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September 15, 2022

**Via Certified U.S. Mail and Email**

Florida Department of Health  
Attn: John Wilson, General Counsel  
4052 Bald Cypress Way  
Tallahassee, Florida 32309  
[John.Wilson@flhealth.gov](mailto:John.Wilson@flhealth.gov)  
[VaxPassFreeFL@FLHealth.gov](mailto:VaxPassFreeFL@FLHealth.gov)

**Re: Complaint regarding WESH 2 News's actions and Hearst Television's requirement of COVID-19 vaccine documentation, in violation of Section 381.00316, Florida Statutes**

Dear Mr. Wilson:

The undersigned and the law firm of Shutts & Bowen LLP have been retained to represent the Republican Party of Florida, which operates its business at 420 East Jefferson Street, Tallahassee, Florida 32301, and Mr. Scotty Moore, candidate for Florida Congressional District 9, who operates his congressional campaign at 838 River Boat Circle, Orlando, Florida 32828. This correspondence is to inform the Department of Health of WESH 2 News's ("WESH-2") requirement that Mr. Moore certify that he has been fully vaccinated against COVID-19 in order to enter the WESH-2's television studios and participate in a scheduled in-person candidate debate. WESH-2 has adopted the COVID corporate policy of its parent company, Hearst Television, which violates section 381.00316, Florida Statutes. We ask that you immediately investigate WESH-2's COVID policy, and if it is found to be in violation of Florida law, take appropriate action.

WESH-2 is a local television station located in Central Florida and owned by Hearst Television. WESH-2 hosts televised candidate debates that are recorded in its television studios. In August 2022, WESH-2 sought to hold a debate in the Florida Congressional District 9 race and contacted both Scotty Moore and his opponent. Mr. Moore was happy to confirm his participation in the political debate, to be recorded at WESH-2's Winter Park television studios on September 8, 2022.

Days after Mr. Moore confirmed his participation, WESH-2 sent Mr. Moore's

campaign an email stating: “Our parent company, Hearst Television, requires all employees and guests to be vaccinated against COVID 19. Additionally, all guests must sign a Health Waiver for entry into the building.” A copy of the WESH-2 email containing the Hearst Television corporate policy is attached to this correspondence as **Exhibit “A.”**

On September 8, Mr. Moore and his campaign staff arrived at the WESH-2 Winter Park television studios. Employees of WESH-2 gave Mr. Moore and his campaign staff health questionnaires, which asked whether Mr. Moore was fully vaccinated according to U.S. Centers for Disease Control and Prevention (“CDC”) guidelines. Mr. Moore answered the question in the negative, as did one member of his campaign team. After reviewing Mr. Moore’s answer to the health questionnaire, WESH-2 denied Mr. Moore entry to its television studios and refused to allow him to participate in the in-person debate.

Mr. Moore sought reasonable exemptions to WESH-2’s unreasonable requirements. He requested to be permitted to participate in the in-person debate after taking an on-the-spot rapid test for COVID-19. WESH-2 denied this reasonable accommodation. Mr. Moore also requested that WESH-2 hold the debate outside. WESH-2 also denied this reasonable accommodation. Instead, WESH-2 canceled the debate and posted on its website that Mr. Moore did not meet WESH-2’s vaccination requirements.<sup>1</sup> WESH-2 only offered to hold the debate *virtually*, which Mr. Moore did not accept due to the severe limitations of virtual debates and the discriminatory nature in which this offer was made solely based on his personal vaccination status.

Given the above, WESH-2’s actions and Hearst Television’s corporate policy violate section 381.00316, which states in relevant part:

(1) A business entity, as defined in s. 768.38 to include any business operating in this state, may not require patrons or customers to provide any documentation certifying COVID-19 vaccination or postinfection recovery to gain access to, entry upon, or service from the business operations in this state.

WESH-2 falls within the definition of a “business entity,” which section 768.38, defines as “any form of corporation, partnership, association, cooperative, joint venture, business trust, or sole proprietorship that conducts business in this state.” § 768.38(2)(a), Fla. Stat. (adopting the definition found in section 606.03(1), Florida Statutes). And

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<sup>1</sup> <https://www.wesh.com/article/wesh-2-scotty-moore-response/41122071>.

although section 381.00316 does not define “patron” or “customer,” Mr. Moore falls within the ordinary meanings of those terms. First, WESH-2 *invited* Mr. Moore to its television studios to hold an in-person debate, after which WESH-2 was free to promote the debate to its advertising base, patrons, and customers in the Central Florida area. Second, as a Floridian who lives in the Central Florida area with access to WESH-2’s programming, Mr. Moore is a patron and customer of WESH-2. Thus, WESH-2 sought for Mr. Moore to invest his time and talents in WESH-2’s business by participating in generating WESH-2’s programming, as well as to serve as a patron and customer of the debate broadcast by promoting it to his campaign supporters.

