



RON DESANTIS
GOVERNOR

SIMONE MARSTILLER
SECRETARY

April 16, 2021

Austin R. Evers, Executive Director
American Oversight
1030 15th Street Northwest, Suite B255
Washington, D.C. 20005
(via FedEx)

Mr. Evers:

Enclosed is a USB containing the Agency's complete response to your April 14, 2020 and April 28, 2020 public records requests.

Sincerely,

Richard J. Shoop
Agency Clerk

Enc:

cc: Jennifer S. Blohm, Esquire (via email without enclosed USB)



From: Lewis, Jennifer <Jennifer.Lewis@flhealth.gov>
Sent: Friday, March 27, 2020 11:01 AM EDT
To: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>; St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
CC: Saylor, Erik <Erik.Saylor@em.myflorida.com>; Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; Bush, Amanda <Amanda.Bush@flhealth.gov>; Roberts, William <William.Roberts@ahca.myflorida.com>; Lamia, Christine E <Christine.Lamia@flhealth.gov>
Subject: [External] RE: mckinsey
Attachment(s): "chamber mckinsey 032720 DOH Legal edits.docx", "Attachment I - Business Associate Agreement (Rev Dec 19).docx"

Louise and Stefan,

See the attached with my edits and comments.

Let me know if you have any questions.

Thank you,

Jennifer Lewis
Office of the General Counsel
Chief Legal Counsel, Transactions Practice Group
4052 Bald Cypress Way, Bin-A02
Tallahassee, Florida 32399
Phone: 850-617-1426
Email: Jennifer.Lewis@flhealth.gov

MISSION: To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.

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



Please consider the environment before printing this email.

From: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Sent: Friday, March 27, 2020 10:29 AM
To: Lewis, Jennifer <Jennifer.Lewis@flhealth.gov>; Lamia, Christine E <Christine.Lamia@flhealth.gov>
Cc: Saylor, Erik <Erik.Saylor@em.myflorida.com>; Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; St Laurent, Louise R <Louise.StLaurent@flhealth.gov>; Tendrich, Kimberly <Kimberly.Tendrich@flhealth.gov>; Bush, Amanda <Amanda.Bush@flhealth.gov>; Roberts, William <William.Roberts@ahca.myflorida.com>
Subject: RE: mckinsey

Looping in Bill Roberts on my team who worked on this.

From: Lewis, Jennifer <Jennifer.Lewis@flhealth.gov>
Sent: Friday, March 27, 2020 10:22 AM
To: Lamia, Christine E <Christine.Lamia@flhealth.gov>
Cc: Saylor, Erik <Erik.Saylor@em.myflorida.com>; Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; Grow, Stefan <Stefan.Grow@ahca.myflorida.com>; St Laurent, Louise R <Louise.StLaurent@flhealth.gov>; Tendrich, Kimberly <Kimberly.Tendrich@flhealth.gov>; Bush, Amanda <Amanda.Bush@flhealth.gov>
Subject: [External] RE: mckinsey

Chris,

Yes, I can.

Jennifer Lewis
Office of the General Counsel
Chief Legal Counsel, Transactions Practice Group
4052 Bald Cypress Way, Bin-A02
Tallahassee, Florida 32399
Phone: 850-617-1426
Email: Jennifer.Lewis@flhealth.gov

MISSION: To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.

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Please consider the environment before printing this email.

From: Lamia, Christine E
Sent: Friday, March 27, 2020 10:20 AM
To: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>; Lewis, Jennifer <Jennifer.Lewis@flhealth.gov>; Tendrich, Kimberly <Kimberly.Tendrich@flhealth.gov>; Bush, Amanda <Amanda.Bush@flhealth.gov>
Cc: Saylor, Erik <Erik.Saylor@em.myflorida.com>; Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Subject: RE: mckinsey

Jennifer, can you lead in this review?

Christine E. Lamia

Deputy General Counsel
State Health Offices
Office of the General Counsel
Florida Department of Health
4052 Bald Cypress Way, Bin #A-02
Tallahassee, FL 32399-3265
(850) 245-4005 (OGC Main Line)
(850) 245-4021 (Direct Line)
(850) 245-4790 (Fax)

Mission: To protect, promote, and improve the health of all people in Florida through integrated state, county, & community efforts.

Vision: To be the Healthiest State in the Nation

Values: **ICARE**

I innovation: We search for creative solutions and manage resources wisely.

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

A accountability: We perform with integrity & respect.

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

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

Purpose: To protect the public through health care licensure, enforcement and information.

Focus: To be the nation's leader in quality health care regulation.

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.

Please consider the environment before printing this e-mail.

From: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Sent: Friday, March 27, 2020 10:18 AM
To: Lewis, Jennifer <Jennifer.Lewis@flhealth.gov>; Lamia, Christine E <Christine.Lamia@flhealth.gov>; Tendrich, Kimberly <Kimberly.Tendrich@flhealth.gov>; Bush, Amanda <Amanda.Bush@flhealth.gov>
Cc: Saylor, Erik <Erik.Saylor@em.myflorida.com>; Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Subject: FW: mckinsey

Chris/Jennifer/Kim/Amanda,

The purpose of the agreement should just be for bed count and hospital modeling.

I don't know that Health needs to be included for that purpose or that there needs to be any HIPAA requirements in the draft. Can one of you take point in trying to get something drafted for that purpose? I think it just needs to be between DEM and the company? Perhaps AHCA as well for the institutional information. Chris can determine who leads.

Erik/Stefan,
Let me know if you've already got someone doing this.

Louise St. Laurent
General Counsel
Office of the General Counsel
Florida Department of Health
4052 Bald Cypress Way, A-02
Tallahassee, FL 32399
(850) 245-4956 (Office)
(850) 597-3531 (Cell)
(850) 245-4790 (Fax)

From: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Sent: Friday, March 27, 2020 9:53 AM
To: aholland@flchamber.com; St Laurent, Louise R <Louise.StLaurent@flhealth.gov>; Sayler, Erik <Erik.Sayler@em.myflorida.com>
Cc: Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; nicholas.primrose@eog.myflorida.com; Clark, David <David.Clark@eog.myflorida.com>
Subject: FW: mckinsey

All:

Attached is a draft of the BAA. Please review. Contact information will need to be added in E. and signature blocks will also need to be included.

The Secretary wanted me to make sure everyone knows this need to be done asap.

Please review and let's finalize.

Thanks,

From: Roberts, William <William.Roberts@ahca.myflorida.com>
Sent: Friday, March 27, 2020 9:39 AM
To: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Subject: RE: mckinsey

I removed some of the language that was still unsettled. Chamber will have to sign the BAA. Normally, we would run this through Procurement for contract # assignment and to get into our system. I'll check with them on doing that after the fact.

From: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Sent: Friday, March 27, 2020 9:20 AM
To: Roberts, William <William.Roberts@ahca.myflorida.com>
Subject: Re: mckinsey

Can you add a block for the Agency? I'll ask other parties to add their own blocks.

Get [Outlook for iOS](#)

From: Roberts, William <William.Roberts@ahca.myflorida.com>
Sent: Friday, March 27, 2020 9:16:49 AM
To: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Subject: RE: mckinsey

Still needs formatting, signature blocks.

From: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Sent: Friday, March 27, 2020 9:07 AM
To: Helvey, Nikole <Nikole.Helvey@ahca.myflorida.com>; Ward, Scott <Scott.Ward@ahca.myflorida.com>; Roberts, William <William.Roberts@ahca.myflorida.com>
Cc: McKinstry, Molly <Molly.McKinstry@ahca.myflorida.com>
Subject: Re: mckinsey

Bill, please send to me once ready. By 9:30 if possible and I need to email it out by 9:45.

From: Helvey, Nikole <Nikole.Helvey@ahca.myflorida.com>
Sent: Friday, March 27, 2020 9:05:54 AM
To: Ward, Scott <Scott.Ward@ahca.myflorida.com>; Roberts, William <William.Roberts@ahca.myflorida.com>
Cc: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>; McKinstry, Molly <Molly.McKinstry@ahca.myflorida.com>
Subject: RE: mckinsey

I edited just the few references to COVID-19, and named it in the first paragraph. Otherwise looks good.

When do we will in the parts about who will establish the SFTP, etc?

Nikole Helvey, Bureau Chief

Florida Center for Health Information and Transparency

Division of Health Quality Assurance
Agency for Health Care Administration (AHCA)
2727 Mahan Drive, Bldg 3, MS 16
Tallahassee, FL 32308
O: (850) 412-3791
M: (850) 528-1845

www.FloridaHealthFinder.gov

www.FHIN.net

www.Florida-HIE.net

From: Ward, Scott <Scott.Ward@ahca.myflorida.com>
Sent: Thursday, March 26, 2020 3:46 PM
To: Roberts, William <William.Roberts@ahca.myflorida.com>; Helvey, Nikole <Nikole.Helvey@ahca.myflorida.com>
Cc: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Subject: RE: mckinsey

Bill,
Looks good to me. Only suggestion, do we want to spell-out the acronym "Covid" in the opening and 3rd paragraph?
Thanks, Scott

From: Roberts, William <William.Roberts@ahca.myflorida.com>
Sent: Thursday, March 26, 2020 3:28 PM
To: Ward, Scott <Scott.Ward@ahca.myflorida.com>; Helvey, Nikole <Nikole.Helvey@ahca.myflorida.com>
Cc: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Subject: mckinsey

This is a very rough draft, based on the information I have at the moment. Based on my conversation with McKinsey, the agreement should be with the Chamber of Commerce, who will then make the arrangements with McKinsey. I have not heard from the Chamber. I hybridized two different templates, so the formatting needs work, otherwise, please feel free to edit and comment.

ATTACHMENT I BUSINESS ASSOCIATE AGREEMENT

The parties to this Attachment agree that the following provisions constitute a business associate agreement for purposes of complying with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). This Attachment is applicable if the Vendor is a business associate within the meaning of the Privacy and Security Regulations, 45 C.F.R. 160 and 164.

The Vendor certifies and agrees as to abide by the following:

1. Definitions. Unless specifically stated in this Attachment, the definition of the terms contained herein shall have the same meaning and effect as defined in 45 C.F.R. 160 and 164.
 - a. Protected Health Information. For purposes of this Attachment, protected health information shall have the same meaning and effect as defined in 45 C.F.R. 160 and 164, limited to the information created, received, maintained or transmitted by the Vendor from, or on behalf of, the Agency.
 - b. Security Incident. For purposes of this Attachment, security incident means the attempted or successful unauthorized access, use, disclosure, modification, or destruction of information or interference with system operations in an information system and includes any event resulting in computer systems, networks, or data being viewed, manipulated, damaged, destroyed or made inaccessible by an unauthorized activity.
2. Applicability of HITECH and HIPAA Privacy Rule and Security Rule Provisions. As provided by federal law, Title XIII of the American Recovery and Reinvestment Act of 2009 (ARRA), also known as the Health Information Technology Economic and Clinical Health (HITECH) Act, requires a Business Associate (Vendor) that contracts with the Agency, a HIPAA covered entity, to comply with the provisions of the HIPAA Privacy and Security Rules (45 C.F.R. 160 and 164) and comply with 45 C.F.R. 162 as applicable.
3. Use and Disclosure of Protected Health Information. The Vendor shall comply with the provisions of 45 CFR 164.504(e)(2)(ii). The Vendor shall not use or disclose protected health information other than as permitted by this Contract or by federal and state law. The sale of protected health information or any components thereof is prohibited except as provided in 45 CFR 164.502(a)(5). The Vendor will use appropriate safeguards to prevent the use or disclosure of protected health information for any purpose not in conformity with this Contract and federal and state law. The Vendor will implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of electronic protected health information the Vendor creates, receives, maintains, or transmits on behalf of the Agency.
4. Use and Disclosure of Information for Management, Administration, and Legal Responsibilities. The Vendor is permitted to use and disclose protected health information received from the Agency for the proper management and administration of the Vendor or to carry out the legal responsibilities of the Vendor, in accordance with 45 C.F.R. 164.504(e)(4). Such disclosure is only permissible where required by law, or where the Vendor obtains reasonable assurances from the person to whom the protected health information is disclosed that: (1) the protected health information will be held confidentially, (2) the protected health information will be used or further disclosed only

**ATTACHMENT I
BUSINESS ASSOCIATE AGREEMENT**

as required by law or for the purposes for which it was disclosed to the person, and (3) the person notifies the Vendor of any instance of which it is aware in which the confidentiality of the protected health information has been breached.

5. Disclosure to Third Parties. The Vendor will not divulge, disclose, or communicate protected health information to any third party for any purpose not in conformity with this Contract without prior written approval from the Agency. The Vendor shall ensure that any agent, including a subcontractor, to whom it provides protected health information received from, or created or received by the Vendor on behalf of the Agency, agrees to the same terms, conditions, and restrictions that apply to the Vendor with respect to protected health information. The Vendor's subcontracts shall fully comply with the requirements of 45 CFR 164.314(a)(2)(iii).
6. Access to Information. The Vendor shall make protected health information available in accordance with federal and state law, including providing a right of access to persons who are the subjects of the protected health information in accordance with 45 C.F.R. 164.524.
7. Amendment and Incorporation of Amendments. The Vendor shall make protected health information available for amendment and to incorporate any amendments to the protected health information in accordance with 45 C.F.R. 164.526.
8. Accounting for Disclosures. The Vendor shall make protected health information available as required to provide an accounting of disclosures in accordance with 45 C.F.R. 164.528. The Vendor shall document all disclosures of protected health information as needed for the Agency to respond to a request for an accounting of disclosures in accordance with 45 C.F.R. 164.528.
9. Privacy Protection. The Vendor shall permit an individual to request a restriction on the use and disclosure of protected health information about the individual to carry out treatment, payment, or health care operations; and disclosures permitted under 164.510(b) in accordance with 45 C.F.R. 164.522. The Vendor shall permit an individual to request to receive communications of protected health information from the Vendor by alternative means or at alternative locations in accordance with 45 C.F.R. 164.522.
10. Access to Books and Records. The Vendor shall make its internal practices, books, and records relating to the use and disclosure of protected health information received from, or created or received by the Vendor on behalf of the Agency, available to the Secretary of the Department of Health and Human Services ("HHS") or the Secretary's designee for purposes of determining compliance with the HHS Privacy Regulations.
11. Reporting. The Vendor shall make a good faith effort to identify any use or disclosure of protected health information not provided for in this Contract.
 - a. To Agency. The Vendor will report to the Agency in the manner and format obtained from the Contract Manager or Agency contact, within ten (10) business days of discovery, any use or disclosure of protected health information not provided for in this Contract of which the Vendor is aware. The Vendor will report to the Agency in the manner and format obtained from the Contract Manager or Agency contact, within twenty-four (24) hours of discovery, any security incident

ATTACHMENT I
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of which the Vendor is aware. A violation of this paragraph shall be a material violation of this Contract. Such notice shall include the identification of each individual whose unsecured protected health information has been or is reasonably believed by the Vendor to have been, accessed, acquired, used, or disclosed during such breach.

- b. To Individuals. In the case of a breach of protected health information discovered by the Vendor, the Vendor shall first notify the Agency of the pertinent details of the breach and upon prior review by the Agency shall notify each individual whose unsecured protected health information has been, or is reasonably believed by the Vendor to have been, accessed, acquired, used or disclosed as a result of such breach. Such notification shall be in writing by first-class mail to the individual (or the next of kin if the individual is deceased) at the last known address of the individual or next of kin, respectively, or, if specified as a preference by the individual, by electronic mail. Where there is insufficient, or out-of-date contact information (including a phone number, email address, or any other form of appropriate communication) that precludes written (or, if specifically requested, electronic) notification to the individual, a substitute form of notice shall be provided, including, in the case that there are 10 or more individuals for which there is insufficient or out-of-date contact information, a conspicuous posting for a period of at least 90 days on the Web site of the covered entity involved or notice in major print or broadcast media, including major media in the geographic areas where the individuals affected by the breach likely reside. In any case deemed by the Vendor to require urgency because of possible imminent misuse of unsecured protected health information, the Vendor may also provide information to individuals by telephone or other means, as appropriate.
- c. To Media. In the case of a breach of protected health information discovered by the Vendor where the unsecured protected health information of more than 500 persons is reasonably believed to have been, accessed, acquired, used, or disclosed, after prior review by the Agency, the Vendor shall provide notice to prominent media outlets serving the State, relevant portion of the State, or jurisdiction involved.
- d. To Secretary of Health and Human Services (HHS). The Vendor shall cooperate with the Agency to provide notice to the Secretary of HHS of unsecured protected health information that has been acquired or disclosed in a breach.
 - i. Vendors Who Are Covered Entities. In the event of a breach by the Vendor, or a contractor or subcontractor of the Vendor, and the Vendor is a HIPAA covered entity, the Vendor, not the Agency, shall be considered the covered entity for purposes of notification to the Secretary of HHS pursuant to 45 CFR 164.408. The Vendor shall be responsible for filing the notification to the Secretary of HHS and will identify itself as the covered entity in the notice. If the breach was with respect to 500 or more individuals, at least 5 business days prior to filing notice with the Secretary of HHS the Vendor shall provide a copy of the notice and breach risk assessment to the Agency for review. Upon prior review by the Agency of the notice and breach risk assessment, the Vendor shall file the notice

**ATTACHMENT I
BUSINESS ASSOCIATE AGREEMENT**

with the Secretary of HHS within the notification timeframe imposed by 45 C.F.R. 164.408(b) and contemporaneously submit a copy of said notification to the Agency. If the breach was with respect to less than 500 individuals, the Vendor shall notify the Secretary of HHS within the notification timeframe imposed by 45 C.F.R. 164.408(c) and shall contemporaneously submit a copy of said notification to the Agency.

- e. Content of Notices. All notices required under this Attachment shall include the content set forth in 42 U.S.C. 17932(f) and 45 C.F.R. 164 Subpart D, except that references therein to a "covered entity" shall be read as references to the Vendor.
 - f. Financial Responsibility. The Vendor shall be responsible for all costs related to the notices required under this Attachment.
 - g. Other Reporting. The Vendor shall comply with any other applicable reporting requirements in conformity with federal and state laws. If notifications are made under any such laws, copies of said notifications shall be provided contemporaneously to the Agency.
12. Mitigation. Vendor shall mitigate, to the extent practicable, any harmful effect that is known to the Vendor of a use or disclosure of protected health information in violation of this Attachment.
13. Termination. Upon the Agency's discovery of a material breach of this Attachment, the Agency shall have the right to assess liquidated damages as specified elsewhere in the contract to which this Attachment is included, and/or to terminate this Contract.
14. Effect of Termination. At the termination of this Contract, the Vendor shall return all protected health information that the Vendor still maintains in any form, including any copies or hybrid or merged databases made by the Vendor; or with prior written approval of the Agency, the protected health information may be destroyed by the Vendor after its use. If the protected health information is destroyed pursuant to the Agency's prior written approval, the Vendor must provide a written confirmation of such destruction to the Agency. If return or destruction of the protected health information is determined not feasible by the Agency, the Vendor agrees to protect the protected health information and treat it as strictly confidential.

The Vendor has caused this Attachment to be signed and delivered by its duly authorized representative, as of the date set forth below.

ROBERT ASZTALOS

SIGNED BY: _____ **DATE:** _____

NAME: _____ **TITLE:** _____

MEMORANDUM OF UNDERSTANDING
FOR SHARING CONFIDENTIAL DATA

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into by and between the Agency for Health Care Administration ("the Agency"), the Chamber of Commerce ("Chamber"), the Department of Health ("DOH"), and the Division of Emergency Management ("DEM"), jointly referred to as the parties, for the sharing of data to be used in taking measures against the 2019 Novel Coronavirus (COVID-19) outbreak. This agreement shall become effective on the last date of execution by the all parties and expire one (1) year from that date, unless terminated earlier in writing by the parties.

Commented [LJ1]: Does DOH need to be a party to this agreement?

A. Data to be shared and purpose.

The Chamber contracts with McKinsey & Company. The Chamber will coordinate provision of data to McKinsey for purposes of surge modeling in hospitals or other predictive modeling to assist in dealing with the COVID-19 outbreak.

The Agency shall provide certain confidential data from the Emergency Status System ("ESS"), including but not limited to the daily feeds to ESS on hospital capacity, bed counts or other available bed data; COVID-19 testing and case counts; and VERSA licensed facility data by means of a Secure File Transfer Protocol ("SFTP"). The Chamber is authorized to provide access to this data to McKinsey for the development of models and reports. The Chamber will upload McKinsey's product to the SFTP.

Commented [LJ2]: What is McKinsey's product?

DOH shall have access to the SFTP for its authorized purposes in assessing the public health status and needs of the state and for conducting surveillance of diseases of public health significance, including COVID-19.

DEM shall have access to the SFTP for its authorized purposes in dealing with the COVID-19 emergency.

B. Health Insurance Portability and Accountability Act (HIPAA).

Each party agrees to comply with the Health Insurance Portability and Accountability Act ("HIPAA") as applicable, as follows:

1. To comply with the Department of Health and Human Services Privacy Regulations in the CFR, Title 45, Sections 160 and 164, regarding disclosure of protected health information as specified in Attachment I, Business Associate Agreement, of this MOU.
2. To ensure it meets all Federal regulations regarding required standard electronic transactions and standards for privacy and individually identifiable health information as identified in the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and the Health Information Technology for Economic and Clinical Health Act (HITECH) of 2009 and associated regulations.
3. To conduct all activities in compliance with 45 CFR 164 Subpart C to ensure data security, including, but not limited to encryption of all

Commented [LJ3]: Who is the Vendor referenced in Attachment I?

information that is confidential under Florida or Federal law, while in transmission and while residing on portable electronic media storage devices. Encryption is required and shall be consistent with Federal Information Processing Standards (FIPS), and/or the National Institute of Standards and Technology (NIST) publications regarding cryptographic standards.

C. Confidentiality of Information. The parties agree:

1. To not use or disclose any confidential information, including social security numbers that may be supplied under this MOU Agreement pursuant to law, and also including the identity or identifying information concerning a Medicaid recipient or services under this MOU Agreement for any purpose not in conformity with State and Federal laws, except upon written consent of the recipient, or his/her guardian.
2. That all personally identifiable information, including Medicaid information, shall be treated as privileged and confidential information and shall be used only as authorized for purposes directly related to the administration of this MOU Agreement. The parties must have a process that specifies that patient-specific information remains confidential, is used solely for the purposes of ~~this MOU Agreement~~, and is exchanged only ~~for the purpose~~ offor conducting a review or other duties outlined in this MOU Agreement.
3. All patient-specific information can be shared only with those agencies that have legal authority to receive such information and cannot be otherwise transmitted for any purpose other than for purposes of this MOU Agreement. The parties must have in place written confidentiality policies and procedures to ensure confidentiality and to comply with all Federal and State laws (including the HIPAA and HITECH Acts) governing confidentiality, including electronic treatment records, facsimile mail, and electronic mail).
4. If the parties will employ subcontractors to fulfill their obligations under this MOU Agreement, all subcontracts must explicitly state expectations about the confidentiality of information, and the subcontractor is held to the same confidentiality requirements as the parties. If provider-specific data are released to the public, shall have policies and procedures for exercising due care in compiling and releasing such data that address statutory protections of quality assurance and confidentiality while assuring that open records requirements of Chapter 119, Florida Statutes (F.S.), are met.
5. The parties and their subcontractors shall comply with the requirements of Section 501.171, F.S. and shall, in addition to the reporting requirements therein, report to the Agency any breach of personal information.
6. Any releases of information to the media, the public, or other entities require prior written approval from the Agency.
7. Ensure all services will be performed within the borders of the United

Commented [LJ4]: Should "those agencies" be changed to the parties?

States (U.S.) and its territories and protectorates.

8. ~~State-owned~~ Data shall be processed, accessed and stored in data centers that are located only in the forty-eight (48) contiguous U.S.

Commented [LJ5]: State of Florida owned?

D. Public Records Requests. The parties agree:

1. To comply with Section 119.0701, F.S., if applicable, and all other applicable parts of the Florida Public Records Act.
2. To keep and maintain public records that ordinarily and necessarily would be required in order to perform services under this ~~MOU Agreement~~.
3. To provide the public with access to public records on the same terms and conditions that the Agency would provide the records and at a cost that does not exceed the cost provided in Section 119.07, F.S., or as otherwise provided by law.
4. That upon request from the appropriate Agency custodian of public records, provide the Agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost in Section 119.07, F.S., or as otherwise provided by law.
5. To ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of this Agreement term and following completion of this Agreement if the Party does not transfer the records to the Agency.
6. To comply with applicable portions of Section 119.071(5), F.S., and not collect an individual's social security number unless the purpose for its collection has been stated in writing. A copy of the written statement shall be provided to the Agency.
7. To meet all requirements for retaining public records and transfer, at no cost, to the Agency all public records in their possession of upon termination of this ~~MOU Agreement~~ and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the Agency in a format that is compatible with the information technology systems of the Agency.

E. Single points of contact.

Each party shall appoint a single point of contact to manage that party's duties under this agreement. Any notice required under this ~~MOU agreement~~ shall be given to the respective single point of contact. The single point of contact information for each party is as follows:

1. Agency Point of Contact

Name: _____
Telephone Number: _____
Email Address: _____

2. DOH Point of Contact

Name: _____
Telephone Number: _____
Email Address: _____

3. DEM Point of Contact

Name: _____
Telephone Number: _____
Email Address: _____

4. Chamber Point of Contact

Name: _____
Telephone Number: _____
Email Address: _____

F. Breach. Any failure by the parties to abide by the terms of this MOU constitutes a breach, which may result in the cancellation or rescission of this agreement and will require the breaching agency to return all data received.

G. No assignment. This MOU may not be assigned or transferred to any other party.

H. Indemnification. The Chamber shall save and hold harmless and indemnify the State of Florida and the Agency against any and all liability, claims, suits, judgments, damages or costs of whatsoever kind and nature resulting from any act, or failure to act, by Chamber or any of its employees, agents or representatives in the performance of its duties under this agreement.

IN WITNESS THEREOF, the Parties hereto have caused this five-page MOU Agreement, which includes any referenced attachments, to be executed by their undersigned officials as duly authorized. This Agreement is not valid until signed and dated by all Parties.

Florida Agency for Health Care Administration

Printed Name and Signature: _____ Date: _____

Formatted: Font: (Default) Arial, 10 pt, Complex
Script Font: Arial

Florida Department of Health

Printed Name and Signature: _____ Date: _____

Division of Emergency Management

Printed Name and Signature: _____ Date: _____

Chamber of Commerce

Printed Name and Signature: _____ Date: _____

Attachment 1: BAA

Page 6 of 6

From: Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>

Sent: Friday, April 03, 2020 1:56 PM EDT

To: Grow, Stefan <stefan.grow@ahca.myflorida.com>; StLaurent, Louise <louise.stlaurent@flhealth.gov>; Dunsond, A <dunsonda@flalottery.com>

CC: Clark, David <David.Clark@eog.myflorida.com>; Jacquot, Joe <Joe.Jacquot@eog.myflorida.com>; Uthmeier, James <James.Uthmeier@eog.myflorida.com>

Subject: [External] Attached

Attachment(s): "Updated privacy.docx"

All-

I added Louise's draft into the attached and made an additional change to I. A. Please review the entire draft to ensure comfort. If you approve, I will circulate within EOG for final approval.

Colleen Ernst
Deputy General Counsel
Executive Office of the Governor
Capitol Suite 209

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

Privacy Policy

I. **DATA COLLECTION AND USAGE**

We collect, store and use your browsing information to allow you to use our Site, to communicate with us, and for the other purposes described in more detail below or as we may specify at the time of collection.

Your privacy is very important to us. Simply stated, our policy is to collect no personal information about you, unless you affirmatively choose to make such information available to us. When you visit this website, the Web server automatically recognizes only the Internet domain and IP address from which you accessed the site. This information will be used to determine whether you complete the survey and may prompt completion of the survey on other webpages you visit if you do not complete the survey. This information will be used to determine other webpages that you visit in order to promote the use of the survey to other people. This information does not result in the identification of your personal e-mail address, other personal information, or retention of your answers to the survey in a way that would identify data about you.

If you choose to share your personal information by sharing the link to this webpage, or otherwise providing the Department of Health with your personal identifying information, the information will be saved for a designated period of time in order to comply with the state of Florida's archiving policies. The answers that you select to the survey will not be kept in a way that is connected to your IP address and your participation is anonymous. However, information will not be disclosed to third parties or other government agencies, unless required by state law, federal law, or contract with a vendor of the Department of Health. Please note that Florida's public records law requires that all information received in connection with state business be made available to anyone upon request, unless the information is subject to a specific statutory exemption.

The type of information we collect from you depends on how you interact with us. You can use our Site without providing us with any information other than anonymous information we collect automatically.

A. **Information you provide directly.**

We obtain information that identifies you personally directly from you.

We use the information that you voluntarily provide to update and improve the content on our Site and to assist with marketing research.

B. **Information we collect electronically automatically.**

1. **Information about your website visit.** Our Site servers automatically record your visits to our Site(s). Like all other website servers, ours compiles a log that records the date, time, browser (i.e., Firefox), device type (i.e., iPhone), operating system (i.e. Android) and originating IP address of each Site page request.

We use cookies that identify your browser or device. They collect and store information when you visit our Site about how you use the Site and facilitate interest-based advertising.

We have a legitimate interest in collecting this information to monitor usage of our Site, identify issues with our Site, and improving our services.

2. **Information About Your Location.** From your IP address, we can tell generally where you are when you are accessing our Site, i.e., which city.

C. **With Whom Do We Share Information We Collect?**

1. We may disclose your personal information as required by law, in conjunction with a government inquiry, or in litigation or dispute resolution.
2. **Anonymous Information.** We may disclose statistical information to third parties in aggregate form without revealing any personal details about our users.

II. **WHERE YOUR INFORMATION WILL BE HELD**

Our Site operates in the U.S. If you are located outside of the U.S., please be aware that all information you provide us will be transferred to and stored and processed in the U.S. Please also be aware that by using our Site and giving us your information, you consent to such U.S. transfer, storage and processing. You also understand that the U.S. privacy laws may be different from the laws of your country.

III. **LINKS TO OUTSIDE WEB SITES**

This Site may contain links to third party sites not controlled by Department of Health. We recommend that you check the privacy statement of other sites you visit before providing any personal information. Any offers made in advertising on our Site are the sole responsibility of the companies making the offers.

IV. **SECURITY OF INFORMATION**

Please note that although we take reasonable steps to protect your information, no website or computer system or wireless connection is completely secure.

V. **CHANGES TO PRIVACY NOTICE**

We retain the right to change this Privacy Notice at any time to reflect changes in the law, our data collection and use practices, the features of our services, or advances in technology. Please check this page periodically for changes. Your continued use of the Site following the posting of changes will mean you accept those changes.

VI. FLORIDA “SUNSHINE” LAW

We adhere to Florida’s open records laws. Records we send and receive may be subject to public disclosure upon request.

COOKIE NOTICE

The Florida Department of Health uses cookies on its website (the “Service”). By using the Service, you consent to the use of cookies. To make the Service work properly, we sometimes place small data files called cookies on your device. Because we are always updating our site and changing partners, please check back regularly for updates.

This Cookie Notice is part of our Privacy Policy. Session cookies are automatically deleted at the end of your browsing session. Persistent cookies remain on your device for the duration of each specific cookie, until its expiration date or until you delete it, whichever comes first. If you do not want anonymous cookie and data to be collected based on your browsing history on our website, please leave this website immediately.

From: Ferre, Helen <Helen.Ferre@eog.myflorida.com>

Sent: Sunday, March 29, 2020 1:10 PM EDT

To: Marbin, Carol <cmarbin@miamiherald.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Strickland, K <Katie.Strickland@ahca.myflorida.com>

CC: Casey Frank <cfrank@miamiherald.com>; Mary Ellen Klas <meklas@miamiherald.com>; Sandy Bohrer <sandy.bohrer@gmail.com>

Subject: [External] RE: Public Records

Checking on this for you.

Helen Aguirre Ferre
Director of Communications
Governor Ron DeSantis
(850)717-9290
(850)717-9282
@HelenAguirreFer

From: Marbin, Carol <cmarbin@miamiherald.com>

Sent: Sunday, March 29, 2020 11:41 AM

To: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Strickland, K <Katie.Strickland@ahca.myflorida.com>; Ferre, Helen <Helen.Ferre@eog.myflorida.com>

Cc: Casey Frank <cfrank@miamiherald.com>; Mary Ellen Klas <meklas@miamiherald.com>; Sandy Bohrer <sandy.bohrer@gmail.com>

Subject: Re: Public Records

Good morning, Mr. Moscoso, Ms. Strickland and Ms. Ferre. We hope you are in good health.

It appears this public records request was sent nearly a week ago. We have heard nothing back from you other than that you are processing it.

We respectfully request that you fulfill this request by the close of business Monday -- and we ask that you provide records up to the point of fulfillment -- or state in writing and with particularity the statutory exemption you claim as justification for withholding these records.

We certainly understand that your departments are facing a very difficult challenge. We believe, however, based upon all available evidence, that your communications departments are not rendering medical aid. Moreover, based upon other evidence, we know that our readers consider this information to be critical to the health and safety of their families.

As difficult as these times have become, for all of us, we would very much like to avoid litigation. We will not hesitate, though, to go that route if need be.

Sincerely,

~ Carol

On Mon, Mar 23, 2020 at 6:10 PM Moscoso, Alberto <Alberto.Moscoso@flhealth.gov> wrote:

No problem. Yes, that email sure takes me back!

We are processing this request.

Alberto Moscoso
Communications Director
Florida Department of Health
(850) 408-7687

From: Marbin, Carol <cmarbin@miamiherald.com>

Sent: Monday, March 23, 2020 3:50 PM

To: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>

Subject: Fwd: Public Records

Mr. Moscoso,

Apparently I used an old email address for you. This email was returned.

----- Forwarded message -----

From: **Marbin, Carol** <cmarbin@miamiherald.com>

Date: Mon, Mar 23, 2020 at 3:48 PM

Subject: Public Records

To: <Katie.Strickland@ahca.myflorida.com>, <Patrick.Manderfield@ahca.myflorida.com>, Moscoso, Alberto <Alberto.Moscoso@fdh.myflorida.com>

Cc: Casey Frank <cfrank@miamiherald.com>, Samantha Gross <sgross@miamiherald.com>

Good afternoon.

I hope and trust all of you, and your families, are well.

This is a request for public records under Chapter 119 of the Florida Statutes, the public records law.

Please provide the Miami Herald the following public records:

* The most recent information from your COVID dashboard appears to show 33 residents of long-term care facilities in Florida have tested positive for the virus, including 12 in Broward County, or 36 percent. Please provide the Herald any document that specifies in which facilities those cases reside.

* Please provide the Herald a copy of any rules or guidance from either of your agencies that specifies whether Floridians with loved ones in skilled nursing facilities or assisted living facilities may have their loved ones discharged from such facilities into their care.

* Please provide the Herald a copy of any emails, texts, reports, memos, reports or other documents from anyone within your two agencies in which the circumstances that unfolded at Atria Willow Wood are discussed. I am trying to avoid bogging your agencies down in an email search that would be more time-consuming than necessary.

If you decline to honor this request, either in whole or in part, please state in writing and with particularity the statutory exemptions you claim.

We thank you, in advance, for your help in this matter.

--

Carol Marbin Miller
Deputy Investigations Editor
Investigative Reporting Team |
Miami Herald
[305.376.3211](tel:305.376.3211) | | cmarbin@MiamiHerald.com
3511 N.W. 91st Ave., Doral Florida 33172

--

Carol Marbin Miller
Deputy Investigations Editor
Investigative Reporting Team |
Miami Herald
[305.376.3211](tel:305.376.3211) | | cmarbin@MiamiHerald.com
3511 N.W. 91st Ave., Doral Florida 33172

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Carol Marbin Miller
Deputy Investigations Editor
Investigative Reporting Team |
Miami Herald
[305.376.3211](tel:305.376.3211) | | cmarbin@MiamiHerald.com
3511 N.W. 91st Ave., Doral Florida 33172

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

From: Stalnaker, Alyson <Alyson.Stalnaker@eog.myflorida.com>

Sent: Friday, April 10, 2020 4:58 PM EDT

To: Scott.Ponce@hklaw.com <Scott.Ponce@hklaw.com>; Elaine.Starling@hklaw.com <Elaine.Starling@hklaw.com>; Sandy.Bohrer@hklaw.com <Sandy.Bohrer@hklaw.com>; cmarbin@miamiherald.com <cmarbin@miamiherald.com>

CC: Ferre, Helen <Helen.Ferre@eog.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Strickland, K <Katie.Strickland@ahca.myflorida.com>; Hendricks, Courtney <Courtney.Hendricks@eog.myflorida.com>; Beatrice, Meredith M. <Meredith.M.Beatrice@eog.myflorida.com>

Subject: [External] RE: Public Records Notice, §119.12

Hello,
The Governor's Office of Open Government has received your correspondence. Please direct your notification and any questions to the FL Department of Health and the FL Agency for Health Care Administration as they are processing your request. If you would like to submit a public records request to the Governor's Office of Open Government, we are more than happy to assist you with that.

Sincerely,

Alyson Stalnaker

Administrative Assistant
Executive Office of the Governor
Office of the General Counsel
(850) 717-9310

Please note that Florida has a broad public records law and correspondence sent to me, which is not confidential or exempt pursuant to Chapter 119 of the Florida Statutes, is a public record made available upon request.

From: Scott.Ponce@hklaw.com <Scott.Ponce@hklaw.com>

Sent: Friday, April 10, 2020 8:18 AM

To: Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>

Cc: Elaine.Starling@hklaw.com; Sandy.Bohrer@hklaw.com

Subject: Public Records Notice, §119.12

To Whom It May Concern:

We represent Carol Marbin Miller and Miami Herald Media Company. I am writing pursuant to §119.12, Florida Statutes, to provide you with written notice of the public records request that is set out below.

Scott Ponce | Holland & Knight

Partner
Holland & Knight LLP
701 Brickell Avenue, Suite 3300 | Miami, Florida 33131
Phone 305.789.7575 | Fax 305.679.6371
scott.ponce@hklaw.com | www.hklaw.com

[Add to address book](#) | [View professional biography](#)

----- Forwarded message -----

From: **Ferre, Helen** <Helen.Ferre@eog.myflorida.com>

Date: Sun, Mar 29, 2020 at 1:10 PM

Subject: RE: Public Records

To: Marbin, Carol <cmarbin@miamiherald.com>, Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>, Strickland, K <Katie.Strickland@ahca.myflorida.com>

Cc: Casey Frank <cfrank@miamiherald.com>, Mary Ellen Klas <meklas@miamiherald.com>, Sandy Bohrer <sandy.bohrer@gmail.com>

Checking on this for you.

Helen Aguirre Ferre
Director of Communications
Governor Ron DeSantis
(850)717-9290
(850)717-9282
@HelenAguirreFer

From: Marbin, Carol <cmarbin@miamiherald.com>

Sent: Sunday, March 29, 2020 11:41 AM

To: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Strickland, K <Katie.Strickland@ahca.myflorida.com>; Ferre, Helen <Helen.Ferre@eog.myflorida.com>

Cc: Casey Frank <cfrank@miamiherald.com>; Mary Ellen Klas <meklas@miamiherald.com>; Sandy Bohrer <sandy.bohrer@gmail.com>

Subject: Re: Public Records

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We certainly understand that your departments are facing a very difficult challenge. We believe, however, based upon all available evidence, that your communications departments are not rendering medical aid. Moreover, based upon other evidence, we know that our readers consider this information to be critical to the health and safety of their families.

As difficult as these times have become, for all of us, we would very much like to avoid litigation. We will not hesitate, though, to go that route if need be.

Sincerely,

~ Carol

On Mon, Mar 23, 2020 at 6:10 PM Moscoso, Alberto <Alberto.Moscoso@flhealth.gov> wrote:

No problem. Yes, that email sure takes me back!

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Alberto Moscoso
Communications Director
Florida Department of Health
(850) 408-7687

From: Marbin, Carol <cmarbin@miamiherald.com>
Sent: Monday, March 23, 2020 3:50 PM
To: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>
Subject: Fwd: Public Records

Mr. Moscoso,

Apparently I used an old email address for you. This email was returned.

----- Forwarded message -----

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Date: Mon, Mar 23, 2020 at 3:48 PM
Subject: Public Records
To: <Katie.Strickland@ahca.myflorida.com>, <Patrick.Manderfield@ahca.myflorida.com>, Moscoso, Alberto <Alberto.Moscoso@fdh.myflorida.com>
Cc: Casey Frank <cfrank@miamiherald.com>, Samantha Gross <sgross@miamiherald.com>

Good afternoon.

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Please provide the Miami Herald the following public records:

* The most recent information from your COVID dashboard appears to show 33 residents of long-term care facilities in Florida have tested positive for the virus, including 12 in Broward County, or 36 percent. Please provide the Herald any document that specifies in which facilities those cases reside.

* Please provide the Herald a copy of any rules or guidance from either of your agencies that specifies whether Floridians with loved ones in skilled nursing facilities or assisted living facilities may have their loved ones discharged from such facilities into their care.

* Please provide the Herald a copy of any emails, texts, reports, memos, reports or other documents from anyone within your two agencies in which the circumstances that unfolded at Atria Willow Wood are discussed. I am trying to avoid bogging your agencies down in an email search that would be more time-consuming than necessary.

If you decline to honor this request, either in whole or in part, please state in writing and with particularity the statutory exemptions you claim.

We thank you, in advance, for your help in this matter.

--

Carol Marbin Miller
Deputy Investigations Editor
Investigative Reporting Team |
Miami Herald
[305.376.3211](tel:305.376.3211) | cmarbin@MiamiHerald.com
3511 N.W. 91st Ave., Doral Florida 33172

NOTE: This e-mail is from a law firm, Holland & Knight LLP ("H&K"), and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you are not an existing client of H&K, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to H&K in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of H&K, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

From: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Sent: Wednesday, March 25, 2020 3:24 PM EDT
To: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
CC: Coppola, Courtney <Courtney.Coppola@flhealth.gov>; Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>
Subject: [External] RE: [EXTERNAL] urgent request for public information from the Washington Post --appeal

I know EOG was working on a comprehensive response today that may cover this. Our rationale still stands legally.

Louise St. Laurent
General Counsel
Office of the General Counsel
Florida Department of Health
4052 Bald Cypress Way, A-02
Tallahassee, FL 32399
(850) 245-4956 (Office)
(850) 597-3531 (Cell)
(850) 245-4790 (Fax)

From: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Sent: Wednesday, March 25, 2020 2:06 PM
To: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Subject: FW: [EXTERNAL] urgent request for public information from the Washington Post --appeal

How do you want to handle?

From: Sayler, Erik <Erik.Sayler@em.myflorida.com >
Sent: Wednesday, March 25, 2020 11:16 AM
To: Grow, Stefan <Stefan.Grow@ahca.myflorida.com >; St Laurent, Louise R <Louise.StLaurent@flhealth.gov >
Cc: Twomey, Stephanie <Stephanie.Twomey@em.myflorida.com >
Subject: [External] FW: [EXTERNAL] urgent request for public information from the Washington Post --appeal

Hi Stefan and Louise,
See below.

Erik L. Sayler
Deputy General Counsel
Florida Division of Emergency Management
Direct: (850) 815-4154 | Mobile: (850) 694-6620 | Erik.Sayler@em.myflorida.com



Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records. Public records are available to the public and media upon request, unless the information is subject to a specific statutory exemption. Therefore, any information that you send to this address, including your contact information, may be subject to public disclosure .

From: Bussey, Jon <Jon.Bussey@em.myflorida.com >
Sent: Wednesday, March 25, 2020 11:14 AM
To: Twomey, Stephanie <Stephanie.Twomey@em.myflorida.com >; Sayler, Erik <Erik.Sayler@em.myflorida.com >
Subject: RE: [EXTERNAL] urgent request for public information from the Washington Post --appeal

Please coordinate with DOH on a response.

From: Twomey, Stephanie
Sent: Wednesday, March 25, 2020 10:25 AM
To: Sayler, Erik <Erik.Sayler@em.myflorida.com >
Cc: Bussey, Jon <Jon.Bussey@em.myflorida.com >
Subject: Fwd: [EXTERNAL] urgent request for public information from the Washington Post --appeal

FYI. I'm available to discuss.

Very Respectfully,

Stephanie Twomey
Senior Attorney
Florida Division of Emergency Management
850-815-5762

Sent from my iPhone

Begin forwarded message:

From: "Sacchetti, Maria" <Maria.Sacchetti@washpost.com>
Date: March 25, 2020 at 9:24:30 AM EDT
To: Public Records Requests <Records@em.myflorida.com>
Cc: "Twomey, Stephanie" <Stephanie.Twomey@em.myflorida.com>
Subject: [EXTERNAL] urgent request for public information from the Washington Post --appeal

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.

Good morning Stephanie,

Pardon, but state officials referred us to you, in the attached email, and so does the department's web site.

<http://www.floridahealth.gov/newsroom/2020/03/032420-1800-covid19.pr.html>

Can you please explain how your agency is reporting the numbers without the names? Please see page 2.

<https://floridadisaster.org/globalassets/covid-19-data---daily-report-2020-03-24-1657.pdf>

This is an urgent inquiry. Your agency, the Department of Emergency Management, is reporting that 37 of approximately 72,000 nursing home residents are infected, and Florida has not released the home names since our inquiries several days ago.

As you know, nursing homes are considered extremely vulnerable to covid-19, and it is not clear if all residents, families, visitors and vendors have been informed of the infections.

Sincerely,
Maria Sacchetti
Reporter
The Washington Post

Email from Patrick Manderfield.

Good morning, Maria –

Thank you for your patience as we looked into this request.

Long-term care facility information is reported jointly by the Department of Health and Division of Emergency Management in their [COVID-19 Data Daily Report \[floridadisaster.org\]](#) (see right column on page 2). The report is housed on this webpage: [https://www.floridadisaster.org/covid19/\[floridadisaster.org\]](https://www.floridadisaster.org/covid19/[floridadisaster.org]).

Please reach out to the Joint Information Center at ESF14@em.myflorida.com for any further inquiries in regard to this data.

Best,

Patrick Manderfield
Deputy Communications Director
Florida Agency for Health Care Administration
Patrick.manderfield@ahca.myflorida.com
Office: 850.412.3604

Sent from my iPhone

On Mar 25, 2020, at 7:21 AM, Public Records Requests <Records@em.myflorida.com> wrote:

CAUTION: EXTERNAL SENDER

Good Morning,

The Division of Emergency Management does not retain these records. The Department of Health is the agency to contact. Thank you.

Very Respectfully,

AMERICAN
OVERSIGHT

FL-AHCA-20-1076-A-000025

Stephanie Twomey

Stephanie Twomey
Senior Attorney
Florida Division of Emergency Management
Cell: (850)-815-5762
Direct: (850) 815-4160
Stephanie.Twomey@em.myflorida.com

<image003.jpg> Most written communications to or from state employees are public records obtainable by the public upon request. Emails sent to me at this email address may be considered public and will only be withheld from disclosure if deemed confidential pursuant to the laws of the State of Florida.

From: Sacchetti, Maria <Maria.Sacchetti@washpost.com>
Sent: Monday, March 23, 2020 2:29 PM
To: Public Records Requests <Records@em.myflorida.com>
Subject: [EXTERNAL] FW: urgent request for public information from the Washington Post

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.

<image001.jpg>

1301 K STREET, N.W.
WASHINGTON, D.C. 20071-7403
(202) 334-6000

March 23, 2020

Florida Division of Emergency Management
Public Records Liaison Officer
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399-2100

Re: EXPEDITED FOIA Request for the names of nursing homes that have had positive tests for covid-19 and the novel coronavirus, and other information, under Florida Sunshine Law

Dear Information Officer:

I am a representative of the Washington Post, a news media organization primarily engaged in the dissemination of information that is urgently needed to inform the public of actual or alleged government activity, so please process this request in an expedited manner.

Pursuant to the Florida Sunshine Law Fla. Stat. § 286.011 to 286.012 (1991), I hereby request the following:

--The names of each nursing home, hospital and assisted living facility that has had a positive covid-19 test.

--The date and location of each positive test in a facility, and a breakdown by age and whether they are staff, residents or visitors.

If you regard these documents as potentially exempt from the public record act's disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. As required, please release all segregable, non-exempt portions of documents, preferably via email to maria.sacchetti@washpost.com.

To permit me to reach an intelligent and informed decision whether to contest any denied material, please describe any withheld records (or portions thereof) and explain the basis for

FL-AHCA-20-1076-A-000026

your exemption claims.

While I am aware that you may be entitled to charge some reasonable fees to process this request, I hereby request that you waive all such fees. Waiver of fees is in the public interest because the furnishing of the information sought by this request will primarily benefit the public and is likely to contribute significantly to public understanding of the operations or activities of the government. If, however, you decide not to waive fees and expect them to exceed \$100, please advise me as to the estimated cost of fulfilling the request (including copying charges).

I look forward to hearing your prompt response to my request, as required by law.

Sincerely,

Maria Sacchetti
Reporter
The Washington Post
Cell 617-650-2918
Maria.sacchetti@washpost.com

Under Florida law, correspondence with the Florida Division of Emergency Management, which is neither confidential nor exempt pursuant to Florida Statutes Chapter 119, is a public record made available upon request.

Under Florida law, correspondence with the Florida Division of Emergency Management, which is neither confidential nor exempt pursuant to Florida Statutes Chapter 119, is a public record made available upon request.

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Under Florida law, correspondence with the Florida Division of Emergency Management, which is neither confidential nor exempt pursuant to Florida Statutes Chapter 119, is a public record made available upon request.

From: Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>

Sent: Tuesday, April 28, 2020 10:10 AM EDT

To: Grow, Stefan <stefan.grow@ahca.myflorida.com>; StLaurent, Louise <louise.stlaurent@flhealth.gov>

Subject: [External] Fwd: Associated Press et al. v. AHCA et al., No. 2020-CA-000812 (2nd Jud. Cir.)

Attachment(s): "Associated Press et al. v. AHCA et al. - Complaint.pdf", "Associated Press et al. v. AHCA et al. - Docket.pdf", "Associated Press et al. v. AHCA et al. - Civil Cover Sheet.pdf"

Get [Outlook for iOS](#)

From: Pratt, Joshua <Joshua.Pratt@eog.myflorida.com>

Sent: Tuesday, April 28, 2020 10:06:47 AM

To: Jacquot, Joe <Joe.Jacquot@eog.myflorida.com>; Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>

Subject: Associated Press et al. v. AHCA et al., No. 2020-CA-000812 (2nd Jud. Cir.)

FYI.

- -

Joshua E. Pratt

Assistant General Counsel

Executive Office of the Governor

850-717-9267

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

[illegible]

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[The following text is extremely repetitive and appears to be a corrupted or placeholder document. It contains numerous instances of "Ba B" followed by various punctuation marks and symbols, making it largely illegible. The text is truncated at the bottom.]

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F&S **OVERSIGHT**

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[The following text contains extremely dense, repetitive, and largely illegible characters, likely representing corrupted or nonsensical data. It appears to be a mix of random letters, numbers, and symbols.]

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[The following text contains extremely noisy and nonsensical characters, likely representing corrupted or encrypted data. It includes various symbols, numbers, and fragments of recognizable words, making it impossible to transcribe as meaningful text.]

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Q: 1. What is the purpose of this document? A: This document is a collection of various text fragments, including names, dates, and phrases, likely for a linguistic or historical study.

Q: 2. What are the main themes or topics discussed? A: The text fragments cover a wide range of topics, including personal names, dates, and phrases, suggesting a focus on linguistic or historical analysis.

Q: 3. What is the significance of the text fragments? A: The text fragments are significant as they provide a glimpse into a specific linguistic or historical context, possibly related to a particular culture or time period.

Q: 4. How are the text fragments organized? A: The text fragments are organized in a list-like format, with each fragment preceded by a number and a letter (e.g., 1. Q: 1. What is the purpose of this document?).

Q: 5. What are the main challenges in interpreting the text fragments? A: The main challenges in interpreting the text fragments include the use of non-standard characters and symbols, which may be specific to the language or context being studied.

Q: 6. What are the main findings or conclusions of the study? A: The main findings or conclusions of the study are not explicitly stated, but the text fragments suggest a focus on linguistic or historical analysis.

Q: 7. What are the main recommendations for further research? A: The main recommendations for further research are not explicitly stated, but the text fragments suggest a need for further investigation into the linguistic or historical context.

Q: 8. What are the main limitations of the study? A: The main limitations of the study are not explicitly stated, but the text fragments suggest a need for further investigation into the linguistic or historical context.

Q: 9. What are the main contributions of the study? A: The main contributions of the study are not explicitly stated, but the text fragments suggest a focus on linguistic or historical analysis.

Q: 10. What are the main conclusions of the study? A: The main conclusions of the study are not explicitly stated, but the text fragments suggest a focus on linguistic or historical analysis.

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Leon County Clerk of the Circuit Court and Comptroller Court Case Search

Full Case View 

Print Page

37 2020 CA 000812 - THE ASSOCIATED PRESS vs EXECUTIVE OFFICE OF THE GOVERNOR

| Party Status | Party | Party Code | Attorney | Attorney Status |
|--------------|---|------------|-------------------------------------|-----------------|
| | EXECUTIVE OFFICE OF THE GOVERNOR | DEFENDANT | | ACTIVE |
| | DESANTIS, RON | DEFENDANT | | ACTIVE |
| | AGENCY FOR HEALTH CARE ADMINISTRATION | DEFENDANT | | ACTIVE |
| | MAYHEW, MARY C | DEFENDANT | | ACTIVE |
| | FLORIDA DEPARTMENT OF HEALTH | DEFENDANT | | ACTIVE |
| | RIVKEES, SCOTT A | DEFENDANT | | ACTIVE |
| | THE ASSOCIATED PRESS | PLAINTIFF | CAROL JEAN LOCICERO | ACTIVE |
| | FIRST AMENDMENT FOUNDATION | PLAINTIFF | | ACTIVE |
| | GANNETT CO., INC. | PLAINTIFF | | ACTIVE |
| | MIAMI HERALD MEDIA COMPANY | PLAINTIFF | | ACTIVE |
| | ORLANDO SENTINEL COMMUNICATIONS COMPANH | PLAINTIFF | | ACTIVE |
| | NEW YORK TIMES COMPANY | PLAINTIFF | | ACTIVE |
| | SCRIPPS MEDIA, INC. | PLAINTIFF | | ACTIVE |
| | SUN-SENTINEL COMPANY, LLC | PLAINTIFF | | ACTIVE |
| | TIMES PUBLISHING COMPANY | PLAINTIFF | | ACTIVE |
| | WP COMPANY LLC | PLAINTIFF | | ACTIVE |

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| Action Descr | Open/Reopen Status | Open/Reopen Date | Disposition | Disposition Date | Judge |
|---------------------|--------------------|----------------------|-------------|------------------|-------|
| OTHER CIRCUIT CIVIL | OPEN | 4/27/2020 8:58:30 PM | | | FLURY |

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| Charge # | Action Code | Description | Plea Date | Plea | Decision Date | Court Action | Charge Disposition | Citation |
|----------|-------------|-------------|-----------|------|---------------|--------------|--------------------|----------|
| - | | | | | | | | |

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| Judges Appearing on Case | | | | |
|--------------------------|------------|----------------------|--------|--|
| Last Name | First Name | Date Assigned | Source | |
| FLURY | RONALD | 4/28/2020 9:15:58 AM | BM | |

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Viewable On Request Statuses

| | | |
|---|---------------------|---|
|  | Viewable on Request | e-Certify  |
|---|---------------------|---|

Docket Table Headers Are Sortable. Click For Ascending, Again For Descending Order

Source Table Abbreviations: BM = Benchmark; JIS = Justice Informations System

| Docket Date | CCISegNbr | Docket Code | ECertify | Docket Text | OR Book | OR Page | Source |
|-------------|-----------|---|---|-------------------|---------|---------|--------|
| 4/27/2020 | 2 | CCS  |  <<-Req_ | CIVIL COVER SHEET | | | BM |
| 4/27/2020 | 3 | COMP_CA  |  <<-Req_ | COMPLAINT | | | BM |

FL-AHCA-20-1076-A-000318

| | | | | | |
|-----------|----|--|------------------------------------|--------------------------------------|----|
| 4/27/2020 | 4 | SUIS_  | ☐ <<-Req_\$ | SUMMONS ISSUED | BM |
| 4/27/2020 | 5 | SUIS_  | ☐ <<-Req_\$ | SUMMONS ISSUED | BM |
| 4/27/2020 | 6 | SUIS_  | ☐ <<-Req_\$ | SUMMONS ISSUED | BM |
| 4/27/2020 | 7 | SUIS_  | ☐ <<-Req_\$ | SUMMONS ISSUED | BM |
| 4/27/2020 | 8 | SUIS_  | ☐ <<-Req_\$ | SUMMONS ISSUED | BM |
| 4/27/2020 | 9 | SUIS_  | ☐ <<-Req_\$ | SUMMONS ISSUED | BM |
| 4/28/2020 | 1 | a002 | | JUDGE FLURY, RONALD W.
ASSIGNED | BM |
| 4/28/2020 | 10 | RECEIPT_  | ☐ <<-Req_\$ | PAYMENT \$462.50 RECEIPT
#1508737 | BM |

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| Event | Date | Start | Location | Judge | Result | Source |
|-------|------|-------|----------|-------|--------|--------|
|-------|------|-------|----------|-------|--------|--------|

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| Docket Application | Owed | Paid | Dismissed | Due |
|-------------------------|----------|----------|-----------|--------|
| COMPLAINT | \$400.00 | \$400.00 | \$0.00 | \$0.00 |
| EXTRA DEFENDANT - EFILE | \$2.50 | \$2.50 | \$0.00 | \$0.00 |
| SUMMONS ISSUED | \$10.00 | \$10.00 | \$0.00 | \$0.00 |
| SUMMONS ISSUED | \$10.00 | \$10.00 | \$0.00 | \$0.00 |
| SUMMONS ISSUED | \$10.00 | \$10.00 | \$0.00 | \$0.00 |
| SUMMONS ISSUED | \$10.00 | \$10.00 | \$0.00 | \$0.00 |
| SUMMONS ISSUED | \$10.00 | \$10.00 | \$0.00 | \$0.00 |
| SUMMONS ISSUED | \$10.00 | \$10.00 | \$0.00 | \$0.00 |

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| Ordered Amt | Paid | Ar Plan
Dismissed | Balance | Delinquent |
|-------------|------|----------------------|---------|------------|
|-------------|------|----------------------|---------|------------|

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From: Ferre, Helen <Helen.Ferre@eog.myflorida.com>

Sent: Saturday, April 11, 2020 4:38 PM EDT

To: Chang, Daniel <dchang@miamiherald.com>

CC: Strickland, K <Katie.Strickland@ahca.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Casey Frank <cfrank@miamiherald.com>; Beatrice, Meredith M. <Meredith.M.Beatrice@eog.myflorida.com>

Subject: [External] Re: (no subject)

Your email only mentioned one potential case, do not know what you are referring to.

