

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF FLORIDA, INC.,

Plaintiff,

v.

FLORIDA DEPARTMENT OF LAW  
ENFORCEMENT,

Defendant.

Case No. \_\_\_\_\_

**IMMEDIATE HEARING  
REQUESTED PURSUANT TO  
SECTION 119.11(1), FLA. STAT.**

**COMPLAINT TO ENFORCE PUBLIC RECORDS ACT**

Plaintiff American Civil Liberties Union Foundation of Florida, Inc. (ACLU-FL) sues the Florida Department of Law Enforcement (FDLE) for violating Article I, Section 24 of the Florida Constitution and Florida's Public Records Act (PRA), Chapter 119, Florida Statutes. In support, ACLU-FL states:

**INTRODUCTION**

1. FDLE has unlawfully refused access to non-exempt public records concerning FDLE's collection efforts with respect to the DeSantis administration's Executive Order ("EO") 21-223, which requires FDLE, among other things, to: (1) "determine the number and identities of all illegal aliens who have been transported from the Southwest Border to the State of Florida since January 2021"; and (2) "determine on an ongoing basis the number and identities of all illegal aliens whom the U.S. Department of Homeland Security, as well as any other federal

departments or agencies, federal contractors, or affiliated non-governmental organizations, are transporting from the Southwest Border to the State of Florida.” In response to ACLU-FL’s public records requests, FDLE has identified 3,845 emails responsive to one request, and 3,684 files (8.55GB) in response to a second request. Despite making these requests in August and September 2022, respectively, ACLU-FL has not received any documents, cost estimates, or anticipated production dates. Given FDLE’s refusal to comply with the PRA, ACLU-FL seeks relief from this Court to order FDLE to comply with its legal obligations.

### **JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction pursuant to Article V, Section 5(b) of the Florida Constitution and Section 119.11 of the Florida Statutes.

3. Venue is proper in Leon County because the public records at issue are located there.

4. All conditions precedent to this action have occurred or have been excused or waived. Specifically, ACLU-FL has provided FDLE with presuit notice under 119.12(1)(b), Florida Statutes, for the two public records requests at issue.

5. Pursuant to Section 284.30, Florida Statutes, a copy of this Complaint, which includes a request for attorneys’ fees and costs, is being served on the Florida Department of Financial Services.

## PARTIES

6. The ACLU of Florida is a non-profit tax-exempt organization dedicated to the protection of civil liberties and constitutional rights of all people. ACLU-FL serves an important public education function, regularly disseminating information of interest to the public through e-mails, news briefings, and other public-education materials and events.

7. One of ACLU-FL's missions is to protect the rights of immigrants in the state by ensuring that state policies and legislation, as enacted or as implemented, do not violate the limits that the U.S. Constitution places on unilateral state immigration laws. *See, e.g., Arizona v. United States*, 567 U.S. 387 (2012) (striking parts of a state immigration law as both field- and conflict-preempted by federal immigration law).

8. The disclosure of the requested information will “promote public awareness and knowledge of governmental actions in order to ensure that governmental officials and agencies remain accountable to the people.” *Forsberg v. Housing Authority of the City of Miami Beach*, 455 So.2d 373, 378 (Fla. 1984).

9. Defendant FDLE is a public agency, as defined by Section 119.011(2), Florida Statutes, and part of the executive branch. FDLE is subject to Article I, Section 24 of the Florida Constitution and the PRA. As such, FDLE has a legal duty to permit the inspection, examination, and copying of its records by any person. *See* § 119.07, Fla. Stat.

## **FACTUAL BACKGROUND**

10. On September 28, 2021, Florida Governor Ron DeSantis issued EO 21-223, citing the necessity to “collect additional data and information on illegal aliens who have resettled in Florida from the Southwest Border, the illegal alien population in Florida generally, and the impact of illegal immigration on the health, safety, welfare, and prosperity of Floridians.”

11. Section 3 of the EO directed the FDLE Commissioner “to determine the number and identities of all illegal aliens who have been transported from the Southwest Border to the State of Florida since January 2021 until the effective date of this Executive Order and are believed to remain in Florida.”

12. Section 4 directed FDLE to continue collecting this information on “an ongoing basis” in coordination with the Florida Highway Patrol.

13. Section 11 defines “illegal alien” as an individual lacking “immigration status,” which appears to include “unaccompanied alien children” and individuals who have been “paroled” into the United States under 8 U.S.C. § 1182(d)(5).

14. On August 17, 2022, in response to the EO, ACLU-FL sent FDLE a request for records going back to May 1, 2021, related to FDLE’s data collection mandate under the EO. ACLU-FL requested (i) internal policies or other agency guidance issued by FDLE in connection with implementing the EO (or in connection with immigration or citizenship going back to May 1, 2021); (ii) copies of the information collected under the EO; (iii) records of FDLE’s determinations of the number of “illegal aliens” transported since January 2021 under the EO; and

(iv) emails that mention “illegal aliens” and other terms that appear in the EO, including “strike force,” a reference to an immigration enforcement initiative involving FDLE, announced by Governor DeSantis on June 17, 2022.

15. On September 23, 2022, ACLU-FL sent a second records request to FDLE in response to reports that FDLE had been involved in preparations for the DeSantis administration’s high-profile relocation of migrants from Texas to Massachusetts that month.<sup>1</sup>

16. The State of Florida purportedly arranged those flights pursuant to (i) 2022 budget legislation (Florida Senate Bill (“SB”) 6B, <https://www.flsenate.gov/Session/Bill/2023B/6B>) that created an “Unauthorized Alien Transportation Program,” initially administered by Florida Department of Transportation (FDOT), and (ii) Florida SB 1808 (which became law June 17, 2022). <https://www.flsenate.gov/Session/Bill/2022/1808>. SB 1808 requires various state entities—clerks of the court, county detention facilities, and the Department of Corrections—to transmit to FDLE the “immigration status” of Florida inmates and defendants. *Id.* SB 1808 also requires common carriers to attest that they will not provide transportation into the state of Florida to “unauthorized aliens,” defined as persons

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<sup>1</sup> The Bexar County Sheriff’s Office announced on June 5, 2023 that it filed a criminal case with the county’s district attorney over the September 2022 flights from San Antonio to Martha’s Vineyard. See, e.g., *Texas sheriff recommends criminal charges over flights to Martha’s Vineyard*, AXIOS, (June 5, 2023) <https://www.axios.com/2023/06/06/ron-desantis-texas-sheriff-criminal-charges-migrants>. And a federal lawsuit against Gov. DeSantis for the same flights is pending. *Alianza Americas v. DeSantis*, 1:22-cv-11550 (D. Mass.).

not “lawfully present” in the United States under the Immigration and Nationality Act. *Id.*

17. ACLU-FL’s second records request to FDLE sought (i) any internal policies or other agency guidance FDLE issued in connection with implementing SB 1808 and the budget bill; (ii) reports, evaluations and presentations used by certain FDLE officials in connection with the budget bill, SB 1808, or EO 21-2233; (iii) records of any 2022 interstate travel by certain FDLE officials in connection with the budget bill, SB 1808, or EO 21-2233; and (iv) emails of certain FDLE officials that (after July 1, 2022) mention “unauthorized alien” and other terms related to the September 14 migrant relocations. (The request also asked for emails with Fox News—which was authorized by Florida to film the relocations—during the relevant week of September 2022.)

18. EO 21-223 and SB 1808 are two parts of the same scheme by the government of Florida to address the alleged detrimental “impact of illegal immigration” on the state (see EO 21-223 generally and at 3), which the EO and SB 1808 both attribute to the policies of the federal government under the Biden administration.

19. How the two measures work together is unclear. For example, EO 21-223’s special definition of “illegal aliens” as persons lacking “immigration status,” and whose immigration information FDLE must collect, could provide a definition of the “immigration status” information FDLE is to receive from other state entities under SB 1808, but seems inequivalent to SB 1808’s term “unauthorized alien.”

20. It is nonetheless clear that FDLE plays a central role in processing information and coordinating efforts related to illegal immigration in Florida under the scheme.

21. In fact, this role (including in the “strike force”) was expanded by new state immigration law SB 1718, enacted in May 2023, effective July 1, 2023, which creates new criminal penalties for people who transport certain noncitizens into Florida, and adopts new measures affecting “unauthorized aliens.” See SB 1718 (2023), <https://www.flsenate.gov/Session/Bill/2023/1718>.

22. This scheme is state intervention in the sphere of federal immigration, intended as a form of conflict with the federal government rather than as a form of cooperation, which raises constitutional concerns.

23. The precise extent of the intervention will determine whether the State’s actions are preempted by federal law and whether those actions threaten the rights of immigrants in Florida.

24. ACLU-FL's records requests aimed to clarify the extent of the state’s intervention, ultimately for purposes of (i) ensuring that EO 21-223 and SB 1808 do not unconstitutionally threaten the rights of immigrants in the state; (ii) holding the state accountable to public statements it has made in the context of those actions and in support of subsequent immigration measures (including SB 1718) regarding the “effects of illegal immigration” on the state since January 2021; and (iii) facilitating the public’s understanding of future actions by the state (which in

2023 passed yet another budget for relocating migrants to other states in the future).

25. By failing to produce the requested records prior to the end of the latest legislative session, FDLE denied ACLU-FL the opportunity to hold the state accountable in time for its work in the legislature and to educate the public regarding public statements the state made in the context of SB 1808 and EO 21-223—and which the state repeated in promoting support for SB 1718.

