

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/SB 238 — Public Records/Protection from Discrimination Based on Health Care Choices

by Fiscal Policy Committee; Health Policy Committee; and Senators Burton and Perry

The bill (Chapter 2023-42, L.O.F.) amends s. 381.00318, F.S., to expand and conform that statute's public records exemption (PRE) provisions to match the changes made to ss. 381.00316 and 381.00319, F.S., in CS/SB 252. Specifically, the bill provides that documents relating to a complaint alleging a violation of ss. 381.00316, 381.00317, or 381.00319, F.S., by a business entity, governmental entity, or an educational institution, held by the Department of Legal Affairs (DLA) or the Department of Health (DOH), are confidential and exempt from public records provisions of s. 119.07(1), F.S., and Art. I, s. 24(a), State Constitution.

The exemption lasts until the investigation into the complaint is completed or ceases to be active, unless releasing the information would jeopardize the integrity of another active investigation, reveal medical information about an individual, or reveal information about an individual's religious beliefs. Information made confidential and exempt may be released to a business or governmental entity or education institution in furtherance of the entity's or institution's lawful duties and responsibilities and may also be released in an aggregated form.

The bill provides legislative findings and extends the Open Government Sunset Review Act repeal date to October 2, 2028.

These provisions were approved by the Governor and take effect June 1, 2023.

Vote: Senate 31-4; House 96-19