

By Senator Simon

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A bill to be entitled
An act relating to public records; amending s.
121.031, F.S.; providing an exemption from public
records requirements for all records identifying
participants in any state retirement plan administered
by the Division of Retirement of the Department of
Management Services and held by the division or the
State Board of Administration; providing exceptions;
providing for future legislative review and repeal of
the exemption; deleting provisions providing a limited
exemption from public records requirements for certain
retirement records; providing a statement of public
necessity; providing an effective date.

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

Section 1. Subsection (5) of section 121.031, Florida
Statutes, is amended to read:

121.031 Administration of system; appropriation; oaths;
actuarial studies; public records.—

(5) All records identifying participants in any state
retirement plan administered by the division and held by the
division or the state board are exempt from s. 119.07(1) and s.
24(a), Art. I of the State Constitution. Such information may be
disclosed to another governmental entity in furtherance of the
official duties and responsibilities of the division or state
board without waiver of the exemption. This subsection is
subject to the Open Government Sunset Review Act in accordance
with s. 119.15 and shall stand repealed on October 2, 2031,

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30 unless reviewed and saved from repeal through reenactment by the
31 Legislature ~~The names and addresses of retirees are confidential~~
32 ~~and exempt from the provisions of s. 119.07(1) to the extent~~
33 ~~that no state or local governmental agency may provide the names~~
34 ~~or addresses of such persons in aggregate, compiled, or list~~
35 ~~form to any person except to a public agency engaged in official~~
36 ~~business. However, a state or local government agency may~~
37 ~~provide the names and addresses of retirees from that agency to~~
38 ~~a bargaining agent as defined in s. 447.203(12) or to a retiree~~
39 ~~organization for official business use. Lists of names or~~
40 ~~addresses of retirees may be exchanged by public agencies, but~~
41 ~~such lists shall not be provided to, or open for inspection by,~~
42 ~~the public. Any person may view or copy any individual's~~
43 ~~retirement records at the Department of Management Services, one~~
44 ~~record at a time, or may obtain information by a separate~~
45 ~~written request for a named individual for which information is~~
46 ~~desired.~~

47 Section 2. The Legislature finds that it is a public
48 necessity that all records identifying members, payees, or
49 beneficiaries of state retirement plans administered by the
50 Division of Retirement and held by the division or the State
51 Board of Administration be made exempt from s. 119.07(1),
52 Florida Statutes, and s. 24(a), Article I of the State
53 Constitution. The release of sensitive information included in
54 such records could allow predatory individuals and organizations
55 to take advantage of retirement plan members, payees, and
56 beneficiaries. Exempting this information from public records
57 requirements allows the members, payees, and beneficiaries to
58 invest their funds without the fear of their sensitive

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59 information being disclosed without their consent. Additionally,
60 investment plan members, who also participate in the Florida
61 Retirement System, currently have their personal identifying
62 information protected, and this exemption would provide uniform
63 protection of records to all Florida Retirement System members,
64 payees, and beneficiaries regardless of the retirement plan they
65 select. For these reasons, the Legislature finds that it is a
66 public necessity to exempt such information from public records
67 requirements.

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