Filing # 158937102 E-Filed 10/10/2022 07:17:38 PM

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

BLACK VOTERS MATTER CAPACITY
BUILDING INSTITUTE, INC., et al., Case No.: 2022 CA 000666

Plaintiffs,

v.

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

Defendants.
_____/

MOTION FOR PROTECTIVE ORDER PREVENTING DEPOSITIONS OF INDIVIDUAL LEGISLATORS AND STAFF

Movants are six legislators[1] and five current and former legislative staff members[2] (the "Individual Legislators and Staff"), all non-parties to this case, who have been noticed by Plaintiffs for videotaped depositions. The Individual Legislators and Staff respectfully move for a protective order to prevent these depositions on the basis of the legislative privilege. The apex doctrine also prohibits the depositions of the Individual Legislators and some legislative staff members.

[1] Speaker Chris Sprowls, Representatives Thomas Leek and Tyler Sirois, and Senators Ray Rodrigues, Aaron Bean, and Jennifer Bradley.

[2] Mat Bahl (Chief of Staff to Speaker Sprowls), Leda Kelly (former Staff Director, House Redistricting Committee), Jason Poreda (Chief Map Drawer, House Redistricting Committee), Jay Ferrin (Staff Director, Senate Committee on Reapportionment), and Thomas Justin Eichermuller (Legislative Analyst, Senate Committee on Reapportionment).

Introduction

Without any discovery of wrongdoing, relying solely on the bare allegations of their complaint, Plaintiffs seek to invade the legislative process and depose the Speaker of the Florida House of Representatives, four Chairs of legislative redistricting committees or subcommittees, another Senator, and five additional legislative staff members to interrogate them about their discharge of duties within the legislative sphere. But Florida law does not permit Plaintiffs to file a redistricting case and proceed immediately to depose state legislators and their staff. The legislative privilege—rooted in the Florida Constitution's separation of powers—protects the legislative process from inhibition and interference and yields only in the most exceptional circumstances. The facts presented in this case do not support the extraordinary intrusion that Plaintiffs propose to make upon a co-equal branch of government.

Background

This case involves a challenge by five political advocacy organizations and twelve individuals to the congressional district map passed by the Legislature and signed by the Governor in April 2022. Following expedited consideration of Plaintiffs' motion for a temporary injunction, Defendants[3] answered Plaintiffs' complaint in June. Since then, the parties have exchanged written discovery. Plaintiffs have neither taken depositions nor sought third-party discovery, apart

[3] Defendants are Florida Secretary of State Cord Byrd, the Florida House of Representatives, and the Florida Senate. This Court entered orders dismissing Florida's Attorney General and four individual legislators as separate defendants on May 17 and July 22, 2022.

from their requests to immediately conduct videotaped depositions of Florida's Governor and his Deputy Chief of Staff, and now the Individual Legislators and Staff.

Notably, Plaintiffs have not even sought—much less obtained—any "third-party discovery" from "partisan political organizations and political consultants" that "reveal a secret effort by state legislators" to violate the Florida Constitution, or identified any "direct, secret communications between legislators, legislative staff members, partisan organizations, and political consultants." *League of Women Voters of Fla. v. Fla. House of Representatives*, 132 So. 3d 135, 141, 148 (Fla. 2013) ("*Apportionment IV*"). Nor have Plaintiffs "taken deposition testimony from numerous third-party witnesses as to their involvement in the redistricting process and their communications with state legislators and legislative staff members," *id.* at 141—all of which had been done before Florida courts permitted depositions of legislators and legislative staff during last decade's redistricting litigation.

In September, the Governor and one of his Deputy Chiefs of Staff filed a motion to quash and for a protective order against their depositions on the basis of the legislative privilege, the executive privilege, and the apex doctrine. The Florida House of Representatives and Florida Senate joined that motion in full. The non-party Individual Legislators and Staff now seek a protective order to prevent their depositions on the basis of the legislative privilege and the apex doctrine.

