

By Senator Dyer

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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2 repealed on October 2, 2004, unless reviewed and saved from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

