

By the Committee on Education; and Senator Stargel

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1 A bill to be entitled
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 to be
9 notified if an officer or employee of the body owes a
10 certain fine; requiring the governing body of a
11 district school board to take specified actions under
12 such circumstances; amending s. 1001.20, F.S.;
13 requiring the Office of Inspector General to
14 investigate certain allegations and reports made by
15 specified individuals; amending s. 1001.39, F.S.;
16 requiring certain district school board member travel
17 outside of the school district to be preapproved and
18 meet certain criteria; providing requirements for a
19 school board member's request for travel outside of
20 the state; providing an opportunity for the public to
21 speak on such travel; amending s. 1001.395, F.S.;
22 providing that certain requirements for the salaries
23 of district school board members apply every fiscal
24 year, rather than one specific fiscal year; amending
25 s. 1001.42, F.S.; providing that the standards of
26 ethical conduct apply to administrative personnel and
27 school officers; authorizing district school board
28 members to request and receive specified budget
29 information; requiring employment of internal auditors

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30 in certain school districts; revising provisions
31 relating to the duties of such internal auditors;
32 amending s. 1010.20, F.S.; requiring each school
33 district to report certain expenditures to the
34 Department of Education; providing department
35 responsibilities; amending s. 1010.30, F.S.; requiring
36 certain entities to provide an audit overview under
37 certain circumstances; providing the contents of the
38 overview; amending ss. 1011.01 and 1011.03, F.S.;
39 conforming cross-references; amending s. 1011.035,
40 F.S.; requiring each district school board to post on
41 its website certain graphical representations and a
42 link to a certain web-based tool on the department's
43 website; providing requirements for such graphical
44 representations; amending s. 1011.051, F.S.; requiring
45 a district school board to limit certain expenditures
46 by a specified amount if certain financial conditions
47 exist for a specified period of time; requiring the
48 department to contract with a third party to conduct
49 an investigation under certain circumstances;
50 providing requirements for such investigation;
51 requiring the results of such investigation to include
52 certain information and be provided to certain
53 entities; amending s. 1011.06, F.S.; requiring each
54 district school board to approve certain expenditures
55 by amending its budget and provide a public
56 explanation for such budget amendments; amending s.
57 1011.09, F.S.; providing certain expenditure
58 limitations for a school district that meets specified

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59 criteria; amending s. 1011.10, F.S.; requiring certain
60 school districts to withhold certain district school
61 board member and school district superintendent
62 salaries until certain conditions are met; amending s.
63 1011.60, F.S.; conforming cross-references; repealing
64 s. 1011.64, F.S., relating to school district minimum
65 classroom expenditure requirements; amending s.
66 1012.23, F.S.; prohibiting a school district
67 superintendent and district school board from
68 appointing or employing certain individuals in certain
69 positions; providing an exception; requiring the
70 Commission on Ethics to investigate alleged
71 violations; amending s. 1002.395, F.S.; conforming a
72 cross-reference; providing a contingent appropriation;
73 providing an effective date.

74
75 Be It Enacted by the Legislature of the State of Florida:

76
77 Section 1. Paragraph (k) of subsection (2) of section
78 11.45, Florida Statutes, is redesignated as paragraph (l), and a
79 new paragraph (k) is added to that subsection, to read:

80 11.45 Definitions; duties; authorities; reports; rules.—

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

82 (k) Contact each district school board, as defined in s.
83 1003.01(1), with the findings and recommendations contained
84 within the Auditor General's previous operational audit report.
85 The district school board shall provide the Auditor General with
86 evidence of the initiation of corrective action within 45 days
87 after the date it is requested by the Auditor General and

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88 evidence of completion of corrective action within 180 days
89 after the date it is requested by the Auditor General. If the
90 district school board fails to comply with the Auditor General's
91 request or is unable to take corrective action within the
92 required timeframe, the Auditor General shall notify the
93 Legislative Auditing Committee.

