

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

SOUTHERN POVERTY LAW CENTER;

Petitioner,

v.

Case No. 2020-CA-923

FLORIDA DEPARTMENT OF
CORRECTIONS;

Respondent

_____ /

First Amended Petition for Writ of Mandamus

Petitioner Southern Poverty Law Center (“SPLC”) through undersigned counsel and pursuant to Rule 1.630 of the Florida Rules of Civil Procedure and Chapter 119, Florida Statutes, petitions this Court for an immediate hearing and entry of a Writ of Mandamus commanding the Florida Department of Corrections (“FDC”) to fully produce FDC’s policies relating to the novel coronavirus—public records that SPLC requested over two months ago.

I. **Introduction**

1. COVID-19 is a deadly global pandemic caused by a novel coronavirus that, as of June 9, 2020, has infected over 7.1 million people and killed over 407,000 people worldwide in the last several months.¹ In Florida alone, over 64,900 people have tested positive, and 2,712 people have died.²

2. Prisons are congregate settings where social distancing is impossible and COVID-19 spreads rapidly. FDC incarcerates nearly 96,000 people, including a significant population of

¹ *Coronavirus Resource Center*, Johns Hopkins University & Medicine, <https://coronavirus.jhu.edu/>.

² Florida COVID-19 Response, Florida Dept. of Health (updated June 8, 2020), <https://floridahealthcovid19.gov/>.

elderly and medically vulnerable people at heightened risk of serious illness and death if they contract the virus. As such, Florida's crowded prisons are at danger of becoming hotspots for transmission of the virus.

3. Despite these risks and intense public interest in measures to combat COVID-19 in Florida prisons, FDC has not been transparent about how it is responding to COVID-19. For weeks, FDC provided only vague updates about its efforts to deal with the virus. FDC did not confirm its first instance of an incarcerated person testing positive for COVID-19 until April 5, 2020.³ As of June 9, 2020, that number now stands at 1,589, with an additional 294 positive cases among staff.⁴ The virus is spreading throughout Florida's prisons at an alarming rate. Seventeen incarcerated people have already died from complications caused by COVID-19. FDC did not confirm the first deaths until journalists independently obtained this information from a county medical examiner.⁵

4. In addition, as of June 9, 2020, FDC has conducted only 14,835 tests for coronavirus among the nearly 96,000 people in its custody.⁶ Although 3,855 people in FDC custody are in medical quarantine, there is no telling how many more have been exposed. FDC risks the deaths of many more people if it does not make changes in how it combats the virus.

5. In order to better understand FDC's measures to combat COVID-19, SPLC submitted two public records requests to FDC seeking information about its COVID-19 policies. But despite the urgency of the pandemic and public interest in FDC's efforts to protect people

³ Martin Vassolo & Ben Conarck, *'Ticking time bomb:' Florida acknowledges first inmate coronavirus case – and then a second*, Miami Herald, Apr. 5, 2020, <https://www.miamiherald.com/news/coronavirus/article241777246.html>.

⁴ *Covid-19 Statistics*, Florida Dept. of Corrections (updated June 8, 2020), <http://www.dc.state.fl.us/comm/covid-19.html>.

⁵ Samantha Gross and Ben Conarck, *Amid rebukes over secrecy, Florida prison system begins to reveal ravages of coronavirus*, Miami Herald, Apr. 18, 2020, <https://www.miamiherald.com/news/special-reports/florida-prisons/article242096896.html>.

⁶ *Covid-19 Statistics*, *supra* n.4.

from COVID-19, FDC has failed to timely respond to these requests and has claimed improper exemptions that are at odds with Florida's broad open-public records law.

II. **Jurisdiction and Venue**

6. This is a petition for a writ of mandamus to enforce the terms of Article I, Section 24(a) of the Florida Constitution, and Fla. Stat, Ch. 119 ("Public Records Law").

7. This Court has jurisdiction over this petition pursuant to the Florida Constitution, art. V, § 5(b); Fla.R.Civ.P. 1.630; and Fla. Stat., § 119.11.

8. Venue is proper in Leon County as Respondent FDC's primary headquarters is located within Leon County.

III. **Parties**

9. Petitioner SPLC is a nonprofit organization dedicated to combatting hate and bigotry in all its forms and to seeking justice for the most vulnerable members of our society. Through the use of public education, litigation, and other forms of advocacy, SPLC works toward a vision of equal justice and equal opportunity.

10. FDC is an agency as defined in § 119.011(2), Fla. Stat., tasked with administering, managing, and maintaining the Florida prison system, and is therefore required to comply with the provisions of the Public Records Law.

IV. **Factual Allegations**

11. On March 20, 2020, SPLC sent a public records request ("PRR") to FDC seeking documents relating to its policies and procedures related to COVID-19. *See* SPLC PRR to FDC, March 20, 2020, attached as Exhibit A. Specifically, the request sought the following:

- i. All plans, policies, and procedures implemented by the Florida Department of Corrections since November 1, 2019, relating to "Novel Coronavirus 2019" or "COVID-19," and

- ii. All documents illustrating positive test results for COVID-19 in any FDC facility.

12. On March 25, 2020, SPLC sent a second request seeking FDC’s “records, plans, policies, procedures, guidelines and documents” relating to COVID-19 and specifying 26 sub-categories of information. See SPLC PRR to FDC, March 25, 2020, attached as Exhibit B.

13. FDC acknowledged receipt of both requests by email. *See* CO-PublicRecords email to L. Laurenceau, March 20, 2020, attached as Exhibit C, and CO-PublicRecords email to L. Laurenceau, March 25, 2020, attached as Exhibit D.

14. On April 13, 2020, in a phone call, FDC stated that the agency was uncertain as to when it would be able to provide a complete response to SPLC’s request, as FDC was “overwhelmed” with requests.

15. On April 17, 2020, in an effort to narrow the requests and speed production of the public records, SPLC emailed the FDC Public Records Office to ask whether FDC could produce just its written policies and procedures — Items 2, 3, 9, 12, 13, 15, 16, 17, 19, and 23 of the March 25 PRR — more quickly. *See* L. Laurenceau email to D. Houpt, April 17, 2020, attached as Exhibit E. These items specifically reference written documents presumably already prepared by FDC to combat outbreaks of disease and address COVID-19. These should not have been difficult for the agency to locate and provide. In a phone call, however, FDC responded that it was uncertain whether this would lead to a quicker response time

16. On May 6, 2020, FDC stated that it “should have records to [SPLC] within the next week or two.” *See* D. Houpt email to L. Laurenceau, May 6, 2020, attached as Exhibit F.

17. Because of the lengthy delay and pressing need for the requested information relating to the pandemic, on May 7, 2020, pursuant to § 119.12(l)(b), Fla. Stat., SPLC sent a

letter to FDC's custodian of public records identifying the outstanding public record requests.

See L. Laurenceau ltr. to D. Houpt, May 7, 2020, attached as Exhibit G.

18. On May 8, 2020, FDC provided a document entitled "FDC Interim Commitment Plan," as a response to Item 23 of the March 25 PRR. *See* FDC Interim Commitment Plan, attached as Exhibit H.

19. On May 12, 2020, FDC stated that it had retrieved a large volume of emails but could not confirm whether the emails were to or from the custodians SPLC had identified. *See* D. Houpt email to L. Laurenceau, May 12, 2020, attached as Exhibit I.

20. On May 15, 2020, because FDC had produced only a single document in response to one of the 26 categories of information requested and had not responded at all as to 23 of the categories, SPLC initiated the current action by filing a Petition for Writ of Mandamus.

21. On May 18, 2020, FDC was served with the initial Petition for Writ of Mandamus. *See* Dkt No. 9, Verified Return of Service.

22. On May 22, 2020, only after being served in this action, FDC finally provided additional documents purporting to respond to SPLC's public records requests. *See* D. Houpt email to L. Laurenceau, May 22, 2020, attached as Exhibit J.

23. However, in its responses, FDC claimed exemptions under §§ 119.071(3)(a) and (2)(d), Fla. Stat., § 119.07(1), Fla. Stat., § 945.10(1)(e), Fla. Stat. and Section 24(a), Article 1 of the Florida Constitution. FDC alleged that, although it possessed responsive records, such release would "jeopardize the safety of the Department's officers, employees and/or inmates". *See* S. Mcree email to D. Houpt, May 21, 2020, attached as Exhibit K.

24. FDC claims these exemptions in response to the following Items of the March 25 PRR:

- a. 13: “Documents that identify, summarize, or describe efforts undertaken to limit the introduction of COVID-19 into FDC facilities by FDC staff and members of the public”;
- b. 16: “Documents that identify, summarize, or describe efforts undertaken to ensure adequate provision of hygiene supplies to individuals in your custody such as, but not limited to, warm water for handwashing and cleaning, body soap, liquid hand soap, hand sanitizer, tissue, toilet paper, garbage receptacles that are regularly emptied, and clean laundry”;
- c. 20: “All policies pertaining to outside communication and visitation by incarcerated people with family, friends and legal counsel during the COVID-19 outbreak/endemic/pandemic”;
- d. 21: “Documents that identify, summarize, or describe facility lockdown protocols relating to COVID-19”;
- e. 22: “Documents that identify, summarize, or describe processes pertaining to the release of individuals whose sentences have ended during the COVID-19 outbreak/endemic/pandemic”; and
- f. 25: “Documents that identify, summarize, or describe plans relating to the intake and commitment of new individuals into FDC facilities during the COVID-19 outbreak/endemic/pandemic.”

