

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.

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**ANSWER AND AFFIRMATIVE DEFENSES OF THE FLORIDA SENATE**

Defendant the Florida Senate answers the Plaintiffs' Complaint for Injunctive and Declaratory Relief (the "Complaint") and asserts its affirmative defenses as follows:

**General Statement**

The Florida Senate objects and notes that most of the Plaintiffs' allegations are primarily argumentative and do not appear to have been made for the purpose of alleging substantive facts that form the elements of Plaintiffs' claims. Most of the paragraphs contain numerous compound allegations, aggressive character descriptions, and/or improper legal conclusions. Plaintiffs would have the Florida Senate dig through politically loaded jargon in search of a whiff of fact—doing violence to the Florida Rules of Civil Procedure and impeding the Court's obligation to manage this litigation.

## **NATURE OF THE ACTION<sup>1</sup>**

1. Paragraph 1 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that Florida voters in 2010 approved Amendment No. 6, Standard for Legislature to Follow in Congressional Redistricting, Serial No. 07-15. The remaining allegations are denied.

2. Paragraph 2 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the quotations accurately reflect portions of the cited case. The remaining allegations are denied.

3. Admitted that the Florida Senate has acted in good faith throughout the redistricting process and considered numerous redistricting plans that purported to make a number of changes to the former congressional district map. The remaining allegations are denied.

4. Admit that Governor Ron DeSantis vetoed Senate Bill 102 (2022) and called a Special Session of the Legislature to address redistricting. The remaining allegations are denied.

5. Paragraph 5 alleges legal conclusions to which no response is required. To the extent a response is required, denied.

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<sup>1</sup> In this Answer, the Florida Senate reproduces the major section headings set forth in the Complaint for convenience alone. Plaintiffs' Complaint also includes numerous argumentative subheadings under Roman numerals and Latin-script characters, which are not reproduced herein and are all denied. To the extent any section heading or subheading in the Complaint or reproduced in this Answer is construed to contain a factual allegation, that allegation is denied.

6. Paragraph 6 alleges legal conclusions to which no response is required. To the extent a response is required, the allegation does not appear directed at the Florida Senate, and is otherwise denied.

7. Denied.

8. Denied.

9. Admit that the quoted language accurately portrays a portion of the cited case. All remaining allegations are denied.

### **JURISDICTION, PARTIES, AND VENUE**

10. Admitted for jurisdictional and venue purposes only, but denied that such relief is warranted.

11. Without knowledge as to facts relating to Plaintiff Black Voters Matter Capacity Building Institute, Inc., and therefore denied.

12. Without knowledge as to facts relating to Plaintiff Equal Ground Education Fund, and therefore denied.

13. Without knowledge as to facts relating to Plaintiff League of Women Voters of Florida, Inc., and League of Women Voters of Florida Education Fund, Inc., and therefore denied.

14. Without knowledge as to facts relating to Plaintiff Florida Rising Together, and therefore denied.

15. Without knowledge as to facts relating to the Voter Plaintiffs, and therefore denied.

16. Without knowledge as to facts relating to Plaintiff Reginald Gundy, and therefore denied.

17. Without knowledge as to facts relating to Plaintiff Sylvia Young, and therefore denied.

18. Without knowledge as to facts relating to Plaintiff Phyllis Wiley, and therefore denied.

19. Without knowledge as to facts relating to Plaintiff Andrea Hershorin, and therefore denied.

20. Without knowledge as to facts relating to Plaintiff Anaydia Connolly, and therefore denied.

21. Without knowledge as to facts relating to Plaintiff Brandon P. Nelson, and therefore denied.

22. Without knowledge as to facts relating to Plaintiff Katie Yarrows, and therefore denied.

23. Without knowledge as to facts relating to Plaintiff Cynthia Lippert, and therefore denied.

24. Without knowledge as to facts relating to Plaintiff Kisha Linebaugh, and therefore denied.

25. Without knowledge as to facts relating to Plaintiff Beatriz Alonso, and therefore denied.

26. Without knowledge as to facts relating to Plaintiff Gonzalo Alfredo Pedroso, and therefore denied.

27. Without knowledge as to facts relating to Plaintiff Ileana Caban, and therefore denied.

28. Paragraph 28 alleges legal conclusions to which no response is required. To the extent a response is required, denied as to facts relating to Defendant Laurel M. Lee. Effective May 17, 2022, Cord Byrd is the Florida Secretary of State. Admitted that section 97.012, Florida Statutes, speaks for itself.

