

IN THE CIRCUIT COURT OF THE SECOND
JUDICIAL CIRCUIT IN AND FOR LEON
COUNTY, FLORIDA

CASE NO.:

AIDS HEALTHCARE FOUNDATION, INC.,

Plaintiff,

v.

FLORIDA DEPARTMENT OF HEALTH,

Defendant.

**IMMEDIATE HEARING
REQUESTED PURSUANT TO
SECTION 119.11(1), FLA. STAT.**

COMPLAINT

Plaintiff, AIDS Healthcare Foundation, Inc. (“AHF”), by and through undersigned counsel, sues Defendant, the Florida Department of Health (“Defendant”), to enforce Florida’s Public Records Act and alleges:

PARTIES, JURISDICTION, AND VENUE

1. This action concerns the Defendant’s violation of Article I, Section 24 of the Florida Constitution and Chapter 119 of the Florida Statutes.

2. In this action, AHF seeks an order compelling the Defendant to provide the requested public records and awarding its attorneys’ fees and costs. AHF additionally requests that this matter be set for an expedited hearing pursuant to Section 119.11(1), Florida Statutes.

3. AHF is a foreign not-for-profit corporation authorized to do business in Florida, with its principal address at 700 Third Avenue, Fourth Floor, Fort Lauderdale, Florida 33316. AHF is a “person,” as the term is used in Section 119.07(1)(a), Florida Statutes.

4. Defendant is an agency of the State of Florida as defined in Section 119.011(2), Florida Statutes, and is charged with providing access to public records pursuant to Section 119.01(1), Florida Statutes.

5. This Court possesses subject matter jurisdiction pursuant to Article V, Section 5(b) of the Florida Constitution and Section 119.11, Florida Statutes.

6. Venue is proper in Leon County, Florida, because Defendant is a state agency with its principal headquarters in Tallahassee, Leon County, Florida.

7. All conditions precedent to this Complaint have occurred or have been excused or waived.

8. Pursuant to Section 284.30, Florida Statutes, a copy of this Complaint, which includes a request for attorneys' fees, is being served on the Department of Financial Services.

INTRODUCTION

9. The Ryan White HIV/AIDS Program ("RWHAP") is housed within the Federal Health Resources & Services Administration ("HRSA"), an agency within the U.S. Department of Health and Human Services ("HHS"). Since 1990, the program has provided grants to states to pay for medical and support services for low-income people living with HIV. More than 50% of people diagnosed with HIV receive assistance from RWHAP each year.

10. The Defendant is the state agency tasked with conducting communicable disease prevention and control programs for the prevention and control of HIV and AIDS under chapters 381 and 384. § 381.003(1)(b), Fla. Stat. The Department receives RWHAP Part B grant funding, otherwise known as the AIDS Drug Assistance Program ("ADAP"), as part of this core public health mission that it has been tasked to administer by the Florida Legislature.

11. The Defendant provides ADAP assistance to qualifying individuals including direct medication access and health insurance premium assistance. Qualifying individuals includes those who have an adjusted gross income of 400% of the Federal Poverty Level or less.

12. In early January 2026, Defendant began notifying individuals that qualify and are currently receiving benefits through ADAP that it would no longer be providing any health

insurance premium assistance, that only individuals whose adjusted gross income was 130% of the Federal Poverty Level or less could receive medication assistance, and that the most commonly prescribed medications, Biktarvy and Descovy, would no longer be provided under the program. These ADAP eligibility and service modifications will take effect on March 1, 2026.

13. Without proper care and treatment, AIDS is a terminal disease. Untreated HIV/AIDS increases the likelihood of transmission of the virus. If the Defendant's proposed changes to ADAP occur, it is estimated that approximately 16,000 Floridians could lose access to this lifesaving care.

AHF'S PUBLIC RECORDS REQUEST

14. On January 15, 2026, in an effort to gain insight into the rationale for the Defendant's planned actions, AHF made a public records request to the Defendant requesting any records relating to:

1. The deliberation and determination, and the rationales and bases, to move solely to direct medication dispensing;
2. The deliberation and determination, and the rationales and bases, of capping the eligible federal poverty level at 130% in determining continuing eligibility for ADAP services;
3. The deliberation and determination, and the rationales and bases, to phase out or eliminate using ADAP funds to pay for health insurance for eligible people;
4. The deliberation and determination, and the rationales and bases, to remove Biktarvy from the ADAP formulary;
5. The deliberation and determination, and the rationales and bases, to restrict ADAP payment for Descovy to only ADAP eligible people with renal insufficiency;
6. The deliberation and determination, and the rationales and bases, to make and implement the above changes within an approximately two-month time frame;

7. The deliberation and determination, and the rationales and bases, that the above changes “will prevent a shortfall of more than \$120 million for Florida.”