26. On July 17, 2023, ACLU-FL and a group of legal organizations (including the Southern Poverty Law Center, Americans for Immigrant Justice, and American Immigration Council) filed a federal lawsuit on behalf of individual and organizational plaintiffs seeking to enjoin one provision of SB 1718 on grounds of federal preemption. See *The Farmworker Assoc. of Fla., Inc. et al. v. DeSantis et al.*, Case No. 1:23-cv-22655-RKA (S.D. Fla.).

27. Furthermore, by continuing to delay production of the records, FDLE is significantly limiting ACLU-FL's ability to (i) ensure that EO 21-223 and SB 1808 do not unconstitutionally threaten the rights of immigrants in the state and (ii) facilitate the public's understanding of future actions by the state regarding the alleged "impact of illegal immigration." EO 21-223 at 3.

28. Simultaneously with ACLU-FL's second request to FDLE, in September 2022, ACLU-FL sent FDOT a request for records related to the unauthorized alien transportation program.

29. FDOT has produced over 1,000 records in response to the request.

30. FDLE has produced no records in response to any of ACLU-FL's requests, including the earlier request from August 2022.

## **THE REQUESTS**

### ***First Request / PRR-2022-2157***

31. On August 17, 2022, ACLU-FL emailed FDLE custodian of records requesting access to and a copy of the following public records pertaining to FDLE for the time period beginning May 1, 2021, and ending August 17, 2022 ("First Request" or "PRR-2022-2157"):

1. Any and all written policies or procedures, manuals, legal updates, newsletters, training documentation, brochures, PowerPoints, written directives, or other written personnel instructions or guidance, issued or produced during the relevant time period in connection with any of the following:
  - Executive Order (or "EO") 21-223; or
  - Citizenship, immigration, foreign nationals, or foreign birth, including criteria for determining that an individual is an "illegal alien."
  
2. Any and all data or information collected pursuant to EO 21-223, as well as any and all analyses or reports describing or pertaining to such data or information, including data and information related to:
  - Name, country of origin, last known address of each "illegal alien;"
  - Whether the "illegal alien" is an adult or minor;
  - Criminal history of the "illegal alien," including whether the alien has previously entered the United States illegally;
  - Name and last known address of the sponsor of each "illegal alien" (if applicable);
  - Date, location, and status of removal proceedings for each "illegal alien," including whether the alien has failed to appear for his or her removal proceeding;

- Destination of each “illegal alien;”
  - Anticipated date and location of arrival of each “illegal alien;”
  - Whether the “illegal alien” has been tested for the corona virus; and
  - Information on individuals reasonably suspected of involvement in the commission of offenses that would constitute a violation of Florida law related to human smuggling or human trafficking.
3. Any and all EO 21-223-related determinations by FDLE of the number and identities of all “illegal aliens” who have been transported from the U.S.-Mexico border to Florida since January 1, 2021; and
  4. Any and all FDLE emails (including email threads and attachments) mentioning EO 21-223 or the words “border crisis,” “southern border,” “human trafficking,” “smuggling,” “unauthorized alien,” “illegal alien,” or “strike force.”

A copy of the letter is attached as Exhibit A.

***Second Request / PRR-2022-2524***

32. On September 23, 2022, ACLU-FL emailed FDLE requesting access to and a copy of the following public records pertaining to FDLE (“Second Request” or “PRR-2022-2524”):

1. Any and all policies, rules, procedures, standards, directives, manuals, or other written guidance, created by your agency to implement or support the implementation of:
  - Senate Bill 1808; or
  - Any program “to facilitate the transport of unauthorized aliens” pursuant to Section 185 of the 2022 General Appropriations Act.
2. Any and all reports, evaluations, PowerPoints and other written presentations, created or received by Special Agents in Charge or Assistant Special Agents in Charge, including John Vecchio, related to:

- Executive Order 21-223; or
  - Senate Bill 1808; or
  - Any program “to facilitate the transport of unauthorized aliens” pursuant to Section 185 of the 2022 General Appropriations Act.
3. Any and all authorizations, vouchers, receipts, invoices, reports, or other records of any interstate travel in 2022 by Special Agents in Charge, Assistant Special Agents in Charge, Commissioner, Assistant Commissioners, Chief of Staff, Director of Legislative Affairs, Director of Policy and Planning, Director of Statewide Intelligence, Director of Budget, General Counsel, Director of Executive Investigations, Director of Criminal Justice Information, and their respective staff, related to:
- Executive Order 21-223; or
  - Senate Bill 1808; or
  - Any program “to facilitate the transport of unauthorized aliens” pursuant to Section 185 of the 2022 General Appropriations Act; or
  - Immigration, migration, human trafficking, smuggling, asylum, or border security.
4. Any and all FDLE emails sent to, received from, or copying Fox News or Fox Corporation, or any employee or agent thereof, from September 9 to September 16, 2022.
5. Any and all emails, email attachments, electronic spreadsheets and other word-searchable electronic documents, created or received by the agency’s Special Agents in Charge, Assistant Special Agents in Charge, Commissioner, Assistant Commissioners, Chief of Staff, Director of Legislative Affairs, Director of Policy and Planning, Director of Statewide Intelligence, Director of Budget, General Counsel, Director of Executive Investigations, Director of Criminal Justice Information, and their respective staff, on or after July 1, 2022, that include any of the following terms:
- unauthorized alien
  - unauthorized aliens
  - illegal aliens
  - illegal alien

- Vertol
- Perla
- Ultimate Air
- Ultimate Jetcharters
- Ultimate Jet
- Del Rio
- San Antonio
- San Pedro
- San Pedro 7000
- Migrant Resource Center
- Migrant Resource Centre
- Eagle Pass
- Martha's Vineyard
- Marthas Vineyard
- Boston
- Massachusetts Refugee Benefits
- AR-11
- Consent to transport
- texas.gov
- txdot.gov
- gov.texas.gov
- tdem.texas.gov
- Itgov.texas.gov
- sanantonio.gov

A copy of the letter is attached as Exhibit B.

***FDLE Initial Response to First Request***

33. At the end of the first week of October 2022, ACLU-FL and FDLE worked together to narrow the number of responsive documents for the First Request.

34. For example, when FDLE informed ACLU-FL that the archived email search (Item 4) yielded over 110,000 results with a date range and over 884,000 without, ACLU-FL provided revised search criteria that in turn returned 3,845

emails. See Correspondence between FDLE General Counsel Janine Robinson and ACLU-FL Staff Attorney Amien Kacou, attached as Exhibit C, at ACLU-04-06.

35. FDLE informed ACLU that they were processing “dozens of public records requests received and invoiced prior to yours” and that “records needed for pending civil or criminal litigation or extenuating circumstances such as Hurricane Ian and the delays as a result of COVID impacts” took precedence. Ex. C, at ACLU-03.

36. FDLE also complained of staffing shortages:

Our fulfillment time has been further set back as in the past 6 weeks our public records unit has lost 60% of our review and research staff, including the staff member who primarily processed emails and we have only 2 persons to review and redact records for the agency. We are making our best efforts with the resources we currently have, but are unable to provide estimated completion times.

*Id.*

37. ACLU-FL, recognizing FDLE’s capacity constraints, proposed narrowing the First Request’s search criteria by limiting the item 4 request to emails with specific FDLE employee job categories. Ex. C, at ACLU-02.

38. ACLU also informed FDLE that requested records did not have to be released simultaneously, and that FDLE was free to prioritize items 1-3 over the item 4 emails. *Id.*

39. FDLE informed ACLU-FL that with respect to prioritization, FDLE had already completed the email research and extracted the emails from its archives. *Id.* Ex. C, at ACLU-01-02.

40. With respect to limiting the search by job categories, FDLE suggested that doing so could increase the time necessary to complete the request—because determining which people fell into those limited job categories would take considerable time. *Id.*

41. ACLU-FL then proposed a revised email search that would take additional time initially but significantly decrease overall review and redaction time. *Id.* at ACLU-01.

42. ACLU-FL and FDLE also discussed FDLE's checking with its vendor to determine if a query could be run to exclude emails with attachments, as many such emails were presumed to contain archived news articles. *See, e.g., id.* at ACLU-01, 03-04.

43. On October 13, ACLU-FL inquired as to the status of the request. *Id.* at ACLU-01.

44. For the next nearly four months, FDLE was silent and provided no response.

45. Having heard nothing, ACLU-FL reached out to FDLE on February 7, 2023 and pursuant to a subsequent conversation between the two entities, ACLU proposed adjusting search terms for item 4—again to facilitate and minimize the number of results. *See* Correspondence between FDLE General Counsel Janine Robinson and ACLU-FL Staff Attorney Amien Kacou, attached as Exhibit D, at ACLU-08-10.

46. On February 13, FDLE indicated it was working on the request, and asked for clarification regarding search criteria, which ACLU then clarified, and which FDLE confirmed was “an easy adjustment.” *Id.* at ACLU-07-08.

***FDLE Initial Response to Second Request***

47. On February 7, 2023—four and a half months from submitting PRR-2022-2524—ACLU asked FDLE for an update as to that Second Request. See Correspondence between FDLE General Counsel Janine Robinson and ACLU-FL Staff Attorney Amien Kacou, attached as Exhibit E, at ACLU-12.

48. FDLE responded:

FDLE has 352 public records requests received and pending fulfillment prior to receipt of yours dated September 23, 2022. Having said that, FDLE is actively conducting research on this large records request and pulling responsive records together which must be reviewed. Once we have the [sic] responsive records from the program areas, we will send you a deposit invoice. Unfortunately, due to the volume of pending requests and our severely limited staff, we cannot advise of a fulfillment date.

