



HB 1591

2003

A bill to be entitled

An act relating to a public records exemption for state employee assistance program records; amending s. 110.1091, F.S.; narrowing the exemption for records relating to an employee's participation in an employee assistance program to provide that an 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 110.1091, Florida Statutes, is amended to read:

110.1091 Employee assistance programs; public records exemption ~~Program for assisting state employees; confidentiality.--~~

(1) An employing state agency may provide a counseling, therapeutic, or other professional treatment program to assist any ~~of its~~ state employee ~~employees~~ who has ~~have~~ a behavioral disorder, ~~or~~ medical disorder, or substance abuse problem, ~~or who has an~~ emotional difficulty that affects the employee's ~~their~~ job performance, ~~through referral for counseling, therapy, or other professional treatment.~~ Each employing state agency may designate community diagnostic and referral resources as



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30 necessary to implement the provisions of this subsection
31 section.

32 (2) A state employee's personal identifying information
33 contained in Any communication between a state employee and
34 personnel or service providers of a state employee assistance
35 program relative to the employee's participation in the program
36 shall be a confidential communication. Any routine monitoring of
37 telephone calls by the state agency does not violate this
38 provision. All records held by an employing state agency
39 relating relative to an employee's that participation in an
40 employee assistance program is shall be confidential and exempt
41 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the
42 State Constitution. This section is subject to the Open
43 Government Sunset Review Act of 1995 in accordance with s.
44 119.15, and shall stand repealed on October 2, 2003, unless
45 reviewed and saved from repeal through reenactment by the
46 Legislature.

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