

By the Committee on Governmental Oversight and Productivity

302-352-03

1 A bill to be entitled
2 An act relating to public records; amending s.
3 110.1091, F.S., which provides an exemption
4 from public-records requirements for personal
5 identifying information contained in records
6 relating to a state employee's participation in
7 an employee assistance program; deleting
8 provisions authorizing the routine monitoring
9 of telephone calls; removing the repeal of the
10 exemption scheduled under the Open Government
11 Sunset Review Act of 1995; providing an
12 effective date.

13

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

15

16 Section 1. Notwithstanding the repeal scheduled on
17 October 2, 2003, under the Open Government Sunset Review Act
18 of 1995, section 110.1091, Florida Statutes, is amended to
19 read:

20 110.1091 Program for assisting state employees;
21 confidentiality.--

22 (1) An employing state agency may provide a program to
23 assist any of its state employees who have a behavioral or
24 medical disorder, substance abuse problem, or emotional
25 difficulty that affects their job performance, through
26 referral for counseling, therapy, or other professional
27 treatment. Each employing state agency may designate community
28 diagnostic and referral resources as necessary to implement
29 the provisions of this section.

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

1 program relative to the employee's participation in the
2 program ~~is shall be~~ a confidential communication. ~~Any routine~~
3 ~~monitoring of telephone calls by the state agency does not~~
4 ~~violate this provision.~~ All personal identifying information
5 contained in records relating relative to a state employee's
6 that participation in an employee assistance program are shall
7 be confidential and exempt from ~~the provisions of~~ s. 119.07(1)
8 and s. 24(a), Art. I of the State Constitution. ~~This section~~
9 ~~is 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10 ~~accordance with s. 119.15, and shall stand repealed on October~~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.

14 *****

15 SENATE SUMMARY

16 Revises an exemption from the public-records law which is
17 provided for personal identifying information contained
18 in records relating to a state employee's participation
19 in an employee assistance program. Removes provisions
20 that authorize telephone calls to be monitored. Removes
the repeal of the exemption scheduled on October 2, 2003,
under the Open Government Sunset Review Act of 1995.