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581-01529-14

Proposed Committee Substitute by the Committee on Education

A bill to be entitled

An act relating to education data privacy; amending s. 1002.22, F.S.; providing for annual notice to K-12 students and parents of rights relating to education records; revising provisions relating to remedy in circuit court with respect to education records and reports of students and parents; creating s. 1002.222, F.S.; providing limitations on the collection of information and the disclosure of confidential and exempt student records; defining the term "biometric information"; authorizing fees; amending s. 1008.386, F.S.; revising provisions relating to the submission of student social security numbers and the assignment of student identification numbers; requiring the Department of Education to establish a process for assigning student identification numbers; amending s. 1011.622, F.S.; conforming provisions; providing an effective date.

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

Section 1. Paragraph (e) of subsection (2) and subsection (4) of section 1002.22, Florida Statutes, are amended to read:
1002.22 Education records and reports of K-12 students; rights of parents and students; notification; penalty.—

(2) RIGHTS OF STUDENTS AND PARENTS.—The rights of students and their parents with respect to education records created, maintained, or used by public educational institutions and



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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 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



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58 measurement or evaluation of any physical or behavioral
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 (b) Provide education records made confidential and exempt
68 by s. 1002.221 or federal law to:

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

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

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

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



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87 directory information as provided in s. 119.07(4).

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

90 1008.386 Florida ~~social security numbers used as student~~
91 ~~identification numbers.-~~

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

114 (2) The department shall establish a process for assigning
115 a Florida student identification number to each student in the



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116 state, at which time a school district may not use social
117 security numbers as student identification numbers in its
118 management information systems.

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

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

123 1011.622 Adjustments for students without a Florida ~~common~~
124 student identification number identifier.—The Florida Education
125 Finance Program funding calculations, including the calculations
126 authorized in ss. 1011.62, 1011.67, 1011.68, and 1011.685, shall
127 include funding for a student only when all of the student's
128 records are reported to the Department of Education under a
129 Florida ~~common~~ student identification number identifier. The
130 State Board of Education may adopt rules pursuant to ss.
131 120.536(1) and 120.54 to implement this section.

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