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1
2 An act relating to school district accountability;
3 amending s. 11.45, F.S.; revising the duties of the
4 Auditor General; amending s. 112.313, F.S.;
5 prohibiting former appointed district school
6 superintendents from conducting certain lobbying
7 activities; amending s. 112.31455, F.S.; requiring the
8 governing body of a district school board be notified
9 if an officer or employee of the body owes a certain
10 fine; requiring the governing body of a district
11 school board to take specified actions under such
12 circumstances; amending s. 1001.20, F.S.; requiring
13 the Office of Inspector General to investigate certain
14 allegations and reports made by specified individuals;
15 amending s. 1001.39, F.S.; requiring certain district
16 school board member travel outside of the school
17 district to be preapproved and meet certain criteria;
18 providing requirements for a school board member's
19 request for travel outside of the state; providing an
20 opportunity for the public to speak on such travel;
21 amending s. 1001.395, F.S.; providing that certain
22 requirements for the salaries of district school board
23 members apply every fiscal year, rather than one
24 specific fiscal year; amending s. 1001.42, F.S.;
25 providing that the standards of ethical conduct apply

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26 | to administrative personnel and school officers;
 27 | authorizing district school board members to request
 28 | and receive specified budget information; requiring
 29 | employment of internal auditors in certain school
 30 | districts; revising provisions relating to the scope
 31 | of such internal auditors; amending s. 1010.20, F.S.;
 32 | requiring each school district to report certain
 33 | expenditures to the Department of Education; providing
 34 | department responsibilities; amending s. 1010.30,
 35 | F.S.; requiring certain entities to provide an audit
 36 | overview under certain circumstances; providing the
 37 | contents of the overview; amending ss. 1011.01 and
 38 | 1011.03, F.S.; conforming cross-references; amending
 39 | s. 1011.035, F.S.; requiring each district school
 40 | board to post on its website certain graphical
 41 | representations and a link to a certain web-based tool
 42 | on the department's website; providing requirements
 43 | for such graphical representations; amending s.
 44 | 1011.051, F.S.; requiring a district school board to
 45 | limit certain expenditures by a specified amount if
 46 | certain financial conditions exist for a specified
 47 | period of time; requiring the department to contract
 48 | with a third party to conduct an investigation under
 49 | certain circumstances; providing requirements for such
 50 | investigation; requiring the results of such

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51 investigation to include certain information and be
 52 provided to certain entities; amending s. 1011.06,
 53 F.S.; requiring each district school board to approve
 54 certain expenditures by amending its budget and
 55 provide a public explanation for such budget
 56 amendments; amending s. 1011.09, F.S.; providing
 57 certain expenditure limitations for a school district
 58 that meets specified criteria; amending s. 1011.10,
 59 F.S.; requiring certain school districts to withhold
 60 certain district school board member and school
 61 district superintendent salaries until certain
 62 conditions are met; amending s. 1011.60, F.S.;
 63 conforming cross-references; repealing s. 1011.64,
 64 F.S., relating to school district minimum classroom
 65 expenditure requirements; amending s. 1012.23, F.S.;
 66 prohibiting a school district superintendent and
 67 district school board from appointing or employing
 68 certain individuals in certain positions; providing an
 69 exception; requiring the Commission on Ethics to
 70 investigate alleged violations; amending s. 1002.395,
 71 F.S.; conforming a cross-reference; providing a
 72 contingent appropriations; providing effective dates.

73
 74 Be It Enacted by the Legislature of the State of Florida:
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76 Section 1. Paragraph (k) of subsection (2) of section
 77 11.45, Florida Statutes, is redesignated as paragraph (l), and a
 78 new paragraph (k) is added to that subsection, to read:

79 11.45 Definitions; duties; authorities; reports; rules.—

80 (2) DUTIES.—The Auditor General shall:

81 (k) Contact each district school board, as defined in s.

82 1003.01(1), with the findings and recommendations contained
 83 within the Auditor General's previous operational audit report.