Legal Standard

This Court has the authority to enter protective orders prohibiting discovery upon a showing of good cause by the person from whom discovery is sought. Fla. R. Civ. P. 1.280(c). The apex doctrine recognized by recently adopted Florida Rule of Civil Procedure 1.280(h) also protects current and former high-level government officers from deposition unless the party seeking the deposition demonstrates "that it has exhausted other discovery, that such discovery is inadequate, and that the officer has unique, personal knowledge of discoverable information."

Argument

The legislative privilege recognized by the Florida Supreme Court prohibits the compelled depositions of the non-party Individual Legislators and Staff. The balancing approach adopted in *Apportionment IV* rejects a "bright line" assessment of legislative-privilege claims in favor of a fact-driven evaluation by the circuit judge based on the nature of any compelling, competing interest; the stage of the litigation; an appraisal of other discovery received in the case; and the importance of the legislative privilege. *Apportionment IV*, 132 So. 3d at 150–51. At this stage of the litigation, and absent any third-party discovery similar to that described in *Apportionment IV*, Plaintiffs cannot justify their demands for a substantial intrusion into the affairs of a co-equal branch of government. In the alternative, the Individual Legislators and Staff preserve for appellate review their argument that the balancing approach adopted in *Apportionment IV* represents

clear error and should be overruled for the reasons cogently expressed in Justice Canady's dissenting opinion. *Id.* at 156–61.

Finally, the apex doctrine recently adopted by the Florida Supreme Court also prohibits depositions of the Individual Legislators and some legislative staff members in the absence of an appropriate showing by Plaintiffs under Rule 1.280(h).

I. The legislative privilege prohibits compelled depositions of the Individual Legislators and Staff.

a. *Apportionment IV*'s balancing approach bars the proposed depositions.

Nine years ago, in a challenge to the congressional district map enacted in 2012, the Florida Supreme Court recognized the legislative privilege against the compelled testimony of legislators and legislative staff regarding the performance of their official duties. *Apportionment IV*, 132 So. 3d at 138. The Court's holding was "based upon the principle of separation of powers codified in article II, section 3, of the Florida Constitution" and on "inherent principles of comity that exist between the co-equal branches of government." *Id.* at 143–45. Whether the legislative privilege should yield in any particular instance to a "compelling, competing interest" is not determined by any "bright line" rule, but must be evaluated by the circuit court under a balancing approach as discovery proceeds. *Id.* at 149–51. Among the factors relevant to the circuit court's evaluation are the "stage of the litigation" and how other discovery received in the case "fits into [the] balancing approach." *Id.* at 143, 151, 154.

Throughout its opinion in *Apportionment IV*, the Florida Supreme Court described the circumstances that led to its approval of the circuit court's order protecting some information under the legislative privilege while allowing discovery into other areas. "From third-party discovery," the plaintiffs in *Apportionment IV* "uncovered communications between the Legislature and partisan political organizations and political consultants, which they allege reveal a secret effort by state legislators involved in the reapportionment process to favor Republicans and incumbents in direct violation of article III, section 20(a)." *Id.* at 141; *see also id.* at 148 ("The challengers assert that documents they have so far uncovered, primarily through third-party discovery, reveal direct, secret communications between legislators, legislative staff members, partisan organizations, and political consultants."); *id.* at 141 (noting that challengers took "deposition testimony from numerous third-party witnesses as to their involvement in the redistricting process and their communications with state legislators and legislative staff members"). Only after that information was uncovered did the plaintiffs notice the depositions of legislators and legislative staff to "*further develop and discover* evidence concerning [the plaintiffs'] claim of unconstitutional legislative intent." *Id.* (emphasis added).

The balancing approach announced in *Apportionment IV* makes clear that the Florida Supreme Court did not create a blanket redistricting exception to the legislative privilege. Instead, the Supreme Court entrusted circuit courts with the sensitive task of determining—case by case and even stage by stage—whether, when, and to what extent a constitutional privilege must yield. *See*

generally id. at 150–54. The Court's emphasis on the incriminating evidence collected by the plaintiffs, its repeated references to the "stage of the litigation," and its deference to the circuit court's calibrated response to the case-specific facts presented by the plaintiffs demonstrate that the Court did not categorically abrogate the legislative privilege in all redistricting cases. If it had, then anyone could initiate a redistricting case at any time and immediately depose Florida's Governor and legislative officials without any threshold demonstration that the complaint's allegations rest on substantial grounds that warrant an extraordinary intrusion into the legislative sphere. Far from opening a door to automatic depositions of Florida's highest-ranking government officials, *Apportionment IV* recognized the importance of the legislative privilege and called on circuit courts to make judicious, case-by-case assessments.

