

Senate Bill No. 836

An act relating to public records; creating s. 240.554, F.S.; providing an exemption from public records requirements for account information associated with the Florida College Savings Program; authorizing the release of such information to community colleges, colleges, and universities under certain circumstances; requiring that such institutions maintain the confidentiality of the information; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

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

Section 1. Section 240.544, Florida Statutes, is created to read:

240.554 Florida College Savings Program; confidentiality of account information.—Information that identifies the benefactors or the designated beneficiary of any account initiated under s. 240.553 and information regarding individual account activities conducted through the program established in s. 240.553 are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, the board may authorize the release of such information to a community college, college, or university in which a designated beneficiary may enroll or is enrolled. Community colleges, colleges, and universities shall maintain the confidentiality of such information. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2005, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that the provision of programs that foster timely financial planning for postsecondary education serves a legitimate public purpose. The Legislature further finds that public release of information concerning a benefactor or designated beneficiary of an account established under the Florida College Savings Program, or any information concerning an account established under the Florida College Savings Program, may have a chilling effect upon the willingness of persons to participate in the program because such information must necessarily contain personal information. Therefore, it is a public necessity to protect the confidentiality of such information. The Legislature finds that the disclosure of personal financial information or personal identifying information concerning benefactors and designated beneficiaries of accounts established under the Florida College Savings Program would provide access to information about such persons which could be used by others to commit acts of fraud upon such benefactors, designated beneficiaries, or members of their families. Further, disclosure of such information constitutes an unwarranted invasion into the lives and personal privacy of program participants. Thus, the harm from providing access to, and disclosure of, this information outweighs any public benefit that could be derived from public access to this information. The Legislature further finds that sharing of confidential information concerning participants in the program with community colleges,

colleges, and universities similarly serves a public necessity because it facilitates the efficient administration of the program, and enables such educational institutions to obtain information concerning program participants and to facilitate the payment of postsecondary costs on behalf of designated beneficiaries. The Legislature finds that the disclosure of such information by a community college, college, or university would be as detrimental as if it were released by the Florida College Savings Program. Accordingly, information concerning benefactors, designated beneficiaries, and accounts established within the Florida College Savings Program must remain confidential when obtained by community colleges, colleges, and universities.

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

Approved by the Governor June 5, 2000.

Filed in Office Secretary of State June 5, 2000.