



Tom Grady, *Chair*
Ben Gibson, *Vice Chair*
Members
Monesia Brown
Marva Johnson
Ryan Petty
Andy Tuck
Joe York

MEMORANDUM

TO: State Board of Education Members

FROM: Richard Corcoran

RE: Duval County School District, Student Opt-Out Requirements

DATE: October 4, 2021

Based upon the following memorandum, I find there is probable cause that the Duval County School Board (DCSB) acted contrary to the law by requiring students to wear a mask or face covering unless certain exceptions apply, such as a medical certification. Specifically, DCSB's policy violated the provisions of Rule 64DER21-12 and continues to violate Rule 64DER21-15, Protocols for Controlling COVID-19 in School Settings.

Background Information

On July 30, 2021, the Governor issued Executive Order Number 21-175, directing the Florida Department of Health (FDOH) and the Florida Department of Education (FDOE) to immediately execute rules and take any additional action necessary to ensure safety protocols for controlling the spread of COVID-19 in schools. The order requires that these protocols be consistent with the Parents' Bill of Rights and directs that action "protect parents' right to make decisions regarding masking of their children in relation to COVID-19." Moreover, the order directs the Commissioner of Education to pursue all legal means available to ensure school districts adhere to the law, including but not limited to withholding funds from noncompliant school boards.

On August 6, 2021, in response to the executive order, and after consultation with FDOE, the State's former Surgeon General, Scott Rivkees, as the head of FDOH, adopted an emergency rule establishing protocols for controlling the spread of COVID-19 in schools. Given the statutory duty of FDOH to implement protocols to prevent or limit the impact or spread of disease, the State's Surgeon General must be a licensed physician with advanced training or extensive experience in public health administration. *See* § 20.43(2), Fla. Stat. The rule provided for general protocols for public schools, protocols specific to symptomatic or COVID-19 positive students, protocols specific to students with exposure to COVID-19 and protocols for students with a prior COVID-19 infection. The portion of the rule addressing masks provided as follows: **Students may wear masks or facial coverings as a mitigation measure; however,**

the school must allow for a parent or legal guardian of the student to opt-out the student from wearing a face covering or mask. See Rule 64DER21-12, Protocols for Controlling COVID-19 in School Settings, Florida Administrative Register, Vol. 47 / No. 153, August 9, 2021 (emphasis supplied).

Citing to the Parents' Bill of Rights, the notice for FDOH's emergency rule provided that "it is necessary to immediately promulgate a rule regarding COVID-19 safety protocols that protects parents' rights and to allow for in-person education for their children."

On September 22, 2021, under the direction of the State's new Surgeon General, Dr. Joseph Ladapo, FDOH issued a revised rule to address controlling the spread of COVID-19 in school settings. Rule 64DER21-15 relaxes the requirements for quarantining asymptomatic students who have been exposed to COVID-19, and further clarifies the parental opt-out provision by providing that a "school must allow for a parent or legal guardian of the student to opt the student out of wearing a face covering or mask at the parent or legal guardian's **sole discretion.**" See Rule 64DER21-15, Florida Administrative Register, Vol. 47 / No. 185, September 23, 2021 (emphasis supplied). See Exhibit A.

The purpose of these changes is explained by FDOH in its notice for the new rule:

The Department [of Health] observed a large number of students have been required to quarantine for long periods of time, resulting in the loss of hundreds of thousands of days of in-person learning. In addition, the Department [of Health] observed no meaningful difference in the number of COVID-19 cases in school-aged children in counties where school districts have imposed mask mandates. It is necessary to minimize the amount of time students are removed from in-person learning based solely on direct contact with an individual that is positive for COVID-19, to ensure parents and legal guardians are allowed the flexibility to control the education and health care decisions of their own children, and to protect the fundamental rights of parents guaranteed under Florida law.

Id.

Duval County School District

On August 22, 2021, DCSB posted notice of its intent to hold an emergency meeting on August 23, 2021, concerning amendment of its policy regarding student face coverings. DCSB held the meeting, therein voting to adopt the proposed amendment, which provides as follows:

I. Subject to the process that provides for a parent to opt out their student from this policy due to a medical, physical, or psychological condition evidenced by a medical certification [...] all students must wear a face covering that covers both the nose and the mouth at all times while inside a school or any administrative facility, inside a building for purposes of a school-related or school-sponsored events (except as provided in administrative guidance for District athletics and performing arts, which will be conspicuously posted at

District athletics and performing arts events), or on District-approved transportation.

II. **Opt-out/Exemptions.** A face covering will not be required when it would cause an impairment due to an existing health condition as evidenced by a medical certification. To claim an exemption/opt-out due to an existing health condition, the District will require a medical certification from a licensed health care provider that the student has a medical, physical, or psychological condition that prevents the student from being able to safely wear a face covering, and a description of the medical reason. This certification will be set forth on a form identified by a process and format by the District.

See Exhibit B. The DCSB's face covering policy appears to require all students within schools and administrative facilities to wear face coverings that cover the nose and mouth, and provides exceptions based only upon medical certification or DCSB's athletics and performing arts guidelines. This policy is in effect for a ninety (90)-day period, which began on September 7, 2021.

On August 27, 2021, I wrote DCSB's superintendent and school board chair to notify them of my concern with their apparent non-compliance with Rule 64DER21-12 and to afford the district the opportunity to demonstrate compliance. *See Exhibit C.*

On September 1, 2021, DCSB's superintendent and board chair responded to me in writing, asserting that DCSB's policy is in compliance with the FDOH's emergency rule because it allows exceptions to the mask mandate. *See Exhibit D.* The letter did not rescind the requirement for medical documentation in order for a student to opt-out of the district's mask mandate. Later, at its September 7, 2021, board meeting, the DCSB voted to approve an automatic suspension of the mask mandate if certain health data points were met; however, the DCSB action did not rescind the requirement for medical documentation in order for a student to opt-out of the mask mandate when it is being enforced. *See Exhibit E.*

On September 23, 2021, due to the adoption of FDOH's new rule, I advised DCSB's superintendent and school board chair of Rule 64DER21-15, and afforded the district another opportunity to demonstrate compliance. *See Exhibit F.*

On September 24, 2021, DCSB's Superintendent Greene and Chair Andersen responded to me in writing, requesting an extension of time to respond until September 30, 2021, as DCSB planned to call a special meeting for September 28, 2021, to discuss the rule and response, among other issues. *See Exhibit G.*

On September 30, 2021, Superintendent Greene and Chair Andersen provided a supplemental letter, explaining that DCSB's policy included a provision to allow the Superintendent to automatically suspend the mask mandate if certain data points were met, i.e., when the county's rolling seven-day positivity rate declined to 7.99% or less and the rolling seven-day new case count per 100,000 people, declined to 49.99% or fewer. *See Exhibit H.* The letter stated that the Superintendent planned to suspend the mask mandate the following week based on data received.