Plaintiffs here have not even sought—much less obtained—any third-party discovery such as the deposition testimony of "numerous third-party witnesses as to their involvement in the redistricting process" or documents revealing "a secret effort by state legislators involved in the reapportionment process to favor Republicans and incumbents" in violation of the Florida Constitution. *Id.* at 141. In fact, *no* depositions have been taken in this case. At this early stage of the litigation, without any record, the parties have only begun an initial exchange of written discovery.

Unlike *Apportionment IV*, Plaintiffs here have no evidence of a secret effort to subvert Florida's constitutional standards in contradiction to statements in the legislative record as to the intent behind and justification for the Enacted

Map's district configurations. In the absence of a compelling, competing interest supported by a substantial factual predicate, this Court should honor the well-recognized interests supporting the legislative privilege: avoiding interference with the discharge of legislative business and thus protecting the integrity of the legislative process, maintaining the separation of powers, and ensuring that "the Legislature can accomplish its role of enacting legislation in the public interest without undue interference." *Id.* at 146; *see also Fla. House of Representatives v. Expedia, Inc.*, 85 So. 3d 517, 524 (Fla. 1st DCA 2012) ("The power vested in the legislature under the Florida Constitution would be severely compromised if legislators were required to appear in court to explain why they voted a particular way or to describe their process of gathering information on a bill."). By securing lawmakers from personal participation in civil litigation, the legislative privilege removes personal considerations from the lawmaking calculus and promotes the "uninhibited discharge" of legislative duties. *Tenney v. Brandhove*, 341 U.S. 367, 377 (1951). The privilege also assures that the prospect of compelled testimony will not chill the freedom of speech and action in legislative deliberations. *Id.* at 372. It protects lawmakers from the burdens that civil litigation imposes on their time, energy, and attention, permitting them to "focus on their public duties." *In re Hubbard*, 803 F.3d 1298, 1310 (11th Cir. 2015). And "perhaps most importantly," the privilege embodies "the respect due to a coordinate branch of government." *Florida v. United States*, 886 F. Supp. 2d 1301 (N.D. Fla. 2012) (Hinkle, J.) ("Legislators ought not call unwilling judges to testify at legislative hearings about the reasons for specific judicial decisions, and courts ought not

compel unwilling legislators to testify about the reasons for specific legislative votes."); *see also United States v. Gillock*, 445 U.S. 360, 373 (1980) (discussing the "principles of comity" that support the privilege). For these reasons, courts have consistently enforced the privilege in all but the most extraordinary cases. *See Gillock*, 445 U.S. at 373 (declining to enforce the legislative privilege in a federal criminal prosecution against a state legislator); *League of Women Voters of Fla., Inc. v. Lee*, 340 F.R.D. 446, 457-458 (N.D. Fla. 2021) (Walker, C.J.) (granting motion to quash subpoenas to state legislators under federal common law and describing the purpose of the legislative privilege); *Florida*, 886 F. Supp. 2d at 1302–04 (denying motion to compel state legislators and staff to appear for depositions in Voting Rights Act case, notwithstanding the relevance of legislative purpose).

This Court should conclude, based on the recognized importance of the legislative privilege to the uninhibited discharge of legislative functions, the early stage of this litigation, and an evaluation of the other discovery received in this case, that the balancing approach dictated by *Apportionment IV* tips decidedly in favor of prohibiting the compelled depositions of the Individual Legislators and Staff.

b. *Apportionment IV* erred in rejecting an absolute legislative privilege in civil cases and should be overruled.

