Mot. to Strike. This Court held a hearing on the motion on June 5, 2023, and denied Plaintiffs' motion as untimely. Tr. 63:5–10.[4] In doing so, it construed Plaintiffs' motion as a motion to strike under Rule 1.140(b), which provides that "the objection of failure to state a legal defense in an answer or reply must be asserted by motion to strike the defense within 20 days after service of the answer or reply." *Compare* Fla. R. Civ. P. 1.140(b), *with* Fla. R. Civ. P. 1.140(f) ("A party may move to strike or the court may strike redundant, immaterial, impertinent, or scandalous matter from any pleading *at any time*." (emphasis added)). The Court nevertheless held that the public official standing doctrine applies to the Secretary's standing to challenge the constitutionality of the Fair Districts Amendment. Tr. 62:23–63:4. It did not,

---

[3] While the House's third and the Senate's fourth affirmative defenses are styled as challenges to the constitutionality of Plaintiffs' requested relief, at bottom they challenge the constitutionality of the Fair Districts Amendment itself. Fla. House Answer to Am. Compl. at 16; Fla. Senate Answer to Am. Compl. ¶ 4, at 26. Plaintiffs' requested relief asks the Court to strike the noncompliant plan and order or adopt "a new congressional districting plan that complies with [the Amendment]," Am. Compl. at 33–35, pursuant to binding Florida Supreme Court precedent determining that the Amendment allows such relief. *League of Women Voters of Fla. v. Detzner*, 179 So. 3d 258, 297 (Fla. 2015) ("*Detzner I*") (ordering use of compliant districting plan for congressional elections); *see also Rucho v. Common Cause*, 139 S. Ct. 2484, 2507 (2019) (endorsing Florida Supreme Court's application of Fair Districts Amendment to strike down noncompliant plan). By arguing that such relief is unconstitutional, the House's and Senate's Elections Clause-related defenses challenge the constitutionality of the Amendment itself—which both the Eleventh Circuit and the Florida Supreme Court have already upheld. *Brown v. Sec'y of State*, 668 F.3d 1271, 1285 (11th Cir. 2012) (rejecting Florida House's claim that the Fair Districts Amendments violated the Elections Clause of the Constitution); *League of Women Voters of Fla. v. Detzner*, 172 So. 3d 363, 370 n.2 (Fla. 2015) ("*Detzner II*") ("reject[ing] the Legislature's federal constitutional challenge to the Fair Districts Amendment" under the Elections Clause); *see also* Pls.' Reply & Claims of Avoidance, ¶¶ 7, 13.

[4] A true and correct copy of the Hearing Transcript is attached hereto as **Exhibit A**.

however, extend the public official standing doctrine to the Legislative Defendants' standing to raise affirmative defenses challenging the constitutionality of the Amendment. Tr. 62:11–16.

Plaintiffs now bring this motion under Florida Rule of Civil Procedure 1.140(c), which permits a party to move for judgment on the pleadings "[a]fter the pleadings are closed, but within such time as not to delay the trial." Notably, "[t]he defenses of failure to state a cause of action or a legal defense . . . may be raised by motion for judgment on the pleadings or at the trial on the merits in addition to being raised either in a motion under subdivision (b) or in the answer or reply." Fla. R. Civ. P. 1.140(h)(2). Through this motion, Plaintiffs seek to dismiss the Secretary's first and second affirmative defenses—consistent with this Court's previous order—and preserve their remaining arguments for appeal.

LEGAL BACKGROUND

Florida's public official standing doctrine provides that public officials lack standing both to bring suits challenging the constitutionality of a "constitutional or statutory duty, or the means by which it is to be carried out," *Dep't of Revenue v. Markham*, 396 So. 2d 1120, 1121 (Fla. 1981), and to "defend [their] nonperformance" of such a duty by challenging the same, *Crossings at Fleming Island Cmty. Dev. Dist. v. Echeverri*, 991 So. 2d 793, 794 (Fla. 2008). Florida courts broadly interpret the public official standing doctrine to reach not only "those public officials charged with a duty under the challenged law" but also "public officials whose duties are 'affected' by the challenged law." *Sch. Dist. of Escambia Cnty. v. Santa Rosa Dunes Owners Ass'n, Inc.*, 274 So. 3d 492, 495 (Fla. 1st DCA 2019).

The doctrine stems from foundational separation of powers principles, which hold that the judiciary alone has the power to decide a law is unconstitutional. *See id.* at 494; *see also Fla. Ass'n of Pro. Lobbyists, Inc. v. Div. of Legis. Info. Servs.*, 7 So. 3d 511, 514 (Fla. 2009) ("[N]o branch may encroach upon the powers of another."). In other words, because executive and legislative

officers lack the power of judicial review, they must assume that duties assigned to them by law are constitutional "*until* judicially declared otherwise." *Atl. Coast Line*, 94 So. at 683 (emphasis added). As a result, a public official cannot decide *not* to comply with their legal duty on the basis that the duty is unconstitutional because doing so would preempt the judiciary's decision and effectively enjoin the law unilaterally until a judicial decision is made. *Id.* (explaining that a public official "refusing to enforce a law because in his opinion it is unconstitutional . . . subjects himself to no penalty if his opinion as to the unconstitutionality of an act is not sustained by the courts," which "is the doctrine or nullification, pure and simple"); *see also id.* ("[T]he oath of office 'to obey the Constitution,' means to obey the Constitution, not as the officer decides, but as judicially determined.").

It follows from these principles that a public official may not simply allege the unconstitutionality of their legal duty in court—either affirmatively or defensively. They cannot do so affirmatively because any judicial determination must be "in a proper proceeding," *id.* at 682, and "[d]isagreement with a constitutional or statutory duty, or the means by which it is to be carried out, does not create a justiciable controversy or provide an occasion to give an advisory judicial opinion," *Markham*, 396 So. 2d at 1121. And they cannot do so defensively because "the allegation . . . that [a provision] is unconstitutional means that it has been so declared by a court of competent jurisdiction," so any allegation of unconstitutionality before such a judicial declaration has been made is not "true" and therefore "no defense." *Atl. Coast Line*, 94 So. at 682.

Notwithstanding more than 100 years of Florida law to this effect, Defendants here raised affirmative defenses in their answers to Plaintiffs' amended complaint claiming that they need not follow the Fair Districts Amendment because they believe the Amendment violates several provisions of the federal Constitution. *See supra* at 2–3. But Defendants are not members of the

judiciary. Whatever powers they may hold, the essential "judicial duty" "to say what the law is" is not among them. *Marbury v. Madison*, 5 U.S. 137, 177–78 (1803). And nowhere is the doctrine of "inherent judicial power" more important than, as here, "when the judicial function at issue is the safe-guarding of fundamental rights." *Pub. Def., Eleventh Jud. Cir. of Fla. v. State*, 115 So. 3d 261, 271–72 (Fla. 2013) (quoting *Maas v. Olive*, 992 So. 2d 196, 204 (Fla. 2008)).

Defendants' constitutional affirmative defenses are an affront to Florida's Constitution, and this Court lacks jurisdiction to consider them.

ARGUMENT

Neither the Secretary nor the Legislature may wield the judicial power. And no exception to the public official standing doctrine applies to the Fair Districts Amendment. For these reasons, the doctrine bars Defendants' constitutional affirmative defenses, and this Court must dismiss them.

I. Legal Standard.

"After the pleadings are closed, but within such time as not to delay the trial, any party may move for judgment on the pleadings." Fla. R. Civ. P. 1.140(c). "The purpose of a motion for judgment on the pleadings is to test the legal sufficiency of a cause of action or defense where there is no dispute as to the facts." *Miller v. Finizio & Finizio, P.A.*, 226 So. 3d 979, 982 (Fla. 4th DCA 2017) (quoting *Barentine v. Clements*, 328 So. 2d 878, 879 (Fla. 2d DCA 1976)). In that regard, a motion for judgment on the pleadings "is similar to a motion to dismiss and raises only questions of law arising out of the pleadings." *Id.* (quoting *Venditti-Siravo, Inc. v. City of Hollywood, Fla.*, 418 So. 2d 1251, 1253 (Fla. 4th DCA 1982)). "[S]uch a motion is properly granted only if the movant is entitled to judgment as a matter of law based solely on the pleadings and attachments thereto." *Hilbrands v. Hilbrands*, 320 So. 3d 938, 940 (Fla. 2nd DCA 2021) (internal quotations and citation omitted).

II. The Secretary lacks standing to assert constitutional defenses.

As this Court has already held, the public official standing doctrine applies to the Secretary here. Tr. 62:23–63:4. The Secretary is an executive officer. *See* § 20.10, Fla. Stat. And as an executive officer, the Secretary may not exercise the judicial power. Art. II, § 3, Fla. Const. (expressly codifying separation of powers doctrine). Indeed, even if the Fair Districts Amendment imposed no "duty" on the Secretary, which Plaintiffs do not concede, the Secretary's duties are "'affected' by the challenged law." *Sch. Dist. of Escambia Cnty.*, 274 So. 3d at 495. As Florida's chief election officer, § 97.012, Fla. Stat., the Secretary is perhaps the public officer most "affected" by the Florida Constitution's rules on redistricting. *See* **Exhibit B** (instructing supervisors of elections on implementation of congressional map).

In short, this Court has already recognized that the public official standing doctrine applies with full force to the Secretary, and it must therefore dismiss his first and second affirmative defenses.

III. The Legislature lacks standing to assert constitutional defenses.[5]

The Florida House and Senate make up the legislative branch of Florida's government. Art. III, § 1, Fla. Const. And just as members of the executive branch cannot exercise the judicial power, neither can the legislative branch. *See* Art. II, § 3, Fla. Const.; *Mil. Park Fire Control Tax Dist. No. 4 v. DeMarois*, 407 So. 2d 1020 (1981) ("Powers constitutionally bestowed upon the courts may not be exercised by the legislature."); *cf. Rogers & Ford Constr. Corp. v. Carlandia Corp.*, 626 So. 2d 1350, 1352 (Fla. 1993) (holding that Legislature may not encroach on judicial power by "constitutionally determin[ing] whether a party has standing in a particular cause"). No

[5] Plaintiffs understand that this Court has already determined that the public official standing doctrine does not apply to Legislative Defendants' affirmative defenses. Accordingly, they reiterate their arguments here to preserve them for appeal.

court has limited the public official standing doctrine's applicability to the executive branch. *See Atl. Coast Line*, 94 So. at 682 (explaining that the public official standing doctrine "involves the right of a branch of the government, other than the judiciary" to determine a law's constitutionality); *cf. Chiles v. Phelps*, 714 So. 2d 453, 456 (Fla. 1998) (equating standing principles for executive and legislative officers); *Greater New Orleans Expressway Comm'n v. Olivier*, 892 So. 2d 570, 576 (La. 2005) (rejecting argument that public official standing doctrine applied only to executive officers).

The public official standing doctrine applies squarely to the Florida House and Senate because they have an unambiguous constitutional duty to redistrict. U.S. Const. art. I, § 4, cl. 1 ("The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof[.]"); Art. III, § 20, Fla. Const. (setting "standards for establishing congressional district boundaries" under Article describing "Legislature"); *Detzner II*, 172 So. 3d at 370 ("Our citizens declared that the Legislature must redistrict in a manner that prohibits favoritism or discrimination." (internal quotations and citation omitted)); *Martinez v. Bush*, 234 F. Supp. 2d 1275, 1278 (S.D. Fla. 2002) ("Every ten years, after the census, the Florida legislature is required to redraw the State's congressional districts and the State Senate and House districts to adjust for population shifts."). And, in no uncertain terms, the Florida Constitution—by way of the Fair Districts Amendment—sets out "the means by which" the House and Senate are to carry out this duty. *Markham*, 396 So. 2d at 1121; *see* Art. III, § 20(a), Fla. Const. While Legislative Defendants may exercise discretion as to *how* they comply with the Constitution's dictates, they have no discretion to choose not to comply with them at all. *See State ex rel. Allen v. Rose*, 167 So. 21, 22–23 (Fla. 1936) (explaining that mandamus, which "only lies

to enforce a ministerial act or duty," "may be invoked to compel the exercise of discretion" as long as it does not "compel such discretion to be exercised in any particular way").

To be sure, the House and Senate may believe that the means by which the Florida Constitution assigns the duty to redistrict are unconstitutional, but that is a question squarely for the judiciary—not the Legislature—to decide in the first instance. *See* Art. II, § 3, Fla. Const.; *see supra* at 4–6. Moreover, with respect to the House's third affirmative defense and the Senate's fourth affirmative defense, both the federal and state judiciary have *already upheld* the constitutionality of the Fair Districts Amendment under the very federal constitutional provision that Legislative Defendants now invoke. *See Brown*, 668 F.3d at 1285 (rejecting Florida House's claim that the Fair Districts Amendments violated the Elections Clause of the Constitution); *Detzner II*, 172 So. 3d at 370 n.2 ("reject[ing] the Legislature's federal constitutional challenge to the Fair Districts Amendment" under the Elections Clause); *see also* Pls.' Reply & Claims of Avoidance, ¶¶ 7, 13. To allow the House and Senate to defend their actions by asserting that they have unilaterally decided that portions of the Florida Constitution are unconstitutional—especially when there are Eleventh Circuit and Florida Supreme Court decisions to the contrary—would be to grant the Legislature unchecked power to cherry-pick which constitutional provisions it will follow. The framers of the Florida Constitution crafted the separation of powers mandated by the Constitution to deny the Legislature this "omnipotent power." *Trs. Internal Improvement Fund v. Bailey*, 10 Fla. 238, 250 (Fla. 1863). The Legislature must presume that its duties under the Florida Constitution are constitutional unless and until the courts say otherwise, and thus the Florida House and Senate lack standing to assert constitutional defenses in this action.

IV. No exception to the public official standing doctrine applies here.

Finally, Florida courts recognize two narrow exceptions to the public official standing doctrine—(1) personal injury and (2) the disbursement of public funds—but neither applies here.[6]

First, the "personal injury" exception to the public official standing doctrine "confers standing on a public official to bring a constitutional challenge when the official can show injury to his person, property, or other material right by the statute in question." *Sch. Dist. of Escambia Cnty.*, 274 So. 3d at 496. But this exception applies only where an injury occurs in the official's personal capacity: "the type of personal injury necessary to allow a public official to challenge the constitutionality of a statute is limited to injuries that do 'not grow out of the obligation of his oath of office, nor out of his official position.'" *Id.* (quoting *Atl. Coast Line*, 94 So. at 684). For example, the exception would apply when failure to carry out the duty at issue would expose the official to individual liability. *See Green v. City of Pensacola*, 108 So. 2d 897, 900 (Fla. 1st DCA 1959) ("It may be seriously questioned whether the Comptroller's failure to collect a tax lawfully due the State of Florida would render him liable on his official bond as well as subject him to impeachment for nonfeasance in office."). In other words, officials must have some other interest in the outcome beyond their official duties. Here, the Secretary, sued in his official capacity, and the Florida House and Senate, sued as institutions, do not face injury to their individual property, person, or material right by way of the Fair Districts Amendment. *See* Am. Compl. ¶¶ 30–32, at 11; Sec'y of State's Answer to Am. Compl. ¶ 30, at 4.

Second, Florida courts recognize a "public funds" exception to this doctrine. *Sunset Harbour Condo. Ass'n v. Robbins*, 914 So. 2d 925, 935 (Fla. 2005) (Bell, J., concurring). This "narrow exception," *Echeverri*, 991 So. 2d at 797, "allows for standing to challenge the

[6] No Defendant argued in briefing or at the hearing on Plaintiffs' motion to strike that these exceptions apply.

constitutionality of a law providing for the expenditure of public funds," *Sch. Bd. of Collier Cnty. v. Fla. Dep't of Educ.*, 279 So. 3d 281, 290 (Fla. 1st DCA 2019). Thus, for example, a school board had standing to challenge a law that required it to "share a portion of [its] discretionary capital outlay millage revenues with charter schools." *Id.* at 285. But the Fair Districts Amendment does not provide for the expenditure of public funds; it merely sets limits on the Legislature's discretion in the realm of congressional redistricting. This exception therefore similarly does not apply. *See Island Resorts Invs., Inc. v. Jones*, 189 So. 3d 917, 922 (Fla. 1st DCA 2016).

V. Plaintiffs' motion is timely.

Plaintiffs bring this motion under Florida Rule of Civil Procedure 1.140(c), which permits a party to move for judgment on the pleadings—including on a defendant's "failure to state . . . a legal defense," Fla. R. Civ. P. 1.140(h)(2)—"[a]fter the pleadings are closed, but within such time as not to delay the trial." Trial in this matter has been set for August 21, 2023, which is more than two months away. Courts regularly grant similar motions with less time remaining. *See, e.g.*, *Moore v. Liberty Mut. Ins. Co.*, 988 So. 2d 1285, 1286 n.2 & n.3 (Fla. 2nd DCA 2008) (explaining that "[b]ased on the current pleadings, . . . the circuit court would have been correct in granting [party's] motion for judgment on the pleadings," which was filed only "twenty-two days before the trial was scheduled to begin"). Moreover, Rule 1.140(h)(2) would allow Plaintiffs to raise the same objection they raise here—failure to state a legal defense—at trial. Far from causing delay, Plaintiffs seek to streamline the issues for trial by bringing this motion now.

CONCLUSION

Because this Court has already determined that Defendant Secretary lacks standing to bring his first and second affirmative defenses, this Court should dismiss them pursuant to Plaintiffs' timely motion. And despite this Court's determination to the contrary, Plaintiffs preserve their

arguments that this Court should also dismiss Defendant Florida House's third and fifth affirmative defenses and Defendant Florida Senate's fourth affirmative defense for lack of standing.

Dated: June 16, 2023

Respectfully submitted,

/s/ Jyoti Jasrasaria

Frederick S. Wermuth
Florida Bar No. 184111
Thomas A. Zehnder
Florida Bar No. 0063274
Quinn B. Ritter
Florida Bar No. 1018135
KING, BLACKWELL, ZEHNDER & WERMUTH, P.A.
P.O. Box 1631
Orlando, Florida 32802
Telephone: (407) 422-2472
Facsimile: (407) 648-0161
fwermuth@kbzwlaw.com
tzehnder@kbzwlaw.com
qritter@kbzwlaw.com

Abha Khanna*
ELIAS LAW GROUP LLP
1700 Seventh Avenue, Suite 2100
Seattle, Washington 98101
Telephone: (206) 656-0177
Facsimile: (206) 656-0180
akhanna@elias.law

Christina A. Ford
Florida Bar No. 1011634
Joseph N. Posimato*
Jyoti Jasrasaria*
Julie Zuckerbrod*
ELIAS LAW GROUP LLP
250 Massachusetts Ave NW
Suite 400
Washington, D.C. 20001
Phone: (202) 968-4490
Facsimile: (202) 968-4498
cford@elias.law
jposimato@elias.law
jjasrasaria@elias.law
jzuckerbrod@elias.law
**Admitted Pro Hac Vice*

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 16, 2023, I electronically filed the foregoing using the State of Florida ePortal Filing System, which will serve an electronic copy to counsel in the Service List below.

/s/ Jyoti Jasrasaria
Jyoti Jasrasaria*
*Admitted *Pro Hac Vice*

Counsel for Plaintiffs

SERVICE LIST

Bradley R. McVay
Ashley Davis
David Chappell
Christopher DeLorenz
Joseph S. Van de Bogart
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399
brad.mcvay@dos.myflorida.com
ashley.davis@dos.myflorida.com
david.chappell@dos.myflorida.com
christopher.delorenz@eog.myflorida.com
joseph.vandebogart@dos.myflorida.com

Mohammed O. Jazil
Michael Beato
Chad E. Revis
Holtzman Vogel Baran Torchinsky
& Josefiak, PLLC
119 S. Monroe Street, Suite 500
Tallahassee, FL 32301
mjazil@holtzmanvogel.com
mbeato@holtzmanvogel.com
crevis@holtzmanvogel.com

Counsel for Florida Secretary of State

Daniel E. Nordby
Shutts & Bowen LLP
215 S. Monroe Street
Suite 804
Tallahassee, FL 32301
ndordby@shutts.com

Kyle E. Gray
Deputy General Counsel of the Florida Senate
302 The Capitol
404 South Monroe Street
Tallahassee, FL 32399
gray.kyle@flsenate.gov

Counsel for Florida Senate

Andy Bardos, Esq.
GrayRobinson, P.A.
301 S. Bronough Street
Suite 600
Tallahassee, FL 32302
andy.bardos@gray-robinson.com

Counsel for the Florida House of Representatives

EXHIBIT A

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA

CASE NO. 2022 CA 000666

BLACK VOTERS MATTER CAPACITY BUILDING INSTITUTE, INC., et al.,

Plaintiffs,

vs.

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

Defendants.

TRANSCRIPT OF PROCEEDINGS

(Plaintiff's Motion to Strike Affirmative Defenses/ Status Conference)

DATE TAKEN: June 5, 2023

TIME: 3:00 p.m. to 4:30 p.m.

PLACE: Leon County Courthouse, Room 3D

BEFORE: J. LEE MARSH
CIRCUIT JUDGE

This cause came on to be heard at the time and place aforesaid, when and where the following proceedings were stenographically reported by:

STENOGRAPHICALLY REPORTED BY:

SANDRA L. NARGIZ
RPR, CM, CRR, CRC, CCR

APPEARANCES: (All appearing via Zoom.)

ON BEHALF OF THE PLAINTIFFS:

ELIAS LAW GROUP, LLP
10 G Street NE
Washington, DC 20002
202.968.4490
BY: JYOTI JASRASARIA
jjasrasaria@elias.law

KING BLACKWELL ZEHNDER & WERMUTH
25 E. Pine Street
Orlando, FL 32802
407.422.2472
BY: FREDERICK WERMUTH, ESQUIRE
fwermuth@kbzwlaw.com

ON BEHALF OF THE DEFENDANT SECRETARY OF STATE:

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK
119 South Monroe Street, #500
Tallahassee, FL 32301
850.508.7775
BY: MOHAMMAD O. JAZIL, ESQUIRE
mjazil@holtzmanvogel.com
BY: ROBERT MICHAEL BEATO, ESQUIRE
mbeato@holtzmanvogel.com

ON BEHALF OF THE DEFENDANT FLORIDA SENATE:

SHUTTS AND BOWEN
215 S. Monroe Street, #800
Tallahassee, FL 32301
850.241.1717
BY: DANIEL E. NORDBY, ESQUIRE
dnordby@shutts.com
BY: TARA PRICE, ESQUIRE
tprice@shutts.com

APPEARANCES: (Continued.)

ON BEHALF OF THE DEFENDANT FLORIDA HOUSE OF REPRESENTATIVES:

GRAY|ROBINSON
301 S. Bronough Street, #600
Tallahassee, Florida 32301
850.577.9090
BY: ANDRE V. BARDOS, ESQUIRE
andy.bardos@gray-robinson.com

ALSO PRESENT:

CARLOS A. REY, ESQUIRE, General Counsel,
Florida Senate
JOSEPH VAN de BOGART, ESQUIRE
Secretary of State

I N D E X

	PAGE
Argument by Ms. Jasrasarai	6
Argument by Mr. Bardos	12
Argument by Mr. Nordby	33
Argument by Mr. Jazil	41
Follow-up Argument by Ms. Jasrasaria	50
Ruling by the Court	61
Case Management Discussion	65
CERTIFICATE OF REPORTER	80

The following proceedings began at 3:00 p.m.

THE COURT: We are here today in Leon County, Case 2022 CA 000666, Black Voters Matter Capacity Building Institute and others versus Laurel Lee, actually now it's Cord Byrd and others. We are here today on the Plaintiffs' Motion to Strike Affirmative Defenses.

Before we begin, I am not sure who is appearing for each party today, so we'll go ahead and announce our appearances on the record and we can move forward.

MR. WERMUTH: Fritz Wermuth for the plaintiffs, and I am here with Joyoti Jasrasaria who will be arguing for the plaintiffs today.

THE COURT: All right.

MR. BARDOS: Your Honor, Andy Bardos for Florida House of Representatives.

MR. NORDBY: Dan Nordby from Shutts & Bowen on behalf of the Florida Senate. With me today are Tara Price, also from Shutts & Bowen, and Carlos Rey, General Counsel for the Florida Senate.

MR. JAZIL: Mohammad Jazil on behalf of

Secretary Byrd. Your Honor, I've got Michael Beato on behalf of the Secretary Byrd and Joe Van de Bogart for the Secretary as well.

THE COURT: All right. You may please proceed.

MS. JASRASARIA: Good afternoon, Your Honor. My name is Jyoti Jasrasaria and I am appearing on behalf of plaintiffs.

As this Court knows, plaintiffs move to strike five of defendants' 13 affirmative defenses under the Public Official Standing Doctrine, which bars public officials from challenging the constitutionality of the duties prescribed to them by Florida law.

The doctrine itself has been recognized by the Florida courts for more than a century and it's very straightforward. When a government officer takes an oath of office to uphold the state and federal constitutions, he cannot then turn around and use that oath as an excuse to question the constitutionality of his legal duties and elect not to comply with the duties with which he disagrees. And that is because the judiciary alone has the power to determine a law's constitutionality, and unless and until

the judiciary says otherwise, public officials must follow the law as it is.

And so an affirmative defense seeking to justify defendants' failure to comply with the Fair Districts Amendment by challenging the constitutionality of the amendment itself is no defense at all. Importantly here, none of the fundamental elements of the Public Official Standing Doctrine are in dispute.

One, defendants are indisputably public officials who are not members of the judicial branch.

Two, the House and Senate have a duty to follow Congressional districts and the Secretary had the duty to implement those districts.

Three, the Fair Districts Amendments affect those duties.

And four, defendants have asserted no personal injury, and nor does the amendment affect the disbursement of public funds. And so none of the exceptions to the Public Official Standing Doctrine apply.

So as a result, the Public Official Standing Doctrine plainly holds that this Court

lacks subject matter jurisdiction to consider defendants' affirmative defenses which assert that the Fair Districts Amendment is unconstitutional and that should settle this motion.

To the extent there are questions about why this doctrine applies, it's important to take a step back and remember it stems directly from the separation of powers principles, and that it's critical to preserving the rule of law itself.

By way of illustration, when a private plaintiff challenges the constitutionality of a law, the challenged law still remains the law, and unless and until a judge says otherwise, everyone continues to follow the law or they face consequences for not following the law.

On the flip side, when a public official justifies their failure to follow the law by challenging the law's constitutionality, then that public official has taken it upon himself to adjudicate and apply the law however he sees fit. And so the public official has essentially nullified the law, and the law is not in place unless and until a judge says

otherwise.

And so if that second scenario were allowed, public officials could unilaterally decide not to follow a law simply because they could assert that the law was unconstitutional. And even though a judge would have the opportunity to make an ultimate decision on that matter, months or years could pass and in this case, in fact, an election cycle has passed, during which a public official could simply ignore their legal duty without any consequences.

That cannot be, and the Public Official Standing Doctrine is critical to preserving the rule of law.

Unless the Court has any questions, I'd like to reserve my time for rebuttal.

THE COURT: Counsel, has there ever been a case where this has been applied to a legislature or legislators in their legislative capacity?

MS. JASRASARIA: That's a good question, Your Honor.

There is not a case where it's been applied to the legislature, but it's very clear

that the Florida House and Senate make up the legislative branch, which is not part of the judicial branch, and the Separation of Powers Doctrine set forth in Article 3, Section 1, of the Florida Constitution is very clear that the separation of powers applies across all three branches.

And Atlantic Coast Line, which is a case that established this doctrine in the first place, mentioned that this case is about a branch of the government other than the judiciary. And so the legislature squarely falls within that.

