

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 1009.987, F.S.; providing an exemption from public
 4 records requirements for certain personal financial
 5 and health information held by the Florida Prepaid
 6 College Board, Florida ABLE, Inc., the Florida ABLE
 7 program, or an agent or service provider thereof;
 8 authorizing the release of such information under
 9 specified circumstances; providing for future
 10 legislative review and repeal of the exemption;
 11 providing a statement of public necessity; providing a
 12 contingent effective date.

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

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 16 Section 1. Section 1009.987, Florida Statutes, is created
 17 to read:

18 1009.987 Public records exemption.—

19 (1) As used in this section, the term:

20 (a) "Consumer" means a party to a participation agreement.

21 (b) "Personal financial and health information" means:

22 1. A consumer's personal health condition, disease,
 23 injury, or medical diagnosis or treatment;

24 2. The existence, nature, source, or amount of a
 25 consumer's personal income or expenses;

26 3. Records of or relating to a consumer's personal

27 financial transactions of any kind; or

28 4. The existence, identification, nature, or value of a
 29 consumer's assets, liabilities, or net worth.

30 (2) The personal financial and health information of a
 31 consumer held by the board, Florida ABLE, Inc., the Florida ABLE
 32 program, or an agent or service provider thereof relating to an
 33 ABLE account or a participation agreement, or any information
 34 that would identify a consumer, is confidential and exempt from
 35 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

36 (3) The board or Florida ABLE, Inc., may authorize the
 37 disclosure of information made confidential and exempt under
 38 subsection (2) to another state or federal government entity if
 39 disclosure is necessary for the receiving entity to perform its
 40 duties or responsibilities or to verify the eligibility of an
 41 eligible individual or authorize the use of an ABLE account.

42 (4) This section is subject to the Open Government Sunset
 43 Review Act in accordance with s. 119.15 and shall stand repealed
 44 on October 2, 2020, unless reviewed and saved from repeal
 45 through reenactment by the Legislature.

46 Section 2. The Legislature finds that it is a public
 47 necessity that the personal financial and health information of
 48 a consumer held by the Florida Prepaid College Board, Florida
 49 ABLE, Inc., the Florida ABLE program, or an agent or service
 50 provider thereof relating to an ABLE account or a participation
 51 agreement, or any information that would identify a consumer, be
 52 made confidential and exempt from s. 119.07(1), Florida

53 Statutes, and s. 24(a), Article I of the State Constitution. The
54 Florida ABLE program allows eligible individuals with
55 disabilities, family members, and others to contribute funds to
56 an ABLE account without affecting the individual's eligibility
57 for state and federal benefits. It allows the individual to use
58 those funds for qualified disability expenses, such as
59 education, housing, transportation, or other expenses authorized
60 through federal regulations. The public records exemption for
61 information that would identify a consumer ensures that
62 information of a sensitive, personal nature concerning a party
63 to a participation agreement is protected. Without such
64 protection, an individual may be less likely to take advantage
65 of the program, thus hindering the effective and efficient
66 administration of the Florida ABLE program. It may also make the
67 individual vulnerable to abuse and exploitation. Disclosure of
68 sensitive financial information regarding a consumer under the
69 Florida ABLE program could create the opportunity for theft,
70 identity theft, fraud, and other illegal activity, thereby
71 jeopardizing the financial security of the consumer and placing
72 him or her at risk for substantial financial harm. Further, each
73 individual has a reasonable expectation of and a right to
74 privacy in all matters concerning personal financial interests.
75 The Legislature further finds that it is a public necessity to
76 protect a consumer's personal health information because such
77 information is traditionally a private and confidential matter
78 between the patient and health care provider. The private and

79 confidential nature of personal health matters pervades both the
80 public and private health care sectors, and public disclosure of
81 such personal health information relating to a consumer under
82 the Florida ABLE program could negatively affect an individual's
83 business and personal relationships and cause detrimental
84 financial consequences.

85 Section 3. This act shall take effect on the same date
86 that HB 935 or similar legislation takes effect, if such
87 legislation is adopted in the same legislative session or an
88 extension thereof and becomes a law.