The Individual Legislators and Staff recognize that this Court is bound by the Florida Supreme Court's decision in *Apportionment IV*. If, however, this Court should find that *Apportionment IV* authorizes the requested depositions, then *Apportionment IV* should be overruled. To preserve this argument for appeal, the

Individual Legislators and Staff adopt the views expressed in Justice Canady's dissenting opinion in *Apportionment IV*. The dissenting opinion appropriately recognized that the legislative privilege "is firmly rooted in the English common law and inherent in the separation of powers," *id.* at 156; that the common-law privilege had not been abolished through the adoption of section 90.501, Florida Statutes, *id.* at 159; that state legislators had never before been "required to submit to interrogation in a civil case concerning their legislative activities," *id.* at 156, and that nothing in the text of article III, section 20 of the Florida Constitution justifies the "evisceration of the constitutional legislative privilege," *id.* at 160.

For the reasons expressed in Justice Canady's dissenting opinion, the holding of *Apportionment IV* is clearly erroneous and conflicts with both the Florida Constitution's separation-of-powers provision and Florida's statutory adoption of the common law of England down to the 4th day of July, 1776. § 2.01, Fla. Stat. No reliance interests justify the retention of this erroneous precedent. Under these circumstances, "the proper question becomes whether there is a valid reason *why not* to recede from that precedent." *State v. Poole*, 297 So. 3d 487, 507 (Fla. 2020) (emphasis in original). And where a centuries-old privilege that protects the separation of powers and the integrity of the lawmaking process is at stake, the answer is clearly "no."

II. The apex doctrine prohibits depositions of the Individual Legislators and some members of the Legislature's professional staff.

The apex doctrine recognized in Florida Rule of Civil Procedure 1.280(h) also precludes the depositions of Speaker Sprowls; Chairs Rodrigues, Bradley, Leek, and Sirois; Senate President Pro Tempore Bean; and House Chief of Staff Mathew Bahl.

"The point of the apex doctrine is to balance the competing goals of limiting potential discovery abuse and ensuring litigants' access to necessary information." *In re Amend. to Fla. Rule of Civ. Pro. 1.280*, 324 So. 3d 459, 461 (Fla. 2021). "Properly applied, the doctrine 'will prevent undue harassment and oppression of high-level officials while still providing a [party] with several less-intrusive mechanisms to obtain the necessary discovery, and allowing for the possibility of conducting the high-level deposition if warranted.' " *Id.* (quoting *Liberty Mut. Ins. Co. v. Superior Ct.*, 13 Cal. Rptr. 2d 363, 367–68 (Cal. Ct. App. 1992)) (alteration in original).

Rule 1.280(h) places two burdens on a person asserting apex protections: 1) a burden to persuade the court that the person is a "current or former high-level government or corporate officer"; and 2) a burden to produce "an affidavit or declaration . . . explaining that the officer lacks unique, personal knowledge of the issues being litigated." Fla. R. Civ. P. 1.280(h); *accord In re Amend. to Fla. Rule of Civ. Pro. 1.280*, 324 So. 3d at 463. Rule 1.280(h) "uses the term 'officer' in the generic sense of '[o]ne who holds an office of authority or trust in an organization, such as a corporation or government.' " *In re Amend. to Fla. Rule of*

Civ. Pro. 1.280, 324 So. 3d at 462 (quoting American Heritage Dictionary 1223 (5th ed. 2011).

The Individual Legislators are unquestionably "high-level government officers" in their exercise of the "legislative power of the state" under article III of the Florida Constitution. *See* Art. III, § 1, Fla. Const. Each is a constitutional officer elected by Florida voters to serve as one of 40 members of the Florida Senate or 120 members of the Florida House of Representatives. Committee and subcommittee chairs exercise additional duties and powers under legislative rules: House Rule 7.3 authorizes them to preside over meetings, establish meeting agendas, determine the order in which matters are to be considered, decide questions of order, and otherwise ensure the committee's orderly operation, while Senate Rules 2.23 through 2.27 authorize the chair to call the committee to order at the appointed hour; preserve order and decorum and have general control over the committee room; approve all notices, subpoenas, or reports required or permitted by Senate Rules; decide all questions of order, subject to an appeal to the President; excuse for just cause any committee member from attendance at committee meetings; and declare the results of all votes. The Senate President Pro Tempore is one of only two Senators to be elected by the entire chamber to serve as a Senate Officer. Fla. S. Rule 1.1. If, for any reason, the Senate President is absent and fails to name a Senator to perform the duties of the chair during a sitting of the Florida Senate, the President Pro Tempore "shall assume the duties of the chair." Fla. S. Rule 1.7(2). Finally, the House Speaker is the biennially elected, "permanent presiding officer" of the

