

CHAPTER 2020-165

Senate Bill No. 830

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

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

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

1009.987 Public records exemption.—

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

- (a) “Consumer” means a party to a participation agreement.
- (b) “Personal financial and health information” means:

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

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

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

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

(2) The personal financial and health information of a consumer held by the Florida Prepaid College Board, Florida ABLE, Inc., or 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 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

~~(4) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.~~

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

Approved by the Governor September 4, 2020.

Filed in Office Secretary of State September 4, 2020.