

**By** the Committee on Governmental Oversight and Accountability;  
and Senator Montford

585-02890-14

2014648c1

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.,  
4           relating to an exemption from public records  
5           requirements for K-12 education records; saving the  
6           exemption from repeal under the Open Government Sunset  
7           Review Act; deleting provisions to conform; providing  
8           an effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

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

14           1002.221 K-12 education records; public records exemption.-

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

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

27           (b) Education records released by an agency or institution,  
28   as defined in s. 1002.22 ~~1002.22(1) (a), or by a public school,~~  
29   ~~center, institution, or other entity that is part of Florida's~~

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

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

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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.