Helen Aguirre Ferre
Director of Communications
Executive Office of the Governor

From: Chang, Daniel <dchang@miamiherald.com>

Sent: Saturday, April 11, 2020 4:33:13 PM

To: Ferre, Helen <Helen.Ferre@eog.myflorida.com>

Cc: Strickland, K <Katie.Strickland@ahca.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Casey Frank <cfrank@miamiherald.com>; Beatrice, Meredith M. <Meredith.M.Beatrice@eog.myflorida.com>

Subject: Re: (no subject)

Hi, Helen,

Thank you for sending this statement. A follow up question please: What was the purpose of General Counsel Joe Jacquot's mentioning the other litigation involving the state and Holland & Knight? There was no resolution reached on the lawsuit so I don't understand why he would have brought up the two lawsuits in which Holland & Knight represents Florida.

Dan

On Sat, Apr 11, 2020 at 3:54 PM Ferre, Helen <Helen.Ferre@eog.myflorida.com> wrote:

Hi Dan, here is the statement you requested:

It is patently false to say that the Governor's office contacted Holland & Knight to ask that the firm not file a lawsuit on behalf of The Miami Herald in relation to the release of public records related to COVID-19 infections at Florida nursing homes. It is normal practice for attorneys to use the filing of the five-day legal notice to see if there is a possible resolution to avoid unnecessary litigation. That was the reason General Counsel Joe Jacquot made a call to Holland & Knight attorney George Meros.

Helen Aguirre Ferre
Director of Communications
Governor Ron DeSantis
(850)717-9290
(850)717-9282
@HelenAguirreFer

From: Chang, Daniel <dchang@miamiherald.com>

Sent: Saturday, April 11, 2020 2:00 PM

To: Ferre, Helen <Helen.Ferre@eog.myflorida.com>; Strickland, K <Katie.Strickland@ahca.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>

Cc: Casey Frank <cfrank@miamiherald.com>

Subject: (no subject)

Hi, Helen,

We've been informed that the governor's office has contacted Holland & Knight and asked the law firm not to file a lawsuit on the Herald's behalf seeking the release of public records related to COVID-19 infections at Florida nursing homes.

The lawsuit stems from a March 23, 2020 records request made by Herald reporter Carol Marbin Miller and addressed to the health department and AHCA.

We are reporting a story about the governor's intervention, and are quoting attorneys from Holland & Knight with direct knowledge of the situation.

Please call me or write back and let me know when you or someone else in the governor's office can speak with us for the record about this matter.

Best regards,

Dan

--

Daniel Chang
Healthcare Reporter
Miami Herald
3511 NW 91 Avenue, Miami, FL 33172
dchang@miamiherald.com
t. 305-376-2012 | c. 954-558-0927
twitter: @dchangmiami

Miami Herald

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

--

Daniel Chang
Healthcare Reporter
Miami Herald
3511 NW 91 Avenue, Miami, FL 33172
dchang@miamiherald.com
t. 305-376-2012 | c. 954-558-0927
twitter: @dchangmiami

Miami Herald

From: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Sent: Monday, March 30, 2020 10:02 AM EDT
To: Young, Wanda <Wanda.Young@flhealth.gov>; Landy, Riley <Riley.Landy@flhealth.gov>; Lamia, Christine E <Christine.Lamia@flhealth.gov>; Porter, Torrece <Torrece.Porter@flhealth.gov>; Washington, Kendra <Kendra.Washington@flhealth.gov>; Manderfield, Patrick <Patrick.Manderfield@flhealth.gov>
CC: Grow, Stefan <stefan.grow@ahca.myflorida.com>
Subject: [External] RE: Public Records Requests

I'll be leader.

Louise St. Laurent
General Counsel
Office of the General Counsel
Florida Department of Health
4052 Bald Cypress Way, A-02
Tallahassee, FL 32399
(850) 245-4956 (Office)
(850) 597-3531 (Cell)
(850) 245-4790 (Fax)

From: Young, Wanda
Sent: Monday, March 30, 2020 9:52 AM
To: Landy, Riley <Riley.Landy@flhealth.gov>; St Laurent, Louise R <Louise.StLaurent@flhealth.gov>; Lamia, Christine E <Christine.Lamia@flhealth.gov>; Porter, Torrece <Torrece.Porter@flhealth.gov>; Washington, Kendra <Kendra.Washington@flhealth.gov>; Manderfield, Patrick <Patrick.Manderfield@flhealth.gov>
Subject: RE: Public Records Requests

Good Morning,

The conference call information is listed below:

Conference Number: **1-888-585-9008**
Code to Enter the Call: **385342627#**

If you are the leader of this call, please press * and enter **1417037#** (*This information should not be disseminated to other participants.*)

Thank you.

Wanda D. Young

Agency Clerk
Office of the General Counsel
Florida Department of Health
4052 Bald Cypress Way, Bin A-02
Tallahassee, FL 32399
Phone: 850-245-4703
Fax: 850-413-8743
E-mail: Wanda.Young@flhealth.gov

Mission: To protect, promote, and improve the health of all people in Florida through integrated state, county, & community efforts.

Vision: To be the Healthiest State in the Nation

Values: ICARE

I innovation: We search for creative solutions and manage resources wisely.

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

A accountability: We perform with integrity & respect.

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

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

Purpose: To protect the public through health care licensure, enforcement and information.

Focus: To be the nation's leader in quality health care regulation.

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.

Please consider the environment before printing this e-mail.

From: Landy, Riley <Riley.Landy@flhealth.gov>
Sent: Monday, March 30, 2020 9:10 AM
To: Asbey, Nikkisha <Nikkisha.Asbey@flhealth.gov>
Cc: Young, Wanda <Wanda.Young@flhealth.gov>
Subject: RE: Public Records Requests

Can you please send the conference call info to the individuals list below who are to be attending this meeting? Thanks!

Riley Landy
Chief Legal Counsel, Florida Department of Health
Phone: 850-245-4023

-----Original Appointment-----

From: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Sent: Sunday, March 29, 2020 1:02 PM
To: St Laurent, Louise R; Lamia, Christine E; Landy, Riley; Washington, Kendra; Porter, Torrece
Cc: Grow, Stefan; Strickland, Katie; Manderfield, Patrick
Subject: Public Records Requests
When: Monday, March 30, 2020 2:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: OGC Conf Room and Conf call

We can set up the conference call line for those working remotely.

From: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Sent: Tuesday, April 28, 2020 5:09 PM EDT
To: Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; Grow, Stefan <stefan.grow@ahca.myflorida.com>
Subject: [External] Re: PRR Lawsuit (Joint Defense Privilege)

Works for me

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From: Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>
Sent: Tuesday, April 28, 2020 5:09:31 PM
To: Grow, Stefan <stefan.grow@ahca.myflorida.com>; St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Subject: Re: PRR Lawsuit (Joint Defense Privilege)

All,

11 tomorrow?

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From: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Sent: Tuesday, April 28, 2020 5:04:07 PM
To: Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; StLaurent, Louise <louise.stlaurent@flhealth.gov>
Subject: PRR Lawsuit (Joint Defense Privilege)

Colleen,

Let's discuss when able. Louise and I had a conference call with John Wharton and have some recommendations on next steps.

Thanks,

Stefan

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

From: Lewis, Jennifer <Jennifer.Lewis@flhealth.gov>
Sent: Friday, March 27, 2020 11:36 AM EDT
To: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>; Roberts, William <William.Roberts@ahca.myflorida.com>
CC: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>; Lamia, Christine E <Christine.Lamia@flhealth.gov>
Subject: [External] RE: mckinsey
Attachment(s): "chamber mckinsey 032720.docx"

Stefan and William.

See the attached. I corrected a typo and included a countersignature paragraph. Other than that I'm fine with this version.

Thank you,

Jennifer Lewis
Office of the General Counsel
Chief Legal Counsel, Transactions Practice Group
4052 Bald Cypress Way, Bin-A02
Tallahassee, Florida 32399
Phone: 850-617-1426
Email: Jennifer.Lewis@flhealth.gov

MISSION: To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.

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



Please consider the environment before printing this email.

From: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Sent: Friday, March 27, 2020 11:33 AM
To: Roberts, William <William.Roberts@ahca.myflorida.com>; Lewis, Jennifer <Jennifer.Lewis@flhealth.gov>
Subject: RE: mckinsey

Jennifer, let me know your thoughts. There is still a draft with McKinsey and I will pass along these edits once you're good with it.

From: Roberts, William <William.Roberts@ahca.myflorida.com>
Sent: Friday, March 27, 2020 11:22 AM
To: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>; jennifer.lewis@flhealth.gov
Subject: RE: mckinsey

See my responses. The description of the info involved is based on what I could glean from our IT and a conversation with McKinsey, so I would have to defer to them.

From: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Sent: Friday, March 27, 2020 11:13 AM
To: Roberts, William <William.Roberts@ahca.myflorida.com>
Subject: Fwd: mckinsey

Bill, can you take a look at this and turn around? Notes seem minimal. Do we need additional info on what's being exchanged from a data perspective?

I also noticed attachment 1 has Bob Asztalos' name on it.
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From: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Sent: Friday, March 27, 2020 11:07:01 AM
To: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Subject: [External] FW: mckinsey

Have a blessed time.

Louise St. Laurent

General Counsel
Office of the General Counsel
Florida Department of Health
4052 Bald Cypress Way, A-02
Tallahassee, FL 32399
(850) 245-4956 (Office)
(850) 597-3531 (Cell)
(850) 245-4790 (Fax)

From: Lewis, Jennifer
Sent: Friday, March 27, 2020 11:01 AM
To: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>; St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Cc: Saylor, Erik <Erik.Saylor@em.myflorida.com>; Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; Bush, Amanda <Amanda.Bush@flhealth.gov>; Roberts, William <William.Roberts@ahca.myflorida.com>; Lamia, Christine E <Christine.Lamia@flhealth.gov>
Subject: RE: mckinsey

Louise and Stefan,

See the attached with my edits and comments.

Let me know if you have any questions.

Thank you,

Jennifer Lewis
Office of the General Counsel
Chief Legal Counsel, Transactions Practice Group
4052 Bald Cypress Way, Bin-A02
Tallahassee, Florida 32399
Phone: 850-617-1426
Email: Jennifer.Lewis@flhealth.gov

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Please consider the environment before printing this email.

From: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Sent: Friday, March 27, 2020 10:29 AM
To: Lewis, Jennifer <Jennifer.Lewis@flhealth.gov>; Lamia, Christine E <Christine.Lamia@flhealth.gov>
Cc: Saylor, Erik <Erik.Saylor@em.myflorida.com>; Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; St Laurent, Louise R <Louise.StLaurent@flhealth.gov>; Tendrich, Kimberly <Kimberly.Tendrich@flhealth.gov>; Bush, Amanda <Amanda.Bush@flhealth.gov>; Roberts, William <William.Roberts@ahca.myflorida.com>
Subject: RE: mckinsey

Looping in Bill Roberts on my team who worked on this.

From: Lewis, Jennifer <Jennifer.Lewis@flhealth.gov>
Sent: Friday, March 27, 2020 10:22 AM
To: Lamia, Christine E <Christine.Lamia@flhealth.gov>
Cc: Saylor, Erik <Erik.Saylor@em.myflorida.com>; Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; Grow, Stefan <Stefan.Grow@ahca.myflorida.com>; St Laurent, Louise R <Louise.StLaurent@flhealth.gov>; Tendrich, Kimberly <Kimberly.Tendrich@flhealth.gov>; Bush, Amanda <Amanda.Bush@flhealth.gov>
Subject: [External] RE: mckinsey

Chris,

Yes, I can.

Jennifer Lewis
Office of the General Counsel
Chief Legal Counsel, Transactions Practice Group
4052 Bald Cypress Way, Bin-A02
Tallahassee, Florida 32399
Phone: 850-617-1426
Email: Jennifer.Lewis@flhealth.gov

MISSION: To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.

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



Please consider the environment before printing this email.

From: Lamia, Christine E
Sent: Friday, March 27, 2020 10:20 AM
To: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>; Lewis, Jennifer <Jennifer.Lewis@flhealth.gov>; Tendrich, Kimberly <Kimberly.Tendrich@flhealth.gov>; Bush, Amanda <Amanda.Bush@flhealth.gov>
Cc: Saylor, Erik <Erik.Saylor@em.myflorida.com>; Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Subject: RE: mckinsey

Jennifer, can you lead in this review?

Christine E. Lamia

Deputy General Counsel
State Health Offices
Office of the General Counsel
Florida Department of Health
4052 Bald Cypress Way, Bin #A-02
Tallahassee, FL 32399-3265
(850) 245-4005 (OGC Main Line)
(850) 245-4021 (Direct Line)
(850) 245-4790 (Fax)

Mission: To protect, promote, and improve the health of all people in Florida through integrated state, county, & community efforts.

Vision: To be the Healthiest State in the Nation

Values: **ICARE**

I innovation: We search for creative solutions and manage resources wisely.

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

A accountability: We perform with integrity & respect.

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

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

Purpose: To protect the public through health care licensure, enforcement and information.

Focus: To be the nation's leader in quality health care regulation.

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.
Please consider the environment before printing this e-mail.

From: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Sent: Friday, March 27, 2020 10:18 AM
To: Lewis, Jennifer <Jennifer.Lewis@flhealth.gov>; Lamia, Christine E <Christine.Lamia@flhealth.gov>; Tendrich, Kimberly <Kimberly.Tendrich@flhealth.gov>; Bush, Amanda <Amanda.Bush@flhealth.gov>
Cc: Saylor, Erik <Erik.Saylor@em.myflorida.com>; Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Subject: FW: mckinsey

Chris/Jennifer/Kim/Amanda,

The purpose of the agreement should just be for bed count and hospital modeling.

I don't know that Health needs to be included for that purpose or that there needs to be any HIPAA requirements in the draft. Can one of you take point in trying to get something drafted for that purpose? I think it just needs to be between DEM and the company? Perhaps AHCA as well for the institutional information. Chris can determine who leads.

Erik/Stefan,
Let me know if you've already got someone doing this.

Louise St. Laurent
General Counsel
Office of the General Counsel
Florida Department of Health
4052 Bald Cypress Way, A-02
Tallahassee, FL 32399
(850) 245-4956 (Office)
(850) 597-3531 (Cell)
(850) 245-4790 (Fax)

From: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Sent: Friday, March 27, 2020 9:53 AM
To: aholland@flchamber.com; St Laurent, Louise R <Louise.StLaurent@flhealth.gov>; Sayler, Erik <Erik.Sayler@em.myflorida.com>
Cc: Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; nicholas.primrose@eog.myflorida.com; Clark, David <David.Clark@eog.myflorida.com>
Subject: FW: mckinsey

All:

Attached is a draft of the BAA. Please review. Contact information will need to be added in E. and signature blocks will also need to be included.

The Secretary wanted me to make sure everyone knows this need to be done asap.

Please review and let's finalize.

Thanks,

From: Roberts, William <William.Roberts@ahca.myflorida.com>
Sent: Friday, March 27, 2020 9:39 AM
To: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Subject: RE: mckinsey

I removed some of the language that was still unsettled. Chamber will have to sign the BAA. Normally, we would run this through Procurement for contract # assignment and to get into our system. I'll check with them on doing that after the fact.

From: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Sent: Friday, March 27, 2020 9:20 AM
To: Roberts, William <William.Roberts@ahca.myflorida.com>
Subject: Re: mckinsey

Can you add a block for the Agency? I'll ask other parties to add their own blocks.

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From: Roberts, William <William.Roberts@ahca.myflorida.com>
Sent: Friday, March 27, 2020 9:16:49 AM
To: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Subject: RE: mckinsey

Still needs formatting, signature blocks.

From: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Sent: Friday, March 27, 2020 9:07 AM
To: Helvey, Nikole <Nikole.Helvey@ahca.myflorida.com>; Ward, Scott <Scott.Ward@ahca.myflorida.com>; Roberts, William <William.Roberts@ahca.myflorida.com>
Cc: McKinstry, Molly <Molly.McKinstry@ahca.myflorida.com>
Subject: Re: mckinsey

Bill, please send to me once ready. By 9:30 if possible and I need to email it out by 9:45.

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From: Helvey, Nikole <Nikole.Helvey@ahca.myflorida.com>
Sent: Friday, March 27, 2020 9:05:54 AM
To: Ward, Scott <Scott.Ward@ahca.myflorida.com>; Roberts, William <William.Roberts@ahca.myflorida.com>
Cc: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>; McKinstry, Molly <Molly.McKinstry@ahca.myflorida.com>
Subject: RE: mckinsey

I edited just the few references to COVID-19, and named it in the first paragraph. Otherwise looks good.

When do we will in the parts about who will establish the SFTP, etc?

Nikole Helvey, Bureau Chief

Florida Center for Health Information and Transparency

Division of Health Quality Assurance

Agency for Health Care Administration (AHCA)

2727 Mahan Drive, Bldg 3, MS 16

Tallahassee, FL 32308

O: (850) 412-3791

M: (850) 528-1845

www.FloridaHealthFinder.gov

www.FHIN.net

www.Florida-HIE.net

From: Ward, Scott <Scott.Ward@ahca.myflorida.com>
Sent: Thursday, March 26, 2020 3:46 PM
To: Roberts, William <William.Roberts@ahca.myflorida.com>; Helvey, Nikole <Nikole.Helvey@ahca.myflorida.com>
Cc: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Subject: RE: mckinsey

Bill,
Looks good to me. Only suggestion, do we want to spell-out the acronym "Covid" in the opening and 3rd paragraph?
Thanks, Scott

From: Roberts, William <William.Roberts@ahca.myflorida.com>
Sent: Thursday, March 26, 2020 3:28 PM
To: Ward, Scott <Scott.Ward@ahca.myflorida.com>; Helvey, Nikole <Nikole.Helvey@ahca.myflorida.com>
Cc: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Subject: mckinsey

This is a very rough draft, based on the information I have at the moment. Based on my conversation with McKinsey, the agreement should be with the Chamber of Commerce, who will then make the arrangements with McKinsey. I have not heard from the Chamber. I hybridized two different templates, so the formatting needs work, otherwise, please feel free to edit and comment.

MEMORANDUM OF UNDERSTANDING
FOR SHARING CONFIDENTIAL DATA

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into by and between the Agency for Health Care Administration ("the Agency"), the Chamber of Commerce ("Chamber"), the Department of Health ("DOH"), and the Division of Emergency Management ("DEM"), jointly referred to as the parties, for the sharing of data to be used in taking measures against the 2019 Novel Coronavirus (COVID-19) outbreak. This agreement shall become effective on the last date of execution by the parties and expire one (1) year from that date, unless terminated earlier in writing by the parties.

A. A. Data to be shared and purpose.

The Chamber contracts with McKinsey & Company (McKinsey). The Chamber will coordinate provision of data to McKinsey for purposes of surge modeling in hospitals or other predictive modeling to assist in dealing with the COVID-19 outbreak.

The Agency shall provide certain confidential data from the Emergency Status System ("ESS"), including but not limited to the daily feeds to ESS on hospital capacity, bed counts or other available bed data; COVID-19 testing and case counts; and VERSA licensed facility data by means of a Secure File Transfer Protocol ("SFTP"). The Chamber is authorized to provide access to this data to McKinsey for the development of models and reports. The Chamber will upload McKinsey's product to the SFTP.

DOH shall have access to the SFTP for its authorized purposes in assessing the public health status and needs of the state and for conducting surveillance of diseases of public health significance, including COVID-19.

DEM shall have access to the SFTP for its authorized purposes in dealing with the COVID-19 emergency.

B. Health Insurance Portability and Accountability Act.

Each party agrees to comply with the Health Insurance Portability and Accountability Act ("HIPAA") as applicable, as follows:

1. To comply with the Department of Health and Human Services Privacy Regulations in the CFR, Title 45, Sections 160 and 164, regarding disclosure of protected health information as specified in **Attachment I, Business Associate Agreement**, of this MOU.
2. To ensure it meets all Federal regulations regarding required standard electronic transactions and standards for privacy and individually identifiable health information as identified in the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and the Health Information Technology for Economic and Clinical Health Act (HITECH) of 2009 and associated regulations.
3. To conduct all activities in compliance with 45 CFR 164 Subpart C to ensure data security, including, but not limited to encryption of all

Commented [LJ1]: Does DOH need to be a party to this agreement?

Commented [RW2R2]: Not if they don't want to be; we thought DOH wanted in on this.

Commented [LJ3R2]: Thanks. I've left it in.

Commented [LJ4]: What is McKinsey's product?

Commented [RW5R5]: We have not gotten a full explanation of that; language was written broadly to be inclusive.

Commented [LJ6R5]: Ok.

Commented [LJ7]: Who is the Vendor referenced in Attachment I?

Commented [RW8R8]: It would be the Chamber; that can be clarified in the BAA.

Commented [LJ9R8]: Thanks.

information that is confidential under Florida or Federal law, while in transmission and while residing on portable electronic media storage devices. Encryption is required and shall be consistent with Federal Information Processing Standards (FIPS), and/or the National Institute of Standards and Technology (NIST) publications regarding cryptographic standards.

C. Confidentiality of Information. The parties agree:

1. To not use or disclose any confidential information, including social security numbers that may be supplied under this MOU pursuant to law, and also including the identity or identifying information concerning a Medicaid recipient or services under this MOU for any purpose not in conformity with State and Federal laws, except upon written consent of the recipient, or his/her guardian.
2. That all personally identifiable information, including Medicaid information, shall be treated as privileged and confidential information and shall be used only as authorized for purposes directly related to the administration of this MOU. The parties must have a process that specifies that patient-specific information remains confidential, is used solely for the purposes of this MOU, and is exchanged only for conducting a review or other duties outlined in this MOU.
3. All patient-specific information can be shared only with those agencies that have legal authority to receive such information and cannot be otherwise transmitted for any purpose other than for purposes of this MOU. The parties must have in place written confidentiality policies and procedures to ensure confidentiality and to comply with all Federal and State laws (including the HIPAA and HITECH Acts) governing confidentiality, including electronic treatment records, facsimile mail, and electronic mail).
4. If the parties will employ subcontractors to fulfill their obligations under this MOU, all subcontracts must explicitly state expectations about the confidentiality of information, and the subcontractor is held to the same confidentiality requirements as the parties. If provider-specific data are released to the public, shall have policies and procedures for exercising due care in compiling and releasing such data that address statutory protections of quality assurance and confidentiality while assuring that open records requirements of Chapter 119, Florida Statutes (F.S.), are met.
5. The parties and their subcontractors shall comply with the requirements of Section 501.171, F.S. and shall, in addition to the reporting requirements therein, report to the Agency any breach of personal information.
6. Any releases of information to the media, the public, or other entities require prior written approval from the Agency.
7. Ensure all services will be performed within the borders of the United States (U.S.) and its territories and protectorates.

Commented [LJ10]: Should "those agencies" be changed to the parties?

Commented [RW11R11]: No- the intent of this is to allow the info to be shared when it is demanded by other agencies that have the authority to get it.

Commented [LJ12R11]: Ok. I'm fine with the language as is.

8. State-owned Data shall be processed, accessed and stored in data centers that are located only in the forty-eight (48) contiguous U.S.

Commented [LJ13]: State of Florida owned?

Commented [RW14R14]: This is just standard language from our AHCA agreements; would prefer to keep it.

Commented [LJ15R14]: Ok.

D. Public Records Requests. The parties agree:

1. To comply with Section 119.0701, F.S., if applicable, and all other applicable parts of the Florida Public Records Act.
2. To keep and maintain public records that ordinarily and necessarily would be required in order to perform services under this MOU.
3. To provide the public with access to public records on the same terms and conditions that the Agency would provide the records and at a cost that does not exceed the cost provided in Section 119.07, F.S., or as otherwise provided by law.
4. That upon request from the appropriate Agency custodian of public records, provide the Agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost in Section 119.07, F.S., or as otherwise provided by law.
5. To ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of this Agreement term and following completion of this Agreement if the Party does not transfer the records to the Agency.
6. To comply with applicable portions of Section 119.071(5), F.S., and not collect an individual's social security number unless the purpose for its collection has been stated in writing. A copy of the written statement shall be provided to the Agency.
7. To meet all requirements for retaining public records and transfer, at no cost, to the Agency all public records in their possession of upon termination of this MOU and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the Agency in a format that is compatible with the information technology systems of the Agency.

E. Single points of contact.

Each party shall appoint a single point of contact to manage that party's duties under this agreement. Any notice required under this MOU shall be given to the respective single point of contact. The single point of contact information for each party is as follows:

1. Agency Point of Contact

Name: _____

Telephone Number: _____
Email Address: _____

2. DOH Point of Contact

Name: _____
Telephone Number: _____
Email Address: _____

3. DEM Point of Contact

Name: _____
Telephone Number: _____
Email Address: _____

4. Chamber Point of Contact

Name: _____
Telephone Number: _____
Email Address: _____

F. Breach. Any failure by the parties to abide by the terms of this MOU constitutes a breach, which may result in the cancellation or rescission of this agreement and will require the breaching agency to return all data received.

G. No assignment. This MOU may not be assigned or transferred to any other party.

H. Indemnification. The Chamber shall save and hold harmless and indemnify the State of Florida and the Agency against any and all liability, claims, suits, judgments, damages or costs of whatsoever kind and nature resulting from any act, or failure to act, by Chamber or any of its employees, agents or representatives in the performance of its duties under this agreement.

I. Counterpart Signatures. This Agreement may be signed in counterparts with the same effect as if the signatures to each counterpart were upon a single instrument, and all such counterparts together shall be deemed an original of this MOU. For purposes of this MOU, a facsimile copy of a party's signature shall be sufficient to bind such party.

IN WITNESS THEREOF, the Parties hereto have caused this five-page MOU, which includes any referenced attachments, to be executed by their undersigned officials as duly authorized. This Agreement is not valid until signed and dated by all Parties.

Florida Agency for Health Care Administration

Printed Name and Signature:

Date:

Florida Department of Health

Printed Name and Signature:

Date:

Division of Emergency Management

Printed Name and Signature:

Date:

Chamber of Commerce

Printed Name and Signature:

Date:

Attachment 1: BAA

Page 6 of 6

From: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Sent: Sunday, March 29, 2020 12:36 PM EDT
To: Landy, Riley <Riley.Landy@flhealth.gov>; Lamia, Christine E <Christine.Lamia@flhealth.gov>; Washington, Kendra <Kendra.Washington@flhealth.gov>
CC: Grow, Stefan <stefan.grow@ahca.myflorida.com>; Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>
Subject: [External] FW: Public Records

Chris/Riley/Kendra,

Has this been invoiced already? Or have we prepared a response since they're asking for facility names?

We should discuss tomorrow.

Louise St. Laurent
General Counsel
Office of the General Counsel
Florida Department of Health
4052 Bald Cypress Way, A-02
Tallahassee, FL 32399
(850) 245-4956 (Office)
(850) 597-3531 (Cell)
(850) 245-4790 (Fax)

From: Moscoso, Alberto
Sent: Sunday, March 29, 2020 12:13 PM
To: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Subject: Fwd: Public Records

Alberto Moscoso
Communications Director
Florida Department of Health
(850) 408-7687

From: Marbin, Carol <cmarbin@miamiherald.com >
Sent: Sunday, March 29, 2020 11:40:30 AM
To: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov >; Strickland, K <Katie.Strickland@ahca.myflorida.com >; Helen Ferre <helen.ferre@eog.myflorida.com >
Cc: Casey Frank <cfrank@miamiherald.com >; meklas@miamiherald.com <meklas@miamiherald.com >; Sandy Bohrer <sandy.bohrer@gmail.com >
Subject: Re: Public Records

Good morning, Mr. Moscoso, Ms. Strickland and Ms. Ferre. We hope you are in good health.

It appears this public records request was sent nearly a week ago. We have heard nothing back from you other than that you are processing it.

We respectfully request that you fulfill this request by the close of business Monday -- and we ask that you provide records up to the point of fulfillment -- or state in writing and with particularity the statutory exemption you claim as justification for withholding these records.

We certainly understand that your departments are facing a very difficult challenge. We believe, however, based upon all available evidence, that your communications departments are not rendering medical aid. Moreover, based upon other evidence, we know that our readers consider this information to be critical to the health and safety of their families.

As difficult as these times have become, for all of us, we would very much like to avoid litigation. We will not hesitate, though, to go that route if need be.

Sincerely,

~ Carol

On Mon, Mar 23, 2020 at 6:10 PM Moscoso, Alberto <Alberto.Moscoso@flhealth.gov > wrote:

No problem. Yes, that email sure takes me back!

We are processing this request.

Alberto Moscoso
Communications Director
Florida Department of Health
(850) 408-7687

From: Marbin, Carol <cmarbin@miamiherald.com>
Sent: Monday, March 23, 2020 3:50 PM
To: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>
Subject: Fwd: Public Records

Mr. Moscoso,

Apparently I used an old email address for you. This email was returned.

----- Forwarded message -----

From: **Marbin, Carol** <cmarbin@miamiherald.com>
Date: Mon, Mar 23, 2020 at 3:48 PM
Subject: Public Records
To: <Katie.Strickland@ahca.myflorida.com>, <Patrick.Manderfield@ahca.myflorida.com>, Moscoso, Alberto <Alberto.Moscoso@fdc.myflorida.com>
Cc: Casey Frank <cfrank@miamiherald.com>, Samantha Gross <sgross@miamiherald.com>

Good afternoon.

I hope and trust all of you, and your families, are well.

This is a request for public records under Chapter 119 of the Florida Statutes, the public records law.

Please provide the Miami Herald the following public records:

* The most recent information from your COVID dashboard appears to show 33 residents of long-term care facilities in Florida have tested positive for the virus, including 12 in Broward County, or 36 percent. Please provide the Herald any document that specifies in which facilities those cases reside.

* Please provide the Herald a copy of any rules or guidance from either of your agencies that specifies whether Floridians with loved ones in skilled nursing facilities or assisted living facilities may have their loved ones discharged from such facilities into their care.

* Please provide the Herald a copy of any emails, texts, reports, memos, reports or other documents from anyone within your two agencies in which the circumstances that unfolded at Atria Willow Wood are discussed. I am trying to avoid bogging your agencies down in an email search that would be more time-consuming than necessary.

If you decline to honor this request, either in whole or in part, please state in writing and with particularity the statutory exemptions you claim.

We thank you, in advance, for your help in this matter.

--

Carol Marbin Miller
Deputy Investigations Editor
Investigative Reporting Team |
Miami Herald
[305.376.3211](tel:305.376.3211) | | cmarbin@MiamiHerald.com
3511 N.W. 91st Ave., Doral Florida 33172

--

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3511 N.W. 91st Ave., Doral Florida 33172

From: McCoy, Steve <Steve.McCoy@flhealth.gov>

Sent: Monday, April 27, 2020 4:55 PM EDT

To: Coppola, Courtney <Courtney.Coppola@flhealth.gov>; Cooksey, Samantha <Samantha.Cooksey@flhealth.gov>; Philpot, Toby <Toby.Philpot@ahca.myflorida.com>; McKinstry, Molly <Molly.McKinstry@ahca.myflorida.com>

CC: Chapman, Shay <Shay.Chapman@flhealth.gov>

Subject: [External] RE: Letter to Governor Ron DeSantis from Representative Emily Slosberg

Just an update. We are doing 300 test this afternoon for their skilled nursing facility (SNF) and then working in the remaining 748 from their ALF and Independent living over the next week.

Steve A. McCoy

Emergency Medical Services Administrator
Florida Department of Health
Office #: (850) 245-4927 tob
Cell #: (850) 528-0012

From: Coppola, Courtney <Courtney.Coppola@flhealth.gov>

Sent: Monday, April 27, 2020 3:06 PM

To: McCoy, Steve <Steve.McCoy@flhealth.gov>

Subject: RE: Letter to Governor Ron DeSantis from Representative Emily Slosberg

Thank you ☺

Courtney F. Coppola

Chief of Staff
& Marijuana Coordinator
Florida Department of Health

Florida Department of Health | 4052 Bald Cypress Way | Tallahassee, FL 32399



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: McCoy, Steve

Sent: Monday, April 27, 2020 2:58 PM

To: Coppola, Courtney <Courtney.Coppola@flhealth.gov>

Subject: RE: Letter to Governor Ron DeSantis from Representative Emily Slosberg

On it!

Steve A. McCoy

Emergency Medical Services Administrator
Florida Department of Health
Office #: (850) 245-4927
Cell #: (850) 528-0012

From: Coppola, Courtney <Courtney.Coppola@flhealth.gov>

Sent: Monday, April 27, 2020 2:58 PM

To: Chapman, Shay <Shay.Chapman@flhealth.gov>; Philpot, Toby <Toby.Philpot@ahca.myflorida.com>; Cooksey, Samantha <Samantha.Cooksey@flhealth.gov>; McCoy, Steve <Steve.McCoy@flhealth.gov>

Cc: McKinstry, Molly <Molly.McKinstry@ahca.myflorida.com>

Subject: RE: Letter to Governor Ron DeSantis from Representative Emily Slosberg

Thank you!

Courtney F. Coppola

Chief of Staff
& Marijuana Coordinator
Florida Department of Health

Florida Department of Health | 4052 Bald Cypress Way | Tallahassee, FL 32399



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: Chapman, Shay
Sent: Monday, April 27, 2020 2:43 PM
To: Philpot, Toby <Toby.Philpot@ahca.myflorida.com>; Cooksey, Samantha <Samantha.Cooksey@flhealth.gov>; McCoy, Steve <Steve.McCoy@flhealth.gov>
Cc: Coppola, Courtney <Courtney.Coppola@flhealth.gov>; McKinstry, Molly <Molly.McKinstry@ahca.myflorida.com>
Subject: RE: Letter to Governor Ron DeSantis from Representative Emily Slosberg

Toby,

Good afternoon. We will get the site added to the list for testing this Wednesday. I will reach out to the Director and confirm.

Thanks,
Shay

Shay Chapman BSN, MBA
Chief, Bureau of Family Health Services
Florida Department of Health
4052 Bald Cypress Way, Bin A-13
Tallahassee, FL 32399-1721
Phone: 850-245-4464 Cell: 850-459-3662
Email: Shay.Chapman@flhealth.gov



Mission: To protect, promote & improve the health of all people in Florida through integrated state, county, & community efforts.

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 on request. Your e-mail communications may therefore be subject to public disclosure.

From: Philpot, Toby <Toby.Philpot@ahca.myflorida.com>
Sent: Monday, April 27, 2020 2:35 PM
To: Cooksey, Samantha <Samantha.Cooksey@flhealth.gov>; Chapman, Shay <Shay.Chapman@flhealth.gov>; McCoy, Steve <Steve.McCoy@flhealth.gov>
Cc: Coppola, Courtney <Courtney.Coppola@flhealth.gov>; McKinstry, Molly <Molly.McKinstry@ahca.myflorida.com>
Subject: FW: Letter to Governor Ron DeSantis from Representative Emily Slosberg
Importance: High

FYI - attached letter.

From: Kotas, James <James.Kotas@ahca.myflorida.com>
Sent: Monday, April 27, 2020 2:33 PM
To: Philpot, Toby <Toby.Philpot@ahca.myflorida.com>
Subject: FW: Letter to Governor Ron DeSantis from Representative Emily Slosberg
Importance: High

The attached is what Rep. Slosberg's office sent, and it was sent to Stephanie K.

James

From: Anderson, Jack <Jack.Anderson@myfloridahouse.gov>
Sent: Monday, April 27, 2020 11:54 AM
To: 'Stephanie Kopelousos' <Stephanie.Kopelousos@eog.myflorida.com>
Cc: Slosberg, Emily <Emily.Slosberg@myfloridahouse.gov>; 'Tyler.Russell@eog.myflorida.com' <Tyler.Russell@eog.myflorida.com>; 'Cody.Farrill@dms.myflorida.com' <Cody.Farrill@dms.myflorida.com>; 'Jared.rosenstein@em.myflorida.com' <Jared.rosenstein@em.myflorida.com>; Kotas, James <James.Kotas@ahca.myflorida.com>
Subject: [External] Letter to Governor Ron DeSantis from Representative Emily Slosberg
Importance: High

Good afternoon Stephanie,

Please find attached a letter to Governor Ron DeSantis from Representative Emily Slosberg.

Thank you.

Jack T. Anderson, III

Legislative Assistant to Representative Emily Slosberg

Florida House of Representatives, District 91

Capitol Phone: (850) 717-5091

District Phone: (561) 496-5940

Jack.Anderson@myfloridahouse.gov



Warning : Florida has a broad public records law. Most written communications to or from state employees are public records obtainable by the public upon request. Emails sent to me at this email address may be considered public records and shall only be withheld from disclosure if deemed confidential pursuant to the laws of the State of Florida. If you do not want your email address released in response to a public records request, do not contact me by email. Instead, contact my office by phone or in writing.

From: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>

Sent: Tuesday, April 21, 2020 7:03 PM EDT

To: Gross, Samantha <sgross@miamiherald.com>; Ferre, Helen <Helen.Ferre@eog.myflorida.com>; Strickland, Katie <Katie.Strickland@ahca.myflorida.com>

Subject: [External] RE: DOH legislative call tonight

Thank you!

From: Gross, Samantha <sgross@miamiherald.com>

Sent: Tuesday, April 21, 2020 6:25 PM

To: Ferre, Helen <Helen.Ferre@eog.myflorida.com>; Strickland, Katie <Katie.Strickland@ahca.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>

Subject: DOH legislative call tonight

For transparency purpose: I will be on

--

Samantha J. Gross

Politics Reporter, she/her/hers

The Miami Herald

sgross@miamiherald.com

c: 219-689-4365

From: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>

Sent: Sunday, March 29, 2020 4:31 PM EDT

To: Marbin, Carol <cmarbin@miamiherald.com>; Strickland, K <Katie.Strickland@ahca.myflorida.com>; Helen Ferre <helen.ferre@eog.myflorida.com>

CC: Casey Frank <cfrank@miamiherald.com>; meklas@miamiherald.com <meklas@miamiherald.com>; Sandy Bohrer <sandy.bohrer@gmail.com>

Subject: [External] Re: Public Records

Good afternoon,

We are actively processing this request. Please note, however, that this is a broad request with a substantial number of responsive items that will take time to gather.

We are moving as quickly as we can towards fulfillment.

Thank you,

Alberto Moscoso
Communications Director
Florida Department of Health
(850) 408-7687

From: Marbin, Carol <cmarbin@miamiherald.com>

Sent: Sunday, March 29, 2020, 11:40

To: Moscoso, Alberto; Strickland, K; Helen Ferre

Cc: Casey Frank; meklas@miamiherald.com; Sandy Bohrer

Subject: Re: Public Records

Good morning, Mr. Moscoso, Ms. Strickland and Ms. Ferre. We hope you are in good health.

It appears this public records request was sent nearly a week ago. We have heard nothing back from you other than that you are processing it.

We respectfully request that you fulfill this request by the close of business Monday -- and we ask that you provide records up to the point of fulfillment -- or state in writing and with particularity the statutory exemption you claim as justification for withholding these records.

We certainly understand that your departments are facing a very difficult challenge. We believe, however, based upon all available evidence, that your communications departments are not rendering medical aid. Moreover, based upon other evidence, we know that our readers consider this information to be critical to the health and safety of their families.

As difficult as these times have become, for all of us, we would very much like to avoid litigation. We will not hesitate, though, to go that route if need be.

Sincerely,

~ Carol

On Mon, Mar 23, 2020 at 6:10 PM Moscoso, Alberto <Alberto.Moscoso@flhealth.gov> wrote:

No problem. Yes, that email sure takes me back!

We are processing this request.

Alberto Moscoso
Communications Director
Florida Department of Health
(850) 408-7687

From: Marbin, Carol <cmarbin@miamiherald.com>

Sent: Monday, March 23, 2020 3:50 PM

FL-AHCA-20-1076-A-000343

To: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>
Subject: Fwd: Public Records

Mr. Moscoso,

Apparently I used an old email address for you. This email was returned.

----- Forwarded message -----

From: **Marbin, Carol** <cmarbin@miamiherald.com>

Date: Mon, Mar 23, 2020 at 3:48 PM

Subject: Public Records

To: <Katie.Strickland@ahca.myflorida.com>, <Patrick.Manderfield@ahca.myflorida.com>, Moscoso, Alberto <Alberto.Moscoso@fdc.myflorida.com>

Cc: Casey Frank <cfrank@miamiherald.com>, Samantha Gross <sgross@miamiherald.com>

Good afternoon.

I hope and trust all of you, and your families, are well.

This is a request for public records under Chapter 119 of the Florida Statutes, the public records law.

Please provide the Miami Herald the following public records:

* The most recent information from your COVID dashboard appears to show 33 residents of long-term care facilities in Florida have tested positive for the virus, including 12 in Broward County, or 36 percent. Please provide the Herald any document that specifies in which facilities those cases reside.

* Please provide the Herald a copy of any rules or guidance from either of your agencies that specifies whether Floridians with loved ones in skilled nursing facilities or assisted living facilities may have their loved ones discharged from such facilities into their care.

* Please provide the Herald a copy of any emails, texts, reports, memos, reports or other documents from anyone within your two agencies in which the circumstances that unfolded at Atria Willow Wood are discussed. I am trying to avoid bogging your agencies down in an email search that would be more time-consuming than necessary.

If you decline to honor this request, either in whole or in part, please state in writing and with particularity the statutory exemptions you claim.

We thank you, in advance, for your help in this matter.

--

Carol Marbin Miller

Deputy Investigations Editor

Investigative Reporting Team |

Miami Herald

[305.376.3211](tel:305.376.3211) | | cmarbin@MiamiHerald.com

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Carol Marbin Miller

Deputy Investigations Editor

Investigative Reporting Team |

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3511 N.W. 91st Ave., Doral Florida 33172

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Carol Marbin Miller

Deputy Investigations Editor

Investigative Reporting Team |

Miami Herald

[305.376.3211](tel:305.376.3211) | | cmarbin@MiamiHerald.com

3511 N.W. 91st Ave., Doral Florida 33172

From: Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>
Sent: Wednesday, April 22, 2020 10:26 AM EDT
To: Jacquot, Joe <Joe.Jacquot@eog.myflorida.com>; Grow, Stefan <stefan.grow@ahca.myflorida.com>
Subject: [External] FW: Public Records Request
FYI

From: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Sent: Wednesday, April 22, 2020 10:08 AM
To: Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>
Subject: Fwd: Public Records Request

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From: Carol Jean LoCicero <cllocicero@tlolawfirm.com>
Sent: Wednesday, April 22, 2020 10:06:46 AM
To: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Cc: Mark R. Caramanica <mcaramanica@tlolawfirm.com>
Subject: RE: Public Records Request

Good morning, Louise. Any update on the request below? As you can imagine, these records flushing out details on the state of the virus in elder care facilities are of critical importance to reporting on the epidemic and necessary for informed decision-making by the public.

I'd appreciate a response. Again, my cell is 813/220-9382.

Thank you,
Carol

Carol Jean LoCicero
Thomas & LoCicero PL
cllocicero@tlolawfirm.com | tlolawfirm.com
ph: 813.984.3060 | direct: 813.984.3061

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From: Carol Jean LoCicero
Sent: Monday, April 20, 2020 4:54 PM
To: Louise.StLaurent@flhealth.gov
Cc: Mark R. Caramanica <mcaramanica@tlolawfirm.com>
Subject: Fwd: Public Records Request

Louise,

Thank you for talking with me. Please see the request I mentioned below.

Carol

Sent from my iPhone

Begin forwarded message:

From: "Mark R. Caramanica" <mcaramanica@tlolawfirm.com>
Date: April 20, 2020 at 4:15:18 PM EDT
To: "alberto.moscoso@flhealth.gov" <alberto.moscoso@flhealth.gov>, "publicrecordsrequest@flhealth.gov" <publicrecordsrequest@flhealth.gov>, "scott.rivkees@flhealth.gov" <scott.rivkees@flhealth.gov>, "Newsmedia@flhealth.gov" <Newsmedia@flhealth.gov>, "hcpm@flhealth.gov" <hcpm@flhealth.gov>, "katie.strickland@ahca.myflorida.com" <katie.strickland@ahca.myflorida.com>, "mary.mayhew@ahca.myflorida.com" <mary.mayhew@ahca.myflorida.com>, "desantis.opengov@eog.myflorida.com" <desantis.opengov@eog.myflorida.com>, "Ferre, Helen" <Helen.Ferre@eog.myflorida.com>, "joe.jacquot@eog.myflorida.com" <joe.jacquot@eog.myflorida.com>, "publicrecordsreq@ahca.myflorida.com" <publicrecordsreq@ahca.myflorida.com>, "ahcacommunications@ahca.myflorida.com" <ahcacommunications@ahca.myflorida.com>
Cc: Carol Jean LoCicero <cllocicero@tlolawfirm.com>
Subject: Public Records Request

Good afternoon,

Our law firm represents Gannett (USA Today and various FL-based news outlets); Times Publishing Company (Tampa Bay Times); Orlando Sentinel Communications Company, LLC; Sun-Sentinel Company, LLC; The Associated Press, the First Amendment Foundation, The E.W. Scripps Company (various FL broadcast stations), WP Company LLC (Washington Post), and The New York Times Company.

On the behalf of our above clients, we are making the following public records request pursuant to Chapter 119, Florida Statutes, and Article 1, Section 24 of the Florida Constitution for records detailing the following:

1. The addresses tied to the names of every Florida nursing home, assisted living facility, rehab facility, intermediate care facility for the developmentally disabled, group home for the developmentally disabled, and mental health facility (including forensic hospitals) in which at least one resident and/or staff member has tested positive for COVID-19;
2. The number of corresponding residents at each facility who have tested positive;
3. The number of corresponding staff members at each facility who have tested positive;
4. The number of corresponding residents at each facility who have died from COVID-19;
5. The number of corresponding staff members at each facility who have died from COVID-19; and
6. The number of COVID-19 tests performed at each facility, and their outcomes (positive, negative or pending) by number involving residents or staff at each facility.

If the above information is held in electronic, spreadsheet format please provide it in that native spreadsheet format.

If your agency asserts any exemptions in responding to the above request please specifically assert with particularity how the cited exemption applies to the withheld information, and release all other information for which no exemption is being claimed.

Please note that we also represent Miami Herald Media Company and Miami Herald reporter Carol Marbin Miller. We understand Ms. Miller made a similar, independent records request earlier today for much of the same of information detailed above. Please consider Miami Herald Media Company and Ms. Miller to be additionally included on this request.

This request also serves as written notice pursuant to Section 119.12, Florida Statutes.

Finally, we anticipate obtaining these records from you on a daily basis with updated, then-current information and therefore request you make this information proactively available daily on a publicly accessible website.

Kind regards,

Mark R. Caramanica

Thomas & LoCicero PL

Focused on Business Litigation, Media and IP Law

Member of The National Association of Minority and Women Owned Law Firms, Inc. (NAMWOLF ®)

mcaramanica@tlolawfirm.com | tlolawfirm.com

ph: 813.984.3060 | direct: 813.984.3073
fax: 813.984.3070 | toll-free: 866.395.7100
601 South Boulevard, Tampa, FL 33606



Tampa | South Florida

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

From: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>

Sent: Monday, March 16, 2020 4:48 PM EDT

To: Ferre, Helen <Helen.Ferre@eog.myflorida.com>; Patrick Manderfield <patrick.manderfield@ahca.myflorida.com>; Strickland, Katie <Katie.Strickland@ahca.myflorida.com>; Beatrice, Meredith M. <Meredith.M.Beatrice@eog.myflorida.com>; Alexandra Glorioso <aglorioso@politico.com>

Subject: [External] Re: Media request

Hi Alex. Will look into this now.

Alberto Moscoso
Communications Director
Florida Department of Health
(850) 408-7687

From: Alexandra Glorioso <aglorioso@politico.com>

Sent: Monday, March 16, 2020 4:14:20 PM

To: Ferre, Helen <Helen.Ferre@eog.myflorida.com>; Patrick Manderfield <patrick.manderfield@ahca.myflorida.com>; Strickland, Katie <Katie.Strickland@ahca.myflorida.com>; Beatrice, Meredith M. <Meredith.M.Beatrice@eog.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>

Subject: Media request

Hi Everyone,

A nonprofit health center called Care Resource Community Health Center in Miami shut down after a person with COVID-19 came thru the doors. Why? Did they not have the right protective gear and everyone was exposed?

Here's their website: <https://careresource.org>

Here's a Miami Herald article about it: <https://www.miamiherald.com/news/coronavirus/article241226596.html>

Please get back to me today if possible. It appears they are taking direction from the Department of Health, but I'm looping everyone in in case they have info.

Thanks,
Alex

From: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Sent: Thursday, March 19, 2020 6:10 PM EDT
To: Coppola, Courtney <Courtney.Coppola@flhealth.gov>
CC: Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; Grow, Stefan <Stefan.Grow@ahca.myflorida.com>; Jones, Jason <JasonJones@fdle.state.fl.us>; Lamia, Christine E <Christine.Lamia@flhealth.gov>
Subject: [External] FW: Public Record Requests - requests for names of decedents COVID 19 Deaths -from medical examiners

FYI – media is trying to go around our confidentiality of epi/patients to get autopsy reports with names and identifiable information from medical examiners. Planning to discuss with our privacy officer to try to see how best to deal with it.

Louise St. Laurent
General Counsel
Office of the General Counsel
Florida Department of Health
4052 Bald Cypress Way, A-02
Tallahassee, FL 32399
(850) 245-4956 (Office)
(850) 597-3531 (Cell)
(850) 245-4790 (Fax)

From: Lamia, Christine E
Sent: Thursday, March 19, 2020 6:00 PM
To: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Cc: Johnson, Jennifer S <Jennifer.Johnson@flhealth.gov>
Subject: FW: Public Record Requests - requests for names of decedents COVID 19 Deaths -from medical examiners
Importance: High

Louise,

Medical Examiners are receiving public records relating to COVID-19 deaths. The Polk County ME below stated that he would produce the names of the decedents. See quote:

We would treat these media requests as we do with any other such request. What we do is open for public inspection. We would/will provide a name and other information that the media is requesting. Why not?

ME's are regulated pursuant to Chapter 406. Section 406.11(1)(a)11. states that MEs will perform the "examination, investigation and autopsy" "as he or she shall deem necessary or as shall be requested by the state attorney" "when any person dies in the state by disease constituting a threat to public health."

Pursuant to section 381.0031(6) Florida Statutes, information in epi reports is confidential and exempt from section 119.07, Florida Statutes. There is no comparable protection in Chapter 406.

I would think that the name is still part of the epi investigation report and should remain confidential, even if it would otherwise be ME's public record.

The ME's contact information is below:

Stephen J. Nelson, M.A., M.D., F.C.A.P.
District Medical Examiner
10th Judicial Circuit of Florida
(Polk, Hardee, and Highlands Counties)
1021 Jim Keene Boulevard
Winter Haven, FL 33880-8010
863-298-4600 main
863-298-5264 fax
863-687-1344 answering service (24/7/365)

I am forwarding a second email from Jennifer after this.
Chris

Christine E. Lamia
Deputy General Counsel

FL-AHCA-20-1076-A-000349

State Health Offices
Office of the General Counsel
Florida Department of Health
4052 Bald Cypress Way, Bin #A-02
Tallahassee, FL 32399-3265
(850) 245-4005 (OGC Main Line)
(850) 245-4021 (Direct Line)
(850) 245-4790 (Fax)

Mission: To protect, promote, and improve the health of all people in Florida through integrated state, county, & community efforts.

Vision: To be the Healthiest State in the Nation

Values: **ICARE**

I innovation: We search for creative solutions and manage resources wisely.

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

A accountability: We perform with integrity & respect.

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

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

Purpose: To protect the public through health care licensure, enforcement and information.

Focus: To be the nation's leader in quality health care regulation.

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. Please consider the environment before printing this e-mail.

From: Johnson, Jennifer S <Jennifer.Johnson@flhealth.gov>
Sent: Thursday, March 19, 2020 5:24 PM
To: Lamia, Christine E <Christine.Lamia@flhealth.gov>
Subject: FW: Public Record Requests - requests for names of decedents COVID 19 Deaths -

From: Jones, Ken T <Ken.Jones@flhealth.gov>
Sent: Thursday, March 19, 2020 5:18 PM
To: Johnson, Jennifer S <Jennifer.Johnson@flhealth.gov>
Subject: Fwd: Public Record Requests - requests for names of decedents COVID 19 Deaths -

First part of ME Email.

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From: Nelson, Stephen <StephenNelson@polk-county.net>
Sent: Thursday, March 19, 2020 3:39 PM
To: Vickie Koenig; Chad Lucas; Neel, Megan; Martin, James
Cc: Jones, Ken T
Subject: FW: Public Record Requests - requests for names of decedents COVID 19 Deaths -

Whom did they speak with?

We would treat these media requests as we do with any other such request. What we do is open for public inspection. We would/will provide a name and other information that the media is requesting. Why not?

Stephen J. Nelson, M.A., M.D., F.C.A.P.
District Medical Examiner
10th Judicial Circuit of Florida
(Polk, Hardee, and Highlands Counties)
1021 Jim Keene Boulevard
Winter Haven, FL 33880-8010
863-298-4600 main
863-298-5264 fax
863-687-1344 answering service (24/7/365)

From: Wheaton, Patricia <PWheaton@leegov.com>

FL-AHCA-20-1076-A-000350

Sent: Thursday, March 19, 2020 3:32 PM

To: Sheri.Blanton@ocfl.net ; jmartin@fldme.com ; TCrutchfield@coj.net ; Lindsey.Bayer@marioncountyfl.org ; wpellan@co.pinellas.fl.us ; Wilson, Sheli <SheliWilson@polk-county.net> ; Darren.Caprara@miamidade.gov ; dwinterhalter@fldist12me.com ; cowanh@hillsboroughcounty.org ; wmajors@baycountyfl.gov ; Craig.Engelson@brevardfl.gov ; elizabethnunez@d20me.net ; medex22@embarqmail.com ; krogers@sjcfl.us ; Olson-Judy@MonroeCounty-FL.Gov ; korozco@volusia.org ; ccanard@irsc.edu ; ricardocamacho@ufl.edu ; CHBODEN@broward.org ; hruiz@pbcgov.org ; Info@Dist2ME.org

Subject: [EXTERNAL]: Public Record Requests - requests for names of decedents COVID 19 Deaths -

Hello:

Our office has had two deaths related to COVID-19. We initially received a request from media asking for the name of one of the decedents (which we did not provide).

