



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON



November 16, 2022

BY EMAIL: PublicRecords@DOS.MyFlorida.com

Florida Department of State
Office of the General Counsel
Attn: Kevin Avila
500 South Bronough Street, Suite 100
Tallahassee, Florida 32399-0250

Dear Public Information Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) and the American Civil Liberties Union Foundation of Florida (“ACLU of Florida”) make this request for records from the Florida Department of State pursuant to the Public Records Act, Chapter 119 of the Florida Statutes. This request is for public records in the possession of the Executive Office, which includes its employees, agents, representatives, and any individual or entity acting on behalf of the Executive Office, regardless of the location of those records.

Specifically, we request all records from October 1, 2021 to the date this request is processed relating to the following:

1. All communications with nongovernmental groups or individuals regarding election integrity issues, via the official organizational email domains listed below and any personal email domains, including but not limited to the following groups and individuals:
 - a. True the Vote [email domain: @truethevote.org]
 - b. Heritage Foundation [email domain: @heritage.org]
 - c. Heritage Action for America [email domain: @heritageaction.com]
 - d. Conservative Partnership Institute [email domain: @conservativepartnership.org]
 - e. Election Integrity Network [email domain: @whoscounting.us]
 - f. Cleta Mitchell [email domain: @cletamitchell.com]
 - g. Former National Security Adviser Michael Flynn
 - h. Former CEO of Overstock Patrick M. Byrne
 - i. Committee to Unleash Prosperity [email domain: @committeetounleashprosperity.com]
 - j. Election Transparency Initiative [email domain: @electiontransparency.org]

- k. Republican National Committee [email domain: @gop.com]
 - l. Republican Party of Florida [email domain: @florida.gop]
 - m. The America Project [email domain: @americaproject.com]
 - n. The Middle Resolution [email domain: @middleresolution.org]
 - o. Operation Eagles Wings
 - p. Voter Reference Foundation [email domains: @voterreferencefoundation.com and @voteref.com]
 - q. Fair Elections Center [email domain: @fairelectionscenter.org]
 - r. The Federalist Society [email domain: @fedsoc.org]
 - s. American Legislative Exchange Council (ALEC) [email domain: @alec.org]
 - t. Clean Elections USA [email domain: @cleanelectionsusa.org]
 - u. Thomas More Society [email domain: @thomasmoresociety.org]
2. All records and communications relating to the lists of voter names sent from the Office of Election Crimes and Security to Florida county election supervisors to be screened for potential ineligibility based on prior felony convictions, as reported in the news article below.¹
 3. All complaints, tips, allegations, or referrals submitted to the Office of Election Crimes and Security by any governmental or non-governmental entity or individual.
 4. All records relating to potential or actual changes to the “Florida Department of Corrections Instructions to the Offender” Form DC3-246 (Revised 8/26/22), <https://s3.documentcloud.org/documents/23218842/updated-instructions-to-offender.pdf>.
 5. Records sufficient to identify each staff member assigned to the Office of Election Crimes and Security, as mentioned in the news article below.²
 6. Records sufficient to identify each Florida Department of Law Enforcement (FDLE) agent temporarily assigned to the Office of Election Crimes and Security who worked the cases of the 20 ex-felons recently charged and arrested, as mentioned in the news article below.³
 7. Records sufficient to identify the 10 permanent FDLE agents that the FDLE reportedly planned to assign to the Office of Election Crimes and Security by the end of September 2022, as mentioned in the news article below.⁴
 8. All resumes or curriculum vitae for each staff member and FDLE agent assigned to the Office of Election Crimes and Security.

¹ James Call and John Kennedy, [Florida election crimes unit sends out last-minute felons-removal list, causes confusion](https://www.tallahassee.com/story/news/politics/elections/2022/11/04/florida-desantis-election-crimes-unit-removal-felons-voting-rolls/8256072001/), Tallahassee Democrat, Nov. 4, 2022, available at <https://www.tallahassee.com/story/news/politics/elections/2022/11/04/florida-desantis-election-crimes-unit-removal-felons-voting-rolls/8256072001/>.

² Katie LaGrone, [Many questions but few answers about the new Florida office that took down ex-felons for illegally voting](https://www.abcactionnews.com/news/many-questions-but-few-answers-about-the-new-florida-office-that-took-down-ex-felons-for-illegally-voting), Sep. 2, 2022, available at <https://www.abcactionnews.com/news/many-questions-but-few-answers-about-the-new-florida-office-that-took-down-ex-felons-for-illegally-voting>.