*Id.*

***ACLU Submits Notice of Claim for Both Requests***

49. On March 1, 2023, ACLU sent the FDLE custodian of records a notice of claim for PRR-2022-2157 and PRR-2022-2524. A copy of the notice of claim is attached as Exhibit F; see *also* emails between FDLE General Counsel Janine Robinson and ACLU-FL Staff Attorney Amien Kacou, attached as Exhibit G, at ACLU-17.

50. By this point, ACLU had received not a single record, no invoice, and no time estimate for fulfillment for either request.

51. FDLE replied the same day:

Despite FDLE's recent efforts to work with you on these requests, please be advised that as of today's date, there are 211 public records requests received, docketed, and pending fulfillment prior to PRR-2022-2157; and 333 public records requests received, docketed, and pending fulfillment prior to PRR-2022-2524.

See Exhibit G, at ACLU-16.

52. FDLE also informed ACLU-FL that the email search criteria adjusted February 9-13 "did not alter or delay the fulfillment status." *Id.*

53. On March 31, ACLU-FL pointed out to FDLE that had it known changes to search criteria could be made without altering fulfillment status, ACLU could have "suggested further adjustments at an earlier date or a different approach altogether." *Id.* at ACLU-15.

54. ACLU-FL then proposed several adjustments to the search criteria for the second request. For item 3, ACLU proposed two deletions and one substitution to the search terms for item 3—again with the goal of reducing the number of items and accelerating processing of the records. ACLU deleted item 4 altogether. ACLU proposed adjusting item 5 with various deletions, exclusions and substitutions that would narrow the search. *See id.*

55. On April 2, FDLE responded:

FDLE's public records and records production unit has been operating with a severely depleted staff for many months, despite our *numerous and repeated* efforts to recruit, hire, and train new staff in public records production. Even when new staff comes aboard, training to achieve moderate knowledge and proficiency requires at least six (6) months and up to a year. Presently, we have only *three (3) staff* reviewing and redacting records full-time, with our unit manager and myself undertaking these duties as well. As of today's date, FDLE has at least 1,120 docketed and open records requests pending fulfillment, including those submitted by the ACLU.

*Id.* at ACLU-14-15 (emphasis in original).

56. FDLE stated that as of April 2, 2023, that FDLE now had 191 open public records requests pending fulfillment prior to fulfilling ACLU-FL's first request, and 290 records requests open and pending fulfillment prior to fulfilling ACLU-FL's second request. *Id.*

57. In other words, in one month, between March 1 and April 2, FDLE had reduced the number of requests ahead of ACLU-FL's First and Second Requests by 20 and 43, respectively, an average of 31.5 requests. At this rate, FDLE would complete the First and Second Requests in 5 and 7 months, respectively—October/November 2023 for the First, and January/February 2024 for the Second. In other words, the First Request would be fulfilled approximately 14-15 months after being submitted and the Second Request would be fulfilled 13-14 months after its being submitted.

58. FDLE informed ACLU-FL that for the second request, “Research for responsive records has been conducted and there are 3,684 files/ 8.55 GB of materials.” *Id.*

59. FDLE also stated that “As we previously discussed, a portion is affected by pending grand jury proceedings.” *Id.*

60. FDLE said it would follow up with the Office of Statewide Prosecutor and advise with respect to the grand jury. *Id.* (The grand jury proceedings should have reduced the number of responsive records, facilitating FDLE’s providing other responsive documents.)

61. As of the filing of this Complaint, ACLU-FL has yet to receive any responsive documents, invoices, time estimate for either request, or any other follow-up correspondence or information from FDLE on the subject requests.

62. FDLE is refusing to comply with its obligations under the PRA, forcing ACLU-FL to endure the burdens of litigation to obtain these public records.

#### **FDLE’S REFUSAL AND DELAY VIOLATES THE PRA**

63. Under the Florida Constitution, “Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf.” See Art. I, § 24(a), Fla. Const.

64. “[T]he spirit, intent and purpose of the [PRA] requires a liberal judicial construction in favor of the public and a construction which frustrates all evasive devices.” *Florida Parole and Probation Comm’n v. Thomas*, 364 So. 2d 480, 481

(Fla. 1st DCA 1978); *see also Lake Shore Hosp. Auth. v. Lilker*, 168 So. 3d 332, 333 (Fla. 1st DCA 2015) (“The Act is to be construed liberally in favor of openness.” (citation and internal quotation marks omitted)).

65. The Florida Supreme Court has stressed that the only permissible delay in producing records pursuant to the Public Records Act “is the limited reasonable time allowed the custodian to retrieve the record and delete those portions of the record the custodian asserts are exempt.” *Tribune Co. v. Cannella*, 458 So. 2d 1075, 1079 (Fla. 1984). In *Cannella*, the Court held that the City of Tampa violated the PRA by implementing an automatic 24-hour delay in producing personnel files in order to allow the employees to review the files. 458 So. 2d at 1078. Although there is no fixed time frame for complying with public records requests, unreasonable and excessive delays in producing records constitute an unlawful refusal to provide access to public records. *See, e.g., Town of Manalapan v. Rechler*, 674 So. 2d 789, 790 (Fla. 4th DCA 1996); *Promenade D’Iberville, LLC v. Sundy*, 145 So. 3d 980, 983 (Fla. 1st DCA 2014) (“Unjustified delay in making non-exempt public records available violates Florida’s public records law.”) (60-day delay unlawful); *Off. of State Att’y for Thirteenth Jud. Cir. of Fla. v. Gonzalez*, 953 So. 2d 759, 765 (Fla. 2d DCA 2007) (90-day delay tantamount to refusal); *Grapski v. City of Alachua*, 31 So.3d 193, 197 (Fla. 1st DCA 2010) (strategic delay unlawful).

66. Moreover, a state agency cannot respond to a request but then delay in actually producing records. See *Hewlings v. Orange Cty.*, 87 So. 3d 839, 841 (Fla. 5th DCA 2012) (awarding attorney’s fees where a public agency responded to a public records request but did not actually produce records); see also *N.Y. Times Co. v. PHH Mental Health Servs., Inc.*, 616 So.2d 27, 29 (Fla. 1993) (“If public agencies are required to pay attorney's fees and costs to parties who are wrongfully denied access to the records of such agencies, then the agencies are less likely to deny proper requests for documents.”).

67. FDLE has failed to produce a single record that is responsive to any of the requests at issue in this Complaint. These requests have been pending since August and September 2022—months past the timeframes that the courts in the cases cited above found constituted unlawful delay, and well beyond the limited amount of time for retrieval, redaction and production permitted under the PRA.

68. Without seeking judicial intervention, it is unclear whether ACLU-FL would ever receive these records given that the administration is taking action to review certain public records requests for secondary review, in violation of the clear mandate of the PRA. See Mary Ellen Klas, *DeSantis casts shade on Florida’s open-records Sunshine Law*, Tampa Bay Times (Mar. 18, 2023), <https://www.tampabay.com/news/florida-politics/2023/03/18/desantis-casts-shade-floridas-open-government-sunshine-laws/> (discussing EOG’s secondary, months-long review of information “of high value to the governor” and FDLE’s inability to provide fulfillment dates for records production).

**COUNT I**  
**(Unlawful Refusal to Provide Public Records)**

ACLU-FL incorporates the allegations contained in paragraphs 1 through 68 and all referenced exhibits, as if fully set forth herein.

69. The records requested are public records as encompassed by Article I, Section 24(a) of the Florida Constitution, defined in Section 119.011(12), Florida Statutes, and as interpreted by Florida courts.

70. The constitutional right of access to public records applies to “any public body, officer, or employee of the state, or persons acting on their behalf . . . .” See Art. I, § 24, Fla. Const.

71. FDLE is a “public body” under Article I, Section 24 of the Florida Constitution.

72. FDLE is also a public agency as defined in Section 119.011(2), Florida Statutes.

73. FDLE has both a constitutional and statutory legal obligation pursuant to Section 119.07, Florida Statutes to provide access to and copies of any non-exempt public records upon request.

74. No public records law exemptions exist that would prevent the inspection or copying of the records requested in the first request.

75. As to the second request, FDLE has stated that *a portion* of the request may be “affected” by pending grand jury proceedings, but as to the remainder of the documents requested, no exemptions exist that would prevent

the inspection or copying of the unaffected portion of the records responsive to the second request.

76. FDLE has failed and refused to provide the records requested in the first and second requests.

77. FDLE's failure, refusal, and related delay in providing the public records requested violates Chapter 119, Florida Statutes, and Article I, Section 24(a) of the Florida Constitution.

### **REQUEST FOR IMMEDIATE HEARING**

78. Section 119.11(1), Florida Statutes provides that courts are to set immediate hearings in actions to enforce the provisions of the PRA and are to give such cases priority over other pending cases. *See Salvador v. Fennelly*, 593 So. 2d 1091, 1094 (Fla. 4th DCA 1992) (recognizing the importance of the statutory provision for immediate hearings in PRA cases because "time can sometimes be an important element in the right of access to public records").

79. Although FDLE has unlawfully delayed for almost a year, time is still an important element here. As referenced above, by continuing to delay production of these records, FDLE is significantly limiting ACLU-FL's ability to (i) ensure that EO 21-223 and SB 1808 do not unconstitutionally threaten the rights of immigrants in the state and (ii) facilitate the public's understanding of future actions by the state regarding the alleged "impact of illegal immigration." EO 21-223 at 3.

80. ACLU-FL therefore requests an immediate hearing (telephonic or otherwise) and that this case be given priority over other pending cases.

