

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

AMERICAN OVERSIGHT,

Plaintiff,

v.

EXECUTIVE OFFICE OF THE GOVERNOR,

Defendant.

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Case No.: \_\_\_\_\_

**IMMEDIATE HEARING  
REQUESTED PURSUANT TO  
SECTION 119.11(1) FLA. STAT.**

**COMPLAINT TO ENFORCE PUBLIC RECORDS ACT**

Pursuant to Section 119.07(1)(a), Florida Statutes (2023), and Article I, Section 24 of the Florida Constitution, Plaintiff American Oversight sues the Executive Office of the Governor for violating Article I, Section 24 of the Florida Constitution and Chapter 119 of the Florida Statutes (the “Public Records Act”). The Executive Office of the Governor has repeatedly obstructed transparency within the State of Florida and has violated the Public Records Act by unlawfully delaying access to non-exempt public records and by unlawfully failing to assign sufficient resources to its Office of Open Government so as to reasonably respond to public records requests received by its office in accordance with the law. In support, American Oversight states:

**JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction pursuant to Article V, Section 5(b) of the Florida Constitution and Section 119.11 of the Florida Statutes.
2. Venue is proper in Leon County because the public records at issue are located there.
3. All conditions precedent to this action have occurred or have been excused or waived.

4. Pursuant to Section 284.30 of the Florida Statutes, a copy of this Complaint, which includes a request for attorneys' fees and costs, is being served on the Florida Department of Financial Services.

### **PARTIES**

5. Plaintiff American Oversight is a nonpartisan, non-profit section 501(c)(3) organization primarily engaged in disseminating information to the public. American Oversight is committed to promoting transparency in government, educating the public about government activities, and ensuring the accountability of government officials. Through research and public records requests, American Oversight uses the information gathered, and its analysis of it, to educate the public about the activities and operations of federal and state government agencies and officials through reports, published analyses, press releases, and other media. The organization is incorporated under the laws of the District of Columbia.

6. The Executive Office of the Governor ("EOG") is a public agency, as defined by Section 119.011(2) of the Florida Statutes, and part of the executive branch. EOG is subject to Article I, Section 24 of the Florida Constitution and the Public Records Act. As such, EOG has a legal duty to permit the inspection, examination, and copying of its records by any person. See § 119.07, Fla. Stat. (2023).

### **FACTUAL BACKGROUND**

#### **EOG's Lack of Transparency**

7. As a government accountability watchdog, American Oversight submits public records requests to agencies and public officials nationwide in an effort to shed light on the decisionmaking processes behind and external influences on government actions. To that end, for more than five years, American Oversight has been submitting requests to EOG under the Public

Records Act and has been disseminating information obtained from responsive records to educate the public about EOG's activities.

8. American Oversight's public records requests to EOG have tracked Governor Ron DeSantis's policy changes and initiatives in such areas as education, LGBTQ+ rights, reproductive rights, racial equality, voting rights, immigration, and redistricting. As the DeSantis administration has continued to propose and implement numerous policy changes and initiatives that have garnered great public attention and spurred public debate, American Oversight has submitted public records requests seeking records regarding these actions as part of its mission to drive timely accountability by bringing government action into the light.

9. However, in American Oversight's experience, EOG regularly fails to produce records responsive to public records requests in anywhere close to a timely manner—an outcome that has the effect of suppressing public knowledge regarding the reasoning or influences behind government decision making, often until after news media coverage and public debate shifts to more current matters. American Oversight often waits more than a year for EOG to produce records responsive to its requests. Indeed, each of the 12 specific public records requests at issue in this Complaint has been pending for at least 11 months, and some for as long as two or three years. Since the first of these requests were submitted, three state legislative sessions have come and gone, one national and one state-wide election have taken place, and Governor DeSantis has been re-elected to a second term. Such significant delays in making public records available hamper citizens' abilities to make their voices heard; to fully evaluate, debate, and respond to administration policies in real-time; and to make fully informed decisions in the voting booth.

10. The 12 specific public records requests at issue in this Complaint seek records regarding a range of issues. Some examples of these issues include: (a) legislative priorities

replicating Texas’s SB 8 law and other reproductive healthcare restrictions within Florida prior to the U.S. Supreme Court’s decision in Dobbs v. Jackson Women’s Health Organization; (b) the administration’s signing of HB 7 (formally titled the “Individual Freedom Act” and commonly referred to as the “Stop Wrongs to Our Kids and Employees Act” or “Stop WOKE Act”) into law, which restricts discussion of certain historical and cultural topics in Florida schools; (c) the administration’s transportation of approximately 50 migrants to Martha’s Vineyard, Massachusetts; (d) communications related to the administration’s divestment of \$2 million worth of assets from BlackRock; and (e) communications with and about Leonard Leo, co-chairman of the Federalist Society. The requests also seek to understand the organizations and individuals with whom close advisors to Governor DeSantis, such as Chief of Staff James Uthmeier and (now former) Senior Advisor for Public Safety Larry Keefe, are meeting and communicating, and with what frequency.

11. The subjects of the requests may span a broad range, but each has at least one commonality: EOG’s continuing failure to produce all public records responsive to each request constitutes an unjustified and unlawful delay in contravention of the Public Records Act and the Florida Constitution. Moreover, EOG’s overall policy, pattern, or practice of failing to consistently comply with its obligations under the Public Records Act and the Florida Constitution and of failing to appropriately manage its Office of Open Government violates the rights of requesters to timely public records responses and is likely to continue into the future.

### **EOG’s Public Records Policies, Patterns, or Practices**

#### *General Processing Practices*

12. Members of the public can submit public records requests to EOG in several ways: (1) emailing a written request to [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com); (2) mailing a written

request to EOG’s physical address; (3) using an online form found on EOG’s website; or (4) calling a phone number listed on EOG’s website.

13. When public records requests are sent by email, EOG promptly acknowledges each request with a standardized, form email. See, e.g., Exhibit 1. The acknowledgement emails are each sent from the generic email address [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com) and signed as from the “Office of Open Government.”

14. From February 2018 through February 2021, in American Oversight’s experience,<sup>1</sup> the specific EOG staff member(s) responsible for processing requests would regularly sign their names to email correspondence, allowing American Oversight to more easily communicate directly with the individual handling each request. At present, most emails American Oversight receives from EOG—including, but not limited to, acknowledgement emails, emails describing search results, and emails providing fee estimates and invoices—are now signed “Office of Open Government” and rarely include any specific name or other identifying information, making it more difficult for American Oversight to have an efficient and meaningful dialogue about a request as it cannot be sure that it is corresponding with the same person each time it confers about a particular request.

15. Upon information and belief, EOG assigns an EOG tracking number to public records requests after receipt. However, EOG often does not inform American Oversight of EOG’s tracking number, so American Oversight regularly references its own internal tracking number<sup>2</sup> in

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<sup>1</sup> American Oversight was founded in March 2017.

<sup>2</sup> American Oversight’s internal tracking number can be found in the bottom right footer, beginning on page two, of each public records request, as well as in the subject line of every submission email.

correspondence with EOG about a particular request. EOG is aware of American Oversight's internal tracking number for each request at issue in this Complaint.

16. EOG's website states that the office "begins processing requests in the order they are received" and that "[b]road or laborious requests can take longer to fulfill and may be subject to service fees."<sup>3</sup> However, upon information and belief, EOG processes requests in an inconsistent order, often not responding for many months before issuing responses indicating that few or zero responsive records were found,<sup>4</sup> or only at that point indicating how many results a search has identified. In the meantime, EOG may issue responses to other, more recently submitted requests, with no update or explanation as to why older requests are still pending.

#### *Staffing Practices*

17. As of October 2022, EOG's Office of Open Government was staffed by two full-time employees—the Director and an open records coordinator. See Exhibit 2, Decl. of Christopher DeLorenz, Oct. 18, 2022, Fla. Center for Gov't Acct. v. Exec. Off. of the Governor, et al., 2022 CA-001785, at ¶ 5. In November 2023, American Oversight was informed in a phone call with EOG's Office of Open Government that the office was in the process of hiring additional staff, but it is unclear whether or when that process will be completed, how many new employees will be hired, and at what experience levels.

18. Upon information and belief, EOG's Office of Open Government sees frequent turnover of its staff members, who often maintain their position in the office for less than one year.

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<sup>3</sup> See Submit a Public Records Request, <https://www.flgov.com/submit-a-public-records-request/> (last visited Feb. 22, 2024).

<sup>4</sup> For approximately a quarter of the public records requests that American Oversight has submitted to EOG that remained pending for 50 or more days, EOG ultimately responded that no responsive records were found.

19. During 2022, EOG had a backlog of approximately 100 to 250 requests at any given time. See Exhibit 2 at ¶¶ 7–8, 13. Upon information and belief, EOG currently maintains a backlog in a similar range.

20. EOG’s controversial policy changes garner substantial public interest and, naturally, result in steady and anticipated high volumes of public records requests. For example, in the month after the Florida Department of Transportation flew 50 immigrants to Martha’s Vineyard in September 2022, EOG received an influx of more than 90 requests related to the incident. See Exhibit 2, ¶ 13. Despite EOG’s awareness that administration policy decisions and initiatives generate such interest, EOG knowingly does not assign its Office of Open Government appropriate resources to ensure EOG can fulfill its obligations under Florida’s Public Records Act. As a result, EOG regularly fails to promptly process the public records requests it receives, unlawfully delaying access.

#### *Litigation-Avoidance Practices*

21. EOG has a policy, pattern, or practice of responding quickly to American Oversight’s requests only once the prospect of litigation is raised in a communication. For example, in May 2023, American Oversight sent EOG an email noting the pendency of many requests, reminding EOG of its obligations under the Public Records Act, and stating that it may file litigation to enforce its rights under the law. On a May 10, 2023 phone call regarding the email, EOG representatives stated they would “surge resources” to respond to American Oversight’s requests. Over the two weeks following American Oversight’s email, EOG produced records responsive to 12 of the pending requests American Oversight had referenced, some of which had been pending for more than two years.

22. This was not the first time EOG had attempted to compensate for substantial delay by “surging resources” at the threat of litigation.

23. On October 7, 2021, American Oversight sent a letter to EOG demanding that the office respond to two eight-month-old requests, or the organization would consider enforcing its rights through litigation. Within one week, EOG sent American Oversight an invoice, which American Oversight promptly paid. By October 28, 2021, EOG produced responsive records.

24. On February 23, 2022, American Oversight sent a letter to EOG demanding that the office respond to two five-month-old requests, again noting that litigation was a possibility. Two days later, EOG sent an invoice and produced responsive records, which American Oversight subsequently paid for.

25. On April 20, 2022, American Oversight sent a letter to EOG regarding two time-sensitive requests that had been pending for almost two months, stating that it would consider litigating to receive records on a matter of pressing public concern in a timely manner. By April 29, 2022, EOG began making rolling productions of records responsive to the requests, and by May 20, 2022, had made three productions of responsive records.

26. Upon information and belief, and as described above, EOG’s Office of Open Government is not appropriately managed to sufficiently handle the anticipated and typical volume of public records requests it receives. As a result, EOG in part compensates by jumping to respond to whichever requester is asking most forcefully for its records. This practice disadvantages requesters who lack the time and resources to press EOG to comply with its legal obligations. It also otherwise permits unlawful delays to continue without repercussion.

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27. EOG's handling of American Oversight's public records requests evinces a policy, pattern, or practice of deliberate obfuscation and avoidance of the agency's obligations under Florida's Public Records Act. EOG's consistent delays show that its violations of the Public Records Act are not the result of mere negligence by one single actor. Rather, upon information and belief, the violations described herein result from a systemic rejection of fulfilling its legal mandate of government transparency, through failures to implement and follow reasonable and consistent public records policies and to adequately manage the office to ensure requests are handled in a prompt and reasonable fashion.

### **American Oversight's Pending Public Records Requests at Issue**

#### *Request #1: Corporate Communications Request*

28. On April 22, 2021, American Oversight submitted a written public records request to EOG via email at [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com) seeking all email communications between certain EOG officials and certain external businesses and lobbyists. A true and correct copy of this request, which bears the internal American Oversight tracking number FL-GOV-21-0578, is attached as **Exhibit 3**. For this request, American Oversight seeks responsive records from January 1, 2021, through April 15, 2021.

29. EOG acknowledged receipt of this request on the same day it was submitted. A true and correct copy of this acknowledgement email is attached as **Exhibit 4**.

30. Having heard nothing from EOG regarding this request, more than two years later, on May 3, 2023, American Oversight sent a written notice via email to [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com) per Section 119.12 of the Florida Statutes, noting the pendency of this request and reminding EOG of its obligations under the Public Records Act. See Exhibit 5.

31. During a phone call on May 10, 2023, EOG stated that the office had reviewed its records and did not have a copy of this request. Later that same day, American Oversight re-sent the request to EOG via email. A true and correct copy of this email is attached as **Exhibit 6**.

32. A true and correct copy of the May 11, 2023 second acknowledgment email, sent in response to this communication, is attached as **Exhibit 7**.

33. As of the filing of this Complaint, there has been no further communication from EOG regarding this request or production of records responsive to this request.

*Request #2: SB 8 and Reproductive Rights Communications Request*

34. On October 25, 2021, American Oversight submitted a written public records request to EOG via email at [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com) seeking all electronic communications (1) between certain EOG officials and certain external individuals and groups, and (2) sent by certain EOG officials and containing any of a list of key terms related to Texas's SB 8 ("An Act relating to abortion, including abortions after detection of an unborn child's heartbeat; authorizing a private civil right of action."). A true and correct copy of this request, which bears the internal tracking number FL-GOV-21-1499 and has been assigned the EOG tracking number "Stoneman, T. 14," is attached as **Exhibit 8**. For this request, American Oversight seeks responsive records from March 11, 2021, through the date the request was received.

35. EOG acknowledged receipt of this request by email on the same day it was submitted. A true and correct copy of this acknowledgement email is attached as **Exhibit 9**.

36. On December 17, 2021, EOG emailed American Oversight, asking if American Oversight would like to narrow the key term "Dobbs," which was pulling a significant number of

items.<sup>5</sup> American Oversight responded on December 20, adjusting the key term to the phrase “Dobbs v. Jackson Women’s Health Organization.”

37. After several months with no further correspondence from EOG about this request, on April 7, 2022, American Oversight sent an email seeking a status update. On April 11, 2022, EOG asserted the office was working with its Information Technology (“IT”) Department regarding the scope of the request. On April 19, 2022, EOG reported that its searches had identified 304 items potentially responsive to Part 1 and 2,653 items potentially responsive to Part 2.

38. On May 4, 2022, American Oversight asked EOG to provide a cost estimate for this request. EOG did so on May 11, 2022.<sup>6</sup> The cost estimate showed that reviewing the records responsive to this request would take an estimated 2.5 hours of staff resources and 27 hours of legal review, yielding a total estimate of \$1,598.77. No deposit was assessed at that time. A true and correct copy of this cost estimate is attached as **Exhibit 10**.

39. On May 24, 2022, American Oversight emailed EOG, noting that it was evaluating the cost estimate—particularly the discrepancy between the low number of estimated staff review hours and relatively high number of legal review hours—and asking how many pages of records the search had identified. On May 26, 2022, EOG responded that there were over 6,800 pages of records potentially responsive to the request. On June 9, 2022, American Oversight informed EOG that it accepted the cost estimate.

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<sup>5</sup> EOG indicated that the key term was hitting on a high number of items because of a government employee whose last name is Dobbs.

<sup>6</sup> Though the cost estimate document itself is dated May 10, 2022, EOG sent the estimate by email to American Oversight on May 11, 2022.

40. On September 8, 2022—almost one year since sending the request to EOG—American Oversight again emailed asking for a status update. During a phone call on September 14, EOG informed American Oversight the records were under legal review.

41. Having heard nothing from EOG regarding this request another eight months later, on May 3, 2023, American Oversight sent a written notice via email to [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com) per Section 119.12 of the Florida Statutes, noting the pendency of this request and reminding Defendant of its obligations under Florida’s Public Records Act. See Exhibit 5.

42. As of the filing of this Complaint, there has been no further communication from EOG regarding this request or production of records responsive to this request.

*Request #3: CRT Communications Request*

43. On May 4, 2022, American Oversight submitted a written public records request to EOG via email at [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com) seeking (1) all electronic communications between certain EOG officials and a list of external organizations and individuals, and (2) all email communications sent by certain EOG officials containing any of a list of key terms related to Critical Race Theory (“CRT”), Social Emotional Learning, and other concepts sparking controversy within the educational landscape in Florida at the time and still today. A true and correct copy of this request, which bears the internal tracking number FL-GOV-22-0429 and has been assigned the EOG tracking number “Stoneman, T. 21,” is attached as **Exhibit 11**. For this request, American Oversight seeks responsive records from September 1, 2021, through the date of the search.

44. EOG acknowledged receipt of this request by email the day after it was submitted. A true and correct copy of this acknowledgement email is attached as **Exhibit 12**.

45. On June 13, 2022, EOG provided a cost estimate of \$204.50 for Part 1 of American Oversight's request. The estimated review of the records responsive to Part 1 would take one hour of staff resources and three hours of legal review. No amount was due at that time. A true and correct copy of the cost estimate for Part 1 is attached as **Exhibit 13**. Also on June 13, EOG asserted that its search for records responsive to Part 2 had yielded nearly 9,000 items and asked if American Oversight would like to narrow the scope of Part 2 of this request.

46. On June 17, 2022, American Oversight accepted the cost estimate for Part 1 and narrowed the scope for Part 2 by removing two EOG custodians from the list included in the request. On June 20, EOG reported that the suggested adjustment lowered the number of results for Part 2 to 4,900 items. On July 5, American Oversight asked for a cost estimate and on July 18, EOG reported it was working with its IT Department to "convert [the] request"<sup>7</sup> so as to provide an estimated cost.

47. On July 20, 2022, EOG reported that the office had identified an excess of 27,000 potentially responsive pages. American Oversight then indicated an interest in further narrowing the request on August 30 and asked for information regarding the search to inform potential narrowing decisions. On September 7, contradicting the office's prior report that it had identified only 4,900 items, EOG stated that the search for records responsive to Part 2 of this request had actually resulted in over 11,000 items.

48. Over the course of several emails and one phone call with EOG in September 2022, American Oversight limited the scope of Part 2 of this request by removing the terms "racist," "racism," and "curriculum" from the search and narrowing the original date range to a more

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<sup>7</sup> Upon information and belief, to respond to a public records request seeking email communications, EOG first performs a search, which identifies the number of responsive "items," and EOG then "converts" those results to identify the number of potentially responsive pages.

targeted timeframe: January 1, 2022, to May 4, 2022. On September 26, American Oversight asked EOG to “convert” the new results once these adjustments were made and to provide a revised fee estimate.

49. On October 10, 2022, American Oversight followed up again with EOG to ask for a revised fee estimate. On October 12, EOG sent a revised cost estimate via email, estimating that review of the 6,000 responsive pages would take two hours of staff resources and 24 hours of legal review. The total estimated cost for Part 2 was \$1,412.86 and an initial labor deposit of \$706.43 was due prior to EOG’s review of the records. A true and correct copy of the cost estimate for Part 2 is attached as **Exhibit 14**.

50. On October 14, 2022, American Oversight accepted the fee estimate and initial labor deposit for Part 2 and sent a check by mail on November 2.

51. On January 31, 2023, American Oversight sent an email to EOG requesting the status of both parts of this request. On February 3, EOG indicated that it continued to conduct a review of the records.

52. On May 3, 2023, American Oversight sent EOG a written notice via email to [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com) per Section 119.12 of the Florida Statutes, noting the pendency of this request and reminding EOG of its obligations under Florida’s Public Records Act. See **Exhibit 5**.