84 The district school board shall provide the Auditor General with

85 evidence of the initiation of corrective action within 45 days

86 after the date it is requested by the Auditor General and

87 evidence of completion of corrective action within 180 days

88 after the date it is requested by the Auditor General. If the

89 district school board fails to comply with the Auditor General's

90 request or is unable to take corrective action within the

91 required timeframe, the Auditor General shall notify the

92 Legislative Auditing Committee.

93

94 The Auditor General shall perform his or her duties

95 independently but under the general policies established by the

96 Legislative Auditing Committee. This subsection does not limit

97 the Auditor General's discretionary authority to conduct other

98 audits or engagements of governmental entities as authorized in

99 subsection (3).

100 Section 2. Subsection (14) of section 112.313, Florida

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101 Statutes, is amended to read:

102 112.313 Standards of conduct for public officers,
 103 employees of agencies, and local government attorneys.—

104 (14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.—A
 105 person who has been elected to any county, municipal, special
 106 district, or school district office or appointed superintendent
 107 of a school district may not personally represent another person
 108 or entity for compensation before the government body or agency
 109 of which the person was an officer for a period of 2 years after
 110 vacating that office. For purposes of this subsection:

111 (a) The "government body or agency" of a member of a board
 112 of county commissioners consists of the commission, the chief
 113 administrative officer or employee of the county, and their
 114 immediate support staff.

115 (b) The "government body or agency" of any other county
 116 elected officer is the office or department headed by that
 117 officer, including all subordinate employees.

118 (c) The "government body or agency" of an elected
 119 municipal officer consists of the governing body of the
 120 municipality, the chief administrative officer or employee of
 121 the municipality, and their immediate support staff.

122 (d) The "government body or agency" of an elected special
 123 district officer is the special district.

124 (e) The "government body or agency" of an elected school
 125 district officer is the school district.

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126 Section 3. Subsection (1) of section 112.31455, Florida
 127 Statutes, is amended to read:

128 112.31455 Collection methods for unpaid automatic fines
 129 for failure to timely file disclosure of financial interests.—

130 (1) Before referring any unpaid fine accrued pursuant to
 131 s. 112.3144(5) or s. 112.3145(7) to the Department of Financial
 132 Services, the commission shall attempt to determine whether the
 133 individual owing such a fine is a current public officer or
 134 current public employee. If so, the commission may notify the
 135 Chief Financial Officer or the governing body of the appropriate
 136 county, municipality, district school board, or special district
 137 of the total amount of any fine owed to the commission by such
 138 individual.

139 (a) After receipt and verification of the notice from the
 140 commission, the Chief Financial Officer or the governing body of
 141 the county, municipality, district school board, or special
 142 district shall begin withholding the lesser of 10 percent or the
 143 maximum amount allowed under federal law from any salary-related
 144 payment. The withheld payments shall be remitted to the
 145 commission until the fine is satisfied.

146 (b) The Chief Financial Officer or the governing body of
 147 the county, municipality, district school board, or special
 148 district may retain an amount of each withheld payment, as
 149 provided in s. 77.0305, to cover the administrative costs
 150 incurred under this section.

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151 Section 4. Paragraph (e) of subsection (4) of section
 152 1001.20, Florida Statutes, is amended to read:

153 1001.20 Department under direction of state board.—

154 (4) The Department of Education shall establish the
 155 following offices within the Office of the Commissioner of
 156 Education which shall coordinate their activities with all other
 157 divisions and offices:

158 (e) Office of Inspector General.—Organized using existing
 159 resources and funds and responsible for promoting
 160 accountability, efficiency, and effectiveness and detecting
 161 fraud and abuse within school districts, the Florida School for
 162 the Deaf and the Blind, and Florida College System institutions
 163 in Florida. If the Commissioner of Education determines that a
 164 district school board, the Board of Trustees for the Florida
 165 School for the Deaf and the Blind, or a Florida College System
 166 institution board of trustees is unwilling or unable to address
 167 substantiated allegations made by any person relating to waste,
 168 fraud, or financial mismanagement within the school district,
 169 the Florida School for the Deaf and the Blind, or the Florida
 170 College System institution, the office shall conduct,
 171 coordinate, or request investigations into such substantiated
 172 allegations. The office shall investigate allegations or reports
 173 of possible fraud or abuse against a district school board made
 174 by any member of the Cabinet; the presiding officer of either
 175 house of the Legislature; a chair of a substantive or

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176 appropriations committee with jurisdiction; or a member of the
 177 board for which an investigation is sought. The office shall
 178 have access to all information and personnel necessary to
 179 perform its duties and shall have all of its current powers,
 180 duties, and responsibilities authorized in s. 20.055.