See March 25 PRR.

25. While FDC has stated that an estimate for time and payment required to conduct an email search regarding Items 4, 5, 6, 7, 8, and 26 of the March 25 PRR is forthcoming, it has

not stated whether the documents provided on March 22 constitute all responsive documents in its possession, subject to exemptions or the email search. *See* Ex. K.

V. Legal Claims

26. Paragraphs 1 through 26 are realleged as if fully set forth herein.

27. FDC is an “agency” as that term is defined in § 119.011(2), Fla. Stat. It is therefore required to comply with the provisions of the Public Records Law.

28. As custodian of public records, FDC has a mandatory and non-discretionary duty to timely permit the inspection of all public records.

29. Each request in the March 20 and March 25 PRRs seeks public records within the meaning of §119.011(12), Fla. Stat., as they were all prepared or received in connection with the transaction of official business by FDC.

30. Florida’s public records law “is to be construed liberally in favor of openness, and all exemptions from disclosure are to be construed narrowly and limited in their designated purpose.” *Board of Trustees, Jacksonville Police & Fire Pension Fund v. Lee*, 189 So. 3d 120, 125 (Fla. 2016) (internal citations omitted).

31. FDC’s claimed exemptions under §§ 119.071(3)(a) and, (2)(d), and Fla. Stat., § 119.07(1), Fla. Stat., § 945.10(1)(e), Fla. Stat. and Section 24(a), Article 1 of the Florida Constitution are improper. These provisions relate to security plans, fire safety plans, surveillance techniques or procedures, and information which, if released, would jeopardize a person’s safety. *Id.* None apply to the categories of documents requested by SPLC concerning FDC’s response to the COVID-19 pandemic, including, but not limited to efforts aimed at limiting exposure to the coronavirus, hygiene protocols, visitation and communication policies in light of the pandemic, facility lockdown procedures as they relate to the pandemic, and the intake

and release of individuals during the pandemic. *See* March 25 PRR. These categories do not obviously implicate the physical security of FDC facilities or surveillance techniques. For example, it is not clear how policies about the provision of soap and cleaning supplies concerns physical security of the facilities. And even to the extent that lockdown procedures relate to physical security, it does not follow that changes to lockdown procedures in light of COVID-19 necessarily implicate security concerns. Nor would the release of these documents endanger any person's safety.

32. FDC bears the burden of proving its right to the claimed exemptions. *Woolling v. Lamar*, 764 So.2d 765, 768 (Fla. 5th DCA 2000). FDC has not provided any rationale as to how the requested records qualify as security plans, fire safety plans, surveillance techniques or procedures, or information which, if released, would jeopardize a person's safety.

33. If the Court determines that any of the public records requested may fall within the exemptions provided in §§ 119.071(3)(a) and (2)(d), Fla. Stat., § 119.07(1), Fla. Stat., and § 945.10(1)(e), Fla. Stat. and Section 24(a), Article 1 of the Florida Constitution, Defendants must furnish the documents to the Court for an in camera inspection. *See* § 119.07(1)(g), Fla. Stat.; *Walton v. Dugger*, 634 So. 2d 1059, 1061-62 (Fla. 1993).

34. Even if the Court finds that exemptions to these records apply, Florida law requires FDC to redact exempt information and produce the remainder. *See* § 119.07(1)(d), Fla. Stat. FDC has not produced even redacted documents in response to the six enumerated categories nor explained why redacted documents cannot be produced.

35. Should the Court find that the exemptions claimed by FDC do properly apply to the records at issue, the Court should still command their release as good cause exists for public disclosure, pursuant to § 119.071(3)(a)(3)(d), Fla. Stat. COVID-19 continues to plague Florida's

prison population. Since SPLC filed its initial Petition for Writ of Mandamus in this action, the number of positive tests of incarcerated persons has increased by over 65%, from 943 to 1,589.⁷ The threat of COVID-19 within Florida’s prison has not abated – it is getting worse. In order to understand the measures FDC has taken to limit the spread of the disease in the prisons and advocate to correct any deficiencies that may exist in their protocols, it is imperative that Petitioner be afforded an opportunity to examine the records in question.

36. Petitioner has a clear legal right to view the requested records. The Florida Constitution dictates that “[e]very person has the right to inspect or copy any public record.” Art. I, § 24(a), Fla. Const. This constitutional right is “self-executing.” *Id.* at § 24(c). Florida law reinforces this constitutional right by declaring “all state, county, and municipal records are open for personal inspection and copying by any person.” § 119.01(1), Fla. Stat.; *see also* § 119.07(3)(a), Fla. Stat. (providing a right to access and photograph public records).

37. FDC failed to timely provide the requested access to public records and has unlawfully denied public access. Such an unjustified delay is improper and unlawful. *See Promenade D'Iberville, LLC v. Sundy*, 145 So. 3d 980, 984 (Fla. 1st DCA 2014) (“unjustifiable delay to the point of forcing a requester to file an enforcement action is by itself tantamount to an unlawful refusal to provide public records in violation of the Act”).

38. SPLC has no adequate remedy at law. Unless the relief sought is provided, FDC will continue to violate Chapter 119.

39. SPLC seeks and is entitled to an accelerated hearing under §119.011(1), Fla. Stat.

40. SPLC has incurred costs and attorneys’ fees in prosecuting this action for violation of Florida’s Public Records Law and is entitled to recover reasonable attorneys’ fees

⁷ *Covid-19 Statistics*, Florida Dept. of Corrections (updated June 9, 2020), <http://www.dc.state.fl.us/comm/covid-19.html>.

against FDC pursuant to § 119.12, Fla. Stat. *See Wisner v. City of Tampa Police Dep't*, 601 So. 2d 296, 298 (Fla. 2d DCA 1992) (granting Petitioner reasonable costs even though Respondent subsequently provided public records as Petitioner had to file civil action to enforce the provisions of Florida's Public Record Law); *Schweickert v. Citrus Cnty. Fla. Bd.*, 193 So. 3d 1075, 1077 (Fla. 5th DCA 2016) (finding that although Respondent produced records after the complaint was filed, case was not moot as issue remained as to entitlement to attorney's fees).

VI. **Relief Requested**

WHEREFORE, Petitioner requests that this Court:

- (a) Issue an Alternative Writ of Mandamus commanding FDC to either (1) immediately produce the records at issue to SPLC, or (2) show cause at a hearing by phone or video teleconference in the near future (5 days) as to why the Court should not issue a Writ of Mandamus;
- (b) In the alternative, conduct an *in camera* review of the records to determine whether any such exemption applies to the whole of the records requested or only to portions and ordering these records redacted and released as such;
- (c) Find that good cause exists for the release of the records at issue;
- (d) Award Petitioner its reasonable attorneys' fees, costs, and expenses incurred in this action, as provided in § 119.12, Fla. Stat.; and
- (e) Grant such further relief as the Court deems just and proper.

Dated: June 9, 2020

Respectfully submitted,



Shalini Goel Agarwal
Florida Bar No. 90843

Southern Poverty Law Center
106 East College Ave., #1010
Tallahassee, FL 32302
(850) 521-3024
shalini.agarwal@splcenter.org

A handwritten signature in blue ink, appearing to read "Leonard J. Laurenceau", with a stylized flourish extending to the right.

Leonard J. Laurenceau
Florida Bar No. 106987
Southern Poverty Law Center
2 S. Biscayne Blvd., Suite 3750
Miami, FL 33131
(786) 347-2056
leo.laurenceau@splcenter.org

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished by e-mail this 9th day of June 2020 to:

Dorothy Burnsed, Interim General Counsel
Florida Department of Corrections
501 S. Calhoun St.
Tallahassee, FL 32399
dorothy.burnsed@fdc.myflorida.com

A handwritten signature in blue ink, appearing to read "Leonard J. Laurenceau", with a stylized flourish extending to the right.

Leonard J. Laurenceau

EXHIBIT A



SPLC
Southern Poverty
Law Center

Fighting Hate
Teaching Tolerance
Seeking Justice

Southern Poverty Law Center
P.O. Box 12463
Miami, FL 33101
T. 786.347.2056 F. 786.237.2949
www.splcenter.org

March 20, 2020

Via Email

Florida Department of Corrections
Public Records Unit
Office of the Inspector General
501 South Calhoun Street
Tallahassee, Florida 32399-2500
Email: CO.PublicRecords@fdc.myflorida.com

Dear Public Records Custodian:

This is a Public Records Act request, made pursuant to Chapter 119, Florida Statutes, and Article 1, Section 24, of the Florida Constitution, for a copy of the public records described in Section A below.

