

A BETTER PATH FOR FLORIDA IN THE MIDST OF THE DELTA VARIANT OF CORONAVIRUS

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Florida is facing a COVID crisis and it is getting worse. According to the Center for Disease Control (CDC), as of July 30, the rate of new COVID-19 cases in Florida increased 53% from the previous week. New confirmed COVID-19 hospital admissions increased 56% from the previous week. The CDC ranks Florida's Community Transmission level as "High Transmission."² With the much more contagious Delta variant now spreading exponentially, Florida hit 11,515 hospitalized patients Tuesday, breaking last year's record for the third straight day and up from "just" 1,000 in mid-June.³ In the US, Black and Latinx persons are 2.8 times as likely as whites to be hospitalized due to COVID and twice and 2.3 respectively as likely to die from COVID.⁴

The World Health Organization has urged fully vaccinated people to wear masks and continue to practice other COVID-19 safety measures as the highly contagious delta variant spreads rapidly across the globe.⁵ And the CDC says masks should be required of everyone inside K-12 schools.⁶ But Florida Governor DeSantis opposes mask mandates to protect children, teachers, and school staff from the spread of a deadly virus. The mandates also would protect the families of children who could be infected at school and bring the virus into their homes. The Governor, however, signed an Executive Order "to protect parents' freedom to choose" whether their children wear masks in schools. The Governor even threatened to cut funding for school districts that institute mask mandates. In short, the Governor had threatened that no child in a school district will receive an education if the school district takes this step to protect all children.

The Governor's opposition to masks appears to run afoul of the CDC requirement that masks be worn on public transportation, including school and other buses.⁷ The CDC has stated expressly: "Mask use should be required on school buses and other public transportation; school systems should take appropriate steps to ensure compliance with this requirement by students, staff, and others."⁸

As explained in the CDC guidance for bus transit operators: "Cloth face coverings or masks are intended to protect other people—not the wearer —by helping to keep the wearer's respiratory droplets from reaching others."⁹ Thus, effectively the Governor is seeking "to protect parents' freedom to choose" whether their children will more easily infect classmates, faculty, and staff.

The Governor's position does not recognize "parents' freedom to choose" to protect their children from the spread of the deadly virus. Nor does it recognize that those parents voted for the school boards who were expressly tasked with making day-to-day decisions for the protection of all students, not just those whose parents reject science.

² [https://beta.healthdata.gov/api/views/ht94-9tjc/files/3f9bd571-5f0f-423e-95a0-da2ee1fc99bc?download=true&filename=Florida State Profile Report 20210514 Public.pdf](https://beta.healthdata.gov/api/views/ht94-9tjc/files/3f9bd571-5f0f-423e-95a0-da2ee1fc99bc?download=true&filename=Florida+State+Profile+Report+20210514+Public.pdf)

³ [DeSantis won't move on masks as Florida COVID wards swell \(apnews.com\)](https://www.apnews.com/story/florida-covid-wards-swell-de-santis-won-t-move-on-masks)

⁴ <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html>

⁵ [Delta: WHO urges fully vaccinated people to continue to wear masks as variant spreads \(cnbc.com\)](https://www.cnn.com/2021/07/29/health/who-urges-masks-variant/index.html)

⁶ [Florida Governor DeSantis signs order letting parents decide if kids wear masks in schools - CBS News; Schools scramble as CDC recommends masks for all K-12 students | WJBF](https://www.cbsnews.com/news/florida-governor-de-santis-signs-order-letting-parents-decide-if-kids-wear-masks-in-schools-cdc-recommends-masks-for-all-k-12-students-wjbf/)

⁷ [Requirement for Face Masks on Public Transportation Conveyances and at Transportation Hubs | CDC](https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/operation-strategy.html)

⁸ <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/operation-strategy.html>

⁹ <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/bus-transit-operator.html>

Bowing down to the Governor's whims, the Florida Department of Education ("DOE") ironically used the increase in COVID cases in Florida as the basis for precluding school districts from following CDC guidelines. DOE's recent emergency rule prohibits mask mandates and requires that district allow parents to choose to have their child go maskless without any medical or other reason. In passing this rule, DOE seemingly ignores (or simply does not care about) the disparate and dangerous impact that the rule will have on communities of color.

It's not just masks. The Florida Legislature passed a bill that would ban schools from requiring proof of a COVID-19 vaccination before children may enroll and attend child care and school. But the State requires plenty of other vaccinations before the child may enroll and attend child care and school, *e.g.*, measles, mumps, and rubella vaccine, chickenpox vaccine, Hepatitis B vaccine, and multiple others.¹⁰

Amidst the worst COVID crisis in Florida thus far, national and international epidemic agencies advise or impose mask requirements while the Governor opposes mask requirements and the Legislature rejects proof of a COVID-19 vaccination before children enroll in school for which attendance is mandatory. Faced with members of the government who choose to use children as political pawns, it will be up to the people of Florida to ensure that we are also protected from those who purport to speak in our interests but who do not. For many, it may be a matter of life or death.

¹⁰ [School Immunization Requirements | Florida Department of Health \(floridahealth.gov\)](#)