



September 30, 2022

**VIA Electronic Mail**

Collier County Public Schools  
Attn.: Tiffany Myers  
5775 Osceola Trail  
Naples, FL 34109  
communications@collierschools.com

**Re: Request Pursuant to Florida Public Records Act**

Dear Custodian of Records:

Pursuant to the Florida Public Records Statutes, Fla. Stat. §§119.01-119.15, Democracy Forward Foundation submits this request for records.

**Records Requested:**

Pursuant to the Florida Public Records Statutes, I write to request the following specific records<sup>1</sup> pertaining to Collier County's designation of certain books with an "advisory" label, beginning January 1, 2022, to present, unless otherwise noted. Please provide the following records:

1. Copies of each version of a sticker, label, placard, notation, or notice placed on or in books in Collier County Public School classrooms, libraries, media centers, or in the Destiny system containing the language "Advisory Notice";
2. Copies of each version of a sticker, label, placard, notation, or notice placed on or in books in Collier County Public School classrooms, libraries, media centers, or in the Destiny system indicating that material has been "identified by some community members as unsuitable for students";
3. Copies of each version of a sticker, label, placard, notation, or notice placed on or in books in Collier County Public School classrooms, libraries, media centers, or in the Destiny system indicating that material community members have identified the material as unsuitable or inappropriate for any subset of students;

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<sup>1</sup> Throughout this request, the term "records" includes but is not limited to any paper or electronic information, reports, policies, procedures, guidance, evaluations, memoranda, correspondence, letters, emails, charts, graphs, flyers, meeting agendas, meeting minutes, training materials, diagrams, forms, DVDs, tapes, CDs, digital records, notes, or other similar materials.

4. A list of books in Collier County Public Schools classrooms, libraries, or media centers bearing any indication that some community members find the contents unsuitable or inappropriate for any subset of students;
5. All policy documents, memoranda, guidance, procedures or other information, including drafts, related to the use of stickers, labels, placards, notations, or notices placed in or on books in Collier County Public Schools classrooms, libraries, media centers, or the Destiny system to inform parents that some community members identify the contents of particular books as unsuitable for students;
6. All records of preparation for or documents of communications between July 28 and July 30, 2022, between Elizabeth Alves and Stephana Ferrell regarding the use of stickers, labels, placards, notations, or notices placed in or on books in Collier County Public School classrooms, libraries, media centers, or the Destiny system to inform parents that some community members identify the contents of particular books as unsuitable or inappropriate for any subset of students;
7. All records contained in or documenting communications related to the use of stickers, labels, placards, notations, or notices placed in or on books in Collier County Public School classrooms, libraries, media centers, or the Destiny system to inform parents that some community members identify the contents of particular books as unsuitable or inappropriate for any subset of students;
  - a. Between Collier County Public Schools staff or school board members and Keith Flaugh or any representatives of the Florida Citizens Alliance;
  - b. Between Collier County Public Schools staff or school board members and the Pacific Justice Institute;
  - c. Disseminated to Collier County Public School media specialists or other school staff;

For purposes of this request, please search for records regardless of format, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical materials. This request includes, without limitation, all correspondence, letters, emails, text messages, calendar entries, facsimiles, telephone messages, voice mail messages, and transcripts, notes, minutes, or audio or video recordings of any meetings, telephone conversations, or discussions. In searching for responsive records, however, please exclude publicly available news clips that mention otherwise responsive search terms.

The Florida Public Records Statute requires any state, county, district, or municipal agency or department to provide access to state, county, and municipal records. Fla. Stat. § 119.01(1). Only limited exceptions are provided for information that would harm an interest protected by a specific exemption or where disclosure is prohibited by law. *Id.* § 119.071. In the event that Collier County Public Schools wishes to withhold any documents or portions of documents, it must (1) cite the exact statute which authorizes the denial of records and (2) provide the basis for

asserting an exemption is applicable to a record. *Id.* § 119.07(1)(e).

If requested records are located in another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity. To the extent that the records are readily reproducible in a searchable, electronic format, we would prefer to receive the records in that format. However, if certain records are not available in that format, we are willing to accept the best available copy of each such record.

Please respond to this request in writing within a “reasonable” timeframe. Fla. Stat. § 119.07(1)(a). If all of the requested documents are not available within that time period, we request that you provide us with all requested documents or portions of documents that are available within that time period.

### ***Request for Fee Waiver***

Democracy Forward requests a waiver of document search, review, and duplication fees associated with processing records for this request.

The disclosure of the records sought here will contribute significantly to understanding of an issue of profound public importance. Democracy Forward also has a demonstrated ability to disseminate information of public interest requested through freedom of information statutes and intends to publicize records Democracy Forward receives that contribute significantly to the public’s understanding of the Collier County Public Schools’ use of stickers, labels, placards, notations, or notices to inform parents that some community members find the contents of particular books not suitable for students. Indeed, records received by Democracy Forward have often formed the basis of news reports.<sup>2</sup>

