

By Senator Benacquisto

27-00652-20

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1                                   A bill to be entitled  
 2           An act relating to a review under the Open Government  
 3           Sunset Review Act; amending s. 1009.987, F.S., which  
 4           provides an exemption from public records requirements  
 5           for certain personal financial and health information  
 6           held by the Florida Prepaid College Board, Florida  
 7           ABLE, Inc., or the Florida ABLE program, or an agent  
 8           or service provider thereof; removing the scheduled  
 9           repeal of the exemption; providing an effective date.

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

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13           Section 1. Section 1009.987, Florida Statutes, is amended  
 14 to read:

15           1009.987 Public records exemption.—

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

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

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

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

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

23           3. Records of or relating to a consumer's personal  
 24 financial transactions of any kind; or

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

27           (2) The personal financial and health information of a  
 28 consumer held by the Florida Prepaid College Board, Florida  
 29 ABLE, Inc., or the Florida ABLE program, or an agent or service

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30 provider thereof, relating to an ABLE account or a participation  
31 agreement or any information that would identify a consumer is  
32 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
33 of the State Constitution.

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

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

45 Section 2. This act shall take effect October 1, 2020.