A. Records Requests

Please produce the following public records pursuant to Sec. 119.07(1)(c), Fla. Stat. (2019):

- All plans, policies, and procedures implemented by the Florida Department of Corrections since November 1, 2019, relating to “Novel Coronavirus 2019” or “COVID-19,” and
- All documents illustrating positive test results for COVID-19 in any FDC facility.

For any responsive records that are not in your custody, please forward this request to the current custodian in possession of such records

B. Exemptions

In accordance with Sec. 119.07(1)(e), Fla. Stat., if you claim that any record is exempt from public disclosure, please state in writing both the statutory citation to any exemption which you claim is applicable and the specific reasons for a conclusion that the requested record is exempt. In accordance with Sec. 119.07(1)(d), Fla. Stat., if you claim that any portion of any record is exempt, please redact that portion of the record that you believe is exempt, state in writing both the statutory citation to any exemption you believe is applicable and the specific reasons for a conclusion that the portion of the record is exempt, and produce the remainder of the record.

If the documents are available electronically, please provide them in electronic format, such as via email (to leo.laurenceau@splcenter.org), cloud storage such as Dropbox or on a CD, to reduce costs. Otherwise, we can accept double-sided copies of the documents, to also reduce costs.

Please contact me at leo.laurenceau@splcenter.org or 786-457-7310 with any questions related to this request and an invoice for your costs and time. Thank you.

Sincerely,

Leonard J Laurenceau

EXHIBIT B



SPLC
Southern Poverty
Law Center

Fighting Hate
Teaching Tolerance
Seeking Justice

Southern Poverty Law Center
P.O. Box 12463
Miami, FL 33101
T. 786.347.2056 F. 786.237.2949
www.splcenter.org

March 25, 2020

Via Email

Florida Department of Corrections
Public Records Unit
Office of the Inspector General
501 South Calhoun Street
Tallahassee, Florida 32399-2500
Email: CO.PublicRecords@fdc.myflorida.com

Dear Public Records Custodian:

This is a Public Records Act request, made pursuant to Chapter 119, Florida Statutes, and Article 1, Section 24, of the Florida Constitution, for a copy of the public records described in Section B below.

A. Separate Requests Requiring Separate Responses

Please treat each of the numbered paragraphs in Section B as a separate request under the Public Records Act and respond to each separately as to (1) the existence of such documents; (2) whether you intend to make such documents available; (3) if you claim any exemption or privilege with respect to such documents, the documents as to which the privilege or exemption applies; and (4) when documents are produced or made available, the paragraph to which such documents are intended to respond. This procedure is intended to obviate the waste of sending separate requests as to each of these categories of documents. Unless I hear promptly from you to the contrary, I will assume this will not be necessary.

B. Records Requests

In accordance with section 119.07(1)(c) of the Public Records Act, please determine if you or anyone else in your agency have custody of any records, plans, policies, procedures, guidelines and documents of the Florida Department of Corrections ("FDC") **relating to "Novel Coronavirus 2019" or "COVID-19"** including, but not limited to, the following:

1. COVID-19 screening tools, forms, or instruments and any related documents or communications;

2. Documents that identify, summarize, or describe the care of individuals within FDC custody as it pertains to COVID-19, including, but not limited to, documents related to individuals suspected of being infected by, exposed to, or testing positive for COVID-19;
3. Documents that identify, summarize, or describe the screening of individuals in your custody for COVID-19;
4. Communications between FDC and the Florida Department of Health relating to COVID-19;
5. Communications between FDC and other Florida state agencies, actors, or entities regarding COVID-19;
6. Communications between FDC and any federal agencies, actors, or entities regarding COVID-19;
7. Communications between FDC and the Centers for Disease Control and Prevention (CDC);
8. Communications between FDC and the National Commission on Correctional Health Care (NCCHC);
9. Plans, policies and procedures put in place by FDC as a result of any of the above communications;
10. Plans, policies, procedures, guidelines, communications, and other documents relating to the education of incarcerated people in FDC custody pertaining to COVID-19 including, but not limited to, information about the virus, its symptoms, its spread, the risks associated with contracting the virus, the measures incarcerated people can take to minimize their risk of contracting or spreading the virus, and social distancing;
11. Plans, policies, procedures, guidelines, communications, and other documents relating to the education of FDC staff pertaining to COVID-19 including, but not limited to, information about the virus, its symptoms, its spread, the risks associated with contracting the virus, the measures staff can take to minimize their risk of contracting or spreading the virus, and social distancing;
12. Plans, policies, and procedures regarding training of FDC staff for the prevention and containment of infectious diseases;
13. Documents that identify, summarize, or describe efforts undertaken to limit the introduction of COVID-19 into FDC facilities by FDC staff and members of the public;

14. Documents that identify, summarize, or describe efforts undertaken to protect or release particularly vulnerable populations within FDC custody including, but not limited to, older adults; people with chronic illnesses, complex medical needs, compromised immune systems, or disabilities; pregnant women; and children;
15. Plans, policies, procedures, guidelines and documents relating to the staffing of FDC facilities during the COVID-19 outbreak/endemic/pandemic, including, but not limited to, staffing plans for services provided by FDC staff and incarcerated individuals;
16. Documents that identify, summarize, or describe efforts undertaken to ensure adequate provision of hygiene supplies to individuals in your custody such as, but not limited to, warm water for handwashing and cleaning, body soap, liquid hand soap, hand sanitizer, tissue, toilet paper, garbage receptacles that are regularly emptied, and clean laundry;
17. Documents that identify, summarize, or describe the housing and treatment of persons exposed to or testing positive for COVID-19, including, but not limited to, quarantine plans;
18. Documents that identify, summarize, or describe the processes in place for notification to family members of individuals testing positive for COVID-19;
19. Documents that identify, summarize, or describe the processes in place for charging individuals in your custody fees for medical treatment relating to COVID-19;
20. All policies pertaining to outside communication and visitation by incarcerated people with family, friends and legal counsel during the COVID-19 outbreak/endemic/pandemic;
21. Documents that identify, summarize, or describe facility lockdown protocols relating to COVID-19;
22. Documents that identify, summarize, or describe processes pertaining to the release of individuals whose sentences have ended during the COVID-19 outbreak/endemic/pandemic;
23. Documents that identify, summarize, or describe processes pertaining to the transfer of individuals in FDC custody to other FDC facilities during the COVID-19 outbreak/endemic/pandemic;
24. Documents that identify, summarize, or describe processes relating to parole hearings during the COVID-19 outbreak/endemic/pandemic for those individuals within FDC custody who still qualify for parole;

25. Documents that identify, summarize, or describe plans relating to the intake and commitment of new individuals into FDC facilities during the COVID-19 outbreak/endemic/pandemic;
26. And any and all other documents, policies, procedures, guidelines, and communications within the custody of FDC that is related to COVID-19.

C. Exemptions

In accordance with section 119.07(1)(e), if you claim that any record is exempt from public disclosure, please state in writing both the statutory citation to any exemption which you claim is applicable and the specific reasons for a conclusion that the requested record is exempt. In accordance with section 119.07(1)(d), if you claim that any portion of any record is exempt, please redact that portion of the record that you believe is exempt, state in writing both the statutory citation to any exemption you believe is applicable and the specific reasons for a conclusion that the portion of the record is exempt, and produce the remainder of the record.

If the documents are available electronically, please provide them in electronic format, such as via email (to leo.laurenceau@splcenter.org), cloud storage such as Dropbox or on a CD, to reduce costs. Otherwise, we can accept double-sided copies of the documents, to also reduce costs.

Please contact me at leo.laurenceau@splcenter.org or 786-457-7310 with any questions related to this request and an invoice for your costs and time. Thank you.

Sincerely,

Leonard J Laurenceau

EXHIBIT C

From: [CO-PublicRecords](#)
To: [Leonard J. Laurenceau](#)
Subject: Thank you for your Public Records Request
Date: Friday, March 20, 2020 4:34:12 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for your email. The Florida Department of Corrections is in receipt of your public records request. This request has been assigned and the analyst within the Public Records Unit is reviewing your request, determining any and all custodians that may exist within the department. Once the custodians and scope of your request is defined, we will advise you of your Public Records Request tracking number (PRR #), along with the identified custodians and their timeframes in which to expect a response, in accordance with Department procedure.

If records responsive to your request are determined to exist, you may be provided with a cost estimate. This is an estimate of the cost to prepare and provide the records requested. If the final records exceed that cost estimate, you will be provided a supplemental invoice for the additional cost. Following receipt of payment, records will be prepared for release in accordance with Ch. 119 and s. 945.10, F.S. Due to the volume of requests received by each custodian, it could take approximately 3-6 weeks to receive a response from one or all custodians. This office will facilitate your request in order to ensure that you receive the most expedient response possible.

