

By Senator Montford

3-00325A-14

2014648\_\_

1                   A bill to be entitled  
2       An act relating to a review under the Open Government  
3       Sunset Review Act; amending s. 1002.221, F.S., which  
4       provides an exemption from public records requirements  
5       for education records, as defined in the Family  
6       Educational Rights and Privacy Act and related federal  
7       regulations; saving the exemption from repeal under  
8       the Open Government Sunset Review Act; providing an  
9       effective date.

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

12  
13       Section 1. Section 1002.221, Florida Statutes, is amended  
14 to read:

15       1002.221 K-12 education records.—

16       (1) Education records, as defined in the Family Educational  
17 Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g, and the  
18 federal regulations issued pursuant thereto, are confidential  
19 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
20 Constitution.

21       (2) (a) An agency, as defined in s. 1002.22(1)(a), or a  
22 public school, center, institution, or other entity that is part  
23 of Florida's education system under s. 1000.04(1), (3), or (4) ~~7~~  
24 may not release a student's education records without the  
25 written consent of the student or parent to any individual,  
26 agency, or organization, except in accordance with and as  
27 permitted by the FERPA. Education records released by an agency,  
28 as defined in s. 1002.22(1)(a), or by a public school, center,  
29 institution, or other entity that is part of Florida's education

3-00325A-14

2014648\_\_

30 system under s. 1000.04(1), (3), or (4), to the Auditor General  
31 or the Office of Program Policy Analysis and Government  
32 Accountability, which are necessary for such agencies to perform  
33 their official duties and responsibilities, shall be used and  
34 maintained by the Auditor General and the Office of Program  
35 Policy Analysis and Government Accountability in accordance with  
36 the FERPA.

37 (b) In accordance with FERPA and the federal regulations  
38 issued pursuant to FERPA, an agency, as defined in s. 1002.22,  
39 or a public school, center, institution, or other entity that is  
40 part of Florida's education system under s. 1000.04(1), (3), or  
41 (4) may release a student's education records without written  
42 consent of the student or parent to parties to an interagency  
43 agreement among the Department of Juvenile Justice, the school,  
44 law enforcement authorities, and other signatory agencies. The  
45 purpose of such an agreement and information sharing is to  
46 reduce juvenile crime, especially motor vehicle theft, by  
47 promoting cooperation and collaboration and the sharing of  
48 appropriate information in a joint effort to improve school  
49 safety, to reduce truancy and in-school and out-of-school  
50 suspensions, and to support alternatives to in-school and out-  
51 of-school suspensions and expulsions, which provide structured  
52 and well-supervised educational programs supplemented by a  
53 coordinated overlay of other appropriate services designed to  
54 correct behaviors that lead to truancy, suspensions, and  
55 expulsions and that support students in successfully completing  
56 their education. Information provided in furtherance of an  
57 interagency agreement is intended solely for use in determining  
58 the appropriate programs and services for each juvenile or the

3-00325A-14

2014648\_\_

59 juvenile's family, or for coordinating the delivery of the  
60 programs and services, and as such is inadmissible in any court  
61 proceeding before a dispositional hearing unless written consent  
62 is provided by a parent or other responsible adult on behalf of  
63 the juvenile.

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

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