

RECEIVED  
DEPARTMENT OF HEALTH

STATE OF FLORIDA 2021 NOV -1 PM 3: 33  
DEPARTMENT OF HEALTH  
OFFICE OF THE CLERK

LEON COUNTY GOVERNMENT,

Petitioner,

v.

STATE OF FLORIDA,  
DEPARTMENT OF HEALTH,

Respondent.

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### PETITION FOR FORMAL ADMINISTRATIVE PROCEEDINGS

Petitioner, Leon County Government (“Leon County”), pursuant to sections 120.569 and 120.57, Florida Statutes, and Florida Administrative Code Chapter 28-106, submits this Petition to Respondent, State of Florida, Department of Health (“DOH”), requesting formal administrative proceedings to contest the fine DOH seeks to impose as stated in the October 6, 2021 Notice of Violation (the “Notice of Violation”; attached as **Exhibit A**). In support of its Petition, Leon County states as follows:

1. **Rule 28-106.201(2)(a), Florida Administrative Code. The name and address of each agency affected and each agency’s file or identification number, if known.** The state agency affected by this proceeding is DOH (c/o Agency Clerk, Department of Health, 4052 Bald Cypress Way, Bin A-02, Tallahassee, Florida 32399). DOH’s Notice of Violation did not identify DOH’s file or identification number for this matter, and DOH has not informed Leon County that this matter has been assigned a DOH file or identification number.

2. **Rule 28-106.201(2)(b). The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the**

petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination. Petitioner's representatives in this proceeding, to whom all filings, correspondence and notices should be directed, are David C. Ashburn ([ashburnd@gtlaw.com](mailto:ashburnd@gtlaw.com); [greenel@gtlaw.com](mailto:greenel@gtlaw.com)), John K. Londot ([londotj@gtlaw.com](mailto:londotj@gtlaw.com); [hoffmannm@gtlaw.com](mailto:hoffmannm@gtlaw.com)), and Barry S. Richard ([richardb@gtlaw.com](mailto:richardb@gtlaw.com)), Greenberg Traurig, P.A., 101 East College Avenue, Tallahassee, Florida 32301; phone 850-222-6891; fax 850-681-0207.

3. **Rule 28-106.201(2)(c). A statement of when and how the petitioner received notice of the agency decision.** Leon County received notice of the alleged deficiencies that are the subject of this proceeding upon its receipt, on or after October 12, 2021, of the Notice of Violation.

4. **Rule 28-106.201(2)(d). A statement of all disputed issues of material fact. If there are none, the petition must so indicate.** Leon County provides the following background and identification of disputed issues of material fact:

**Background**

(a) Leon County is a (i) a charter county, which is pursuant to the Florida Constitution, imbued with all powers of self-government not inconsistent with general law; and (ii) is a governmental entity as defined in section 768.38, Florida Statutes.

(b) Section 381.0016, provides:

County and municipal regulations and ordinances.—Any county or municipality may enact, in a manner prescribed by law, health regulations and ordinances not inconsistent with state public health laws and rules adopted by the department.

(c) Section 381.00316, enacted May 3, 2021, provides:

(1) A business entity, as defined in s. 768.38 to include any business operating in this state, may not require patrons or customers to

provide any documentation certifying COVID-19 vaccination or postinfection recovery to gain access to, entry upon, or service from the business operations in this state. This subsection does not otherwise restrict businesses from instituting screening protocols consistent with authoritative or controlling government-issued guidance to protect public health.

(2) A governmental entity as defined in s. 768.38 may not require persons to provide any documentation certifying COVID-19 vaccination or postinfection recovery to gain access to, entry upon, or service from the governmental entity's operations in this state. This subsection does not otherwise restrict governmental entities from instituting screening protocols consistent with authoritative or controlling government-issued guidance to protect public health.

