

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

---

1 Committee/Subcommittee hearing bill: Health & Human Services  
 2 Committee

3 Representative Griffiths offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 381.00318, Florida Statutes, is amended  
 8 to read:

9 381.00318 Complaints and investigations regarding ~~private~~  
 10 ~~employer~~ COVID-19 vaccination, testing, or facial covering  
 11 mandates; public records exemption.—

12 (1) (a) An employee complaint alleging a private employer's  
 13 violation of s. 381.00317 regarding employer COVID-19  
 14 vaccination policies or practices, and all information relating  
 15 to an investigation of such complaint, held by the Department of  
 16 Legal Affairs is confidential and exempt from s. 119.07(1) and

## Amendment No. 1

17 s. 24(a), Art. I of the State Constitution until the  
18 investigation is completed or ceases to be active. For purposes  
19 of this subsection ~~section~~, an investigation is considered  
20 "active" while such investigation is being conducted by the  
21 department with a reasonable good faith belief that it may lead  
22 to a determination of whether there was a violation of s.  
23 381.00317. An investigation does not cease to be active if the  
24 department is proceeding with reasonable dispatch and there is a  
25 good faith belief that action may be initiated by the  
26 department.

27 ~~(b)-(2)~~ After an investigation is completed or ceases to be  
28 active, information in records relating to the investigation  
29 remains confidential and exempt from s. 119.07(1) and s. 24(a),  
30 Art. I of the State Constitution if disclosure of that  
31 information would do any of the following:

32 ~~1.(a)~~ Jeopardize the integrity of another active  
33 investigation.

34 ~~2.(b)~~ Reveal medical information about an employee.

35 ~~3.(c)~~ Reveal information regarding an employee's religious  
36 beliefs.

37 ~~(c)-(3)~~ Information made confidential and exempt under this  
38 subsection ~~section~~ may be released to another governmental  
39 entity in the furtherance of that entity's lawful duties and  
40 responsibilities.

Amendment No. 1

41 (d)-(4) This subsection ~~section~~ does not prohibit the  
42 disclosure of information in an aggregated format.

43 (e)-(5) This subsection ~~section~~ shall stand repealed on  
44 October 2, 2023.

45 (2)(a) A complaint alleging a business entity's, a  
46 governmental entity's, or an educational institution's violation  
47 of s. 381.00316 or s. 381.00319, and all information relating to  
48 an investigation of such complaint, held by the Department of  
49 Health or the Department of Legal Affairs is confidential and  
50 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
51 Constitution until the investigation is completed or ceases to  
52 be active. For purposes of this subsection, an investigation is  
53 considered "active" while such investigation is being conducted  
54 by the Department of Health or the Department of Legal Affairs  
55 with a reasonable good faith belief that it may lead to a  
56 determination of whether there was a violation of s. 381.00316  
57 or s. 381.00319. An investigation does not cease to be active if  
58 the Department of Health or the Department of Legal Affairs is  
59 proceeding with reasonable dispatch and there is a good faith  
60 belief that action may be initiated by the Department of Health  
61 or the Department of Legal Affairs.

62 (b) After an investigation is completed or ceases to be  
63 active, information in records relating to the investigation  
64 remains confidential and exempt from s. 119.07(1) and s. 24(a),

Amendment No. 1

65 Art. I of the State Constitution if disclosure of that  
66 information would do any of the following:

67 1. Jeopardize the integrity of another active  
68 investigation.

69 2. Reveal medical information about an individual.

70 3. Reveal information regarding an individual's religious  
71 beliefs.

72 (c) Information made confidential and exempt under this  
73 subsection may be released to another governmental entity in the  
74 furtherance of that entity's or institution's lawful duties and  
75 responsibilities.

76 (d) This subsection does not prohibit the disclosure of  
77 information in an aggregated format.

78 (e) This subsection is subject to the Open Government  
79 Sunset Review Act in accordance with s. 119.15 and shall stand  
80 repealed on October 2, 2028, unless reviewed and saved from  
81 repeal through reenactment by the Legislature.

82 Section 2. The Legislature finds that it is a public  
83 necessity that a complaint alleging a business entity's, a  
84 governmental entity's, or an educational institution's violation  
85 of s. 381.00316, Florida Statutes, or s. 381.00319, Florida  
86 Statutes, and all information relating to an investigation of  
87 such complaint, held by the Department of Health or the  
88 Department of Legal Affairs be made confidential and exempt from  
89 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the

675033 - h1015-strike.docx

Published On: 4/7/2023 5:46:10 PM

Amendment No. 1

90 State Constitution until the investigation is completed or  
91 ceases to be active. The Legislature further finds that it is a  
92 public necessity to maintain the confidential and exempt status  
93 of information that would jeopardize the integrity of another  
94 active investigation, reveal medical information about an  
95 individual, or reveal information regarding an individual's  
96 religious beliefs after an investigation is completed or ceases  
97 to be active. Protection of such information is required to  
98 safeguard an individual's private information regarding medical  
99 information or religious beliefs and to ensure the integrity of  
100 an active investigation, if applicable.

101 Section 3. This act shall take effect on the same date  
102 that HB 1013 or similar legislation takes effect, if such  
103 legislation is adopted in the same legislative session or an  
104 extension thereof and becomes law.

106 -----  
107 **T I T L E A M E N D M E N T**

108 Remove everything before the enacting clause and insert:  
109 An act relating to public records; amending s. 381.00318, F.S.;  
110 providing an exemption from public records requirements for  
111 certain information held by the Department of Health or the  
112 Department of Legal Affairs; authorizing the disclosure of such  
113 information under certain circumstances; providing for future  
114 legislative review and repeal of the exemption; providing a

Amendment No. 1

115 | statement of public necessity; providing a contingent effective  
116 | date.