However, the Superintendent and Chair advised via letter on October 1, 2021, that the data received was in error and that the mask mandate would stay in place. *See* Exhibit I. These most recent letters demonstrate the underlying issue with DCSB’s policy—while it purports to have an automatic suspension provision, which should take effect upon the county having met certain health criteria—the underlying mask mandate (and requirement for medical documentation in order to opt-out from the same) remains in effect and may be enforced at any time certain data criteria are met. Furthermore, the letter did not rescind or modify the requirement for medical documentation in order for a student to opt-out of the mask mandate.

At present, DCSB’s mask policy requires all students within schools and administrative facilities to wear face coverings that cover the nose and mouth, and provides exceptions based only upon medical certification or DCSB’s athletics and performing arts guidelines. While the policy contains a suspension provision which deactivates the mandate if local positivity rates drop below a certain threshold, the policy automatically reinstates if positivity rates rise and precludes voluntary opt-out at the parent’s or guardian’s sole discretion.

The State Board of Education’s Enforcement Authority

The State Board of Education’s enforcement authority is found in section 1008.32, Florida Statutes. The statute provides that “[t]he State Board of Education shall oversee the performance of district school boards [...] in enforcement of all laws and rules.” § 1008.32, Fla. Stat.

In enforcing the law, the statutory process prescribed therein requires that I first report my determination of probable cause to the State Board of Education. If the State Board then determines that a district school board is unwilling or unable to comply with either law or rule, the State Board is authorized to impose sanctions in order to secure compliance, including the withholding of funds and reporting to the Legislature.

Any argument that the State Board’s authority to enforce these safety protocols interferes with any district school board’s authority to operate and control schools should be summarily rejected. Indeed, the law in Florida is clear that the State Board’s supervisory authority acts as a limitation on the operational authority of districts to operate, control and supervise public schools.

Looking to the Florida Constitution, there is a hierarchy under which a school board has local control, but in which the State Board supervises the system as a whole. This broader supervisory authority may at times infringe on a board’s local powers, but such infringement is expressly contemplated and, in fact, encouraged by the very structure set by the Florida Constitution. *See Sch. Bd of Palm Beach Cty. v. Fla. Charter Educ. Found, Inc.*, 213 So. 3d 356, 360 (Fla. 4th DCA 2017) (rejecting school board’s argument that the State Board of Education’s authority to approve a charter school application on appeal violates article IX, section 4(b)); *see also Sch. Bd of Collier Cty v. Fla. Dep’t of Education*, 279 So. 3d 281 (Fla. 1st DCA 2019) (rejecting school board’s argument that statute requiring school boards to distribute a portion of capital millage revenue to charter schools violates article IX, section 4(b)).

Accordingly, any argument that the State Board of Education lacks the authority to enforce these school safety protocols should also be rejected. It has long been settled that rules have the force and effect of the law. *State v. Jenkins*, 469 So. 2d 733 (Fla. 1985); *Florida Livestock Board v.*

W.G. Gladden, 76 So. 2d 291 (Fla. 1954). Rule 64DER21-15 derives authority from a statute in the educational code—specifically, section 1003.22(3), Florida Statutes—so while FDOH may *also* have enforcement authority, enforcement of school safety protocols falls squarely within the State Board of Education’s authority to supervise the state’s education system as a whole.

Conclusion

Every school board member and every school superintendent has a duty to comply with the law, whether they agree with it or not. While the district school board may not agree with the safety protocols set forth by the Surgeon General, the Surgeon General is the person who, under the law, sets protocols to control and mitigate COVID-19 in schools. The Office of the Attorney General relied upon these principles to reject any argument a school board could depart from FDOH’s emergency rule based upon a disagreement with the protocols found in the rule. *See* AGO 2021-01, September 1, 2021. Disagreement with the protocols found in 64DER21-15 simply does not provide a school district with a basis to violate the rule, be it through medical requirements, attempts to tie mask requirements to fluctuating positivity rates, or through any other means.

All of this in mind, I hereby recommend that the State Board of Education use its enforcement powers to enforce the health protocols found in Emergency Rule 64DER21-15 and protect the right of parents to make both health and educational decisions on behalf of their children.

Should the State Board adopt my recommendation, I request that it consider the sanction of withholding state funds in an amount equal to 1/12 of all school board members’ salaries, as well as withholding state funds in an amount equal to any federal grant funds awarded to the DCSB for its noncompliance with Emergency Rule 64DER21-15.

EXHIBIT A

Notice of Emergency Rule

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.: RULE TITLE:

64DER21-15 Protocols for Controlling COVID-19 in School Settings

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Because of an increase in COVID-19 infections, largely due to the spread of the COVID-19 delta variant, prior to the beginning of the 2021-2022 school year, it is imperative that state health and education authorities continue to provide emergency guidance to school districts concerning the governance of COVID-19 protocols in schools. In August 2021, all public schools in Florida began the 2021-2022 school year with in-person learning available for all students. The Department of Health adopted Emergency Rule 64DER21-12 on August 6, 2021. Since that time the Department has conducted a review of data for cases of COVID-19 positive school-aged children and data for school-aged children who have been in direct contact with a COVID-19 positive person. The Department observed a large number of students have been required to quarantine for long periods of time, resulting in the loss of hundreds of thousands of days of in-person learning. In addition, the Department observed no meaningful difference in the number of COVID-19 cases in school-aged children in counties where school districts have imposed mask mandates. It is necessary to minimize the amount of time students are removed from in-person learning based solely on direct contact with an individual that is positive for COVID-19, to ensure parents and legal guardians are allowed the flexibility to control the education and health care decisions of their own children, and to protect the fundamental rights of parents guaranteed under Florida law.