(3) An educational institution as defined in s. 768.38 may not require students or residents to provide any documentation certifying COVID-19 vaccination or postinfection recovery for attendance or enrollment, or to gain access to, entry upon, or service from such educational institution in this state. This subsection does not otherwise restrict educational institutions from instituting screening protocols consistent with authoritative or controlling government-issued guidance to protect public health.

(4) The department may impose a fine not to exceed \$5,000 per violation.

(5) This section does not apply to a health care provider as defined in s. 768.38; a service provider licensed or certified under s. 393.17, part III of chapter 401, or part IV of chapter 468; or a provider with an active health care clinic exemption under s. 400.9935.

(6) The department may adopt rules pursuant to ss. 120.536 and 120.54 to implement this section.

(d) Pursuant to those authorities, Leon County adopted its "Mandatory COVID Vaccination Standard Operating Procedures, effective July 28, 2021 (the "Employee Vaccination Policy"; attached as **Exhibit B**), requiring Leon County employees to be provide verification of vaccination against COVID-19 on or before October 1, 2021. As the memorandum explained:

As you all know, Leon County employees have been on the front lines in combating the COVID-19 pandemic for over a year and a half. It has been both a humbling and a very proud time to be a County employee. As an organization, we have risen to seemingly endless challenges, and as co-workers we have adapted to changing working conditions that I know none of us ever contemplated. Through the darkest days of the pandemic we

learned first-hand, despite extraordinary efforts, just how limited we were as individuals and as a community to protect those most vulnerable to the virus. We also learned first-hand the enormity of the resources that would be required to attempt to restore the livelihoods disrupted due to the virus. And, of course, our efforts to promote vaccines, which have been proven to be highly effective to protect against the virus, have been exhaustive.

This is very simple and very serious. As an employer, we are required to provide a safe work environment for employees, and unvaccinated employees pose a significant risk to spread the virus. As an essential government agency, we are obligated to ensure our operational readiness to serve our community, and virus outbreaks among our workforce that could have been avoided pose a very real threat to our operational readiness.

(e) The Employee Vaccination Policy provided for exemptions for employees “who are unable to be vaccinated due to an ADA-covered disability, a doctor certified diagnosed medical condition which prevents an employee from receiving a vaccination or ‘a sincerely held religious belief.’”

(f) Leon County’s actions were consistent with all laws and rules (and remain so), and with the weight of practice and authorities, which allowed for mandatory vaccination of employees. Leon County’s actions were also consistent with authoritative or controlling government-issued guidance to protect public health.

(g) At no time did Leon County deny any person access to, entry upon, or service from its operations for failure to provide any documentation certifying COVID-19 vaccination or postinfection recovery. Instead, Leon County prohibited anyone seeking access to, entry upon, or service from its operations from also being an employee unless they could provide documentation certifying COVID-19 vaccination.

(h) Leon County employees are “at-will,” such that they have no entitlement to continued employment, and no statute, rule, or other authority requires Leon County to

pay persons seeking access to, entry upon, or service from its operations who refuse to provide documentation certifying COVID-19 vaccination.

(i) During the months of July through the time of this filing, Florida was hit by a rising incidence of the COVID-19 “Delta variant,” which was recognized by public health authorities as more contagious, and more dangerous, than previous COVID-19 variants, and a rising resistance against vaccination.

(j) Leon County’s actions were also consistent with authoritative or controlling government-issued guidance to protect public health, including without limitation the Occupational Safety and Health Association (OSHA).

(k) Rule 64-8.001 (“Penalties for COVID-19 Vaccine Documentation Requirements.”), promulgated on September 16, 2021, provides:

(1) The Department will issue a notice of violation to any business entity, governmental entity or educational institution found in violation of Section 381.00316, F.S., prior to final agency action. Such notice will include hearing rights pursuant to Section 120.569, F.S.

(2) Each violation of Section 381.00316, F.S., will result in the imposition of a \$5,000 fine per individual and separate violation against the business, governmental entity or the educational institution. Fines imposed are due and payable to the Department within 30 days of entry of the final order unless otherwise stated in the final order.