53. On May 12, 2023, EOG made a 684-page production of records responsive to this request. On July 12, 2023, after reviewing the produced records, American Oversight emailed EOG to inquire whether additional documents remained to be produced, as the released records appeared to be responsive to only Part 1. EOG responded on July 27, 2023, confirming that the

May 12th production was responsive to only Part 1 and the office was still processing Part 2 of this request.

54. As of the filing of this Complaint, there has been no further communication from EOG regarding this request or any production of records responsive to Part 2 of this request.

*Request #4: Texas Text Messages Request*

55. On October 12, 2022, American Oversight submitted a written public records request to EOG via email at [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com) seeking (1) all text messages or messages on messaging platforms between (a) Chief of Staff to the Governor James Uthmeier or Senior Advisor for Public Safety Larry Keefe and (b) certain Texas Governor's Office officials; and (2) all text messages or messages on messaging platforms between (a) Chief of Staff to the Governor James Uthmeier and (b) Senior Advisor for Public Safety Larry Keefe. A true and correct copy of this request, which bears the internal tracking number FL-GOV-22-1092, is attached as **Exhibit 15**. For this request, American Oversight seeks responsive records from September 1, 2022, through October 11, 2022.

56. EOG acknowledged receipt of this request by email the same day it was submitted. A true and correct copy of this acknowledgement email is attached as **Exhibit 16**.

57. In November 2022, American Oversight followed up with EOG regarding the status of this request, among others. EOG stated that it was still working on collecting and reviewing the documents responsive to this request.

58. Having heard nothing from EOG regarding this request since November 2022, on May 3, 2023, American Oversight sent EOG a written notice via email to [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com) per Section 119.12 of the Florida Statutes, noting the

pendency of this request and reminding EOG of its obligations under Florida’s Public Records Act. See Exhibit 5.

59. As of the filing of this Complaint, there has been no further communication from EOG regarding this request or production of records responsive to this request.

*Request #s 5-7: Three Larry Keefe Requests*

60. On January 4, 2023, American Oversight submitted three written public records requests to EOG via email at [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com).

61. The first of these requests seeks “[a]ll records concerning the hiring process for Senior Advisor for Public Safety Larry Keefe, including, but not limited to, any job posting for the ‘Senior Advisor for Public Safety’ position, communications regarding the appointment of Mr. Keefe, and any other records related to the appointment of Mr. Keefe.” A true and correct copy of this request, which bears the internal tracking number FL-GOV-23-0003, is attached as **Exhibit 17**. For this request, American Oversight seeks responsive records from March 1, 2021, through the date the search is conducted.

62. EOG acknowledged receipt of the First Larry Keefe Request by email the day after it was submitted. A true and correct copy of this acknowledgement email is attached as **Exhibit 18**.

63. The second of these requests seeks (1) any final policy documents written or co-written by Mr. Keefe; (2) records reflecting all reimbursable and non-reimbursable expenses and costs incurred by Mr. Keefe related to all in-state or out-of-state trips taken by Mr. Keefe; (3) all email communications between Mr. Keefe and any of a list of external entities or individuals; (4) all email communications between Mr. Keefe and anyone communicating from an email address ending in dps.texas.gov or tdem.texas.gov; and (5) all calendars or calendar entries for Mr. Keefe, including any maintained on his behalf. A true and correct copy of this request, which bears



the internal tracking number FL-GOV-23-0004, is attached as **Exhibit 19**. For this request, American Oversight seeks responsive records from September 28, 2021, through the date the search is conducted.

64. EOG acknowledged receipt of the Second Larry Keefe Request by email the day after it was submitted. A true and correct copy of this acknowledgement email is attached as **Exhibit 20**.

65. The third of these requests seeks (1) all text messages or messages on messaging applications similar in form to text messages pertaining to official agency business sent or received by Mr. Keefe; and (2) all email communications pertaining to official agency business sent or received by any non-governmental email address attributed to Mr. Keefe, including, but not limited to, [19lkeefe@gmail.com](mailto:19lkeefe@gmail.com) or [heat19.heat19@gmail.com](mailto:heat19.heat19@gmail.com). A true and correct copy of this request, which bears the internal tracking number FL-GOV-23-0005, is attached as **Exhibit 21**. For this request, American Oversight seeks responsive records from September 28, 2021, through the date the search is conducted.

66. EOG acknowledged receipt of the Third Larry Keefe Request by email the day after it was submitted. A true and correct copy of this acknowledgement email is attached as **Exhibit 22**.

67. Having heard nothing from EOG regarding these three requests since January 5, on May 3, 2023, American Oversight sent EOG a written notice via email to [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com) per Section 119.12 of the Florida Statutes, noting the pendency of these requests and reminding EOG of its obligations under Florida's Public Records Act. See **Exhibit 5**.

68. As of the filing of this Complaint, there has been no further communication from EOG regarding these three requests or production of records responsive to these requests.

*Request #8: BlackRock Request*

69. On February 9, 2023, American Oversight submitted a written public records request to EOG via email at [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com) seeking (1) all electronic communications between certain EOG officials and any of a list of external organizations and individuals; and (2) all email communications sent by certain EOG officials containing any of a list of key terms related to BlackRock. A true and correct copy of this request, which bears the internal tracking number FL-GOV-23-0138 and has been assigned the EOG tracking number “Stoneman, T. 42,” is attached as **Exhibit 23**. For both parts of this request, American Oversight seeks responsive records from August 15, 2022, through the date the search is conducted.

70. EOG acknowledged receipt of this request by email on February 13, 2023. A true and correct copy of this acknowledgement email is attached as **Exhibit 24**.

71. Two months later, on April 12, 2023, EOG provided a cost estimate and invoice for part two of this request, estimating that review of over 6,000 potentially responsive pages would take two hours of staff resources and 26 hours of legal review. The total estimated cost for part two was \$1,524.40 and an initial labor deposit of \$762.20 was due prior to EOG’s review of the records. A true and correct copy of the cost estimate for part two is attached as **Exhibit 25**.

72. On April 19, 2023, American Oversight sent a few clarification questions regarding EOG’s cost estimate.

73. Having received no response from EOG to American Oversight’s questions, on May 3, 2023, American Oversight sent EOG a written notice via email to [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com) per Section 119.12 of the Florida Statutes, noting the pendency of this request and reminding EOG of its obligations under Florida’s Public Records Act. See **Exhibit 5**.

74. On June 12, 2023, American Oversight followed up via email regarding its questions about this request. Later that same day, EOG answered American Oversight's questions regarding part two. On June 29, 2023, American Oversight informed EOG it would like to move forward on part two and also inquired on the status of part one of this request.

75. On July 6, 2023, American Oversight mailed a check in the amount of \$762.20. On July 13, EOG confirmed that it received the check for part two and would "continue with processing [American Oversight's] request." Regarding part one, EOG simply stated that the "office is also currently processing part 1."

76. On August 3, 2023, American Oversight again emailed regarding EOG's search for records responsive to part one of this request. On August 8, 2023, EOG again stated that the "office is currently processing Part 1 of your request. In the event that there is a fee required for review, we will have it sent to you as soon as possible." No further details about the status of EOG's processing of this request were provided. A true and correct copy of American Oversight's communications with EOG regarding this request is attached as **Exhibit 26**.

77. As of the filing of this Complaint, there has been no further communication from EOG regarding this request or production of records responsive to this request.

*Request #9: Leonard Leo Communications Request*

78. On February 28, 2023, American Oversight submitted a written public records request to EOG via email at [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com) seeking (1) all electronic communications between certain EOG officials and Leonard Leo, and (2) all email communications sent by certain EOG officials containing any of a list of key terms. A true and correct copy of this request, which bears the internal tracking number FL-GOV-23-0182 and has been assigned the EOG tracking number "Stoneman, T. 46," is attached as **Exhibit 27**. For part

one of this request, American Oversight seeks responsive records from March 4, 2022, through the date of the search. For part two of this request, American Oversight seeks responsive records from March 4, 2022, through August 4, 2022.

79. EOG acknowledged receipt of this request by email on the same day it was submitted. A true and correct copy of this acknowledgement email is attached as **Exhibit 28**.

80. On March 27, 2023, EOG notified American Oversight that the office had identified no records responsive to part one of this request. EOG also stated that over 5,000 items were potentially responsive to part two of the request. After exchanging several emails, on May 2, 2023, American Oversight agreed to remove the term “Supreme Court” from the list of key terms and asked EOG to continue processing the request.

81. On May 3, 2023, American Oversight sent EOG a written notice via email to [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com) per Section 119.12 of the Florida Statutes, noting the pendency of this request and reminding EOG of its obligations under Florida’s Public Records Act as it continued to process the request. See Exhibit 5.

82. On May 5, 2023, EOG provided a cost estimate and invoice for part two of this request, estimating that review of 1,028 potentially responsive items would take two hours of staff resources and 11 hours of legal review. The total estimated cost for part two was \$687.85 and an initial labor deposit of \$343.93 was due prior to EOG’s review of the records. A true and correct copy of the cost estimate for part two is attached as **Exhibit 29**.

83. American Oversight mailed a check in the amount of \$343.93 to EOG on May 11, 2023.

84. As of the filing of this Complaint, there has been no further communication from EOG regarding this request or production of records responsive to this request.

*Request #10: Text Messages Request*

85. On March 24, 2023, American Oversight submitted a written public records request to EOG via email at [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com) seeking “[a]ll text messages or messages on messaging applications similar in form to text messages (such as Signal, WhatsApp, Facebook Messenger, Twitter direct messages, etc.) pertaining to official agency business” sent or received by a short list of EOG officials. A true and correct copy of this request (dated March 23, 2023), which bears the internal tracking number FL-GOV-23-0295, is attached as **Exhibit 30**. For this request, American Oversight seeks responsive records from July 1, 2022, through the date of the search.

86. EOG acknowledged receipt of this request by email on March 27, 2023. A true and correct copy of this acknowledgement email is attached as **Exhibit 31**.

87. On May 3, 2023, American Oversight sent EOG a written notice via email to [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com) per Section 119.12 of the Florida Statutes, noting the pendency of this request and reminding EOG of its obligations under Florida’s Public Records Act as it continued to process the request. See Exhibit 5.

88. As of the filing of this Complaint, there has been no further communication from EOG regarding this request or production of records responsive to this request.

*Request #11: Uthmeier Calendars Request*

89. On March 24, 2023, American Oversight submitted a written public records request to EOG via email at [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com) seeking “[a]ll calendars or calendar entries for Chief of Staff James Uthmeier, including any calendars maintained on Mr. Uthmeier’s behalf.” A true and correct copy of this request (dated March 23, 2023), which bears the internal

tracking number FL-GOV-23-0297, is attached as **Exhibit 32**. For this request, American Oversight seeks responsive records from January 1, 2022, through the date the search is conducted.

90. EOG acknowledged receipt of this request by email on March 27, 2023. A true and correct copy of this acknowledgement email is attached as **Exhibit 33**.

91. On May 3, 2023, American Oversight sent EOG a written notice via email to [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com) per Section 119.12 of the Florida Statutes, noting the pendency of this request and reminding EOG of its obligations under Florida's Public Records Act as it continued to process the request. See Exhibit 5.

92. As of the filing of this Complaint, there has been no further communication from EOG regarding this request or production of records responsive to this request.

*Request #12: DEI Communications Request*

93. On March 24, 2023, American Oversight submitted a written public records request to EOG via email at [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com) seeking all electronic communications sent by certain EOG officials containing any of a list of key terms related to the banning of Diversity, Equity, and Inclusion ("DEI") programs in Florida public education. A true and correct copy of this request (dated March 23, 2023), which bears the internal tracking number FL-GOV-23-0301, is attached as **Exhibit 34**. For this request, American Oversight seeks responsive records from November 1, 2022, through the date the search is conducted.

94. EOG acknowledged receipt of this request by email on March 27, 2023. A true and correct copy of this acknowledgement email is attached as **Exhibit 35**.

95. On April 7, 2023, EOG notified American Oversight that it had performed an initial search for responsive records and identified over 3,500 potentially responsive items. On April 21,

to narrow the volume of records, American Oversight agreed to remove three terms from the list of key terms.

96. On May 3, 2023, American Oversight sent EOG a written notice via email to [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com) per Section 119.12 of the Florida Statutes, noting the pendency of this request and reminding EOG of its obligations under Florida's Public Records Act as it continued to process the request. See **Exhibit 5**. That same day, EOG provided an update regarding the status of the office's processing of this request: EOG had run the narrowed search and identified over 3,000 potentially responsive items.

97. Over the course of the next several weeks, EOG and American Oversight worked together to further narrow the request by identifying the number of responsive records found per custodian and omitting two listed custodians from the search. On June 27, 2023, American Oversight asked EOG to proceed with processing the request in the agreed-upon narrowed form, and EOG acknowledged such instruction that same day.

98. As of the filing of this Complaint, there has been no further communication from EOG regarding this request or production of records responsive to this request.

### **Other Public Records Act Requests**

99. In addition to the 12 public records requests described in detail above, American Oversight has sent EOG additional public records requests since 2018.

100. For all requests for which American Oversight has received a response from EOG, the delay between the submission of the request and the completion of productions has been, on average, approximately 160 days, or over five months.

101. Ten of American Oversight's completed requests were pending for more than one year prior to receiving a complete response; three of those were pending for more than two years.

102. American Oversight currently has 23 requests still open and pending with EOG, including the 12 requests described in detail above. Absent intervention from this Court, it is very likely that EOG will continue its pattern of noncompliance with the Public Records Act through delay tactics and inconsistent response practices and times.

103. American Oversight has raised these issues of delay with EOG many times over the course of several years. Each time, the only excuse EOG has given for its impermissible delay in responding to public records requests has been staffing shortages. Upon information and belief, these staffing shortages are knowingly and/or intentionally used to avoid EOG's responsibilities under the Public Records Act or are otherwise not addressed, regardless of EOG's consistent failure to provide records timely.

#### **EOG's Refusal and Delay in Providing the Requested Records is Unlawful**

104. The Florida Constitution endows "[e]very person [with] the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf." Art. I, § 24(a), Fla. Const. Indeed, the Florida Supreme Court has repeatedly recognized this right of access to public records as a "cornerstone of our political culture." Bd. of Trustees, Jacksonville Police & Fire Pension Fund v. Lee, 189 So. 3d 120, 124 (Fla. 2016) (citation omitted). Thus, "[t]he [Public Records] Act is to be construed liberally in favor of openness." Lake Shore Hosp. Auth. v. Lilker, 168 So. 3d 332, 333 (Fla. 1st DCA 2015) (citation omitted); see also Bd. of Trustees, 189 So. 3d at 122 (holding, in accordance with this requirement of liberal construction and the letter and spirit of the constitutional right of access, that entitlement to attorney's fees could not be contingent on a finding that the agency did not act in good faith, acted in bad faith, or acted unreasonably).



105. “The public records law embodies important public policy. It is designed to provide citizens with a simple and expeditious method of accessing public records.” Orange Cty. v. Hewlings (“Hewlings 2”), 152 So. 3d 812, 817 (Fla. 5th DCA 2014). Custodians of public records have an affirmative duty to “respond to such requests in good faith” and in a timely manner. See § 119.07(1)(c), Fla. Stat. (2023); see also Tribune Co. v. Cannella, 458 So. 2d 1075, 1078 (Fla. 1984) (noting that purpose of Public Records Act procedures “is to provide for timely inspection of the records”).

106. The Florida Supreme Court has stressed that the only permissible delay in producing records pursuant to the Public Records Act “is the limited reasonable time allowed the custodian to retrieve the record and delete those portions of the record the custodian asserts are exempt.” Cannella, 458 So. 2d at 1079.

107. Thus, in Cannella, the Court held that the City of Tampa violated the Public Records Act by implementing an automatic 24-hour delay in producing personnel files in order to allow the employees to review the files. Id. at 1078. Although there is no fixed time frame for complying with public records requests, unjustified delays in producing records constitute an unlawful refusal to provide access to public records in violation of the Act. Schweickert v. Citrus Cty. Fla. Bd., 193 So. 3d 1075, 1079 (Fla. 5th DCA 2016) (quotation omitted); see also Promenade D’Iberville, 145 So. 3d at 983 (“[u]njustified delay in making non-exempt public records available violates Florida’s public records law” (citation omitted)).

108. Moreover, a state agency cannot avoid violating the Public Records Act by quickly acknowledging a request or engaging with a requester if they then delay in actually producing responsive records. See Hewlings v. Orange Cty., Fla. (“Hewlings 1”), 87 So. 3d 839, 841 (Fla.

5th DCA 2012) (awarding attorney’s fees where a public agency acknowledged a public records request but did not actually produce records).

109. Injunctive relief is available under Chapter 119 “where there is a demonstrated pattern of noncompliance with the Public Records Law, together with a showing of likelihood of future violations.” Daniels v. Bryson, 548 So. 2d 679, 680–81 (Fla. 3d DCA 1989).

110. To date, EOG has failed to fully respond to the 12 requests at issue in this Complaint. Each request has been pending for at least 11 months, and certain of them for much longer: at the time of the filing of this Complaint, the SB 8 and Reproductive Rights Communications Request (FL-GOV-21-1499) has been pending for over two years, and the Corporate Communications Request (FL-GOV-21-0578) for almost three years. See Exhibits 3, 8. EOG’s delay on each of the specific public records requests at issue in this Complaint stretches far beyond the length of delay in cases where Florida courts have found that a refusal to provide public records violated the Public Records Act. See, e.g., Promenade D’Iberville, 145 So. 3d at 982–83 (62 days); Office of State Att’y for Thirteenth Jud. Cir. of Fla. v. Gonzalez, 953 So. 2d 759, 765 (Fla. 2d DCA 2007) (more than 90 days); Hewlings 1, 87 So. 3d at 841 (official responded quickly in writing that they would comply with a request, but delayed in actually complying for 45 days).

111. These extreme delays of more than 11 months each far exceed any reasonable amount of time permitted for retrieval, redaction, and production of records.

112. Moreover, EOG’s policy, pattern, or practice of such delay, often for one year or more—and regularly where the ultimate volume of responsive records is minimal or zero—with no explanation other than a lack of resources assigned to EOG’s Office of Open Government, demonstrates a pattern of noncompliance with the Public Records Act that has been ongoing for several years and is likely to continue in the future.

113. Florida is the third largest state in the country, with over 22 million citizens. And often, the policies proposed in Florida are taken as models impacting the laws and policies of numerous other states. As a result, government action taken in Florida has the potential to impact millions of people nationwide. Nonetheless, despite an increasing backlog of public records requests and a continuing inability to process them promptly, EOG, upon information and belief, has chosen to manage its Office of Open Government with—during much of the time period relevant to this complaint—only two staff members.

114. Consistently failing to assign the appropriate resources to the Office of Open Government does not justify delay under Chapter 119 of the Florida Statutes and indeed results in an unlawful refusal to provide access to public records, in violation of Florida’s Public Records Act.

### **COUNT I (Mandamus)**

#### **Unlawful Refusal to Provide Public Records**

115. American Oversight restates and re-alleges paragraphs 1–114 and all referenced exhibits, as if fully set forth herein.

116. The records requested in the 12 requests listed above—the Corporate Communications Request; SB 8 and Reproductive Rights Communications Request; CRT Communications Request; Texas Text Messages Request; First, Second, and Third Larry Keefe Requests; BlackRock Request; Leonard Leo Communications Request; Text Messages Request; Uthmeier Calendars Request; and DEI Communications Request—are public records as encompassed by Article I, Section 24(a) of the Florida Constitution, defined in Section 119.011(12) of the Florida Statutes, and interpreted by Florida courts.

