

By the Committee on Governmental Oversight and Productivity;
and Senator Sanderson

302-2247-02

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A bill to be entitled

An act relating to public records; amending s.
121.4501, F.S.; creating a public-records
exemption for personal identifying information
regarding participants in the Public Employee
Optional Retirement Program; providing an
exception to the exemption; providing for
future review and repeal; providing a statement
of public necessity; providing an effective
date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (19) is added to section
121.4501, Florida Statutes, to read:

121.4501 Public Employee Optional Retirement
Program.--

(19) PARTICIPANT RECORDS.--All personal identifying
information regarding a participant in the Public Employee
Optional Retirement Program contained in Florida Retirement
System records held by the State Board of Administration or
the Department of Management Services, or their agents,
employees, or contractors, are exempt from the provisions of
s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
The department or board may use such exempt information as
necessary in any legal or administrative proceeding. This
subsection is subject to the Open Government Sunset Review Act
of 1995 in accordance with s. 119.15, and shall stand repealed
October 2, 2007, unless reviewed and saved from repeal through
reenactment by the Legislature.

1 Section 2. The Legislature finds that it is a public
2 necessity that such identifying information be made exempt
3 because release of this information would allow investment
4 providers who are not approved Public Employee Optional
5 Retirement Program providers to contact program participants
6 in order to offer unapproved investment products. This would
7 be very confusing to program participants because there are
8 already a number of choices to be made in this area. Also, if
9 identifying information is released, anyone could find out how
10 much money a participant had with an investment provider and
11 in a particular investment product. Release of this
12 information would also allow competing approved providers to
13 contact the participants. Release of this information to
14 approved or unapproved providers could prove detrimental to
15 the overall effectiveness and efficiency of the agency's
16 administration of the program. Additionally, this exemption is
17 narrow in that it allows access to information regarding the
18 providers and products that are being selected by program
19 participants and the amount of money invested in those
20 products, but does so without revealing the identity of the
21 individual participant.

22 Section 3. This act shall take effect upon becoming a
23 law.

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25 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
26 COMMITTEE SUBSTITUTE FOR
27 Senate Bill 1886

28 Narrows the exemption so that it applies to records of
29 participants in the Public Employee Optional Retirement
30 Program and not to all members of the Florida Retirement
31 System.

31 Modifies the statement of public necessity based upon the
narrowing of the exemption.