(3) This rule will be reviewed and repealed, modified, or renewed through the rulemaking process five years from the effective date.

(l) Rule 64-8.001 did not purport to interpret or limit the second sentence of section 381.00316(2) (“This subsection does not otherwise restrict governmental entities from instituting screening protocols consistent with authoritative or controlling government-issued guidance to protect public health.”).

(m) Eight days later, on September 24, 2021, DOH sent Leon County a letter (attached as **Exhibit C**) saying, “Section 381.00316 specifically prohibits a governmental entity from requiring persons to provide any documentation certifying COVID-19

vaccination or postinfection recovery to gain access to, entry upon, or service from the governmental entity's operations in this state." The letter omitted the second sentence of section 381.00316(2).

(n) By letter dated October 1, 2021, DOH demanded that Leon County rescind its Employee Vaccination Policy and "refrain from terminating any employees who decline to produce proof of vaccination." See **Exhibit D**.

(o) Through the Notice of Violation, DOH has stated its mistaken determination that Leon County committed 714 violations of section 381.00316 by requiring "714 employees, or former employees, of Leon County Government to provide documentation certifying COVID-19 vaccination in order to gain access to, entry upon, or service from" Leon County's operations in the State of Florida.

(p) Through the Notice of Violation, DOH has stated its mistaken determination that Leon County's screening protocols are inconsistent with authoritative or controlling government-issued guidance to protect public health.

(q) Through the Notice of Violation, DOH has stated its mistaken determination that none of Leon County's employees are subject to the exemption in section 381.00316(5), for health care providers and others.

(r) Through the Notice of Violation, DOH has stated its mistaken determination that Leon County is required to continue to employ at-will persons if they refuse to comply with Leon County's Employee Vaccination Policy.

#### **Disputed Issues of Material Fact**

(a) Whether the Employee Vaccination Policy violates section 381.00316(2).

(b) Whether “screening protocols consistent with authoritative or controlling government-issued guidance to protect public health” includes the Employee Vaccination Policy.

(c) Whether Leon County has required any person to provide any documentation certifying COVID-19 vaccination or postinfection recovery to gain access to, entry upon, or service from Leon County’s operations in the State of Florida in violation of section 381.00316(2).

(d) Whether, even if Leon County is found to have violated section 381.00316, the Notice of Violation correctly assesses the amount of fines provided for by section 381.00316 and Rule 64-8.001.

**Effect of the DOH’s Proposed Action on Petitioner’s Substantial Interests**

Leon County’s substantial interests will be substantially and adversely affected by DOH’s proposed action, without limitation, as follows:

(a) Leon County would be compelled to pay a \$3.57M fine, a substantial loss of monetary resources which it uses to serve its citizens and community;

(b) Leon County’s efforts to protect its employees, and citizens who access Leon County services through contact with Leon County employees, from the spread of COVID-19, will be substantially and adversely affected.

5. **Rule 28-106.201(2)(c). A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency’s proposed action.** As matters of ultimate fact, Leon County states:

(a) Leon County is empowered by section 381.0016 to institute “health regulations and ordinances not inconsistent with state public health laws and rules adopted by the department.”

(b) Leon County is empowered by section 381.00316 to institute “screening protocols consistent with authoritative or controlling government-issued guidance to protect public health.”

(c) The Employee Vaccination Policy is not inconsistent with section 381.00316.

(d) The Employee Vaccination Policy does not violate section 381.00316.

(e) Leon County has not required any person to provide any documentation certifying COVID-19 vaccination or postinfection recovery to gain access to, entry upon, or service from Leon County’s operations in the State of Florida.

(f) The Notice of Violation is in error in its allegation that the Employee Vaccination Policy violates section 381.00316.

(g) The amount of the fine in the Notice of Violation is wrong, even if the Employee Vaccination Policy did violate section 381.00316.