29. Paragraph 29 alleges legal conclusions to which no response is required. To the extent a response is required, article IV, section 4(b) of the Florida Constitution, and sections 86.091 and 97.012, Florida Statutes, speak for themselves. This Court dismissed Attorney General Moody as a Defendant in this case on May 17, 2022. All remaining allegations are denied.

30. Paragraph 30 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the Florida Senate is one chamber of a bicameral state legislature and that the Florida Legislature is responsible for enacting reapportionment legislation involving congressional district maps. The remaining allegations are denied.

31. Paragraph 31 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the Florida House of Representatives is one chamber of a bicameral state legislature and that the Florida Legislature is responsible for enacting reapportionment legislation involving congressional district maps. The remaining allegations are denied.

32. Admitted that Plaintiffs sued Senate President Wilton Simpson in his official capacity in this action, but denied that his inclusion as a named defendant is necessary or proper.

33. Admitted that Plaintiffs sued House Speaker Chris Sprowls in his official capacity in this action, but denied that his inclusion as a named defendant is necessary or proper.

34. Admitted that Plaintiffs sued State Senator Ray Rodrigues, the Chair of the Senate Committee on Reapportionment, in his official capacity in this action, but denied that his inclusion as a named defendant is necessary or proper.

35. Admitted that Plaintiffs sued State Representative Thomas J. Leek, the Chair of the House Redistricting Committee, in his official capacity in this action, but denied that his inclusion as a named defendant is necessary or proper.

### **LEGAL BACKGROUND**

36. Paragraph 36 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that Florida voters in 2010 approved Amendment No. 6, Standard for Legislature to Follow in Congressional Redistricting, Serial No. 07-15 by the results listed on the Florida Department of State, Division of Election's website. The remaining allegations are denied.

37. Paragraph 37 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the quotations accurately reflect portions of the cited cases. All remaining allegations are denied.

38. Paragraph 38 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the quotations accurately reflect portions of article III, section 20 of the Florida Constitution. All remaining allegations are denied.

39. Paragraph 39 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the quotations accurately reflect portions of article III, section 20 of the Florida Constitution. All remaining allegations are denied.

40. Paragraph 40 alleges legal conclusions to which no response is required. To the extent a response is required, admitted in part that the quotations accurately reflect the words written in the cited case, but denied in part because the cited case quotes article III, sections 21(b) and (c) and not article III, sections 20(b) and (c). All remaining allegations are denied.

41. Paragraph 41 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the quotations accurately reflect portions of the cited case. All remaining allegations are denied.

42. Paragraph 42 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the quotations accurately reflect portions of the cited case. All remaining allegations are denied.

43. Paragraph 43 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the quotations accurately reflect portions of article III, section 20(a) of the Florida Constitution. All remaining allegations are denied.

44. Paragraph 44 alleges legal conclusions to which no response is required. To the extent a response is required, with the exception of the omission of the word “of,” admitted that the quotations accurately reflect portions of the cited cases. All remaining allegations are denied.

45. Paragraph 45 alleges legal conclusions to which no response is required. To the extent a response is required, with the exception of the phrase “voting change” (should be “voting changes”), admitted that the quotations accurately reflect portions of the cited case. All remaining allegations are denied.

46. Paragraph 46 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the quotations accurately reflect portions of the cited case. All remaining allegations are denied.

47. Paragraph 47 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the quotations accurately reflect portions of the cited case. All remaining allegations are denied.

48. Paragraph 48 alleges legal conclusions to which no response is required. To the extent a response is required, with the exception of the omission of the word “some,” admitted that the quotations accurately reflect portions of the cited cases. All remaining allegations are denied.

49. Paragraph 49 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the quotations accurately reflect portions of the cited case. All remaining allegations are denied.



50. Paragraph 50 alleges legal conclusions to which no response is required. To the extent a response is required, the Florida Constitution speaks for itself. All remaining allegations are denied.

51. Paragraph 51 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the quotations accurately reflect portions of the cited case. All remaining allegations are denied.

