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1
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 mandate
20 prohibitions ~~private employer COVID-19 vaccination mandates~~;
21 public records 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, s. 381.00317, or s.
25 381.00319 ~~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, s. 381.00317,
36 or s. 381.00319. 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.