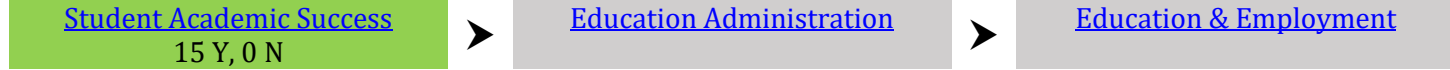


FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 1223	COMPANION BILL: SB 1254 (Yarborough)
TITLE: Student Online Personal Information Protection	LINKED BILLS: None
SPONSOR(S): Michael	RELATED BILLS: None

Committee References



SUMMARY

Effect of the Bill:

The bill prohibits operators from collecting or sharing any personal identifying information about students without the written consent of the student’s parent or guardian. The bill requires school districts and public K-12 schools to include a specified statement regarding parental consent for the collection or dissemination of a minor’s personal identifying information in any contract with an operator and to publish related information from such contracts on its website. Penalties are provided for operators failing to meet requirements and the bill does not prevent the Department of Education, a school district, a K-12 school, or a parent or guardian from pursuing other legal remedies available through the law.

Fiscal or Economic Impact:

None

JUMP TO	SUMMARY	ANALYSIS	RELEVANT INFORMATION	BILL HISTORY
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ANALYSIS

EFFECT OF THE BILL:

The bill amends the section of law relating to [student online personal information protection](#). It prohibits an [operator](#) or [interactive computer service](#) from collecting or sharing any [covered information](#) without the written consent of the student’s parent or guardian. (Section [1](#)).

The bill requires that any contract, agreement, or written arrangement that a [school district](#) or [K-12 school](#) enters into with an operator or interactive computer service must include the following statement:

Florida is a parental consent state. It is unlawful to collect or disseminate a Florida minor's personal or private information gained through interaction with Florida schools without the full disclosure and consent of parents or guardians. Any data collection effort, direct or indirect, or planned or anticipated sale or transfer of such information must be made explicitly clear by parties engaging in Florida's publicly funded schools. Information concerning data collection or dissemination will be by express consent of a parent or guardian only through clearly annotated and understandable "opt-in" provisions, and all data collection or dissemination agreements shall be published on the school district's website for parental and guardian awareness.

The bill requires a school district to publish on its website portions of any such contract, including existing contracts, pertaining to the collection or sharing of covered information. The information must be easy to locate, review, and understand by parents or guardians and the public. (Section [1](#)).

The bill prohibits an operator or interactive computer service that fails to meet statutory requirements¹ relating to collecting or sharing covered information from entering into a contract or agreement with a school district or K-12

¹ Section [1006.1494, F.S.](#)
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school for a period of 5 years. The Department of Education (DOE) must maintain on its website a list of such entities, which must be added to the list within 6 months after a violation. (Section [1](#)).

The bill does not prevent the DOE or a school district, K-12 school, or parent or guardian from pursuing other legal remedies available through the law. (Section [1](#)).

The effective date for the bill is July 1, 2025. (Section [2](#)).

RULEMAKING:

Current law authorizes the State Board of Education (SBE) to adopt rules to implement student online personal information protection. The bill modifies provisions of law already under the SBE’s rulemaking authority, thus allowing the SBE to make rules to implement the bill.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Student Online Personal Information Protection](#)

In 2023, the Legislature created the “Student Online Personal Information Protection Act” (SOPIPA). The law limits and regulates the collection and use of K-12 student data by operators of Internet websites, online services, online applications, and mobile applications for K-12 school purposes. Among other things, it prohibits operators from engaging in targeted advertising; places new and significant restrictions on operators’ collection and use of K-12 students’ data; prohibits operators from sharing, selling, or renting such data; and requires operators to adhere to new baseline privacy and security protections in connection with such data.²

The law defines “[covered information](#)” to mean the personal identifying information or material of a student, or information linked to personal identifying information or material of a student, in any media or format that is not publicly available and is any of the following:

- Created by or provided to an operator by the student, or the student’s parent or legal guardian, in the course of the student’s, parent’s, or legal guardian’s use of the operator’s site, service, or application for K-12 school purposes.
- Created by or provided to an operator by an employee or agent of a K-12 school or school district for K-12 school purposes.
- Gathered by an operator through the operation of its site, service, or application for K-12 school purposes and personally identifies a student, including, but not limited to, information in the student’s educational record or electronic mail, first and last name, home address, telephone number, electronic mail address, or other information that allows physical or online contact, discipline records, test results, special education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, social security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photos, voice recordings, or geolocation information.

The law defines “[interactive computer service](#)” to mean any information, service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.