117. The constitutional right of access to public records applies to those records held by “any public body, officer, or employee of the state, or persons acting on their behalf . . . .” See Art. I, § 24, Fla. Const. This “specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder.” Id.

118. EOG is also a public agency as defined in Section 119.011(2) of the Florida Statutes.

119. EOG has both a constitutional and statutory legal obligation pursuant to Section 119.07 of the Florida Statutes to provide access to and copies of any non-exempt public records upon request.

120. No public records law exemptions exist that would prevent the inspection or copying of the records sought, and EOG has not cited any exemption as a justification for withholding such records.

121. EOG has failed and refused to provide the records requested for each of the records requests at issue in this Complaint.

122. EOG’s failure, refusal, and unjustified delay in providing the public records requested in each of the requests at issue in this Complaint violates the Public Records Act and Article I Section 24(a) of the Florida Constitution. This Court must therefore order EOG to immediately produce all public records requested in Request #s 1–12, above.

### **COUNT 2 (Declaratory Judgment)**

#### **Policy, Pattern, or Practice of Violating the Florida’s Public Records Act**

123. American Oversight restates and re-alleges paragraphs 1–114 and all referenced exhibits, as if fully set forth herein.

124. An agency's unjustified delay in producing public records constitutes an unlawful refusal to provide access to public records and violates the Public Records Act.

125. EOG has demonstrated an inability or unwillingness to promptly and reasonably process the volume of public records requests sent to EOG.

126. The policies, patterns, or practices of EOG—including, but not limited to, EOG's knowing failure to sufficiently staff its Office of Open Government with the resources necessary to ensure prompt responses; EOG's inconsistent application of its first-in, first-out policy of processing requests; EOG's failure to provide a direct agency contact for requesters to communicate with; and EOG's litigation avoidance practices—all directly contribute to and cause EOG's delays in responding to public records requests.

127. These policies, patterns, or practices are each unjustified, legally insufficient reasons for the office's regular delays, and therefore violate the Public Records Act, and Article I Section 24(a) of the Florida Constitution.

### **COUNT 3 (Permanent Injunction)**

#### **Policy, Pattern, or Practice of Violating the Florida's Public Records Act**

128. American Oversight restates and re-alleges paragraphs 1–114 and all referenced exhibits, as if fully set forth herein.

129. EOG's policy, pattern, or practice of delay in responding to public records requests demonstrates a pattern of noncompliance with the Public Records Act.

130. The policies, patterns, or practices of EOG—including, but not limited to, EOG's knowing failure to sufficiently staff its Office of Open Government with the resources necessary to ensure prompt responses; EOG's inconsistent application of its first-in, first-out policy of processing requests; EOG's failure to provide a direct agency contact for requesters to

communicate with; and EOG’s litigation avoidance practices—are each unjustified, legally insufficient reasons for the office’s regular and egregious delays, and therefore violate the Public Records Act, and Article I Section 24(a) of the Florida Constitution.

131. As described above, EOG’s established and continuing failure to provide its Office of Open Government with resources sufficient to ensure consistent compliance with the Public Records Act and Article I Section 24(a) of the Florida Constitution makes it likely that EOG will commit future delay violations, which includes future delays in responding to other pending public records requests submitted by American Oversight.

132. American Oversight has no adequate remedy at law to address EOG’s policy, pattern, or practice of delay described herein. The relief sought by American Oversight is necessary to prevent continued and further injury. Unless enjoined by the Court, EOG will continue to unjustifiably delay in responding to public records requests (including those of American Oversight), in violation of the Public Records Act and Article I Section 24(a) of the Florida Constitution

### **REQUEST FOR IMMEDIATE HEARING**

133. Section 119.11(1) of the Florida Statutes provides that courts are to set immediate hearings in actions to enforce the provisions of the Public Records Act and are to give such cases priority over other pending cases. See Salvador v. Fennelly, 593 So. 2d 1091, 1094 (Fla. 4th DCA 1992) (recognizing the importance of the statutory provision for immediate hearings in Public Records Act cases because “time can sometimes be an important element in the right of access to public records”).

134. As the Florida Supreme Court has recognized: “News delayed is news denied.” State ex. Rel. Miami Herald Pub. Co. v. McIntosh, 340 So. 2d 904, 910 (Fla. 1976). American

Oversight therefore requests an immediate hearing (telephonic or otherwise) and requests that this case be given priority over other pending cases. In addition to the requirements of the Public Records Act, the present public need for the information contained in the requested records justifies an immediate hearing.

### **REQUEST FOR ATTORNEYS' FEES, COSTS, EXPENSES**

135. Section 119.12 of the Florida Statutes provides that “[i]f a civil action is filed against an agency to enforce the provisions of this chapter, the court shall assess and award the reasonable costs of enforcement, including reasonable attorney fees, against the responsible agency if . . . [t]he agency unlawfully refused to permit a public record to be inspected or copied[.]”

136. EOG has unlawfully refused to permit the inspection and copying of the public records at issue in this lawsuit. See Promenade D’Iberville, 145 So. 3d at 984 (“[T]he caselaw is clear that unjustifiable delay to the point of forcing a requester to file an enforcement action is *by itself* tantamount to an unlawful refusal to provide public records in violation of the [Public Records] Act.”) (emphasis in original). Moreover, American Oversight provided written notice identifying each public records request at issue in this Complaint to EOG’s custodian of public records at least five business days before filing this action, pursuant to Section 119.12(1)(b) of the Florida Statutes. See Exhibit 5. American Oversight is therefore entitled to all reasonable costs, including its attorneys’ fees, incurred in enforcing its rights to access the subject public records as set forth in Section 119.12 of the Florida Statutes. American Oversight also employs in-house trial attorneys, including the undersigned *pro hac vice* (forthcoming) attorney, who act as co-counsel in litigation and whose time spent on individual matters is tracked for fee recovery purposes. American Oversight is entitled to recovery of all of the above fees, costs and expenses.

## **RELIEF REQUESTED**

WHEREFORE, Plaintiff requests that this Court:

- (a) Set an immediate hearing pursuant to Section 119.11(1) of the Florida Statutes;
- (b) Find that the records requested in each of the 12 requests at issue in this Complaint—the Corporate Communications Request; SB 8 and Reproductive Rights Communications Request; CRT Communications Request; Texas Text Messages Request; First, Second, and Third Larry Keefe Requests; BlackRock Request; Leonard Leo Communications Request; Text Messages Request; Uthmeier Calendars Request; and DEI Communications Request—are public records subject to immediate disclosure under the Public Records Act and Article I, Section 24 of the Florida Constitution, to which no valid exemption applies;
- (c) Find that EOG unlawfully delayed and refused to permit access to the records requested in the Corporate Communications Request; SB 8 and Reproductive Rights Communications Request; CRT Communications Request; Texas Text Messages Request; First, Second, and Third Larry Keefe Requests; BlackRock Request; Leonard Leo Communications Request; Text Messages Request; Uthmeier Calendars Request; and DEI Communications Request, in violation of the Public Records Act and Article I, Section 24 of the Florida Constitution;
- (d) Order EOG to immediately provide to American Oversight all outstanding records responsive to American Oversight’s public records requests at issue in this lawsuit;
- (e) Declare that EOG’s policy, pattern, or practice of failing to assign appropriate resources to its Office of Open Government, resulting in insufficient staffing and inconsistent processing of requests, does not provide lawful justification for EOG’s delay in producing records in violation of the Public Records Act;



(f) Grant permanent injunctive relief enjoining EOG from continuing or instituting any and all policies, patterns, or practices that result in its continual failure to provide timely responses to public records requests (of all requesters);

(g) Award American Oversight its reasonable attorneys' fees, costs, and expenses incurred in this action, as provided in Section 119.12 of the Florida Statutes; and

(h) Grant American Oversight such additional and further relief as this Court deems just and proper.

Dated: February 29, 2024

Respectfully submitted,

/s/ Mark R. Caramanica

Mark R. Caramanica

Florida Bar No. 110581

Elizabeth Ernest

Florida Bar No. 1041263

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- and -

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*\*Pro Hac Vice Forthcoming*

*Attorneys for Plaintiff American Oversight*

# EXHIBIT 1

**From:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Sent:** Monday, March 27, 2023 10:16 AM EDT  
**To:** AO Records <records@americanoversight.org>  
**Subject:** RE: Public Records Request (FL-GOV-23-0297)

EXTERNAL SENDER

Good morning,

The Governor's Office of Open Government is in receipt of your request for records as stated in your email below. If there is a fee associated with your request, you will be provided with a fee estimate for your review. Thank you for contacting the Executive Office of the Governor.

Sincerely,  
Office of Open Government

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**From:** AO Records <records@americanoversight.org>  
**Sent:** Friday, March 24, 2023 12:14 PM  
**To:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Subject:** Public Records Request (FL-GOV-23-0297)

Dear Public Records Officer

Please find attached a request for records under the Florida Constitution and Florida's public records law.

Sincerely,

--

**Eva Mayanja** | (she/her)  
Paralegal | American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org) | (202) 869-5246  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

PRR: FL-GOV-23-0297

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

# EXHIBIT 2

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

FLORIDA CENTER FOR GOVERNMENT  
ACCOUNTABILITY, INC.,

Plaintiff,

v.

Case No: 2022 CA-001785

EXECUTIVE OFFICE OF THE GOVERNOR,  
and GOVERNOR RON DESANTIS, in his  
official capacity as custodian of public records,

Defendants.

**DECLARATION OF CHRISTOPHER DELORENZ**

I, Christopher DeLorenz, make the following declaration under penalty of perjury pursuant to section 92.525(1)(c), Florida Statutes:

1. I am the Director of the Office of Open Government for the Executive Office of the Governor (EOG). I have held this position since January 2022.

2. In this capacity, I am responsible for coordinating EOG's response to public records requests.

3. I have detailed knowledge of EOG's process for responding to such requests.

4. The Office of Open Government handles all public records requests submitted to EOG. The Open Government Office also assists with the collection of records for discovery in litigation involving EOG.

5. The Office of Open Government consists of two full-time employees—the Director and an open records coordinator.

6. The duties of the Office include receiving records requests, communicating with requesters, locating responsive records, collecting the records, managing the review process to

determine whether a record is confidential or exempt, redacting confidential or exempt information, and then producing the responsive, non-exempt, and non-confidential records to the requester.

7. In January 2022, when I began employment as the Director of the Office of Open Government, the Office had a backlog of approximately 160 open requests. The Office reduced the backlog to approximately 100 open requests early this summer. However, due to various newsworthy events, the backlog significantly increased thereafter.

8. As of September 13, 2022, the Office had approximately 153 open requests. Many of those requests are complex and multifaceted. Such requests often include multiple subparts seeking specific documents or broad categories of documents. Numerous requests are even multiple pages long. For example, one request, received in August, is 41 pages long with 43 separate sub-requests, each sub-request further containing multiple parts. In all, this single request includes more than 350 specific requests for documents. This requester has since supplemented the initial request with an additional 11 pages of requests. Depending on the complexity of the request and the limited resources available to the Office of Open Government, certain requests can take months to fulfill.

9. Broad requests often require searches of multiple custodians for records spanning an extended period of time and covering many subjects or categories. The Office of Open Government, for instance, is currently processing numerous requests containing thousands of pages of potentially responsive records per request. Indeed, in May 2022, the Office produced approximately eleven thousand pages of records in response to a single request.

10. Florida law requires agencies to “respond to ... requests in good faith,” which includes “making reasonable efforts to determine from other offices or employees within the agency

whether such a record exists and, if so, the location at which the record can be accessed.” § 119.07(1)(c), Fla. Stat. (2022). The Office of Open Government is required to determine if EOG possesses requested records, to retrieve those records, and to assess if exemptions apply. Florida courts have held that “where specified communications to or from individual state employees or officials are requested from a governmental entity—regardless of whether the records are located on private or state accounts or devices—the entity’s obligation is to conduct a reasonable search that includes asking those individual employees or officials to provide any public records stored in their private accounts that are responsive to a proper request.” *O’Boyle v. Town of Gulf Stream*, 257 So. 3d 1036, 1041 (Fla. 4th DCA 2018).

11. To fulfill these responsibilities, the Office of Open Government must first identify and meet with potential custodians of documents to determine whether they or others possess records responsive to a request. These meetings do not happen immediately upon demand. Many custodians include members of the Governor’s senior staff who are busy carrying out their many duties and responsibilities. Open Government personnel must find time to meet and discuss these records requests with the potential custodians, who themselves must conduct searches for records in their possession. Once potentially responsive documents are located and collected, the Office of Open Government manages the process of reviewing the documents for responsiveness and for any statutorily required exemptions. Any confidential or exempt information must then be redacted before the records are produced. This must be done carefully and thoroughly because the release of any confidential or exempt information can lead to penalties. *See, e.g.*, § 119.10, Fla. Stat. (2022). Depending on the scope and complexity of the request, this process of locating the documents, collecting them, conducting a thorough legal review, redacting exempt information, and producing the records is time and resource intensive and can often take months.

12. On September 14, 2022, nearly 50 unauthorized aliens were transported aboard flights to Martha's Vineyard by a vendor under contract with the Florida Department of Transportation.

13. Since September 14, 2022, the Office of Open Government has received more than 90 requests related to the Martha's Vineyard flights. Many of these requests are complex and have numerous subparts. Many individual requests are broad and ask for all, or nearly all, communications related to the relocation of unauthorized aliens to Martha's Vineyard. Many other requests are more targeted and ask for specific communications related to certain acute aspects of the Martha's Vineyard flights. Because of the sudden influx of requests related to Martha's Vineyard, the total number of open records requests for EOG increased to approximately 262 as of October 10, 2022. To reduce the backlog, the Office of Open Government recently surged resources to make 28 productions of records responsive to requests, such that the number of open requests now stands at approximately 245 as of October 18, 2022.

14. Plaintiff in this case, the Florida Center for Government Accountability (FCGA), initially submitted three separate, multipart requests for records relating to the Martha's Vineyard flights. The first request was submitted on Tuesday, September 20, 2022, and sought the following documents:

1. Any record sent or received by James Uthmeier regarding the migrant relocation program during the period between September 1, 2022, and 6:00 a.m. on September 15, 2022.
2. The phone log for any telecommunications device used by James Uthmeier to send or receive calls during the period between September 1, 2022, through 6:00 a.m. on September 15, 2022. "Phone log" means the record of calls made or received via any cellular device, landline or desk phone.
3. The text log of any cellular device used by James Uthmeier to send or receive texts during the period between September 1, 2022, through 6:00 a.m. on September 15, 2022. "Text log" means the record of any texts sent or received via any cellular or electronic device or messaging app.



4. All records sent to or received from Vertol Systems Company, including any agency, agent, representative, employee, attorney or other individual or entity acting on behalf of Vertol Systems Company, during the period between August 15, 2022, and 6:00 a.m. on September 15, 2022.
5. All records sent to or received from Greg Abbott, or any agent, representative, employee, attorney or other individual or entity acting on behalf of Greg Abbott, or the State of Texas, during the period between September 1, 2022, and 6:00 am. on September 15, 2022, relating to any of the following subject matters:
  - a. the migrant relocation program;
  - b. the transport of individuals from Texas to Florida;
  - c. the transport of individuals from Texas to Massachusetts;
  - d. printing written materials about the availability of services in Massachusetts;
  - e. delivering written materials about the availability of services in Massachusetts.

15. The second request was submitted on Wednesday, September 21, 2022, and sought the following documents:

1. Any record purporting to be a waiver signed by immigrants in San Antonio, Texas as part of any immigrant relocation program and flights to Martha's Vineyard, Massachusetts on September 14, 2022.
2. Any record purporting to be a waiver signed by immigrants aboard a flight from San Antonio, Texas Crestview, Florida on September 14, 2022.
3. Any record purporting to be a waiver signed by immigrants aboard a flight from Crestview, Florida to Charlotte, NC on September 14, 2022.
4. Any record purporting to be a waiver signed by immigrants aboard a flight from Charlotte, NC, to Martha's Vineyard, Massachusetts on September 14, 2022.

16. The third request was also submitted on Wednesday, September 21, 2022, and sought the following documents:

1. The calendar and schedule for Larry Keefe for September 1, 2022, through September 15, 2022.
2. For the period between September 1, 2022, through September 15, 2022, all records sent or received by Larry Keefe to or from Jay Odom.
3. For the period between September 1, 2022, through September 15, 2022, all records sent or received by Larry Keefe to or from any individual associated with:
  - a. Zeppelin Holdings, LLC
  - b. DJFO, LLC

c. The Jay Odom Group, LLC.

17. On Sunday, September 25, 2022, less than five business days after submitting its September 20 request, FCGA provided notice to the Office of Open Government that no records responsive to its first request had been received and incorrectly declared that “more than five business days have elapsed since receipt of the written request.” FCGA then informed the Office that, “if the records are not furnished by the close of business on Friday, September 30, 2022, we will refer this to our attorney to seek judicial enforcement of the Public Records Act.”

18. On Wednesday, September 28, 2022, FCGA sent a further communication providing notice that no records had been received in response to its second request, dated September 21, 2022. FCGA informed the Office of Open Records that, “if the records are not furnished by the close of business on Friday, September 30, 2022, we will refer this to our attorney to seek judicial enforcement of the Public Records Act.”

19. On Wednesday, September 28, 2022, FCGA sent an additional communication providing notice that no records had been received in response to its third request, also dated September 21, 2022. FCGA informed the Office of Open Records that, “if the records are not furnished by the close of business on Friday, September 30, 2022, we will refer this to our attorney to seek judicial enforcement of the Public Records Act.”

20. Most of the requests relating to the Martha’s Vineyard flights, including FCGA’s requests, require the Office of Open Government to consult with senior EOG staff to determine if they have responsive records or if they know of others who may have such records. But because of the recent hurricane, the process of collecting responsive records has been more challenging than usual. On September 23, 2022, just days after FCGA’s requests, Governor DeSantis declared a state of emergency in preparation for Hurricane Ian, and on September 28, Hurricane Ian made landfall in

Florida. Preparation, response, and recovery activities relating to the hurricane have consumed most of the Governor's staff, many of whom were away from their offices either at the Emergency Operations Center or on travel to the affected areas in southwest Florida. Hurricane response thus impeded the process of identifying and collecting records on the unreasonably truncated timeline that FCGA demanded.

21. On September 30, 2022, Assistant General Counsel Andrew King informed FCGA that the production of records responsive to its record requests would not be possible by that date in part because of EOG's preoccupation with the hurricane response.

22. Notwithstanding the foregoing challenges arising from the hurricane, the existing backlog of open requests, and the surge of new requests relating to the Martha's Vineyard flights, the Office of Open Government has nevertheless been searching for, retrieving, reviewing, and producing documents responsive to the many Martha's Vineyard-related requests, including the requests at issue in this lawsuit.

23. On October 4, 2022, the Office of Open Government provided a complete response to FCGA's third request, dated September 21, 2022.

24. Additionally, on October 7, 2022, the Office of Open Government released a production of documents responsive to requests relating to the Martha's Vineyard flights. We stated that each production of documents responsive to requests on this subject will be released on our Open Government website on a regular rolling basis.

25. Notwithstanding these efforts to begin a rolling production of documents responsive to the large volume of requests relating to the Martha's Vineyard flights, including documents responsive to FCGA's multiple requests, FCGA nevertheless brought this lawsuit on October 10, 2022, seeking an expedited hearing. But the time necessary to respond to this lawsuit and prepare for

the hearing has unnecessarily delayed the processing of records, including for FCGA's own requests, and contributed to EOG's backlog of open requests.

