

April 21, 2020

**DELIVERED VIA EMAIL**

Dr. Scott Rivkees  
Surgeon General  
State of Florida  
Florida Health  
4052 Bald Cypress Way  
Tallahassee, FL 32399



4343 W. Flagler St.  
Miami, FL  
(786) 363-2700  
acluf.org

Micah W. Kubic, Ph.D.  
*Executive Director*

Dear Dr. Rivkees:

On behalf of the American Civil Liberties Union and the American Civil Liberties Union (ACLU) of Florida, I write to thank your office for collecting and releasing race/ethnicity and other demographic data of COVID-19 infections and deaths to the extent consistent with medical and health privacy laws. As jurisdictions release racial data of COVID-19 infection and death, it is becoming increasingly urgent to protect all communities and identify communities that are in particular need of support. In order to protect everyone in the state and to save as many lives as possible, we are urging your office to refine the data you are gathering and ensure transparent reporting of that data.

At least 12 states and Washington D.C. have begun releasing racial breakdowns of COVID-19 in their jurisdictions. The data released so far has shown that by and large Black people are dying at disturbingly disproportionate rates. For example, in Louisiana, Black people make up 32 percent of the state but represent over 70 percent of COVID-19 related deaths. Similarly alarming, in Mississippi, Black people make up 38 percent of the population but represent 52 percent of COVID-19 cases and 71 percent of reported deaths. In Florida, Black people make up 16 percent of the state's population but represent 20 percent of COVID-19 deaths in the state. While a more modest disparity in Florida, in fully 28 percent of all cases, the race or ethnicity of the individual is unknown, possibly masking a far greater proportion of Black or Hispanic individuals in Florida affected by COVID-19. Further, there is no racial or ethnic breakdown at either state or county level for those who are being tested.

Existing health disparities and other social and economic inequalities make Black and brown people particularly vulnerable to contracting and dying from COVID-19. While public health officials recommend working from home to stop the spread of the virus, only 20 percent of Black workers and 16 percent of Latino workers are able to work from home. Black people are also more likely to be uninsured and live in communities without access to quality healthcare facilities, leading to disproportionate rates of chronic diseases such as asthma, hypertension, and diabetes. Black and Latina women are overrepresented as essential workers with Latina women making up 22 percent of women grocery store workers and Black women making up 27 percent of women home health aid workers. In

addition, people of color are overrepresented in industries that are rapidly laying off workers, leaving many uninsured.

Given the vast disparities across the country, it is likely that Black people and other communities of color are dying disproportionately in our state too. In order to effectively address the pandemic and direct resources where they are most needed, government officials and entities must standardize, collect, and release race and ethnicity data surrounding COVID-19. Without knowing the breadth of how COVID-19 is affecting communities in the state, public health officials, advocates, and affected members of the public will not have the tools necessary to tackle the inequalities this pandemic is exacerbating. Government entities must also provide adequate protections for all essential workers, especially those most vulnerable to the threat posed by COVID-19, including ensuring the equitable distribution of PPE/ventilators.



In keeping with these standards, we request that you make the following refinements to your efforts:

1. Gather and publish data on testing that identifies racial and ethnic information and analysis; and
2. Implement testing, pursuant to Florida Statutes section 381.00315, of all individuals held in state or county institutions, such as prisons, jails, and youth detention, who desire to be tested.

Thank you again for your efforts to collect and release race/ethnicity and other demographic data of COVID-19 infections and deaths so that we may better protect all communities and identify those that are in particular need of support.

Sincerely,

A handwritten signature in black ink that reads "Micah W. Kubic". The signature is fluid and cursive, with a large, stylized initial "M".

Micah W. Kubic, Ph.D.  
Executive Director

Cc: Governor Ron DeSantis