

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Koster offered the following:

Amendment (with title amendment)

Remove lines 148-226 and insert:

is no longer enrolled in a school within the district, upon notice by the school district.

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

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

(b) If the covered information is disclosed to a state

166975

Approved For Filing: 4/30/2023 6:28:22 PM

Amendment No.

14 educational agency or the student's local educational agency for
15 K-12 school purposes, as allowed under state or federal law.

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

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

22 (a) Using covered information to improve educational
23 products, if that information is not associated with an
24 identified student within the operator's site, service, or
25 application, or other sites, services, or applications owned by
26 the operator.

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

31 (c) Sharing covered information that is not associated
32 with an identified student for the development and improvement
33 of educational sites, services, or applications.

34 (d) Using recommendation engines to recommend to a student
35 any of the following:

36 1. Additional content relating to an educational, an
37 employment, or any other learning opportunity purpose within an
38 online site, service, or application, if the recommendation is

166975

Approved For Filing: 4/30/2023 6:28:22 PM

Amendment No.

39 not determined in whole or in part by payment or other
40 consideration from a third party.

41 2. Additional services relating to an educational, an
42 employment, or any other learning opportunity purpose within an
43 online site, service, or application, if the recommendation is
44 not determined in whole or in part by payment or other
45 consideration from a third party.

46 (e) Responding to a student's request for information or
47 feedback without the information or response being determined in
48 whole or in part by payment or other consideration from a third
49 party.

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

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

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

57 (c) Apply to general audience Internet websites, general
58 audience online services, general audience online applications,
59 or general audience mobile applications, even if login
60 credentials created for an operator's site, service, or
61 application may be used to access those general audience sites,
62 services, or applications.

63 (d) Limit service providers from providing Internet

166975

Approved For Filing: 4/30/2023 6:28:22 PM

Amendment No.

64 connectivity to schools or students and their families.

65 (e) Prohibit an operator of an Internet website, online
66 service, online application, or mobile application from
67 marketing educational products directly to parents, if such
68 marketing did not result from the use of covered information
69 obtained by the operator through the provision of services
70 covered under this section.

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

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

78 (h) Prohibit students from downloading, exporting,
79 transferring, saving, or maintaining their own student data or
80 documents.

81 (i) Limit the retention of covered information by an
82 operator for the purposes of assessments and college and career
83 planning in accordance with general law.

84 (7) Any violation of this section is a deceptive and
85 unfair trade practice and constitutes a violation of the Florida
86 Deceptive and Unfair Trade Practices Act, part II of chapter
87 501. Notwithstanding the provisions of part II of chapter 501,
88 the Department of Legal Affairs is the sole entity authorized to

166975

Approved For Filing: 4/30/2023 6:28:22 PM

Amendment No.

89 bring an enforcement action against an entity that violates this
90 section.

91

92

93

94

T I T L E A M E N D M E N T

95

Between lines 11 and 12, insert:

96

providing that the Department of Legal Affairs is the

97

sole entity authorized to bring specified actions;