Florida House of Representatives. Art. III, § 2, Fla. Const. The Rules of the Florida House of Representatives—including, in particular, Rule 2—detail the specific powers, duties, and rights of the Speaker as the House's presiding officer.

The term "high-level government officer" also applies to senior members of the Florida Legislature's staff. The House Chief of Staff, for example, manages all aspects of the business of the House on the Speaker's behalf, including oversight of policy and fiscal operations, administrative operations, communications activities, and legislative-process functions. Ex. 6 ¶ 2. The position falls well within the apex doctrine's protections. *See Morales v. City of New York*, No. 18-cv-01573, 2019 WL 6213059, at *2 (S.D.N.Y. Nov. 21, 2019) (concluding that the Chief of Staff to the Mayor of New York City is a high-level officer for purposes of the apex doctrine); *McNamee v. Massachusetts*, No. 12-cv-40050, 2012 WL 1665873, at *2 (D. Mass. May 10, 2012) (same as to the Chief of Staff to a member of Congress); *Coleman v. Schwarzenegger*, No. 90-cv-00520, 2008 WL 4300437, at *4 (E.D. Cal. Sept. 15, 2008) (same as to the Chief of Staff to the Governor of California).

The attached declarations explain that the declarants do not have unique personal knowledge of the issues being litigated. Throughout the congressional redistricting process, the Individual Legislators acted through or with the assistance of the Florida Legislature's staff. Plaintiffs also have access to the legislative record regarding the enactment of the challenged legislation, including records from legislative floor sessions, the presentations and public comments offered in committee meetings, and other public record documents. Depositions

of the declarants would reveal no unique information that is not otherwise available to Plaintiffs. This Court should therefore conclude that the apex doctrine prohibits Plaintiffs from deposing the declarants absent an appropriate showing under Rule 1.280(h) that Plaintiffs have "exhausted other discovery, that such discovery is inadequate, and that the officer[s have] unique, personal knowledge of discoverable information."

Conclusion

This Court should enter a protective order precluding the depositions of the Individual Legislators and Staff.

Respectfully submitted,

/s/Andy Bardos
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Counsel for Senator Ray Rodrigues, Senator Aaron Bean, Senator Jennifer Bradley, Jay Ferrin, and Thomas Justin Eichmuller

CERTIFICATE OF GOOD FAITH CONFERENCE

I HEREBY CERTIFY that counsel for the Individual Legislators and Staff has conferred with counsel for Plaintiffs in a good faith effort to resolve the issues raised by the motion. The following attorneys participated in this conference on October 10, 2022: Daniel Nordby, Andy Bardos, Carlos Rey, Jason Rojas, and Christina Ford. Plaintiffs will not recede from their desire to depose the Individual Legislators and Staff, and the Individual Legislators and Staff will not

waive their legislative privilege and other rights (apex doctrine) under Florida law. Thus, counsel have been unable to agree on the resolution of the motion, and judicial resolution of this dispute is required.

/s/ Daniel Nordby
Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of October 2022, a copy of the foregoing was filed via electronic means through the Florida Courts E-Filing portal and was served via electronic mail on all counsel of record.

/s/ Daniel Nordby
Attorney

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

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

Plaintiffs,

Case No. 2022-CA-000666

v.

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

Defendants.

_____/

DECLARATION OF CHRIS SPROWLS

I, Chris Sprowls, declare:

1. My name is Chris Sprowls. I am a member of the Florida House of Representatives. Since November 2020, I have served as Speaker of the Florida House of Representatives.

