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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.
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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.