



February 22, 2024

VIA EMAIL

Florida Department of State
Office of the General Counsel
Attn: Public Records Custodian
500 South Bronough Street, Suite 100
Tallahassee, Florida 32399
PublicRecords@DOS.MyFlorida.com

Re: Public Records Request

Dear Public Records Officer(s):

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, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by the Department of State officials listed below and containing any of the key terms listed below.

Department of State Officials:

1. Cord Byrd, Secretary of State
2. Jennifer Kennedy, Assistant Secretary and Chief of Staff
3. Joseph Van de Bogart, General Counsel
4. Katherine Woodby, Legislative Affairs Director
5. Mark Ard, External Affairs Director
6. Anyone serving as assistant or aide to Secretary Byrd
7. Anyone serving as scheduler for Secretary Byrd
8. Andrew Darlington, Director of the Office of Election Crimes and Security

Key Terms:

- a. "Floridians Protecting Freedom"
- b. FPF
- c. "Florida Rising"
- d. "Planned Parenthood"
- e. "Women's Voices of SWFL"
- f. "Women's Freedom Coalition"



- g. "United Healthcare Workers East"
- h. "1199 SEIU"
- i. "SEIU 1199"
- j. Laufer
- k. "Amendment 4"
- l. "Government Interference with Abortion"
- m. "Right to Abortion"
- n. "abortion ballot"
- o. "abortion amendment"
- p. "before viability"
- q. "fetal viability"
- r. "fetal personhood"
- s. "ban abortion"
- t. "abortion ban"
- u. "abortion rights"
- v. "abortion on demand"
- w. "truth-in-packaging"
- x. "single-subject"
- y. "deceptive tactics"
- z. "deceptive language"
- aa. "misleading text"

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 listed officials. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means that both a listed official's response to an email containing a listed key term and the initial received message are responsive to this request and should be produced.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (A) the Department of State officials listed above, and (B) any of the external entities or individuals listed below (including anyone communicating from a listed email address or an email address ending in the listed domain(s)).

External Entities and Individuals:

- I. Caitlin Connors, Katie Daniel, Kelsey Pritchard, and anyone communicating on behalf of Susan B. Anthony Pro-Life America (sbaproflife.org)
- II. Lawson Huck Gonzalez (lawsonhuckgonzalez.com)
- III. Aaron DiPietro, and anyone communicating on behalf of Florida Family Policy Council (flfamily.org)
- IV. John Stemberger
- V. Florida Conference of Catholic Bishops (flaccb.org)
- VI. Ausley McMullen (ausley.com)
- VII. Family for Life (familyforlife.info)

- VIII. The National Center for Life & Liberty (ncll.org)
- IX. Weber, Crabb & Wein (webercrabb.com)
- X. Florida Voters Against Extremism
- XI. Liberty Counsel (lc.org)
- XII. Dr. Grazie Pozo Christie, and anyone communicating on behalf of The Catholic Association (thecatholicassociation.org)
- XIII. Florida Voice for the Unborn (floridavoicefortheunborn.com)
- XIV. Florida Right to Life (ftrl.org)
- XV. National Right to Life Committee (nrlc.org)
- XVI. Focus on the Family (focusonthefamily.com)
- XVII. Students for Life (studentsforlife.org or studentsforlifeaction.org)
- XVIII. Americans United for Life (aul.org)
- XIX. Tampa Bay Pro-Life Alliance (tampabayprolife.org)
- XX. Protect Human Life Florida (humanlifefl.com)
- XXI. Concerned Women for America (concernedwomen.org or cwfa.org)
- XXII. Independent Women's Forum (iwf.org)
- XXIII. National Pro-Life Alliance (prolifealliance.com)
- XXIV. Charlotte Lozier Institute (lozierinstitute.org)
- XXV. Family Policy Alliance (familypolicyalliance.com)
- XXVI. Florida Catholic Medical Association (cathmedflorida.org)
- XXVII. Alliance Defending Freedom (adflegal.org)
- XXVIII. Brian Sanderson and anyone communicating on behalf of Three Oak Group (bsanderson@threeoakgroup.com, threeoakgroup.com)
- XXIX. Federalist Society (fedsoc.org or fed-soc.org)

For part two of this request, please note that American Oversight does not seek, and that 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. In other words, if a listed official received a mass-distribution news clip email from a listed external entity, that initial email would not be responsive to this request. However, if the listed official forwarded that email to another individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

For all parts of this request, please provide all responsive records from January 1, 2023, through the date the search is conducted.

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

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 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.

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

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 Loree Stark at records@americanoversight.org or (304) 913-6114.

Sincerely,

/s/ Loree Stark
Loree Stark
on behalf of
American Oversight

² American Oversight currently has approximately 16,000 followers on Facebook and 111,400 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Feb. 21, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Feb. 21, 2024).