

[Mary Jane]  
[address]  
Tampa, Florida

[Retail Business]  
[Subsidiary if any]  
\_\_\_\_\_, General Counsel  
[address]  
Orlando, Florida 32821

Florida Department of Health  
4052 Bald Cypress Way  
Tallahassee, Florida 32399

Department of Management Services  
Florida Commission on Human Relations  
4075 Esplanade Way, Suite 100  
Tallahassee, Florida 32399-7020

Florida Attorney General  
Ashley Moody  
PL-01 The Capitol  
Tallahassee, FL 32399

[Date].

RE NOTICE OF PRE-SUIT MEDIATION

Hello Tony,

The manager or owner of private property that is open to the public cannot implement policies or engage in conduct that violates the law. [Retail Business] is a public accommodation and subject to Florida Law, (Ch. 760 of the Florida Statutes). No laws have changed and no laws have been suspended and [Retail Business] has not obtained any exemptions from complying with the laws.

After purchasing tickets to visit your park on [Date], I was denied entry into the park because I would not undertake a medical intervention purportedly required by your employees. The manager at the time refused to identify herself by name, but demanded that I leave the park unless I agreed to undertake her medical intervention of wearing a mask over my face and having my grandchildren do the same.

I asked her what legal authority she had to require this and she was not able to cite any legal authority. I asked if she was aware of the requirements under the Florida Civil Rights act of 1992 pertaining to public accommodations such as [Retail Business] and protected classes of people with disabilities, medical conditions or other criteria. She stated that none of that was relevant.

I then asked her the reason and she said it was to prevent the spread of a disease. I asked what the medical necessity was and if she had a physician's affidavit informing her that I or anyone else was infected with any communicable disease, and if she was acting under a delegation of authority from the Department of Health as a public health officer. She was not able to even respond.

I then asked if [Retail Business] would insure me against the risk of catching a disease if I complied with her request. She said she did not know, but I asked to see an insurance binder anyway so that I could determine if [Retail Business] was insured against claims I might make in case I contracted any disease or suffered any adverse effects from the medical intervention. She was not able to provide me with a copy of any insurance binder showing sufficient coverage.

I asked to speak to the physician on-site and was informed that no such person was available. I explained that I have a right to informed consent (F.S. §381 et seq.) by conferring with a qualified physician before acting upon any medical advice or taking any medical intervention. There was no response and then it occurred to me that these employees must

have been trained to break the law without any proper advise about the laws they are breaking or the laws to which they are subject.

I asked the manager when [Retail Business] obtained a legal duty to fulfill the same responsibilities as the Florida Department of Health. I asked when the park was delegated the obligations to protect the public from any disease or danger and when the park obtained the authority to compel people, against our laws, to undertake such medical interventions. Again, no one was able to answer me.

I then asked what laws had been suspended or changed or when [Retail Business] obtained an exemption from complying with the law. Again, no one was able to answer me, in fact, it was as if they didn't understand my questions, yet they were requiring a medical intervention for my small grandchildren and myself, without even a medical examination or guarantee that complying would protect my health or the health of anyone else.

Furthermore, requiring the medical intervention under these circumstances as a condition of entering the park constitutes the unlicensed practice of medicine in violation of F.S. §456.065. Employees of [Retail Business] are not competent or qualified, nor are they insured to require any medical interventions from their patrons. Even licensed physicians would require a medical examination before recommending any medical interventions of their patients. Additionally, even licensed physicians are required to provide their patients with informed consent regarding any medical intervention. Moreover, even a licensed physician cannot force any of his patients to undertake any medical advice without a specific medical necessity and the patient's informed consent as required by F.S. §381.026. No employees at [Retail Business] are even capable of providing informed consent because none of them are qualified or insured health care professionals.

Why do the employees at [Retail Business] believe they can engage in these practices without a license, without qualifications of any kind and without insurance and without even knowing the applicable laws?

We have a contract, I purchased tickets for a service and [Retail Business] is in breach of that contract by including illegal conditions for its fulfillment. There was no lawful authority for the employees at [Retail Business] to refuse to provide myself or my grandchildren the services and entrance to the park for which I had already paid. In fact, this may constitute false imprisonment or unlawful restraint. My money was refunded, but again, this was not part of our agreement.

This is my notice that I intend to sue [Retail Business] for these violations but I am open to a mediation conference and am willing to give your company another chance to resolve this matter. Additionally, I would like these questions answered by the attorney general's office and by the Commission on Human Relations. I know that the Florida Department of Health is pushing these illegal practices on businesses so I don't need any response from this agency at this time as it would be useless, but I do expect a response from the attorney general's office as these issues fall within its purview and likewise, I fully expect a response, on the merits of these questions that remain unanswered, from the Commission on Human Rights. Please respond within a reasonable time, otherwise I will file a lawsuit in the circuit court.

Sincerely,

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[Mary Jane]