8. With respect to the above changes, any and all documentation relating to any efforts to ensure that these changes are determined and implemented in accordance with the rules and requirements found in Florida Statutes, Chapter 120 (Administrative Procedure Act), including but not limited Sections 120.54, 120.55, and 120.56 regarding notice, posting, comment, and implementation of the above changes.

See Attached **Exhibit A**.

15. On January 16, 2026, the Defendant acknowledged receipt of the request. See Attached **Exhibit B**.

16. On January 22, 2026, AHF provided notice that it would seek attorneys’ fees pursuant to Section 119.12. See Attached **Exhibit C**.

17. The Defendant acknowledged AHF’s January 22, 2026, communication as well. See Attached **Exhibit D**.

18. As of the date of this filing, the Defendant has failed to produce any of the requested records.

COUNT I **UNLAWFUL WITHHOLDING OF PUBLIC RECORDS**

19. The allegations contained in paragraphs 1 through 18 are restated and re-alleged in their entirety as if fully set forth herein.

20. AHF has a constitutional “right to inspect or copy any public record made or received in connection with the official business of” the Defendant. Art. I, § 24, Fla. Const.

21. The requested records meet the definition of public records under Section 119.011(12), Florida Statutes.

22. Defendant has unlawfully withheld the requested records. Defendant's failure to supply AHF with the requested records violates the Florida Public Records Act and Article I, Section 24 of the Florida Constitution.

EXPEDITED HEARING

23. Section 119.011, Florida Statutes, provides that courts must set immediate hearings in actions to enforce the Florida Public Records Act's provisions and give such cases priority over other pending cases.

24. This Honorable Court is "required to set an immediate hearing 'to allow the court to hear argument from the parties and resolve any dispute as to whether there are public records responsive to the request and whether an exemption from disclosure applies in whole or in part to the requested records.'" *Stern v. City of Miami Beach*, 359 So. 3d 1209, 1211 (citing *Kline v. Univ. of Fla.*, 200 So. 3d 271 (Fla. 1st DCA 2016)).

25. For these reasons, AHF requests this Honorable Court to set an immediate hearing and prioritize this suit over pending cases.

ATTORNEY'S FEES

26. Section 119.12, Florida Statutes, provides:

(1) If a civil action is filed against an agency to enforce the provisions of this chapter, the court shall assess and award the reasonable costs of enforcement, including reasonable attorney fees, against the responsible agency if the court determines that:

(a) The agency unlawfully refused to permit a public record to be inspected or copied; and

(b) The complainant provided written notice identifying the public record request to the agency's custodian of public records at least 5 business days before filing the civil action, except as provided under subsection (2). The notice period begins on the day the written notice of the request is received by the custodian of public records, excluding Saturday, Sunday, and legal holidays, and runs until 5 business days have elapsed.

27. AHF provided written notice of its public records request at least five business days prior to filing this action. See Attached **Exhibit C**.

28. AHF has retained undersigned counsel in this matter and is obligated to pay counsel attorney's fees and costs in connection with this matter.

RELIEF REQUESTED

WHEREFORE, AHF requests that this Honorable Court:

- a. Set an immediate hearing pursuant to Section 119.11, Florida Statutes;
- b. Find that the requested records are public records subject to disclosure under Florida's Public Records Act;
- c. Find that Defendant unlawfully refused to permit access to or copying of the records in violation of Florida's Public Records Act and Article I, Section 24 of the Florida Constitution;
- d. Order Defendant to immediately provide the requested records;
- e. Award AHF reasonable attorney's fees, costs, and expenses incurred in bringing this action, as provided in Section 119.12, Florida Statutes; and
- f. Award AHF any such other and further relief as the Court deems necessary and appropriate.

Respectfully Submitted: February 2, 2026.

PANZA, MAURER & MAYNARD, P.A.

Counsel for Plaintiff

201 East Park Avenue, Suite 200-A

Tallahassee, Florida 32301

Phone: (850)681-0980

By: /s/ Louise Wilhite-St Laurent

Louise Wilhite-St Laurent, Esq.

Fla. Bar No.: 91244

Email: LStLaurent@panzamaurer.com

Secondary Email: HCoats@panzamaurer.com

January 15, 2026

Tom Myers
General Counsel
323-850-5200

Public Records Coordinator
4052 Bald Cypress Way, Bin A02
Tallahassee, FL 32399

Via email PublicRecordsRequest@FLHealth.gov

RE: Public Records Act Request Regarding AIDS Drug Assistance Program

Dear Sir/Madam:

Pursuant to Florida Statutes Chapter 119, AIDS Healthcare Foundation (AHF) requests all documents related to the Department's deliberation and decision to modify and reduce the scope of the AIDS Drug Assistance Program (ADAP), as set out on the Department's website

<https://www.floridahealth.gov/individual-family-health/injury-prevention-wellness/hiv-aids/hiv-aids-management/>

and covered in the media, including

<https://www.miamiherald.com/news/politics-government/article314323482.html>

Specifically, AHF requests all documents, including internal and external correspondence, relating to:

1. The deliberation and determination, and the rationales and bases, to move solely to direct medication dispensing;
2. The deliberation and determination, and the rationales and bases, of capping the eligible federal poverty level at 130% in determining continuing eligibility for ADAP services;
3. The deliberation and determination, and the rationales and bases, to phase out or eliminate using ADAP funds to pay for health insurance for eligible people;
4. The deliberation and determination, and the rationales and bases, to remove Biktarvy from the ADAP formulary;
5. The deliberation and determination, and the rationales and bases, to restrict ADAP payment for Descovy to only ADAP eligible people with renal insufficiency;
6. The deliberation and determination, and the rationales and bases, to make and implement the above changes within an approximately two-month time frame;
7. The deliberation and determination, and the rationales and bases, that the above changes "will prevent a shortfall of more than \$120 million for Florida."

8. With respect to the above changes, any and all documentation relating to any efforts to ensure that these changes are determined and implemented in accordance with the rules and requirements found in Florida Statutes, Chapter 120 (Administrative Procedure Act), including but not limited Sections 120.54, 120.55, and 120.56 regarding notice, posting, comment, and implementation of the above changes.

Please let me know if any additional information or payment is required.

Sincerely,

A handwritten signature in black ink, appearing to be 'Tom Myers', written over a horizontal line.

Tom Myers
General Counsel
AIDS Healthcare Foundation

Louise St. Laurent

From: Florida Department of Health <fdh@mycusthelp.net>
Sent: Friday, January 16, 2026 8:49 AM
To: Tom Myers <Tom.Myers@ahf.org>
Subject: Public Records Request :: P144351-011626

Dear Tom Myers:

This email is to confirm receipt of your public records request. If this request requires extensive use of resources, this office will contact you again once an estimate of the costs associated with producing the records you seek is prepared. The tracking number associated with your request is in the subject line of this email. If you have any questions, please let me know. Your request was received in this office on 1/16/2026 and given the reference number **P144351-011626** for tracking purposes.

Records Requested: To whom it may concern:

Please see the attached Public Records Act request letter.

If you are unable to open it, the request states:

Dear Sir/Madam:

Pursuant to Florida Statutes Chapter 119, AIDS Healthcare Foundation (AHF) requests all documents related to the Department's deliberation and decision to modify and reduce the scope of the AIDS Drug Assistance Program (ADAP), as set out on the Department's website

<https://www.floridahealth.gov/individual-family-health/injury-prevention-wellness/hiv-aids/hiv-aids-management/>

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Please let me know if any additional information or payment is required.

Sincerely,

Tom Myers
General Counsel
AIDS Healthcare Foundation

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed.

Florida Department of Health

To track your request and respond, visit the [Public Records Center](#), then click on "View My Public Records Requests."

Louise St. Laurent

From: Tom Myers <Tom.Myers@ahf.org>
Sent: Thursday, January 22, 2026 10:42 AM
To: PublicRecordsRequest@FLHealth.gov <publicrecordsrequest@flhealth.gov>; alysson.bradley@flhealth.gov <alysson.bradley@flhealth.gov>; kendra.washington@flhealth.gov <kendra.washington@flhealth.gov>
Subject: Fw: FL ADAP public records act letter ltr

Good morning -

Please accept this email as notice pursuant to Section 119.12(1)(b), Florida Statutes. The public record request is identified below in the original email requesting the records, and is attached to this email.

Tom Myers
General Counsel
AIDS Healthcare Foundation

From: Tom Myers <Tom.Myers@ahf.org>
Sent: Thursday, January 15, 2026 3:56 PM
To: PublicRecordsRequest@FLHealth.gov <PublicRecordsRequest@FLHealth.gov>
Subject: FL ADAP public records act letter ltr

To whom it may concern:

Please see the attached Public Records Act request letter.

If you are unable to open it, the request states:

Dear Sir/Madam:

Pursuant to Florida Statutes Chapter 119, AIDS Healthcare Foundation (AHF) requests all documents related to the Department's deliberation and decision to modify and reduce the scope of the AIDS Drug Assistance Program (ADAP), as set out on the Department's website

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Please let me know if any additional information or payment is required.

Sincerely,

Tom Myers
General Counsel
AIDS Healthcare Foundation

From: Florida Department of Health <fdh@mycusthelp.net>
Sent: Thursday, January 22, 2026 10:53 AM
To: Tom Myers <Tom.Myers@ahf.org>
Subject: Public Records Request :: P144588-012226

Dear Tom Myers:

This email is to confirm receipt of your public records request. If this request requires extensive use of resources, this office will contact you again once an estimate of the costs associated with producing the records you seek is prepared. The tracking number associated with your request is in the subject line of this email. If you have any questions, please let me know. Your request was received in this office on 1/22/2026 and given the reference number **P144588-012226** for tracking purposes.

Records Requested: To whom it may concern:

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