And, of course, it makes sense that this particular set of circumstances is quite rare, that's partly because the legislature doesn't have all that many affirmative duties placed upon it by the Constitution.

THE COURT: That's what I wanted to ask you. Atlantic talks about ministerial duties.

Is it a ministerial duty of the legislature to enact laws and to draw Congressional districts? Is that a ministerial duty or is that something else?

MS. JASRASARIA: So I think those are two

different things.

The legislature certainly doesn't have a ministerial duty to enact laws. For example, it didn't need to enact its most recent voting legislation, but here there is no dispute that the task itself, which is the drawing and implication of the Congressional districts -- or sorry, the legislature, the drawing of the districts, that is not a discretionary task. It's very clear in the Federal Constitution, in the State Constitution, in case law that the legislature is under an obligatory duty to redistrict every 10 years.

And, of course, there is some discretion in how they choose to draw those districts, but the drawing of the districts and in compliance with the Constitution is not discretionary.

And I will just point out Atlantic Coast Line itself involved a task that would inherently involve discretion, which was to hear and determine an appeal.

And so there, the Court issued a writ of mandamus for the Board of Equalizers, which included the Governor, the Attorney General and the Treasurer to hear the appeal, but it did

not tell them how to decide that appeal.

So similarly here, the duty to draw the districts in compliance with the Constitution is not discretionary, even though there is certainly some discretion within that task.

THE COURT: All right. All right. That is all the questions I have for now. I will obviously allow you more time as things come up from the defendants.

MS. JASRASARIA: Perfect. Thank you.

THE COURT: I am not sure, it looks like Mr. Bardos, you are going to go first.

MR. BARDOS: Yes, Your Honor.

Good afternoon, Your Honor, Andy Bardos with the GrayRobinson firm for the Florida House of Representatives.

I think what we have here is a situation where the plaintiffs are trying to fit a square peg into a round hole. This is a doctrine that was designed for a very different scenario and not the one we have here.

Here, what the legislature was confronted with during the legislative process was a clash of constitutional principles. It had to balance the United States Constitution's

guaranty of equal protection against the State Constitution's prohibition against the diminishment and ability of minority voters to elect candidates of their choice.

To determine whether the Public Official Standing Doctrine applies here, I think it's helpful to look at the Atlantic Coast Line case, which is a case that really originated this doctrine, and to look at what the underpinnings of the doctrine were and what motivated the Court to adopt it.

And the first thing that the Court, that I think is apparent from that case and which is apparent throughout all the cases since then, is that the Public Officials Standing Doctrine prohibits public officials from challenging the constitutionality of a statute, that is something that we see throughout the cases. It was true in Atlantic Coast Line and it's been true ever since.

When we look at other cases where public officials challenged laws that are not statutes, for example, the Gronemeyer case and Reid, those were not statutes and the Courts allowing those constitutional challenges to

proceed.

In Gronemeyer, it was an ordinance that was being challenged, and the Court said that this is permissible because the public official, quote, does not challenge the validity of any state statute, end quote.

And then in Reid, the public official challenged the directive of the Department of Revenue, and the Court held that this is permissible because the public official is, quote, not challenging the validity of statutes applicable to him, and therefore distinguished the line of cases that we saw.

What the plaintiffs rely on is the one word dicta in the Markham case where the Court said that disagreement with a constitutional or statutory duty is not something that can lead to a challenge; but there is no challenge to a constitutional provision in Markham, and so clearly that's quintessential dicta.

And then when the Florida Supreme Court revisited that in the Crossings case, it summarized Markham by saying that the common law principle expressed in Markham is that public officials lack standing to challenge the

constitutionality of a statute.

So we are back to challenges to a statute. So there's been no case in the 100 years since Atlantic Coast Line was decided where the Public Official Standing Doctrine was applied to bar a public official from challenging a state constitutional provision.

The next thing about Atlantic Coast Line, which I think is relevant, is what explains why the doctrine is limited to statutes, and that is the Court noted several times that statutes are entitled to a presumption of constitutionality. And that is because the legislature, in passing statutes, takes an oath to uphold the Constitution, and the public officials have to presume that the legislature complied with that and that the statutes that the legislature passed is constitutional.

I am not aware, and the plaintiffs have not cited any cases to suggest, that there is any presumption that a state constitutional provision is necessarily presumed to be consistent with the Federal Constitution. So the same presumption does not apply.

And so when Atlantic Coast Line says we

presume and public officials must presume that state statutes are constitutional, and that they must continue to apply them until they are judicially determined to be invalid, that does not apply to a state constitutional provision.

The third thing that Atlantic Coast Line pointed out, and Your Honor alluded to this, is that the duty being challenged -- the challenge will be barred if the duty is a ministerial one.

And I think it's notable that Atlantic Coast Line referenced ministerial officers and ministerial duties 16 times. And we see that word used again in cases as recent as Santa Rosa, which is a recent First DCA decision.

And the reason for this is a ministerial duty is a positive and precise command to a public official: A public official must certify a document; a public official must send out notice, something that is precise. A public official must hear an appeal. The fact of hearing an appeal is a clear mechanical duty that they must follow that process. Those are ministerial duties that are assigned to public officials.

But I think it's no exaggeration to say that there is no duty that is less ministerial than the enactment of legislation. And even within the enactment of legislation, when there are state constitutional provisions that occur with the discretion of the legislature and limit what it can do, such as the diminishment standard, that does not prescribe a ministerial duty.

And I think it's important to note that not all duties are ministerial. There are duties that are not ministerial. Otherwise, the term ministerial duty, which we see so frequently in cases, would be a redundancy.

So when we see a duty, for example, of the nondiminishment standard or, for that matter, equal protection or due process, which also limits the discretion of the legislature enacting legislation, that's very different from the sort of precise and positive commands to public officials that courts usually treat as ministerial duties.

So the legislature, of course, must comply with it. It is a duty, but it is not ministerial, it is not mechanical. There is a

significant amount of discretion involved, because there is endless disagreement as to what these standards mean and endless varieties of methods by which to interpret and implement them in drawing a redistricting map. So it's very much unlike a ministerial duty.

And the fourth thing that I think is notable about Atlantic Coast Line is the policy purpose for this doctrine. And the Court noted that the purpose is to ensure that the public business is administered in a stable and orderly way.

The Court alluded to this in the Barr case as well, where the Court said that the state's business cannot come to a standstill while the validly of a particular statute is contested by the very agency charged with the responsibility of administering it.

The Florida Supreme Court in the Crossings case alluded to the same doctrine, said that the Public Officials Standing Doctrine promotes important public policy of ensuring an orderly and uniform application of state law, because we cannot have public officials across the state picking and choosing when they apply

ministerial duties.

That doesn't apply here either. In fact, the public business would be conducted in a much more stable and orderly way if both constitutional challenges were heard at once; plaintiffs' challenged to the statute under the nondiminishment standard and the legislature's challenge to the nondiminishment standard under equal protection; and, for that matter, all defendants challenged that. And the reason is this.

If the defense is stricken and the plaintiffs move forward and demonstrate that the district does not comply with the nondiminishment standard, then that district must be redrawn.

At that point someone else may come along and assert the equal protection challenge that the defendants are unable to assert here, and then strike down that district. And then we must redraw the district again. And we would have three different districts instead of deciding all of the issues at once. And so we see here that --

THE COURT: Hold on. Doesn't that go to

standing? Don't we deal with that in these courts all the time? There would be plenty of cases -- this Court would love to say let's just deal with it once, but standing ends up in the way and we have to take it piecemeal. So what's wrong with that?

MR. BARDOS: That's right, Your Honor. I am simply alluding to the fact that the public policy motivation for adopting this very special and unique standing doctrine of public official standing is not supported but rather undermined by its application here which tends to show --

THE COURT: What is the peril to the legislature? How are they unable to, assuming the constitutionality of a Florida constitutional provision, they are now claiming it's some harm to them?

What's the harm? That they can't pass redistricting? Didn't they do that in the original session? They passed what they thought was legislation that would actually comply with the Florida -- so what's the harm here?

MR. BARDOS: I don't think there is any

necessary showing of harm. I think the Public Official Standing Doctrine doesn't exist because of any sort of harm to the public official. I think that the reason the doctrine --

THE COURT: Right, that's why they don't have standing. There is no harm to the official of complying with the statute. Isn't that what Atlantic Coast says?

So when we look at, in essence, the plaintiff has shown this to be a jurisdictional issue of hearing this challenge; where does the legislature have standing? Don't they need any harm?

MR. BARDOS: Your Honor, I don't think asserting an affirmative defense requires harm. Bringing a claim, standing to assert a claim on the plaintiffs' part requires the plaintiff to demonstrate that the plaintiff has been injured, but I don't think --

THE COURT: Doesn't this affirmative defense in essence require this Court to rule on the constitutionality of a provision, so seeking this Court weighing in on that?

That seems like there needs to be standing

to assert that a provision in the Florida Constitution, voted in by the electors of this state; the electors said this is what we want in our constitution.

Where is the harm by which the legislature can then challenge the voters and their decision?

MR. BARDOS: Again, I don't think that a defendant needs to demonstrate harm in order to assert an affirmative defense. I think harm is typically something that's required of a plaintiff in order to bring a claim, so that we know the plaintiff has a stake sufficient to justify a resolution of the plaintiffs' grievance.

But I don't think that in this situation the defendant has to show that when the defendant is defending the statute, which is what we are doing, that that defense is based on some sort of harm or that invalidation of a statute would lead to some sort of harm, that we can't defend the statute unless the statute harms us.

We can defend the statute when we are sued. Now there is --

THE COURT: But you are defending statutes saying it's okay because that portion of the constitution is unconstitutional at the federal level.

MR. BARDOS: Right, but I still think that doesn't require harm in order to assert that.

Now if we were to come within the Public Official Standing Doctrine, if the court were to find that that does apply, then there are exceptions where a public official could show I really am harmed, and so that exception then trumps the Public Official Standing Doctrine.

Our position is the Public Official Standing Doctrine doesn't even apply in the first place. And so just like any other defendant who's asserting affirmative defense, the defendant doesn't have to demonstrate that it would suffer some harm before it can assert an affirmative defense. So --

THE COURT: No, but doesn't it has to show the Court has some jurisdiction on deciding that claim?

MR. BARDOS: Right. So jurisdiction -- that's an interesting question. The plaintiffs raise the jurisdictional issue, but standing is

not jurisdictional in this state.

Now there is certainly some cases where there is language that goes both ways on that issue, but I think the most significant source of -- source that we should look to in that respect is the Florida Supreme Court's recent decision in Page versus Deutsch Bank, 308 Southern Third 953. And when Florida courts have deliberately considered this issue of whether standing is a jurisdictional matter in Florida in state court, they have answered the question in the negative.

And so what the Florida Supreme Court said in the Page decision is that the subject matter of jurisdiction is universally acknowledged to never be waivable; but this Court has held that the issue of standing is a waivable defense. And if standing is waivable, then standing is obviously not a component of subject matter jurisdiction.

That is the Florida Supreme Court reasoning that standing is waivable, therefore, it's not a jurisdictional issue.

The First DCA said the same thing, standing is an affirmative defense that's

waived if not raised in a responsive pleading, Collins Asset Group versus Property Asset Management.

In that respect, Your Honor, I will note that the plaintiffs did not assert the Public Official Standing Doctrine in their reply. They are asserting it now in a motion, but it is an avoidance at the very least, so they should have asserted it in their reply.

THE COURT: Whether it's called standing or whether it's called subject matter jurisdiction, you'd agree this Court always has to be concerned with subject matter jurisdiction because it can be raised any time, including on appeal; correct?

MR. BARDOS: Absolutely, Your Honor. Our position is simply that standing is not a jurisdictional issue.

So, Your Honor, we think that the Public Official Standing Doctrine does not apply here. It has to be a statute, because of a presumption of validity; it has to concern ministerial duties, which the enactment of legislation is not. And so we haven't found a case either applying it to the legislature --

THE COURT: Why shouldn't there be a presumption of validity to a provision of a Florida constitution? Why should we not presume what the Florida Constitution says is valid? Like, one of which they cited was the separation of power.

Shouldn't I presume that that one is valid? So why not assume all provisions of the Florida Constitution, until otherwise shown, are, in fact, valid?

MR. BARDOS: I think there are a couple of answers. I think the simpler answer may be, Your Honor, is looking for something more, but the simpler answer is I don't believe there is a case that expresses that there is such a presumption.

Beyond that, though, I think the presumption is based on the notion that when the legislature passes a statute, we have a body of elected representatives and public officials performing their duties under oath, and they have taken an oath to comply with the Constitution.

And so we have to presume that they do that in good faith, and that the statutes that

they passed carry with them a presumption of validity.

A constitutional provision, in particular one proposed by citizen initiative like the one here, doesn't have that same pedigree, it doesn't come from a body established and operating under oath to ensure that its actions are constitutional.

THE COURT: But isn't that the whole point of the constitution? The U.S. Constitution, the Florida Constitution, that is exactly -- it's the consent of the government, it is the common people come together to form their government through a constitution, splitting the powers into the various elected officials, be they executives, judiciary or legislature. It's still those common people, isn't it?

MR. BARDOS: Absolutely. But the question is whether the state constitution is presumed to be consistent with the federal constitution. And that's simply a presumption that if it exists, it would rest on different grounds from the presumption of constitutionality that attends a statute, and it hasn't been expressed in the cases, to the extent that I have seen.

Now maybe the plaintiffs will point us to a case that has recognized such a presumption.

So, Your Honor, I think -- and I think it's important also to note that Miami-Dade Expressway Authority case distinguish Reid and Gronemeyer on the ground that those cases did not challenge the constitutionality of the state statute; so again, very recently we have the First DCA expressing that this doctrine is limited to statutes.

So that's the Public Official Standing Doctrine.

The other point we raised, Your Honor, in our response is this difference between a 1.140(b) motion to strike and a motion under 1.40(f). And we think this is an important issue.

So a motion to strike under 1.140(b) is the equivalent of a motion to dismiss. It challenges the legal sufficiency of a pleading. Just like the motion to dismiss challenges the legal sufficiency of a complaint, a 1.140(b) motion challenges the legal sufficiency of an answer.

Just like the motion to dismiss can raise

defenses that would be raised in an answer, the 1.140(b) motion raises arguments that can be raised in a reply.

So they are parallel. There is a parallel, the 1.140(b) motion is due at the same time the reply is; we see how that works together. Just like the defendant would have to raise standing in an answer as an affirmative defense in a challenge to a claim, a plaintiff would have to raise it in a reply and challenge to an answer.

They didn't do that here. It wasn't raised in their reply. They didn't file a motion to strike within the 20 days, and so instead they filed a motion to strike under Rule 1.140(f), which can be done at any time.

Now 1.140(f) is an entirely different standard, and we submitted to Your Honor the Chris-Craft case which says these are two entirely different tests, 1.140(b) versus (f).

And 1.140(f) says essentially that if the -- if a complaint is -- or a complaint -- or an answer in this case -- is legally sufficient, then the Court can strike improper allegations from that complaint, if those

allegations have nothing to do with the case or if they are scandalous or if they are --

THE COURT: Talk to me about the two words immaterial and impertinent. Why does that not refer to -- if they don't have a legal ability to bring this claim, that therefore it's immaterial and impertinent?

MR. BARDOS: Yeah. So I think there are a couple of answers to that.

One is what immaterial and impertinent looks at is whether this issue that's raised is wholly unrelated to litigation. And it's clearly not.

Clearly the issue is relevant to the litigation, whether the nondiminishment is constitutional or not has a direct bearing on this case.

And so a situation where it is wholly impertinent is the case that plaintiffs cite, the Hodges case which they cite in support of their reading. But in fact, if you looked at that case, the argument that was made in a motion to strike is not simply that there was a lack of standing.

But, in fact, what the Court -- what was

argued in Hodges is that a judicial declaration of constitutionality is totally unnecessary to complete adjudication of plaintiffs' claims for damages to the property and such constitutionality argument is not an issue between the parties.

So the plaintiff there had raised an equal protection claim in the complaint and the defendant's argument was this has nothing to do with our dispute. Not only is there is no standing, but it has nothing to do with our dispute. So it was both. So the Court said that 1.140(f) was appropriate in that case. But that's the distinction, Your Honor.

And the other part of this is if a claim is irrelevant whenever it's not legally sufficient, then the 20-day deadline under 1.140(b) doesn't mean anything; that any party could ignore that 20-day deadline, go beyond the 20 days and then turn around, file a 1.140(f) motion at any time and say, well, this claim is legally insufficient and therefore it's irrelevant.

And I just don't think that's how the rules were intended to operate. I think the

20-day deadline was intended to have some meaning. I think the legal sufficiency analysis, if it is distinct as the Chris-Craft case said, they are two separates tests, and they have to be, in order for that 20-day deadline to mean anything.

THE COURT: But talk to me about 1.140(b). One of those says lack of jurisdiction over subject matter and it talks about this timeline. Well, that timeline doesn't apply to lack of subject matter jurisdiction, does it?

MR. BARDOS: Yeah, that's right.

So the 20-day deadline applies -- it appears in the plush language beneath 1 through 6. So jurisdiction -- it doesn't apply to 20 days, it appears beneath that list and applies specifically to a motion to strike, motion to strike for legal insufficiency.

So, yes, if it's a jurisdictional, which we contend this is not, then that could be raised at any time.

But if it's not a jurisdictional issue and it challenges legal sufficiency of a defense, then that 20-day deadline in the rule applies, and the plaintiff cannot then turn around and

say, well, I missed that.

And the fact they didn't plead this in their reply and then didn't file a motion within 20 days suggests that this is probably something they thought of too late.

But they can't turn around then and say, well, it's irrelevant because it's legally insufficient, because the 20-day deadline really has no meaning at that point.

So, Your Honor, we do think there is a significant difference between the (b) and (f) motions.

On top of that, striking pleadings, as the Bay Colony case demonstrates, is not favored, it's considered drastic action, it's used sparingly, and all doubts are resolved against striking the pleadings.

So unless Your Honor has any further questions, I will wrap up and we'll ask that the Court deny the motion.

THE COURT: All right. Mr. Nordby.

MR. NORDBY: Thank you, Judge.

On behalf of the Florida Senate, I agree with Mr. Bardos' argument. I just want to make a few more brief points, if I could.

I certainly agree with his arguments as to the timeliness. To read a motion to strike for lack of legal sufficiency to be subsumed within the immaterial or impertinent provision of (f), I think where you really read the time limitation out of 1.140(b) out of the requirement at all. So I think timeliness is one way to resolve this that we think would be appropriate under the rules, but would also avoid some of the more practical concerns that you have expressed with regards to merits of it.

But on the merits of the Public Official Standing Doctrine, this case does not fall into really any of the precedence the plaintiffs have cited here. Those cases really fall into two categories.

The one is what some of the cases call an affirmative challenge to legislation. That was the case in the Miami-Dade County Expressway Authority decision from the First DCA that actually Mr. Jazil and I litigated in front of Judge Cooper in this courtroom about a year and a half ago.

In that case a state agency affirmatively

sued and asked the court to declare that a statute was unconstitutional. And the First District said no, that's not proper, the Public Official Standing Doctrine prohibits a state agency from suing for the declaration that a statute is unconstitutional.

It did distinguish the cases, the Gronemeyer case and others, on the basis that was being challenged in those cases was not a statute, and therefore the Public Official Standing Doctrine did not apply.

THE COURT: I want to interrupt you because cases of first impression -- this is that type of case. We've already been -- some of the defendants have already asked this Court to recognize an executive privilege that didn't exist anywhere in case law that I could find from the state.

Now that ended up not being an issue in this case; it happened in another case somewhere in the circuit. But in this case, it was not executive function, it was legislative function of the Governor.

So why not say it now? Why not say, we got government officials who are challenging

their own constitution and whether it meets the constitution? Why not say the rationale is similar?

MR. NORDBY: A couple reasons.

One is the nature of the pleading here is an affirmative defense. It's not a counterclaim, it's not a crossclaim. The defendants in this case are not asking the Court affirmatively to make a declaration.

THE COURT: Right, but that's because what they are arguing -- I am not saying I agree with it. Their argument is because the legislature has nullified, which is the very harm that the Public Official Standing Doctrine seeks to avoid.

Their argument is that the legislature has nullified it and said, we think it's unconstitutional, therefore this is the legislation we are going to pass.

That's the very reason -- it doesn't have to be brought in an initial claim, if the Public Official Standing Doctrine doesn't exist for the legislature. So that's the very -- that's the very essence. So why not extend it here?

MR. NORDBY: So here's why.

I think this case is different from the cases that they cited which is on the other side of the Public Official Standing Doctrine cases, the public official who refuses to perform a duty on the alleged grounds that that duty is unconstitutional.

In that case, that would be the scenario here if, for example, the Secretary of State were to say I am not going to enforce Chapter 2022-265, Laws of Florida, because I believe this Congressional map is unconstitutional. That would be the case in which the negative implication of the Public Official Standing Doctrine might come into play.

Of course, the Secretary of State and the Supervisors of Elections have not done that. They are enforcing the law that was passed by the legislature and signed by the Governor here.

This case does not involve a claim by the plaintiffs that the Article 3, Section 20, of Florida Constitution is itself unconstitutional. This course, in adjudicating

the constitutionality of the legislation that was passed by the legislature and was signed by the Governor, will necessarily have to contend with the application of the federal constitution as well; just as the legislature did when it was considering this legislation.

It's not only the Florida Constitution that applies to redistricting legislation, such as this. Federal Voting Rights Act may apply for the manner of legislation that could be applied, the Federal Equal Protection Clause may apply. We cited the elections clause as well.

THE COURT: And I get it that -- I forgot which Alabama case it is -- Allen v. Milligan -- I get that there is some -- we are waiting on rulings from the U.S. Supreme Court at least in Allen v. Milligan on the Voting Rights Act, but isn't there a host of other federal legislation that has been found to be constitutional and in conformance with the Equal Protection Clause that uses this same language that's in the Florida Fair Districts Amendment?

MR. NORDBY: I don't think there is

anything precisely on point with this language and the sort of arguments that are being made here.

My point was simply that when considering the enactment of legislation, the legislature has an obligation to consider all superior laws here, anything that the supremacy clause would hold to prevail over provisions of the state constitution or over state statute. And it did so here.

And in the course of adjudicating this dispute here, this Court cannot blind itself, we would submit, to the application of the Equal Protection Clause.

THE COURT: Well, then, am I to take -- and based on prior filings, didn't they do that once? And it was vetoed. And so am I to take it -- were they deciding to operate unconstitutionally then or now? I mean --

MR. NORDBY: Neither is the case. Of course, we are defending the constitutionality of the legislation that was passed.

My point is simply these are not easy questions. I point you to a different decision from Alabama, Chief Judge Pryor writing for a

three-judge panel in the case, where he says these are easy questions. Sometimes under the existing case law, the requirements of the Equal Protection Clause may run up against the requirements of the Voting Rights Act; may run up against the requirements of the Florida Constitution requirement here.

So in the course of trying to enact legislation that will first satisfy bicameralism presentment and then satisfy the application of all of these different doctrines of federal law and state law, the legislature had to consider all of the sources of authority that would apply to that legislation. And this Court, too, cannot as Mr. Bardos said, cannot blind itself to the application of the federal constitution and federal law in adjudicating the plaintiffs' claim here.

If this Court were to proceed only with an examination of what the Florida Constitution requires in isolation from the other provisions of law that apply to this, we could end up with a ruling that would itself fail to comply with superior law under the Federal Constitution and that would be a poor place to find ourselves

in.

THE COURT: Once again, and I want to make sure this is clear, this affirmative defense is in the alternative argument, isn't that correct?

You are not conceding that the legislation violates the statute, the Florida constitutional provision; this is in the event the Court even finds that. So we may never reach this question, is that correct?

MR. NORDBY: That's absolutely correct. It's an affirmative defense, so this Court may never reach these affirmative defenses.

If this Court finds for us on the merits of the primary claims being described by the plaintiffs here, then it will never reach these affirmative defenses as grounds for its decision.

THE COURT: All right.

MR. NORDBY: Thank you very much.

THE COURT: Mr. Jazil.

MR. JAZIL: Thank you, Your Honor.

May it please the Court, I echo the comments made by my colleagues, Mr. Bardos and Mr. Nordby, and I join in them.

There is a footnote in the plaintiffs' reply saying that it would be inappropriate for the Secretary to join in the arguments that are being made. I would like too address that point.

I think it's perfectly appropriate for the Secretary to join those arguments because those arguments in part are that the Public Official Standing Doctrine is rooted in challenges to statutes, not constitutions. The only contrary authority on that point is the dictum from Markham as Mr. Bardos explained.

Markham dealt with a statutory issue and talked about the Public Official Standing Doctrine; the Atlantic Railroad case from 1922 dealt with a statute, dealt with the Public Official Standing Doctrine in a statutory context.

The Florida Supreme Court's most recent and most elaborate explanation of the doctrine in 2008, the Flemings case, talked about it in a statutory context.

So Your Honor is correct. One of the questions of first impression here that must be squarely addressed is whether or not the Public

Official Standing Doctrine serves as a bar for public officials to raise as an affirmative defense the possible unconstitutionality of provisions of the Florida Constitution.

And there, Your Honor, I point the Court back to the Separations of Concept Doctrine that underlies the notion of public official standing. And the cases say, look, it's inappropriate for an executive official to challenge an enactment of the legislative branch because that is a separations of power issue.

So then the question becomes, okay, if it's a provision of the state constitution that was put there through a citizen initiative, are the same separations of power concerns implicated? And I would suggest to the Court that they are not.

This is not an instance where you have one branch of government fighting with another branch of government over what one has done and the other refuses to follow. This is an instance where there is a provision in the Florida Constitution, and the question is, well, okay, if there is a provision in the

Florida Constitution and one branch of government passes a statute, enacts something consistent with what they believe that provision requires, another branch of government signs it and puts it into law, is that in and of itself appropriate?

Under the Federal Constitution, right, because we got two -- we got federalism and separations of power both working here. And I will posit to the Court that the state level standing doctrine, Public Official Standing Doctrine, and its separations of power concerns are not implicated in this instance as they have been, and have been discussed in other cases.

Your Honor, I also would like to discuss this subject matter jurisdiction question that you discussed with my friends.

I tried convincing the Florida Supreme Court a year and a half ago to try to make a standing subject matter jurisdiction issue and receive from the discussion in the Polk versus Deutsch Bank case. The very last paragraph of that case talked about how subject matter jurisdiction cannot be waived. Subject

matter jurisdiction can be raised at any time, but standing in state court is not a subject matter jurisdictional issue. It is in federal court, it is not in state court.

So I just would like to underscore that point.

And, Your Honor, my friend cited to the Hodges case from 1965, the Florida Supreme Court discussing the appropriateness of filing a motion to strike.

And my friend Mr. Bardos discussed the case and I defer to his distinction of the Hodges case, but I simply note that the case is from 1965. The rules that we're operating under are substantially revised in 1972. And so I would simply point the court to the advisory committee notes from 1972 that talk about how a motion to strike -- they broke it up into two parts in the revisions from 1972, subpart (f) and subpart (b).

And once the motion to strike is broken up that way -- we made the point in our papers, Your Honor -- and I am not going to read the papers to you -- that the plaintiffs' filings is more akin to a motion under subpart (b)

which must be filed within 20 days, and this is untimely.

With that, Your Honor, I have nothing further to add, unless the court has some questions.

