Florida House of Representatives - 1999 By Representative Dockery

1	A bill to be entitled
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,
8	colleges, and universities under certain
9	circumstances; requiring that such institutions
10	maintain the confidentiality of the
11	information; providing for future legislative
12	review and repeal; providing a finding of
13	public necessity; providing an effective date.
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15	Be It Enacted by the Legislature of the State of Florida:
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17	Section 1. Section 240.554, Florida Statutes, is
18	created to read:
19	240.554 Florida College Savings Program;
20	confidentiality of account informationInformation that
21	identifies the benefactor or designated beneficiary of any
22	account initiated under s. 240.553 and information regarding
23	individual account activities conducted through the program
24	established in s. 240.553 are exempt from s. 119.07(1) and s.
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
31	Constitution. This section is subject to the Open Government
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HB 1531

Sunset Review Act of 1995 in accordance with s. 119.15, and is 1 2 repealed on October 2, 2004, unless reviewed and saved from repeal through reenactment by the Legislature before that 3 date. 4 Section 2. The Legislature finds that the provision of 5 6 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 or any information about an account established under the 11 12 Florida College Savings Program, may have a chilling effect 13 upon the willingness of persons to participate in the program 14 because such information will unavoidably contain personal information. Therefore, it is a public necessity to protect 15 16 the confidentiality of such information. The Legislature finds that the disclosure of personal financial information or 17 personal identifying information concerning benefactors and 18 19 designated beneficiaries of accounts established under the 20 Florida College Savings Program would provide access to information about such persons which could be used by persons 21 22 to commit acts of fraud upon such benefactors, designated beneficiaries, or members of their families. Further, 23 24 disclosure of such information constitutes an unwarranted 25 invasion into the lives and personal privacy of program 26 participants. Thus, the harm from providing access to, and 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 information concerning participants in the program with 30 community colleges, colleges, and universities, similarly 31

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serves a public necessity because it facilitates the efficient administration of the program, enables such educational institutions to obtain information on program participants, and facilitates the payment of postsecondary costs on behalf of designated beneficiaries. The Legislature finds that the disclosure of such information by a community college, college, or university would be as detrimental as if it were released by the Florida College Savings Program. Accordingly, information on benefactors, designated beneficiaries, and accounts established within the Florida College Savings Program must remain confidential when obtained by community colleges, colleges, and universities. Section 3. This act shall take effect on the date Senate Bill ____, creating the Florida College Savings Program, or similar legislation becomes a law, and shall not take effect if such legislation does not become a law. SENATE SUMMARY Exempts account information associated with the Florida College Savings Program from public records requirements. 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 review and repeal. Provides a statement of public necessity.

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