2. The Florida Constitution provides for the biennial selection of a Speaker to serve as the "permanent presiding officer" of the Florida House of Representatives. Art. III, § 2, Fla. Const.

3. The Rules of the Florida House of Representatives—including, in particular, Rule 2—confer specific powers, duties, and rights on the Speaker.

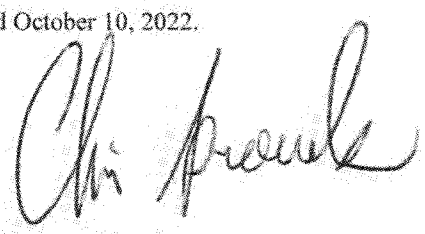
4. I understand that this litigation challenges the constitutionality of congressional districts enacted by the Florida Legislature in April 2022. I am aware that the plaintiffs allege violations of the Florida Constitution's tier-one and tier-two redistricting standards.

5. While I provided oversight to the redistricting process in 2021 and 2022, it represented a small fraction of my overall activities, and at no point in the process did I originate or generate redistricting work product.

6. In providing oversight of the redistricting process, I acted with the assistance and active participation of legislative staff. Accordingly, to the best of my knowledge and belief, I do not have unique knowledge of matters relevant to the subject matter of this action.

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Dated October 10, 2022.



Chris Sprowls, Speaker

Florida House of Representatives

EXHIBIT 1

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

BLACK VOTERS MATTER CAPACITY
BUILDING INSTITUTE, INC., et al., Case No.: 2022 CA 000666

Plaintiffs,

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Defendants.
_____/

DECLARATION OF SENATOR AARON BEAN

I, Aaron Bean, hereby declare as follows:

1. I am over the age of eighteen and am otherwise competent to make the statements in this declaration.

2. I have personal knowledge of the matters discussed herein.

3. I am the State Senator for Florida Senate District 4. I was originally elected to the Florida Senate in 2012 and have been subsequently reelected for successive terms. During the 2020-22 term, I served as President Pro Tempore of the Florida Senate and as a member of multiple committees, including the Committee on Reapportionment and the Select Subcommittee on Congressional Reapportionment.

4. The Florida Constitution vests the legislative power of the state in the Florida Legislature, which consists of the Florida Senate and the Florida House of Representatives. Art. III, § 1, Fla. Const. As one of forty state senators, I am one of the highest-level legislative officers in the State of Florida.

5. I am aware that this lawsuit challenges the constitutionality of the congressional district map passed by the Florida Legislature in Special Session 2022C and subsequently signed into law by the Governor in April 2022 (the "Enacted Map"). I am further aware that the lawsuit claims that the map was enacted with an unconstitutional purpose and effect.

6. During the Florida Legislature's regular session, the Florida Senate considered and voted upon congressional district maps prepared by the professional staff of the Senate Committee on Reapportionment and by the Florida House of Representatives. During Special Session 2022C, the Florida Senate considered and voted upon a congressional redistricting map prepared by the Executive Office of the Governor.

7. I did not personally draw the Enacted Map or any other congressional district map considered by the Florida Senate. Throughout the congressional redistricting process, I relied upon materials prepared and presented to me for decision by the Florida Senate's professional staff. During Special Session 2022C, I also relied upon a presentation delivered by the Executive Office of the Governor at a meeting of the Senate Committee on Reapportionment. Other individuals within the Executive Office of the Governor or the Florida Senate would have the requisite personal knowledge and would be able to answer relevant deposition questions if the requested information cannot be otherwise obtained. I do not have unique, personal knowledge of the issues being litigated in this case.

8. Given my lack of any unique, personal knowledge of the issues being litigated in this case, any deposition regarding the subject of this litigation would be unduly burdensome.

This declaration is made under Florida Rule of Civil Procedure 1.280(h). I declare under penalty of perjury that the foregoing is true and correct to the best of my current knowledge and belief.