THE COURT: Let me ask. So you say there is a difference -- this isn't -- perhaps I shouldn't use warring or a difference of opinion between multiple branches, that it makes a difference that it's a citizen-based initiative, but what if the citizens said, you know what, we only want judges to serve one term, the Governor to serve one term, and legislature to serve one term, that's two or four years. And they put that in the constitution, and it passes. And it goes over the threshold and it's put in the constitution.

Then we have a legislature that says, I don't really like that. We are going to make this law and the Governor says, yeah, I don't like that either. And then the judiciary gets to pass on it.

So why all of a sudden do we look at it differently? Why can the ministerial act of a state official not prevent them from

challenging that?

MR. JAZIL: Your Honor, I would say in that scenario, if you have the Governor or a member of the legislature saying some part of that citizen initiative violates the federal constitution, I would think they would have a good case for arguing that they have standing to try to sue and to say this is inappropriate.

We can make your hypothetical more complicated, Your Honor, but let's assume we have a citizen initiative that says we are going to have segregated schools, Black citizens and white citizens shouldn't go to the same schools. And that citizen initiative gets the requisite number of signatures, gets placed on the ballot and it passes.

The question then becomes: Does the public official have a duty to implement that provision of the state constitution for a statute or otherwise if it's self implementing rather, or does that same official have a duty to read that provision and say, okay, I got this provision in the state constitution; I also have a federal provision, the Equal Protection Clause and cases 1954 on say that

this is completely unconstitutional. How should I balance the duty? How should I deal with it? What are my responsibilities to the folks who elected me?

And so I am trying to enforce both a state constitutional provision and a federal provision that are inconsistent with one another and the supremacy clause says one should trump the other.

THE COURT: But why does it leave just an individual party, like we had happen in the past, we have Brown sue the Board of Education for that very, very same thing. Why don't we have an individual person that seeks a declaratory action? Why is it that the government starts getting -- I thought we are about less government; government of restraint. Why is it now the government is proactively deciding what they want against the wishes of people? Why isn't it that the people bring that and say it violates our constitution?

MR. JAZIL: Sure. Your Honor, Brown sues the Governor of Florida to implement the constitutional provision I described. The governor of Florida raises that as an

affirmative defense that that constitutional provision is in fact inconsistent with the Federal Equal Protection Clause.

Under the plaintiffs' reading of the cases, Your Honor would be required to strike the governor's affirmative defense saying that provision requiring segregation isn't an affirmative defense.

And so, Your Honor, I use that to highlight the point that it's appropriate for the court to consider these issues as the cases proceed and as -- if the plaintiffs succeed, to consider whether or not our affirmative defense is appropriate.

And as practical matter, Your Honor brought up the Alabama cases, Allen versus Milligan, and Merrill versus Milligan, and whichever way captured it, and these are some of the issues that the state and the law, Section 2 of the Voting Rights Act is at stake at the U. S. Supreme Court.

And one of the options the U. S. Supreme Court has, the argument that the state of Alabama made, was that Section 2 is at war with the Equal Protection Clause. That was their

argument, and I think I am probably quoting it right; if I am misquoting, I apologize to Mr. LaCour, Alabama Solicitor General, but their point was, what Section 2 is requiring and what the Equal Protection Clause are requiring seemed to be incompatible.

I note, Your Honor, the U.S. Supreme Court has always assumed but never decided that compliance with Section 2 of the Voting Rights is a compelling state interest.

So these points, to Mr. Nordby's comment, aren't in flux. These are difficult issues and we just don't know where all the balls will land in the next few months as some of these cases get decided.

THE COURT: Thank you, Mr. Jazil.

MR. JAZIL: Thank you, Your Honor.

MS. JASRASARIA: Your Honor, I would like to briefly begin with timeliness.

As plaintiffs' papers state, they move to strike under Rule 1.140(f), and here the defense of that issue are, quote, wholly irrelevant and can have no bearing upon the equities and no influence upon the decision as to the relief granted, because this Court lacks

jurisdiction to consider the defenses.

And I will just note that in Crossings, the petitioner's Supreme Court on the merits explains that it successfully moved to strike respondent's affirmative defenses under the Public Official Standing Doctrine years into the litigation, which strongly suggests that its motions were brought under the same rule, which allows a motion to strike at any time.

And with respect to the standing issue that was raised, first, I will just note that we just heard about these additional cases that were being cited in the past 30 minutes, but my point is that the Public Official Standing Doctrine is about more than whether a public official can just bring a particular claim; it's also about whether this Court can adjudicate that claim. And so it is a subject matter jurisdiction issue.

And, you know, after the Page case was decided, the First DCA did hold that the trial court lacked subject matter jurisdiction because the party lacked standing under the Public Official Standing Doctrine; that was the Department of Transportation versus Miami-Dade

County Expressway Authority.

Similarly, the School District of Escambia County case noted that a public official's disagreement with a constitutional or statutory duty does not create a judicable controversy or provide an indication to give a judicial opinion.

So this is more than just a separate issue. This is a subject matter jurisdiction issue.

THE COURT: Right, but isn't that -- that's just the Court weighing in willy-nilly on somebody wants to know what the answer is.

Why is it not judicable that the court has to render a decision, or potentially does -- and I discussed that with Mr. Nordby -- that this may never come before the Court? I am not sure.

But if it does, isn't it -- the Court is not issuing an opinion for just so we know; it's because it is pertinent and relevant to this very lawsuit brought by the plaintiffs. And it's the only way, if it gets to an affirmative defense, it's the only way defendants get to justify their actions.

MS. JASRASARIA: Well, I would argue that it's not relevant to the issues that are before this Court, which is whether the congressional districts comply with the constitution. And the defendants may continue to defend the congressional districts under the law as it is but not under the basis that they don't have to comply with the law because it's unconstitutional.

And as this Court was beginning to point out, the Atlantic Coast Line case, even though it's about a defensive posture, does note that when a party is bringing a constitutional challenge, injury will not be presumed, it must be shown.

And so the injury is required here, even though this is an affirmative defense. And so any decision about the constitutionality of the Fair Districts Amendment, if they have not been followed, would be a hypothetical question. It's not a question that is currently before this Court.

THE COURT: But if we get to the affirmative defense, then don't they have a duty to prove whatever that affirmative defense

is?

MS. JASRASARIA: If we get to the point where this Court decides that the districts were not in compliance with the Fair Districts Amendment, then under the law as it is, defendants would be obligated to draw districts and implement districts that are in compliance, and at that point, as this Court mentioned, an individual could certainly allege that their equal protection rights were being -- were harmed under a map that does comply with the Fair Districts Amendment, in which case they could challenge the Fair Districts Amendment's constitutionality, that's the type of claim we have seen time and time again. But that's not the issue in this case where plaintiffs are asking this Court to adjudicate the constitutionality under this particular provision. And --

THE COURT: Couldn't that be severed? I mean, they are not asking, I don't think -- and they can correct me if I am wrong; they are not asking the Court to strike down the entirety of the Fair Districts Amendment, are they?

I think no portion of a plan or individual

district shall be drawn with the intent to favor or disfavor a political party, they are not saying that that's unconstitutional under the Florida -- under the U.S. Constitution.

So I mean, I think they are only talking about a small portion. Why can't the Court find that, if that comes up? It may not be an issue. We don't know yet until we heard the trial on the merits portion to see if these don't comply with it as it is currently written.

But if they don't comply as currently written, then why can't the Court find -- potentially, I am not saying I would, but potentially find that a small portion of the Fair Districts Amendment is not in line with the U.S. Constitution? Why can't the Court do that?

MS. JASRASARIA: Your Honor, the answer to that question is simply found within the Public Official Standing Doctrine itself, which states that even if potentially there may be a question of constitutionality, public officials are not parties that can raise those questions.

And so even if there were a scenario in

which one of these provisions -- one section or provision were unconstitutional, that's not before this Court, and these parties do not have standing to raise that issue; and that is because this is again a very straightforward application of the doctrine.

And I will just note that -- I will note that the affirmative defenses that have been raised are not simply challenging under the Equal Protection Clause of the Federal Constitution. They are also challenging under the Elections Clause of the Federal Constitution.

And as plaintiffs did note in their reply to the answers, that issue has already been adjudicated by both the Florida Supreme Court and the 11th Circuit. And so in the event of those affirmative defenses, not only are the House and Senate prejudging the issue, but they are actually openly disagreeing with a Court decision. And so in that case --

THE COURT: Well, that won't be the first time they done that in this case, is it? They specifically said that as it relates to legislative privilege in this case. We had a

big discussion on that, that they made sure the record was very clear, and it has gone up to the DCA, and it's very clear this Court and the DCA is bound by the decision under Apportionment 4.

So that wouldn't be the first time, if they want to preserve this for appeal, that they have to raise it, right? If they do disagree, they have to raise it down here at the trial level, correct?

MS. JASRASARIA: Well, the doctrine is -- the separation of powers are clear, and the doctrine is binding on this Court certainly. But a party cannot raise an issue like this because they have to follow the law as it's judicially determined, and until and unless the judge says otherwise, they have to presume that the provisions of the constitution -- any law that provides a duty to a public official is the law.

THE COURT: Right. They have to raise it here if they think the law -- the law got it wrong, right?

Crawford versus Washington, Crawford had to raise jurisprudence, over a hundred years

word of jurisprudence not in his favor, he still had to raise that before he could get to the U.S. Supreme Court, and then to say, you know what, he is right, look at the text of the constitution. They have to raise it, right?

I am not saying they win at trial court level, but they got to raise it, don't they, if they want to preserve it? Just because there is case law that is not in their favor, they need to disclose that. But they have to raise it, don't they, if they are challenging that ultimately above that?

MS. JASRASARIA: If they are trying to challenge something that affects their duties under Florida law, then they cannot challenge that and it must be struck.

So that's again very clear under the law, under the doctrine. And again, this is a straightforward application of the doctrine. I think that my friends were trying to say that these are not easy questions, but frankly, the easiest answer to try to figure out which law to follow is simply follow the law as it is until and unless it's judicially determined otherwise. And so that is what we have here.

And I will just note that some of the concerns around the fact this is a constitutional provision, I will just say that the separation of powers issue at stake here is not a disagreement between the legislature and the executive branch. It's the fact that the judicial branch is the only one with the authority to determine the constitutionality of a provision.

And the legislature is also similarly prohibited from encroaching on the judicial power, and that's the separation of powers issue that's at issue here. And the fact that this is a constitutional provision, again, Markham does mention constitutional duty, and the purpose of the doctrine is to prevent against selective enforcement of the law. And it rests on the premise that people of the state have the right to expect that their government officials will promptly carry out and put into effect the will of the people. That comes from Crossings, which is quoting Barr.

And, of course, in Crossings, the will of the people was effectuated through the

legislative enactment, but here the will of the people is even clearer because this is a constitutional provision that's been passed by popular vote.

And so I think, again, there's really no question that here the constitutional provision which happens to affect a clear duty of the legislature falls equally into this doctrine, even though it is a unique circumstance.

To the point of trying to balance the Florida Supreme Court with the U.S. Constitution, I will just note that here defendants are citing federal law that they say bars the use of race in the way CD-5 was drawn. No court has held that CD-5 follows the 14th Amendment.

And so again, here we are dealing with a constitutional provision, and then defendants' interpretation of federal case law, but there is -- they, under the Public Officials Standing Doctrine, don't have the authority to consider the constitutionality or determine the constitutionality without a court's decision on that point, whether it's the federal constitution or the state constitution.

Unless the court has any further questions --

THE COURT: Thank you. We are here before the Court today in Case 2022 CA 66, Black Voters Matter Capacity Building Institute and others versus Florida Secretary of State and others. We are here today on the Plaintiffs' Motion to Strike Affirmative Defenses.

What's clear in this case is, like many things in this case, we get to start afresh and look at issues that have maybe not been previously adjudicated, one of which is this very issue.

I don't feel confident that I have been given any case law directly on point as to the Public Official Standing Doctrine on challenging a Florida Constitution, challenging the constitutionality of a portion of the Florida Constitution vis-a-vis the U.S. Constitution.

What the Court has, that is most closely at hand, is statutory provisions. There are a numbers of cases cited by both sides, but they ultimately rest on Atlantic Coast Line Railroad Company, 84 Florida 592, from the Florida

Supreme Court way back in 1922 that discusses that matter.

Here, we are dealing with an entirely different creature, and that is one of the legislature of the State of Florida operating under its constitutional mandate and power to enact legislation and present it to the Governor of the State of Florida for the Governor to either veto, sign into law, or allow to pass into law without signature.

And accordingly, as to both the House and the Senate, this Court finds that the Public Official Standing Doctrine does not apply, especially as it relates to -- and the Court considers this important -- as this is an affirmative defense in this case.

As to the Secretary, I will tell you it's a much closer call, because in this case, with the Secretary, the Secretary does not have that power to enact legislation. The Secretary is merely carrying out the legislation, whatever it may be.

And accordingly, the Court is going to extend the Public Official Standing Doctrine to the Secretary in this case as it relates to

challenging a provision of the Florida Constitution vis-a-vis the U.S. Constitution. And I am going to extend the Public Official Standing Doctrine.

However, the Court is going to note that as it relates to the Secretary and both the House and the Senate, the Court ultimately concurs that as it relates to a motion to strike, the Court finds it to be untimely and will not strike it as to each.

Ultimately, whether this Court has to adjudicate this issue or not is yet to be seen. But it is ultimately one that, as noted by both parties I believe in their briefs, each public official, the undersigned judge included, swore an oath to both the U.S. Constitution and the State Constitution. And the Court is mindful of that.

So, no, I don't believe a state court can ever disregard the import of the federal constitution in a ruling.

So I look forward ultimately to hearing the arguments of the parties regarding this matter.

Maybe we'll have some higher courts help

illuminate the situation for us; maybe we will, maybe we won't. But ultimately, the Court finds that it isn't an issue that may ultimately -- I have to say it that way -- may ultimately be ripe for this Court to opine upon.

But once again, as an affirmative defense, we know ultimately the plaintiff initially, at least before we ever get there, has a burden going forward to make out its claims. And then, to the extent it may or may not, the defendants shall be allowed to put on whatever defenses they have to the allegations in these cases or in this case, in these counts.

So with that, I will have -- and I will let the defendants kick which attorney has the lower stack of work to -- I will let you do that off on your own, but I will have the defendants provide a draft order, obviously running it through the plaintiffs for entry.

But I appreciate the excellent work of counsel. Again, as we see, now it appears like it will be every 10 years, we see novel issues that come before the Court, excellent work by counsel from all the parties on bringing those

to light.

And it's the job of this Court to -- what I say at the trial level, it's the job of this Court to try to get it right in a timely fashion, and ultimately it's the job of our appellate courts to get it right, because they got a little bit more time to act. And I respect that separation.

And so with that, I know the parties are working really hard moving forward. You guys have worked out a lot amongst yourselves, I appreciate that, I applaud that. And I believe the people of Florida appreciate that.

These are important issues as to all the parties, because they go ultimately to the heart of our jurisprudence, and that is how do we choose the people that represent us in the legislative branch, in the executive branch, and, at least as it relates to the state, we in the judicial branch here in the state. And these are important issues, so I appreciate the hard work of all parties.

Thank you all.

MR. WERMUTH: We have one additional issue notice.

THE COURT: You are right. That's the part I didn't know what you guys wanted to talk about. Please, everybody be seated. There was an issue of case management. I did see that for me it was kind of an afterthought. It might not have been for you guys. Go ahead.

MR. WERMUTH: Yes, Your Honor. Well, basically the parties have been talking about case management issues leading up to trial and one of those issues is we obviously have trial set to begin on August 21st, and we have been looking at deadlines coming up.

The first of those that are going to be coming up is on the 23rd of June, we have pretrial motions due. And the parties were looking at doing a few things here, that is to divide out the response times for the motions that will be filed on the 23rd of June if they are filed.

And we were looking -- currently the Court has pretrial statements -- a pretrial conference set on July 14th, and in order to kind of permit the briefing to go in a regular course, we were hoping to have the pretrial moved to the 3rd of August, if the Court is

available, and have the motions for summary judgment heard that time, if you are available. If not, we have to revert back to a previous schedule.

THE COURT: Here's my concern, whenever we get into this scheduling, is the way this normally happens is, oh, the parties agreed for this date for summary judgment, and then they hand me a stack this tall. And they give me about a day and a half to read it, if I am lucky; sometimes it's like three hours.

So my concern is when I am going to get it so that I actually have time to read it and when we can get all of these things done in a timely manner?

MR. WERMUTH: If I may approach, I have an actual schedule.

THE COURT: Absolutely. Let me see it. Because some of you guys have done this once before, like last cycle. I have not.

MR. WERMUTH: On the current schedule, Your Honor, the motions will be filed on June 23rd, and our responses would be due on July 7th, and then you would have seven days to look at those in advance of the pretrial

conference, which I imagine will be the time we could hear the summary judgment motion.

So we are actually looking to make the response deadline for the summary judgment motions on the 14th of July, which would then give you -- I am not sure of the number of days, it would be at least 16 days, actually more, 20 days.

THE COURT: I understand, but I also have other jury trials.

MR. WERMUTH: Yes, all of this assumes that you have time on that day or perhaps the following day, which would be August the 4th. I know the parties are available on the 3rd because I confirmed, but if not, then we would have to revert to the 14th.

THE COURT: This is the proposed modification?

MR. WERMUTH: It is. The old schedule was, if you look on the docket, it's on September 29, 2020 -- or 2022, I misspoke. Then you will see there are other matters addressed in that.

THE COURT: When are we going to hear summary judgment?

MR. WERMUTH: Hearing summary judgment, we would imagine that would occur on the date of pretrial conference.

THE COURT: Seeing I will likely be out of town that Monday, Tuesday and Wednesday that week, I don't know I necessarily want to hear the summary judgment on Thursday.

MR. WERMUTH: Are you available Friday, August 4th?

THE COURT: If the Court could do August 4th, do we want to leave the pretrial for August 3rd? That's fine, I just don't know about hearing a full summary judgment on the 3rd. I don't mind leaving the pretrial on the 3rd.

MR. WERMUTH: That would be fine for us.

THE COURT: Does that work for the defendants?

MR. BARDOS: It does for the House, Your Honor.

MR. JAZIL: Does for the Secretary, unless my friend Mr. Wermuth is about to sue me in another case in federal court.

THE COURT: I do realize there is a somewhat parallel path on this one going on in

federal court. I don't mind them, they don't mind me. So until and unless I have to --

MR. JAZIL: Your Honor, they have adopted your order, it's essentially governing the depositions in the federal case now.

THE COURT: I thought they found legislative privilege and said goodbye?

MR. JAZIL: To the legislative parties.

THE COURT: Yeah, which I understand that, because they are not operating under the provision under the Florida Constitution. I get that. Okay.

MR. NORDBY: Judge, august 3rd works for the Senate as well.

THE COURT: For the 3rd, right, but what about the 4th for the summary judgment?

MR. NORDBY: Yes.

THE COURT: That works? Why don't we do that? We'll leave the pretrial conference on August 3rd, and we'll do the summary judgment on August 4th.

And I will make -- let's put together a full revised scheduling order. One of the things I realized last time is the clerk didn't -- we'll include the clerk in so they

get the dates actually put in, they won't docket it as a pretrial date, and I will work on that. But if we do just a fully amended order with the dates on there, we can get that entered, no problem. That should work.

MR. WERMUTH: The parties were also looking at the issue of what the Court may want in terms of documentation produced as a pretrial statement. And you will see in the proposal that I made, it envisions having deposition designations, having exhibits with objections all ready.

THE COURT: Again, the more, the merrier; the earlier, the better, because what I don't want to do is at the last second, like we have three days' worth of motion hearings to go through before we actually even start the trial.

MR. WERMUTH: I guess to understand, perhaps if you could give us guidance on what you would like as far as content for a pretrial statement, beyond what you see envisioned in this schedule.

THE COURT: Really, I just need to know where the parties agree and where they

disagree.

I've got a lot of background, you have done enough. And I read Judge Smith's order, I read the DCA's order on top of that, so I get kind of where we are. But I do need to know the major sticking point areas that are going to take time.

I don't know that this is the case, but when I am doing a standard auto injury case or something, somebody will say, oh, we got motions in limine. Well, if they are the standard "you can't do this, or you can't do that," then I can rule on it very quickly.

And in criminal cases, it's no self-serving hearsay by the defendant. Yeah, those are quick, they get filed.

If it's something that's going to take an hour or two hours, I need to know about that kind of thing in advance just for planning purposes so we know; because we have got quite a bit of time scheduled for this trial, but you got quite a bit of information to present, both sides.

But that way we are mindful of any live witnesses, we are mindful of those sorts of

things. So we are not dealing with motions practice when we've got people sitting out in the hallway ready to testify, or if you guys agree to remote appearances, we don't have people sitting in Zoom waiting rooms waiting to testify.

That's always my concern. I get that this is a bench trial. Anybody that's tried a jury trial in front of me knows what upsets me the most is making jurors wait while we do what I call other court business; it's very important, but they don't need to be sitting here in the courthouse, same thing with witnesses.

I will take the time with you guys. That's my job, that's what I've sworn an oath to do, is to take the time it takes. But I want to be mindful of there are going to be other people that are getting paid, but taking their time where they could be doing something else instead of being here. So I just need to those sorts of things.

MR. WERMUTH: In terms of exhibits, would you envision -- is the trial going to be in this room?

THE COURT: I have no idea. My guess is

likely, it will probably be in 3G or 2F, is my guess. This is not a bad size courtroom, but it will probably in one of the very big courtrooms. I imagine we are going to have a lot of people interested in it.

It is a very important matter within this state. So I don't want to, like in a courtroom like this, I don't want people to not be able to come in and see, because we are not -- we may have media people that are broadcasting; that's up to the media and we welcome them, but we are not going on Zoom with it.

This is a public courtroom in the State of Florida open to any individual that wants to come in and sit and watch. And that's why we are probably going to be in one of the bigger courtrooms, and where the parties are.

You guys are making use of your space here, but those actually have -- I think it was 2F, I tried a four-defendant attempted murder trial, we had the state and four other parties, and we fit in there, we made that work.

I want the public to be able to be here at the trial, and I want the parties to be able to spread out appropriately, as you will have

exhibits and binders and all of those others things you need to do to convey a lot of information to the Court. So --

MR. WERMUTH: I guess with the setup -- forgive me if I am asking something that should be referred to a technology person at the courthouse, but I am curious to know, are you going to be interested in seeing hard copy exhibits in binders?

THE COURT: I do like hard copy. You can have electronic, but I am known to flip through. And I don't ask lots of questions, but when I am a fact finder, sometimes I have questions of witnesses and I may want to write on my own copy; and obviously a copy for the clerk, but I like having my own copy of the exhibits.

MR. WERMUTH: The clerk will want a copy, hard copy? It could be voluminous exhibits.

THE COURT: Generally they do because you start getting into digital, they are going to need a paper copy also anyway.

They may appreciate one in both forms, I don't know. I will let you talk to the clerks that day.

But yes, they will need a hard copy because there is nothing worse than when the computers die, power goes out across town or a server goes down, we have paper copies, we may move forward.

MR. WERMUTH: I guess, is there somebody we should contact about electronic exhibits in terms of --

THE COURT: Marci -- court administration, you can talk to court administration people, Marci will have that number, but court admin; because again, we'll be working with them earlier and see if we can nail down a courtroom earlier.

I will tell you how it normally works, is civil gets last. We might be able to get a little more sway on this case, but civil gets the last bite at the apple; the felony guys get to go first because there is life, liberty, pursuit of happiness, and speedy trials, a lot of individual liberties are at stake in those.

MR. WERMUTH: I remember back in 2014 when we had the courtroom down -- ceremonial courtroom down at that end of the building that had a big monitor. I guess we are just

confirming that --

THE COURT: Well, likely that's where we are going to be. We'll put them on notice we need a big courtroom. So whether that's 3G or 2F, I am not sure yet. Court admin will be working that issue.

And technology-wise, I think they are both set up if we needed Zoom, they are both set up to do it.

So again, I don't know what you guys have got and agreed on and what have you. But also, if there is videotaped depositions, they play that way, whatever.

MR. WERMUTH: I guess that's all. On the scheduling issues, we'll submit an agreed schedule.

And the only other thing we have outstanding, there is a current pending motion on the motion to compel regarding the Foltz.

THE COURT: I tell you on a motion to compel, if somebody wants to call up for hearing, they contact the judicial assistant because sometimes motions to compel resolve issues without being heard, sometimes they don't. If there is agreement by the parties to

hold a hearing, so be it, but somebody needs to let me know.

MR. WERMUTH: It was assumed to be just submitted on the papers under your procedures, but we can --

THE COURT: Again, as I said, it may be done, but I will tell you generally when there is disagreement, there is filings on both sides, I usually wait for the whole hearing. But if the parties want me to hear it without a hearing, I will read and rule.

MR. WERMUTH: That's our preference.

MR. JAZIL: That's fine with the Secretary, Your Honor.

THE COURT: Okay. I think this is -- if I am not mistaken, is this one the third party to -- is it Mr. Foltz's e-mails and stuff?

MR. WERMUTH: The reason it's being submitted on the papers is because it involves issues that the Court has already ruled upon.

THE COURT: I guess I am going to ask this. I thought when we discussed this previously, he was employed by the state to do a job.

Why is that not public record? Because he

is an employee of the state at the time even as a contractor. I thought the case law was pretty clear that contractors, when doing jobs for the state, that's all public records.

Why is that any different? I guess I will ask Mr. Jazil, because frankly, when I read the motion, that was exactly what I was thinking.

And I know we are not here to hear it, but that was the question that came up. So I guess you know what's likely to happen if I walk back into my office without having that question answered.

MR. JAZIL: Well, Your Honor, I will then ask for a hearing at some point.

THE COURT: Let's get it scheduled. We can do it next week sometime.

MR. JAZIL: Yes, sir, I will coordinate.

THE COURT: We'll hear it next week. Thank you. Thank you all.

(Proceedings concluded at 4:30 p.m.)

CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, SANDRA L. NARGIZ, RPR, CM, CRR, CRC, CCR, certify that I was authorized to and did stenographically report the foregoing proceedings, and that the transcript is a true and complete record of my stenographic notes.

DATED on June 13, 2023.

