

**IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA**

EQUAL GROUND EDUCATION
FUND, INC., et al.,

Appellants/Petitioners,

v.

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

Appellees/Respondents.

Case No.: 1D2026-1539

L.T. No.: 2026-ca-000914

**TIME-SENSITIVE SUGGESTION
FOR PASS-THROUGH CERTIFICATION**

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Appellants jointly suggest that the trial court’s Order denying their motions for temporary injunction should be certified for immediate resolution by the Florida Supreme Court. Fla. R. App. P. 9.125(c); Art. V, § 3(b)(5), Fla. Const.¹ In support, Appellants state:

I. This appeal presents issues of great public importance.

Florida Rule of Appellate Procedure 9.125(a) authorizes this Court to certify that a judgment requires immediate resolution by the Supreme Court because the issues are of great public importance.

As the Florida Supreme Court recently “remind[ed] all district courts,” cases regarding the validity of a “congressional districting plan” are of great public importance and especially fit for pass-through certification. *Black Voters Matter Capacity Bldg. Inst., Inc. v. Sec’y, Fla. Dep’t of State*, 415 So. 3d 180, 193 (Fla. 2025); see also *See League of Women Voters of Fla. v. Data Targeting, Inc.*, 140 So. 3d 510, 511 (Fla. 2014) (granting petition for constitutional writ in light of “the importance and statewide significance” of the underlying

¹ “Appellants” includes three separate Plaintiff groups, each who have filed separate notices of appeal, who were consolidated at the lower court: (1) Equal Ground Education Fund, Inc, et. al., (2) Thompson-Wynn et. al., and (3) Common Cause, et al. Upon conferral, Appellees stated they oppose this suggestion.

redistricting case); *In re Senate Joint Resol. of Legis. Apportionment 1176*, 83 So. 3d 597, 614 (Fla. 2012) (“*Apportionment I*”) (recognizing the Court’s “important responsibility to ensure that the joint resolution of apportionment comports with both the United States and Florida Constitutions”).

This case is no different. As the trial court acknowledged, the map drawer of Florida’s new congressional plan “admitted on the public record that [the plan] was drawn with partisan data and without the need to comply with the Fair Districts Amendment.” Order at 2. The trial court nonetheless permitted the congressional plan to be used in Florida’s upcoming elections. This appeal thus concerns the validity of a congressional plan that its creator has already admitted was not drawn to comply with the Florida Constitution, an issue of exceeding public importance.

Like the Florida Supreme Court, this Court has repeatedly found that redistricting cases involve issues of great public importance. See *League of Women Voters of Fla. v. Detzner*, 178 So. 3d 6, 7 (Fla. 1st DCA 2014) (certifying trial court judgment for direct review because there could not be “any reasonable argument about the importance of the case”); *Non-Parties v. League of Women Voters*

of Fla., 150 So. 3d 221, 222 (Fla. 1st DCA 2014) (en banc) (certifying trial court orders in redistricting case for direct review).

Whether Appellants are entitled to a temporary injunction restoring the 2022 congressional plan will decide which map Florida voters will vote under in upcoming elections. That issue affects all Floridians and is of the highest importance, as the right to choose one's representatives is "preservative of all rights." *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).

II. This appeal requires immediate resolution by the Florida Supreme Court.

This appeal comes with the utmost urgency. Time remains to preserve the status quo by reinstating the 2022 Plan, but the window for orderly implementation is rapidly closing. Temporary relief remains practicable, especially as the Secretary has instructed all 67 Supervisors of Elections to preserve the 2022 Plan in anticipation of this contingency. But each passing day heightens the risk of unnecessary disruption.

Given the inherently time-sensitive issues presented in elections cases, this Court routinely certifies redistricting and other election-related cases for immediate resolution by the Florida

Supreme Court. *See, e.g., Detzner*, 178 So. 3d at 7–8 (certifying trial court judgment in redistricting case in October 2014 to ensure sufficient time for Florida Supreme Court review before the 2016 election cycle); Order, *Detzner v. League of Women Voters of Fla., Inc.*, Case No. 1D2018-3529 (Fla. 1st DCA Aug. 22, 2018) (certifying trial court judgment addressing ballot title and summary of proposed revision to Florida constitution); *cf.* Fla. R. Gen. Prac. & Jud. Admin. 2.215(h) (identifying “challenges involving elections” as “priority cases” that should be expedited “to the extent reasonably possible”). Indeed, just last year, the Florida Supreme Court expressly faulted this Court for declining the parties’ request for certification in a congressional redistricting case, explaining that “[h]ad the district court honored the parties’ request, this dispute could have been resolved before the 2024 election cycle.” *Black Voters Matter, Inc.*, 415 So. 3d at 193.

Similarly, this appeal requires immediate certification to the Florida Supreme Court to provide certainty to voters, potential candidates, and elections officials regarding the configuration and validity of Florida’s congressional districts sufficiently in advance of the 2026 elections.

CERTIFICATE OF COUNSEL

The undersigned attorneys express a belief, based on a reasoned and studied professional judgment, that this appeal requires immediate resolution by the Supreme Court and is of great public importance.

CONCLUSION

This Court should heed the Florida Supreme Court's recent reiteration that appeals touching on redistricting are especially fit for pass-through certification, *id.*, and should certify the trial court's Order for immediate resolution by the Florida Supreme Court.²

Given the time-sensitive nature of Appellants' suggestion for pass-through certification, Appellants request that the Court order that any response in opposition be filed within one day. Appellants conferred with Appellees regarding this suggestion on May 26 and provided Appellees with an advance copy on May 27. Appellants filed this suggestion on May 28, as soon as a docket was made available.

² Because the decision to accept certification is ultimately within the Florida Supreme Court's discretion, *see* Fla. R. App. P. 9.125(g), the parties submit that, even were this Court to harbor any doubts as to whether this appeal was fit for certification, the proper course is to certify for immediate resolution and allow the Florida Supreme Court to decide whether to exercise pass-through jurisdiction.

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I HEREBY CERTIFY that on May 28, 2026 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.

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