**6. Rule 28-106.201(2)(f). A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency’s proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes.**

Rules and statutes that require that the challenged alleged deficiencies be vacated include:

(a) Section 381.0016, as it empowers Leon County to enact “health regulations and ordinances not inconsistent with state public health laws and rules adopted by the department.”

(b) Section 381.00316 as Leon County has not violated that statute and DOH has misapplied it.

(c) Section 120.68, to the extent it sets forth standards applicable to DOH’s exercise of its regulatory powers.



(d) Rule 64-8.001 which does not authorize the fine DOH seeks to impose.

7. **Rule 28-106.201(2)(g). A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.** Leon County requests:

(a) This matter be assigned to an Administrative Law Judge to conduct a formal administrative proceeding in accordance with the provisions of Chapter 120, Florida Statutes;

(b) Recommended and Final Orders be entered finding that Leon County has not violated section 381.00316, or Rule 64-8.001, and that the fine that is the subject of the Notice of Violation be withdrawn by DOH;

(c) Alternatively, Recommended and Final Orders be entered finding that the amount of the fine in the Notice of Violation is wrong, even if the Employee Vaccination Policy did violate section 381.00316; and

(d) Leon County be granted such other and further relief that may be appropriate, including the ability to amend this Petition pending discovery and conformity of the evidence, and an award of attorneys' fees pursuant to section 120.595, Florida Statutes.

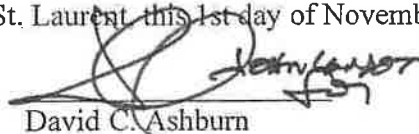


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GREENBERG, TRAUIG  
101 E. College Ave.  
Tallahassee, FL 32301  
Phone 850-222-6891  
Fax 850-681-0207

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original and one copy of the foregoing has been filed by *hand delivery* with the Agency Clerk, Florida Department of Health, 2585 Merchants Row Boulevard, Suite 110, Tallahassee, Florida 32399, with a copy by hand delivery to the Department of Health's General Counsel, Louise St. Laurent, this 1st day of November, 2021.

  
David C. Ashburn

**EXHIBIT A**

**Mission:**

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



**Ron DeSantis**  
Governor

**Joseph A. Ladapo, MD, PhD**  
State Surgeon General

**Vision:** To be the Healthiest State in the Nation

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**NOTICE OF VIOLATION**

October 6, 2021

Vincent S. Long, Administrator  
Leon County Government  
301 S. Monroe Street  
Tallahassee, FL 32301

Via Certified Mail Service, Article Number:  
9414 7266 9904 2177 2936 31

In Re: Violation of Section 381.00316, Florida Statutes

Dear Mr. Long:

This letter is notice that Leon County Government, a governmental entity as defined in section 768.38, Florida Statutes, is being assessed a total fine of \$3,570,000.00 for 714 counts of violating section 381.00316, Florida Statutes. The Department finds that Leon County Government required 714 employees, or former employees, of Leon County Government to provide documentation certifying COVID-19 vaccination in order to gain access to, entry upon, or service from the governmental entity's operations in this state, in violation of section 381.00316, Florida Statutes.

Section 381.00316, Florida Statutes, prohibits governmental entities from requiring that a person provide any documentation certifying COVID-19 vaccination or post-infection recovery to gain access to, entry upon, or service from the governmental entity's operations. Pursuant to section 381.00316, Florida Statutes, and Rule 64-8.001, *Florida Administrative Code*, the Department is authorized to impose a \$5,000 fine per individual and separate violation.

On July 28, 2021, Leon County Government required all employees to become fully vaccinated against COVID-19 and to provide vaccination verification to Leon County Government's Human Resources office no later than 11:59 p.m. on October 1, 2021.

As of on or about October 2, 2021, 700 Leon County Government employees provided documentation certifying that they had received a complete series of a COVID-19 vaccination to, and upon the demand of, Leon County Government in order to gain access to, entry upon, or service from Leon County Government's operations in this state.