The law incorporates by reference the existing definition for “[K-12 school](#)” in state law.³ K-12 schools include charter schools and consist of kindergarten classes; elementary, middle, and high school grades and special classes;

² [Id.](#)

³ Section [1000.04\(2\), F.S.](#)

virtual instruction programs; workforce education; career centers; adult, part-time, and evening schools, courses, or classes, as authorized by law to be operated under the control of district school boards; and lab schools operated under the control of state universities.

The law defines “K-12 school purposes” to mean purposes directed by or that customarily take place at the direction of a K-12 school, teacher, or school district or that aid in the administration of school activities, including, but not limited to, instruction in the classroom or at home, administrative activities, and collaboration between students, school personnel, or parents, or that are otherwise for the use and benefit of the school.

The law defines ["operator"](#) to mean – to the extent that it is operating in this capacity – the operator of an Internet website, online service, online application, or mobile application with actual knowledge that the site, service, or online application is used primarily for K-12 school purposes, or the site, service, or application was designed and marketed for K-12 school purposes.

The law incorporates by reference the existing definition for ["school district"](#) in state law.⁴ “School district” means any of the 67 county school districts, including their respective district school boards.

The law defines “targeted advertising” to mean presenting advertisements to a student which are selected on the basis of information obtained or inferred over time from that student's online 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.

The law prohibits operators from knowingly:

- Engaging 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 which the operator has acquired because of the use of that operator's site, service, or application for K-12 purposes.
- Using covered information 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.
- Sharing, selling, or renting a student's information. This prohibition does not apply to the purchase, merger, or other acquisition of an operator by third party, if the third party complies with the SOPIPA 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 conspicuous notice, solely to provide access to employment, educational scholarships or financial aid, or postsecondary educational opportunities.
- Disclosing covered information, except as otherwise provided in the law, unless the disclosure is made for any of the following reasons:
 - In furtherance of the K-12 school purpose of the site, service, or application, if the recipient of the covered information disclosed does not further disclose the information.
 - Disclosure is required by state or federal law.
 - To comply with the order of a court or quasi-judicial entity.
 - To protect the safety or integrity of users of the site or others or the security of the site, service, or application.
 - 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.
 - 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

⁴ Section [595.402\(5\), F.S.](#)

operator with subsequent third parties, and requires the third party to implement and maintain reasonable security procedures and practices.

The law requires that operators 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 purposes collect no more covered information than is reasonably necessary to operate an Internet website, online service, online application, or mobile application. Additionally, operators must 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. Finally, unless a parent or guardian expressly consents, in writing, to retaining student's covered information, the operator must 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, upon notice by the school district.

The law provides that an operator may use or disclose covered information of a student if federal or state law requires the operator to disclose the information. Additionally, the law permits disclosure to a state or local educational agency, including K-12 schools and school districts, for K-12 school purposes. All such disclosures must comply with all requirements of federal and state law, as applicable.

The law does not prohibit an operator from:

- Using covered information to improve educational products, if that information is not associated with an identified student within the operator's site, service, or application, or other sites, services, or applications owned by the operator.
- Using covered information that is not associated with an identified student to demonstrate the effectiveness of the operator's products or services, including use in their marketing.
- Sharing covered information that is not associated with an identified student for the development and improvement of educational sites, services, or applications.
- Using recommendation engines to recommend to a student any of the following:
 - Additional content relating to an education, an employment, or any other learning opportunity purpose within an online site, service, or application, if the recommendation is not determined in whole or in part by payment or other consideration from a third party.
 - Additional services relating to an educational, an employment, or any other learning opportunity purpose within an online site, service, or application, if the recommendation is not determined in whole or in part by payment or other consideration from a third party.
- Responding to a student's request for information or feedback without the information or response being determined in whole or in part by payment or other consideration from a third party.

Additionally, the law provides that it does not:

- 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.
- Limit the ability of an operator to use student data, including covered information, for adaptive learning or customized student learning purposes.
- 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.
- Limit service providers from providing Internet connectivity to schools or students and their families.
- 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 the law.
- 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 law on such software or applications.
- Impose a duty upon a provider of an interactive computer service to review or enforce compliance with this law by third-party content providers.
- Prohibit students from downloading, exporting, transferring, saving, or maintaining their own student data or documents.

- Limit the retention of covered information by an operator for the purposes of assessments and college and career planning in accordance with general law.

The law provides that any violation of the SOPIPA is a deceptive and unfair trade practice and constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act.⁵ However, there is no private cause of action for violations of SOPIPA, as only the Department of Legal Affairs has enforcement authority.

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2023	SB 662	Koster	Bradley	Became law on May 31, 2023 and took effect on July 1, 2023.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Student Academic Success Subcommittee	15 Y, 0 N	3/18/2025	Sanchez	Blalock
Education Administration Subcommittee				
Education & Employment Committee				

⁵ Chapter [501, part II, F.S.](#)