

1 A bill to be entitled

2 An act relating to education data privacy; amending s.
3 1002.22, F.S.; providing for annual notice to K-12
4 students and parents of rights relating to education
5 records; revising provisions relating to remedy in
6 circuit court with respect to education records and
7 reports of students and parents; creating s. 1002.222,
8 F.S.; prohibiting the collection of certain
9 information and limiting the disclosure of
10 confidential and exempt student records; defining the
11 term "biometric information"; authorizing fees;
12 amending s. 1008.386, F.S.; revising provisions
13 relating to the submission of student social security
14 numbers and the assignment of student identification
15 numbers; requiring the Department of Education to
16 establish a process for assigning student
17 identification numbers; amending s. 1011.622, F.S.;
18 conforming provisions; providing an effective date.

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

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22 Section 1. Paragraph (e) of subsection (2) and subsection
23 (4) of section 1002.22, Florida Statutes, are amended to read:

24 1002.22 Education records and reports of K-12 students;
25 rights of parents and students; notification; penalty.—

26 (2) RIGHTS OF STUDENTS AND PARENTS.—The rights of students

27 and their parents with respect to education records created,
28 maintained, or used by public educational institutions and
29 agencies shall be protected in accordance with the Family
30 Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g,
31 the implementing regulations issued pursuant thereto, and this
32 section. In order to maintain the eligibility of public
33 educational institutions and agencies to receive federal funds
34 and participate in federal programs, the State Board of
35 Education shall comply with the FERPA after the board has
36 evaluated and determined that the FERPA is consistent with the
37 following principles:

38 (e) Students and their parents shall receive annual notice
39 of their rights with respect to education records.

40 (4) PENALTY.—If any official or employee of an institution
41 refuses to comply with this section, the aggrieved parent or
42 student has an immediate right to bring an action in circuit
43 court to enforce his or her rights by injunction. Any aggrieved
44 parent or student who receives injunctive relief ~~brings such~~
45 ~~action and whose rights are vindicated~~ may be awarded attorney
46 ~~attorney's~~ fees and court costs.

47 Section 2. Section 1002.222, Florida Statutes, is created
48 to read:

49 1002.222 Prohibition on collection of information and
50 limitations on disclosure of confidential and exempt student
51 records.—

52 (1) An agency or institution as defined in s. 1002.22(1)

53 may not:

54 (a) Collect, obtain, or retain information on the
55 political affiliation, voting history, religious affiliation, or
56 biometric information of a student or a parent or sibling of the
57 student. For purposes of this subsection, the term "biometric
58 information" means information collected from the electronic
59 measurement or evaluation of any physical or behavioral
60 characteristics that are attributable to a single person,
61 including fingerprint characteristics, hand characteristics, eye
62 characteristics, vocal characteristics, and any other physical
63 characteristics used for the purpose of electronically
64 identifying that person with a high degree of certainty.
65 Examples of biometric information include, but are not limited
66 to, a fingerprint or hand scan, a retina or iris scan, a voice
67 print, or a facial geometry scan.

68 (b) Provide education records made confidential and exempt
69 by s. 1002.221 or federal law to:

70 1. A person as defined in s. 1.01(3) except when
71 authorized by s. 1002.221 or in response to a lawfully issued
72 subpoena or court order;

73 2. A public body, body politic, or political subdivision
74 as defined in s. 1.01(8) except when authorized by s. 1002.221
75 or in response to a lawfully issued subpoena or court order; or

76 3. An agency of the Federal Government except when
77 authorized by s. 1002.221, required by federal law, or in
78 response to a lawfully issued subpoena or court order.

79 (2) The governing board of an agency or institution may
 80 only designate information as directory information in
 81 accordance with 20 U.S.C. s. 1232g and applicable federal
 82 regulations. Such designation must occur at a regularly
 83 scheduled meeting of the governing board. The governing board of
 84 an agency or institution must consider whether designation of
 85 such information would put students at risk of becoming targets
 86 of marketing campaigns, the media, or criminal acts. An agency
 87 or institution may charge fees for copies of designated
 88 directory information as provided in s. 119.07(4).

89 Section 3. Section 1008.386, Florida Statutes, is amended
 90 to read:

91 1008.386 Florida Social security numbers used as student
 92 identification numbers.-

93 (1) When a student enrolls in a public school in this
 94 state, the ~~Each~~ district school board shall request that the
 95 ~~each student enrolled in a public school in this state~~ provide
 96 his or her social security number and shall indicate whether the
 97 student identification number assigned to the student is a
 98 social security number. A student satisfies this requirement by
 99 presenting his or her social security card or a copy of the card
 100 to a school enrollment official. ~~Each school district shall use~~
 101 ~~social security numbers as student identification numbers in the~~
 102 ~~management information system maintained by the school district.~~
 103 However, a student is not required to provide his or her social
 104 security number as a condition for enrollment or graduation. ~~A~~

105 ~~student satisfies this requirement by presenting to school~~
106 ~~enrollment officials his or her social security card or a copy~~
107 ~~of the card. The school district shall include the social~~
108 ~~security number in the student's permanent records and shall~~
109 ~~indicate if the student identification number is not a social~~
110 ~~security number.~~ The Commissioner of Education shall assist
111 ~~provide assistance to~~ school districts with ~~to assure that~~ the
112 assignment of student identification numbers ~~other than social~~
113 ~~security numbers is kept to a minimum and to avoid duplication~~
114 of any student identification number.

115 (2) The department shall establish a process for assigning
116 a Florida student identification number to each student in the
117 state, at which time a school district may not use social
118 security numbers as student identification numbers in its
119 management information systems.

120 (3) The State Board of Education may adopt rules to
121 implement this section.

122 Section 4. Section 1011.622, Florida Statutes, is amended
123 to read:

124 1011.622 Adjustments for students without a Florida ~~common~~
125 student identification number identifier.—The Florida Education
126 Finance Program funding calculations, including the calculations
127 authorized in ss. 1011.62, 1011.67, 1011.68, and 1011.685, shall
128 include funding for a student only when all of the student's
129 records are reported to the Department of Education under a
130 Florida ~~common~~ student identification number identifier. The

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131 | State Board of Education may adopt rules pursuant to ss.
132 | 120.536(1) and 120.54 to implement this section.

133 | Section 5. This act shall take effect upon becoming a law.