### **REQUEST FOR ATTORNEYS' FEES**

81. Section 119.12, Florida Statutes provides that “[i]f a civil action is filed against an agency to enforce the provisions of this chapter, the court shall assess and award the reasonable costs of enforcement, including reasonable attorney fees, against the responsible agency if ... [t]he agency unlawfully refused to permit a public record to be inspected or copied[.]”

82. FDLE has unlawfully refused to permit the inspection and copying of the public records at issue in this lawsuit.

83. ACLU-FL is therefore entitled to all reasonable costs, including its attorneys' fees, incurred in enforcing its right to access the subject public records as set forth in Section 119.12, Florida Statutes.

84. ACLU provided FDLE with presuit notice under 119.12(1)(b), Florida Statutes, more than five business days prior to the filing of this lawsuit.

85. ACLU-FL has retained undersigned counsel in this matter and agreed to pay attorneys' fees and costs in connection with this matter.

86. ACLU-FL is entitled to recovery of all of the above fees, costs and expenses.

## **RELIEF REQUESTED**

WHEREFORE, American Civil Liberties Union of Florida, Inc. requests that this Court:

- (a) Set an immediate hearing pursuant to Section 119.11(1), Florida Statutes;
- (b) Find that the records requested are public records subject to disclosure under the PRA and Article I, Section 24 of the Florida Constitution, to which no valid exemption applies;
- (c) Find that FDLE unlawfully delayed and refused to permit access to the records requested violation of the PRA and Article I, Section 24 of the Florida Constitution;
- (d) Order FDLE to immediately provide to ACLU-FL all outstanding records responsive to ACLU-FL public records requests at issue in this lawsuit;
- (e) Award ACLU-FL its reasonable attorneys' fees and costs incurred in this action, as provided in Section 119.12, Florida Statutes;
- (f) Grant ACLU-FL such additional and further relief as this Court deems just and proper.

Dated: July 19, 2023.

Respectfully submitted,

/s/ James M. Slater

James M. Slater (FBN 111779)  
Slater Legal PLLC  
113 S. Monroe Street  
Tallahassee, Florida 32301  
james@slater.legal  
Tel.: (305) 523-9023

-and-

/s/ Joshua Tarjan

Joshua Tarjan (FBN 107092)  
The Tarjan Law Firm P.A.  
12372 SW 82 Avenue  
Pinecrest, FL 33156  
josh@tarjanlawfirm.com  
Tel.: (305) 423-8747

-and-

/s/ Faudlin Pierre

Faudlin Pierre (FBN 56770)  
Pierre Simon  
600 SW 4th Avenue  
Fort Lauderdale, FL 33315-1012  
fplaw08@yahoo.com  
Tel.: (305) 336-9193

-and-

/s/ Amien Kacou

Amien Kacou (FBN 44302)  
ACLU Foundation of Florida, Inc.  
4023 N. Armenia Avenue, Suite 450  
Tampa, FL 33607  
akacou@aclufl.org  
Tel.: (813) 288-8390

*Counsel for Plaintiff American Civil  
Liberties Union Foundation of Florida,  
Inc.*

# Exhibit A



4023 N. Armenia Ave., Ste. 450, Tampa, FL 33607

---

August 17, 2022

Sent via email to:

publicrecords@fdle.state.fl.us  
Florida Department of Law Enforcement  
Attn: Office of General Counsel Public Records  
P.O. Box 1489  
Tallahassee, FL 32302-1489

**Re: Public Records Request** for Citizenship and Immigration Related Data, Documents and Emails

Dear Custodian of Public Records:

In accordance with Article I, section 24 of the Florida Constitution, and pursuant to the Florida Public Records Law, Fla. Stat. § 119, et. seq., I am writing to request access to and a copy of the following public records pertaining to your agency (Florida Department of Law Enforcement, or “FDLE”) for the time period beginning on May 1, 2021, and ending on August 17, 2022:

1. Any and all written policies or procedures, manuals, legal updates, newsletters, training documentation, brochures, PowerPoints, written directives, or other written personnel instructions or guidance, issued or produced during the relevant time period in connection with any of the following:
  - Executive Order (or “EO”) 21-223; or
  - Citizenship, immigration, foreign nationals, or foreign birth, including criteria for determining that an individual is an “illegal alien.”
2. Any and all data or information collected pursuant to EO 21-223, as well as any and all analyses or reports describing or pertaining to such data or information, including data and information related to:
  - Name, country of origin, last known address of each “illegal alien;”
  - Whether the “illegal alien” is an adult or minor;
  - Criminal history of the “illegal alien,” including whether the alien has previously entered the United States illegally;
  - Name and last known address of the sponsor of each “illegal alien” (if applicable);
  - Date, location, and status of removal proceedings for each “illegal alien,” including whether the alien has failed to appear for his or her removal proceeding;
  - Destination of each “illegal alien;”
  - Anticipated date and location of arrival of each “illegal alien;”
  - Whether the “illegal alien” has been tested for the corona virus; and
  - Information on individuals reasonably suspected of involvement in the commission of offenses that would constitute a violation of Florida law related to human smuggling or human trafficking.

3. Any and all EO 21-223-related determinations by FDLE of the number and identities of all “illegal aliens” who have been transported from the U.S.-Mexico border to Florida since January 1, 2021; and
4. Any and all FDLE emails (including email threads and attachments) mentioning EO 21-223 or the words “border crisis,” “southern border,” “human trafficking,” “smuggling,” “unauthorized alien,” “illegal alien,” or “strike force.”

### GENERAL INFORMATION ABOUT THE REQUEST

Please interpret the word “or” inclusively throughout this request.

As required by law, please acknowledge that you have received this public records request and provide an estimated timeframe in which you believe that you will be able to provide the requested information. *See* § 119.07(1)(c), Fla. Stat.

If you are unable or refuse to provide part or all of the requested public information, please explain in writing and with particularity the reasons for not providing the requested public information in its entirety, as required by Section 119.07(1), Fla. Stat. If any exemption that you assert applies to only a portion of the records (as opposed to the entire record), please redact the portion you claim is exempt, provide copies of the remainder of the record or records, and detail your reasons for the modification as required by Section 119.07(1), Fla. Stat.

I request that you produce responsive materials in their entirety, including all attachments, appendices, enclosures and/or exhibits. To the extent that a response to this request would require you to provide multiple copies of identical material, the request is limited so that only one copy of the identical material is requested.

**If any of the requested records are maintained in a common-format electronic-medium, please provide these records in such native electronic medium and not in paper form.** *See* § 119.083(5), Fla. Stat. For purposes of this request, common electronic formats include (1) American Standard Code for Information Interchange (“ASCII”), (2) files formatted in one of the Microsoft Office Suite, Corel Suite, OpenOffice Suite, or IBM’s Lotus Suite applications (.doc, .xls, .ppt, .mdb, .wpd, etc.), (3) a text file (.txt), (4) hypertext markup language (.html) or similar web page language, or (5) common media file formats, including mp3, mp4, wma, wav. These common formats are the preferred electronic mediums for production. However, if any of the requested records are only maintained or only can be produced as electronic images, for example a portable document format (.pdf), (n.b., it is possible to print documents into a PDF format either by using Acrobat Professional or a free PDF driver like cutePDF.com), then as an alternative, we request an electronic-image format, preferably PDF. *See* § 119.01(2), Fla. Stat.

The ACLU of Florida is a non-profit tax-exempt organization dedicated to the protection of civil liberties and constitutional rights of all people. The ACLU serves an important public education function, regularly disseminating information of interest to the public through newsletters, news briefings, right-to-know brochures, and other public education materials. The disclosure of the requested information will “promote public awareness and knowledge of governmental actions in order to ensure that governmental officials and agencies remain accountable to the people.” *Forsberg v. Housing Authority of the City of Miami Beach*, 455 So.2d 373, 378 (Fla. 1984). Therefore, we request that you produce the requested records free of charge. However, if you are unable to do so, the ACLU will reimburse you for the reasonable costs associated with fulfilling this

request, if your office has a policy of requiring the payment of a copying charge for such records. The fees and costs you may charge are governed by Section 119.07(4), Fla. Stat.

Thank you for your prompt attention to this request. If you have any questions about the nature of the records in which we are interested, or need more information in order to expedite this request, please do not hesitate to contact me at [akacou@aclufl.org](mailto:akacou@aclufl.org) or (813) 288-8390.