26. On October 14, 2022, the Office of Open Government provided an additional production of documents. These documents included records fully responsive to FCGA's second request, partially responsive to portions of the first request, and are as follows:

1. We have provided records responsive to FCGA's request for any record purporting to be a waiver signed by immigrants in San Antonio, Texas as part of any immigrant relocation program and flights to Martha's Vineyard, Massachusetts on September 14, 2022.
2. We have provided records responsive to FCGA's request for any record purporting to be a waiver signed by immigrants aboard a flight from San Antonio, Texas to Crestview, Florida on September 14, 2022.
3. We have provided records responsive to FCGA's request for any record purporting to be a waiver signed by immigrants aboard a flight from Crestview, Florida to Charlotte, NC on September 14, 2022.
4. We have provided records responsive to FCGA's request for any record purporting to be a waiver signed by immigrants aboard a flight from Charlotte, NC, to Martha's Vineyard, Massachusetts on September 14, 2022.
5. We have provided records responsive to FCGA's request for records sent or received by James Uthmeier regarding the migrant relocation program during the period between September 1, 2022, and 6:00 a.m. on September 15, 2022.
  - a. We believe the above records are also partially responsive to Plaintiff's request for the text log of any cellular device used by James Uthmeier to send or receive texts during the period between September 1, 2022, through 6:00 a.m. on September 15, 2022.
6. We have provided records partially responsive to FCGA's request for records sent to or received from Vertol Systems Company, including any agency, agent, representative, employee, attorney or other individual or entity acting on behalf of Vertol Systems Company, during the period between August 15, 2022, and 6:00 a.m. on September 15, 2022. We continue to search for any other records responsive to this request.
7. We have not yet been able to locate any responsive records regarding FCGA's request for a phone log for any telecommunications device used by James Uthmeier to send or receive calls during the period between September 1, 2022, through 6:00 a.m. on September 15, 2022.
8. We have not yet located any records sent to or received from Greg Abbott, or any agent, representative, employee, attorney or other individual or entity acting on behalf of Greg Abbott, or the State of Texas, during the period between September 1, 2022, and 6:00 a.m. on September 15, 2022, relating to any of the following subject matters:
  - a. the migrant relocation program;

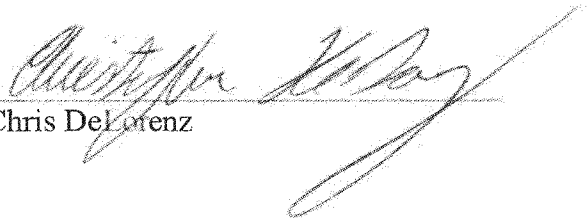
- b. the transport of individuals from Texas to Florida;
- c. the transport of individuals from Texas to Massachusetts;
- d. printing written materials about the availability of services in Massachusetts;
- e. delivering written materials about the availability of services in Massachusetts.

27. The Office of Open Government continues to search for, retrieve, and review records responsive to FCGA's first request dated September 20, 2022. We anticipate that this process will be complete by December 1, 2022.

28. Notwithstanding the Office's efforts to respond to FCGA's first three requests, along with the hundreds of record requests that are currently pending from other requesters, FCGA has since submitted four additional requests for records on September 28, October 15, October 17, and October 18, based in part on records that the Office produced.

I declare under penalty of perjury that the foregoing is true and correct to the best of my current knowledge and belief.

Executed this 18th day of October, 2022.

  
Chris DeLorenz

# EXHIBIT 3



April 22, 2021

**VIA EMAIL**

Director, Office of Open Government  
Executive Office of the Governor  
400 S. Monroe Street  
Tallahassee, FL 32399  
[desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com)

**Re: Public Records Request**

Dear Public Records Officer:

Pursuant to Article I, section 24(a), of the Florida Constitution, and Florida’s public records laws, as codified at Fla. Stat. Chapter 119, American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that your office promptly produce the following:

All email communications (including emails, calendar invitations, and attachments thereto) between (a) any of the Office of the Governor officials listed in Column A, below, and (b) any representatives of the businesses listed in Column B, below (including, but not limited to, anyone communicating from an email address ending with the listed domains), or any individual lobbyist listed in Column B, below.

<b>Column A: Office of the Governor Officials</b>	<b>Column B: External Businesses</b>
<ul style="list-style-type: none"> <li>i. Ron DeSantis, Governor, or anyone communicating on his behalf (such as an assistant or scheduler)</li> <li>ii. Adrian Lukis, Chief of Staff</li> <li>iii. Mara Gambineri, Director of External Affairs</li> <li>iv. James Uthmeier, General Counsel</li> <li>v. Chris Spencer, Office of Policy &amp; Budget Director</li> </ul>	<p><u>Businesses:</u></p> <ul style="list-style-type: none"> <li>i. Darden Restaurants (darden.com)</li> <li>ii. Jabil (jabil.com)</li> <li>iii. Carnival (carnival.com)</li> <li>iv. Bloomin’ Brands (bloominbrands.com)</li> <li>v. Navarro Discount Pharmacies (Navarro.com)</li> <li>vi. Genesis (genesisdirect.com)</li> <li>vii. Royal Caribbean Cruises (rcl.com)</li> <li>viii. Sykes Enterprises (sykes.com)</li> <li>ix. FIS (fisglobal.com)</li> </ul>



	<ul style="list-style-type: none"> <li>x. Southeastern Grocers (segrocers.com)</li> <li>xi. Fresh Del Monte Produce (freshdelmonte.com)</li> <li>xii. Office Depot (officedepot.com)</li> <li>xiii. Spyder System (spydercontrols.com)</li> <li>xiv. Hertz (hertz.com)</li> <li>xv. Burger King (bk.com)</li> <li>xvi. Norwegian Cruise Line (ncl.com)</li> <li>xvii. ADT Inc. (adt.com, defenderdirect.com, or homedefenders.com)</li> <li>xviii. DHL Americas (dhl.com)</li> <li>xix. Disney Cruise Line (Disney.com)</li> <li>xx. Disney World Resort (Disney.com)</li> <li>xxi. Hard Rock Café (hardrock.com)</li> <li>xxii. Jacksonville Jaguars (jaguars.com)</li> <li>xxiii. Outback Steakhouse (outback.com)</li> <li>xxiv. PGA Tour (pgatourhq.com)</li> <li>xxv. SeaWorld Parks and Entertainment (seaworld.com)</li> <li>xxvi. SpaceX Launch Facilities (spacex.com)</li> <li>xxvii. Tupperware Brands (Tupperware.com)</li> <li>xxviii. Winn-Dixie (segrocers.com)</li> </ul> <p><u>Lobbyists:</u></p> <ul style="list-style-type: none"> <li>i. Nicholas Iarossi</li> <li>ii. Andrew Ketchel</li> <li>iii. Ronald LaFace Jr.</li> <li>iv. Christopher Schoonover</li> <li>v. Angela Dempsey</li> <li>vi. Fred Dickinson</li> <li>vii. Will McKinley</li> <li>viii. Diana Ferguson</li> <li>ix. Richard Lindstrom</li> <li>x. Corinne Mixon</li> <li>xi. Gary Rutledge</li> <li>xii. Ronald Book</li> <li>xiii. Rana Brown</li> <li>xiv. Kelly Mallette</li> </ul>
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	xv.	T. Martin Fiorentino Jr.
	xvi.	Joseph Mobley
	xvii.	Mark Pinto
	xviii.	Shannan Dunaway Schuessler
	xix.	Jeffrey Sharkey
	xx.	Brian Ballard
	xxi.	Davis Bean
	xxii.	Brady Benford
	xxiii.	Chris Dorworth
	xxiv.	Mathew Forrest
	xxv.	Jeremy Kudon
	xxvi.	Michelle McGann
	xxvii.	Taylor Patrick Biehl
	xxviii.	Michael Lapidus
	xxix.	Jeffrey Sharkey

Please provide all responsive records from January 1, 2021, through April 15, 2021.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if Governor DeSantis received a mass-distribution press release email from an Office Depot representative, that initial email would not be responsive to this request. However, if Governor DeSantis forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; your office may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

### **Conclusion**

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>1</sup>

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully

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<sup>1</sup> American Oversight currently has approximately 16,300 followers on Facebook and 106,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited April 13, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited April 13, 2021).

releasing the requested records, please contact Christine Monahan at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 869-5244.

Sincerely,

/s/ Christine Monahan  
Christine Monahan  
on behalf of  
American Oversight

# EXHIBIT 4

**From:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Sent:** Thursday, April 22, 2021 5:01 PM EDT  
**To:** AO Records <records@americanoversight.org>  
**Subject:** RE: Public Records Request (FL-GOV-21-0578)

EXTERNAL SENDER

Good afternoon,

The Governor's Office of Open Government is in receipt of your request for records as stated in your email below. If there is a fee associated with your request, you will be provided with a fee estimate for your review. Thank you for contacting the Executive Office of the Governor.

Sincerely,  
Office of Open Government  
Executive Office of the Governor

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**From:** AO Records <records@americanoversight.org>  
**Sent:** Thursday, April 22, 2021 1:56 PM  
**To:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Subject:** Public Records Request (FL-GOV-21-0578)

Dear Public Records Officer:

Please find attached a request for records under Florida's public records laws.

Sincerely,

Sarah Wishingrad  
Pronouns: she/her  
Paralegal  
American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org)  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

PRR: FL-GOV-21-0578

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

# EXHIBIT 5

**Subject:** American Oversight's Pending Public Records Requests  
**Date:** Wednesday, May 3, 2023 at 7:38:29 AM Pacific Daylight Time  
**From:** AO Records  
**To:** Desantis.OpenGovernment  
**BCC:** Taylor Stoneman

Hello,

American Oversight has reviewed its public records requests that have been pending with the Executive Office of the Governor for more than 30 days. To date, we have not received final or otherwise full and complete responses to the following 34 such public records requests pending with the Governor’s Office, dating back to 2021:

No Response	Incomplete/Partial Response
<ul style="list-style-type: none"> <li>• FL-GOV-21-0171 (Monahan, C. 04-G)</li> <li>• FL-GOV-21-0183 (Monahan, C. 05-G)</li> <li>• FL-GOV-21-0193</li> <li>• FL-GOV-21-0196</li> <li>• FL-GOV-21-0209</li> <li>• FL-GOV-21-0578</li> <li>• FL-GOV-21-1499 (Stoneman, T. 14)</li> <li>• FL-GOV-22-0429 (Stoneman, T. 21)</li> <li>• FL-GOV-22-0462 (Stoneman, T. 23)</li> <li>• FL-GOV-22-0786</li> <li>• FL-GOV-22-0800</li> <li>• FL-GOV-22-1201</li> <li>• FL-GOV-23-0003</li> <li>• FL-GOV-23-0004</li> <li>• FL-GOV-23-0005</li> <li>• FL-GOV-23-0138 (Stoneman, T. 42)</li> <li>• FL-GOV-23-0173</li> <li>• FL-GOV-23-0174</li> <li>• FL-GOV-23-0175</li> <li>• FL-GOV-23-0198</li> <li>• FL-GOV-23-0199</li> <li>• FL-GOV-23-0295</li> <li>• FL-GOV-23-0296</li> <li>• FL-GOV-23-0297</li> <li>• FL-GOV-23-0299</li> <li>• FL-GOV-23-0300</li> <li>• FL-GOV-23-0301</li> </ul>	<ul style="list-style-type: none"> <li>• FL-GOV-22-0467 (Stoneman, T. 24)</li> <li>• FL-GOV-22-0612 (Stoneman, T. 29)</li> <li>• FL-GOV-22-1000</li> <li>• FL-GOV-22-1001</li> <li>• FL-GOV-22-1092</li> <li>• FL-GOV-23-0150</li> <li>• FL-GOV-23-0182</li> </ul>

As you are aware, the Florida Governor’s Office has a legal obligation to produce records within a reasonable amount of time. *See generally Tribune Co. v. Cannella*, 458 So. 2d 1075, 1079 (Fla. 1984), *appeal dismissed sub nom., DePerte v. Tribune Co.*, 105 S. Cut. 2315 (1985) (“The only delay

permitted by the [Public Records] Act is the limited reasonable time allowed the custodian to retrieve the record and delete those portions of the record the custodian asserts are exempt.”). Yet to date, none of the above requests—some pending for over two years—have received full responses.

In addition, American Oversight is reviewing productions of records received from the Governor’s Office to ensure that the productions are complete with no unlawful withholdings; that searches were conducted in good faith; that all exemptions were asserted appropriately; and that all fees charged were reasonable. The productions American Oversight continues to review include, but are not limited to, those requests with partial responses listed in the chart above, as well as the following requests:

- FL-GOV-21-1267 (Stoneman, T. 04)
- FL-GOV-22-0226 (Stoneman, T. 16)
- FL-GOV-22-0227 (Stoneman, T. 17)
- FL-GOV-22-0278 (Stoneman, T. 18)
- FL-GOV-22-0378
- FL-GOV-22-0379
- FL-GOV-22-0405 (Stoneman, T. 20)
- FL-GOV-22-0437 (Stoneman, T. 22)
- FL-GOV-22-0486 (Stoneman, T. 25)
- FL-GOV-22-0504 (Stoneman, T. 27)
- FL-GOV-22-0621 (Stoneman, T. 30)
- FL-GOV-22-1002 (Stoneman, T. 35)
- FL-GOV-23-0055

Should the Florida Governor’s Office fail to fully comply in a reasonable time and manner with its obligations under Florida’s public records laws, including, but not limited to, regarding the withholding of records, unlawful assertion of exemptions, and/or unreasonable fees charged for the processing of records, American Oversight may be prepared to file suit to enforce the provisions of Fla. Stat. Chapter 119. If we do ultimately file suit, pursuant to Fla. Stat. § 119.12(1), we intend to seek to recover our attorney’s fees incurred in pursuing the civil action to a final judgment and, towards that end, we call your attention to the above-identified requests.

Please promptly provide a status update regarding the Governor’s Office’s processing of these requests. Do not hesitate to contact me if you would like to discuss further.

Sincerely,  
Taylor Stoneman

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**Taylor Stoneman** | she/her  
Counsel | American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org) | (202) 848-1319  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight



# EXHIBIT 6

**From:** AO Records <records@americanoversight.org>

**Sent:** Wednesday, May 10, 2023 2:47 PM EDT

**To:** DeLorenz, Christopher <Christopher.DeLorenz@eog.myflorida.com>

**CC:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>; Reams, Abby <Abby.Reams@eog.myflorida.com>

**Subject:** Re: Pending Requests

**Attachment(s):** "FL-GOV-21-0578.pdf", "2021.04.22 - Ack Email.eml"

Christopher, Abby,

Thanks again for the call earlier today. As discussed, please see attached for Request FL-GOV-21-0578, which was sent to your office on April 22, 2021. I've also attached the email we received from the Office of Open Government acknowledging receipt of the request.

Best,  
Taylor

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**Taylor Stoneman** | she/her

Counsel | American Oversight

[records@americanoversight.org](mailto:records@americanoversight.org) | (202) 848-1319

[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

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**From:** DeLorenz, Christopher <Christopher.DeLorenz@eog.myflorida.com>

**Date:** Wednesday, May 10, 2023 at 7:46 AM

**To:** AO Records <records@americanoversight.org>

**Cc:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>, Reams, Abby <Abby.Reams@eog.myflorida.com>

**Subject:** RE: Pending Requests

EXTERNAL SENDER

Good morning,

I wanted to follow up and see if we are still confirmed for the 12:30 p.m. zoom call today.

Sincerely,

Christopher DeLorenz

*Assistant General Counsel*

*Office of the General Counsel*

*Executive Office of the Governor*

*Personal Line: (850) 717-9208*

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**From:** Reams, Abby <Abby.Reams@eog.myflorida.com>

**Sent:** Wednesday, May 10, 2023 10:45 AM

**To:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>

**Subject:** FW: Pending Requests

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**From:** Reams, Abby

**Sent:** Tuesday, May 9, 2023 9:21 AM

**To:** 'AO Records' <[records@americanoversight.org](mailto:records@americanoversight.org)>

**Subject:** RE: Pending Requests

Good morning Taylor,

Yes, this works for us.

Abby Reams

Staff Assistant

Office of Open Government

**From:** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Sent:** Friday, May 5, 2023 3:34 PM  
**To:** Reams, Abby <[Abby.Reams@eog.myflorida.com](mailto:Abby.Reams@eog.myflorida.com)>  
**Cc:** Desantis.OpenGovernment <[Desantis.OpenGov@eog.myflorida.com](mailto:Desantis.OpenGov@eog.myflorida.com)>  
**Subject:** Re: Pending Requests

Hi Abby,

Great! Would a zoom conference actually be alright on your end? We've found that a face-to-face meeting can be productive for these discussions. If so, I can send an invite with a zoom link shortly.

Thanks,  
Taylor

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**From:** Reams, Abby <[Abby.Reams@eog.myflorida.com](mailto:Abby.Reams@eog.myflorida.com)>  
**Date:** Friday, May 5, 2023 at 6:15 AM  
**To:** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Cc:** Desantis.OpenGovernment <[Desantis.OpenGov@eog.myflorida.com](mailto:Desantis.OpenGov@eog.myflorida.com)>  
**Subject:** RE: Pending Requests

EXTERNAL SENDER

Taylor,

Thank you for your reply. 12:30pm on Wednesday, May 10<sup>th</sup> works for us. Is the phone number in your signature the best number to reach you?

Thanks,  
Abby

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**From:** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Sent:** Thursday, May 4, 2023 1:19 PM  
**To:** Reams, Abby <[Abby.Reams@eog.myflorida.com](mailto:Abby.Reams@eog.myflorida.com)>  
**Cc:** Desantis.OpenGovernment <[Desantis.OpenGov@eog.myflorida.com](mailto:Desantis.OpenGov@eog.myflorida.com)>  
**Subject:** Re: Pending Requests

Abby,

It would be great to set up a phone call to discuss. Wednesday, May 10th at either 12:30pm ET or 1:30pm ET work for us — are one of those times available on your end? I anticipate that one or both of my colleague Ben Sparks and American Oversight chief counsel Dan Schwager will also be able to join the call.

Best,  
Taylor

-----  
**Taylor Stoneman** | she/her  
Counsel | American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org) | (202) 848-1319  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

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**From:** Reams, Abby <[Abby.Reams@eog.myflorida.com](mailto:Abby.Reams@eog.myflorida.com)>  
**Date:** Wednesday, May 3, 2023 at 1:10 PM  
**To:** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Cc:** Desantis.OpenGovernment <[Desantis.OpenGov@eog.myflorida.com](mailto:Desantis.OpenGov@eog.myflorida.com)>  
**Subject:** Pending Requests

EXTERNAL SENDER

Good afternoon,

As you know, American Oversight sends our office many public records requests and we in good faith have worked to process each of them as efficiently as possible along with all other requests we receive. If you would like to set up a phone call, I am available Monday afternoon or Wednesday of next week. I anticipate that Chris DeLorenz, an attorney in the Office of General Counsel, will do his best to be present on the call.

Abby Reams

Staff Assistant  
Office of Open Government

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.



April 22, 2021

**VIA EMAIL**

Director, Office of Open Government  
Executive Office of the Governor  
400 S. Monroe Street  
Tallahassee, FL 32399  
[desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com)

**Re: Public Records Request**

Dear Public Records Officer:

Pursuant to Article I, section 24(a), of the Florida Constitution, and Florida’s public records laws, as codified at Fla. Stat. Chapter 119, American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that your office promptly produce the following:

All email communications (including emails, calendar invitations, and attachments thereto) between (a) any of the Office of the Governor officials listed in Column A, below, and (b) any representatives of the businesses listed in Column B, below (including, but not limited to, anyone communicating from an email address ending with the listed domains), or any individual lobbyist listed in Column B, below.