94
95 The Auditor General shall perform his or her duties
96 independently but under the general policies established by the
97 Legislative Auditing Committee. This subsection does not limit
98 the Auditor General's discretionary authority to conduct other
99 audits or engagements of governmental entities as authorized in
100 subsection (3).

101 Section 2. Subsection (14) of section 112.313, Florida
102 Statutes, is amended to read:

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

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

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

116 (b) The "government body or agency" of any other county

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117 elected officer is the office or department headed by that
118 officer, including all subordinate employees.

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

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

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

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

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

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

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

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146 commission until the fine is satisfied.

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

152 Section 4. Paragraph (e) of subsection (4) of section
153 1001.20, Florida Statutes, is amended to read:

154 1001.20 Department under direction of state board.—

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

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

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175 by any member of the Cabinet; the presiding officer of either
176 house of the Legislature; a chair of a substantive or
177 appropriations committee with jurisdiction; or a member of the
178 board for which an investigation is sought. The office shall
179 have access to all information and personnel necessary to
180 perform its duties and shall have all of its current powers,
181 duties, and responsibilities authorized in s. 20.055.

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

184 1001.39 District school board members; travel expenses.—

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

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

201 1001.395 District school board members; compensation.—

202 (3) Notwithstanding the provisions of this section and s.
203 145.19, ~~for the 2010-2011 fiscal year,~~ the salary of each

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204 district school board member shall be the amount calculated
 205 pursuant to subsection (1) or the district's beginning salary
 206 for teachers who hold baccalaureate degrees, whichever is less.

207 Section 7. Subsections (6) and (7), paragraphs (b) and (1)
 208 of subsection (12), and paragraph (b) of subsection (17) of
 209 section 1001.42, Florida Statutes, are amended to read:

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

213 (6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL
 214 PERSONNEL, ADMINISTRATIVE PERSONNEL, AND SCHOOL OFFICERS
 215 ~~ADMINISTRATORS~~.—Adopt policies establishing standards of ethical
 216 conduct for instructional personnel, administrative personnel,
 217 and school officers administrators. The policies must require
 218 all instructional personnel, administrative personnel, and
 219 school officers administrators, as defined in s. 1012.01, to
 220 complete training on the standards; establish the duty of
 221 instructional personnel, administrative personnel, and school
 222 officers administrators to report, and procedures for reporting,
 223 alleged misconduct by other instructional or administrative
 224 personnel and school officers administrators which affects the
 225 health, safety, or welfare of a student; and include an
 226 explanation of the liability protections provided under ss.
 227 39.203 and 768.095. A district school board, or any of its
 228 employees, may not enter into a confidentiality agreement
 229 regarding terminated or dismissed instructional or
 230 administrative personnel or school officers administrators, ~~or~~
 231 ~~personnel or administrators~~ who resign in lieu of termination,
 232 based in whole or in part on misconduct that affects the health,

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233 safety, or welfare of a student, and may not provide
234 instructional personnel, administrative personnel, or school
235 officers ~~administrators~~ with employment references or discuss
236 the personnel's or officers' ~~administrators'~~ performance with
237 prospective employers in another educational setting, without
238 disclosing the personnel's or officers' ~~administrators'~~
239 misconduct. Any part of an agreement or contract that has the
240 purpose or effect of concealing misconduct by instructional
241 personnel, administrative personnel, or school officers
242 ~~administrators~~ which affects the health, safety, or welfare of a
243 student is void, is contrary to public policy, and may not be
244 enforced.

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

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

258 (b) The school board official knowingly fails to adopt
259 policies that require instructional personnel and administrative
260 personnel ~~school administrators~~ to report alleged misconduct by
261 other instructional personnel and administrative personnel

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262 ~~school administrators~~, or that require the investigation of all
263 reports of alleged misconduct by instructional personnel and
264 administrative personnel ~~school administrators~~, if the
265 misconduct affects the health, safety, or welfare of a student.