52. Paragraph 52 alleges legal conclusions to which no response is required. To the extent a response is required, with the exception of an omitted footnote, admitted that the quotations accurately reflect portions of the cited case and with the exception of the word "individual," admitted that the quotations accurately reflect article III, section 20(a) of the Florida Constitution. All remaining allegations are denied.

53. Paragraph 53 alleges legal conclusions to which no response is required. To the extent a response is required, with the exception of an omitted footnote, admitted that the quotations accurately reflect portions of the cited case. All remaining allegations are denied.

54. Paragraph 54 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the quotations accurately reflect portions of the cited case. All remaining allegations are denied.

55. Paragraph 55 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the quotations accurately reflect portions of the cited case. All remaining allegations are denied.

56. Paragraph 56 alleges legal conclusions to which no response is required. To the extent a response is required, the trial court's order in *Romo v. Detzner*, No. 2012-CA-000412, 2014 WL 3797315 (Fla. 2d Cir. Ct. July 10, 2014), speaks for itself. All remaining allegations are denied.

57. Paragraph 57 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the quotations accurately reflect portions of the cited case. All remaining allegations are denied.

58. Paragraph 58 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the quotations accurately reflect portions of the cited case. All remaining allegations are denied.

59. Paragraph 59 alleges legal conclusions to which no response is required. To the extent a response is required, with the exception of the word "placed" (should be "places"), admitted that the quotations accurately reflect portions of the cited case. All remaining allegations are denied.

60. Paragraph 60 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the quotations accurately reflect portions of the cited case. All remaining allegations are denied.

61. Paragraph 61 alleges legal conclusions to which no response is required. To the extent a response is required, with the exception of the phrase "District 4" (should be "District 14"), admitted that the quotations accurately reflect portions of the cited case. All remaining allegations are denied.

62. Paragraph 62 alleges legal conclusions to which no response is required. To the extent a response is required, the cited case speaks for itself. All remaining allegations are denied.

63. Paragraph 63 alleges legal conclusions to which no response is required. To the extent a response is required, the cited case speaks for itself. All remaining allegations are denied.

64. Paragraph 64 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the quotations accurately reflect portions of the cited case. All remaining allegations are denied.

65. Admitted.

66. No specific citation or quotation is provided for the alleged assertions of “both chambers” to which the Senate can respond. Admitted that legislators discussed the configuration and legal requirements applicable to CD-5 during the legislative process. All remaining allegations are denied.

67. Admitted that the Senate Reapportionment Committee on January 13, 2022, passed Senate Bill 102 by a vote of 10 to 2 and the full Senate passed Senate Bill 102 by a vote of 31-4 on January 20, 2022. The versions of Senate Bill 102 that were passed by the Committee and full Senate speak for themselves. All remaining allegations are denied.

68. Denied that Governor DeSantis “upended the redistricting process.” Admitted that the Governor DeSantis stated publicly that he would veto SB 102 prior to its passage by the Legislature and the quoted language accurately

portrays the statements in the cited news article. All remaining allegations are denied.

69. Admitted that Governor DeSantis on February 1, 2022, requested the Florida Supreme Court to issue an advisory opinion, and the Florida Supreme Court denied in *Advisory Opinion to Governor re Whether Art. III, Sec. 20(a) of Florida Constitution Requires the Retention of a District in Northern Florida*, No. SC22-139, 2022 WL 405381 (Feb. 10, 2022), citing the lack of judicial record evidence. Admitted that the Governor's request and the advisory opinion speaks for themselves. All remaining allegations are denied.

70. Admitted that the Florida Legislature passed an amended form of SB 102 in March 2022. The versions of SB 102 speak for themselves. All remaining allegations are denied.

71. The Florida Senate is without knowledge as to Plaintiffs' anticipations regarding the political performance of a draft map, therefore denied. All remaining allegations are denied.

72. Admitted that the version of SB 102 passed by the Florida Legislature on March 4, 2022 contained a primary and a secondary map that the Legislature intended to take effect if the primary map was rejected by the courts. All remaining allegations are denied.

73. Admit that Governor Ron DeSantis vetoed SB 102 (2022) and called a Special Session of the Legislature to address redistricting. Admit that the quoted language accurately portrays the statement in the cited news article, and

the Governor's veto message speaks for itself. The remaining allegations are denied.

74. Admitted.

75. Admitted that the Executive Office of the Governor submitted a proposed congressional plan on April 13, 2022. All remaining allegations are denied.

