

HB 7021

2026

A bill to be entitled  
An act relating to a review under the Open Government Sunset Review Act; amending s. 1008.23, F.S.; repealing a duplicative exemption from public record requirements for certain examination and assessment instruments; expanding an exemption from public record requirements for examination and assessment instruments to include such instruments when held by certain entities; requiring the State Board of Education and the Board of Governors to adopt certain rules and regulations, respectively, governing the retention and disposal process for specified records; removing a provision requiring the State Board of Education and Board of Governors to adopt certain rules and regulations, respectively, governing access to specified records; authorizing specified entities to disclose exempt information to certain entities; requiring specified entities to disclose exempt information in certain circumstances; providing construction; extending the scheduled repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

26       **Section 1. Section 1008.23, Florida Statutes, is amended**  
27       **to read:**

28       1008.23 Confidentiality of assessment instruments.—

29       ~~(1) All examination and assessment instruments, including~~  
30       ~~developmental materials and workpapers directly related thereto,~~  
31       ~~which are prepared, prescribed, or administered pursuant to ss.~~  
32       ~~1002.69, 1003.52, 1003.56, 1007.25, 1007.35, 1008.22, 1008.25,~~  
33       ~~and 1012.56 shall be confidential and exempt from s. 119.07(1)~~  
34       ~~and s. 24(a), Art. I of the State Constitution. Provisions~~  
35       ~~governing access, maintenance, and destruction of such~~  
36       ~~instruments and related materials shall be prescribed by rules~~  
37       ~~of the State Board of Education.~~

38       ~~(1) (a) (2) (a)~~ All examination and assessment instruments,  
39       including developmental materials and workpapers directly  
40       related thereto, which are held prepared, prescribed, or  
41       administered by a public school, a district school board, a  
42       Florida College System institution, a state university, a board  
43       of trustees, or the Department of Education, the State Board of  
44       Education, or the Board of Governors shall be confidential and  
45       exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
46       Constitution.

47       ~~(b) The State Board of Education and the Board of~~  
48       ~~Governors shall adopt rules or regulations, respectively,~~  
49       ~~establishing retention schedules and a disposal process for~~  
50       ~~records described in paragraph (a).~~

HB 7021

2026

51        (c)1. Any entity listed in paragraph (a) may disclose the  
52        information made confidential and exempt from public record  
53        requirements by this section to any other entity listed in that  
54        paragraph.

55        2. A public school, district school board, Florida College  
56        System institution, or state university must, upon request,  
57        disclose the information made confidential and exempt from  
58        public record requirements by this section to the Department of  
59        Education, the State Board of Education, or the Board of  
60        Governors.

61        (d) Nothing in this section shall be construed to limit,  
62        abridge, or infringe on the rights of students and parents with  
63        respect to student records and education records pursuant to ss.  
64        1002.20 and 1002.22

65        ~~(b) Provisions governing access, maintenance, and~~  
66        ~~destruction of the instruments and related materials identified~~  
67        ~~under paragraph (a) shall be prescribed by rules of the State~~  
68        ~~Board of Education and regulations of the Board of Governors,~~  
69        ~~respectively.~~

70        (2) (3) This section is subject to the Open Government  
71        Sunset Review Act in accordance with s. 119.15 and shall stand  
72        repealed on October 2, 2031 October 2, 2026, unless reviewed and  
73        saved from repeal through reenactment by the Legislature.

74        **Section 2.** The Legislature finds that it is a public  
75        necessity to exempt from s. 119.07(1), Florida Statutes, and s.

76       24(a), Article I of the State Constitution, examination and  
77       assessment instruments, including developmental materials and  
78       workpapers directly related thereto, which are held by a public  
79       school, a district school board, a Florida College System  
80       institution, a state university, a board of trustees, the  
81       Department of Education, the State Board of Education, or the  
82       Board of Governors. Public schools and district school boards  
83       routinely develop, license, and administer recurring classroom,  
84       course, school, and district assessments, frequently drawing  
85       upon secure item banks and developmental materials used across  
86       schools and administrations. Public disclosure of test items,  
87       prompts, answer keys, scoring rubrics, item specifications,  
88       field-testing materials, and related developmental workpapers  
89       would enable cheating and academic dishonesty, compromise the  
90       validity and reliability of local assessments, undermine fair  
91       measurement of student learning and program effectiveness, and  
92       necessitate significant public expenditures to replace  
93       compromised instruments and rebuild secure item banks. The  
94       boards of trustees of Florida College System institutions and  
95       state universities, as well the State Board of Education and the  
96       Board of Governors, oversee institutions that develop, license,  
97       and administer examinations and assessment instruments and in  
98       that role receive such information, which, if made public, would  
99       enable cheating and academic dishonesty, compromise the validity  
100       and reliability of examinations and assessments, undermine fair

HB 7021

2026

101 measurement of student learning and program effectiveness, and  
102 necessitate significant public expenditures to replace  
103 compromised instruments and rebuild secure item banks. As such  
104 the Legislature finds that the harm that may result from the  
105 release of such examination and assessment instruments outweighs  
106 any public benefit that may be derived from disclosure.

107       **Section 3.** This act shall take effect upon becoming a law.