

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 43 Review Act in accordance with s. 119.15 and shall stand repealed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 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
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
66 that HB 935 or similar legislation takes effect, if such
67 legislation is adopted in the same legislative session or an
68 extension thereof and becomes a law.