In order to permit students to continue in-person learning, to minimize the detriment to students and school personnel from the added burden of recurrent removal of students, and to benefit the overall welfare of students in Florida, it is necessary to provide updated emergency guidance to school districts concerning the governance of COVID-19 protocols in schools. This emergency rule conforms to Executive Order Number 21-175, which ordered the Florida Department of Health and the Florida Department of Education to ensure safety protocols for controlling the spread of COVID-19 in schools that (1) do not violate Floridians' constitutional freedoms; (2) do not violate parents' rights under Florida law to make health care decisions for their minor children; and (3) protect children with disabilities or health conditions who would be harmed by certain protocols, such as face masking requirements. The order directs that any COVID-19 mitigation actions taken by school districts comply with the Parents' Bill of Rights, and "protect parents' right to make decisions regarding masking of their children in relation to COVID-19."

Because of the importance of in-person learning to educational, social, emotional and mental health, and welfare, removing healthy students from the classroom for lengthy quarantines should be limited. Under Florida law, parents and legal guardians have a fundamental right to direct the upbringing, education, health care, and mental health of their minor children and have the right to make health care decisions for their minor children. HB 241, Ch. 2021-199, Laws of Fla. Parents and legal guardians are uniquely situated to understand the health care, emotional, and educational needs of their minor children. In furtherance of the Florida Department of Health's authority to adopt rules governing the control of preventable communicable diseases—and because students benefit from in-person learning—it is necessary to immediately promulgate a rule regarding COVID-19 safety protocols that protects parents' rights and to maximize the allowance of in-person education for their children. Unnecessarily removing students from in-person learning poses a threat to the welfare of children, including their social, emotional and educational developmental, and is not necessary absent illness.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This emergency rule is necessary in light of the unnecessary exclusion of healthy students from in-person learning and the urgent need to provide updated COVID-19 guidance to school districts. Given the evolving nature of this novel disease and the potential for adverse impacts on school children resulting from the unnecessary exclusion of healthy children from in-person learning, there is a need to issue an immediately effective rule while the department promulgates a permanent rule through the non-emergency process.

SUMMARY: Emergency rule 64DER21-15 sets forth the procedures for controlling COVID-19 in school settings. Emergency rule 64DER21-15 repeals and replaces Emergency rule 64DER21-12 that was adopted on August 6, 2021.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Carina Blackmore, Florida Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1703, (850)245-4732.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64DER21-15 Protocols for Controlling COVID-19 in School Settings

(1) GENERAL PROTOCOLS AND DEFINITION. The following procedures shall be instituted to govern the control of COVID-19 in public schools:

(a) Schools will encourage routine cleaning of classrooms and high-traffic areas.

(b) Students will be encouraged to practice routine handwashing throughout the day.

(c) Students will stay home if they are sick.

(d) Schools may adopt requirements for students to wear masks or facial coverings as a mitigation measure; however, the school must allow for a parent or legal guardian of the student to opt the student out of wearing a face covering or mask at the parent or legal guardian's sole discretion.

(e) For purposes of this rule, "direct contact" means cumulative exposure for at least 15 minutes, within six feet.

(2) PROTOCOLS FOR SYMPTOMATIC OR COVID-19 POSITIVE STUDENTS. Schools will ensure students experiencing any symptoms consistent with COVID-19 or who have received a positive diagnostic test for COVID-19 shall not attend school, school-sponsored activities, or be on school property until:

(a) The student receives a negative diagnostic COVID-19 test and is asymptomatic; or

(b) Ten days have passed since the onset of symptoms or positive test result, the student has had no fever for 24 hours and the student's other symptoms are improving; or

(c) The student receives written permission to return to school from a medical doctor licensed under chapter 458, an osteopathic physician licensed under chapter 459, or an advanced registered nurse practitioner licensed under chapter 464.

(3) PROTOCOLS FOR STUDENTS WITH EXPOSURE TO COVID-19. Schools shall allow parents or legal guardians the authority to choose how their child receives education after having direct contact with an individual that is positive for COVID-19:

(a) Parents or legal guardians of students who are known to have been in direct contact with an individual who received a positive diagnostic test for COVID-19 may choose one of the following options:

1. Allow the student to attend school, school-sponsored activities, or be on school property, without restrictions or disparate treatment, so long as the student remains asymptomatic; or

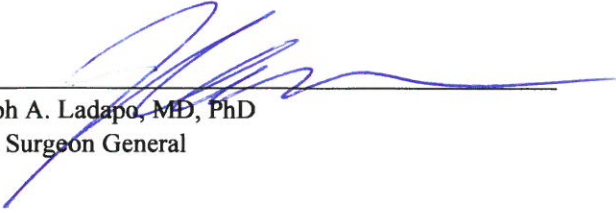
2. Quarantine the student for a period of time not to exceed seven days from the date of last direct contact with an individual that is positive for COVID-19.

(b) If a student becomes symptomatic following direct contact with an individual that has tested positive for COVID-19, or tests positive for COVID-19, the procedures set forth in subsection (2), above shall apply.

Rulemaking Authority 1003.22(3) FS. Law Implemented 1003.22(3) FS. History—New.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE:



Joseph A. Ladapo, MD, PhD
State Surgeon General

9/22/21

Date

EXHIBIT B

EMERGENCY RULE OF THE SCHOOL BOARD OF DUVAL COUNTY

WHEREAS, Article IX, § 1 of the Florida constitution provides for a uniform, efficient, safe, secure, and high-quality system of free education; and

WHEREAS, To achieve a uniform, efficient, and safe school system, the Florida Constitution created school boards (Art. IX); and

WHEREAS, The Florida constitution grants the school boards the right to “operate, control and supervise all free public schools.” *See* Art. IX § 4 (Fla. Const.); and

WHEREAS, The School Board of Duval County, Florida (the “School Board”) is a duly elected body; and

WHEREAS The School Board is responsible for the “proper attention to health, safety, and other matters relating to the welfare of students.” Fla. Stat § 1001.42(8)(a); and

WHEREAS, The School Board also has supplemental powers to “adopt programs and policies to ensure appropriate response in emergency situations.” Fla. Stat. § 1001.43(7); and

WHEREAS Duval County Public Schools is one of the largest school districts in Florida;

WHEREAS, The School Board of Duval County values the health, safety, and welfare of its students and the District staff; and

WHEREAS, The Delta variant of COVID-19 has been shown to be highly transmissible; and

