

By the Committee on Comprehensive Planning

316-166A-03

1                                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           125.585, F.S.; providing for the  
 4           confidentiality of personal identifying  
 5           information contained in records relating to a  
 6           county employee's participation in an employee  
 7           assistance program; clarifying the definition  
 8           of the term "employee assistance program";  
 9           reenacting the exemption and removing the  
 10          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 125.585, Florida Statutes, is reenacted and  
 19           amended to read:

20           125.585 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 county to assist  
 25           any county employee who has a behavioral disorder, ~~or~~ medical  
 26           disorder, or substance abuse problem, or who has an emotional  
 27           difficulty that ~~which~~ affects the employee's job performance,  
 28           ~~through referral for counseling, therapy, or other~~  
 29           ~~professional treatment.~~

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

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10 ~~shall stand repealed on October 2, 2003, unless reviewed and~~  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

12 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 county  
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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