

By Senator Burton

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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 or 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 mandates; public records  
 18 exemption.—

19       (1) ~~A An~~ employee complaint alleging a business entity's, a  
 20 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 Legal Affairs or the  
 25 Department of Health 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

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30 Department of Legal Affairs or the Department of Health 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 Legal Affairs or the Department of Health is  
35 proceeding with reasonable dispatch and there is a good faith  
36 belief that action may be initiated by the Department of Legal  
37 Affairs or the Department of Health.

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 ~~employee's~~  
48 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~~

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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 Legal Affairs or the  
66 Department of Health, be made exempt from s. 119.07(1), Florida  
67 Statutes, and s. 24(a), Article I of the State Constitution.  
68 Protection of such information is required to safeguard an  
69 individual's private information regarding medical information  
70 or religious beliefs and to ensure the integrity of an active  
71 investigation, if applicable.

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