



February 8, 2021

VIA EMAIL

Public Records Coordinator
Florida Senate
404 South Monroe Street
Tallahassee, FL 32399
publicrecordsrequests@flsenate.gov

Senator Danny Burgess
308 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100
Burgess.danny.web@flsenate.gov

Re: Public Records Request

Dear Public Records Officer:

Pursuant to Article I, section 24(a), of the Florida Constitution, and Florida Senate Rule 1.48, American Oversight makes the following request for records.

In September 2020, Governor Ron DeSantis proposed the “Combating Violence, Disorder and Looting and Law Enforcement Protection Act.”¹ In January, Florida Representative Juan Fernandez-Barquin introduced HB 1, “Combating Public Disorder,” which would increase penalties for offenses committed during protests. Florida Senator Danny Burgess introduced an identical bill that same month.²

Requested Records

American Oversight, requests that Florida Senator Danny Burgess promptly produce copies of the following records:

All emails communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by any of the Florida officials listed in Column A, and containing any of the key terms listed in Column B:

Column A: Officials	Column B: Key Terms
<ul style="list-style-type: none"> i. Senator Danny Burgess ii. Anyone communicating on Senator Burgess’s behalf (such 	<ul style="list-style-type: none"> i. Motorist ii. Motorists iii. Vehicle iv. Flee

¹ Erwin Chemerinsky & Ngozi Neziyanya, *Republican Lawmakers Want to Use Pro-Trump Rioters to Undermine Peaceful Protest*, NBC News (Feb. 1, 2021, 4:30 AM) <https://www.nbcnews.com/think/opinion/republican-lawmakers-want-use-pro-trump-rioters-undermine-peaceful-protest-ncna1256232>.

² *Florida House and Senate File Identical Bills to Combat Violence, Disorder, Looting*, WXTL Tallahassee (Jan. 6, 2021, 5:38 PM) <https://www.wtxl.com/news/local-news/florida-house-and-senate-file-identical-bills-to-combat-violence-disorder-looting>.



as an assistant scheduler, or secretary)	<ul style="list-style-type: none"> v. Vandalizing vi. Vandalize vii. BLM viii. “Black Lives Matter” ix. Antifa x. Protest xi. Protester xii. Protesters xiii. Riots xiv. Rioting xv. Rioters xvi. Riotous xvii. Looting xviii. Looters xix. Thug xx. Thugs xxi. “unlawful assembly” xxii. “Deadly force” xxiii. Monuments xxiv. Floyd xxv. “Blue lives” xxvi. “Combating Violence, Disorder and Looting and Protecting Law Enforcement Act” xxvii. “Combating Public Disorder” xxviii. Anarchist xxix. “HB 1” xxx. “H.B. 1” xxxi. “House Bill 1” xxxii. “SB 484” xxxiii. “S.B. 484” xxxiv. “Senate Bill 484”
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Please provide all responsive records from August 1, 2020, through date of search.

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 officials listed in Column A. 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 Senator Danny Burgess’s response to an email containing one of the key terms listed above 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 fees or costs.

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.³

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, please contact me at records@americanoversight.org or (202) 869-5244.

Sincerely,

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

³ American Oversight currently has approximately 15,700 page likes on Facebook and 105,600 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Feb. 4, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Feb. 4, 2021).