WHEREAS, the Governor of Florida issued Executive Order 21-175 which in part directed the Florida Department of Health and the Florida Department of Education to immediately execute emergency rule to

ensure safety protocols for controlling the spread of COVID-19 IN SCHOOLS; and

WHEREAS, The Florida Department of Health executed Emergency Rule 64DER21-12 which provides in part “Student may wear masks or facial covering as a mitigation measure; however, the school must allow for a parent or legal guardian of the student to opt-out the student from wearing a face covering or mask”; and

WHEREAS, The 2021-2022 school year began on August 10, 2021 in Duval County; and

WHEREAS, After only ten days of school, 815 cases of Covid-19 were reported to FDOH. Of those, 111 involved staff and 704 involved students who reported a positive Covid-19 result; and

WHEREAS, a total of 2498 cases were reported in total on the School’s dashboard for the 2020-2021 school year, meaning that in less than a week into the 2021-2022 school year beginning, DCPS was already at 19% of the total cases reported for the entire 2020-2021 school year;

WHEREAS, the Florida Department of Health has admittedly been unable to complete contact tracing, case investigations and timely notification to impacted families regarding the results of the investigation;

WHEREAS, of the 895 Covid-19 positive cases reported this year, only 106 cases have been completed and closed by FDOH;

WHEREAS, due to an immediate danger to public health, safety, and welfare that required emergency action, an Emergency meeting of the School Board was called by the Chair, as well as other Board members, to immediately address the emergency; and

WHEREAS, The School Board of Duval County heard from the Duval County Department of Health and medical experts and doctors at

numerous meetings predating the emergency meeting as well as at the August 23, 2021 emergency meeting; and

WHEREAS, The doctors and medical experts testified that the wearing of masks and vaccines are the most effective tools for controlling the spread of COVID-19 in schools; and

WHEREAS, Masks protect the wearer and those around them by protecting against the transmission of large droplets from one person to another; and

WHEREAS, Mask usage is beneficial to keeping children in school; and

WHEREAS, The U.S. Food & Drug Administration (“FDA”) previously stated: “There is no adequate, approved, and available alternative to the emergency use of face masks for source control by the general public ... to help prevent the spread of the virus due to face mask shortages during the COVID-19 pandemic”; and

WHEREAS, The Emergency Rule executed by the Department of Health does not prohibit the requirement of a medical certificate for opting out; and

WHEREAS, The Emergency rule adopted by the School Board of Duval County gives the decision opting out of the facial covering requirement to the parent with a medical certification; and

WHEREAS, The Center for Disease Control (“CDC”) recommends children in school wear facial coverings indoors.

NOW, THEREFORE, THE SCHOOL BOARD OF DUVAL COUNTY ENACTS THE FOLLOWING EMERGENCY RULE PURSUANT TO SECTION 120.54, FLORIDA STATUTES AND BOARD POLICY 2.25:

I. Subject to the process that provides for a parent to opt out their student from this policy due to a medical, physical, or psychological condition evidenced by a medical certification (see paragraph II), all students must wear a face covering that covers both the nose and the mouth at all times while inside a school or any administrative facility, inside a building for purposes of a school-related or school-sponsored events (except as provided in administrative guidance for District athletics and performing arts, which will be conspicuously posted at District athletics and performing arts events), or on District-approved transportation.

II. **Opt-out/Exemptions.** A face covering will not be required when it would cause an impairment due to an existing health condition as evidenced by a medical certification. To claim an exemption/opt-out due to an existing health condition, the District will require a medical certification from a licensed health care provider that the student has a medical, physical, or psychological condition that prevents the student from being able to safely wear a face covering, and a description of the medical reason. This certification will be set forth on a form identified by a process and format by the District.

III. **Duration of Emergency Rule.** The Emergency Rule was approved by the School Board on August 23, 2021, for a ninety (90) day period (except as set forth in paragraph IV) commencing on September 7, 2021.

IV. **Further action required.** The Superintendent shall develop procedures, to be approved by the Board on September 7, 2021, that

provide for certain health data points to result in an automatic suspension of this emergency policy while such policy is in effect.

V. Basis for Emergency Rule

This Emergency Rule approved is based upon the School Board's findings at the Emergency Meeting held August 23, 2021 including, but not limited to the number of students and staff in the DCPS reporting positive COVID-19 tests, FDOH's admitted inability to conduct timely case investigations which has a direct impact on the spread of the virus throughout our schools, and communication predating and occurring at the August 23, 2021 meeting from the professional health community.

VI. Procedural Fairness Afforded.

The meeting was properly noticed on August 22, 2021 at 1:00 p.m. and amended and reposted on August 23, 2021 at 9:00 a.m.

EXHIBIT C



Tom Grady, *Chair*
Ben Gibson, *Vice Chair*
Members
Monesia Brown
Marva Johnson
Ryan Petty
Andy Tuck
Joe York

August 27, 2021

Dr. Diana L. Greene
Superintendent
Duval County Public Schools
1701 Prudential Drive
Jacksonville, FL 32207

Ms. Elizabeth Andersen
School Board Chair
Duval County Public Schools
1701 Prudential Drive
Jacksonville, FL 32207

Dear Superintendent Greene and Chair Andersen:

This letter is sent to express my grave concern regarding your district's response to the recently adopted Emergency Rule 64DER21-12 from the Florida Department of Health. This rule, issued on August 6, 2021, by the Florida Surgeon General, Dr. Scott Rivkees, explicitly requires that any mandated mask policy imposed by a district or school "must allow for a parent or legal guardian of the student to opt-out the student from wearing a face covering or mask." The emergency rule does not require parents to submit medical documentation in order to opt-out.

Executive Order 21-175 directed the Florida Department of Health and the Florida Department of Education to execute rules to ensure safety protocols for controlling the spread of COVID-19 in schools. The Order directs further that any such action must "at minimum be in accordance with Florida's Parents' Bill of Rights and protect parents' right to make decisions regarding masking of their children in relation to COVID-19." Because the Florida Department of Health, under section 1003.22(3), Florida Statutes, is the agency authorized to adopt rules governing the control of communicable diseases, the Florida Department of Health adopted an emergency rule establishing protocols for controlling COVID-19 in public schools. The rule provides, in part, as follows:

Students may wear masks or facial coverings as a mitigation measure; however, the school must allow for a parent or legal guardian of the student to opt-out the student from wearing a face covering or mask.

Rule 64DER21-12(1)(d), Florida Administrative Register, Vol. 47/No. 153, August 9, 2021.

