

By Senator Leek

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A bill to be entitled

An act relating to public education; amending s. 112.3135, F.S.; revising the definition of the term "agency" to include district school boards for purposes of provisions restricting the employment of relatives of public officials; creating s. 1001.366, F.S.; providing legislative findings; providing members of a district school board with specified rights; prohibiting an attorney employed by the school district from representing the district school board; providing an exception; amending s. 1001.372, F.S.; authorizing a district school board to have specified discussions after being advised by an attorney; amending s. 1001.42, F.S.; requiring that certain documents from district school board meetings be kept as public records; providing that a district school board has the power to approve an additional attorney to be employed by the school district; providing requirements for such approval; requiring school officers to receive specified training; prohibiting a school board member from publicly disclosing proposed terms of a collective bargaining agreement unless advised by an attorney; amending s. 1011.035, F.S.; requiring that full line-item budget items be posted on a school district's website; amending s. 1012.22, F.S.; defining the term "good cause"; amending s. 1015.03, F.S.; providing that a school district employee may not be required or incentivized to sign a nondisclosure agreement or confidentiality agreement;

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providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 112.3135, Florida Statutes, is amended to read:

112.3135 Restriction on employment of relatives.—

(1) In this section, unless the context otherwise requires:

(a) "Agency" means:

1. A state agency, except an institution under the jurisdiction of the Board of Governors of the State University System;

2. An office, agency, or other establishment in the legislative branch;

3. An office, agency, or other establishment in the judicial branch;

4. A county;

5. A city; ~~and~~

6. A district school board; and

7. Any other political subdivision of the state, except a ~~district school board or~~ community college district.

Section 2. Section 1001.366, Florida Statutes, is created to read:

1001.366 District School Board Members' Bill of Rights.—

(1) The Legislature finds it necessary to adopt a "District School Board Members' Bill of Rights" to clarify and expand the rights of individual school board members in the exercise of their statutory oversight and responsibility.

(2) A member of a district school board has the right to:

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59 (a)1. Upon request, be given free and timely access to all
60 school district documents. Access must include documents that
61 are not public records, including, but not limited to, notes,
62 invoices, correspondences, memoranda, and internal legal
63 opinions.

64 2. Request any document or information from the district
65 school superintendent or the superintendent's staff.

66 (b) Consult with the school district's chief financial
67 officer on general matters related to the budget, and sources
68 and uses of school district funds, and have access, upon
69 request, to any detail or line item in any proposed or approved
70 budget or in any financial transaction by the school district.

71 (c) Seek information from school district staff without the
72 permission of the superintendent or other members of the
73 administration.

74 (d) Confidentially use any school district electronic or
75 communications device, such as a cellular telephone or laptop
76 computer, without the school district monitoring its use. This
77 paragraph may not be construed to violate any public records
78 law.

79 (e) Keep confidential the content of all communications or
80 discussions relating to union contracts of school district
81 employees, unless otherwise advised by an attorney employed by
82 the school district.

83 (f) Comment publicly during or outside of district school
84 board meetings on any matter of district school board business,
85 except for student and employee disciplinary hearings that are
86 specifically addressed in ss. 1006.07 and 1012.34, respectively.

87 (3) (a) An attorney may not be employed by the school

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district and represent the district school board, except for an attorney hired pursuant to s. 1001.42(5).

(b) In any legal action brought against an individual school board member related to his or her official position and conduct, the school board may authorize an attorney, in accordance with paragraph (a), who is employed by the school district, to provide legal representation.

Section 3. Subsection (5) is added to section 1001.372, Florida Statutes, to read:

1001.372 District school board meetings.—

(5) COMMUNICATIONS ABOUT AGENDA ITEMS.—A member of the district school board may have communications or discussions relating to any item or action scheduled to be heard or likely to be heard at a future school board meeting with the district school superintendent, an attorney employed by the school district, or district staff, if an attorney employed by the school district pursuant to s. 1001.42(5)(c) has advised the school board member that such communications or discussions would not violate s. 24(b), Art. I of the State Constitution.

Section 4. Subsection (6) of section 1001.42, Florida Statutes, is amended, paragraph (c) is added to subsection (1) of that section, paragraph (c) is added to subsection (5) of that section, and paragraph (c) is added to subsection (24) of that section, to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(1) REQUIRE MINUTES AND RECORDS TO BE KEPT.—Require the district school superintendent, as secretary, to keep such

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minutes and records as are necessary to set forth clearly all actions and proceedings of the school board.

(c) Other records.—Other documents, including attachments for agenda items, such as vendor contracts or budget documents, must be kept as a public record with the minutes of each meeting.