Because WESH-2 denied Mr. Moore and his unvaccinated staffer access to and entry upon the Winter Park television studios and refused to provide the invited service of an in-person debate based on Hearst Television’s corporate policy, WESH-2 and Hearst Television have violated Florida’s prohibition on private businesses requiring COVID-19 vaccine documentation. We are now in the latter half of 2022, and many private businesses and even doctors’ offices around the State of Florida routinely permit entry to persons who are not fully vaccinated against COVID-19.

Pursuant to section 381.00316(4) and (6), Florida Statutes, and Rule 64-8.001, Florida Administrative Code, the Department of Health may investigate WESH-2’s and Hearst Television’s violations of section 381.00316 and to levy fines of \$5,000 for each individual and separate violation. Not only did Hearst Television’s corporate policy and WESH-2’s actions result in the denial of access to the business for at least two individuals, but there have also been public reports showing that, based on the same corporate policy, WESH-2 has denied at least one other candidate entrance to its television studios and the ability to participate in an in-person political debate because of her vaccination status.<sup>2</sup>

Moreover, the plain language of Hearst Television’s corporate COVID policy suggests that Hearst Television may also be violating section 381.00317, Florida Statutes, which prohibits private employers from requiring their employees to receive the COVID-19 vaccine without providing certain statutory and regulatory approved exemptions. Hearst Television appears to own other Florida-based television stations, including WMOR-TV 32, CW-18 WKCF, and WPBF 25. For that reason, we request that you also investigate whether WESH-2, Hearst Television, and any additional Hearst Television-owned stations in the State of Florida have violated their employees’ rights and section

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<sup>2</sup> McCool, Jim, The Floridian, *WESH 2 News Bars Scotty Moore from Debate Over Vaccination Status*, (Sep. 10, 2022) available at: <https://floridianpress.com/2022/09/wesh-2-news-bars-scotty-moore-from-debate-over-vaccination-status/> (“Just this week, another debate between Bonnie Jackson (R-FL) and State Rep. Anna Eskamani (D-FL) was cancelled on account of Jackson not providing proof of vaccination. Incidentally, the same news corporation, WESH 2, was responsible for shutting down the debate.”).

381.00317. We have sent a copy of this correspondence to the Attorney General's Private Employer Vaccine Mandate Program.

We appreciate your time and attention to this matter. Florida voters have been denied critical election information and the ability to hear from candidates in important races only weeks before the election because of WESH-2 and Hearst Television's unlawful COVID-19 vaccine documentation policy.

If you have any questions or would like additional information from Mr. Moore or his campaign about this event, please call me.

Sincerely,



Benjamin J. Gibson

*Counsel for Congressional Candidate Scotty  
Moore and the Republican Party of Florida*

cc: Florida Attorney General Ashley Moody at [vaxmandate@myfloridalegal.com](mailto:vaxmandate@myfloridalegal.com) and via Certified Mail to Department of Legal Affairs, Private Employer Vaccine Mandate Program, PL-01, the Capitol, Tallahassee, FL 32399-1050  
Enclosures: WESH-2 email containing Hearst Television COVID-19 corporate policy

# Exhibit A

## Benjamin J. Gibson

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**From:** John Ashton <jwashton3@gmail.com>  
**Sent:** Monday, September 12, 2022 4:09 PM  
**To:** Benjamin J. Gibson  
**Subject:** Fwd: [EXTERNAL] Re: Sept 8th wesh debate

EXTERNAL: This email originated from outside of the SHUTTS email system. Do not respond, click any links or open any attachments unless you trust the sender and know the content is safe.