Thereafter, we received two other requests asking for our "log in" book (bodies transported to our office) for the date(s) of the deaths of the two cases. The bodies were not transported from the hospital to our office since we are doing a records review only and the bodies were released directly to the funeral home(s) selected by the families. The request specifically asked for the names, dates of births, and age for the dates specified. The information will not be in the documents they receive since the cases were not transported to our office and therefore not "logged in".

Another media source requested a list of names and dates of birth for cases that died on a specific date. If we were able to pull this type of list together from our database, media would have the name of the decedent whose death was related to COVID-19. Department of Health and the hospital have refused to release this information and have directed our office not to release the name of the decedent pursuant to HIPAA.

Has anyone received such media requests and if so how are you responding? I have reached out to MEC and they have no answers for us. I have reached out to DOH and they verbally advised that our office is not to release the names; however, they have not been able to site statute or otherwise. As we are under a state of emergency (and national and local), does anyone know if the release of this information, which normally would be subject to public record, is now exempt because of the emergency declared?

If you have not already received a request, standby because it will be coming. One request is from Tampa and the another is from Naples so there will soon be national agencies requesting this information.

I would like to be ahead of the eight ball but unfortunately the agencies I was hoping would be able to provide definitive information does not have any answers for us.

Thank you and stay safe.

Patti Wheaton
Operations Manager
District 21 Medical Examiner's Office
70 South Danley Drive
Fort Myers, FL 33907
Phone: 239-533-6339
Fax: 239-277-5017
Email: pwheaton@leegov.com
Website: me21.leegov.com
Serving Lee, Hendry and Glades Counties

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Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure and no expectation of privacy. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>

Sent: Thursday, April 16, 2020 12:51 PM EDT

To: Mahsa Saeidi <MSaeidi@wfla.com>; Manderfield, Patrick <Patrick.Manderfield@ahca.myflorida.com>

CC: media@eog.myflorida.com <media@eog.myflorida.com>; EOC-ESF14 <ESF14@em.myflorida.com>; Strickland, Katie <Katie.Strickland@ahca.myflorida.com>; WFLA News MGRS <WFLANewsMGRS2@nexstar.tv>; Feedback, NewsMedia <NewsMedia@flhealth.gov>; Sabrina Feher <SFeher@wfla.com>; John Strang <JStrang@wfla.com>; Ryan Jenot <RJenot@wfla.com>; Sally Durwald <SDurwald@wfla.com>; Emily Bowman <EBowman@wfla.com>; Mitchell Bellucco <MBellucco@wfla.com>; Daniel Woodrum <DWoodrum@wfla.com>; mahsamahsafilms@gmail.com <mahsamahsafilms@gmail.com>; Nancy Ryan <NRyan@wfla.com>; Lizeth Hall <LHall@wfla.com>; Jeff Patterson <JPatterson@wfla.com>; Staci DaSilva <SDaSilva@wfla.com>

Subject: [External] RE: COVID-19 outbreak at nursing home in Palmetto FL -- 3RD PUBLIC RECORDS REQUEST

Hi Mahsa,

As mentioned earlier, your request for records has been received and is currently being processed.

Thank you,

Alberto

From: Mahsa Saeidi <MSaeidi@wfla.com>

Sent: Thursday, April 16, 2020 12:18 PM

To: Manderfield, Patrick <Patrick.Manderfield@ahca.myflorida.com>

Cc: media@eog.myflorida.com; EOC-ESF14 <ESF14@em.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Strickland, Katie <Katie.Strickland@ahca.myflorida.com>; WFLA News MGRS <WFLANewsMGRS2@nexstar.tv>; Feedback, NewsMedia <NewsMedia@flhealth.gov>; Sabrina Feher <SFeher@wfla.com>; John Strang <JStrang@wfla.com>; Ryan Jenot <RJenot@wfla.com>; Sally Durwald <SDurwald@wfla.com>; Emily Bowman <EBowman@wfla.com>; Mitchell Bellucco <MBellucco@wfla.com>; Daniel Woodrum <DWoodrum@wfla.com>; mahsamahsafilms@gmail.com; Nancy Ryan <NRyan@wfla.com>; Lizeth Hall <LHall@wfla.com>; Jeff Patterson <JPatterson@wfla.com>; Staci DaSilva <SDaSilva@wfla.com>

Subject: Re: COVID-19 outbreak at nursing home in Palmetto FL -- 3RD PUBLIC RECORDS REQUEST

Patrick and Alberto,

This is the third time WFLA is requesting the names of nursing homes, ALF's and other elder care facilities with a positive COVID-19 case. We believe we are legally entitled to have this information.

Once again, if you are refusing our public records request, please provide the exact legal justification for the state's refusal to release this information. As we have made clear in the past, we are NOT requesting the names or identities of any particular patient.

Additionally, **we have learned of a major cluster of COVID-19 cases inside one Pinellas County nursing home, Freedom Square Seminole Nursing Pavilion.**

Public health experts tell 8 On Your Side, when there's 30+ cases in a facility, there's great value in releasing that information. You would want to ensure that every effort is made and known to identify persons who may have had contact with persons within that facility, and to quarantine and mitigate.

Please explain why the state is not jeopardizing the health of Floridians with this refusal to release information about major clusters of COVID-19 cases, in facilities such as Freedom Square.

Thank you again.

Mahsa Saeidi

From: Mahsa Saeidi

Sent: Tuesday, April 14, 2020 10:38 AM

To: Manderfield, Patrick <Patrick.Manderfield@ahca.myflorida.com>

Cc: media@eog.myflorida.com <media@eog.myflorida.com>; EOC-ESF14 <ESF14@em.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Strickland, Katie <Katie.Strickland@ahca.myflorida.com>; WFLA News MGRS <WFLANewsMGRS2@nexstar.tv>; NewsMedia Feedback <NewsMedia@flhealth.gov>; Sabrina Feher <SFeher@wfla.com>; John Strang <JStrang@wfla.com>; Ryan Jenot <RJenot@wfla.com>; Sally Durwald <SDurwald@wfla.com>; Emily Bowman <EBowman@wfla.com>; Mitchell Bellucco <MBellucco@wfla.com>; Daniel Woodrum <DWoodrum@wfla.com>; mahsamahsafilms@gmail.com <mahsamahsafilms@gmail.com>; Mahsa Saeidi <MSaeidi@wfla.com>; Nancy Ryan <NRyan@wfla.com>; Lizeth Hall <LHall@wfla.com>

Subject: Re: COVID-19 outbreak at nursing home in Palmetto FL -- 2ND PUBLIC RECORDS REQUEST

Patrick,

Thank you for responding and stating that you have received my request. I want to know if you will be able to release this information.

AMERICAN
OVERSIGHT

FL-AHCA-20-1076-A-000352

Again, can you give me a list of the nursing homes, assisted-living facilities, and elder care with positive COVID-19 cases in Florida?

If not, please immediately provide the legal justification for refusing to release this information. Other DOH officials have told me it would violate "privacy laws". I would like to know exactly which laws you are referring to if you believe this information cannot be released.

Over the course of this pandemic, the health department and other agencies have simply responded that they have received my request. However, I don't ever actually get the records or the information.

Please get back to me ASAP with whether you will be able to comply with this public records request.

Thank you again.

I appreciate your help and prompt response.

Mahsa

Sent from my iPhone

On Apr 14, 2020, at 9:23 AM, Manderfield, Patrick <Patrick.Manderfield@ahca.myflorida.com> wrote:

Good morning, Mahsa –

The Agency for Health Care Administration has received your request.

Best,

Patrick Manderfield

Deputy Communications Director

Florida Agency for Health Care Administration

Patrick.manderfield@ahca.myflorida.com

Office: 850.412.3604

From: Mahsa Saeidi <MSaeidi@wfla.com>

Sent: Tuesday, April 14, 2020 7:57 AM

To: media@eog.myflorida.com; Feedback, NewsMedia <NewsMedia@flhealth.gov>; EOC-ESF14 <ESF14@em.myflorida.com>; AHCACommunications <AHCACommunications@ahca.myflorida.com>; Manderfield, Patrick <Patrick.Manderfield@ahca.myflorida.com>; McManus, Mallory <Mallory.McManus@ahca.myflorida.com>
Cc: Christopher Ford <CFord@wfla.com>; Nancy Ryan <NRyan@wfla.com>; mahsamahsafilms@gmail.com; Dalton, Brad L <Brad.Dalton@flhealth.gov>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Sabrina Feher <SFeher@wfla.com>; Ryan Jenot <RJenot@wfla.com>; Daniel Woodrum <DWoodrum@wfla.com>; Lizeth Hall <LHall@wfla.com>; Mitchell Bellucco <MBellucco@wfla.com>; Emily Bowman <EBowman@wfla.com>; Sean Flanagan <SFlanagan@wfla.com>; WFLA News MGRS <WFLANewsMGRS2@nexstar.tv>; Mahsa Saeidi <MSaeidi@wfla.com>

Subject: [External] Re: COVID-19 outbreak at nursing home in Palmetto FL -- 2ND PUBLIC RECORDS REQUEST

Good morning,

We never heard back from you; however, Floridians have responded to our report. We're hearing about other COVID-19 cases at various Tampa Bay area nursing home facilities/ALF's. I'll send you the names/addresses throughout the day as I call people back.

As you know, no visitation is allowed to protect seniors from the asymptomatic.

Families are anxious to know the status of their loved ones' facility. Is there one case? Is there 30? The fact that this information is not being released is causing anxiety/confusion/perhaps paranoia amongst health care workers at these facilities as well.

I'm getting calls about up to 30 cases at Riviera Palms Rehabilitation.

Even though we never heard back from you, local County DOH divisions told us no information would be released about any particular facility, citing privacy laws.

This morning, I am making a second public records request. This is request under Chapter 119 of the Florida Public Records law.

FL-AHCA-20-1076-A-000353

WFLA-TV requests to review:

- Any and all documents, papers, logs, notes, records that contain **the names of all nursing homes, assisted living facilities and elder-care facilities that have had a positive test for COVID-19.**
- Additionally, please provide the number of positive cases at each facility.**

Please send me the record in the electronic format in which you keep the record. If the record is only in paper format, please scan it into a PDF. Please email me the record, or if that is not possible, mail it to me on a CD.

If you are unable to send the record in one of the formats I requested, please contact me to discuss alternatives.

Please contact me for my authorization of any charge in excess of \$10.

If you have any further questions please contact me at the numbers listed below.

WFLA-TV would appreciate a prompt response to this request.

Again, if you are refusing to release this information, please provide the exact legal justification. Also, to be clear, we are not requesting the names of any resident or staff member who has tested positive.

Please respond to this email to confirm receipt.

Thank you in advance.

Mahsa Saeidi

Cell: (571) 969-0352 *text only

Work: (813) 221-5767 *call he

From: Mahsa Saeidi <MSaeidi@wfla.com>
Sent: Monday, April 13, 2020 12:28 PM
To: media@eog.myflorida.com <media@eog.myflorida.com>; Feedback, NewsMedia <NewsMedia@flhealth.gov>; EOC-ESF14 <ESF14@em.myflorida.com>
Cc: Christopher Ford <CFord@wfla.com>; Nancy Ryan <NRyan@wfla.com>; mahsamahsafilms@gmail.com <mahsamahsafilms@gmail.com>; Dalton, Brad L <Brad.Dalton@flhealth.gov>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Sabrina Feher <SFeher@wfla.com>; Ryan Jenot <RJenot@wfla.com>; Daniel Woodrum <DWoodrum@wfla.com>; Lizeth Hall <LHall@wfla.com>; Mitchell Bellucco <MBellucco@wfla.com>; Emily Bowman <EBowman@wfla.com>; Sean Flanagan <SFlanagan@wfla.com>; Mahsa Saeidi <MSaeidi@wfla.com>
Subject: COVID-19 outbreak at nursing home in Palmetto FL

Hello,

This is regarding Riviera Palms Rehabilitation located at 926 Haben Blvd in Palmetto, FL. We've heard complaints that up to a **dozen staff members contracted COVID-19.** It's alleged the facility didn't provide masks in a timely manner and sick staff members weren't sent home.

Is this nursing home/rehab center the site of an outbreak? Are you investigating whether procedures were followed?

We called the local DOH and they said **no information would be released** due to privacy concerns.

If that's true, please provide the exact reason, including any relevant statutes, that you believe applies in this situation.

We understand not identifying individuals, but people are concerned about their health/safety at the workplace. We're trying to identify nursing home/ALF sites that have outbreaks.

I'll look forward to a response.

Thank you,
Mahsa Saeidi
813 221 5767
571 969-0352

CAUTION: This message was sent from outside the Nexstar organization. Please do not click links or open attachments unless you recognize the sender.

From: Primrose, Nicholas <Nicholas.Primrose@eog.myflorida.com>
Sent: Sunday, March 29, 2020 2:40 PM EDT
To: Grow, Stefan <stefan.grow@ahca.myflorida.com>; Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>
Subject: [External] Fwd: [EXTERNAL] McKinsey
Attachment(s): "Attachment I - Business Associate Agreement (Rev Dec 19).docx","chamber mckinsey 032720 DOH and DEM Legal edits.docx"

Nicholas A. Primrose
Deputy General Counsel
Executive Office of the Governor
400 South Monroe Street, Suite 209
Tallahassee, Florida 32399
Office: (850) 717-9310
Facsimile: (850) 488-9810
nicholas.primrose@eog.myflorida.com

Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records. Public records are available to the public and media upon request, unless the information is subject to a specific statutory exemption. Therefore, any information that you send to this address, including your contact information, may be subject to public disclosure.

From: Sayler, Erik <Erik.Sayler@em.myflorida.com>
Sent: Saturday, March 28, 2020 2:54:01 PM
To: Grow, Stefan <stefan.grow@ahca.myflorida.com>
Cc: Primrose, Nicholas <Nicholas.Primrose@eog.myflorida.com>
Subject: RE: [EXTERNAL] McKinsey

Stefan,
This is the version of the McKinsey agreements that I sent to you and Nick yesterday. I have no new edits.

Erik L. Sayler

Deputy General Counsel
Florida Division of Emergency Management
Direct: (850) 815-4154 | Mobile: (850) 694-6620 | Erik.Sayler@em.myflorida.com



Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records. Public records are available to the public and media upon request, unless the information is subject to a specific statutory exemption. Therefore, any information that you send to this address, including your contact information, may be subject to public disclosure .

From: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Sent: Saturday, March 28, 2020 2:47 PM
To: Sayler, Erik <Erik.Sayler@em.myflorida.com>
Subject: [EXTERNAL] McKinsey

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.

Can you send me what you sent to Nick? The Secretary would like a copy. Thanks

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Under Florida law, correspondence with the Florida Division of Emergency Management, which is neither confidential nor exempt pursuant to Florida Statutes Chapter 119, is a public record made available upon request.

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

ATTACHMENT I BUSINESS ASSOCIATE AGREEMENT

The parties to this Attachment agree that the following provisions constitute a business associate agreement for purposes of complying with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). This Attachment is applicable if the Vendor is a business associate within the meaning of the Privacy and Security Regulations, 45 C.F.R. 160 and 164.

The Vendor certifies and agrees as to abide by the following:

1. Definitions. Unless specifically stated in this Attachment, the definition of the terms contained herein shall have the same meaning and effect as defined in 45 C.F.R. 160 and 164.
 - a. Protected Health Information. For purposes of this Attachment, protected health information shall have the same meaning and effect as defined in 45 C.F.R. 160 and 164, limited to the information created, received, maintained or transmitted by the Vendor from, or on behalf of, the Agency.
 - b. Security Incident. For purposes of this Attachment, security incident means the attempted or successful unauthorized access, use, disclosure, modification, or destruction of information or interference with system operations in an information system and includes any event resulting in computer systems, networks, or data being viewed, manipulated, damaged, destroyed or made inaccessible by an unauthorized activity.
2. Applicability of HITECH and HIPAA Privacy Rule and Security Rule Provisions. As provided by federal law, Title XIII of the American Recovery and Reinvestment Act of 2009 (ARRA), also known as the Health Information Technology Economic and Clinical Health (HITECH) Act, requires a Business Associate (Vendor) that contracts with the Agency, a HIPAA covered entity, to comply with the provisions of the HIPAA Privacy and Security Rules (45 C.F.R. 160 and 164) and comply with 45 C.F.R. 162 as applicable.
3. Use and Disclosure of Protected Health Information. The Vendor shall comply with the provisions of 45 CFR 164.504(e)(2)(ii). The Vendor shall not use or disclose protected health information other than as permitted by this Contract or by federal and state law. The sale of protected health information or any components thereof is prohibited except as provided in 45 CFR 164.502(a)(5). The Vendor will use appropriate safeguards to prevent the use or disclosure of protected health information for any purpose not in conformity with this Contract and federal and state law. The Vendor will implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of electronic protected health information the Vendor creates, receives, maintains, or transmits on behalf of the Agency.
4. Use and Disclosure of Information for Management, Administration, and Legal Responsibilities. The Vendor is permitted to use and disclose protected health information received from the Agency for the proper management and administration of the Vendor or to carry out the legal responsibilities of the Vendor, in accordance with 45 C.F.R. 164.504(e)(4). Such disclosure is only permissible where required by law, or where the Vendor obtains reasonable assurances from the person to whom the protected health information is disclosed that: (1) the protected health information will be held confidentially, (2) the protected health information will be used or further disclosed only

ATTACHMENT I
BUSINESS ASSOCIATE AGREEMENT

as required by law or for the purposes for which it was disclosed to the person, and (3) the person notifies the Vendor of any instance of which it is aware in which the confidentiality of the protected health information has been breached.

5. Disclosure to Third Parties. The Vendor will not divulge, disclose, or communicate protected health information to any third party for any purpose not in conformity with this Contract without prior written approval from the Agency. The Vendor shall ensure that any agent, including a subcontractor, to whom it provides protected health information received from, or created or received by the Vendor on behalf of the Agency, agrees to the same terms, conditions, and restrictions that apply to the Vendor with respect to protected health information. The Vendor's subcontracts shall fully comply with the requirements of 45 CFR 164.314(a)(2)(iii).
6. Access to Information. The Vendor shall make protected health information available in accordance with federal and state law, including providing a right of access to persons who are the subjects of the protected health information in accordance with 45 C.F.R. 164.524.
7. Amendment and Incorporation of Amendments. The Vendor shall make protected health information available for amendment and to incorporate any amendments to the protected health information in accordance with 45 C.F.R. 164.526.
8. Accounting for Disclosures. The Vendor shall make protected health information available as required to provide an accounting of disclosures in accordance with 45 C.F.R. 164.528. The Vendor shall document all disclosures of protected health information as needed for the Agency to respond to a request for an accounting of disclosures in accordance with 45 C.F.R. 164.528.
9. Privacy Protection. The Vendor shall permit an individual to request a restriction on the use and disclosure of protected health information about the individual to carry out treatment, payment, or health care operations; and disclosures permitted under 164.510(b) in accordance with 45 C.F.R. 164.522. The Vendor shall permit an individual to request to receive communications of protected health information from the Vendor by alternative means or at alternative locations in accordance with 45 C.F.R. 164.522.
10. Access to Books and Records. The Vendor shall make its internal practices, books, and records relating to the use and disclosure of protected health information received from, or created or received by the Vendor on behalf of the Agency, available to the Secretary of the Department of Health and Human Services ("HHS") or the Secretary's designee for purposes of determining compliance with the HHS Privacy Regulations.
11. Reporting. The Vendor shall make a good faith effort to identify any use or disclosure of protected health information not provided for in this Contract.
 - a. To Agency. The Vendor will report to the Agency in the manner and format obtained from the Contract Manager or Agency contact, within ten (10) business days of discovery, any use or disclosure of protected health information not provided for in this Contract of which the Vendor is aware. The Vendor will report to the Agency in the manner and format obtained from the Contract Manager or Agency contact, within twenty-four (24) hours of discovery, any security incident

**ATTACHMENT I
BUSINESS ASSOCIATE AGREEMENT**

of which the Vendor is aware. A violation of this paragraph shall be a material violation of this Contract. Such notice shall include the identification of each individual whose unsecured protected health information has been or is reasonably believed by the Vendor to have been, accessed, acquired, used, or disclosed during such breach.

- b. To Individuals. In the case of a breach of protected health information discovered by the Vendor, the Vendor shall first notify the Agency of the pertinent details of the breach and upon prior review by the Agency shall notify each individual whose unsecured protected health information has been, or is reasonably believed by the Vendor to have been, accessed, acquired, used or disclosed as a result of such breach. Such notification shall be in writing by first-class mail to the individual (or the next of kin if the individual is deceased) at the last known address of the individual or next of kin, respectively, or, if specified as a preference by the individual, by electronic mail. Where there is insufficient, or out-of-date contact information (including a phone number, email address, or any other form of appropriate communication) that precludes written (or, if specifically requested, electronic) notification to the individual, a substitute form of notice shall be provided, including, in the case that there are 10 or more individuals for which there is insufficient or out-of-date contact information, a conspicuous posting for a period of at least 90 days on the Web site of the covered entity involved or notice in major print or broadcast media, including major media in the geographic areas where the individuals affected by the breach likely reside. In any case deemed by the Vendor to require urgency because of possible imminent misuse of unsecured protected health information, the Vendor may also provide information to individuals by telephone or other means, as appropriate.
- c. To Media. In the case of a breach of protected health information discovered by the Vendor where the unsecured protected health information of more than 500 persons is reasonably believed to have been, accessed, acquired, used, or disclosed, after prior review by the Agency, the Vendor shall provide notice to prominent media outlets serving the State, relevant portion of the State, or jurisdiction involved.
- d. To Secretary of Health and Human Services (HHS). The Vendor shall cooperate with the Agency to provide notice to the Secretary of HHS of unsecured protected health information that has been acquired or disclosed in a breach.
 - i. Vendors Who Are Covered Entities. In the event of a breach by the Vendor, or a contractor or subcontractor of the Vendor, and the Vendor is a HIPAA covered entity, the Vendor, not the Agency, shall be considered the covered entity for purposes of notification to the Secretary of HHS pursuant to 45 CFR 164.408. The Vendor shall be responsible for filing the notification to the Secretary of HHS and will identify itself as the covered entity in the notice. If the breach was with respect to 500 or more individuals, at least 5 business days prior to filing notice with the Secretary of HHS the Vendor shall provide a copy of the notice and breach risk assessment to the Agency for review. Upon prior review by the Agency of the notice and breach risk assessment, the Vendor shall file the notice

**ATTACHMENT I
BUSINESS ASSOCIATE AGREEMENT**

with the Secretary of HHS within the notification timeframe imposed by 45 C.F.R. 164.408(b) and contemporaneously submit a copy of said notification to the Agency. If the breach was with respect to less than 500 individuals, the Vendor shall notify the Secretary of HHS within the notification timeframe imposed by 45 C.F.R. 164.408(c) and shall contemporaneously submit a copy of said notification to the Agency.

- e. Content of Notices. All notices required under this Attachment shall include the content set forth in 42 U.S.C. 17932(f) and 45 C.F.R. 164 Subpart D, except that references therein to a "covered entity" shall be read as references to the Vendor.
 - f. Financial Responsibility. The Vendor shall be responsible for all costs related to the notices required under this Attachment.
 - g. Other Reporting. The Vendor shall comply with any other applicable reporting requirements in conformity with federal and state laws. If notifications are made under any such laws, copies of said notifications shall be provided contemporaneously to the Agency.
12. Mitigation. Vendor shall mitigate, to the extent practicable, any harmful effect that is known to the Vendor of a use or disclosure of protected health information in violation of this Attachment.
13. Termination. Upon the Agency's discovery of a material breach of this Attachment, the Agency shall have the right to assess liquidated damages as specified elsewhere in the contract to which this Attachment is included, and/or to terminate this Contract.
14. Effect of Termination. At the termination of this Contract, the Vendor shall return all protected health information that the Vendor still maintains in any form, including any copies or hybrid or merged databases made by the Vendor; or with prior written approval of the Agency, the protected health information may be destroyed by the Vendor after its use. If the protected health information is destroyed pursuant to the Agency's prior written approval, the Vendor must provide a written confirmation of such destruction to the Agency. If return or destruction of the protected health information is determined not feasible by the Agency, the Vendor agrees to protect the protected health information and treat it as strictly confidential.

The Vendor has caused this Attachment to be signed and delivered by its duly authorized representative, as of the date set forth below.

ROBERT ASZTALOS

SIGNED BY: _____ **DATE:** _____

NAME: _____ **TITLE:** _____

MEMORANDUM OF UNDERSTANDING FOR SHARING CONFIDENTIAL DATA

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into by and between the Agency for Health Care Administration ("the Agency"), the Florida Chamber of Commerce Foundation, Inc. ("Chamber"), the Department of Health ("DOH"), and the Division of Emergency Management ("DEM"), jointly referred to as the parties, for the sharing of data to be used in taking measures against the 2019 Novel Coronavirus (COVID-19) outbreak. This agreement shall become effective on the last date of execution by the all parties and expire one (1) year from that date, unless terminated earlier in writing by the parties.

Commented [LJ1]: Does DOH need to be a party to this agreement?

A. A. Data to be shared and purpose.

The Chamber contracts with McKinsey & Company. The Chamber will coordinate provision of data to McKinsey for purposes of surge modeling in hospitals or other predictive modeling to assist in dealing with the COVID-19 outbreak.

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The Agency shall provide certain confidential data from the Emergency Status System ("ESS"), including but not limited to the daily feeds to ESS on hospital capacity, bed counts or other available bed data; COVID-19 testing and case counts; and VERSA licensed facility data by means of a Secure File Transfer Protocol ("SFTP"). The Chamber is authorized to provide access to this data to McKinsey for the development of models and reports. The Chamber will upload McKinsey's product to the SFTP.

Commented [LJ2]: What is McKinsey's product?

DOH shall have access to the SFTP for its authorized purposes in assessing the public health status and needs of the state and for conducting surveillance of diseases of public health significance, including COVID-19.

DEM, and its authorized contractors, shall have access to the SFTP for its authorized purposes in dealing with the COVID-19 emergency.

Commented [SE3]:

B. B. Health Insurance Portability and Accountability Act/HIPAA.

Each party agrees to comply with the Health Insurance Portability and Accountability Act ("HIPAA") as applicable, as follows:

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1. To comply with the Department of Health and Human Services Privacy Regulations in the CFR, Title 45, Sections 160 and 164, regarding disclosure of protected health information as specified in Attachment I, Business Associate Agreement, of this MOU.
2. To ensure it meets all Federal regulations regarding required standard electronic transactions and standards for privacy and individually identifiable health information as identified in the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and the Health Information Technology for Economic and Clinical Health Act (HITECH) of 2009 and associated regulations.
3. To conduct all activities in compliance with 45 CFR 164 Subpart C to ensure data security, including, but not limited to encryption of all

Commented [LJ4]: Who is the Vendor referenced in Attachment I?

information that is confidential under Florida or Federal law, while in transmission and while residing on portable electronic media storage devices. Encryption is required and shall be consistent with Federal Information Processing Standards (FIPS), and/or the National Institute of Standards and Technology (NIST) publications regarding cryptographic standards.

C. G. Confidentiality of Information. The parties agree:

1. To not use or disclose any confidential information, including social security numbers that may be supplied under this [MOU Agreement](#) pursuant to law, and also including the identity or identifying information concerning a Medicaid recipient or services under this [MOU Agreement](#) for any purpose not in conformity with State and Federal laws, except upon written consent of the recipient, or his/her guardian.
2. That all personally identifiable information, including Medicaid information, shall be treated as privileged and confidential information and shall be used only as authorized for purposes directly related to the administration of this [MOU Agreement](#). The parties must have a process that specifies that patient-specific information remains confidential, is used solely for the purposes of this [MOU Agreement](#), and is exchanged only for the purpose of conducting a review or other duties outlined in this [MOU Agreement](#).
3. All patient-specific information can be shared only with those agencies that have legal authority to receive such information and cannot be otherwise transmitted for any purpose other than for purposes of this [MOU Agreement](#). The parties must have in place written confidentiality policies and procedures to ensure confidentiality and to comply with all Federal and State laws (including the HIPAA and HITECH Acts) governing confidentiality, including electronic treatment records, facsimile mail, and electronic mail).
4. If the parties will employ subcontractors to fulfill their obligations under this [MOU Agreement](#), all subcontracts must explicitly state expectations about the confidentiality of information, and the subcontractor is held to the same confidentiality requirements as the parties. If provider-specific data are released to the public, shall have policies and procedures for exercising due care in compiling and releasing such data that address statutory protections of quality assurance and confidentiality while assuring that open records requirements of Chapter 119, [Florida Statutes](#) (F.S.), are met.
5. The parties and their subcontractors shall comply with the requirements of Section 501.171, F.S. and shall, in addition to the reporting requirements therein, report to the Agency any breach of personal information.
6. Any releases of information to the media, the public, or other entities require prior [written](#) approval from the Agency.
7. Ensure all services will be performed within the borders of the United

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Commented [LJ5]: Should "those agencies" be changed to the parties?

States (U.S.) and its territories and protectorates.

8. State-owned Data shall be processed, accessed and stored in data centers that are located only in the forty-eight (48) contiguous U.S.

Commented [LJ6]: State of Florida owned?

D. D. Public Records Requests. The parties agree:

1. To comply with Section 119.0701, F.S., if applicable, and all other applicable parts of the Florida Public Records Act.
2. To keep and maintain public records that ordinarily and necessarily would be required in order to perform services under this MOU Agreement.
3. To provide the public with access to public records on the same terms and conditions that the Agency would provide the records and at a cost that does not exceed the cost provided in Section 119.07, F.S., or as otherwise provided by law.
4. That upon request from the appropriate Agency custodian of public records, provide the Agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost in Section 119.07, F.S., or as otherwise provided by law.
5. To ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of this Agreement term and following completion of this Agreement if the Party does not transfer the records to the Agency.
6. To comply with applicable portions of Section 119.071(5), F.S., and not collect an individual's social security number unless the purpose for its collection has been stated in writing. A copy of the written statement shall be provided to the Agency.
7. To meet all requirements for retaining public records and transfer, at no cost, to the Agency all public records in their possession of upon termination of this MOU Agreement and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the Agency in a format that is compatible with the information technology systems of the Agency.

Commented [SE7]: If/when there is a public records request is received for this MOU or data related to this MOU, should DOH, DEM, and Chamber refer those PRR to AHCA?¶

¶
Should we spell that process out in this MOU?

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7.8. IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC

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RECORDS AT (telephone number, e-mail address, and mailing address).

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Commented [SE8]: Need Agency's PR custodian's contact information.

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E. E- Single points of contact.

Each party shall appoint a single point of contact to manage that party's duties under this agreement. Any notice required under this [MOU agreement](#) shall be given to the respective single point of contact. The single point of contact information for each party is as follows:

1. Agency Point of Contact

Name: _____
Telephone Number: _____
Email Address: _____

2. DOH Point of Contact

Name: _____
Telephone Number: _____
Email Address: _____

3. DEM Point of Contact

Name: _____
Telephone Number: _____
Email Address: _____

4. Chamber Point of Contact

Name: _____
Telephone Number: _____
Email Address: _____

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F. F- Breach. Any failure by the parties to abide by the terms of this MOU constitutes a breach, which may result in the cancellation or rescission of this agreement and will require the breaching agency to return all data received.

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G. G- No assignment. This MOU may not be assigned or transferred to any other party.

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H. H- Indemnification. The Chamber shall save and hold harmless and indemnify the State of Florida and the Agency against any and all liability, claims, suits, judgments, damages or costs of whatsoever kind and nature resulting from any act, or failure to act, by Chamber or any of its employees, agents or representatives in the performance of its duties under this agreement.

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I. Cooperation with Inspector General. The Parties understand and will comply with section 20.055(5), F.S., which provides it is the duty of every state officer, employee, agency, special district, board, commission, contractor, and subcontractor to cooperate with the inspector general in any investigation, audit, inspection, review, or hearing.

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IN WITNESS THEREOF, the Parties hereto have caused this ~~five-page~~ MOU Agreement, which includes any referenced attachments, to be executed by their undersigned officials as duly authorized. This Agreement is not valid until signed and dated by all Parties.

Florida Agency for Health Care Administration

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Printed Name and Signature: Date:

Florida Department of Health

Printed Name and Signature: Date:

Division of Emergency Management

Printed Name and Signature: Date:

Chamber of Commerce

Printed Name and Signature: Date:

Attachment 1: BAA

[Page 6 of 6](#)

From: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>

Sent: Monday, April 20, 2020 2:40 PM EDT

To: meklas@miamiherald.com <meklas@miamiherald.com>; Feedback, NewsMedia <NewsMedia@flhealth.gov>; hcpm@flhealth.gov <hcpm@flhealth.gov>; Strickland, K <Katie.Strickland@ahca.myflorida.com>; AHCACommunications <AHCACommunications@ahca.myflorida.com>

CC: Carol Marbin <cmarbin@miamiherald.com>; Rivkees, Scott A <Scott.Rivkees@flhealth.gov>; Helen Ferre <Helen.ferre@eog.myflorida.com>; Mary.mayhew@ahca.myflorida.com <Mary.mayhew@ahca.myflorida.com>

Subject: [External] RE: Question about LTC list

Good afternoon Mary Ellen,

We are working on this now.

Thanks!

Alberto

From: Mary Ellen Klas <meklas@miamiherald.com>

Sent: Monday, April 20, 2020 1:26 PM

To: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Feedback, NewsMedia <NewsMedia@flhealth.gov>; hcpm@flhealth.gov; Strickland, K <Katie.Strickland@ahca.myflorida.com>; AHCACommunications <AHCACommunications@ahca.myflorida.com>

Cc: Carol Marbin <cmarbin@miamiherald.com>; Rivkees, Scott A <Scott.Rivkees@flhealth.gov>; Helen Ferre <Helen.ferre@eog.myflorida.com>; Mary.mayhew@ahca.myflorida.com

Subject: Question about LTC list

Hi Alberto and Katie --

Reviewing the long-term-care list you have released, we have noted that 9 names were removed from the list published 4/18/20 and 13 names have been added. **Could you explain what was the reasoning behind the names that were removed?** We would welcome the answer for a story today.

The following names were removed:

Belmont Village Assisted Living Broward Sunrise Health And Rehabilitation Center Broward

Sunrise Community Center Dade

Freedom Plaza Hillsborough

Manor At Blue Water Bay The Okaloosa

Arc Of Tampa Bay: Al Hambra Pinellas Arc Of Tampa Bay: Clearwater Pinellas

Arc Of Tampa Bay: Safety Harbor Pinellas

Stratford Court Of Palm Harbor Pinellas

Could you also please explain why the following homes, who have had confirmed positive cases, were excluded from the published list?

Lincoln Manor, Hollywood

Palm Gardens, Marion County

Fair Havens Center, Miami Springs

Edgewater, Boca Raton

Harbors Edge, Delray Beach

Thank you,

~ Mary Ellen Klas

--

Mary Ellen Klas

Miami Herald Bureau Chief

(850)524-4488

meklas@miamiherald.com

Twitter: @MaryEllenKlas

Web page: www.maryellenklas.com

FL-AHCA-20-1076-A-000367

Reach me with encrypted messaging through Signal

Miami Herald

From: Ferre, Helen <Helen.Ferre@eog.myflorida.com>

Sent: Saturday, April 11, 2020 4:50 PM EDT

To: Chang, Daniel <dchang@miamiherald.com>

CC: Strickland, K <Katie.Strickland@ahca.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Casey Frank <cfrank@miamiherald.com>; Beatrice, Meredith M. <Meredith.M.Beatrice@eog.myflorida.com>

Subject: [External] Re: (no subject)

No, this is what I said:

It is normal practice for attorneys to use the filing of the five-day legal notice to see if there is a possible resolution to avoid unnecessary litigation.

Helen Aguirre Ferre
Director of Communications
Executive Office of the Governor

From: Chang, Daniel <dchang@miamiherald.com>

Sent: Saturday, April 11, 2020 4:47:43 PM

To: Ferre, Helen <Helen.Ferre@eog.myflorida.com>

Cc: Strickland, K <Katie.Strickland@ahca.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Casey Frank <cfrank@miamiherald.com>; Beatrice, Meredith M. <Meredith.M.Beatrice@eog.myflorida.com>

Subject: Re: (no subject)

To clarify: Your email says the general counsel explained that this was "unnecessary litigation." In what way is it unnecessary if the state won't release the record? And isn't that for the court to decide?

On Sat, Apr 11, 2020 at 4:46 PM Chang, Daniel <dchang@miamiherald.com> wrote:

Hi, Helen,

Are you saying that during his conversation with George Meros, Joe Jacquot never brought up the lawsuits in which Holland & Knight is representing the state?

Dan

On Sat, Apr 11, 2020 at 4:38 PM Ferre, Helen <Helen.Ferre@eog.myflorida.com> wrote:

Your email only mentioned one potential case, do not know what you are referring to.

Helen Aguirre Ferre
Director of Communications
Executive Office of the Governor

From: Chang, Daniel <dchang@miamiherald.com>

Sent: Saturday, April 11, 2020 4:33:13 PM

To: Ferre, Helen <Helen.Ferre@eog.myflorida.com>

Cc: Strickland, K <Katie.Strickland@ahca.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Casey Frank <cfrank@miamiherald.com>; Beatrice, Meredith M. <Meredith.M.Beatrice@eog.myflorida.com>

Subject: Re: (no subject)

Hi, Helen,

Thank you for sending this statement. A follow up question please: What was the purpose of General Counsel Joe Jacquot's mentioning the other litigation involving the state and Holland & Knight? There was no resolution reached on the lawsuit so I don't understand why he would have brought up the two lawsuits in which Holland & Knight represents Florida.

Dan

On Sat, Apr 11, 2020 at 3:54 PM Ferre, Helen <Helen.Ferre@eog.myflorida.com> wrote:

Hi Dan, here is the statement you requested:

It is patently false to say that the Governor's office contacted Holland & Knight to ask that the firm not file a lawsuit on behalf of The Miami Herald in relation to the release of public records related to COVID-19 infections at Florida nursing homes. It is normal practice for attorneys to use the filing of the five-day legal notice to see if there is a possible resolution to avoid unnecessary

litigation. That was the reason General Counsel Joe Jacquot made a call to Holland & Knight attorney George Meros.

Helen Aguirre Ferre

Director of Communications

Governor Ron DeSantis

(850)717-9290

(850)717-9282

@HelenAguirreFer

From: Chang, Daniel <dchang@miamiherald.com>

Sent: Saturday, April 11, 2020 2:00 PM

To: Ferre, Helen <Helen.Ferre@eog.myflorida.com>; Strickland, K <Katie.Strickland@ahca.myflorida.com>;
Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>

Cc: Casey Frank <cfrank@miamiherald.com>

Subject: (no subject)

Hi, Helen,

We've been informed that the governor's office has contacted Holland & Knight and asked the law firm not to file a lawsuit on the Herald's behalf seeking the release of public records related to COVID-19 infections at Florida nursing homes.

The lawsuit stems from a March 23, 2020 records request made by Herald reporter Carol Marbin Miller and addressed to the health department and AHCA.

We are reporting a story about the governor's intervention, and are quoting attorneys from Holland & Knight with direct knowledge of the situation.

Please call me or write back and let me know when you or someone else in the governor's office can speak with us for the record about this matter.

Best regards,

Dan

--

Daniel Chang
Healthcare Reporter
Miami Herald
3511 NW 91 Avenue, Miami, FL 33172
dchang@miamiherald.com
t. 305-376-2012 | c. 954-558-0927

twitter: @dchangmiami

Miami Herald

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

--

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twitter: @dchangmiami

Miami Herald

From: Beatrice, Meredith M. <Meredith.M.Beatrice@eog.myflorida.com>

Sent: Sunday, March 08, 2020 3:13 PM EDT

To: Strickland, K <Katie.Strickland@ahca.myflorida.com>; Ferre, Helen <Helen.Ferre@eog.myflorida.com>; Lukis, Adrian <Adrian.Lukis@eog.myflorida.com>

CC: Philpot, Toby <toby.philpot@ahca.myflorida.com>

Subject: [External] RE: FYI

Looks good to me – defer to Adrian/Helen

Meredith Beatrice

Deputy Director of Communications

Executive Office of the Governor

Email: Meredith.m.beatrice@eog.myflorida.com

Cell: (850) 688-5405

Press Office: (850) 717-9282

Website: <https://www.flgov.com/>

Address: 400 S Monroe St, Tallahassee, FL 32399

From: Strickland, Katie <Katie.Strickland@ahca.myflorida.com>

Sent: Sunday, March 8, 2020 3:04 PM

To: Ferre, Helen <Helen.Ferre@eog.myflorida.com>; Beatrice, Meredith M. <Meredith.M.Beatrice@eog.myflorida.com>; Lukis, Adrian <Adrian.Lukis@eog.myflorida.com>

Cc: Philpot, Toby <toby.philpot@ahca.myflorida.com>

Subject: FYI

Samantha Gross with Miami Herald

Deadline: Today, March 8, 2020

INQUIRY

We are seeing reporting in other states on availability of protective gear at hospitals and nursing homes with hotspots.

What's happening here in that regard? Are nursing homes and ALFs being provided more protective gear? Are they asking for it?

RESPONSE

Personal protective equipment (PPE) coordination is handled at a local level through local health departments and emergency operation centers.

AHCA is working collaboratively with DOH to alert providers and stakeholder groups of best practices. The Agency's top priority is the health and safety of residents and patients in the facilities we regulate. Please see the following link for an alert that went out to all hospitals, nursing homes, assisted living facilities, and home health agencies statewide: http://ahca.myflorida.com/docs/Novel_Coronavirus_Update_for_Health_Care_Facilities_and_Providers.pdf

AHCA sent other alerts (another example available [here](#)) recently to stakeholder groups, including the Florida Health Care Association and LeadingAge.

Additionally, the Surgeon General and AHCA Secretary Mary Mayhew participated in calls last week with nursing homes across the state to address critical issues impacting these providers such as restricting and screening facility visitors, infection control protocol, and hygiene best practices.

I am also cc'ing the DOH communications office to see if they have information to share.

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

From: Coppola, Courtney <Courtney.Coppola@flhealth.gov>
Sent: Monday, April 27, 2020 2:57 PM EDT
To: Chapman, Shay <Shay.Chapman@flhealth.gov>; Philpot, Toby <Toby.Philpot@ahca.myflorida.com>; Cooksey, Samantha <Samantha.Cooksey@flhealth.gov>; McCoy, Steve <Steve.McCoy@flhealth.gov>
CC: McKinstry, Molly <Molly.McKinstry@ahca.myflorida.com>
Subject: [External] RE: Letter to Governor Ron DeSantis from Representative Emily Slosberg

Thank you!

Courtney F. Coppola
Chief of Staff
& Marijuana Coordinator
Florida Department of Health

Florida Department of Health | 4052 Bald Cypress Way | Tallahassee, FL 32399



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: Chapman, Shay
Sent: Monday, April 27, 2020 2:43 PM
To: Philpot, Toby <Toby.Philpot@ahca.myflorida.com>; Cooksey, Samantha <Samantha.Cooksey@flhealth.gov>; McCoy, Steve <Steve.McCoy@flhealth.gov>
Cc: Coppola, Courtney <Courtney.Coppola@flhealth.gov>; McKinstry, Molly <Molly.McKinstry@ahca.myflorida.com>
Subject: RE: Letter to Governor Ron DeSantis from Representative Emily Slosberg

Toby,

Good afternoon. We will get the site added to the list for testing this Wednesday. I will reach out to the Director and confirm.

Thanks,
Shay

Shay Chapman BSN, MBA
Chief, Bureau of Family Health Services
Florida Department of Health
4052 Bald Cypress Way, Bin A-13
Tallahassee, FL 32399-1721
Phone: 850-245-4464 Cell: 850-459-3662
Email: Shay.Chapman@flhealth.gov



Mission: To protect, promote & improve the health of all people in Florida through integrated state, county, & community efforts.

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 on request. Your e-mail communications may therefore be subject to public disclosure.

From: Philpot, Toby <Toby.Philpot@ahca.myflorida.com>
Sent: Monday, April 27, 2020 2:35 PM
To: Cooksey, Samantha <Samantha.Cooksey@flhealth.gov>; Chapman, Shay <Shay.Chapman@flhealth.gov>; McCoy, Steve <Steve.McCoy@flhealth.gov>
Cc: Coppola, Courtney <Courtney.Coppola@flhealth.gov>; McKinstry, Molly <Molly.McKinstry@ahca.myflorida.com>
Subject: FW: Letter to Governor Ron DeSantis from Representative Emily Slosberg
Importance: High

FYI - attached letter.

From: Kotas, James <James.Kotas@ahca.myflorida.com>
Sent: Monday, April 27, 2020 2:33 PM
To: Philpot, Toby <Toby.Philpot@ahca.myflorida.com>
Subject: FW: Letter to Governor Ron DeSantis from Representative Emily Slosberg
Importance: High

The attached is what Rep. Slosberg's office sent, and it was sent to Stephanie K.

From: Anderson, Jack <Jack.Anderson@myfloridahouse.gov>
Sent: Monday, April 27, 2020 11:54 AM
To: 'Stephanie Kopelousos' <Stephanie.Kopelousos@eog.myflorida.com>
Cc: Slosberg, Emily <Emily.Slosberg@myfloridahouse.gov>; 'Tyler.Russell@eog.myflorida.com' <Tyler.Russell@eog.myflorida.com>; 'Cody.Farrill@dms.myflorida.com' <Cody.Farrill@dms.myflorida.com>; 'Jared.rosenstein@em.myflorida.com' <Jared.rosenstein@em.myflorida.com>; Kotas, James <James.Kotas@ahca.myflorida.com>
Subject: [External] Letter to Governor Ron DeSantis from Representative Emily Slosberg
Importance: High

Good afternoon Stephanie,

Please find attached a letter to Governor Ron DeSantis from Representative Emily Slosberg.

Thank you.

Jack T. Anderson, III

Legislative Assistant to Representative Emily Slosberg

Florida House of Representatives, District 91

Capitol Phone: (850) 717-5091

District Phone: (561) 496-5940

Jack.Anderson@myfloridahouse.gov



Warning : Florida has a broad public records law. Most written communications to or from state employees are public records obtainable by the public upon request. Emails sent to me at this email address may be considered public records and shall only be withheld from disclosure if deemed confidential pursuant to the laws of the State of Florida. If you do not want your email address released in response to a public records request, do not contact me by email. Instead, contact my office by phone or in writing.

From: Ferre, Helen <Helen.Ferre@eog.myflorida.com>

Sent: Saturday, April 11, 2020 3:54 PM EDT

To: Chang, Daniel <dchang@miamiherald.com>; Strickland, K <Katie.Strickland@ahca.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>

CC: Casey Frank <cfrank@miamiherald.com>; Beatrice, Meredith M. <Meredith.M.Beatrice@eog.myflorida.com>

Subject: [External] RE: (no subject)

Hi Dan, here is the statement you requested:

It is patently false to say that the Governor's office contacted Holland & Knight to ask that the firm not file a lawsuit on behalf of The Miami Herald in relation to the release of public records related to COVID-19 infections at Florida nursing homes. It is normal practice for attorneys to use the filing of the five-day legal notice to see if there is a possible resolution to avoid unnecessary litigation. That was the reason General Counsel Joe Jacquot made a call to Holland & Knight attorney George Meros.

Helen Aguirre Ferre
Director of Communications
Governor Ron DeSantis
(850)717-9290
(850)717-9282
@HelenAguirreFer

From: Chang, Daniel <dchang@miamiherald.com>

Sent: Saturday, April 11, 2020 2:00 PM

To: Ferre, Helen <Helen.Ferre@eog.myflorida.com>; Strickland, K <Katie.Strickland@ahca.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>

Cc: Casey Frank <cfrank@miamiherald.com>

Subject: (no subject)

Hi, Helen,

We've been informed that the governor's office has contacted Holland & Knight and asked the law firm not to file a lawsuit on the Herald's behalf seeking the release of public records related to COVID-19 infections at Florida nursing homes.

The lawsuit stems from a March 23, 2020 records request made by Herald reporter Carol Marbin Miller and addressed to the health department and AHCA.

We are reporting a story about the governor's intervention, and are quoting attorneys from Holland & Knight with direct knowledge of the situation.

Please call me or write back and let me know when you or someone else in the governor's office can speak with us for the record about this matter.

Best regards,

Dan

--

Daniel Chang
Healthcare Reporter
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t. 305-376-2012 | c. 954-558-0927
twitter: @dchangmiami

Miami Herald

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

From: Lamia, Christine E <Christine.Lamia@flhealth.gov>
Sent: Sunday, March 29, 2020 12:53 PM EDT
To: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>; Landy, Riley <Riley.Landy@flhealth.gov>; Washington, Kendra <Kendra.Washington@flhealth.gov>
CC: Grow, Stefan <stefan.grow@ahca.myflorida.com>; Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>
Subject: [External] Re: Public Records

Yes, we should go through pending ones tomorrow.

Christine E. Lamia
Deputy General Counsel
Office of General Counsel
Florida Department of Health

From: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Sent: Sunday, March 29, 2020 12:36:30 PM
To: Landy, Riley <Riley.Landy@flhealth.gov>; Lamia, Christine E <Christine.Lamia@flhealth.gov>; Washington, Kendra <Kendra.Washington@flhealth.gov>
Cc: Grow, Stefan <stefan.grow@ahca.myflorida.com>; Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>
Subject: FW: Public Records

Chris/Riley/Kendra,

Has this been invoiced already? Or have we prepared a response since they're asking for facility names?

We should discuss tomorrow.

Louise St. Laurent
General Counsel
Office of the General Counsel
Florida Department of Health
4052 Bald Cypress Way, A-02
Tallahassee, FL 32399
(850) 245-4956 (Office)
(850) 597-3531 (Cell)
(850) 245-4790 (Fax)

From: Moscoso, Alberto
Sent: Sunday, March 29, 2020 12:13 PM
To: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Subject: Fwd: Public Records

Alberto Moscoso
Communications Director
Florida Department of Health
(850) 408-7687

From: Marbin, Carol <cmarbin@miamiherald.com >
Sent: Sunday, March 29, 2020 11:40:30 AM
To: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov >; Strickland, K <Katie.Strickland@ahca.myflorida.com >; Helen Ferre <helen.ferre@eog.myflorida.com >
Cc: Casey Frank <cfrank@miamiherald.com >; meklas@miamiherald.com <meklas@miamiherald.com >; Sandy Bohrer <sandy.bohrer@gmail.com >
Subject: Re: Public Records

Good morning, Mr. Moscoso, Ms. Strickland and Ms. Ferre. We hope you are in good health.

It appears this public records request was sent nearly a week ago. We have heard nothing back from you other than that you are processing it.

We respectfully request that you fulfill this request by the close of business Monday -- and we ask that you provide records up to the point of fulfillment -- or state in writing and with particularity the statutory exemption you claim as justification for withholding these records.

We certainly understand that your departments are facing a very difficult challenge. We believe, however, based upon all available

evidence, that your communications departments are not rendering medical aid. Moreover, based upon other evidence, we know that our readers consider this information to be critical to the health and safety of their families.

As difficult as these times have become, for all of us, we would very much like to avoid litigation. We will not hesitate, though, to go that route if need be.

Sincerely,

~ Carol

On Mon, Mar 23, 2020 at 6:10 PM Moscoso, Alberto <Alberto.Moscoso@flhealth.gov> wrote:

No problem. Yes, that email sure takes me back!

We are processing this request.

Alberto Moscoso
Communications Director
Florida Department of Health
(850) 408-7687

From: Marbin, Carol <cmarbin@miamiherald.com>
Sent: Monday, March 23, 2020 3:50 PM
To: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>
Subject: Fwd: Public Records

Mr. Moscoso,

Apparently I used an old email address for you. This email was returned.

----- Forwarded message -----

From: Marbin, Carol <cmarbin@miamiherald.com>
Date: Mon, Mar 23, 2020 at 3:48 PM
Subject: Public Records
To: <Katie.Strickland@ahca.myflorida.com>, <Patrick.Manderfield@ahca.myflorida.com>, Moscoso, Alberto <Alberto.Moscoso@fdc.myflorida.com>
Cc: Casey Frank <cfrank@miamiherald.com>, Samantha Gross <sgross@miamiherald.com>

Good afternoon.

I hope and trust all of you, and your families, are well.

This is a request for public records under Chapter 119 of the Florida Statutes, the public records law.

Please provide the Miami Herald the following public records:

* The most recent information from your COVID dashboard appears to show 33 residents of long-term care facilities in Florida have tested positive for the virus, including 12 in Broward County, or 36 percent. Please provide the Herald any document that specifies in which facilities those cases reside.

* Please provide the Herald a copy of any rules or guidance from either of your agencies that specifies whether Floridians with
FL-AHCA-20-1076-A-000377

loved ones in skilled nursing facilities or assisted living facilities may have their loved ones discharged from such facilities into their care.

* Please provide the Herald a copy of any emails, texts, reports, memos, reports or other documents from anyone within your two agencies in which the circumstances that unfolded at Atria Willow Wood are discussed. I am trying to avoid bogging your agencies down in an email search that would be more time-consuming than necessary.

If you decline to honor this request, either in whole or in part, please state in writing and with particularity the statutory exemptions you claim.

We thank you, in advance, for your help in this matter.

--

Carol Marbin Miller
Deputy Investigations Editor
Investigative Reporting Team |
Miami Herald
[305.376.3211](tel:305.376.3211) | | cmarbin@MiamiHerald.com
3511 N.W. 91st Ave., Doral Florida 33172

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Carol Marbin Miller
Deputy Investigations Editor
Investigative Reporting Team |
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[305.376.3211](tel:305.376.3211) | | cmarbin@MiamiHerald.com
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Miami Herald
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3511 N.W. 91st Ave., Doral Florida 33172

From: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>

Sent: Sunday, April 19, 2020 4:35 PM EDT

To: Mahsa Saeidi <MSaeidi@wfla.com>

CC: media@eog.myflorida.com <media@eog.myflorida.com>; EOC-ESF14 <ESF14@em.myflorida.com>; Strickland, Katie <Katie.Strickland@ahca.myflorida.com>; WFLA News MGRS <WFLANewsMGRS2@nexstar.tv>; Feedback, NewsMedia <NewsMedia@flhealth.gov>; Sabrina Feher <SFeher@wfla.com>; John Strang <JStrang@wfla.com>; Ryan Jenot <RJenot@wfla.com>; Sally Durwald <SDurwald@wfla.com>; Emily Bowman <EBowman@wfla.com>; Mitchell Bellucco <MBellucco@wfla.com>; Daniel Woodrum <DWoodrum@wfla.com>; mahsamahsafilms@gmail.com <mahsamahsafilms@gmail.com>; Nancy Ryan <NRyan@wfla.com>; Lizeth Hall <LHall@wfla.com>; Jeff Patterson <JPatterson@wfla.com>; Staci DaSilva <SDaSilva@wfla.com>; ESF14@em.myflorida.com <ESF14@em.myflorida.com>

Subject: [External] FW: COVID-19 outbreak at nursing home in Palmetto FL -- 4th PUBLIC RECORDS REQUEST

Mahsa,

Good afternoon. Balancing the privacy of the individuals being tested and monitored and the confidentiality of the epidemiological investigations with the responsibility to Floridians to disclose information to protect the public is a vital role of the Florida Department of Health. In all cases, contacts are notified of possible exposure through the course of the epidemiological investigation.

The most up to date available information is on our online resources, which are updated twice a day and all available via <https://floridahealthcovid19.gov/>.

