Florida Senate - 1999

By Senator Dyer

14-843-99 A bill to be entitled 1 2 An act relating to public records; creating s. 3 240.554, F.S.; providing an exemption from 4 public records requirements for account 5 information associated with the Florida College 6 Savings Program; authorizing the release of 7 such information to community colleges, colleges, and universities under certain 8 9 circumstances; requiring that such institutions maintain the confidentiality of the 10 information; providing for future legislative 11 12 review and repeal; providing a finding of public necessity; providing an effective date. 13 14 15 Be It Enacted by the Legislature of the State of Florida: 16 17 Section 1. Section 240.554, Florida Statutes, is created to read: 18 19 240.554 Florida College Savings Program; 20 confidentiality of account information .-- Information that 21 identifies the benefactor or designated beneficiary of any 22 account initiated under s. 240.553 and information regarding individual account activities conducted through the program 23 established in s. 240.553 are exempt from s. 119.07(1) and s. 24 25 24(a), Art. I of the State Constitution. However, the board 26 may authorize the release of such information to a community 27 college, college, or university in which a designated 28 beneficiary may enroll or is enrolled. Community colleges, 29 colleges, and universities shall maintain such information as 30 exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This section is subject to the Open Government 31

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1 Sunset Review Act of 1995 in accordance with s. 119.15, and is repealed on October 2, 2004, unless reviewed and saved from 2 3 repeal through reenactment by the Legislature before that date. 4 5 Section 2. The Legislature finds that the provision of б programs that foster timely financial planning for 7 postsecondary education serves a legitimate public purpose. 8 The Legislature further finds that public release of 9 information about a benefactor or designated beneficiary of an account established under the Florida College Savings Program 10 11 or any information about an account established under the Florida College Savings Program, may have a chilling effect 12 upon the willingness of persons to participate in the program 13 because such information will unavoidably contain personal 14 information. Therefore, it is a public necessity to protect 15 the confidentiality of such information. The Legislature finds 16 17 that the disclosure of personal financial information or personal identifying information concerning benefactors and 18 designated beneficiaries of accounts established under the 19 Florida College Savings Program would provide access to 20 information about such persons which could be used by persons 21 to commit acts of fraud upon such benefactors, designated 22 beneficiaries, or members of their families. Further, 23 24 disclosure of such information constitutes an unwarranted invasion into the lives and personal privacy of program 25 participants. Thus, the harm from providing access to, and 26 27 disclosure of, this information outweighs any public benefit 28 that may be derived from public access to this information. The Legislature further finds that sharing confidential 29 30 information concerning participants in the program with community colleges, colleges, and universities, similarly 31

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1	serves a public necessity because it facilitates the efficient
2	administration of the program, enables such educational
3	institutions to obtain information on program participants,
4	and facilitates the payment of postsecondary costs on behalf
5	of designated beneficiaries. The Legislature finds that the
6	disclosure of such information by a community college,
7	college, or university would be as detrimental as if it were
8	released by the Florida College Savings Program. Accordingly,
9	information on benefactors, designated beneficiaries, and
10	accounts established within the Florida College Savings
11	Program must remain confidential when obtained by community
12	colleges, colleges, and universities.
13	Section 3. This act shall take effect on the date
14	Senate Bill, creating the Florida College Savings
15	Program, or similar legislation becomes a law, and shall not
16	take effect if such legislation does not become a law.
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19	SENATE SUMMARY
20	Exempts account information associated with the Florida College Savings Program from public records requirements.
21	Provides for such information to be released to community colleges, colleges, and universities under certain circumstances. Requires that community colleges, colleges, and universities maintain the confidentiality of the information. Provides for future legislative review and repeal. Provides a statement of public necessity.
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