

26 information or material of a student, or information linked to
27 personal identifying information or material of a student, in
28 any media or format that is not publicly available and is any of
29 the following:

30 1. Created by or provided to an operator by the student,
31 or the student's parent or legal guardian, in the course of the
32 student's, parent's, or legal guardian's use of the operator's
33 site, service, or application for K-12 school purposes.

34 2. Created by or provided to an operator by an employee or
35 agent of a K-12 school or school district for K-12 school
36 purposes.

37 3. Gathered by an operator through the operation of its
38 site, service, or application for K-12 school purposes and
39 personally identifies a student, including, but not limited to,
40 information in the student's educational record or electronic
41 mail, first and last name, home address, telephone number,
42 electronic mail address, or other information that allows
43 physical or online contact, discipline records, test results,
44 special education data, juvenile dependency records, grades,
45 evaluations, criminal records, medical records, health records,
46 social security number, biometric information, disabilities,
47 socioeconomic information, food purchases, political
48 affiliations, religious information, text messages, documents,
49 student identifiers, search activity, photos, voice recordings,
50 or geolocation information.

51 (b) "Interactive computer service" means any information
52 service, system, or access software provider that provides or
53 enables computer access by multiple users to a computer server,
54 including a service or system that provides access to the
55 Internet and such systems operated or services offered by
56 libraries or educational institutions.

57 (c) "K-12 school" has the same meaning as described in s.
58 1000.04(2).

59 (d) "K-12 school purposes" means purposes directed by or
60 that customarily take place at the direction of a K-12 school,
61 teacher, or school district or that aid in the administration of
62 school activities, including, but not limited to, instruction in
63 the classroom or at home, administrative activities, and
64 collaboration between students, school personnel, or parents, or
65 that are otherwise for the use and benefit of the school.

66 (e) "Operator" means, to the extent that it is operating
67 in this capacity, the operator of an Internet website, online
68 service, online application, or mobile application with actual
69 knowledge that the site, service, or application is used
70 primarily for K-12 school purposes, or the site, service, or
71 application was designed and marketed for K-12 school purposes.

72 (f) "School district" has the same meaning as in s.
73 595.402.

74 (g) "Targeted advertising" means presenting advertisements
75 to a student which are selected on the basis of information

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

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

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

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

99 (c) Share, sell, or rent a student's information,
100 including covered information. This paragraph does not apply to

101 the purchase, merger, or other acquisition of an operator by a
102 third party, if the third party complies with this section
103 regarding previously acquired student information, or to a
104 national assessment provider if the provider obtains the express
105 written consent of the parent or student, given in response to
106 clear and conspicuous notice, solely to provide access to
107 employment, educational scholarships or financial aid, or
108 postsecondary educational opportunities.

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

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

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

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

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

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

125 6. To a third party, if the operator contractually

126 prohibits the third party from using any covered information for
127 any purpose other than providing the contracted service to or on
128 behalf of the operator, prohibits the third party from
129 disclosing any covered information provided by the operator with
130 subsequent third parties, and requires the third party to
131 implement and maintain reasonable security procedures and
132 practices. An operator may not disclose covered information
133 relating to any contracted services provided in paragraph (a),
134 paragraph (b), or paragraph (c).

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

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

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

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

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

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

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

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

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

166 (a) Using covered information to improve educational
 167 products, if that information is not associated with an
 168 identified student within the operator's site, service, or
 169 application, or other sites, services, or applications owned by
 170 the operator.

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

175 (c) Sharing covered information that is not associated

176 with an identified student for the development and improvement
177 of educational sites, services, or applications.

178 (d) Using recommendation engines to recommend to a student
179 any of the following:

180 1. Additional content relating to an educational, an
181 employment, or any other learning opportunity purpose within an
182 online site, service, or application, if the recommendation is
183 not determined in whole or in part by payment or other
184 consideration from a third party.

185 2. Additional services relating to an educational, an
186 employment, or any other learning opportunity purpose within an
187 online site, service, or application, if the recommendation is
188 not determined in whole or in part by payment or other
189 consideration from a third party.

190 (e) Responding to a student's request for information or
191 feedback without the information or response being determined in
192 whole or in part by payment or other consideration from a third
193 party.

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

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

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

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

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

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

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

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

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

225 (7) Any violation of this section is a deceptive and

226 unfair trade practice and constitutes a violation of the Florida
227 Deceptive and Unfair Trade Practices Act, part II of chapter
228 501. Notwithstanding the provisions of part II of chapter 501,
229 the Department of Legal Affairs is the sole entity authorized to
230 bring an enforcement action against an entity that violates this
231 section.

232
233 The State Board of Education may adopt rules to implement this
234 section.

235 Section 3. This act shall take effect July 1, 2023.