

By Representative Lacasa

1                                   A bill to be entitled  
2           An act relating to driver's license attendance  
3           requirements; amending s. 228.093, F.S.;  
4           authorizing the release of personally  
5           identifiable information from educational  
6           records to the Department of Highway Safety and  
7           Motor Vehicles and the Department of Juvenile  
8           Justice for purposes of implementing the  
9           provisions of s. 322.091; amending s. 322.091,  
10          F.S.; providing legislative intent regarding  
11          driver's license attendance requirements;  
12          requiring juveniles to be under the  
13          jurisdiction of the Department of Juvenile  
14          Justice for purposes of this section; providing  
15          an effective date.

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

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19           Section 1. Paragraph (d) of subsection (3) of section  
20          228.093, Florida Statutes, is amended to read:

21           228.093 Pupil and student records and reports; rights  
22          of parents, guardians, pupils, and students; notification;  
23          penalty.--

24           (3) ~~RIGHTS OF PARENT, GUARDIAN, PUPIL, OR~~  
25          STUDENT.--The parent or guardian of any pupil or student who  
26          attends or has attended any public school, area  
27          vocational-technical training center, community college, or  
28          institution of higher education in the State University System  
29          shall have the following rights with respect to any records or  
30          reports created, maintained, and used by any public  
31          educational institution in the state. However, whenever a

1 pupil or student has attained 18 years of age, or is attending  
2 an institution of postsecondary education, the permission or  
3 consent required of, and the rights accorded to, the parents  
4 of the pupil or student shall thereafter be required of and  
5 accorded to the pupil or student only, unless the pupil or  
6 student is a dependent pupil or student of such parents as  
7 defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue  
8 Code of 1954). The State Board of Education shall formulate,  
9 adopt, and promulgate rules whereby parents, guardians,  
10 pupils, or students may exercise these rights:

11 (d) Right of privacy.--Every pupil or student shall  
12 have a right of privacy with respect to the educational  
13 records kept on him or her. Personally identifiable records or  
14 reports of a pupil or student, and any personal information  
15 contained therein, are confidential and exempt from the  
16 provisions of s. 119.07(1). No state or local educational  
17 agency, board, public school, area technical center, community  
18 college, or institution of higher education in the State  
19 University System shall permit the release of such records,  
20 reports, or information without the written consent of the  
21 pupil's or student's parent or guardian, or of the pupil or  
22 student himself or herself if he or she is qualified as  
23 provided in this subsection, to any individual, agency, or  
24 organization. However, personally identifiable records or  
25 reports of a pupil or student may be released to the following  
26 persons or organizations without the consent of the pupil or  
27 the pupil's parent:

28 1. Officials of schools, school systems, area  
29 technical centers, community colleges, or institutions of  
30 higher learning in which the pupil or student seeks or intends  
31 to enroll; and a copy of such records or reports shall be

1 furnished to the parent, guardian, pupil, or student upon  
2 request.

3           2. Other school officials, including teachers within  
4 the educational institution or agency, who have legitimate  
5 educational interests in the information contained in the  
6 records.

7           3. The United States Secretary of Education, the  
8 Director of the National Institute of Education, the Assistant  
9 Secretary for Education, the Comptroller General of the United  
10 States, or state or local educational authorities who are  
11 authorized to receive such information subject to the  
12 conditions set forth in applicable federal statutes and  
13 regulations of the United States Department of Education, or  
14 in applicable state statutes and rules of the State Board of  
15 Education.

16           4. Other school officials, in connection with a  
17 pupil's or student's application for or receipt of financial  
18 aid.

19           5. Individuals or organizations conducting studies for  
20 or on behalf of an institution or a board of education for the  
21 purpose of developing, validating, or administering predictive  
22 tests, administering pupil or student aid programs, or  
23 improving instruction, if such studies are conducted in such a  
24 manner as will not permit the personal identification of  
25 pupils or students and their parents by persons other than  
26 representatives of such organizations and if such information  
27 will be destroyed when no longer needed for the purpose of  
28 conducting such studies.

29           6. Accrediting organizations, in order to carry out  
30 their accrediting functions.

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1           7. For use as evidence in pupil or student expulsion  
2 hearings conducted by a district school board pursuant to the  
3 provisions of chapter 120.

4           8. Appropriate parties in connection with an  
5 emergency, if knowledge of the information in the pupil's or  
6 student's educational records is necessary to protect the  
7 health or safety of the pupil, student, or other individuals.

8           9. The Auditor General in connection with his or her  
9 official functions; however, except when the collection of  
10 personally identifiable information is specifically authorized  
11 by law, any data collected by the Auditor General is  
12 confidential and exempt from the provisions of s. 119.07(1)  
13 and shall be protected in such a way as will not permit the  
14 personal identification of students and their parents by other  
15 than the Auditor General and his or her staff, and such  
16 personally identifiable data shall be destroyed when no longer  
17 needed for the Auditor General's official use.