On or about October 4, 2021, Leon County Government terminated 14 employees as a result of their refusal or failure to submit documentation certifying COVID-19 vaccination, thereby terminating their access to, entry upon, or service from Leon County Government's operations in this state.


Accordingly, Leon County Government is assessed a total fine of \$3,570,000.00. Payment must be made within 30 days of entry of the final order in this matter. Payment must be paid by certified check or money order payable to the Department of Health and mailed to:

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**Florida Department of Health**  
Division of Emergency Preparedness and Community Support  
4052 Bald Cypress Way, Bin A-22 • Tallahassee, FL 32399  
PHONE: 850/245-4864 • FAX: 850/921-8162  
**FloridaHealth.gov**

 **Accredited Health Department**  
Public Health Accreditation Board

Florida Department of Health  
Division of Emergency Preparedness and Community Support  
4052 Bald Cypress Way, A22  
Tallahassee, FL 32399-1734  
Attention: COVID-19 Vaccine Documentation

By:   
Douglas Woodlief, Division Director  
Florida Department of Health

cc: Agency Clerk

NOTICE OF RIGHTS

A party whose substantial interest is affected by this action may petition for an administrative hearing pursuant to sections 120.569 and 120.571, Florida Statutes. Chapter 28-106, Florida Administrative Code, governs such proceedings. The petition must be in writing and must be received by the Agency Clerk within 21 days of receipt of this notice. The petition may be mailed to the Agency Clerk, Department of Health, 4052 Bald Cypress Way, BIN #A-02, Tallahassee, FL 32399-1703; hand-delivered to the Agency Clerk, Department of Health, 2585 Merchants Row Boulevard, Prather Building, Suite 110, Tallahassee, FL; or sent by facsimile to (850) 413-8743. Email filing is not available.

Mediation is not available as an alternative remedy.

The failure of any person to petition for a hearing within 21 days from receipt of this notice waives that person's right to an administrative hearing such that this notice becomes a Final Order imposing the administrative action described herein without further notice.

If this notice becomes a Final Order, an adversely affected party is entitled to seek judicial review pursuant to section 120.68, Florida Statutes. The Florida Rules of Appellate procedure govern review proceedings. Review is initiated by filing, within 30 days of the date of the Final Order, a Notice of Appeal with the appropriate Court of Appeal in the appropriate District Court, accompanied by the filing fees required by law, and filing a copy of the Notice of Appeal with the Department of Health Agency Clerk.

**EXHIBIT B**



# Leon County Government

## INTEROFFICE MEMO

**DATE:** July 28, 2021

**TO:** All Leon County Employees  
(under the supervision of the County Administrator and the County Attorney)

**FROM:** Vincent S. Long, County Administrator

**SUBJECT:** COVID-19 Vaccination Memo

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Today, as vaccinations stagnate and the delta variant has created a resurgence of the COVID 19 virus with the state of Florida at its epicenter, vaccinations against COVID 19 will now become a condition of employment at Leon County Government for new and existing employees under the supervision of the County Administrator and the County Attorney.

As you all know, Leon County employees have been on the front lines in combating the COVID 19 pandemic for over a year and a half. It has been both a humbling and a very proud time to be a County employee. As an organization, we have risen to seemingly endless challenges, and as co-workers we have adapted to changing working conditions that I know none of us ever contemplated. Through the darkest days of the pandemic we learned first-hand, despite extraordinary efforts, just how limited we were as individuals and as a community to protect those most vulnerable to the virus. We also learned first-hand the enormity of the resources that would be required to attempt to restore the livelihoods disrupted due to the virus. And, of course, our efforts to promote vaccines, which have been proven to be highly effective to protect against the virus, have been exhaustive.

This is very simple and very serious. As an employer, we are required to provide a safe work environment for employees, and unvaccinated employees pose a significant risk to spread the virus. As an essential government agency, we are obligated to ensure our operational readiness to serve our community, and virus outbreaks among our workforce that could have been avoided pose a very real threat to our operational readiness.