³ *Id.*

⁴ *Id.*

9. The complete investigative case file for any case closed by the Office of Election Crimes and Security.
10. All records possessed by the Florida Department of State, the Division of Elections, or the Office of Election Crimes and Security relating to actual or potential violence, threats, or intimidation against Florida election workers.
11. All communications within the Florida Department of State, the Division of Elections, and the Office of Election Crimes and Security relating to alleged voter fraud in The Villages retirement community.
12. All communications between the Office of Governor Ron DeSantis and any individuals being considered to lead, oversee, or manage the Office of Election Crimes and Security after the untimely death of Peter Antonacci.
13. All communications between the Office of Election Crimes and Security and the Office of Governor Ron DeSantis.
14. All communications between the Office of Election Crimes and Security and the Office of the Florida Secretary of State Cord Byrd.
15. All communications between the Florida Governor's Office and the Florida Department of State pertaining to creation of the "Office of Election Crimes and Security" at the Florida Department of State.

The above request excludes agency records consisting solely of news articles, press clippings, and other publicly-available material, so long as the records include no accompanying discussion by agency officials.

Please search for responsive records regardless of format, medium, or physical characteristics. This request includes any responsive records sent or received by the Executive Office via any private, nongovernmental account, as well as those records maintained, stored or archived in the cloud, on a shared drive, on the internet, via any electronic portal, via social media accounts, by screenshot or any other electronic system or device such as a cell phone, tablet, flash drive, computer or server that is capable of sending, receiving or storing digital information. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, as well as emails to which the subjects of this request were cc'ed or bcc'ed.

By way of background, on April 25, 2022, Florida Governor Ron DeSantis signed Senate Bill 524, which created the Office of Election Crimes and Security to investigate election law violations,⁵ despite there being no evidence that voter fraud was significant

⁵ [Governor Ron DeSantis Signs Bill to Strengthen Florida's Election Integrity](https://flgov.com/2022/04/25/governor-ron-desantis-signs-bill-to-strengthen-floridas-election-integrity/), April 25, 2022, available at <https://flgov.com/2022/04/25/governor-ron-desantis-signs-bill-to-strengthen-floridas-election-integrity/>

enough to alter the 2020 election.⁶ After the Office of Election Crimes and Security announced the arrest of 20 individuals charged with election fraud on August 18, 2022, reporting alleged that the unit has only three employees including the Director,⁷ despite being earmarked for 15 positions in the 2022-2023 state budget.⁸ The requested records will provide transparency on the Office of Election Crimes and Security's operations, areas of work, and potential collaboration with non-governmental groups and individuals.

If it is your position that any portion of the requested records is exempt from disclosure, Chapter 119 requires you to state the basis of the exemption you contend is applicable. Fla. Stat. § 119.07(1)(e). We further request that you state in writing and with particularity the reasons for any conclusion that a record is exempt or confidential. Fla. Stat. § 119.07(1)(f). If some portions of the requested records are properly exempt from disclosure, Chapter 119 requires you to redact those portions and produce the remainder of the requested records. Fla. Stat. § 119.07(1)(d).

We agree to pay up to \$100 for copies of the requested records. If copying fees are expected to exceed this amount, or if you anticipate that "extensive use" of information technology resources or extensive clerical or supervisory assistance as defined in section 119.07(4)(d) will be needed to fulfill this request, please call me at (202) 408-5565 or email me at ali@citizensforethics.org and foia@citizensforethics.org.

Where possible, please produce records in electronic format. Please send the requested records electronically to ali@citizensforethics.org and foia@citizensforethics.org or by mail to Citizens for Responsibility and Ethics in Washington, 1331 F Street, NW, Suite 900, Washington, DC 20004.

Please contact me if you have any questions about this request or foresee any problems in fully releasing the requested records. We anticipate you will fulfill your obligations under Chapter 119. If it is necessary to file an action to enforce the Public Records Act, the court may award reasonable costs of enforcement, including attorneys' fees. Fla. Stat. § 119.12. Thank you for your assistance.

Sincerely,



Angela Li

⁶ Tim Craig and Lori Rozsa, Florida let them vote. Then DeSantis's election police arrested them., Washington Post, Sep. 4, 2022, available at <https://www.washingtonpost.com/nation/2022/09/04/desantis-election-police-voter-arrests/>.

⁷ Katie LaGrone, Many questions but few answers about the new Florida office that took down ex-felons for illegally voting., Sep. 2, 2022, available at <https://www.abcactionnews.com/news/many-questions-but-few-answers-about-the-new-florida-office-that-took-down-ex-felons-for-illegally-voting>.

⁸ Governor DeSantis Makes Historic Investments in Elections Security in Freedom First Budget, June 8, 2022, available at <https://dos.myflorida.com/communications/press-releases/2022/governor-desantis-makes-historic-investments-in-elections-security-in-freedom-first-budget/>.

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