Sincerely,



Amien Kacou  
American Civil Liberties Union of Florida

# Exhibit B



4343 W Flagler St #400, Miami, FL 33134

---

September 23, 2022

Sent via email to:

Florida Department of Law Enforcement  
Attn: Office of General Counsel Public Records  
P.O. Box 1489  
Tallahassee, FL 32302-1489  
publicrecords@fdle.state.fl.us

**Re: Second Public Records Request for Citizenship and Immigration Related Data, Documents and Emails**

Dear Custodian of Public Records:

In accordance with Article I, section 24 of the Florida Constitution, and pursuant to the Florida Public Records Law, Fla. Stat. § 119, et. seq., I am writing to request access to and a copy of the following public records pertaining to your agency (Florida Department of Law Enforcement, or FDLE):

1. Any and all policies, rules, procedures, standards, directives, manuals, or other written guidance, created by your agency to implement or support the implementation of:
  - Senate Bill 1808; or
  - Any program “to facilitate the transport of unauthorized aliens” pursuant to Section 185 of the 2022 General Appropriations Act.
2. Any and all reports, evaluations, PowerPoints and other written presentations, created or received by Special Agents in Charge or Assistant Special Agents in Charge, including John Vecchio, related to:
  - Executive Order 21-223; or
  - Senate Bill 1808; or
  - Any program “to facilitate the transport of unauthorized aliens” pursuant to Section 185 of the 2022 General Appropriations Act.
3. Any and all authorizations, vouchers, receipts, invoices, reports, or other records of any interstate travel in 2022 by Special Agents in Charge, Assistant Special Agents in Charge, Commissioner, Assistant Commissioners, Chief of Staff, Director of Legislative Affairs, Director of Policy and Planning, Director of Statewide Intelligence, Director of Budget, General Counsel, Director of Executive Investigations, Director of Criminal Justice Information, and their respective staff, related to:
  - Executive Order 21-223; or
  - Senate Bill 1808; or

- Any program “to facilitate the transport of unauthorized aliens” pursuant to Section 185 of the 2022 General Appropriations Act; or
  - Immigration, migration, human trafficking, smuggling, asylum, or border security.
4. Any and all FDLE emails sent to, received from, or copying Fox News or Fox Corporation, or any employee or agent thereof, from September 9 to September 16, 2022.
5. Any and all emails, email attachments, electronic spreadsheets and other word-searchable electronic documents, created or received by the agency’s Special Agents in Charge, Assistant Special Agents in Charge, Commissioner, Assistant Commissioners, Chief of Staff, Director of Legislative Affairs, Director of Policy and Planning, Director of Statewide Intelligence, Director of Budget, General Counsel, Director of Executive Investigations, Director of Criminal Justice Information, and their respective staff, on or after July 1, 2022, that include any of the following terms:
- unauthorized alien
  - unauthorized aliens
  - illegal aliens
  - illegal alien
  - Vertol
  - Perla
  - Ultimate Air
  - Ultimate Jetcharters
  - Ultimate Jet
  - Del Rio
  - San Antonio
  - San Pedro
  - San Pedro 7000
  - Migrant Resource Center
  - Migrant Resource Centre
  - Eagle Pass
  - Martha’s Vineyard
  - Marthas Vineyard
  - Boston
  - Massachusetts Refugee Benefits
  - AR-11
  - Consent to transport
  - texas.gov
  - txdot.gov
  - gov.texas.gov
  - tdem.texas.gov
  - ltgov.texas.gov
  - sanantonio.gov

## GENERAL INFORMATION ABOUT THE REQUEST

Please interpret the word “or” inclusively throughout this request.

As required by law, please acknowledge that you have received this public records request and provide an estimated timeframe in which you believe that you will be able to provide the requested information. *See* § 119.07(1)(c), Fla. Stat.

If you are unable or refuse to provide part or all of the requested public information, please explain in writing and with particularity the reasons for not providing the requested public information in its entirety, as required by Section 119.07(1), Fla. Stat. If any exemption that you assert applies to only a portion of the records (as opposed to the entire record), please redact the portion you claim is exempt, provide copies of the remainder of the record or records, and detail your reasons for the modification as required by Section 119.07(1), Fla. Stat.

I request that you produce responsive materials in their entirety, including all attachments, appendices, enclosures and/or exhibits. To the extent that a response to this request would require you to provide multiple copies of identical material, the request is limited so that only one copy of the identical material is requested.

**If any of the requested records are maintained in a common-format electronic-medium, please provide these records in such native electronic medium and not in paper form.** *See* § 119.083(5), Fla. Stat. For purposes of this request, common electronic formats include (1) American Standard Code for Information Interchange (“ASCII”), (2) files formatted in one of the Microsoft Office Suite, Corel Suite, OpenOffice Suite, or IBM’s Lotus Suite applications (.doc, .xls, .ppt, .mdb, .wpd, etc.), (3) a text file (.txt), (4) hypertext markup language (.html) or similar web page language, or (5) common media file formats, including mp3, mp4, wma, wav. These common formats are the preferred electronic mediums for production. However, if any of the requested records are only maintained or only can be produced as electronic images, for example a portable document format (.pdf), (n.b., it is possible to print documents into a PDF format either by using Acrobat Professional or a free PDF driver like cutePDF.com), then as an alternative, we request an electronic-image format, preferably PDF. *See* § 119.01(2), Fla. Stat.

The ACLU of Florida is a non-profit tax-exempt organization dedicated to the protection of civil liberties and constitutional rights of all people. The ACLU serves an important public education function, regularly disseminating information of interest to the public through newsletters, news briefings, right-to-know brochures, and other public education materials. The disclosure of the requested information will “promote public awareness and knowledge of governmental actions in order to ensure that governmental officials and agencies remain accountable to the people.” *Forsberg v. Housing Authority of the City of Miami Beach*, 455 So.2d 373, 378 (Fla. 1984). Therefore, we request that you produce the requested records free of charge. However, if you are unable to do so, the ACLU will reimburse you for the reasonable costs associated with fulfilling this request, if your office has a policy of requiring the payment of a copying charge for such records. The fees and costs you may charge are governed by Section 119.07(4), Fla. Stat.

Thank you for your prompt attention to this request. If you have any questions about the nature of the records in which we are interested, or need more information in order to expedite this request, please do not hesitate to contact me at akacou@aclufl.org or (813) 288-8390.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amien Kacou', written in a cursive style.

Amien Kacou

American Civil Liberties Union of Florida

# Exhibit C

## Amien Kacou

---

**From:** Amien Kacou  
**Sent:** Thursday, October 13, 2022 6:28 AM  
**To:** Robinson, Janine  
**Cc:** Hoffman, Benjamin; Thompson, Sandy; Public Records; Bufano, Christopher  
**Subject:** RE: Public Records Request - FDLE Docket No. PRR-2022-2157

Good morning, Janine,

I am following up on my email immediately below. Can you confirm if ITS can provide the number of results, or if you will be proceeding to review and redaction of the original 3,845 emails? In addition, could you please provide an estimate of the time FDLE will need to fulfill this part of the request, as well as other parts?

Thank you,  
Amien

---

**From:** Amien Kacou  
**Sent:** Friday, October 7, 2022 12:15 PM  
**To:** Robinson, Janine <JanineRobinson@fdle.state.fl.us>  
**Cc:** Hoffman, Benjamin <BenjaminHoffman@fdle.state.fl.us>; Thompson, Sandy <SandyThompson@fdle.state.fl.us>; Public Records <PublicRecords@fdle.state.fl.us>; Bufano, Christopher <ChristopherBufano@fdle.state.fl.us>  
**Subject:** RE: Public Records Request - FDLE Docket No. PRR-2022-2157

Thank you, Janine! Yes, this is very helpful. I am very grateful for your time and appreciate your not including it to date (especially given that my organization is a nonprofit, as indicated in the "general information" section of the request, such that our resources are very limited).

My apologies for framing my decision in the form of a (final) question-based if/then decision rule, but: could ITS tell me the number of email results that remain when it searches the current 3,845 for (a) all emails that include the employees I listed below *only* from Commissioner to Director of Criminal Justice Information (i.e., only the upper leadership employees, **without** needing to *specifically* identify or search for SACs, ASACs, and support staff) **plus** (b) all *other* emails that include the following two keywords: "Vecchio," and "chief of investigations"? If the total number (i.e., a + b) of email results that remain is less than 2,300, then let's limit my request to (and proceed to review and redaction with) these new results; if the number is higher, then let's proceed to review and redaction with what we've gotten already (the 3,845 emails).

I understand that I would be invoiced for this new search, of course; but I'm gambling (and hoping) that the additional research time could significantly decrease review and redaction time.

Let me know if that works. And, again, thank you so much for your help!

Amien

---

**From:** Robinson, Janine <[JanineRobinson@fdle.state.fl.us](mailto:JanineRobinson@fdle.state.fl.us)>  
**Sent:** Friday, October 7, 2022 7:14 AM  
**To:** Amien Kacou <[AKacou@aclufi.org](mailto:AKacou@aclufi.org)>  
**Cc:** Hoffman, Benjamin <[BenjaminHoffman@fdle.state.fl.us](mailto:BenjaminHoffman@fdle.state.fl.us)>; Thompson, Sandy <[SandyThompson@fdle.state.fl.us](mailto:SandyThompson@fdle.state.fl.us)>;

Public Records <[PublicRecords@fdle.state.fl.us](mailto:PublicRecords@fdle.state.fl.us)>; Bufano, Christopher <[ChristopherBufano@fdle.state.fl.us](mailto:ChristopherBufano@fdle.state.fl.us)>

**Subject:** RE: Public Records Request - FDLE Docket No. PRR-2022-2157

Amien,

Yes, if we limit the search to specific FDLE members, logically, that should limit the results. Search results will include cc's and forwards, making some of the returned emails redundant. But honestly, because the general list you gave encompasses quite a number of people and it will take time to ascertain who the specific SACS, ASACS and support staff, it might be more time effective to go with what we've gotten already. I will leave that decision to you.

We will have to invoice you for the research time already conducted as well as new research. Although my time has not been included to date, because of our dire staffing situation, you may be invoiced for my time. Trying to avoid that.

As far as prioritizing Paragraphs 1-3 over the emails, the email research has already been done and the emails extracted from archives, because I was able to facilitate that. However, we still have not been able to research or begin processing the documentary portions. I hope to know more by early next week.

Hope that is helpful.

