



HB 1025

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A bill to be entitled
 An act relating to a public records exemption for
 municipal employee assistance program records; amending s.
 166.0444, F.S.; narrowing the exemption for records
 relating to a municipal employee's participation in a
 municipal employee assistance program to provide that a
 municipal employee's personal identifying information
 contained in employee assistance program records is
 confidential and exempt; making editorial changes;
 removing the October 2, 2003, repeal thereof scheduled
 pursuant to the Open Government Sunset Review Act of 1995;
 providing an effective date.

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

Section 1. Notwithstanding the October 2, 2003, repeal of
 said section scheduled pursuant to the Open Government Sunset
 Review Act of 1995, section 166.0444, Florida Statutes, is
 amended to read:

166.0444 Employee assistance programs; public records
~~exemption confidentiality~~.--

(1) As used in this section, "employee assistance program"
 means a counseling, therapeutic, or other professional treatment
 program provided by a municipality to assist any municipal
 employee who has a behavioral disorder, ~~or~~ medical disorder, or
 substance abuse problem, ~~or~~ who has an emotional difficulty
 which affects the employee's job performance, ~~through referral~~
~~for counseling, therapy, or other professional treatment.~~

(2) A municipal employee's personal identifying
information contained in ~~Any communication between a municipal~~



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31 ~~employee and personnel or service providers of a municipal~~
32 ~~employee assistance program relating to that employee's~~
33 ~~participation in such program shall be a confidential~~
34 ~~communication. Any routine monitoring of telephone calls by the~~
35 ~~municipality does not violate this provision. All records held~~
36 ~~by the employing municipality relating to that employee's~~
37 ~~participation in an employee assistance program is are~~
38 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
39 of the State Constitution. ~~This section is subject to the Open~~
40 ~~Government Sunset Review Act of 1995 in accordance with s.~~
41 ~~119.15, and shall stand repealed on October 2, 2003, unless~~
42 ~~reviewed and saved from repeal through reenactment by the~~
43 ~~Legislature.~~

44 Section 2. This act shall take effect October 1, 2003.