



October 5, 2022

VIA Electronic Mail

Florida Department of Education
Attn.: Public Records
325 W. Gaines Street, Suite 1544
Tallahassee, FL 32399
PRR@fldoe.org

Re: Request Pursuant to Florida Public Records Act

Dear Custodian of Records:

Pursuant to the Florida Public Records Statute, Fla. Stat. §§119.01-119.15, Democracy Forward Foundation, on behalf of the Florida Freedom to Read Project, submits this request for records.

Background:

On May 20, 2022, Florida Department of Education (“FLDOE”) Interim Commissioner on Education Jacob Oliva distributed a memorandum to school district superintendents seeking applications from school staff and trained media specialists and library experts to serve on a workgroup charged with developing an online staff training program mandated by House Bill 1467 (H.B. 1467), H.B. 1467, 2022 Leg., Reg. Sess. (Fla. 2022).¹ Nearly three months later on August 12, 2022, Mr. Olivia sent a second memo to superintendents, this time seeking nominations for parent members of the workgroup.² Both memoranda specifically noted that applications or nominations should include the subject’s resume.

Records Requested:

Pursuant to the Florida Public Records Statutes, I write to request the following specific records³ pertaining to the FLDOE’s implementation of H.B. 1467, beginning March 25, 2022, to present, unless otherwise noted:

¹ Memorandum from Jacob Oliva, Interim Comm’r of Educ., to Sch. Dist. Superintendents (May 20, 2022), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-9545/dps-2022-76.pdf>.

² Memorandum from Jacob Oliva, Senior C., to Sch. Dist. Superintendents (Aug. 12, 2022), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-9616/dps-2022-127.pdf>

³ 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.

1. Records of all communications to or from Jacob Olivia and Keith Flaugh, koflaugh@gmail.com, or any other email address associated with Mr. Flaugh.
2. Records of all communications to or from Amber Baumbach, amber.baumbach@fldoe.org, or any other email address associated with Mr. Hoeft on the one hand, and Keith Flaugh, koflaugh@gmail.com, or any other email address associated with Mr. Flaugh on the other hand.
3. Records of all communications to or from Kevin Hoeft, Kevin.Hoeft@fldoe.com, or any other email address associated with Mr. Hoeft on the one hand, and Keith Flaugh, koflaugh@gmail.com, or any other email address associated with Mr. Flaugh on the other hand.
4. Records of all emails sent by FLDOE staff or representatives in response to applications or nominations sent to the IMStaff@fldoe.org for the workgroup seeking to develop the online staff training mandated by H.B. 1467.
5. Records of all communications sent by FLDOE staff or representatives seeking additional information or resumes in response to applications or nominations sent to the IMStaff@fldoe.org for the workgroup seeking to develop the online staff training mandated by H.B. 1467.
6. Records of all communications to or from FLDOE staff or representatives concerning the workgroup seeking to develop the online staff training mandated by H.B. 1467 with:
 - a. Any member or representative of Florida Citizens Alliance;
 - b. Any member or representative of Moms For Liberty
 - c. Any member or representative of No Left Turn in Education

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 the FLDOE 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, on behalf of Florida Freedom to Read Project, 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. Florida Freedom to Read Project also has a demonstrated ability to disseminate information of public interest requested through Florida’s public records statutes and intends to publicize records received that contribute significantly to the public’s understanding of the FLDOE’s implementation of H.B. 1467 as well as FLDOE’s work related to library material within Florida public schools. Indeed, records received by Florida Freedom to Read Project are often disseminated publicly and have formed the basis of news reports.⁴

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

⁴ See, e.g., Kathryn Joyce, “*Statewide Book Bans*” Are Coming to Florida’s Classrooms, Enforced by the Far Right, Salon (Oct. 1, 2022, 6:00 AM), <https://www.salon.com/2022/10/01/statewide-book-bans-are-coming-to-floridas-classrooms-enforced-by-the-far-right/>; Kathryn Varn, ‘Parental Rights’ Movement Leaves out These Florida Parents. Here’s What They’re Doing about It, Tallahassee Democrat (Sept. 22, 2022, 7:15 PM), <https://www.tallahassee.com/story/news/education/2022/09/22/florida-moms-for-liberty-conservative-parental-rights-movement-leaves-out-these-parents/10360536002/>; Nick Papanonis, *Local School Committee Votes to Keep Controversial Books on Shelves, but Board Delays Next Step*, WFTV 9 (Sept. 6, 2022, 11:41 PM), <https://www.wftv.com/news/local/local-school-committee-votes-keep-controversial-books-shelves-board-delays-next-step/CQUTDJ7BF5E5DCOBPE43BUCCOQ/>; Kelly Jensen, *Few Parents Actually Opt Students Out of Florida School Library Books*, Book Riot (Aug. 31, 2022), <https://bookriot.com/florida-school-library-access/>; see also Florida Freedom to Read Project, *About*, <https://www.fftrp.org/about> (last visited Oct. 5, 2022); Florida Freedom to Read Project (@FLFreedomRead), Twitter, https://twitter.com/FLFreedomRead?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor (last visited Oct. 5, 2022).

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 or 202-517-6600 or Brooke Menschel at bmenschel@democracyforward.org or (202) 773-0918.

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

Sincerely,

/s/ JoAnn Kintz

JoAnn Kintz
Senior Counsel
Democracy Forward Foundation
P.O. Box 34553
Washington, DC 20043
(202) 517-6600
jkintz@democracyforward.org

/s/ Brooke Menschel

Brooke Menschel
Senior Counsel
Democracy Forward Foundation
P.O. Box 34553
Washington, DC 20043
(202) 773-0918
bmenschel@democracyforward.org