

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER

1 Committee/Subcommittee hearing bill: Post-Secondary Education &
 2 Lifelong Learning Subcommittee
 3 Representative Silvers offered the following:
 4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 1008.23, Florida Statutes, is amended
 8 to read:

9 1008.23 Confidentiality of assessment instruments.—

10 (1) All examination and assessment instruments, including
 11 developmental materials and workpapers directly related thereto,
 12 which are prepared, prescribed, or administered pursuant to ss.
 13 1002.69, 1003.52, 1003.56, 1007.25, 1007.35, 1008.22, and
 14 1008.25, and 1012.56 shall be confidential and exempt from s.
 15 119.07(1) and s. 24(a), Art. I of the State Constitution ~~the~~
 16 ~~provisions of s. 119.07(1) and from s. 1001.52.~~ Provisions

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17 governing access, maintenance, and destruction of such
18 instruments and related materials shall be prescribed by rules
19 of the State Board of Education.

20 (2) (a) All examination and assessment instruments,
21 including developmental materials and workpapers directly
22 related thereto, which are prepared, prescribed, or administered
23 by a Florida College System institution, a state university, or
24 the Department of Education shall be confidential and exempt
25 from s. 119.07(1) and s. 24(a), Art. I of the State
26 Constitution.

27 (b) Provisions governing access, maintenance, and
28 destruction of the instruments and related materials identified
29 under paragraph (a) shall be prescribed by rules of the State
30 Board of Education and regulations of the Board of Governors,
31 respectively.

32 (3) This section is subject to the Open Government Sunset
33 Review Act in accordance with s. 119.15 and shall stand repealed
34 on October 2, 2026, unless reviewed and saved from repeal
35 through reenactment by the Legislature.

36 Section 2. (1) The Legislature finds that it is a public
37 necessity to exempt from s. 119.07(1), Florida Statutes, and s.
38 24(a), Article I of the State Constitution examination and
39 assessment instruments used for statewide kindergarten
40 screening, youth enrolled in Department of Juvenile Justice
41 programs, limited English proficient students, civic literacy

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42 assessments, measuring minority and underrepresented student
43 achievement, and certification of educators and those
44 administered by a Florida College System institution, a state
45 university, or the Department of Education.

46 (2) The state has historically protected education records
47 from public disclosure. Section 1002.221, Florida Statutes,
48 makes K-12 education records generally confidential, while s.
49 1008.23, Florida Statutes, as it is currently written, already
50 makes examination and assessment instruments relating to
51 statewide, standardized assessments and student progression
52 confidential.

53 (3) Assessment instruments contain proprietary information
54 that must be protected to maintain the security of such
55 information. In addition, examination and assessment instruments
56 must be protected to prevent cheating, plagiarism, and academic
57 dishonesty in education and to ensure the validity of the
58 results derived from the administration of examinations and
59 assessments.

60 (4) The state's ability to objectively assess educational
61 progress and performance is impaired if examination and
62 assessment instruments can be publicly disseminated before or
63 after being administered. Public dissemination of already-
64 administered examination and assessment instruments may also
65 invade a student's privacy and harm his or her ability to
66 protect his or her personal information and educational records.

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67 (5) Based on the foregoing, the Legislature finds that the
68 harm that may result from the release of such examination and
69 assessment instruments outweighs any public benefit that may be
70 derived from the disclosure of the information.

71 Section 3. This act shall take effect July 1, 2021.

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74 **T I T L E A M E N D M E N T**

75 Remove everything before the enacting clause and insert:
76 An act relating to public records; amending s. 1008.23, F.S.;
77 expanding an exemption from public records requirements for
78 examination and assessment instruments used for statewide
79 standardized assessments and student progression to include
80 those instruments used for statewide kindergarten screening,
81 youth enrolled in Department of Juvenile Justice programs,
82 limited English proficient students, civic literacy assessments,
83 measuring minority and underrepresented student achievement, and
84 certification of educators and those administered by a Florida
85 College System institution, a state university, or the
86 Department of Education; providing that provisions governing
87 access, maintenance, and destruction of certain instruments and
88 related materials shall be prescribed by rules of the State
89 Board of Education and regulations of the Board of Governors,
90 respectively; providing for future legislative review and repeal

COMMITTEE/SUBCOMMITTEE AMENDMENT

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91 | of the exemption; providing legislative findings; providing a
92 | statement of public necessity; providing an effective date.