If you have any questions, please contact the Public Records Unit, or the Public Records Administrator, Jamie Scarbrough, at (850) 717-3605 or via email at CO.PublicRecords@FDC.MyFlorida.com.

Sincerely,

Florida Department of Corrections
Public Records Unit
501 South Calhoun Street
Tallahassee, Florida 32399

EXHIBIT D

From: [CO-PublicRecords](#)
To: [Leonard J. Laurenceau](#)
Subject: Thank you for your Public Records Request
Date: Wednesday, March 25, 2020 9:51:36 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for your email. The Florida Department of Corrections is in receipt of your public records request. This request has been assigned and the analyst within the Public Records Unit is reviewing your request, determining any and all custodians that may exist within the department. Once the custodians and scope of your request is defined, we will advise you of your Public Records Request tracking number (PRR #), along with the identified custodians and their timeframes in which to expect a response, in accordance with Department procedure.

If records responsive to your request are determined to exist, you may be provided with a cost estimate. This is an estimate of the cost to prepare and provide the records requested. If the final records exceed that cost estimate, you will be provided a supplemental invoice for the additional cost. Following receipt of payment, records will be prepared for release in accordance with Ch. 119 and s. 945.10, F.S. Due to the volume of requests received by each custodian, it could take approximately 3-6 weeks to receive a response from one or all custodians. This office will facilitate your request in order to ensure that you receive the most expedient response possible.

If you have any questions, please contact the Public Records Unit, or the Public Records Administrator, Jamie Scarbrough, at (850) 717-3605 or via email at CO.PublicRecords@FDC.MyFlorida.com.

Sincerely,

Florida Department of Corrections
Public Records Unit
501 South Calhoun Street
Tallahassee, Florida 32399

EXHIBIT E

From: [Leonard J. Laurenceau](#)
To: [Haupt, Dianne S.](#)
Subject: RE: PRR#19-0985 - COVID-19
Date: Friday, April 17, 2020 3:00:00 PM
Attachments: [image005.png](#)
[image006.png](#)

Good Afternoon Ms. Haupt,

Thank you for your responses thus far. I would like to ask whether it would be feasible to prioritize responses to **Items #2, #3, #9, #12, #13, #15, #16, #17, #19, and #23**? These requests ask for policies, procedures, etc. that would not necessitate the thoroughness of the email search we've previously discussed as they ask for documents that we assume already exist. Would this focus allow for a quicker response to those specific requests? This would not be in lieu of all of PRR#19-0985, as we would still like the communications at a later time. Please let me know at your earliest convenience.

Thank you,



Leonard Laurenceau
Staff Attorney | Legal
Southern Poverty Law Center
T 786.457.7310
leo.laurenceau@splcenter.org | www.splcenter.org

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From: Haupt, Dianne S. <Dianne.Haupt@fdc.myflorida.com>
Sent: Monday, April 13, 2020 1:43 PM
To: Leonard J. Laurenceau <leo.laurenceau@splcenter.org>
Subject: FW: PRR#19-0985 - COVID-19

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Mr. Laurenceau:

Please see response below provided by Michelle Palmer, Chief, Bureau of Admission and Release, relating to your request dated March 25, 2020, for ***Item #14 Documents that identify, summarize, or describe efforts undertaken to protect or release particularly vulnerable populations within FDC custody including, but not limited to, older adults; people with chronic illnesses, complex medical needs, compromised immune systems, or disabilities; pregnant women; and children.***

Ms. Palmer advises that their office has no responsive records. Please note that I am also waiting on a response/records from the Office of Health Services for Item #14. Thank you.

Dianne H. Haupt
Public Information Specialist
Florida Department of Corrections
501 South Calhoun Street
Tallahassee, Florida 32399-2500

dianne.haupt@fdc.myflorida.com

Office: (850) 717-3605

Direct: (850) 717-3615

Fax: (850) 922-4355



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From: Palmer, Michelle (Angela)

Sent: Monday, April 13, 2020 12:06 PM

To: Hought, Dianne S. <Dianne.Hought@fdc.myflorida.com>

Subject: RE: PRR#19-0985 - COVID-19

Currently, there are no early release mechanisms in place by which an inmate can be released early from a sentence. Unfortunately, the Department has no authority in this matter and therefore we have no responsive records.

Please let me know if you need additional information. Thanks,

Michelle Palmer

Chief, Bureau of Admission & Release

Office of Institutions

Florida Department of Corrections

*Office: (850) 717-3097

State Cell: (850) 544-7389

Michelle.Palmer@fdc.myflorida.com



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phone and destroy the original and all copies. Please be aware that the State of Florida has a broad public records law and that any correspondence sent to this email address may be subject to public disclosure

EXHIBIT F

From: [Houpt, Dianne S.](#)
To: [Leonard J. Laurenceau](#)
Subject: RE: PRR#19-0985 - COVID-19
Date: Wednesday, May 6, 2020 4:56:25 PM
Attachments: [image003.png](#)
[image005.png](#)
[image006.png](#)

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Mr. Laurenceau:

Thank you for your email. We are still having the records reviewed by my supervisor. We should have records to you within the next week or two.

Dianne H. Houpt

Public Information Specialist

Florida Department of Corrections
501 South Calhoun Street
Tallahassee, Florida 32399-2500
dianne.houpt@fdc.myflorida.com
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From: Leonard J. Laurenceau [mailto:leo.laurenceau@splcenter.org]
Sent: Friday, May 01, 2020 1:05 PM
To: Houpt, Dianne S. <Dianne.Houpt@fdc.myflorida.com>
Subject: RE: PRR#19-0985 - COVID-19

Good Afternoon Ms. Houpt,

I hope all is well. I'm following up on our phone call from Wednesday, as well as our previous correspondence. I would like to know whether you are able to provide an update as to the request at this time?

Thank you,

Leonard Laurenceau
Staff Attorney | Legal
Southern Poverty Law Center
T 786.457.7310
leo.laurenceau@splcenter.org | www.splcenter.org

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From: Leonard J. Laurenceau
Sent: Friday, April 17, 2020 3:00 PM
To: Houpt, Dianne S. <Dianne.Houpt@fdc.myflorida.com>
Subject: RE: PRR#19-0985 - COVID-19

Good Afternoon Ms. Houpt,

Thank you for your responses thus far. I would like to ask whether it would be feasible to prioritize responses to **Items #2, #3, #9, #12, #13, #15, #16, #17, #19, and #23**? These requests ask for policies, procedures, etc. that would not necessitate the thoroughness of the email search we've previously discussed as they ask for documents that we assume already exist. Would this focus allow for a quicker response to those specific requests? This would not be in lieu of all of PRR#19-0985, as we would still like the communications at a later time. Please let me know at your earliest convenience.

Thank you,

Leonard Laurenceau
Staff Attorney | Legal
Southern Poverty Law Center
T 786.457.7310
leo.laurenceau@splcenter.org | www.splcenter.org

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From: Houpt, Dianne S. <Dianne.Houpt@fdc.myflorida.com>
Sent: Monday, April 13, 2020 1:43 PM
To: Leonard J. Laurenceau <leo.laurenceau@splcenter.org>
Subject: FW: PRR#19-0985 - COVID-19

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Laurenceau:

Please see response below provided by Michelle Palmer, Chief, Bureau of Admission and Release, relating to your request dated March 25, 2020, for **Item #14 Documents that identify, summarize, or describe efforts undertaken to protect or release particularly vulnerable populations within FDC custody including, but not limited to, older adults; people with chronic illnesses, complex medical needs,**

compromised immune systems, or disabilities; pregnant women; and children.

Ms. Palmer advises that their office has no responsive records. Please note that I am also waiting on a response/records from the Office of Health Services for Item #14. Thank you.

Dianne H. Hought

Public Information Specialist

Florida Department of Corrections

501 South Calhoun Street

Tallahassee, Florida 32399-2500

dianne.hought@fdc.myflorida.com

Office: (850) 717-3605

Direct: (850) 717-3615

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From: Palmer, Michelle (Angela)

Sent: Monday, April 13, 2020 12:06 PM

To: Hought, Dianne S. <Dianne.Hought@fdc.myflorida.com>

Subject: RE: PRR#19-0985 - COVID-19

Currently, there are no early release mechanisms in place by which an inmate can be released early from a sentence. Unfortunately, the Department has no authority in this matter and therefore we have no responsive records.