SANDRA L. NARGIZ
RPR, CM, CRR, CRC, CCR-GA
snargiz@comcast.net

MR. BARDOS: [14] 5/18 12/13 20/7 20/25 21/15 22/8 23/5 23/23 25/16 26/11 27/18 30/8 32/12 69/19
MR. JAZIL: [11] 5/25 41/22 47/2 48/22 50/17 69/21 70/3 70/8 78/13 79/13 79/17
MR. NORDBY: [10] 5/20 33/22 36/4 37/1 38/25 39/20 41/11 41/20 70/13 70/17
MR. WERMUTH: [21] 5/13 65/24 66/7 67/16 67/21 68/11 68/19 69/1 69/8 69/16 71/6 71/19 73/22 75/4 75/18 76/6 76/22 77/14 78/3 78/12 78/18
MS. JASRASARIA: [10] 6/6 9/22 10/25 12/10 50/18 53/1 54/2 55/19 57/11 58/13
THE COURT: [62] 5/2 5/17 6/4 9/18 10/19 12/6 12/11 19/25 20/14 21/6 21/21 23/1 23/20 25/10 26/1 27/9 30/3 32/7 33/21 35/12 36/10 38/14 39/15 41/2 41/19 41/21 46/6 48/10 50/16 52/11 53/23 54/20 56/22 57/21 61/3 66/1 67/5 67/18 68/9 68/17 68/24 69/4 69/10 69/17 69/24 70/6 70/9 70/15 70/18 71/13 71/24 73/25 75/10 75/20 76/9 77/2 77/20 78/6 78/15 78/21 79/15 79/18

0

000666 [2] 1/4 5/3

1

1.140 [15] 28/15 28/18 28/22 29/2 29/5 29/16 29/17 29/20 29/21 31/13 31/18 31/21 32/7 34/6 50/21
1.40 [1] 28/16
10 [3] 2/5 11/13 64/23
100 [1] 15/3
119 [1] 2/15
11th [1] 56/17
13 [2] 6/10 80/15
14th [4] 60/15 66/22 68/5 68/16
16 [2] 16/13 68/7
1922 [2] 42/15 62/1
1954 [1] 47/25
1965 [2] 45/8 45/14
1972 [3] 45/15 45/17 45/19

2

20 [7] 29/14 31/20 32/15 33/4 37/23 46/1 68/8
20-day [7] 31/17 31/19 32/1 32/5 32/13 32/24 33/8
20002 [1] 2/5
2008 [1] 42/21
2014 [1] 76/22
202.968.4490 [1] 2/6
2020 [1] 68/21
2022 [4] 1/4 5/3 61/4 68/21
2023 [2] 1/15 80/15
215 [1] 2/21
21st [1] 66/11
23rd [3] 66/14 66/18 67/23
25 [1] 2/9
265 [1] 37/11
29 [1] 68/21
2F [3] 74/1 74/20 77/5

3

30 [1] 51/13
301 [1] 3/5
308 [1] 24/7
32301 [3] 2/15 2/22 3/5
32802 [1] 2/10
3:00 [2] 1/16 5/1
3D [1] 1/17
3G [2] 74/1 77/4
3rd [8] 66/25 68/14 69/12 69/14 69/15 70/13 70/15 70/20

4

407.422.2472 [1] 2/10
4:30 [1] 1/16
4th [5] 68/13 69/9 69/11 70/16 70/21

5

500 [1] 2/15
592 [1] 61/25

6

600 [1] 3/5
66 [1] 61/4

7

7th [1] 67/24

8

800 [1] 2/21
84 [1] 61/25
850.241.1717 [1] 2/22
850.508.7775 [1] 2/16
850.577.9090 [1] 3/6

9

953 [1] 24/8

A

ability [2] 13/3 30/5
able [4] 74/8 74/23 74/24 76/16
about [28] 8/6 10/10 10/20 15/8 18/8 30/3 32/7 32/9 34/23 42/14 42/21 44/24 45/18 48/17 51/12 51/15 51/17 53/12 53/18 55/6 66/3 66/8 67/10 69/13 69/22 70/16 72/18 76/7
above [1] 58/12
absolutely [4] 25/16 27/18 41/11 67/18
accordingly [2] 62/11 62/23
acknowledged [1] 24/15
across [3] 10/6 18/24 76/3
act [6] 38/9 38/19 40/5 46/24 49/20 65/7
action [2] 33/15 48/15
actions [2] 27/7 52/25
actual [1] 67/17
actually [10] 5/5 20/22 34/22 56/20 67/13 68/3 68/7 71/1 71/17 74/19
add [1] 46/4
additional [2] 51/12 65/24
address [1] 42/4
addressed [2] 42/25 68/23
adjudicate [4] 8/22 51/18 54/17 63/12
adjudicated [2] 56/16 61/12
adjudicating [3] 37/25 39/11 40/17
adjudication [1] 31/3
admin [2] 76/11 77/5
administered [1] 18/11
administering [1] 18/18
administration [2] 76/9 76/10
adopt [1] 13/11
adopted [1] 70/3
adopting [1] 20/9
advance [2] 67/25 72/19
advisory [1] 45/17
affect [3] 7/18 7/21 60/7
affects [1] 58/14
affirmative [34] 1/13 5/7 6/10 7/3 8/2 10/17 21/16 21/21 22/10 23/16 23/19 24/25 29/9 34/19 36/6 41/3 41/12 41/13 41/17 43/2 49/1 49/6 49/8 49/13 51/5 52/24 53/17 53/24 53/25 56/8 56/18 61/8 62/16 64/7
affirmatively [2] 34/25 36/9
aforesaid [1] 1/20
afresh [1] 61/10
after [1] 51/20
afternoon [2] 6/6 12/14
afterthought [1] 66/5
again [18] 16/14 19/21 22/8 28/8 41/2 54/15 56/5 58/17 58/18 59/14 60/5 60/17 64/7 64/22 71/13 76/12 77/10 78/6
against [7] 13/1 13/2 33/16 40/4 40/6 48/19 59/17
agency [3] 18/17 34/25 35/5
ago [2] 34/24 44/20
agree [6] 25/12 33/23 34/1 36/11 71/25 73/4
agreed [3] 67/7 77/11 77/15
agreement [1] 77/25
ahead [2] 5/11 66/6
akin [1] 45/25
al [2] 1/6 1/10
Alabama [5] 38/15 39/25 49/16 49/24 50/3
all [35] 2/1 5/17 6/4 7/7 10/6 10/17 12/6 12/6 12/7 13/14 17/11 19/9 19/23 20/2 26/8 33/16 33/21 34/7 39/6 40/11 40/13 41/19 46/23 50/13 64/25 65/14 65/22 65/23 67/14 68/11 71/12 75/1 77/14 79/4 79/19
allegations [3] 29/25 30/1 64/13
allege [1] 54/9
alleged [1] 37/6
Allen [3] 38/15 38/18 49/16
allow [2] 12/8 62/10
allowed [2] 9/3 64/12
allowing [1] 13/25
allows [1] 51/9
alluded [3] 16/7 18/13 18/20
alluding [1] 20/8
alone [1] 6/24
along [1] 19/17
already [4] 35/14 35/15 56/15 78/20
also [14] 3/8 5/22 17/17 28/4 34/9 44/16 47/24 51/17 56/11 59/10 68/9 71/6 75/22 77/11
alternative [1] 41/4
always [3] 25/12 50/8 73/7
am [31] 5/9 5/14 6/7 12/11 15/19 20/8 23/11 36/11 37/10 39/15 39/17 45/23 48/5 50/1 50/2 52/17 54/22 55/14 58/6 63/3 67/10 67/12 68/6 72/9 75/5 75/7 75/11 75/13 77/5 78/16 78/21
amended [1] 71/3
amendment [11] 7/5 7/6 7/20 8/3 38/24

A

amendment... [6] 53/19 54/5 54/12 54/24 55/16 60/16
Amendment's [1] 54/13
Amendments [1] 7/17
amongst [1] 65/11
amount [1] 18/1
analysis [1] 32/3
ANDRE [1] 3/6
Andy [2] 5/18 12/14
andy.bardos [1] 3/7
announce [1] 5/11
another [5] 35/20 43/20 44/4 48/8 69/23
answer [10] 26/12 26/14 28/24 29/1 29/8 29/11 29/23 52/13 55/19 58/22
answered [2] 24/11 79/12
answers [3] 26/12 30/9 56/15
any [25] 9/11 9/16 14/6 15/20 15/21 20/25 21/3 21/13 23/15 25/14 29/16 31/18 31/21 32/21 33/18 34/15 45/1 51/9 53/18 57/18 61/1 61/15 72/24 74/14 79/5
Anybody [1] 73/8
anything [4] 31/18 32/6 39/1 39/7
anyway [1] 75/22
anywhere [1] 35/17
apologize [1] 50/2
apparent [2] 13/13 13/14
appeal [7] 11/21 11/25 12/1 16/21 16/22 25/15 57/7
appearances [4] 1/25 2/25 5/11 73/4
appearing [3] 2/1 5/10 6/8
appears [3] 32/14 32/16 64/22
appellate [1] 65/6
applaud [1] 65/12
apple [1] 76/18
applicable [1] 14/12
application [8] 18/23 20/12 38/4 39/13 40/11 40/16 56/6 58/19
applied [4] 9/19 9/25 15/5 38/11
applies [7] 8/7 10/6 13/6 32/13 32/16 32/24 38/8
apply [18] 7/23 8/22 15/24 16/3 16/5 18/25 19/2 23/9 23/14 25/20 32/10 32/15 35/11 38/9 38/12 40/14 40/22 62/13
applying [1] 25/25
Apportionment [1] 57/5
appreciate [5] 64/21 65/12 65/13 65/21 75/23
approach [1] 67/16
appropriate [6] 31/13 34/9 42/6 44/6 49/10 49/14
appropriately [1] 74/25
appropriateness [1] 45/9
are [125]
areas [1] 72/6
aren't [1] 50/12
argue [1] 53/1
argued [1] 31/1
arguing [3] 5/15 36/11 47/7
argument [9] 30/22 31/5 31/9 33/24 36/12 36/16 41/4 49/23 50/1
arguments [7] 29/2 34/1 39/2 42/3 42/7 42/8 63/23
around [5] 6/20 31/20 32/25 33/6 59/2
Article [2] 10/4 37/23
Article 3 [2] 10/4 37/23
as [66] 1/9 6/3 6/9 6/20 7/2 7/24 12/8 16/14 16/14 17/7 17/22 18/2 18/14 29/8 32/3 33/13 34/1 38/5 38/5 38/9 38/12 40/15 41/17 42/12 43/1 43/2 44/13 48/25 49/11 49/12 49/15 50/14 50/20 50/24 53/6 53/10 54/5 54/8 55/10 55/12 56/14 56/24 57/15 58/23 61/15 62/11 62/14 62/15 62/17 62/25 63/6 63/8 63/10 63/13 64/7 64/22 65/14 65/19 70/14 71/2 71/8 71/21 71/21 74/25 78/6 79/1
ask [7] 10/19 33/19 46/6 75/12 78/21 79/6 79/14
asked [2] 35/1 35/15
asking [5] 36/8 54/17 54/21 54/23 75/5
assert [10] 8/2 9/5 19/18 19/19 21/17 22/1 22/10 23/6 23/18 25/5
asserted [2] 7/19 25/9
asserting [3] 21/16 23/16 25/7
Asset [2] 25/2 25/2
assigned [1] 16/24
assistant [1] 77/22
assume [2] 26/8 47/10
assumed [2] 50/8 78/3
assumes [1] 68/11
assuming [1] 20/15
at [52] 1/19 5/1 7/7 13/7 13/9 13/21 19/5 19/17 19/23 21/10 23/3 25/8 29/5 29/16 30/11 30/21 31/21 32/21 33/9 34/7 38/18 45/1 46/23 49/20 49/21 49/24 51/9 54/8 57/9 58/4 58/6 59/4 59/13 61/11 61/22 64/8 65/3 65/19 66/12 66/16 67/25 68/7 71/7 71/15 74/23 75/6 76/18 76/21 76/24 79/1 79/14 79/20
at 4:30 p.m [1] 79/20
Atlantic [15] 10/8 10/20 11/18 13/7 13/19 15/4 15/8 15/25 16/6 16/11 18/8 21/9 42/15 53/11 61/24
attempted [1] 74/20
attends [1] 27/24
attorney [2] 11/24 64/16
august [9] 66/11 66/25 68/13 69/9 69/11 69/12 70/13 70/20 70/21
August 21st [1] 66/11
august 3rd [3] 69/12 70/13 70/20
August 4th [3] 69/9 69/11 70/21
authority [7] 28/5 34/21 40/13 42/11 52/1 59/8 60/21
authorized [1] 80/11
auto [1] 72/9
available [4] 67/1 67/2 68/14 69/8
avoid [2] 34/10 36/15
avoidance [1] 25/8
aware [1] 15/19

B

back [7] 8/8 15/2 43/6 62/1 67/3 76/22 79/10
background [1] 72/2
bad [1] 74/2
balance [3] 12/25 48/2 60/10
ballot [1] 47/16
balls [1] 50/13
Bank [2] 24/7 44/23
bar [2] 15/6 43/1
BARAN [1] 2/14
BARDOS [8] 3/6 5/18 12/12 12/14 40/15 41/24 42/12 45/11
Bardos' [1] 33/24
Barr [2] 18/13 59/23
barred [1] 16/9
bars [2] 6/12 60/14
based [4] 22/19 26/18 39/16 46/10
basically [1] 66/8
basis [2] 35/8 53/7
Bay [1] 33/14
be [88]
bearing [2] 30/16 50/23
BEATO [2] 2/17 6/2
because [46] 6/23 9/4 10/16 14/4 14/10 15/13 18/2 18/23 21/3 23/2 25/14 25/21 33/7 33/8 35/13 36/10 36/12 37/11 42/7 43/11 44/8 50/25 51/23 52/21 53/8 56/5 57/15 58/8 60/2 62/18 65/6 65/15 67/19 68/15 70/10 71/14 72/20 74/9 75/20 76/2 76/12 76/19 77/23 78/19 78/25 79/6
becomes [2] 43/13 47/17
been [21] 6/15 9/18 9/19 9/24 13/19 15/3 21/19 27/24 35/14 38/20 44/14 44/14 53/19 56/8 56/15 60/3 61/11 61/14 66/6 66/8 66/11
before [13] 1/18 5/9 23/18 52/17 53/2 53/21 56/3 58/2 61/3 64/9 64/24 67/20 71/17
began [1] 5/1
begin [3] 5/9 50/19 66/11
beginning [1] 53/10
behalf [9] 2/3 2/13 2/19 3/2 5/21 5/25 6/2 6/8 33/23
being [12] 14/3 16/8 35/9 35/19 39/2 41/15 42/4 51/13 54/10 73/20 77/24 78/18
believe [6] 26/14 37/12 44/3 63/14 63/19 65/12
bench [1] 73/8
beneath [2] 32/14 32/16
better [1] 71/14
between [5] 28/14 31/6 33/11 46/9 59/5
beyond [3] 26/17 31/19 71/22
bicameralism [1] 40/10
big [4] 57/1 74/3 76/25 77/4
bigger [1] 74/16
binders [2] 75/1 75/9
binding [1] 57/13
bit [3] 65/7 72/21 72/22
bite [1] 76/18
BLACK [4] 1/5 5/3 47/12 61/4
BLACKWELL [1] 2/9
blind [2] 39/12 40/16
Board [2] 11/23 48/12
body [2] 26/20 27/6
BOGART [2] 3/10 6/3
both [16] 19/4 24/3 31/12 44/9 48/5 56/16 61/23 62/11 63/6 63/13 63/16 72/22 75/23 77/7 77/8 78/8
bound [1] 57/4
BOWEN [3] 2/21 5/21 5/22
branch [14] 7/12 10/2 10/3 10/11 43/11 43/20 43/21 44/1 44/4 59/6 59/7 65/18 65/18 65/20
branches [2] 10/7 46/9
brief [1] 33/25
briefing [1] 66/23
briefly [1] 50/19

B

briefs [1] 63/14
bring [4] 22/12 30/6 48/20 51/16
bringing [3] 21/17 53/13 64/25
broadcasting [1] 74/10
broke [1] 45/18
broken [1] 45/21
Bronough [1] 3/5
brought [4] 36/21 49/16 51/8 52/22
Brown [2] 48/12 48/22
building [4] 1/6 5/4 61/5 76/24
burden [1] 64/9
business [4] 18/11 18/15 19/3 73/11
but [88]
BYRD [4] 1/9 5/5 6/1 6/2

C

CA [3] 1/4 5/3 61/4
call [4] 34/18 62/18 73/11 77/21
called [2] 25/10 25/11
came [2] 1/19 79/9
can [28] 5/12 14/17 17/7 22/6 22/24 23/18 25/14 28/25 29/2 29/16 29/24 45/1 46/24 47/9 50/23 51/16 51/17 54/22 55/24 63/19 67/14 71/4 72/13 75/10 76/10 76/13 78/5 79/16
can't [8] 20/19 22/22 33/6 55/6 55/13 55/17 72/12 72/12
candidates [1] 13/4
cannot [11] 6/19 9/13 18/15 18/24 32/25 39/12 40/15 40/15 44/25 57/14 58/15
capacity [5] 1/5 1/9 5/4 9/21 61/5
captured [1] 49/18
CARLOS [2] 3/9 5/23
carry [2] 27/1 59/20
carrying [1] 62/21
case [84]
cases [29] 13/14 13/18 13/21 14/13 15/20 16/14 17/14 20/3 24/2 27/25 28/6 34/16 34/18 35/7 35/9 35/13 37/3 37/5 43/8 44/15 47/25 49/5 49/11 49/16 50/15 51/12 61/23 64/14 72/14
categories [1] 34/17
cause [1] 1/19
CCR [3] 1/23 80/11 80/22
CCR-GA [1] 80/22
CD [2] 60/14 60/15
CD-5 [2] 60/14 60/15
century [1] 6/16
ceremonial [1] 76/23
certainly [6] 11/2 12/5 24/2 34/1 54/9 57/13
CERTIFICATE [1] 80/1
certify [2] 16/19 80/11
challenge [18] 14/5 14/18 14/18 14/25 16/8 19/8 19/18 21/12 22/6 28/7 29/9 29/11 34/19 43/10 53/14 54/13 58/14 58/15
challenged [8] 8/14 13/22 14/3 14/8 16/8 19/6 19/10 35/9
challenges [9] 8/13 13/25 15/2 19/5 28/20 28/21 28/23 32/23 42/9
challenging [14] 6/13 7/5 8/20 13/16 14/11 15/6 35/25 47/1 56/9 56/11 58/11 61/17 61/17 63/1
Chapter [1] 37/11
Chapter 2022-265 [1] 37/11
charged [1] 18/17
Chief [1] 39/25
choice [1] 13/4
choose [2] 11/15 65/17
choosing [1] 18/25
Chris [2] 29/19 32/3
Chris-Craft [2] 29/19 32/3
circuit [5] 1/1 1/1 1/18 35/21 56/17
circumstance [1] 60/9
circumstances [1] 10/15
cite [2] 30/19 30/20
cited [8] 15/20 26/5 34/16 37/3 38/12 45/7 51/13 61/23
citing [1] 60/13
citizen [6] 27/4 43/15 46/10 47/5 47/11 47/14
citizen-based [1] 46/10
citizens [3] 46/11 47/13 47/13
civil [2] 76/16 76/17
claim [15] 21/17 21/17 22/12 23/22 29/9 30/6 31/8 31/15 31/22 36/21 37/22 40/18 51/16 51/18 54/14
claiming [1] 20/17
claims [3] 31/3 41/15 64/10
clash [1] 12/23
clause [13] 38/11 38/12 38/22 39/7 39/14 40/4 47/25 48/8 49/3 49/25 50/5 56/10 56/12
clear [12] 9/25 10/5 11/10 16/22 41/3 57/2 57/3 57/12 58/17 60/7 61/9 79/3
clearer [1] 60/2
clearly [3] 14/20 30/13 30/14
clerk [4] 70/24 70/25 75/16 75/18
clerks [1] 75/24
closely [1] 61/21
closer [1] 62/18
CM [3] 1/23 80/10 80/22
Coast [13] 10/8 11/18 13/7 13/19 15/4 15/8 15/25 16/6 16/12 18/8 21/9 53/11 61/24
colleagues [1] 41/24
Collins [1] 25/2
Colony [1] 33/14
comcast.net [1] 80/23
come [11] 12/8 18/15 19/17 23/7 27/6 27/13 37/15 52/17 64/24 74/9 74/15
comes [2] 55/7 59/22
coming [2] 66/12 66/14
command [1] 16/17
commands [1] 17/20
comment [1] 50/11
comments [1] 41/24
committee [1] 45/17
common [3] 14/23 27/13 27/17
Company [1] 61/25
compel [3] 77/19 77/21 77/23
compelling [1] 50/10
complaint [5] 28/22 29/22 29/22 29/25 31/8
complete [2] 31/3 80/13
completely [1] 48/1
compliance [5] 11/16 12/3 50/9 54/4 54/7
complicated [1] 47/10
complied [1] 15/17
comply [12] 6/22 7/4 17/23 19/14 20/23 26/22 40/23 53/4 53/8 54/11 55/10 55/12
complying [1] 21/8
component [1] 24/19
computers [1] 76/3
conceding [1] 41/6
Concept [1] 43/6
concern [4] 25/22 67/5 67/12 73/7
concerned [1] 25/13
concerns [4] 34/10 43/16 44/12 59/2
concluded [1] 79/20
concurs [1] 63/8
conducted [1] 19/3
conference [5] 1/14 66/22 68/1 69/3 70/19
confident [1] 61/14
confirmed [1] 68/15
confirming [1] 77/1
conformance [1] 38/21
confronted [1] 12/22
congressional [6] 7/14 10/23 11/7 37/12 53/3 53/6
consent [1] 27/12
consequences [2] 8/17 9/12
consider [7] 8/1 39/6 40/13 49/11 49/13 51/1 60/21
considered [2] 24/9 33/15
considering [2] 38/6 39/4
considers [1] 62/15
consistent [3] 15/23 27/20 44/3
constitution [61] 10/5 10/18 11/10 11/11 11/17 12/3 15/15 15/23 22/2 22/4 23/3 26/3 26/4 26/9 26/23 27/10 27/10 27/11 27/14 27/19 27/20 36/1 36/2 37/24 38/5 38/7 39/9 40/7 40/17 40/20 40/24 43/4 43/14 43/24 44/1 44/7 46/16 46/17 47/6 47/19 47/23 48/21 53/4 55/4 55/17 56/11 56/13 57/18 58/5 60/12 60/25 60/25 61/17 61/19 61/20 63/2 63/2 63/16 63/17 63/21 70/11
Constitution's [2] 12/25 13/2
constitutional [29] 12/24 13/25 14/16 14/19 15/7 15/18 15/21 16/2 16/5 17/5 19/5 20/17 27/3 27/8 30/16 38/21 41/8 48/6 48/24 49/1 52/4 53/13 59/3 59/14 59/15 60/3 60/6 60/18 62/6
constitutionality [25] 6/13 6/21 6/25 7/6 8/13 8/20 13/17 15/1 15/13 20/16 21/23 27/23 28/7 31/2 31/5 38/1 39/21 53/18 54/14 54/18 55/23 59/8 60/22 60/23 61/18
constitutions [2] 6/19 42/10
contact [2] 76/7 77/22
contend [2] 32/20 38/3
content [1] 71/21
contested [1] 18/16
context [2] 42/18 42/22
continue [2] 16/3 53/5
Continued [1] 3/1
continues [1] 8/16
contractor [1] 79/2
contractors [1] 79/3
contrary [1] 42/10
controversy [1] 52/5
convey [1] 75/2
convincing [1] 44/19
Cooper [1] 34/23
coordinate [1] 79/17
copies [1] 76/4
copy [9] 75/8 75/10 75/15 75/15 75/16 75/18 75/19 75/22 76/1

C

CORD [2] 1/9 5/5
correct [7] 25/15 41/5 41/10 41/11 42/23 54/22 57/10
could [19] 9/3 9/5 9/8 9/10 23/10 31/19 32/20 33/25 35/17 38/10 40/22 54/9 54/13 58/2 68/2 69/10 71/20 73/19 75/19
Couldn't [1] 54/20
counsel [5] 3/9 5/23 9/18 64/22 64/25
counterclaim [1] 36/7
counts [1] 64/14
COUNTY [7] 1/2 1/17 5/3 34/20 52/1 52/3 80/7
couple [3] 26/11 30/9 36/4
course [10] 10/14 11/14 17/23 37/17 37/25 39/11 39/21 40/8 59/24 66/24
court [113]
court's [3] 24/6 42/19 60/23
courthouse [3] 1/17 73/13 75/7
courtroom [8] 34/23 74/2 74/7 74/13 76/13 76/23 76/24 77/4
courtrooms [2] 74/4 74/17
courts [7] 6/16 13/24 17/21 20/2 24/8 63/25 65/6
Craft [2] 29/19 32/3
Crawford [2] 57/24 57/24
CRC [3] 1/23 80/10 80/22
create [1] 52/5
creature [1] 62/4
criminal [1] 72/14
critical [2] 8/10 9/14
crossclaim [1] 36/7
Crossings [5] 14/22 18/19 51/2 59/22 59/24
CRR [3] 1/23 80/10 80/22
curious [1] 75/7
current [2] 67/21 77/18
currently [4] 53/21 55/10 55/12 66/20
cycle [2] 9/9 67/20

D

Dade [3] 28/4 34/20 51/25
damages [1] 31/4
Dan [1] 5/20
DANIEL [1] 2/23
date [4] 1/15 67/8 69/2 71/2
DATED [1] 80/15
dates [2] 71/1 71/4
day [11] 31/17 31/19 32/1 32/5 32/13 32/24 33/8 67/10 68/12 68/13 75/25
days [9] 29/14 31/20 32/16 33/4 46/1 67/24 68/7 68/7 68/8
days' [1] 71/16
DC [1] 2/5
DCA [7] 16/15 24/24 28/9 34/21 51/21 57/3 57/4
DCA's [1] 72/4
de [2] 3/10 6/3
deadline [8] 31/17 31/19 32/1 32/6 32/13 32/24 33/8 68/4
deadlines [1] 66/12
deal [3] 20/1 20/4 48/2
dealing [3] 60/17 62/3 73/1
dealt [3] 42/13 42/16 42/16
decide [2] 9/4 12/1
decided [4] 15/4 50/8 50/15 51/21
decides [1] 54/3
deciding [4] 19/23 23/21 39/18 48/19
decision [14] 9/7 16/15 22/7 24/7 24/14 34/21 39/24 41/18 50/24 52/15 53/18 56/21 57/4 60/23
declaration [3] 31/1 35/5 36/9
declaratory [1] 48/15
declare [1] 35/1
defend [3] 22/22 22/24 53/5
defendant [11] 2/13 2/19 3/2 22/9 22/17 22/18 23/16 23/17 29/7 72/15 74/20
defendant's [1] 31/9
defendants [16] 1/11 7/10 7/19 12/9 19/10 19/19 35/15 36/8 52/25 53/5 54/6 60/13 64/12 64/16 64/19 69/18
defendants' [4] 6/10 7/4 8/2 60/18
defending [3] 22/18 23/1 39/21
defense [28] 7/3 7/7 19/12 21/16 21/22 22/10 22/19 23/16 23/19 24/17 24/25 29/9 32/23 36/6 41/3 41/12 43/3 49/1 49/6 49/8 49/13 50/22 52/24 53/17 53/24 53/25 62/16 64/7
defenses [13] 1/13 5/8 6/11 8/2 29/1 41/13 41/17 51/1 51/5 56/8 56/18 61/8 64/13
defensive [1] 53/12
defer [1] 45/12
deliberately [1] 24/9
demonstrate [4] 19/13 21/19 22/9 23/17
demonstrates [1] 33/14
deny [1] 33/20
Department [2] 14/8 51/25
deposition [1] 71/11
depositions [2] 70/5 77/12
described [2] 41/15 48/24
designations [1] 71/11
designed [1] 12/20
determine [5] 6/24 11/21 13/5 59/8 60/22
determined [3] 16/4 57/16 58/24
Deutsch [2] 24/7 44/23
dicta [2] 14/15 14/20
dictum [1] 42/11
did [11] 11/25 25/5 28/6 35/7 35/11 38/6 39/9 51/21 56/14 66/4 80/11
didn't [10] 11/4 20/20 29/12 29/13 33/2 33/3 35/16 39/16 66/2 70/25
die [1] 76/3
difference [5] 28/14 33/11 46/7 46/8 46/10
different [12] 11/1 12/20 17/19 19/22 27/22 29/17 29/20 37/2 39/24 40/11 62/4 79/5
differently [1] 46/24
difficult [1] 50/12
digital [1] 75/21
diminishment [2] 13/3 17/7
direct [1] 30/16
directive [1] 14/8
directly [2] 8/8 61/15
disagree [2] 57/9 72/1
disagreeing [1] 56/20
disagreement [5] 14/16 18/2 52/4 59/5 78/8
disagrees [1] 6/23
disbursement [1] 7/21
disclose [1] 58/10
discretion [6] 11/14 11/20 12/5 17/6 17/18 18/1
discretionary [3] 11/9 11/17 12/4
discuss [1] 44/16
discussed [5] 44/14 44/18 45/11 52/16 78/22
discusses [1] 62/1
discussing [1] 45/9
discussion [2] 44/22 57/1
disfavor [1] 55/2
dismiss [3] 28/19 28/21 28/25
dispute [5] 7/9 11/5 31/10 31/12 39/12
disregard [1] 63/20
distinct [1] 32/3
distinction [2] 31/14 45/12
distinguish [2] 28/5 35/7
distinguished [1] 14/12
district [7] 19/14 19/15 19/20 19/21 35/3 52/2 55/1
districts [24] 7/5 7/14 7/16 7/17 8/3 10/23 11/7 11/9 11/15 11/16 12/3 19/22 38/23 53/4 53/6 53/19 54/3 54/4 54/6 54/7 54/12 54/13 54/24 55/16
divide [1] 66/17
dnordby [1] 2/23
do [33] 17/7 20/20 26/24 29/12 30/1 31/9 31/11 33/10 39/16 46/23 55/17 56/3 57/8 64/17 65/16 69/10 69/11 69/24 70/18 70/20 71/3 71/15 72/5 72/12 72/12 73/10 73/16 75/2 75/10 75/20 77/9 78/23 79/16
docket [2] 68/20 71/2
doctrine [60] 6/12 6/15 7/9 7/23 7/25 8/7 9/14 10/4 10/9 12/19 13/6 13/9 13/10 13/15 15/5 15/10 18/9 18/20 18/21 20/10 21/2 21/5 23/8 23/12 23/14 25/6 25/20 28/9 28/12 34/14 35/4 35/11 36/14 36/22 37/4 37/15 42/9 42/15 42/17 42/20 43/1 43/6 44/11 44/12 51/6 51/15 51/24 55/21 56/6 57/11 57/13 58/18 58/19 59/16 60/8 60/21 61/16 62/13 62/24 63/4
doctrines [1] 40/11
document [1] 16/19
documentation [1] 71/8
does [27] 7/20 14/5 15/24 16/4 17/8 19/14 21/12 23/9 25/20 30/4 32/11 34/14 37/22 47/17 47/21 48/10 52/5 52/15 52/19 53/12 54/11 59/15 62/13 62/19 69/17 69/19 69/21
doesn't [17] 10/16 11/2 19/2 19/25 21/2 21/21 23/6 23/14 23/17 23/20 27/5 27/6 31/18 32/10 32/15 36/20 36/22
doing [5] 22/19 66/16 72/9 73/19 79/3
don't [43] 20/1 20/25 21/6 21/13 21/15 21/20 22/8 22/16 26/14 30/5 31/24 38/25 46/19 46/20 48/13 50/13 53/7 53/24 54/21 55/8 55/10 55/12 58/7 58/11 60/21 61/14 63/19 69/6 69/12 69/14 70/1 70/1 70/18 71/14 72/8 73/4 73/12 74/7 74/8 75/12 75/24 77/10 77/25
done [8] 29/16 37/18 43/21 56/23 67/14 67/19 72/3 78/7
doubts [1] 33/16
down [7] 19/20 54/23 57/9 76/4 76/13 76/23 76/24
draft [1] 64/19
drastic [1] 33/15
draw [4] 10/22 11/15 12/2 54/6

