

House Bill No. 1025

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This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

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

Approved by the Governor June 4, 2003.

Filed in Office Secretary of State June 4, 2003.