

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 1620

INTRODUCER: Senator Leek and Senator Gaetz

SUBJECT: Public Education

DATE: February 9, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Palazesi</u>	<u>Bouck</u>	<u>ED</u>	Favorable
2.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Pre-meeting
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1620 creates a “District School Board Members’ Bill of Rights” to clarify and expand individual school board members’ oversight authority. The bill requires districts to provide board members free and timely access to all district documents, allows school board members to request information directly from the superintendent and staff, authorizes consultation with the district chief financial officer and access to any budget line item or financial transaction detail, and permits members to seek information from staff without superintendent permission.

The bill also modifies governance and accountability statutes by restricting the circumstances under which district-employed attorneys may represent the board, authorizing the board to approve hiring an additional attorney solely to represent the board, and requiring school employees and officers to complete training on the open meeting requirements of the State Constitution. The bill defines “good cause” for rejecting superintendent nominees, prohibits districts from requiring or providing incentives to employees to sign nondisclosure or confidentiality agreements, and expands the budget information that must be posted on district websites.

The bill takes effect July 1, 2026.

II. Present Situation:

District School Boards

District school boards are constitutionally and statutorily charged with the operation and control of public K-12 education within their school districts. The State Constitution mandates that each school board operate, control, and supervise all free public schools within the district and

determine the rate of school district taxes within constitutional limits.¹ District school boards are responsible for establishing, organizing, and operating public K-12 schools and educational programs, as well as overseeing district employees and facilities. These responsibilities include, among others, student instruction, exceptional student education, career and adult education programs, and services for students in juvenile justice programs.²

District School Board Powers and Duties

The district school board, acting as a board, is required to exercise powers and perform duties including but not limited to:³

- Requiring the district school superintendent, as secretary, to keep such minutes and records as are necessary to set forth clearly all actions and proceedings of the school board.
- Adopting and providing for the execution of plans for the establishment, organization, and operation of the schools of the district.
- Designating positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees.
- Adopting policies establishing standards of ethical conduct for educational support employees, instructional personnel, administrative personnel, and school officers.
- Providing for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students.
- Adopting an annual school budget.
- Providing for the keeping of all necessary records and the making of all needed or required reports.
- Requiring that all laws and rules of the State Board of Education or of the district school board are properly enforced.
- Adopting procedures whereby the general public may be adequately informed of the educational programs, needs, and objectives of public education within the district.
- Maintaining a system of school improvement and education accountability.
- Visiting the schools, observing the management and instruction, giving suggestions for improvement, and advising citizens with the view of promoting interest in education and improving the schools.

Each district school board must hold at least one regular meeting each month to transact business according to a schedule arranged by the district school board. The board must convene in special sessions when called by the district school superintendent or by the district school superintendent on request of the chair of the district school board, or on request of a majority of the members of the district school board.⁴

School Board Duties: Public School Personnel

District school boards must designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal

¹ FLA. CONST. art. IX, s. 4(b); section 1001.32(2), F.S.

² Section 1003.02, F.S.

³ Section 1001.42(1)-(28), F.S.

⁴ Section 1001.372, F.S.

of employees.⁵ District school boards must act upon written recommendations submitted by the district school superintendent for positions to be filled, for minimum qualifications for personnel for the various positions, and for the persons nominated to fill such positions. The district school board may reject for good cause any employee nominated.⁶ If the third nomination by the district school superintendent for any position is rejected for good cause, the district school board may proceed on its own motion to fill such position.⁷

District school board members are exempt from the prohibition on agencies⁸ nominating, appointing, promoting, or employing a relative.⁹ However, if a relative is appointed or employed by a board member or superintendent, he or she may not work under the direct supervision of that related board member or school superintendent.¹⁰

Parents' and Teachers' Bill of Rights

Florida law provides for a bill of rights for both parents and teachers in this state. These rights provide legislative findings that recognize the importance that both parents and teachers have in the education of children in this state.

Teachers are provided with specific rights related to:¹¹

- Employment;
- Continuing education;
- Control of the classroom; and
- Direct classroom instruction.

Parents are provided with specific rights related to:¹²

- The protection from infringement on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of his or her minor child;
- School district policies; and
- Parental consent for health care services.

School District Fiscal Transparency

School districts are required to provide budgetary transparency to enable taxpayers, parents, and education advocates to obtain school district budget and related information in a manner that is

⁵ Section 1012.22(1), F.S.

⁶ Section 1012.22(1)(a), F.S.

⁷ *Id.*

⁸ Agencies include a state agency, an office or agency of the legislative or judicial branch, a county, city, or other political subdivision of the state; state universities, district school boards, and community college districts are not included. Section 112.3135(1)(a), F.S.

⁹ Section 112.3135, F.S. defines "Relative" as an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

¹⁰ Section 1012.23(2), F.S.

¹¹ Sections 1015.03-1015.06, F.S.

