

**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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February 7, 2023

Amy Hatcher Parsons, Counsel  
Office of the General Counsel  
Hearst Television, Inc.  
300 West 57<sup>th</sup> Street  
New York, New York 10019

Certified Mail Service, Article Number:  
7021 2720 0000 0686 8317  
and Electronic Mail to:  
Amy.parsons@hearst.com

Re: Violation of Section 381.00316, Florida Statutes

Dear Ms. Parsons:

This letter is notice that WESH 2 News, CW18 WKCF, Hearst Television, Inc., (WESH-2) is assessed a \$10,000.00 fine for two (2) violations of Section 381.00316, Florida Statutes. The Florida Department of Health (Department) finds that WESH-2 violated the law when it prohibited two invitees from entering the WESH-2 studio and participating in a debate hosted by WESH-2 because these individuals denied having received COVID-19 vaccination.

On September 15, 2022, the Department received evidence demonstrating that on September 8, 2022, WESH-2 prohibited Scotty Moore, candidate for Florida Congressional District 9, from entering the WESH-2 television studio and from taking part in an in-person debate in which WESH-2 had invited Mr. Moore to participate because he denied having received COVID-19 vaccination in his written response to a WESH-2 questionnaire. The evidence further demonstrates that on September 8, 2022, WESH-2 prohibited a member of Mr. Moore's campaign staff from entering the WESH-2 television studio because the staff person denied having received COVID-19 vaccination in their written response to a WESH-2 questionnaire.

Section 381.00316(1), Florida Statutes, expressly prohibits a business entity operating in this state from requiring documentation certifying COVID-19 vaccination or post-infection recovery to gain access to, entry upon, or service from the entity. The Department is authorized to impose a fine of \$5,000 per individual for each violation of this Section.

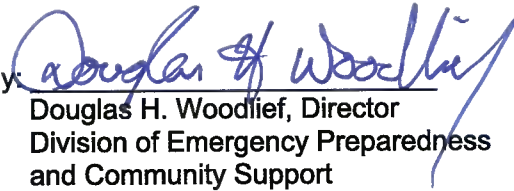
Based on the foregoing, WESH 2 News, CW18 WKCF, Hearst Television, Inc., is assessed a fine of \$10,000.00 for two violations of Section 381.00316(1), Florida Statutes. Payment must be made within 30 days of entry of the final order in this matter. Payment must be by certified check or money order payable to the Department of Health and mailed to:

Florida Department of Health  
Division of Emergency Preparedness and Community Support  
4052 Bald Cypress Way, Bin A-22  
Tallahassee, FL 32399-1734  
Attention: COVID-19 Vaccine Documentation

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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**



By:   
Douglas H. Woodlief, Director  
Division of Emergency Preparedness  
and Community Support

cc: John A. Wilson, General Counsel  
Florida Department of Health

Lori L. Jobe, Senior Attorney  
Florida Department of Health

Wanda Range, Agency Clerk  
Florida Department of Health

### **NOTICE OF RIGHTS**

A party whose substantial interest is affected by this agency action may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. A petition must be filed in writing and must be in conformance with Rule 28-106.201, 28-106.2015, or 28-106.301, Florida Administrative Code, as applicable. The petition must be in writing and received by the Agency Clerk for the Department within 21 days from receipt of this notice. The petition must be submitted by one of the following delivery methods:

By Mail:  
Agency Clerk, Florida Department of Health  
4052 Bald Cypress Way, BIN #A-02  
Tallahassee, FL 32399-1703.

By Hand Delivery:  
Agency Clerk, Florida Department of Health  
2585 Merchants Row Blvd.  
Prather Building  
Tallahassee, Florida.

By facsimile: 850-413-8743; or

By E-Filing: [https://agency\\_clerk-fdh.mycusthelp.com/WEBAPP/rs/supporthome.aspx?&lp=3](https://agency_clerk-fdh.mycusthelp.com/WEBAPP/rs/supporthome.aspx?&lp=3)

Mediation is not available.

Failure to file a petition within 21 days shall constitute a waiver of the right to a hearing on this agency action. If this notice becomes a Final Order, an adversely affected party is entitled to 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 Agency Clerk, Department of Health.