

By Senator Benacquisto

30-01014-15

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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.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
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, injury,  
23 or medical diagnosis or treatment;

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

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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43 Review Act in accordance with s. 119.15 and shall stand repealed  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 to protect a consumer's personal financial and health  
48 information. Disclosure of sensitive financial information held  
49 for a consumer under the Florida ABLE program would create the  
50 opportunity for theft, identity theft, fraud, and other illegal  
51 activity, thereby jeopardizing the financial security of the  
52 consumer and placing him or her at risk for substantial  
53 financial harm. Further, each person has a reasonable  
54 expectation of and a right to privacy in all matters concerning  
55 personal financial interests. The Legislature further finds that  
56 it is a public necessity to protect a consumer's personal health  
57 information because such information is traditionally a private  
58 and confidential matter between the patient and health care

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59 provider. The private and confidential nature of personal health  
60 matters pervades both the public and private health care  
61 sectors, and public disclosure of such personal health  
62 information held for a consumer under the Florida ABLE program  
63 could negatively affect a person's business and personal  
64 relationships and cause detrimental financial consequences.

65 Section 3. This act shall take effect on the same date that  
66 SB \_\_ or similar legislation takes effect, if such legislation  
67 is adopted in the same legislative session or an extension  
68 thereof and becomes a law.