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CS/HB 3B

2021B Legislature

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 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:

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 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.