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LEGISLATIVE ACTION

Senate

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House

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Senator Bradley moved the following:

**Senate Amendment (with title amendment)**

Delete lines 65 - 227  
and insert:  
primarily for K-12 school purposes, or the site, service, or  
application was designed and marketed for K-12 school purposes.

(f) "School district" has the same meaning as in s.  
595.402.

(g) "Targeted advertising" means presenting advertisements  
to a student which are selected on the basis of information  
obtained or inferred over time from that student's online



937544

behavior, usage of applications, or covered information. The term does not include advertising to a student at an online location based upon the student's current visit to that location, or advertising presented in response to a student's request for information or feedback, if the student's online activities or requests are not retained over time for the purpose of targeting subsequent advertisements to that student.

(2) An operator may not knowingly do any of the following:

(a) Engage in targeted advertising on the operator's site, service, or application, or targeted advertising on any other site, service, or application if the targeting of the advertising is based on any information, including covered information and persistent unique identifiers, which the operator has acquired because of the use of that operator's site, service, or application for K-12 school purposes.

(b) Use information, including persistent unique identifiers, created or gathered by the operator's site, service, or application to amass a profile of a student, except in furtherance of K-12 school purposes. The term "amass a profile" does not include the collection and retention of account information that remains under the control of the student or the student's parent or guardian or K-12 school.

(c) Share, sell, or rent a student's information, including covered information. This paragraph does not apply to the purchase, merger, or other acquisition of an operator by a third party, if the third party complies with this section regarding previously acquired student information, or to a national assessment provider if the provider obtains the express written consent of the parent or student, given in response to clear and



937544

conspicuous notice, solely to provide access to employment,  
educational scholarships or financial aid, or postsecondary  
educational opportunities.

(d) Except as otherwise provided in subsection (4),  
disclose covered information, unless the disclosure is made for  
any of the following purposes:

1. In furtherance of the K-12 school purpose of the site,  
service, or application, if the recipient of the covered  
information disclosed under this subparagraph does not further  
disclose the information.

2. Disclosure as required by state or federal law.

3. To comply with the order of a court or quasi-judicial  
entity.

4. To protect the safety or integrity of users of the site  
or others or the security of the site, service, or application.

5. For a school, educational, or employment purpose  
requested by the student or the student's parent or guardian,  
provided that the information is not used or further disclosed  
for any other purpose.

6. To a third party, if the operator contractually  
prohibits the third party from using any covered information for  
any purpose other than providing the contracted service to or on  
behalf of the operator, prohibits the third party from  
disclosing any covered information provided by the operator with  
subsequent third parties, and requires the third party to  
implement and maintain reasonable security procedures and  
practices. An operator may not disclose covered information  
relating to any contracted services provided in paragraph (a),  
paragraph (b), or paragraph (c).



937544

(3) An operator shall do all of the following:

(a) Collect no more covered information than is reasonably necessary to operate an Internet website, online service, online application, or mobile application with actual knowledge that the site, service, or application is used primarily for K-12 school purposes, or the site, service, or application was designed and marketed for K-12 school purposes.

(b) Implement and maintain reasonable security procedures and practices appropriate to the nature of the covered information which are designed to protect it from unauthorized access, destruction, use, modification, or disclosure.

(c) Unless a parent or guardian expressly consents to the operator retaining a student's covered information, delete the covered information at the conclusion of the course or corresponding program and no later than 90 days after a student is no longer enrolled in a school within the district.

(4) An operator may use or disclose covered information of a student under any of the following circumstances:

(a) If federal or state law requires the operator to disclose the information, and the operator complies with federal or state law, as applicable, in protecting and disclosing that information.

(b) If the covered information is disclosed to a state educational agency or the student's local educational agency for K-12 school purposes, as allowed under state or federal law.

(c) If the covered information is disclosed to a state or local educational agency, including K-12 schools and school districts, for K-12 school purposes, as allowed under state or federal law.



937544

99        (5) This section does not prohibit an operator from doing  
100 any of the following:

101        (a) Using covered information to improve educational  
102 products, if that information is not associated with an  
103 identified student within the operator's site, service, or  
104 application, or other sites, services, or applications owned by  
105 the operator.

106        (b) Using covered information that is not associated with  
107 an identified student to demonstrate the effectiveness of the  
108 operator's products or services, including use in their  
109 marketing.

110        (c) Sharing covered information that is not associated with  
111 an identified student for the development and improvement of  
112 educational sites, services, or applications.

113        (d) Using recommendation engines to recommend to a student  
114 any of the following:

115        1. Additional content relating to an educational, an  
116 employment, or any other learning opportunity purpose within an  
117 online site, service, or application, if the recommendation is  
118 not determined in whole or in part by payment or other  
119 consideration from a third party.

120        2. Additional services relating to an educational, an  
121 employment, or any other learning opportunity purpose within an  
122 online site, service, or application, if the recommendation is  
123 not determined in whole or in part by payment or other  
124 consideration from a third party.

125        (e) Responding to a student's request for information or  
126 feedback without the information or response being determined in  
127 whole or in part by payment or other consideration from a third



937544

party.

(6) This section does not do any of the following:

(a) Limit the authority of a law enforcement agency to obtain any content or information from an operator as authorized by law or under a court order.

(b) Limit the ability of an operator to use student data, including covered information, for adaptive learning or customized student learning purposes.

(c) Apply to general audience Internet websites, general audience online services, general audience online applications, or general audience mobile applications, even if login credentials created for an operator's site, service, or application may be used to access those general audience sites, services, or applications.

(d) Limit service providers from providing Internet connectivity to schools or students and their families.

(e) Prohibit an operator of an Internet website, online service, online application, or mobile application from marketing educational products directly to parents, if such marketing did not result from the use of covered information obtained by the operator through the provision of services covered under this section.

(f) Impose a duty upon a provider of an electronic store, gateway, marketplace, or other means of purchasing or downloading software or applications to review or enforce compliance with this section on such software or applications.

(g) Impose a duty upon a provider of an interactive computer service to review or enforce compliance with this section by third-party content providers.



937544

(h) Prohibit students from downloading, exporting,  
transferring, saving, or maintaining their own student data or  
documents.

The State Board of Education may adopt rules to implement this  
section.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

    Delete line 10

and insert:

    construction; authorizing the State Board of Education  
    to adopt rules; providing an effective date.