By Senator King

8-1174C-05

1	A bill to be entitled
2	An act relating to public records; creating s.
3	1002.72, F.S.; providing an exemption from
4	public-records requirements for records of
5	children in the Voluntary Prekindergarten
6	Education Program; providing for application of
7	the exemption; authorizing a parent, guardian,
8	or individual acting as a parent in the absence
9	of a parent or guardian to inspect and copy the
10	records of his or her child; specifying
11	agencies and organizations to which the records
12	may be released for certain authorized
13	purposes; providing for future legislative
14	review and repeal of the exemption under the
15	Open Government Sunset Review Act; providing a
16	statement of public necessity; providing an
17	effective date.
18	
19	Be It Enacted by the Legislature of the State of Florida:
20	
21	Section 1. Section 1002.72, Florida Statutes, is
22	created to read:
23	1002.72 Records of children in the Voluntary
24	Prekindergarten Education Program
25	(1) The personally identifiable records of children
26	enrolled in the Voluntary Prekindergarten Education Program
27	provided under s. 1002.53, and any personal information
28	contained in those records, are confidential and exempt from
29	s. 119.07 and s. 24(a), Art. I of the State Constitution when
30	held by any of the following entities:
31	(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.
8	
9	This exemption applies before, on, and after the effective
10	date of this act.
11	(2) A parent, quardian, or individual acting as a
12	parent in the absence of a parent or quardian has the right to
13	inspect and review the prekindergarten records of his or her
14	child and to obtain a copy of the records.
15	(3) Prekindergarten records may be released to:
16	(a) The United States Secretary of Education, the
17	United States Secretary of Health and Human Services, and the
18	Comptroller General of the United States for the purpose of
19	<pre>federal audits;</pre>
20	(b) Individuals or organizations conducting studies
21	for institutions to develop, validate, or administer
22	assessments or improve instruction;
23	(c) Accrediting organizations in order to carry out
24	their accrediting functions;
25	(d) Appropriate parties in connection with an
26	emergency if the information is necessary to protect the
27	health or safety of the child or other individuals;
28	(e) The Auditor General in connection with his or her
29	official functions;
30	
31	

1	(f) A court of competent jurisdiction in compliance
2	with an order of that court in accordance with a lawfully
3	issued subpoena; and
4	(q) Parties to an interagency agreement among early
5	learning coalitions, local governmental agencies, providers of
6	prekindergarten programs, state agencies, and the Agency for
7	Workforce Innovation for purposes of administering the
8	prekindergarten program.
9	(4) Each agency, organization, or individual receiving
10	prekindergarten records in order to carry out official
11	functions must protect the data in a manner that does not
12	permit the personal identification of children or their
13	parents by persons other than those authorized to receive the
14	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, unless reviewed and
18	saved from repeal through reenactment by the Legislature.
19	Section 2. (1) The Legislature finds that:
20	(a) The records of children enrolled in
21	prekindergarten programs contain sensitive personal
22	information concerning those children and that public
23	disclosure of the records would likely cause harm to children,
24	including, but not limited to, labeling and other social
25	stigmas resulting from the public disclosure of sensitive
26	personal information; and
27	(b) The contents of prekindergarten 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.
31	

1	(2) The Legislature finds that public disclosure of
2	these prekindergarten records would jeopardize the safety of
3	children by increasing the availability of information that
4	could be used to endanger the safety of children, including
5	their abduction.
6	(3) The Legislature further finds that it is a public
7	necessity to ensure the privacy and safety of children
8	enrolled in prekindergarten programs by keeping the personally
9	identifiable records of the children, and any personal
10	information contained in those records, confidential and
11	exempt from public disclosure, whether the records are held by
12	the Agency for Workforce Innovation, an early learning
13	coalition, a coalition's fiscal agent, or a central agency or
14	other entity performing duties under contract with a
15	coalition.
16	Section 3. This act shall take effect upon becoming a
17	law.
18	
19	*********
20	SENATE SUMMARY
21	Exempts the records of children in the Voluntary Prekindergarten Education Program from disclosure under
22	the public records law. Provides an exception for a parent, guardian, or individual acting in the absence of
23	a parent or guardian with respect to the records of his or her own child. Authorizes certain federal agencies and
24	organizations to have access to the records for purposes of audits, accreditation, and other official duties.
25	Provides for future review and repeal under the Open Government Sunset Review Act.
26	Government Sunset Kevlew Act.
27	
28	
29	
30	
31	