<b>Column A: Office of the Governor Officials</b>	<b>Column B: External Businesses</b>
<ul style="list-style-type: none"> <li>i. Ron DeSantis, Governor, or anyone communicating on his behalf (such as an assistant or scheduler)</li> <li>ii. Adrian Lukis, Chief of Staff</li> <li>iii. Mara Gambineri, Director of External Affairs</li> <li>iv. James Uthmeier, General Counsel</li> <li>v. Chris Spencer, Office of Policy &amp; Budget Director</li> </ul>	<p><u>Businesses:</u></p> <ul style="list-style-type: none"> <li>i. Darden Restaurants (darden.com)</li> <li>ii. Jabil (jabil.com)</li> <li>iii. Carnival (carnival.com)</li> <li>iv. Bloomin’ Brands (bloominbrands.com)</li> <li>v. Navarro Discount Pharmacies (Navarro.com)</li> <li>vi. Genesis (genesisdirect.com)</li> <li>vii. Royal Caribbean Cruises (rcl.com)</li> <li>viii. Sykes Enterprises (sykes.com)</li> <li>ix. FIS (fisglobal.com)</li> </ul>



	<ul style="list-style-type: none"> <li>x. Southeastern Grocers (segrocers.com)</li> <li>xi. Fresh Del Monte Produce (freshdelmonte.com)</li> <li>xii. Office Depot (officedepot.com)</li> <li>xiii. Spyder System (spydercontrols.com)</li> <li>xiv. Hertz (hertz.com)</li> <li>xv. Burger King (bk.com)</li> <li>xvi. Norwegian Cruise Line (ncl.com)</li> <li>xvii. ADT Inc. (adt.com, defenderdirect.com, or homedefenders.com)</li> <li>xviii. DHL Americas (dhl.com)</li> <li>xix. Disney Cruise Line (Disney.com)</li> <li>xx. Disney World Resort (Disney.com)</li> <li>xxi. Hard Rock Café (hardrock.com)</li> <li>xxii. Jacksonville Jaguars (jaguars.com)</li> <li>xxiii. Outback Steakhouse (outback.com)</li> <li>xxiv. PGA Tour (pgatourhq.com)</li> <li>xxv. SeaWorld Parks and Entertainment (seaworld.com)</li> <li>xxvi. SpaceX Launch Facilities (spacex.com)</li> <li>xxvii. Tupperware Brands (Tupperware.com)</li> <li>xxviii. Winn-Dixie (segrocers.com)</li> </ul> <p><u>Lobbyists:</u></p> <ul style="list-style-type: none"> <li>i. Nicholas Iarossi</li> <li>ii. Andrew Ketchel</li> <li>iii. Ronald LaFace Jr.</li> <li>iv. Christopher Schoonover</li> <li>v. Angela Dempsey</li> <li>vi. Fred Dickinson</li> <li>vii. Will McKinley</li> <li>viii. Diana Ferguson</li> <li>ix. Richard Lindstrom</li> <li>x. Corinne Mixon</li> <li>xi. Gary Rutledge</li> <li>xii. Ronald Book</li> <li>xiii. Rana Brown</li> <li>xiv. Kelly Mallette</li> </ul>
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	xv.	T. Martin Fiorentino Jr.
	xvi.	Joseph Mobley
	xvii.	Mark Pinto
	xviii.	Shannan Dunaway Schuessler
	xix.	Jeffrey Sharkey
	xx.	Brian Ballard
	xxi.	Davis Bean
	xxii.	Brady Benford
	xxiii.	Chris Dorworth
	xxiv.	Mathew Forrest
	xxv.	Jeremy Kudon
	xxvi.	Michelle McGann
	xxvii.	Taylor Patrick Biehl
	xxviii.	Michael Lapidus
	xxix.	Jeffrey Sharkey

Please provide all responsive records from January 1, 2021, through April 15, 2021.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if Governor DeSantis received a mass-distribution press release email from an Office Depot representative, that initial email would not be responsive to this request. However, if Governor DeSantis forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; your office may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

### **Conclusion**

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>1</sup>

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully

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<sup>1</sup> American Oversight currently has approximately 16,300 followers on Facebook and 106,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited April 13, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited April 13, 2021).



releasing the requested records, please contact Christine Monahan at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 869-5244.

Sincerely,

/s/ Christine Monahan  
Christine Monahan  
on behalf of  
American Oversight

**From:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Sent:** Thursday, April 22, 2021 5:01 PM EDT  
**To:** AO Records <records@americanoversight.org>  
**Subject:** RE: Public Records Request (FL-GOV-21-0578)

EXTERNAL SENDER

Good afternoon,

The Governor's Office of Open Government is in receipt of your request for records as stated in your email below. If there is a fee associated with your request, you will be provided with a fee estimate for your review. Thank you for contacting the Executive Office of the Governor.

Sincerely,  
Office of Open Government  
Executive Office of the Governor

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**From:** AO Records <records@americanoversight.org>  
**Sent:** Thursday, April 22, 2021 1:56 PM  
**To:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Subject:** Public Records Request (FL-GOV-21-0578)

Dear Public Records Officer:

Please find attached a request for records under Florida's public records laws.

Sincerely,

Sarah Wishingrad  
Pronouns: she/her  
Paralegal  
American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org)  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

PRR: FL-GOV-21-0578

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

# EXHIBIT 7

**From:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Sent:** Thursday, May 11, 2023 11:03 AM EDT  
**To:** AO Records <records@americanoversight.org>  
**Subject:** RE: Pending Requests

EXTERNAL SENDER

Thank you for this. We are working to locate and produce all documents responsive to this request.

Sincerely,  
Open Government

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**From:** AO Records <records@americanoversight.org>  
**Sent:** Wednesday, May 10, 2023 2:47 PM  
**To:** DeLorenz, Christopher <Christopher.DeLorenz@eog.myflorida.com>  
**Cc:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>; Reams, Abby <Abby.Reams@eog.myflorida.com>  
**Subject:** Re: Pending Requests

Christopher, Abby,

Thanks again for the call earlier today. As discussed, please see attached for Request FL-GOV-21-0578, which was sent to your office on April 22, 2021. I've also attached the email we received from the Office of Open Government acknowledging receipt of the request.

Best,  
Taylor

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**Taylor Stoneman** | she/her  
Counsel | American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org) | (202) 848-1319  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

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**From:** DeLorenz, Christopher <[Christopher.DeLorenz@eog.myflorida.com](mailto:Christopher.DeLorenz@eog.myflorida.com)>  
**Date:** Wednesday, May 10, 2023 at 7:46 AM  
**To:** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Cc:** Desantis.OpenGovernment <[Desantis.OpenGov@eog.myflorida.com](mailto:Desantis.OpenGov@eog.myflorida.com)>, Reams, Abby <[Abby.Reams@eog.myflorida.com](mailto:Abby.Reams@eog.myflorida.com)>  
**Subject:** RE: Pending Requests

EXTERNAL SENDER

Good morning,

I wanted to follow up and see if we are still confirmed for the 12:30 p.m. zoom call today.

Sincerely,

[Christopher DeLorenz](#)  
*Assistant General Counsel*  
*Office of the General Counsel*  
*Executive Office of the Governor*  
*Personal Line: (850) 717-9208*

---

**From:** Reams, Abby <[Abby.Reams@eog.myflorida.com](mailto:Abby.Reams@eog.myflorida.com)>  
**Sent:** Wednesday, May 10, 2023 10:45 AM  
**To:** Desantis.OpenGovernment <[Desantis.OpenGov@eog.myflorida.com](mailto:Desantis.OpenGov@eog.myflorida.com)>  
**Subject:** FW: Pending Requests

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**From:** Reams, Abby  
**Sent:** Tuesday, May 9, 2023 9:21 AM  
**To:** 'AO Records' <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Subject:** RE: Pending Requests

Good morning Taylor,

Yes, this works for us.

Abby Reams

Staff Assistant  
Office of Open Government

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**From:** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Sent:** Friday, May 5, 2023 3:34 PM  
**To:** Reams, Abby <[Abby.Reams@eog.myflorida.com](mailto:Abby.Reams@eog.myflorida.com)>  
**Cc:** Desantis.OpenGovernment <[Desantis.OpenGov@eog.myflorida.com](mailto:Desantis.OpenGov@eog.myflorida.com)>  
**Subject:** Re: Pending Requests

Hi Abby,

Great! Would a zoom conference actually be alright on your end? We've found that a face-to-face meeting can be productive for these discussions. If so, I can send an invite with a zoom link shortly.

Thanks,  
Taylor

---

**From:** Reams, Abby <[Abby.Reams@eog.myflorida.com](mailto:Abby.Reams@eog.myflorida.com)>  
**Date:** Friday, May 5, 2023 at 6:15 AM  
**To:** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Cc:** Desantis.OpenGovernment <[Desantis.OpenGov@eog.myflorida.com](mailto:Desantis.OpenGov@eog.myflorida.com)>  
**Subject:** RE: Pending Requests

EXTERNAL SENDER

Taylor,

Thank you for your reply. 12:30pm on Wednesday, May 10<sup>th</sup> works for us. Is the phone number in your signature the best number to reach you?

Thanks,  
Abby

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**From:** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Sent:** Thursday, May 4, 2023 1:19 PM  
**To:** Reams, Abby <[Abby.Reams@eog.myflorida.com](mailto:Abby.Reams@eog.myflorida.com)>  
**Cc:** Desantis.OpenGovernment <[Desantis.OpenGov@eog.myflorida.com](mailto:Desantis.OpenGov@eog.myflorida.com)>  
**Subject:** Re: Pending Requests

Abby,

It would be great to set up a phone call to discuss. Wednesday, May 10th at either 12:30pm ET or 1:30pm ET work for us — are one of those times available on your end? I anticipate that one or both of my colleague Ben Sparks and American Oversight chief counsel Dan Schwager will also be able to join the call.

Best,  
Taylor

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**Taylor Stoneman** | she/her  
Counsel | American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org) | (202) 848-1319  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

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**From:** Reams, Abby <[Abby.Reams@eog.myflorida.com](mailto:Abby.Reams@eog.myflorida.com)>  
**Date:** Wednesday, May 3, 2023 at 1:10 PM  
**To:** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Cc:** Desantis.OpenGovernment <[Desantis.OpenGov@eog.myflorida.com](mailto:Desantis.OpenGov@eog.myflorida.com)>  
**Subject:** Pending Requests

EXTERNAL SENDER

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Good afternoon,

As you know, American Oversight sends our office many public records requests and we in good faith have worked to process each of them as efficiently as possible along with all other requests we receive. If you would like to set up a phone call, I am available Monday afternoon or Wednesday of next week. I anticipate that Chris DeLorenz, an attorney in the Office of General Counsel, will do his best to be present on the call.

Abby Reams

Staff Assistant  
Office of Open Government

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

# EXHIBIT 8



October 25, 2021

**VIA EMAIL**

Director, Office of Open Government  
Executive Officer of the Governor  
400 S. Monroe Street  
Tallahassee, FL 32399  
[Desantis.opengov@eog.myflorida.com](mailto:Desantis.opengov@eog.myflorida.com)

**Re: Public Records Request**

Dear Public Records Officer:

Pursuant to Article I, section 24(a), of the Florida Constitution, and Florida's public records laws, as codified at Fla. Stat. Chapter 119, American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that your office promptly produce the following:

1. All electronic communications (including emails, email attachments, complete email chains, calendar invitations, calendar invitation attachments, and text messages) between (a) the below-specified officials in the Office of the Governor, and (b) any of the following outside individuals and groups (including, but not limited to, at the specified domain names):

(a) Specified officials in the Office of the Governor:

- i. Governor Ron DeSantis
- ii. Chief of Staff Adrian Lukis
- iii. External Affairs Director Mara Gambineri
- iv. Deputy Chief of Staff Anna DeCerchio
- v. Deputy Chief of Staff Courtney Coppola
- vi. Deputy Chief of Staff Alex Kelly
- vii. Deputy Chief of Staff Beau Beaubien
- viii. Director of Budget and Policy Chris Spencer
- ix. Director of Executive Staff Diane Moulton
- x. Communications Director Taryn Fenske
- xi. Press Secretary Christina Pushaw
- xii. Director of Legislative Affairs Stephanie Kopelousos

(b) Outside individuals and groups:





- i. Alliance Defending Freedom (adflegal.org, adfmedia.org)
- ii. America First Legal (aflegal.org)
- iii. American Family Association (afa.net)
- iv. Americans United for Life (aul.org)
- v. Charlotte Lozier Institute (lozierinstitute.org)
- vi. Concerned Women for America (cwfa.org, concernedwomen.org)
- vii. David Daleiden
- viii. Family Research Council and Family Research Council Action (frc.org; frcaction.org)
- ix. First Liberty (firstliberty.org)
- x. FreedomWorks (freedomworks.org)
- xi. GOP (gop.com, rnchq.com, msgop.org)
- xii. Hacker Stephens LLP (hackerstephens.com)
- xiii. Heritage Foundation and Heritage Action for America (heritage.org, heritageaction.com)
- xiv. Home School Legal Defense Association (hsllda.org)
- xv. Human Coalition and Human Coalition Action (hucoaction.org, humancoalition.org)
- xvi. Independent Women’s Forum (iwf.org)
- xvii. James Bopp, Jr. (bopplaw.com)
- xxviii. Janet Porter and Faith to Action (f2a.org)
- xix. Jonathan Mitchell ([jonathan@mitchell.law](mailto:jonathan@mitchell.law))
- xx. Liberty Counsel (lc.org)
- xxi. Life Legal Defense Foundation (lldf.org)
- xxii. Live Action (liveaction.org)
- xxiii. March for Life and March for Life Action (marchforlife.org, marchforlifeaction.org)
- xxiv. Mark Crutcher and Life Dynamics (lifedynamics.com)
- xxv. National Association of Christian Lawmakers (christianlawmakers.com)
- xxvi. National Pro-Life Alliance (prolifealliance.com)
- xxvii. National Right to Life Committee (nrlc.org)
- xxviii. Personhood Alliance (personhood.org)
- xxix. Pro-Life Action League (prolifeaction.org)
- xxx. Students for Life (studentsforlife.org)
- xxxi. Susan B. Anthony List (sba-list.org)
- xxxii. Thomas More Society (thomasmoresociety.org)
- xxxiii. Troy Newman, Cheryl Sullenger, and Operation Rescue (operationrescue.org)
- xxxiv. Florida Right to Life (frtl.org)

2. All electronic communications (including emails, email attachments, complete email chains, calendar invitations, calendar invitation attachments, and text messages) sent by the specified officials listed above in section 1(a), containing any of the following key terms:

- a. SB8
- b. “SB 8”

- c. "S.B. 8"
- d. "Heartbeat bill"
- e. "Heartbeat act"
- f. "Whole Woman's Health"
- g. Waskom
- h. Dixon
- i. Roe
- j. Abortion
- k. "Pro life"
- l. "Pro-life"
- m. "Right to Life"
- n. Unborn
- o. "Gestational Age"
- p. Dobbs
- q. "Planned Parenthood"

In an effort to accommodate the Office of the Governor and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited item 2 of this request to communications sent by specified officials. To be clear, however, American Oversight still requests that complete email chains and texts be produced, displaying both sent and received messages. This means, for example, that both the Governor's response to an email or text about SB8 and the initial received message are responsive to this request and should be produced.

Please provide all responsive records from March 11, 2021, through the date the request is received.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term "record" in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

In addition, American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; your office may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

### **Conclusion**

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>1</sup>

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully

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<sup>1</sup> American Oversight currently has approximately 15,630 followers on Facebook and 108,900 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Oct. 22, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Oct. 22, 2021).

releasing the requested records, please contact Taylor Stoneman at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 848-1319.

Sincerely,

/s/Taylor Stoneman  
Taylor Stoneman  
on behalf of  
American Oversight

# EXHIBIT 9

**From:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>

**Sent:** Monday, October 25, 2021 1:52 PM EDT

**To:** AO Records <records@americanoversight.org>

**Subject:** RE: Public Records Request (FL-GOV-21-1499)

EXTERNAL SENDER

Good afternoon,

The Governor's Office of Open Government is in receipt of your request for records as stated in your email below. If there is a fee associated with your request, you will be provided with a fee estimate for your review. Thank you for contacting the Executive Office of the Governor.

Sincerely,

Isabel Thompson  
Legal Assistant  
Executive Office of the Governor  
(850)717-9328

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**From:** AO Records <records@americanoversight.org>

**Sent:** Monday, October 25, 2021 12:51 PM

**To:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>

**Subject:** Public Records Request (FL-GOV-21-1499)

Dear Public Records Officer:

Please find attached a request for records under Florida's public records laws.

Sincerely,

--

Olivia Bravo

Paralegal

American Oversight

[records@americanoversight.org](mailto:records@americanoversight.org)

[www.americanoversight.org](http://www.americanoversight.org) | [@weareoversight](https://twitter.com/weareoversight)

PRR: FL-GOV-21-1499

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

# EXHIBIT 10

**Executive Office of Governor Ron DeSantis**  
*Office of Open Government*  
 Public Records Estimate

May 10, 2022



**Requestor:** Taylor Stoneman

**Date of Request:** 10/25/2021

**Date Completed:** \_\_\_\_\_

**Records Request**

**Code:** Stoneman, T. 14

**Description:**

Request searching for communications between specified officials in the Executive Office of the Governor and list of emails regarding a SB, S.B. 8, Heartbeat bill, Heartbeat act, Whole Woman's Health, Waskom, Dixon, Roe, Abortion, Pro life, Pro-life, Right to Life, Unborn, Gestational Age, Dobbs, Planned Parenthood

\*Estimate includes extensive time to locate, retrieve, review, redact and produce all responsive records.\*

Material Costs	Est Qty or Hours	Actual Qty or Hours	Rate	Estimated Cost	Actual Cost
Hourly Labor:					
*Staff Resources	2.5		\$37.19	\$92.98	\$0.00
Legal Review	27		\$55.77	\$1,505.79	\$0.00
*Staff resources are calculated and charged after the first 30 minutes.					
Annual Salary ÷ Working Hours = Rate			<b>Total Estimate:</b>	<b>\$1,598.77</b>	<b>\$0.00</b>
			<b>Total Amount Due:</b>	<b>\$0.00</b>	

Please return this remittance copy with your payment.  
 Please make checks payable to: Executive Office of the Governor

**Remittance Address:**

Executive Office of the Governor, Office of Open Government: 400 S. Monroe Street, The Capitol, PL04, Tallahassee, FL 32399-0001



# EXHIBIT 11



May 4, 2022

**VIA EMAIL**

Director, Office of Open Government  
Executive Office of the Governor  
400 S. Monroe Street  
Tallahassee, FL 32399  
[Desantis.opengov@eog.myflorida.com](mailto:Desantis.opengov@eog.myflorida.com)

**Re: Public Records Request**

Dear Public Records Officer:

Pursuant to Article I, section 24(a), of the Florida Constitution, and Florida’s public records laws, as codified at Fla. Stat. Chapter 119, American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that your office promptly produce the following:

1. All electronic communications (including email messages, complete email chains, calendar invitations, text messages, and any attachments) between (A) the officials listed in Column A, below, and (B) the individuals listed in Column B, below, including anyone communicating from the listed email address(es) or an email address ending in the listed domain(s).