Thank you,

Alberto

From: Mahsa Saeidi <MSaeidi@wfla.com>

Sent: Saturday, April 18, 2020 8:33 PM

To: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Manderfield, Patrick <Patrick.Manderfield@ahca.myflorida.com>

Cc: media@eog.myflorida.com; EOC-ESF14 <ESF14@em.myflorida.com>; Strickland, Katie <Katie.Strickland@ahca.myflorida.com>; WFLA News MGRS <WFLANewsMGRS2@nexstar.tv>; Feedback, NewsMedia <NewsMedia@flhealth.gov>; Sabrina Feher <SFeher@wfla.com>; John Strang <JStrang@wfla.com>; Ryan Jenot <RJenot@wfla.com>; Sally Durwald <SDurwald@wfla.com>; Emily Bowman <EBowman@wfla.com>; Mitchell Bellucco <MBellucco@wfla.com>; Daniel Woodrum <DWoodrum@wfla.com>; mahsamahsafilms@gmail.com; Nancy Ryan <NRyan@wfla.com>; Lizeth Hall <LHall@wfla.com>; Jeff Patterson <JPatterson@wfla.com>; Staci DaSilva <SDaSilva@wfla.com>; ESF14@em.myflorida.com

Subject: Re: COVID-19 outbreak at nursing home in Palmetto FL -- 4th PUBLIC RECORDS REQUEST

We are also requesting the number of deaths per facility.

Sent from my iPhone

On Apr 18, 2020, at 8:29 PM, Mahsa Saeidi <MSaeidi@wfla.com> wrote:

Hello,

Thank you so much for sending me the list of facilities. Our viewers will be very happy to know if their loved ones' facility has COVID.

Will you also be sending us the number of cases at each facility including a breakdown of resident/staff?

I don't see that data released yet. I know it's early so I'm wondering if it's on the way...

Have a great night
Mahsa

Sent from my iPhone

On Apr 17, 2020, at 1:57 PM, Mahsa Saeidi <MSaeidi@wfla.com> wrote:

Alberto,

I have a a questions a we continue to wait for an answer regarding whether FL DOH/Governor's office/AHCA will be able to actually **release information** once our request is processed.

How do you define outbreak? For example, the Department of Health in Colorado considers nursing homes to have outbreaks when there are 2 confirmed cases of COVID-19 among residents. What's

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FL DOH definition for outbreak? I'm assuming 30 plus residents, as was the case at Freedom Square in Pinellas County, is considered an outbreak.

I also wanted to share some information that you may or may not know about.

Additionally, I wanted to make you aware that other states are naming nursing homes/ALF's with positive COVID-19 cases, without violating any privacy laws.

Here's a link for Colorado. <https://covid19.colorado.gov/outbreak-data>

They include the # of cases/deaths for residents and staff at different facilities.

Other states like NY, clearly name nursing homes and deaths.

Here's a link for that: https://www.health.ny.gov/statistics/diseases/covid-19/fatalities_nursing_home_acf.pdf

Although your short emails aren't answering my questions, I do know Florida officials have refused to name the COVID-19 facilities for weeks.

We just want to know why -- what is the legal justification for continually refusing our request?

I appreciate your time and attention to this matter.

As always, feel free to call me 24/7 if you have any questions.

We are hearing from dozens of viewers every single day. They are worried sick about their relatives in nursing homes and ALF's. Caretakers say, they have a right to know this information.

Respectfully,
Mahsa Saeidi

From: Mahsa Saeidi <MSaeidi@wfla.com>
Sent: Thursday, April 16, 2020 12:55 PM
To: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Manderfield, Patrick <Patrick.Manderfield@ahca.myflorida.com>
Cc: media@eog.myflorida.com <media@eog.myflorida.com>; EOC-ESF14 <ESF14@em.myflorida.com>; Strickland, Katie <Katie.Strickland@ahca.myflorida.com>; WFLA News MGRS <WFLANewsMGRS2@nexstar.tv>; Feedback, NewsMedia <NewsMedia@flhealth.gov>; Sabrina Feher <SFeher@wfla.com>; John Strang <JStrang@wfla.com>; Ryan Jenot <RJenot@wfla.com>; Sally Durwald <SDurwald@wfla.com>; Emily Bowman <EBowman@wfla.com>; Mitchell Bellucco <MBellucco@wfla.com>; Daniel Woodrum <DWoodrum@wfla.com>; mahsamahsafilms@gmail.com <mahsamahsafilms@gmail.com>; Nancy Ryan <NRyan@wfla.com>; Lizeth Hall <LHall@wfla.com>; Jeff Patterson <JPatterson@wfla.com>; Staci DaSilva <SDaSilva@wfla.com>
Subject: Re: COVID-19 outbreak at nursing home in Palmetto FL -- 3RD PUBLIC RECORDS REQUEST

Alberto,

Again, thank you for responding and stating that you have received my request. **I want to know if you will be able to release this information after you process my request.**

State officials have repeatedly said they've received our request but then, we don't hear from anyone again. (This is what happened when I requested to look at the models the state was utilizing to determine the peak).

Will you be able to release the names of nursing homes with COVID-19 cases after you process this request? If not, will you provide the exact legal justification for refusing to release public records?

Thank you again -- and please feel free to call me 24/7 if that's easier to discuss this further.

Mahsa Saeidi

From: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>
Sent: Thursday, April 16, 2020 12:51 PM
To: Mahsa Saeidi <MSaeidi@wfla.com>; Manderfield, Patrick <Patrick.Manderfield@ahca.myflorida.com>
Cc: media@eog.myflorida.com <media@eog.myflorida.com>; EOC-ESF14 <ESF14@em.myflorida.com>; Strickland, Katie <Katie.Strickland@ahca.myflorida.com>; WFLA News MGRS <WFLANewsMGRS2@nexstar.tv>
AMERICA
OVERSIGHT
FL-AHCA-20-1076-A-000380

WFLANewsMGRS2@nexstar.tv >; Feedback, NewsMedia <NewsMedia@flhealth.gov>; Sabrina Feher <SFeher@wfla.com>; John Strang <JStrang@wfla.com>; Ryan Jenot <RJenot@wfla.com>; Sally Durwald <SDurwald@wfla.com>; Emily Bowman <EBowman@wfla.com>; Mitchell Bellucco <MBellucco@wfla.com>; Daniel Woodrum <DWoodrum@wfla.com>; mahsamahsafilms@gmail.com <mahsamahsafilms@gmail.com>; Nancy Ryan <NRyan@wfla.com>; Lizeth Hall <LHall@wfla.com>; Jeff Patterson <JPatterson@wfla.com>; Staci DaSilva <SDaSilva@wfla.com>

Subject: RE: COVID-19 outbreak at nursing home in Palmetto FL -- 3RD PUBLIC RECORDS REQUEST

Hi Mahsa,

As mentioned earlier, your request for records has been received and is currently being processed.

Thank you,

Alberto

From: Mahsa Saeidi <MSaeidi@wfla.com>

Sent: Thursday, April 16, 2020 12:18 PM

To: Manderfield, Patrick <Patrick.Manderfield@ahca.myflorida.com>

Cc: media@eog.myflorida.com; EOC-ESF14 <ESF14@em.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Strickland, Katie <Katie.Strickland@ahca.myflorida.com>; WFLA News MGRS <WFLANewsMGRS2@nexstar.tv>; Feedback, NewsMedia <NewsMedia@flhealth.gov>; Sabrina Feher <SFeher@wfla.com>; John Strang <JStrang@wfla.com>; Ryan Jenot <RJenot@wfla.com>; Sally Durwald <SDurwald@wfla.com>; Emily Bowman <EBowman@wfla.com>; Mitchell Bellucco <MBellucco@wfla.com>; Daniel Woodrum <DWoodrum@wfla.com>; mahsamahsafilms@gmail.com; Nancy Ryan <NRyan@wfla.com>; Lizeth Hall <LHall@wfla.com>; Jeff Patterson <JPatterson@wfla.com>; Staci DaSilva <SDaSilva@wfla.com>

Subject: Re: COVID-19 outbreak at nursing home in Palmetto FL -- 3RD PUBLIC RECORDS REQUEST

Patrick and Alberto,

This is the third time WFLA is requesting the names of nursing homes, ALF's and other elder care facilities with a positive COVID-19 case. We believe we are legally entitled to have this information.

Once again, if you are refusing our public records request, please provide the exact legal justification for the state's refusal to release this information. As we have made clear in the past, we are NOT requesting the names or identities of any particular patient.

Additionally, we have learned of a major cluster of COVID-19 cases inside one Pinellas County nursing home, Freedom Square Seminole Nursing Pavilion.

Public health experts tell 8 On Your Side, when there's 30+ cases in a facility, there's great value in releasing that information. You would want to ensure that every effort is made and known to identify persons who may have had contact with persons within that facility, and to quarantine and mitigate.

Please explain why the state is not jeopardizing the health of Floridians with this refusal to release information about major clusters of COVID-19 cases, in facilities such as Freedom Square.

Thank you again.

Mahsa Saeidi

From: Mahsa Saeidi

Sent: Tuesday, April 14, 2020 10:38 AM

To: Manderfield, Patrick <Patrick.Manderfield@ahca.myflorida.com>

Cc: media@eog.myflorida.com <media@eog.myflorida.com>; EOC-ESF14 <ESF14@em.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Strickland, Katie <Katie.Strickland@ahca.myflorida.com>; WFLA News MGRS <WFLANewsMGRS2@nexstar.tv>; NewsMedia Feedback <NewsMedia@flhealth.gov>; Sabrina Feher <SFeher@wfla.com>; John Strang <JStrang@wfla.com>; Ryan Jenot <RJenot@wfla.com>; Sally Durwald <SDurwald@wfla.com>; Emily Bowman <EBowman@wfla.com>; Mitchell Bellucco <MBellucco@wfla.com>; Daniel Woodrum <DWoodrum@wfla.com>; mahsamahsafilms@gmail.com <mahsamahsafilms@gmail.com>; Mahsa Saeidi <MSaeidi@wfla.com>; Nancy Ryan <NRyan@wfla.com>; Lizeth Hall <LHall@wfla.com>

Subject: Re: COVID-19 outbreak at nursing home in Palmetto FL -- 2ND PUBLIC RECORDS REQUEST

Patrick,

Thank you for responding and stating that you have received my request. I want to know if you will be able to release this information.

Again, can you give me a list of the nursing homes, assisted-living facilities, and elder care with positive COVID-19 cases in Florida?

If not, please immediately provide the legal justification for refusing to release this information. Other DOH officials have told me it would violate "privacy laws". I would like to know exactly which laws you are referring to if you believe this information cannot be released.

Over the course of this pandemic, the health department and other agencies have simply responded that they have received my request. However, I don't ever actually get the records or the information.

Please get back to me ASAP with whether you will be able to comply with this public records request.

Thank you again.

I appreciate your help and prompt response.

Mahsa

Sent from my iPhone

On Apr 14, 2020, at 9:23 AM, Manderfield, Patrick <Patrick.Manderfield@ahca.myflorida.com> wrote:

Good morning, Mahsa –

The Agency for Health Care Administration has received your request.

Best,

Patrick Manderfield

Deputy Communications Director
Florida Agency for Health Care Administration
Patrick.manderfield@ahca.myflorida.com
Office: 850.412.3604

From: Mahsa Saeidi <MSaeidi@wfla.com>

Sent: Tuesday, April 14, 2020 7:57 AM

To: media@eog.myflorida.com; Feedback, NewsMedia <NewsMedia@flhealth.gov>; EOC-ESF14 <ESF14@em.myflorida.com>; AHCACommunications <AHCACommunications@ahca.myflorida.com>; Manderfield, Patrick <Patrick.Manderfield@ahca.myflorida.com>; McManus, Mallory <Mallory.McManus@ahca.myflorida.com>

Cc: Christopher Ford <CFord@wfla.com>; Nancy Ryan <NRyan@wfla.com>; mahsamahsafilms@gmail.com; Dalton, Brad L <Brad.Dalton@flhealth.gov>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Sabrina Feher <SFeher@wfla.com>; Ryan Jenot <RJenot@wfla.com>; Daniel Woodrum <DWoodrum@wfla.com>; Lizeth Hall <LHall@wfla.com>; Mitchell Bellucco <MBellucco@wfla.com>; Emily Bowman <EBowman@wfla.com>; Sean Flanagan <SFlanagan@wfla.com>; WFLA News MGRS <WFLANewsMGRS2@nexstar.tv>; Mahsa Saeidi <MSaeidi@wfla.com>

Subject: [External] Re: COVID-19 outbreak at nursing home in Palmetto FL -- 2ND PUBLIC RECORDS REQUEST

Good morning,

We never heard back from you; however, Floridians have responded to our report. We're hearing about other COVID-19 cases at various Tampa Bay area nursing home facilities/ALF's. I'll send you the names/addresses throughout the day as I call people back.

As you know, no visitation is allowed to protect seniors from the asymptomatic.

Families are anxious to know the status of their loved ones' facility. Is there one case? Is there 30? The fact that this information is not being released is causing anxiety/confusion/perhaps paranoia amongst health care workers at these facilities as well.

I'm getting calls about up to 30 cases at Riviera Palms Rehabilitation.

Even though we never heard back from you, local County DOH divisions told us no information would be released about any particular facility, citing privacy laws.

This morning, I am making a second public records request. This is request under Chapter 119 of the Florida Public Records law.

WFLA-TV requests to review:

- Any and all documents, papers, logs, notes, records that contain **the names of all nursing homes, assisted living facilities and elder-care facilities that have had a positive test for COVID-19.**

-Additionally, please provide the number of positive cases at each facility.

Please send me the record in the electronic format in which you keep the record. If the record is only in paper format, please scan it into a PDF. Please email me the record, or if that is not possible, mail it to me on a CD.

If you are unable to send the record in one of the formats I requested, please contact me to discuss alternatives.

Please contact me for my authorization of any charge in excess of \$10.

If you have any further questions please contact me at the numbers listed below.

WFLA-TV would appreciate a prompt response to this request.

Again, if you are refusing to release this information, please provide the exact legal justification. Also, to be clear, we are not requesting the names of any resident or staff member who has tested positive.

Please respond to this email to confirm receipt.

Thank you in advance.

Mahsa Saeidi
Cell: (571) 969-0352 *text only
Work: (813) 221-5767 *call he

From: Mahsa Saeidi <MSaeidi@wfla.com>
Sent: Monday, April 13, 2020 12:28 PM
To: media@eog.myflorida.com <media@eog.myflorida.com>; Feedback, NewsMedia <NewsMedia@flhealth.gov>; EOC-ESF14 <ESF14@em.myflorida.com>
Cc: Christopher Ford <CFord@wfla.com>; Nancy Ryan <NRyan@wfla.com>; mahsamahsafilms@gmail.com <mahsamahsafilms@gmail.com>; Dalton, Brad L <Brad.Dalton@flhealth.gov>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Sabrina Feher <SFeher@wfla.com>; Ryan Jenot <RJenot@wfla.com>; Daniel Woodrum <DWoodrum@wfla.com>; Lizeth Hall <LHall@wfla.com>; Mitchell Bellucco <MBellucco@wfla.com>; Emily Bowman <EBowman@wfla.com>; Sean Flanagan <SFlanagan@wfla.com>; Mahsa Saeidi <MSaeidi@wfla.com>
Subject: COVID-19 outbreak at nursing home in Palmetto FL

Hello,

This is regarding Riviera Palms Rehabilitation located at 926 Haben Blvd in Palmetto, FL. We've heard complaints that up to a **dozen staff members contracted COVID-19.**

It's alleged the facility didn't provide masks in a timely manner and sick staff members weren't sent home.

Is this nursing home/rehab center the site of an outbreak? Are you investigating whether procedures were followed?

We called the local DOH and they said **no information would be released** due to privacy concerns.

If that's true, please provide the exact reason, including any relevant statutes, that you believe applies in this situation.

We understand not identifying individuals , but people are concerned about their health/safety at the workplace. We're trying to identify nursing home/ALF sites that have outbreaks.

I'll look forward to a response.

Thank you,
Mahsa Saeidi
813 221 5767
571 969-0352

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CAUTION: This message was sent from outside the Nexstar organization. Please do not click links or open attachments unless you recognize the sender.

From: Chapman, Shay <Shay.Chapman@flhealth.gov>
Sent: Monday, April 27, 2020 2:43 PM EDT
To: Philpot, Toby <Toby.Philpot@ahca.myflorida.com>; Cooksey, Samantha <Samantha.Cooksey@flhealth.gov>; McCoy, Steve <Steve.McCoy@flhealth.gov>
CC: Coppola, Courtney <Courtney.Coppola@flhealth.gov>; McKinstry, Molly <Molly.McKinstry@ahca.myflorida.com>
Subject: [External] RE: Letter to Governor Ron DeSantis from Representative Emily Slosberg

Toby,

Good afternoon. We will get the site added to the list for testing this Wednesday. I will reach out to the Director and confirm.

Thanks,
Shay

Shay Chapman BSN, MBA
Chief, Bureau of Family Health Services
Florida Department of Health
4052 Bald Cypress Way, Bin A-13
Tallahassee, FL 32399-1721
Phone: 850-245-4464 Cell: 850-459-3662
Email: Shay.Chapman@flhealth.gov



Mission: To protect, promote & improve the health of all people in Florida through integrated state, county, & community efforts.

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 on request. Your e-mail communications may therefore be subject to public disclosure.

From: Philpot, Toby <Toby.Philpot@ahca.myflorida.com>
Sent: Monday, April 27, 2020 2:35 PM
To: Cooksey, Samantha <Samantha.Cooksey@flhealth.gov>; Chapman, Shay <Shay.Chapman@flhealth.gov>; McCoy, Steve <Steve.McCoy@flhealth.gov>
Cc: Coppola, Courtney <Courtney.Coppola@flhealth.gov>; McKinstry, Molly <Molly.McKinstry@ahca.myflorida.com>
Subject: FW: Letter to Governor Ron DeSantis from Representative Emily Slosberg
Importance: High

FYI - attached letter.

From: Kotas, James <James.Kotas@ahca.myflorida.com >
Sent: Monday, April 27, 2020 2:33 PM
To: Philpot, Toby <Toby.Philpot@ahca.myflorida.com >
Subject: FW: Letter to Governor Ron DeSantis from Representative Emily Slosberg
Importance: High

The attached is what Rep. Slosberg's office sent, and it was sent to Stephanie K.

James

From: Anderson, Jack <Jack.Anderson@myfloridahouse.gov >
Sent: Monday, April 27, 2020 11:54 AM
To: 'Stephanie Kopelousos' <Stephanie.Kopelousos@eog.myflorida.com >
Cc: Slosberg, Emily <Emily.Slosberg@myfloridahouse.gov >; 'Tyler.Russell@eog.myflorida.com' <Tyler.Russell@eog.myflorida.com >; 'Cody.Farrill@dms.myflorida.com' <Cody.Farrill@dms.myflorida.com >; 'Jared.rosenstein@em.myflorida.com' <Jared.rosenstein@em.myflorida.com >; Kotas, James <James.Kotas@ahca.myflorida.com >
Subject: [External] Letter to Governor Ron DeSantis from Representative Emily Slosberg
Importance: High

Good afternoon Stephanie,

Please find attached a letter to Governor Ron DeSantis from Representative Emily Slosberg.

Thank you.

Jack T. Anderson, III

Legislative Assistant to Representative Emily Slosberg

Florida House of Representatives, District 91

Capitol Phone: (850) 717-5091

District Phone: (561) 496-5940

Jack.Anderson@myfloridahouse.gov



Warning : Florida has a broad public records law. Most written communications to or from state employees are public records obtainable by the public upon request. Emails sent to me at this email address may be considered public records and shall only be withheld from disclosure if deemed confidential pursuant to the laws of the State of Florida. If you do not want your email address released in response to a public records request, do not contact me by email. Instead, contact my office by phone or in writing.

From: Ferre, Helen <Helen.Ferre@eog.myflorida.com>
Sent: Tuesday, March 24, 2020 10:03 AM EDT
To: Marbin, Carol <cmarbin@miamiherald.com>; Strickland, K <Katie.Strickland@ahca.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>
CC: Casey Frank <cfrank@miamiherald.com>; Mary Ellen Klas <meklas@miamiherald.com>; Conarck, Ben <bconarck@miamiherald.com>; sgross@miamiherald.com <sgross@miamiherald.com>
Subject: [External] RE: Questions

Hi Carol, we will get back to you shortly. Your questions are important.

From: Marbin, Carol <cmarbin@miamiherald.com>
Sent: Tuesday, March 24, 2020 9:47 AM
To: Strickland, K <Katie.Strickland@ahca.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Ferre, Helen <Helen.Ferre@eog.myflorida.com>
Cc: Casey Frank <cfrank@miamiherald.com>; Mary Ellen Klas <meklas@miamiherald.com>; Conarck, Ben <bconarck@miamiherald.com>; sgross@miamiherald.com
Subject: Questions

Katie, Alberto, Helen:

Good morning. We hope you are well.

For several days, reporters for the Herald and other news outlets have sought specific information about the long-term care facilities in the state -- there were 33 as of Monday -- in which one resident or more have tested positive for coronavirus-19. Both health administrators and Gov. Ron DeSantis have repeatedly declined, including as recently as Monday, to name any of those facilities or provide any information -- except for the counties in which they are located.

The Miami Herald intends to write about this. We respectfully ask the following:

What are the ALFs, nursing homes or other congregate care homes in which a resident has tested positive? How *many* residents have tested positive in each of these facilities? Have any staff members of these, or other, homes tested positive? Have your agencies investigated to determine the means of transmission? If so, can you provide such information?

Gov. DeSantis told reporters Monday that he named one ALF, Atria Willow Wood, because the facility had been "negligent" in its care of residents. Have health administrators investigated how the disease was transmitted at Willow Wood? What was the means of transmission, how was the facility negligent, and how is the state correcting those lapses?

Does Gov. DeSantis' suspension of visitation at long-term care facilities and group homes prevent family members from discharging loved ones into their care?

We plan to publish a story regarding these issues later today. Therefore, we ask that you please provide answers by 3 p.m.

If you choose not to, please provide an explanation.

We thank you, in advance, for your help.

~ Carol

--

Carol Marbin Miller
Deputy Investigations Editor
Investigative Reporting Team |
Miami Herald
[305.376.3211](tel:305.376.3211) | cmarbin@MiamiHerald.com
3511 N.W. 91st Ave., Doral Florida 33172

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

From: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>

Sent: Monday, March 16, 2020 8:02 PM EDT

To: Alexandra Glorioso <aglorioso@politico.com>

CC: Ferre, Helen <Helen.Ferre@eog.myflorida.com>; Patrick.Manderfield@ahca.myflorida.com

<Patrick.Manderfield@ahca.myflorida.com>; Strickland, Katie <Katie.Strickland@ahca.myflorida.com>; Beatrice, Meredith M. <Meredith.M.Beatrice@eog.myflorida.com>

Subject: [External] RE: Media request

Hi Alex,

DOH did not make this recommendation, which is in keeping with CDC guidance. CDC recommendations focus around monitoring of those closely exposed to an infected person. Environmental contamination is not believed to be a significant source of virus spread.

Here is a link to CDC guidance <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html>

Thanks!

Alberto Moscoso
Communications Director
Florida Department of Health
(850) 408-7687

From: Alexandra Glorioso <aglorioso@politico.com>

Sent: Monday, March 16, 2020, 16:14

To: Ferre, Helen; Patrick Manderfield; Strickland, Katie; Beatrice, Meredith M.; Moscoso, Alberto

Subject: Media request

Hi Everyone,

A nonprofit health center called Care Resource Community Health Center in Miami shut down after a person with COVID-19 came thru the doors. Why? Did they not have the right protective gear and everyone was exposed?

Here's their website: <https://careresource.org>

Here's a Miami Herald article about it: <https://www.miamiherald.com/news/coronavirus/article241226596.html>

Please get back to me today if possible. It appears they are taking direction from the Department of Health, but I'm looping everyone in in case they have info.

Thanks,
Alex

From: Stalnaker, Alyson <Alyson.Stalnaker@eog.myflorida.com>

Sent: Wednesday, March 04, 2020 8:12 AM EST

To: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Beatrice, Meredith M. <Meredith.M.Beatrice@eog.myflorida.com>; aglorioso@politico.com <aglorioso@politico.com>; Ferre, Helen <Helen.Ferre@eog.myflorida.com>; Strickland, K <Katie.Strickland@ahca.myflorida.com>; Manderfield, Patrick <Patrick.Manderfield@ahca.myflorida.com>; Smith, DaMonica <DaMonica.Smith@myflfamilies.com>; Etters, Melanie <Melanie.Etters@apdcare.org>; Coleman, Alyssa <alyssa.coleman@myflfamilies.com>; robertsr@elderaffairs.org <robertsr@elderaffairs.org>

CC: lwoellert <lwoellert@politico.com>; Hendricks, Courtney <Courtney.Hendricks@eog.myflorida.com>

Subject: [External] RE: Records request

Good morning,

The Governor's Office of Open Government is in receipt of your request for records as stated in your email below. Please note that the Governor's Office of Open Government can only search for documents within the custodianship of the Executive Office of the Governor and that we begin processing requests in the order they are received. If there is a fee associated with your request, you will be provided with a fee estimate for your review.

Thank you for contacting the Executive Office of the Governor.

Sincerely,

Alyson Stalnaker

Administrative Assistant

Executive Office of the Governor

Office of the General Counsel

(850) 717-9310

Please note that Florida has a broad public records law and correspondence sent to me, which is not confidential or exempt pursuant to Chapter 119 of the Florida Statutes, is a public record made available upon request.

From: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>

Sent: Tuesday, March 3, 2020 7:24 PM

To: Beatrice, Meredith M. <Meredith.M.Beatrice@eog.myflorida.com>; aglorioso@politico.com; Ferre, Helen <Helen.Ferre@eog.myflorida.com>; Strickland, K <Katie.Strickland@ahca.myflorida.com>; Manderfield, Patrick <Patrick.Manderfield@ahca.myflorida.com>; Smith, DaMonica <DaMonica.Smith@myflfamilies.com>; Etters, Melanie <Melanie.Etters@apdcare.org>; Coleman, Alyssa <alyssa.coleman@myflfamilies.com>; robertsr@elderaffairs.org

Cc: lwoellert <lwoellert@politico.com>; Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>

Subject: RE: Records request

DOH received and processing.

Alberto Moscoso

Communications Director

Florida Department of Health

(850) 408-7687

From: Beatrice, Meredith M. <Meredith.M.Beatrice@eog.myflorida.com>

Sent: Tuesday, March 3, 2020 4:44 PM

To: aglorioso@politico.com; Ferre, Helen <Helen.Ferre@eog.myflorida.com>; Strickland, K <Katie.Strickland@ahca.myflorida.com>; Manderfield, Patrick <Patrick.Manderfield@ahca.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Smith, DaMonica <DaMonica.Smith@myflfamilies.com>; Etters, Melanie <Melanie.Etters@apdcare.org>; Coleman, Alyssa <alyssa.coleman@myflfamilies.com>; robertsr@elderaffairs.org

Cc: lwoellert <lwoellert@politico.com>; Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>

Subject: RE: Records request

Alex:

Confirming receipt of your request from the Governor's office.

Best,

Meredith Beatrice

Deputy Director of Communications

Executive Office of the Governor

Email: Meredith.m.beatrice@eog.myflorida.com

Cell: (850) 688-5405

Press Office: (850) 717-9282

Website: <https://www.flgov.com/>

Address: 400 S Monroe St, Tallahassee, FL 32399

From: Alexandra Glorioso <aglorioso@politico.com>

Sent: Monday, March 2, 2020 5:31 PM

To: Ferre, Helen <Helen.Ferre@eog.myflorida.com>; Strickland, K <Katie.Strickland@ahca.myflorida.com>; Beatrice, Meredith M. <Meredith.M.Beatrice@eog.myflorida.com>; Manderfield, Patrick <Patrick.Manderfield@ahca.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Smith, DaMonica <DaMonica.Smith@myflfamilies.com>; Etters, Melanie <Melanie.Etters@apdcares.org>; Coleman, Alyssa <alyssa.coleman@myflfamilies.com>; robertsr@elderaffairs.org

Cc: lwoellert <lwoellert@politico.com>

Subject: Records request

Hi Everyone,

Happy Tuesday. Apologies for the massive request. I figure it is easier it to send to you all at once. I appreciate your help.

I'd like to request communication re the coronavirus across several agencies. This request for such correspondence is from Jan. 28, 2020, to the date of your final response. Please produce these records on a rolling basis in an electronic format.

That correspondence includes but is not limited to emails, text messages, call logs, meeting minutes, printed documents, meeting notes. It includes all attachments and memos.

Please include correspondence between, anyone and the health officials listed below, regarding the coronavirus:

Lt. Gov. Jeanette Nuñez,
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Gov. Ron DeSantis chief of staff Shane Strum
Gov. Ron DeSantis deputy chief of staff Adrian Lukis
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DCF Secretary Chad Poppell
Surgeon General Scott Rivkees
AHCA Secretary Mary Mayhew
Elder Affairs Secretary Richard Prudom
Agency for Persons with Disabilities Director Barbara Palmer

Key words include but are not limited to: "laboratory developed test," "LDT," "contamination," "investigation," "COVID-19," "COVID," "COVID19," "coronavirus," "SARS-CoV-2," "diagnostic," "emergency use authorization," "EUA," "CDC," and "FDA."

Thank you,
Alexandra

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From: Beatrice, Meredith M. <Meredith.M.Beatrice@eog.myflorida.com>

Sent: Tuesday, March 03, 2020 4:44 PM EST

To: aglorioso@politico.com <aglorioso@politico.com>; Ferre, Helen <Helen.Ferre@eog.myflorida.com>; Strickland, K <Katie.Strickland@ahca.myflorida.com>; Manderfield, Patrick <Patrick.Manderfield@ahca.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Smith, DaMonica <DaMonica.Smith@myflfamilies.com>; Etters, Melanie <Melanie.Etters@apdcare.org>; Coleman, Alyssa <alyssa.coleman@myflfamilies.com>; robertsr@elderaffairs.org <robertsr@elderaffairs.org>

CC: lwoellert <lwoellert@politico.com>; Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>

Subject: [External] RE: Records request

Alex:

Confirming receipt of your request from the Governor's office.

Best,

Meredith Beatrice

Deputy Director of Communications

Executive Office of the Governor

Email: Meredith.m.beatrice@eog.myflorida.com

Cell: (850) 688-5405

Press Office: (850) 717-9282

Website: <https://www.flgov.com/>

Address: 400 S Monroe St, Tallahassee, FL 32399

From: Alexandra Glorioso <aglorioso@politico.com>

Sent: Monday, March 2, 2020 5:31 PM

To: Ferre, Helen <Helen.Ferre@eog.myflorida.com>; Strickland, K <Katie.Strickland@ahca.myflorida.com>; Beatrice, Meredith M. <Meredith.M.Beatrice@eog.myflorida.com>; Manderfield, Patrick <Patrick.Manderfield@ahca.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Smith, DaMonica <DaMonica.Smith@myflfamilies.com>; Etters, Melanie <Melanie.Etters@apdcare.org>; Coleman, Alyssa <alyssa.coleman@myflfamilies.com>; robertsr@elderaffairs.org

Cc: lwoellert <lwoellert@politico.com>

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DCF Secretary Chad Poppell

Surgeon General Scott Rivkees

AHCA Secretary Mary Mayhew

Elder Affairs Secretary Richard Prudom

Agency for Persons with Disabilities Director Barbara Palmer

Key words include but are not limited to: "laboratory developed test," "LDT," "contamination," "investigation," "COVID-19," "COVID," "COVID19," "coronavirus," "SARS-CoV-2," "diagnostic," "emergency use authorization," "EUA," "CDC," and "FDA."

Thank you,

Alexandra

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Sent: Tuesday, March 03, 2020 7:24 PM EST

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CC: lwoellert <lwoellert@politico.com>; Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>

Subject: [External] RE: Records request

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Alberto Moscoso
Communications Director
Florida Department of Health
(850) 408-7687

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Website: <https://www.flgov.com/>

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From: Alexandra Glorioso <aglorioso@politico.com>

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To: Ferre, Helen <Helen.Ferre@eog.myflorida.com>; Strickland, K <Katie.Strickland@ahca.myflorida.com>; Beatrice, Meredith M. <Meredith.M.Beatrice@eog.myflorida.com>; Manderfield, Patrick <Patrick.Manderfield@ahca.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Smith, DaMonica <DaMonica.Smith@myflfamilies.com>; Etters, Melanie <Melanie.Etters@apdcare.org>; Coleman, Alyssa <alyssa.coleman@myflfamilies.com>; robertsr@elderaffairs.org

Cc: lwoellert <lwoellert@politico.com>

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Thank you,
Alexandra

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From: Lukis, Adrian <Adrian.Lukis@eog.myflorida.com>

Sent: Tuesday, April 28, 2020 3:44 PM EDT

To: Keaton, Amelia <Amelia.Keaton@eog.myflorida.com>; Strickland, K <Katie.Strickland@ahca.myflorida.com>; Beatrice, Meredith M. <Meredith.M.Beatrice@eog.myflorida.com>

Subject: [External] FW:

Attachment(s): "document1 (003).docx","excel 1.xlsx"

From: Philpot, Toby <Toby.Philpot@ahca.myflorida.com>

Sent: Tuesday, April 28, 2020 3:41 PM

To: Strickland, K <Katie.Strickland@ahca.myflorida.com>; Lukis, Adrian <Adrian.Lukis@eog.myflorida.com>

Subject:

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

PRINT MEDIA

Tallahassee Democrat

March 2, 2020

Florida officials waited 24 hours to inform public of coronavirus cases

<https://www.tallahassee.com/story/news/local/state/2020/03/02/florida-coronavirus-ron-desantis-discusses-states-response-covid-19/4928150002/>

WUSF Public Media

March 7, 2020

Florida Announces More Coronavirus Cases While Sen. Scott Questions State's

<https://wusfnews.wusf.usf.edu/post/florida-announces-more-coronavirus-cases-while-sen-scott-questions-states-response>

Slate.com

March 20, 2020

Once Again, Florida Waited Too Long

Quote: *The consequences of the state's collective inaction are only starting to become apparent. As the number of confirmed cases [skyrockets](#) with (slowly) accelerated testing, so too will the number of deaths.*

<https://slate.com/technology/2020/03/florida-climate-change-coronavirus.html>

Gainesville Sun

"Coronavirus: DeSantis, state face grim financial picture"

March 21, 2020

<https://www.gainesville.com/news/20200321/coronavirus-desantis-state-face-grim-financial-picture/1>

Tampa Bay Times

March 21, 2020

Florida lagged behind dozens of states on coronavirus restrictions

Despite a large elderly population that is more vulnerable to the virus, the state has been slower than many others to restrict businesses

<https://www.tampabay.com/news/health/2020/03/21/florida-lags-behind-dozens-of-states-on-coronavirus-restrictions/>

Miami Herald

March 22, 2020

Has Gov. DeSantis been too cautious in moves to deal with coronavirus? Some experts say yes

Quote: “Gov. Ron DeSantis has proven to be more cautious than governors in similarly situated states, including some with even fewer fatalities.”

<https://www.miamiherald.com/news/coronavirus/article241364251.html>

Miami Herald Editorial Board

March 22, 2020

Coronavirus is killing us in Florida, Gov. DeSantis. Act like you give a damn | Editorial

Quote: “Unfortunately, DeSantis, who despite trying to appear large and in charge in front the microphone and TV cameras delivering coronavirus updates, has been a [*timid leader in the face of the growing scourge*](#) — and growing number of deaths — from the disease in his state. By Saturday, the number of confirmed cases had exceeded 700. At least two more people had died bring the state total to at least 12. The governor announced that [*he was thinking about isolation shelters*](#) for people with confirmed COVID-19 or symptoms. Again, no details, no idea when it could happen.”

<https://www.miamiherald.com/opinion/editorials/article241403236.html>

Los Angeles Times

March 23, 2020

Will Texas or Florida be ‘the next Italy’? Red states lag blue in stay-at-home orders

<https://www.latimes.com/world-nation/story/2020-03-23/coronavirus-response-texas-florida-california-new-york>

The Hill

Critics hit Florida governor over lack of ‘sweeping’ coronavirus response

March 25, 2020

<https://thehill.com/homenews/state-watch/489562-critics-lash-out-at-florida-governor-over-lack-of-sweeping-coronavirus>

Herald Tribune

March 25, 2020

DeSantis gambles on less aggressive response

<https://www.dailycommercial.com/news/20200325/coronavirus-florida-desantis-gambles-on-less-aggressive-response>

Orlando Weekly

“Study shows evidence of COVID-19 spread in the Villages”

March 31, 2020

<https://www.orlandoweekly.com/Blogs/archives/2020/03/31/study-shows-evidence-of-rapid-covid-19-spread-in-the-villages>

Palm Beach Post

March 30, 2020

Deaths Projected to hit 6, 766 by August, analysis says

Quote: An analysis predicts Florida will face a peak shortage of 843 intensive care unit hospital beds for the coronavirus pandemic. The need for these beds will peak May 3 in Florida. The state will need 2,538 beds on that day, but only 1,695 will be available.

<https://www.palmbeachpost.com/news/20200330/coronavirus-florida-deaths-projected-to-hit-6766-by-august-analysis-says>

Washington Examiner

April 1, 2020

Florida could be the next New York in the coronavirus outbreak

Quote: Florida has reported more than 6,700 confirmed coronavirus cases in the last week, with 85 deaths and 850 hospitalizations. The state is quickly becoming the next national hot spot for the COVID-19 virus, yet health experts are concerned its government is woefully unprepared.

<https://www.washingtonexaminer.com/opinion/florida-could-be-the-next-new-york-in-the-coronavirus-outbreak>

AXIOS

Florida's slow response may have made its coronavirus outbreak worse

April 2, 2020

<https://www.axios.com/florida-governor-trump-desantis-coronavirus-df688342-9d51-4915-80a9-da67da052272.html>

April 2, 2020

New York Times

FLORIDA, FINALLY - The State will go on lockdown, far too late.

<https://www.nytimes.com/2020/04/02/opinion/coronavirus-desantis-trump.html>

Quote: The new lockdowns are welcome, because they will help slow the virus. But they're also coming much later than they should have. A big reason that the virus has recently been spreading *more rapidly* in the United States than in Europe or Asia is the slow response from many American political leaders.

Herald Tribune

April 2, 2020

Delayed Lockdown decision could haunt DeSantis

<https://www.heraldtribune.com/news/20200402/coronavirus-florida-delayed-lockdown-decision-could-haunt-desantis>

Washington Post – posted on MSN.com

April 3, 2020

As coronavirus cases surge in Florida, fears mount that action came too late

<https://www.msn.com/en-us/news/us/as-coronavirus-cases-surge-in-florida-fears-mount-that-action-came-too-late/ar-BB1261SW>

The Guardian

April 5, 2020

Florida's slow response: a 'mini-Trump' governor who borrowed the president's playbook --

Sub-heading in article” “State Woefully Unprepared”

<https://www.theguardian.com/us-news/2020/apr/05/floridas-slow-response-how-the-sunshine-state-got-it-so-wrong>

South Florida Sun Sentinel

April 6, 2020

Experts worry Florida moved too slowly on coronavirus – and the worst is yet to come

Opening Sentence: *Despite mounting concerns from experts, Gov. Ron DeSantis opted again Tuesday not to order the entire state to stay home to curb an epidemic that is now projected to kill thousands of Floridians even in a best-case scenario.*

<https://www.sun-sentinel.com/coronavirus/fl-ne-coronavirus-florida-numbers-projection-20200401-7mk7nl6s6ncpvhi2g5dkb4xx2e-htmlstory.html>

CNBC

April 6, 2020

These states face the biggest potential shortfalls in hospital ICU beds

Quote: *Florida, the model suggests, on April 21 will hit its peak number of cases without sufficient ICU beds.*

<https://www.cnbc.com/2020/04/06/coronavirus-cases-states-with-biggest-hospital-bed-shortfalls.html>

Univision

April 8, 2020

As death toll rises, Florida Governor under fire for slow response, as unemployed struggle to file claims

Quote: “That may come back to haunt the DeSantis. The total number of deaths in Florida is expected to reach 6,770 by August, according to one widely reported projection.”

<https://www.univision.com/univision-news/politics/as-death-toll-rises-florida-governor-under-fire-for-slow-response-an-unemployed-struggle-to-file-claims>

The Atlantic

April 9, 2020

The Two States Where Trump’s COVID-19 Response Could Backfire in 2020

Quote: In Florida, conditions have not yet reached such a crisis point, though its caseload is growing steadily. But because DeSantis waited so long to act, he and Trump could be punished if the outbreak ultimately imposes a heavy cost on the state. “If this does get worse and worse ... I think DeSantis’s vulnerability is Trump’s vulnerability,” says Adam Smith, a Tampa-based senior vice president at the bipartisan firm Mercury Public Affairs.

<https://www.theatlantic.com/politics/archive/2020/04/trump-whitmer-desantis-coronavirus/609727/>

Tampa Bay Times

April 11, 2020

Why Ron DeSantis’ popularity has taken a hit since the pandemic started

Quote: DeSantis’ uneven response has made him an outlier among his counterparts across the country.

<https://www.tampabay.com/news/health/2020/04/11/why-ron-desantis-popularity-has-taken-a-hit-since-the-pandemic-started/>

The Miami Times

“Florida COVID-19 deaths may peak May 3”

Quote: IHME’s projections come with a big fly in the ointment when it comes to Florida since its forecast assumes all states implement statewide stay-at-home orders, which Florida Gov. Ron DeSantis has steadfastly refused to do. DeSantis has resisted calls by Democrats and many public health officials to order a blanket shutdown. A Change.org petition to shut down Florida, started a week ago, has garnered more than 367,000 petitions.

https://www.miamitimesonline.com/covid-19_hub/florida-covid-19-deaths-may-peak-may-3/article_a74524ac-79a0-11ea-90a1-df53a9878760.html

April 18, 2020

Influential coronavirus model reduces Florida’s projected deaths by over 70%

Quote: A major coronavirus model on Friday radically revised downward the number of expected COVID-19 deaths in Florida, painting a relatively optimistic picture for the state

even as its governor had earlier received criticism for refusing to lock it down until the beginning of April .

<https://justthenews.com/politics-policy/coronavirus/influential-coronavirus-model-reduces-floridas-projected-deaths-over-70>

April 3, 2020

Miami Herald: Surge on wills: Fearing death by coronavirus, people ask lawyers to write their last wishes

<https://www.miamiherald.com/news/coronavirus/article241686381.html>

April 3, 2020

Sun Sentinel: Florida Gov. Ron DeSantis sends deadly mixed messages on coronavirus | Editorial

<https://www.sun-sentinel.com/opinion/editorials/fl-op-edit-desantis-coronavirus-20200403-hga62al45ndyxotfkxrgykriqa-story.html>

April 7, 2020

Palm Beach Post: Coronavirus Florida: Editorial: Are we ready for the COVID-19 surge? We'd better be.

<https://www.palmbeachpost.com/opinion/20200407/coronavirus-florida-editorial-are-we-ready-for-covid-19-surge-wersquod-better-be>

April 8, 2020

The Daily Beast: This South Florida City Is a Looming Coronavirus Hot Spot You Haven't Heard About

<https://www.thedailybeast.com/hialeah-florida-is-a-coronavirus-disaster-waiting-to-happen>

TV/Radio

NBC News.com

March 24, 2020

Florida governor takes heat for state's slow response to coronavirus crisis

<https://www.nbcnews.com/news/us-news/florida-governor-takes-heat-state-s-slow-response-coronavirus-crisis-n1167106>

News 4 Jacksonville

Model predicts Florida COVID-19 deaths will peak April 21

<https://www.news4jax.com/news/florida/2020/04/06/model-predicts-florida-covid-19-deaths-will-peak-april-21/>

BayNews9

Democrats Call DeSantis “Timid” in His Response to Coronavirus Outbreak

QUOTE: “We have a situation in Florida where we have a governor who has been irresponsible and has had an absence of leadership,” said South Florida Democratic Rep. Debbie Wasserman Schultz on a conference call organized by the Florida Democratic Party. “In the midst of a public health crisis in the third largest state in the country with the highest concentration of the elderly, and that he uses that as a lame excuse as to why he wouldn’t order the closure of all public beaches is an outrage,” she said.

<https://www.baynews9.com/fl/tampa/news/2020/03/23/democrats-call-desantis-timid-in-his-response-to-coronavirus-outbreak>

NPR

April 1, 2020

Large Florida Retirement Community With Slow Coronavirus Response Sees Positives Grow

<https://www.npr.org/2020/04/01/825499450/large-florida-retirement-community-with-slow-coronavirus-response-sees-positives>

Tampa 10 News

April 10, 2020

Coronavirus projections show worst weeks ahead for Florida

<https://www.wtsp.com/article/news/health/coronavirus/covid19-coronavirus-projections-show-worst-weeks-ahead-for-florida/67-cba97591-9408-4d96-95ce-0bdb48765dfc>

Quote: Forecast models show we’re about 2 weeks away from our peak in Florida—with over 100 deaths a day projected for the two weeks between April 20 and May 4, according to data published on the IHME website.

If those projections are correct, an estimated 1,600 more Floridians will lose their lives over those 15 days from late April into early May.

WPTV NBC Affiliate– West Palm beach

April 14, 2020

Peak of coronavirus in Florida shifts to May

Deadliest possible day now May 6

Quote: New [data released Monday from the Institute of Health Metrics and Evaluations at the University of Washington](#) shows that Florida's peak for hospital resources is May 3, while the deadliest possible day is now May 6. A total of 128 people are projected to die from the coronavirus on its peak day, although the total number of deaths is lower than initially projected.

| | A | B | C |
|----|-----------|---------------------|---|
| 1 | Date | Publication | Title |
| 2 | 2/14/2020 | Miami Herald | South Florida employers should brace for the potential impact of COVID-19 |
| 3 | 2/24/2020 | NBC | Florida seeing impacts of coronavirus with no confirmed cases in the state |
| 4 | 2/24/2020 | Miami Herald | A Miami man who flew to China worried he might have coronavirus. He may owe thousands. |
| 5 | 2/25/2020 | Florida Today | CDC warns coronavirus 'inevitable' in US as Florida health officials on lookout |
| 6 | 2/27/2020 | The Ledger | Coronavirus: Florida officials express caution — not panic ... Yet |
| 7 | 3/2/2020 | Fox 8 | Florida declares public health emergency as coronavirus spreads; new travel restrictions nationwide |
| 8 | 3/9/2020 | Florida Politics | Florida lawmakers briefly self-isolated after possible coronavirus exposure |
| 9 | 3/10/2020 | Boca Magazine | With Coronavirus Concerns Growing, How Will Boca and Delray Respond? |
| 10 | 3/14/2020 | The New York Time | On a Saturday Night in Florida, a Presidential Party Became a Coronavirus Hot Zone |
| 11 | 3/16/2020 | Vox | Disney World and Disneyland closed indefinitely amid Covid-19 fears |
| 12 | 3/19/2020 | Miami Herald | Amid coronavirus crash, Florida's notoriously stingy jobless benefits just got less onerous |
| 13 | 3/26/2020 | Ocala Star Banner | Marion County hospitals prepare for worst, hope for best |
| 14 | 3/26/2020 | The Palm Beach Post | Coronavirus Florida: As unemployment spirals, how much is too much to offer those laid off? |
| 15 | 3/28/2020 | Fox News | Florida sees sharp spike in coronavirus infections as fears grow it could be another hotspot |
| 16 | 3/31/2020 | NPR | Cruise Ship Struggling With COVID-19 Headed To Florida |
| 17 | 4/3/2020 | Miami Herald | Surge on wills: Fearing death by coronavirus, people ask lawyers to write their last wishes |
| 18 | 4/3/2020 | Sun Sentinel | Florida Gov. Ron DeSantis sends deadly mixed messages on coronavirus |
| 19 | 4/3/2020 | Orlando Sentinel | 60% of Florida's ICU beds already taken |
| 20 | 4/7/2020 | The Palm Beach Post | Coronavirus Florida: Editorial: Are we ready for the COVID-19 surge? We'd better be. |
| 21 | 4/8/2020 | The Daily Beast | This South Florida City Is a Looming Coronavirus Hot Spot You Haven't Heard About |

| | D |
|----|---|
| 1 | Link |
| 2 | https://www.miamiherald.com/news/business/biz-columns-blogs/article240294246.html |
| 3 | https://www.cnbc.com/2020/02/20/coronavirus-latest-updates.html |
| 4 | https://www.miamiherald.com/news/health-care/article240476806.html |
| 5 | https://www.floridatoday.com/story/news/2020/02/25/coronavirus-disease/4869416002/ |
| 6 | https://www.theledger.com/news/20200227/coronavirus-florida-officials-express-caution---not-panic--yet |
| 7 | https://fox8.com/news/coronavirus/coronavirus-spread-florida-declares-public-health-emergency-new-travel-restrictions-nationwide/ |
| 8 | https://floridapolitics.com/archives/322442-representatives-who-attended-cpac-will-not-self-quarantine-over-coronavirus-fears |
| 9 | https://www.bocamag.com/coronavirus-boca/ |
| 10 | https://www.nytimes.com/2020/03/14/us/politics/trump-coronavirus-mar-a-lago.html |
| 11 | https://www.vox.com/the-goods/2020/3/12/21177375/disney-coronavirus-covid-19-theme-parks-disneyworld-disneyland |
| 12 | https://www.miamiherald.com/news/coronavirus/article241331216.html |
| 13 | https://www.ocala.com/news/20200326/marion-county-hospitals-prepare-for-worst-hope-for-best |
| 14 | https://www.palmbeachpost.com/news/20200326/coronavirus-florida-as-unemployment-spirals-how-much-is-too-much-to-offer-those-laid-off |
| 15 | https://www.foxnews.com/us/florida-sees-sharp-spike-in-coronavirus-infections-as-fears-grow-it-could-be-another-hotspot |
| 16 | https://www.npr.org/sections/coronavirus-live-updates/2020/03/31/824968946/cruise-ship-struggling-with-covid-19-headed-to-florida |
| 17 | https://www.miamiherald.com/news/coronavirus/article241686381.html |
| 18 | https://www.sun-sentinel.com/opinion/editorials/fl-op-edit-desantis-coronavirus-20200403-hga62al45ndyxotfkxrgykriqa-story.html |
| 19 | https://www.orlandosentinel.com/coronavirus/os-ne-coronavirus-hospitalizations-florida-20200403-rgylvtodhbdsdz5fzs27sxjjq-story.html |
| 20 | https://www.palmbeachpost.com/opinion/20200407/coronavirus-florida-editorial-are-we-ready-for-covid-19-surge-wersquod-better-be |
| 21 | https://www.thedailybeast.com/hialeah-florida-is-a-coronavirus-disaster-waiting-to-happen |

From: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Sent: Tuesday, April 28, 2020 2:38 PM EDT
To: Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Subject: [External] Fwd: Public Records Request
Attachment(s): "Complaint with Exhibits-e-filed copy.pdf"

Get [Outlook for iOS](#)

From: Carol Jean LoCicero <clocicero@tlolawfirm.com>
Sent: Tuesday, April 28, 2020 2:36:47 PM
To: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Cc: Mark R. Caramanica <mcaramanica@tlolawfirm.com>
Subject: RE: Public Records Request

Thanks for your email, Louise. The biggest problem is we still don't have staff and resident death numbers by location. Our clients continue to seek records revealing those numbers; they are of obvious public import.

Because information such as resident and staff deaths was not included in yesterday's release, we filed the attached lawsuit seeking judicial intervention and here provide you with a courtesy copy of the complaint. Nonetheless, we are reaching out again in the hope that the state will immediately release these critical records without the need for further litigation. We do not seek the identity of any individuals.

We would appreciate a response by noon tomorrow. I'm available to talk at 813/220-9382.

Thanks,
Carol

Carol Jean LoCicero
Thomas & LoCicero PL
clocicero@tlolawfirm.com | tlolawfirm.com
ph: 813.984.3060 | direct: 813.984.3061

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From: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Sent: Monday, April 27, 2020 3:09 PM
To: Carol Jean LoCicero <clocicero@tlolawfirm.com>
Cc: Mark R. Caramanica <mcaramanica@tlolawfirm.com>
Subject: RE: Public Records Request

Carol and Mark,

Please see the new link: <https://floridahealthcovid19.gov/wp-content/uploads/2020/04/ltof-list.pdf>

Let me know if you would like me to give either or both of you a call.

Thanks!

Louise St. Laurent
General Counsel
Office of the General Counsel
Florida Department of Health
4052 Bald Cypress Way, A-02
Tallahassee, FL 32399
(850) 245-4956 (Office)
(850) 597-3531 (Cell)
(850) 245-4790 (Fax)

From: Carol Jean LoCicero <clocicero@tlolawfirm.com>
Sent: Wednesday, April 22, 2020 10:07 AM
To: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Cc: Mark R. Caramanica <mcaramanica@tlolawfirm.com>
Subject: RE: Public Records Request

Good morning, Louise. Any update on the request below? As you can imagine, these records flushing out details on the state of the virus in elder care facilities are of critical importance to reporting on the epidemic and necessary for informed decision-making by the public.

I'd appreciate a response. Again, my cell is 813/220-9382.

Thank you,
Carol

Carol Jean LoCicero
Thomas & LoCicero PL
cloricero@tlolawfirm.com | tlolawfirm.com
ph: 813.984.3060 | direct: 813.984.3061

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From: Carol Jean LoCicero
Sent: Monday, April 20, 2020 4:54 PM
To: Louise.StLaurent@flhealth.gov
Cc: Mark R. Caramanica <mcaramanica@tlolawfirm.com>
Subject: Fwd: Public Records Request

Louise,

Thank you for talking with me. Please see the request I mentioned below.

Carol

Sent from my iPhone

Begin forwarded message:

From: "Mark R. Caramanica" <mcaramanica@tlolawfirm.com>
Date: April 20, 2020 at 4:15:18 PM EDT
To: " alberto.moscoso@flhealth.gov " <alberto.moscoso@flhealth.gov>, " publicrecordsrequest@flhealth.gov " <publicrecordsrequest@flhealth.gov>, " scott.rivkees@flhealth.gov " <scott.rivkees@flhealth.gov>, " Newsmedia@flhealth.gov " <Newsmedia@flhealth.gov>, " hcpm@flhealth.gov " <hcpm@flhealth.gov>, " katie.strickland@ahca.myflorida.com " <katie.strickland@ahca.myflorida.com>, " mary.mayhew@ahca.myflorida.com " <mary.mayhew@ahca.myflorida.com>, " desantis.opengov@eog.myflorida.com " <desantis.opengov@eog.myflorida.com>, "Ferre, Helen" <Helen.Ferre@eog.myflorida.com>, " joe.jacquot@eog.myflorida.com " <joe.jacquot@eog.myflorida.com>, " publicrecordsreq@ahca.myflorida.com " <publicrecordsreq@ahca.myflorida.com>, " ahcacommunications@ahca.myflorida.com " <ahcacommunications@ahca.myflorida.com>
Cc: Carol Jean LoCicero <cloricero@tlolawfirm.com>
Subject: Public Records Request

Good afternoon,

Our law firm represents Gannett (USA Today and various FL-based news outlets); Times Publishing Company (Tampa Bay Times); Orlando Sentinel Communications Company, LLC; Sun-Sentinel Company, LLC; The Associated Press, the First Amendment Foundation, The E.W. Scripps Company (various FL broadcast stations), WP Company LLC (Washington Post), and The New York Times Company.

On the behalf of our above clients, we are making the following public records request pursuant to Chapter 119, Florida Statutes, and Article 1, Section 24 of the Florida Constitution for records detailing the following:

1. The addresses tied to the names of every Florida nursing home, assisted living facility, rehab facility, intermediate care facility for the developmentally disabled, group home for the developmentally disabled, and mental health facility (including forensic hospitals) in which at least one resident and/or staff member has tested positive for COVID-19;
2. The number of corresponding residents at each facility who have tested positive;
3. The number of corresponding staff members at each facility who have tested positive;
4. The number of corresponding residents at each facility who have died from COVID-19;
5. The number of corresponding staff members at each facility who have died from COVID-19; and
6. The number of COVID-19 tests performed at each facility, and their outcomes (positive, negative or pending) by number involving residents or staff at each facility.

FL-AHCA-20-1076-A-000406

If the above information is held in electronic, spreadsheet format please provide it in that native spreadsheet format.

If your agency asserts any exemptions in responding to the above request please specifically assert with particularity how the cited exemption applies to the withheld information, and release all other information for which no exemption is being claimed.

Please note that we also represent Miami Herald Media Company and Miami Herald reporter Carol Marbin Miller. We understand Ms. Miller made a similar, independent records request earlier today for much of the same of information detailed above. Please consider Miami Herald Media Company and Ms. Miller to be additionally included on this request.

This request also serves as written notice pursuant to Section 119.12, Florida Statutes.

Finally, we anticipate obtaining these records from you on a daily basis with updated, then-current information and therefore request you make this information proactively available daily on a publicly accessible website.