181 Section 5. Subsection (1) of section 1001.39, Florida
 182 Statutes, is amended to read:

183 1001.39 District school board members; travel expenses.—

184 (1) In addition to the salary provided in s. 1001.395,
 185 each member of a district school board shall be allowed, from
 186 the district school fund, reimbursement of travel expenses as
 187 authorized in s. 112.061, ~~except as provided that in subsection~~
 188 ~~(2).~~ any travel outside the district that exceeds \$500 requires
 189 prior approval by the district school board to confirm that such
 190 travel is for official business of the school district and
 191 complies with ~~shall also be governed by the rules of the State~~
 192 ~~Board of Education. Any request for travel outside the state~~
 193 must include an itemized list detailing all anticipated travel
 194 expenses, including, but not limited to, the anticipated costs
 195 of all means of travel, lodging, and subsistence. Immediately
 196 preceding a request, the public must have an opportunity to
 197 speak on the specific travel agenda item.

198 Section 6. Subsection (3) of section 1001.395, Florida
 199 Statutes, is amended to read:

200 1001.395 District school board members; compensation.—

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201 (3) Notwithstanding the provisions of this section and s.
 202 145.19, ~~for the 2010-2011 fiscal year,~~ the salary of each
 203 district school board member shall be the amount calculated
 204 pursuant to subsection (1) or the district's beginning salary
 205 for teachers who hold baccalaureate degrees, whichever is less.

206 Section 7. Subsections (6) and (7), paragraphs (b) and (l)
 207 of subsection (12), and paragraph (b) of subsection (17) of
 208 section 1001.42, Florida Statutes, are amended to read:

209 1001.42 Powers and duties of district school board.—The
 210 district school board, acting as a board, shall exercise all
 211 powers and perform all duties listed below:

212 (6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL
 213 PERSONNEL, ADMINISTRATIVE PERSONNEL, AND SCHOOL OFFICERS
 214 ~~ADMINISTRATORS~~.—Adopt policies establishing standards of ethical
 215 conduct for instructional personnel, administrative personnel,
 216 and school officers ~~administrators~~. The policies must require
 217 all instructional personnel, administrative personnel, and
 218 school officers ~~administrators~~, as defined in s. 1012.01, to
 219 complete training on the standards; establish the duty of
 220 instructional personnel, administrative personnel, and school
 221 officers ~~administrators~~ to report, and procedures for reporting,
 222 alleged misconduct by other instructional or administrative
 223 personnel and school officers ~~school administrators~~ which
 224 affects the health, safety, or welfare of a student; and include
 225 an explanation of the liability protections provided under ss.

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226 39.203 and 768.095. A district school board, or any of its
 227 employees, may not enter into a confidentiality agreement
 228 regarding terminated or dismissed instructional or
 229 administrative personnel or school officers ~~administrators, or~~
 230 ~~personnel or administrators~~ who resign in lieu of termination,
 231 based in whole or in part on misconduct that affects the health,
 232 safety, or welfare of a student, and may not provide
 233 instructional personnel, administrative personnel, or school
 234 officers ~~administrators~~ with employment references or discuss
 235 the personnel's or officers' ~~administrators'~~ performance with
 236 prospective employers in another educational setting, without
 237 disclosing the personnel's or officers' ~~administrators'~~
 238 misconduct. Any part of an agreement or contract that has the
 239 purpose or effect of concealing misconduct by instructional
 240 personnel, administrative personnel, or school officers
 241 ~~administrators~~ which affects the health, safety, or welfare of a
 242 student is void, is contrary to public policy, and may not be
 243 enforced.

