



408308

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2015	.	
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The Committee on Appropriations (Benacquisto) recommended the following:

Senate Amendment

Delete lines 48 - 66
and insert:

Section 2. The Legislature finds that it is a public necessity that the personal financial and health information of a consumer held by the Florida Prepaid College Board, Florida ABLE, Inc., the Florida ABLE program, or an agent or service provider thereof, relating to an ABLE account or a participation agreement, or any information that would identify a consumer, be



11 made confidential and exempt from s. 119.07(1), Florida
12 Statutes, and s. 24(a), Article I of the State Constitution. The
13 Florida ABLE program allows eligible individuals with
14 disabilities, their family members, and others to contribute
15 funds to an ABLE account without affecting the individual's
16 eligibility for state and federal benefits. It allows the
17 individual to use those funds for qualified disability expenses,
18 such as education, housing, transportation, or other expenses
19 authorized through federal regulations. The public record
20 exemption for information that would identify a consumer ensures
21 that information of a sensitive personal nature concerning a
22 party to a participation agreement is protected. Without such
23 protection, an individual may be less likely to take advantage
24 of the program, thus hindering the effective and efficient
25 administration of the Florida ABLE program. It may also make the
26 individual vulnerable to abuse and exploitation. Disclosure of
27 sensitive financial information regarding a consumer under the
28 Florida ABLE program could create the opportunity for theft,
29 identity theft, fraud, and other illegal activity, thereby
30 jeopardizing the financial security of the consumer and placing
31 him or her at risk for substantial financial harm. Further, each
32 individual has a reasonable expectation of and a right to
33 privacy in all matters concerning personal financial interests.
34 The Legislature further finds that it is a public necessity to
35 protect a consumer's personal health information because such
36 information is traditionally a private and confidential matter
37 between the patient and health care provider. The private and
38 confidential nature of personal health matters pervades both the
39 public and private health care sectors, and public disclosure of



408308

40 such personal health information relating to a consumer under
41 the Florida ABLE program could negatively affect an individual's
42 business and personal relationships and cause detrimental
43 financial consequences.