



March 24, 2022

VIA EMAIL

Public Records Coordinator
4052 Bald Cypress Way-Bin A02
Tallahassee, FL 32399-1702
PublicRecordsRequest@flhealth.gov

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 final assessments, reports, analyses, recommendations, or guidance prepared by your office, other state or local offices, or independent experts in advance of the COVID-19 roundtable hosted by Governor Ron DeSantis on March 7, 2022, or used in formulating the guidance subsequently issued on March 8, 2022, relating to pediatric COVID-19 vaccines.¹

To be clear, this request includes both materials that support and that contradict the March 8 guidance relating to pediatric COVID-19 vaccines.

2. All electronic communications (including emails, email attachments, calendar invitations, or text messages) between the Department of Health officials listed below and any of the Executive Office of the Florida Governor officials listed below.

Department of Health Officials:

- i. State Surgeon General Dr. Joseph A. Ladapo, or anyone communicating on his behalf, such as an assistant or scheduler
- ii. Chief of Staff Cassandra G. Pasley
- iii. Deputy Secretary for Children's Medical Services Robert D. Karch
- iv. Deputy Secretary for Operations Michele Tallent
- v. Deputy Secretary for Health Kenneth A. Scheppke

¹ Florida Department of Health, *Guidance for Pediatric COVID-19 Vaccines*, Mar. 8, 2022, <https://www.floridahealth.gov/newsroom/2022/03/20220308-FDOH-covid19-vaccination-recommendations-children.pr.html>.



vi. General Counsel Louise St. Laurent

Executive Office of the Florida Governor Officials:

- i. Governor Ron DeSantis, or anyone communicating on his behalf such as an assistant or scheduler
- ii. Chief of Staff James Uthmeier
- iii. Deputy Chief of Staff Beau Beaubien
- iv. Deputy Chief of Staff Katie Strickland

For request items 1 and 2, please provide all responsive records from January 15, 2022, through March 11, 2022.

3. All electronic communications (including emails, email attachments, calendar invitations, or text messages) sent by the Department of Health officials listed above containing any of the following key terms:

Key Terms:

- i. Vaccin*
- ii. Roundtable
- iii. DeSantis

Please note that American Oversight is using the asterisk (*) to designate the standard use of “wildcards” in the search for responsive records. For example, a search for “vaccin*” would return all of the following: vaccine, vaccines, vaccination, vaccinated, etc. If your office is unable to search for wildcards, please advise so that we may specifically include the variations that we would like searched.

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 3 of its request to emails sent by the listed Department of Health 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 Surgeon General Dr. Joseph A. Ladapo’s response to an email containing the key term “vaccine” and the initial received message are responsive to this request and should be produced.

For request item 3, please provide all responsive records from March 1, 2022, through March 11, 2022.

4. All official or unofficial complaints submitted by employees of the Florida Department of Health regarding the guidance issued on March 8, 2022, relating to pediatric COVID-19 vaccines.

For request item 4, please provide all responsive records from March 7, 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. 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.²

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.

² *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.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, 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

³ American Oversight currently has approximately 15,700 page likes on Facebook and 118,000 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 23, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 23, 2022).