



September 26, 2022

**VIA ELECTRONIC MAIL**

(desantis.opengov@eog.myflorida.com;  
& andrew.king@eog.myflorida.com)

Hon. Ron DeSantis, Governor  
State of Florida  
The Capitol  
400 S. Monroe St.  
Tallahassee, FL 32399-0001

Andrew B. King  
Executive Office of the Governor  
400 S Monroe St  
Tallahassee, FL 32399-6536

Re: Martha's Vineyard Flights – Outstanding Records Requests

Dear Governor DeSantis and Mr. King:

The undersigned open government and press freedom organizations write to urge the Executive Office of the Governor (“EOG”) to immediately fulfill public records requests related to the September 14, 2022, flights of about 50 Venezuelan migrants from San Antonio, Texas through Florida to Martha's Vineyard, Massachusetts (the “Martha's Vineyard Flights”). Our understanding is those flights were organized by Florida's executive branch and funded by taxpayer dollars. According to official statements from Governor DeSantis, the purpose was to send a message that “Florida is not a sanctuary state, and it's better [for migrants] to be able to go to a sanctuary jurisdiction.” Dozens of records requests from news organizations have been made to the EOG related to the flights, but we are unaware of any significant records release. Responsive records should be released immediately.

As you know, Article I, Section 24 and Chapter 119, Florida Statutes, provide “every person” the right to inspect and copy records of the executive branch. There are undoubtedly records related to this flight – from planning to execution to post-flight communications. Relevant records would include without limitation everything from invoices, receipts, consent forms, contracts and payment records to emails, texts, and other methods of communication related to the flights (including meeting agendas, legal opinions and memos) (the “Relevant

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Communication, *Florida A&M University*

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President Emeritus, *Leadership Florida*

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Director Emeritus

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Records”). Many of the requested records should be readily available and easily accessible. No exemptions are likely to apply, and we are unaware of any exemption claimed by the EOG.

Consequently, there are no valid excuses for the delays in access to these records, *Promenade D’Ilberville, LLC v. Sundy*, 145 So.3d 980 (Fla. 1<sup>st</sup> DCA 2014), and automatically delaying responding is equally unlawful. *Tribune Co. v. Cannella*, 458 So. 2d 1075 (Fla. 1984), *appeal dismissed*, 471 U.S. 1096 (1985) (48-hour automatic delay not permissible); *Michel v. Douglas*, 464 So. 2d 545 (Fla. 1985) (24-hour delay held to violate Chapter 119). We urge the EOG to immediately make records responsive to the Martha’s Vineyard Flights publicly available through the EOG website ([flgov.com](http://flgov.com)) on a rolling basis as records are retrieved.

Please also consider this letter a public records request on behalf of the undersigned for Relevant Records related to the Martha’s Vineyard Flights.

Very truly yours,

First Amendment Foundation  
317 East Park Avenue, Lower Level  
Tallahassee, FL 32301

New England First Amendment Coalition  
111 Milk Street  
Westborough, MA 01581

Radio Television Digital News Association/RTNDA  
The National Press Building  
529 14<sup>th</sup> St, NW, Suite 1240  
Washington, DC 20045

Reporters Committee for Freedom of the Press  
1156 15<sup>th</sup> St. NW, Suite 1020  
Washington, DC 20005