

By the Committee on Health Policy; and Senator Burton

588-03487-23

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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 relating to complaints or investigations  
 7           regarding violations of provisions protecting from  
 8           discrimination based on health care choices;  
 9           authorizing the disclosure of such information under  
 10          certain circumstances; providing for future  
 11          legislative review and repeal of the exemption;  
 12          providing a statement of public necessity; providing a  
 13          contingent effective date.

14  
 15 Be It Enacted by the Legislature of the State of Florida:

16  
 17           Section 1. Section 381.00318, Florida Statutes, is amended  
 18           to read:

19           381.00318 Complaints and investigations regarding ~~private~~  
 20           ~~employer~~ COVID-19 vaccination mandates; public records  
 21           exemption.—

22           (1) A ~~An employee~~ complaint alleging a business entity's, a  
 23           governmental entity's, or an educational institution's ~~private~~  
 24           ~~employer's~~ violation of s. 381.00316 or s. 381.00319 ~~s.~~  
 25           ~~381.00317 regarding employer COVID-19 vaccination policies or~~  
 26           ~~practices,~~ and all information relating to an investigation of  
 27           such complaint, held by the Department of Legal Affairs or the  
 28           Department of Health is confidential and exempt from s.  
 29           119.07(1) and s. 24(a), Art. I of the State Constitution until

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30 the investigation is completed or ceases to be active. For  
31 purposes of this section, an investigation is considered  
32 "active" while such investigation is being conducted by the  
33 Department of Legal Affairs or the Department of Health with a  
34 reasonable good faith belief that it may lead to a determination  
35 of whether there was a violation of s. 381.00316 or s. 381.00319  
36 ~~s. 381.00317~~. An investigation does not cease to be active if  
37 the Department of Legal Affairs or the Department of Health is  
38 proceeding with reasonable dispatch and there is a good faith  
39 belief that action may be initiated by the Department of Legal  
40 Affairs or the Department of Health.

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

46 (a) Jeopardize the integrity of another active  
47 investigation.

48 (b) Reveal medical information about an individual  
49 ~~employee~~.

50 (c) Reveal information regarding an individual's ~~employee's~~  
51 religious beliefs.

52 (3) Information made confidential and exempt under this  
53 section may be released to another business entity, governmental  
54 entity, or educational institution in the furtherance of that  
55 entity's or institution's lawful duties and responsibilities.

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

58 (5) This section is subject to the Open Government Sunset

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59 Review Act in accordance with s. 119.15 and shall stand repealed  
60 on October 2, 2028, unless reviewed and saved from repeal  
61 through reenactment by the Legislature ~~This section shall stand~~  
62 ~~repealed on October 2, 2023.~~

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

75 Section 3. This act shall take effect on the same date that  
76 SB 252 or similar legislation takes effect, if such legislation  
77 is adopted in the same legislative session or an extension  
78 thereof and becomes a law.