

By the Committees on Education Pre-K - 12; and Education Pre-K - 12

581-03012-10

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1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act regarding the Voluntary
4 Prekindergarten Education Program; amending s.
5 1002.72, F.S., relating to an exemption from public-
6 records requirements for the individual records of a
7 child enrolled in the Voluntary Prekindergarten
8 Education Program which are held by an early learning
9 coalition, the Agency for Workforce Innovation, or a
10 Voluntary Prekindergarten Education Program provider,
11 including assessment data, health data, records of
12 teacher observations, and personal identifying
13 information of the enrolled child and his or her
14 parent; authorizing certain agents or representatives
15 of parties to an interagency agreement to have access
16 to confidential and exempt records of children
17 enrolled in the Voluntary Prekindergarten Education
18 Program; saving the exemption from repeal under the
19 Open Government Sunset Review Act; removing the
20 scheduled repeal of the exemption; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsections (3) and (4) of section 1002.72,
26 Florida Statutes, are amended to read:

27 1002.72 Records of children in the Voluntary
28 Prekindergarten Education Program.—

29 (3) Confidential and exempt Voluntary Prekindergarten

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30 Education Program records may be released to:

31 (a) The United States Secretary of Education, the United
32 States Secretary of Health and Human Services, and the
33 Comptroller General of the United States for the purpose of
34 federal audits.

35 (b) Individuals or organizations conducting studies for
36 institutions to develop, validate, or administer assessments or
37 improve instruction.

38 (c) Accrediting organizations in order to carry out their
39 accrediting functions.

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

43 (e) The Auditor General in connection with his or her
44 official functions.

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

47 (g) Parties to an interagency agreement among early
48 learning coalitions, local governmental agencies, Voluntary
49 Prekindergarten Education Program providers, or state agencies
50 for the purpose of implementing the Voluntary Prekindergarten
51 Education Program.

52 (h) Agents or authorized representatives of any party to an
53 interagency agreement as provided in paragraph (g) for the
54 purpose of implementing the Voluntary Prekindergarten Education
55 Program. For purposes of this subsection, the term "agents or
56 authorized representatives" includes contractors, consultants,
57 volunteers, or other parties to whom a party to the interagency
58 agreement has outsourced services, provided the agent or

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59 representative:

60 1. Performs a service or function for which a party to the
61 interagency agreement would otherwise use employees; and

62 2. Is under the direct control of the party to the
63 interagency agreement with respect to the use and maintenance of
64 records.

65
66 Agencies, organizations, or individuals receiving such
67 confidential and exempt records in order to carry out their
68 official functions must protect the records in a manner that
69 will not permit the personal identification of an enrolled child
70 or his or her parent by persons other than those authorized to
71 receive the records.

72 ~~(4) This section is subject to the Open Government Sunset~~
73 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
74 ~~October 2, 2010, unless reviewed and saved from repeal through~~
75 ~~re enactment by the Legislature.~~

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