

BILL

ORIGINAL

YEAR

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act; amending s. 1002.72, F.S., which
 4 provides an exemption from public records requirements for
 5 records of children in the Voluntary Prekindergarten
 6 Education Program; making editorial changes; reorganizing
 7 the section; removing the scheduled repeal of the
 8 exemption; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Section 1002.72, Florida Statutes, is amended
 13 to read:

14 1002.72 Records of children in the Voluntary
 15 Prekindergarten Education Program.—

16 (1) (a) The ~~individual~~ records of a child enrolled in the
 17 Voluntary Prekindergarten Education Program held by an early
 18 learning coalition, the Agency for Workforce Innovation, or a
 19 Voluntary Prekindergarten Education Program provider are
 20 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 21 of the State Constitution. For purposes of this section, such
 22 records include assessment data, health data, records of teacher
 23 observations, and personal identifying information of an
 24 enrolled child and his or her parent.

25 (b) This exemption applies to the ~~individual~~ records of a
 26 child enrolled in the Voluntary Prekindergarten Education
 27 Program held by an early learning coalition, the Agency for
 28 Workforce Innovation, or a Voluntary Prekindergarten Education

BILL

ORIGINAL

YEAR

29 Program provider before, on, or after the effective date of this
30 exemption.

31 (2) A parent has the right to inspect and review the
32 ~~individual~~ Voluntary Prekindergarten Education Program record of
33 his or her child and to obtain a copy of such record.

34 (3) (a) Confidential and exempt Voluntary Prekindergarten
35 Education Program records may be released to:

36 1. (a) The United States Secretary of Education, the United
37 States Secretary of Health and Human Services, and the
38 Comptroller General of the United States for the purpose of
39 federal audits.

40 2. (b) Individuals or organizations conducting studies for
41 institutions to develop, validate, or administer assessments or
42 improve instruction.

43 3. (e) Accrediting organizations in order to carry out
44 their accrediting functions.

45 4. (d) Appropriate parties in connection with an emergency
46 if the information is necessary to protect the health or safety
47 of the child or other individuals.

48 5. (e) The Auditor General in connection with his or her
49 official functions.

50 6. (f) A court of competent jurisdiction in compliance with
51 an order of that court pursuant to a lawfully issued subpoena.

52 7. (g) Parties to an interagency agreement among early
53 learning coalitions, local governmental agencies, Voluntary
54 Prekindergarten Education Program providers, or state agencies
55 for the purpose of implementing the Voluntary Prekindergarten
56 Education Program.

BILL

ORIGINAL

YEAR

57 | (b) Agencies, organizations, or individuals receiving such
 58 | confidential and exempt records in order to carry out their
 59 | official functions must protect the records in a manner that
 60 | will not permit the personal identification of an enrolled child
 61 | or his or her parent by persons other than those authorized to
 62 | receive the records.

63 | ~~(4) This section is subject to the Open Government Sunset~~
 64 | ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
 65 | ~~October 2, 2010, unless reviewed and saved from repeal through~~
 66 | ~~reenactment by the Legislature.~~

67 | Section 2. This act shall take effect October 1, 2010.