

1 A bill to be entitled
2 An act relating to public records; amending s.
3 381.00318, F.S.; providing an exemption from public
4 records requirements for certain information held by
5 the Department of Health or the Department of Legal
6 Affairs; authorizing the disclosure of such
7 information under certain circumstances; providing for
8 future legislative review and repeal of the exemption;
9 providing a statement of public necessity; providing a
10 contingent effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 381.00318, Florida Statutes, is amended
15 to read:

16 381.00318 Complaints and investigations regarding ~~private~~
17 ~~employer~~ COVID-19 vaccination mandates; public records
18 exemption.—

19 (1) A ~~An employee~~ complaint alleging a business entity's,
20 a governmental entity's, or an educational institution's ~~private~~
21 ~~employer's~~ violation of s. 381.00316 or s. 381.00319 ~~s.~~
22 ~~381.00317~~ regarding ~~employer COVID-19 vaccination policies or~~
23 ~~practices,~~ and all information relating to an investigation of
24 such complaint, held by the Department of Health or the
25 Department of Legal Affairs is confidential and exempt from s.

26 | 119.07(1) and s. 24(a), Art. I of the State Constitution until
 27 | the investigation is completed or ceases to be active. For
 28 | purposes of this section, an investigation is considered
 29 | "active" while such investigation is being conducted by the
 30 | Department of Health or the Department of Legal Affairs with a
 31 | reasonable good faith belief that it may lead to a determination
 32 | of whether there was a violation of s. 381.00316 or s. 381.00319
 33 | ~~s. 381.00317~~. An investigation does not cease to be active if
 34 | the Department of Health or the Department of Legal Affairs is
 35 | proceeding with reasonable dispatch and there is a good faith
 36 | belief that action may be initiated by the Department of Health
 37 | or the Department of Legal Affairs.

38 | (2) After an investigation is completed or ceases to be
 39 | active, information in records relating to the investigation
 40 | remains confidential and exempt from s. 119.07(1) and s. 24(a),
 41 | Art. I of the State Constitution if disclosure of that
 42 | information would do any of the following:

43 | (a) Jeopardize the integrity of another active
 44 | investigation.

45 | (b) Reveal medical information about an individual
 46 | ~~employee~~.

47 | (c) Reveal information regarding an individual's
 48 | ~~employee's~~ religious beliefs.

49 | (3) Information made confidential and exempt under this
 50 | section may be released to another business entity, governmental

51 entity, or educational institution in the furtherance of that
52 entity's or institution's lawful duties and responsibilities.

53 (4) This section does not prohibit the disclosure of
54 information in an aggregated format.

55 (5) This section is subject to the Open Government Sunset
56 Review Act in accordance with s. 119.15 and shall stand repealed
57 on October 2, 2028, unless reviewed and saved from repeal
58 through reenactment by the Legislature ~~This section shall stand~~
59 ~~repealed on October 2, 2023.~~

60 Section 2. The Legislature finds that it is a public
61 necessity that a complaint alleging a business entity's, a
62 governmental entity's, or an educational institution's violation
63 of s. 381.00316, Florida Statutes, or s. 381.00319, Florida
64 Statutes, and all information relating to an investigation of
65 such complaint, held by the Department of Health or the
66 Department of Legal Affairs be made exempt from s. 119.07(1),
67 Florida Statutes, and s. 24(a), Article I of the State
68 Constitution. Protection of such information is required to
69 safeguard an individual's private information regarding medical
70 information or religious beliefs and to ensure the integrity of
71 an active investigation, if applicable.

72 Section 3. This act shall take effect on the same date
73 that HB 1013 or similar legislation takes effect, if such
74 legislation is adopted in the same legislative session or an
75 extension thereof and becomes a law.