D

drawing [4] 11/6 11/8 11/16 18/5
drawn [2] 55/1 60/14
due [4] 17/17 29/5 66/15 67/23
during [2] 9/10 12/23
duties [15] 6/13 6/22 6/22 7/18 10/17 10/20 16/13 16/24 17/11 17/12 17/22 19/1 25/23 26/21 58/14
duty [29] 7/13 7/15 9/11 10/21 10/24 11/3 11/12 12/2 14/17 16/8 16/9 16/17 16/22 17/2 17/9 17/13 17/15 17/24 18/6 37/6 37/7 47/18 47/21 48/2 52/5 53/25 57/19 59/15 60/7

E

e-mails [1] 78/17
each [3] 5/10 63/10 63/14
earlier [3] 71/14 76/13 76/14
easiest [1] 58/22
easy [3] 39/23 40/2 58/21
echo [1] 41/23
Education [1] 48/12
effect [1] 59/21
effectuated [1] 59/25
either [4] 19/2 25/25 46/21 62/9
elaborate [1] 42/20
elect [2] 6/22 13/4
elected [3] 26/20 27/15 48/4
election [1] 9/9
elections [3] 37/18 38/12 56/12
electors [2] 22/2 22/3
electronic [2] 75/11 76/7
elements [1] 7/8
ELIAS [1] 2/4
elias.law [1] 2/7
else [3] 10/24 19/17 73/20
employed [1] 78/23
employee [1] 79/1
enact [6] 10/22 11/3 11/4 40/8 62/7 62/20
enacting [1] 17/19
enactment [6] 17/3 17/4 25/23 39/5 43/10 60/1
enacts [1] 44/2
encroaching [1] 59/11
end [3] 14/6 40/22 76/24
ended [1] 35/19
endless [2] 18/2 18/3
ends [1] 20/4
enforce [2] 37/10 48/5
enforcement [1] 59/17
enforcing [1] 37/19
enough [1] 72/3
ensure [2] 18/10 27/7
ensuring [1] 18/22
entered [1] 71/5
entirely [3] 29/17 29/20 62/3
entirety [1] 54/23
entitled [1] 15/12
entry [1] 64/20
envision [1] 73/23
envisioned [1] 71/22
envisions [1] 71/10
equal [15] 13/1 17/17 19/9 19/18 31/7 38/11 38/22 39/14 40/4 47/24 49/3 49/25 50/5 54/10 56/10
Equalizers [1] 11/23
equally [1] 60/8
equities [1] 50/24
equivalent [1] 28/19
Escambia [1] 52/2
especially [1] 62/14
ESQUIRE [8] 2/11 2/16 2/17 2/23 2/24 3/6 3/9 3/10
essence [3] 21/10 21/22 36/24
essentially [3] 8/24 29/21 70/4
established [2] 10/9 27/6
et [2] 1/6 1/10
even [13] 9/6 12/4 17/3 23/14 41/9 53/11 53/16 55/22 55/25 60/2 60/9 71/17 79/1
event [2] 41/8 56/17
ever [4] 9/18 13/20 63/20 64/9
every [2] 11/13 64/23
everybody [1] 66/3
everyone [1] 8/16
exactly [2] 27/11 79/7
exaggeration [1] 17/1
examination [1] 40/20
example [4] 11/3 13/23 17/15 37/9
excellent [2] 64/21 64/24
exception [1] 23/11
exceptions [2] 7/22 23/10
excuse [1] 6/20
executive [5] 35/16 35/22 43/9 59/6 65/18
executives [1] 27/16
exhibits [7] 71/11 73/22 75/1 75/9 75/17 75/19 76/7
exist [3] 21/2 35/17 36/22
existing [1] 40/3
exists [1] 27/22
expect [1] 59/19
explained [1] 42/12
explains [2] 15/9 51/4
explanation [1] 42/20
expressed [3] 14/24 27/24 34/11
expresses [1] 26/15
expressing [1] 28/9
Expressway [3] 28/5 34/20 52/1
extend [3] 36/24 62/24 63/3
extent [3] 8/6 27/25 64/11

F

face [1] 8/17
fact [13] 9/9 16/21 19/2 20/8 26/10 30/21 30/25 33/2 49/2 59/2 59/6 59/13 75/13
fail [1] 40/23
failure [2] 7/4 8/19
Fair [10] 7/5 7/17 8/3 38/23 53/19 54/4 54/12 54/13 54/24 55/16
faith [1] 26/25
fall [2] 34/14 34/16
falls [2] 10/13 60/8
far [1] 71/21
fashion [1] 65/5
favor [3] 55/2 58/1 58/9
favored [1] 33/14
federal [28] 6/19 11/10 15/23 23/3 27/20 38/4 38/9 38/11 38/20 40/12 40/16 40/17 40/24 44/7 45/3 47/5 47/24 48/6 49/3 56/10 56/12 60/13 60/19 60/24 63/20 69/23 70/1 70/5
federalism [1] 44/8
feel [1] 61/14
felony [1] 76/18
few [3] 33/25 50/14 66/16
fighting [1] 43/20
figure [1] 58/22
file [3] 29/13 31/20 33/3
filed [6] 29/15 46/1 66/18 66/19 67/22 72/16
filing [1] 45/10
filings [3] 39/16 45/24 78/8
find [6] 23/9 35/17 40/25 55/7 55/13 55/15
finder [1] 75/13
finds [5] 41/9 41/14 62/12 63/9 64/3
fine [3] 69/12 69/16 78/13
firm [1] 12/15
first [18] 10/9 12/12 13/12 16/15 23/15 24/24 28/9 34/21 35/2 35/13 40/9 42/24 51/11 51/21 56/22 57/6 66/13 76/19
fit [3] 8/23 12/18 74/22
five [1] 6/10
FL [3] 2/10 2/15 2/22
Flemings [1] 42/21
flip [2] 8/18 75/11
FLORIDA [60] 1/2 1/9 2/19 3/2 3/5 3/10 5/19 5/21 5/23 6/14 6/16 10/1 10/5 12/15 14/21 18/19 20/16 20/23 22/1 24/6 24/8 24/11 24/13 24/21 26/3 26/4 26/9 27/11 33/23 37/11 37/24 38/7 38/23 40/6 40/20 41/7 42/19 43/4 43/24 44/1 44/19 45/8 48/23 48/25 55/4 56/16 58/15 60/11 61/6 61/17 61/19 61/25 61/25 62/5 62/8 63/1 65/13 70/11 74/14 80/6
flux [1] 50/12
folks [1] 48/4
follow [10] 7/2 7/14 8/16 8/19 9/4 16/23 43/22 57/15 58/23 58/23
followed [1] 53/20
following [4] 1/20 5/1 8/17 68/13
follows [1] 60/15
Foltz [1] 77/19
Foltz's [1] 78/17
footnote [1] 42/1
foregoing [1] 80/12
forgive [1] 75/5
forgot [1] 38/14
form [1] 27/13
forms [1] 75/23
forth [1] 10/4
forward [6] 5/12 19/13 63/22 64/10 65/10 76/5
found [4] 25/24 38/20 55/20 70/6
four [4] 7/19 46/15 74/20 74/21
four-defendant [1] 74/20
fourth [1] 18/7
frankly [2] 58/21 79/6
FREDERICK [1] 2/11
frequently [1] 17/14
Friday [1] 69/8
friend [3] 45/7 45/11 69/22
friends [2] 44/18 58/20
Fritz [1] 5/13
front [2] 34/22 73/9
full [2] 69/13 70/23
fully [1] 71/3
function [2] 35/22 35/23
fundamental [1] 7/8
funds [1] 7/21

F
further [3] 33/18 46/4 61/1
fwermuth [1] 2/11

G
GA [1] 80/22
General [4] 3/9 5/23 11/24 50/3
generally [2] 75/20 78/7
get [23] 38/14 38/16 50/15 52/25 53/23 54/2 58/2 61/10 64/9 65/4 65/6 67/6 67/12 67/14 70/12 71/1 71/4 72/4 72/16 73/7 76/16 76/18 79/15
gets [6] 46/21 47/14 47/15 52/23 76/16 76/17
getting [3] 48/16 73/18 75/21
give [4] 52/6 67/9 68/6 71/20
given [1] 61/15
go [10] 5/10 12/12 19/25 31/19 47/13 65/15 66/6 66/23 71/16 76/19
goes [4] 24/3 46/16 76/3 76/4
going [25] 12/12 36/19 37/10 45/23 46/19 47/12 62/23 63/3 63/5 64/10 66/13 67/12 68/24 69/25 72/6 72/17 73/17 73/23 74/4 74/12 74/16 75/8 75/21 77/3 78/21
gone [1] 57/2
good [5] 6/6 9/22 12/14 26/25 47/7
goodbye [1] 70/7
got [14] 6/1 35/25 44/8 44/8 47/22 57/22 58/7 65/7 72/2 72/10 72/20 72/22 73/2 77/11
governing [1] 70/4
government [14] 6/17 10/11 27/12 27/14 35/25 43/20 43/21 44/2 44/5 48/16 48/17 48/17 48/18 59/20
governor [11] 11/24 35/23 37/20 38/3 46/13 46/20 47/3 48/23 48/25 62/8 62/9
governor's [1] 49/6
granted [1] 50/25
gray [2] 3/4 3/7
gray-robinson.com [1] 3/7
GrayRobinson [1] 12/15
grievance [1] 22/15
Gronemeyer [4] 13/23 14/2 28/6 35/8
ground [1] 28/6
grounds [3] 27/22 37/6 41/17
GROUP [2] 2/4 25/2
guaranty [1] 13/1
guess [10] 71/19 73/25 74/2 75/4 76/6 76/25 77/14 78/21 79/5 79/9
guidance [1] 71/20
guys [9] 65/10 66/2 66/6 67/19 73/3 73/14 74/18 76/18 77/10

H
had [11] 7/15 12/24 31/7 40/13 48/11 56/25 57/24 58/2 74/21 76/23 76/25
half [3] 34/24 44/20 67/10
hallway [1] 73/3
hand [2] 61/22 67/9
happen [2] 48/11 79/10
happened [1] 35/20
happens [2] 60/7 67/7
happiness [1] 76/20
hard [6] 65/10 65/22 75/8 75/10 75/19 76/1
harm [16] 20/18 20/19 20/23 21/1 21/3 21/7 21/14 21/16 22/5 22/9 22/10 22/20 22/21 23/6 23/18 36/14
harmed [2] 23/11 54/11
harms [1] 22/23
has [43] 6/15 6/24 8/21 8/23 9/9 9/16 9/18 9/19 21/11 21/19 22/13 22/17 23/20 23/21 24/16 25/12 25/21 25/22 28/2 30/16 31/9 31/11 33/9 33/18 36/13 36/16 38/20 39/6 43/21 46/4 49/23 50/8 52/14 56/15 57/2 60/15 61/1 61/21 63/11 64/9 64/16 66/21 78/20
hasn't [1] 27/24
have [113]
haven't [1] 25/24
having [4] 71/10 71/11 75/16 79/11
he [9] 6/19 6/23 8/22 40/1 58/1 58/2 58/4 78/23 78/25
hear [9] 11/21 11/25 16/21 68/2 68/24 69/6 78/10 79/8 79/18
heard [6] 1/19 19/5 51/12 55/8 67/2 77/24
hearing [10] 16/22 21/12 63/22 69/1 69/13 77/22 78/1 78/9 78/11 79/14
hearings [1] 71/16
hearsay [1] 72/15
heart [1] 65/16
held [3] 14/9 24/16 60/15
help [1] 63/25
helpful [1] 13/7
here [53] 5/2 5/6 5/14 7/7 11/5 12/2 12/17 12/21 12/22 13/6 19/2 19/19 19/24 20/12 20/24 25/20 27/5 29/12 34/16 36/5 36/25 37/9 37/21 39/3 39/7 39/10 39/12 40/7 40/18 41/16 42/24 44/9 50/21 53/16 57/9 57/22 58/25 59/4 59/13 60/1 60/6 60/12 60/17 61/3 61/7 62/3 65/20 66/16 73/12 73/20 74/19 74/23 79/8
here's [2] 37/1 67/5
higher [1] 63/25
highlight [1] 49/10
him [1] 14/12
himself [1] 8/21
his [5] 1/9 6/21 34/1 45/12 58/1
Hodges [4] 30/20 31/1 45/8 45/13
hold [4] 19/25 39/8 51/21 78/1
holds [1] 7/25
hole [1] 12/19
HOLTZMAN [1] 2/14
holtzmanvogel.com [2] 2/17 2/18
Honor [42] 5/18 6/1 6/7 9/23 12/13 12/14 16/7 20/7 21/15 25/4 25/16 25/19 26/13 28/3 28/13 29/18 31/14 33/10 33/18 41/22 42/23 43/5 44/16 45/7 45/23 46/3 47/2 47/10 48/22 49/5 49/9 49/15 50/7 50/17 50/18 55/19 66/7 67/22 69/20 70/3 78/14 79/13
hoping [1] 66/24
host [1] 38/19
hour [1] 72/18
hours [2] 67/11 72/18
HOUSE [9] 3/2 5/19 7/13 10/1 12/16 56/19 62/11 63/7 69/19
how [11] 11/15 12/1 20/15 29/6 31/24 44/24 45/18 48/1 48/2 65/16 76/15
however [2] 8/22 63/5
hundred [1] 57/25
hypothetical [2] 47/9 53/20

I
I'd [1] 9/16
I've [3] 6/1 72/2 73/15
idea [1] 73/25
if [72] 9/2 16/9 19/4 19/12 23/7 23/8 24/18 25/1 27/21 29/21 29/22 29/25 30/2 30/2 30/5 30/21 31/15 32/3 32/19 32/22 33/25 36/21 37/9 40/19 41/14 43/13 43/25 46/11 47/3 47/20 49/12 50/2 52/19 52/23 53/19 53/23 54/2 54/22 55/7 55/9 55/12 55/22 55/25 57/6 57/8 57/22 58/7 58/11 58/13 66/18 66/25 67/2 67/3 67/10 67/16 68/15 68/20 69/10 71/3 71/20 72/11 72/17 73/3 75/5 76/13 77/8 77/12 77/21 77/25 78/10 78/15 79/10
ignore [2] 9/11 31/19
illuminate [1] 64/1
illustration [1] 8/12
imagine [3] 68/1 69/2 74/4
immaterial [4] 30/4 30/7 30/10 34/4
impertinent [5] 30/4 30/7 30/10 30/19 34/4
implement [5] 7/15 18/4 47/18 48/23 54/7
implementing [1] 47/20
implicated [2] 43/17 44/13
implication [2] 11/7 37/14
import [1] 63/20
important [10] 8/7 17/10 18/22 28/4 28/16 62/15 65/14 65/21 73/11 74/6
Importantly [1] 7/7
impression [2] 35/13 42/24
improper [1] 29/24
in [210]
inappropriate [3] 42/2 43/9 47/8
INC [1] 1/6
include [1] 70/25
included [2] 11/24 63/15
including [1] 25/15
incompatible [1] 50/6
inconsistent [2] 48/7 49/2
indication [1] 52/6
indisputably [1] 7/10
individual [6] 48/11 48/14 54/9 54/25 74/14 76/21
influence [1] 50/24
information [2] 72/22 75/3
inherently [1] 11/20
initial [1] 36/21
initially [1] 64/8
initiative [6] 27/4 43/15 46/11 47/5 47/11 47/14
injured [1] 21/20
injury [4] 7/20 53/14 53/16 72/9
instance [3] 43/19 43/23 44/13
instead [3] 19/22 29/15 73/20
INSTITUTE [3] 1/6 5/4 61/5
insufficiency [1] 32/18
insufficient [2] 31/22 33/8
intended [2] 31/25 32/1
intent [1] 55/1
interest [1] 50/10
interested [2] 74/5 75/8
interesting [1] 23/24
interpret [1] 18/4
interpretation [1] 60/19
interrupt [1] 35/12

I

into [15] 12/19 27/15 34/14 34/16 37/15 44/5 45/19 51/6 59/21 60/8 62/9 62/10 67/6 75/21 79/11
invalid [1] 16/4
invalidation [1] 22/20
involve [2] 11/20 37/22
involved [2] 11/19 18/1
involves [1] 78/19
irrelevant [4] 31/16 31/23 33/7 50/23
is [295]
isn't [11] 21/8 27/9 27/17 38/19 41/4 46/7 48/20 49/7 52/11 52/19 64/3
isolation [1] 40/21
issue [38] 21/12 23/25 24/4 24/9 24/17 24/23 25/18 28/17 30/11 30/14 31/5 32/22 35/19 42/13 43/12 44/22 45/3 50/22 51/10 51/19 52/9 52/10 54/16 55/8 56/4 56/15 56/19 57/14 59/4 59/13 59/13 61/13 63/12 64/3 65/24 66/4 71/7 77/6
issued [1] 11/22
issues [14] 19/23 49/11 49/19 50/12 53/2 61/11 64/23 65/14 65/21 66/9 66/10 77/15 77/24 78/20
issuing [1] 52/20
it [169]
it's [67] 5/5 6/17 8/7 8/10 9/24 9/25 11/10 13/6 13/19 16/11 17/1 17/10 18/5 20/18 23/2 24/23 25/10 25/11 27/12 27/17 28/4 30/6 30/12 31/16 31/23 32/19 32/22 33/7 33/7 33/15 33/15 36/6 36/7 36/17 38/7 41/12 42/6 43/8 43/14 46/10 46/17 47/20 49/10 51/17 52/21 52/23 52/24 53/2 53/8 53/12 53/21 57/3 57/15 58/24 59/6 60/24 62/17 65/2 65/3 65/5 67/11 68/20 70/4 72/14 72/17 73/11 78/18
its [8] 11/4 20/12 27/7 41/17 44/12 51/8 62/6 64/10
itself [11] 6/15 7/6 8/11 11/6 11/19 37/24 39/12 40/16 40/23 44/6 55/21

J

JASRASARIA [3] 2/6 5/15 6/7
JAZIL [6] 2/16 5/25 34/22 41/21 50/16 79/6
jjasrasaria [1] 2/7
job [5] 65/2 65/3 65/5 73/15 78/24
jobs [1] 79/3
Joe [1] 6/2
join [3] 41/25 42/3 42/7
JOSEFIAK [1] 2/14
JOSEPH [1] 3/10
Joyoti [1] 5/14
judge [12] 1/18 8/15 8/25 9/6 33/22 34/23 39/25 40/1 57/17 63/15 70/13 72/3
judges [1] 46/12
judgment [10] 67/2 67/8 68/2 68/4 68/25 69/1 69/7 69/13 70/16 70/20
judicable [2] 52/5 52/14
judicial [9] 1/1 7/11 10/3 31/1 52/6 59/7 59/11 65/20 77/22
judicially [3] 16/4 57/16 58/24
judiciary [5] 6/24 7/1 10/12 27/16 46/21
July [3] 66/22 67/24 68/5
July 14th [1] 66/22
July 7th [1] 67/24
June [5] 1/15 66/14 66/18 67/23 80/15
June 23rd [1] 67/23
jurisdiction [18] 8/1 23/21 23/23 24/15 24/20 25/12 25/14 32/8 32/11 32/15 44/17 44/21 44/25 45/1 51/1 51/19 51/22 52/9
jurisdictional [9] 21/11 23/25 24/1 24/10 24/23 25/18 32/19 32/22 45/3
jurisprudence [3] 57/25 58/1 65/16
jurors [1] 73/10
jury [2] 68/10 73/8
just [31] 11/18 20/4 23/15 28/21 28/25 29/7 31/24 33/24 38/5 45/5 48/10 50/13 51/2 51/11 51/12 51/16 52/8 52/12 52/20 56/7 58/8 59/1 59/3 60/12 69/12 71/3 71/24 72/19 73/20 76/25 78/3
justifies [1] 8/19
justify [3] 7/4 22/14 52/25
JYOTI [2] 2/6 6/7

K

kbzwlaw.com [1] 2/11
kick [1] 64/16
kind [4] 66/5 66/23 72/5 72/19
KING [1] 2/9
know [25] 22/13 46/12 50/13 51/20 52/13 52/20 55/8 58/4 64/8 65/9 66/2 68/14 69/6 69/12 71/24 72/5 72/8 72/18 72/20 75/7 75/24 77/10 78/2 79/8 79/10
known [1] 75/11
knows [2] 6/9 73/9

L

lack [5] 14/25 30/24 32/8 32/11 34/3
lacked [2] 51/22 51/23
lacks [2] 8/1 50/25
LaCour [1] 50/3
land [1] 50/14
language [4] 24/3 32/14 38/23 39/1
last [6] 44/23 67/20 70/24 71/15 76/16 76/18
late [1] 33/5
Laurel [1] 5/5
law [50] 2/4 6/14 7/2 8/11 8/14 8/14 8/14 8/16 8/17 8/19 8/22 8/24 8/24 9/4 9/5 9/15 11/11 14/24 18/23 35/17 37/19 40/3 40/12 40/12 40/17 40/22 40/24 44/5 46/20 49/19 53/6 53/8 54/5 57/15 57/18 57/20 57/22 57/22 58/9 58/15 58/17 58/22 58/23 59/17 60/13 60/19 61/15 62/9 62/10 79/2
law's [2] 6/25 8/20
laws [5] 10/22 11/3 13/22 37/11 39/6
lawsuit [1] 52/22
lead [2] 14/17 22/21
leading [1] 66/9
least [5] 25/8 38/18 64/9 65/19 68/7
leave [3] 48/10 69/11 70/19
leaving [1] 69/14
LEE [2] 1/18 5/5
legal [10] 6/21 9/11 28/20 28/22 28/23 30/5 32/2 32/18 32/23 34/3
legally [4] 29/23 31/16 31/22 33/7
legislation [21] 11/5 17/3 17/4 17/19 20/22 25/24 34/19 36/19 38/1 38/6 38/8 38/10 38/20 39/5 39/22 40/9 40/14 41/6 62/7 62/20 62/21
legislative [10] 9/20 10/2 12/23 35/22 43/10 56/25 60/1 65/18 70/7 70/8
legislators [1] 9/20
legislature [36] 9/20 9/25 10/12 10/16 10/22 11/2 11/8 11/12 12/22 15/14 15/16 15/18 17/6 17/18 17/23 20/15 21/13 22/5 25/25 26/19 27/16 36/13 36/16 36/23 37/20 38/2 38/5 39/5 40/12 46/14 46/18 47/4 59/5 59/10 60/8 62/5
legislature's [1] 19/7
LEON [4] 1/2 1/17 5/2 80/7
less [2] 17/2 48/17
let [6] 46/6 64/16 64/17 67/18 75/24 78/2
let's [4] 20/3 47/10 70/22 79/15
level [5] 23/4 44/10 57/10 58/7 65/3
liberties [1] 76/21
liberty [1] 76/19
life [1] 76/19
light [1] 65/1
like [27] 9/17 12/11 21/25 23/15 26/5 27/4 28/21 28/25 29/7 42/4 44/16 45/5 46/19 46/21 48/11 50/18 57/14 61/9 64/22 67/11 67/20 71/15 71/21 74/7 74/8 75/10 75/16
likely [4] 69/4 74/1 77/2 79/10
limine [1] 72/11
limit [1] 17/7
limitation [1] 34/6
limited [2] 15/10 28/10
limits [1] 17/18
line [14] 10/8 11/19 13/7 13/19 14/13 15/4 15/8 15/25 16/6 16/12 18/8 53/11 55/16 61/24
list [1] 32/16
litigated [1] 34/22
litigation [3] 30/12 30/15 51/7
little [2] 65/7 76/17
live [1] 72/24
LLP [1] 2/4
look [12] 13/7 13/9 13/21 21/10 24/5 43/8 46/23 58/4 61/11 63/22 67/25 68/20
looked [1] 30/21
looking [6] 26/13 66/12 66/16 66/20 68/3 71/7
looks [2] 12/11 30/11
lot [5] 65/11 72/2 74/5 75/2 76/20
lots [1] 75/12
love [1] 20/3
lower [1] 64/17
lucky [1] 67/11

M

made [9] 30/22 39/2 41/24 42/4 45/22 49/24 57/1 71/10 74/22
mails [1] 78/17
major [1] 72/6
make [11] 9/7 10/1 33/24 36/9 41/2 44/21 46/19 47/9 64/10 68/3 70/22
makes [2] 10/14 46/10
making [2] 73/10 74/18
management [3] 25/3 66/4 66/9
mandamus [1] 11/23
mandate [1] 62/6
manner [2] 38/10 67/15
many [2] 10/17 61/9
map [3] 18/5 37/12 54/11
Marci [2] 76/9 76/11

