

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 for  
 5           records of children in the Voluntary Prekindergarten  
 6           Education Program; making editorial changes; reorganizing  
 7           the section; removing the scheduled repeal of the  
 8           exemption; providing an effective date.

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

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

14           1002.72   Records of children in the Voluntary  
 15   Prekindergarten Education Program.—

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

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

29 Program provider before, on, or after the effective date of this  
 30 exemption.

31 (2) A parent has the right to inspect and review the  
 32 ~~individual~~ Voluntary Prekindergarten Education Program record of  
 33 his or her child and to obtain a copy of such record.

34 (3) (a) Confidential and exempt Voluntary Prekindergarten  
 35 Education Program records may be released to:

36 1. ~~(a)~~ The United States Secretary of Education, the United  
 37 States Secretary of Health and Human Services, and the  
 38 Comptroller General of the United States for the purpose of  
 39 federal audits.

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

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

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

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

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

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

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

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

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