HB 7119

1	A bill to be entitled
2	An act relating to a review under the Open Government
3	Sunset Review Act; amending s. 1002.221, F.S.,
4	relating to an exemption from public records
5	requirements for K-12 education records; saving the
6	exemption from repeal under the Open Government Sunset
7	Review Act; deleting provisions to conform; providing
8	an effective date.
9	
10	Be It Enacted by the Legislature of the State of Florida:
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12	Section 1. Section 1002.221, Florida Statutes, is amended
13	to read:
14	1002.221 K-12 education records; public records
15	exemption
16	(1) Education records, as defined in the Family
17	Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g,
18	and the federal regulations issued pursuant thereto, are
19	confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
20	of the State Constitution.
21	(2)(a) An agency <u>or institution</u> , as defined in s. <u>1002.22</u>
22	1002.22(1)(a), or a public school, center, institution, or other
23	entity that is part of Florida's education system under s.
24	1000.04(1), (3), or (4), may not release a student's education
25	records without the written consent of the student or parent to
26	any individual, agency, or organization, except in accordance
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27 with and as permitted by the FERPA.

28 Education records released by an agency or (b) 29 institution, as defined in s. 1002.22 1002.22(1)(a), or by a 30 public school, center, institution, or other entity that is part 31 of Florida's education system under s. 1000.04(1), (3), or (4), 32 to the Auditor General or the Office of Program Policy Analysis 33 and Government Accountability, which are necessary for such 34 agencies to perform their official duties and responsibilities, 35 must shall be used and maintained by the Auditor General and the Office of Program Policy Analysis and Government Accountability 36 in accordance with the FERPA. 37

(c) (b) In accordance with FERPA and the federal 38 39 regulations issued pursuant to FERPA, an agency or institution, as defined in s. 1002.22, or a public school, center, 40 41 institution, or other entity that is part of Florida's education 42 system under s. 1000.04(1), (3), or (4) may release a student's education records without written consent of the student or 43 parent to parties to an interagency agreement among the 44 45 Department of Juvenile Justice, the school, law enforcement authorities, and other signatory agencies. The purpose of such 46 47 an agreement and information sharing is to reduce juvenile 48 crime, especially motor vehicle theft, by promoting cooperation and collaboration and the sharing of appropriate information in 49 50 a joint effort to improve school safety, to reduce truancy and 51 in-school and out-of-school suspensions, and to support 52 alternatives to in-school and out-of-school suspensions and Page 2 of 3

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53 expulsions, which provide structured and well-supervised 54 educational programs supplemented by a coordinated overlay of 55 other appropriate services designed to correct behaviors that 56 lead to truancy, suspensions, and expulsions and that support 57 students in successfully completing their education. Information 58 provided in furtherance of an interagency agreement is intended 59 solely for use in determining the appropriate programs and 60 services for each juvenile or the juvenile's family, or for coordinating the delivery of the programs and services, and as 61 such is inadmissible in any court proceeding before a 62 dispositional hearing unless written consent is provided by a 63 parent or other responsible adult on behalf of the juvenile. 64 65 (3) This section is subject to the Open Government Sunset 66 Review Act in accordance with s. 119.15 and shall stand repealed

67 on October 2, 2014, unless reviewed and saved from repeal

- 68 through reenactment by the Legislature.
- 69

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

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