M

Markham [7] 14/15 14/19 14/23 14/24 42/12 42/13 59/15
MARSH [1] 1/18
matter [26] 1/5 5/4 8/1 9/8 17/16 19/9 24/10 24/14 24/19 25/11 25/13 32/9 32/11 44/17 44/21 44/25 45/1 45/3 49/15 51/19 51/22 52/9 61/5 62/2 63/24 74/6
matters [1] 68/22
may [26] 6/4 19/17 26/12 38/9 38/12 40/4 40/5 41/9 41/12 41/23 52/17 53/5 55/7 55/22 62/22 64/3 64/4 64/11 64/11 67/16 71/7 74/10 75/14 75/23 76/4 78/6
maybe [5] 28/1 61/11 63/25 64/1 64/2
mbeato [1] 2/18
me [17] 5/21 30/3 32/7 46/6 48/4 54/22 66/5 67/9 67/9 67/18 69/22 70/2 73/9 73/9 75/5 78/2 78/10
mean [6] 18/3 31/18 32/6 39/19 54/21 55/5
meaning [2] 32/2 33/9
mechanical [2] 16/22 17/25
media [2] 74/10 74/11
meets [1] 36/1
member [1] 47/4
members [1] 7/11
mention [1] 59/15
mentioned [2] 10/10 54/8
merely [1] 62/21
merits [5] 34/11 34/13 41/14 51/3 55/9
merrier [1] 71/13
Merrill [1] 49/17
methods [1] 18/4
Miami [3] 28/4 34/20 51/25
Miami-Dade [3] 28/4 34/20 51/25
MICHAEL [2] 2/17 6/1
might [3] 37/15 66/6 76/16
Milligan [4] 38/16 38/18 49/17 49/17
mind [3] 69/14 70/1 70/2
mindful [4] 63/17 72/24 72/25 73/17
ministerial [20] 10/20 10/21 10/23 11/3 16/9 16/12 16/13 16/16 16/24 17/2 17/8 17/11 17/12 17/13 17/22 17/25 18/6 19/1 25/23 46/24
minority [1] 13/3
minutes [1] 51/13
misquoting [1] 50/2
missed [1] 33/1
misspoke [1] 68/21
mistaken [1] 78/16
mjazil [1] 2/17
modification [1] 68/18
MOHAMMAD [2] 2/16 5/25
Monday [1] 69/5
monitor [1] 76/25
Monroe [2] 2/15 2/21
months [2] 9/8 50/14
more [14] 6/16 12/8 19/4 26/13 33/25 34/10 45/25 47/9 51/15 52/8 65/7 68/8 71/13 76/17
most [6] 11/4 24/4 42/19 42/20 61/21 73/10
motion [35] 1/13 5/7 8/5 25/7 28/15 28/15 28/18 28/19 28/21 28/23 28/25 29/2 29/5 29/14 29/15 30/23 31/21 32/17 32/17 33/3 33/20 34/2 45/10 45/18 45/21 45/25 51/9 61/8 63/8 68/2 71/16 77/18 77/19 77/20 79/7
motions [10] 33/12 51/8 66/15 66/17 67/1 67/22 68/5 72/11 73/1 77/23
motivated [1] 13/11
motivation [1] 20/9
move [5] 5/12 6/9 19/13 50/20 76/5
moved [2] 51/4 66/25
moving [1] 65/10
Mr [1] 45/11
Mr. [16] 12/12 33/21 33/24 34/22 40/15 41/21 41/24 41/25 42/12 50/3 50/11 50/16 52/16 69/22 78/17 79/6
Mr. Bardos [4] 12/12 40/15 41/24 42/12
Mr. Bardos' [1] 33/24
Mr. Foltz's [1] 78/17
Mr. Jazil [4] 34/22 41/21 50/16 79/6
Mr. LaCour [1] 50/3
Mr. Nordby [3] 33/21 41/25 52/16
Mr. Nordby's [1] 50/11
Mr. Wermuth [1] 69/22
much [4] 18/6 19/4 41/20 62/18
multiple [1] 46/9
murder [1] 74/20
must [14] 7/2 16/1 16/3 16/18 16/19 16/21 16/23 17/23 19/16 19/21 42/24 46/1 53/14 58/16
my [22] 6/7 9/17 39/4 39/23 41/24 44/18 45/7 45/11 48/3 51/13 58/20 67/5 67/12 69/22 73/7 73/15 73/25 74/1 75/15 75/16 79/11 80/14

N

nail [1] 76/13
name [1] 6/7
NARGIZ [3] 1/23 80/10 80/22
nature [1] 36/5
NE [1] 2/5
necessarily [3] 15/22 38/3 69/6
necessary [1] 21/1
need [12] 11/4 21/13 58/10 71/24 72/5 72/18 73/12 73/20 75/2 75/22 76/1 77/4
needed [1] 77/8
needs [3] 21/25 22/9 78/1
negative [2] 24/12 37/14
Neither [1] 39/20
never [6] 24/16 41/9 41/13 41/16 50/8 52/17
next [4] 15/8 50/14 79/16 79/18
nilly [1] 52/12
no [22] 1/4 7/6 7/19 11/5 14/18 15/3 17/1 17/2 21/7 23/20 31/10 33/9 35/3 50/23 50/24 54/25 60/5 60/15 63/19 71/5 72/14 73/25
nondiminishment [5] 17/16 19/7 19/8 19/15 30/15
none [2] 7/7 7/22
nor [1] 7/20
NORDBY [5] 2/23 5/20 33/21 41/25 52/16
Nordby's [1] 50/11
normally [2] 67/7 76/15
not [129]
notable [2] 16/11 18/8
note [14] 17/10 25/4 28/4 45/13 50/7 51/2 51/11 53/12 56/7 56/7 56/14 59/1 60/12 63/5
noted [4] 15/11 18/9 52/3 63/13
notes [2] 45/17 80/14
nothing [5] 30/1 31/9 31/11 46/3 76/2
notice [3] 16/20 65/25 77/3
notion [2] 26/18 43/7
novel [1] 64/23
now [15] 5/5 12/7 20/17 22/25 23/7 24/2 25/7 28/1 29/17 35/19 35/24 39/19 48/18 64/22 70/5
nullified [3] 8/24 36/13 36/17
number [3] 47/15 68/6 76/11
numbers [1] 61/23

O

oath [8] 6/18 6/20 15/14 26/21 26/22 27/7 63/16 73/15
objections [1] 71/12
obligated [1] 54/6
obligation [1] 39/6
obligatory [1] 11/12
obviously [5] 12/8 24/19 64/19 66/10 75/15
occur [2] 17/5 69/2
off [1] 64/18
office [2] 6/18 79/11
officer [1] 6/18
officers [1] 16/12
official [60] 1/9 6/11 7/8 7/23 7/24 8/18 8/21 8/23 9/10 9/13 13/5 14/5 14/7 14/10 15/5 15/6 16/18 16/18 16/19 16/21 20/11 21/2 21/4 21/8 23/8 23/10 23/12 23/13 25/6 25/20 28/11 34/13 35/4 35/10 36/14 36/22 37/4 37/5 37/15 42/8 42/14 42/17 43/1 43/7 43/9 44/11 46/25 47/18 47/21 51/6 51/14 51/16 51/24 55/21 57/19 61/16 62/13 62/24 63/3 63/15
official's [1] 52/3
officials [21] 6/12 7/1 7/11 9/3 13/15 13/16 13/22 14/25 15/16 16/1 16/25 17/21 18/21 18/24 26/21 27/15 35/25 43/2 55/23 59/20 60/20
oh [2] 67/7 72/10
okay [6] 23/2 43/13 43/25 47/22 70/12 78/15
old [1] 68/19
on [93]
once [8] 19/5 19/23 20/4 39/17 41/2 45/21 64/7 67/19
one [37] 7/10 12/21 14/14 16/10 26/5 26/7 27/4 27/4 30/10 32/8 34/8 34/18 36/5 42/23 43/19 43/21 44/1 46/12 46/13 46/14 48/7 48/8 49/22 56/1 56/1 59/7 61/12 62/4 63/13 65/24 66/10 69/25 70/23 74/3 74/16 75/23 78/16
only [11] 31/10 38/7 40/19 42/10 46/12 52/23 52/24 55/5 56/18 59/7 77/17
open [1] 74/14
openly [1] 56/20
operate [2] 31/25 39/18
operating [4] 27/7 45/14 62/5 70/10
opine [1] 64/5
opinion [3] 46/9 52/7 52/20
opportunity [1] 9/7
options [1] 49/22
or [47] 8/16 9/8 9/20 10/24 11/8 14/16 17/16 17/17 22/20 25/11 27/16 29/22 29/23 30/1 30/2 30/16 34/4 39/9 39/19 42/25 46/8 46/14 47/3 47/20 47/21 49/13 52/4 52/5 52/15 54/25 55/2 56/1

O

or... [15] 60/22 60/25 62/9 63/12 64/11 64/14 68/12 68/21 72/9 72/12 72/18 73/3 74/1 76/3 77/4
order [11] 22/9 22/12 23/6 32/5 64/19 66/22 70/4 70/23 71/4 72/3 72/4
orderly [3] 18/12 18/22 19/4
ordinance [1] 14/2
original [1] 20/21
originated [1] 13/8
Orlando [1] 2/10
other [17] 10/11 13/21 23/15 28/13 31/15 37/3 38/19 40/21 43/22 44/14 48/9 68/10 68/22 73/11 73/18 74/21 77/17
others [6] 5/4 5/6 35/8 61/6 61/7 75/1
otherwise [8] 7/1 8/15 9/1 17/12 26/9 47/20 57/17 58/25
our [14] 5/11 22/4 23/13 25/16 28/14 31/10 31/11 45/22 48/21 49/13 65/5 65/16 67/23 78/12
ourselves [1] 40/25
out [16] 11/18 16/7 16/20 34/6 34/6 53/11 58/22 59/20 62/21 64/10 65/11 66/17 69/4 73/2 74/25 76/3
outstanding [1] 77/18
over [6] 32/8 39/8 39/9 43/21 46/16 57/25
own [4] 36/1 64/18 75/15 75/16

P

p.m [4] 1/16 1/16 5/1 79/20
PAGE [4] 4/2 24/7 24/14 51/20
paid [1] 73/18
panel [1] 40/1
paper [2] 75/22 76/4
papers [5] 45/22 45/24 50/20 78/4 78/19
paragraph [1] 44/24
parallel [3] 29/4 29/5 69/25
part [6] 10/2 21/18 31/15 42/8 47/4 66/2
particular [5] 10/15 18/16 27/3 51/16 54/18
parties [21] 31/6 55/24 56/3 63/14 63/23 64/25 65/9 65/15 65/22 66/8 66/15 67/7 68/14 70/8 71/6 71/25 74/17 74/21 74/24 77/25 78/10
partly [1] 10/16
parts [1] 45/19
party [8] 5/10 31/18 48/11 51/23 53/13 55/2 57/14 78/16
pass [5] 9/8 20/19 36/19 46/22 62/10
passed [8] 9/10 15/18 20/21 27/1 37/19 38/2 39/22 60/3
passes [4] 26/19 44/2 46/16 47/16
passing [1] 15/14
past [2] 48/12 51/13
path [1] 69/25
pedigree [1] 27/5
peg [1] 12/19
pending [1] 77/18
people [17] 27/13 27/17 48/20 48/20 59/18 59/21 59/25 60/2 65/13 65/17 73/2 73/5 73/18 74/5 74/8 74/10 76/10
Perfect [1] 12/10
perfectly [1] 42/6
perform [1] 37/6
performing [1] 26/21
perhaps [3] 46/7 68/12 71/20
peril [1] 20/14
permissible [2] 14/4 14/10
permit [1] 66/23
person [2] 48/14 75/6
personal [1] 7/20
pertinent [1] 52/21
petitioner's [1] 51/3
picking [1] 18/25
piecemeal [1] 20/5
Pine [1] 2/9
place [6] 1/17 1/20 8/25 10/10 23/15 40/25
placed [2] 10/17 47/15
plainly [1] 7/25
plaintiff [10] 8/13 21/11 21/18 21/19 22/12 22/13 29/10 31/7 32/25 64/8
Plaintiff's [1] 1/13
plaintiffs [22] 1/7 2/3 5/14 5/16 6/8 6/9 12/18 14/14 15/19 19/13 23/24 25/5 28/1 30/19 34/15 37/23 41/16 49/12 52/22 54/16 56/14 64/20
plaintiffs' [11] 5/7 19/6 21/18 22/14 31/3 40/18 42/1 45/24 49/4 50/20 61/7
plan [1] 54/25
planning [1] 72/19
play [2] 37/16 77/12
plead [1] 33/2
pleading [3] 25/1 28/20 36/5
pleadings [2] 33/13 33/17
please [3] 6/4 41/23 66/3
plenty [1] 20/2
plush [1] 32/14
point [27] 11/18 19/17 27/9 28/1 28/13 33/9 39/1 39/4 39/23 39/24 42/5 42/11 43/5 45/6 45/16 45/22 49/10 50/4 51/14 53/10 54/2 54/8 60/10 60/24 61/15 72/6 79/14
pointed [1] 16/7
points [2] 33/25 50/11
policy [3] 18/8 18/22 20/9
political [1] 55/2
Polk [1] 44/23
poor [1] 40/25
popular [1] 60/4
portion [6] 23/2 54/25 55/6 55/9 55/15 61/18
posit [1] 44/10
position [2] 23/13 25/17
positive [2] 16/17 17/20
possible [1] 43/3
posture [1] 53/12
potentially [4] 52/15 55/14 55/15 55/22
power [10] 6/24 26/6 43/11 43/16 44/9 44/12 59/12 62/6 62/20 76/3
powers [7] 8/9 10/3 10/6 27/15 57/12 59/4 59/12
practical [2] 34/10 49/15
practice [1] 73/2
precedence [1] 34/15
precise [3] 16/17 16/20 17/20
precisely [1] 39/1
preference [1] 78/12
prejudging [1] 56/19
premise [1] 59/18
prescribe [1] 17/8
prescribed [1] 6/14
present [3] 3/8 62/7 72/22
presentment [1] 40/10
preserve [2] 57/7 58/8
preserving [2] 8/10 9/14
presume [7] 15/16 16/1 16/1 26/4 26/7 26/24 57/17
presumed [3] 15/22 27/19 53/14
presumption [11] 15/12 15/21 15/24 25/22 26/2 26/16 26/18 27/1 27/21 27/23 28/2
pretrial [12] 66/15 66/21 66/21 66/24 67/25 69/3 69/11 69/14 70/19 71/2 71/9 71/21
pretty [1] 79/3
prevail [1] 39/8
prevent [2] 46/25 59/16
previous [1] 67/3
previously [2] 61/12 78/23
PRICE [2] 2/24 5/22
primary [1] 41/15
principle [1] 14/24
principles [2] 8/9 12/24
prior [1] 39/16
private [1] 8/12
privilege [3] 35/16 56/25 70/7
proactively [1] 48/18
probably [5] 33/4 50/1 74/1 74/3 74/16
problem [1] 71/5
procedures [1] 78/4
proceed [4] 6/5 14/1 40/19 49/12
proceedings [5] 1/13 1/20 5/1 79/20 80/12
process [3] 12/23 16/23 17/17
produced [1] 71/8
prohibited [1] 59/11
prohibition [1] 13/2
prohibits [2] 13/16 35/4
promotes [1] 18/21
promptly [1] 59/20
proper [1] 35/3
property [2] 25/2 31/4
proposal [1] 71/10
proposed [2] 27/4 68/17
protection [15] 13/1 17/17 19/9 19/18 31/8 38/11 38/22 39/14 40/4 47/25 49/3 49/25 50/5 54/10 56/10
prove [1] 53/25
provide [2] 52/6 64/19
provides [1] 57/19
provision [34] 14/19 15/7 15/22 16/5 20/17 21/23 22/1 26/2 27/3 34/4 41/8 43/14 43/23 43/25 44/4 47/19 47/22 47/23 47/24 48/6 48/7 48/24 49/2 49/7 54/19 56/2 59/3 59/9 59/14 60/3 60/6 60/18 63/1 70/11
provisions [8] 17/5 26/8 39/8 40/21 43/4 56/1 57/18 61/22
Pryor [1] 39/25
public [83]
purpose [3] 18/9 18/10 59/16
purposes [1] 72/20
pursuit [1] 76/20
put [8] 43/15 46/15 46/17 59/21 64/12 70/22 71/1 77/3
puts [1] 44/5

Q

question [17] 6/21 9/22 23/24 24/12 27/18 41/10 43/13 43/24 44/17 47/17

Q

question... [7] 53/20 53/21 55/20 55/23 60/6 79/9 79/11
questions [13] 8/6 9/16 12/7 33/19 39/24 40/2 42/24 46/5 55/24 58/21 61/2 75/12 75/14
quick [1] 72/16
quickly [1] 72/13
quintessential [1] 14/20
quite [3] 10/15 72/20 72/22
quote [4] 14/5 14/6 14/11 50/22
quoting [2] 50/1 59/22

R

race [1] 60/14
Railroad [2] 42/15 61/24
raise [16] 23/25 28/25 29/8 29/10 43/2 55/24 56/4 57/8 57/9 57/14 57/21 57/25 58/2 58/5 58/7 58/10
raised [12] 25/1 25/14 28/13 29/1 29/3 29/13 30/11 31/7 32/21 45/1 51/11 56/9
raises [2] 29/2 48/25
rare [1] 10/15
rather [2] 20/11 47/21
rationale [1] 36/2
reach [3] 41/10 41/13 41/16
read [10] 34/2 34/5 45/23 47/22 67/10 67/13 72/3 72/4 78/11 79/6
reading [2] 30/21 49/4
ready [2] 71/12 73/3
realize [1] 69/24
realized [1] 70/24
really [10] 13/8 23/11 33/9 34/5 34/15 34/16 46/19 60/5 65/10 71/24
reason [5] 16/16 19/10 21/4 36/20 78/18
reasoning [1] 24/22
reasons [1] 36/4
rebuttal [1] 9/17
receive [1] 44/22
recent [5] 11/4 16/14 16/15 24/6 42/19
recently [1] 28/8
recognize [1] 35/16
recognized [2] 6/15 28/2
record [4] 5/12 57/2 78/25 80/14
records [1] 79/4
redistrict [1] 11/13
redistricting [3] 18/5 20/20 38/8
redraw [1] 19/21
redrawn [1] 19/16
redundancy [1] 17/14
refer [1] 30/5
referenced [1] 16/12
referred [1] 75/6
refuses [2] 37/5 43/22
regarding [2] 63/23 77/19
regards [1] 34/11
regular [1] 66/23
Reid [3] 13/24 14/7 28/5
relates [6] 56/24 62/14 62/25 63/6 63/8 65/19
relevant [4] 15/9 30/14 52/21 53/2
relief [1] 50/25
rely [1] 14/14
remains [1] 8/14
remember [2] 8/8 76/22
remote [1] 73/4
render [1] 52/15
reply [9] 25/6 25/9 29/3 29/6 29/10 29/13 33/3 42/2 56/14
report [1] 80/12
reported [2] 1/20 1/22
REPORTER [1] 80/1
represent [1] 65/17
representatives [4] 3/3 5/19 12/16 26/20
require [2] 21/22 23/6
required [3] 22/11 49/5 53/16
requirement [2] 34/7 40/7
requirements [3] 40/3 40/5 40/6
requires [4] 21/16 21/18 40/21 44/4
requiring [3] 49/7 50/4 50/6
requisite [1] 47/15
reserve [1] 9/17
resolution [1] 22/14
resolve [2] 34/8 77/23
resolved [1] 33/16
respect [4] 24/6 25/4 51/10 65/8
respondent's [1] 51/5
response [3] 28/14 66/17 68/4
responses [1] 67/23
responsibilities [1] 48/3
responsibility [1] 18/17
responsive [1] 25/1
rest [2] 27/22 61/24
restraint [1] 48/17
rests [1] 59/18
result [1] 7/24
Revenue [1] 14/9
revert [2] 67/3 68/16
revised [2] 45/15 70/23
revisions [1] 45/19
revisited [1] 14/22
REY [2] 3/9 5/23
right [25] 5/17 6/4 12/6 12/6 20/7 21/6 23/5 23/23 32/12 33/21 36/10 41/19 44/7 50/2 52/11 57/8 57/21 57/23 58/4 58/5 59/19 65/4 65/6 66/1 70/15
rights [6] 38/9 38/19 40/5 49/20 50/9 54/10
ripe [1] 64/5
ROBERT [1] 2/17
ROBINSON [1] 3/4
robinson.com [1] 3/7
room [2] 1/17 73/24
rooms [1] 73/5
rooted [1] 42/9
Rosa [1] 16/15
round [1] 12/19
RPR [3] 1/23 80/10 80/22
rule [9] 8/10 9/15 21/22 29/16 32/24 50/21 51/8 72/13 78/11
Rule 1.140 [1] 50/21
ruled [1] 78/20
rules [3] 31/25 34/9 45/14
ruling [2] 40/23 63/21
rulings [1] 38/17
run [2] 40/4 40/5
running [1] 64/20

S

said [16] 14/3 14/16 18/14 18/20 22/3 24/13 24/24 31/12 32/4 35/3 36/17 40/15 46/11 56/24 70/7 78/6
same [12] 15/24 18/20 24/24 27/5 29/6 38/22 43/16 47/14 47/21 48/13 51/8 73/13
SANDRA [3] 1/23 80/10 80/22
Santa [1] 16/14
satisfy [2] 40/9 40/10
saw [1] 14/13
say [23] 17/1 20/3 31/21 33/1 33/6 35/24 35/24 36/2 37/10 43/8 46/6 47/2 47/8 47/22 47/25 48/21 58/3 58/20 59/3 60/13 64/4 65/3 72/10
saying [9] 14/23 23/2 36/11 42/2 47/4 49/6 55/3 55/14 58/6
says [15] 7/1 8/15 8/25 15/25 21/9 26/4 29/19 29/21 32/8 40/1 46/18 46/20 47/11 48/8 57/17
scandalous [1] 30/2
scenario [5] 9/2 12/20 37/8 47/3 55/25
schedule [6] 67/4 67/17 67/21 68/19 71/23 77/16
scheduled [2] 72/21 79/15
scheduling [3] 67/6 70/23 77/15
School [1] 52/2
schools [2] 47/12 47/14
seated [1] 66/3
second [3] 1/1 9/2 71/15
Secretary [20] 1/9 2/13 3/11 6/1 6/2 6/3 7/15 37/9 37/17 42/3 42/7 61/6 62/17 62/19 62/19 62/20 62/25 63/6 69/21 78/14
section [7] 10/4 37/23 49/20 49/24 50/4 50/9 56/1
Section 2 [3] 49/24 50/4 50/9
Section 20 [1] 37/23
see [16] 13/18 16/13 17/13 17/15 19/24 29/6 55/9 64/22 64/23 66/4 67/18 68/22 71/9 71/22 74/9 76/13
seeing [2] 69/4 75/8
seeking [2] 7/3 21/24
seeks [2] 36/15 48/14
seemed [1] 50/6
seems [1] 21/25
seen [3] 27/25 54/15 63/12
sees [1] 8/22
segregated [1] 47/12
segregation [1] 49/7
selective [1] 59/17
self [2] 47/20 72/15
self-serving [1] 72/15
SENATE [11] 2/19 3/10 5/21 5/24 7/13 10/1 33/23 56/19 62/12 63/7 70/14
send [1] 16/19
sense [1] 10/14
separate [1] 52/8
separates [1] 32/4
separation [8] 8/9 10/3 10/6 26/6 57/12 59/4 59/12 65/8
separations [5] 43/6 43/11 43/16 44/9 44/12
September [1] 68/21
September 29 [1] 68/21
serve [3] 46/12 46/13 46/14
server [1] 76/4
serves [1] 43/1
serving [1] 72/15
session [1] 20/21
set [6] 10/4 10/15 66/11 66/22 77/8 77/8
settle [1] 8/4
setup [1] 75/4
seven [1] 67/24
several [1] 15/11

