

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 Rules

BILL: CS/CS/SB 1620

INTRODUCER: Rules Committee; Judiciary Committee; and Senators Leek and Gaetz

SUBJECT: Public Education

DATE: March 4, 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>	Fav/CS
3.	<u>Palazesi</u>	<u>Kruse</u>	<u>RC</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1620 creates a “District School Board Members’ Bill of Rights” to clarify individual school board members’ oversight authority. The bill requires districts to provide board members free and timely access to all district documents and allows school board members to request information directly from the superintendent and staff except for documents or information that the member would be prohibited by law from accessing. The bill authorizes consultation with the district chief financial officer and permits members to seek information from staff with superintendent permission, but requires that permission may not be unreasonably withheld. The bill also authorizes board members to comment publicly on district school board business, subject to specified limitations.

Other provisions of the bill:

- Define “good cause” for rejecting superintendent nominees.
- Specifies documents that must be kept as public records with meeting minutes.
- Prohibit districts from requiring or providing incentives to employees to sign nondisclosure or confidentiality agreements.

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

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.

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 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

⁴ Section 1001.372, F.S.

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.

- Parental consent for health care services.

III. **Effect of Proposed Changes:**

CS/SB 1620 creates a “District School Board Members’ Bill of Rights” to clarify individual school board members’ oversight.

District School Board Members’ Bill of Rights

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 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 necessary to fulfill the duties and responsibilities required under the State Constitution and the Florida Early Learning-20 Education Code. Access to documents that are confidential or exempt from public disclosure must be provided in compliance with applicable law. A request not related to a matter on a publicly noticed meeting of the district school board must be fulfilled within 10 business days after receipt of such request. Any document provided to a district school board member must be offered to all board members.
- 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 reasonable 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 request any document or information, except for documents or information that the member would be prohibited by law from accessing, from school district staff with the permission of the superintendent or other members of the administration where such permission must not be unreasonably withheld.
- 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 amends s. 1001.42, F.S., to require that certain records, including agenda item attachments, vendor contracts, and budget documents, be kept as a public record with the minutes.

School Board Duties: Public School Personnel

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” to mean the district school board has determined any of the following:

- 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 prohibits a school district from requiring or otherwise providing incentives to an employee to sign a nondisclosure agreement or confidentiality agreement. Additionally, the school district may not impose any conditions on employment that would circumvent the prohibition against the use of nondisclosure or confidentiality agreements.

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: 1001.42 and 1012.22.

This bill creates section 1001.366 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

CS/CS by Rules on March 3, 2026:

The committee substitute:

- Maintains school board member rights to free and timely access to district documents, adds a 10-business-day deadline for requests not related to a publicly noticed meeting, and requires any document provided to one member must be offered to all board members.
- Maintains school board member authority to consult with the CFO on budget matters and access any budget line item or financial transaction detail.
- Maintains school board members' right to request documents or information from staff with superintendent permission but provides that permission may not be unreasonably withheld (removes the ability to seek information without permission).
- Maintains the right to comment publicly on school board business, with exceptions for student/employee disciplinary hearings and other matters prohibited by law.
- Maintains the prohibition on school districts from requiring or incentivizing employees to sign NDAs.
- Maintains that agenda item attachments are to be kept as a public record.
- Removes from the bill provisions:
 - Relating to hiring an additional school board attorney;
 - Requiring specified training for school officers;
 - Limiting public disclosure of proposed collective bargaining terms;
 - Authorizing confidential use of district devices without monitoring in compliance with district acceptable use policy and public records law; and
 - Requirement that posted budgets include full line-item budget items.

CS by Judiciary on February 10, 2026:

The committee substitute differs from the underlying bill by:

- Removing section 1 from the bill which would have made district school boards subject to the same anti-nepotism laws that apply to most state and local government entities.
- Clarifies that the rights of a board member to access documents and information does not include the right to access documents or information that he or she is prohibited by law from accessing.
- Removes the provision that prohibited an attorney employed by a school district from representing the board unless multiple criteria were met.

- Provides that a school district may not circumvent the prohibition in the bill against the use of nondisclosure and confidentiality agreements by imposing conditions on an employee's employment.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
