

CHAPTER 2010-44

House Bill No. 7193

An act relating to a review under the Open Government Sunset Review Act; amending s. 1002.72, F.S., which provides an exemption from public records requirements for records of children in the Voluntary Prekindergarten Education Program; making editorial changes; reorganizing the section; removing the scheduled repeal of the exemption; providing an effective date.

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

Section 1. Section 1002.72, Florida Statutes, is amended to read:

1002.72 Records of children in the Voluntary Prekindergarten Education Program.—

(1)(a) The ~~individual~~ records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the Agency for Workforce Innovation, or a Voluntary Prekindergarten Education Program provider are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this section, such records include assessment data, health data, records of teacher observations, and personal identifying information of an enrolled child and his or her parent.

(b) This exemption applies to ~~the individual~~ records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the Agency for Workforce Innovation, or a Voluntary Prekindergarten Education Program provider before, on, or after the effective date of this exemption.

(2) A parent has the right to inspect and review the ~~individual~~ Voluntary Prekindergarten Education Program record of his or her child and to obtain a copy of such record.

(3)(a) Confidential and exempt Voluntary Prekindergarten Education Program records may be released to:

1.(a) The United States Secretary of Education, the United States Secretary of Health and Human Services, and the Comptroller General of the United States for the purpose of federal audits.

2.(b) Individuals or organizations conducting studies for institutions to develop, validate, or administer assessments or improve instruction.

3.(c) Accrediting organizations in order to carry out their accrediting functions.

4.(d) Appropriate parties in connection with an emergency if the information is necessary to protect the health or safety of the child or other individuals.

5.(e) The Auditor General in connection with his or her official functions.

6.(f) A court of competent jurisdiction in compliance with an order of that court pursuant to a lawfully issued subpoena.

7.(g) Parties to an interagency agreement among early learning coalitions, local governmental agencies, Voluntary Prekindergarten Education Program providers, or state agencies for the purpose of implementing the Voluntary Prekindergarten Education Program.

(b) Agencies, organizations, or individuals receiving such confidential and exempt records in order to carry out their official functions must protect the records in a manner that will not permit the personal identification of an enrolled child or his or her parent by persons other than those authorized to receive the records.

~~(4)—This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2010.

Approved by the Governor May 7, 2010.

Filed in Office Secretary of State May 7, 2010.