<b>Column A: Florida Governor’s Office</b>	<b>Column B: Outside Organizations and Individuals</b>
<ul style="list-style-type: none"> <li>a) Governor Ron DeSantis</li> <li>b) Chief of Staff James Uthmeier</li> <li>c) Anyone serving in the role of Deputy Chief of Staff (including, but not limited to, Anna DeCerchio, Katie Strickland, Alex Kelly, or Beau Beaubien)</li> <li>d) Director of External Affairs Savannah Kelly Jefferson</li> <li>e) Communications Director Taryn Fenske</li> <li>f) Press Secretary Christina Pushaw</li> </ul>	<ul style="list-style-type: none"> <li>a) Center for Renewing America (@americarenewing.com)</li> <li>b) Christopher Rufo (ajt@christopherrufo.com, chrisrufo@protonmail.com, or crufo@manhattan-institute.org)</li> <li>c) Fight for Schools (@fightforschools.com)</li> <li>d) Free to Learn (@freetolearn.org)</li> <li>e) Foundation Against Intolerance and Racism (@fairforall.org)</li> <li>f) Heritage Foundation (@heritage.org or @heritageaction.com)</li> </ul>



<p>g) General Counsel Ryan Newman</p>	<p>g) International Organization for the Family (@profam.org)  h) Moms for America (@momsforAmerica.net or @mfaaction.com)  i) Moms for Liberty (@momsforliberty.org)  j) No Left Turn in Education (@noleftturn.us)  k) Parents Defending Education (@defendinged.org)  l) PragerU (@prageruniversity.com or @prageru.com)  m) Esther Byrd (@cordbyrdlaw.com or Esther.Byrd@fldoe.org)  n) Ben Gibson (Ben.Gibson@fldoe.org)</p>
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Please provide all responsive records from September 1, 2021, through the date the search is conducted.

2. All email communications (including any email messages, attachments, or calendar invitations) sent by any of the officials below containing any of the following key terms:

Governor’s Office officials

- a) Governor Ron DeSantis
- b) Chief of Staff James Uthmeier
- c) Anyone serving in the role of Deputy Chief of Staff (including, but not limited to, Anna DeCerchio, Katie Strickland, Alex Kelly, or Beau Beaubien)
- d) Director of External Affairs Savannah Kelly Jefferson
- e) Communications Director Taryn Fenske
- f) Press Secretary Christina Pushaw
- g) General Counsel Ryan Newman

Key terms

- a) CRT
- b) “Critical Race Theory”
- c) “Social Emotional Learning”
- d) SEL
- e) Marxist
- f) Marxism
- g) Racist
- h) Racism
- i) Curriculum
- j) Textbook

Please provide all responsive records from September 1, 2021, through the date the search is conducted.

For part 2 of this request, in an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the listed individuals. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both a response to an email from General Counsel Ryan Newman and the initial received message are responsive to this request and should be produced.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term “record” in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all locations and systems likely to have responsive records regarding official business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Emails or texts conducting government business sent or received on the personal account of the government official constitutes a record for purposes of Florida’s public records laws.<sup>1</sup>

In addition, American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; your office may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in

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<sup>1</sup> *Cf. State v. City of Clearwater*, 863 So. 2d 149, 154 (Fla. 2003) (“The determining factor is the nature of the record, not its physical location.”).

whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

### **Conclusion**

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>2</sup>

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully

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<sup>2</sup> American Oversight currently has approximately 15,720 page likes on Facebook and 117,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 3, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited May 3, 2022).

releasing the requested records, please contact Taylor Stoneman at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 848-1319.

Sincerely,

/s/ Taylor Stoneman  
Taylor Stoneman  
on behalf of  
American Oversight

# EXHIBIT 12

**From:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Sent:** Thursday, May 05, 2022 4:06 PM EDT  
**To:** AO Records <records@americanoversight.org>  
**Subject:** RE: Public Records Request (FL-GOV-22-0429)

EXTERNAL SENDER

Good afternoon,

The Governor's Office of Open Government is in receipt of your request for records as stated in your email below. If there is a fee associated with your request, you will be provided with a fee estimate for your review. Thank you for contacting the Executive Office of the Governor.

Sincerely,

Open Government

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**From:** AO Records <records@americanoversight.org>  
**Sent:** Wednesday, May 4, 2022 2:46 PM  
**To:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Subject:** Public Records Request (FL-GOV-22-0429)

Dear Public Records Officer:

Please find attached a request for records under Florida's public records laws.

Sincerely,  
Dylan Winters (he/him)  
Paralegal  
American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org)  
[www.americanoversight.org](http://www.americanoversight.org) | [@weareoversight](https://twitter.com/weareoversight)

PRR: FL-GOV-22-0429

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.



# EXHIBIT 13

**Executive Office of Governor Ron DeSantis**  
*Office of Open Government*  
**Public Records Estimate**

June 13, 2022



**Requestor:** Taylor Stoneman

**Records Request**

**Date of Request:** 5/4/2022

**Code:** Stoneman, T. 21

**Date Completed:** \_\_\_\_\_

**Description:**

All electronic communications including email messages, complete email chains, calendar invitations, text messages, and any attachments between the officials listed in Column A, and the individuals listed in Column B, including anyone communicating from the listed email address(es) or an email address ending in the listed domain(s). (Column A: Florida Governor's Office) & (Column B: Outside Organizations and Individuals)

\*Estimate includes extensive time to locate, retrieve, review, redact and produce all responsive records.\*

Material Costs	Est Qty or Hours	Actual Qty or Hours	Rate	Estimated Cost	Actual Cost
Hourly Labor:					
*Staff Resources	1		\$37.19	\$37.19	\$0.00
Legal Review	3		\$55.77	\$167.31	\$0.00
*Staff resources are calculated and charged after the first 30 minutes.					
Annual Salary ÷ Working Hours = Rate			<b>Total Estimate:</b>	<b>\$204.50</b>	<b>\$0.00</b>
			<b>Total Amount Due:</b>	<b>\$0.00</b>	

Please return this remittance copy with your payment.  
 Please make checks payable to: Executive Office of the Governor

**Remittance Address:**

Executive Office of the Governor, Office of Open Government: 400 S. Monroe Street, The Capitol, PL04, Tallahassee, FL 32399-0001

# EXHIBIT 14

**Executive Office of Governor Ron DeSantis**  
*Office of Open Government*  
**Public Records Invoice**

October 12, 2022



**Requestor:** Taylor Stoneman

**Date of Request:** 5/4/2022

**Date Completed:** \_\_\_\_\_

**Description:**

**Records Request Code:**

Stoneman, T. 21 Part 2

All email communications (including any email messages, attachments, or calendar invitations) sent by any of the officials below containing any of the following key terms: a) CRT b) "Critical Race Theory" c) "Social Emotional Learning" d) SEL e) Marxist f) Marxism g) Racist h) Racism j) Textbook

\*Estimate includes extensive time to locate, retrieve, review, redact and produce all responsive records.\*

Material Costs	Est Qty or Hours	Actual Qty or Hours	Rate	Estimated Cost	Actual Cost
Hourly Labor:					
*Staff Resources	2		\$37.19	\$74.38	\$0.00
Legal Review	24		\$55.77	\$1,338.48	\$0.00
*Staff resources are calculated and charged after the first 30 minutes.					
Annual Salary ÷ Working Hours = Rate			<b>Total Estimate:</b>	<b>\$1,412.86</b>	<b>\$0.00</b>
			<b>Total Amount Due:</b>	<b>\$706.43</b>	

Please return this remittance copy with your payment.  
 Please make checks payable to: Executive Office of the Governor

**Remittance Address:**

Executive Office of the Governor, Office of Open Government: 400 S. Monroe Street, The Capitol, PL04, Tallahassee, FL 32399-0001

# EXHIBIT 15



October 12, 2022

**VIA EMAIL**

Executive Office of Governor Ron DeSantis  
Attn: Office of Open Government  
400 S. Monroe Street, Suite 209  
Tallahassee, FL 32399  
[Desantis.opengov@eog.myflorida.com](mailto:Desantis.opengov@eog.myflorida.com)

**Re: Public Records Request**

Dear Public Records Officer:

Pursuant to Article I, section 24(a), of the Florida Constitution, and Florida's public records laws, as codified at Fla. Stat. Chapter 119, American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that your office promptly produce the following:

1. All text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, Twitter direct messages, Facebook messages, WhatsApp, Signal, Telegram, or Parler) between (a) Chief of Staff to the Governor James Uthmeier or Senior Advisor for Public Safety Larry Keefe and (b) the Texas Governor's Office officials listed below.

Texas Governor's Office Officials:

- i. Governor Greg Abbott
  - ii. Chief of Staff Luis Saenz
  - iii. Policy Director Steve Munisteri
  - iv. Public Safety Office Director Aimee Snoddy
  - v. Deputy Chief of Staff Jordan Hale
  - vi. Deputy Chief of Staff Gardner Pate
  - vii. Communications Director Mark Miner
2. All text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, Twitter direct messages, Facebook messages, WhatsApp, Signal, Telegram, or Parler) between (a) Chief of Staff to the Governor James Uthmeier and (b) Senior Advisor for Public Safety Larry Keefe.

For both parts of this request, please provide all responsive records from September 1, 2022, through October 11, 2022.



Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term “record” in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all locations and systems likely to have responsive records regarding official business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Emails or texts conducting government business sent or received on the personal account of the government official constitutes a record for purposes of Florida’s public records laws.<sup>1</sup>

In addition, American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; your office may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you

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<sup>1</sup> *Cf. State v. City of Clearwater*, 863 So. 2d 149, 154 (Fla. 2003) (“The determining factor is the nature of the record, not its physical location.”).

undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

### **Conclusion**

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>2</sup>

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Taylor Stoneman at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 848-1319.

Sincerely,

/s/ Taylor Stoneman  
Taylor Stoneman  
on behalf of  
American Oversight

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<sup>2</sup> American Oversight currently has approximately 16,000 followers on Facebook and 119,300 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Oct. 11, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Oct. 11, 2022).



# EXHIBIT 16

**From:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Sent:** Wednesday, October 12, 2022 2:33 PM EDT  
**To:** AO Records <records@americanoversight.org>  
**Subject:** RE: Public Records Request (FL-GOV-22-1092)

EXTERNAL SENDER

Good afternoon,

The Governor's Office of Open Government is in receipt of your request for records as stated in your email below. If there is a fee associated with your request, you will be provided with a fee estimate for your review. Thank you for contacting the Executive Office of the Governor.

Sincerely,  
Office of Open Government

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**From:** AO Records <records@americanoversight.org>  
**Sent:** Wednesday, October 12, 2022 10:33 AM  
**To:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Subject:** Public Records Request (FL-GOV-22-1092)

Dear Public Records Officer:

Please find attached a request for records under Florida's public records laws.

Sincerely,

--

Marwah Adhoob  
Pronouns: she/her  
Paralegal  
American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org)  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

PRR: FL-GOV-22-1092

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

# EXHIBIT 17



January 4, 2023

**VIA EMAIL**

Executive Office of Governor Ron DeSantis  
Attn: Office of Open Government  
400 S. Monroe Street, Suite 209  
Tallahassee, FL 32399  
[Desantis.opengov@eog.myflorida.com](mailto:Desantis.opengov@eog.myflorida.com)

**Re: Public Records Request**

Dear Public Records Officer:

Pursuant to Article I, section 24(a), of the Florida Constitution, and Florida's public records laws, as codified at Fla. Stat. Chapter 119, American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that your office promptly produce the following:

All records concerning the hiring process for Senior Advisor for Public Safety Larry Keefe, including, but not limited to, any job posting for the "Senior Advisor for Public Safety" position, communications regarding the appointment of Mr. Keefe, and any other records related to the appointment of Mr. Keefe.<sup>1</sup>

Please provide all responsive records from March 1, 2021, through the date the search is conducted.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term "record" in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone

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<sup>1</sup> The Governor's Office is in the best position to determine who within the Governor's Office handled, managed, scheduled, or otherwise discussed the hiring process for the Senior Advisor for Public Safety position and the decision to hire Larry Keefe, and, through inquiries of those employees, the location and medium of such communications and other records. American Oversight reminds the Governor's Office of its obligation to respond to public records requests in "good faith," including by "making reasonable efforts to determine from other offices or employees within the agency whether such a record exists and, if so, the location at which the record can be accessed." § 119.07(1)(c), Fla. Stat. (2021).



messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all locations and systems likely to have responsive records regarding official business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Emails or texts conducting government business sent or received on the personal account of the government official constitutes a record for purposes of Florida's public records laws.<sup>2</sup>

In addition, American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; your office may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

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<sup>2</sup> *Cf. State v. City of Clearwater*, 863 So. 2d 149, 154 (Fla. 2003) (“The determining factor is the nature of the record, not its physical location.”).

## Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>3</sup>

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Taylor Stoneman at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 848-1319.

Sincerely,

/s/ Taylor Stoneman  
Taylor Stoneman  
on behalf of  
American Oversight

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<sup>3</sup> American Oversight currently has approximately 16,000 followers on Facebook and 113,000 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 4, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Jan. 4, 2023).

# EXHIBIT 18

**From:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Sent:** Thursday, January 05, 2023 9:07 AM EST  
**To:** AO Records <records@americanoversight.org>  
**Subject:** RE: Public Records Request (FL-GOV-23-0003)

EXTERNAL SENDER

Good morning,

The Governor's Office of Open Government is in receipt of your request for records as stated in your email below. If there is a fee associated with your request, you will be provided with a fee estimate for your review. Thank you for contacting the Executive Office of the Governor.

Sincerely,  
Office of Open Government

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**From:** AO Records <records@americanoversight.org>  
**Sent:** Wednesday, January 4, 2023 3:43 PM  
**To:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Subject:** Public Records Request (FL-GOV-23-0003)

Dear Public Records Officer:

Please find attached a request for records under Florida's public records law.

Sincerely,  
**Eva Mayanja** | (she/her)  
Paralegal | American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org) | (202) 869-5246  
[www.americanoversight.org](http://www.americanoversight.org) [[americanoversight.org](http://americanoversight.org)] | @weareoversight

PRR: FL-GOV-23-0003

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.



# EXHIBIT 19



January 4, 2023

**VIA EMAIL**

Executive Office of Governor Ron DeSantis  
Attn: Office of Open Government  
400 S. Monroe Street, Suite 209  
Tallahassee, FL 32399  
[Desantis.opengov@eog.myflorida.com](mailto:Desantis.opengov@eog.myflorida.com)

**Re: Public Records Request**

Dear Public Records Officer:

Pursuant to Article I, section 24(a), of the Florida Constitution, and Florida's public records laws, as codified at Fla. Stat. Chapter 119, American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that your office promptly produce the following:

1. Any final policy documents written or co-written by Senior Advisor for Public Safety Larry Keefe.
2. Records reflecting all reimbursable and non-reimbursable expenses and costs incurred by Senior Advisor for Public Safety Larry Keefe related to all in-state or out-of-state trips taken by Mr. Keefe.

To the extent your office has aggregated records sufficient to show all relevant expenses and costs, such as spreadsheets, American Oversight would accept production of such records as sufficient. To the extent your office does not have an aggregated record of these costs, we request records reflecting those costs, such as receipts, invoices, charge card or credit card statements, and reimbursement requests.

Relevant expenses may include, but are not limited to, hotel or other lodging costs; costs for air travel, rental car, or other transportation companies; costs incurred for government transportation; the cost of meals or refreshments; and per diem payments.

Relevant expenses include costs associated with the travel of Larry Keefe, as well as any staff members, family members, or other individuals traveling with him.



3. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) Senior Advisor for Public Safety Larry Keefe, or anyone communicating on his behalf, such as an assistant or scheduler, and (b) any of the external entities or individuals listed below, or anyone communicating on behalf of the entities listed below (including, but not limited to, at the listed email addresses and/or domains).

External Entities and/or Individuals:

- a. Federation for American Immigration Reform (fairus.org)
- b. Immigration Reform Law Institute or Attorneys United for a Secure America (irli.org)
- c. Center for Immigration Studies (cis.org)
- d. NumbersUSA (numbersusa.com)
- e. The Remembrance Project (theremembranceproject.org)
- f. Center for Renewing America or Citizens for Renewing America (americarenewing.com or citizensrenewingamerica.com)
- g. Conservative Partnership Institute (conservativepartnership.org)
- h. Kris Kobach ([kkobach@gmail.com](mailto:kkobach@gmail.com) or [kris@kriskobach.com](mailto:kris@kriskobach.com))
- i. Alliance for Free Citizens (allianceforfreecitizens.org)
- j. Former Acting Department of Homeland Security (DHS) Secretary Chad Wolf
- k. America First Policy Institute (americafirstpolicy.com)
- l. Stephen Miller, Gene Hamilton, Russ Vought, or anyone from America First Legal (aflegal.org)
- m. Former Immigrations and Customs Enforcement (ICE) Director Tom Homan
- n. Former Deputy DHS Secretary Ken Cuccinelli ([ktc21968@gmail.com](mailto:ktc21968@gmail.com))
- o. Former Acting DHS General Counsel Chad Mizelle
- p. Former Acting Commissioner of U.S. Customs and Border Protection (CBP) Mark Morgan
- q. Former White House Chief of Staff Mark Meadows
- r. Former Acting United States Attorney General Matthew Whitaker
- s. Former United States Solicitor General Ken Starr
- t. Former United States Senator Jim DeMint
- u. Former United States Attorney General Jeff Sessions
- v. National Border Patrol Council President Brandon Judd
- w. ICE Union President Chris Crane

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if Senior Advisor for Public Safety Larry Keefe received a mass-distribution news clip email from one of the specified entities, that initial email would not be responsive to this request. However, if Keefe forwarded that email to another

individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

4. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) Senior Advisor for Public Safety Larry Keefe, and (b) anyone communicating from an email address ending in dps.texas.gov or tdem.texas.gov.
5. All calendars or calendar entries for Senior Advisor for Public Safety Larry Keefe, including any calendars maintained on Senior Advisor Keefe's behalf.

We request that the calendars be produced in a format that includes all invitees, any notes, and all attachments. Please do not limit your search to electronic calendars; we request the production of any calendar—paper or electronic, whether on government-issued or personal devices—used to track or coordinate how Senior Advisor Keefe allocates time on agency business.

The search should include any calendars associated with Senior Advisor Keefe's individual email accounts, as well as any official calendars maintained by or for him, including by administrative assistants or schedulers.

For each item of this request, please provide all responsive records from September 28, 2021, through the date the search is conducted.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term "record" in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all locations and systems likely to have responsive records regarding official business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Emails or texts conducting government business sent or received on the personal account of the government official constitutes a record for purposes of Florida's public records laws.<sup>1</sup>

In addition, American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are**

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<sup>1</sup> *Cf. State v. City of Clearwater*, 863 So. 2d 149, 154 (Fla. 2003) ("The determining factor is the nature of the record, not its physical location.").

**still required; your office may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

## **Conclusion**

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>2</sup>

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<sup>2</sup> American Oversight currently has approximately 16,000 followers on Facebook and 113,000 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 4, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Jan. 4, 2023).

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Taylor Stoneman at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 848-1319.

Sincerely,

/s/ Taylor Stoneman  
Taylor Stoneman  
on behalf of  
American Oversight

# EXHIBIT 20

**From:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Sent:** Thursday, January 05, 2023 8:58 AM EST  
**To:** AO Records <records@americanoversight.org>  
**Subject:** RE: Public Records Request (FL-GOV-23-0004)

EXTERNAL SENDER

Good morning,

The Governor's Office of Open Government is in receipt of your request for records as stated in your email below. If there is a fee associated with your request, you will be provided with a fee estimate for your review. Thank you for contacting the Executive Office of the Governor.

Sincerely,  
Office of Open Government

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**From:** AO Records <records@americanoversight.org>  
**Sent:** Wednesday, January 4, 2023 3:44 PM  
**To:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Subject:** Public Records Request (FL-GOV-23-0004)

Dear Public Records Officer:

Please find attached a request for records under Florida's public records law.