244 (7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify
 245 instructional personnel and administrative personnel ~~school~~
 246 ~~administrators~~, as defined in s. 1012.01, from employment in any
 247 position that requires direct contact with students if the
 248 personnel ~~or administrators~~ are ineligible for such employment
 249 under s. 1012.315. An elected or appointed school board official
 250 forfeits his or her salary for 1 year if:

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251 (a) The school board official knowingly signs and
 252 transmits to any state official a report of alleged misconduct
 253 by instructional personnel or administrative personnel ~~school~~
 254 ~~administrators~~ which affects the health, safety, or welfare of a
 255 student and the school board official knows the report to be
 256 false or incorrect; or

257 (b) The school board official knowingly fails to adopt
 258 policies that require instructional personnel and administrative
 259 personnel ~~school administrators~~ to report alleged misconduct by
 260 other instructional personnel and administrative personnel
 261 ~~school administrators~~, or that require the investigation of all
 262 reports of alleged misconduct by instructional personnel and
 263 administrative personnel ~~school administrators~~, if the
 264 misconduct affects the health, safety, or welfare of a student.

265 (12) FINANCE.—Take steps to assure students adequate
 266 educational facilities through the financial procedure
 267 authorized in chapters 1010 and 1011 and as prescribed below:

268 (b) Annual budget.—

269 1. Cause to be prepared, adopted, and have submitted to the
 270 Department of Education as required by law and rules of the
 271 State Board of Education, the annual school budget, such budget
 272 to be so prepared and executed as to promote the improvement of
 273 the district school system.

274 2. An individual school board member may request and shall
 275 receive any proposed, tentative, and official budget documents,

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276 including all supporting and background information.

277 (1) Internal auditor.—May or, in the case of a school
 278 district receiving annual federal, state, and local funds in
 279 excess of \$500 million, shall employ an internal auditor. The
 280 scope of the internal auditor shall not be restricted and shall
 281 include every functional and program area of the school system.

282 1. The internal auditor shall ~~to~~ perform ongoing financial
 283 verification of the financial records of the school district, a
 284 comprehensive risk assessment of all areas of the school system
 285 every 5 years, and other audits and reviews as the district
 286 school board directs for determining:

287 a. The adequacy of internal controls designed to prevent
 288 and detect fraud, waste, and abuse.

289 b. Compliance with applicable laws, rules, contracts,
 290 grant agreements, district school board-approved policies, and
 291 best practices.

292 c. The efficiency of operations.

293 d. The reliability of financial records and reports.

294 e. The safeguarding of assets.

295 f. Financial solvency.

296 g. Projected revenues and expenditures.

297 h. The rate of change in the general fund balance.

298 2. The internal auditor shall prepare audit reports of his
 299 or her findings and report directly to the district school board
 300 or its designee.

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301 3. Any person responsible for furnishing or producing any
 302 book, record, paper, document, data, or sufficient information
 303 necessary to conduct a proper audit or examination which the
 304 internal auditor is by law authorized to perform is subject to
 305 the provisions of s. 11.47(3) and (4).

306 (17) PUBLIC INFORMATION AND PARENTAL INVOLVEMENT PROGRAM.—

307 (b) Adopt rules to strengthen family involvement and
 308 empowerment pursuant to s. 1002.23. The rules shall be developed
 309 in collaboration with administrative personnel ~~school~~
 310 ~~administrators~~, parents, teachers, and community partners.

311 Section 8. Subsection (2) of section 1010.20, Florida
 312 Statutes, is amended to read:

313 1010.20 Cost accounting and reporting for school
 314 districts.—

315 (2) COST REPORTING.—

316 (a) Each district shall report on a district-aggregate
 317 basis expenditures for inservice training pursuant to s.
 318 1011.62(3) and for categorical programs as provided in s.
 319 1011.62(6).

320 (b) Each district shall report to the department on a
 321 school-by-school and on an aggregate district basis expenditures
 322 for:

323 1. Each program funded in s. 1011.62(1)(c).

324 2. Total operating costs as reported pursuant to s.
 325 1010.215.

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326 3. Expenditures for classroom instruction pursuant to the
 327 calculation in s. 1010.215(4)(b)1. and 2.

328 (c) The department shall:

329 1. Categorize all public schools and districts into
 330 appropriate groups based primarily on average full-time
 331 equivalent student enrollment as reported on the most recent
 332 student membership survey under s. 1011.62 and in state board
 333 rule to determine groups of peer schools and districts.