Kind regards,

Mark R. Caramanica

Thomas & LoCicero PL

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mcaramanica@tlolawfirm.com | tlolawfirm.com

ph: 813.984.3060 | direct: 813.984.3073
fax: 813.984.3070 | toll-free: 866.395.7100
601 South Boulevard, Tampa, FL 33606



Tampa | South Florida

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

THE ASSOCIATED PRESS; FIRST
AMENDMENT FOUNDATION; GANNETT CO.,
INC.; MIAMI HERALD MEDIA COMPANY;
ORLANDO SENTINEL COMMUNICATIONS CO.;
NEW YORK TIMES COMPANY; SCRIPPS
MEDIA, INC.; SUN-SENTINEL COMPANY, LLC;
TIMES PUBLISHING CO., and WP COMPANY LLC,

Plaintiffs,

Case No.: _____

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

v.

AGENCY FOR HEALTH CARE ADMINISTRATION;
SECRETARY MARY C. MAYHEW, in her official
capacity as the custodian of public records; FLORIDA
DEPARTMENT OF HEALTH; SURGEON GENERAL
SCOTT A. RIVKEES, M.D., in his official capacity as
custodian of public records; the EXECUTIVE OFFICE
OF THE GOVERNOR; and GOVERNOR RON
DESANTIS, in his official capacity as custodian of
public records;

Defendants.

_____ /

COMPLAINT TO ENFORCE PUBLIC RECORDS ACT

Pursuant to Article I, Section 24 of the Florida Constitution and Chapter 119 of the Florida Statutes, The Associated Press; the First Amendment Foundation; Gannett Co., Inc.; Miami Herald Media Company; The New York Times Company; Orlando Sentinel Communications Co.; Scripps Media, Inc.; Sun-Sentinel Company, LLC; Times Publishing Co.; and WP Company LLC (collectively, the “News Media”) file this Complaint to enforce the Florida Public Records Act against the Agency for Health Care Administration, Secretary Mary C. Mayhew, the Florida Department of Health, Surgeon General Scott A. Rivkees, M.D., the Executive Office of the Governor, and Governor Ron DeSantis.

Since the onset of COVID-19 infections in Florida long term care facilities, the News Media have pushed for access to critical records about the virus' presence there. The virus presents the greatest risk to Florida's most vulnerable, isolated, and, for some, mentally infirm, population: citizens living within our state's long-term care facilities. First, the News Media pursued access to records revealing the names of facilities. On the eve of a lawsuit and weeks after the request was made, the State released for the first time a list naming the facilities with COVID-19 cases. The names alone, however, provided little context for families. The News Media then sought records identifying information on COVID-19 infections at facilities, including infection numbers for residents by facility, infection numbers for staff by facility, resident death numbers by facility, staff death numbers by facility, and testing numbers and results. On the day that the statutory litigation notice period ran, the State released some of what the News Media requested in chart form. Most importantly, however, the State has yet to release perhaps the most critical records requested: the numbers of resident and staff deaths by facility. The need for this information is heightened given Governor DeSantis' emergency orders restricting public access to such facilities, walling off residents from outside contact. The News Media do not seek any information identifying specific residents or staff infected by the virus, but they do seek immediate access to the remaining records requested. The ongoing delay remains unlawful.

As grounds for this Complaint, the News Media state:

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction pursuant to Article V, Section 5(b) of the Florida Constitution and Section 119.11 of the Florida Statutes.
2. Venue is proper in Leon County because the public records at issue are located there.

3. All conditions precedent to this action have occurred, or have been excused or waived.

PARTIES

4. Plaintiff The Associated Press (“AP”) is an independent, not-for-profit corporation that operates in more than one hundred countries and provides news content, including original AP reporting, to its members. AP uses public records, including the records of the Defendants, as important newsgathering sources.

5. Plaintiff the First Amendment Foundation (“FAF”) is a charitable organization dedicated to open government and public access, headquartered in Tallahassee, Florida.

6. Plaintiff Gannett Co., Inc. (“Gannett”) is the largest local newspaper company in the United States. Its 260 local daily brands in 46 states and Guam—together with USA TODAY—reach an estimated digital audience of 140 million each month. Gannett publications in Florida include: *Daily Commercial*, *Daytona Beach News-Journal*, *Florida Today*, *Herald-Tribune*, *Naples Daily News*, *Northwest Florida Daily News*, *Ocala Star Banner*, *Panama City News Herald*, *Pensacola News Journal*, *Tallahassee Democrat*, *TC Palm*, *The Destin Log*, *The Florida Times-Union*, *The Gainesville Sun*, *The Ledger*, *The News-Press*, *The Palm Beach Post*, *The Star*, *The Walton Sun*, and *Washington County News*. Gannett uses public records, including the records of the Defendants, as important newsgathering sources.

7. Plaintiff Miami Herald Media Company (the “Herald”) publishes *The Miami Herald*, a newspaper of general circulation in Miami-Dade County, Florida. The Herald also maintains a news website at www.miamiherald.com. The Herald uses public records, including records of the Defendants, as important newsgathering sources.

8. Plaintiff Orlando Sentinel Communications Company (the “Sentinel”) publishes the *Orlando Sentinel*, a newspaper of general circulation in Orange County, Florida. The Sentinel also maintains a website at www.orlandosentinel.com. The Sentinel uses public records, including records of the Defendants, as important newsgathering sources.

9. Plaintiff The New York Times Company (the “NYT”) publishes *The New York Times*, a newspaper of general circulation nationwide. The NYT also maintains a news website at www.nytimes.com. The NYT uses public records, including records of the Defendants, as important newsgathering sources.

10. Plaintiff Scripps Media, Inc. (“Scripps”) owns five Florida television stations: WFTS (Tampa Bay), WFTX (Ft. Myers-Naples), WPTV (West Palm Beach), WSFL (Miami-Ft. Lauderdale) and WTXL (Tallahassee) and their associated news websites. Scripps uses public records, including records of the Defendants, as important newsgathering sources.

11. Plaintiff Sun-Sentinel Company, LLC (the “Sun Sentinel”) publishes the *South Florida Sun Sentinel*, a newspaper of general circulation, primarily in Broward County, Florida. The Sun Sentinel also maintains a news website at www.sun-sentinel.com. The Sun Sentinel uses public records, including records of the Defendants, as important newsgathering sources.

12. Plaintiff Times Publishing Co. (“TBT”) publishes the *Tampa Bay Times*, a newspaper of general circulation in the greater Tampa Bay area. TBT also maintains a news website at www.tampabay.com. TBT uses public records, including records of the Defendants, as important newsgathering sources.

13. Plaintiff WP Company LLC (“The Post”) publishes *The Washington Post*, a newspaper of general circulation nationwide. The Post also maintains a news website at

www.washingtonpost.com. The Post uses public records, including records of the Defendants, as important newsgathering sources.

14. Defendant Agency for Health Care Administration (“AHCA”) is a public agency as defined by Section 119.011(2) of the Florida Statutes and an executive branch agency subject to Article I, Section 24 of the Florida Constitution and Chapter 119.

15. Defendant Mary C. Mayhew is the Secretary of AHCA. Secretary Mayhew is the custodian of AHCA’s public records and is sued in her official capacity.

16. Defendant Florida Department of Health (“DOH”) is a public agency as defined by Section 119.011(2) of the Florida Statutes and an executive branch component subject to Article I, Section 24 of the Florida Constitution and Chapter 119.

17. Defendant Dr. Scott A. Rivkees is Surgeon General of Florida and the State Health Officer for DOH. Dr. Rivkees is the custodian of DOH’s public records and is sued in his official capacity.

18. Defendant Executive Office of the Governor (“EOG”) is a public agency as defined by Section 119.011(2) of the Florida Statutes and part of the executive branch subject to Article I, Section 24 of the Florida Constitution and Chapter 119.

19. Defendant Ron DeSantis is the Governor of Florida. Governor DeSantis is the custodian of EOG’s public records and is sued in his official capacity.

FACTUAL BACKGROUND

Pursuing Records Concerning COVID-19 & Florida’s Long-Term Care Facilities

20. Florida’s elderly residents are among those most vulnerable to COVID-19 and at greatest risk for fatalities. Florida’s long-term care facilities include assisted living facilities, nursing homes, long-term care facilities, and other elderly care residential facilities (for ease,

collectively referred to as “Long-Term Care Facilities”). These are group homes where many of Florida’s elderly live in close proximity to one another. Due to the highly contagious nature of COVID-19, a single infection among a Long-Term Care Facility’s staff or residents can spread quickly to disastrous effect. Knowing statistics on the virus when loved ones reside in Long-Term Care Facilities where there are infections allows families and caregivers to make informed decisions regarding whether their loved ones should remain at the facility—and whether, and under what circumstances, they should be moved or brought home.

21. Records revealing information about the Long-Term Care Facilities with active cases of the virus are of obvious public importance. Beginning at least by March 23, 2020, the News Media began making various public records requests to the Defendants related to records identifying facilities where there were COVID-19 cases involving residents or staff. After the News Media pressed for the records and after a public outcry over identifying the facilities, the State began posting a facility list that is periodically updated. The list is available at the last “See the report” button here: <https://floridahealthcovid19.gov/#latest-stats>. The first list was posted on Saturday, April 18, 2020, a copy of which is attached as **Exhibit 1**. More than 300 Long-Term Care Facilities are named. From the beginning, the list was flawed.¹

¹ See, e.g., April 19 & April 20 reporting in the *Sun Sentinel* and *Orlando Sentinel*, available at: <https://www.sun-sentinel.com/coronavirus/fl-ne-coronavirus-nursing-home-nuances-20200420-sz7lj4yvf23jvuh7fgvxtsmi-story.html> and <https://www.orlandosentinel.com/coronavirus/os-ne-coronavirus-orange-county-nursing-home-list-20200419-2t2pyhgxvgjrmaoeegehi63i-story.html>. The State’s reporting on overall numbers of COVID-19 infections and deaths by county has been equally flawed. See, e.g., April 23 reporting in the *Bradenton Herald*, noting that total reported long-term care facility deaths in Manatee County are being underreported. That article is available at: <https://www.bradenton.com/news/coronavirus/article242203351.html>.

22. Certain facilities where there are known and publicly reported COVID-19 cases are not on the list. Conversely, the list contains facilities that dispute their inclusion on the list. Moreover, the list contained no information about the virus at any given facility.

23. On Monday, April 20, 2020, a public records request was sent by counsel on behalf of the News Media seeking records detailing:

1. The addresses tied to the names of every Florida nursing home, assisted living facility, rehab facility, intermediate care facility for the developmentally disabled, group home for the developmentally disabled, and mental health facility (including forensic hospitals) in which at least one resident and/or staff member has tested positive for COVID-19;

2. The number of corresponding residents at each facility who have tested positive;

3. The number of corresponding staff members at each facility who have tested positive;

4. The number of corresponding residents at each facility who have died from COVID-19;

5. The number of corresponding staff members at each facility who have died from COVID-19; and

6. The number of COVID-19 tests performed at each facility, and their outcomes (positive, negative or pending) by number involving residents or staff at each facility.

See Exhibit 2. Earlier the same day, the Herald made a similar public records request. See Exhibit

3. For ease of reference, the records requested in **Exhibits 2** and **3** are collectively referred to herein as the “Long-Term Care Facilities COVID-19 Records.”

24. The News Media’s public records requests found at **Exhibits 2** and **3** do not seek any information that would personally identify individuals who have been diagnosed with COVID-19.

25. The public records requests were acknowledged by the Defendants. Despite repeated requests for information on the status of the request, no records were provided or release dates given. Then today, Monday, April 27, 2020, the very day the attorneys' fee litigation notice period expired, the State released a chart with additional information about the virus by facility: <https://floridahealthcovid19.gov/wp-content/uploads/2020/04/lcf-list.pdf>. A copy of this chart is attached as **Exhibit 4**. The chart, however, does not contain all of the information requested -- most importantly, records revealing staff and resident deaths by facility.

26. An enormous amount of time and effort have been invested in obtaining records providing information about COVID-19 infections in specific Long Term Care Facilities. Still, the State has released no records revealing death totals by facility. The public cannot continue to wait for the crucial fatality information contained in the records sought by the News Media.

The Public Emergency & Long-Term Care Facilities

27. The State has taken extraordinary steps related to controlling COVID-19 spread. On March 1, 2020, Governor DeSantis issued Executive Order 20-51. A true and correct copy of that order is attached as **Exhibit 5**. In that order, Governor DeSantis recognized that COVID-19 "is a severe acute respiratory illness that can spread among humans through respiratory transmission" and directed Dr. Rivkees to declare a state of emergency within Florida due to the worldwide COVID-19 outbreak. See id. at pp. 1-2.

28. Eight days later, on March 9, 2020, Governor DeSantis issued Executive Order 20-52. A true and correct copy of that order is attached as **Exhibit 6**. That order again recognized the public health threat posed by COVID-19 "to the entire State of Florida" and the need for social distancing/enhanced personal hygiene habits to help prevent its spread. See id. at pp. 1-2.

Governor DeSantis also noted that he is “responsible for meeting the dangers presented to this state and its people by this emergency.” See id. at p. 2.

29. Recognizing the particular threat COVID-19 poses to Long-Term Care Facilities’ populations, the Division of Emergency Management (“DEM”), at Governor DeSantis’ direction, has issued orders specifically designed to prevent COVID-19 spread within such facilities.

30. On March 11, 2020, DEM issued an order prohibiting Long-Term Care Facility access to persons showing symptoms of respiratory infection, persons who have had recent contact with anyone infected with COVID-19, and those who have recently traveled internationally or on a cruise ship. See DEM Order No. 20-002, Mar. 11, 2020 at p. 2. A true and correct copy of the order is attached as **Exhibit 7**.

31. DEM followed up four days later by issuing an additional order further restricting access to Long-Term Care Facilities. See DEM Order No. 20-006, Mar. 15, 2020. A true and correct copy of the order is attached as **Exhibit 8**. Among other things, this second order prohibited “the entry of any individual” except under certain limited and enumerated circumstances. Notably, the order permits entry only by “family members, friends, and visiting residents in end-of-life situations.” See id. at p. 2.

32. The State is tracking incidents of COVID-19 in Long-Term Care Facilities. Since approximately March 16, 2020, it has produced daily (twice daily until April 24) COVID-19 Data Daily Reports² that provide the total number of COVID-19 cases diagnosed in Long-Term Care Facilities by county. They do not further identify numbers of cases by specific Long-Term Care Facility. Examples of these county-by-county breakdowns for Long-Term Care Facilities taken

² The most recent daily report, along with a daily report archive, can be found at: <https://floridadisaster.org/covid19/>.

from the April 21-24 daily reports are attached as **Composite Exhibit 9**. In the span of just four days, reported cases in such facilities jumped from 2,153 to 2,682. See id.

33. The April 24 report reveals that Miami-Dade County and Broward County together account for approximately 33% of total reported Long-Term Care Facility cases (907 cases). See id. Leon County had seen the tenth largest outbreak of Long-Term Care Facility COVID-19 cases with 72. See id.

34. The April 24 data also shows that counties with smaller populations are not immune from COVID-19 spread. Suwannee County in fact had more cases than Leon County, reporting 92 total cases within Long-Term Care Facilities. See id. Likewise, Clay County also experienced disproportionately high infections rates (124 cases). See id.

35. The daily reports breakdown by county the total number of deaths at Long Term Care Facilities. All told, as of April 24 approximately 28% of all reported COVID-19 deaths (296) occurred at Long-Term Care Facilities. See Exhibit 10 (also noting that as of April 24, 1,046 total COVID-19 deaths occurred in Florida).³ By today, Monday, April 27, 2020, the death toll in Long Term Care Facilities had risen to 319.

³ These figures surpass national statistics showing that, overall, approximately 20% of all COVID-19 deaths are linked to nursing home facilities. See, e.g., an April 17, 2020 *New York Times* article analyzing those nationwide figures, available at: <https://www.nytimes.com/2020/04/17/us/coronavirus-nursing-homes.html>. In that article, former New York lieutenant government Betsy McCaughney—who founded the Committee to Reduce Infection Deaths—described nursing homes as “death pits,” noting that “[o]ne Covid-positive patient in a nursing home produces carnage.” A recent *Washington Post* article reported even starker statistics for European long-term care facilities, where half of all COVID-19 deaths in Europe are linked to such facilities. A copy of that article is available at: https://www.washingtonpost.com/world/europe/nursing-homes-coronavirus-deaths-europe/2020/04/23/d635619c-8561-11ea-81a3-9690c9881111_story.html.

36. Governor DeSantis has also been vocal about the relatively large number of COVID-19 deaths experienced at a Broward County Long-Term Care Facility he publicly named, Atria Willow Wood. On March 20, 2020, Governor DeSantis accused the facility of failing to take necessary precautions and putting their residents at risk and demanded Long-Term Care Facility administrators take action to protect their residents.⁴

37. As of April 6, 2020, seven COVID-19 deaths had occurred at Atria Willow Wood and an additional twelve residents were infected.⁵

38. To stem COVID-19's spread in Florida's Long-Term Care Facilities, Governor DeSantis deployed the National Guard to aid in testing.⁶

COUNT I (Unlawful Refusal to Provide Public Records)

39. The News Media incorporate the allegations contained in paragraphs 1 through 38, and all referenced exhibits and embedded links, as if fully set forth herein.

40. The Long-Term Care Facilities COVID-19 Records, specifically including the records related to staff and resident deaths by facility, are public records as encompassed by Article

⁴ See video of the Governor's March 20, 2020 press conference, available at: <https://www.miamiherald.com/news/coronavirus/article241405066.html>, and a March 24, 2020 press conference where Governor DeSantis called Atria Willow Wood's negligent actions potentially criminal, available at: <https://www.sun-sentinel.com/c3b1b8ec-ade7-4815-a3a8-ce5e1e128068-132.html>. See also a March 26, 2020 *Miami Herald* editorial regarding Governor DeSantis' comments on the facility's diagnoses, along with a call for greater transparency, available at: <https://www.miamiherald.com/opinion/editorials/article241526761.html>.

⁵ See an April 6, 2020 *South Florida Sun Sentinel* news article reporting on the matter, available at: <https://www.sun-sentinel.com/coronavirus/fl-ne-seventh-senior-dies-atria-willow-wood-nursing-home-20200406-aydoubzjnh2lm3vq4eromxcm-story.html>.

⁶ See an April 13, 2020 *Miami Herald* news article reporting on this decision, available at: <https://www.miamiherald.com/news/politics-government/state-politics/article241982526.html>.

I, Section 24(a) of the Florida Constitution, defined in Section 119.011(12) of the Florida Statutes, and interpreted by Florida courts.

41. The constitutional right of access to public records applies to “any public body, officer, or employee of the state, or persons acting on their behalf . . .” Art. I, § 24, Fla. Const. AHCA, DOH, and EOG are “public bodies” under Article I, Section 24 of the Florida Constitution.

42. AHCA, DOH, and EOG are also public agencies as defined in Section 119.011(2) of the Florida Statutes. Secretary Mayhew, Dr. Rivkees, and Governor DeSantis are the respective custodians of the public records of AHCA, DOH, and EOG.

43. The Defendants have both a constitutional and statutory legal obligation pursuant to Section 119.07 of the Florida Statutes to provide access to and copies of any non-exempt public records upon request.

44. No public records law exemptions exist that would prevent the inspection or copying of the Long-Term Care Facilities COVID-19 Records, specifically including those records related to COVID-19 deaths in Long Term Care Facilities.

45. The Defendants have failed and refused to provide all of the Long-Term Care Facilities COVID-19 Records.

46. The Defendants’ failure and refusal to provide all of the Long-Term Care Facilities COVID-19 Records violates Chapter 119 of the Florida Statutes, and Article I, Section 24(a) of the Florida Constitution, and is unlawful.

REQUEST FOR IMMEDIATE HEARING

47. Section 119.11(1) of the Florida Statutes provides that courts are to set immediate hearings in actions to enforce the provisions of the Public Records Act and are to give such cases priority over other pending cases. See Salvador v. Fennelly, 593 So. 2d 1091, 1094 (Fla. 4th DCA

1992) (recognizing the importance of the statutory provision for immediate hearings in Public Records Act cases because “time can be an important element in the right of access to public records”).

48. As the Florida Supreme Court has recognized: “News delayed is news denied.” State ex. Rel. Miami Herald Publ’g Co. v. McIntosh, 340 So. 2d 904, 910 (Fla. 1976). The News Media therefore request an immediate hearing (telephonic or otherwise) and that this case be given priority over other pending cases. Accordingly, any delay in producing public records beyond the limited time required to retrieve records and review/redact for exemption is unlawful. See Tribune Co. v. Cannella, 458 So. 2d 1075, 1078-79 (Fla. 1984) (rejecting agency policy of automatic 48-hour delay before releasing public records). In addition to the requirements of Chapter 119, the present public need for the information contained in the requested records justifies an immediate hearing.

REQUEST FOR ATTORNEYS’ FEES

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

50. To the extent applicable, the News Media have complied with the written notice provisions set forth in Section 119.12(1)(b) of the Florida Statutes related to the recoupment of attorneys’ fees.

51. The News Media have retained undersigned counsel in this matter and are obligated to pay to counsel attorneys' fees, costs, and expenses in connection with this matter. Counsel is entitled to a reasonable attorneys' fee.

52. The News Media will serve a copy of this lawsuit on the Department of Financial Services per Section 284.30, Florida Statutes.

RELIEF REQUESTED

WHEREFORE, the News Media request that this Court:

- (a) Set an immediate hearing pursuant to Section 119.11(1) of the Florida Statutes;
- (b) Find that the Long-Term Care Facilities COVID-19 Records are public records subject to disclosure under the Public Records Act and Article I, Section 24 of the Florida Constitution, to which no valid exemption applies;
- (c) Find that the Defendants unlawfully refused to permit access to those portions of the Long-Term Care Facilities COVID-19 Records yet to be released, specifically including the records relating to staff and resident deaths by facility, in violation of the Public Records Act and Article I, Section 24 of the Florida Constitution;
- (d) Order the Defendants to immediately provide to the News Media all outstanding records responsive to the News Media's public records requests at issue in this lawsuit;
- (e) Award the News Media their reasonable attorneys' fees, costs, and expenses incurred in this action, as provided in Section 119.12 of the Florida Statutes; and
- (f) Grant the News Media such additional and further relief as this Court deems just and proper.

Dated: April 27, 2020

Respectfully submitted,

THOMAS & LOCICERO PL

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Attorneys for Plaintiffs

EXHIBIT 1

Data in this table are provisional and subject to change.

| Facility name | County |
|--|----------|
| Oak Hammock At The University Of Florida | Alachua |
| Parklands Care Center | Alachua |
| Macclenny Nursing And Rehab Center | Baker |
| W Frank Wells Nursing Home | Baker |
| Riverwood Health & Rehabilitation Center | Bradford |
| Windsor Health And Rehabilitation Center | Bradford |
| Brookdale Melbourne | Brevard |
| Life Care Center Of Palm Bay | Brevard |
| Sonata Viera | Brevard |
| Victoria Landing Alf | Brevard |
| Viera Health And Rehabilitation Center | Brevard |
| Zon Beachside Llc | Brevard |
| Alexander "Sandy" Nininger State Veterans Nursing Home | Broward |
| Atria Tamarac | Broward |
| Atria Willow Wood | Broward |
| Avalon Park Retirement Residence Inc. | Broward |
| Belmont Village Assisted Living | Broward |
| Bright Horizons Of Ramblewood Inc. | Broward |
| Broward Nursing & Rehabilitation Center | Broward |
| Buckingham Place Llc | Broward |
| Colony Club Alf (The) | Broward |
| Court At Palm Aire The | Broward |
| Covenant Village Care Center | Broward |
| Cross Pointe Care Center | Broward |
| Five Star Premier Residences Of Hollywood | Broward |
| Five Star Premier Residences Of Plantation | Broward |
| Five Star Premier Residences Of Pompano Beach | Broward |
| Ft Lauderdale Health And Rehabilitation Center | Broward |
| Golden Age Manor Alf | Broward |
| Golfcrest Healthcare Center | Broward |
| Harborchase Of Coral Springs | Broward |
| Harborchase Of Tamarac | Broward |
| Hillcrest Health Care And Rehabilitation Center | Broward |
| Horizon Club (The) | Broward |
| Leisure Living Of Victoria Park | Broward |
| Life Care Center Of Inverrary | Broward |
| Manor Pines Convalescent Center | Broward |
| Memorial Manor | Broward |
| Nspire Healthcare Plantation | Broward |
| Oakmonte Village Of Davie | Broward |
| Palms Care Center | Broward |
| Park Summit At Coral Springs | Broward |
| Pompano Health And Rehabilitation Center | Broward |
| Presidential Place | Broward |
| Saejca'S Castle Llc | Broward |

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| St. John'S Nursing Center | Broward |
| Sunrise Health And Rehabilitation Center | Broward |
| Tamarac Rehabilitation And Health Center, Inc. | Broward |
| The Preserve At Palm Aire | Broward |
| The Sheridan At Cooper City | Broward |
| Villa Rio Vista | Broward |
| Douglas Jacobson State Veterans Nursing Home | Charlotte |
| Harbour Health Center | Charlotte |
| Port Charlotte Rehabilitation Center | Charlotte |
| Signature Healthcare Of Port Charlotte | Charlotte |
| South Port Square Senior Living Facility | Charlotte |
| Crown Court | Citrus |
| Brookdale Orange Park | Clay |
| Diamond Alf Llc | Clay |
| Governors Creek Health And Rehabilitation | Clay |
| Heartland Health Care Center - Orange Park | Clay |
| Isle Health And Rehabilitation Center | Clay |
| Seagrass Village Of Fleming Island | Clay |
| All Seasons Of Naples | Collier |
| Bentley Village | Collier |
| Keystone Place At Naples Preserve | Collier |
| Manorcare Nursing And Rehabilitation Center | Collier |
| Naples Green Village | Collier |
| Blessing Alf Llc | Dade |
| Bosch Alf Inc | Dade |
| Buena Vista Assisted Living | Dade |
| Claridge House Nursing & Rehabilitation Center | Dade |
| Coral Gables Nursing And Rehabilitation Center | Dade |
| Cross Gardens Care Center | Dade |
| East Ridge Retirement Village Inc | Dade |
| Epworth Village Retirement Community | Dade |
| Floridean Nursing And Rehabilitation Center The | Dade |
| Fountain Manor Health & Rehabilitation Center | Dade |
| Franco Nursing & Rehabilitation Center | Dade |
| Golden Glades Nursing And Rehabilitation Center | Dade |
| Hainat Inc | Dade |
| Hialeah Nursing And Rehabilitation Center | Dade |
| Jackson Memorial Long Term Care Center | Dade |
| Jean Carlos Alf Inc | Dade |
| Krystal Bay Nursing And Rehabilitation | Dade |
| Marla Grove Alf Inc | Dade |
| Miami Cerebral Palsy Residential Services | Dade |
| Miami Cerebral Palsy Residential Services | Dade |
| Miami Jewish Health Systems Inc. | Dade |
| Miami Shores Nursing And Rehab Center | Dade |
| New Age Adultcare Inc | Dade |
| North Beach Rehabilitation Center | Dade |

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| North Dade Nursing And Rehabilitation Center | Dade |
| Nspire Healthcare Miami Lakes | Dade |
| Palace At Homestead Llc | Dade |
| Palm Garden Of Aventura | Dade |
| Palmetto Care Center | Dade |
| Pavilion Gardens | Dade |
| Pinecrest Rehabilitation Center | Dade |
| Pines Nursing Home | Dade |
| Pointe Of North Gables | Dade |
| Ponce Plaza Nursing & Rehabilitation Center | Dade |
| Professional Home Care I | Dade |
| Regents Park At Aventura | Dade |
| Residential Plaza At Blue Lagoon | Dade |
| Riverside Care Center | Dade |
| Riviera Health Resort | Dade |
| Signature Healthcare Center Of Waterford | Dade |
| Silver Palm Assisted Living Llc | Dade |
| Sinai Plaza Nursing And Rehab Center | Dade |
| St Annes Nursing Center St Annes Residence Inc | Dade |
| Sterling Aventura | Dade |
| Sunrise Community Center | Dade |
| Susanna Wesley Health Center | Dade |
| The Palace At Coral Gables | Dade |
| Treasure Isle Care Center | Dade |
| Unity Health And Rehabilitation Center | Dade |
| University Plaza Rehabilitation And Nursing Center Inc | Dade |
| Vi At Aventura | Dade |
| Villa Maria Nursing Center | Dade |
| Villa Maria Pia Inc | Dade |
| West Gables Health Care Center | Dade |
| Arcadia Oaks Assisted Living | Desoto |
| Desoto Health And Rehab | Desoto |
| Brookdale Avondale | Duval |
| Camellia At Deerwood | Duval |
| Cathedral Gerontology Center Inc | Duval |
| Fannie E. Taylor Home For The Aged- Taylor Manor, INC | Duval |
| Jacksonville Nursing And Rehab Center | Duval |
| Lanier Rehabilitation Center | Duval |
| Palm Garden Of Jacksonville | Duval |
| Wyndham Lakes Jacksonville | Duval |
| Arcadia Health & Rehabilitation Center | Escambia |
| Asbury Place | Escambia |
| Brookdale Pensacola | Escambia |
| De Luna Health And Rehabilitation Center | Escambia |
| Homestead Village Retirement Community | Escambia |
| Olive Branch Health And Rehabilitation Center | Escambia |
| Rehabilitation Center At Park Place | Escambia |

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| Rosewood Healthcare And Rehabilitation Center | Escambia |
| Southern Oaks Care Center | Escambia |
| Specialty Health And Rehabilitation Center | Escambia |
| Westpointe Retirement Community Inc | Escambia |
| Magnolia House | Gadsden |
| Clewiston Nursing & Rehabilitation | Hendry |
| Oakbrook Health And Rehabilitation Center | Hendry |
| Palms Of Sebring (The) | Highlands |
| Freedom Plaza | Hillsborough |
| Inspired Living At Tampa | Hillsborough |
| Promise Pointe At Tampa Oaks | Hillsborough |
| Rocky Creek Village | Hillsborough |
| Harborchase Of Vero Beach | Indian River |
| Cross Landings Health And Rehabilitation Center | Jefferson |
| Adventhealth Care Center Waterman | Lake |
| Lake Eustis Health And Rehabilitation Center | Lake |
| The Cove At Tavares Village | Lake |
| American House Senior Living | Lee |
| Arbor At Shell Point (The) | Lee |
| Barkley Place | Lee |
| Cypress Cove At Healthpark Florida | Lee |
| Discovery Village At The Forum | Lee |
| Healthpark Care Center | Lee |
| Lehigh Acres Health And Rehabilitation Center | Lee |
| Life Care Center Of Estero | Lee |
| Manorcare Health Services | Lee |
| Palms Of Fort Myers | Lee |
| Shell Point Nursing Pavillion | Lee |
| Signature Healthcare At College Park | Lee |
| Springs At Shell Point Retirement Community, The | Lee |
| Springwood Court | Lee |
| Tallahassee Developmental Center | Leon |
| Williston Care Center | Levy |
| Lake Park Of Madison Nursing And Rehabilitation Center | Madison |
| Braden River Rehabilitation Center Llc | Manatee |
| Bradenton Health Care | Manatee |
| Brookdale Bradenton Gardens | Manatee |
| Casa Mora Rehabilitation And Extended Care | Manatee |
| Manatee Springs Rehabilitation And Nursing Center | Manatee |
| Residence At Bay Vue | Manatee |
| Riviera Palms Rehabilitation Center | Manatee |
| Westminster Point Pleasant | Manatee |
| Pacifica Senior Living Ocala | Marion |
| Palm Garden Of Ocala | Marion |
| Brookdale Stuart | Martin |
| Grand Oaks Of Palm City Llc | Martin |
| Salerno Bay Health And Rehabilitation Center | Martin |

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| Terrace At Hobe Sound, The | Martin |
| Life Care Center Of Hilliard | Nassau |
| Fort Walton Rehabilitation Facility | Okaloosa |
| Manor At Blue Water Bay The | Okaloosa |
| Adventist Care Center Orlando North | Orange |
| Bridge Assisted Living At Life Care Center Of Orlando (The) | Orange |
| Encore At Avalon Park | Orange |
| Gentry Park Orlando | Orange |
| Guardian Care Nursing & Rehabilitation Center | Orange |
| Hunters Creek Nursing And Rehab Center | Orange |
| Orlando Va Medical Center At Lake Nona - Community Living Center | Orange |
| Orlando Va Medical Center- Community Living Center Dementia Care | Orange |
| Rosewood Health And Rehabilitation Center | Orange |
| Savannah Court Of Maitland | Orange |
| Serenades By Sonata - West Orange | Orange |
| Sonata West | Orange |
| Sonata Hunter'S Creek | Osceola |
| 1 AAA Assisted Living At Wellington | Palm Beach |
| Abbey Delray Health Center | Palm Beach |
| Allegro | Palm Beach |
| Arbor Oaks At Greenacres | Palm Beach |
| Avante At Lake Worth Inc. | Palm Beach |
| Barrington Terrace At Boynton Beach | Palm Beach |
| Boulevard Rehabilitation Center | Palm Beach |
| Boynton Beach Rehabilitation Center | Palm Beach |
| Brighton Gardens Of Boca Raton | Palm Beach |
| Brookdale West Boynton Beach | Palm Beach |
| Carlisle Palm Beach The | Palm Beach |
| Colonial Assisted Living At Boynton Beach | Palm Beach |
| Cresthaven | Palm Beach |
| Fountainview | Palm Beach |
| Gardens Court The | Palm Beach |
| Hamlin Place Of Boynton Beach | Palm Beach |
| Heartland Health Care And Rehabilitation Center Of Boca Raton | Palm Beach |
| Heartland Health Care Center - Boynton Beach | Palm Beach |
| Manorcare Health Services - Boynton Beach | Palm Beach |
| Manorcare Health Services- Delray Beach | Palm Beach |
| Medicana Nursing And Rehab Center | Palm Beach |
| Morselife Health System | Palm Beach |
| North Lake Care Center | Palm Beach |
| Palm Garden Of West Palm Beach | Palm Beach |
| Regents Park Nursing & Rehabilitation Center | Palm Beach |
| Rehabilitation Center Of The Palm Beaches The | Palm Beach |
| Renaissance Health And Rehabilitation | Palm Beach |
| Sonata Boca Raton | Palm Beach |
| Sonata Boynton Beach | Palm Beach |
| Sonata Delray Beach | Palm Beach |

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| Stratford Court Of Boca Raton | Palm Beach |
| Terraces Of Lake Worth Care Center | Palm Beach |
| The Addington At Wellington Green | Palm Beach |
| The Encore At Boca Raton Rehabilitation And Nursing Center | Palm Beach |
| Vi At Lakeside Village Independent Living | Palm Beach |
| Wood Lake Health And Rehabilitation Center | Palm Beach |
| Grand Villa Of New Port Richey | Pasco |
| Royal Oaks Nursing Center | Pasco |
| Arc Of Tampa Bay: Al Hambra | Pinellas |
| Arc Of Tampa Bay: Clearwater | Pinellas |
| Arc Of Tampa Bay: Safety Harbor | Pinellas |
| Bay Tree Center | Pinellas |
| Belleair Health Care Center | Pinellas |
| Consulate Health Care of Safety Harbor | Pinellas |
| Consulate Health Care of St. Petersburg | Pinellas |
| Heron House Of Largo | Pinellas |
| Highland Pines Rehabilitation Center | Pinellas |
| Inn At Freedom Square (The) | Pinellas |
| Inn At Lake Seminole Square (The) | Pinellas |
| Lakeside Oaks Care Center | Pinellas |
| Manorcare Health Services Dunedin | Pinellas |
| Masonic Home Of Florida | Pinellas |
| Morton Plant Rehabilitation Center | Pinellas |
| Palm Garden Of Clearwater | Pinellas |
| Palm Garden Of Largo | Pinellas |
| Pinellas Point Nursing And Rehab Center | Pinellas |
| Regal Palms | Pinellas |
| Seminole Pavilion Rehabilitation & Nursing Services | Pinellas |
| South Heritage Health & Rehabilitation Center | Pinellas |
| St. Mark Assisted Living Center | Pinellas |
| St. Mark Village | Pinellas |
| Stratford Court Of Palm Harbor | Pinellas |
| Tierra Pines Center | Pinellas |
| Consulate Health Care Of Lakeland | Polk |
| Highlands Lake Center | Polk |
| Lakeland Hills Center | Polk |
| Merrill Gardens At Championsgate | Polk |
| Palm Garden Of Winter Haven | Polk |
| Vintage Care Senior Housing | Putnam |
| Arbors Of Gulf Breeze | Santa Rosa |
| A Banyan Residence | Sarasota |
| Bay Breeze Health And Rehabilitation Center | Sarasota |
| Beneva Lakes Healthcare And Rehabilitation Center | Sarasota |
| Brookdale Deer Creek Sarasota | Sarasota |
| Consulate Health Care Of Sarasota | Sarasota |
| Glenridge On Palmer Ranch Inc. | Sarasota |
| Magnolia Acres | Sarasota |

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| Magnolia Health And Rehabilitation Center | Sarasota |
| Pines Of Sarasota | Sarasota |
| Sarasota Point Rehabilitation Center | Sarasota |
| Brookdale Lake Orienta | Seminole |
| Consulate Health Care At West Altamonte | Seminole |
| Faith House Assisted Living Facility | Seminole |
| Serenades By Sonata | Seminole |
| Starling At Nocatee | St. Johns |
| Emerald Health Care Center | St. Lucie |
| Lawnwood Physical Rehabilitation Center | St. Lucie |
| The Broadmoor Alf | St. Lucie |
| Watercrest Of St Lucie West Assisted Living And Memory Care | St. Lucie |
| Buffalo Crossing Assisted Living | Sumter |
| Osprey Point Nursing Center | Sumter |
| Serenades In The Villages | Sumter |
| Suwannee Health And Rehabilitation Center | Suwannee |
| Avante At Ormond Beach Inc | Volusia |
| Coquina Center | Volusia |
| Debary Health And Rehabilitation Center | Volusia |
| Deltona Health Care | Volusia |
| Grand Villa Of Ormond Beach | Volusia |
| Majestic Oaks | Volusia |
| Chautauqua Rehabilitation And Nursing Center | Walton |

EXHIBIT 2

From: Mark R. Caramanica
Sent: Monday, April 20, 2020 4:15 PM
To: 'alberto.moscoso@flhealth.gov'; 'publicrecordsrequest@flhealth.gov'; 'scott.rivkees@flhealth.gov'; 'Newsmedia@flhealth.gov'; 'hcpm@flhealth.gov'; 'katie.strickland@ahca.myflorida.com'; 'mary.mayhew@ahca.myflorida.com'; 'desantis.opengov@eog.myflorida.com'; Ferre, Helen; 'joe.jacquot@eog.myflorida.com'; 'publicrecordsreq@ahca.myflorida.com'; 'ahcacom munications@ahca.myflorida.com'
Cc: Carol Jean LoCicero
Subject: Public Records Request

Good afternoon,

Our law firm represents Gannett (USA Today and various FL-based news outlets); Times Publishing Company (Tampa Bay Times); Orlando Sentinel Communications Company, LLC; Sun-Sentinel Company, LLC; The Associated Press, the First Amendment Foundation, The E.W. Scripps Company (various FL broadcast stations), WP Company LLC (Washington Post), and The New York Times Company.

On the behalf of our above clients, we are making the following public records request pursuant to Chapter 119, Florida Statutes, and Article 1, Section 24 of the Florida Constitution for records detailing the following:

1. The addresses tied to the names of every Florida nursing home, assisted living facility, rehab facility, intermediate care facility for the developmentally disabled, group home for the developmentally disabled, and mental health facility (including forensic hospitals) in which at least one resident and/or staff member has tested positive for COVID-19;
2. The number of corresponding residents at each facility who have tested positive;
3. The number of corresponding staff members at each facility who have tested positive;
4. The number of corresponding residents at each facility who have died from COVID-19;
5. The number of corresponding staff members at each facility who have died from COVID-19; and
6. The number of COVID-19 tests performed at each facility, and their outcomes (positive, negative or pending) by number involving residents or staff at each facility.

If the above information is held in electronic, spreadsheet format please provide it in that native spreadsheet format.

If your agency asserts any exemptions in responding to the above request please specifically assert with particularity how the cited exemption applies to the withheld information, and release all other information for which no exemption is being claimed.

Please note that we also represent Miami Herald Media Company and Miami Herald reporter Carol Marbin Miller. We understand Ms. Miller made a similar, independent records request earlier today for much of the same of information detailed above. Please consider Miami Herald Media Company and Ms. Miller to be additionally included on this request.

This request also serves as written notice pursuant to Section 119.12, Florida Statutes.

Finally, we anticipate obtaining these records from you on a daily basis with updated, then-current information and therefore request you make this information proactively available daily on a publicly accessible website.

Kind regards,

Mark R. Caramanica

Thomas & LoCicero PL

Focused on Business Litigation, Media and IP Law

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fax: 813.984.3070 | toll-free: 866.395.7100

601 South Boulevard, Tampa, FL 33606



Tampa | South Florida

EXHIBIT 3

From: Marbin, Carol <cmarbin@miamiherald.com>

Sent: Monday, April 20, 2020 11:38 AM

To: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; publicrecordsrequest@flhealth.gov; Rivkees, Scott <scott.rivkees@flhealth.gov>; News Media <Newsmedia@flhealth.gov>; hcpm@flhealth.gov; Strickland, K <Katie.Strickland@ahca.myflorida.com>; PublicRecordsReq@ahca.myflorida.com; AHCACommunications@ahca.myflorida.com; Mayhew, Mary <mary.mayhew@ahca.myflorida.com>; Desantis.OpenGovernment <Desantis.OpenGov@eog.myflorida.com>; Ferre, Helen <Helen.Ferre@eog.myflorida.com>

Cc: Mary Ellen Klas <meklas@miamiherald.com>; Casey Frank <cfrank@miamiherald.com>; Carol Jean LoCicero <cllocicero@tlolawfirm.com>; Rick Hirsch <rhirsch@miamiherald.com>

Subject: Public records under Chapter 119

Good morning.

First, we thank you for your preliminary efforts to comply with previous requests for public records.

This is a request for public records under Chapter 119 of the Florida Statutes, commonly known as the Public Records Act.

Please provide the Miami Herald the following.

An Excel or Google Sheets spreadsheet that can be updated daily containing the following information:

The names and addresses of every nursing home, assisted living facility, rehab facility, intermediate care facility for the developmentally disabled, group home for the developmentally disabled, and mental health facility (including forensic hospitals) in which at least one resident and/or staff member has tested positive for COVID-19

The number of residents who have tested positive

The number of staff members who have tested positive

The number of residents who have died, either presumptively or from a confirmed case of COVID-19

The number of staff members who have died, either presumptively or from a confirmed case of COVID-19

The number of COVID-19 tests performed, and their outcomes (positive, negative or pending) involving residents or staff of each facility

If this information is available on the spreadsheets you are maintaining, please also include a field of information for contacts between the facility and representatives either of the Department of Health or the Agency for Health Care Administration, including the date and nature of the contact.

If you decline to honor this request, either in whole or in part, please state in writing and with particularity the statutory exemption you claim as justification for your denial.

We respectfully request that you provide this information without delay. It is our position that we have been seeking these data for a month now. We believe this information is readily available to you within data sets you already maintain. There is no need to redact anything other than the column of information pertaining to the identity of the subject – which can be achieved by removing that column.

We thank you, in advance, for your help with this request.

Sincerely,

Carol Marbin Miller

—

Carol Marbin Miller

Deputy Investigations Editor

Investigative Reporting Team |

Miami Herald

305.376.3211 | cmarbin@MiamiHerald.com

3511 N.W. 91st Ave., Doral Florida 33172

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Carol Marbin Miller

Deputy Investigations Editor

Investigative Reporting Team |

Miami Herald

305.376.3211 | cmarbin@MiamiHerald.com

3511 N.W. 91st Ave., Doral Florida 33172

EXHIBIT 4

Data in this report is provisional and subject to change. The information contained in this report reflects the current available information reported by each facility's staff to the Department via the Agency for Health Care Administration's Emergency Status System. The data is not cumulative but reflects the information available for current residents and staff with cases as of yesterday's date.

| County | FacilityName | Provider Type | COVID Update (UTC) | Res COVID + | Res – COVID + Transferr ed Out | Staff COVID + |
|-------------|--|---------------|--------------------|-------------|--------------------------------|---------------|
| Grand Total | Facilities: 397 | | | 1168 | 1057 | 1130 |
| ALACHUA | OAK HAMMOCK AT THE UNIVERSITY OF FLORIDA | ALF | 4/26/2020 12:15 | 3 | 3 | 6 |
| ALACHUA | PALM GARDEN OF GAINESVILLE | NH | 4/26/2020 14:24 | 0 | 1 | 0 |
| ALACHUA | PARKLANDS CARE CENTER | NH | 4/24/2020 14:18 | 10 | 12 | 9 |
| ALACHUA | SIGNATURE HEALTHCARE OF GAINESVILLE | NH | 4/24/2020 14:24 | 0 | 1 | 0 |
| BAKER | MACCLENNY NURSING AND REHAB CENTER | NH | 4/26/2020 15:09 | 3 | 3 | 0 |
| BAKER | W FRANK WELLS NURSING HOME | NH | 4/26/2020 13:33 | 0 | 1 | 0 |
| BAY | BROOKDALE PANAMA CITY | ALF | 4/26/2020 2:36 | 0 | 0 | 1 |
| BAY | CLIFFORD CHESTER SIMS STATE VETERANS NURSING HOME | NH | 4/24/2020 14:40 | 0 | 0 | 1 |
| BAY | SEAGRASS VILLAGE OF PANAMA CITY BEACH | ALF | 4/26/2020 15:46 | 0 | 0 | 2 |
| BRADFORD | RIVERWOOD HEALTH & REHABILITATION CENTER | NH | 4/24/2020 16:54 | 5 | 2 | 1 |
| BRADFORD | WINDSOR HEALTH AND REHABILITATION CENTER | NH | 4/26/2020 13:56 | 16 | 5 | 6 |
| BREVARD | BROOKSHIRE (THE) | ALF | 4/26/2020 13:01 | 0 | 0 | 1 |
| BREVARD | GREENWOOD PLACE | ALF | 4/25/2020 21:16 | 3 | 0 | 1 |
| BREVARD | LIFE CARE CENTER OF PALM BAY | NH | 4/24/2020 12:25 | 0 | 0 | 1 |
| BREVARD | SONATA VIERA | ALF | 4/26/2020 16:26 | 7 | 0 | 2 |
| BREVARD | VICTORIA LANDING ALF | ALF | 4/26/2020 12:03 | 0 | 1 | 0 |
| BREVARD | VISTA MANOR | NH | 4/24/2020 12:26 | 0 | 0 | 1 |
| BREVARD | WASHINGTON SQUARE | ICF-DD | 4/23/2020 15:27 | 0 | 0 | 1 |
| BREVARD | ZON BEACHSIDE LLC | ALF | 4/24/2020 16:02 | 0 | 0 | 2 |
| BROWARD | ALEXANDER "SANDY" NININGER STATE VETERANS NURSING HOME | NH | 4/25/2020 16:26 | 4 | 13 | 0 |
| BROWARD | ATRIA TAMARAC | ALF | 4/24/2020 13:55 | 2 | 0 | 1 |
| BROWARD | ATRIA WILLOW WOOD | ALF | 4/26/2020 17:28 | 21 | 4 | 1 |
| BROWARD | AVALON PARK RETIREMENT RESIDENCE, INC. | ALF | 4/26/2020 15:21 | 3 | 6 | 1 |
| BROWARD | BARC HOUSING INC. | ICF-DD | 4/26/2020 13:01 | 0 | 0 | 1 |
| BROWARD | BRIGHT HORIZONS OF RAMBLEWOOD, INC. | ALF | 4/26/2020 13:55 | 0 | 4 | 1 |
| BROWARD | BUCKINGHAM PLACE, LLC | ALF | 4/26/2020 19:41 | 0 | 3 | 1 |
| BROWARD | COURT AT PALM AIRE, THE | NH | 4/26/2020 16:42 | 18 | 5 | 11 |
| BROWARD | COVENANT VILLAGE CARE CENTER | NH | 4/24/2020 14:20 | 2 | 2 | 9 |
| BROWARD | CROSS POINTE CARE CENTER | NH | 4/26/2020 13:29 | 0 | 2 | 3 |
| BROWARD | FIVE STAR PREMIER RESIDENCES OF HOLLYWOOD | ALF | 4/26/2020 15:47 | 4 | 0 | 5 |
| BROWARD | FIVE STAR PREMIER RESIDENCES OF PLANTATION | ALF | 4/26/2020 13:45 | 1 | 1 | 1 |
| BROWARD | FT LAUDERDALE HEALTH AND REHABILITATION CENTER | NH | 4/26/2020 14:46 | 4 | 2 | 2 |
| BROWARD | GLADES WEST REHABILITATION AND NURSING CENTER | NH | 4/24/2020 12:47 | 0 | 2 | 1 |
| BROWARD | GOLFCREST HEALTHCARE CENTER | NH | 4/24/2020 16:29 | 0 | 9 | 4 |
| BROWARD | HARBORCHASE OF TAMARAC | ALF | 4/25/2020 15:02 | 0 | 6 | 9 |
| BROWARD | HILLCREST HEALTH CARE AND REHABILITATION CENTER | NH | 4/26/2020 13:33 | 0 | 3 | 5 |
| BROWARD | LIFE CARE CENTER OF INVERRARY | NH | 4/26/2020 13:59 | 1 | 2 | 5 |
| BROWARD | LINCOLN MANOR | ALF | 4/26/2020 11:20 | 0 | 0 | 1 |
| BROWARD | LIVING BY FAITH, INC | ALF | 4/26/2020 17:33 | 0 | 0 | 4 |
| BROWARD | MANOR OAKS NURSING & REHABILITATION CENTER | NH | 4/26/2020 12:51 | 0 | 0 | 3 |
| BROWARD | MANOR PINES CONVALESCENT CENTER | NH | 4/24/2020 14:14 | 39 | 11 | 26 |
| BROWARD | MARGATE HEALTH AND REHABILITATION CENTER | NH | 4/26/2020 12:05 | 1 | 3 | 1 |
| BROWARD | MEMORIAL MANOR | NH | 4/24/2020 14:49 | 0 | 9 | 14 |
| BROWARD | NORTH LAKE RETIREMENT HOME INC | ALF | 4/24/2020 13:32 | 0 | 0 | 1 |
| BROWARD | NSPIRE HEALTHCARE LAUDERHILL | NH | 4/24/2020 23:22 | 6 | 7 | 2 |
| BROWARD | NSPIRE HEALTHCARE PLANTATION | NH | 4/23/2020 20:45 | 6 | 4 | 1 |
| BROWARD | NSPIRE HEALTHCARE TAMARAC | NH | 4/26/2020 14:03 | 0 | 2 | 4 |
| BROWARD | OAKMONTE VILLAGE OF DAVIE | ALF | 4/26/2020 11:46 | 1 | 2 | 2 |
| BROWARD | OMEGA GROUP OF SOUTH FLORIDA, INC. | ALF | 4/25/2020 14:04 | 1 | 1 | 0 |
| BROWARD | PACIFICA SENIOR LIVING FOREST TRACE | ALF | 4/24/2020 15:16 | 1 | 0 | 1 |
| BROWARD | PALMS CARE CENTER | NH | 4/23/2020 22:23 | 3 | 8 | 6 |
| BROWARD | PARK SUMMIT AT CORAL SPRINGS | ALF | 4/25/2020 21:38 | 0 | 2 | 0 |
| BROWARD | PENINSULA (THE) | ALF | 4/24/2020 11:57 | 0 | 0 | 1 |
| BROWARD | POMPANO HEALTH AND REHABILITATION CENTER | NH | 4/26/2020 14:28 | 2 | 0 | 5 |
| BROWARD | PRESIDENTIAL PLACE | ALF | 4/25/2020 14:00 | 0 | 5 | 2 |
| BROWARD | REGENTS PARK OF SUNRISE | NH | 4/26/2020 12:42 | 0 | 0 | 1 |

