

By Senator Horne

6-431-00

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 240.544, Florida Statutes, is
 18 created to read:
 19 240.554 Florida College Savings Program;
 20 confidentiality of account information.--Information that
 21 identifies the benefactors or the designated beneficiary of
 22 any account initiated under s. 240.553 and information
 23 regarding individual account activities conducted through the
 24 program established in s. 240.553 are confidential and exempt
 25 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
 26 the State Constitution. However, the board may authorize the
 27 release of such information to a community college, college,
 28 or university in which a designated beneficiary may enroll or
 29 is enrolled. Community colleges, colleges, and universities
 30 shall maintain the confidentiality of such information. This
 31 section is subject to the Open Government Sunset Review Act of

1 1995 in accordance with s. 119.15, and shall stand repealed on
2 October 2, 2005, unless reviewed and saved from repeal through
3 reenactment by the Legislature.

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

1 efficient administration of the program, and enables such
2 educational institutions to obtain information concerning
3 program participants and to facilitate the payment of
4 postsecondary costs on behalf of designated beneficiaries. The
5 Legislature finds that the disclosure of such information by a
6 community college, college, or university would be as
7 detrimental as if it were released by the Florida College
8 Savings Program. Accordingly, information concerning
9 benefactors, designated beneficiaries, and accounts
10 established within the Florida College Savings Program must
11 remain confidential when obtained by community colleges,
12 colleges, and universities.

13 Section 3. This act shall take effect July 1, 2000.

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15 SENATE SUMMARY

16 Provides an exemption from the public records law for
17 account information associated with the Florida College
18 Savings Program. Authorizes the release of such
19 information to community colleges, colleges, and
20 universities under certain circumstances. Requires such
21 institutions to maintain the confidentiality of the
22 information. Provides for future legislative review and
23 repeal. Provides a finding of public necessity.
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