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2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 1006.52, F.S., relating
4 to an exemption from public records requirements for
5 postsecondary education records and applicant records;
6 saving the exemption from repeal under the Open
7 Government Sunset Review Act; providing an effective
8 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; public
15 records exemption.—

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

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

29 (b) Maintained by a public postsecondary educational

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30 institution or by a party acting on behalf of the public
31 postsecondary educational institution.

32 (2) (a) A public postsecondary educational institution may
33 not release a student's education records without the written
34 consent of the student to any individual, agency, or
35 organization, except in accordance with and as permitted by the
36 FERPA.

37 (b) Education records released by public postsecondary
38 educational institutions to the Auditor General or the Office of
39 Program Policy Analysis and Government Accountability, which are
40 necessary for such agencies to perform their official duties and
41 responsibilities, must ~~shall~~ be used and maintained by the
42 Auditor General and the Office of Program Policy Analysis and
43 Government Accountability in accordance with the FERPA.

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45 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~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

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