Begin forwarded message:

**From:** Lance Watson <lance@chrandcompany.com>  
**Date:** September 8, 2022 at 1:34:06 PM EDT  
**To:** John Ashton <jwashton3@gmail.com>  
**Subject:** Fwd: [EXTERNAL] Re: Sept 8th wesh debate

----- Forwarded message -----

**From:** **Golgoski, Marcie** <[mgolgoski@hearst.com](mailto:mgolgoski@hearst.com)>  
**Date:** Tue, Aug 30, 2022 at 10:50 AM  
**Subject:** RE: [EXTERNAL] Re: Sept 8th wesh debate  
**To:** Belén Sassone <[belen@darrensoto.com](mailto:belen@darrensoto.com)>, Lance Watson <[lance@chrandcompany.com](mailto:lance@chrandcompany.com)>  
**CC:** Fox, Gregory <[gfox@hearst.com](mailto:gfox@hearst.com)>

Good morning,

Thank you for agreeing to a debate with WESH 2 Political reporter Greg Fox at our Winter Park studios on Thursday, September 8 at 10:30am. The debate will be TAPED, placed online in its entirety, and then excerpted in newscasts.

Please plan to arrive by 10:15am.

The debate will run approximately 30-40 minutes. Candidates will be given 1 minute for opening and closing remarks. Candidates will each be posed the same questions by Greg and given 1 minute for a response. Should a candidate mention their opponent by name in a response, a rebuttal of up to 45 seconds will be allowed.

## **ACCESSING THE WESH 2 STUDIOS**

Our parent company, Hearst Television, requires all employees and guests to be vaccinated against COVID 19. Additionally, all guests must sign a Health Waiver for entry into the building.

We ask that in addition to the candidate, any accompanying guests be restricted to two people. Those guests will not be permitted in the studio during the debate. A separate room will be made available to view a studio feed.

Additionally, our front entrance is currently closed for construction. When you arrive at the WESH 2 Studios ([1021 N Wymore Rd, Winter Park 32789](https://www.wesh.com/locations/1021-N-Wymore-Rd-Winter-Park-32789)), please follow the signs to access the Employee gate/entrance. When you drive up, at the call box dial 000 to reach the receptionist who will buzz you in.

Please park nearest the satellite dishes and use the door marked Employee Entrance to access the building. Our Newsroom Assistant Kimmy will be waiting for you there to escort you into the building.

Should you have any issues with the above process, you may reach the receptionist at 407-645-2222.

Thank you,

Marcie



**MARCIE GOLGOSKI**  
EXECUTIVE PRODUCER / SPECIAL PROJECTS

Direct **407 539-7918** Cell **321 279-8880**  
mgolgoski@hearst.com  
1021 North Wymore Road, Winter Park, FL 32789  
Facebook: MarcieWESH

**MeTV** ORLANDO **WESH.COM**

**WESH 2** DOWNLOAD THE WESH 2 NEWS APP **HEARST** television

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**From:** Belén Sassone <[belen@darrensoto.com](mailto:belen@darrensoto.com)>  
**Sent:** Thursday, August 25, 2022 12:23 PM  
**To:** Lance Watson <[lance@chrandcompany.com](mailto:lance@chrandcompany.com)>

Cc: Fox, Gregory <[gfox@hearst.com](mailto:gfox@hearst.com)>; Golgoski, Marcie <[mgolgoski@hearst.com](mailto:mgolgoski@hearst.com)>

Subject: [EXTERNAL] Re: Sept 8th wesh debate

Thank you so much!

Best,

Belén

On Thu, Aug 25, 2022 at 12:21 PM Lance Watson <[lance@chrandcompany.com](mailto:lance@chrandcompany.com)> wrote:

Thanks for setting this up, Greg.

Looking forward to it.

LW

850 524 1897

On Thu, Aug 25, 2022 at 10:00 AM Fox, Gregory <[gfox@hearst.com](mailto:gfox@hearst.com)> wrote:

Good morning

Thank you to Congressman Soto and Scotty Moore for agreeing to a debate on Sept 8th at 10:30am at our winter park studios at [1021 N Wymore Rd.](#)

I have copied our special projects Executive Producer Marcie Golgoski who will provide information on format and logistics.

Thank you both

A willingness to serve in elected office is a challenging and much-appreciated calling.

Gf

Greg Fox

Investigative/Political Reporter

WESH-TV 2 NBC

[1021 N. Wymore Rd.](#)

[Winter Park, Fl. 32789](#)

407-766-2271 (C), 407-539-7878 (W)

[Gfox@hearst.com](mailto:Gfox@hearst.com)

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