

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 1008.23, F.S.; expanding the examination and
 4 assessment instruments which are confidential and
 5 exempt from public record requirements; providing for
 6 future review and repeal of the exemption; providing a
 7 statement of public necessity; providing an effective
 8 date.

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

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

14 1008.23 Confidentiality of assessment instruments.—

15 (1) All examination and assessment instruments, including
 16 developmental materials and workpapers directly related thereto,
 17 which are prepared, prescribed, or administered pursuant to ss.
 18 1002.69, 1003.52, 1003.56, 1007.25, 1008.22, 1008.25, and
 19 1012.56 ~~ss. 1008.22 and 1008.25~~ shall be confidential and exempt
 20 from the provisions of s. 119.07(1) and from s. 1001.52.

21 Provisions governing access, maintenance, and destruction of
 22 such instruments and related materials shall be prescribed by
 23 rules of the State Board of Education.

24 (2) All examination and assessment instruments, including
 25 developmental materials and workpapers directly related thereto,

26 | which are prepared, prescribed, or administered by a Florida
27 | College System or State University System institution or the
28 | Florida Department of Education shall be confidential and exempt
29 | from the provisions of s. 119.07(1) and s. 24(a), Art. I of the
30 | State Constitution. Provisions governing access, maintenance,
31 | and destruction of such instruments and related materials shall
32 | be prescribed by regulations of the Board of Governors and rules
33 | of the State Board of Education, respectively. This section is
34 | subject to the Open Government Sunset Review Act in accordance
35 | with s. 119.15 and shall stand repealed on October 2, 2026,
36 | unless reviewed and saved from repeal through reenactment by the
37 | Legislature.

38 | Section 2. The Legislature finds it is a public necessity
39 | for examination and assessment instruments to be made
40 | confidential and exempt from the provisions of s. 119.07(1),
41 | Florida Statutes and s. 24(a), Art. I of the State Constitution.
42 | Examination and assessment instruments contain proprietary
43 | information that must be protected to maintain the security of
44 | such information. In addition, examination and assessment
45 | instruments must be protected to prevent cheating, plagiarism,
46 | and academic dishonesty in education and to ensure the validity
47 | of the results derived from the administration of examinations
48 | and assessments.

49 | Section 3. This act shall take effect July 1, 2021.