### **Implementation**

All employees will have until October 1, 2021 to become fully vaccinated and provide vaccination verification to Leon County Human Resources on or before that date. Vaccination verifications will not be accepted after October 1, 2021 for existing employees. Employees who fail to get vaccinated (except in the case where an accommodation has been granted) will be terminated. All new employees will be

required to be fully vaccinated before starting employment. For employees who receive the 2-dose vaccine, “fully vaccinated” means two weeks following the administration of the second dose. For employees who receive the 1-dose vaccine, “fully vaccinated” means two weeks following the administration of the vaccine.

Employees may begin immediately providing vaccine verifications to Candice Wilson, the Director of Human Resources, at 315 S. Calhoun Street, #210, Tallahassee, Florida 32301, in a sealed envelope marked “CONFIDENTIAL” via intra-office mail or hand-delivery. These vaccine verifications constitute medical information and will be kept confidential.

### **Accommodations**

Reasonable accommodations will be available to employees who are unable to be vaccinated due to an ADA-covered disability, a doctor certified diagnosed medical condition which prevents an employee from receiving a vaccination or “a sincerely held religious belief.” Requests for such accommodation will be evaluated on a case-by-case basis and granted, if applicable, consistent with the law and EEOC guidance. Accommodation request forms will be available on Monday, August 2, 2021 on the Human Resources page on the County intranet site.

In order to give employees whose requests for an accommodation have been denied time to get vaccinated, the accommodation request form must be completed and submitted to Leon County Human Resources on or before August 16, 2021. The information in an accommodation request form that contains medical information will be kept confidential. Employees may begin sending accommodation request forms to Candice Wilson, the Director of Human Resources, at 315 S. Calhoun Street, #, Tallahassee, Florida 32301, on Monday, August 2, 2021, in a sealed envelope marked “CONFIDENTIAL” and delivered via intra-office mail or hand-delivery.

Employees who are granted an accommodation to this condition of employment will be required to wear a mask at all times while at work. In addition, the County may opt to require that unvaccinated employees submit a negative COVID test on a weekly basis.

All employees may contact Candice Wilson, Director of Human Resources, for additional details if necessary. I appreciate all your efforts and together we will do all that we can to provide a safe workplace for Leon County employees, to ensure our operational readiness to serve our community, and to continue to protect our most vulnerable citizens.



**EXHIBIT C**

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



**Ron DeSantis**  
Governor

**Joseph A. Ladapo, MD, PhD**  
State Surgeon General

**Vision:** To be the Healthiest State in the Nation

September 24, 2021  
Via Certified Mail, Return Receipt Requested

Vincent S. Long  
County Administrator  
301 S. Monroe Street  
Tallahassee, FL 32301  
[LongV@LeonCountyFL.gov](mailto:LongV@LeonCountyFL.gov)

*Re: COVID-19 Employer Vaccination Requirement*

Dear Mr. Long:

As you know, on May 3, 2021, Governor DeSantis signed into law SB 2006, which created Section 381.00316, Florida Statutes. Effective July 1, 2021, Section 381.00316 specifically prohibits a governmental entity from requiring persons to provide any documentation certifying COVID-19 vaccination or post-infection recovery to gain access to, or entry upon, the governmental entity's operations in this state. The Department of Health is authorized to impose a fine of \$5,000 per individual violation of Section 381.00316.

It has come to our attention that you sent the attached interoffice COVID-19 Vaccination Memo to all Leon County employees. The memo provides, "[a]ll employees will have until October 1, 2021 to become fully vaccinated and provide vaccination verification to Leon County Human Resources on or before that date. . . Employees who fail to get vaccinated (except in the case where an accommodation has been granted) will be terminated." **This discriminatory policy infringes upon the fundamental rights and privacies of Floridians and is a direct violation of Section 381.00316, Florida Statutes.**

Leon County will be subject to fines for each individual violation of Section 381.00316, Florida Statutes, under Florida Administrative Code Rule 64-8.001. Please immediately provide the current total number of employees who are subject to the requirement.

