

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 information.--Information 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

1 Sunset Review Act of 1995 in accordance with s. 119.15, and is
 2 repealed on October 2, 2004, unless reviewed and saved from
 3 repeal through reenactment by the Legislature before that
 4 date.

5 Section 2. The Legislature finds that the provision of
 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
 10 account established under the Florida College Savings Program
 11 or any information about an account established under the
 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
 15 information. Therefore, it is a public necessity to protect
 16 the confidentiality of such information. The Legislature finds
 17 that the disclosure of personal financial information or
 18 personal identifying information concerning benefactors and
 19 designated beneficiaries of accounts established under the
 20 Florida College Savings Program would provide access to
 21 information about such persons which could be used by persons
 22 to commit acts of fraud upon such benefactors, designated
 23 beneficiaries, or members of their families. Further,
 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.
 29 The Legislature further finds that sharing confidential
 30 information concerning participants in the program with
 31 community colleges, colleges, and universities, similarly

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 House Bill 1411, creating the Florida College Savings Program,
15 or similar legislation becomes a law, and shall not take
16 effect if such legislation does not become a law.

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