Please let me know if you need additional information. Thanks,

Michelle Palmer

Chief, Bureau of Admission & Release

Office of Institutions

Florida Department of Corrections

*Office: (850) 717-3097

State Cell: (850) 544-7389

Michelle.Palmer@fdc.myflorida.com



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EXHIBIT G



SPLC
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Southern Poverty Law Center
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Miami, FL 33137-0037
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Toll Free 877.751.6183
www.splcenter.org

May 5, 2020

Dianne Houtp
dianne.houtp@fdc.myflorida.com
Florida Department of Corrections
501 S. Calhoun Street
Tallahassee, FL 32399-6548
Sent via email

Re: Unanswered Public Records Requests re: FDC's Covid-19 Policies

Dear Ms. Houtp:

I write regarding the Florida Department of Corrections' (FDC) failure to timely respond to two public records requests regarding FDC's policies and procedures pertaining to the novel coronavirus (Covid-19)—one dated March 20, 2020, asking for plans, policies, and procedures relating to Covid-19 and one dated March 25, 2020, designated PRR 19-0985, specifying categories of the same (requests attached as Exhibit A and B, respectively).

From the outset, FDC's response to inquiries about the pandemic and its impact on people in FDC's custody has been slow and lacking in transparency. This is even though the 96,000 people in Florida's prisons are uniquely vulnerable to the dangers posed by Covid-19—a substantial number are elderly and otherwise medically vulnerable, and they must remain in close quarters in a congregate setting where social distancing is more aspirational than real. As rumors spread about the presence of the disease within the walls of Florida prisons, FDC remained nearly silent for weeks, only releasing vague updates about its efforts and failing to inform the public how many people in its custody or on its staff, if any, had been tested for the disease.¹ It was not until April 5, 2020, that FDC confirmed the first instance of an incarcerated person testing positive for Covid-19.² Five days later, FDC admitted that, in fact, 31 incarcerated people had tested positive

¹ See UPDATED - FDC PUBLIC ANNOUNCEMENT: COVID-19 (March 12, 2020), <http://www.dc.state.fl.us/comm/press/Main/03-12-Covid.html>; UPDATED - FDC PUBLIC ANNOUNCEMENT: COVID-19 (March 24, 2020), <http://www.dc.state.fl.us/comm/press/Main/03-24-Covid.html>; UPDATED - FDC PUBLIC ANNOUNCEMENT: COVID-19 (March 30, 2020), <http://www.dc.state.fl.us/comm/press/Main/03-30-Covid.html>.

² Martin Vassolo and Ben Conarck, 'Ticking time bomb:' Florida acknowledges first inmate coronavirus case – and then a second (April 5, 2020), available at <https://www.miamiherald.com/news/coronavirus/article241777246.html>

for Covid-19.³ Only beginning April 16 did FDC start providing some updated statistics as to tests and confirmed cases of the virus.⁴ As of May 4, 2020, of the nearly 96,000 people incarcerated in Florida prisons, 776 have been tested for Covid-19. Of these, 373 have tested positive—nearly 50 percent.⁵ In addition, 167 FDC staff have tested positive, although it is unknown how many have been tested.⁶ While FDC now reports seven deaths of incarcerated people from Covid-19, FDC would not confirm that anyone in its custody had died of Covid-19 until journalists independently obtained this information from a county medical examiner.⁷ Given FDC's recent failures of transparency, it is all the more imperative that it timely respond to our request for public records.

I received initial responses from FDC on March 20 and 25, 2020, acknowledging receipt and stating that it could take approximately 3-6 weeks to receive a response and that once the custodians and scope of the request were defined, FDC would provide the timeframe for a response. FDC's next communication on March 31, 2020, asked whether I would like an email search conducted regarding Items 4, 5, 6, 7, 8 and 26 for "Communications." I responded affirmatively on April 10, 2020. On April 13, 2020, FDC notified me that there would not be a quick turnaround. On April 17, 2020, I asked whether FDC could produce its policies and procedures—Items 2, 3, 9, 12, 13, 15, 16, 17, 19, and 23 of PRR 19-0985—more quickly, even if the emails would take longer. You advised me by phone on April 29, 2020 that you were not sure whether this would speed FDC's response.

To date, FDC has provided no documents in response to our public records request. All it has done is to state that it has no responsive records for two items in the requests. (Items 14 and 24 of PRR 19-0985). It has been over 45 days since the March 20 request, and over 40 days since PRR 19-0985. FDC has provided neither full responses nor an estimated date of completion. For your convenience, I have attached our email correspondences here as Exhibit C.

This delay amounts to unlawful refusal to release public records. *See Hewlings v. Orange Cnty.*, 87 So. 3d 839, 841 (Fla. 5th DCA 2012) (compliance delay of 45 days found to be unreasonable); *Brunson v. Dade County School Bd.*, 525 So.2d 933 (Fla. 3d DCA 1988) (finding that delay of 58 days amounted to an unlawful refusal), *disapproved of on other grounds by New York Times Co. v. PHH Mental Health Servs., Inc.*, 616 So.2d 27, 29 (Fla. 1993); *Yasir v. Forman*, 149 So. 3d 107, 108 (Fla. 4th DCA 2014) ("Unlawful refusal under section 119.12 includes not only affirmative refusal to produce records, but also unjustified delay in producing them."); Significantly, a response acknowledging receipt of a public records request does not substitute for actual compliance in the release of requested records. *See generally Hewlings*, 87 So.3d at 841. "The only delay permitted by the [Florida Public Records Act] is the limited reasonable time allowed the custodian to retrieve the record and delete those portions of the

³ Mark Inch, *A Second Message to Families* (April 10, 2020), <http://www.dc.state.fl.us/comm/press/main/04-10-sec.html>.

⁴ Samantha Gross and Ben Conarck, *Amid rebukes over secrecy, Florida Prison System begins to reveal ravages of coronavirus* (April 18, 2020), <https://www.miamiherald.com/news/special-reports/florida-prisons/article242096896.html>.

⁵ *Covid-19 Statistics* (updated May 3, 2020), <http://www.dc.state.fl.us/comm/covid-19.html>.

⁶ *Id.*

⁷ Gross, *supra* note 4.

record the custodian asserts are exempt.” *Tribune Co. v. Cannella*, 458 So.2d 1075, 1079 (Fla. 1984). FDC’s delay is especially problematic in light of the urgency of the Covid-19 pandemic and the agency’s recent failures to provide timely and transparent information about the impact of Covid-19 on people in its facilities. We thus ask FDC to quickly respond to our requests.

The amount of time necessary to determine any exemptions or privileges has passed. Please produce the responsive documents or assert a legitimate basis to withhold the documents from production under Chapter 119 no later than May 12, 2020.

Sincerely,

Leonard Laurenceau

Cc: Shalini Agarwal; Kelly Knapp

Encl.: Exhibit A (PRR dated March 20, 2020) Exhibit B (PRR 19-0985); Exhibit C (email correspondence with FDC Public Records Custodian Dianne Houpt)

EXHIBIT H



FDC INTERIM COMMITMENT PLAN

Office of
Institutions

CURRENT STATUS

The department resumed acceptance of new commitments the week of [REDACTED]. As discussed in the previous plan provided, the department is quarantining new commitments for 14 days in accordance with CDC guidelines. Allowing for a 14-day quarantine has required a change to our routine intake schedule. The department is now accepting new commitments every third week. The next week designated for receipt of new commitments [REDACTED]. The below plan has been updated with information and lessons learned from the first week of this new process.

SPECIAL NOTICES

1. The department will refuse any attempt to deliver inmates who are presenting signs or symptoms of COVID-19 as identified in the attached screening document. The department requests jails and detention centers attempt to isolate new commitments internally for 14 days before delivery to an FDC reception center, understanding however, this may not be logistically possible. Using the attached screening document, the screening process will be as follows:
 - T&R nursing staff will be in the loading dock area when offenders are unloaded from the transport vehicles.
 - A medical provider (MD, PA or APRN) will be available to evaluate offenders in T&R who may be referred for further evaluation by nursing.
 - Before the transportation officers from the sending facility leaves the reception center, T&R nursing staff will complete the attached screening form for all offenders received.
 - Offenders from multiple outside agencies will NOT be intermingled until the initial COVID-19 screening is completed.
 - T&R nursing staff will interview each offender separately maintaining HIPAA compliance.
 - Each offender will have a temperature measurement and attached screening form completed and signed by nursing staff.
 - A temperature of 99.6 degrees or higher is grounds for rejecting the new receipt and all offenders that were transported in the same vehicle, due to exposure to the symptomatic person.
 - If the offender answers "yes" to questions 3 or 4, the nursing staff will note whether a cough or shortness of breath is noted while screening is being conducted.
 - If the offender answers "yes" to questions 2, 3 or 4, without the presence of a 99.1 or higher temperature, the offender will be referred to a clinician for evaluation of stated symptoms.
 - Based on the clinical evaluation of the offender, considering both the offender's responses and provider's exam, the decision will be made to accept or reject the offender and document on the screening form.
 - The T&R Captain will be notified immediately of the clinical decision to reject an offender or offenders.
 - The Coronavirus Quick Screen form will be filed in the Reception section of the medical record.
2. Delivery of mobility impaired inmates (inmates requiring a wheelchair) should be coordinated through the Bureau of Population Management for the duration of this event. Contact Suzanne Powell at 850-717-3531 or Vicki Newsome at 850-717-3529/850-556-3683.
3. **IMPORTANT NOTICE** – For the duration of this event, the counties diverted from delivering to RMC should be aware that a hard copy of the commitment paperwork must be delivered with the inmate. The diverted receiving facilities will not be able to access the commitment paperwork through the E-Filing Portal.**



