

**Subject:** FW: Pending Public Records Requests (American Oversight)  
**Date:** Thursday, September 29, 2022 at 6:11:00 PM Eastern Daylight Time  
**From:** AO Records  
**To:** AO Records  
**Attachments:** Invoice.pdf, Invoice.pdf

Hi team,

Can you please process this as an NRR for requests FL-DOS-21-1462 and 22-0687?

I'll handle the processing for the other two requests the email is about.

Thanks!  
Taylor

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**From:** Morris, Jon <Jon.Morris@dos.myflorida.com>  
**Date:** Thursday, September 29, 2022 at 7:57 AM  
**To:** AO Records <records@americanoversight.org>  
**Cc:** Public Records <PublicRecords@Dos.myflorida.com>, General Counsel <DOS.GeneralCounsel@DOS.MyFlorida.com>  
**Subject:** RE: Pending Public Records Requests (American Oversight)

EXTERNAL SENDER

Ms. Stoneman,

Please see the following response from the Department of State concerning your email inquiry below. I will be glad to assist you personally if you have any further questions. If you need to reach me this week my office cell is 850-251-1520.

**Request #1: 21-1349** – The Department conducted the requested search and identified approximately 20 potentially responsive emails to part 2 of the request and 149 potentially responsive emails, with up to 8,500 pages of attachments, to part 3 of the request. The Department will provide a rolling production of the responsive records with the first 30 minutes being at no cost to the requestor. The remainder of the production will require extensive use of information technology resources and extensive clerical or supervisory assistance that will necessitate a cost estimate. Attached is a fee estimate for the production exceeding the first 30 minutes.

As a quick note, a great deal of the records that were pulled in for part 3 appear to be because of the key term “heritage” – however from a brief initial review the majority or all appear to be related to the Department of State’s Division of Historic Resources and the use of heritage in that context. If you would like to work on a more selective set of key terms I would be glad to assist personally with you. Please reach out to me directly if you would like to revise the search, either by date, participant, or key term.

**Request #2: 21-1462** – The Department conducted the requested email search and identified no records responsive to your request.

**Request #3: 21-1637** – The Division of Elections has provided the following information:

Part 1) Although the Division does not have a record that provides all the information you are seeking, the most applicable record would appear to be the 2016 and 2020 General Election Recap. In order to process this request there would be a fee estimate for approximately 1 and a half hours of staff time necessary to compile the responsive records. Attached is the fee estimate with the first 30 minutes free.

Part 2) Materials from canvassing board workshop may be responsive to this request. You may find records online at: <https://www.myfloridaelections.com/FSE-Member-Resources/Conference-and-Workshops-Presentations/Other-Workshop-and-Event-Presentations>

Part 3) The Department of State would not have records responsive to this inquiry – this information may be held by the Supervisors of Election.

**Request #4: 22-0687** - The Department conducted the requested email search and identified no emails responsive to your request.

Jon F. Morris  
Deputy General Counsel  
**FLORIDA DEPARTMENT OF STATE**  
500 South Bronough Street, Suite 100  
Tallahassee, Florida 32399-0250  
(p): (850) 245-6515  
(f): (850) 245-6127

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**From:** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>

**Sent:** Friday, September 23, 2022 2:38 PM

**To:** General Counsel <[DOS.GeneralCounsel@DOS.MyFlorida.com](mailto:DOS.GeneralCounsel@DOS.MyFlorida.com)>; Public Records <[PublicRecords@Dos.myflorida.com](mailto:PublicRecords@Dos.myflorida.com)>

**Subject:** Pending Public Records Requests (American Oversight)

The attachments/links in this message have been scanned by Proofpoint.

Office of the General Counsel:

I write on behalf of American Oversight to request an update regarding four pending public records requests submitted to the Florida Department of State in the past year, bearing the following internal tracking numbers:

- FL-DOS-21-1349 (Submitted October 4, 2021)
- FL-DOS-21-1462 (Submitted October 20, 2021)
- FL-DOS-21-1637 (Submitted November 15, 2021)
- FL-DOS-22-0687 (Submitted July 22, 2022)

I have attached these four requests for your reference. The Department of State has had ample time to review records responsive to American Oversight's requests and comply with its legal obligation to produce records within a reasonable amount of time. *See generally Tribune Co. v. Cannella*, 458 So. 2d 1075, 1079 (Fla. 1984), *appeal dismissed sub nom., DePerte v. Tribune Co.*, 105 S. Cut. 2315 (1985) ("The only delay permitted by the [Public Records] Act is the limited reasonable time allowed the custodian to retrieve the record and delete those portions of the record the custodian asserts are exempt."). But to date, American Oversight has not received a single document in response to any of these requests.

"Unjustified delay in making non-exempt public records available violates Florida's public records law." *Promenade D'Iberville, LLC v. Sundy*, 145 So. 3d 980, 983 (Fla. 1st DCA 2014). The delay in response and complete lack of communication from the Department of State with respect to these requests clearly constitute unreasonable delay rising to the level of a violation of the Public Records Act. If the Governor's Office continues to violate its obligations under the Public Records Act, American Oversight is prepared to resort to legal action to enforce its rights. *See Fla. Stat. § 119.11(1); Chandler v. City of Greenacres*, 140 So. 3d 1080, 1083 (Fla. 4th DCA 2014).

If you would like to discuss this matter, please do not hesitate to contact me.

Sincerely,  
Taylor Stoneman

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**Taylor Stoneman** (she/her)  
*Counsel*  
American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org)  
(202) 848-1319

**Department of State**  
**Office of the General Counsel**  
Public Records Custodian  
The R.A. Gray Building  
500 South Bronough Street  
Tallahassee, FL 32399

# INVOICE

**DATE: September 28, 2022**

**To:**

Taylor Stoneman

[records@americanoversight.org](mailto:records@americanoversight.org)

<b>INVOICE #1145-162021</b>			
<b>HOURS/COPIES</b>	<b>DESCRIPTION</b>	<b>UNIT PRICE</b>	<b>AMOUNT</b>
1.5	Records retrieval	\$18.25	\$27.38
	***30 Minutes Free***		-\$9.13
<b>SUBTOTAL</b>			<b>\$18.25</b>
<b>SHIPPING &amp; HANDLING</b>			<b>\$0</b>
<b>TOTAL DUE</b>			<b>\$18.25</b>