Janine D. Robinson  
Assistant General Counsel  
Florida Department of Law Enforcement  
2331 Phillips Road  
Tallahassee, FL 32308  
Telephone: (850) 410-7012

---

**From:** Amien Kacou <[AKacou@aclufl.org](mailto:AKacou@aclufl.org)>

**Sent:** Friday, October 7, 2022 9:58 AM

**To:** Robinson, Janine <[JanineRobinson@fdle.state.fl.us](mailto:JanineRobinson@fdle.state.fl.us)>

**Cc:** Hoffman, Benjamin <[BenjaminHoffman@fdle.state.fl.us](mailto:BenjaminHoffman@fdle.state.fl.us)>; Thompson, Sandy <[SandyThompson@fdle.state.fl.us](mailto:SandyThompson@fdle.state.fl.us)>;  
Public Records <[PublicRecords@fdle.state.fl.us](mailto:PublicRecords@fdle.state.fl.us)>

**Subject:** RE: Public Records Request - FDLE Docket No. PRR-2022-2157

**CAUTION:** This email originated outside of FDLE. Please use caution when opening attachments, clicking links, or responding to this email.

Good morning, Janine,

3,845 does sound more manageable. I suppose we could lower this number (and any estimated review time) further by limiting the request to specified FDLE employees? If so, I would propose further limiting the search to the following: Special Agents in Charge; Assistant Special Agents in Charge; Commissioner; Assistant Commissioners; Chief of Staff; Director of Legislative Affairs; Director of Policy and Planning; Director of Statewide Intelligence; Director of Budget; General Counsel; Assistant General Counsel; Director of Executive Investigations; Director of Criminal Justice Information; and their respective direct reports (including administrative assistants and equivalent positions).

In addition, given your current capacity constraints, would it save time to process items 1 through 3 of the request first, before turning to item 4? (Nothing in my request requires that all items be fulfilled—or that all item-responsive records be released—at the same time.)

Please let me know. And thank you very much for the additional background information.

Best,  
Amien

---

**From:** Robinson, Janine <[JanineRobinson@fdle.state.fl.us](mailto:JanineRobinson@fdle.state.fl.us)>  
**Sent:** Friday, October 7, 2022 4:40 AM  
**To:** Amien Kacou <[AKacou@aclufl.org](mailto:AKacou@aclufl.org)>  
**Cc:** Hoffman, Benjamin <[BenjaminHoffman@fdle.state.fl.us](mailto:BenjaminHoffman@fdle.state.fl.us)>; Thompson, Sandy <[SandyThompson@fdle.state.fl.us](mailto:SandyThompson@fdle.state.fl.us)>;  
Public Records <[PublicRecords@fdle.state.fl.us](mailto:PublicRecords@fdle.state.fl.us)>  
**Subject:** RE: Public Records Request - FDLE Docket No. PRR-2022-2157

Good morning,

The revised search criteria returned 3,845 emails, some of which I presume have attachments. We can process these first (4. of the request), but would first send you a deposit invoice for *estimated* processing costs including, research, review, and redaction, if warranted. Of note, my time is not incorporated in the cost estimate. After we receive payment for initiating processing of the emails, it will then be put in our queue for analyst review. Research is also needed for the remainder of the request.

A few additional considerations . . . we are processing *dozens* of public records requests received and invoiced prior to yours and we generally process requests in the order received. Exceptions to this practice include those records needed for pending civil or criminal litigation or extenuating circumstances such as Hurricane Ian and the delays as a result of COVID impacts. Our fulfillment time has been further set back as in the past 6 weeks our public records unit has lost 60% of our review and research staff, including the staff member who primarily processed emails and we have only 2 persons to review and redact records for the agency. We are making our best efforts with the resources we currently have, but are unable to provide estimated completion times.

Let me know if you would like us to move forward with processing the emails and then balance of the request to follow.

Regards,

Janine D. Robinson  
Assistant General Counsel  
Florida Department of Law Enforcement  
2331 Phillips Road  
Tallahassee, FL 32308  
Telephone: (850) 410-7012

---

**From:** Amien Kacou <[AKacou@aclufl.org](mailto:AKacou@aclufl.org)>  
**Sent:** Thursday, October 6, 2022 12:14 PM  
**To:** Robinson, Janine <[JanineRobinson@fdle.state.fl.us](mailto:JanineRobinson@fdle.state.fl.us)>  
**Cc:** Hoffman, Benjamin <[BenjaminHoffman@fdle.state.fl.us](mailto:BenjaminHoffman@fdle.state.fl.us)>  
**Subject:** RE: Public Records Request - FDLE Docket No. PRR-2022-2157

**CAUTION: This email originated outside of FDLE. Please use caution when opening attachments, clicking links, or responding to this email.**

Janine,

Thank you for your prompt reply, and your suggestion below. In the interest of time, let's go with option 2. But please do let me know if the vendor responds with a workable solution prior to completion of the request.

Amien

---

**From:** Robinson, Janine <[JanineRobinson@fdle.state.fl.us](mailto:JanineRobinson@fdle.state.fl.us)>  
**Sent:** Thursday, October 6, 2022 8:20 AM  
**To:** Amien Kacou <[AKacou@aclufl.org](mailto:AKacou@aclufl.org)>  
**Cc:** Hoffman, Benjamin <[BenjaminHoffman@fdle.state.fl.us](mailto:BenjaminHoffman@fdle.state.fl.us)>  
**Subject:** RE: Public Records Request - FDLE Docket No. PRR-2022-2157

Amien,

I agree with you. More than likely, any article will be an attachment to the email.

When a search query is run, it automatically checks for the terms in attachments. I spoke with ITS and they need to check with the vendor to determine if queries may be run to exclude results with attachments.

However, my suggestion is to go with your option 2, limiting the key words and date range.

Let me know.

Janine D. Robinson  
Assistant General Counsel  
Florida Department of Law Enforcement  
2331 Phillips Road  
Tallahassee, FL 32308  
Telephone: (850) 410-7012

---

**From:** Amien Kacou <[AKacou@aclufl.org](mailto:AKacou@aclufl.org)>  
**Sent:** Thursday, October 6, 2022 11:09 AM  
**To:** Robinson, Janine <[JanineRobinson@fdle.state.fl.us](mailto:JanineRobinson@fdle.state.fl.us)>  
**Cc:** Hoffman, Benjamin <[BenjaminHoffman@fdle.state.fl.us](mailto:BenjaminHoffman@fdle.state.fl.us)>  
**Subject:** RE: Public Records Request - FDLE Docket No. PRR-2022-2157

**CAUTION: This email originated outside of FDLE. Please use caution when opening attachments, clicking links, or responding to this email.**

Good morning, Janine,

Thank you very much for this follow up email. Here are a couple of proposed alternatives, in order of preference:

1. I am imagining that many of the archived emails are news articles. Does ITS have a way to exclude news articles from the 110,000 results, without going through each email (for example: by deleting groups of emails from the 110,000 results where the sender was a news service)? If so, how many results remain, supposing further that ITS limits the date range to September 28, 2021, through August 17, 2022?
2. If option 1 doesn't work, how many archived emails result if ITS limits the key words to "EO 21-223," "Executive Order 21-223," "Biden Border Crisis," "SB 1808," "Senate Bill 1808," and "strike force," supposing further that ITS limits the date range to September 28, 2021, through August 17, 2022?

Thank you again,  
Amien

---

**From:** Robinson, Janine <[JanineRobinson@fdle.state.fl.us](mailto:JanineRobinson@fdle.state.fl.us)>  
**Sent:** Thursday, October 6, 2022 3:46 AM  
**To:** Amien Kacou <[AKacou@aclufl.org](mailto:AKacou@aclufl.org)>  
**Cc:** Hoffman, Benjamin <[BenjaminHoffman@fdle.state.fl.us](mailto:BenjaminHoffman@fdle.state.fl.us)>  
**Subject:** RE: Public Records Request - FDLE Docket No. PRR-2022-2157

Amien,

ITS informed me that the original archive email search utilized the correct date range, May 1, 2021 – August 17, 2022, and the key words provided did in fact yield over 110,000 results. If the query was run with no date range, the result is over 884,000. Please advise how you would like us to proceed.

Janine

Janine D. Robinson  
Assistant General Counsel  
Florida Department of Law Enforcement  
2331 Phillips Road  
Tallahassee, FL 32308  
Telephone: (850) 410-7012

---

**From:** Robinson, Janine  
**Sent:** Wednesday, October 5, 2022 11:12 AM  
**To:** 'akacou@aclufl.org' <[akacou@aclufl.org](mailto:akacou@aclufl.org)>  
**Cc:** Hoffman, Benjamin <[BenjaminHoffman@fdle.state.fl.us](mailto:BenjaminHoffman@fdle.state.fl.us)>  
**Subject:** Public Records Request - FDLE Docket No. PRR-2022-2157

Mr. Kacou,

Would you please give me a call regarding the ACLU's public records request at your convenience.

Thank you,

Janine D. Robinson  
Assistant General Counsel  
Florida Department of Law Enforcement  
2331 Phillips Road  
Tallahassee, FL 32308  
Telephone: (850) 410-7012

Confidentiality Notice: This communication is for use by the intended recipient and contains information that may be privileged, confidential or copyrighted under applicable law. If you are not the intended recipient, you are hereby formally notified that any use, copying or distribution of this communication, in whole or in part, is strictly prohibited. Please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy. This communication does not constitute consent to the use of sender's contact information for direct marketing purposes or for transfers of data to third parties.

Confidentiality Notice: This communication is for use by the intended recipient and contains information that may be privileged, confidential or copyrighted under applicable law. If you are not the intended recipient, you are hereby formally notified that any use, copying or distribution of this communication, in whole or in part, is strictly prohibited. Please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy. This communication does not constitute consent to the use of sender's contact information for direct marketing purposes or for transfers of data to third parties.

