



546208

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2014	.	
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	.	

The Committee on Governmental Oversight and Accountability
(Montford) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 1002.221, Florida Statutes, is amended
to read:

1002.221 K-12 education records; public records exemption.-

(1) Education records, as defined in the Family Educational
Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g, and the
federal regulations issued pursuant thereto, are confidential



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11 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
12 Constitution.

13 (2) (a) An agency or institution, as defined in s. 1002.22
14 ~~1002.22(1) (a), or a public school, center, institution, or other~~
15 ~~entity that is part of Florida's education system under s.~~
16 ~~1000.04(1), (3), or (4)~~, may not release a student's education
17 records without the written consent of the student or parent to
18 any individual, agency, or organization, except in accordance
19 with and as permitted by the FERPA.

20 (b) Education records released by an agency or institution,
21 as defined in s. 1002.22 ~~1002.22(1) (a), or by a public school,~~
22 ~~center, institution, or other entity that is part of Florida's~~
23 ~~education system under s. 1000.04(1), (3), or (4)~~, to the
24 Auditor General or the Office of Program Policy Analysis and
25 Government Accountability, which are necessary for such agencies
26 to perform their official duties and responsibilities, must
27 ~~shall~~ be used and maintained by the Auditor General and the
28 Office of Program Policy Analysis and Government Accountability
29 in accordance with the FERPA.

30 (c) ~~(b)~~ In accordance with FERPA and the federal regulations
31 issued pursuant to FERPA, an agency or institution, as defined
32 in s. 1002.22, ~~or a public school, center, institution, or other~~
33 ~~entity that is part of Florida's education system under s.~~
34 ~~1000.04(1), (3), or (4)~~ may release a student's education
35 records without written consent of the student or parent to
36 parties to an interagency agreement among the Department of
37 Juvenile Justice, the school, law enforcement authorities, and
38 other signatory agencies. ~~The purpose of such an agreement and~~
39 ~~information sharing is to reduce juvenile crime, especially~~



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40 ~~motor vehicle theft, by promoting cooperation and collaboration~~
41 ~~and the sharing of appropriate information in a joint effort to~~
42 ~~improve school safety, to reduce truancy and in-school and out-~~
43 ~~of-school suspensions, and to support alternatives to in-school~~
44 ~~and out-of-school suspensions and expulsions, which provide~~
45 ~~structured and well-supervised educational programs supplemented~~
46 ~~by a coordinated overlay of other appropriate services designed~~
47 ~~to correct behaviors that lead to truancy, suspensions, and~~
48 ~~expulsions and that support students in successfully completing~~
49 ~~their education.~~ Information provided in furtherance of an
50 interagency agreement is intended solely for use in determining
51 the appropriate programs and services for each juvenile or the
52 juvenile's family, or for coordinating the delivery of the
53 programs and services, and as such is inadmissible in any court
54 proceeding before a dispositional hearing unless written consent
55 is provided by a parent or other responsible adult on behalf of
56 the juvenile.

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

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

62
63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65 Delete everything before the enacting clause
66 and insert:

67 A bill to be entitled

68 An act relating to a review under the Open Government



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69 Sunset Review Act; amending s. 1002.221, F.S.,
70 relating to an exemption from public records
71 requirements for K-12 education records; saving the
72 exemption from repeal under the Open Government Sunset
73 Review Act; deleting provisions to conform; providing
74 an effective date.