



May 20, 2021

VIA EMAIL

Director of Open Government
Florida House of Representatives
402 South Monroe Street
Tallahassee, FL 32399
opengovernment@myfloridahouse.gov

Representative Charles Clemons
322 The Capitol
402 South Monroe Street
Tallahassee, FL 32399
Chuck.Clemons@myfloridahouse.gov

Re: Public Records Request

Dear Director of Open Government and Representative Clemons:

Pursuant to Article I, section 24(a), of the Florida Constitution, and Florida House Rule 14, Part One, American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Office of Representative Clemons promptly produce the following:

1. All records reflecting the full content of any post published to ALEC Connect¹ by Rep. Clemons (including the original post and the complete comment thread).
2. All records reflecting the full content of any ALEC Connect posts (including the original post and the complete comment thread) on which Rep. Clemons commented.

¹ ALEC Connect is the online portal of the American Legislative Exchange Council. As a member of ALEC, Representative Clemons has access to ALEC Connect and its content. See *Convening Ideas Across the States*, State Policy Network, Dec. 5, 2019, <https://spn.org/blog/convening-ideas-across-the-states/>; Jamie Corey, *Dozens of ALEC Members Revealed in Emails Obtained by Documented Using the Florida Sunshine Law*, Documented, Dec. 19, 2019, <https://documented.net/2019/12/dozens-of-alec-members-revealed-in-emails-obtained-by-documented-using-the-florida-sunshine-law/>.



3. All records reflecting the full content of any ALEC Connect posts or comments (including the original post and the complete comment thread) mentioning or tagging Rep. Clemons by name, username, or email address.
4. All files uploaded to ALEC Connect by Rep. Clemons.
5. All files downloaded from ALEC Connect by Rep. Clemons, whether to a government or personal device.
6. All records reflecting the full content of any written exchanges, including chats, concerning legislation or policy issues on ALEC Connect in which Rep. Clemons participated. Please note that American Oversight does not seek, and that this request specifically excludes, chats with ALEC support staff concerning information technology troubleshooting or related issues.
7. All records reflecting the content of Rep. Clemons' ALEC Connect member profile page.
8. All records reflecting any expense report submitted through ALEC Connect by Rep. Clemons, any communications (including messages sent through ALEC Connect or by email) concerning any such expense report, and any records reflecting reimbursement, approval, rejection, or other action in response to any such expense report.

Please provide all responsive records from August 1, 2019, 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.

Please search all locations likely to have responsive records regardless of format, medium, or physical characteristics. As you know, House Rule 14, Part 1, provides for public inspection of legislative records, which are broadly defined to include all “papers and records developed and received in connection with legislative business,”² regardless of physical or electronic location. **To be clear, files in the personal custody of your officials, including records related to legislative business that may be stored on personal devices or accounts, should be included in your search for responsive records.** 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.**

² House Rule 14.1.

In addition, American Oversight insists that your office 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 office 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.³

³ American Oversight currently has approximately 15,700 page likes on Facebook and 106,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 12, 2021); American

We share a common mission to promote transparency in government. American Oversight looks forward to working with your office 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 Christine Monahan at records@americanoversight.org or (202) 869-5244.

Sincerely,

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

Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited May 12, 2021).