76. With the exception of the misspelling of the surname of the Governor's General Counsel (should be "Newman"), admitted.

77. Admitted that Mr. Kelly's testimony referred to the involvement of Adam Foltz at an earlier stage of the map-drawing process. The Florida Senate is otherwise without knowledge as to Mr. Foltz's background or involvement, so the remaining allegations are therefore denied.

78. Admit that the Florida Legislature on April 21, 2022, passed SB 2-C. Denied that SB 2-C was passed without amendment. All remaining allegations are denied.

79. Admit that the 2020 Census showed that more than 3.7 million residents who are Black or African American alone or in combination with another race/ethnicity live in Florida. Without knowledge as to the allegations in the second sentence, and therefore denied.

80. Without knowledge and therefore denied.

81. Denied.

82. Admit that the 2015 version of CD-5 included portions of the cities of Tallahassee and Jacksonville, as well as lower-density counties. Admit that

the 2020 Census showed that Gadsden County was 54.8% Black or African American alone or in combination with another race/ethnicity, and that more than 30% of the residents of Jefferson, Madison, and Hamilton Counties were Black or African American alone or in combination with another race/ethnicity. All remaining allegations denied.

83. Admit the first sentence of paragraph 83. Without knowledge as to the second sentence, and therefore denied.

84. Paragraph 84 alleges legal conclusions to which no response is required. To the extent a response is required, denied.

85. Admit the cited population figures for CD-2, CD-3, CD-4, and CD-5 in Senate Bill 2-C. All remaining allegations are denied.

86. Paragraph 86 alleges legal conclusions to which no response is required. To the extent a response is required, denied.

87. Paragraph 87 alleges legal conclusions to which no response is required. To the extent a response is required, denied.

88. The first sentence is admitted. Paragraph 88 otherwise alleges legal conclusions to which no response is required. To the extent a response is required, denied.

89. Admitted that individual legislators stated that a “legitimate question” exists as to the impact of the federal Equal Protection Clause and the Florida Constitution as applied to CD-5. All remaining allegations are denied.

90. Denied.

91. Admitted that the Governor made the statements as quoted in paragraph 91. All remaining allegations are denied.

92. Admitted that the Governor's press secretary was quoted as making the statement in paragraph 92. All remaining allegations are denied.

93. Paragraph 93 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the quotations accurately reflect portions of Governor DeSantis's request to the Florida Supreme Court for an advisory opinion. All remaining allegations are denied.

94. Denied.

95. No citation is provided for the quoted statements by State Representative Leek, so the Florida Senate is presently unable to verify the accuracy of the quoted language. Admitted that State Representative Leek during the special session addressed some analysis conducted by House redistricting staff. All remaining allegations are denied.

96. Paragraph 96 alleges legal conclusions to which no response is required. To the extent a response is required, denied.

97. Denied.

98. Admit that the 2015 version of CD-10 was malapportioned because it was overpopulated and congressional district lines needed to be redrawn. The remaining allegations are denied.

99. Paragraph 99 alleges legal conclusions to which no response is required. To the extent a response is required, denied.

100. Denied.

101. Denied.

102. The Florida Senate does not have knowledge as to the Democratic Party's expectations with regard to various congressional district maps, and therefore denied.

103. Paragraph 103 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that Florida voters elected a Republican Governor and U.S. Senator in 2018 by the results reflected in the Florida Department of State, Division of Elections records. The Florida Senate does not have knowledge as to the Democratic Party's expectations with regard to various congressional district maps, and therefore denied. All remaining allegations are denied.

104. The Florida Senate does not have knowledge as to the Democratic Party's expectations with regard to various congressional district maps, and therefore denied.

105. The Florida Senate does not have knowledge as to the Democratic Party's expectations with regard to various congressional district maps, and therefore denied.

106. Admitted that the quoted language accurately reflects the quoted statements as written in the cited news article. All remaining allegations are denied.

107. Admitted that the quoted language accurately reflects the quoted statements as written in the cited Democratic campaign consultant's opinion piece. All remaining allegations are denied.



108. Denied.

109. Denied.

110. Denied.

111. Paragraph 111 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that Representative Al Lawson was elected to Congress in CD-5 three times beginning in 2016. All remaining allegations are denied.

