

By the Committee on Commerce and Consumer Services

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A bill to be entitled

An act relating to public records; amending s. 411.011, F.S.; specifying that the exemption from public-records requirements provided for records of children in school readiness programs applies to the personally identifiable records of children enrolled in the programs; extending the exemption to records held by certain contractors of early learning coalitions; providing for future repeal and legislative review of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 411.011, Florida Statutes, as amended by section 9 of chapter 2004-484, Laws of Florida, is amended to read:

411.011 Records of children in school readiness programs.--

(1) The personally identifiable individual records of children enrolled in school readiness programs provided under s. 411.01, and any personal information contained in those records when held in the possession of the early learning coalition or the Agency for Workforce Innovation, are confidential and exempt from s. 119.07 and s. 24(a), Art. I of the State Constitution when held by any of the following entities:-

(a) The Agency for Workforce Innovation.

1 (b) An early learning coalition established under s.
2 411.01.

3 (c) The fiscal agent of an early learning coalition
4 which is designated under s. 411.01(5)(f).

5 (d) A central agency or other entity performing duties
6 assigned to an early learning coalition which are performed
7 under contract with the coalition. For purposes of this
8 section, records include assessment data, health data, records
9 of teacher observations, and identifying data, including the
10 child's social security number.

11 (2) A parent, guardian, or individual acting as a
12 parent in the absence of a parent or guardian has the right to
13 inspect and review the ~~individual~~ school readiness program
14 records ~~record~~ of his or her child and to obtain a copy of the
15 records ~~record~~.

16 (3) School readiness records may be released:

17 (a) To the United States Secretary of Education, the
18 United States Secretary of Health and Human Services, and the
19 Comptroller General of the United States for the purpose of
20 federal audits;

21 (b) To individuals or organizations conducting studies
22 for institutions to develop, validate, or administer
23 assessments or improve instruction;

24 (c) To accrediting organizations in order to carry out
25 their accrediting functions;

26 (d) To appropriate parties in connection with an
27 emergency if the information is necessary to protect the
28 health or safety of the ~~child student~~ or other individuals;

29 (e) To the Auditor General in connection with his or
30 her official functions;

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1 (f) To a court of competent jurisdiction in compliance
2 with an order of that court in accordance with a lawfully
3 issued subpoena; and

4 (g) To parties to an interagency agreement among early
5 learning coalitions, local governmental agencies, providers of
6 school readiness programs, state agencies, and the Agency for
7 Workforce Innovation for purposes ~~the purpose~~ of administering
8 ~~implementing~~ the school readiness program.

9 (4) Agencies, organizations, or individuals that
10 receive school readiness records in order to carry out their
11 official functions must protect the data in a manner that does
12 not permit the personal identification of children or students
13 ~~and~~ their parents by persons other than those authorized to
14 receive the records.

15 (5) This section is subject to the Open Government
16 Sunset Review Act of 1995 in accordance with s. 119.15 and
17 shall stand repealed on October 2, 2010 ~~2005~~, unless reviewed
18 and saved from repeal through reenactment by the Legislature.

19 Section 2. (1) The Legislature finds that:

20 (a) The records of children enrolled in school
21 readiness programs contain sensitive personal information
22 about the children and that public disclosure of the records
23 would likely cause harm to children, including, but not
24 limited to, labeling and other social stigmas resulting from
25 the public disclosure of the sensitive personal information;
26 and

27 (b) The content of these school-readiness records are
28 substantially similar to the content of educational records
29 for which a student has a right of privacy under federal law
30 and section 1002.22(3)(d), Florida Statutes.
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