334 2. Annually calculate for each public school, district,
 335 and for the entire state, the percentage of classroom
 336 expenditures to total operating expenditures reported in
 337 subparagraphs (b)2. and 3. The results shall be categorized
 338 pursuant to this paragraph.

339 3. Annually calculate for all public schools, districts,
 340 and the state, the average percentage of classroom expenditures
 341 to total operating expenditures reported in subparagraphs (b)2.
 342 and 3. The results shall be categorized pursuant to this
 343 paragraph.

344 4. Develop a web-based fiscal transparency tool that
 345 identifies public schools and districts that produce high
 346 academic achievement based on the ratio of classroom instruction
 347 expenditures to total expenditures. The fiscal transparency tool
 348 shall combine the data calculated pursuant to this paragraph
 349 with the student performance measurements calculated pursuant to
 350 s. 1012.34(7) to determine the financial efficiency of each

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351 public school and district. The results shall be displayed in an
 352 easy to use format that enables the user to compare performance
 353 among public schools and districts.

354 (d)~~(e)~~ The Commissioner of Education shall present to the
 355 Legislature, prior to the opening of the regular session each
 356 year, a district-by-district report of the expenditures reported
 357 pursuant to paragraphs (a) and (b). The report shall include
 358 total expenditures, a detailed analysis showing expenditures for
 359 each program, and such other data as may be useful for
 360 management of the education system. The Commissioner of
 361 Education shall also compute cost factors relative to the base
 362 student allocation for each funded program in s. 1011.62(1)(c).

363 Section 9. Subsection (2) of section 1010.30, Florida
 364 Statutes, is amended to read:

365 1010.30 Audits required.—

366 (2) If an audit contains a significant deficiency or
 367 material weakness finding, the district school board, the
 368 Florida College System institution board of trustees, or the
 369 university board of trustees shall conduct an audit overview
 370 during a public meeting. The audit overview shall describe the
 371 corrective action to be taken and a timeline for completion of
 372 such action.

373 Section 10. Paragraph (a) of subsection (3) of section
 374 1011.01, Florida Statutes, is amended to read:

375 1011.01 Budget system established.—

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376 (3) (a) Each district school board and each Florida College
 377 System institution board of trustees shall prepare, adopt, and
 378 submit to the Commissioner of Education an annual operating
 379 budget. Operating budgets shall be prepared and submitted in
 380 accordance with the provisions of law, rules of the State Board
 381 of Education, the General Appropriations Act, and for district
 382 school boards in accordance with the provisions of s. 200.065
 383 ~~ss. 200.065 and 1011.64.~~

384 Section 11. Subsection (2) of section 1011.03, Florida
 385 Statutes, is amended to read:

386 1011.03 Public hearings; budget to be submitted to
 387 Department of Education.—

388 ~~(2) The advertisement of a district that has been required~~
 389 ~~by the Legislature to increase classroom expenditures pursuant~~
 390 ~~to s. 1011.64 must include the following statement:~~
 391 ~~"This proposed budget reflects an increase in classroom~~
 392 ~~expenditures as a percent of total current operating~~
 393 ~~expenditures of XX percent over the (previous fiscal year)~~
 394 ~~fiscal year. This increase in classroom expenditures is required~~
 395 ~~by the Legislature because the district has performed below the~~
 396 ~~required performance standard on XX of XX student performance~~
 397 ~~standards for the (previous school year) school year. In order~~
 398 ~~to achieve the legislatively required level of classroom~~
 399 ~~expenditures as a percentage of total operating expenditures,~~
 400 ~~the proposed budget includes an increase in overall classroom~~

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401 ~~expenditures of \$XX,XXX,XXX above the amount spent for this same~~
 402 ~~purpose during the (previous fiscal year) fiscal year. In order~~
 403 ~~to achieve improved student academic performance, this proposed~~
 404 ~~increase is being budgeted for the following activities:~~
 405 ~~...(list activities and amount budgeted)...."~~

406 Section 12. Subsection (2) of section 1011.035, Florida
 407 Statutes, is amended to read:

408 1011.035 School district fiscal budget transparency.—

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

413 (a) Graphical representations, for each public school
 414 within the district and for the school district, of the
 415 following:

416 1. Summary financial efficiency data.

