

By the Committee on Banking and Insurance; and Senator Benacquisto

597-01649-15

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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.

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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, 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.

597-01649-15

2015646c1

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

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

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45 Review Act in accordance with s. 119.15 and shall stand repealed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

48 Section 2. The Legislature finds that it is a public
49 necessity to protect a consumer's personal financial and health
50 information. Disclosure of sensitive financial information held
51 for a consumer under the Florida ABLE program would create the
52 opportunity for theft, identity theft, fraud, and other illegal
53 activity, thereby jeopardizing the financial security of the
54 consumer and placing him or her at risk for substantial
55 financial harm. Further, each person has a reasonable
56 expectation of and a right to privacy in all matters concerning
57 personal financial interests. The Legislature further finds that
58 it is a public necessity to protect a consumer's personal health

597-01649-15

2015646c1

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

67 Section 3. This act shall take effect on the same date that
68 SB 642 or similar legislation takes effect, if such legislation
69 is adopted in the same legislative session or an extension
70 thereof and becomes a law.