



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

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.¹
2. All email communications pertaining to official agency business sent or received by any non-governmental email address attributed to Senior

¹ 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.com² or heat19.heat19@gmail.com.³

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.⁴

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

² Records obtained by American Oversight indicate that Senior Advisor for Public Safety Larry Keefe provided his personal email address, 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).

³ Records reported on by Politico indicate that Senior Advisor for Public Safety Larry Keefe used the email address “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>.

⁴ *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.⁵

⁵ 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 or (202) 848-1319.

Sincerely,

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

EXHIBIT A

16:53

LTE

< JM James Montgom... @ [video] [phone]

James Sat, Sep 10 p 10 14:05

You called James · Sep 10 15:00

Call Again

We are at 34 tonight confirmed on the manifest, will be at 50 by Tuesday no problem 19:03

Excellent 19:06

Sun, Sep 11

We are 50 today 👍 14:33

Congratulations. Great work 14:34

The network has grown exponentially!

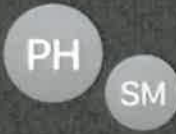
We believe we could probably generate another 50 inside 48 hours 14:35

You called James · Sep 11 14:37

+ New Message [attachments]

EXHIBIT B

13:31



2 People >

iMessage
Tue, Aug 16, 16:29

Sam Miller

SM

Seth Christensen SC >

Wed, Aug 17, 13:54

Sam Miller

SM

I hope the brain dump yesterday was helpful. I noticed I didn't get any business cards from you guys. Can y'all send me your contact card? Where did y'all get to go tour today?

Larry Keefe.
19lkeefe@gmail.com.

Mostly office/admin work so far today at hotel.

Perla Huerta

PH

Perla Huerta
Perlaw78@gmail.com

Perla Huerta



iMessage



Cash