| | | | | | | |
|-----------|---|--------|-----------------|----|----|----|
| BROWARD | SAEJCA'S CASTLE LLC | ALF | 4/26/2020 12:53 | 0 | 5 | 1 |
| BROWARD | SELA ALF, INC. | ALF | 4/26/2020 16:59 | 4 | 0 | 0 |
| BROWARD | SOLARIS HEALTHCARE COCONUT CREEK | NH | 4/26/2020 13:36 | 0 | 1 | 1 |
| BROWARD | SPRINGTREE REHABILITATION & HEALTH CARE CENTER | NH | 4/26/2020 12:53 | 0 | 0 | 2 |
| BROWARD | ST JOSEPH RESIDENCE, INC. | ALF | 4/26/2020 13:39 | 0 | 0 | 1 |
| BROWARD | ST. JOHN'S NURSING CENTER | NH | 4/26/2020 20:58 | 0 | 1 | 1 |
| BROWARD | SUNRISE HEALTH AND REHABILITATION CENTER | NH | 4/24/2020 13:45 | 0 | 0 | 1 |
| BROWARD | TAMARAC REHABILITATION AND HEALTH CENTER, INC. | NH | 4/26/2020 13:15 | 1 | 1 | 3 |
| BROWARD | THE COURT AT PALM AIRE | ALF | 4/26/2020 14:01 | 0 | 1 | 1 |
| BROWARD | THE HORIZON CLUB | ALF | 4/26/2020 20:18 | 0 | 1 | 1 |
| BROWARD | THE PRESERVE AT PALM AIRE | ALF | 4/26/2020 13:56 | 0 | 1 | 1 |
| BROWARD | THE RESIDENCE AT DANIA BEACH | ALF | 4/25/2020 19:02 | 0 | 0 | 1 |
| BROWARD | THE SHERIDAN AT COOPER CITY | ALF | 4/26/2020 13:15 | 0 | 1 | |
| BROWARD | VILLA RIO VISTA | ALF | 4/26/2020 13:34 | 1 | 1 | 0 |
| BROWARD | WEST BROWARD REHABILITATION AND HEALTHCARE | NH | 4/26/2020 13:51 | 0 | 0 | 1 |
| CHARLOTTE | CONSULATE HEALTH CARE OF PORT CHARLOTTE | NH | 4/26/2020 12:58 | 0 | 0 | 1 |
| CHARLOTTE | DOUGLAS JACOBSON STATE VETERANS NURSING HOME | NH | 4/26/2020 12:12 | 0 | 0 | 2 |
| CHARLOTTE | HARBOUR HEALTH CENTER | NH | 4/24/2020 14:35 | 25 | 6 | 7 |
| CHARLOTTE | HARBOUR TERRACE | ALF | 4/26/2020 20:14 | 17 | 8 | |
| CHARLOTTE | LIFE CARE CENTER OF PUNTA GORDA | NH | 4/26/2020 13:38 | 5 | 3 | 1 |
| CHARLOTTE | PORT CHARLOTTE REHABILITATION CENTER | NH | 4/26/2020 13:10 | 20 | 1 | 5 |
| CHARLOTTE | SIGNATURE HEALTHCARE OF PORT CHARLOTTE | NH | 4/24/2020 14:21 | 0 | 0 | 2 |
| CHARLOTTE | VILLAGE PLACE HEALTH AND REHABILITATION CENTER | NH | 4/26/2020 21:26 | 0 | 1 | 0 |
| CLAY | ALLEGRO | ALF | 4/26/2020 12:14 | 0 | 1 | 0 |
| CLAY | BROOKDALE ORANGE PARK | ALF | 4/26/2020 14:03 | 0 | 0 | 1 |
| CLAY | DIAMOND ALF, LLC | ALF | 4/24/2020 18:09 | 9 | 2 | 4 |
| CLAY | GOVERNORS CREEK HEALTH AND REHABILITATION | NH | 4/24/2020 13:36 | 26 | 5 | 15 |
| CLAY | HEARTLAND HEALTH CARE CENTER - ORANGE PARK | NH | 4/24/2020 12:26 | 32 | 11 | 14 |
| CLAY | ISLE HEALTH & REHABILITATION CENTER | NH | 4/26/2020 13:12 | 0 | 0 | 1 |
| CLAY | LIFE CARE CENTER AT WELLS CROSSING | NH | 4/26/2020 13:05 | 0 | 1 | 0 |
| CLAY | LIFE CARE CENTER OF ORANGE PARK | NH | 4/25/2020 13:54 | 0 | 0 | 1 |
| CLAY | SEAGRASS VILLAGE OF FLEMING ISLAND | ALF | 4/26/2020 12:43 | 1 | 0 | 7 |
| CLAY | SIGNATURE HEALTHCARE OF ORANGE PARK | NH | 4/26/2020 14:21 | 0 | 0 | 1 |
| COLLIER | ALL SEASONS IN NAPLES LLC | ALF | 4/25/2020 12:46 | 2 | 1 | 2 |
| COLLIER | BENTLEY CARE CENTER | NH | 4/26/2020 0:52 | 1 | 0 | 1 |
| COLLIER | BENTLEY VILLAGE | ALF | 4/26/2020 13:46 | 0 | 0 | 6 |
| COLLIER | HERITAGE HEALTHCARE AND REHABILITATION CENTER | NH | 4/26/2020 14:31 | 0 | 0 | 2 |
| COLLIER | KEYSTONE PLACE AT NAPLES PRESERVE | ALF | 4/26/2020 12:43 | 0 | 1 | 1 |
| COLLIER | MANORCARE NURSING AND REHABILITATION CENTER | NH | 4/26/2020 16:40 | 11 | 11 | 5 |
| COLLIER | NAPLES GREEN VILLAGE | ALF | 4/23/2020 15:10 | 2 | 0 | 0 |
| COLLIER | ORCHID TERRACE | ALF | 4/26/2020 19:28 | 0 | 0 | 1 |
| COLLIER | TERRACINA GRAND | ALF | 4/23/2020 19:37 | 2 | 0 | 0 |
| COLLIER | TUSCANY VILLA OF NAPLES | ALF | 4/26/2020 12:49 | 1 | 0 | 0 |
| DESOTO | ARCADIA OAKS ASSISTED LIVING | ALF | 4/26/2020 13:37 | 0 | 1 | 0 |
| DUVAL | BARTRAM CROSSING | NH | 4/24/2020 13:13 | 0 | 0 | 2 |
| DUVAL | BARTRAM LAKES ASSISTED LIVING | ALF | 4/24/2020 13:17 | 0 | 0 | 1 |
| DUVAL | BROOKDALE AVONDALE | ALF | 4/23/2020 21:54 | 2 | 0 | 1 |
| DUVAL | CAMELLIA AT DEERWOOD | ALF | 4/26/2020 13:09 | 19 | 17 | 8 |
| DUVAL | CATHEDRAL GERONTOLOGY CENTER, INC | NH | 4/25/2020 12:45 | 1 | 0 | 0 |
| DUVAL | CYPRESS VILLAGE | NH | 4/24/2020 14:40 | 1 | 0 | 0 |
| DUVAL | DOLPHIN POINTE HEALTH CARE CENTER | NH | 4/26/2020 14:32 | 13 | 3 | 0 |
| DUVAL | FANNIE E. TAYLOR HOME FOR THE AGED-TAYLOR MANOR, INC. | ALF | 4/26/2020 12:29 | 6 | 0 | 2 |
| DUVAL | FLORIDA MENTOR | ICF-DD | 4/26/2020 14:27 | 7 | 0 | 0 |
| DUVAL | HARTS HARBOR HEALTH CARE CENTER | NH | 4/24/2020 15:08 | 0 | 1 | 2 |
| DUVAL | JACKSONVILLE NURSING AND REHAB CENTER | NH | 4/24/2020 14:16 | 1 | 0 | 1 |
| DUVAL | LANIER REHABILITATION CENTER | NH | 4/26/2020 13:25 | 0 | 1 | 4 |
| DUVAL | WYNDHAM LAKES JACKSONVILLE | ALF | 4/26/2020 15:17 | 0 | 0 | 1 |
| ESCAMBIA | ARCADIA HEALTH & REHABILITATION CENTER | NH | 4/26/2020 12:16 | 0 | 0 | 3 |
| ESCAMBIA | ASBURY PLACE | ALF | 4/23/2020 13:32 | 0 | 0 | 1 |
| ESCAMBIA | BAYSIDE HEALTH AND REHABILITATION CENTER | NH | 4/26/2020 21:15 | 1 | 0 | 2 |
| ESCAMBIA | BROOKDALE PENSACOLA | ALF | 4/24/2020 14:24 | 3 | 0 | 6 |
| ESCAMBIA | DE LUNA HEALTH AND REHABILITATION CENTER | NH | 4/26/2020 13:04 | 0 | 0 | 1 |
| ESCAMBIA | FLORIDA MENTOR | ICF-DD | 4/26/2020 11:52 | 0 | 0 | 1 |
| ESCAMBIA | HOMESTEAD VILLAGE RETIREMENT COMMUNITY | ALF | 4/26/2020 14:10 | 0 | 0 | 2 |
| ESCAMBIA | OLIVE BRANCH HEALTH AND REHABILITATION CENTER | NH | 4/23/2020 22:34 | 0 | 1 | 0 |

| | | | | | | |
|--------------|---|--------|-----------------|----|----|----|
| ESCAMBIA | ROSEWOOD HEALTHCARE AND REHABILITATION CENTER | NH | 4/26/2020 12:43 | 6 | 2 | 1 |
| ESCAMBIA | SOUTHERN OAKS CARE CENTER | NH | 4/26/2020 13:51 | 87 | 5 | 15 |
| ESCAMBIA | SPECIALTY HEALTH AND REHABILITATION CENTER | NH | 4/26/2020 13:08 | 0 | 1 | 0 |
| FLAGLER | BROOKDALE PALM COAST | ALF | 4/26/2020 13:19 | 0 | 0 | 1 |
| FLAGLER | PRINCETON VILLAGE OF PALM COAST | ALF | 4/26/2020 12:33 | 0 | 0 | 1 |
| GADSDEN | MAGNOLIA HOUSE | ALF | 4/26/2020 13:32 | 0 | 0 | 1 |
| HENDRY | CLEWISTON NURSING & REHABILITATION | NH | 4/26/2020 14:01 | 0 | 4 | 5 |
| HENDRY | OAKBROOK HEALTH AND REHABILITATION CENTER | NH | 4/26/2020 13:02 | 6 | 3 | 2 |
| HIGHLANDS | PALMS OF SEBRING (THE) | ALF | 4/26/2020 13:07 | 0 | 0 | 1 |
| HILLSBOROUGH | ALLEGRO | ALF | 4/26/2020 14:03 | 0 | 0 | 8 |
| HILLSBOROUGH | ARBOR TERRACE AT CITRUS PARK | ALF | 4/26/2020 12:59 | 0 | 0 | 1 |
| HILLSBOROUGH | BRISTOL AT TAMPA REHABILITATION AND NURSING CENTER LLC, THE | NH | 4/26/2020 16:15 | 9 | 7 | 6 |
| HILLSBOROUGH | COMMUNITY CONVALESCENT CENTER | NH | 4/26/2020 13:09 | 0 | 1 | 0 |
| HILLSBOROUGH | CONCORDIA VILLAGE OF TAMPA | ALF | 4/25/2020 14:33 | 0 | 1 | 0 |
| HILLSBOROUGH | Gandy Crossing Care Center | NH | 4/26/2020 13:25 | 0 | 0 | 1 |
| HILLSBOROUGH | INSPIRED LIVING AT TAMPA | ALF | 4/26/2020 13:40 | 0 | 3 | 1 |
| HILLSBOROUGH | PALM GARDEN OF SUN CITY | NH | 4/26/2020 16:26 | 2 | 0 | 0 |
| HILLSBOROUGH | PLAZA WEST | NH | 4/26/2020 12:26 | 0 | 0 | 1 |
| HILLSBOROUGH | PROMISE POINTE AT TAMPA OAKS | ALF | 4/26/2020 11:32 | 1 | 1 | 0 |
| HILLSBOROUGH | ROCKY CREEK VILLAGE | ALF | 4/26/2020 8:21 | 2 | 0 | 1 |
| HILLSBOROUGH | SHADY PALMS RETIREMENT HOMES, INC | ALF | 4/26/2020 13:02 | 0 | 0 | 1 |
| HOLMES | BONIFAY NURSING AND REHAB CENTER | NH | 4/25/2020 21:21 | 0 | 0 | 1 |
| INDIAN RIVER | HARBORCHASE OF VERO BEACH | ALF | 4/26/2020 13:55 | 1 | 5 | 1 |
| INDIAN RIVER | PALM GARDEN OF VERO BEACH | NH | 4/26/2020 12:46 | 1 | | |
| INDIAN RIVER | SONATA VERO BEACH | ALF | 4/26/2020 13:37 | 1 | 0 | 0 |
| JEFFERSON | CROSS LANDINGS HEALTH AND REHABILITATION CENTER | NH | 4/24/2020 13:37 | 0 | 13 | 7 |
| LAKE | AdVENTHEALTH CARE CENTER WATERMAN | NH | 4/26/2020 11:44 | 0 | 0 | 1 |
| LAKE | LAKE EUSTIS HEALTH AND REHABILITATION CENTER | NH | 4/26/2020 14:19 | 0 | 0 | 1 |
| LAKE | SUPERIOR RESIDENCES OF CLERMONT | ALF | 4/24/2020 12:53 | 0 | 0 | 1 |
| LAKE | THE COVE AT TAVARES VILLAGE | ALF | 4/26/2020 13:44 | 0 | 1 | 0 |
| LEE | AMERICAN HOUSE FORT MYERS | ALF | 4/24/2020 14:20 | 0 | 1 | 1 |
| LEE | ARBOR AT SHELL POINT (THE) | ALF | 4/24/2020 12:45 | 0 | 1 | 0 |
| LEE | BARKLEY PLACE | ALF | 4/26/2020 12:14 | 0 | 1 | 0 |
| LEE | BROOKDALE FORT MYERS THE COLONY | ALF | 4/26/2020 13:18 | 6 | 0 | |
| LEE | CYPRESS COVE AT HEALTHPARK FLORIDA | ALF | 4/26/2020 13:49 | 0 | 0 | 1 |
| LEE | DISCOVERY VILLAGE AT THE FORUM | ALF | 4/26/2020 12:35 | 0 | | 1 |
| LEE | FORT MYERS REHABILITATION AND NURSING CENTER | NH | 4/26/2020 16:05 | 3 | 13 | |
| LEE | HEALTHPARK CARE CENTER | NH | 4/26/2020 12:56 | 0 | 10 | 9 |
| LEE | HERITAGE PARK REHABILITATION AND HEALTHCARE | NH | 4/23/2020 14:59 | 0 | 2 | 0 |
| LEE | LEHIGH ACRES HEALTH AND REHABILITATION CENTER | NH | 4/26/2020 19:56 | 2 | 3 | 3 |
| LEE | LIFE CARE CENTER OF ESTERO | NH | 4/24/2020 17:26 | 0 | 9 | 1 |
| LEE | LODGE AT CYPRESS COVE, THE | NH | 4/26/2020 13:53 | 0 | 1 | 1 |
| LEE | MANORCARE HEALTH SERVICES | NH | 4/26/2020 12:41 | 0 | 1 | 0 |
| LEE | PAGE REHABILITATION AND HEALTHCARE CENTER | NH | 4/26/2020 11:52 | 0 | 1 | 1 |
| LEE | PALMS OF FORT MYERS | ALF | 4/26/2020 13:32 | | 1 | |
| LEE | REHAB & HEALTHCARE CENTER OF CAPE CORAL | NH | 4/26/2020 12:59 | 0 | 0 | 1 |
| LEE | SHELL POINT NURSING PAVILION | NH | 4/26/2020 14:07 | 0 | 1 | 1 |
| LEE | SIGNATURE HEALTHCARE AT COLLEGE PARK | NH | 4/26/2020 0:41 | 0 | 0 | 3 |
| LEE | SPRINGS AT SHELL POINT RETIREMENT COMMUNITY, THE | ALF | 4/26/2020 10:50 | 0 | 0 | 1 |
| LEE | SPRINGWOOD COURT | ALF | 4/26/2020 13:28 | 5 | 1 | 3 |
| LEE | THE ROSE GARDEN OF FT MYERS | ALF | 4/26/2020 5:03 | 0 | 0 | 1 |
| LEE | WINDSOR AT CAPE CORAL (THE) | ALF | 4/26/2020 14:10 | 0 | 0 | 1 |
| LEE | WINKLER COURT | NH | 4/26/2020 14:06 | 0 | 0 | 1 |
| LEON | AZALEA GARDENS ALZHEIMER'S SPECIAL CARE CENTER | ALF | 4/26/2020 17:09 | 0 | 2 | 0 |
| LEON | MIRACLE HILL NURSING AND REHABILITATION CENTER, INC | NH | 4/25/2020 21:49 | 0 | 0 | 1 |
| LEON | TALLAHASSEE DEVELOPMENTAL CENTER | ICF-DD | 4/26/2020 13:38 | 34 | 0 | 45 |
| LEON | WOODMONT A PACIFICA SENIOR LIVING COMMUNITY | ALF | 4/25/2020 14:15 | 0 | 0 | 1 |
| LEVY | WILLISTON CARE CENTER | NH | 4/26/2020 14:53 | 0 | 1 | 0 |
| MADISON | LAKE PARK OF MADISON NURSING AND REHABILITATION CENTER | NH | 4/26/2020 19:17 | 15 | 2 | 9 |
| MANATEE | BRADEN RIVER REHABILITATION CENTER LLC | NH | 4/26/2020 13:54 | 26 | 11 | 27 |
| MANATEE | BRADENTON HEALTH CARE | NH | 4/26/2020 14:04 | 0 | 3 | 4 |
| MANATEE | BROOKDALE BRADENTON GARDENS | ALF | 4/26/2020 11:52 | 5 | 0 | 0 |
| MANATEE | CASA MORA REHABILITATION AND EXTENDED CARE | NH | 4/26/2020 15:55 | 10 | 3 | 1 |
| MANATEE | LIFE CARE CENTER OF SARASOTA | NH | 4/26/2020 11:34 | 0 | 0 | 1 |
| MANATEE | MANATEE SPRINGS REHABILITATION AND NURSING CENTER | NH | 4/26/2020 9:58 | 0 | 0 | 4 |

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| MANATEE | NEURORESTORATIVE FLORIDA | ALF | 4/26/2020 9:16 | 0 | 0 | 1 |
| MANATEE | RESIDENCE AT BAY VUE | ALF | 4/26/2020 11:11 | 0 | 0 | 2 |
| MANATEE | RIVIERA PALMS REHABILITATION CENTER | NH | 4/26/2020 13:06 | 19 | 15 | 36 |
| MANATEE | SURREY PLACE HEALTHCARE AND REHABILITATION | NH | 4/26/2020 13:19 | 0 | 1 | 0 |
| MANATEE | WESTMINSTER POINT PLEASANT | NH | 4/26/2020 13:40 | 0 | 1 | 0 |
| MARION | BROOKDALE CANOPY OAKS | ALF | 4/25/2020 20:39 | 0 | 0 | 1 |
| MARION | PACIFICA SENIOR LIVING OCALA | ALF | 4/26/2020 13:43 | 0 | 0 | 1 |
| MARION | PALM GARDEN OF OCALA | NH | 4/26/2020 13:31 | 3 | 1 | 7 |
| MARTIN | BROOKDALE STUART | ALF | 4/26/2020 13:16 | 0 | 0 | 3 |
| MARTIN | GRAND OAKS OF PALM CITY LLC | ALF | 4/24/2020 16:59 | 5 | 1 | 1 |
| MARTIN | SALERNO BAY HEALTH AND REHABILITATION CENTER | NH | 4/26/2020 12:59 | 1 | 0 | 0 |
| MARTIN | SHERIDAN AT HOBE SOUND, THE | ALF | 4/25/2020 13:57 | 0 | 0 | 1 |
| MARTIN | TERRACE AT HOBE SOUND, THE | NH | 4/24/2020 14:15 | 0 | 1 | 0 |
| MIAMI-DADE | ADAM HOME # 2 INC. | ALF | 4/26/2020 13:40 | 1 | 0 | 0 |
| MIAMI-DADE | ALF MANAGEMENT AND PROFESSIONAL SERVICES, INC | ALF | 4/26/2020 19:05 | 5 | 5 | 0 |
| MIAMI-DADE | ARCH PLAZA NURSING & REHABILITATION CENTER | NH | 4/24/2020 17:42 | 0 | 0 | 1 |
| MIAMI-DADE | AVENTURA REHAB AND NURSING CENTER | NH | 4/26/2020 14:09 | 6 | 16 | 9 |
| MIAMI-DADE | BUENA VISTA ASSISTED LIVING | ALF | 4/26/2020 12:46 | 2 | 2 | 0 |
| MIAMI-DADE | CLARIDGE HOUSE NURSING & REHABILITATION CENTER | NH | 4/24/2020 16:32 | 11 | 0 | 2 |
| MIAMI-DADE | CORAL GABLES NURSING AND REHABILITATION CENTER | NH | 4/24/2020 19:16 | 0 | 0 | 2 |
| MIAMI-DADE | CROSS GARDENS CARE CENTER | NH | 4/26/2020 13:56 | 0 | 19 | 7 |
| MIAMI-DADE | EAST RIDGE RETIREMENT VILLAGE, INC | ALF | 4/25/2020 14:11 | 0 | 0 | 1 |
| MIAMI-DADE | EPWORTH VILLAGE RETIREMENT COMMUNITY | ALF | 4/24/2020 14:41 | 0 | 0 | 1 |
| MIAMI-DADE | FAIR HAVENS CENTER | NH | 4/25/2020 14:53 | 6 | 6 | 9 |
| MIAMI-DADE | FLORIDEAN NURSING AND REHABILITATION CENTER, THE | NH | 4/26/2020 14:09 | 0 | 11 | 9 |
| MIAMI-DADE | FOUNTAIN MANOR HEALTH & REHABILITATION CENTER | NH | 4/26/2020 13:03 | 18 | 20 | 10 |
| MIAMI-DADE | FRANCO NURSING & REHABILITATION CENTER | NH | 4/26/2020 13:10 | 0 | 2 | 0 |
| MIAMI-DADE | GOLDEN GLADES NURSING AND REHABILITATION CENTER | NH | 4/26/2020 11:48 | 18 | 15 | 12 |
| MIAMI-DADE | HARMONY HEALTH CENTER | NH | 4/26/2020 13:55 | 2 | 0 | 2 |
| MIAMI-DADE | HAZEL CYPEN TOWER | ALF | 4/24/2020 12:21 | 0 | 3 | 0 |
| MIAMI-DADE | HIALEAH NURSING AND REHABILITATION CENTER | NH | 4/23/2020 11:47 | 0 | 0 | 1 |
| MIAMI-DADE | HOGAR DE AMOR SENIOR CARE, CORP | ALF | 4/26/2020 13:18 | 1 | 1 | 0 |
| MIAMI-DADE | JACKSON MEMORIAL LONG TERM CARE CENTER | NH | 4/26/2020 13:20 | 0 | 8 | 11 |
| MIAMI-DADE | JACKSON MEMORIAL PERDUE MEDICAL CENTER | NH | 4/26/2020 13:30 | 0 | 0 | 1 |
| MIAMI-DADE | JACKSON PLAZA NURSING AND REHABILITATION CENTER | NH | 4/26/2020 13:08 | 3 | 10 | 2 |
| MIAMI-DADE | KRYSTAL BAY NURSING AND REHABILITATION | NH | 4/24/2020 14:06 | 18 | 5 | 5 |
| MIAMI-DADE | LOG CABIN ENTERPRISES, INC. | ICF-DD | 4/24/2020 14:05 | 5 | 0 | 7 |
| MIAMI-DADE | MARLA GROVE ALF INC | ALF | 4/24/2020 14:13 | 0 | 1 | 0 |
| MIAMI-DADE | MIAMI CEREBRAL PALSY RESIDENTIAL SERVICES, INC. | ICF-DD | 4/25/2020 17:12 | 0 | 0 | 1 |
| MIAMI-DADE | MIAMI JEWISH HEALTH SYSTEMS, INC. | NH | 4/26/2020 12:48 | 16 | 36 | 41 |
| MIAMI-DADE | MIAMI SHORES NURSING AND REHAB CENTER | NH | 4/26/2020 14:07 | 24 | 14 | 14 |
| MIAMI-DADE | MIAMI-DADE COUNTY | ALF | 4/25/2020 14:12 | 6 | 1 | 1 |
| MIAMI-DADE | NEW AGE ADULTCARE INC | ALF | 4/26/2020 13:52 | 0 | 1 | 0 |
| MIAMI-DADE | NORTH BEACH REHABILITATION CENTER | NH | 4/26/2020 16:32 | 6 | 19 | 9 |
| MIAMI-DADE | NORTH DADE NURSING AND REHABILITATION CENTER | NH | 4/26/2020 11:21 | 45 | 8 | 3 |
| MIAMI-DADE | NSPIRE HEALTHCARE MIAMI LAKES | NH | 4/24/2020 13:19 | 0 | 1 | 1 |
| MIAMI-DADE | PALACE AT HOMESTEAD, LLC | ALF | 4/24/2020 22:59 | 4 | 0 | 4 |
| MIAMI-DADE | PALACE AT KENDALL | ALF | 4/24/2020 3:53 | 0 | 0 | 3 |
| MIAMI-DADE | PALM GARDEN OF AVENTURA | NH | 4/26/2020 14:46 | 8 | 9 | 9 |
| MIAMI-DADE | PALMETTO CARE CENTER | NH | 4/24/2020 13:43 | 0 | 1 | 2 |
| MIAMI-DADE | PALMETTO SUBACUTE CARE CENTER | NH | 4/26/2020 13:32 | 0 | 0 | 3 |
| MIAMI-DADE | PAVILION GARDENS | ALF | 4/26/2020 14:03 | 0 | 1 | 0 |
| MIAMI-DADE | PINECREST REHABILITATION CENTER | NH | 4/24/2020 18:47 | 0 | 5 | 7 |
| MIAMI-DADE | PINES NURSING HOME | NH | 4/26/2020 16:26 | 5 | 2 | 3 |
| MIAMI-DADE | POINTE OF NORTH GABLES | ALF | 4/26/2020 18:24 | 0 | 1 | 1 |
| MIAMI-DADE | PONCE PLAZA NURSING & REHABILITATION CENTER | NH | 4/26/2020 16:25 | 0 | 9 | 5 |
| MIAMI-DADE | PROFESSIONAL HOME CARE I | ALF | 4/26/2020 7:16 | 1 | 0 | 0 |
| MIAMI-DADE | REGENTS PARK AT AVENTURA | NH | 4/26/2020 14:57 | 5 | 8 | 4 |
| MIAMI-DADE | RESIDENTIAL PLAZA AT BLUE LAGOON | ALF | 4/24/2020 22:51 | 20 | | 12 |
| MIAMI-DADE | REVIVAL HOME, INC. | ALF | 4/24/2020 18:24 | 0 | 1 | 0 |
| MIAMI-DADE | RIVERSIDE CARE CENTER | NH | 4/26/2020 13:53 | 2 | 0 | 1 |
| MIAMI-DADE | SANDS AT SOUTH BEACH CARE CENTER, THE | NH | 4/24/2020 13:28 | 0 | 2 | 3 |
| MIAMI-DADE | SIGNATURE HEALTHCARE CENTER OF WATERFORD | NH | 4/26/2020 14:41 | 26 | 4 | 15 |
| MIAMI-DADE | SILVER PALM ASSISTED LIVING, LLC | ALF | 4/26/2020 12:09 | 0 | 10 | 2 |
| MIAMI-DADE | SINAI PLAZA NURSING AND REHAB CENTER | NH | 4/26/2020 14:14 | 10 | 5 | 5 |

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| MIAMI-DADE | SOUTH DADE NURSING AND REHABILITATION CENTER | NH | 4/26/2020 13:10 | 7 | 1 | 2 |
| MIAMI-DADE | ST ANNES NURSING CENTER, ST ANNES RESIDENCE INC | NH | 4/26/2020 15:30 | 4 | 0 | 11 |
| MIAMI-DADE | STERLING AVENTURA | ALF | 4/23/2020 16:01 | 0 | 1 | 0 |
| MIAMI-DADE | SUNSHINE ELDERLY RESIDENCES, CORP | ALF | 4/26/2020 12:42 | 1 | 1 | 0 |
| MIAMI-DADE | SUSANNA WESLEY HEALTH CENTER | NH | 4/24/2020 19:33 | | 14 | 10 |
| MIAMI-DADE | TREASURE ISLE CARE CENTER | NH | 4/26/2020 14:01 | 0 | 10 | 3 |
| MIAMI-DADE | UNITY HEALTH AND REHABILITATION CENTER | NH | 4/26/2020 14:01 | 24 | 25 | 11 |
| MIAMI-DADE | UNIVERSITY PLAZA REHABILITATION AND NURSING CENTER, INC | NH | 4/25/2020 0:13 | 7 | 7 | 6 |
| MIAMI-DADE | VI AT AVENTURA | NH | 4/24/2020 12:53 | | 1 | 2 |
| MIAMI-DADE | VILLA MARIA NURSING CENTER | NH | 4/26/2020 19:16 | 3 | 1 | 2 |
| MIAMI-DADE | VILLA MARIA PIA INC | ALF | 4/26/2020 17:34 | 1 | 1 | 0 |
| MIAMI-DADE | VILLA ROSA II INC | ALF | 4/24/2020 17:40 | 1 | 1 | 0 |
| MIAMI-DADE | WEST GABLES HEALTH CARE CENTER | NH | 4/24/2020 13:57 | 0 | 1 | 0 |
| NASSAU | LIFE CARE CENTER OF HILLIARD | NH | 4/26/2020 13:21 | 0 | 5 | 4 |
| OKALOOSA | FORT WALTON REHABILITATION CENTER, LLC | NH | 4/24/2020 15:41 | 17 | | 10 |
| OKALOOSA | MANOR AT BLUE WATER BAY, THE | NH | 4/26/2020 12:16 | 1 | 0 | 0 |
| OKEECHOBEE | OKEECHOBEE HEALTH CARE FACILITY | NH | 4/26/2020 15:26 | 0 | 0 | 1 |
| ORANGE | ADVENTHEALTH CARE CENTER ORLANDO NORTH | NH | 4/24/2020 21:53 | 0 | 0 | 1 |
| ORANGE | GENTRY PARK ORLANDO | ALF | 4/26/2020 13:26 | 0 | 0 | 1 |
| ORANGE | GUARDIAN CARE NURSING & REHABILITATION CENTER | NH | 4/24/2020 14:23 | 0 | 1 | 0 |
| ORANGE | HARBORCHASE OF DR PHILLIPS | ALF | 4/26/2020 12:54 | 0 | 0 | 1 |
| ORANGE | HUNTERS CREEK NURSING AND REHAB CENTER | NH | 4/26/2020 18:01 | 0 | 0 | 1 |
| ORANGE | PALM GARDEN OF ORLANDO | NH | 4/26/2020 15:20 | 0 | 1 | 0 |
| ORANGE | ROSEWOOD HEALTH AND REHABILITATION CENTER | NH | 4/24/2020 13:00 | 0 | 0 | 1 |
| ORANGE | SAVANNAH COURT OF MAITLAND | ALF | 4/20/2020 17:45 | 1 | 1 | 0 |
| ORANGE | SERENADES BY SONATA - WEST ORANGE | ALF | 4/26/2020 4:11 | 4 | 0 | 4 |
| ORANGE | SONATA WEST | ALF | 4/26/2020 15:47 | 1 | 0 | 4 |
| OSCEOLA | AVANTE AT ST. CLOUD, INC. | NH | 4/26/2020 13:46 | 0 | 0 | 1 |
| OSCEOLA | TERRACE OF KISSIMMEE, THE | NH | 4/26/2020 13:46 | 0 | 1 | 1 |
| OSCEOLA | TERRACE OF ST CLOUD, THE | NH | 4/26/2020 14:00 | 6 | 3 | 1 |
| PALM BEACH | 1 AAA ASSISTED LIVING AT WELLINGTON | ALF | 4/25/2020 23:12 | 2 | 2 | 2 |
| PALM BEACH | ADDINGTON PLACE AT WELLINGTON GREEN | NH | 4/24/2020 13:01 | 0 | 0 | 1 |
| PALM BEACH | ALLEGRO | ALF | 4/26/2020 14:16 | 0 | 0 | 1 |
| PALM BEACH | ALLURE LIVING CARE | ALF | 4/26/2020 14:00 | 0 | 0 | 1 |
| PALM BEACH | ARBOR OAKS AT GREENACRES | ALF | 4/25/2020 15:03 | 10 | 0 | 3 |
| PALM BEACH | AVANTE AT BOCA RATON, INC. | NH | 4/26/2020 13:50 | 0 | 2 | 3 |
| PALM BEACH | AVANTE AT LAKE WORTH, INC. | NH | 4/26/2020 13:32 | 0 | 1 | 1 |
| PALM BEACH | BARRINGTON TERRACE AT BOYNTON BEACH | ALF | 4/24/2020 18:37 | 0 | 0 | 2 |
| PALM BEACH | BARRINGTON TERRACE OF BOYNTON BEACH | NH | 4/24/2020 18:40 | 0 | 0 | 2 |
| PALM BEACH | BOULEVARD REHABILITATION CENTER | NH | 4/26/2020 14:30 | 0 | 14 | 3 |
| PALM BEACH | BOYNTON BEACH REHABILITATION CENTER | NH | 4/26/2020 13:50 | 0 | 0 | 2 |
| PALM BEACH | BRIGHTON GARDENS OF BOCA RATON | ALF | 4/24/2020 13:09 | 0 | 1 | 1 |
| PALM BEACH | BROOKDALE WEST BOYNTON BEACH | ALF | 4/24/2020 12:04 | 0 | 1 | 0 |
| PALM BEACH | CASA BELLA HOME CARE INC | ALF | 4/24/2020 19:08 | 0 | 0 | 2 |
| PALM BEACH | CRESTHAVEN | ALF | 4/26/2020 14:38 | 2 | 0 | 3 |
| PALM BEACH | GLADES HEALTH CARE CENTER | NH | 4/26/2020 14:24 | 0 | 0 | 1 |
| PALM BEACH | HAMLIN PLACE OF BOYNTON BEACH | NH | 4/25/2020 17:21 | 0 | 9 | 0 |
| PALM BEACH | HARBOUR'S EDGE | NH | 4/26/2020 13:33 | | | 1 |
| PALM BEACH | HEALTH CENTER AT SINAI RESIDENCES | ALF | 4/26/2020 13:47 | 0 | 0 | 1 |
| PALM BEACH | HEARTLAND HEALTH CARE AND REHABILITATION CENTER OF BOCA RATON | NH | 4/26/2020 13:53 | 12 | 5 | 4 |
| PALM BEACH | HEARTLAND HEALTH CARE CENTER - BOYNTON BEACH | NH | 4/26/2020 14:00 | 1 | 6 | 1 |
| PALM BEACH | LAKE VIEW CARE CENTER AT DELRAY | NH | 4/26/2020 15:47 | 0 | 3 | 2 |
| PALM BEACH | MANORCARE HEALTH SERVICES | NH | 4/26/2020 13:37 | 4 | 4 | 1 |
| PALM BEACH | MANORCARE HEALTH SERVICES - BOYNTON BEACH | NH | 4/26/2020 13:51 | 7 | 2 | 2 |
| PALM BEACH | MEDICANA NURSING AND REHAB CENTER | NH | 4/24/2020 18:16 | 2 | 11 | 9 |
| PALM BEACH | NORTH LAKE CARE CENTER | NH | 4/24/2020 14:50 | 0 | 11 | 1 |
| PALM BEACH | OAKBRIDGE TERRACE ASSISTED LIV RES - EDGEWATER AT BOCA POINTE | ALF | 4/26/2020 14:42 | 0 | 0 | 1 |
| PALM BEACH | PALM GARDEN OF WEST PALM BEACH | NH | 4/26/2020 13:34 | 4 | 3 | 2 |
| PALM BEACH | PARKSIDE INN | ALF | 4/26/2020 13:01 | 0 | 1 | 0 |
| PALM BEACH | REGENTS PARK NURSING & REHABILITATION CENTER | NH | 4/26/2020 10:35 | 4 | 10 | 8 |
| PALM BEACH | REHABILITATION CENTER OF THE PALM BEACHES,THE | NH | 4/26/2020 14:02 | 0 | 6 | 0 |
| PALM BEACH | RENAISSANCE HEALTH AND REHABILITATION | NH | 4/26/2020 13:02 | 0 | 12 | 2 |
| PALM BEACH | ROYAL PALM BEACH HEALTH AND REHABILITATION CENTER | NH | 4/26/2020 14:14 | 0 | 0 | 1 |
| PALM BEACH | SONATA BOCA RATON | ALF | 4/26/2020 14:04 | 4 | 0 | 0 |
| PALM BEACH | SONATA BOYNTON BEACH | ALF | 4/26/2020 13:07 | 0 | 0 | 1 |

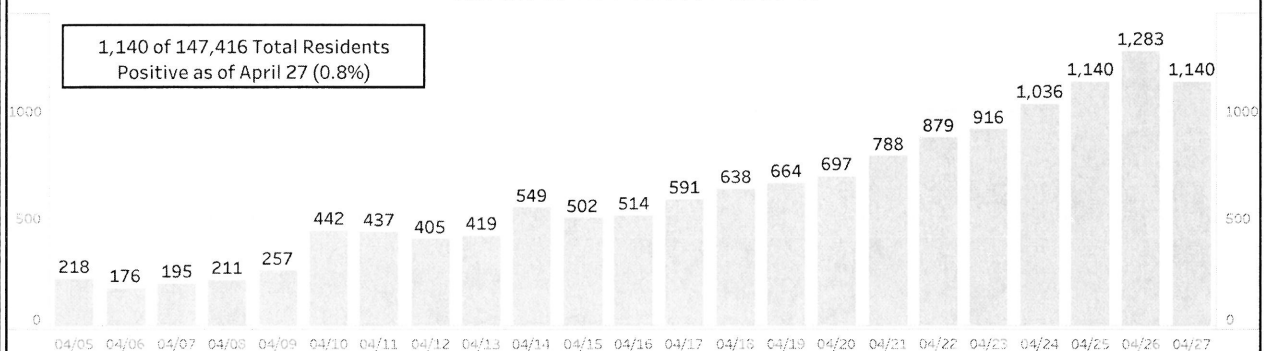
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| PALM BEACH | SONATA DELRAY BEACH | ALF | 4/26/2020 11:30 | 0 | 1 | 0 |
| PALM BEACH | STRATFORD COURT OF BOCA RATON | NH | 4/26/2020 14:15 | 4 | 6 | 3 |
| PALM BEACH | SYMPHONY AT DELRAY BEACH | ALF | 4/26/2020 13:07 | 0 | 1 | 0 |
| PALM BEACH | TERRACES OF LAKE WORTH CARE CENTER | NH | 4/24/2020 17:29 | 0 | 4 | 2 |
| PALM BEACH | THE LANDING OF LAKE WORTH | ALF | 4/26/2020 14:02 | 0 | 0 | 1 |
| PALM BEACH | THE MERIDIAN AT BOCA RATON | ALF | 4/24/2020 16:47 | 0 | 1 | 3 |
| PALM BEACH | VENTURA HEALTH AND REHABILITATION CENTER | NH | 4/26/2020 13:07 | 0 | 2 | 1 |
| PALM BEACH | WILLOWBROOKE COURT AT ST ANDREWS ESTATES | NH | 4/26/2020 13:17 | 4 | 2 | 1 |
| PALM BEACH | WILLOWBROOKE COURT SKILLED CARE CENTER- EDGEWATER AT BOCA | NH | 4/26/2020 14:47 | 1 | 0 | 1 |
| PALM BEACH | WOOD LAKE HEALTH AND REHABILITATION CENTER | NH | 4/24/2020 15:08 | 0 | 0 | 1 |
| PASCO | ROYAL OAK NURSING CENTER | NH | 4/26/2020 13:36 | 3 | 4 | 2 |
| PINELLAS | BAY TREE CENTER | NH | 4/26/2020 10:13 | 0 | 1 | 0 |
| PINELLAS | CARRINGTON PLACE OF ST PETE | NH | 4/24/2020 14:27 | 10 | 0 | 0 |
| PINELLAS | CONSULATE HEALTH CARE OF ST PETERSBURG | NH | 4/26/2020 13:09 | 0 | 0 | 1 |
| PINELLAS | FREEDOM SQUARE REHABILITATION & NURSING SERVICES | NH | 4/25/2020 21:30 | 0 | 10 | 3 |
| PINELLAS | HIGHLAND PINES REHABILITATION CENTER | NH | 4/26/2020 14:37 | 0 | 0 | 1 |
| PINELLAS | INN AT FREEDOM SQUARE (THE) | ALF | 4/26/2020 12:37 | 0 | 1 | 0 |
| PINELLAS | INN AT LAKE SEMINOLE SQUARE (THE) | ALF | 4/26/2020 14:10 | 0 | 3 | 0 |
| PINELLAS | LAKESIDE OAKS CARE CENTER | NH | 4/26/2020 13:24 | 0 | 0 | 1 |
| PINELLAS | MANORCARE HEALTH SERVICES DUNEDIN | NH | 4/24/2020 13:29 | 0 | 0 | 1 |
| PINELLAS | MASONIC HOME OF FLORIDA | ALF | 4/24/2020 14:44 | 0 | 0 | 1 |
| PINELLAS | MASONIC HOME OF FLORIDA | NH | 4/24/2020 14:45 | 0 | 0 | 1 |
| PINELLAS | MORTON PLANT REHABILITATION CENTER | NH | 4/26/2020 13:36 | | | 1 |
| PINELLAS | PALM GARDEN OF LARGO | NH | 4/26/2020 13:51 | 0 | 1 | 2 |
| PINELLAS | PALM GARDEN OF PINELLAS | NH | 4/26/2020 17:46 | 1 | 0 | 0 |
| PINELLAS | PATRICK MANOR INC | ALF | 4/26/2020 12:49 | 0 | 2 | 0 |
| PINELLAS | PINELLAS POINT NURSING AND REHAB CENTER | NH | 4/23/2020 18:53 | 4 | 3 | 3 |
| PINELLAS | REGAL PALMS | ALF | 4/17/2020 14:41 | 0 | 0 | 1 |
| PINELLAS | SEMINOLE PAVILION REHABILITATION & NURSING SERVICES | NH | 4/26/2020 17:50 | 0 | 42 | 31 |
| PINELLAS | SOUTH HERITAGE HEALTH & REHABILITATION CENTER | NH | 4/26/2020 13:30 | 0 | 0 | 1 |
| PINELLAS | ST. MARK VILLAGE | NH | 4/26/2020 14:05 | 0 | 23 | 10 |
| PINELLAS | TIERRA PINES CENTER | NH | 4/24/2020 14:34 | 0 | 0 | 1 |
| POLK | BRANDYWYNE HEALTH CARE CENTER | NH | 4/26/2020 15:18 | 1 | 1 | 0 |
| POLK | CONSULATE HEALTH CARE OF LAKE LAND | NH | 4/26/2020 16:25 | 1 | 1 | 0 |
| POLK | HIGHLANDS LAKE CENTER | NH | 4/24/2020 21:09 | 0 | 44 | 10 |
| POLK | LAKELAND HILLS CENTER | NH | 4/24/2020 14:08 | 0 | 1 | 0 |
| POLK | MERRILL GARDENS AT CHAMPIONSGATE | ALF | 4/26/2020 15:47 | 0 | 0 | 2 |
| POLK | SAVANNAH COURT OF BARTOW | ALF | 4/25/2020 13:54 | 6 | 0 | 4 |
| POLK | SPRING HAVEN RETIREMENT COMMUNITY | ALF | 4/26/2020 15:52 | 0 | 0 | 1 |
| SANTA ROSA | ARBORS OF GULF BREEZE | ALF | 4/25/2020 21:08 | 6 | 0 | 0 |
| SARASOTA | ARDEN COURTS OF SARASOTA | ALF | 4/26/2020 13:30 | 0 | 0 | 1 |
| SARASOTA | BAY BREEZE HEALTH AND REHABILITATION CENTER | NH | 4/25/2020 21:47 | 0 | 0 | 2 |
| SARASOTA | BENEVA LAKES HEALTHCARE AND REHABILITATION CENTER | NH | 4/24/2020 14:22 | 0 | 0 | 2 |
| SARASOTA | BROOKDALE DEER CREEK SARASOTA | ALF | 4/26/2020 12:29 | 11 | 0 | 1 |
| SARASOTA | CONSULATE HEALTH CARE OF SARASOTA | NH | 4/26/2020 13:46 | 0 | 1 | 0 |
| SARASOTA | CROSSBREEZE CARE CENTER | NH | 4/26/2020 14:00 | 0 | 6 | 0 |
| SARASOTA | GLENRIDGE ON PALMER RANCH INC. | NH | 4/26/2020 14:30 | 0 | 0 | 1 |
| SARASOTA | MAGNOLIA ACRES | ALF | 4/26/2020 14:29 | 1 | 0 | 0 |
| SARASOTA | MAGNOLIA HEALTH AND REHABILITATION CENTER | NH | 4/25/2020 14:17 | 1 | 1 | 0 |
| SARASOTA | PINES OF SARASOTA | NH | 4/24/2020 15:41 | 2 | 2 | 1 |
| SARASOTA | PLYMOUTH HARBOR INCORPORATED | NH | 4/26/2020 16:03 | 1 | 0 | 6 |
| SARASOTA | SARASOTA POINT REHABILITATION CENTER | NH | 4/26/2020 13:39 | 6 | 7 | 9 |
| SARASOTA | SPRINGS AT LAKE POINTE WOODS | NH | 4/26/2020 11:54 | 0 | 6 | 0 |
| SARASOTA | SUNNYSIDE NURSING HOME | NH | 4/26/2020 17:37 | 1 | 0 | 0 |
| SEMINOLE | ADVENTHEALTH CARE CENTER APOKA SOUTH | NH | 4/26/2020 13:23 | 0 | 0 | 1 |
| SEMINOLE | BROOKDALE LAKE ORIENTA | ALF | 4/25/2020 22:06 | 0 | 1 | 0 |
| SEMINOLE | CONSULATE HEALTH CARE AT WEST ALTAMONTE | NH | 4/26/2020 13:33 | 12 | 2 | 6 |
| SEMINOLE | FAITH HOUSE ASSISTED LIVING FACILITY | ALF | 4/25/2020 14:57 | 0 | 0 | 1 |
| SEMINOLE | GRACIOUS AGE | ALF | 4/26/2020 18:04 | 0 | 0 | 1 |
| SEMINOLE | SERENADES BY SONATA | ALF | 4/26/2020 13:28 | 6 | 0 | 2 |
| ST. LUCIE | EMERALD HEALTH CARE CENTER | NH | 4/26/2020 17:15 | 0 | 0 | 1 |
| ST. LUCIE | THE BROADMOOR ALF | ALF | 4/26/2020 17:18 | 6 | 9 | 5 |
| ST. LUCIE | WATERCREST OF ST LUCIE WEST ASSISTED LIVING AND MEMORY CARE | ALF | 4/26/2020 14:13 | 0 | 0 | 1 |
| SUMTER | BUFFALO CROSSING HEALTHCARE AND REHABILITATION CENTER | NH | 4/25/2020 19:59 | 0 | 1 | 1 |
| SUMTER | OSPREY POINT NURSING CENTER | NH | 4/24/2020 16:26 | 1 | 1 | 0 |

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| SUMTER | SERENADES IN THE VILLAGES | ALF | 4/26/2020 13:18 | 0 | 0 | 3 |
| SUWANNEE | DACIER MANOR | ALF | 4/26/2020 14:09 | 0 | 0 | 1 |
| SUWANNEE | GOOD SAMARITAN CENTER | NH | 4/26/2020 14:02 | 0 | 0 | 1 |
| SUWANNEE | SUWANNEE HEALTH AND REHABILITATION CENTER | NH | 4/26/2020 19:39 | 27 | 22 | 45 |
| VOLUSIA | AVANTE AT ORMOND BEACH, INC | NH | 4/26/2020 12:38 | 0 | 0 | 2 |
| VOLUSIA | CARING HEARTS ASSISTED LIVING | ALF | 4/26/2020 16:34 | 0 | 0 | 3 |
| VOLUSIA | COQUINA CENTER | NH | 4/26/2020 12:44 | 15 | 29 | 9 |
| VOLUSIA | DEBARY HEALTH AND REHABILITATION CENTER | NH | 4/24/2020 16:13 | 0 | 0 | 1 |
| VOLUSIA | DELTONA HEALTH CARE | NH | 4/26/2020 12:51 | 0 | 2 | 0 |
| VOLUSIA | GRAND VILLA OF ORMOND BEACH | ALF | 4/26/2020 13:41 | 0 | 0 | 1 |
| VOLUSIA | MAJESTIC OAKS | NH | 4/26/2020 12:44 | 0 | 0 | 1 |
| VOLUSIA | PARKSIDE HEALTH AND REHABILITATION CENTER | NH | 4/26/2020 13:49 | 2 | 0 | 0 |
| VOLUSIA | PORT ORANGE NURSING AND REHAB CENTER | NH | 4/26/2020 14:15 | 0 | 0 | 1 |
| WAKULLA | EDEN SPRINGS NURSING AND REHAB CENTER | NH | 4/26/2020 13:23 | 0 | 0 | 1 |
| WALTON | CHAUTAUQUA REHABILITATION AND NURSING CENTER | NH | 4/26/2020 14:27 | 0 | 0 | 4 |
| DUVAL | WOODLAND GROVE HEALTH & REHABILITATION CENTER | NH | 4/26/2020 13:51 | 0 | 0 | 1 |

COVID in LTC (SNF and ALF) STATEWIDE

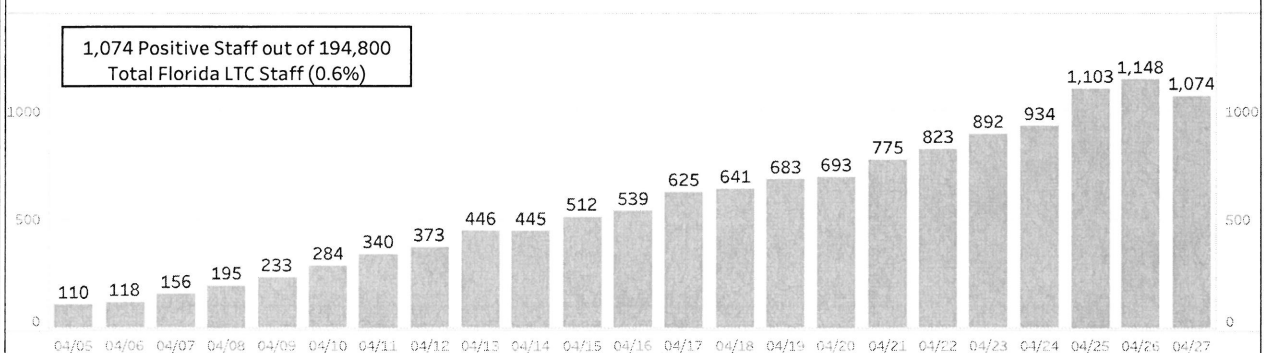
Current COVID Positive Residents

1,140 of 147,416 Total Residents
Positive as of April 27 (0.8%)



Current COVID Positive Staff

1,074 Positive Staff out of 194,800
Total Florida LTC Staff (0.6%)



Data from AHCA ESS (Emergency Status System)

EXHIBIT 5

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 20-51

(Establishes COVID-19 Response Protocol and Directs Public Health Emergency)

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, in late 2019, a new and significant outbreak of COVID-19 emerged in China; and

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern; and

WHEREAS, in response to the recent COVID-19 outbreak in China, Iran, Italy and South Korea, the Centers for Disease Control and Prevention ("CDC") has deemed it necessary to prohibit or restrict non-essential travel to or from those countries; and

WHEREAS, in response to the recent COVID-19 outbreak in Japan, the CDC has advised older travelers and those with chronic medical conditions to avoid nonessential travel and all travelers to exercise enhanced precautions; and

WHEREAS, the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue and disposal of the tissue immediately thereafter, washing hands often with soap and water for at least 20 seconds, use of alcohol-based hand sanitizers with 60%-95%

alcohol if soap and water are not readily available and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

WHEREAS, two individuals in the State of Florida tested presumptively positive for COVID-19, including a resident of Manatee County and a resident of Hillsborough County; and

WHEREAS, the CDC currently recommends mitigation measures in communities with COVID-19 cases, including staying at home when sick, keeping away from others who are sick and staying at home when a household member is sick with respiratory disease symptoms or if instructed to do so by public health officials or a health care provider; and

WHEREAS, it is necessary and appropriate to take action to ensure that COVID-19 remains controlled and that residents and visitors in Florida remain safe and secure;

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. Because of the foregoing conditions, I direct the State Health Officer and Surgeon General, Dr. Scott Rivkees, to declare a public health emergency in the State of Florida, pursuant to his authority in section 381.00315, Florida Statutes. The State Health Officer is authorized and directed to use his judgment as to the duration of this public health emergency.

Section 2. In accordance with section 381.0011(7), Florida Statutes, I direct the State Health Officer to take any action necessary to protect the public health.

Section 3. I direct the State Health Officer to follow the guidelines established by the CDC in establishing protocols to control the spread of COVID-19 and educate the public on prevention.

Section 4. In accordance with section 381.0011(7), Florida Statutes, I designate the Florida Department of Health as the lead state agency to coordinate emergency response activities among the various state agencies and local governments. The State Health Officer, or his designee, shall advise the Executive Office of the Governor on the implementation of these emergency response activities.

Section 5. All actions taken by the State Health Officer with respect to this emergency before the issuance of this Executive Order are ratified.

Section 6. The Florida Department of Health will actively monitor, at a minimum, all persons meeting the definition of a Person Under Investigation (“PUI”) as defined by the CDC for COVID-19 for a period of at least 14 days or until the PUI tests negative for COVID-19. Active monitoring by the Florida Department of Health will include at least the following:

- A. Risk assessment within 24 hours of learning an individual meets the criteria for a PUI.
- B. Twice-daily temperature checks.

Section 7. The Florida Department of Health, pursuant to its authority in section 381.00315, Florida Statutes, will ensure that all individuals meeting the CDC’s definition of a PUI are isolated or quarantined for a period of 14 days or until the person tests negative for COVID-19.

Section 8. I hereby direct the Florida Department of Health to make its own determinations as to quarantine, isolation and other necessary public health interventions as permitted under Florida law.

Section 9. I direct all agencies under the direction of the Governor to fully cooperate with the Florida Department of Health, and any representative thereof in furtherance of this Order.

Agencies not under the direction of the Governor are requested to provide such assistance as is required.

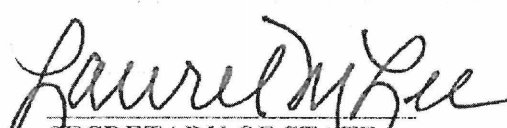


IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 1st day of March, 2020.



RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

FILED
2020 MAR -1 PM 9:31

EXHIBIT 6

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 20-52

(Emergency Management - COVID-19 Public Health Emergency)

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, in late 2019, a new and significant outbreak of COVID-19 emerged in China; and

WHEREAS, the World Health Organization previously declared COVID-19 a Public Health Emergency of International Concern; and

WHEREAS, in response to the recent COVID-19 outbreak in China, Iran, Italy, Japan and South Korea, the Centers for Disease Control and Prevention ("CDC") has deemed it necessary to prohibit or restrict non-essential travel to or from those countries; and

WHEREAS, on March 1, 2020, I issued Executive Order number 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 7, 2020, I directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and

WHEREAS, as of March 9, 2020, eight counties in Florida have positive cases for COVID-19, and COVID-19 poses a risk to the entire state of Florida; and

WHEREAS, the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue and disposal of the tissue immediately thereafter, washing hands often with soap and water for at least 20 seconds, using of alcohol-based hand sanitizers with 60%-95% alcohol if soap and water are not readily available and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

WHEREAS, the CDC currently recommends mitigation measures for communities experiencing an outbreak including staying at home when sick, keeping away from others who are sick, limiting face-to-face contact with others as much as possible, consulting with your healthcare provider if individuals or members of a household are at high risk for COVID-19 complications, wearing a facemask if advised to do so by a healthcare provider or by a public health official, staying home when a household member is sick with respiratory disease symptoms if instructed to do so by public health officials or a health care provider; and

WHEREAS, as Governor, I am responsible for meeting the dangers presented to this state and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. Because of the foregoing conditions, I declare a state of emergency exists in the State of Florida.

Section 2. I designate the Director of the Division of Emergency Management (“Director”) as the State Coordinating Officer for the duration of this emergency and direct him to execute the State’s Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency. Additionally, I designate the State Health Officer and Surgeon General as a Deputy State Coordinating Officer and State Incident Commander.

Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)-(10), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. Seek direct assistance and enter into agreements with any and all agencies of the United States Government as may be needed to meet the emergency.

B. Designate additional Deputy State Coordinating Officers, as necessary.

C. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency.

D. Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer; however, no such order shall remain in effect beyond the expiration of this Executive Order, to include any extension.

Section 3. I order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency.

Section 4. I find that the special duties and responsibilities resting upon some State, regional, and local agencies and other governmental bodies in responding to the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(1)(a), Florida Statutes, the Executive Office of the Governor may suspend all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such suspension issued by the Executive Office of the Governor; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extension.

B. Each State agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. For the purposes of this Executive Order, “necessary action in coping with the emergency” means any emergency mitigation, response, or recovery action: (1) prescribed in the State Comprehensive Emergency Management Plan (“CEMP”); or (2) ordered by the State Coordinating Officer. The requirements of sections 252.46 and 120.54, Florida Statutes, shall not apply to any such suspension issued by a State agency; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extensions.

C. In accordance with section 465.0275, Florida Statutes, pharmacists may dispense up to a 30-day emergency prescription refill of maintenance medication to persons who reside in an area or county covered under this Executive Order and to emergency personnel who have been activated by their state and local agency but who do not reside in an area or county covered by this Executive Order.

D. In accordance with section 252.38, Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

- 1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;

- 2) Entering into contracts; however, political subdivisions are cautioned against entering into time and materials contracts without ceiling as defined by 2 CFR 200.318(j) or cost plus percentage contracts as defined by 2 CFR 200.323(d);

- 3) Incurring obligations;

- 4) Employment of permanent and temporary workers;

- 5) Utilization of volunteer workers;

- 6) Rental of equipment;

- 7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,

- 8) Appropriation and expenditure of public funds.

E. All State agencies responsible for the use of State buildings and facilities may close such buildings and facilities in those portions of the State affected by this emergency, to the extent necessary to meet this emergency. I direct each State agency to report the closure of any State

building or facility to the Secretary of the Department of Management Services. Under the authority contained in section 252.36, Florida Statutes, I direct each County to report the closure of any building or facility operated or maintained by the County or any political subdivision therein to the Secretary of the Department of Management Services. Furthermore, I direct the Secretary of the Department of Management Services to:

- 1) Maintain an accurate and up-to-date list of all such closures; and,
- 2) Provide that list daily to the State Coordinating Officer.

Section 5. I find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies are unreasonably great and the funds currently available may be inadequate to pay the costs of coping with this emergency. In accordance with section 252.37(2), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys appropriated for other purposes, moneys from unappropriated surplus funds, or from the Budget Stabilization Fund.

Section 6. All State agencies entering emergency final orders or other final actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable.

Section 7. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may render such services in Florida during this emergency for persons affected by this emergency with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Florida Department of Health.

Section 8. All activities taken by the Director of the Division of Emergency Management and the State Health Officer and Surgeon General with respect to this emergency before the issuance of this Executive Order are ratified. This Executive Order shall expire sixty days from this date unless extended.



ATTEST:

Laurel M. Lee
SECRETARY OF STATE

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 9th day of March, 2020.

[Signature]
RON DESANTIS, GOVERNOR

2020 MAR -9 PM 5:52

FILED

EXHIBIT 7

**STATE OF FLORIDA
DIVISION OF EMERGENCY MANAGEMENT**

IN RE: SUSPENSION OF STATUTES,
RULES, AND ORDERS, PURSUANT
TO EXECUTIVE ORDER NUMBER
20-52, MADE NECESSARY BY THE
COVID-19 PUBLIC HEALTH
EMERGENCY

DEM ORDER NO. 20-002

EMERGENCY ORDER

WHEREAS, the Governor of the State of Florida issued Executive Order No. 20-52 in response to the COVID-19 Public Health Emergency which poses a severe threat to the entire State of Florida and requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of this State; and,

WHEREAS, the Governor has designated the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of this emergency and has delegated to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)-(10), Florida Statutes; and,

NOW THEREFORE, I hereby find that the Division of Emergency Management's timely performance of disaster response functions related to COVID-19 Public Health Emergency is hindered by the application of procedures imposed by statute, rule, and/or order.

