

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 Legal Affairs and the Department of
 6 Health; authorizing the disclosure of such information
 7 under certain circumstances; providing for future
 8 legislative review and repeal of the exemption;
 9 providing a statement of public necessity; providing a
 10 contingent effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 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 and testing and facial covering
 18 mandates; public records exemption.—

19 (1) (a) An employee complaint alleging a private employer's
 20 violation of s. 381.00317 regarding employer COVID-19
 21 vaccination policies or practices, and all information relating
 22 to an investigation of such complaint, held by the Department of
 23 Legal Affairs is confidential and exempt from s. 119.07(1) and
 24 s. 24(a), Art. I of the State Constitution until the
 25 investigation is completed or ceases to be active. For purposes

26 of this subsection ~~section~~, an investigation is considered
27 "active" while such investigation is being conducted by the
28 department with a reasonable good faith belief that it may lead
29 to a determination of whether there was a violation of s.
30 381.00317. An investigation does not cease to be active if the
31 department is proceeding with reasonable dispatch and there is a
32 good faith belief that action may be initiated by the
33 department.

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

39 1.~~(a)~~ Jeopardize the integrity of another active
40 investigation.

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

42 3.~~(e)~~ Reveal information regarding an employee's religious
43 beliefs.

44 (c)~~(3)~~ Information made confidential and exempt under this
45 subsection ~~section~~ may be released to another governmental
46 entity in the furtherance of that entity's lawful duties and
47 responsibilities.

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

50 (e)~~(5)~~ This subsection ~~section~~ shall stand repealed on

51 | October 2, 2023.

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

69 | (b) After an investigation is completed or ceases to be
70 | active, information in records relating to the investigation
71 | remains confidential and exempt from s. 119.07(1) and s. 24(a),
72 | Art. I of the State Constitution if disclosure of that
73 | information would do any of the following:

74 | 1. Jeopardize the integrity of another active
75 | investigation.

76 2. Reveal medical information about an individual.

77 3. Reveal information regarding an individual's religious
 78 beliefs.

79 (c) Information made confidential and exempt under this
 80 subsection may be released to another governmental entity in the
 81 furtherance of that entity's lawful duties and responsibilities.

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

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

88 Section 2. The Legislature finds that it is a public
 89 necessity that a complaint alleging a business entity's, a
 90 governmental entity's, or an educational institution's violation
 91 of s. 381.00316, Florida Statutes, or s. 381.00319, Florida
 92 Statutes, and all information relating to an investigation of
 93 such complaint, held by the Department of Legal Affairs or the
 94 Department of Health be made confidential and exempt from s.
 95 119.07(1), Florida Statutes, and s. 24(a), Article I of the
 96 State Constitution until the investigation is completed or
 97 ceases to be active. The Legislature further finds that it is a
 98 public necessity to maintain the confidential and exempt status
 99 of information that would jeopardize the integrity of another
 100 active investigation, reveal medical information about an

CS/CS/HB 1015

2023

101 individual, or reveal information regarding an individual's
102 religious beliefs after an investigation is completed or ceases
103 to be active. Protection of such information is required to
104 safeguard an individual's private information regarding medical
105 information or religious beliefs and to ensure the integrity of
106 an active investigation, if applicable.

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