

House Bill No. 935

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subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed October 2, 2007, unless reviewed and saved from repeal through reenactment by the Legislature.

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

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

Approved by the Governor April 16, 2002.

Filed in Office Secretary of State April 16, 2002.