FDC INTERIM COMMITMENT PLAN

Office of
Institutions

OPERATIONAL PLAN FOR RESUMING RECEPTION PROCESSING

Reception Medical Center (RMC) has the dual mission of handling most of the medical services transfers for the department. Based on this mission and the vulnerability of the population housed at RMC, the counties which usually deliver there are being diverted to alternate reception centers for the duration of this event. The counties will be redirected as follows:

From CFRC to SFRC	
Charlotte	Martin
Okeechobee	Highlands

From RMC to CFRC			
Alachua	Hernando	Bradford	Marion
Clay	Pasco	Duval	Putnam
Gilchrist	St. Johns	Volusia	Baker

From RMC to NWFR			
Columbia	Madison	Dixie	Nassau
Hamilton	Suwannee	Lafayette	Union
Levy	Taylor		

****Note there are two exceptions to the above:**

Youthful Offenders (Age 18 to 24): Beginning the week of [REDACTED], any youthful offenders between the age of 18 and 24 will be delivered to RMC every third Wednesday. **Youthful Offenders are those inmates identified on commitment paperwork when the sentencing judge has checked off to indicate "The Defendant is hereby committed to the custody of the Department of Corrections as a youthful offender. Any inmates picked up from Lake City CF who are returning from outside court should also be delivered to RMC.**

Each county can deliver on the designated day every third week. However, the maximum number of inmates that can be received will be 35. Once all 35 spaces have been filled, any additional requests will be placed on priority for the next delivery.

The inmates received will be housed in one wing of an open bay dormitory and isolated for 14 days. After 14 days, the group will be moved to the west unit for completion of reception processing. The housing unit will then be cleaned and sanitized in preparation for the next set of new receipts.

Death Sentence Inmates: All inmates who have a death sentence will continue to be processed at RMC. The county will contact RMC in advance of the delivery, and RMC will perform the usual one-day processing. Upon completion of the processing, the inmate will be moved to FSP or Union CI and isolated for 14 days before being on death row. Staff should take all precautions during this 14-day period, including Personal Protective Equipment, masks, and gloves.



FDC INTERIM COMMITMENT PLAN

Office of
Institutions

Northwest Florida Reception Center (NWERC) will have the following schedule for accepting new commitments every third week beginning the week of [REDACTED]:

[REDACTED]							
County	Maximum Number	County	Maximum Number	County	Maximum Number	County	Maximum Number
Bay	14	Franklin	1	Gadsden	2	Gulf	1
Calhoun	1	Liberty	1	Santa Rosa	2	Nassau	2
Jefferson	1						

[REDACTED]							
County	Maximum Number	County	Maximum Number	County	Maximum Number	County	Maximum Number
Leon	12	Columbia	5	Union	1	Walton	2
Suwannee	2	Levy	2	Washington	2	Dixie	2
Taylor	1						

[REDACTED]							
County	Maximum Number	County	Maximum Number	County	Maximum Number	County	Maximum Number
Escambia	12	Holmes	2	Okaloosa	6	Jackson	2
Hamilton	1	Lafayette	1	Madison	1	Wakulla	1

No more than 80 inmates will be received in one week, and these inmates will be housed in one wing of an open bay dormitory and isolated for 14 days. After 14 days, the group will be moved out into the general population for completion of reception processing. The housing unit will then be cleaned and sanitized in preparation for the next set of new receipts.

Central Florida Reception Center (CFRC) will have the following schedule for accepting new commitments every third week beginning the week of [REDACTED]:

[REDACTED]							
County	Maximum Number	County	Maximum Number	County	Maximum Number	County	Maximum Number
Alachua	7	Brevard	10	Citrus	3	Clay	3
Hillsborough	25	Manatee	5	Marion	11	Bradford	1
Putnam	3	Gilchrist	1	Hardee	1	Flagler	1



FDC INTERIM COMMITMENT PLAN

Office of
Institutions

County	Maximum Number	County	Maximum Number	County	Maximum Number	County	Maximum Number
Duval	24	Orange	14	Osceola	5	Baker	4
Indian River	4	Desoto	1	Hernando	6	Pasco	8
Sumter	1	Lake	5				

County	Maximum Number	County	Maximum Number	County	Maximum Number	County	Maximum Number
Pinellas	22	Polk	24	St. Johns	3	St. Lucie	8
Sarasota	5	Seminole	5	Volusia	15		

No more than 224 inmates will be received in one week, and these inmates will be housed in four wings of one secure cell housing unit and isolated for 14 days. After 14 days, the group will be moved out into the general population for completion of reception processing. The housing unit will then be cleaned and sanitized in preparation for the next set of new receipts.

South Florida Reception Center (SFRC) will have the following schedule for accepting new commitments every third week beginning the week of [REDACTED]:

County	Maximum Number	County	Maximum Number	County	Maximum Number	County	Maximum Number
Broward	18	Lee	12	Highlands	4		

County	Maximum Number	County	Maximum Number	County	Maximum Number	County	Maximum Number
Miami-Dade	21	Glades	2	Martin	3	Monroe	3
Hendry	2						

County	Maximum Number	County	Maximum Number	County	Maximum Number	County	Maximum Number
Palm Beach	15	Charlotte	3	Okeechobee	4	Collier	3



FDC INTERIM COMMITMENT PLAN

Office of
Institutions

No more than 90 inmates will be received in one week, and these inmates will be housed in two wings of one secure cell housing unit and isolated for 14 days. After 14 days, the group will be moved out into the general population for completion of reception processing. The housing unit will then be cleaned and sanitized in preparation for the next set of new receipts.

Sumter-Annex will receive male new commitments age 17 and under every third Wednesday, beginning the week of [REDACTED]

Each county can deliver on the designated day every third week. However, the maximum number of inmates that can be received will be 20. Once all 20 spaces have been filled, any additional requests will be placed on priority for the next delivery.

The inmates received will be housed in one wing of an open bay dormitory and isolated for 14 days. After 14 days, the group will be moved out into the second dormitory for completion of reception processing. The housing unit will then be cleaned and sanitized in preparation for the next set of new receipts.

Florida Women's Reception Center (FWRC) will have the following schedule for accepting new commitments every third week beginning the week [REDACTED]:

[REDACTED]							
County	Maximum Number	County	Maximum Number	County	Maximum Number	County	Maximum Number
Miami-Dade	5	Broward	5	Hardee	1	Martin	1
Charlotte	2	Hendry	1	Monroe	1	Collier	1
Highlands	1	Okeechobee	1	Indian River	1	Palm Beach	2
Desoto	1	Lee	1	St. Lucie	1	Glades	1
Manatee	1	Sarasota	2				

[REDACTED]							
County	Maximum Number	County	Maximum Number	County	Maximum Number	County	Maximum Number
Bay	5	Gulf	1	Holmes	1	Okaloosa	1
Calhoun	1	Jackson	1	Santa Rosa	1	Escambia	5
Jefferson	1	Wakulla	1	Franklin	1	Liberty	1
Walton	1	Gadsden	1	Leon	5	Washington	1
Duval	5	Volusia	5	Orange	5	Osceola	5



FDC INTERIM COMMITMENT PLAN

Office of
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County	Maximum Number	County	Maximum Number	County	Maximum Number	County	Maximum Number
Alachua	2	Gilchrist	1	Nassau	1	Baker	1
Hamilton	1	Pasco	2	Bradford	2	Hernando	2
Pinellas	5	Clay	2	Hillsborough	5	Putnam	2
Columbia	1	Lafayette	1	St. Johns	1	Dixie	1
Levy	1	Suwannee	1	Madison	1	Taylor	1
Marion	2	Union	1	Brevard	2	Flagler	1
Lake	2	Polk	5	Seminole	2	Sumter	1
Citrus	2						

Each county can deliver on the designated day every third week. However, the maximum number of inmates that can be received will be 80. Once all 80 spaces have been filled, any additional requests will be placed on priority for the next delivery. At the discretion of FWRC, a county may bring more inmates on their designated day if other counties are not delivering.

No more than 80 inmates will be received in one week, and these inmates will be housed in one wing of an open bay dormitory and isolated for 14 days. After 14 days, the group will be moved out into the general population for completion of reception processing. The housing unit will then be cleaned and sanitized in preparation for the next set of new receipts.

Pregnant and female youthful offenders will be one day processed at FWRC. They will then be transferred to Lowell-Annex, where they will be held in isolation for 14 days before placement in the appropriate dormitory.

It is important that the jail or detention center notify FWRC in advance when they are delivering a pregnant female or a youthful offender. These inmates are processed and quarantined separately from the general population.