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

418 a. The ratio of full-time equivalent students to full-time
 419 equivalent instructional personnel.

420 b. The ratio of full-time equivalent students to full-time
 421 equivalent administrative personnel.

422 c. The total operating expenditures per full-time
 423 equivalent student.

424 d. The total instructional expenditures per full-time
 425 equivalent student.

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426 e. The general administrative expenditures as a percentage
 427 of total budget.

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

430 (b) A link to the web-based fiscal transparency tool
 431 developed by the department pursuant to s. 1010.20 to enable
 432 taxpayers to evaluate the financial efficiency of the school
 433 district and compare the financial efficiency of the school
 434 district with other similarly situated school districts.

435
 436 This information must be prominently posted on the school
 437 district's website in a manner that is readily accessible to the
 438 public.

439 Section 13. Subsections (1) and (2) of section 1011.051,
 440 Florida Statutes, are amended to read:

441 1011.051 Guidelines for general funds.—The district school
 442 board shall maintain a general fund ending fund balance that is
 443 sufficient to address normal contingencies.

444 (1) If at any time the portion of the general fund's
 445 ending fund balance not classified as restricted, committed, or
 446 nonspendable in the district's approved operating budget is
 447 projected to fall below 3 percent of projected general fund
 448 revenues during the current fiscal year, the superintendent
 449 shall provide written notification to the district school board
 450 and the Commissioner of Education. If such financial condition

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451 exists for 2 consecutive fiscal years, the superintendent shall
 452 reduce the district's administration expenditures reported
 453 pursuant to s. 1010.215(4)(a) in proportion to the reduction in
 454 the general fund's ending balance or the reduction in student
 455 enrollment, whichever is greater.

456 (2)(a) If at any time the portion of the general fund's
 457 ending fund balance not classified as restricted, committed, or
 458 nonspendable in the district's approved operating budget is
 459 projected to fall below 2 percent of projected general fund
 460 revenues during the current fiscal year, the superintendent
 461 shall provide written notification to the district school board
 462 and the Commissioner of Education. Within 14 days after
 463 receiving such notification, if the commissioner determines that
 464 the district does not have a plan that is reasonably anticipated
 465 to avoid a financial emergency as determined pursuant to s.
 466 218.503, the commissioner shall appoint a financial emergency
 467 board that shall operate under the requirements, powers, and
 468 duties specified in s. 218.503(3)(g).

469 (b) If any of the conditions identified in s. 218.503(1)
 470 existed in the 2015-2016 school year or thereafter, the
 471 department shall contract with an independent third party to
 472 conduct an investigation of all accounts and records to
 473 determine the cause of the deficit, what efforts, if any, were
 474 made to avoid the deficit, and whether any of the conditions
 475 identified in s. 1011.10 have occurred. The investigation must

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476 include a detailed review and analysis of documents and records,
 477 including, but not limited to, budget reports, journal entries,
 478 budget methodologies, staff emails, hard copy records, monthly
 479 financial statements, quarterly revenue and expenditure reports,
 480 finance staff job descriptions, and minutes from meetings. The
 481 results of the investigation must include recommendations for
 482 corrective action and controls to avoid a reoccurrence of a
 483 future budget shortfall. A final report shall be provided to the
 484 district school board, the department, the Legislative Auditing
 485 Committee, and the district's financial emergency board, if
 486 applicable.

487 Section 14. Subsection (2) of section 1011.06, Florida
 488 Statutes, is amended to read:

489 1011.06 Expenditures.—

490 (2) EXPENDITURES FROM DISTRICT AND OTHER FUNDS.—

491 Expenditures from district and all other funds available for the
 492 public school program of any district shall be authorized by law
 493 and must be in accordance with procedures prescribed by the
 494 district school board. A district school board may establish
 495 policies that allow expenditures to exceed the amount budgeted
 496 by function and object, provided that the district school board
 497 complies with s. 1011.09(4) and approves the expenditure by
 498 amending and amends the budget at the next scheduled public
 499 meeting. The district school board must provide a full
 500 explanation of any amendments at the public meeting within

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501 ~~timelines established by school board policies.~~

502 Section 15. Subsection (4) of section 1011.09, Florida
 503 Statutes, is amended to read:

504 1011.09 Expenditure of funds by district school board.—All
 505 state funds apportioned to the credit of any district constitute
 506 a part of the district school fund of that district and must be
 507 budgeted and expended under authority of the district school
 508 board subject to the provisions of law and rules of the State
 509 Board of Education.