Sincerely,

A handwritten signature in black ink that reads "Doug Woodlief".

Doug Woodlief  
Division Director

Emergency Preparedness and Community Support

Attachment

Copies to: Chastity H. O'Steen, Leon County Attorney, at [OsteenC@LeonCountyFL.gov](mailto:OsteenC@LeonCountyFL.gov)  
Louise St. Laurent, General Counsel, Florida Department of Health

**Florida Department of Health**  
Division of Emergency Preparedness and Community Support  
4052 Bald Cypress Way, Bldg A-22 • Tallahassee, FL 32399  
PHONE: 850/245-4864 • FAX: 850/921-8162  
[FloridaHealth.gov](http://FloridaHealth.gov)



Accredited Health Department  
Public Health Accreditation Board



# Leon County Government

## INTEROFFICE MEMO

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**FROM:** Vincent S. Long, County Administrator

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As you all know, Leon County employees have been on the front lines in combating the COVID 19 pandemic for over a year and a half. It has been both a humbling and a very proud time to be a County employee. As an organization, we have risen to seemingly endless challenges, and as co-workers we have adapted to changing working conditions that I know none of us ever contemplated. Through the darkest days of the pandemic we learned first-hand, despite extraordinary efforts, just how limited we were as individuals and as a community to protect those most vulnerable to the virus. We also learned first-hand the enormity of the resources that would be required to attempt to restore the livelihoods disrupted due to the virus. And, of course, our efforts to promote vaccines, which have been proven to be highly effective to protect against the virus, have been exhaustive.

This is very simple and very serious. As an employer, we are required to provide a safe work environment for employees, and unvaccinated employees pose a significant risk to spread the virus. As an essential government agency, we are obligated to ensure our operational readiness to serve our community, and virus outbreaks among our workforce that could have been avoided pose a very real threat to our operational readiness.

### **Implementation**

All employees will have until October 1, 2021 to become fully vaccinated and provide vaccination verification to Leon County Human Resources on or before that date. Vaccination verifications will not be accepted after October 1, 2021 for existing employees. Employees who fail to get vaccinated (except in the case where an accommodation has been granted) will be terminated. All new employees will be

required to be fully vaccinated before starting employment. For employees who receive the 2-dose vaccine, “fully vaccinated” means two weeks following the administration of the second dose. For employees who receive the 1-dose vaccine, “fully vaccinated” means two weeks following the administration of the vaccine.

Employees may begin immediately providing vaccine verifications to Candice Wilson, the Director of Human Resources, at 315 S. Calhoun Street, #210, Tallahassee, Florida 32301, in a sealed envelope marked “CONFIDENTIAL” via intra-office mail or hand-delivery. These vaccine verifications constitute medical information and will be kept confidential.

### **Accommodations**

Reasonable accommodations will be available to employees who are unable to be vaccinated due to an ADA-covered disability, a doctor certified diagnosed medical condition which prevents an employee from receiving a vaccination or “a sincerely held religious belief.” Requests for such accommodation will be evaluated on a case-by-case basis and granted, if applicable, consistent with the law and EEOC guidance. Accommodation request forms will be available on Monday, August 2, 2021 on the Human Resources page on the County intranet site.

In order to give employees whose requests for an accommodation have been denied time to get vaccinated, the accommodation request form must be completed and submitted to Leon County Human Resources on or before August 16, 2021. The information in an accommodation request form that contains medical information will be kept confidential. Employees may begin sending accommodation request forms to Candice Wilson, the Director of Human Resources, at 315 S. Calhoun Street, #, Tallahassee, Florida 32301, on Monday, August 2, 2021, in a sealed envelope marked “CONFIDENTIAL” and delivered via intra-office mail or hand-delivery.

Employees who are granted an accommodation to this condition of employment will be required to wear a mask at all times while at work. In addition, the County may opt to require that unvaccinated employees submit a negative COVID test on a weekly basis.