Therefore, pursuant to Section 2 of Executive Order No. 20-52, I hereby issue the following authorization(s):

I. Suspend sections 393.13(4), 400.022(1)(b), 429.28(1)(d), 429.85(1)(d) Florida Statutes, for the particular purpose of prohibiting certain individuals from visiting facilities. For purposes of this order, a facility includes nursing homes, assisted living

facilities, adult family-care homes, long-term care facilities, and adult group homes. The order applies as follows:

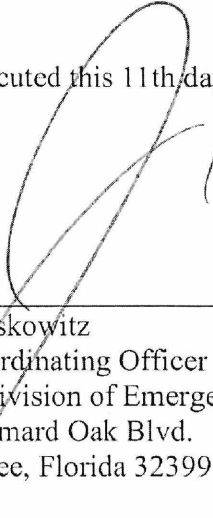
- a. Any person infected with COVID-19 who has not had two consecutive negative test results separated by 24 hours is prohibited from visiting a facility; or
- b. Any person showing or presenting signs or symptoms of a respiratory infection, including cough, fever, shortness of breath or sore throat is prohibited from visiting a facility; or
- c. Any person who has or may have been in close contact with a person(s) infected with COVID-19 who has not tested negative for COVID-19 is prohibited from visiting a facility until 14 days after their interaction with the person(s) who is infected with COVID-19; or
- d. Any person who traveled internationally is prohibited from visiting a facility until 14 days after their return to the United States; or
- e. Any person who traveled on a cruise ship is prohibited from visiting a facility until 14 days after their return to the United States; or
- f. Any person who has been in a community with confirmed community spread of COVID-19, as identified by the Centers for Disease Control and Prevention or a state public health agency, is prohibited from visiting a facility within 14 days of their presence in the community with community spread; or
- g. Any person who resides in a community with confirmed community spread of COVID-19, as identified by the Centers for Disease Control and

Prevention or a state public health agency, is prohibited from visiting a facility.

Because section 252.36(5)(a), Florida Statutes, allows the Governor to suspend the provisions of “any regulatory statute prescribing the procedures for [the] conduct of state business”, and because Executive Order No. 20-52 designates the Director of the Division of Emergency Management as the State Coordinating Officer for this emergency, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to this Order.

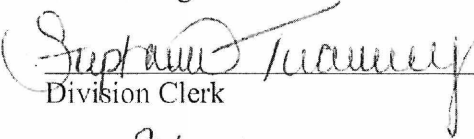
The effective dates of this Order shall correspond with the effective dates of Executive Order No. 20-52.

By Order of the State Coordinating Officer executed this 11th day of March, 2020, in Tallahassee, Leon County, Florida.



Jared Moskowitz
State Coordinating Officer
Florida Division of Emergency Management
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399

Filed on this date, with
the designated Division Clerk,
receipt of which is hereby
acknowledged.



Division Clerk

Date: 3/11/20

EXHIBIT 8

**STATE OF FLORIDA
DIVISION OF EMERGENCY MANAGEMENT**

IN RE: SUSPENSION OF STATUTES,
RULES, AND ORDERS, PURSUANT
TO EXECUTIVE ORDER NUMBER
20-52, MADE NECESSARY BY THE
COVID-19 PUBLIC HEALTH
EMERGENCY

DEM ORDER NO. 20-006

EMERGENCY ORDER

WHEREAS, the Governor of the State of Florida issued Executive Order No. 20-52 in response to the COVID-19 Public Health Emergency, which poses a severe threat to the entire State of Florida and requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of this State; and,

WHEREAS, the Governor has designated the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of this emergency and has delegated to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)-(10), Florida Statutes; and,

WHEREAS, on March 14, 2020, Governor DeSantis directed me, as the State Coordinating Officer, under the powers afforded by Executive Order No. 20-52, to prohibit visitation to certain facilities for thirty days from the date of this order in the State of Florida.

NOW, THEREFORE, I, JARED MOSKOWITZ hereby find that the Division of Emergency Management's timely performance of disaster response functions related to COVID-19 Public Health Emergency is hindered by the application of procedures imposed by statute, rule, and/or order. Therefore, pursuant to Section 2 of Executive Order No. 20-52, I hereby suspend sections 393.13(4), 394.459(5)(c), 400.022(1)(b), 429.28(1)(d),

429.85(1)(d), and 916.107(5) Florida Statutes, for the particular purpose of prohibiting all individuals from visiting facilities within the State of Florida. For purposes of this order, a facility includes: Group Home Facilities under chapter 393, Florida Statutes; Developmental Disabilities Centers under chapter 393; Nursing Homes as provided under chapter 400; homes for Special Services as provided under chapter 400; Long-Term Care Hospitals, as provided under chapter 395, part I; Transitional Living Facilities, as provided under chapter 400; Intermediate Care Facilities for the Developmentally Disabled, as provided under chapter 400; Assisted Living Facilities, as provided under chapter 429; Adult Mental Health and Treatment Facilities under chapter 394; Adult Forensic Facilities under chapter 916; Civil Facilities under chapter 916; and Adult Family-Care Homes, as provided under chapter 429, Florida Statutes. The order applies as follows:

1. Every facility must prohibit the entry of any individual, to the facility except in the following circumstances:

- a. Family members, friends, and visiting residents in end-of-life situations;
- b. Hospice or palliative care workers caring for residents in end-of-life situations;
- c. Any individuals providing necessary health care to a resident;
- d. Facility staff;
- e. Facility residents;
- f. Attorneys of Record for a resident in an Adult Mental Health and Treatment Facility for court related matters if virtual or telephonic means are unavailable; or
- g. Representatives of the federal or state government seeking entry as part of their official duties, including, but not limited to, Long-Term Care Ombudsman program, representatives of the Department of Children and Families, the Department of Health, the Department of Elderly Affairs, the Agency for Health Care Administration, the Agency for Persons with

Disabilities, a protection and advocacy organization under 42 U.S.C. §15041, the Office of the Attorney General, any law enforcement officer, and any emergency medical personnel.

2. Individuals seeking entry to the facility under the above section 1 will not be allowed to enter if they meet any of the screening criteria listed below:

- a. Any person infected with COVID-19 who has not had two consecutive negative test results separated by 24 hours;
- b. Any person showing, presenting signs or symptoms of, or disclosing the presence of a respiratory infection, including cough, fever, shortness of breath or sore throat;
- c. Any person who has been in contact with any person(s) known to be infected with COVID-19, who has not yet tested negative for COVID-19 within the past 14 days;
- d. Any person who traveled through any airport within the past 14 days; or
- e. Any person who traveled on a cruise ship within the past 14 days.

4. Residents must be discouraged from leaving the facility.

5. The following documentation must be kept for visitation within a facility:

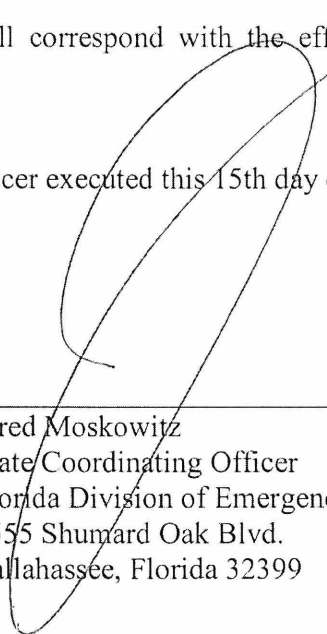
- a. Individuals entering a facility subject to the screening criteria above may be screened using a standardized questionnaire or other form of documentation.
- b. The facility is required to maintain documentation of all non-resident individuals entering the facility. Documentation must include:
 1. Name of the individual;
 2. Date and time of entry; and
 3. The documentation used by the facility to screen the individual showing the individual did not meet any of the enumerated screening criteria, including the screening employee's printed name and signature.

Because section 252.36(5)(a), Florida Statutes, allows the Governor to suspend the provisions of "any regulatory statute prescribing the procedures for [the] conduct of state

business”, and because Executive Order No. 20-52 designates the Director of the Division of Emergency Management as the State Coordinating Officer for this emergency, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to this Order.

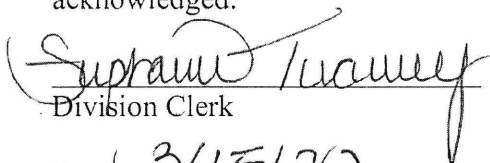
The effective dates of this Order shall correspond with the effective dates of Executive Order No. 20-52.

By Order of the State Coordinating Officer executed this 15th day of March, 2020, in Tallahassee, Leon County, Florida.



Jared Moskowitz
State Coordinating Officer
Florida Division of Emergency Management
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399

Filed on this date, with
the designated Division Clerk,
receipt of which is hereby
acknowledged.


Division Clerk

Date: 3/15/20

COMPOSITE EXHIBIT 9

Coronavirus: characteristics of 27,127 Florida resident cases

Data verified as of Apr 21, 2020 at 5 PM

Data in this report are provisional and subject to change.

2,153 cases in residents or staff of long-term care facilities:

| County | Cases | Deaths | County | Cases | Deaths | County | Cases | Deaths | | | |
|--------------|-------|--------|--------|--------------|--------|--------|-------|------------|-------|-----|---|
| Dade | 444 | 21% | 45 | Orange | 22 | 1% | 2 | Hamilton | 2 | 0% | 0 |
| Broward | 241 | 11% | 31 | Jefferson | 19 | 1% | 1 | Hernando | 2 | 0% | 0 |
| Palm Beach | 164 | 8% | 27 | Gadsden | 17 | 1% | 0 | Levy | 2 | 0% | 0 |
| Manatee | 132 | 6% | 14 | Brevard | 14 | 1% | 1 | St. Johns | 2 | 0% | 0 |
| Pinellas | 128 | 6% | 5 | Baker | 12 | 1% | 3 | Walton | 2 | 0% | 0 |
| Clay | 117 | 5% | 6 | Pasco | 12 | 1% | 0 | Citrus | 1 | 0% | 0 |
| Suwannee | 89 | 4% | 9 | Hendry | 10 | 0% | 1 | Dixie | 1 | 0% | 0 |
| Escambia | 86 | 4% | 7 | Madison | 10 | 0% | 2 | Highlands | 1 | 0% | 0 |
| Leon | 68 | 3% | 1 | Martin | 10 | 0% | 1 | Holmes | 1 | 0% | 0 |
| Duval | 58 | 3% | 9 | Santa Rosa | 10 | 0% | 0 | Lafayette | 1 | 0% | 0 |
| Polk | 56 | 3% | 7 | Putnam | 9 | 0% | 0 | Okeechobee | 1 | 0% | 0 |
| Charlotte | 46 | 2% | 4 | Columbia | 7 | 0% | 0 | Taylor | 1 | 0% | 0 |
| Sarasota | 46 | 2% | 13 | Indian River | 7 | 0% | 3 | Total | 2,153 | 222 | |
| Volusia | 46 | 2% | 6 | Sumter | 6 | 0% | 0 | | | | |
| Lee | 35 | 2% | 9 | Marion | 5 | 0% | 0 | | | | |
| Collier | 32 | 1% | 4 | Osceola | 5 | 0% | 0 | | | | |
| Bradford | 28 | 1% | 2 | Lake | 4 | 0% | 0 | | | | |
| Seminole | 28 | 1% | 1 | Wakulla | 4 | 0% | 0 | | | | |
| Hillsborough | 27 | 1% | 1 | Nassau | 3 | 0% | 0 | | | | |
| St. Lucie | 26 | 1% | 5 | Bay | 2 | 0% | 0 | | | | |
| Okaloosa | 25 | 1% | 2 | Desoto | 2 | 0% | 0 | | | | |
| Alachua | 22 | 1% | 0 | Flagler | 2 | 0% | 0 | | | | |

Note: cases are summarized by the county of usual residence. Residents and staff may be cases associated with facilities that are not in their county of usual residence, resulting in cases being included below for counties that do not have facilities with known cases.

Coronavirus: characteristics of 27,791 Florida resident cases

Data verified as of Apr 22, 2020 at 5 PM

Data in this report are provisional and subject to change.

2,333 cases in residents or staff of long-term care facilities:

| County | Cases | Deaths | County | Cases | Deaths | County | Cases | Deaths | | | |
|--------------|-------|--------|--------|--------------|--------|--------|-------|------------|-------|----|-----|
| Dade | 476 | 20% | 55 | Orange | 24 | 1% | 2 | Hamilton | 2 | 0% | 0 |
| Broward | 263 | 11% | 38 | Jefferson | 19 | 1% | 1 | Hernando | 2 | 0% | 0 |
| Palm Beach | 171 | 7% | 28 | Madison | 18 | 1% | 2 | Levy | 2 | 0% | 0 |
| Manatee | 143 | 6% | 14 | Gadsden | 16 | 1% | 0 | St. Johns | 2 | 0% | 0 |
| Escambia | 138 | 6% | 7 | Pasco | 16 | 1% | 0 | Walton | 2 | 0% | 0 |
| Pinellas | 137 | 6% | 7 | Brevard | 14 | 1% | 1 | Citrus | 1 | 0% | 0 |
| Clay | 122 | 5% | 7 | Hendry | 14 | 1% | 1 | Dixie | 1 | 0% | 0 |
| Suwannee | 90 | 4% | 9 | Baker | 12 | 1% | 3 | Highlands | 1 | 0% | 0 |
| Leon | 66 | 3% | 1 | Martin | 11 | 0% | 1 | Holmes | 1 | 0% | 0 |
| Polk | 60 | 3% | 8 | Santa Rosa | 10 | 0% | 0 | Lafayette | 1 | 0% | 0 |
| Duval | 59 | 3% | 9 | Putnam | 9 | 0% | 0 | Okeechobee | 1 | 0% | 0 |
| Sarasota | 48 | 2% | 14 | Indian River | 7 | 0% | 4 | Taylor | 1 | 0% | 0 |
| Lee | 47 | 2% | 10 | Marion | 5 | 0% | 0 | Total | 2,333 | | 248 |
| Volusia | 47 | 2% | 6 | Osceola | 5 | 0% | 0 | | | | |
| Charlotte | 44 | 2% | 3 | Sumter | 5 | 0% | 0 | | | | |
| Collier | 34 | 1% | 4 | Wakulla | 5 | 0% | 0 | | | | |
| St. Lucie | 30 | 1% | 5 | Columbia | 4 | 0% | 0 | | | | |
| Bradford | 28 | 1% | 2 | Lake | 4 | 0% | 0 | | | | |
| Hillsborough | 28 | 1% | 2 | Flagler | 3 | 0% | 0 | | | | |
| Seminole | 28 | 1% | 2 | Nassau | 3 | 0% | 0 | | | | |
| Okaloosa | 25 | 1% | 2 | Bay | 2 | 0% | 0 | | | | |
| Alachua | 24 | 1% | 0 | Desoto | 2 | 0% | 0 | | | | |

Note: cases are summarized by the county of usual residence. Residents and staff may be cases associated with facilities that are not in their county of usual residence, resulting in cases being included below for counties that do not have facilities with known cases.

Coronavirus: characteristics of 28,843 Florida resident cases

Data verified as of Apr 23, 2020 at 5 PM

Data in this report are provisional and subject to change.

2,481 cases in residents or staff of long-term care facilities:

| County | Cases | Deaths | County | Cases | Deaths | County | Cases | Deaths | | | |
|--------------|-------|--------|--------|--------------|--------|--------|-------|------------|-------|----|-----|
| Dade | 526 | 21% | 61 | Orange | 24 | 1% | 2 | Desoto | 2 | 0% | 0 |
| Broward | 281 | 11% | 41 | Madison | 22 | 1% | 2 | Hamilton | 2 | 0% | 0 |
| Palm Beach | 178 | 7% | 32 | Jefferson | 19 | 1% | 1 | Hernando | 2 | 0% | 0 |
| Manatee | 163 | 7% | 17 | Gadsden | 18 | 1% | 0 | Levy | 2 | 0% | 0 |
| Pinellas | 146 | 6% | 9 | Pasco | 17 | 1% | 0 | St. Johns | 2 | 0% | 0 |
| Escambia | 143 | 6% | 7 | Brevard | 15 | 1% | 1 | Citrus | 1 | 0% | 0 |
| Clay | 123 | 5% | 7 | Hendry | 14 | 1% | 2 | Dixie | 1 | 0% | 0 |
| Suwannee | 91 | 4% | 9 | Baker | 12 | 0% | 3 | Highlands | 1 | 0% | 0 |
| Leon | 66 | 3% | 1 | Martin | 11 | 0% | 2 | Holmes | 1 | 0% | 0 |
| Polk | 61 | 2% | 8 | Osceola | 10 | 0% | 0 | Lafayette | 1 | 0% | 0 |
| Duval | 59 | 2% | 9 | Santa Rosa | 10 | 0% | 0 | Okeechobee | 1 | 0% | 0 |
| Lee | 56 | 2% | 10 | Putnam | 9 | 0% | 0 | Taylor | 1 | 0% | 0 |
| Sarasota | 53 | 2% | 14 | Indian River | 7 | 0% | 4 | Total | 2,481 | | 271 |
| Volusia | 48 | 2% | 7 | Marion | 5 | 0% | 0 | | | | |
| Charlotte | 44 | 2% | 4 | Nassau | 5 | 0% | 0 | | | | |
| Collier | 31 | 1% | 5 | Sumter | 5 | 0% | 0 | | | | |
| Seminole | 30 | 1% | 2 | Wakulla | 5 | 0% | 0 | | | | |
| St. Lucie | 30 | 1% | 5 | Columbia | 4 | 0% | 0 | | | | |
| Hillsborough | 29 | 1% | 2 | Lake | 4 | 0% | 0 | | | | |
| Bradford | 28 | 1% | 2 | Walton | 4 | 0% | 0 | | | | |
| Okaloosa | 27 | 1% | 2 | Flagler | 3 | 0% | 0 | | | | |
| Alachua | 26 | 1% | 0 | Bay | 2 | 0% | 0 | | | | |

Note: cases are summarized by the county of usual residence. Residents and staff may be cases associated with facilities that are not in their county of usual residence, resulting in cases being included below for counties that do not have facilities with known cases.

Coronavirus: characteristics of 29,707 Florida resident cases

Data verified as of Apr 24, 2020 at 5 PM

Data in this report are provisional and subject to change.

2,682 cases in residents or staff of long-term care facilities:

| County | Cases | Deaths | County | Cases | Deaths | County | Cases | Deaths | | | |
|--------------|-------|--------|--------|--------------|--------|--------|-------|------------|-------|----|-----|
| Dade | 572 | 21% | 66 | Orange | 25 | 1% | 2 | Desoto | 2 | 0% | 0 |
| Broward | 335 | 12% | 42 | Madison | 23 | 1% | 2 | Hamilton | 2 | 0% | 0 |
| Palm Beach | 181 | 7% | 35 | Jefferson | 19 | 1% | 2 | Hernando | 2 | 0% | 0 |
| Manatee | 172 | 6% | 18 | Pasco | 19 | 1% | 1 | Highlands | 2 | 0% | 0 |
| Pinellas | 155 | 6% | 10 | Gadsden | 18 | 1% | 0 | Levy | 2 | 0% | 0 |
| Escambia | 145 | 5% | 8 | Brevard | 17 | 1% | 1 | St. Johns | 2 | 0% | 0 |
| Clay | 124 | 5% | 9 | Hendry | 16 | 1% | 2 | Citrus | 1 | 0% | 0 |
| Suwannee | 92 | 3% | 10 | Marion | 14 | 1% | 1 | Dixie | 1 | 0% | 0 |
| Lee | 81 | 3% | 12 | Baker | 12 | 0% | 3 | Holmes | 1 | 0% | 0 |
| Leon | 72 | 3% | 1 | Osceola | 12 | 0% | 0 | Lafayette | 1 | 0% | 0 |
| Duval | 62 | 2% | 9 | Martin | 11 | 0% | 2 | Okeechobee | 1 | 0% | 0 |
| Polk | 61 | 2% | 9 | Santa Rosa | 10 | 0% | 0 | Taylor | 1 | 0% | 0 |
| Sarasota | 54 | 2% | 14 | Putnam | 9 | 0% | 0 | Total | 2,682 | | 296 |
| Charlotte | 52 | 2% | 5 | Indian River | 8 | 0% | 4 | | | | |
| Volusia | 48 | 2% | 7 | Nassau | 5 | 0% | 0 | | | | |
| Collier | 33 | 1% | 5 | Sumter | 5 | 0% | 0 | | | | |
| Alachua | 31 | 1% | 0 | Wakulla | 5 | 0% | 0 | | | | |
| Hillsborough | 31 | 1% | 2 | Walton | 5 | 0% | 0 | | | | |
| St. Lucie | 31 | 1% | 7 | Flagler | 4 | 0% | 0 | | | | |
| Seminole | 30 | 1% | 2 | Lake | 4 | 0% | 1 | | | | |
| Bradford | 28 | 1% | 2 | Columbia | 3 | 0% | 0 | | | | |
| Okaloosa | 28 | 1% | 2 | Bay | 2 | 0% | 0 | | | | |

Note: cases are summarized by the county of usual residence. Residents and staff may be cases associated with facilities that are not in their county of usual residence, resulting in cases being included below for counties that do not have facilities with known cases.

EXHIBIT 10

Coronavirus: summary of persons being monitored, persons under investigation, and cases

Data verified as of Apr 24, 2020 at 5 PM

Data in this report are provisional and subject to change.

Monitored persons: people the Florida Department of Health was notified of for possible monitoring because they are a contact of a case, traveled from China, or were identified by the Centers for Disease Control and Prevention (CDC) as a part of a airline/ship contact investigation

| | |
|--|---------------|
| Total reports | 17,470 |
| Total persons of high, medium, or unknown risk | 14,897 |
| High/medium/unknown risk still being monitored | 7,845 |

Persons tested: Includes test results received by the Department of Health from the state public health laboratory (BPHL), as well as commercial and hospital laboratories

| | |
|---------------------|----------------|
| Total tested | 319,619 |
| Positive | 30,533 |
| Negative | 288,505 |
| Inconclusive | 581 |
| Awaiting testing | 1,365 |

Confirmed cases

| | |
|-----------------------|---------------|
| Total cases | 30,533 |
| Florida residents | 29,707 |
| Non-Florida residents | 826 |

Type of testing

| | |
|-------------------------------------|--------|
| Florida residents | |
| Confirmed by BPHL/CDC | 3,271 |
| Positive by commercial/hospital lab | 26,436 |
| Non-Florida residents | |
| Confirmed by BPHL/CDC | 112 |
| Positive by commercial/hospital lab | 714 |

Characteristics of Florida residents

| | |
|--------------|-------|
| Hospitalized | 4,817 |
| Deaths | 1,046 |

Hospitalized counts include anyone who was hospitalized at some point during their illness. It does not reflect the number of people currently hospitalized.

Risk factors for Florida residents

| | |
|--|--------|
| Traveled | 1,686 |
| Contact with confirmed case | 9,679 |
| Traveled and contact with confirmed case | 1,484 |
| Neither | 16,858 |
| Travel is unknown | 9,843 |
| Contact is unknown | 5,843 |
| Contact is pending | 6,248 |

Travel can be unknown and contact can be unknown or pending for the same case, these numbers will sum to more than the "neither" total.

From: Kraeft, Erin <Erin.Kraeft@eog.myflorida.com>
Sent: Monday, March 02, 2020 12:03 PM EST
To: _Agency General Counsels <_agencygeneralcounsels@eog.myflorida.com>
Subject: [External] 2020 Ethics Manual and 2020 Code of Personal Responsibility
Attachment(s): "2020 Code of Personal Responsibility.docx", "Governors Ethics Manual 2020.docx"

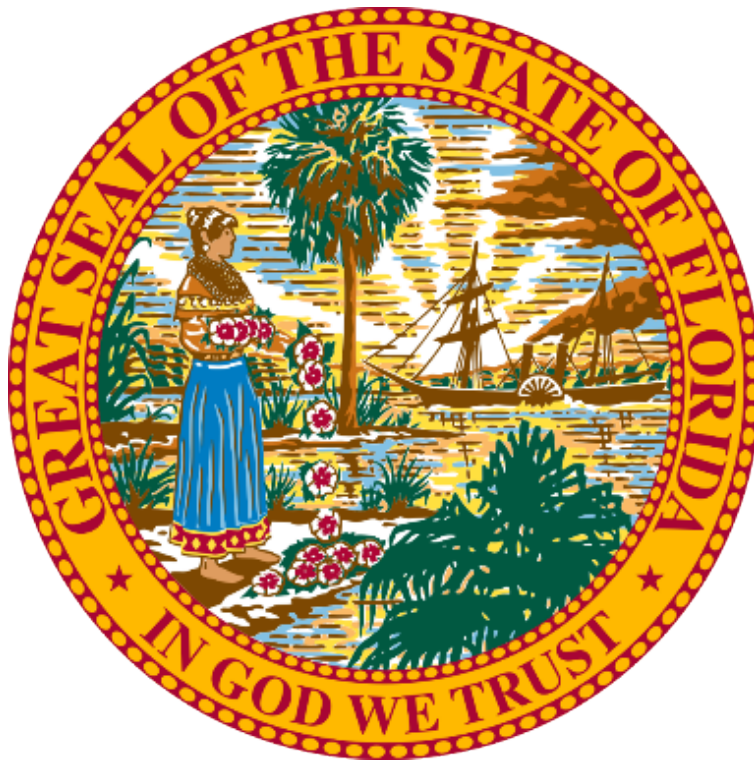
Good afternoon,

Please review and share with your leadership team the attached 2020 Code of Personal Responsibility and the 2020 Governors Ethics Manual. Both documents have an acknowledgement page that must be signed and dated. Once signed, scan the signed pages and email to Ethics@eog.myflorida.com

Thank you!
-Erin Kraeft

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

EXECUTIVE OFFICE OF THE GOVERNOR OF THE STATE OF FLORIDA



CODE OF PERSONAL RESPONSIBILITY

EFFECTIVE FEBRUARY 28, 2020

PLEDGE ON BEHALF OF THE PEOPLE OF FLORIDA

1. I have been provided with a copy of Governor DeSantis' Code of Personal Responsibility.
2. I am committed to maintaining a workplace free from discrimination, sexual harassment, inappropriate political activities, nepotism, illegal drug use and distribution, and inappropriate use of State resources.
3. I therefore pledge to honestly and faithfully comply with both the letter and spirit of this Code of Personal Responsibility, as well as the requirements set forth in federal and State law, in the discharge of my duties and responsibilities as a public servant.
4. I further pledge that, should questions regarding appropriate behavior arise, I will seek guidance from the appropriate person within the Office of the Governor or my agency on how to resolve the matter in question.

Signature:

Print Name:

Date:

I. General Provisions

The term “employees” as used herein refers to employees in the Executive Office of the Governor. Where noted, provisions of this Code also apply to agency heads (secretaries, executive directors, commissioners) and chiefs of staff, general counsels, communications directors, legislative affairs directors, and inspectors general of the executive agencies under the purview of the Governor.

All employees shall comply with the requirements of this Code of Personal Responsibility, as well as relevant State and federal laws governing workplace behavior.

Each executive agency head under the purview of the Governor shall review this Code of Personal Responsibility and evaluate his/her agency’s existing personnel policies, with a view towards using this Code of Personal Responsibility as the base standard for his/her agency to the extent practicable, adjusted for those unique program requirements and variables of each agency.

For provisions of this Code that apply to agency employees, directives to reference the Chief Ethics Officer or Chief of Staff will mean the agency’s Chief Ethics Officer or Chief of Staff unless expressly directed to refer to the Governor’s Chief Ethics Officer or Chief of Staff. The Governor has also directed each agency head to attend training on proper personnel procedures and thereafter arrange for similar training of his/her employees on an annual basis.

Governor DeSantis has directed that this Code of Personal Responsibility be periodically reviewed and evaluated, and that further recommendations be developed as necessary to assure consistency of appropriate State agency workplace and personnel policies.

II. Equal Employment Opportunity

A. General Statement

The Office of the Governor does not discriminate on the basis of race, sex, age, or any other characteristic protected by relevant federal and State law. Any employee who believes that he or she has been discriminated against may file a complaint with the Florida Commission on Human Relations, the Chief of Staff, or the Personnel Officer-EEO/AA Officer within 365 days of the action causing the complaint. Complaints will be handled in accordance with procedures set forth in Chapter 60Y, F.A.C. Employees may also file a complaint with the Equal Employment Opportunity Commission within 300 days of any alleged employment discrimination. No employee shall in any way retaliate against a person filing a complaint of discrimination. A copy of the complaint will be provided to the Personnel Office and Legal Office who will work with the appropriate unit director and designated staff to resolve the case.

B. Internal Complaint Procedure

Employees are encouraged to bring to the attention of the EEO Officer (Personnel Officer) any prohibited conduct such as race, sex, age, or disability discrimination under Title VII of the Civil Rights Act of 1964; the Florida Civil Rights Act of 1992, as amended (Chapter 760, Florida Statutes); Section 504 of the Rehabilitation Act of 1973; Equal Pay Act; or Age Discrimination Employment Act.

An employee may file a complaint concerning prohibited conduct under Title VII or the Florida Civil Rights Act of 1992, as amended (Chapter 760, Florida Statutes), the Affirmative Action Plan, or the above cited Acts within ten workdays of the conduct. The complaint shall be filed with the EEO/AA Officer. The EEO/AA Officer shall reduce oral complaints to writing. The complaint shall state the date, time, and facts constituting the relevant conduct or action.

The EEO Officer shall confer with the complainant and the respondent within five workdays from the complaint being filed to ascertain whether the matter can be resolved. The EEO Officer will report the findings of the conference to the Chief of Staff. The EEO Officer shall investigate the complaint before the conference.

If no resolution can be reached at the conference, the EEO Officer shall report the matter to the Chief of Staff within five workdays for a final decision. The report shall be in writing and contain recommendations. The Chief of Staff may ask questions of either party, direct further investigation (including investigation by the Inspector General), or appoint a committee of three people to hear the complaint before reaching a decision.

If appointed, the committee shall hear the matter within ten workdays of being appointed. Each committee member shall make a written recommendation and submit it in a sealed envelope to the Chief of Staff within ten workdays after the hearing.

If the Chief of Staff's decision is not acceptable to the complainant, he or she may seek recourse with the Florida Human Relations Commission, Equal Employment Opportunity Commission, or any other appropriate body.

The EEO Officer shall notify the Chief of Staff within twenty-four hours of the resolution of the complaint.

III. Policy of Non-Discrimination on the Basis of Disability

A. General Statement

The Office of the Governor does not discriminate on the basis of disability in the admission or access to, or employment in, its programs or activities.

The Americans with Disabilities Act (ADA) Coordinator for the Office of the Governor is located in the Office of Administration. Pursuant to 28 C.F.R., Part 35, the ADA

Coordinator has responsibilities to coordinate compliance with the non-discrimination requirements contained in the ADA and corresponding regulations. Information concerning the provisions of the ADA, and the rights provided thereunder, are available from the ADA Coordinator and/or the Personnel Office.

B. Internal Complaint Procedure

The Office of the Governor has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U. S. Department of Justice regulations implementing Title II of the ADA. Title II states, in part, that “no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination” in programs or activities sponsored by a public entity.

Complaints should be addressed to the ADA Coordinator, Administration Office, Suite L-05, The Capitol, Tallahassee, FL 32399-0001.

A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.

A complaint should be filed within fifteen days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination that occurred before this grievance procedure was in place will be considered on a case-by case basis.)

An investigation, as may be appropriate, shall follow a filing of complaint. The ADA Coordinator or his/her designee shall conduct the investigation. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than thirty days after its filing.

The ADA Coordinator shall maintain the files and records of the Office relating to the complaints filed.

The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made to the Chief of Staff within fifteen days.

The right of a person to prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person’s pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

This procedure shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that the Office of the Governor complies with the ADA and implementing regulations.

IV. Sexual Harassment Policy

A. Policy Statement

Sexual harassment of employees and applicants, as provided in Section 11.227, Florida Statutes, is a form of discrimination and shall not be tolerated. The Office of the Governor will take prompt and remedial action to resolve any complaint of sexual harassment. Employees found to have committed sexual harassment will be subject to immediate disciplinary action.

The Office of the Governor considers the following to be unacceptable conduct of a State employee:

- unwelcome sexual advances to any person by an employee;
- unwelcome requests for sexual favors from any person by an employee; or
- unwelcome verbal or physical conduct of a sexual nature directed towards any person by an employee.

B. Definitions

(1) “Sexual Harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature from any person directed towards or in the presence of an employee or applicant when:

- Submission to such conduct is either explicitly or implicitly a term or condition of an individual’s employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

(2) “Supervisor” means any employee, including a Selected Exempt Service, Senior Management Service employee, or elected official who has the authority and responsibility of supervising other employees.

C. Internal Complaint Procedure

The Office of the Governor will conduct an investigation or take remedial action if information is received from any source, whether in writing or not, indicating that sexual harassment, as defined above, has occurred.

Complaints of sexual harassment are to be filed with the Director of Administration. Normally, the Director of Administration will investigate complaints unless otherwise assigned by the Chief of Staff or his/her designee.

Complaints shall be filed in writing, be signed by the complainant, and contain the following information:

- A. the name, business address, and telephone number of the person filing the complaint;
- B. the name of the person who allegedly committed the act of sexual harassment and the name of the alleged victim; and
- C. a clear and concise statement of the facts, including pertinent dates, locations, witnesses, and other evidence in support of the complaint.

The complaint must contain all the above-noted information. Investigation of complaints will be initiated within thirty calendar days of the receipt of the required information.

A written report of the findings as a result of the investigation will be submitted to the Chief of Staff. The Chief of Staff or his/her designee will issue a written decision dismissing the complaint or taking corrective action, including the issuance of notice of any proposed disciplinary action to the accused.

D. Disciplinary Actions

- (1) Any employee who commits a prohibited act under this policy may be disciplined as follows:

First Occurrence: One-week Suspension to Dismissal
Second Occurrence: Dismissal

- (2) Any supervisory or managerial employee who has knowledge or has been advised of sexual harassment, as defined in this policy, shall immediately report the matter directly to the Personnel Officer or Director of Administration. An employee who fails to follow this policy may be disciplined as follows:

First Occurrence: Written Reprimand to Dismissal
Subsequent Occurrence: One-week Suspension to Dismissal

- (3) Any employee who knowingly files a false complaint of sexual harassment against another employee may be disciplined as follows:

First Occurrence: One-week Suspension to Dismissal
Second Occurrence: Dismissal

E. Employee Rights

The filing of a complaint under this policy, whether the complaint is dismissed or not, does not preclude the complainant from also filing a complaint with the Florida Commission on Human Relations or the Federal Equal Employment Opportunity Commission.

V. Prohibition Against Retaliation

Consistent with Section 112.3187, Florida Statutes, it is the policy of the Office of the Governor that there be no retaliation against an individual because such person has in good faith opposed any offense involving a violation of these provisions, made a charge or testified, assisted or participated in any manner in an investigation, proceeding, or hearing involving an alleged offense involving a violation of these provisions. Retaliatory actions shall subject the perpetrator to disciplinary action up to and including dismissal.

VI. Employee Political Activities

The federal Hatch Act may, and Florida law does, apply to political activities of State employees.

Employees are prohibited from soliciting or knowingly accepting any campaign contribution in a governmental building or office. “Accept” means to receive a contribution by personal hand-delivery from a contributor or his agent. This does not apply when a government-owned building, or any portion thereof, is rented for the specific purpose of holding a campaign fund-raiser.

Employees are permitted to express their opinions on political subjects and candidates, and to take an active part in political campaigns outside of working hours (including the wearing of badges or buttons and displaying bumper stickers and posters). Employees are encouraged to vote.

VII. Employees Seeking Political Office

Employees who wish to seek office must comply with the federal Hatch Act, Fla. Admin. Code r. 60L-36.002, and all other applicable laws. Employees must notify the designated ethics officer prior to announcing or qualifying for candidacy for any elected position or office.

VIII. Family Employment (Nepotism)

As proscribed in Section 112.3135, Florida Statutes, a public official may not appoint, employ, promote, or advance—or advocate for appointment, employment, promotion, or advancement—in or to a position in the unit in which he/she is serving, or over which he/she exercises jurisdiction or control, any individual who is a relative of the official.

A “public official” includes any employee of the Office of the Governor or an agency who is vested with the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, promote, or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in the Office of the Governor or respective agency. A “relative” means an individual who is related as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, sister-in-law, son-in-law, daughter-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

The law does not prevent relatives from working together in public employment. The statute prohibits one who has authority to employ, appoint, promote, advance, or recommend from using that authority with respect to his/her own relatives.

IX. Sunshine Law, Public Records, & Ethics Training

A. Sunshine Law Training for Senior Staff and Cabinet Aides

All senior staff and cabinet aids within the Office of the Governor, **at the determination of the Chief of Staff or Director of Administration**, shall participate in mandatory Sunshine Law training within two weeks of hire, and principals, senior staff, and cabinet aids shall be trained at least once annually in addition to the initial training.

B. Sunshine Law Applicability to Cabinet Aides

The Sunshine Law applies to meetings of elected or appointed boards like the Governor and Cabinet; it does not ordinarily apply to discussions between board staff. Therefore, the Cabinet Aides are not subject to the Sunshine Law unless they are being used as a liaison to communicate information on Cabinet matters from one member of the board to another or they have been delegated decision-making functions on behalf of the board as opposed to mere information gathering or fact finding.

C. Sunshine Law, Public Records, and Ethics Training

Following initial hire, all employees must review and familiarize themselves with Florida’s sunshine, public records, and ethics requirements. Training may be offered by the General Counsel’s Office as needed.

X. Employee Assistance Program

A. Policy Statement

The Office of the Governor offers the Employee Assistance Program (EAP) to employees who have personal/medical problems that may adversely affect their job performance and/or personal life. It is the policy of the Office of the Governor to help those individuals who develop such problems by providing a resource for consultation and treatment.

The individual employee's right to privacy and confidentiality will be respected through all aspects of the EAP. The Office of the Governor will intervene only in those instances where job performance has been impaired.

The EAP does not in any way alter management's authority or the employee's responsibility on the job. Therefore, participation in the EAP does not protect the employee from action for job performance problems and/or disciplinary measures.

B. Definition of Personal/Medical Problems

Personal/Medical Problems may include: abuse of alcohol and drugs; behavioral disorders; marital or familial crises or conflicts; domestic violence; financial or legal burdens; stress and tension; or other problems that may have an adverse effect on personal well-being or job performance.

C. Administration

Administration of the Employee Assistance Program is the responsibility of the Personnel Office. The Personnel Officer serves as the EAP Coordinator. The EAP Coordinator is responsible for administering the program, for directing the employee or supervisor to the proper resource(s) for assistance, and for providing EAP information and training to employees and supervisors.

D. Types of Referrals

Referral into the EAP may be made as a self-referral or as a supervisory referral.

(1) Self-Referral

Employees or members of the employee's immediate family who wish to voluntarily seek assistance may do so by contacting the EAP Coordinator or the contracted EAP Provider. This voluntary participation is encouraged and shall be handled in a confidential manner. ("Immediate family" is defined as the employee's spouse and dependent children.)

(2) Supervisory Referral

Work-performance problem(s), a positive confirmed drug test, or an employee being arrested or issued an injunction for an incident of domestic violence constitute the bases for supervisory referrals.

- *Work-Performance Problem* – An employee who has a work-performance problem not readily corrected by the usual administrative or disciplinary procedures may be referred to the Employee Assistance Program. A supervisor, in determining whether an employee should be referred to the EAP, may consult with the EAP Coordinator at any point.
- *Domestic Violence* – In the case of domestic violence, the supervisory referral is made for an assessment to determine if a batterer's intervention program is appropriate. The Employee Assistance Program provider will determine the appropriate course of action in each specific case. (*See Policy on Domestic Violence in the Workplace*).
- *Positive Confirmed Drug Test* – Employees with a first-time positive confirmed drug test result, if retained as an employee in the Office of the Governor, may be required to seek treatment from the Employee Assistance Program or an alcohol and drug rehabilitation program. (*See Drug-Free Workplace Policy*).

E. Supervisory Referral Procedure

The supervisor is expected to be alert to changes in job performance and unusual behavior exhibited by employees under his/her supervision. The supervisor's responsibility is not to try to diagnose the problem affecting the employee's job performance, but to document deteriorating work performance and confront the employee on that basis.

The supervisor should meet with the employee to: inform the employee of the concern about the deterioration in performance; review documentation of the job problem; remind the employee of the existence of the Employee Assistance Program; remind the employee of the desired standards and levels of job performance and that failure to maintain these standards could result in disciplinary actions up to and including termination of employment; and encourage the employee to take advantage of the Employee Assistance Program.

An employee desiring assistance should be referred to the EAP Coordinator in person or by telephone. The EAP Coordinator will then refer the employee to the EAP Provider for assessment.

A refusal to comply with mandatory referral for assessment can be construed as insubordination. In all instances the supervisor will continue documentation if the job problem continues.

If the deteriorating level of performance continues, the supervisor will notify the EAP Coordinator of the pending referral, prepare a Performance Improvement Plan, and meet with the employee to discuss the Plan and associated documentation, and again strongly recommend that the employee participate in the Employee Assistance Program. If warranted, the supervisor will administer disciplinary action.

The EAP Coordinator will provide the employee with information about the Program and will arrange an appointment with the EAP Provider. The EAP Coordinator will advise the supervisor when the referral is completed and will periodically provide the supervisor with information on whether the employee is keeping appointments and participating in the EAP.

If rehabilitation efforts fail to improve job performance, the supervisor may consult with the EAP Coordinator, but the final determination as to the advisability of future personnel actions is a managerial decision based on job performance.

F. Time and Attendance in the Referral Process

If an employee's first consultation with the EAP Provider is the result of a supervisory referral, the time spent in the initial consultation will be considered "time worked." All counseling sessions that follow are to be charged to sick leave, if appropriate, or to annual leave, compensatory leave, or leave without pay. To facilitate participation in the Employee Assistance Program, supervisors are encouraged to allow employees to set a flexible-hour work schedule or to make up time in the applicable work period.

G. Payment for Employee Assistance Program Services

The cost of the initial assessment and referral consultation will be absorbed by the Office of the Governor regardless of whether the visit is the result of a self-referral or supervisory referral. Payment for care or counseling after the initial consultation, whether the result of a supervisory referral or a self-referral, is the employee's responsibility. The Personnel Office will provide information concerning insurance benefits that may be available to the employee.

H. Confidentiality

Records of non-work related problems and/or records of Employee Assistance Program participation by an employee or his/her immediate family will be maintained only in clinic or treatment files of the EAP Provider. No record of participation or non-participation will be maintained in the employee's personnel file or in any other official file. Except as otherwise noted in this policy, no information concerning the employee's participation may be released by the EAP Provider to any person without the express written consent of the employee. An employee cannot be compelled to provide such consent.

I. Employee Rights

An employee has the right to refuse referral into the EAP and may discontinue participation at any time. Failure to accept referral or to participate in the EAP will be considered in the same manner as any other factor or illness which could continue to affect job performance. If the problem continues to adversely affect job performance, the employee will be subject to appropriate management action. If the problem disappears or no longer results in job performance or disciplinary problems, no further management action will be taken.

J. Related Procedures

Supervisors should refer to the Office's Drug-Free Workplace and Domestic Violence in the Workplace policies in addressing employee problems in these areas. Other references and guides are the Office's Review and Performance Planning System Procedure and Disciplinary Actions Procedure.

K. Education and Training

Unit Directors and supervisors may attend EAP supervisory training offered by the EAP Provider. New employees will receive information on the EOG Employee Assistance Program at new employee orientation. Periodic EAP orientation sessions will be held as deemed necessary.

XI. Drug-Free Workplace Policy

A. General Provisions

As used in this section, the term "employees" refers to employees in the Office of the Governor, as well as the heads, chiefs of staff, general counsels, and inspectors general of agencies under the purview of the Governor. Employees are subject to the Florida Drug-Free Workplace Act, Section 112.0455, Florida Statutes.

B. Types of Drug Tests

The drug tests conducted or required by the Office of the Governor are:

- *Initial Hiring:* All employees shall be tested for drugs prior to hiring.
- *Routine Fitness for Duty:* All employees are required to submit to random drug testing if selected.
- *Reasonable Suspicion:* The Office of the Governor may test any employee based on a reasonable belief that the employee is using or has used drugs in

violation of this Policy.

- *Follow-up:* The Office of the Governor may test any employee who has entered and completed treatment in an Employee Assistance Program for drug-related problems or an alcohol and drug rehabilitation program. Such employees may be subject to additional drug testing following the completion of such program.

C. Legal Use of Prescription and Non-prescription Drugs

Employees subject to this policy may confidentially report, to the Director of Administration, the current use of prescription or non-prescription medication both before and after being tested. Employees and job applicants will receive notice of the most common medications by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test. Employees may consult the testing laboratory for technical information regarding prescription and non-prescription medication.

D. Confidentiality

All information, interviews, reports, statements, memoranda, and drug-test results, written or otherwise, received by the Office of the Governor through this drug-testing program are confidential communications and shall not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with the Drug-Free Workplace Act.

E. “Routine Fitness” Drug Testing

It is the policy of the Office of the Governor that certain drug use may be incompatible with fitness for duty. Accordingly, all employees may be subject to “Routine Fitness” drug testing. Under Routine Fitness drug testing, a random selection of employees may be chosen every quarter for a drug test.

F. “Reasonable Suspicion” Drug Testing

(1) Test Procedure Definition

“Reasonable suspicion” drug testing means drug testing based on a belief that an employee is using or has used drugs in violation of this Policy, drawn from specific objective and articulable facts and reasonable inferences drawn from those facts. Among other things, such facts and inferences may be based upon:

- Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.

- Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- A report of drug use, provided by a reliable and credible source, which has been independently corroborated.
- Evidence that an individual has tampered with a drug test during his employment with the Office of the Governor.
- Information that an employee has caused, or contributed to, an accident while at work.
- Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on State premises or while operating the Office's vehicle(s), machinery, or equipment.

(2) When a “Reasonable Suspicion” Drug Test is Required

A “reasonable suspicion” drug test will be required only upon the recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee in question, or as otherwise determined by the Chief of Staff.

(3) Documentation Requirement

The supervisor recommending that an employee submit to “reasonable suspicion” drug testing must promptly detail in writing the circumstances which formed the basis of the determination that reasonable suspicion exists to warrant the testing. This document shall be forwarded under confidential cover or presented by hand by the immediate supervisor to the supervisor who would recommend testing. Where possible, the written documentation should be prepared at the time the recommendation for testing is made.

(4) Scheduling the Drug Test

If the decision is made to require a drug test, the supervisor must notify the Personnel Officer and immediately forward under confidential cover the original documentation. The Personnel Officer will schedule the appointment at the collection site. The Personnel Officer will also provide the documents that must be taken to the collection site and information on the Drug Testing Program.

G. Drugs

Tests may be conducted for any or all the following drugs:

| <i>Drug</i> | <i>Trade Name</i> |
|----------------------------|---|
| Amphetamines | Biphetamine, Delcobes, Desoxyn, Dexedrine, Mediatric |
| <i>Cannabinoids</i> | |
| Marijuana | |
| Tetrahydrocannabinol | THC |
| Hashish | |
| Hashish Oil | |
| Cocaine | |
| <i>Hallucinogens</i> | |
| Phencyclidine | |
| Methaqualone | Quaalude |
| Opiates | Opium, Paregoric, Parapectolin |
| Barbiturates | Phonebarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate |
| Benzodiazepines | Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranzene, Valium, Verstran, Halcion, Paxipam, Restoril |
| <i>Synthetic Narcotics</i> | Oxycodone |
| Methadone | Dolophine, Methadone, Methadose Propoxyphene |
| Alcohol | including distilled spirits, wine, malt beverages, and intoxicating liquors |

H. Notification of Test Results: Initial Hiring and Reasonable Suspicion Tests

In the case of an initial-hiring or a routine-fitness drug test, the Personnel Officer will notify the individual's immediate supervisor of the test results. In the case of agency heads, chiefs of staff, general counsels, and inspectors general, the immediate supervisor for purposes of this notification will be the Governor's Chief of Staff. In the case of a reasonable-suspicion drug test, the Personnel Officer will notify the recommending supervisor of the test results. If the results of any drug test are confirmed positive, the Personnel Officer will prepare a notice for the signature of the unit director and will advise the Chief of Staff and Director of Administration.

I. Follow-Up Drug Test Procedure

An employee who has positive confirmed drug test results may be required to complete an employee assistance program or alcohol and drug rehabilitation program and/or submit to subsequent drug tests at the direction of the Chief of Staff or Director of Administration.

J. Employee Assistance

As explained above, the Office of the Governor operates an Employee Assistance Program, contact information for which is available from the Director of Administration. In addition, prior to testing, employees shall be given written notice of the names, addresses, and telephone numbers of local alcohol and drug rehabilitation programs.

An employee with a first-time positive confirmed drug test result shall, unless terminated, be required to seek treatment from an employee-assistance program or alcohol- and drug-rehabilitation program. The treatment shall be at the employee's expense. The successful completion of the program is a condition of continued employment. The Personnel Office will provide information and assistance in locating treatment programs.

K. Test Refusals and Positive Confirmed Tests

An employee who refuses to submit to a drug test is subject to immediate dismissal. Notwithstanding the provision in this policy regarding employee assistance, an employee with a confirmed positive drug test result is subject to immediate dismissal at the option of the Office of the Governor. An employee who completes an approved treatment program but whose follow up drug test is positive is subject to immediate dismissal.

An employee or job applicant who receives a positive confirmed drug test result may contest or explain the result to the Director of Administration within five working days after written notification of the positive test result.

An employee or job applicant who institutes an administrative or civil action brought pursuant to Section 112.0455, Florida Statutes, has a responsibility to notify the drug-

testing laboratory of such action.

L. Drug-Free Awareness Program

The Office of the Governor commits to and hereby reaffirms a Drug-Free Awareness Program to inform employees of the dangers of drug abuse and of available drug-counseling and rehabilitation programs. This will be accomplished through a continuing drug-education program for current employees and the orientation of new employees.

M. Disciplinary Standards

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Office of the Governor.

Any employee who is arrested for the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or who is arrested for driving under the influence of alcohol, on or off the job, shall notify his/her immediate supervisor and the supervisor will ensure that the Chief of Staff is notified of such an occurrence. Failure to provide such notification by the end of the first working day following the occurrence may result in dismissal. The Chief of Staff may place the employee on appropriate leave pending evaluation of the charges and disposition of the arrest.

Any employee convicted of, or who enters a plea of *nolo contendere* to, a crime relating to the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, or other drug-related criminal sanction, or driving under the influence of alcohol, shall be dismissed.

The Office of the Governor will follow the provisions of the State Policy on Alcoholism in addressing infractions made by employees as a result of the use of alcohol. If working conditions and/or public relations are obviously and adversely affected by the problem-drinker's behavior, the employee will be placed on compulsory disability leave. If the problem drinker refuses to recognize his/her condition and fails to seek help, or fails to complete the program of treatment, or treatment is unsuccessful, the employee shall be dismissed.

N. Distribution

New employees will receive a copy of the Drug-Free Workplace Policy upon hiring or appointment. Supervisors are to ensure that a copy of this policy is posted in their units.

XII. Policy on Domestic Violence in The Workplace and Workplace Safety

A. Policy Statement

The purpose of this policy is to heighten awareness of domestic violence and to provide

guidance for employees and management in addressing the occurrence of violence (both domestic and non-domestic) and its effects in the workplace.

It is the policy of the Office of the Governor to use early intervention and awareness strategies as a first line of defense to avoid or minimize the occurrence and effects of violence in the workplace, both domestic and non-domestic. The Office will offer assistance to victims and perpetrators of domestic violence. Perpetrators of such acts will be subject to disciplinary action in accordance with the policies of the Office of the Governor. The Office of the Governor has adopted model domestic violence and “workplace safety” policies attached to the resolutions of the Governor and Cabinet dated September 26, 1996 and April 15, 1997.

The Office of the Governor will not tolerate domestic violence that includes harassment of any employee or client while in State offices, facilities, work sites, vehicles, or while conducting State business. This includes the display of any violent, aggressive, or threatening behavior (verbal or physical) that results in physical or emotional injury or otherwise places a person’s safety and productivity at risk.

Any employee who threatens, harasses, or abuses someone at the workplace or from the workplace using any State resources such as State time, workplace phones, fax machines, mail, email, or other means will be subjected to disciplinary action up to and including dismissal. Employees who are arrested, convicted, and/or enjoined as a result of domestic violence are subject to disciplinary action.

B. Definitions

- (1) “Arrest” or “Injunction” – to be detained in legal custody or have a court order to protect against domestic violence.
- (2) “Batterer” or “Perpetrator” – the individual who commits an act of domestic violence.
- (3) “Batterers’ Intervention Programs” – programs based on the power-and-control model of batterers’ intervention that are designed to eliminate violence in intimate relationships, stop other forms of abusive behavior, and increase victim safety, and which are consistent with programs as described in Section 741.325, Florida Statutes.
- (4) “Domestic Violence” – includes but is not limited to stalking or other patterns of coercive behavior that are used by one person to control another by means of physical violence; sexual, emotional, and psychological violence; intimidation; verbal abuse; and economic control. (See Section 741.28, Florida Statutes).
- (5) “Domestic Violence Centers” – service agencies that provide counseling and referrals, community education, emergency shelter, and other services to victims of domestic violence and their children.

- (6) “Inappropriate Batterers’ Intervention Programs” – include but are not limited to couples, marriage, or family counseling and anger management courses.
- (7) “Power-and-Control Model of Batterers’ Intervention” – a treatment program that requires completion of twenty-four counseling/educational sessions over at least twenty-nine weeks. Mandatory section topics include: physical violence, coercion and threats, intimidation, emotional abuse, isolation, minimizing, denying and blaming, children, male privilege and economic abuse. (See Section 741.325, Florida Statutes).
- (8) “Victim” – the individual who is abused by the batterer.

C. Procedure Regarding Assistance for Victims of Domestic Violence

An employee who is or may be a domestic-violence or stalking victim should immediately notify his/her unit director and/or supervisor, who in turn will advise the Personnel Officer and/or Director of Administration.

In all cases the Director of Administration and Personnel Officer (EAP Coordinator) will have the following responsibilities:

Action Step 1:

The Director of Administration and/or Personnel Officer will notify the Chief of Staff or his/her designee that a domestic violence situation exists in the Office.

Action Step 2:

The Personnel Officer will meet with the employee and unit director and/or supervisor to determine measures that may be taken regarding safety, security, referral to the Office of the Governor’s Employee Assistance Program, and if necessary, referral to a domestic-violence center.

Action Step 3:

The Personnel Officer will notify the appropriate security personnel so that appropriate steps may be taken to change the workplace environment or workplace activities to heighten security and safety for this and other employees.

All steps will be taken in the strictest confidence and the employee’s right to privacy will be respected.

D. Time and Attendance in Providing Assistance for Victims of Domestic Violence

Leave requests made by employees who are victims of domestic violence for the purpose of seeking medical or legal assistance, for court appearances, counseling, relocation, or to make other necessary arrangements to provide for victim safety will be granted. Supervisors are encouraged to allow employees to set a flexible-hour work schedule or make up time in the applicable work period to address concerns in this area.

E. Disciplinary Actions

The perpetration of acts of domestic violence is considered unacceptable conduct of a public employee and is prohibited in the Office of the Governor.

- (1) Any employee who threatens, harasses, or abuses someone at the workplace or from the workplace using any State resources may be disciplined as follows:

| | |
|---------------------------|----------------------------------|
| <i>First Occurrence:</i> | One-week Suspension to Dismissal |
| <i>Second Occurrence:</i> | Dismissal |

- (2) Any employee who is arrested, or is subject to a restraining order or injunction, for a first occurrence of domestic violence may be disciplined as follows: One-week Suspension to Dismissal (if the offense is of such severity as to cause great bodily harm, permanent disability, or permanent disfigurement, the employee shall be dismissed).
- (3) Any employee who is arrested, or is subject to a restraining order or injunction, for a second occurrence of domestic violence, and who has been afforded the opportunity to complete a batterers' intervention program, shall be dismissed.

F. Procedures Regarding Assistance for Batterers

Employees who are perpetrators of domestic violence are encouraged to seek assistance and contact the Personnel Officer/EAP Coordinator or the Employee Assistance Program Provider in the case of a self-referral.

