AMERICAN OVERSIGHT

July 25, 2025

VIA EMAIL

Florida Department of State
Office of the General Counsel
Attn: Public Records Custodian
500 S. Bronough St.
Ste. 100
Tallahassee, FL 32399
PublicRecords@DOS.fl.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 the Florida Department of State promptly produce the following:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by any of the Florida Department of State officials listed below, and/or anyone communicating on their behalf, such as an assistant, secretary, and/or scheduler, and containing any of the key terms listed below.

   Florida Department of State Officials:
   i. Cord Byrd, Secretary of State
   ii. Jennifer Kennedy, Assistant Secretary and Chief of Staff
   iii. Mark Ard, External Affairs Director
   iv. Maria Matthews, Divisions of Elections Director
   v. Amber MArconnet, Divisions of Elections Assistant Director

   Key Terms:
   a. DOGE
   b. "Department of Government Efficiency"
   c. USDS
   d. U.S.D.S.
   e. Musk

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 1 of this request to emails sent by the specified individuals. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means that both an individual's response to an email 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 any of the Florida Department of State officials listed above in part 1, and (b) any of the external entities or individuals listed below (including the listed email domains).

   External Entities and Individuals:
   a. U.S. DOGE Service (doge.gov, doge.eop.gov)
   b. White House Office (who.eop.gov)
   c. Elon Musk
   d. Antonio Gracias
   e. Edward Coristine
   f. Kyle Schutt
   g. Aram Moghaddassi
   h. Payton Rehling
   i. Steve Davis

   Please note that American Oversight does not seek, and part 2 of this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications responding to or forwarding such emails are responsive to this request. In other words, for example, if an official received a mass-distribution news clip email from the White House Office, that initial email would not be responsive to this request. However, if the official forwarded that email with commentary, that subsequent message would be responsive to this request and should be produced.

3. A complete copy (including any attachments) of all formal or informal public records requests or requests for information submitted any federal agency or representative thereof, including, but not limited to, the Department of Justice, Department of Homeland Security, Department of Government Efficiency (DOGE), U.S. DOGE Service (formerly U.S. Digital Service), and/or the U.S. DOGE Service Temporary Organization to the Florida Department of State since January 20, 2025.

For parts 1-3 of this request, please provide all responsive records from January 20, 2025, through the date the search is conducted.

4. A complete copy (including any attachments) of all contracts or subcontracts, amendments, memoranda of understanding, or other written agreements

between the Florida Department of State and the Department of Government Efficiency (DOGE), U.S. DOGE Service (formerly U.S. Digital Service), and/or the U.S. DOGE Service Temporary Organization.

For part 4 of this request, please provide all responsive records created or in effect from January 20, 2025, 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.[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.**

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

[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.").

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 X (formerly Twitter).[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

[2] American Oversight currently has approximately 16,000 followers on Facebook and 94,500 followers on X (formerly Twitter). American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited July 8, 2025); American Oversight (@weareoversight), X (formerly Twitter), https://x.com/weareoversight (last visited July 8, 2025).

releasing the requested records, please contact Chloe Dennison at records@americanoversight.org or 202.516.7117.

Sincerely,

/s/ Chloe Dennison
Chloe Dennison
on behalf of
American Oversight