Aaron Bean

Senator Aaron Bean
Florida Senate, District 4

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

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

Case No.: 2022 CA 000666

Plaintiffs,

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Defendants.
_____/

DECLARATION OF SENATOR RAY RODRIGUES

I, Ray Rodrigues, hereby declare as follows:

1. I am over the age of eighteen and am otherwise competent to make the statements in this declaration.

2. I have personal knowledge of the matters discussed herein.

3. I am the State Senator for Florida Senate District 27. I was originally elected to the Florida Senate in 2020. During the 2020-22 term, I served as a member of multiple committees and also served as Chair of the Committee on Reapportionment.

4. The Florida Constitution vests the legislative power of the state in the Florida Legislature, which consists of the Florida Senate and the Florida House of Representatives. Art. III, § 1, Fla. Const. As one of forty state senators, I am one of the highest-level legislative officers in the State of Florida.

5. I am aware that this lawsuit challenges the constitutionality of the congressional district map passed by the Florida Legislature in Special Session

2022C and subsequently signed into law by the Governor in April 2022 (the "Enacted Map"). I am further aware that the lawsuit claims that the map was enacted with an unconstitutional purpose and effect.

6. During the Florida Legislature's regular session, the Florida Senate considered and voted upon congressional district maps prepared by the professional staff of the Senate Committee on Reapportionment and by the Florida House of Representatives. During Special Session 2022C, the Florida Senate considered and voted upon a congressional redistricting map prepared by the Executive Office of the Governor.

7. I did not personally draw the Enacted Map or any other congressional district map considered by the Florida Senate. Throughout the congressional redistricting process, I relied upon materials prepared and presented to me for decision by the Florida Senate's professional staff. During Special Session 2022C, I also relied upon a presentation delivered by the Executive Office of the Governor at a meeting of the Senate Committee on Reapportionment. Other individuals within the Executive Office of the Governor or the Florida Senate would have the requisite personal knowledge and would be able to answer relevant deposition questions if the requested information cannot be otherwise obtained. I do not have unique, personal knowledge of the issues being litigated in this case.

8. Given my lack of any unique, personal knowledge of the issues being litigated in this case, any deposition regarding the subject of this litigation would be unduly burdensome.

This declaration is made under Florida Rule of Civil Procedure 1.280(h). I declare under penalty of perjury that the foregoing is true and correct to the best of my current knowledge and belief.

Ray Rodrigues

Senator Ray Rodrigues
Florida Senate, District 27

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
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BUILDING INSTITUTE, INC., et al.,

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Plaintiffs,

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Defendants.
_____/

DECLARATION OF SENATOR JENNIFER BRADLEY

I, Jennifer Bradley, hereby declare as follows:

1. I am over the age of eighteen and am otherwise competent to make the statements in this declaration.

2. I have personal knowledge of the matters discussed herein.

3. I am the State Senator for Florida Senate District 5. I was originally elected to the Florida Senate in 2020. During the 2020-22 term, I served as a member of multiple committees, including the Committee on Reapportionment. I also served as the Chair of the Select Subcommittee on Congressional Reapportionment.

4. The Florida Constitution vests the legislative power of the state in the Florida Legislature, which consists of the Florida Senate and the Florida House of Representatives. Art. III, § 1, Fla. Const. As one of forty state senators, I am one of the highest-level legislative officers in the State of Florida.

5. I am aware that this lawsuit challenges the constitutionality of the congressional district map passed by the Florida Legislature in Special Session 2022C and subsequently signed into law by the Governor in April 2022 (the "Enacted Map"). I am further aware that the lawsuit claims that the map was enacted with an unconstitutional purpose and effect.

6. During the Florida Legislature's regular session, the Florida Senate considered and voted upon congressional district maps prepared by the professional staff of the Senate Committee on Reapportionment and by the Florida House of Representatives. During Special Session 2022C, the Florida Senate considered and voted upon a congressional redistricting map prepared by the Executive Office of the Governor.

7. I did not personally draw the Enacted Map or any other congressional district map considered by the Florida Senate. Throughout the congressional redistricting process, I relied upon materials prepared and presented to me for decision by the Florida Senate's professional staff. During Special Session 2022C, I also relied upon a presentation delivered by the Executive Office of the Governor at a meeting of the Senate Committee on Reapportionment. Other individuals within the Executive Office of the Governor or the Florida Senate would have the requisite personal knowledge and would be able to answer relevant deposition questions if the requested information cannot be otherwise obtained. I do not have unique, personal knowledge of the issues being litigated in this case.