S

severed [1] 54/20
shall [2] 55/1 64/12
should [10] 8/4 24/5 25/9 26/3 48/2 48/2 48/9 71/5 75/5 76/7
shouldn't [4] 26/1 26/7 46/8 47/13
show [4] 20/13 22/17 23/10 23/20
showing [1] 21/1
shown [3] 21/11 26/9 53/15
SHUTTS [3] 2/21 5/20 5/22
shutts.com [2] 2/23 2/24
side [2] 8/18 37/4
sides [3] 61/23 72/23 78/9
sign [1] 62/9
signature [1] 62/10
signatures [1] 47/15
signed [2] 37/20 38/2
significant [3] 18/1 24/4 33/11
signs [1] 44/5
similar [1] 36/3
similarly [3] 12/2 52/2 59/10
simpler [2] 26/12 26/14
simply [13] 9/4 9/11 20/8 25/17 27/21 30/23 39/4 39/23 45/13 45/16 55/20 56/9 58/23
since [3] 13/14 13/20 15/3
sir [1] 79/17
sit [1] 74/15
sitting [3] 73/2 73/5 73/12
situation [4] 12/17 22/16 30/18 64/1
size [1] 74/2
small [2] 55/6 55/15
Smith's [1] 72/3
snargiz [1] 80/23
so [104]
Solicitor [1] 50/3
some [21] 11/14 12/5 20/18 22/20 22/21 23/18 23/21 24/2 32/1 34/10 34/18 35/14 38/16 46/4 47/4 49/18 50/14 59/1 63/25 67/19 79/14
somebody [5] 52/13 72/10 76/6 77/21 78/1
someone [1] 19/17
something [13] 10/24 13/18 14/17 16/20 22/11 26/13 33/5 44/2 58/14 72/10 72/17 73/19 75/5
sometime [1] 79/16
sometimes [5] 40/2 67/11 75/13 77/23 77/24
somewhat [1] 69/25
somewhere [1] 35/21
sorry [1] 11/8
sort [5] 17/20 21/3 22/20 22/21 39/2
sorts [2] 72/25 73/21
source [2] 24/4 24/5
sources [1] 40/13
South [1] 2/15
Southern [1] 24/8
space [1] 74/18
sparingly [1] 33/16
special [1] 20/10
specifically [2] 32/17 56/24
speedy [1] 76/20
splitting [1] 27/14
spread [1] 74/25
square [1] 12/18
squarely [2] 10/12 42/25
stable [2] 18/11 19/4
stack [2] 64/17 67/9
stake [4] 22/13 49/20 59/4 76/21
standard [8] 17/8 17/16 19/7 19/8 19/15 29/18 72/9 72/12
standards [1] 18/3
standing [66] 6/11 7/9 7/23 7/25 9/14 13/6 13/15 14/25 15/5 18/21 20/1 20/4 20/10 20/11 21/2 21/7 21/13 21/17 21/25 23/8 23/12 23/14 23/25 24/10 24/17 24/18 24/18 24/22 24/25 25/6 25/10 25/17 25/20 28/11 29/8 30/24 31/11 34/14 35/4 35/11 36/14 36/22 37/4 37/15 42/9 42/14 42/17 43/1 43/8 44/11 44/11 44/21 45/2 47/7 51/6 51/10 51/14 51/23 51/24 55/21 56/4 60/20 61/16 62/13 62/24 63/4
standstill [1] 18/15
start [3] 61/10 71/17 75/21
starts [1] 48/16
state [55] 1/10 2/13 3/11 6/19 11/11 13/1 14/6 15/7 15/21 16/2 16/5 17/5 18/23 18/25 22/3 24/1 24/11 27/19 28/8 34/25 35/4 35/18 37/9 37/17 39/8 39/9 40/12 43/14 44/10 45/2 45/4 46/25 47/19 47/23 48/5 49/19 49/23 50/10 50/20 59/19 60/25 61/6 62/5 62/8 63/17 63/19 65/19 65/20 74/7 74/13 74/21 78/23 79/1 79/4 80/6
state's [1] 18/14
statement [2] 71/9 71/22
statements [1] 66/21
states [2] 12/25 55/21
Status [1] 1/14
statute [24] 13/17 14/6 15/1 15/2 18/16 19/6 21/8 22/18 22/21 22/22 22/22 22/24 25/21 26/19 27/24 28/8 35/2 35/6 35/10 39/9 41/7 42/16 44/2 47/20
statutes [12] 13/23 13/24 14/11 15/10 15/11 15/14 15/17 16/2 23/1 26/25 28/10 42/10
statutory [6] 14/17 42/13 42/17 42/22 52/4 61/22
stems [1] 8/8
stenographic [1] 80/14
stenographically [3] 1/20 1/22 80/12
step [1] 8/8
sticking [1] 72/6
still [4] 8/14 23/5 27/17 58/2
straightforward [3] 6/17 56/5 58/19
Street [5] 2/5 2/9 2/15 2/21 3/5
stricken [1] 19/12
strike [24] 1/13 5/7 6/10 19/20 28/15 28/18 29/14 29/15 29/24 30/23 32/17 32/18 34/2 45/10 45/18 45/21 49/5 50/21 51/4 51/9 54/23 61/8 63/9 63/10
striking [2] 33/13 33/17
strongly [1] 51/7
struck [1] 58/16
stuff [1] 78/17
subject [15] 8/1 24/14 24/19 25/11 25/13 32/9 32/11 44/17 44/21 44/24 44/25 45/2 51/18 51/22 52/9
submit [2] 39/13 77/15
submitted [3] 29/18 78/4 78/19
subpart [3] 45/20 45/20 45/25
substantially [1] 45/15
subsumed [1] 34/3
succeed [1] 49/12
successfully [1] 51/4
such [5] 17/7 26/15 28/2 31/4 38/8
sudden [1] 46/23
sue [3] 47/8 48/12 69/22
sued [2] 22/25 35/1
sues [1] 48/22
suffer [1] 23/18
sufficiency [6] 28/20 28/22 28/23 32/2 32/23 34/3
sufficient [3] 22/13 29/24 31/17
suggest [2] 15/20 43/17
suggests [2] 33/4 51/7
suing [1] 35/5
summarized [1] 14/23
summary [10] 67/1 67/8 68/2 68/4 68/25 69/1 69/7 69/13 70/16 70/20
superior [2] 39/6 40/24
Supervisors [1] 37/18
support [1] 30/20
supported [1] 20/11
supremacy [2] 39/7 48/8
Supreme [17] 14/21 18/19 24/6 24/13 24/21 38/17 42/19 44/20 45/9 49/21 49/22 50/7 51/3 56/16 58/3 60/11 62/1
Supreme Court [12] 14/21 18/19 24/13 24/21 38/17 44/20 45/9 51/3 56/16 58/3 60/11 62/1
Supreme Court's [2] 24/6 42/19
sure [8] 5/9 12/11 41/3 48/22 52/18 57/1 68/6 77/5
sway [1] 76/17
swore [1] 63/15
sworn [1] 73/15

T

take [8] 8/8 20/5 39/15 39/17 72/7 72/17 73/14 73/16
taken [3] 1/15 8/21 26/22
takes [3] 6/18 15/14 73/16
taking [1] 73/18
talk [6] 30/3 32/7 45/17 66/2 75/24 76/10
talked [3] 42/14 42/21 44/24
talking [2] 55/5 66/8
talks [2] 10/20 32/9
tall [1] 67/9
Tallahassee [3] 2/15 2/22 3/5
TARA [2] 2/24 5/22
task [4] 11/6 11/9 11/19 12/5
technology [2] 75/6 77/7
technology-wise [1] 77/7
tell [5] 12/1 62/17 76/15 77/20 78/7
tends [1] 20/12
term [4] 17/13 46/13 46/13 46/14
terms [3] 71/8 73/22 76/8
testify [2] 73/3 73/6
tests [2] 29/20 32/4
text [1] 58/4
than [6] 6/16 10/11 17/3 51/15 52/8 76/2
Thank [10] 12/10 33/22 41/20 41/22 50/16 50/17 61/3 65/23 79/19 79/19
that [427]
that's [48] 9/22 10/16 10/19 14/20 17/19 20/7 21/6 22/11 23/24 24/25 27/21 28/11 30/11 31/14 31/24 32/12 35/3 36/10 36/20 36/23 36/24 38/23 41/11 46/14 52/12 54/14 54/15 55/3 56/2

T

that's... [19] 58/17 59/12 59/13 60/3 66/1 69/12 72/17 73/7 73/8 73/15 73/15 74/11 74/15 77/2 77/4 77/14 78/12 78/13 79/4
their [25] 8/19 9/11 9/20 13/4 22/6 25/6 25/9 26/21 27/13 29/13 30/21 33/3 36/1 36/12 36/16 49/25 50/4 52/25 54/9 56/14 58/9 58/14 59/19 63/14 73/19
them [12] 6/14 12/1 16/3 18/5 20/18 27/1 41/25 46/25 70/1 74/11 76/12 77/3
then [42] 6/19 8/20 13/14 14/7 14/21 19/15 19/20 19/20 22/6 23/9 23/11 24/18 29/24 31/17 31/20 32/20 32/24 32/25 33/3 33/6 39/15 39/19 40/10 41/16 43/13 46/18 46/21 47/17 53/24 54/5 55/13 58/3 58/15 60/18 64/11 67/8 67/24 68/5 68/15 68/22 72/13 79/13
there [61] 8/6 9/18 9/24 11/5 11/14 11/22 12/4 14/18 15/20 17/2 17/4 17/11 17/25 18/2 20/2 20/25 21/7 21/25 22/25 23/9 24/2 24/3 26/1 26/11 26/14 26/15 29/4 30/8 30/23 31/7 31/10 33/10 38/16 38/19 38/25 42/1 43/5 43/15 43/23 43/25 46/6 55/22 55/25 58/8 60/19 61/22 64/9 66/3 68/22 69/24 71/4 73/17 74/22 76/2 76/6 76/19 77/12 77/18 77/25 78/7 78/8
there's [2] 15/3 60/5
therefore [6] 14/12 24/22 30/6 31/22 35/10 36/18
these [23] 18/3 20/1 29/19 39/23 40/2 40/11 41/13 41/16 49/11 49/18 50/11 50/12 50/14 51/12 55/9 56/1 56/3 58/21 64/13 64/14 65/14 65/21 67/14
they [114]
thing [9] 13/12 15/8 16/6 18/7 24/24 48/13 72/19 73/13 77/17
things [9] 11/1 12/8 61/10 66/16 67/14 70/24 73/1 73/21 75/2
think [49] 10/25 12/17 13/6 13/13 15/9 16/11 17/1 17/10 18/7 20/25 21/1 21/4 21/15 21/20 22/8 22/10 22/16 23/5 24/4 25/19 26/11 26/12 26/17 28/3 28/3 28/16 30/8 31/24 31/25 32/2 33/10 34/5 34/7 34/8 36/17 37/2 38/25 42/6 47/6 50/1 54/21 54/25 55/5 57/22 58/20 60/5 74/19 77/7 78/15
thinking [1] 79/7
third [3] 16/6 24/8 78/16
this [152]
those [27] 7/15 7/18 10/25 11/15 13/24 13/25 16/23 27/17 28/6 29/25 32/8 34/16 35/9 42/7 42/7 55/24 56/18 64/25 66/10 66/13 67/25 72/16 72/25 73/21 74/19 75/1 76/21
though [6] 9/6 12/4 26/17 53/11 53/17 60/9
thought [6] 20/22 33/5 48/16 70/6 78/22 79/2
three [6] 7/17 10/6 19/22 40/1 67/11 71/16
three-judge [1] 40/1
threshold [1] 46/17
through [7] 27/14 32/14 43/15 59/25 64/20 71/17 75/12
throughout [2] 13/14 13/18
Thursday [1] 69/7
time [29] 1/16 1/19 9/17 12/8 20/2 25/14 29/6 29/16 31/21 32/21 34/5 45/1 51/9 54/15 54/15 56/23 57/6 65/7 67/2 67/13 68/1 68/12 70/24 72/7 72/21 73/14 73/16 73/19 79/1
timeline [2] 32/10 32/10
timeliness [3] 34/2 34/7 50/19
timely [2] 65/4 67/15
times [3] 15/11 16/13 66/17
today [7] 5/2 5/6 5/10 5/16 5/22 61/4 61/7
together [3] 27/13 29/7 70/22
too [3] 33/5 40/15 42/4
top [2] 33/13 72/4
TORCHINSKY [1] 2/14
totally [1] 31/2
town [2] 69/5 76/3
tprice [1] 2/24
transcript [2] 1/13 80/13
Transportation [1] 51/25
Treasurer [1] 11/25
treat [1] 17/21
trial [14] 51/21 55/9 57/10 58/6 65/3 66/9 66/10 71/18 72/21 73/8 73/9 73/23 74/21 74/24
trials [2] 68/10 76/20
tried [3] 44/19 73/8 74/20
true [3] 13/19 13/20 80/13
trump [1] 48/9
trumps [1] 23/12
try [4] 44/20 47/8 58/22 65/4
trying [6] 12/18 40/8 48/5 58/13 58/20 60/10
Tuesday [1] 69/5
turn [4] 6/20 31/20 32/25 33/6
two [10] 7/13 10/25 29/19 30/3 32/4 34/17 44/8 45/19 46/14 72/18
type [2] 35/14 54/14
typically [1] 22/11

U

U.S [10] 27/10 38/17 50/7 55/4 55/17 58/3 60/11 61/19 63/2 63/16
ultimate [1] 9/7
ultimately [12] 58/12 61/24 63/7 63/11 63/13 63/22 64/2 64/4 64/5 64/8 65/5 65/15
unable [2] 19/19 20/15
unconstitutional [13] 8/4 9/5 23/3 35/2 35/6 36/18 37/7 37/13 37/25 48/1 53/9 55/3 56/2
unconstitutionality [1] 43/3
unconstitutionally [1] 39/19
under [39] 6/11 11/12 19/6 19/8 26/21 27/7 28/15 28/18 29/15 31/17 34/9 40/2 40/24 44/7 45/15 45/25 49/4 50/21 51/5 51/8 51/23 53/6 53/7 54/5 54/11 54/18 55/3 55/4 56/9 56/11 57/4 58/15 58/17 58/18 60/20 62/6 70/10 70/11 78/4
underlies [1] 43/7
undermined [1] 20/12
underpinnings [1] 13/10
underscore [1] 45/5
undersigned [1] 63/15
understand [3] 68/9 70/9 71/19
uniform [1] 18/23
unilaterally [1] 9/3
unique [2] 20/10 60/9
United [1] 12/25
universally [1] 24/15
unless [12] 6/25 8/15 8/25 9/16 22/22 33/18 46/4 57/16 58/24 61/1 69/21 70/2
unlike [1] 18/6
unnecessary [1] 31/2
unrelated [1] 30/12
until [9] 6/25 8/15 8/25 16/3 26/9 55/8 57/16 58/24 70/2
untimely [2] 46/2 63/9
up [21] 10/1 12/8 20/4 33/19 35/19 40/4 40/6 40/22 45/19 45/21 49/16 55/7 57/2 66/9 66/12 66/14 74/11 77/8 77/8 77/21 79/9
uphold [2] 6/18 15/15
upon [6] 8/21 10/18 50/23 50/24 64/6 78/20
upsets [1] 73/9
us [7] 22/23 28/1 41/14 64/1 65/17 69/16 71/20
use [5] 6/20 46/8 49/9 60/14 74/18
used [2] 16/14 33/15
uses [1] 38/22
usually [2] 17/21 78/9

V

valid [3] 26/5 26/8 26/10
validity [5] 14/6 14/11 25/22 26/2 27/2
validly [1] 18/16
VAN [2] 3/10 6/3
varieties [1] 18/3
various [1] 27/15
versus [10] 5/5 24/7 25/2 29/20 44/23 49/16 49/17 51/25 57/24 61/6
very [29] 6/17 9/25 10/5 11/10 12/20 17/19 18/6 18/17 20/9 25/8 28/8 36/13 36/20 36/23 36/24 41/20 44/23 48/13 48/13 52/22 56/5 57/2 57/3 58/17 61/13 72/13 73/11 74/3 74/6
veto [1] 62/9
vetoed [1] 39/17
via [1] 2/1
videotaped [1] 77/12
violates [3] 41/7 47/5 48/21
vis [4] 61/19 61/19 63/2 63/2
VOGEL [1] 2/14
voluminous [1] 75/19
vote [1] 60/4
voted [1] 22/2
voters [5] 1/5 5/3 13/3 22/6 61/5
voting [6] 11/4 38/9 38/18 40/5 49/20 50/9

W

wait [2] 73/10 78/9
waiting [3] 38/17 73/5 73/5
waivable [4] 24/16 24/17 24/18 24/22
waived [2] 25/1 44/25
walk [1] 79/10
want [20] 22/3 33/24 35/12 41/2 46/12 48/19 57/7 58/8 69/6 69/11 71/7 71/15 73/17 74/7 74/8 74/23 74/24 75/14 75/18 78/10
wanted [2] 10/19 66/2
wants [3] 52/13 74/14 77/21
war [1] 49/24
warring [1] 46/8
was [54] 9/5 11/20 12/20 12/22 12/23 13/19 14/2 14/3 15/4 15/5 20/22 26/5

W

was... [42] 30/22 30/23 30/25 31/9 31/12 31/13 32/1 34/19 35/2 35/9 35/9 35/22 35/22 37/19 38/2 38/2 38/6 39/4 39/17 39/22 43/15 49/24 49/25 50/4 51/11 51/20 51/24 53/10 57/2 59/25 60/14 66/3 66/5 68/20 74/19 78/3 78/23 79/2 79/7 79/7 79/9 80/11
Washington [2] 2/5 57/24
wasn't [1] 29/12
watch [1] 74/15
way [15] 8/12 18/12 19/4 20/5 34/8 45/22 49/18 52/23 52/24 60/14 62/1 64/4 67/6 72/24 77/13
ways [1] 24/3
we [141]
we'll [10] 5/10 33/19 63/25 70/19 70/20 70/25 76/12 77/3 77/15 79/18
we're [1] 45/14
we've [2] 35/14 73/2
Wednesday [1] 69/5
week [3] 69/6 79/16 79/18
weighing [2] 21/24 52/12
welcome [1] 74/11
well [18] 6/3 18/14 31/21 32/10 33/1 33/7 38/5 38/13 39/15 43/25 53/1 56/22 57/11 66/7 70/14 72/11 77/2 79/13
were [23] 1/20 9/2 13/10 13/24 19/5 23/7 23/8 31/25 37/10 39/18 40/19 51/8 51/13 54/4 54/10 54/10 55/25 56/2 58/20 66/15 66/20 66/24 71/6
WERMUTH [4] 2/9 2/11 5/13 69/22
what [47] 10/19 12/17 12/22 13/9 13/10 14/14 15/9 17/7 18/3 20/14 20/21 21/9 22/3 22/19 24/13 26/4 30/10 30/25 30/25 34/18 36/10 40/20 43/21 44/3 46/11 46/12 48/3 48/19 50/4 50/5 52/13 58/4 58/25 61/21 65/2 66/2 70/15 71/7 71/14 71/20 71/22 73/9 73/10 73/15 77/10 77/11 79/7
what's [5] 20/6 20/19 20/23 61/9 79/10
whatever [4] 53/25 62/21 64/12 77/13
when [30] 1/20 6/17 8/12 8/18 13/21 14/21 15/25 17/4 17/15 18/25 21/10 22/17 22/24 24/8 26/18 38/6 39/4 53/13 67/12 67/14 68/24 72/9 73/2 75/13 76/2 76/22 78/7 78/22 79/3 79/6
whenever [2] 31/16 67/5
where [26] 1/20 9/19 9/24 12/18 13/21 14/15 15/4 18/14 21/12 22/5 23/10 24/2 30/18 34/5 40/1 43/19 43/23 50/13 54/3 54/16 71/25 71/25 72/5 73/19 74/17 77/2
whether [16] 13/5 24/10 25/10 25/11 27/19 30/11 30/15 36/1 42/25 49/13 51/15 51/17 53/3 60/24 63/11 77/4
which [45] 6/12 6/23 8/2 9/10 10/2 10/8 11/6 11/20 11/23 13/8 13/13 15/9 16/15 17/13 17/17 18/4 20/12 22/5 22/18 25/23 26/5 29/16 29/19 30/20 32/19 36/13 37/3 37/14 38/15 46/1 51/7 51/9 53/3 54/12 55/21 56/1 58/22 59/22 60/7 61/12 64/16 68/1 68/5 68/13 70/9
whichever [1] 49/18
while [2] 18/15 73/10
white [1] 47/13
who [6] 5/9 5/15 7/11 35/25 37/5 48/4
who's [1] 23/16
whole [2] 27/9 78/9
wholly [3] 30/12 30/18 50/22
why [27] 8/7 15/9 21/6 26/1 26/3 26/8 30/4 35/24 35/24 36/2 36/24 37/1 46/23 46/24 48/10 48/13 48/15 48/18 48/20 52/14 55/6 55/13 55/17 70/18 74/15 78/25 79/5
will [56] 5/15 11/18 12/7 16/9 25/4 28/1 33/19 38/3 40/9 41/16 44/10 50/13 51/2 51/11 53/14 56/7 56/7 59/1 59/3 59/20 59/21 59/24 60/1 60/12 62/17 63/10 64/1 64/15 64/15 64/17 64/18 64/23 66/18 67/22 68/1 68/22 69/4 70/22 71/2 71/9 72/10 73/14 74/1 74/3 74/25 75/18 75/24 76/1 76/11 76/15 77/5 78/7 78/11 79/5 79/13 79/17
willy [1] 52/12
willy-nilly [1] 52/12
win [1] 58/6
wise [1] 77/7
wishes [1] 48/19
within [10] 10/13 12/5 17/4 23/7 29/14 33/4 34/3 46/1 55/20 74/6
without [6] 9/11 60/23 62/10 77/24 78/10 79/11
witnesses [3] 72/25 73/13 75/14
won't [3] 56/22 64/2 71/1
word [3] 14/15 16/14 58/1
words [1] 30/3
work [8] 64/17 64/21 64/24 65/22 69/17 71/2 71/5 74/22
worked [1] 65/11
working [4] 44/9 65/10 76/12 77/6
works [4] 29/6 70/13 70/18 76/15
worse [1] 76/2
worth [1] 71/16
would [49] 9/6 11/19 17/14 19/3 19/21 20/2 20/3 20/22 22/21 23/18 27/22 29/1 29/7 29/10 34/8 34/9 37/8 37/13 39/7 39/13 40/14 40/23 40/25 42/2 42/4 43/17 44/16 45/5 45/16 47/2 47/6 47/6 49/5 50/18 53/1 53/20 54/6 55/14 67/23 67/24 68/5 68/7 68/13 68/15 69/2 69/2 69/16 71/21 73/22
wouldn't [1] 57/6
wrap [1] 33/19
writ [1] 11/22
write [1] 75/14
writing [1] 39/25
written [2] 55/11 55/13
wrong [3] 20/6 54/22 57/23

Y

yeah [5] 30/8 32/12 46/20 70/9 72/15
year [2] 34/23 44/20
years [7] 9/8 11/13 15/3 46/15 51/6 57/25 64/23
yes [7] 12/13 32/19 66/7 68/11 70/17 76/1 79/17
yet [3] 55/8 63/12 77/5
you [68] 6/4 10/20 12/8 12/10 12/12 23/1 30/21 33/22 34/5 34/11 35/12 39/24 41/6 41/20 41/22 43/19 44/18 45/24 46/6 46/11 47/3 50/16 50/17 51/20 58/3 61/3 62/17 64/17 65/10 65/23 66/1 66/2 66/6 67/2 67/19 67/24 68/6 68/12 68/20 68/22 69/8 71/9 71/20 71/21 71/22 72/2 72/12 72/12 72/21 73/3 73/14 73/23 74/18 74/25 75/2 75/7 75/10 75/20 75/24 76/10 76/15 77/10 77/11 77/20 78/7 79/10 79/19 79/19
you'd [1] 25/12
your [47] 5/18 6/1 6/6 9/23 12/13 12/14 16/7 20/7 21/15 25/4 25/16 25/19 26/13 28/3 28/13 29/18 31/14 33/10 33/18 41/22 42/23 43/5 44/16 45/7 45/23 46/3 47/2 47/9 47/10 48/22 49/5 49/9 49/15 50/7 50/17 50/18 55/19 64/18 66/7 67/22 69/19 70/3 70/4 74/18 78/4 78/14 79/13
yourselves [1] 65/11

Z

ZEHNDER [1] 2/9
Zoom [4] 2/1 73/5 74/12 77/8

EXHIBIT B

From: McVay, Brad R.

To: Adkins, Janet; Andersen, Mark; Anderson, Chris; Anderson, Shirley; Arnold, Melissa; Arrington, Mary Jane; Baird, Maureen "Mo"; Ballard, Seth; Barton, Kim; Beasley, Bobby; Bennett, Michael; Brown, Tomi; Cannon, Starlet; Chambless, Chris H.; Chason, Sharon; Convers, Grant; Corley, Brian; Cowles, Bill; Davis, Vicki; Dehn, Dan; Doyle, Tommy; Driggers, Heath; Dunaway, Carol; Earley, Mark; Edwards, Jennifer J.; Edwards, Lori; Farnam, Aletris; Griffin, Joyce; Hale, Bryce; Hanlon, John; Hart, Travis; Hays, Alan; Hogan, Mike; Hoots, Brenda; Hutto, Laura; Jones, Tammy; Keen, Bill; Kinsey, Jennifer; Knight, Shirley; Latimer, Craig; Lenhart, Kaiti; Lewis, Lisa; Link, Wendy; Lux, Paul; Marconnet, Amber; Marcus, Julie; Matthews, Maria I.; McNeill, Justin "Tyler"; Meadows, Therisa; Milton, Christopher; Morgan, Joe; Negley, Mark; Oakes, Vicky; Osborne, Deborah; Overturf, Charles; Riley, Heather; Rudd, Carol F.; Sanchez, Connie; Scott, Joe; Scott, Lori; Seyfang, Amanda; Smith, Diane; Southerland, Dana; Stafford, David H.; Stamoulis, Paul; Swan, Leslie; Treppiedi,Vincenza; Turner, Ron; Villane, Tappie Ann; Walker, Gertrude; White, Christina; Wilcox, Wesley; Adkins, Janet; AdminManateeCounty; Anderson, Shirley; Armstrong, Linda; Arnold, Melissa; Baird, Maureen "Mo"; Ballard, Seth; Barksdale, Matt; Barton, Kim; BayCountySOE; Bennett, Michael; Bobanic, Tim; Bridges, Christina; Brittain, Paula; Brown, Tomi; Burger, Joanne; Cannon, Starlet; Carter, Leslie; Chason, Sharon; ClayCountySOE; CollierCountySOE; Convers, Grant; Corley, Brian; Dehn, Dan; Delesdernier, Carl; Dickerson, Katrina; Doyle, Tommy; Driggers, Heath; Dunaway, Carol; DuvalCountySOE; Earley, Mark; Farnam, Aletris; Figueroa, Annette; Fryman, Melinda; GadsdenCountySOE; Gibson, Stephanie; Greene, Celina; Hankemeyer, Kim; Hart, Travis; Hays, Alan; HighlandsCountySOE; HillsboroughCountySOE; Hogan, Mike; Hoots, Brenda; Hutto, Laura; Jackson, Brayden; JacksonCountySOE; James, Thomas; Jones, Tammy; Keen, Bill; Kinsey, Jennifer; Lenhart, Kaiti; LeSuer, Timothy; Lewis, Lisa; LibertyCountySOE; Long, Sarah; Lux, Paul; Mahan, Kemie; Marcus, Julie; MarionCountySOE; Marisa Crispell; MartinCountySOE; Mayo, Wendy; McGirr, Louise; McNeill, Justin "Tyler"; Meadows, Therisa; Merrick, Jason; MiamiDadeCountySOE; Miller, Scott; Milton, Christopher; Molina, Imaltzin; MonroeCountySOE; Moore, Christopher; Moreno, Luis; Morgan, Joe; Morley, Tiffany M.; Mosca, Alex; NassauCountySOE; Negley, Mark; Norris, Tina; Nunez, Jorge; Oneal, Casondra; OrangeCountySOE; Osborne, Deborah; OsceolaCountySOE; Overturf, Charles; PalmBeachCountySOE; Pearson, Maria; PinellasCountySOE; PolkCountyElections; Ponce, Jose; Reeves, Barbara; Riley, Heather; Rodriguez, Robert; Rorapaugh, Robin; Rudd, Carol F.; Sacerio, Ed; Sanchez, Connie; SarasotaCountySOE; Savary, Evelyn; Sawczyn, Jamie; Scott, Joe; Scott, Lori; SeminoleCountySOE; Seyfang, Amanda; Smith, Diane; Southerland, Dana; Stafford, Katelyn; Stamoulis, Paul; Steven, Scarselli; StJohnsCountySOE; Swan, Leslie; Teaman, Jason; Thompson, Holly; Treppiedi,Vincenza; Trutie, Suzy; Tyson, Chase; Villane, Tappie Ann; WakullaCountySOE; Walker, Gertrude; Wilkinson, Lori; Earley, Mark; Overturf, Charles; JeffersonCountySOE

Cc: Davis, Ashley E.; Matthews, Maria I.; Marconnet, Amber; O"Brien, Colleen E.; Labasky, Ron - FSASE Legal Counsel

Subject: RE: Please read -- 3rd Update on state redistricting case (U.S. congressional map)

Attachments: 2022.05.12 - Order Granting Motion for Temporary Injunction.pdf
FL_PlanA.csv

Dear Supervisors,

Yesterday evening, in the state court redistricting case (*Black Voters Matter, et al. v. Lee, et al.*, No. 2022-CA-000666 (Fla. 2nd Cir. Ct.)), the trial court issued an order vacating the automatic stay referenced in my previous e-mail (see below).

The Secretary intends to soon file an Emergency Motion at the First District Court of Appeal asking the appellate court to reinstate the stay. We expect that the First District Court of Appeal will take up the issue quickly and we will continue to promptly update you with any rulings or developments.

In the meantime, the trial court's May 12, 2022, Order Granting Motion for Temporary Injunction is now in effect. For your convenience, I have included as an attachment to this e-mail a copy of the trial court's order. Additionally, and pursuant to the trial court's order, I have included as an attachment to this e-mail the final corrected version of an excel file necessary for you to replicate Plaintiffs' "Proposed Map A" which is currently the operative map for the upcoming 2022 elections. Please note that neither the Department of State nor the Florida Legislature created this file; this is the product of Plaintiffs' expert alone.

As you proceed with implementation, please do make sure to remember that if the First District Court of Appeal grants the Secretary's emergency motion to reinstate the stay, the state's legislatively enacted map (SB 2-C) would once again become the operative map for the upcoming

2022 elections. On that note, and consistent with the trial court's oral pronouncement during the hearing yesterday, to the extent that it is possible, we ask that you proceed on two fronts and plan to implement both maps. At a minimum, as you undertake implementation on "Proposed Map A," you should make sure to preserve any and all work that has already been done towards implementing SB 2-C.

