

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Appropriations Committee  
 2 Representative Rodrigues, R. offered the following:

**Amendment (with title amendment)**

Remove lines 226-266 and insert:

Section 6. Paragraph (c) is added to subsection (1) and subsections (3) and (4) are added to section 1002.222, Florida Statutes, to read:

1002.222 Limitations on collection of information and disclosure of confidential and exempt student records.—

(1) An agency or institution as defined in s. 1002.22(1) may not:

(c) Enter into any agreement that does not expressly:

1. Prohibit the sale or distribution of any student data and access to any student data except as instructed by the agency or institution to comply with local, state, or federal reporting requirements.

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18 2. Prohibit the mining of student data for commercial  
19 purposes, including the targeting of advertising based upon such  
20 data.

21 3. Require that all student data remain the property of the  
22 agency or institution and that such data must be returned upon  
23 request or be destroyed using a method designed to ensure  
24 confidentiality and permanently deleted from any computer  
25 hardware, media or other equipment.

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27 For purposes of this paragraph student data means information  
28 that is collected and maintained at the individual student  
29 level.

30 (3) Any contract or agreement entered into after July 1,  
31 2015, that is in violation of this section shall be null and  
32 void and any data obtained in violation of this section must be  
33 returned to the agency or institution or destroyed using a  
34 method designed to ensure confidentiality and permanently  
35 deleted from any computer hardware, media or other equipment.

36 (4) This section does not:

37 (a) Prohibit any person from using deidentified student  
38 data to improve educational products within a website, service,  
39 or application or to demonstrate the effectiveness of the  
40 products or services, including marketing.

41 (b) Prohibit any person from sharing aggregated,  
42 deidentified student data for the development or improvement of  
43 educational websites, services, or applications.

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44 (c) Prohibit any person from marketing educational  
45 products directly to parents if the marketing is not based upon  
46 student data obtained through the provision of services under  
47 this section.

48 (d) Limit the authority of a law enforcement agency to  
49 obtain any information from any person as authorized by law or  
50 pursuant to an order of a court of competent jurisdiction.

51 (e) Limit the ability of any person to use student data  
52 for adaptive learning or customized student learning purposes.

53 (f) Limit Internet service providers from providing  
54 Internet connectivity to schools, students, or parents.

55 (g) Apply to general audience websites, general audience  
56 online services, general audience online applications, or  
57 general audience mobile applications, even if login credentials  
58 created for an operator's website, service, or application may  
59 be used to access those general audience websites, services, or  
60 applications.

61 (h) Impede the ability of a student to download, export,  
62 or otherwise save or maintain his or her own data or documents.

63 (i) Impose a duty upon:

64 1. A provider of an electronic store, gateway,  
65 marketplace, or other means of purchasing or downloading  
66 software or applications to review or enforce compliance with  
67 this section.

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68        2. A provider of an interactive computer service, as  
69 defined in 47 U.S.C. s. 230, to review or enforce compliance  
70 with this section by third-party content providers.

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**T I T L E   A M E N D M E N T**

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Remove lines 32-47 and insert:

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requirements for such reports; amending s. 1002.222, F.S.;

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prohibiting school districts from entering certain agreements

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without specified provisions; defining the term student data;

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providing that contracts or agreements in violation are null and

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void; requiring data collected under null and void contracts to

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be returned or destroyed; specifying activities or conduct that

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are not prohibited; prohibiting the