

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:

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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 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

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.