Recent reports in the media indicate that the Duval School Board has taken action inconsistent with the emergency rule by limiting or conditioning the parental ability to opt-out of a face covering or mask mandate. Section 1008.32, Florida Statutes, states, "The State Board of Education shall oversee the performance of district school boards and the Florida College System institution board of trustees in enforcement of all laws and rules." Further, section

1008.32(2)(a), Florida Statutes, states that the “Commissioner of Education may investigate allegations of noncompliance with law or state board rule and determine probable cause.”

Based on this authority, I am immediately initiating an investigation of non-compliance with the rule adopted by the Florida Department of Health on August 6, 2021. In commencing this investigation, I am demanding that you provide a written response by 5:00 p.m. on Wednesday, September 1, 2021, documenting how your district is complying with Florida Department of Health Emergency Rule 64DER21-12. Should you fail to document full compliance with this rule, in accordance with section 1008.32, Florida Statutes, I intend to recommend to the State Board of Education that the Department withhold funds in an amount equal to the salaries for all the members of the School Board, as well as other sanctions authorized by law, until the district comes into compliance.

Parents have a fundamental right to direct the upbringing, education and care of their minor children. The Department of Education will protect that right.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Corcoran", with a long horizontal flourish extending to the right.

Richard Corcoran
Commissioner

EXHIBIT D



Dr. Diana Greene
Superintendent

1701 Prudential Drive | Jacksonville, FL 32207
904.390.2115 | Fax 904.390.2586
GreeneD@duvalschools.org | www.duvalschools.org

September 1, 2021

Commissioner Richard Corcoran
Florida Department of Education
325 W. Gaines St.
Tallahassee, FL 32399-0400

Dear Commissioner Corcoran,

This letter is in response to your August 27, 2021 demand for a written response documenting how the Duval County School Board (DCSB) is complying with Florida Department of Health Emergency Rule 64DER21-12. As an initial matter, the DCSB is in compliance with the Rule.

The DCSB passed its own Emergency Rule regarding face coverings (the “Mask Policy”) in light of dangerous and startling health conditions in its school district and the local community. The DCSB first considered a mask policy at its August 3, 2021, meeting. Since school had not yet started, the DCSB implemented a mask policy that it felt would sufficiently balance the safety of students with parents’ ability to opt students out of wearing masks. The policy strongly encouraged students to wear masks but allowed parent and guardians to opt students out of wearing a mask for any reason. However, once school started on August 10, 2021, additional facts and evidence came to light such that it became clear that allowing unconstrained opt-outs presented a clear and present danger to staff and students. It was then decided to revisit the mask issue at the Board’s August 23, 2021, meeting.

At the August 23, 2021, meeting, the DCSB enacted its current Mask Policy requiring all students to wear masks (with an opt-out described more fully below) because there were over 800 COVID-19 cases within the District after the first ten days of school. This number represented over 30% of total cases from the entire 2020-2021 school year. After three weeks of school, there are over 1600 COVID-19 cases in the District which represents 65% of the total cases from last year. Moreover, eleven District employees have died of COVID-19 related complications since the beginning of the 2020-2021 school year.

In addition, the Duval County Health Department (DCHD) is unable to complete contact tracing on all of the positive cases arising in the District. As of August 23, 2021, the DCHD had only been able to close out 106 of the 895 cases. Cases which have been closed out are those where the DCHD has been able to complete contact tracing to ensure students and staff who have been exposed to COVID-19 are properly notified of their exposure. Therefore, a significant number of students and staff who were and are being exposed to COVID-19 are not being quarantined, which further contributes to the rampant spread of COVID-19.

There was abundant testimony at prior meetings and workshops of the DCSB as well as at the DCSB's August 23, 2021, meeting¹ about the critical and compelling need for students and staff to wear masks in an effort to reduce the spread of COVID-19. Representatives from the Duval County Health Department, physicians from the local pediatric hospital, and many other licensed health care workers were adamant about the need for everyone to wear face coverings while inside a school or administrative building. In the face of such testimony and the rapid and widespread increase in infections, the DCSB was compelled to take action to protect the health of students and staff and create the best opportunity for our children to continue in-person education this

¹ The following physicians testified and answered questions from the Board at the August 23, 2021 meeting:

Dr. Mobeen Rathore

- Chair, Infection Prevention and Control Committee, Baptist Health System
- Hospital Epidemiologist and Chief, Pediatric Infectious Diseases and Immunology, Wolfson Children's Hospital

Dr. Sunil Joshi

- President, Duval County Medical Society Foundation

Ernesto "Tito" Rubio, MPH

- Interim Administrator/Health Officer Duval County

Dr. Jeffery Goldhagen

- Prof. Community Hospice of Northeast FL/Neviasser Family Professor in Pediatric Palliative Care Dept. of Pediatrics
- Chief Div. of Community and Societal Pediatrics
- Program Director, Community and Societal Pediatrics Fellowship – UF Health Jacksonville

school year. The DCSB is not relying solely on masks to help prevent the spread of COVID-19; it is implementing a multi-layered approach to providing all feasible COVID-19 mitigation measures.

It was not and is not the intent of the DCSB to violate any lawful rule of the Board of Education or the Department of Health. Indeed, the DCSB's Mask Policy complies with the Department of Health's Emergency Rule. As your letter appropriately states, that rule requires an option for "a parent or legal guardian of the student to opt-out the student from wearing a face covering or mask," and the DSCP Mask Policy does exactly this. Paragraph 2 of the Mask Policy provides for "Opt-out/Exemptions." As the Emergency Rule requires, this paragraph provides a method for parents to opt students out of wearing a mask with a medical certification from a licensed health care provider that the student has a medical, physical, or psychological condition that prevents the student from being able to safely wear a face covering. The opt-out form is one page and requires only two signatures; it is not onerous. The DOH rule does not state the opt-out must be unlimited, or otherwise prevent schools from establishing parameters for the opt-out.

In a further effort to use reasonable and necessary actions that are narrowly tailored to further its compelling state interest, the DCSB also provided a generous lead time for parents and guardians to opt-out before the Mask Policy goes into effect. The Mask Policy was approved by the DCSB on August 23, 2021, but it does not go into effect until September 7, 2021. This provided parents and guardians two weeks to obtain the necessary signatures to opt out if appropriate.

