

By the Committees on Governmental Oversight and Accountability;
Education Pre-K - 12; and Education Pre-K - 12

585-04248-10

20102144c2

1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 1002.72, F.S., which
4 provides an exemption from public-records requirements
5 for records of children in the Voluntary
6 Prekindergarten Education Program; making editorial
7 changes; reorganizing the section; removing the
8 scheduled repeal of the exemption; providing an
9 effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 1002.72, Florida Statutes, is amended to
14 read:

15 1002.72 Records of children in the Voluntary
16 Prekindergarten Education Program.—

17 (1) (a) The ~~individual~~ records of a child enrolled in the
18 Voluntary Prekindergarten Education Program held by an early
19 learning coalition, the Agency for Workforce Innovation, or a
20 Voluntary Prekindergarten Education Program provider are
21 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
22 of the State Constitution. For purposes of this section, such
23 records include assessment data, health data, records of teacher
24 observations, and personal identifying information of an
25 enrolled child and his or her parent.

26 (b) This exemption applies to the ~~individual~~ records of a
27 child enrolled in the Voluntary Prekindergarten Education
28 Program held by an early learning coalition, the Agency for
29 Workforce Innovation, or a Voluntary Prekindergarten Education

585-04248-10

20102144c2

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
57 Education Program.

58 (b) Agencies, organizations, or individuals receiving such

585-04248-10

20102144c2

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.