(5) PERSONNEL.—

(c) During a regular school board meeting, approve the employment of an additional attorney, to be employed by the school district solely to represent the district school board, who was recommended for employment by an attorney currently employed by the school district. During the meeting, the district school board must provide both of the following:

1. The purpose of hiring an additional attorney.

2. The costs of such representation. Any payment to the additional attorney must be noticed and approved by the district school board.

(6) STANDARDS OF ETHICAL CONDUCT.—Adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, administrative personnel, and school officers. The policies must require all educational support employees, instructional personnel, administrative personnel, and school officers, as defined in s. 1012.01, to complete training on the standards, including training for school officers in compliance with s. 24(b), Art. I of the State Constitution; establish the duty of educational support employees, instructional personnel, administrative personnel, and school officers to report, and procedures for reporting, alleged misconduct by other educational support

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employees, instructional or administrative personnel, and school officers which affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student; require the district school superintendent to report to law enforcement misconduct by educational support employees, instructional personnel, or school administrators that would result in disqualification from educator certification or employment as provided in s. 1012.315; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A district school board, or any of its employees or personnel, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional or administrative personnel, or school officers who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide educational support employees, instructional personnel, administrative personnel, or school officers with employment references or discuss the employees', personnel's, or officers' performance with prospective employers in another educational setting, without disclosing the employees', personnel's, or officers' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, administrative personnel, or school officers which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(24) EMPLOYMENT CONTRACTS.—

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175 (c) A school board member may not publicly disclose
176 proposed terms of collective bargaining agreements unless
177 advised by an attorney employed pursuant to paragraph (5)(c).

178 Section 5. Paragraph (a) of subsection (2) of section
179 1011.035, Florida Statutes, is amended to read:

180 1011.035 School district fiscal transparency.—

181 (2) Each district school board shall post on its website a
182 plain language version of each proposed, tentative, and official
183 budget which describes each budget item in terms that are easily
184 understandable to the public and includes:

185 (a) Graphical representations, for each public school
186 within the district and for the school district, of the
187 following:

188 1. Summary financial efficiency data.

189 2. Fiscal trend information for the previous 3 years on:

190 a. The ratio of full-time equivalent students to full-time
191 equivalent instructional personnel.

192 b. The ratio of full-time equivalent students to full-time
193 equivalent administrative personnel.

194 c. The total operating expenditures per full-time
195 equivalent student.

196 d. The total instructional expenditures per full-time
197 equivalent student.

198 e. The general administrative expenditures as a percentage
199 of total budget.

200 f. The rate of change in the general fund's ending fund
201 balance not classified as restricted.

202 g. Full line-item budget items.

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204 This information must be prominently posted on the school
205 district's website in a manner that is readily accessible to the
206 public.

207 Section 6. Paragraph (a) of subsection (1) of section
208 1012.22, Florida Statutes, is amended to read:

209 1012.22 Public school personnel; powers and duties of the
210 district school board.—The district school board shall:

211 (1) Designate positions to be filled, prescribe
212 qualifications for those positions, and provide for the
213 appointment, compensation, promotion, suspension, and dismissal
214 of employees as follows, subject to the requirements of this
215 chapter:

216 (a) *Positions, qualifications, and appointments.*—

217 1. The district school board shall act upon written
218 recommendations submitted by the district school superintendent
219 for positions to be filled, for minimum qualifications for
220 personnel for the various positions, and for the persons
221 nominated to fill such positions.

222 2. The district school board may reject for good cause any
223 employee nominated.

224 3. If the third nomination by the district school
225 superintendent for any position is rejected for good cause, if
226 the district school superintendent fails to submit a nomination
227 for initial employment within a reasonable time as prescribed by
228 the district school board, or if the district school
229 superintendent fails to submit a nomination for reemployment
230 within the time prescribed by law, the district school board may
231 proceed on its own motion to fill such position.

232 4. The district school board's decision to reject a

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person's nomination does not give that person a right of action to sue over the rejection and may not be used as a cause of action by the nominated employee.

5. For the purposes of this paragraph, the term "good cause" means the district school board has determined any of the following:

a. That the nominated employee received his or her nomination due to nepotism, as defined by the district school board.

b. That the nominated employee fabricated or materially exaggerated his or her credentials or background.

c. That the nominated employee does not meet the minimum requirements for the position.

d. That the nominated employee's educator certificate has been revoked by another state.

Section 7. Subsection (1) of section 1015.03, Florida Statutes, is amended to read:

1015.03 Rights of employment.—

(1)(a) Pursuant to s. 447.301 and s. 6., Art. I of the State Constitution, the right of public employees, including teachers, to work may not be denied or abridged on account of membership or nonmembership in any labor union.

(b) A school district employee may not be required or otherwise incentivized to sign a nondisclosure agreement or confidentiality agreement.

Section 8. This act shall take effect July 1, 2026.