

May 7, 2020

**BY EMAIL:** [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com)

Executive Office of Governor Ron DeSantis  
ATTN: Office of Open Government  
400 S. Monroe Street, Suite 209  
Tallahassee, Florida 32399

Dear Public Information Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Public Records Act, Chapter 119 of the Florida Statutes.

Specifically, CREW requests:

1. All communications from April 13, 2020 to the date this request is processed between the office of Governor Ron DeSantis and members of the Re-Open Florida Task Force and the accompanying Industry Working Groups regarding the governor’s plan to reopen the state of Florida.
2. All communications from April 13, 2020 to the date this request is processed between the office of Gov. DeSantis and the White House regarding the governor’s plan to reopen the state of Florida.
3. All communications from April 13, 2020 to the date this request is processed between the office of Gov. DeSantis and the Centers for Disease Control and Prevention regarding the governor’s plan to reopen the state of Florida.
4. All communications from April 13, 2020 to the date this request is processed between the office of Governor Ron DeSantis and the Occupational Safety and Health Administration regarding the governor’s plan to reopen the state of Florida.
5. All communications from April 13, 2020 to the date this request is processed between the office of Gov. DeSantis and the U.S. Department of Homeland Security, including its component agencies such as the Federal Emergency Management Agency (FEMA), regarding the governor’s plan to reopen the state of Florida.
6. All communications from April 13, 2020 to the date this request is processed between the office of Gov. DeSantis and the Department of Health and Human Services regarding the governor’s plan to reopen the state of Florida.
7. All communications from April 13, 2020 to the date this request is processed between the office of Gov. DeSantis and the U.S. Department of State, including but not limited to Dr. Deborah Birx, regarding the governor’s plan to reopen the state of Florida.

8. All communications from April 13, 2020 to the date this request is processed between the office of Gov. DeSantis and the Florida Department of Health and Scott Rivkees regarding the governor's plan to reopen the state of Florida.

By way of background, on Thursday, April 30 Governor DeSantis issued an executive order announcing that Florida would begin to reopen in phases beginning the following Monday<sup>1</sup> According to the order, DeSantis's decision to reopen the state was made in consultation with President Trump and the White House Coronavirus Task Force, the CDC, OSHA, Florida Surgeon General Dr. Scott Rivkees, and DeSantis's "Task Force to Re-Open Florida."<sup>2</sup>

Gov. DeSantis's announcement came just two days after he met with President Trump at the White House, where the two leaders discussed Florida's response to the pandemic.<sup>3</sup> Eager to re-open the country, Trump has pushed governors to take "aggressive" action to resume business as usual in their states, even calling for schools to reopen.<sup>4</sup>

Florida Surgeon General Scott Rivkees, Florida's foremost public health official, has apparently taken a backseat to DeSantis. Reporting on Rivkees' contributions to the Florida coronavirus response is scarce. Rivkees faced backlash regarding his early handling of the pandemic, with critics saying that he initially withheld information from the public regarding the number of people being tested for COVID-19.<sup>5</sup> Rivkees was most recently asked to leave one of DeSantis's task force meetings after he commented that Floridians should continue to practice social distancing until a vaccine exists.<sup>6</sup>

The role that government and private entities played in Gov. DeSantis's decision is unknown, though he may have been influenced by businesses with an interest in the economy reopening. On April 22, Desantis announced his task force and the accompanying industry working groups, which are made up of county mayors, state elected officials, and industry

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<sup>1</sup> Steve Patrick, FAQs: What will change Monday under phase 1 of DeSantis' plan to reopen Florida?, *News 4 Jax*, April 30, 2020, available at <https://www.news4jax.com/news/local/2020/04/30/what-will-change-monday-under-phase-1-of-desantis-plan-to-reopen-florida/>

<sup>2</sup> EXECUTIVE ORDER NUMBER 20-112, *State of Florida Office of the Governor*, April 30, 2020, available at [https://www.flgov.com/wp-content/uploads/orders/2020/EO\\_20-112.pdf](https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-112.pdf)

<sup>3</sup> Kevin Liptak, Trump and Florida's DeSantis talk reopening plans and share mutual congratulations, *CNN*, April 28, 2020, available at <https://www.cnn.com/2020/04/28/politics/donald-trump-ron-desantis-florida/index.html>

<sup>4</sup> Liptak, *CNN*, April 28 2020.