PRECAUTIONARY QUARANTINE

In all cases, the new receipts will be quarantined for 14 days. They will not leave the wing for any reason other than a medical emergency. Daily checks by medical staff will occur for any indication of symptoms. The isolated inmates will be fed in the housing unit. After 14 days, upon clearance by medical, inmates will be released to the general population for completion of the reception process.

Symptomatic inmates will be removed from the dormitory/housing unit and medically isolated. Should any inmate test positive for COVID-19, the reception of new receipts will cease pending completion of quarantine and appropriate sanitation of the housing unit.

All concerns or questions to include any potential modification or adjustment requests should be addressed to Vicki Newsome, Chief of Population Management at 850-717-3529/850-556-3683 or vicki.newsome@fdc.myflorida.com.

EXHIBIT I

From: [Houpt, Dianne S.](#)
To: [Leonard J. Laurenceau](#)
Subject: RE: PRR#19-0985 - COVID-19
Date: Tuesday, May 12, 2020 4:13:08 PM
Attachments: [image001.png](#)
[image004.png](#)
[image006.png](#)
[image008.png](#)

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Mr. Laurenceau:

I am in receipt of your email below and have forwarded your email to Mr. Ghali in OIT. As soon as I hear from him, I will let you know. Unfortunately, I am not able to answer your question myself.

Dianne H. Houpt
Public Information Specialist
Florida Department of Corrections
501 South Calhoun Street
Tallahassee, Florida 32399-2500
dianne.houpt@fdc.myflorida.com
Office: (850) 717-3605
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From: Leonard J. Laurenceau [<mailto:leo.laurenceau@splcenter.org>]
Sent: Tuesday, May 12, 2020 3:38 PM
To: Houpt, Dianne S. <Dianne.Houpt@fdc.myflorida.com>
Subject: RE: PRR#19-0985 - COVID-19

Good Afternoon Ms. Houpt,

I would please ask for some clarification. Does this 441,323 refer to emails “for all users” throughout FDC, or does this only refer to the emails of the custodians that I requested (highlighted in **green** below)? I thank you for your attention to this matter.

Leonard Laurenceau
Staff Attorney | Legal
Southern Poverty Law Center
T 305.537.0580

leo.laurenceau@splcenter.org | www.splcenter.org

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From: Houpt, Dianne S. <Dianne.Houpt@fdc.myflorida.com>
Sent: Tuesday, May 12, 2020 3:23 PM
To: Leonard J. Laurenceau <leo.laurenceau@splcenter.org>
Subject: FW: PRR#19-0985 - COVID-19

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Mr. Laurenceau:

Please see email below from Pradeep Ghali, Office of Information Technology. Mr. Ghali advises that **441,323 emails** were retrieved for all users as requested and he is asking if you can provide the names of the custodians whose emails you want to have searched. Otherwise, the cost estimate for review and redaction of 441,323 emails will be very significant.

Please review my email and please let me know how you wish to go forward on this email search. Thank you!

Dianne H. Houpt
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From: Ghali, Pradeep
Sent: Tuesday, May 12, 2020 12:50 PM
To: McDonald, Douglas <Douglas.McDonald@fdc.myflorida.com>; Houpt, Dianne S. <Dianne.Houpt@fdc.myflorida.com>; OIT-Email Retrieval Request <OIT-EmailRetrievalRequest@fdc.myflorida.com>
Cc: Bristow, Karen <Karen.Bristow@fdc.myflorida.com>
Subject: RE: PRR#19-0985 - COVID-19

Hi Diane,

We will need the name of the custodians whose emails you want us to search.

FYI: If we run the search across all users, we get 441,323 items.

Thanks,

Pradeep Ghali
Systems Administrator
Office of Information Technology
Florida Department of Corrections
501 South Calhoun St
Tallahassee, FL 32301
Office: 850-717-9939



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From: Houpt, Dianne S. <Dianne.Houpt@fdc.myflorida.com>
Sent: Monday, April 13, 2020 10:17 AM
To: OIT-Email Retrieval Request <OIT-EmailRetrievalRequest@fdc.myflorida.com>
Cc: Bristow, Karen <Karen.Bristow@fdc.myflorida.com>
Subject: FW: PRR#19-0985 - COVID-19
Importance: High

Good Morning OIT:

Please review the above request from Leonard Laurenceau of the Southern Poverty Law Center dated March 25, 2020. We need your office to do email retrieval. The search terms and date range are as follows:

Search Terms: Emails between ALL DC staff and the following for *Items #4, #5, #6, #7, #8 and #26 for "Communications"*:

From and to Individuals holding the following titles: FDC Secretary, Institutions Deputy Secretary, Institutions Assistant Deputy Secretary, Institutional Operations and Intelligence Director, Operations Deputy Director, Institutions Region Directors, Health Services Director, Deputy Directors of Health Services, Chief Clinical Advisor, Chief of Health Services, Director of Nursing Services, Chief of Nursing, Director of Mental Health Services, Chief of Mental Health Services, Chief of Pharmaceutical Services, Regional Medical Executive Director, Regional Health Services Manager, Regional RN Consultants, Regional Directors of Mental Health, Regional Mental Health Consultants, Statewide Psychiatric Consultants, Chief Health Officers, AND Medical Executive Directors.

Terms: coronavirus, covid, covid-19, corona (including capitalized versions of the same)

Date Range: December 1, 2019 to present

Please advise this office when the search has begun. Thank you.

Dianne H. Houpt

Public Information Specialist

Florida Department of Corrections

501 South Calhoun Street

Tallahassee, Florida 32399-2500

dianne.houpt@fdc.myflorida.com

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From: Leonard J. Laurenceau [<mailto:leo.laurenceau@splcenter.org>]

Sent: Friday, April 10, 2020 11:22 AM
To: Hought, Dianne S. <Dianne.Hought@fdc.myflorida.com>
Subject: RE: PRR#19-0985 - COVID-19

Good Morning Ms. Hought,

Yes, we would like an email search for Items #4, #5, #6, #7, #8 and #26 for "Communications", with the following parameters:

Date Range: December 1, 2019 – present date


From and to Individuals holding the following titles: FDC Secretary, Institutions Deputy Secretary, Institutions Assistant Deputy Secretary, Institutional Operations and Intelligence Director, Operations Deputy Director, Institutions Region Directors, Health Services Director, Deputy Directors of Health Services, Chief Clinical Advisor, Chief of Health Services, Director of Nursing Services, Chief of Nursing, Director of Mental Health Services, Chief of Mental Health Services, Chief of Pharmaceutical Services, Regional Medical Executive Director, Regional Health Services Manager, Regional RN Consultants, Regional Directors of Mental Health, Regional Mental Health Consultants, Statewide Psychiatric Consultants, Chief Health Officers, AND Medical Executive Directors.

Terms: coronavirus, covid, covid-19, corona (including capitalized versions of the same)

Please note, we are also requesting any written (non-digital/email) communications, to the extent they exist.

Please let me know if there is any further information I can provide.

Thank you,


Leonard Laurenceau
Staff Attorney | Legal
Southern Poverty Law Center
T 305.537.0580
leo.laurenceau@splcenter.org | www.splcenter.org

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From: Hought, Dianne S. <Dianne.Hought@fdc.myflorida.com>
Sent: Tuesday, March 31, 2020 2:42 PM
To: Leonard J. Laurenceau <leo.laurenceau@splcenter.org>
Subject: PRR#19-0985 - COVID-19

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EXHIBIT J

From: [Houpt, Dianne S.](#)
To: [Leonard J. Laurenceau](#)
Cc: [Scarborough, Jamie](#)
Subject: PRR#19-0985 - COVID-19/CORONAVIRUS
Date: Friday, May 22, 2020 4:35:36 PM
Attachments: [image002.png](#)
[Message from Bizhub14.50.msg](#)
[Message from Bizhub14.50.msg](#)
[Message from Bizhub14.50.msg](#)
[Message from Bizhub14.50.msg](#)
[Message from Bizhub14.50.msg](#)
[Message from Bizhub14.50.msg](#)
[Message from Bizhub14.50.msg](#)
[Message from Bizhub14.50.msg](#)
[Message from Bizhub14.50.msg](#)
[PRR#19-0985.msg](#)

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Mr. Laurenceau:

Please see responses below and attachments above provided by Thomas Reimers, Director, Office of Health Services, Robert Christ Hendry, Bureau Chief, Bureau of Professional Development and Training and Suzanne McRee, Correctional Services Consultant, Office of Institutions, in response to your request above.

#1. Form DC4-683D *Respiratory/Shortness of Breath Protocol; Coronavirus Quick Screen*, with accompanying email from Laura Carter sent 3/31/20; and *COVID-10 Health Care Directive # 8* (ref. *Medical Housing Definitions and Security Inmate Receiving Decision Matrix*), which is being provided in response # 2.

