

By Senator Montford

3-00326B-14

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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; amending s. 1006.52, F.S., which
4 provides an exemption from public records requirements
5 for student education and applicant records of public
6 postsecondary educational institutions; saving the
7 exemption from repeal under the Open Government Sunset
8 Review Act; 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 1006.52, Florida Statutes, is amended to
13 read:

14 1006.52 Education records and applicant records.—

15 (1) Each public postsecondary educational institution may
16 prescribe the content and custody of records that the
17 institution may maintain on its students and applicants for
18 admission. A student's education records, as defined in the
19 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.
20 1232g, and the federal regulations issued pursuant thereto, and
21 applicant records are confidential and exempt from s. 119.07(1)
22 and s. 24(a), Art. I of the State Constitution. For the purpose
23 of this subsection, applicant records shall be considered to be
24 records that are:

25 (a) Directly related to an applicant for admission to a
26 public postsecondary educational institution who has not been in
27 attendance at the institution; and

28 (b) Maintained by a public postsecondary educational
29 institution or by a party acting on behalf of the public

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30 postsecondary educational institution.

31 (2) A public postsecondary educational institution may not
32 release a student's education records without the written
33 consent of the student to any individual, agency, or
34 organization, except in accordance with and as permitted by the
35 FERPA. Education records released by public postsecondary
36 educational institutions to the Auditor General or the Office of
37 Program Policy Analysis and Government Accountability, which are
38 necessary for such agencies to perform their official duties and
39 responsibilities, shall be used and maintained by the Auditor
40 General and the Office of Program Policy Analysis and Government
41 Accountability in accordance with the FERPA.

42 ~~(3) This section is subject to the Open Government Sunset~~
43 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
44 ~~on October 2, 2014, unless reviewed and saved from repeal~~
45 ~~through reenactment by the Legislature.~~

46 Section 2. This act shall take effect October 1, 2014.