



937544

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: 1/AD/2R

.

04/12/2023 03:50 PM

.

.

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

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

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

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

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

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



937544

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

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

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

51 2. Disclosure as required by state or federal law.

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

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

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

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



937544

- 70 (3) An operator shall do all of the following:
- 71 (a) Collect no more covered information than is reasonably
72 necessary to operate an Internet website, online service, online
73 application, or mobile application with actual knowledge that
74 the site, service, or application is used primarily for K-12
75 school purposes, or the site, service, or application was
76 designed and marketed for K-12 school purposes.
- 77 (b) Implement and maintain reasonable security procedures
78 and practices appropriate to the nature of the covered
79 information which are designed to protect it from unauthorized
80 access, destruction, use, modification, or disclosure.
- 81 (c) Unless a parent or guardian expressly consents to the
82 operator retaining a student's covered information, delete the
83 covered information at the conclusion of the course or
84 corresponding program and no later than 90 days after a student
85 is no longer enrolled in a school within the district.
- 86 (4) An operator may use or disclose covered information of
87 a student under any of the following circumstances:
- 88 (a) If federal or state law requires the operator to
89 disclose the information, and the operator complies with federal
90 or state law, as applicable, in protecting and disclosing that
91 information.
- 92 (b) If the covered information is disclosed to a state
93 educational agency or the student's local educational agency for
94 K-12 school purposes, as allowed under state or federal law.
- 95 (c) If the covered information is disclosed to a state or
96 local educational agency, including K-12 schools and school
97 districts, for K-12 school purposes, as allowed under state or
98 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

128 party.

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

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

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

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

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

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

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

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



937544

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

160
161 The State Board of Education may adopt rules to implement this
162 section.

163
164 ===== T I T L E A M E N D M E N T =====

165 And the title is amended as follows:

166 Delete line 10

167 and insert:

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