

By the Committee on Governmental Oversight and Accountability;  
and Senator Montford

585-02889-14

2014646c1

1                                   A bill to be entitled  
2           An act relating to a review under the Open Government  
3           Sunset Review Act; amending s. 1006.52, F.S., relating  
4           to an exemption from public records requirements for  
5           postsecondary education records and applicant records;  
6           saving the exemption from repeal under the Open  
7           Government Sunset Review Act; providing an effective  
8           date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

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12           Section 1. Section 1006.52, Florida Statutes, is amended to  
13 read:

14           1006.52 Education records and applicant records; public  
15 records exemption.-

16           (1) Each public postsecondary educational institution may  
17 prescribe the content and custody of records that the  
18 institution may maintain on its students and applicants for  
19 admission. A student's education records, as defined in the  
20 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.  
21 1232g, and the federal regulations issued pursuant thereto, and  
22 applicant records are confidential and exempt from s. 119.07(1)  
23 and s. 24(a), Art. I of the State Constitution. For the purpose  
24 of this subsection, applicant records are ~~shall be considered to~~  
25 ~~be~~ records that are:

26           (a) Directly related to an applicant for admission to a  
27 public postsecondary educational institution who has not been in  
28 attendance at the institution; and

29           (b) Maintained by a public postsecondary educational

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30 institution or by a party acting on behalf of the public  
31 postsecondary educational institution.

32 (2)(a) A public postsecondary educational institution may  
33 not release a student's education records without the written  
34 consent of the student to any individual, agency, or  
35 organization, except in accordance with and as permitted by the  
36 FERPA.

37 (b) Education records released by public postsecondary  
38 educational institutions to the Auditor General or the Office of  
39 Program Policy Analysis and Government Accountability, which are  
40 necessary for such agencies to perform their official duties and  
41 responsibilities, must ~~shall~~ be used and maintained by the  
42 Auditor General and the Office of Program Policy Analysis and  
43 Government Accountability in accordance with the FERPA.

44 ~~(3) This section is subject to the Open Government Sunset~~  
45 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~  
46 ~~on October 2, 2014, unless reviewed and saved from repeal~~  
47 ~~through reenactment by the Legislature.~~

48 Section 2. This act shall take effect October 1, 2014.