In addition, the Mask Policy is temporary in nature. It is only in effect for ninety days and can be automatically suspended by the Superintendent without Board approval should certain health data points be met. The data points will be determined in consultation with the Florida Department of Health and local physicians based on transmission rate in the community. These measures and the ones cited above comply with both the Emergency Rule and the Parents' Bill of Rights. DCSB is committed to providing safe and in-person education this school year.

Sincerely,



Dr. Diana L. Greene



Board Chair Elizabeth Andersen

EXHIBIT E

September 7, 2021, Regular Board Meeting

Title

28. APPROVAL OF FACIAL COVERING SUSPENSION CRITERIA PURSUANT TO AN EMERGENCY RULE OF THE DUVAL COUNTY SCHOOL BOARD

Recommendation

That the School Board of Duval County, Florida accept the attached criteria developed in consultation with the Florida Department of Health-Duval and other local medical officials to automatically suspend the Board's Emergency Rule during the 90-day period the rule is in effect.

Description

On August 23, 2021 the School Board approved an Emergency Rule requiring all students to wear a face covering that covers both the nose and the mouth at all times while inside a school or any administrative facility, inside a building for purposes of a school-related or school-sponsored event (except as provided in administrative guidance for District athletics and performing arts, which will be conspicuously posted at District athletics and performing arts events), or on District-approved transportation. If a student has a medical, physical, or psychological condition that prevents him/her from safely wearing a face covering, his/her parent and/or guardian may opt their child out of this requirement by providing medical certification through the district's process which includes completion of a COVID-19 Face Covering Certification. Students who 1) submitted documentation containing substantially similar information to what is contained in the COVID-19 Covering Certification, and 2) the condition set forth in those documents still applies to the student due to a continuing condition, are not required to additionally submit the COVID-19 Face Covering Certification form for the 2021-2022 school year.

The Emergency Rule is effective September 7, 2021 for a ninety day period. Section IV of the Emergency Rule requires the Superintendent to develop procedures that provide for certain health data points that will result in an automatic suspension of the Emergency Rule during the 90-day period the rule is in effect.

Gap Analysis

The Superintendent has been directed to provide criteria for the Board's consideration at the September 7, 2021 Regular Board Meeting.

Previous Outcomes

None

Expected Outcomes

The Board will consider and approve the recommendation developed through collaboration with the Florida Department of Health and other local health experts.

Strategic Plan Goals and Principles

Guiding Principle V: DCPS will provide a culture and climate that improves academic, social, and emotional development.

Financial Impact

None.

Contact

Sonita Young, Chief of Staff, (904) 390-2590

Attachments

1. Transmission Rate BM

Pursuant to Section IV of the Board’s Emergency Rule regarding facial coverings, the mandatory mask requirement for Duval County Public Schools shall be immediately suspended when the level of community transmission of COVID-19 in Duval County, Florida reaches a “Moderate Level” on a 7-day rolling average. Transmission rate is defined by the Centers for Disease Control and Prevention (CDC) as:

	Low	Moderate	Substantial	High
New cases per 100,000 persons in the past 7 days	<10	10-49.99	50-99.99	≥100
Percentage of positive NAATs tests during the past 7 days	<5%	5-7.99%	8-9.99%	≥10.0%

EXHIBIT F



Tom Grady, *Chair*
Ben Gibson, *Vice Chair*
Members
Monesia Brown
Marva Johnson
Ryan Petty
Andy Tuck
Joe York

September 23, 2021

Dr. Diana L. Greene
Superintendent
Duval County Public Schools
1701 Prudential Drive
Jacksonville, FL 32207

Ms. Elizabeth Andersen
School Board Chair
Duval County Public Schools
1701 Prudential Drive
Jacksonville, FL 32207

Dear Superintendent Greene and Chair Andersen:

This letter is to advise you of the Department of Health's new emergency rule revising the "Protocols for Controlling COVID-19 in School Settings" and to provide you one more opportunity to come into compliance with the requirements established by the Department of Health.

A copy of the Department of Health's new rule, 64DER21-15, is attached. It revises the requirements for quarantining asymptomatic students who have been exposed to COVID-19 and further clarifies the parental opt-out provision to foreclose the erroneous interpretation that the parental opt-out permits a medical-only opt-out. That provision now provides that "... the school must allow for a parent or legal guardian of the student to opt the student out of wearing a face covering or mask at the parent or legal guardian's **sole discretion.**" See, [Rule 64DER21-15\(1\)\(d\), Florida Administrative Register, Vol. 43 / No. 185](#), September 23, 2021 (emphasis supplied). The purpose of these changes is explained by the Department of Health in its notice for the new rule.

The Department [of Health] observed a large number of students have been required to quarantine for long periods of time, resulting in the loss of hundreds of thousands of days of in-person learning. In addition, the Department [of Health] observed no meaningful difference in the number of COVID-19 cases in school-aged children in counties where school districts have imposed mask mandates. It is necessary to minimize the amount of time students are removed from in-person learning based solely on direct contact with an individual that is positive for COVID-19, to ensure parents and legal guardians are allowed the flexibility to control the education and health care decisions of their own children, and to protect the fundamental rights of parents guaranteed under Florida law.

Dr. Greene, Ms. Andersen
September 23, 2021
Page Two

I am continuing the investigation of your district's mask mandate that I notified you by letter of August 27, 2021. Based upon the authority provided to me under s. 1008.32(2)(a), Florida Statutes, I request that you provide a written response by 5:00 p.m. on September 24, 2021, documenting how your district is complying with that portion of the Department of Health's Emergency Rule 64DER21-15, that continues to give parents or legal guardians the sole discretion to opt a student out from a mask or face covering mandate.

As I have done before, if you fail to document full compliance, I intend to recommend to the State Board of Education that the Department of Education withhold funds in an amount equal to the salaries for all members of the School Board, as well as other sanctions authorized by law, for the period during which the district has been out of compliance.

Thank you for your prompt attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Corcoran", with a long horizontal flourish extending to the right.

Richard Corcoran
Commissioner

EXHIBIT G



Dr. Diana Greene
Superintendent

1701 Prudential Drive | Jacksonville, FL 32207
904.390.2115 | Fax 904.390.2586
GreeneD@duvalschools.org | www.duvalschools.org

September 24, 2021

Commissioner Richard Corcoran
Florida Department of Education
325 W. Gaines St.
Tallahassee, FL 32399-0400

Dear Commissioner Corcoran,

This letter is in response to your September 23, 2021, demand for a written response documenting how the Duval County School Board (“DCSB”) is complying with Florida Department of Health Emergency Rule 64DER21-15.

