

By Senator Thrasher

8-01705A-10

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1                                   A bill to be entitled  
2       An act relating to public records; amending s.  
3       1008.23, F.S.; expanding a public-records exemption  
4       for specified instructional assessments to include the  
5       tests required for high school graduation and end-of-  
6       course assessments developed or acquired by local  
7       school districts; providing for future legislative  
8       review and repeal of the exemption under the Open  
9       Government Sunset Review Act; providing a statement of  
10      public necessity; providing a contingent effective  
11      date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15       Section 1. Section 1008.23, Florida Statutes, is amended to  
16      read:

17       1008.23 Confidentiality of assessment instruments.—

18       (1) All examination and assessment instruments, including  
19      developmental materials and workpapers directly related thereto,  
20      which are prepared, prescribed, or administered pursuant to ss.  
21      1003.428, 1003.429, 1003.43, 1008.22, 1008.222, and 1008.25  
22      shall be confidential and exempt from the provisions of s.  
23      119.07(1) and from s. 1001.52. Provisions governing access,  
24      maintenance, and destruction of such instruments and related  
25      materials shall be prescribed by rules of the State Board of  
26      Education.

27       (2) This section is subject to the Open Government Sunset  
28      Review Act in accordance with s. 119.15, and shall stand  
29      repealed on October 2, 2015, unless reviewed and saved from

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30 repeal through reenactment by the Legislature.

31 Section 2. The Legislature finds that it is a public  
32 necessity to make confidential and exempt from public disclosure  
33 the tests required for high school graduation and end-of-course  
34 assessments that are developed or acquired by school districts  
35 in order to preserve the integrity of the assessments and  
36 prevent fraudulent misuse through unauthorized distribution.  
37 Without the exemption, the ability of a local school district to  
38 accurately measure student achievement would be significantly  
39 compromised. The Legislature finds that this exemption from the  
40 public-records law is necessary in order to ensure that local  
41 school districts can effectively and efficiently fulfill their  
42 mission in education and student learning.

43 Section 3. This act shall take effect on the same date that  
44 SB \_\_\_\_ or similar legislation takes effect, if such legislation  
45 is adopted in the same legislative session or an extension  
46 thereof and becomes law.