Confidentiality Notice: This communication is for use by the intended recipient and contains information that may be privileged, confidential or copyrighted under applicable law. If you are not the intended recipient, you are hereby formally notified that any use, copying or distribution of this communication, in whole or in part, is strictly prohibited. Please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy. This communication does not constitute consent to the use of sender's contact information for direct marketing purposes or for transfers of data to third parties.

# Exhibit D

## Amien Kacou

---

**From:** Robinson, Janine <JanineRobinson@fdle.state.fl.us>  
**Sent:** Monday, February 13, 2023 10:13 AM  
**To:** Amien Kacou  
**Cc:** Hoffman, Benjamin  
**Subject:** RE: PRR-2022-2157

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Great. That's an easy adjustment. I'll advise.

Janine D. Robinson  
Assistant General Counsel  
Florida Department of Law Enforcement  
2331 Phillips Road  
Tallahassee, FL 32308  
Telephone: (850) 410-7012

---

**From:** Amien Kacou <AKacou@aclufl.org>  
**Sent:** Monday, February 13, 2023 1:07 PM  
**To:** Robinson, Janine <JanineRobinson@fdle.state.fl.us>  
**Cc:** Hoffman, Benjamin <BenjaminHoffman@fdle.state.fl.us>  
**Subject:** Re: PRR-2022-2157

**CAUTION:** This email originated outside of FDLE. Please use caution when opening attachments, clicking links, or responding to this email.

Thank you very much for your reply. Yes I mean a date range of between 09/28/2021 and 06/28/2022. And that includes both sent and received emails.

Thanks again,

**Amien Kacou | Staff Attorney**

American Civil Liberties Union Foundation of Florida

[4023 N. Armenia Ave., Suite 450, Tampa, FL 33607](#)

Direct: [813.288.8390](tel:813.288.8390) | [aclufl.org](http://aclufl.org)



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On Feb 13, 2023, at 11:03 AM, Robinson, Janine <[JanineRobinson@fdle.state.fl.us](mailto:JanineRobinson@fdle.state.fl.us)> wrote:

It was received and I am working on this.

Regarding item 4, a new search is to be conducted. However, I do not understand “**Date Sent is After and Includes:** September 28, 2021 AND **Date Sent is Before and Includes:** June 28, 2022” Do you mean an overall date range between 09/28/2021 and 06/28/2022? If so, that is easy. However, our ITS search will retrieve all sent and received emails.

Upon your response, I will advise as soon as I have some information.

Regards,

Janine D. Robinson  
Assistant General Counsel  
Florida Department of Law Enforcement  
2331 Phillips Road  
Tallahassee, FL 32308  
Telephone: (850) 410-7012

---

**From:** Amien Kacou <[AKacou@aclufi.org](mailto:AKacou@aclufi.org)>  
**Sent:** Monday, February 13, 2023 12:56 PM  
**To:** Robinson, Janine <[JanineRobinson@fdle.state.fl.us](mailto:JanineRobinson@fdle.state.fl.us)>  
**Cc:** Hoffman, Benjamin <[BenjaminHoffman@fdle.state.fl.us](mailto:BenjaminHoffman@fdle.state.fl.us)>  
**Subject:** RE: PRR-2022-2157

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Ms. Robinson,

Can you please answer or at least acknowledge receipt of my email below?

Thanks,  
Amien Kacou

---

**From:** Amien Kacou  
**Sent:** Thursday, February 9, 2023 10:25 AM  
**To:** Robinson, Janine <[JanineRobinson@fdle.state.fl.us](mailto:JanineRobinson@fdle.state.fl.us)>  
**Cc:** Hoffman, Benjamin <[BenjaminHoffman@fdle.state.fl.us](mailto:BenjaminHoffman@fdle.state.fl.us)>  
**Subject:** RE: PRR-2022-2157

Ms. Robinson,

This is a follow up to our phone conversation yesterday afternoon.

With respect to item #2 of this request, please find attached a sample email obtained from another agency, evidencing FDLE's collection of relevant records.

With respect to item #4, I would like to adjust my search terms as follows:

**Date Sent is After and Includes:** September 28, 2021

AND

**Date Sent is Before and Includes:** June 28, 2022

AND

**Entire message Contains:** "EO 21-223," OR "Executive Order 21-223," OR "SB 1808," OR "Senate Bill 1808," OR "strike force," OR "Consent to transport," OR "unauthorized alien transport," OR "transport unauthorized aliens," OR "transporting unauthorized aliens," OR "transporting illegal aliens," OR "transport illegal aliens," OR "aliens transported," OR "alien transported," OR "transported from the Southwest border."

**Senders Exclude:** "axios" OR "media" OR "twitter" OR "linkedin" OR "politico" OR "daybreak" OR, "google" OR "news" OR "press."

**Entire message Excludes:** "[publicrecords@fdle.state.fl.us](mailto:publicrecords@fdle.state.fl.us)."

Please let me know if I can further clarify.

Thank you,  
Amien Kacou

---

**From:** Robinson, Janine <[JanineRobinson@fdle.state.fl.us](mailto:JanineRobinson@fdle.state.fl.us)>  
**Sent:** Wednesday, February 8, 2023 10:54 AM  
**To:** Amien Kacou <[AKacou@aclufl.org](mailto:AKacou@aclufl.org)>  
**Cc:** Hoffman, Benjamin <[BenjaminHoffman@fdle.state.fl.us](mailto:BenjaminHoffman@fdle.state.fl.us)>  
**Subject:** RE: PRR-2022-2157

Mr. Kacou,

Would you please give me a call to discuss this public records request. My direct line is below.

Thank you.

Janine D. Robinson  
Assistant General Counsel  
Florida Department of Law Enforcement  
2331 Phillips Road  
Tallahassee, FL 32308  
Telephone: (850) 410-7012

---

**From:** Amien Kacou <[AKacou@aclufl.org](mailto:AKacou@aclufl.org)>  
**Sent:** Tuesday, February 7, 2023 12:59 PM  
**To:** Thompson, Sandy <[SandyThompson@fdle.state.fl.us](mailto:SandyThompson@fdle.state.fl.us)>  
**Subject:** PRR-2022-2157

**CAUTION: This email originated outside of FDLE. Please use caution when opening attachments, clicking links, or responding to this email.**

Dear Custodian of Records,

Could you please provide an update on the attached public records request, which was sent to your office on August 17, 2022? The last response I received from your office regarding this request was on October 7, 2022. I have received no response to my subsequent inquiries regarding the request (the last of which was on October 13, 2022).

Sincerely,  
Amien Kacou

**Amien Kacou | Staff Attorney**

American Civil Liberties Union Foundation of Florida  
4023 N. Armenia Ave., Suite 450, Tampa, FL 33607  
Direct: 813.288.8390 | [akacou@aclufi.org](mailto:akacou@aclufi.org) | [aclufi.org](http://aclufi.org)



AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Florida

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# Exhibit E

## Amien Kacou

---

**From:** Robinson, Janine <JanineRobinson@fdle.state.fl.us>  
**Sent:** Wednesday, February 8, 2023 9:16 AM  
**To:** Amien Kacou  
**Subject:** RE: PRR-2022-2524

Mr. Kacou,

As of today's date, FDLE has 352 public records requests received and pending fulfillment prior to receipt of yours dated September 23, 2022. Having said that, FDLE is actively conducting research on this large records request and pulling responsive records together which must be reviewed. Once we have the responsive records from the program areas, we will send you a deposit invoice. Unfortunately, due to the volume of pending requests and our severely limited staff, we cannot advise of a fulfillment date.

Please feel free to contact me directly for status updates.

Regards,

Janine D. Robinson  
Assistant General Counsel  
Florida Department of Law Enforcement  
2331 Phillips Road  
Tallahassee, FL 32308  
Telephone: (850) 410-7012

---

**From:** Amien Kacou <AKacou@aclufl.org>  
**Sent:** Tuesday, February 7, 2023 1:00 PM  
**To:** Thompson, Sandy <SandyThompson@fdle.state.fl.us>  
**Cc:** Public Records <PublicRecords@fdle.state.fl.us>  
**Subject:** PRR-2022-2524

**CAUTION: This email originated outside of FDLE. Please use caution when opening attachments, clicking links, or responding to this email.**

Dear Custodian of Records,

Could you please provide an update on the attached public records request, which was sent to your office on September 28, 2022, but to which I have received no response?

Sincerely,  
Amien Kacou

**Amien Kacou | Staff Attorney**  
American Civil Liberties Union Foundation of Florida  
4023 N. Armenia Ave., Suite 450, Tampa, FL 33607  
Direct: 813.288.8390 | [akacou@aclufl.org](mailto:akacou@aclufl.org) | [aclufl.org](http://aclufl.org)



Florida

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# Exhibit F



4023 N. Armenia Ave., Ste. 450, Tampa, FL 33607

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March 1, 2023

Sent via email and U.S. Postal Service to:  
Assistant General Counsel Janine D. Robinson  
Florida Department of Law Enforcement  
Attn: Office of the General Counsel  
P.O. Box 1489  
Tallahassee, FL 32302-1489  
publicrecords@fdle.state.fl.us  
JanineRobinson@fdle.state.fl.us

**Re: Intent to File Civil Action**

Dear Records Custodian:

Pursuant to Section 119.12(1)(b), Fla. Stat., you are hereby notified that the American Civil Liberties Union of Florida, Inc. ("ACLU") intends file a civil action to enforce the provisions of Ch. 119, Fla. Stat., for your agency's failure to provide any public record requested in the ACLU's requests on August 17, 2022 (PRR-2022-2157) and September 23, 2022 (attached).

Sincerely,

A handwritten signature in black ink, appearing to read "Amien Kacou".