Sincerely,  
**Eva Mayanja** | (she/her)  
Paralegal | American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org) | (202) 869-5246  
[www.americanoversight.org](http://www.americanoversight.org) [[americanoversight.org](http://americanoversight.org)] | @weareoversight

PRR: FL-GOV-23-0004

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.



# EXHIBIT 21



January 4, 2023

**VIA EMAIL**

Executive Office of Governor Ron DeSantis  
Attn: Office of Open Government  
400 S. Monroe Street, Suite 209  
Tallahassee, FL 32399  
[Desantis.opengov@eog.myflorida.com](mailto:Desantis.opengov@eog.myflorida.com)

**Re: Public Records Request**

Dear Public Records Officer:

Pursuant to Article I, section 24(a), of the Florida Constitution, and Florida's public records laws, as codified at Fla. Stat. Chapter 119, American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that your office promptly produce the following:

1. All text messages or messages on messaging applications similar in form to text messages (such as Signal, WhatsApp, Facebook Messenger, Twitter direct messages, etc.) pertaining to official agency business sent or received by Senior Advisor for Public Safety Larry Keefe.<sup>1</sup>
2. All email communications pertaining to official agency business sent or received by any non-governmental email address attributed to Senior

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<sup>1</sup> Records obtained by American Oversight indicate that Senior Advisor for Public Safety Larry Keefe conducted official agency business by text and Signal messages. *See* Exhibit A (text messages between Vertol Systems Company CEO James Montgomerie and Senior Advisor for Public Safety Larry Keefe regarding the recruitment of migrants for the September 14, 2022 flights to Martha's Vineyard).



Advisor for Public Safety Larry Keefe, including, but not limited to, [19lkeefe@gmail.com](mailto:19lkeefe@gmail.com)<sup>2</sup> or [heat19.heat19@gmail.com](mailto:heat19.heat19@gmail.com).<sup>3</sup>

Please understand messages regarding “official agency business” to broadly include, at a minimum, all communications “made or received . . . in connection with the transaction of official business by any agency,” such as would ordinarily comprise “public records” per § 119.011(12), Fla. Stat. (2021).

For each item of this request, please provide all responsive records from September 28, 2021, through the date the search is conducted.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term “record” in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all locations and systems likely to have responsive records regarding official business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Emails or texts conducting government business sent or received on the personal account of the government official constitutes a record for purposes of Florida’s public records laws.<sup>4</sup>

In addition, American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most

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<sup>2</sup> Records obtained by American Oversight indicate that Senior Advisor for Public Safety Larry Keefe provided his personal email address, [19lkeefe@gmail.com](mailto:19lkeefe@gmail.com), as contact information for the purpose of conducting official agency business. *See* Exhibit B (text message from Larry Keefe providing his “contact card” to Texas Division of Emergency Management staffer Sam Miller and Perla Huerta, reportedly the chief recruiter of migrants for the September 14, 2022 flights to Martha’s Vineyard).

<sup>3</sup> Records reported on by Politico indicate that Senior Advisor for Public Safety Larry Keefe used the email address “[heat19.heat19@gmail.com](mailto:heat19.heat19@gmail.com)” for the purpose of conducting official agency business. *See* Matt Dixon, *Newly Released Records Show Top DeSantis Adviser Used Private Email and Alias to Coordinate Migrant Flights*, Politico (Dec. 28, 2022, updated 5:50 PM), <https://www.politico.com/news/2022/12/28/records-desantis-adviser-used-private-email-to-coordinate-migrant-flights-00075677>.

<sup>4</sup> *Cf. State v. City of Clearwater*, 863 So. 2d 149, 154 (Fla. 2003) (“The determining factor is the nature of the record, not its physical location.”).

complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; your office may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

## **Conclusion**

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>5</sup>

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<sup>5</sup> American Oversight currently has approximately 16,000 followers on Facebook and 113,000 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 4, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Jan. 4, 2023).

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Taylor Stoneman at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 848-1319.

Sincerely,

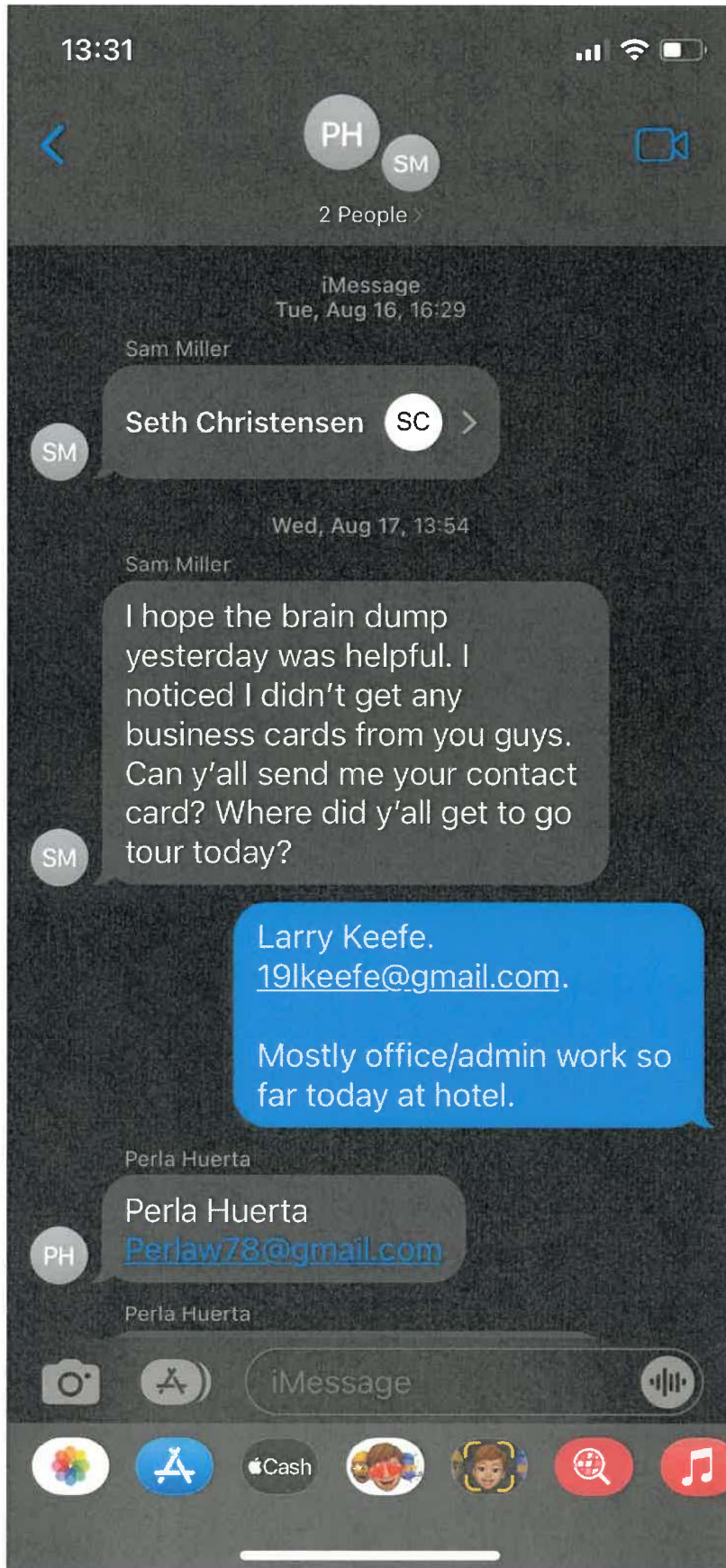
/s/ Taylor Stoneman  
Taylor Stoneman  
on behalf of  
American Oversight

# EXHIBIT A



# EXHIBIT B





# EXHIBIT 22

**From:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Sent:** Thursday, January 05, 2023 8:45 AM EST  
**To:** AO Records <records@americanoversight.org>  
**Subject:** RE: Public Records Request (FL-GOV-23-0005)

EXTERNAL SENDER

Good morning,

The Governor's Office of Open Government is in receipt of your request for records as stated in your email below. If there is a fee associated with your request, you will be provided with a fee estimate for your review. Thank you for contacting the Executive Office of the Governor.

Sincerely,  
Office of Open Government

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**From:** AO Records <records@americanoversight.org>  
**Sent:** Wednesday, January 4, 2023 3:45 PM  
**To:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Subject:** Public Records Request (FL-GOV-23-0005)

Dear Public Records Officer:

Please find attached a request for records under Florida's public records law.

Sincerely,  
**Eva Mayanja** | (she/her)  
Paralegal | American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org) | (202) 869-5246  
[www.americanoversight.org](http://www.americanoversight.org) [[americanoversight.org](http://americanoversight.org)] | @weareoversight

PRR: FL-GOV-23-0005

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

# EXHIBIT 23



February 9, 2023

**VIA EMAIL:**

Director, Office of Open Government  
Executive Officer of the Governor  
400 South Monroe Street  
Tallahassee, FL 32399  
[Desantis.opengov@eog.myflorida.com](mailto:Desantis.opengov@eog.myflorida.com)

**Re: Public Records Request**

Dear Public Records Officer:

Pursuant to Article I, section 24(a), of the Florida Constitution, and Florida's public records laws, as codified at Fla. Stat. Chapter 119, American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that your office promptly produce the following:

1. All electronic communications (including email messages, complete email chains, calendar invitations, text messages, and any attachments) between (a) Governor Ron DeSantis, Chief of Staff James Uthmeier, any individual working on the ESG portfolio, or anyone serving in the role of Deputy Chief of Staff, including, but not limited to, Melissa Smith, Katie Strickland, or Alex Kelly, and (b) any individual or anyone communicating on behalf of an organization listed below, including, but not limited to, anyone communicating from the listed email address(es) or an email address ending in the listed domain(s).
  - a. Consumers' Research, including but not limited to Will Hild (consumersresearch.org)
  - b. Consumers' Defense (consumersdefense.com)
  - c. CRC Advisors, including but not limited to Mike Thompson (crcadvisors.com or crcpublicrelations.com)
  - d. State Financial Officers Foundation (sfof.com)
  - e. Free Enterprise Project or the National Center (nationalcenter.org)
  - f. Andy Puzder (ckr.com, Puzder.com, [andy@puzder.com](mailto:andy@puzder.com))
  - g. Job Creators Network, including but not limited to Bernie Marcus, Alfredo Ortiz, or Tyrone Latchman (JobCreatorsNetwork.com)
  - h. Strive Asset Management, including but not limited to Vivek Ramaswamy (strive.com)
  - i. Heritage Foundation or Heritage Action for America (heritage.org, heritageaction.com)



- j. American Legislative Exchange Council, including but not limited to Jonathan Williams (alec.org)
- k. Florida Representative Daniel Perez

For part one of this request, please provide all responsive records from August 15, 2022, through the date the search is conducted.

- 2. All email communications (including any email messages, attachments, or calendar invitations) sent by (a) Governor Ron DeSantis, Chief of Staff James Uthmeier, or anyone serving in the role of Deputy Chief of Staff, including, but not limited to, Melissa Smith, Katie Strickland, or Alex Kelly, containing the key terms listed below.
  - a. “BlackRock”
  - b. BLK
  - c. ESG
  - d. Fink
  - e. Patronis
  - f. SFOF

For part two of this request, please provide all responsive records from August 15, 2022, through the date the search is conducted.

For part two of this request, in an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part two of its request to emails sent by the listed individuals. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that Florida Governor Ron DeSantis’s email with a responsive key term and the initial received message are both responsive to this request and should be produced.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term “record” in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all locations and systems likely to have responsive records regarding official business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Emails or texts

conducting government business sent or received on the personal account of the government official constitutes a record for purposes of Florida's public records laws.<sup>1</sup>

In addition, American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; your office may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

### **Conclusion**

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public

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<sup>1</sup> *Cf. State v. City of Clearwater*, 863 So. 2d 149, 154 (Fla. 2003) (“The determining factor is the nature of the record, not its physical location.”).

website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>2</sup>

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Taylor Stoneman at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 848-1319.

Sincerely,

*/s/ Taylor Stoneman*  
Taylor Stoneman  
on behalf of  
American Oversight

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<sup>2</sup> American Oversight currently has approximately 16,000 followers on Facebook and 113,000 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Feb. 8, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Feb. 8, 2023).



# EXHIBIT 24

**From:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>

**Sent:** Monday, February 13, 2023 10:46 AM EST

**To:** AO Records <records@americanoversight.org>

**Subject:** RE: Public Records Request (FL-GOV-23-0138)

EXTERNAL SENDER

Good morning,

The Governor's Office of Open Government is in receipt of your request for records as stated in your email below. If there is a fee associated with your request, you will be provided with a fee estimate for your review. Thank you for contacting the Executive Office of the Governor.

Sincerely,  
Office of Open Government

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**From:** AO Records <records@americanoversight.org>

**Sent:** Thursday, February 9, 2023 2:31 PM

**To:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>

**Subject:** Public Records Request (FL-GOV-23-0138)

Dear Public Records Officer:

Please find attached a request for records under Florida's public records laws.

Sincerely,  
Dylan Winters  
Paralegal | American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org) |  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

PRR: FL-GOV-23-0138

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

# EXHIBIT 25

**Executive Office of Governor Ron DeSantis**  
**Office of Open Government**  
**Public Records Invoice**

April 12, 2023



**Requestor:** Taylor Stoneman

**Records Request**

**Date of Request:** 2/9/2023

**Code:** Stoneman, T. 42

**Date Completed:** \_\_\_\_\_

**Description:**

All email communications (including any email messages, attachments, or calendar invitations) sent by (a) Governor Ron DeSantis, Chief of Staff James Uthmeier, or anyone serving in the role of Deputy Chief of Staff, including, but not limited to, Melissa Smith, Katie Strickland, or Alex Kelly, containing the key terms listed below.  
a. "BlackRock"

\*Estimate includes extensive time to locate, retrieve, review, redact and produce all responsive records.\*

Material Costs	Est Qty or Hours	Actual Qty or Hours	Rate	Estimated Cost	Actual Cost
Hourly Labor:					
*Staff Resources	2		\$37.19	\$74.38	\$0.00
Legal Review	26		\$55.77	\$1,450.02	\$0.00
*Staff resources are calculated and charged after the first 30 minutes.					
Annual Salary ÷ Working Hours = Rate			<b>Total Estimate:</b>	<b>\$1,524.40</b>	<b>\$0.00</b>
			<b>Total Amount Due:</b>	<b>\$762.20</b>	

Please return this remittance copy with your payment.  
Please make checks payable to: Executive Office of the Governor

**Remittance Address:**

Executive Office of the Governor, Office of Open Government: 400 S. Monroe Street, The Capitol, PL04, Tallahassee, FL 32399-0001

# EXHIBIT 26

**From:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Sent:** Tuesday, August 08, 2023 2:11 PM EDT  
**To:** AO Records <records@americanoversight.org>  
**Subject:** RE: RE: RE: Public Records Request (FL-GOV-23-0138)

EXTERNAL SENDER

Good afternoon Taylor,

Our office is currently processing Part 1 of your request. In the event that there is a fee required for review, we will have it sent to you as soon as possible. If you have any other questions or concerns, feel free to reach out. Thank you for your patience, have a great rest of your day.

Sincerely,  
Office of Open governmnet

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**From:** AO Records <records@americanoversight.org>  
**Sent:** Thursday, August 3, 2023 5:52 PM  
**To:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Subject:** Re: RE: RE: Public Records Request (FL-GOV-23-0138)

Hello,

Has your office completed a search for records responsive to Part 1? What is the volume and will there be a cost estimate associated with that portion of our request?

Sincerely,  
Taylor

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**Taylor Stoneman** | she/her  
Counsel | American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org) | (202) 848-1319  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

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**From:** Desantis.OpenGovernment <[Desantis.OpenGov@eog.myflorida.com](mailto:Desantis.OpenGov@eog.myflorida.com)>  
**Date:** Thursday, July 13, 2023 at 10:45 AM  
**To:** 'AO Records' <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Subject:** RE: RE: Public Records Request (FL-GOV-23-0138)

EXTERNAL SENDER

Good Afternoon,

We have received your check and will continue with processing your request. And yes, our office is also currently processing part 1. Have a great rest of your day.

Sincerely,  
Office of Open Government

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**From:** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Sent:** Thursday, June 29, 2023 5:31 PM  
**To:** Desantis.OpenGovernment <[Desantis.OpenGov@eog.myflorida.com](mailto:Desantis.OpenGov@eog.myflorida.com)>  
**Subject:** Re: RE: Public Records Request (FL-GOV-23-0138)

Hello,

American Oversight would like to move forward on Part 2. We will prepare a check in the amount of \$762.20 for mailing asap.

Additionally, however, please note that we have not yet received any information regarding Part 1 of this request to date. Has the Governor's Office performed a search for records responsive to Part 1? What is the volume of potentially responsive records?

Sincerely,  
Taylor

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**Taylor Stoneman** | she/her  
Counsel | American Oversight

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**From:** Desantis.OpenGovernment <[Desantis.OpenGov@eog.myflorida.com](mailto:Desantis.OpenGov@eog.myflorida.com)>  
**Date:** Monday, June 12, 2023 at 11:13 AM  
**To:** 'AO Records' <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Subject:** RE: Public Records Request (FL-GOV-23-0138)

EXTERNAL SENDER

Good afternoon,

The invoice that we sent over to you only dealt with just **part 2** of your request. As for hits for each term, this is what our search engine pulled up:

“BlackRock” (661 items)  
“BLK” (10 items)  
“ESG” (263 items)  
“Fink” (116 items)  
“Patronis” (221 Items)

Please note that each item could result in multiple pages.

Please let us know how you would like to move forward with your request. If we do not hear from you within 30 days, our office will consider your request closed. Should that occur, you would be welcome to re-submit your request at any time.

Sincerely,  
Office of Open Government

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**From:** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Sent:** Monday, June 12, 2023 12:32 PM  
**To:** Desantis.OpenGovernment <[Desantis.OpenGov@eog.myflorida.com](mailto:Desantis.OpenGov@eog.myflorida.com)>  
**Subject:** Re: Public Records Request (FL-GOV-23-0138)

Hello,

American Oversight has not received a response to our below effort to narrow the scope of the attached request (Stoneman, T. 42 / FL-GOV-23-0138). Please let me know if you have any questions or would like to discuss.

Sincerely,  
Taylor

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**Taylor Stoneman** | she/her  
Counsel | American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org) | (202) 848-1319  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

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**From:** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Date:** Wednesday, April 19, 2023 at 11:49 AM  
**To:** Desantis.OpenGovernment <[Desantis.OpenGov@eog.myflorida.com](mailto:Desantis.OpenGov@eog.myflorida.com)>  
**Subject:** Re: Public Records Request (FL-GOV-23-0138)

Good afternoon,

To limit the number of pages your office needs to review and American Oversight would receive, we would like to work together with your office to narrow the parameters of this request.

First, could you please confirm whether the invoice for Stoneman, T. 42 (FL-GOV-23-0138) covers both Parts 1 and 2 of our request? The description reflected in the invoice appears to cover only an excerpt of Part 2.

If both parts are covered, we would like to adjust Part 1 of this request to seek only thesent email communications from the listed Governor’s office custodians (“Governor Ron DeSantis, Chief of Staff James Uthmeier, any individual working on the ESG portfolio, or anyone serving in the role of Deputy Chief of Staff, including, but not limited to, Melissa Smith, Katie Strickland, or Alex Kelly”) to the listed external individuals and organizations. This will limit Part 1 so that it asks for only sent email communications, rather than sent and received. However, we would still like to receive both sent and received text messages for these custodians.

Also, if you could please provide information regarding the number of responsive hits per term for Part 2, we will be able to most efficiently narrow that request down to eliminate terms that are bringing in the highest numbers of items.

