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CGS Sues Florida Department of Health over Failure to Release COVID-19 Data

TALLAHASSEE, Fla. — The **Florida Center for Government Accountability (FLCGA)** has joined **Florida State Representative Carlos Guillermo Smith (D-Orlando)** and today [filed a lawsuit against the Florida Department of Health](#) and Surgeon General Dr. Scott Rivkees over the state's refusal to release vital and previously public COVID-19 health data as Florida continues to break previous records in the number of confirmed cases within the state.

In late July, **Representative Smith**, a member of the *House Pandemics & Public Emergencies Committee*, [submitted a public records request](#) to the Florida Department of Health for daily COVID-19 pediatric hospitalizations, deaths and case counts occurring in Orange County. FLCGA submitted a broader request for COVID-19 data in all of Florida's 67 counties.

Last week, the state health department and Dr. Rivkees denied the requests, claiming that information it previously published on its COVID-19 dashboard is now considered confidential or is no longer available.

“The DeSantis administration has consistently refused to release COVID-related public records, which not only hurts our efforts to contain this deadly virus, it is also unlawful,” said **Representative Smith**. “That’s why we’re suing them—to obtain the public records our constituents are entitled to under the Florida Constitution and to force the state to resume daily COVID dashboard reporting and avoid future litigation on this matter.”

The lawsuit demands the state health department make public the information the agency previously released daily, including county-level information and other sociodemographic data on the number of cases, hospitalizations and deaths related to the COVID-19 virus.

“Providing citizens with more information about the rampaging virus is not only consistent with public health, but with the reasons why Floridians overwhelmingly passed open government laws,” said **Michael Barfield, the Director of Public Access at FLCGA**. “Virus politics should not dictate what information is made available to citizens so they can then make informed choices about their activities.”

Attorneys Andrea Flynn Mogensen, Victor Chapman and Steven Ruta with the FLCGA filed the lawsuit on Monday evening in Leon County circuit court seeking an immediate hearing. Florida leads the nation in the number of hospitalizations, deaths and COVID-19 case

counts.

Background

On July 23, 2021, [Rep. Smith made a public records request](#) to the Orange County Health Department for detailed information about his county's status related to COVID-19. The information sought would not have identified individuals affected by the virus, but would illustrate the larger impact of the virus on Orange County — including the ages, sex, ethnic and racial demographics of those with confirmed cases of the virus, and vaccination rates for the county.

The Florida Department of Health [denied Rep. Smith's request](#) and said the information he sought was confidential and exempt from public disclosure. Prior to June 3, 2021, the state health department released this information in daily reports that included detailed information for each county.

On Aug. 16, 2021, the FLCGA made the same public records request of FDOH for all of Florida's 67 counties, yet was denied for the same reasons.

Read the full lawsuit [here](#).

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