#2. *COVID-19 Health Care Directives* (including all updates to these documents); Procedure 401.001, *Movement Restrictions During Communicable Disease Outbreaks*; Health Services Bulletin (HSB)15.03.40, *Management of Respiratory Illness Outbreak*; FDC *Infection Control Manual*, Chapters X and XIII; *Special Rounds for Special Housing and General Dorm Settings* (created by Centurion specifically for the COVID-9 response). In addition, the Department's operational priorities for COVID-19 are closely aligned with the *CDC Interim Guidance on Management of COVID-19 in Correctional and Detention Facilities* (available at: <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>).

#3. Ref. responses # 1 and # 2.

#4 through #8 and #26: Email search to OIT as clarified to Dorothy Burnsed, Interim General Counsel, on May 20, 2020 by Mr. Laurenceau. An estimate for staff time associated with research necessary to provide a crosswalk of the position titles and individuals who have held those positions, during the time frame referenced, is forthcoming. This will be provided to you and payment must be received before OIT will retrieve the emails and provide an estimated cost on the retrieval, review and redaction of this information can be provided.

#9. Ref. COVID-19 Health Care Directives and *Special Rounds for Special Housing and General Dorm Settings* provided in response to # 2.

#10. through #11. Ref educational materials provided by Centurion for staff and inmates.

- Brief summary of Centurion's early educational initiatives
- COVID-19 **Staff Education** Flyer
- COVID-19 **Inmate Education** flyer
- Proper handwashing instructions
- Cover your Cough posters
- COVID-19 Mental Health information (guidance to staff)
- PPE poster for staff
- Also, see *Special Rounds for Special Housing and General Dorm Settings in response #2* (includes info on inmate education)

#12. Robert Chris Hendry, Bureau Chief, Bureau of Professional Development and Training, advises that currently right now the Florida Department of Corrections has no COVID-19 Training. We have COVID-19 ready for release but it has not been approved by Legal. We have provided in the interim an outside source COVID-19 training from Corrections One Academy;** See 5th attachment above.

#13. See 10th attachment above from Suzanne McRee, Correctional Services Consultant, Office of Institutions.

#14. A response was sent to you on 4/13/2020 from Michelle Palmer, Chief, Bureau of Admissions and Release, that their office has no responsive records.

#15. Reference *Special Rounds for Special Housing and General Dorm Settings* and COVID-19 Health Care Directive # 10 - *Temporary Move to Essential Health Care Services* from response #2, for some of Centurion's major staffing priorities during the COVID-19 Outbreak. Also included is Centurion's current staffing plan.

#16. See 10th attachment above from Suzanne McRee, Correctional Services Consultant, Office of Institutions.

#17. Ref procedure 401.001, from response #2.

#18. The Department must meet all HIPAA requirements in releasing the protected health information of an inmate. Therefore, FDC cannot release individual COVID-19 testing results without the inmate's consent. Applicable Rules, HSBs and forms related to the release of medical information include: Form DC4-711B, *Consent and Authorization for Use and Disclosure, Inspection and Release of Confidential Information*; HSB 15.12.03, Appendix A, *Release of Information*; Rule 33-601.901, *Confidential Records*; and Rule 33-401.701, *Medical and Substance Abuse Clinical Files*.

#19. Ref. FDC Formal Communication 19-12 for contract C 2930, *Temporary Waiver of Inmate Co-Payments Due to Influenza-like Symptoms.*, for the period of March 1-April 30, 2020. The Department will re-evaluate this temporary waiver at the end of April.

#20. Refer to Items #13 and #16 and 10th attachment above.

#21. Refer to Items #13 and #16 and 10th attachment above.

#22. All medical and mental health releases are being handled in accordance with existing policy (HSB 15.03.29, *Pre-Release Planning for Continuity of Health Care*; and HSB 15.05.21, *Mental Health Re-Entry Aftercare Planning Services*). In addition, see 10th attachment above provided by Suzanne McRee, Correctional Services Consultant, Office of Institutions.

#23. Ref. COVID-19 Health Care Directive # 8 (including Update #1) in response # 2. In addition, a response and the **FDC Interim Commitment Plan** was sent to you on 5/08/2020 from Vicki Newsome, Classification Management

#24. A response was sent to you on 4/13/2020 from Bradie Strickland, Office of Community Corrections, that their office has no responsive records. Ms. Strickland also advised your office would need to contact the Florida Commission on Offender Review (FCOR) and also provided their contact information.

#25. Ref. Coronavirus Quick Screen with accompanying email from Laura Carter, in response # 1. In addition, see 10th attachment above provided by Suzanne McRee, Correctional Services Consultant, Office of Institutions.

#26. Email search to OIT as clarified to Dorothy Burnsed, Interim General Counsel, on May 20, 2020 by Mr. Laurenceau. An estimate for staff time associated with research necessary to provide a crosswalk of the position titles and individuals who have held those positions, during the time frame referenced, is forthcoming. This will be provided to you and payment must be received before OIT will retrieve the emails and provide an estimated cost on the retrieval, review and redaction of this information can be provided.

Dianne H. Hought

Public Information Specialist

Florida Department of Corrections

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EXHIBIT K

From: [Mcree, Suzanne](#)
To: [Haupt, Dianne S.](#)
Cc: [Gartman, Hope](#); [Harrell, Michael](#)
Subject: PRR#19-0985
Date: Thursday, May 21, 2020 1:57:26 PM
Attachments: [image001.png](#)
[SOUTHERN POVERTY.pdf](#)

Ms. Haupt,

On the attached SPLC Public Records Request, the following items were highlighted for review/response. Each of the items requested below would be addressed in threat response plans, emergency evacuation plans, sheltering arrangements or manuals for security personnel, emergency equipment or security training and as such exempt under section 119.071(3)(a), F.S. They are as follows:

- 13. Documents that identify, summarize, or describe efforts undertaken to limit the introduction of COVID-19 into FDC facilities by FDC staff and members of the public;
 - Response: The Department of Corrections has documents responsive to your request for public records; however, the specific document contains confidential and exempt information, which if released, would jeopardize the safety of the Department's officers, employees and/or inmates. See 119.071(3)(a), F.S., 119.071(2)(d), F.S. and 119.07(1), F.S., 945.10(1)(e), F.S. and Section 24(a), Article 1 of the Florida Constitution.
- 16. Documents that identify, summarize, or describe efforts undertaken to ensure adequate provision of hygiene supplies to individuals in your custody such as, but not limited to warm water for handwashing and cleaning, body soap, liquid hand soap, hand sanitizer, tissue, toilet paper, garbage receptacles that are regularly emptied, and clean laundry
 - Response: The Department of Corrections has documents responsive to your request for public records; however, the specific document contains confidential and exempt information, which if released, would jeopardize the safety of the Department's officers, employees and/or inmates. See 119.071(3)(a), F.S., 119.071(2)(d), F.S. and 119.07(1), F.S., 945.10(1)(e), F.S. and Section 24(a), Article 1 of the Florida Constitution.
- 20. All policies pertaining to outside communication and visitation by incarcerated people with family, friends and legal counsel during the COVID-19 outbreak/endemic/pandemic

Response: The Department of Corrections has documents responsive to your request for public records; however, the specific document contains confidential and exempt information, which if released, would jeopardize the safety of the Department's officers, employees and/or inmates. See 119.071(3)(a), F.S., 119.071(2)(d), F.S. and 119.07(1), F.S., 945.10(1)(e), F.S. and Section 24(a), Article 1 of the Florida Constitution.

- 21. Documents that identify, summarize or describe facility lockdown protocols relating to COVID-19
 - Response: The Department of Corrections has documents responsive to your request for public records; however, the specific document contains confidential and exempt information, which if released, would jeopardize the safety of the Department's officers, employees and/or inmates. See 119.071(3)(a), F.S., 119.071(2)(d), F.S. and 119.07(1), F.S., 945.10(1)(e), F.S. and Section 24(a), Article 1 of the Florida Constitution.
- 22: Documents that identify, summarize, or describe processes pertaining to the release of individuals whose sentences have ended during the COVID-19 outbreak/endemic/pandemic
 - Response: The Department of Corrections has documents responsive to your request for public records; however, the specific document contains confidential and exempt information, which if released, would jeopardize the safety of the Department's officers, employees and/or inmates. See 119.071(3)(a), F.S., 119.071(2)(d), F.S. and 119.07(1), F.S., 945.10(1)(e), F.S. and Section 24(a), Article 1 of the Florida Constitution.
- 25. Documents that identify, summarize, or describe plans relating to the intake and commitment of new individuals into FDC facilities during the COVID-19 outbreak/endemic/pandemic
 - Response: The Department of Corrections has documents responsive to your request for public records; however, the specific document contains confidential and exempt information, which if released, would jeopardize the safety of the Department's officers, employees and/or inmates. See 119.071(3)(a), F.S., 119.071(2)(d), F.S. and 119.07(1), F.S., 945.10(1)(e), F.S. and Section 24(a), Article 1 of the Florida Constitution.

Suzanne D. McRee

Correctional Services Consultant
Florida Department of Corrections
Office of Institutions
Office: 850-412-2648
Cell: 850-661-1260

FDC Seal_Digital.png



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