

House Bill No. 1591

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 necessary to implement the provisions of this subsection ~~section~~.

(2) A state employee's personal identifying information contained in Any communication between a state employee and personnel or service providers of a state employee assistance program relative to the employee's participation in the program shall be a confidential communication. Any routine monitoring of telephone calls by the state agency does not violate this provision. All records held by an employing state agency relating relative to an employee's that participation in an employee assistance program is shall be confidential and exempt from the provisions of 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section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.~~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.