

ENROLLED

CS/HB 3B

2021B Legislature

1  
 2 An act relating to public records; creating s.  
 3 381.00318, F.S.; providing an exemption from public  
 4 records requirements for employee complaints alleging  
 5 a private employer's violation of state law regarding  
 6 employer COVID-19 vaccination policies or practices  
 7 and all information held by the Department of Legal  
 8 Affairs pursuant to an active investigation of such  
 9 complaints; defining the term "active"; specifying  
 10 information that remains confidential and exempt after  
 11 an investigation is completed or ceases to be active;  
 12 authorizing the release of confidential and exempt  
 13 information to governmental entities for a specified  
 14 purpose; providing construction; providing for future  
 15 repeal of the exemption; providing a statement of  
 16 public necessity; providing a contingent effective  
 17 date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

20  
 21 Section 1. Section 381.00318, Florida Statutes, is created  
 22 to read:

23 381.00318 Complaints and investigations regarding private  
 24 employer COVID-19 vaccination mandates; public records  
 25 exemption.-

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26       (1) An employee complaint alleging a private employer's  
 27 violation of s. 381.00317 regarding employer COVID-19  
 28 vaccination policies or practices, and all information relating  
 29 to an investigation of such complaint, held by the Department of  
 30 Legal Affairs is confidential and exempt from s. 119.07(1) and  
 31 s. 24(a), Art. I of the State Constitution until the  
 32 investigation is completed or ceases to be active. For purposes  
 33 of this section, an investigation is considered "active" while  
 34 such investigation is being conducted by the department with a  
 35 reasonable good faith belief that it may lead to a determination  
 36 of whether there was a violation of s. 381.00317. An  
 37 investigation does not cease to be active if the department is  
 38 proceeding with reasonable dispatch and there is a good faith  
 39 belief that action may be initiated by the department.

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

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

47             (b) Reveal medical information about an employee.

48             (c) Reveal information regarding an employee's religious  
 49 beliefs.

50       (3) Information made confidential and exempt under this

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51 section may be released to another governmental entity in the  
 52 furtherance of that entity'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 shall stand repealed on October 2, 2023.

56 Section 2. The Legislature finds that it is a public  
 57 necessity that an employee complaint alleging a private  
 58 employer's violation of s. 381.00317, Florida Statutes,  
 59 regarding such employer's COVID-19 vaccination policies or  
 60 practices, and all information relating to an investigation of  
 61 such complaint, held by the Department of Legal Affairs be made  
 62 confidential and exempt from s. 119.07(1), Florida Statutes, and  
 63 s. 24(a), Article I of the State Constitution until the  
 64 investigation is completed or ceases to be active. The  
 65 Legislature also finds that it is a public necessity that an  
 66 employee's medical information and information regarding an  
 67 employee's religious beliefs remain confidential and exempt from  
 68 public records requirements regardless of the status of the  
 69 investigation. The disclosure of such information would allow  
 70 the public to gain knowledge of sensitive, personal information  
 71 that could be used to harass, embarrass, or humiliate a person  
 72 based on his or her medical information or religious beliefs. In  
 73 addition, release of such information could enable other persons  
 74 to gain knowledge of the employee's vulnerabilities, and such  
 75 knowledge could result in the employee becoming a target of an

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76 | act of violence or other crimes. Furthermore, the public  
77 | disclosure of such information could discourage an employee from  
78 | filing a complaint if he or she knows that his or her personal  
79 | medical information or religious beliefs will be made available  
80 | pursuant to a public records request. Finally, if a  
81 | complainant's information is made publicly available while an  
82 | investigation is active, that complainant could become the  
83 | subject of intimidation tactics and threats, thus hindering the  
84 | effective and efficient administration of the investigation by  
85 | the Department of Legal Affairs. Therefore, the Legislature  
86 | finds that it is a public necessity that an employee complaint  
87 | alleging a private employer's violation of s. 381.00317, Florida  
88 | Statutes, regarding such employer's COVID-19 vaccination  
89 | policies or practices, and all information relating to an  
90 | investigation of such complaint, held by the Department of Legal  
91 | Affairs, be made confidential and exempt from s. 119.07(1),  
92 | Florida Statutes, and s. 24(a), Article I of the State  
93 | Constitution.

94 | Section 3. This act shall take effect on the same date  
95 | that HB 1B or similar legislation takes effect, if such  
96 | legislation is adopted in the same legislative session and  
97 | becomes a law.