



October 25, 2023

VIA EMAIL

Florida Department of State
Office of the General Counsel
Attn: Public Records Custodian
500 South Bronough Street, Suite 100
Tallahassee, FL 32399
PublicRecords@DOS.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 email communications (including emails, complete email chains, email attachments, calendar invitations, and calendar invitation attachments) sent or received by (a) the Florida Department of State officials listed below containing (b) any of the search terms listed below.

Florida Department of State Officials:

- a. Secretary of State Cord Byrd
- b. Assistant Secretary of State and Chief of Staff Jennifer Kennedy
- c. General Counsel Brad McVay
- d. Director of Division of Elections Maria Matthews
- e. Anyone serving in an acting or official capacity of Director or Deputy Director of the Office of Election Crimes and Security

Search Terms:

- i. "PAC"
- ii. "political committee"
- iii. "state committee"
- iv. "Never Back Down"
- v. "rule change"
- vi. Handbook



Please note that American Oversight does not seek, and that part 1 of this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. For example, if Secretary of State Byrd received a mass-distribution news clip email containing the term “PAC,” that initial email would not but responsive to this request. However, if Secretary of State Byrd forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

2. All email communications (including emails, complete email chains, email attachments, calendar invitations, and calendar invitation attachments) between (a) the officials listed above in part 1, and (b) the Governor’s Office officials listed below.

Florida Governor’s Office Officials:

- a. Governor Ron DeSantis
- b. Former Chief of Staff James Uthmeier
- c. Acting Chief of Staff & Former Deputy Chief of Staff Alex Kelly
- d. Anyone serving in the role of Deputy Chief of Staff, including Anastasios Kamoutsas, Melissa Smith, Katie Strickland, and Cody Farrill
- e. Senior Advisor to the Governor David Dewhirst
- f. General Counsel Ryan Newman
- g. Inspector General Melinda Miguel

For both parts of this request, please provide all responsive records from February 15, 2023, through March 31, 2023.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

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.**

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.”).

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.

Section 119.12 Notice

This document provides written notice identifying American Oversight's public records request to your agency's custodian of public records in compliance with Section 119.12(1)(b) of the Florida Statutes. Should your agency fail to comply with its obligations under Florida's public records laws, American Oversight may be prepared to file suit to enforce the provisions of Fla. Stat. Chapter 119.

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.com.²

² American Oversight currently has approximately 16,000 followers on Facebook and 111,400 followers on Twitter.com. American Oversight, Facebook,

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

<https://www.facebook.com/weareoversight/> (last visited Oct. 13, 2023); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Oct. 13, 2023).