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585-03819-10

Proposed Committee Substitute by the Committee on Governmental  
Oversight and Accountability

A bill to be entitled

An act relating to a review under the Open Government  
Sunset Review Act; amending s. 1002.72, F.S., which  
provides an exemption from public-records requirements  
for records of children in the Voluntary  
Prekindergarten Education Program; making editorial  
changes; reorganizing the section; removing the  
scheduled repeal of the exemption; providing an  
effective date.

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

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

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

(1) (a) 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.

(b) This exemption applies to the ~~individual~~ records of a  
child enrolled in the Voluntary Prekindergarten Education



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28 Program held by an early learning coalition, the Agency for  
29 Workforce Innovation, or a Voluntary Prekindergarten Education  
30 Program provider before, on, or after the effective date of this  
31 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) (a) Confidential and exempt Voluntary Prekindergarten  
36 Education Program records may be released to:

37 1.~~(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 2.~~(b)~~ Individuals or organizations conducting studies for  
42 institutions to develop, validate, or administer assessments or  
43 improve instruction.

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

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

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

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

53 7.~~(g)~~ Parties to an interagency agreement among early  
54 learning coalitions, local governmental agencies, Voluntary  
55 Prekindergarten Education Program providers, or state agencies  
56 for the purpose of implementing the Voluntary Prekindergarten



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57 Education Program.

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

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

68       Section 2. This act shall take effect October 1, 2010.