The DCSB first received your letter containing the demand the afternoon of Thursday, September 23, 2021. By the time all seven board members had read the letter, there were less than 24 hours to respond. For the reasons set forth below, the DCSB respectfully needs until Thursday, September 30, to respond to your letter.

Any decision made by this Board must comply with section 286.011, Florida Statutes. Compliance with the Sunshine Law would be most difficult to achieve today, given several of the DCSB members are currently attending an FSBA Certified Board Member Forum on Policy Governance in Kissimmee, Florida. To ensure compliance as well as a timely response, the DCSB has scheduled a special meeting on September 28, 2021, to discuss, among other issues, the new DOH Rule as well as a response to your letter. The Superintendent and Board members value additional time to consider and make decisions on these incredibly important issues.

Sincerely,

A handwritten signature in blue ink, appearing to read "Diana L. Greene".

Dr. Diana L. Greene

A handwritten signature in blue ink, appearing to read "Elizabeth Andersen".

Board Chair Elizabeth Andersen

EXHIBIT H



Dr. Diana Greene
Superintendent

1701 Prudential Drive | Jacksonville, FL 32207
904.390.2115 | Fax 904.390.2586
GreeneD@duvalschools.org | www.duvalschools.org

September 30, 2021

Commissioner Richard Corcoran
Florida Department of Education
325 W. Gaines St.
Tallahassee, FL 32399-0400

Dear Commissioner Corcoran,

This letter is in response to your September 23, 2021, demand for a written response documenting how the Duval County School Board (“DCSB”) is complying with Florida Department of Health Emergency Rule 64DER21-15.

The DCSB first received your letter containing the demand the afternoon of Thursday, September 23, 2021. By the time all seven board members had read the letter, there were less than 24 hours to respond, and several Board members were out of town receiving Board training. The DCSB respectfully requested until today to allow our Board to discuss the new DOH rule, in full compliance with the Sunshine Law. This discussion occurred on September 28, 2021.

For purposes of background information, the DCSB first implemented a mask policy requiring that masks be worn in July 2020, which continued until the end of the 2020-2021 school year. Prior to the issuance of Florida Department of Health Emergency Rule 64DER21-12, the DCSB considered the mask policy for the 2021-2022 school year on August 3, 2021. Since school had not yet started, the DCSB implemented a mask policy that it felt would sufficiently balance the safety of students with parents’ ability to opt students out of wearing masks. The policy strongly encouraged students to wear masks during the school day but also allowed for students to opt out of wearing a mask at the sole discretion of their parent/guardian. However, once school started on August 10, 2021, additional facts and evidence came to light such that it became clear that the policy in effect was not successfully protecting staff and students. It was then decided to revisit the mask policy at the Board’s August 23, 2021, meeting.

At the August 23, 2021 meeting, the DCSB enacted its Emergency Rule requiring all students to wear masks, but also provided for a method by which parents could opt

students out of wearing a mask with a medical certification from a licensed health care provider certifying that the student has a medical, physical, or psychological condition that prevents the student from being able to safely wear a face covering. The policy came about as a result of over 800 COVID-19 cases within the District after the first ten days of school. This number represented over 30% of total cases from the entire 2020-2021 school year. After three weeks of school, there were over 1600 COVID-19 cases in the District which represented 65% of the total cases from last year. The DCSB's policy decision was also based upon the fact that the Duval County Health Department was unable to complete contact tracing on all of the positive cases arising in the District. As of August 23, 2021, the DCHD had only been able to close out 106 of the 895 cases (closed out cases are those where the Duval County Health Department is able to complete contract tracing to ensure students and staff who have been exposed to COVID-19 are properly notified of their exposure).

In a further effort to take reasonable and necessary actions narrowly tailored to further a compelling government interest, the DCSB also provided sufficient lead time for parents and guardians to obtain an opt-out before the mask policy went into effect. The mask policy was approved by the DCSB on August 23, 2021, but did not go into effect until September 7, 2021. This provided parents and guardians two weeks to obtain the medical certification opt out if appropriate. In addition, the policy was the result of emergency rule-making, and therefore was only in effect for a maximum of ninety (90) days. Further, language was included to allow the Superintendent to automatically suspend the policy without Board approval should certain health data points be met. These data points were determined in consultation with the Florida Department of Health and local physicians based on transmission rate in the community and were presented by the Superintendent to the Board for approval on September 7, 2021. The data points provided that the emergency mask policy would be suspended when Duval County's rolling seven-day positivity rate declines to 7.99% or less and the rolling seven-day new case count per 100,000 people, declines to 49.99 or fewer.

Just today, the District was provided with preliminary information from the Duval County Health Department, that by tomorrow, October 1, it is expected that confirmed data will establish that Duval County has met the above criteria, allowing for automatic suspension of the emergency mask policy in effect. As a result, it is expected that as of October 4, 2021, the Superintendent will have suspended the emergency mask policy, and pursuant to Board policy, will exercise emergency authority granted to her under Board policy to reinstate the Board's prior policy language stating that masks are strongly encouraged and providing for an opt out at the parent/guardian's sole discretion. At the earliest opportunity, which will be October 5, the Superintendent will recommend to the Board that the same policy language be reinstated by the Board temporarily until such

time that a more permanent communicable disease policy is approved, which is expected to be in late October or early November.

In regard to quarantine protocols, the District has and will continue to follow the guidance of the Duval County Health Department, which currently align with those set forth in Florida Department of Health Emergency Rule 64DER21-15. This is not a statement, however, that the District agrees with such practices or has deemed them sufficient for ensuring the health of students and staff.

DCSB has taken every effort to allow for children to continue in-person education in a manner that protects the health of students and staff. The DCSB is pleased with the news received only today, that according to our local health expert, Duval County's transmission rates are such the children can be safely educated in person with a policy in place that strongly encourages masks, while also providing for a parent/guardian of the student to opt the student out of wearing a mask at the parent or legal guardian's sole discretion.

