



September 19, 2022

Florida Department of Transportation
Office of the General Counsel
605 Suwannee Street, MS58
Tallahassee, FL 32399
FDOT.publicrecords@dot.state.fl.us

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. A complete copy (including any attachments) of any contract, sub-contract, amendment, memorandum of understanding, or other written agreement regarding external entities providing services related to the Florida state government program that transports migrants out of Florida and other states,¹ including, but not limited to, trips by plane to Martha's Vineyard, Massachusetts.
2. Records reflecting the expenses and costs incurred for the relocation program that that transports migrants out of Florida and other states, or the source of the funding for the program, including, but not limited to, any transportation of migrants to Martha's Vineyard, Massachusetts.
3. Any records, such as passenger manifests, reflecting the number of (a) children under the age of 18 or (b) pregnant people that have been relocated as part of the state program that transports migrants out of Florida and other states.
4. A complete copy (including any attachments) of any formal or informal guidance, directives, memoranda, or other policy and procedure documents issued to any government agencies or private entities involved in the relocation program that transports migrants out of Florida and other states, including, but not limited to:

¹ Patricia Mazzei et al., *Florida Flies 2 Planeloads of Migrants to Martha's Vineyard*, NY Times (updated Sept. 15, 2022, 12:16 AM), <https://www.nytimes.com/2022/09/14/us/desantis-florida-migrants-marthas-vineyard.html>.



- a. Directives, guidance documents, consent forms, or any other agreements related to obtaining consent from migrants to be transported out of Florida and other states
 - b. Guidelines for providing essential services, such as food, water, and medical care to migrants to be transported out of Florida and other states
 - c. Protocols for mitigating the spread of Covid-19 on relocation trips out of Florida and other states, including, but not limited to, social distancing guidelines, procedures for distributing masks and hand sanitizer, or providing Covid-19 testing to program participants
 - d. Guidance pertaining to obtaining translators for migrants interested in participating in the state relocation program
 - e. Any other directives related to the planning, preparation, and execution of the relocation program
5. Any formal or informal complaints received by the Florida Department of Transportation related to the program that transports migrants out of Florida and other states, including, but not limited to, complaints received from migrants and/or organizations or individuals communicating on their behalf.

American Oversight does not object to the redaction of names, phone numbers, or other personally identifying information contained in any complaint.

6. A complete copy (including any attachments) of any reports, analyses, or situation updates created by or provided to the Florida Department of Transportation regarding the relocation program that transports migrants out of Florida and other states, including, but not limited to, any reports, analyses, or situation updates concerning migrant relocation to Martha's Vineyard.

Please provide all responsive records from September 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.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.

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

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.”).

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 16,000 followers on Facebook and 119,100 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Sept. 19, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Sept. 19, 2022).