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

269 (b) *Annual budget.*—

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

275 2. An individual school board member may request and shall
276 receive any proposed, tentative, and official budget documents,
277 including all supporting and background information.

278 (1) *Internal auditor.*—May or, in the case of a school
279 district receiving annual federal, state, and local funds in
280 excess of \$500 million, shall employ an internal auditor. The
281 duties of the internal auditor shall include oversight of every
282 functional and program area of the school system.

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

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

290 b. Compliance with applicable laws, rules, contracts, grant

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291 agreements, district school board-approved policies, and best
 292 practices.

293 c. The efficiency of operations.

294 d. The reliability of financial records and reports.

295 e. The safeguarding of assets.

296 f. Financial solvency.

297 g. Projected revenues and expenditures.

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

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

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

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

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

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

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

316 (2) COST REPORTING.—

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

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320 1011.62 (6) .

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

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

325 2. Total operating costs as reported pursuant to s.
326 1010.215.

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

329 (c) The department shall:

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

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

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

345 4. Develop a web-based fiscal transparency tool that
346 identifies public schools and districts that produce high
347 academic achievement based on the ratio of classroom instruction
348 expenditures to total expenditures. The fiscal transparency tool

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349 shall combine the data calculated pursuant to this paragraph
350 with the student performance measurements calculated pursuant to
351 s. 1012.34(7) to determine the financial efficiency of each
352 public school and district. The results shall be displayed in an
353 easy-to-use format that enables the user to compare performance
354 among public schools and districts.

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

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

366 1010.30 Audits required.—

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

374 Section 10. Paragraph (a) of subsection (3) of section
375 1011.01, Florida Statutes, is amended to read:

376 1011.01 Budget system established.—

377 (3) (a) Each district school board and each Florida College

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

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

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

389 ~~(2) The advertisement of a district that has been required~~
390 ~~by the Legislature to increase classroom expenditures pursuant~~
391 ~~to s. 1011.64 must include the following statement:~~
392 ~~"This proposed budget reflects an increase in classroom~~
393 ~~expenditures as a percent of total current operating~~
394 ~~expenditures of XX percent over the (previous fiscal year)~~
395 ~~fiscal year. This increase in classroom expenditures is required~~
396 ~~by the Legislature because the district has performed below the~~
397 ~~required performance standard on XX of XX student performance~~
398 ~~standards for the (previous school year) school year. In order~~
399 ~~to achieve the legislatively required level of classroom~~
400 ~~expenditures as a percentage of total operating expenditures,~~
401 ~~the proposed budget includes an increase in overall classroom~~
402 ~~expenditures of \$XX,XXX,XXX above the amount spent for this same~~
403 ~~purpose during the (previous fiscal year) fiscal year. In order~~
404 ~~to achieve improved student academic performance, this proposed~~
405 ~~increase is being budgeted for the following activities:~~
406 ~~...(list activities and amount budgeted)...."~~

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407 Section 12. Section 1011.035, Florida Statutes, is amended
408 to read:

409 1011.035 School district fiscal ~~budget~~ transparency.-

410 (1) It is important for school districts to provide
411 budgetary transparency to enable taxpayers, parents, and
412 education advocates to obtain school district budget and related
413 information in a manner that is simply explained and easily
414 understandable. Budgetary transparency leads to more responsible
415 spending, more citizen involvement, and improved accountability.
416 A budget that is not transparent, accessible, and accurate
417 cannot be properly analyzed, its implementation thoroughly
418 monitored, or its outcomes evaluated.

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

423 (a) Graphical representations, for each public school
424 within the district and for the school district, of the
425 following:

426 1. Summary financial efficiency data.

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

428 a. The ratio of full-time equivalent students to full-time
429 equivalent instructional personnel.

430 b. The ratio of full-time equivalent students to full-time
431 equivalent administrative personnel.