Sincerely,



Dr. Diana L. Greene



Board Chair Elizabeth Andersen

EXHIBIT I



Dr. Diana Greene
Superintendent

1701 Prudential Drive | Jacksonville, FL 32207
904.390.2115 | Fax 904.390.2586
GreeneD@duvalschools.org | www.duvalschools.org

October 1, 2021

Commissioner Richard Corcoran
Florida Department of Education
325 W. Gaines St.
Tallahassee, FL 32399-0400

Dear Commissioner Corcoran,

The Duval County School District (“District”) sent you a letter yesterday, September 30, 2021, containing information that the District has since learned was erroneous; the purpose of this letter is to correct that information.

As was discussed in the letter yesterday, when enacting its Emergency Rule requiring masks, the Duval County School Board (“DCSB”) included language to allow the Superintendent to automatically suspend the policy without Board approval should certain health data points be met. These data points were determined in consultation with the Florida Department of Health and local physicians based on transmission rate in the community and were presented by the Superintendent to the Board for approval on September 7, 2021. The data points provided that the emergency mask policy would be suspended when Duval County’s rolling seven-day positivity rate declines to 7.99% or less and the rolling seven-day new case count per 100,000 people, declines to 49.99 or fewer.

Yesterday, the District was advised by the Duval County Health Department that preliminary data revealed that Duval County met the automatic suspension criteria. As such, it was the Superintendent’s intent to suspend the Emergency Rule in effect beginning Monday, October 4, and exercise emergency authority granted to her pursuant to Board policy to reinstate the Board’s prior policy language stating that masks are strongly encouraged and providing for an opt out at the parent/guardian’s sole discretion. The Superintendent would have made this same recommendation to the Board on October 5, at the Board’s regularly scheduled meeting.

However, the Superintendent learned from the Duval County Health Department today, that an error in the estimations had been made, and that the estimated rolling seven-

day new case count per 100,000 people *should have been 147* (a number which would need to be 49.99 or less to meet the automatic suspension criteria as set forth in the Emergency Rule). See attached correspondence between Ernesto G. Rubio, Interim Administrator/Health Officer, Duval County and Superintendent Diana Greene.

As stated yesterday, DCSB has taken every effort to allow for children to continue in-person education in a manner that protects the health of students and staff. While there was elation at the thought of such a decline in COVID cases, that moment was short-lived. A review of the official data indicates that students and staff in Duval County cannot yet be safely educated in person without requiring masks, especially considering quarantine requirements have been suspended.

Sincerely,



Dr. Diana L. Greene



Board Chair Elizabeth Andersen

Mairs, Rita

From: Greene, Diana L.
Sent: Friday, October 1, 2021 12:39 PM
To: *ALL School Board Members-A
Cc: Mairs, Rita; Pierce, Tracy A.; Trisotto, Elizabeth I.
Subject: FW: Weekly Florida COVID-19 Data Report
Attachments: 2021-10-01 Florida COVID Data.pdf

Board Members,

Please see the email below from FDOH-Duval and the attached documentation. Yesterday, FDOH informed us that the COVID-19 transmission data was expected to be in the moderate range. With the email below and today's official information, we learned that FDOH's prediction yesterday was incorrect and did not reflect the anticipated 100 point data swing. As indicated yesterday, we were waiting on official confirmation before taking any action. Based on the official numbers, we will not take any action on the current mask protocol in place according to the Board's Emergency Rule.

The attached data is not public until 5 pm. We will update our dashboard this afternoon with this new community transmission information and send information to families today clarifying new FDOH protocols for quarantining.

Kind regards,

Dr. Diana Greene
Superintendent
Duval County Public Schools
1701 Prudential Drive
Jacksonville, FL 32207
Tel: (904)390-2115
Fax: (904)390-2586



From: Greene, Diana L. <GreeneD@duvalschools.org>
Sent: Friday, October 1, 2021 10:51 AM
To: Rubio, Tito G. <Tito.Rubio@flhealth.gov>
Cc: Nichols, Antonio C <Antonio.Nichols@flhealth.gov>; Young, Sonita D. <youngs1@duvalschools.org>; Mairs, Rita <MairsR@duvalschools.org>
Subject: RE: Weekly Florida COVID-19 Data Report

Dear Mr. Rubio,

Thank you for the updated information and correction. I will inform the school board and convey your message that the information does not go live until 5:00 p.m.

Kind regards,

Dr. Diana Greene
Superintendent
Duval County Public Schools
1701 Prudential Drive
Jacksonville, FL 32207
Tel: (904)390-2115
Fax: (904)390-2586



From: Rubio, Tito G. <Tito.Rubio@flhealth.gov>
Sent: Friday, October 1, 2021 10:37 AM
To: Greene, Diana L. <GreeneD@duvalschools.org>
Cc: Nichols, Antonio C <Antonio.Nichols@flhealth.gov>
Subject: Fw: Weekly Florida COVID-19 Data Report

This message was sent from outside the district. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Dr. Greene,

Attached is the report that will be released today at 5:00 pm. I made an error in my estimations. For the 6-day period from September 24 to September 29 we had 1260 cases and an average of 210 cases per day. I gave you an estimated cases per 100,000 based on the daily average when it should have been total cases. I should have estimated a case per 100,000 to be 147.

Please accept my apologies for this dreadful error.

Tito

Ernesto G. Rubio, MPH | Administrator/Health Officer Citrus County; Interim Administrator/Health Officer Duval County

Florida Department of Health in Citrus

3700 W. Sovereign Path | Lecanto, Florida 34461- 8071 | **Work: 352.513.6004 Cell: 352.302.5103**



Follow us on Twitter @FLHealthCitrus

The Mission of the Department: *"To protect, promote and improve the health of all people in Florida through integrated state, county and community efforts"*

The Department's Vision Statement: *"Healthiest State in the Nation"*

The Department's Values: (ICARE)

Innovation: We search for creative solutions and manage resources wisely.

Collaboration: We use teamwork to achieve common goals & solve problems.

Accountability: We perform with integrity & respect.

Responsiveness: We achieve our mission by serving our customers & engaging our partners.

Excellence: We promote quality outcomes through learning & continuous performance improvement.

Please Note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: HSD00-COVIDReports <COVIDReports@flhealth.gov>

Sent: Friday, October 1, 2021 7:23 AM

Subject: Weekly Florida COVID-19 Data Report

This report is embargoed until 5:00PM EST. Please do not distribute.

Good morning,

The weekly Florida COVID Data report is attached.

For questions about this report, please contact COVIDReports@flhealth.gov.

COVID Reports Team
Florida Department of Health