Amien Kacou  
Staff Attorney  
813-288-8390  
akacou@aclufl.org

Encl. (1)

# Exhibit G

## Amien Kacou

---

**From:** Robinson, Janine <JanineRobinson@fdle.state.fl.us>  
**Sent:** Sunday, April 2, 2023 7:32 AM  
**To:** Amien Kacou  
**Cc:** Bufano, Christopher; Thompson, Sandy; Public Records  
**Subject:** PRR-2022-2157 and PRR-2022-2524

**Importance:** High

Mr. Kacou,

Regarding fulfillment status, I fully understand that the following information is of little consequence in light of the ACLU's requests and needs. More importantly, FDLE is *acutely* aware of its statutory duties under Florida's Public Records Law, Chapter 119, as well as the Florida Constitution and repercussions for not upholding that duty. FDLE is already in receipt of the ACLU's Notice of Claim.

However, FDLE's public records and records production unit has been operating with a severely depleted staff for many months, despite our *numerous and repeated* efforts to recruit, hire, and train new staff in public records production. Even when new staff comes aboard, training to achieve moderate knowledge and proficiency requires at least six (6) months and up to a year. Presently, we have only *three (3) staff* reviewing and redacting records full-time, with our unit manager and myself undertaking these duties as well. As of today's date, FDLE has at least 1,120 docketed and open records requests pending fulfillment, including those submitted by the ACLU.

In addition to processing traditional public records requests, our unit is also responsible for compliance with state and federal subpoenas, court orders, other outside criminal and civil litigation discovery requests, as well as capital collateral proceedings (including two death warrants signed in the past two months). These records production matters are necessarily prioritized, despite FDLE's efforts to process requests in the order received. Moreover, the docketed number of requests does not paint an accurate or aggregate picture, and does not remotely reflect the *terabytes* of data or total number of pages of records processed. Without going into further detail, our grossly depleted staff is doing everything possible to process each and every request.

To generally address your comments regarding fulfillment date and whether revised email search criteria would affect "fulfillments status" or prioritize production, the intent of narrowing email search criteria and search terms is to filter out extraneous search results and reduce the aggregate number of results returned. It does not affect the order in which any given public records request is in the review queue. The net effect to the fulfillment time is that the reduced number of results shortens the actual hands-on review time and reduces invoiced costs.

As to PRR-2022-2157, as of today's date, FDLE has 191 open public records requests pending fulfillment, compared with 211 as stated on March 1, 2023. See below. The revised search query was conducted yielding 3,845 emails, which does not take into consideration the nature of the emails or whether they include attachments. I will provide more detailed information as soon as I or an analyst is available to assess it. This will be done as soon as possible to give you an idea and we may be able to generate a deposit invoice. However, a fulfillment date cannot be provided due to the foregoing.

For PRR-2022-2524, there are 290 records requests open and pending fulfillment, as opposed to 333 reported. Research for responsive records has been conducted and there are 3,684 files/ 8.55 GB of materials. As we previously discussed, a portion is affected by pending grand jury proceedings. I will follow-up with the Office of Statewide Prosecutor and advise. Again, a fulfillment date cannot be provided due to the foregoing, but we will assess as best we can and include costs with an invoice for PRR-2022-2157 and PRR-2022-2524.

If there is any other information I can provide, please let me know.

Regards,

Janine D. Robinson  
Assistant General Counsel  
Florida Department of Law Enforcement  
2331 Phillips Road  
Tallahassee, FL 32308  
Telephone: (850) 410-7012

---

**From:** Amien Kacou <AKacou@aclufl.org>  
**Sent:** Friday, March 31, 2023 3:10 PM  
**To:** Robinson, Janine <JanineRobinson@fdle.state.fl.us>  
**Cc:** Public Records <PublicRecords@fdle.state.fl.us>; Bufano, Christopher <ChristopherBufano@fdle.state.fl.us>  
**Subject:** RE: Notice of claim: PRR-2022-2157 and PRR-2022-2524

**CAUTION: This email originated outside of FDLE. Please use caution when opening attachments, clicking links, or responding to this email.**

Ms. Robinson,

Regarding PRR-2022-2157: please note that adjusted search criteria were provided to FDLE as early as October 7, 2022. Unfortunately, we received no response to my subsequent October emails to FDLE requesting said adjustment until I followed up again with FDLE on February 7, 2023. Had I known sooner that such adjustments did not “alter” the “fulfilment status,” I could have suggested further adjustments at an earlier date or a different approach altogether. In addition, I have welcomed any sequenced or bifurcated production of the records (i.e., to prioritize the production of records that may be more readily located by FDLE); and yet I have received no record to date, no invoice, and no time estimate for fulfilment.

Regarding PRR-2022-2524: I would like to make the following adjustments or revisions:

- No change to items 1-2.
- Adjust item 3 as follows:
  - Delete “and their respective staff.”
  - Delete “Immigration, migration, human trafficking, smuggling, asylum, or border security” (bullet point #4).
  - Substitute “authorizations, vouchers, receipts, invoices, reports, or other records of any interstate travel” **with** “receipts of or invoices for flights to or from Texas, or to or from Massachusetts.”
- Delete item 4 of the request.
- Adjust item 5 as follows:
  - Delete “and their respective staff.”
  - Substitute all search terms **with** the following: “Consent to transport;” “refugee benefits;” “AR-11;” “martha’s vineyard;” “eagle pass;” “migrant resource;” “san dedro 7000;” “del rio;” “ultimate air;” “ultimate jet;” Vertol; Perla; “EO 21-223;” “Executive Order 21-223;” “SB 1808;” “Senate Bill 1808;” “strike force;” “unauthorized alien transport;” “transport unauthorized aliens;” “transporting unauthorized aliens;” “transporting illegal aliens;” “transport illegal aliens;” “aliens transported;” “alien transported;” “transported from the Southwest border.”

- Substitute “emails, email attachments, electronic spreadsheets and other word searchable electronic documents” with “emails and email attachments.”
- **Senders Exclude:** “axios;” “media;” “twitter;” “linkedin;” “politico;” “daybreak;” “google;” “news;” “press.”
- **Entire message Excludes:** “[publicrecords@fdle.state.fl.us](mailto:publicrecords@fdle.state.fl.us).”

Please advise whether these adjustments alter or delay the fulfillment status of 2524. In any event, we will follow up soon.

Regards,

**Amien Kacou | Staff Attorney**

American Civil Liberties Union Foundation of Florida

[4023 N. Armenia Ave., Suite 450, Tampa, FL 33607](https://www.aclufl.org/4023-N-Armenia-Ave-Suite-450-Tampa-FL-33607)

Direct: [813.288.8390](tel:813.288.8390) | [aclufl.org](https://www.aclufl.org)

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**From:** Robinson, Janine <[JanineRobinson@fdle.state.fl.us](mailto:JanineRobinson@fdle.state.fl.us)>

**Sent:** Wednesday, March 1, 2023 12:32 PM

**To:** Amien Kacou <[AKacou@aclufl.org](mailto:AKacou@aclufl.org)>; Public Records <[PublicRecords@fdle.state.fl.us](mailto:PublicRecords@fdle.state.fl.us)>

**Cc:** Bufano, Christopher <[ChristopherBufano@fdle.state.fl.us](mailto:ChristopherBufano@fdle.state.fl.us)>

**Subject:** RE: Notice of claim: PRR-2022-2157 and PRR-2022-2524

Mr. Kacou,

Despite FDLE’s recent efforts to work with you on these requests, please be advised that as of today’s date, there are 211 public records requests received, docketed, and pending fulfillment prior to PRR-2022-2157; and 333 public records requests received, docketed, and pending fulfillment prior to PRR-2022-2524. For your reference, I have attached the status sent regarding PRR-2022-2524.

Records requests are processed by the Public Records and Records Production Unit in the order received absent extenuating circumstances including subpoenas and court orders. Moreover, as recently as February 9-13, 2023, the email search criteria was adjusted. Be advised, this adjustment did not alter or delay the fulfillment status.

Should an action be pursued under Chapter 119, Florida Statutes regarding the foregoing public records requests, any action is to be filed in Leon County, Florida. See *Florida Department of Children and Families v. Sun-Sentinel, Inc.*, 865 So.2d 1278, 1286 (Fla. 2004), see also *Fla. Pub. Serv. Comm’n v. Triple “A” Enters., Inc.* 387 So.2d 940, 942 (Fla. 1980); *Carlile v. Game & Fresh Water Fish Com’n*, 354 So.2d 362, 363-64 (Fla. 1977). Further, FDLE will not waive proper service of a complaint or petition for writ of mandamus.

If you would like to discuss this matter, please call.

Regards,

Janine D. Robinson

Assistant General Counsel

Florida Department of Law Enforcement

2331 Phillips Road

Tallahassee, FL 32308

Telephone: (850) 410-7012

---

**From:** Amien Kacou <[AKacou@aclufi.org](mailto:AKacou@aclufi.org)>  
**Sent:** Wednesday, March 1, 2023 3:14 PM  
**To:** Public Records <[PublicRecords@fdle.state.fl.us](mailto:PublicRecords@fdle.state.fl.us)>  
**Cc:** Robinson, Janine <[JanineRobinson@fdle.state.fl.us](mailto:JanineRobinson@fdle.state.fl.us)>  
**Subject:** Notice of claim: PRR-2022-2157 and PRR-2022-2524

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Dear Custodian of Records:

Pursuant to Fla. Stat. § 119.12(b), please find attached a notice of claim regarding the public records requests submitted by the ACLU of Florida on August 17, and September 23, 2022.

Thank you,

Amien Kacou

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