112. Denied.

113. Paragraph 113 alleges legal conclusions to which no response is required. To the extent a response is required, denied.

114. Admitted that Governor DeSantis vetoed SB 102. The Governor's veto message speaks for itself. All remaining allegations are denied.

115. Admit that because the population of the City of Jacksonville exceeds the permissible population for each of Florida's now 28 congressional districts, there is no way to draw a congressional district map without splitting Jacksonville. All remaining allegations denied.

116. Paragraph 116 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that Florida voters have elected Democrats to Congress in CD-7, CD-9, and CD-10, three times beginning in 2016. All remaining allegations are denied.

117. Denied.

118. Admitted that the boundaries of CD-7 in the congressional map ordered implemented in 2015 by the Florida Supreme Court speak for themselves. All remaining allegations are denied.

119. Paragraph 119 alleges legal conclusions to which no response is required. To the extent a response is required, denied.

120. Paragraph 120 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that CD-7 had become malapportioned after the results of the 2020 Census because it was overpopulated. The boundaries of CD-7 in the enacted congressional district map speak for themselves. All remaining allegations are denied.

121. Paragraph 121 alleges legal conclusions to which no response is required. To the extent a response is required, denied.

122. Paragraph 122 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that Florida voters have elected Democrats to Congress in CD-13 and CD-14, three times beginning in 2016. All remaining allegations are denied.

123. Admitted that the boundaries of CD-13 and CD-14 in the congressional map ordered implemented in 2015 by the Florida Supreme Court speak for themselves. All remaining allegations are denied.

124. Paragraph 124 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the trial court's order and Florida Supreme Court's opinion speak for themselves. All remaining allegations are denied.

125. Denied.

126. Denied.

127. Paragraph 127 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the 2020 Census results speak for themselves with regard to whether certain congressional districts were over- or under-populated. All remaining allegations are denied.

128. Paragraph 128 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the boundaries of CD-13 and CD-14 in the enacted congressional map speak for themselves. All remaining allegations are denied.

129. Paragraph 129 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that Florida voters elected Republicans in CD-26 and CD-27 in 2016, Democrats in 2018, and Republicans in 2020. All remaining allegations are denied.

130. Paragraph 130 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the boundaries of CD-26 (now CD 28) and CD-27 in the enacted congressional map speak for themselves. All remaining allegations are denied.

131. Denied.

## **CLAIMS FOR RELIEF**

### **COUNT I**

#### **Article III, Section 20 of the Florida Constitution Diminishment of Minority Ability to Elect (Tier I Violation)<sup>2</sup>**

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<sup>2</sup> Plaintiffs' subheadings under each Count are reproduced herein solely for convenience and identification of each alleged violation and are all denied. As

132. The Florida Senate re-answers and reincorporates by reference its answers to paragraphs 1 through 131 as stated above.

133. Paragraph 133 alleges legal conclusions to which no response is required. To the extent a response is required, admitted that the Florida Constitution speaks for itself. All remaining allegations denied.

134. Denied.

Plaintiffs' "WHEREFORE" clause requests relief to which Plaintiffs are not entitled and to which no response is required. To the extent a response is required, denied.

#### **COUNT II**

#### **Article III, Section 20 of the Florida Constitution Intent to Abridge and Diminish Minority Voting Strength (Tier I Violation)**

135. The Florida Senate re-answers and reincorporates by reference its answers to paragraphs 1 through 131 as stated above.

136. Denied.

137. Denied.

Plaintiffs' "WHEREFORE" clause requests relief to which Plaintiffs are not entitled and to which no response is required. To the extent a response is required, denied.

#### **COUNT III**

#### **Article III, Section 20 of the Florida Constitution Intent to Favor or Disfavor a Political Party (Tier I Violation)**

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previously noted, to the extent any section heading or subheading in the Complaint or reproduced in this Answer is construed to contain a factual allegation, that allegation is denied.

138. The Florida Senate re-answers and reincorporates by reference its answers to paragraphs 1 through 131 as stated above.

139. Denied.

Plaintiffs' "WHEREFORE" clause requests relief to which Plaintiffs are not entitled and to which no response is required. To the extent a response is required, denied.

#### **COUNT IV**

#### **Article III, Section 20 of the Florida Constitution Non-Compactness (Tier II Violation)**

140. The Florida Senate re-answers and reincorporates by reference its answers to paragraphs 1 through 131 as stated above.