Brad McVay
General Counsel
Florida Department of State
R.A. Gray Building
500 S. Bronough Street
Tallahassee, FL 32399-0250
Phone: 850-245-6511

From: McVay, Brad R.
Sent: Thursday, May 12, 2022 8:23 PM
To: Adkins, Janet <jadkins@votenassaufl.gov>; Andersen, Mark <baysuper@bayvotes.org>; Anderson, Chris <anderson@voteseminole.org>; Anderson, Shirley <Shirley.Anderson@HernandoVotes.gov>; Arnold, Melissa <melissa@voteokeechobee.gov>; Arrington, Mary Jane <maryjane@voteosceola.com>; Baird, Maureen "Mo" <MBaird@votecitrus.gov>; Ballard, Seth <sballard@votecitrus.gov>; Barton, Kim <kbarton@alachuacounty.us>; Beasley, Bobby <bbeasley@co.walton.fl.us>; Bennett, Michael <mike@votemanatee.com>; Brown, Tomi <vote@votecolumbiafl.gov>; Cannon, Starlet <elections@dixievotes.com>; Chambless, Chris H. <cchambless@clayelections.com>; Chason, Sharon <schason@votecalhoun.com>; Conyers, Grant <Grant@libertyelections.com>; Corley, Brian <bcorley@pascovotes.gov>; Cowles, Bill <bill@ocfelections.gov>; Davis, Vicki <vdavis@martinvotes.com>; Dehn, Dan <dan@lakevotes.gov>; Doyle, Tommy <TDoyle@LeeElections.com>; Driggers, Heath <hdriggers@votemadison.com>; Dunaway, Carol <Carol@votejacksonfl.gov>; Earley, Mark <Mark.Earley@leonvotes.gov>; Edwards, Jennifer J. <Jennifer.Edwards@CollierVotes.gov>; Edwards, Lori <loriedwards@polkelections.com>; Farnam, Aletris <vote@myglades.com>; Griffin, Joyce <rjg@keys-elections.org>; Hale, Bryce <bhale@votecitrus.gov>; Hanlon, John <gulfsoe@votegulf.gov>; Hart, Travis <travis@lafayettevotes.com>; Hays, Alan <alan@lakevotes.com>; Hogan, Mike <mhogan@coj.net>; Hoots, Brenda <supervisor@hendryelections.org>; Hutto, Laura <lhutto@hamiltonvotesfl.gov>; Jones, Tammy <tammy@votelevy.com>; Keen, Bill <Bill.Keen@sumterelections.org>; Kinsey, Jennifer <jkinsey@suwanneevotes.com>; Knight, Shirley <shirleyknight@gadsdensoefl.gov>; Latimer, Craig

<clatimer@votehillsborough.gov>; Lenhart, Kaiti <klenhart@flaglerelections.com>; Lewis, Lisa <llewis@volusia.org>; Link, Wendy <Wendylink@votepalmbeach.gov>; Lux, Paul <plux@co.okaloosa.fl.us>; Marconnet, Amber <Amber.Marconnet@DOS.MyFlorida.com>; Marcus, Julie <jmarcus@votepinellas.gov>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; McNeill, Justin "Tyler" <soe@jeffersoncountyfl.gov>; Meadows, Therisa <therisa@holmeselectionsfl.gov>; Milton, Christopher <chris.milton@bakercountyfl.org>; Morgan, Joe <jmorgan@wakullaelectionfl.gov>; Negley, Mark <mnegley@votedesoto.com>; Oakes, Vicky <voakes@sjcvotes.us>; Osborne, Deborah <debbie.osborne@unionflvotes.com>; Overturf, Charles <Charles.Overtuff@putnam-fl.com>; Riley, Heather <heather@votefranklinfl.gov>; Rudd, Carol F. <crudd@wcsoe.gov>; Sanchez, Connie <elections@gilchrist.fl.us>; Scott, Joe <jscott@browardvotes.gov>; Scott, Lori <lscott@votebrevard.com>; Seyfang, Amanda <amanda@votebradfordfl.gov>; Smith, Diane <diane@hardeecountyelections.com>; Southerland, Dana <taylorelections@gtcom.net>; Stafford, David H. <dstafford@escambiavotes.com>; Stamoulis, Paul <paulstamoulis@soecharlottecountyfl.gov>; Swan, Leslie <lswan@voteindianriver.gov>; Treppiedi,Vincenza <vinnie@soecharlottecountyfl.gov>; Turner, Ron <rturner@sarasotavotes.com>; Villane, Tappie Ann <villane@santarosa.fl.gov>; Walker, Gertrude <elections@slcelections.com>; White, Christina <Christina.White@miamidade.gov>; Wilcox, Wesley <wwilcox@votemarion.gov>; Adkins, Janet <jadkins@votenassaufl.gov>; AdminManateeCounty <Admin@votemanatee.com>; Anderson, Shirley <Shirley.Anderson@HernandoVotes.gov>; Armstrong, Linda <linda@soecharlottecountyfl.gov>; Arnold, Melissa <melissa@voteokeechobee.gov>; Baird, Maureen "Mo" <MBaird@votecitrus.gov>; Ballard, Seth <sballard@votecitrus.gov>; Barksdale, Matt <matt@votebradfordfl.gov>; Barton, Kim <kbarton@alachuacounty.us>; BayCountySOE <fvrsnotices@bayvotes.org>; Bennett, Michael <mike@votemanatee.com>; Bobanic, Tim <tbobanic@votebrevard.gov>; Bridges, Christina <Christina.Bridges@putnam-fl.com>; Brittain, Paula <Paula.Brittain@bakercountyfl.org>; Brown, Tomi <vote@votecolumbiafl.gov>; Burger, Joanne <Joanne.Burger@bakercountyfl.org>; Cannon, Starlet <elections@dixievotes.com>; Carter, Leslie <lcarter@hamiltonvotesfl.gov>; Chason, Sharon <schason@votecalhoun.com>; ClayCountySOE <Notices@ClayElections.com>; CollierCountySOE <Supervisor.Elections@CollierVotes.gov>; Conyers, Grant <Grant@libertyelections.com>; Corley, Brian <bcorley@pascovotes.gov>; Dehn, Dan <dan@lakevotes.gov>; Delesdernier, Carl <cdelesdernier@alachuacounty.us>; Dickerson, Katrina <kdickerson@wakullaelectionfl.gov>; Doyle, Tommy <TDoyle@LeeElections.com>; Driggers, Heath <hdriggers@votemadison.com>; Dunaway, Carol <Carol@votejacksonfl.gov>; DuvalCountySOE <duvalsoecontacts@coj.net>; Earley, Mark <Mark.Earley@leonvotes.gov>; Farnam, Aletris <vote@myglades.com>; Figueroa, Annette <annettefigueroa@polkelections.com>; Fryman, Melinda <cvatf@votecolumbiafl.gov>; GadsdenCountySOE <info@gadsdensoefl.gov>; Gibson, Stephanie <Stephanie@voteokeechobee.gov>; Greene, Celina <cgreene@wakullaelectionfl.gov>; Hankemeyer, Kim <KHankemeyer@VoteMarion.com>; Hart, Travis <travis@lafayettevotes.com>; Hays, Alan <alan@lakevotes.com>; HighlandsCountySOE <highlandssoe@votehighlands.com>; HillsboroughCountySOE <HillsboroughSOEContacts@votehillsborough.gov>; Hogan, Mike <mhogan@coj.net>; Hoots, Brenda <supervisor@hendryelections.org>; Hutto, Laura <lhutto@hamiltonvotesfl.gov>; Jackson, Brayden <brayden.jackson@bakercountyfl.org>; JacksonCountySOE <email@votejacksonfl.gov>; James, Thomas <Tj@lleonvotes.gov>; Jones, Tammy <tammy@votelevy.com>; Keen, Bill <Bill.Keen@sumterelections.org>; Kinsey, Jennifer <jkinsey@suwanneevotes.com>; Lenhart, Kaiti <klenhart@flaglerelections.com>; LeSuer, Timothy <tlesuer@myokaloosa.com>; Lewis, Lisa <llewis@volusia.org>; LibertyCountySOE

<vote@libertyelections.com>; Long, Sarah <sarah@votebradfordfl.gov>; Lux, Paul <plux@co.okaloosa.fl.us>; Mahan, Kemie <KMahan@clayelections.com>; Marcus, Julie <jmarcus@votepinellas.gov>; MarionCountySOE <MarionDOE@VoteMarion.com>; Marisa Crispell <Marisa.Crispell@ocfelections.gov>; MartinCountySOE <elections@martinvotes.com>; Mayo, Wendy <wmayo@wcsoe.gov>; McGirr, Louise <lmcgirr@co.okaloosa.fl.us>; McNeill, Justin "Tyler" <soe@jeffersoncountyfl.gov>; Meadows, Therisa <therisa@holmeselectionsfl.gov>; Merrick, Jason <jmerrick@wakullaelectionfl.gov>; MiamiDadeCountySOE <ELECT-MDSOEC@miamidade.gov>; Miller, Scott <smiller@votenassaufl.gov>; Milton, Christopher <chris.milton@bakercountyfl.org>; Molina, Imaltzin <Imaltzin.Molina@miamidade.gov>; MonroeCountySOE <info@keys-elections.org>; Moore, Christopher <MooreChr@leonvotes.gov>; Moreno, Luis <luis@votepalmbeach.gov>; Morgan, Joe <jmorgan@wakullaelectionfl.gov>; Morley, Tiffany M. <Tiffany.Morley@dos.myflorida.com>; Mosca, Alex <MoscaA@leonvotes.gov>; NassauCountySOE <nassaumgmt@votenassaufl.gov>; Negley, Mark <mnegley@votedesoto.com>; Norris, Tina <tnorris@pascovotes.gov>; Nunez, Jorge <jorge@votepalmbeach.gov>; Oneal, Casondra <CasondraOneal@PolkElections.com>; OrangeCountySOE <orasoecontact@ocfelections.gov>; Osborne, Deborah <debbie.osborne@unionflvotes.com>; OsceolaCountySOE <osceolasoemgmt@voteosceola.com>; Overturf, Charles <Charles.Overtuff@putnam-fl.com>; PalmBeachCountySOE <mailbox@votepalmbeach.gov>; Pearson, Maria <mpearson@votenassaufl.gov>; PinellasCountySOE <pinellascountyemail@votepinellas.gov>; PolkCountyElections <polksoe@polkelections.com>; Ponce, Jose <jose.ponce@miamidade.gov>; Reeves, Barbara <barbara@holmeselectionsfl.gov>; Riley, Heather <heather@votefranklinfl.gov>; Rodriguez, Robert <rar@miamidade.gov>; Rorapaugh, Robin <Robin@VotePalmBeach.gov>; Rudd, Carol F. <crudd@wcsoe.gov>; Sacerio, Ed <ed@votepalmbeach.gov>; Sanchez, Connie <elections@gilchrist.fl.us>; SarasotaCountySOE <SarasotaDOEContacts@sarasotavotes.com>; Savary, Evelyn <esavary@wakullaelectionfl.gov>; Sawczyn, Jamie <JSawczyn@coj.net>; Scott, Joe <jscott@browardvotes.gov>; Scott, Lori <lscott@votebrevard.com>; SeminoleCountySOE <SEMSOE@VoteSeminole.org>; Seyfang, Amanda <amanda@votebradfordfl.gov>; Smith, Diane <diane@hardeecountyelections.com>; Southerland, Dana <taylorelections@gtcom.net>; Stafford, Katelyn <Katelyn@Libertyelections.com>; Stamoulis, Paul <paulstamoulis@soecharlottecountyfl.gov>; Steven, Scarselli <sscarselli@flaglerelections.com>; StJohnsCountySOE <SOE@votesjc.com>; Swan, Leslie <lswan@voteindianriver.gov>; Teaman, Jason <teaman@voteseminole.org>; Thompson, Holly <ThompsonH@leonvotes.gov>; Treppiedi,Vincenza <vinnie@soecharlottecountyfl.gov>; Trutie, Suzy <suzy.trutie@miamidade.gov>; Tyson, Chase <chase.tyson@bakercountyfl.org>; Villane, Tappie Ann <villane@santarosa.fl.gov>; WakullaCountySOE <wakullacountysoe@mywakulla.com>; Walker, Gertrude <elections@slcelections.com>; Wilkinson, Lori <lwilkinson@votenassaufl.gov>; Earley, Mark <Mark.Earley@leonvotes.gov>; Overturf, Charles <Charles.Overtuff@putnam-fl.com>; JeffersonCountySOE <soe@jeffersoncountyfl.gov>

Cc: Davis, Ashley E. <Ashley.Davis@dos.myflorida.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Marconnet, Amber <Amber.Marconnet@DOS.MyFlorida.com>; O'Brien, Colleen E. <Colleen.OBrien@dos.myflorida.com>

Subject: RE: Please read -- 2nd Update on state redistricting case (U.S. congressional map)

Dear Supervisors,

As forecasted in the below communication from this morning, the trial court in the state court redistricting case (*Black Voters Matter, et al. v. Lee, et al.*, No. 2022-CA-000666 (Fla. 2nd Cir. Ct.)) entered this afternoon a written Order Granting Motion for Temporary Injunction. The Secretary's Notice of Appeal immediately "stayed" the trial court's ruling pursuant to Florida Rule of Appellate Procedure 9.310(b)(2), causing SB 2-C (the state's current, enacted congressional map) to remain in effect for the upcoming 2022 elections absent further direction from the courts. Therefore, you should continue implementing SB 2-C, the map the Florida Legislature enacted and the Governor approved on April 22, 2022.

The Secretary's Notice of Appeal is attached herein and includes the Order Granting Motion for Temporary Injunction.

We will continue to promptly update you with any additional developments.

Brad McVay
General Counsel
Florida Department of State
R.A. Gray Building
500 S. Bronough Street
Tallahassee, FL 32399-0250
Phone: 850-245-6511

From: McVay, Brad R.
Sent: Thursday, May 12, 2022 10:46 AM
To: Adkins, Janet <jadkins@votenassaufl.gov>; Andersen, Mark <baysuper@bayvotes.org>; Anderson, Chris <anderson@voteseminole.org>; Anderson, Shirley <Shirley.Anderson@HernandoVotes.gov>; Arnold, Melissa <melissa@voteokeechobee.gov>; Arrington, Mary Jane <maryjane@voteosceola.com>; Baird, Maureen "Mo" <MBaird@votecitrus.gov>; Ballard, Seth <sballard@votecitrus.gov>; Barton, Kim <kbarton@alachuacounty.us>; Beasley, Bobby <bbeasley@co.walton.fl.us>; Bennett, Michael <mike@votemanatee.com>; Brown, Tomi <vote@votecolumbiafl.gov>; Cannon, Starlet <elections@dixievotes.com>; Chambless, Chris H. <cchambless@clayelections.com>; Chason, Sharon <schason@votecalhoun.com>; Conyers, Grant <Grant@libertyelections.com>; Corley, Brian <bcorley@pascovotes.gov>; Cowles, Bill <bill@ocfelections.gov>; Davis, Vicki <vdavis@martinvotes.com>; Dehn, Dan <dan@lakevotes.gov>; Doyle, Tommy <TDoyle@LeeElections.com>; Driggers, Heath <hdriggers@votemadison.com>; Dunaway, Carol <Carol@votejacksonfl.gov>; Earley, Mark <Mark.Earley@leonvotes.gov>; Edwards, Jennifer J. <Jennifer.Edwards@CollierVotes.gov>; Edwards, Lori <loriedwards@polkelections.com>; Farnam, Aletris <vote@myglades.com>; Griffin, Joyce <rjg@keys-elections.org>; Hale, Bryce <bhale@votecitrus.gov>; Hanlon, John <gulfsoe@votegulf.gov>; Hart, Travis <travis@lafayettevotes.com>; Hays, Alan <alan@lakevotes.com>; Hogan, Mike <mhogan@coj.net>; Hoots, Brenda <supervisor@hendryelections.org>; Hutto, Laura <lhutto@hamiltonvotesfl.gov>; Jones, Tammy <tammy@votelevy.com>; Keen, Bill <Bill.Keen@sumterelections.org>; Kinsey, Jennifer <jkinsey@suwanneevotes.com>; Knight, Shirley <shirleyknight@gadsdensoefl.gov>; Latimer, Craig

<clatimer@votehillsborough.gov>; Lenhart, Kaiti <klenhart@flaglerelections.com>; Lewis, Lisa <llewis@volusia.org>; Link, Wendy <Wendylink@votepalmbeach.gov>; Lux, Paul <plux@co.okaloosa.fl.us>; Marconnet, Amber <Amber.Marconnet@DOS.MyFlorida.com>; Marcus, Julie <jmarcus@votepinellas.gov>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; McNeill, Justin "Tyler" <soe@jeffersoncountyfl.gov>; Meadows, Therisa <therisa@holmeselectionsfl.gov>; Milton, Christopher <chris.milton@bakercountyfl.org>; Morgan, Joe <jmorgan@wakullaelectionfl.gov>; Negley, Mark <mnegley@votedesoto.com>; Oakes, Vicky <voakes@sjcvotes.us>; Osborne, Deborah <debbie.osborne@unionflvotes.com>; Overturf, Charles <Charles.Overtuff@putnam-fl.com>; Riley, Heather <heather@votefranklinfl.gov>; Rudd, Carol F. <crudd@wcsoe.gov>; Sanchez, Connie <elections@gilchrist.fl.us>; Scott, Joe <jscott@browardvotes.gov>; Scott, Lori <lscott@votebrevard.com>; Seyfang, Amanda <amanda@votebradfordfl.gov>; Smith, Diane <diane@hardeecountyelections.com>; Southerland, Dana <taylorelections@gtcom.net>; Stafford, David H. <dstafford@escambiavotes.com>; Stamoulis, Paul <paulstamoulis@soecharlottecountyfl.gov>; Swan, Leslie <lswan@voteindianriver.gov>; Treppiedi,Vincenza <vinnie@soecharlottecountyfl.gov>; Turner, Ron <rturner@sarasotavotes.com>; Villane, Tappie Ann <villane@santarosa.fl.gov>; Walker, Gertrude <elections@slcelections.com>; White, Christina <Christina.White@miamidade.gov>; Wilcox, Wesley <wwilcox@votemarion.gov>; Adkins, Janet <jadkins@votenassaufl.gov>; AdminManateeCounty <Admin@votemanatee.com>; Anderson, Shirley <Shirley.Anderson@HernandoVotes.gov>; Armstrong, Linda <linda@soecharlottecountyfl.gov>; Arnold, Melissa <melissa@voteokeechobee.gov>; Baird, Maureen "Mo" <MBaird@votecitrus.gov>; Ballard, Seth <sballard@votecitrus.gov>; Barksdale, Matt <matt@votebradfordfl.gov>; Barton, Kim <kbarton@alachuacounty.us>; BayCountySOE <fvrsnotices@bayvotes.org>; Bennett, Michael <mike@votemanatee.com>; Bobanic, Tim <tbobanic@votebrevard.gov>; Bridges, Christina <Christina.Bridges@putnam-fl.com>; Brittain, Paula <Paula.Brittain@bakercountyfl.org>; Brown, Tomi <vote@votecolumbiafl.gov>; Burger, Joanne <Joanne.Burger@bakercountyfl.org>; Cannon, Starlet <elections@dixievotes.com>; Carter, Leslie <lcarter@hamiltonvotesfl.gov>; Chason, Sharon <schason@votecalhoun.com>; ClayCountySOE <Notices@ClayElections.com>; CollierCountySOE <Supervisor.Elections@CollierVotes.gov>; Conyers, Grant <Grant@libertyelections.com>; Corley, Brian <bcorley@pascovotes.gov>; Dehn, Dan <dan@lakevotes.gov>; Delesdernier, Carl <cdelesdernier@alachuacounty.us>; Dickerson, Katrina <kdickerson@wakullaelectionfl.gov>; Doyle, Tommy <TDoyle@LeeElections.com>; Driggers, Heath <hdriggers@votemadison.com>; Dunaway, Carol <Carol@votejacksonfl.gov>; DuvalCountySOE <duvalsoecontacts@coj.net>; Earley, Mark <Mark.Earley@leonvotes.gov>; Farnam, Aletris <vote@myglades.com>; Figueroa, Annette <annettefigueroa@polkelections.com>; Fryman, Melinda <cvatf@votecolumbiafl.gov>; GadsdenCountySOE <info@gadsdensoefl.gov>; Gibson, Stephanie <Stephanie@voteokeechobee.gov>; Greene, Celina <cgreene@wakullaelectionfl.gov>; Hankemeyer, Kim <KHankemeyer@VoteMarion.com>; Hart, Travis <travis@lafayettevotes.com>; Hays, Alan <alan@lakevotes.com>; HighlandsCountySOE <highlandssoe@votehighlands.com>; HillsboroughCountySOE <HillsboroughSOEContacts@votehillsborough.gov>; Hogan, Mike <mhogan@coj.net>; Hoots, Brenda <supervisor@hendryelections.org>; Hutto, Laura <lhutto@hamiltonvotesfl.gov>; Jackson, Brayden <brayden.jackson@bakercountyfl.org>; JacksonCountySOE <email@votejacksonfl.gov>; James, Thomas <Tj@leonvotes.gov>; Jones, Tammy <tammy@votelevy.com>; Keen, Bill <Bill.Keen@sumterelections.org>; Kinsey, Jennifer <jkinsey@suwanneevotes.com>; Lenhart, Kaiti <klenhart@flaglerelections.com>; LeSuer, Timothy <tlesuer@myokaloosa.com>; Lewis, Lisa <llewis@volusia.org>; LibertyCountySOE

<vote@libertyelections.com>; Long, Sarah <sarah@votebradfordfl.gov>; Lux, Paul <plux@co.okaloosa.fl.us>; Mahan, Kemie <KMahan@clayelections.com>; Marcus, Julie <jmarcus@votepinellas.gov>; MarionCountySOE <MarionDOE@VoteMarion.com>; Marisa Crispell <Marisa.Crispell@ocfelections.gov>; MartinCountySOE <elections@martinvotes.com>; Mayo, Wendy <wmayo@wcsoe.gov>; McGirr, Louise <lmcgirr@co.okaloosa.fl.us>; McNeill, Justin "Tyler" <soe@jeffersoncountyfl.gov>; Meadows, Therisa <therisa@holmeselectionsfl.gov>; Merrick, Jason <jmerrick@wakullaelectionfl.gov>; MiamiDadeCountySOE <ELECT-MDSOEC@miamidade.gov>; Miller, Scott <smiller@votenassaufl.gov>; Milton, Christopher <chris.milton@bakercountyfl.org>; Molina, Imaltzin <Imaltzin.Molina@miamidade.gov>; MonroeCountySOE <info@keys-elections.org>; Moore, Christopher <MooreChr@leonvotes.gov>; Moreno, Luis <luis@votepalmbeach.gov>; Morgan, Joe <jmorgan@wakullaelectionfl.gov>; Morley, Tiffany M. <Tiffany.Morley@dos.myflorida.com>; Mosca, Alex <MoscaA@leonvotes.gov>; NassauCountySOE <nassaumgmt@votenassaufl.gov>; Negley, Mark <mnegley@votedesoto.com>; Norris, Tina <tnorris@pascovotes.gov>; Nunez, Jorge <jorge@votepalmbeach.gov>; Oneal, Casondra <CasondraOneal@PolkElections.com>; OrangeCountySOE <orasoecontact@ocfelections.gov>; Osborne, Deborah <debbie.osborne@unionflvotes.com>; OsceolaCountySOE <osceolasoemgmt@voteosceola.com>; Overturf, Charles <Charles.Overtuff@putnam-fl.com>; PalmBeachCountySOE <mailbox@votepalmbeach.gov>; Pearson, Maria <mpearson@votenassaufl.gov>; PinellasCountySOE <pinellascountyemail@votepinellas.gov>; PolkCountyElections <polksoe@polkelections.com>; Ponce, Jose <jose.ponce@miamidade.gov>; Reeves, Barbara <barbara@holmeselectionsfl.gov>; Riley, Heather <heather@votefranklinfl.gov>; Rodriguez, Robert <rar@miamidade.gov>; Rorapaugh, Robin <Robin@VotePalmBeach.gov>; Rudd, Carol F. <crudd@wcsoe.gov>; Sacerio, Ed <ed@votepalmbeach.gov>; Sanchez, Connie <elections@gilchrist.fl.us>; SarasotaCountySOE <SarasotaDOEContacts@sarasotavotes.com>; Savary, Evelyn <esavary@wakullaelectionfl.gov>; Sawczyn, Jamie <JSawczyn@coj.net>; Scott, Joe <jscott@browardvotes.gov>; Scott, Lori <lscott@votebrevard.com>; SeminoleCountySOE <SEMSOE@VoteSeminole.org>; Seyfang, Amanda <amanda@votebradfordfl.gov>; Smith, Diane <diane@hardeecountyelections.com>; Southerland, Dana <taylorelections@gtcom.net>; Stafford, Katelyn <Katelyn@Libertyelections.com>; Stamoulis, Paul <paulstamoulis@soecharlottecountyfl.gov>; Steven, Scarselli <sscarselli@flaglerelections.com>; StJohnsCountySOE <SOE@votesjc.com>; Swan, Leslie <lswan@voteindianriver.gov>; Teaman, Jason <teaman@voteseminole.org>; Thompson, Holly <ThompsonH@leonvotes.gov>; Treppiedi,Vincenza <vinnie@soecharlottecountyfl.gov>; Trutie, Suzy <suzy.trutie@miamidade.gov>; Tyson, Chase <chase.tyson@bakercountyfl.org>; Villane, Tappie Ann <villane@santarosa.fl.gov>; WakullaCountySOE <wakullacountysoe@mywakulla.com>; Walker, Gertrude <elections@slcelections.com>; Wilkinson, Lori <lwilkinson@votenassaufl.gov>; Earley, Mark <Mark.Earley@leonvotes.gov>; Overturf, Charles <Charles.Overtuff@putnam-fl.com>; JeffersonCountySOE <soe@jeffersoncountyfl.gov>

Cc: Davis, Ashley E. <Ashley.Davis@dos.myflorida.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Marconnet, Amber <Amber.Marconnet@DOS.MyFlorida.com>; O'Brien, Colleen E. <Colleen.OBrien@dos.myflorida.com>

Subject: Please read -- Update on state redistricting case (U.S. congressional map)

Dear Supervisors,

Yesterday afternoon, in the state court redistricting case (*Black Voters Matter et al v. Lee, et al* /2022CA000666, 2nd Jud. Cir.), the trial court held a hearing on Plaintiffs' motion for a temporary injunction and *orally* ruled that they have a likelihood of success on the merits of their claim that SB 2-C (the state's current, enacted congressional map) violates the non-diminishment standard of Article III, Section 20 of the Florida Constitution in portions of North Florida. The trial court indicated that it will soon issue an order in *writing* temporarily enjoining SB 2-C and ordering a different map be put in place – i.e., Plaintiffs' "Proposed Map A." The Secretary intends to appeal the decision to the First District Court of Appeal immediately, but cannot do so until the written order is issued.

The Secretary's appeal will immediately "stay" the trial court's ruling pursuant to the Florida Rules of Appellate Procedure, causing SB 2-C to remain in effect for the upcoming 2022 elections absent further direction from the courts.

We will continue to provide updates and guidance as information becomes available.

Brad McVay
General Counsel
Florida Department of State
R.A. Gray Building
500 S. Bronough Street
Tallahassee, FL 32399-0250
Phone: 850-245-6511