

1                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           121.4501, F.S.; creating a public records  
4           exemption for personal identifying information  
5           regarding participants in the Public Employee  
6           Optional Retirement Program; providing an  
7           exception to the exemption; providng for future  
8           review and repeal; providing a statement of  
9           public necessity; providing an effective date.

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

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13           Section 1. Subsection (19) is added to section  
14           121.4501, Florida Statutes, to read:

15           121.4501 Public Employee Optional Retirement  
16           Program.--

17           (19) PARTICIPANT RECORDS.--All personal identifying  
18           information regarding a participant in the Public Employee  
19           Optional Retirement Program contained in Florida Retirement  
20           System records held by the State Board of Administration or  
21           the Department of Management Services, or their agents,  
22           employees, or contractors are exempt from the provisions of s.  
23           119.07(1) and s. 24(a), Art. I of the State Constitution. The  
24           department or board may use such exempt information as  
25           necessary in any legal or administrative proceeding. This  
26           subsection is subject to the Open Government Sunset Review Act  
27           of 1995 in accordance with s. 119.15, and shall stand repealed  
28           October 2, 2007, unless reviewed and saved from repeal through  
29           reenactment by the Legislature.

30           Section 2. The Legislature finds that it is a public  
31           necessity that such identifying information be made exempt

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

20           Section 3. This act shall take effect upon becoming  
21 law.

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