18           10.a. A court of competent jurisdiction in compliance  
19 with an order of that court or the attorney of record pursuant  
20 to a lawfully issued subpoena, upon the condition that the  
21 pupil or student and the pupil's or student's parent are  
22 notified of the order or subpoena in advance of compliance  
23 therewith by the educational institution or agency.

24           b. A person or entity pursuant to a court of competent  
25 jurisdiction in compliance with an order of that court or the  
26 attorney of record pursuant to a lawfully issued subpoena,  
27 upon the condition that the pupil or student, or his or her  
28 parent if the pupil or student is either a minor and not  
29 attending an institution of postsecondary education or a  
30 dependent of such parent as defined in 26 U.S.C. s. 152 (s.  
31 152 of the Internal Revenue Code of 1954), is notified of the

1 order or subpoena in advance of compliance therewith by the  
2 educational institution or agency.

3         11. Credit bureaus, in connection with an agreement  
4 for financial aid which the student has executed, provided  
5 that such information may be disclosed only to the extent  
6 necessary to enforce the terms or conditions of the financial  
7 aid agreement. Credit bureaus shall not release any  
8 information obtained pursuant to this paragraph to any person.

9         12. Parties to an interagency agreement among the  
10 Department of Juvenile Justice, school and law enforcement  
11 authorities, and other signatory agencies for the purpose of  
12 reducing juvenile crime and especially motor vehicle theft by  
13 promoting cooperation and collaboration, and the sharing of  
14 appropriate information in a joint effort to improve school  
15 safety, to reduce truancy, in-school and out-of-school  
16 suspensions, to support alternatives to in-school and  
17 out-of-school suspensions and expulsions that provide  
18 structured and well-supervised educational programs  
19 supplemented by a coordinated overlay of other appropriate  
20 services designed to correct behaviors that lead to truancy,  
21 suspensions, and expulsions, and which support students in  
22 successfully completing their education. Information provided  
23 in furtherance of such interagency agreements is intended  
24 solely for use in determining the appropriate programs and  
25 services for each juvenile or the juvenile's family, or for  
26 coordinating the delivery of such programs and services, and  
27 as such is inadmissible in any court proceedings prior to a  
28 dispositional hearing unless written consent is provided by a  
29 parent, guardian, or other responsible adult on behalf of the  
30 juvenile.

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1           13. The Department of Highway Safety and Motor  
2 Vehicles and the Department of Juvenile Justice for purposes  
3 of implementing the provisions of s. 322.091.

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5 This paragraph does not prohibit any educational institution  
6 from publishing and releasing to the general public directory  
7 information relating to a pupil or student if the institution  
8 elects to do so. However, no educational institution shall  
9 release, to any individual, agency, or organization which is  
10 not listed in subparagraphs ~~1.-13.1.-11.~~, directory  
11 information relating to the student body in general or a  
12 portion thereof unless it is normally published for the  
13 purpose of release to the public in general. Any educational  
14 institution making directory information public shall give  
15 public notice of the categories of information which it has  
16 designated as directory information with respect to all pupils  
17 or students attending the institution and shall allow a  
18 reasonable period of time after such notice has been given for  
19 a parent, guardian, pupil, or student to inform the  
20 institution in writing that any or all of the information  
21 designated should not be released.

22           Section 2. Subsection (6) is added to section 322.091,  
23 Florida Statutes, to read:

24           322.091 Attendance requirements.--

25           (6) LEGISLATIVE INTENT.--It is the intent of the  
26 Legislature that the implementation of this section be  
27 considered a program of the Department of Juvenile Justice to  
28 be administered by the Department of Highway Safety and Motor  
29 Vehicles for the prevention, early intervention, control, and  
30 rehabilitative treatment of juveniles at risk of delinquency.  
31 Any minor who fails to comply with the requirements of

1 subsection (1) shall be under the jurisdiction of the  
2 Department of Juvenile Justice for purposes of implementing  
3 the provisions of this section. Release of personally  
4 identifiable records, reports, or information pursuant to s.  
5 228.093(3)(d)13., is deemed to concern the ability of the  
6 juvenile justice system to effectively implement the  
7 provisions of this section.

8 Section 3. This act shall take effect upon becoming a  
9 law.

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12 HOUSE SUMMARY

13 Provides legislative intent regarding driver's license  
14 attendance requirements. Authorizes the release of  
15 personally identifiable information from educational  
16 records to the Department of Highway Safety and Motor  
17 Vehicles and the Department of Juvenile Justice for  
18 purposes of implementing the provisions of s. 322.091,  
19 F.S.  
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