510 (4) If the financial conditions in s. 1011.051 exist, a
 511 district school board ~~During the 2009-2010 fiscal year, unless~~
 512 ~~otherwise specifically approved by the district school board,~~
 513 ~~public funds~~ may not make expenditures ~~be expended~~ for ~~out-of-~~
 514 ~~state~~ travel outside of the district or cellular phones,
 515 cellular phone service, personal digital assistants, or any
 516 other mobile wireless communication device or service, including
 517 text messaging, whether through purchasing, leasing,
 518 contracting, or any other method, while the financial conditions
 519 exist. The expenditure of public funds for art programs, music
 520 programs, sports programs, and extracurricular programs for
 521 students is a higher priority than expending funds for employee
 522 travel and cellular phones.

523 Section 16. Subsection (3) is added to section 1011.10,
 524 Florida Statutes, to read:

525 1011.10 Penalty.—

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526 (3) If any of the conditions identified in s. 218.503(1)
 527 exist within a school district, the salary of each district
 528 school board member and district superintendent, calculated
 529 pursuant to ss. 1001.395 and 1001.47, shall be withheld until
 530 the conditions are corrected. This subsection does not apply to
 531 a district school board member or district superintendent
 532 elected or appointed within 1 year after the identification of
 533 the conditions in s. 218.503(1) if he or she did not participate
 534 in the approval or preparation of the final school district
 535 budget adopted before the identification of such conditions.

536 Section 17. Subsection (8) of section 1011.60, Florida
 537 Statutes, is amended to read:

538 1011.60 Minimum requirements of the Florida Education
 539 Finance Program.—Each district which participates in the state
 540 appropriations for the Florida Education Finance Program shall
 541 provide evidence of its effort to maintain an adequate school
 542 program throughout the district and shall meet at least the
 543 following requirements:

544 ~~(8) MINIMUM CLASSROOM EXPENDITURE REQUIREMENTS.—Comply~~
 545 ~~with the minimum classroom expenditure requirements and~~
 546 ~~associated reporting pursuant to s. 1011.64.~~

547 Section 18. Section 1011.64, Florida Statutes, is
 548 repealed.

549 Section 19. Subsection (2) of section 1012.23, Florida
 550 Statutes, is amended to read:

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551 1012.23 School district personnel policies.—
 552 (2) Neither the district school superintendent nor a
 553 district school board member may appoint or not employ or
 554 appoint a relative, as defined in s. 112.3135, to work under the
 555 direct supervision of that district school board member or
 556 district school superintendent. The limitations of this
 557 subsection do not apply to employees appointed or employed
 558 before the election or appointment of a school board member or
 559 district school superintendent. The Commission on Ethics shall
 560 accept and investigate any alleged violations of this section
 561 pursuant to the procedures contained in ss. 112.322-112.3241.

562 Section 20. Paragraph (d) of subsection (9) of section
 563 1002.395, Florida Statutes, is amended to read:

564 1002.395 Florida Tax Credit Scholarship Program.—

565 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
 566 Education shall:

567 (d) Annually verify the eligibility of expenditures as
 568 provided in paragraph (6) (d) using the audit required by
 569 paragraph (6) (m) and s. 11.45(2) (l) ~~s. 11.45(2) (k)~~.

570 Section 21. Contingent upon CS/HB 7055 or similar
 571 legislation in the 2018 Regular Session of the Legislature or an
 572 extension thereof failing to become law, for the 2018-2019
 573 fiscal year, the sum of \$100,000 in nonrecurring funds from the
 574 General Revenue Fund is appropriated to the Department of
 575 Education to implement the provisions of s. 1011.051(2) (b),

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576 | Florida Statutes, as amended by this act.
577 | Section 22. Except for section 21 and except for s.
578 | 1011.051(2)(b), Florida Statutes, as amended by this act, which
579 | shall take effect July 1, 2018, this act shall take effect July
580 | 1, 2019.