- (1) An employee arrested, or who is subject to a restraining order or injunction, for an incident of domestic violence shall notify his/her unit director or supervisor. Failure to provide such notification by the end of the first working day following the occurrence may result in dismissal
- (2) Once it is determined (either through self-reporting or through documentation) that an employee has been arrested, or is subject to a restraining order or injunction, for an incident of domestic violence, the employee must meet with his/her unit director and supervisor on the employee's first day back to work after the incident. A supervisory referral will be made to the Employee Assistance Program. A subsequent referral to the appropriate treatment program will be made within 2 working days of the initial meeting.
- (3) After referral to the Employee Assistance Program, the treatment process and reporting and recordkeeping will be handled as prescribed in that policy. The EAP Provider will determine the appropriate course of action in each case. If it is determined that the employee should be referred to a batterers' intervention program, the program will be a 29-week batterers' intervention program that uses the power-and-control model of intervention.

- (4) If the Employee Assistance Program Provider recommends a course of counseling concurrent with a batterers' intervention program, or instead of a batterers' intervention program, and the employee successfully completes that recommended program, no further action will be taken.
- (5) If an employee refuses, or in any other way does not successfully complete a batterers' intervention program or other program recommended by the Employee Assistance Program Provider, the employee will be subject to disciplinary action. If there are no other incidents of domestic violence, no further action will be taken.

G. Employee Notification

Effective the date of this policy, an employee who currently has at least one arrest, injunction, or conviction for an occurrence of domestic violence, will on the next arrest, injunction, or conviction for an occurrence of domestic violence be subject to disciplinary action.

Individuals hired in the Office of the Governor after the date of this policy will be given notice of this provision by the Personnel Office.

Employees are encouraged to seek assistance through the Employee Assistance Program.

H. Education and Training

The Office of the Governor will provide, encourage, and promote domestic-violence education and training for all employees with special emphasis on workplace security and safety, and Employee Assistance Program training. The EAP Provider will ensure that supervisors and employees receive training on the Employee Assistance Program.

In addition, the Office will provide a list of resources available to victims and perpetrators of domestic violence.

XIII. Smoking Policy

Smoking is prohibited in all government buildings.

XIV. Safety Policy

It is the policy of the Office of the Governor to provide employees with a safe and healthy work environment through adequate maintenance of our facilities and equipment. Each employee is to assist in developing and maintaining this environment by observing safety regulations and employing safe work habits.

XV. Mandatory Use Of Seat Belts/Safe Operation Of Vehicles

Rule 60B-1.012, Florida Administrative Code, requires the following:

a. Mandatory Seat Belt Use

All seated occupants of State-owned, leased, or rented vehicles and of all personal vehicles operated on State business are required to wear seat belts. Failure to wear seat belts shall be considered improper use of a vehicle and shall subject employees to disciplinary action. If an accident resulting in injury to an employee occurs and the employee is not wearing seat belts, and the failure to use the seat belts contributes to injuries received, the employee's workers' compensation benefits may be reduced under the provisions of Section 440.09(4), Florida Statutes.

b. Operation of Vehicles in a Safe and Courteous Manner

All State-owned, leased, or rented vehicles and all personal vehicles operated on State business shall at all times be operated in a safe and courteous manner. Failure to operate vehicles in a safe and courteous manner shall be considered improper use of a vehicle and shall subject employees to disciplinary action.

c. Operation of Vehicles in Compliance with Law

All State-owned, leased, or rented vehicles and all personal vehicles operated on State business shall operate in compliance with all applicable federal, State, and local laws and ordinances. Failure to comply with federal, State, or local laws or ordinances shall be considered improper use of a vehicle and shall subject employees to disciplinary action. All fines and penalties resulting from failure to comply with federal, State, or local laws or ordinances are the personal responsibility of the operator of the vehicle.

XVI. Telephones, Computers, Internet, Email

a. Use of State Telephones

Personal long-distance calls shall not be charged to State telephones. Employees must use their personal long-distance credit card for this purpose.

It is also inappropriate to use a State cellular telephone for personal calls. We understand, however, that sometimes these calls are unavoidable. If personal calls are on the cellular telephone billing, the employee must reimburse the State for these calls. There is a \$3.00 processing charge when payment is made.

b. Use of State Computers

In accordance with the Office of the Governor's Computer Use Policy, State computers are to be used for reasons that are necessary in the accomplishment of employee's job assignments. Nonetheless, employees are permitted to briefly visit non-prohibited Internet sites or use email for personal reasons during non-work hours (breaks, lunch periods, or before/after work) subject to the limitations contained within this policy. Sound discretion and good judgment should be used in viewing non-work related sites and personal-computer use must not result in any additional cost to the EOG. No employee is permitted to use or access the Internet for pornographic, obscene, and/or other improper purposes.

c. Public Records in Electronic Format

The State of Florida has broad public records laws, codified in Chapter 119, Florida Statutes, which apply to all employees in the Office of the Governor and which impose civil and criminal penalties for violations thereof. The Office of the Governor currently adheres to the Department of State's policy regarding the use and retention of email in the context of public-records laws. The author/sender of an email, or other electronic file or message in any format, is responsible for (i) determining whether such electronic file is subject to the public-records law, and (ii) retaining such email (and attachments) or file in the format and for the retention period outlined in the Department of State policy. The Office of Open Government will make any appropriate recommendations regarding revisions to the Department of State's policy.

An electronic public record may reside on either a State server or a personal or non-State server. If an employee creates or receives a public record on a personal or non-State account or server, he or she becomes the custodian of that record and is responsible for retaining it as required by law and in accordance with Department of State policy. **In light of these rules, employees of the Office of the Governor should not use personal or non-State accounts and servers (including, but not limited to, email, text messaging, instant-messaging, or social media accounts) to conduct State business unless such use is necessary upon a reasonable evaluation of the circumstances at hand.**

If an employee finds that use of a personal or non-State email account or server is necessary under the circumstances at hand, that employee should, at the first reasonable opportunity, forward to his/her State email account any public records created or received on a personal or non-State account or server, or otherwise retain them in accordance with the Department of State retention policy. Please note that certain identified senior staff positions are required to promptly forward to a State government email account all public records sent or received on any private account.

Upon leaving the Office of the Governor, if an employee has any electronic public records located on his/her personal or non-State accounts or servers, he or she must forward the public records to his/her State email account or must provide hard copies of the records to

the Records Management Liaison Officer.

If an employee receives a public record (including text message or email) on a personal or non-State account or device, the following approved language may be used in responding to the sender:

Text Messages

(Option 1) “EOG staff does not conduct public business via text messaging. You may contact me at (phone number) or (State email address).”

OR

(Option 2) “The Florida public records law treats text messages regarding State business as public records. Please call me at (phone number) or email me at (State email address).”

Emails (on private account)

“Thank you for your email. All emails regarding State business are subject to Florida’s public records law. Please contact me at (phone number) or email me at (State email address).”

d. Public Records Sent or Received on Senior Staff Private Accounts

Identified senior staff shall promptly forward to a State government email account all public records sent or received on any private account.

EXECUTIVE OFFICE OF THE GOVERNOR OF THE STATE OF FLORIDA



ETHICS MANUAL EFFECTIVE FEBRUARY 28, 2020

PLEDGE ON BEHALF OF THE PEOPLE OF FLORIDA

1. I have been provided with a copy of Governor DeSantis' Ethics Manual.
2. I understand that, by holding a position within state government, I have taken on the mantle of public service.
3. I am committed to maintaining an honest, ethical, and open system of government for the people of Florida.
4. I therefore pledge to honestly and faithfully comply with both the letter and spirit of this Code of Ethics, as well as the requirements set forth in Chapter 112, Part III Florida Statutes, in the discharge of my duties and responsibilities as a public servant. As part of this commitment, I pledge to be on guard against and to avoid the appearance of impropriety in conducting the people's business.
5. I further pledge that, should questions regarding appropriate behavior arise, I will seek guidance from the appropriate person within my agency or the Executive Office of the Governor on how to resolve the matter in question.

Signature:

Print Name:

Date:

I. GENERAL PROVISIONS

The Executive Office of Governor Ron DeSantis is dedicated to performing faithfully its duties bestowed upon the State of Florida by the United States Constitution, the State Constitution, and federal and state laws. The Office is committed to the highest standards of ethics to promote the public interest and preserve public trust in the government. The State is a national leader in its ethics and open government laws, and this Office pledges to execute its duties for the benefit of the people of Florida.

Executive branch employees shall review this revised gubernatorial Ethics Manual (“Manual”). The Manual provides clear, concise and enforceable standards that incorporate and, in some cases, exceed the ethical requirements of Chapter 112, Part III, Florida Statutes (“Statutory Code”). It serves as an increase or additional standard of conduct for employees and in no way replaces or alters the statutory requirements. Thus, to the extent that a statutory provision is not enhanced by an express provision of this Manual, the Statutory Code applies. Accordingly, all executive branch employees should familiarize themselves with the requirements of the law.

The term “employees” in the Manual refers to all “reporting individuals” (i.e. those required to file a full or limited financial disclosure pursuant to Article II, Section 8 of the Florida Constitution) and “procurement employees” (i.e. participants in procuring government goods or services of more than \$10,000 per year). As used in the Manual, the definition also applies to all employees in the Office of the Governor and to all executive agency secretaries or agency heads, deputy secretaries or deputy directors, chiefs of staff, general counsels, communications directors, and directors of legislative affairs.

Employees, as described above, shall comply with the requirements of the Manual as well as the Statutory Code; Article I, Section 24 of the Florida Constitution; Chapters 112 and 119, Florida Statutes; and Chapter 34, Florida Administrative Code. Each secretary of an executive agency under the purview of the Governor shall review the Manual and evaluate his or her agency’s existing code of ethics to ensure that it models the obligations in this Manual.

II. DESIGNATION OF AN ETHICS OFFICER

Pursuant to Executive Order 19-11, Governor DeSantis directed that his General Counsel shall serve as Chief Ethics Officer for the Executive Office of the Governor and that the secretary of each executive state agency under his purview shall designate a Chief Ethics Officer for his or her respective agency. Accordingly, each agency’s Chief Ethics Officer must make efforts to ensure that employees responsible for adhering to the Manual, or their respective agency’s code, become familiar with relevant ethics, public records and open meeting requirements.

Each agency secretary shall develop training on ethics, public records, open meetings, records retention, equal opportunity and proper personnel procedures, and thereafter each agency’s Chief Ethics Officer shall arrange appropriate training of agency employees on an annual basis.

III. AVOIDING THE APPEARANCE OF IMPROPRIETY

Employees shall use the powers and resources of the Governor’s Office or their respective agencies to advance the public interest and not for any personal benefit (other than salaried compensation and employer-provided benefits). Employees are expected to safeguard their ability to make fair and impartial decisions, and therefore may not accept a benefit of any sort when a reasonable observer could infer that the benefit was intended to influence a pending or future decision of the employee, or to reward a past decision. Employees shall avoid any conduct, whether in the context of business, financial or social

relationships, that might undermine the public trust including conduct that lends itself to the appearance of ethical impropriety.

Employees shall consider their circumstances and recuse themselves from certain matters where prior dealings, finances or personal relationships could lead to the appearance of impropriety. **Such recusal must be delivered in writing to the Governor's Office of General Counsel.** For example, specific instances of recusal *include* matters involving or impacting a spouse, a prior or future employer, or a prior contract or legal agreement involving the employee or the employee's financial interest. Employees shall use their best judgment and consult their agency Chief Ethics Officer as necessary. An employee's failure to submit a written recusal when justified may constitute grounds for termination of employment.

IV. FINANCIAL DISCLOSURE

Certain employees are required to make public disclosures of their financial interests. Conflicts of interest may occur when public officials are in a position to make decisions that could affect their personal financial interests. Therefore, certain employees are required to publicly disclose those interests. *See generally* §§ 112.3144 and 112.3145, Florida Statutes. The disclosure process serves to remind officials of their obligation to put the public interest above personal considerations and helps citizens monitor the considerations and actions of government actors.

Pursuant to § 112.3145, Florida Statutes, all non-clerical/secretarial employees may be required to file with the Commission on Ethics, a Form 1, Statement of Financial Interests and other forms as may be required by the statutory code (employees should visit the Commission on Ethics website for other forms that may need to be filed). *See* Statutory Code for exact reporting requirements.

Employees should also review regularly their personal assets, business interests and investments to assure that any potential for conflict or the appearance of impropriety is avoided.

V. GIFT REQUIREMENTS

When considering receipt of gifts and services from other individuals and organizations, employees shall consider and apply the requirements of this Manual. These guidelines are meant to serve as an overview and do not excuse or exempt an employee from reading and understanding the standards of conduct set forth in the Statutory Code. Employees with questions or concerns should consult their agency Chief Ethics Officer.

A "gift" is anything accepted by a person, whether directly or indirectly by another, for that person's benefit and for which no payment is made. A gift may include real property or its use; tangible or intangible personal property or its use; a preferential rate or terms on a transaction not available to others similarly situated; forgiveness of a debt; transportation; lodging; parking; food or beverage; dues, fees and tickets; plants and flowers; personal services for which a fee is normally charged by the provider; and any other thing or service having an attributable value.

The term "lobbyist" is any person who meets the definition of that term in the Statutory Code. Consistent with § 112.3215, Florida Statutes, a "lobbyist" does not include an employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties. Consistent with the Statutory Code, a "principal" is anyone (other than an agency, legislative branch entity or judicial branch entity) who employs or retains a lobbyist, either as an employee or independent contractor. The Florida

Legislature maintains a website of all registered principals and executive branch lobbyists that should be consulted by employees.

1. No Lobbyist Gifts

While § 112.3148, Florida Statutes outlines gift requirements for all government employees, § 112.3215, Florida Statutes provides separate prohibitions for gifts from lobbyists to executive branch employees. Pursuant to this Manual, employees shall not accept a gift from a lobbyist or a lobbyist's principal, **regardless of whether the item or service is being offered “for the purpose of lobbying.”** In other words, the prohibition in § 112.3215(6)(a) on employees accepting a lobbyist gift applies as defined in § 112.3215(1)(d) despite whether the gift is “for the purpose of lobbying.”

At all times, employees have a duty to inquire whether the thing of value accepted is from a lobbyist or principal of a lobbyist. No gift should ever be accepted unless and until an employee determines whether it is being given by a lobbyist or the principal of a lobbyist. Employees should affirmatively consult the Florida Legislature's website listing of registered lobbyists and principals: <http://www.leg.state.fl.us> Employees who are unable to access or verify a party's status via the website should ask the offeror of the thing or event whether a principal or lobbyist is involved. If there is any doubt, employees should consult their Chief Ethics Officer.

2. Non-Lobbyist Gifts

Employees may not accept otherwise legal gifts from non-lobbyists if the gift could lead to impropriety or the appearance of impropriety. For example, employees may not accept gifts from: (1) current contract holders with the State of Florida; (2) parties soliciting, bidding on or expecting to bid on a contract with the state; and (3) parties who have pending matters awaiting decision by the state or who otherwise may be attempting to influence government matters.

Any otherwise legal gift from a non-lobbyist over \$100 must be reported under § 112.3148(8), Florida Statutes. See Statutory Code for exceptions. In addition:

- Gifts from relatives are excluded from the statutory definition of “gift” unless the relative is a lobbyist or the principal of a lobbyist, in which case the general prohibition on gifts from lobbyists applies unless there is reimbursement in value. The term “relative” shall follow the definition in the statutory code. See § 112.312(21), Florida Statutes.
- No prohibited gift may be received indirectly. Thus, a gift to an employee's spouse or minor child could be considered a gift to the employee and may be prohibited if from a lobbyist, or otherwise may need to be reported, in line with the Manual and the Statutory Code. If there is any doubt, employees should consult their Chief Ethics Officer, and if necessary the Governor's Office of General Counsel.

3. No Solicitation

No employee, acting in an official capacity, may solicit any gift, regardless of its value, if the gift is for the personal benefit of himself or herself, his or her family, or another employee.

VI. CONSIDERATIONS FOR ACCEPTING GIFTS, SERVICES OR HONORARIA

Generally, any reimbursement is measured as the cost of the item to the person providing it. In the case of gifts, the cost is the actual value of the item, such as face value on admission ticket. While a membership fee required to use a golf course, tennis club, dining club or other private facility is not part of the reimbursable cost, the per person additional cost above the ticket's face value for seating at a skybox or other exclusive seating area at a sporting or theatrical venue is part of the reimbursable cost and must be included. Employees should review the Statutory Code for more detailed rules on how to value and pay for gifts. See § 112.3148(7), Florida Statutes; and Rules 34-13.210 and 34-13.500, Florida Administrative Code.

On-site consumption of food and refreshment at receptions or other events, provided the employee's attendance at such event is an appropriate exercise of official duties, may be permissible unless the food and refreshments are paid for by a lobbyist or principal. Additionally, employees are not prohibited from attending an event open to all persons, or from accepting any item or benefit generally available for free or below the customary rate if the terms or rate is a government rate available to all other similarly-situated government employees or a rate available to similarly-situated members of the public by virtue of occupation, affiliation, age, religion, sex or national origin.

NOTE: There is no gift if the employee reimburses the other person for the cost of the item. If an employee is unsure whether something constitutes an impermissible gift, he or she can always pay for the item or service.

The Statutory Code provides helpful guidance for employees considering whether goods or services may or may not constitute gifts:

- A gift does not include salary, benefits, services, fees, commissions, gifts or expenses associated primarily with one's employment.
- A gift does not include contributions covering expenses for campaign-related personal services provided by non-compensated employees volunteering their time or any other contribution made by a political party or an affiliated party committee. See § 106, Florida Statutes.
- A gift does not include reimbursement or expenses covered for an employee, or employee's spouse, related to participation in an honorarium event. Employees are prohibited from accepting money payment or direct payment of monetary value for speaking appearances or for written works; however, reimbursement of expenses are permissible to the extent they cover expenses for the employee's participation in the event (e.g. an event sponsor may provide accommodations for an employee delivering remarks or participating on a panel at an event, but payment for a speech is not permitted).
- A gift does not include non-monetary awards, plaques, certificates or other similar personalized items, given in recognition of the employee's public, civic, charitable or professional service.

The Statutory Code also provides helpful guidance for employees in conducting their actions:

- Employees and their spouses and children are prohibited from accepting any compensation, payment or thing of value when they know, or with the exercise of reasonable care should know, that it is given to influence their official action.
- Employees are prohibited from corruptly using or attempting to use their official positions to obtain a special position for themselves or others.
- Employees acting as purchasing agents or employees in their official capacity are prohibited from purchasing, renting or leasing any realty, goods or services for the Office or agency from a business entity in which they, their spouse or child own more than 5% interest or serve as an officer or director. Similarly, employees acting in a private capacity are prohibited from renting, leasing or selling any realty, goods or services to the State. Employees should consult their Chief Ethics Officer regarding exceptions and/or recusals.
- Employees are prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with the Office or agency. Employees are also prohibited from holding any employment or having a contractual relationship which will pose a conflict between the private interests and public duties or which will impede the full and faithful discharge of their public duties.
- An employee who participates in the decision-making process involving a purchase request, who influences the content of any specification or procurement standard, or who renders advice, investigation or auditing, regarding the Office's contract for services, is prohibited from being employed by a person holding such a contract with the Office or agency.
- Employees are prohibited from seeking for a relative any appointment, employment, promotion or advancement in the unit in which he/she is serving or over which he/she exercises jurisdiction or control.
- Employees are prohibited from directly or indirectly procuring contractual services for the Office from a business entity of which a relative is an officer, partner, director or proprietor, or in which they, their spouse or children own more than a 5% interest.
- Employees are prohibited from personally representing another person or entity for compensation before the Office for a period of two years after leaving their position, unless employed by another agency of the state government.
- A former employee, following retirement or termination of employment, is prohibited from having employment or a contractual relationship with any business entity (other than a public agency) in connection with a contract in which the employee participated personally and substantially by recommendation or decision while a public employee.

- A former employee who retired or terminated employment is prohibited from having any employment or contractual relationship for two years with any business entity (other than a public agency) in connection with a contract for services which was within his or her responsibility while serving as a state employee.

As a matter of general policy, any frequent-flyer miles and/or bonus miles awarded to an employee as a result of State-reimbursed travel may be used for personal use of the employee.

See Statutory Code for further discussion on gift parameters and exceptions.

VII. DUAL EMPLOYMENT AND OTHER SERVICE

No employee may have any on-going dual employment, dual compensation or serve as an officer or director of any governmental or non-governmental corporation, company, partnership or other entity, regardless of its private or public ownership or its for-profit or not-for profit status, without prior approval from their agency Chief Ethics Officer.

VIII. CONFLICTS OF INTEREST

No employee shall participate in an official capacity in any matter that would inure to his or her special private gain or loss, or which the employee knows will inure to the special private gain or loss of any relative or business associate. Employees should consult their Chief Ethics Officer regarding appropriate screening procedures for meetings, events, or other government matters that could lead to such an appearance of impropriety. However, no procedure shall limit the employee's ability to fulfill the core functions of his or her job, and nothing in this Manual is meant to prohibit an employee from addressing or making decisions relating to issues that may generally affect an industry or business sector with which the employee may have had a prior relationship.

IX. APPLICATIONS FOR EXEMPTIONS

There may be unique and/or compelling circumstances warranting exceptions to and/or waivers from these requirements in certain individual cases. In such instances, prior approval from the agency Chief Ethics Officer is required in consultation with the Governor's Office of General Counsel as necessary.

X. REPORTING VIOLATIONS

All ethics violations should be reported to the agency Chief Ethics Officer.

XI. POLICY ADMINISTRATION

The Personnel Office is responsible for notifying employees appointed to designated positions of the requirement to file financial and gift disclosures. Contact: (850) 717-9210

The Governor's Office of General Counsel is responsible for providing clarification to employees on the specific ethics policies outlined herein. Contact: (850) 717-9310

Questions about the ethics laws may be addressed to the Commission on Ethics. Contact: (850) 488-7864

Questions about the public records and/or sunshine laws may be addressed to the Governor's Office of Open Government. Contact: (850) 717-9248; desantis.opengov@eog.myflorida.com

From: Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>
Sent: Tuesday, April 28, 2020 5:09 PM EDT
To: Grow, Stefan <stefan.grow@ahca.myflorida.com>; StLaurent, Louise <louise.stlaurent@flhealth.gov>
Subject: [External] Re: PRR Lawsuit (Joint Defense Privilege)

All,

11 tomorrow?

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From: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Sent: Tuesday, April 28, 2020 5:04:07 PM
To: Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; StLaurent, Louise <louise.stlaurent@flhealth.gov>
Subject: PRR Lawsuit (Joint Defense Privilege)

Colleen,

Let's discuss when able. Louise and I had a conference call with John Wharton and have some recommendations on next steps.

Thanks,

Stefan

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

From: Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>

Sent: Tuesday, April 14, 2020 6:31 PM EDT

To: Gross, Samantha <sgross@miamiherald.com>; Ferre, Helen <Helen.Ferre@eog.myflorida.com>; Strickland, Katie <Katie.Strickland@ahca.myflorida.com>

Subject: [External] RE: 6:30 call

Thanks Sam!

From: Gross, Samantha <sgross@miamiherald.com>

Sent: Tuesday, April 14, 2020 6:30 PM

To: Ferre, Helen <Helen.Ferre@eog.myflorida.com>; Moscoso, Alberto <Alberto.Moscoso@flhealth.gov>; Strickland, Katie <Katie.Strickland@ahca.myflorida.com>

Subject: 6:30 call

Just dropping a note for transparency that I'll be listening on the 6:30 call with General Rivkees and Secretary Mayhew

--

Samantha J. Gross

Politics Reporter, she/her/hers

The Miami Herald

sgross@miamiherald.com

c: 219-689-4365

From: Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>
Sent: Friday, April 17, 2020 1:55 PM EDT
To: Jacquot, Joe <Joe.Jacquot@eog.myflorida.com>
CC: StLaurent, Louise <louise.stlaurent@flhealth.gov>; Grow, Stefan <stefan.grow@ahca.myflorida.com>
Subject: [External] Fwd: DRF Request for Information (Second Request)
Attachment(s): "DRF Second Request to AHCA 04.17.20.pdf", "DRF Request to AHCA 04.08.20.pdf"

FYI

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From: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Sent: Friday, April 17, 2020 1:03:56 PM
To: Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>
Subject: Fwd: DRF Request for Information (Second Request)

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From: Jatinique Randle <jatiniquer@disabilityrightsflorida.org>
Sent: Friday, April 17, 2020 1:02:39 PM
To: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Cc: PublicRecordsReq <publicrecordsreq@ahca.myflorida.com>; Roberts, William <William.Roberts@ahca.myflorida.com>; Kathryn Strobach <kathryns@disabilityrightsflorida.org>; Curtis Filaroski <curtisf@disabilityrightsflorida.org>; Peter Sleasman <peters@disabilityrightsflorida.org>
Subject: [External] DRF Request for Information (Second Request)

Dear Mr. Grow,

Please see the attached request for information from Disability Rights Florida. This is not a public records request.

Sincerely,
Jatinique Randle

Jatinique Randle • Staff Attorney
850-488-9071 ext 9760 • 800-342-0823 ext 9760
TDD 800-346-4127 • Fax 850-583-3912 • jatiniquer@disabilityrightsflorida.org



Disability Rights Florida
Advocacy. Equality. Dignity.
www.disabilityrightsflorida.org



This communication may contain confidential, proprietary, and/or privileged information and may be protected from distribution by law. It is intended solely for the use of the addressee. If you are not the intended recipient, you are hereby notified that the law may restrict or prohibit the unintended use, copying or distribution of this communication. If you received this communication in error, please contact the sender immediately and destroy the material in its entirety, whether electronic or hard copy. If you properly received this e-mail as a client, co-counsel or retained expert of Disability Rights Florida, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.



April 8, 2020

VIA EMAIL:

William H. Roberts
Deputy General Counsel
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop #3
Tallahassee, FL 32308
Email: William.Roberts@ahca.myflorida.com

Re: Request for Information

Dear Mr. Roberts,

Disability Rights Florida is concerned about the impact of COVID-19, or the novel coronavirus, on nursing home and assisted living facilities throughout the state of Florida. Throughout the past few weeks, Disability Rights Florida has received alarming reports regarding COVID-19 outbreaks and death at numerous nursing facilities, including deaths and outbreaks in facilities in Broward, Dade, Duval, Suwanee and other Florida counties. These reports outline potential abuse and neglect that led to the deaths from and risks posed by COVID-19, and at minimum Disability Rights Florida has probable cause to believe that residents throughout the state's nursing homes and assisted living facilities are in imminent danger of abuse and neglect posed by the risk of a COVID-19 outbreak.

With that in mind, Disability Rights Florida is seeking access to records and information related to the outbreak of COVID-19 at nursing homes and assisted living facilities. This letter serves as a request for information based on the statutory authority outlined below; specifically, Protection and Advocacy of Individual Rights (PAIR) Act, 29 U.S.C. § 794e, *et seq.*¹

¹ Disability Rights Florida is seeking information pursuant to authorization to investigate incidents of abuse and neglect under the Protection and Advocacy of Individual Rights (PAIR) Act, 29 U.S.C. § 794e, *et seq.*, which covers individuals with disabilities who are not covered by Developmental Disabilities Assistance and Bill of Rights Act (DD Act), 42 U.S.C. §§ 15041, *et seq.* (i.e. individuals with developmental disabilities) or the Protection and Advocacy for Individuals with Mental Illness (PAIMI) Act, 42 U.S.C. § 10801, *et seq.* (i.e. individuals with mental illness). 29 U.S.C. § 794e(a)(1)(B). Individuals with disabilities reside at nursing homes and assisted living facilities. *See Office of Protection and Advocacy v. Hartford Transitional Learning Academy*, 355 F. Supp.2d 649 (D. Conn. 2005), *aff'd on other grounds*, 464 F.3d 229(2nd Cir. 2006) (Protection and Advocacy organizations need not make a threshold showing of disability in order to exercise their federal authority, but instead "courts have held that a showing of 'substantial evidence' must suffice in order for such systems to fulfill their statutory mandate"). Under the PAIR Act, Disability Rights Florida has "the same general authorities, including the authority to access records and program income, as are set forth in subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000." 29 U.S.C. § 794e(f)(2)(emphasis added). Accordingly, citations in this letter will be the DD

Disability Rights Florida has been designated by the State of Florida by a Special Act of the Legislature, *see* FL Legis 87-130, effective July 1, 1987, as the state protection and advocacy (“P&A”) system for individuals with disabilities, pursuant to the Developmental Disabilities Assistance and Bill of Rights Act (DD Act), 42 U.S.C. §§ 15041 *et seq.*, the Protection and Advocacy for Persons with Mental Illness Act (PAIMI Act), 42 U.S.C. §§ 10801 *et seq.* and the Protection and Advocacy of Individual Rights (PAIR) Program of the Rehabilitation Act of 1973, 29 U.S.C. 794e. Under federal law, Disability Rights Florida, as Florida’s federally mandated P&A, is granted broad authority to protect and advocate for the rights of persons with disabilities. *See Virginia Office for Prot. & Advocacy v. Stewart*, 131 S. Ct. 1632, 1635-36, 179 L.Ed.2d 675 (2011).

Under the PAIR Act, Disability Rights Florida is authorized to engage in the following activities: 1) investigate incidents of abuse or neglect of persons with disabilities; 2) pursue administrative, legal and other appropriate remedies on their behalf; and 3) provide information and referrals relating to programs and services addressing the needs of such persons. 42 U.S.C. § 15043(a)(2)(A) & (B). In order to accomplish these activities, P&As have been granted unique authority to access individuals, information, records, and facilities for the purpose of investigating allegations of abuse and neglect of persons with disabilities. *See* 42 U.S.C. § 15043(a)(2)(H) & (I). In addition, facilities have an affirmative duty under these statutes implement policies and practices which promote effective access by P&As to the residents. *See Mississippi Protection & Advocacy System, Inc. v. Cotton*, 1989 WL 224953 (S.D Miss 1989).

In this particular situation, DRF cannot accomplish its statutory duty, i.e. to investigate instances where it has probable cause of abuse and neglect, without information regarding facilities where the outbreak of COVID-19 has occurred. In order to continue its federally mandated task of investigating incidents where it has probable cause of abuse and neglect and of advocating for individuals with disabilities, Disability Rights Florida needs information regarding the outbreak of COVID-19 in the state’s nursing homes and hospitals.

Moreover, Disability Rights Florida is authorized by federal law to have access to records that constitute “[r]eports prepared by a Federal, State or local governmental agency, or a private organization charged with investigating incidents of abuse or neglect, injury or death.” 45 C.F.R. § 1326.25(b)(2). This would include any reports prepared by a government agency outlining infection rates and deaths due to COVID-19 based on information provided by private facilities. Moreover, Disability Rights Florida is entitled to receive “[i]nformation in professional, performance, building or other safety standards, and demographic and statistical information relating to a service provider.” 45 C.F.R. § 1326.25(b)(4). Such a request may be made on behalf of Disability Rights Florida’s constituents with disabilities.

Pursuant to 42 U.S.C. § 15043(A)(2)(J)(i), a P&A is entitled to the prompt disclosure of records **within three (3) days** of making a request for records. Due to the emergency nature of the

Act and its implementing regulations, as they apply equally to individuals with disabilities covered under the PAIR Act.

COVID-19 crisis and the urgency in which Disability Rights Florida needs this information in order to advocate for individuals with disabilities, we must insist on response within this three day timeline or else we will need to take further action, including legal action to enforce our right to this information under federal law.

Based upon the foregoing, Disability Rights Florida is requesting the following documents and information:

1. The names of the nursing homes and assisted living facilities in the State of Florida that have reported a positive case of COVID-19, or the novel coronavirus, to your agency or department.
2. The number of positive cases of COVID-19, or the novel coronavirus, reported to your agency or department at each of the nursing homes and assisted living facilities listed in request#1 above.
3. The number of deaths cause by COVID-19, or the novel coronavirus, reported to your agency or department at each of the nursing homes and assisted living facilities listed in request #1 above.

Please produce the requested information by April 13, 2020. Please note that this request is **not** a public records request, but a request under Disability Rights Florida's federal authority. If you have any questions, please do not hesitate to reach out to me by phone at 850-488-9071 ext. 9760 or via email at jatiniquer@disabilityrightsflorida.org.

Thank you for your attention to this matter and anticipated cooperation.

Sincerely,

/s/ Jatinique Randle

Jatinique Randle
Staff Attorney
Disability Rights Florida



SECOND REQUEST

April 17, 2020

VIA EMAIL AND CERTIFIED MAIL:

**Mr. Stefan Grow, General Counsel
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop #3
Tallahassee, FL 32308**

Email: Stefan.grow@ahca.myflorida.com

Re: Follow Up to April 8, 2020 Request for Information

Dear Mr. Grow,

This letter addresses the unfulfilled request for information that was sent to the Agency for Health Care Administration (AHCA) by Disability Rights Florida, Inc. (DRF), in a letter dated April 8, 2020. On April 8, 2020, DRF sent AHCA a letter (attached) requesting information and records on assisted living facilities and nursing homes impacted by COVID-19, or the novel coronavirus, outbreak. DRF sought information and records pursuant to its federally-granted access authority, as DRF has probable cause to believe that individuals who reside at these facilities have been subject to abuse and neglect, or are in imminent danger of being subject to abuse and neglect, due to the threat posed by COVID-19. DRF stated that it was to receive the information and records by April 13. However, DRF has not received a response from the AHCA pertaining to its request for information. This letter serves as a second request for the below referenced information based on the statutory authority outlined in the attached April 8, 2020 letter. This is **not** a public records request, but as a courtesy and to ensure that your agency receives this request and can process it in a timely manner, this letter is also being sent to your public records custodian.

For a full outline of DRF's authority to receive the information and records requested, please see the April 8, 2020 letter. However, please be reminded that pursuant to 42 U.S.C. § 15043(A)(2)(J)(i), a **P&A is entitled to the prompt disclosure of records within three (3) days of making a request for records.**

As outlined in the April 8, 2020 letter, DRF requests the following documents and information:

1. The names of the nursing homes and assisted living facilities in the State of Florida that have reported a positive case of COVID-19, or the novel coronavirus, to your agency or department.
2. The number of positive cases of COVID-19, or the novel coronavirus, reported to your agency or department at each of the nursing homes and assisted living facilities listed in request #1 above.
3. The number of deaths cause by COVID-19, or the novel coronavirus, reported to your agency or department at each of the nursing homes and assisted living facilities listed in request #1 above.

In accordance with the federal statutory authority, please provide the information referenced above within three (3) business days of receipt of this request. Please note that this request is **not** a public records request, but a request under DRF's federal authority.

Immediately upon receipt of this letter, we request that you acknowledge receipt of our request for the information as detailed above and in our initial April 8 letter by emailing me at jatiniquer@disabilityrightsflorida.org, or by calling me at 850-488-9071, Ext. 9760.

If the requested information is not in your custody, please acknowledge receipt of this letter, forward this request to the current custodian, and inform me of this forwarding.

If the costs of providing the requested information exceeds \$50.00, please send an invoice with the estimated cost of production to my attention prior to copying.

All correspondence regarding this request, including any invoices for production, questions regarding this request, or the requested information should be sent electronically to the following email address: jatiniquer@disabilityrightsflorida.org.

Alternatively, following initial acknowledgment of this letter, correspondence regarding this request, including any invoices for production, questions regarding this request, or the requested information may be sent to the following mailing address:

Disability Rights Florida
c/o Jatinique Randle
1000 N. Ashley Drive, Suite 640
Tampa, FL 33602

If you have any further questions about this request, do not hesitate to contact me at the contact information provided above. Thank you for your attention to this matter and anticipated cooperation.

Sincerely,

/s/ Jatinique Randle

Jatinique Randle
Staff Attorney
Disability Rights Florida

cc: PublicRecordsReq@ahca.myflorida.com
William.Roberts@ahca.myflorida.com

(Enclosure) April 8, 2020 Request for Information

From: St Laurent, Louise R <Louise.StLaurent@flhealth.gov>
Sent: Friday, March 27, 2020 10:17 AM EDT
To: Lewis, Jennifer <Jennifer.Lewis@flhealth.gov>; Lamia, Christine E <Christine.Lamia@flhealth.gov>; Tendrich, Kimberly <Kimberly.Tendrich@flhealth.gov>; Bush, Amanda <Amanda.Bush@flhealth.gov>
CC: Saylor, Erik <Erik.Saylor@em.myflorida.com>; Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Subject: [External] FW: mckinsey
Attachment(s): "Attachment I - Business Associate Agreement (Rev Dec 19).docx", "chamber mckinsey 032720.docx"
Chris/Jennifer/Kim/Amanda,

The purpose of the agreement should just be for bed count and hospital modeling.

I don't know that Health needs to be included for that purpose or that there needs to be any HIPAA requirements in the draft. Can one of you take point in trying to get something drafted for that purpose? I think it just needs to be between DEM and the company? Perhaps AHCA as well for the institutional information. Chris can determine who leads.

Erik/Stefan,
Let me know if you've already got someone doing this.

Louise St. Laurent
General Counsel
Office of the General Counsel
Florida Department of Health
4052 Bald Cypress Way, A-02
Tallahassee, FL 32399
(850) 245-4956 (Office)
(850) 597-3531 (Cell)
(850) 245-4790 (Fax)

From: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Sent: Friday, March 27, 2020 9:53 AM
To: aholland@flchamber.com; St Laurent, Louise R <Louise.StLaurent@flhealth.gov>; Saylor, Erik <Erik.Saylor@em.myflorida.com>
Cc: Ernst, Colleen <Colleen.Ernst@eog.myflorida.com>; nicholas.primrose@eog.myflorida.com; Clark, David <David.Clark@eog.myflorida.com>
Subject: FW: mckinsey

All:

Attached is a draft of the BAA. Please review. Contact information will need to be added in E. and signature blocks will also need to be included.

The Secretary wanted me to make sure everyone knows this need to be done asap.

Please review and let's finalize.

Thanks,

From: Roberts, William <William.Roberts@ahca.myflorida.com>
Sent: Friday, March 27, 2020 9:39 AM
To: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Subject: RE: mckinsey

I removed some of the language that was still unsettled. Chamber will have to sign the BAA. Normally, we would run this through Procurement for contract # assignment and to get into our system. I'll check with them on doing that after the fact.

From: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Sent: Friday, March 27, 2020 9:20 AM
To: Roberts, William <William.Roberts@ahca.myflorida.com>
Subject: Re: mckinsey

Can you add a block for the Agency? I'll ask other parties to add their own blocks.

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From: Roberts, William <William.Roberts@ahca.myflorida.com>
Sent: Friday, March 27, 2020 9:16:49 AM
To: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Subject: RE: mckinsey

Still needs formatting, signature blocks.

From: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Sent: Friday, March 27, 2020 9:07 AM
To: Helvey, Nikole <Nikole.Helvey@ahca.myflorida.com>; Ward, Scott <Scott.Ward@ahca.myflorida.com>; Roberts, William <William.Roberts@ahca.myflorida.com>
Cc: McKinstry, Molly <Molly.McKinstry@ahca.myflorida.com>
Subject: Re: mckinsey

Bill, please send to me once ready. By 9:30 if possible and I need to email it out by 9:45.

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From: Helvey, Nikole <Nikole.Helvey@ahca.myflorida.com>
Sent: Friday, March 27, 2020 9:05:54 AM
To: Ward, Scott <Scott.Ward@ahca.myflorida.com>; Roberts, William <William.Roberts@ahca.myflorida.com>
Cc: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>; McKinstry, Molly <Molly.McKinstry@ahca.myflorida.com>
Subject: RE: mckinsey

I edited just the few references to COVID-19, and named it in the first paragraph. Otherwise looks good.

When do we will in the parts about who will establish the SFTP, etc?

Nikole Helvey, Bureau Chief

Florida Center for Health Information and Transparency

Division of Health Quality Assurance

Agency for Health Care Administration (AHCA)

2727 Mahan Drive, Bldg 3, MS 16

Tallahassee, FL 32308

O: (850) 412-3791

M: (850) 528-1845

www.FloridaHealthFinder.gov

www.FHIN.net

www.Florida-HIE.net

From: Ward, Scott <Scott.Ward@ahca.myflorida.com>
Sent: Thursday, March 26, 2020 3:46 PM
To: Roberts, William <William.Roberts@ahca.myflorida.com>; Helvey, Nikole <Nikole.Helvey@ahca.myflorida.com>
Cc: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Subject: RE: mckinsey

Bill,
Looks good to me. Only suggestion, do we want to spell-out the acronym "Covid" in the opening and 3rd paragraph?
Thanks, Scott

From: Roberts, William <William.Roberts@ahca.myflorida.com>
Sent: Thursday, March 26, 2020 3:28 PM
To: Ward, Scott <Scott.Ward@ahca.myflorida.com>; Helvey, Nikole <Nikole.Helvey@ahca.myflorida.com>
Cc: Grow, Stefan <Stefan.Grow@ahca.myflorida.com>
Subject: mckinsey

This is a very rough draft, based on the information I have at the moment. Based on my conversation with McKinsey, the agreement should be with the Chamber of Commerce, who will then make the arrangements with McKinsey. I have not heard from the Chamber. I hybridized two different templates, so the formatting needs work, otherwise, please feel free to edit and comment.

ATTACHMENT I BUSINESS ASSOCIATE AGREEMENT

The parties to this Attachment agree that the following provisions constitute a business associate agreement for purposes of complying with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). This Attachment is applicable if the Vendor is a business associate within the meaning of the Privacy and Security Regulations, 45 C.F.R. 160 and 164.

The Vendor certifies and agrees as to abide by the following:

1. Definitions. Unless specifically stated in this Attachment, the definition of the terms contained herein shall have the same meaning and effect as defined in 45 C.F.R. 160 and 164.
 - a. Protected Health Information. For purposes of this Attachment, protected health information shall have the same meaning and effect as defined in 45 C.F.R. 160 and 164, limited to the information created, received, maintained or transmitted by the Vendor from, or on behalf of, the Agency.
 - b. Security Incident. For purposes of this Attachment, security incident means the attempted or successful unauthorized access, use, disclosure, modification, or destruction of information or interference with system operations in an information system and includes any event resulting in computer systems, networks, or data being viewed, manipulated, damaged, destroyed or made inaccessible by an unauthorized activity.
2. Applicability of HITECH and HIPAA Privacy Rule and Security Rule Provisions. As provided by federal law, Title XIII of the American Recovery and Reinvestment Act of 2009 (ARRA), also known as the Health Information Technology Economic and Clinical Health (HITECH) Act, requires a Business Associate (Vendor) that contracts with the Agency, a HIPAA covered entity, to comply with the provisions of the HIPAA Privacy and Security Rules (45 C.F.R. 160 and 164) and comply with 45 C.F.R. 162 as applicable.
3. Use and Disclosure of Protected Health Information. The Vendor shall comply with the provisions of 45 CFR 164.504(e)(2)(ii). The Vendor shall not use or disclose protected health information other than as permitted by this Contract or by federal and state law. The sale of protected health information or any components thereof is prohibited except as provided in 45 CFR 164.502(a)(5). The Vendor will use appropriate safeguards to prevent the use or disclosure of protected health information for any purpose not in conformity with this Contract and federal and state law. The Vendor will implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of electronic protected health information the Vendor creates, receives, maintains, or transmits on behalf of the Agency.
4. Use and Disclosure of Information for Management, Administration, and Legal Responsibilities. The Vendor is permitted to use and disclose protected health information received from the Agency for the proper management and administration of the Vendor or to carry out the legal responsibilities of the Vendor, in accordance with 45 C.F.R. 164.504(e)(4). Such disclosure is only permissible where required by law, or where the Vendor obtains reasonable assurances from the person to whom the protected health information is disclosed that: (1) the protected health information will be held confidentially, (2) the protected health information will be used or further disclosed only

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as required by law or for the purposes for which it was disclosed to the person, and (3) the person notifies the Vendor of any instance of which it is aware in which the confidentiality of the protected health information has been breached.

5. Disclosure to Third Parties. The Vendor will not divulge, disclose, or communicate protected health information to any third party for any purpose not in conformity with this Contract without prior written approval from the Agency. The Vendor shall ensure that any agent, including a subcontractor, to whom it provides protected health information received from, or created or received by the Vendor on behalf of the Agency, agrees to the same terms, conditions, and restrictions that apply to the Vendor with respect to protected health information. The Vendor's subcontracts shall fully comply with the requirements of 45 CFR 164.314(a)(2)(iii).
6. Access to Information. The Vendor shall make protected health information available in accordance with federal and state law, including providing a right of access to persons who are the subjects of the protected health information in accordance with 45 C.F.R. 164.524.
7. Amendment and Incorporation of Amendments. The Vendor shall make protected health information available for amendment and to incorporate any amendments to the protected health information in accordance with 45 C.F.R. 164.526.
8. Accounting for Disclosures. The Vendor shall make protected health information available as required to provide an accounting of disclosures in accordance with 45 C.F.R. 164.528. The Vendor shall document all disclosures of protected health information as needed for the Agency to respond to a request for an accounting of disclosures in accordance with 45 C.F.R. 164.528.
9. Privacy Protection. The Vendor shall permit an individual to request a restriction on the use and disclosure of protected health information about the individual to carry out treatment, payment, or health care operations; and disclosures permitted under 164.510(b) in accordance with 45 C.F.R. 164.522. The Vendor shall permit an individual to request to receive communications of protected health information from the Vendor by alternative means or at alternative locations in accordance with 45 C.F.R. 164.522.
10. Access to Books and Records. The Vendor shall make its internal practices, books, and records relating to the use and disclosure of protected health information received from, or created or received by the Vendor on behalf of the Agency, available to the Secretary of the Department of Health and Human Services ("HHS") or the Secretary's designee for purposes of determining compliance with the HHS Privacy Regulations.
11. Reporting. The Vendor shall make a good faith effort to identify any use or disclosure of protected health information not provided for in this Contract.
 - a. To Agency. The Vendor will report to the Agency in the manner and format obtained from the Contract Manager or Agency contact, within ten (10) business days of discovery, any use or disclosure of protected health information not provided for in this Contract of which the Vendor is aware. The Vendor will report to the Agency in the manner and format obtained from the Contract Manager or Agency contact, within twenty-four (24) hours of discovery, any security incident

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of which the Vendor is aware. A violation of this paragraph shall be a material violation of this Contract. Such notice shall include the identification of each individual whose unsecured protected health information has been or is reasonably believed by the Vendor to have been, accessed, acquired, used, or disclosed during such breach.

- b. To Individuals. In the case of a breach of protected health information discovered by the Vendor, the Vendor shall first notify the Agency of the pertinent details of the breach and upon prior review by the Agency shall notify each individual whose unsecured protected health information has been, or is reasonably believed by the Vendor to have been, accessed, acquired, used or disclosed as a result of such breach. Such notification shall be in writing by first-class mail to the individual (or the next of kin if the individual is deceased) at the last known address of the individual or next of kin, respectively, or, if specified as a preference by the individual, by electronic mail. Where there is insufficient, or out-of-date contact information (including a phone number, email address, or any other form of appropriate communication) that precludes written (or, if specifically requested, electronic) notification to the individual, a substitute form of notice shall be provided, including, in the case that there are 10 or more individuals for which there is insufficient or out-of-date contact information, a conspicuous posting for a period of at least 90 days on the Web site of the covered entity involved or notice in major print or broadcast media, including major media in the geographic areas where the individuals affected by the breach likely reside. In any case deemed by the Vendor to require urgency because of possible imminent misuse of unsecured protected health information, the Vendor may also provide information to individuals by telephone or other means, as appropriate.
- c. To Media. In the case of a breach of protected health information discovered by the Vendor where the unsecured protected health information of more than 500 persons is reasonably believed to have been, accessed, acquired, used, or disclosed, after prior review by the Agency, the Vendor shall provide notice to prominent media outlets serving the State, relevant portion of the State, or jurisdiction involved.
- d. To Secretary of Health and Human Services (HHS). The Vendor shall cooperate with the Agency to provide notice to the Secretary of HHS of unsecured protected health information that has been acquired or disclosed in a breach.
 - i. Vendors Who Are Covered Entities. In the event of a breach by the Vendor, or a contractor or subcontractor of the Vendor, and the Vendor is a HIPAA covered entity, the Vendor, not the Agency, shall be considered the covered entity for purposes of notification to the Secretary of HHS pursuant to 45 CFR 164.408. The Vendor shall be responsible for filing the notification to the Secretary of HHS and will identify itself as the covered entity in the notice. If the breach was with respect to 500 or more individuals, at least 5 business days prior to filing notice with the Secretary of HHS the Vendor shall provide a copy of the notice and breach risk assessment to the Agency for review. Upon prior review by the Agency of the notice and breach risk assessment, the Vendor shall file the notice

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with the Secretary of HHS within the notification timeframe imposed by 45 C.F.R. 164.408(b) and contemporaneously submit a copy of said notification to the Agency. If the breach was with respect to less than 500 individuals, the Vendor shall notify the Secretary of HHS within the notification timeframe imposed by 45 C.F.R. 164.408(c) and shall contemporaneously submit a copy of said notification to the Agency.

- e. Content of Notices. All notices required under this Attachment shall include the content set forth in 42 U.S.C. 17932(f) and 45 C.F.R. 164 Subpart D, except that references therein to a "covered entity" shall be read as references to the Vendor.
 - f. Financial Responsibility. The Vendor shall be responsible for all costs related to the notices required under this Attachment.
 - g. Other Reporting. The Vendor shall comply with any other applicable reporting requirements in conformity with federal and state laws. If notifications are made under any such laws, copies of said notifications shall be provided contemporaneously to the Agency.
12. Mitigation. Vendor shall mitigate, to the extent practicable, any harmful effect that is known to the Vendor of a use or disclosure of protected health information in violation of this Attachment.
13. Termination. Upon the Agency's discovery of a material breach of this Attachment, the Agency shall have the right to assess liquidated damages as specified elsewhere in the contract to which this Attachment is included, and/or to terminate this Contract.
14. Effect of Termination. At the termination of this Contract, the Vendor shall return all protected health information that the Vendor still maintains in any form, including any copies or hybrid or merged databases made by the Vendor; or with prior written approval of the Agency, the protected health information may be destroyed by the Vendor after its use. If the protected health information is destroyed pursuant to the Agency's prior written approval, the Vendor must provide a written confirmation of such destruction to the Agency. If return or destruction of the protected health information is determined not feasible by the Agency, the Vendor agrees to protect the protected health information and treat it as strictly confidential.

The Vendor has caused this Attachment to be signed and delivered by its duly authorized representative, as of the date set forth below.

ROBERT ASZTALOS

SIGNED BY: _____ **DATE:** _____

NAME: _____ **TITLE:** _____

MEMORANDUM OF UNDERSTANDING FOR SHARING CONFIDENTIAL DATA

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is entered into by and between the Agency for Health Care Administration (“the Agency”), the Chamber of Commerce (“Chamber”), the Department of Health (“DOH”), and the Division of Emergency Management (“DEM”) for the sharing of data to be used in taking measures against the 2019 Novel Coronavirus (COVID-19) outbreak. This agreement shall become effective on the date of execution by all parties and expire one (1) year from that date.

A. Data to be shared and purpose.

The Chamber contracts with McKinsey & Company. The Chamber will coordinate provision of data to McKinsey for purposes of surge modeling in hospitals or other predictive modeling to assist in dealing with the COVID-19 outbreak.

The Agency shall provide certain confidential data from the Emergency Status System (“ESS”), including but not limited to the daily feeds to ESS on hospital capacity, bed counts or other available bed data; COVID-19 testing and case counts; and VERSA licensed facility data by means of a Secure File Transfer Protocol (“SFTP”). The Chamber is authorized to provide access to this data to McKinsey develop models and reports. The Chamber will upload McKinsey’s product to the SFTP.

DOH shall have access to the SFTP for its authorized purposes in assessing the public health status and needs of the state and for conducting surveillance of diseases of public health significance, including COVID-19.

DEM shall have access to the SFTP for its authorized purposes in dealing with the COVID-19 emergency.

B. HIPAA.

Each party agrees to comply with the Health Insurance Portability and Accountability Act (“HIPAA”) as applicable, as follows:

1. To comply with the Department of Health and Human Services Privacy Regulations in the CFR, Title 45, Sections 160 and 164, regarding disclosure of protected health information as specified in **Attachment I**, Business Associate Agreement.
2. To ensure it meets all Federal regulations regarding required standard electronic transactions and standards for privacy and individually identifiable health information as identified in the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and the Health Information Technology for Economic and Clinical Health Act (HITECH) of 2009 and associated regulations.
3. To conduct all activities in compliance with 45 CFR 164 Subpart C to ensure data security, including, but not limited to encryption of all information that is confidential under Florida or Federal law, while in

transmission and while resident on portable electronic media storage devices. Encryption is required and shall be consistent with Federal Information Processing Standards (FIPS), and/or the National Institute of Standards and Technology (NIST) publications regarding cryptographic standards.

C. Confidentiality of Information. The parties agree:

1. To not use or disclose any confidential information, including social security numbers that may be supplied under this Agreement pursuant to law, and also including the identity or identifying information concerning a Medicaid recipient or services under this Agreement for any purpose not in conformity with State and Federal laws, except upon written consent of the recipient, or his/her guardian.
2. That all personally identifiable information, including Medicaid information, shall be treated as privileged and confidential information and shall be used only as authorized for purposes directly related to the administration of this Agreement. The parties must have a process that specifies that patient-specific information remains confidential, is used solely for the purposes of this Agreement, and is exchanged only for the purpose of conducting a review or other duties outlined in this Agreement.
3. All patient-specific information can be shared only with those agencies that have legal authority to receive such information and cannot be otherwise transmitted for any purpose other than for purposes of this agreement. The parties must have in place written confidentiality policies and procedures to ensure confidentiality and to comply with all Federal and State laws (including the HIPAA and HITECH Acts) governing confidentiality, including electronic treatment records, facsimile mail, and electronic mail).
4. If the parties will employ subcontractors to fulfill their obligations under this agreement, all subcontracts must explicitly state expectations about the confidentiality of information, and the subcontractor is held to the same confidentiality requirements as the parties. If provider-specific data are released to the public, shall have policies and procedures for exercising due care in compiling and releasing such data that address statutory protections of quality assurance and confidentiality while assuring that open records requirements of Chapter 119, F.S., are met.
5. The parties and their subcontractors shall comply with the requirements of Section 501.171, F.S. and shall, in addition to the reporting requirements therein, report to the Agency any breach of personal information.
6. Any releases of information to the media, the public, or other entities require prior approval from the Agency.
7. Ensure all services will be performed within the borders of the United States and its territories and protectorates.
8. State-owned Data shall be processed, accessed and stored in data

centers that are located only in the forty-eight (48) contiguous U.S.

D. Public Records Requests. The parties agree:

1. To comply with Section 119.0701, F.S., if applicable, and all other applicable parts of the Florida Public Records Act.
2. To keep and maintain public records that ordinarily and necessarily would be required in order to perform services under this Agreement.
3. To provide the public with access to public records on the same terms and conditions that the Agency would provide the records and at a cost that does not exceed the cost provided in Section 119.07, F.S., or as otherwise provided by law.
4. That upon request from the appropriate Agency custodian of public records, provide the Agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost in Section 119.07, F.S., or as otherwise provided by law.
5. To ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of this Agreement term and following completion of this Agreement if the Party does not transfer the records to the Agency.
6. To comply with applicable portions of Section 119.071(5), F.S., and not collect an individual's social security number unless the purpose for its collection has been stated in writing. A copy of the written statement shall be provided to the Agency.
7. To meet all requirements for retaining public records and transfer, at no cost, to the Agency all public records in their possession of upon termination of this Agreement and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the Agency in a format that is compatible with the information technology systems of the Agency.

E. Single points of contact.

Each party shall appoint a single point of contact to manage that party's duties under this agreement. Any notice required under this agreement shall be given to the respective single point of contact. The single point of contact information for each party is as follows:

F. Breach. Any failure by the parties to abide by the terms of this MOU constitutes a breach, which may result in the cancellation or rescission of this agreement and will require the breaching agency to return all data received.

G. No assignment. This MOU may not be assigned or transferred to any other party.

H. Indemnification. The Chamber shall save and hold harmless and indemnify the State of Florida and the Agency against any and all liability, claims, suits, judgments, damages or costs of whatsoever kind and nature resulting from any act, or failure to act, by Chamber or any of its employees, agents or representatives in the performance of its duties under this agreement

IN WITNESS THEREOF, the Parties hereto have caused this Agreement, which includes any referenced attachments, to be executed by their undersigned officials as duly authorized. This Agreement is not valid until signed and dated by all Parties.

Florida Agency for Health Care Administration

Attachment 1: BAA