All employees may contact Candice Wilson, Director of Human Resources, for additional details if necessary. I appreciate all your efforts and together we will do all that we can to provide a safe workplace for Leon County employees, to ensure our operational readiness to serve our community, and to continue to protect our most vulnerable citizens.

**EXHIBIT D**

**Mission:**

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



**Ron DeSantis**  
Governor

**Joseph A. Ladapo, MD, PhD**  
State Surgeon General

**Vision:** To be the Healthiest State in the Nation

October 1, 2021  
Via Electronic Delivery

Vincent S. Long, County Administrator  
[LongV@LeonCountyFL.gov](mailto:LongV@LeonCountyFL.gov)  
Candice Wilson, Human Resources Director  
[WilsonCa@LeonCountyFL.gov](mailto:WilsonCa@LeonCountyFL.gov)

*Re: COVID-19 Employer Vaccination Requirement*

Dear Mr. Long and Ms. Wilson:

It has come to our attention that you sent the attached letter to at least one Leon County employee. Please immediately provide the names of all Leon County employees who received this letter, as well as copies of each letter sent by your office. In addition, please provide the names, and any relevant supporting documentation, of all Leon County employees who submitted proof of vaccination or who declined to submit such proof and were terminated, or will be terminated on October 4, 2021, in compliance with Leon County's policy requiring proof of vaccination as a condition of continued employment.

Leon County must both immediately rescind its policy (in no event later than 11:59 p.m. on October 1, 2021), which violates Section 381.00316, Florida Statutes, and refrain from terminating any employees who decline to produce proof of vaccination. Fines may be assessed based on each employee who was required to submit proof of vaccination as a condition of continued employment. This may include all employees who were required to provide proof of vaccination, as well as those who were terminated for failing to do so.

Sincerely,

Doug Woodlief  
Division Director

Emergency Preparedness and Community Support

**Attachment**

Copies to: Chasity H. O'Steen, Leon County Attorney, at [OsteenC@LeonCountyFL.gov](mailto:OsteenC@LeonCountyFL.gov)  
Louise St. Laurent, General Counsel, Florida Department of Health





# Leon County

## Board of County Commissioners

301 South Monroe Street, Tallahassee, Florida 32301  
(850) 606-5300 www.leoncountyfl.gov

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County Attorney

[REDACTED]

You are receiving this letter because our records indicate that you have not yet submitted your proof of immunization. If you have submitted proof of immunization, please contact Human Resources immediately at 606-2400.

As you know, Leon County has been taking preventive measures against COVID-19 for the past year to help keep you, your families, your colleagues, and our citizens safe. The pandemic continues to have devastating effects across our state and nation, and we appreciate how much you have already done to adapt during this challenging time. We have worked under very uncertain and often stressful conditions. Know that both the community and I appreciate all your efforts.

The health and safety of our team and the County's ability to ensure operational readiness have been our County Administrator's top priorities. While we have had to make some very difficult decisions in our efforts to combat this pandemic, every effort was made to accommodate and facilitate your ability to have easy and convenient access to the vaccine. Getting a COVID-19 vaccine is an important step to prevent getting sick and spreading the disease. We care about your health, and we want to make sure that you are protected and ensure the County's operational readiness to meet the needs of our community.

As previously communicated to all employees, understand that employees who are not fully vaccinated and have not provided the requisite proof of vaccination will work their last day/shift on October 1<sup>st</sup>. Accordingly, you will be terminated at the end of your scheduled workday on October 1<sup>st</sup>, unless proof of vaccination is received by 11:59 p.m. on October 1<sup>st</sup>. Official termination documents will be sent on October 4, 2021 to those individuals who did not comply with the deadline. If it is your intent to not comply with the vaccine mandate, please return all County property in your possession at the end of your October 1<sup>st</sup> workday.

Please contact Human Resources if you have questions.

Sincerely,

Handwritten signature of Candice Wilson in cursive.

Candice Wilson  
Director of Human Resources