

ENROLLED  
 HB 1695

2005 Legislature

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A bill to be entitled  
 An act relating to a public records exemption for the  
 Voluntary Prekindergarten Education Program; creating s.  
 1002.72, F.S.; creating an exemption from public records  
 requirements for individual records of children enrolled  
 in the Voluntary Prekindergarten Education Program;  
 providing for retroactive application; providing for  
 exceptions to the exemption; providing for future review  
 and repeal; providing a statement of public necessity;  
 providing an effective date.

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

Section 1. Section 1002.72, Florida Statutes, is created  
 to read:

1002.72 Records of children in the Voluntary  
 Prekindergarten Education Program.--

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

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29 coalition, the Agency for Workforce Innovation, or a Voluntary  
30 Prekindergarten Education Program provider before, on, or after  
31 the effective date of this exemption.

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

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

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

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

44 (c) Accrediting organizations in order to carry out their  
45 accrediting functions.

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

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

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

53 (g) Parties to an interagency agreement among early  
54 learning coalitions, local governmental agencies, Voluntary  
55 Prekindergarten Education Program providers, or state agencies

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56 for the purpose of implementing the Voluntary Prekindergarten  
57 Education Program.

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

65 (4) This section is subject to the Open Government Sunset  
66 Review Act of 1995 in accordance with s. 119.15 and shall stand  
67 repealed October 2, 2010, unless reviewed and saved from repeal  
68 through reenactment by the Legislature.

69 Section 2. The Legislature finds that it is a public  
70 necessity that the individual records of a child enrolled in the  
71 Voluntary Prekindergarten Education Program held by an early  
72 learning coalition, the Agency for Workforce Innovation, or a  
73 Voluntary Prekindergarten Education Program provider be made  
74 confidential and exempt from public records requirements. The  
75 exemption for such records, which include assessment data,  
76 health data, records of teacher observations, and personal  
77 identifying information of an enrolled child and his or her  
78 parent, is necessary for the Voluntary Prekindergarten Education  
79 Program to work efficiently and effectively. If such records  
80 were not made confidential and exempt, the administration of the  
81 Voluntary Prekindergarten Education Program would be  
82 significantly impaired since parents would be less inclined to  
83 allow their children to participate in the program because

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84 sensitive, personal information would be made available to the  
85 public. The release of such records would cause an unwarranted  
86 invasion into the life and privacy of enrolled children and  
87 their parents thereby significantly decreasing the number of  
88 program enrollees. The Legislature finds that assessment data  
89 and records of teacher observations contain sensitive, personal  
90 information regarding an enrolled child and the child's progress  
91 in the Voluntary Prekindergarten Education Program. Release of  
92 such information could cause embarrassment to the child and  
93 could stifle the child's progress in the program. The  
94 Legislature further finds that it is a public necessity that an  
95 enrolled child's health data be made confidential and exempt  
96 from public disclosure because such data is of a sensitive and  
97 personal nature. Matters of personal health are traditionally  
98 private and confidential concerns between a patient and a health  
99 care provider. The private and confidential nature of personal  
100 health matters pervades both the public and private health care  
101 sectors. For these reasons, an individual's expectation of a  
102 right to privacy in all matters regarding his or her personal  
103 health necessitates such exemption. Finally, the Legislature  
104 finds that it is a public necessity that the personal  
105 identifying information of a child enrolled in the Voluntary  
106 Prekindergarten Education Program and the personal identifying  
107 information of the child's parent be made confidential and  
108 exempt from public disclosure. The release of such information  
109 could endanger the safety and welfare of 4-year-old children,  
110 and the availability of such information could lead to increased  
111 opportunities for child abduction or identity theft.

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112 | Section 3. This act shall take effect upon becoming a law. |