432 c. The total operating expenditures per full-time
433 equivalent student.

434 d. The total instructional expenditures per full-time
435 equivalent student.

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436 e. The general administrative expenditures as a percentage
437 of total budget.

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

440 (b) A link to the web-based fiscal transparency tool
441 developed by the department pursuant to s. 1010.20 to enable
442 taxpayers to evaluate the financial efficiency of the school
443 district and compare the financial efficiency of the school
444 district with other similarly situated school districts.

445

446 This information must be prominently posted on the school
447 district's website in a manner that is readily accessible to the
448 public.

449 (3) Each district school board is encouraged to post the
450 following information on its website:

451 (a) Timely information as to when a budget hearing will be
452 conducted.

453 (b) Each contract between the district school board and the
454 teachers' union.

455 (c) Each contract between the district school board and
456 noninstructional staff.

457 (d) Each contract exceeding \$35,000 between the school
458 board and a vendor of services, supplies, or programs or for the
459 purchase or lease of lands, facilities, or properties.

460 (e) Each contract exceeding \$35,000 that is an emergency
461 procurement or is with a single source as authorized under s.
462 287.057(3).

463 (f) Recommendations of the citizens' budget advisory
464 committee.

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465 (g) Current and archived video recordings of each district
466 school board meeting and workshop.

467 (4) The website should contain links to:

468 (a) Help explain or provide background information on
469 various budget items that are required by state or federal law.

470 (b) Allow users to navigate to related sites to view
471 supporting details.

472 (c) Enable taxpayers, parents, and education advocates to
473 send e-mails asking questions about the budget and enable others
474 to view the questions and responses.

475 Section 13. Section 1011.051, Florida Statutes, is amended
476 to read:

477 1011.051 Guidelines for general funds.—The district school
478 board shall maintain a general fund ending fund balance that is
479 sufficient to address normal contingencies.

480 (1) If at any time the portion of the general fund's ending
481 fund balance not classified as restricted, committed, or
482 nonspendable in the district's approved operating budget is
483 projected to fall below 3 percent of projected general fund
484 revenues during the current fiscal year, the superintendent
485 shall provide written notification to the district school board
486 and the Commissioner of Education. If such financial condition
487 exists for 2 consecutive fiscal years, the superintendent shall
488 reduce the district's administrative expenditures reported
489 pursuant to s. 1010.215(4) (a) in proportion to the reduction in
490 the general fund's ending balance or the reduction in student
491 enrollment, whichever is greater.

492 (2) (a) If at any time the portion of the general fund's
493 ending fund balance not classified as restricted, committed, or

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494 nonspendable in the district's approved operating budget is
495 projected to fall below 2 percent of projected general fund
496 revenues during the current fiscal year, the superintendent
497 shall provide written notification to the district school board
498 and the Commissioner of Education. Within 14 days after
499 receiving such notification, if the commissioner determines that
500 the district does not have a plan that is reasonably anticipated
501 to avoid a financial emergency as determined pursuant to s.
502 218.503, the commissioner shall appoint a financial emergency
503 board that shall operate under the requirements, powers, and
504 duties specified in s. 218.503(3)(g).

505 (b) If any of the conditions identified in s. 218.503(1)
506 existed in the 2015-2016 school year or thereafter, the
507 department shall contract with an independent third party to
508 conduct an investigation of all accounts and records to
509 determine the cause of the deficit, what efforts, if any, were
510 made to avoid the deficit, and whether any of the conditions
511 identified in s. 1011.10 have occurred. The investigation must
512 include a detailed review and analysis of documents and records,
513 including, but not limited to, budget reports, journal entries,
514 budget methodologies, staff e-mails, hard copy records, monthly
515 financial statements, quarterly revenue and expenditure reports,
516 finance staff job descriptions, and minutes from meetings. The
517 results of the investigation must include recommendations for
518 corrective action and controls to avoid a reoccurrence of a
519 future budget shortfall. A final report shall be provided to the
520 district school board, the department, the Legislative Auditing
521 Committee, and the district's financial emergency board, if
522 applicable.