Thanks for your help,  
Taylor

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**Taylor Stoneman** | she/her  
Counsel | American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org) | (202) 848-1319  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

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**From:** Desantis.OpenGovernment <[Desantis.OpenGov@eog.myflorida.com](mailto:Desantis.OpenGov@eog.myflorida.com)>  
**Date:** Wednesday, April 12, 2023 at 8:58 AM  
**To:** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Subject:** RE: Public Records Request (FL-GOV-23-0138)

EXTERNAL SENDER

Good afternoon,

We are following up with you regarding your public records request submitted to this agency. Your request is attached.

Based on the breadth of the specific request, this office has identified over 6,000 pages that may be responsive. These records may include documents containing information that is confidential and exempt from section 119.07(1), Florida Statutes, and section 24(a), article I of the Florida Constitution. For example, materials that were prepared by an agency attorney or prepared at the attorney's direction that reflect mental impressions, conclusions, litigation strategy, or legal theories of the attorney or agency prepared in anticipation of litigation are exempt from production pursuant to section 119.071(1)(d), Florida Statutes.

Consequently, your specific requests will require an extensive use of agency personnel and time, as well as information technology resources, to retrieve and review the documents responsive to your request and ensure compliance with the exemptions under section 119.071, Florida Statutes, and applicable law. Therefore, an initial labor deposit is being assessed pursuant to section 119.07(4)(d), Florida Statutes for 50 percent of the total cost estimate, at an initial labor deposit of **\$762.20**. Please note that we estimate these requests may require multiple hours or more of review at appropriate hourly rates. The actual hourly rate of the lowest hourly rate of the employee capable of performing the work needed to comply with these public records requests will be assessed against the initial labor charge.

Pursuant to Florida Public Records Act, section 119.07(4), Florida Statutes, please provide us with a check in the total amount of **\$762.20** made payable to Executive Office of the Governor and sent to my attention at 400 S Monroe Street, Suite 209, Tallahassee, FL 32399.

Upon receipt of the aforementioned check, this office will begin to review responsive records. Once the responsive records have been reviewed, this office will send you an additional invoice for the remainder of the cost required to produce the documents. Upon receipt of payment in full, we will forward to you the documents responsive to your request. Due to the scope of your public records request, we estimate that the production of these records will take an extensive amount of time to complete.

Please note that if this office does not receive a response within thirty (30) days from the date of this letter, we will close out your specific requests as non-responsive. Please do not hesitate to contact this office in the event that you would like to discuss your current request, or if you would like to narrow it in any fashion.

Sincerely,

Office of Open Government

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**From:** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Sent:** Thursday, February 9, 2023 2:31 PM  
**To:** Desantis.OpenGovernment <[Desantis.OpenGov@eog.myflorida.com](mailto:Desantis.OpenGov@eog.myflorida.com)>  
**Subject:** Public Records Request (FL-GOV-23-0138)

Dear Public Records Officer:

Please find attached a request for records under Florida's public records laws.

Sincerely,  
Dylan Winters  
Paralegal | American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org) |  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

PRR: FL-GOV-23-0138

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.



# EXHIBIT 27



February 28, 2023

**VIA EMAIL**

Executive Office of Governor Ron DeSantis  
Attn: Office of Open Government  
400 S. Monroe Street, Suite 209  
Tallahassee, FL 32399  
[desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com)

**Re: Public Records Request**

Dear Public Records Officer:

Pursuant to Article I, section 24(a), of the Florida Constitution, and Florida's public records laws, as codified at Fla. Stat. Chapter 119, American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that your office promptly produce the following:

1. All electronic communications (including email messages, complete email chains, calendar invitations, text messages, and any attachments) between (A) Governor Ron DeSantis, Chief of Staff James Uthmeier, Director of Appointments Chelsea Aaron, General Counsel Ryan Newman, or anyone serving in the role of Deputy Chief of Staff (including, but not limited to, Melissa Smith, Anna DeCerchio, Katie Strickland, Alex Kelly, or Beau Beaubien), and (B) Leonard Leo, including, but not limited to, at the following email address(es) or an email address ending in the listed domain(s): [leonard.leo@fed-soc.org](mailto:leonard.leo@fed-soc.org), [honestelections.org](http://honestelections.org), [ll@leonardleo.com](mailto:ll@leonardleo.com), [leonard.anthony.leo@gmail.com](mailto:leonard.anthony.leo@gmail.com), [lleo@fed-soc.org](mailto:lleo@fed-soc.org), [leonard.leo@mindspring.com](mailto:leonard.leo@mindspring.com), [leonard.leo@hotmail.com](mailto:leonard.leo@hotmail.com).

For part one of this request, please provide all responsive records from March 4, 2022, through the date the search is conducted.

2. All email communications (including any email messages, complete email chains, attachments, and calendar invitations) sent by any Governor's office employee listed below, containing any of the key terms also listed below.

**Florida Governor's Office**

- a. Governor Ron DeSantis
- b. Anyone serving in the role of Chief of Staff, including, but not limited to, James Uthmeier



- c. Deputy Chief of Staff (including, but not limited to, Melissa Smith, Anna DeCerchio, Katie Strickland, Alex Kelly, or Beau Beaubien
- d. Director of External Affairs Savannah Kelly Jefferson
- e. Communications Director Taryn Fenske
- f. Press Secretary Christina Pushaw
- g. General Counsel Ryan Newman
- h. Director of Appointments Chelsea Aaron
- i. Director of Legislative & Intergovernmental Affairs Stephanie Kopelousos
- j. The senior-most official in charge of coordinating Governor DeSantis' judicial appointments

### Key Terms

1. Renatha
2. "Alan Lawson"
3. "Judicial Nominating Commission"
4. "Leonard Leo"
5. CRC
6. FedSoc
7. "Federalist Society"
8. "Greg Mueller"
9. "Daniel Casey"
10. "Dan Casey"
11. Marx
12. Severino
13. "Jonathan Bunch"
14. "Judicial Education Project"
15. "Judicial Crisis Network"
16. JCN
17. Calabresi
18. "Supreme Court"
19. "Ginni Thomas"

For part two of this request, please provide all responsive records from March 4, 2022, through August 4, 2022.

For part two of this request, in an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the listed individuals. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that Florida Governor Ron DeSantis's email with a responsive key term and the initial received message are both responsive to this request and should be produced.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

Please search all locations and systems likely to have responsive records regarding official business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Emails or texts conducting government business sent or received on the personal account of the government official constitutes a record for purposes of Florida's public records laws.<sup>1</sup>

In addition, American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; your office may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

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<sup>1</sup> *Cf. State v. City of Clearwater*, 863 So. 2d 149, 154 (Fla. 2003) (“The determining factor is the nature of the record, not its physical location.”).

## Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>2</sup>

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Taylor Stoneman at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 848-1319.

Sincerely,

/s/ Taylor Stoneman  
Taylor Stoneman  
on behalf of  
American Oversight

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<sup>2</sup> American Oversight currently has approximately 16,000 followers on Facebook and 112,900 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Feb. 24, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Feb. 24, 2023).

# EXHIBIT 28

**From:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Sent:** Tuesday, February 28, 2023 11:10 AM EST  
**To:** AO Records <records@americanoversight.org>  
**Subject:** RE: Public Records Request (FL-GOV-23-0182)

EXTERNAL SENDER

Good morning,

The Governor's Office of Open Government is in receipt of your request for records as stated in your email below. If there is a fee associated with your request, you will be provided with a fee estimate for your review. Thank you for contacting the Executive Office of the Governor.

Sincerely,  
Office of Open Government

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**From:** AO Records <records@americanoversight.org>  
**Sent:** Tuesday, February 28, 2023 10:57 AM  
**To:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Subject:** Public Records Request (FL-GOV-23-0182)

Dear Public Records Officer:

Please find attached a request for records under Florida's public records laws.

Sincerely,

--

**Marwah Adhoob** | She/Her  
Paralegal | American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org)  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

PRR: FL-GOV-23-0182

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

# EXHIBIT 29



**Executive Office of Governor Ron DeSantis**  
**Office of Open Government**  
**Public Records Invoice**

May 5, 2023



**Requestor:** Taylor Stoneman

**Date of Request:** 2/28/2023

**Date Completed:** \_\_\_\_\_

**Records Request Code:** Stoneman, T. 46

**Description:**

All email communications (including any email messages, complete email chains, attachments, and calendar invitations) sent by any Governor's office employee listed below, containing any of the key terms also listed below.  
 Florida Governor's Office  
 a. Governor Ron DeSantis  
 b. Anyone serving in the role of Chief of Staff, including, but not limited

\*Estimate includes extensive time to locate, retrieve, review, redact and produce all responsive records.\*

Material Costs	Est Qty or Hours	Actual Qty or Hours	Rate	Estimated Cost	Actual Cost
Hourly Labor:					
*Staff Resources	2		\$37.19	\$74.38	\$0.00
Legal Review	11		\$55.77	\$613.47	\$0.00
*Staff resources are calculated and charged after the first 30 minutes.					
Annual Salary ÷ Working Hours = Rate			<b>Total Estimate:</b>	<b>\$687.85</b>	<b>\$0.00</b>
			<b>Total Amount Due:</b>	<b>\$343.93</b>	

Please return this remittance copy with your payment.  
 Please make checks payable to: Executive Office of the Governor

**Remittance Address:**

Executive Office of the Governor, Office of Open Government: 400 S. Monroe Street, The Capitol, PL04, Tallahassee, FL 32399-0001

# EXHIBIT 30



March 23, 2023

**VIA EMAIL**

Executive Office of Governor Ron DeSantis  
Attn: Office of Open Government  
400 S. Monroe Street, Suite 209  
Tallahassee, FL 32399  
[Desantis.opengov@eog.myflorida.com](mailto:Desantis.opengov@eog.myflorida.com)

**Re: Public Records Request**

Dear Public Records Officer:

Pursuant to Article I, section 24(a), of the Florida Constitution, and Florida's public records laws, as codified at Fla. Stat. Chapter 119, American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that the Office of the Governor promptly produce the following:

All text messages or messages on messaging applications similar in form to text messages (such as Signal, WhatsApp, Facebook Messenger, Twitter direct messages, etc.) pertaining to official agency business sent or received by the officials listed below:

1. Governor Ron DeSantis
2. Chief of Staff James Uthmeier
3. Deputy Chief of Staff Melissa Smith
4. Deputy Chief of Staff Katie Strickland
5. Deputy Chief of Staff Alex Kelly

Please understand messages regarding "official agency business" to include, at a minimum, all communications "made or received ... in connection with the transaction of official business by any agency," such as would ordinarily comprise "public records" per § 119.011(12), Fla. Stat. (2021).

Please provide all responsive records from July 1, 2022, through the date the search is conducted.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.



American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term “record” in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all locations and systems likely to have responsive records regarding official business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Emails or texts conducting government business sent or received on the personal account of the government official constitutes a record for purposes of Florida’s public records laws.<sup>1</sup>

In addition, American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; your office may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

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<sup>1</sup> *Cf. State v. City of Clearwater*, 863 So. 2d 149, 154 (Fla. 2003) (“The determining factor is the nature of the record, not its physical location.”).

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

### **Section 119.12 Notice**

This document provides written notice identifying American Oversight's public records request to your agency's custodian of public records in compliance with Section 119.12(1)(b) of the Florida Statutes. Should your agency fail to comply with its obligations under Florida's public records laws, American Oversight may be prepared to file suit to enforce the provisions of Fla. Stat. Chapter 119.

### **Conclusion**

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>2</sup>

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Taylor Stoneman at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 848-1319.

Sincerely,

*/s/ Taylor Stoneman*  
Taylor Stoneman  
on behalf of  
American Oversight

---

<sup>2</sup> American Oversight currently has approximately 16,000 followers on Facebook and 112,600 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 22, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 22, 2023).

# EXHIBIT 31

**From:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Sent:** Monday, March 27, 2023 10:24 AM EDT  
**To:** AO Records <records@americanoversight.org>  
**Subject:** RE: Public Records Request (FL-GOV-23-0295)

EXTERNAL SENDER

Good morning,

The Governor's Office of Open Government is in receipt of your request for records as stated in your email below. If there is a fee associated with your request, you will be provided with a fee estimate for your review. Thank you for contacting the Executive Office of the Governor.

Sincerely,  
Office of Open Government

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**From:** AO Records <records@americanoversight.org>  
**Sent:** Friday, March 24, 2023 12:09 PM  
**To:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Subject:** Public Records Request (FL-GOV-23-0295)

Dear Public Records Officer

Please find attached a request for records under the Florida Constitution and Florida's public records law.

Sincerely,

--

**Eva Mayanja** | (she/her)  
Paralegal | American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org) | (202) 869-5246  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

PRR: FL-GOV-23-0295

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

# EXHIBIT 32





March 23, 2023

**VIA EMAIL**

Executive Office of Governor Ron DeSantis  
Attn: Office of Open Government  
400 S. Monroe Street, Suite 209  
Tallahassee, FL 32399  
[Desantis.opengov@eog.myflorida.com](mailto:Desantis.opengov@eog.myflorida.com)

**Re: Public Records Request**

Dear Public Records Officer:

Pursuant to Article I, section 24(a), of the Florida Constitution, and Florida's public records laws, as codified at Fla. Stat. Chapter 119, American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that the Office of the Governor promptly produce the following:

All calendars or calendar entries for Chief of Staff James Uthmeier, including any calendars maintained on Mr. Uthmeier's behalf.

American Oversight requests that the calendars be produced in a format that includes all invitees, any notes, and all attachments. Please do not limit your search to Outlook calendars; we request the production of any calendar—paper or electronic, whether on government-issued or personal devices—used to track or coordinate how Mr. Uthmeier allocates time on official business.

The search should include any calendars associated with Chief of Staff James Uthmeier's individual email accounts, as well as any official calendars maintained for him, including by his administrative assistants or schedulers.

Please provide all responsive records from January 1, 2022, through the date the search is conducted.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term "record" in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records,



audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all locations and systems likely to have responsive records regarding official business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Emails or texts conducting government business sent or received on the personal account of the government official constitutes a record for purposes of Florida's public records laws.<sup>1</sup>

In addition, American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; your office may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC

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<sup>1</sup> *Cf. State v. City of Clearwater*, 863 So. 2d 149, 154 (Fla. 2003) (“The determining factor is the nature of the record, not its physical location.”).

20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

### **Section 119.12 Notice**

This document provides written notice identifying American Oversight's public records request to your agency's custodian of public records in compliance with Section 119.12(1)(b) of the Florida Statutes. Should your agency fail to comply with its obligations under Florida's public records laws, American Oversight may be prepared to file suit to enforce the provisions of Fla. Stat. Chapter 119.

### **Conclusion**

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>2</sup>

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Taylor Stoneman at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 848-1319.

Sincerely,

/s/ Taylor Stoneman  
Taylor Stoneman  
on behalf of  
American Oversight

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<sup>2</sup> American Oversight currently has approximately 16,000 followers on Facebook and 112,600 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 22, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 22, 2023).

# EXHIBIT 33

**From:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Sent:** Monday, March 27, 2023 10:16 AM  
**To:** 'AO Records'  
**Subject:** RE: Public Records Request (FL-GOV-23-0297)

EXTERNAL SENDER

Good morning,

The Governor's Office of Open Government is in receipt of your request for records as stated in your email below. If there is a fee associated with your request, you will be provided with a fee estimate for your review. Thank you for contacting the Executive Office of the Governor.

Sincerely,  
Office of Open Government

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**From:** AO Records <records@americanoversight.org>  
**Sent:** Friday, March 24, 2023 12:14 PM  
**To:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Subject:** Public Records Request (FL-GOV-23-0297)

Dear Public Records Officer

Please find attached a request for records under the Florida Constitution and Florida's public records law.

Sincerely,

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**Eva Mayanja** | (she/her)  
Paralegal | American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org) | (202) 869-5246  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

PRR: FL-GOV-23-0297

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

# EXHIBIT 34



March 23, 2023

**VIA EMAIL**

Director, Office of Open Government  
Executive Office of the Governor  
400 South Monroe Street  
Tallahassee, FL 32399  
[Desantis.opengov@eog.myflorida.com](mailto:Desantis.opengov@eog.myflorida.com)

**Re: Public Records Request**

Dear Public Records Officer:

Pursuant to Article I, section 24(a), of the Florida Constitution, and Florida's public records laws, as codified at Fla. Stat. Chapter 119, American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that your office promptly produce the following:

All electronic communications (including email messages, complete email chains, calendar invitations, text messages, and any attachments) sent by any of the officials listed below to any individual outside of the Florida Governor's Office, containing any of the following key terms, also listed below.

- a) Governor Ron DeSantis
- b) Chief of Staff James Uthmeier
- c) Anyone serving in the role of Deputy Chief of Staff, including, but not limited to, Melissa Smith, Katie Strickland, or Alex Kelly
- d) Director of Policy & Budget Chris Spencer
- e) Policy Chief Kaley Flynn
- f) Policy Chief Austin Boam
- g) Policy Chief Lauren Lange

**Key terms**

- 1. DEI
- 2. Rufo
- 3. tenure
- 4. "Manhattan Institute"
- 5. "House Bill 999"
- 6. HB999
- 7. "HB 999"



8. “Civics institutes”
9. “Western civilization”
10. “New College”
11. CRT
12. “Critical Race Theory”
13. Woke
14. “parental rights”
15. “parents rights”
16. “ideological conformity”
17. Indoctrination
18. Andrade

Please provide all responsive records from November 1, 2022, through the date the search is conducted.

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the listed individuals. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Policy Chief Lauren Lange’s response to an email with the key term “western civilization” and the initial received message are responsive to this request and should be produced.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term “record” in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all locations and systems likely to have responsive records regarding official business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Emails or texts conducting government business sent or received on the personal account of the government official constitutes a record for purposes of Florida’s public records laws.<sup>1</sup>

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<sup>1</sup> *Cf. State v. City of Clearwater*, 863 So. 2d 149, 154 (Fla. 2003) (“The determining factor is the nature of the record, not its physical location.”).



In addition, American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; your office may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

### **Section 119.12 Notice**

This document provides written notice identifying American Oversight's public records request to your agency's custodian of public records in compliance with Section 119.12(1)(b) of the Florida Statutes. Should your agency fail to comply with its obligations under Florida's public records laws, American Oversight may be prepared to file suit to enforce the provisions of Fla. Stat. Chapter 119.

### **Conclusion**

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information

gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>2</sup>

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Ben Sparks at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 873-1741.

Sincerely,

*/s/ Ben Sparks*  
Ben Sparks  
on behalf of  
American Oversight

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<sup>2</sup> American Oversight currently has approximately 16,000 followers on Facebook and 112,600 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 23, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 23, 2023).

# EXHIBIT 35

**From:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Sent:** Monday, March 27, 2023 9:28 AM  
**To:** 'AO Records'  
**Subject:** RE: Public Records Request (FL-GOV-23-0301)

EXTERNAL SENDER

Good morning,

The Governor's Office of Open Government is in receipt of your request for records as stated in your email below. If there is a fee associated with your request, you will be provided with a fee estimate for your review. Thank you for contacting the Executive Office of the Governor.

Sincerely,  
Office of Open Government

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**From:** AO Records <records@americanoversight.org>  
**Sent:** Friday, March 24, 2023 12:29 PM  
**To:** Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>  
**Subject:** Public Records Request (FL-GOV-23-0301)

Dear Public Records Officer

Please find attached a request for records under the Florida Constitution and Florida's public records law.

Sincerely,

--

**Eva Mayanja** | (she/her)  
Paralegal | American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org) | (202) 869-5246  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

PRR: FL-GOV-23-0301

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.