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<sup>2</sup> See, e.g., Alexander Nazaryan, *Why did right-wing troll Charles C. Johnson meet with Commerce Secretary Wilbur Ross?*, Yahoo News (May 14, 2019), <https://news.yahoo.com/why-did-rightwing-troll-charles-c-johnson-want-to-meet-with-commerce-secretary-wilbur-ross-090000636.html>; Derek Kravitz & Jack Gillum, “Happy to Do It”: Emails Show Current FAA Chief Coordinated With Ex-Lobbyist Colleagues on Policy, ProPublica (Mar. 27, 2019), <https://www.propublica.org/article/dan-elwell-current-faa-chief-coordinated-with-ex-lobbyist-colleagues-on-policy>; Hamid Aleaziz, *Emails Show US Border Officials Didn’t Receive “Zero Tolerance” Guidance Until After the Policy Was Enacted*, BuzzFeed News (Feb. 25, 2019), <https://www.buzzfeednews.com/article/hamedaleaziz/zero-tolerance-policy-guidance-dhs-family-separation>; Jonathan Cohn & Jeffrey Young, *Emails Show Trump Administration Was Told Obamacare Ad Cuts Could Hurt Enrollment*, Huffpost (Dec. 17, 2018), [https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut\\_us\\_5c115061e4b084b082ff8dba](https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut_us_5c115061e4b084b082ff8dba); Madison Pauly, *When the Biggest Prison Company Complained About a California Sanctuary Law, ICE Listened*, Mother Jones (Dec. 7, 2018), <https://www.motherjones.com/politics/2018/12/geo-memo-private-prison-california-immigration/>; Eliza Rellman, *‘Just Answer the Question and Kill This Story’: In Internal Emails, Heather Nauert Criticized Rex Tillerson’s Refusal to Deny Reports That He Called Trump a ‘Moron,’* Bus. Insider (Nov. 2, 2018), <https://www.businessinsider.com/heather-nauert-rex-tillerson-trump-moron-2018-11>; Rebecca Klein, *Lawsuit Accuses Betsy DeVos And Her Deputies Of Being Motivated By Sexism*, HuffPost (Oct. 31, 2018),

Democracy Forward is not filing this request to further any commercial interest, and any information obtained by Democracy Forward as a result of this request will be disclosed at no cost.

If the request for a waiver is denied, we are willing to pay all reasonable fees incurred for searching and duplicating records in responding to this request, up to \$100. If the costs of responding to this request should exceed that amount, please contact us before incurring costs exceeding that amount.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify us of the appeal procedures available to us under the law. We reserve the right to initiate legal proceedings for injunctive or declaratory relief if denied the opportunity to inspect the public records requested. *See* Fla. Stat. § 119.11.

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles to releasing fully the requested records within a reasonable timeframe, please contact JoAnn Kintz at [jkintz@democracyforward.org](mailto:jkintz@democracyforward.org) or 202-517-6600 or Brooke Menschel at [bmenschel@democracyforward.org](mailto:bmenschel@democracyforward.org) or (202) 773-0918.

We appreciate your assistance and look forward to your prompt response.

Sincerely,

/s/ JoAnn Kintz

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[https://m.huffpost.com/us/entry/us\\_5bd9ff6ee4b01abe6a1ad4a9](https://m.huffpost.com/us/entry/us_5bd9ff6ee4b01abe6a1ad4a9); Nick Penzenstadler, *A Year after Vegas Shooting, ATF Emails Reveal Blame, Alarm over Bump Stocks*, USA Today (Oct. 1, 2018), <https://www.usatoday.com/story/news/2018/10/01/year-after-vegas-shooting-atf-emails-reveal-blame-alarm-over-bump-stocks/1432137002/>; Jessica Kwong, *Ivanka Trump Was More Than Complicit in Obama Equal Pay Rollback She Had a Hand in It, Watchdog Alleges*, Newsweek (Aug. 29, 2018), <https://www.newsweek.com/ivanka-trump-equal-pay-complicit-obama-1093833>; Vera Bergengruen, *New Emails Show What Happens When The Pentagon Has To Scramble To Catch Up To Trump*, BuzzFeed News (July 25, 2018), <https://www.buzzfeednews.com/article/verabergengruen/these-emails-show-what-happens-when-the-white-house-keeps>; Erin Dooley, *Exclusive: Former For-Profit College Executive Shaped Education Department Policy That Could Benefit Former Employers: Documents*, ABC News (May 15, 2017), <https://abcnews.go.com/US/exclusive-profit%20college-executive-shaped-education-department-policy/story?id=55108981>; Heidi Przybyla, *Notes, Emails Reveal Trump Appointees' War to End HHS Teen Pregnancy Program*, NBC News (Mar. 20, 2018), <https://www.nbcnews.com/politics/politics-news/notes-emails-reveal-trump-appointees-war-end-hhs-teen%20pregnancy-n857686>; Dominic Holden, *Documents Show The Trump Administration Approved Bump Stocks Before It Opposed Them*, BuzzFeed News (Mar. 22, 2018), <https://www.buzzfeednews.com/article/dominicholden/trump-administration-bump-stocks>; Bernard Condon, *Trump Advisor Denies He Cheered End of Tunnel Funding Deal*, Associated Press (Feb. 13, 2018), available at <https://apnews.com/article/aab79ba7af7e474db353621746aa60bd>; Celeste Katz, *Interior Department Tapped Wildfire Preparedness Funds for Ryan Zinke Helicopter Tour*, Newsweek (Dec. 29, 2017), <https://www.newsweek.com/ryan-zinke-interior-department-helicopters-wildfires-757857>.

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