

FOR CONSIDERATION By the Committee on Commerce and Consumer Services

577-871A-05

1 A bill to be entitled  
2 An act relating to public records; amending s.  
3 411.011, F.S.; specifying that the exemption  
4 from public-records requirements provided for  
5 records of children in school readiness  
6 programs applies to the personally identifiable  
7 records of children enrolled in the programs;  
8 extending the exemption to records held by  
9 certain contractors of early learning  
10 coalitions; providing for future repeal and  
11 legislative review of the exemption; providing  
12 a statement of public necessity; providing an  
13 effective date.

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

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

20 411.011 Records of children in school readiness  
21 programs.--

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

30 (a) The Agency for Workforce Innovation.  
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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 the children due to labeling and  
24 other social stigmas resulting from the public disclosure of  
25 the sensitive personal information; and

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

30 (2) The Legislature finds that public disclosure of  
31 these school-readiness records would jeopardize the safety of

1 the children by increasing the availability of information  
2 that would facilitate abduction of the children.

3 (3) The Legislature further finds that it is a public  
4 necessity to ensure the privacy and safety of children  
5 enrolled in school readiness programs by keeping the  
6 personally identifiable records of the children, and any  
7 personal information contained in those records, confidential  
8 and exempt from public disclosure, whether the records are  
9 held by the Agency for Workforce Innovation, an early learning  
10 coalition, a coalition's fiscal agent, or a central agency or  
11 other entity performing duties under contract with a  
12 coalition.

13 Section 3. This act shall take effect upon becoming a  
14 law.

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17 SENATE SUMMARY

18 Revises the exemption from the public-records law  
19 provided for school-readiness records to specify that the  
20 personally identifiable records of children enrolled in  
21 school readiness programs are exempt from disclosure.  
22 Extends the exemption to records held by certain  
23 contractors of early learning coalitions. Provides for  
24 future repeal and legislative review under the Open  
25 Government Sunset Review Act.  
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