141. Denied.

Plaintiffs' "WHEREFORE" clause requests relief to which Plaintiffs are not entitled and to which no response is required. To the extent a response is required, denied.

#### **COUNT V**

#### **Article III, Section 20 of the Florida Constitution Political and Geographic Boundary Splits (Tier II Violation)**

142. The Florida Senate re-answers and reincorporates by reference its answers to paragraphs 1 through 131 as stated above.

143. Denied.

Plaintiffs' "WHEREFORE" clause requests relief to which Plaintiffs are not entitled and to which no response is required. To the extent a response is required, denied.

#### **GENERAL DENIAL**

The Florida Senate denies each and every allegation in the Complaint not expressly admitted in this Answer.

### **AFFIRMATIVE DEFENSES**

The Florida Senate asserts the following affirmative defenses:

1. **Lack of Organizational and Associational Standing.** The five organizational Plaintiffs: Black Voters Matter Capacity Building Institute, Inc.; Equal Ground Education Fund, Inc.; League of Women Voters of Florida, Inc.; League of Women Voters of Florida Education Fund, Inc.; and Florida Rising Together (the “Organizational Plaintiffs”) lack standing to bring their claims. For all of the Organizational Plaintiffs, at least one (or more) of the following facts defeats their standing in this case: they have not suffered direct organizational injury, the filing of lawsuits like this case are part of their goals and mission, their goals and mission has not been frustrated by the passage of Senate Bill 2-C, they lack a substantial number of members who have suffered any injuries, the interests at stake in this litigation are not germane to the organization’s purpose, the relief requested is not of the type appropriate for the organization to receive on behalf of its members, and neither the claim nor the relief requires participation of any individual members.

2. **Lack of Individual Standing.** The 12 individual Plaintiffs: Pastor Reginald Gundy, Sylvia Young, Phyllis Wiley, Andrea Hershorin, Anaydia Connolly, Brandon P. Nelson, Katie Yarrows, Cynthia Lippert, Kisha Linebaugh, Beatriz Alonso, Gonzalo Alfredo Pedroso, and Ileana Caban (the “Individual Plaintiffs”) lack standing to bring their claims. The Individual Plaintiffs do not

have a cause of action to challenge the contours of a congressional district because they might have drawn the lines differently. Because population changes will inevitably force the Legislature to redraw congressional district lines, the Individual Plaintiffs are not entitled to live in the same numbered or drawn congressional district in perpetuity or in a congressional district that is represented by a member of a particular political party or race.

3. **State Separation of Powers.** Plaintiffs are not entitled to the mandatory injunctive relief they seek against the Florida Senate under the Separation of Powers provision of the Florida Constitution. *See* art. II, § 3, Fla. Const.

4. **Federal Elections Clause.** Plaintiffs are not entitled to the relief they seek because it is inconsistent with the Elections Clause (Art. I, § 4, cl. 1) of the United States Constitution, which provides that the times, places, and manner of holding elections for Senators and Representatives “shall be prescribed in each State by the Legislature thereof.”

5. **Lack of Judicially Discoverable and Manageable Standards.** Plaintiffs’ Tier II allegations (Counts IV and V) concern portions of the Florida Constitution that lack sufficient judicially discoverable and manageable standards by which the courts can adjudicate Plaintiffs’ claims.

Respectfully Submitted,

/s/ Daniel Nordby

DANIEL E. NORDBY (FBN 14588)  
GEORGE N. MEROS, JR. (FBN 263321)  
TARA R. PRICE (FBN 98073)

**SHUTTS & BOWEN LLP**

215 South Monroe Street,  
Suite 804  
Tallahassee, Florida 32301  
(850) 241-1717  
*DNordby@shutts.com*  
*GMeros@shutts.com*  
*TPrice@shutts.com*  
*MMontanaro@shutts.com*  
*CHill@shutts.com*

CARLOS REY (FBN 11648)  
JASON ROJAS (FBN 640001)

**FLORIDA SENATE**

404 South Monroe Street  
Tallahassee, Florida 32399  
(850) 487-5855  
*Rey.Carlos@flsenate.gov*  
*Rojas.Jason@flsenate.gov*

*Counsel for the Florida Senate,  
Wilton Simpson, and Ray Rodrigues*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 6th day of June 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