¹² Section 1014.01 – 1014.06, F.S.

simply explained and easily understandable.¹³ To provide easily understandable budget information, school districts must post a graphical representation of the budget for each public school in the district and for the district as a whole. The representation must include the following:¹⁴

- Summary financial efficiency data.
- Fiscal trend information for the previous 3 years on:
 - The ratio of full-time equivalent students to full-time equivalent instructional personnel.
 - The ratio of full-time equivalent students to full-time equivalent administrative personnel.
 - The total operating expenditures per full-time equivalent student.
 - The total instructional expenditures per full-time equivalent student.
 - The general administrative expenditures as a percentage of total budget.
 - The rate of change in the general fund's ending fund balance that is not classified as restricted.

III. Effect of Proposed Changes:

SB 1620 creates a "District School Board Members' Bill of Rights" to clarify and expand individual school board members' oversight.

District School Boards

District School Board Powers and Duties

The bill creates s. 1001.366, F.S., to provide legislative intent that 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. The bill clarifies that district school board members have the right:

- Upon request, to be given free and timely access to all school district documents. Access must include documents that are not public records, including, but not limited to, notes, invoices, correspondences, memoranda, and internal legal opinions.
- To request any document or information from the district school superintendent or the superintendent's staff.
- To consult with the school district's chief financial officer on general matters related to the budget, and sources and uses of school district funds, and have access, upon request, to any detail or line item in any proposed or approved budget or in any financial transaction by the school district.
- To seek information from school district staff without the permission of the superintendent or other members of the administration.
- To confidentially use any school district electronic or communications device, such as a cellular telephone or laptop computer, without the school district monitoring its use. This provision may not be construed to violate any public records law.
- To keep confidential the content of all communications or discussions relating to union contracts of school district employees, unless otherwise advised by an attorney employed by the school district.

¹³ Section 1011.035(1), F.S.

¹⁴ Section 1011.035(2)(a), F.S.

- To comment publicly during or outside of district school board meetings on any matter of district school board business, except for student and employee disciplinary hearings.

The bill requires that an attorney not be employed by the school district and represent the district school board, except for an attorney who was hired by the school board. If any legal action is brought against an individual school board member related to his or her official position and conduct, the school board may authorize an attorney, who is employed by the school district, to provide legal representation.

The bill amends s. 1001.372, F.S., to provide that a member of the district school board may discuss matters 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 advises the school board member that the conduct would not violate the open meetings requirements of the State Constitution.¹⁵

The bill amends s. 1001.42, F.S., to authorize a district school board, during a regular school board meeting, to approve the employment of an additional attorney recommended for employment by an attorney currently employed by the school district. The additional attorney must be employed by the school district and solely represent the district school board. At the school board meeting to approve the employment of the attorney, the bill requires that the board provide:

- The purpose of hiring an additional attorney; and
- The costs of such representation. Any payment to the additional attorney must be noticed and approved by the district school board.

The bill requires that certain records, including agenda item attachments, vendor contracts, and budget documents, be kept as a public record with the minutes. The bill requires district school boards adopted policies on standards of ethical conduct to require training for school officers on compliance with the open meeting requirements of the State Constitution.¹⁶ The bill also prohibits a school board member from publicly disclosing proposed terms of collective bargaining agreements unless advised by an attorney employed by the district school board.

School Board Duties: Public School Personnel

The bill amends s. 112.3135, F.S., to remove the exemption provided to district school board members when appointing, nominating, or employing a relative in the school district. As a result, district school boards are subject to the same anti-nepotism restrictions that apply to most other state and local government entities.

The bill amends s. 1012.22, F.S., to define the term “good cause” as it relates to the rejection of an employee nominated for a position. The bill defines “good cause” as the district school board has determined any of the following:

¹⁵ FLA. CONST. art. I s.24(b) requires that all meetings of any collegial public body of a school district at which official acts are to be taken or at which public business of such body is to be transacted or discussed, to be open and noticed to the public, except with respect to meetings exempted pursuant to constitutional requirements or specifically closed by the Constitution.

¹⁶ *Id.*

- That the nominated employee received his or her nomination due to nepotism, as defined by the district school board.
- That the nominated employee fabricated or materially exaggerated his or her credentials or background.
- That the nominated employee does not meet the minimum requirements for the position.
- That the nominated employee's educator certificate has been revoked by another state.

The bill amends s. 1015.03, F.S., to prohibit a school district from requiring or otherwise providing incentives to an employee to sign a nondisclosure agreement or confidentiality agreement.

School District Fiscal Transparency

The bill amends s. 1011.035, F.S., to require that district school boards include, with the graphical representation of the budget, full line-item budget information on the proposed, tentative, and official budgets posted on the school district's website.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 112.3135, 1001.372, 1001.42, 1011.035, 1012.22, and 1015.03.

This bill creates section 1001.366 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.