<sup>5</sup> Skyler Swisher, Florida Senate confirms top doctor to fight coronavirus. He doesn't have a background in public health, *South Florida SunSentinel*, March 13, 2020, available at <https://www.sun-sentinel.com/coronavirus/fl-ne-scott-rivkees-confirmed-20200313-yexfkrkhkjetmzs6f7qmcrefa-story.html>

<sup>6</sup> Daniel Villarreal, FLORIDA SURGEON GENERAL REMOVED FROM GOVERNOR DESANTIS' CORONAVIRUS BRIEFING AFTER SAYING SOCIAL DISTANCING NECESSARY UNTIL THERE'S A VACCINE, *Newsweek*, April 13, 2020, available at <https://www.newsweek.com/florida-surgeon-general-removed-governor-desantis-coronavirus-briefing-after-saying-social-1497629>

leaders.<sup>7</sup> The task force has called for “reopening the economy as quickly as practical.”<sup>8</sup> DeSantis cited a DHS study alleging that sunlight and heat can kill the coronavirus to defend his decision to open the state.<sup>9</sup>

Gov. DeSantis’s executive order came one day after the Florida State Health Department confirmed 350 new coronavirus cases in the state and 47 new deaths.<sup>10</sup> Florida also has tested only one-tenth of one percent of its population.<sup>11</sup> Florida has the eighth most coronavirus cases in the country, yet the governor, the president, and some state and federal public health officials have deemed it safe to reopen.<sup>12</sup> The requested records would provide a clearer picture of the thinking behind reopening the state, including the extent to which different parties, including President Trump, public health experts, and businesses interests, were counseling Governor DeSantis on whether to reopen.

Please search for responsive records regardless of format, medium, or physical characteristics. 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.

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). CREW further requests 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).

CREW agrees 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

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<sup>7</sup> Governor Ron DeSantis’ Re-Open Florida Task Force, *FL Gov*, April 22, 2020, available at <https://www.flgov.com/2020/04/22/governor-ron-desantis-re-open-florida-task-force/>

<sup>8</sup> DeSantis: 1st Phase of Florida's Reopening to Begin Monday, *Spectrum News*, April 29, 2020, available at <https://www.baynews9.com/fl/tampa/coronavirus/2020/04/29/daily-coronavirus-reporting>

<sup>9</sup> Amir Vera, Rosa Flores and Sara Weisfeldt, Florida governor cites DHS study on sunlight killing Covid-19 to justify the reopening of state parks, *CNN*, May 1, 2020, available at <https://www.cnn.com/2020/05/01/us/florida-governor-state-parks-reopen/index.html>

<sup>10</sup> Corky Siemaszko, Florida governor announces plan to slowly reopen Sunshine State on Monday after coronavirus shutdown, *NBC News*, April 29, 2020, available at <https://www.nbcnews.com/news/us-news/florida-governor-announces-plan-reopen-sunshine-state-monday-after-coronavirus-n1195271>

<sup>11</sup> J. Edward Moreno, Florida coordinating reopening with five southern states, *The Hill*, April 22, 2020, available at <https://thehill.com/homenews/state-watch/494054-florida-coordinating-reopening-with-five-southern-states>

<sup>12</sup> Coronavirus in the U.S.: Latest Map and Case Count, *New York Times*, available at <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>

119.07(4)(d) will be needed to fulfill this request, please contact me at [rjacobs@citizensforethics.org](mailto:rjacobs@citizensforethics.org).

Where possible, please produce records in electronic format. Please send the requested records to me at either [rjacobs@citizensforethics.org](mailto:rjacobs@citizensforethics.org) or Rebecca Jacobs, Citizens for Responsibility and Ethics in Washington, 1101 K Street, N.W., Suite 201, Washington, D.C. 20005.

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,

A handwritten signature in black ink, appearing to read 'R. Jacobs', is positioned above the typed name.

Rebecca Jacobs  
Research Associate