

By the Committees on Judiciary; and Education; and Senators Hukill, Negron, Bradley, Simpson, Flores, Brandes, Stargel, and Montford

590-02443-14

2014188c2

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.; providing limitations on the collection of
9 information and the disclosure of confidential and
10 exempt student records; defining the term "biometric
11 information"; providing an exception; authorizing
12 fees; 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.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
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

590-02443-14

2014188c2

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 Limitations on collection of information and
50 disclosure of confidential and exempt student records.—

51 (1) An agency or institution as defined in s. 1002.22(1)
52 may not:

53 (a) Collect, obtain, or retain information on the political
54 affiliation, voting history, religious affiliation, or biometric
55 information of a student or a parent or sibling of the student.

56 For purposes of this subsection, the term "biometric
57 information" means information collected from the electronic
58 measurement or evaluation of any physical or behavioral

590-02443-14

2014188c2

59 characteristics that are attributable to a single person,
60 including fingerprint characteristics, hand characteristics, eye
61 characteristics, vocal characteristics, and any other physical
62 characteristics used for the purpose of electronically
63 identifying that person with a high degree of certainty.
64 Examples of biometric information include, but are not limited
65 to, a fingerprint or hand scan, a retina or iris scan, a voice
66 print, or a facial geometry scan.

67
68 Notwithstanding the provisions of this paragraph, a school
69 district that used a palm scanner system for identifying
70 students for breakfast and lunch programs on March 1, 2014, may
71 continue to use the palm scanner system through the 2014-2015
72 school year.

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

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

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

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

84 (2) The governing board of an agency or institution may
85 only designate information as directory information in
86 accordance with 20 U.S.C. s. 1232g and applicable federal
87 regulations. Such designation must occur at a regularly

590-02443-14

2014188c2

88 scheduled meeting of the governing board. The governing board of
89 an agency or institution must consider whether designation of
90 such information would put students at risk of becoming targets
91 of marketing campaigns, the media, or criminal acts. An agency
92 or institution may charge fees for copies of designated
93 directory information as provided in s. 119.07(4).

94 Section 3. Section 1008.386, Florida Statutes, is amended
95 to read:

96 1008.386 Florida ~~Social security numbers used as student~~
97 ~~identification numbers.-~~

98 (1) When a student enrolls in a public school in this
99 state, the ~~Each~~ district school board shall request that the
100 ~~each student enrolled in a public school in this state provide~~
101 ~~his or her social security number and shall indicate whether the~~
102 ~~student identification number assigned to the student is a~~
103 ~~social security number. A student satisfies this requirement by~~
104 ~~presenting his or her social security card or a copy of the card~~
105 ~~to a school enrollment official. Each school district shall use~~
106 ~~social security numbers as student identification numbers in the~~
107 ~~management information system maintained by the school district.~~
108 However, a student is not required to provide his or her social
109 security number as a condition for enrollment or graduation. A
110 ~~student satisfies this requirement by presenting to school~~
111 ~~enrollment officials his or her social security card or a copy~~
112 ~~of the card. The school district shall include the social~~
113 ~~security number in the student's permanent records and shall~~
114 ~~indicate if the student identification number is not a social~~
115 ~~security number.~~ The Commissioner of Education shall assist
116 ~~provide assistance to school districts~~ with ~~to assure that the~~

590-02443-14

2014188c2

117 assignment of student identification numbers ~~other than social~~
118 ~~security numbers is kept to a minimum and~~ to avoid duplication
119 of any student identification number.

120 (2) The department shall establish a process for assigning
121 a Florida student identification number to each student in the
122 state, at which time a school district may not use social
123 security numbers as student identification numbers in its
124 management information systems.

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

127 Section 4. Section 1011.622, Florida Statutes, is amended
128 to read:

129 1011.622 Adjustments for students without a Florida ~~common~~
130 student identification number identifier.—The Florida Education
131 Finance Program funding calculations, including the calculations
132 authorized in ss. 1011.62, 1011.67, 1011.68, and 1011.685, shall
133 include funding for a student only when all of the student's
134 records are reported to the Department of Education under a
135 Florida ~~common~~ student identification number identifier. The
136 State Board of Education may adopt rules pursuant to ss.
137 120.536(1) and 120.54 to implement this section.

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