

CHAPTER 2026-69

Senate Bill No. 7022

An act relating to public records; amending s. 1008.23, F.S.; deleting a duplicative exemption from public records requirements for certain examination and assessment instruments; expanding an exemption from public records 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 rules and regulations, respectively, governing the retention and disposal process for specified records; deleting a provision requiring the State Board of Education and the Board of Governors to adopt certain rules and regulations, respectively, governing access to records; authorizing specified entities to disclose exempt information to certain entities; requiring specified entities to disclose confidential and 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:

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

1008.23 Confidentiality of assessment instruments.—

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

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

(b) The State Board of Education and the Board of Governors shall adopt rules and regulations, respectively, establishing retention schedules and a disposal process for the records described in paragraph (a) Provisions governing access, maintenance, and destruction of the instruments and related materials identified under paragraph (a) shall be prescribed by rules

of the State Board of Education and regulations of the Board of Governors, respectively.

(c)1. An entity listed in paragraph (a) may disclose the information made confidential and exempt from public records inspection and copying requirements by this section to any other entity listed in that paragraph.

2. A public school, district school board, Florida College system institution, or state university must, upon request, disclose the information made confidential and exempt from public records inspection and copying requirements by this section to the Department of Education, the State Board of Education, or the Board of Governors.

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

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

Section 2. The Legislature finds that it is a public necessity that examination and assessment instruments, including developmental materials and workpapers directly related thereto, which are held by a public school, a district school board, a Florida College System institution, a state university, a board of trustees, the Department of Education, the State Board of Education, or the Board of Governors be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Public schools and district school boards routinely develop, license, and administer recurring classroom, course, school, and district assessments, frequently drawing upon secure item banks and developmental materials used across schools and administrations. Public disclosure of test items, prompts, answer keys, scoring rubrics, item specifications, field-testing materials, and related developmental workpapers would enable cheating and academic dishonesty, compromise the validity and reliability of local assessments, undermine fair measurement of student learning and program effectiveness, and necessitate significant public expenditures to replace compromised instruments and rebuild secure item banks. The boards of trustees of Florida College System institutions and universities as well the State Board of Education and the Board of Governors oversee institutions that develop, license, and administer examinations and assessment instruments and in that role receive such information, which, if made public, would enable cheating and academic dishonesty, compromise the validity and reliability of examinations and assessments, undermine fair measurement of student learning and program effectiveness, and necessitate significant public expenditures to replace compromised instruments and rebuild secure item banks. As such, the Legislature finds that the harm that may result from the release of such examination and assessment

instruments outweighs any public benefit that may be derived from disclosure.

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

Approved by the Governor May 11, 2026.

Filed in Office Secretary of State May 11, 2026.