



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 March 25, 2022, Governor DeSantis signed into law House Bill 1467 (H.B. 1467), H.B. 1467, 2022 Leg., Reg. Sess. (Fla. 2022), requiring the Florida Department of Education (“FLDOE”) to develop an online training program for staff in Florida public schools involved in selecting and maintaining library materials. H.B. 1467 requires FLDOE to make the training available no later than January 1, 2023. On May 20, 2022, Interim Commissioner on Education Jacob Oliva sent a memorandum to school district superintendents seeking individuals for participation in a workgroup to develop the online training program.¹ On August 12, 2022, Senior Chancellor Jacob Oliva sent a memorandum to school district superintendents seeking nominations for parents or parent organizations to serve on a parents workgroup for developing the online training program for school library media.²

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>.

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 August 1, 2021, to present, unless otherwise noted:

1. From March 25, 2022 to present, any policy documents, memoranda, guidance, procedures or other information, including drafts, related to H.B. 1467 that were disseminated to, from, between, and among FLDOE staff and school district staff within Florida.
2. From March 25, 2022 to present, any internal memoranda, policy documents, guidance, procedures or other written documents, including drafts, relating to H.B. 1467 that were distributed to, from, between, and among FLDOE staff.
3. From March 25, 2022 to present, any records prepared for, or in anticipation of, the online training program mandated by H.B. 1467.
4. From March 25, 2022 to present, any records prepared for, or in anticipation of, the workgroup contemplated by Commissioner Oliva's May 20, 2022, memorandum to school district superintendents.
5. From March 25, 2022 to present, any records prepared for, or in anticipation of, the workgroup contemplated by Senior Chancellor Oliva's August 12, 2022, memorandum to school district superintendents.
6. Any policy documents, memoranda, guidance, and procedures related to FLDOE's policies and procedures for soliciting nominations for and making selections of members for FLDOE-initiated workgroups.
7. All records related to any FLDOE inquiries, investigations, or requests for information about school districts' purchase of the book "Gender Queer: A Memoir" by Maia Kobabe,⁴ including:
 - a. Requests for information made by FLDOE to the Orange County Schools or any other school library system in Florida;
 - b. Responses received by FLDOE to such requests from the Orange County Schools or any other school library system in Florida;
 - c. Results or reports about the outcome of any inquiries, investigations, or requests for information; and

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.

⁴ See Danielle Prieur, *Florida Department of Education Investigates Who Bought "Gender Queer" for Orange County Schools*, WUSF (May 29, 2022, 8:33 AM), <https://wusfnews.wusf.usf.edu/education/2022-05-29/florida-department-of-education-investigates-who-bought-gender-queer-for-orange-county-schools>; Leslie Postal, *State Orders Orange Schools to Say Who Bought 'Gender Queer' Book for Libraries*, Orlando Sentinel (May 26, 2022, 6:47 PM) <https://www.orlandosentinel.com/news/education/os-ne-gender-queer-state-investigation-orange-schools-20220526-bcqjdn4yferdodvluuof4ovki-story.html>.

- d. Communication to, from, between, and among FLDOE staff and the Governor's office or any other Florida agency.

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.⁵

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.

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,

⁵ *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).

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