



March 1, 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 the Office of the Governor promptly produce the following:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) and 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) any of the Florida Governor’s Office officials listed below in Column A, and (b) any of the external parties listed in Column B below.

Column A: Florida Governor’s Office officials	Column B: External Parties
<ol style="list-style-type: none"> i. Governor Ron DeSantis ii. Chief of Staff James Uthmeier iii. Deputy Chief of Staff Melissa Smith, including in her previous role at the Governor’s Office iv. Deputy Chief of Staff Alex Kelly v. Director of External Affairs Savannah Kelly Jefferson vi. General Counsel Ryan Newman 	<ol style="list-style-type: none"> a. Michael Rushford, President and CEO of the Criminal Justice Legal Foundation b. Kent Scheidegger, Legal Director and General Counsel of the Criminal Justice Legal Foundation, c. Kimberlee Stapleton, Associate Attorney at the Criminal Justice Legal Foundation



vii. Communications Director Taryn Fenske	d. Edwin Meese III, former United States Attorney General
viii. Director of Policy and Budget Chris Spencer	e. Charles “Cully” Stimson, Senior Legal Fellow and Manager, National Security Law Program at the Heritage Foundation
ix. Deputy Director of Policy Daniel Pardo, including in his previous role at the Office of the Governor	

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) and 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) sent by the Florida Governor’s Office officials specified in Column A above, that contain any of the following key terms:

Key Terms:

- a. “Eighth amendment”
- b. “8th amendment”
- c. cruel
- d. inhumane
- e. execution
- f. executions
- g. “death penalty”
- h. “capital punishment”
- i. “unanimous jury”
- j. supermajority
- k. unanimity
- l. “criminal justice”

For part 2 of this request, in an effort to accommodate the Florida Governor’s 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 specified officials. 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 specified official’s response to an email containing a key term and the initial received message are responsive to this request and should be produced.

3. Any final assessments/determinations, impact analyses, evaluations, policy papers, or memorandums created by, shared with, or otherwise in possession of the Florida Governor’s Office regarding capital punishment.

For all of this request, 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.¹

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.

¹ *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.”).

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.²

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 or (202) 873-1741.

Sincerely,

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

² American Oversight currently has approximately 16,000 followers on Facebook and 112,800 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 1, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 1, 2023).