



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations
Appropriations Subcommittee on Health and
Human Services
Health Policy
Rules

SENATOR GARY M. FARMER, JR.

Florida State Senate
34th District

August 3, 2021

The Honorable Dr. Scott Rivkees M.D.
Florida Surgeon General
Florida Department of Health
4052 Bald Cypress Way
Tallahassee, FL 32399

Surgeon General Rivkees,

As you are undoubtedly aware, on Friday of last week Governor Ron DeSantis issued Executive Order 21-175 barring school districts in the State of Florida from instituting mask mandates in our public schools. As you are also aware, in support of his order Governor DeSantis cited a Brown University Study, other unnamed "studies," and a Public Health Advisory issued by yourself. Upon reviewing the cited information and latest data related to the spread and severity of COVID-19, particularly concerning the Delta Variant, Governor DeSantis' Executive Order is medically and scientifically baseless and inaccurate. I am bringing this to your attention because I believe that your duties as both a medical professional and Florida's chief public health official demand that you set the record straight. I have outlined the most glaring of the inaccuracies for you below.

In the third Whereas clause of Executive Order 21-175, Governor DeSantis states that "schools – including those that did not require students to be masked – did not drive community transmission of COVID-19." While the Governor did not cite any specific evidence to bolster his claim, it appears to be directly contradicted by the CDC's Science Brief of Transmission of SARS-CoV-2 in K-12 Schools and Early Care and Education Programs updated July 9th of this year. In this brief the CDC highlights an increased likelihood of the transmission of COVID-19 in schools to and from both students and staff when community transmission is high. In this same brief the CDC goes on to highlight that when "prevention strategies are consistently and correctly used, the risk of SARS-CoV-2 transmission in the school environment is decreased." The brief also notes that inconsistent mask use may have contributed to school-based outbreaks that have already occurred.

In his next Whereas clause, Governor DeSantis went on to cite a Brown University Study (<https://www.medrxiv.org/content/10.1101/2021.05.19.21257467v1>) as evidence sufficient enough to dismiss mask mandates in schools as an effective method of mitigating the spread of

REPLY TO:

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President of the Senate

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COVID-19. However, the Governor's Order blatantly misinterprets and misrepresents the findings of the Brown University Study, which specifically states, "We would emphasize that this literature suggests in-person school can be operated safely with appropriate mitigation, **which typically includes universal masking** (emphasis added). It would be premature to draw any alternative conclusions about this question based on this preliminary data." The Brown University Study specifically states that data indicates that their data "does not imply that masks are ineffective" as the study only focuses on the mandates themselves and not actual masking behavior. Thus, the Brown University Study actually contradicts the Governor's position and essentially advocates for mask mandates as an effective way to prevent spread of COVID-19 in schools. In short, the Governor's reliance on this study is misguided at best & purposely deceptive and baseless at worst.

In several following Whereas clauses Governor DeSantis cites - without evidence - concerns about masks inhibiting breathing and creating threats of bacteria and other contaminants. As a medical doctor you are certainly aware that there is no reliable data to support these claims, and that they serve only to decrease the likelihood that individuals take the necessary steps to protect themselves and others from the spread of this dangerous virus.

As previously mentioned Executive Order 21-175 also cited your Public Health Advisory from April 29th of this year in which you stated that "Continuing COVID-19 restrictions on individuals, with no end in sight, including long-term use of face coverings and withdrawal from social and recreational gatherings, pose a risk of adverse and unintended consequences; and [WHEREAS] due to COVID-19 wide spread availability, fully vaccinated individuals should no longer be advised to wear face coverings or avoid social and recreational gatherings except in limited circumstances." It should be noted (and you should feel obligated to do so) that your advisory **ONLY** found it necessary to lift face covering advisories for fully vaccinated individuals, a group which currently does not include every Floridian student under the age of 12.

It is also my understanding that your Advisory was issued during the same time period that the CDC was also easing face mask guidelines based upon the status of the virus and the information available to them at that time. This means that your health advisory on April 29th was issued before we had access to information about the much more infectious and dangerous Delta Variant. As you are aware the CDC and the American Academy of Pediatrics (of which you are a member) both now advocate for mandatory masks in schools in light of the increased dangers associated with the Delta Variant. Moreover, we now know that COVID-19's viral load is consistent between vaccinated and unvaccinated individuals that are infected with the Delta Variant. This means that the data cited in both your Public Health Advisory and the Governor's Order no longer accurately reflect the potential for COVID-19 to spread in our schools, even when those over the age of 12 have been fully vaccinated.

In summary, it would appear that Executive Order 21-175 is largely if not entirely predicated on an incomplete and inaccurate understanding of accepted scientific research, outdated

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information (some of which is attributed to you and your department), and the proliferation of myths. It is my belief that as a cited source in this misguided policy, and as a medical professional and the state's top public health official, you are morally and professionally obligated to issue clarifications of your April 29th Public Health Advisory, as well as a rebuke of the false and misleading information contained in the Executive Order. The very health, safety & well-being of students, teachers and school workers are at great risk based on an erroneous Order that relies on now debunked or outdated information & analysis in your Advisory. Please advise as to when we can expect your clarification.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary M. Farmer Jr.", written in a cursive style.

State Senator Gary M. Farmer Jr.