8. Given my lack of any unique, personal knowledge of the issues being litigated in this case, any deposition regarding the subject of this litigation would be unduly burdensome.

This declaration is made under Florida Rule of Civil Procedure 1.280(h). I declare under penalty of perjury that the foregoing is true and correct to the best of my current knowledge and belief.

Jennifer Bradley

Senator Jennifer Bradley
Florida Senate, District 5

IN THE CIRCUIT COURT FOR THE SECOND JUDICIAL CIRCUIT
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Defendants.
_____/

DECLARATION OF TYLER SIROIS

I, Tyler Sirois, declare:

1. My name is Tyler Sirois. I am a member of the Florida House of Representatives.

2. In September 2021, Speaker Chris Sprowls appointed me to be Chair of the House Congressional Redistricting Subcommittee.

3. The Rules of the Florida House of Representatives confer specific powers, duties, and rights on subcommittee chairs. A subcommittee chair is authorized to preside over meetings, establish meeting agendas, determine the order in which matters are to be considered, recognize or not recognize non-members presenters, decide questions of order, and otherwise ensure the subcommittee's orderly operation.

4. During the 2022 regular session and the special session that followed, I served as Chair of the House Congressional Redistricting Subcommittee and performed the functions that, under the House's Rules, appertain to a subcommittee chair. The House

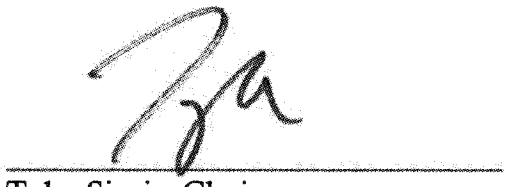
Congressional Redistricting Subcommittee considered and voted on congressional district maps during the 2022 regular session and the ensuing special session. In April 2022, the subcommittee reported favorably the House counterpart to the bill that the Governor subsequently signed into law to establish Florida's congressional districts.

5. I understand that this litigation challenges the constitutionality of congressional districts enacted by the Florida Legislature in April 2022. I am aware that the plaintiffs allege violations of the Florida Constitution's tier-one and tier-two redistricting standards.

6. In serving as Chair of the House Congressional Redistricting Subcommittee, I acted with the assistance and active participation of committee staff of the Florida House of Representatives. Accordingly, to the best of my knowledge and belief, I do not have unique knowledge of matters relevant to the subject matter of this action.

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Dated October 10, 2022.



Tyler Sirois, Chair
Congressional Redistricting Subcommittee
Florida House of Representatives

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

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

Plaintiffs,

Case No. 2022-CA-000666

v.

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

Defendants.
_____/

DECLARATION OF MATHEW BAHL

I, Mathew Bahl, declare:

1. My name is Mathew Bahl. Since November 2020, I have served as Chief of Staff to Chris Sprowls, Speaker of the Florida House of Representatives. The Speaker is a constitutional officer elected biennially to serve as the House's presiding officer.

2. As Chief of Staff, it is my responsibility to manage, on behalf of the Speaker, all aspects of the business of the Florida House of Representatives, including, but not limited to, oversight of policy and fiscal operations (*i.e.*, committee staff work), administrative operations (*e.g.*, human resources, physical plant), communications activities, and legislative process functions.

3. I understand that this litigation challenges the constitutionality of congressional districts enacted by the Florida Legislature in April 2022. I am aware that the plaintiffs allege violations of the Florida Constitution's tier-one and tier-two redistricting standards.

4. While I provided oversight to the redistricting process in 2021 and 2022, it represented a small fraction of my overall activities, and at no point in the process did I originate or generate redistricting work product.

5. In providing oversight of the redistricting process, I acted with the assistance of legislative committee staff. Accordingly, to the best of my knowledge and belief, I do not have unique knowledge of matters relevant to the subject matter of this action.

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Dated October 10, 2022.

Mathew Bahl, Chief of Staff
Florida House of Representatives