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

525 1011.06 Expenditures.—

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

527 Expenditures from district and all other funds available for the
528 public school program of any district shall be authorized by law
529 and must be in accordance with procedures prescribed by the
530 district school board. A district school board may establish
531 policies that allow expenditures to exceed the amount budgeted
532 by function and object, provided that the district school board
533 complies with s. 1011.09(4) and approves the expenditure by
534 amending and amends the budget at the next scheduled public
535 meeting. The district school board must provide a full
536 explanation of any amendments at the public meeting within
537 timelines established by school board policies.

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

540 1011.09 Expenditure of funds by district school board.—All
541 state funds apportioned to the credit of any district constitute
542 a part of the district school fund of that district and must be
543 budgeted and expended under authority of the district school
544 board subject to the provisions of law and rules of the State
545 Board of Education.

546 (4) If the financial conditions in s. 1011.051 exist, a
547 district school board ~~During the 2009-2010 fiscal year, unless~~
548 ~~otherwise specifically approved by the district school board,~~
549 ~~public funds may not~~ make expenditures be expended for out-of-
550 state travel outside of the district or cellular phones,
551 cellular phone service, personal digital assistants, or any

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552 other mobile wireless communication device or service, including
553 text messaging, whether through purchasing, leasing,
554 contracting, or any other method, while the financial conditions
555 exist. The expenditure of public funds for art programs, music
556 programs, sports programs, and extracurricular programs for
557 students is a higher priority than expending funds for employee
558 travel and cellular phones.

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

561 1011.10 Penalty.—

562 (3) If any of the conditions identified in s. 218.503(1)
563 exist within a school district, the salary of each district
564 school board member and district superintendent, calculated
565 pursuant to ss. 1001.395 and 1001.47, shall be withheld until
566 the conditions are corrected. This subsection does not apply to
567 a district school board member or district superintendent
568 elected or appointed within 1 year after the identification of
569 the conditions in s. 218.503(1) if he or she did not participate
570 in the approval or preparation of the final school district
571 budget adopted before the identification of such conditions.

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

574 1011.60 Minimum requirements of the Florida Education
575 Finance Program.—Each district which participates in the state
576 appropriations for the Florida Education Finance Program shall
577 provide evidence of its effort to maintain an adequate school
578 program throughout the district and shall meet at least the
579 following requirements:

580 ~~(8) MINIMUM CLASSROOM EXPENDITURE REQUIREMENTS. Comply with~~

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581 ~~the minimum classroom expenditure requirements and associated~~
582 ~~reporting pursuant to s. 1011.64.~~

583 Section 18. Section 1011.64, Florida Statutes, is repealed.

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

586 1012.23 School district personnel policies.—

587 (2) The district school superintendent or a district school
588 board member may not appoint or employ or appoint a relative, as
589 defined in s. 112.3135, to work under the direct supervision of
590 that district school board member or district school
591 superintendent. The limitations of this subsection do not apply
592 to employees appointed or employed before the election or
593 appointment of a school board member or district school
594 superintendent. The Commission on Ethics shall accept and
595 investigate any alleged violations of this section pursuant to
596 the procedures contained in ss. 112.322-112.3241.

597 Section 20. Paragraph (d) of subsection (9) of section
598 1002.395, Florida Statutes, is amended to read:

599 1002.395 Florida Tax Credit Scholarship Program.—

600 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
601 Education shall:

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

605 Section 21. For the 2018-2019 fiscal year, the sum of
606 \$850,000 in nonrecurring funds from the General Revenue Fund is
607 appropriated to the Department of Education to implement the
608 provisions of this act.

609 Section 22. This act shall take effect July 1, 2018.