

By Senator King

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A bill to be entitled

An act relating to public records; creating s. 1002.72, F.S.; providing an exemption from public-records requirements for records of children in the Voluntary Prekindergarten Education Program; providing for application of the exemption; authorizing a parent, guardian, or individual acting as a parent in the absence of a parent or guardian to inspect and copy the records of his or her child; specifying agencies and organizations to which the records may be released for certain authorized purposes; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; 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 personally identifiable records of children enrolled in the Voluntary Prekindergarten Education Program provided under s. 1002.53, and any personal information contained in those records, 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.

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9 This exemption applies before, on, and after the effective
10 date of this act.

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 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 federal audits;

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;

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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 (g) 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.
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