

By the Committee on Comprehensive Planning

316-167A-03

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 166.0444, F.S.; providing for the
 4 confidentiality of personal identifying
 5 information contained in records relating to a
 6 municipal employee's participation in an
 7 employee assistance program; clarifying the
 8 definition of the term "employee assistance
 9 program"; reenacting the exemption and removing
 10 the repeal thereof scheduled under the Open
 11 Government Sunset Review Act of 1995; providing
 12 an effective date.

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

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 16 Section 1. Notwithstanding the repeal scheduled on
 17 October 2, 2003, under the Open Government Sunset Review Act
 18 of 1995, section 166.0444, Florida Statutes, is reenacted and
 19 amended to read:

20 166.0444 Employee assistance programs;
 21 confidentiality.--

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

30 (2) ~~Any communication between a municipal employee and~~
 31 ~~personnel or service providers of a municipal employee~~

1 ~~assistance program relating to that employee's participation~~
2 ~~in such program shall be a confidential communication. Any~~
3 ~~routine monitoring of telephone calls by the municipality does~~
4 ~~not violate this provision.~~All personal identifying
5 information contained in records relating to a municipal
6 employee's that participation in an employee assistance
7 program are confidential and exempt from s. 119.07(1) and s.
8 24(a), Art. I of the State Constitution. ~~This section is~~
9 ~~subject to the Open Government Sunset Review Act of 1995 in~~
10 ~~accordance with s. 119.15, and shall stand repealed on October~~
11 ~~2, 2003, unless reviewed and saved from repeal through~~
12 ~~reenactment by the Legislature.~~

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

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15 SENATE SUMMARY

16 Revises an exemption from the public-records law to
17 provide for the confidentiality of personal identifying
18 information contained in records relating to a municipal
19 employee's participation in an employee assistance
20 program. Removes the repeal of the exemption scheduled on
21 October 2, 2003, under the Open Government Sunset Review
22 Act of 1995.
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