

By the Committee on Judiciary; and Senators Leek and Gaetz

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

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

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32 Section 1. Section 1001.366, Florida Statutes, is
33 created to read:

34 1001.366 District School Board Members' Bill of Rights.—

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

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

40 (a) 1. Upon request, be given free and timely access to all
41 school district documents, except for documents that the member
42 would be prohibited by law from accessing. Access must include
43 documents that are not public records, including, but not
44 limited to, notes, invoices, correspondences, memoranda, and
45 internal legal opinions.

46 2. Request any document or information from the district
47 school superintendent or the superintendent's staff, except for
48 documents or information that the member would be prohibited by
49 law from accessing.

50 (b) Consult with the school district's chief financial
51 officer on general matters related to the budget, and sources
52 and uses of school district funds, and have reasonable access,
53 upon request, to any detail or line item in any proposed or
54 approved budget or in any financial transaction by the school
55 district.

56 (c) Seek information from school district staff without the
57 permission of the superintendent or other members of the
58 administration.

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59 (d) Confidentially use any school district electronic or
60 communications device, such as a cellular telephone or laptop
61 computer, without the school district monitoring its use. This
62 paragraph may not be construed to violate any public records
63 law.

64 (e) Keep confidential the content of all communications or
65 discussions relating to union contracts of school district
66 employees, unless otherwise advised by an attorney employed by
67 the school district.

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

72 (3) In any legal action brought against an individual
73 school board member related to his or her official position and
74 conduct, the school board may authorize an attorney, who is
75 employed by the school district, to provide legal
76 representation.

77 Section 2. Subsection (5) is added to section 1001.372,
78 Florida Statutes, to read:

79 1001.372 District school board meetings.—

80 (5) COMMUNICATIONS ABOUT AGENDA ITEMS.—A member of the
81 district school board may have communications or discussions
82 relating to any item or action scheduled to be heard or likely
83 to be heard at a future school board meeting with the district
84 school superintendent, an attorney employed by the school
85 district, or district staff, if an attorney employed by the
86 school district pursuant to s. 1001.42(5)(c) has advised the
87 school board member that such communications or discussions

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88 would not violate s. 24(b), Art. I of the State Constitution.

89 Section 3. Subsection (6) of section 1001.42, Florida
90 Statutes, is amended, paragraph (c) is added to subsection (1)
91 of that section, paragraph (c) is added to subsection (5) of
92 that section, and paragraph (c) is added to subsection (24) of
93 that section, to read:

94 1001.42 Powers and duties of district school board.—The
95 district school board, acting as a board, shall exercise all
96 powers and perform all duties listed below:

97 (1) REQUIRE MINUTES AND RECORDS TO BE KEPT.—Require the
98 district school superintendent, as secretary, to keep such
99 minutes and records as are necessary to set forth clearly all
100 actions and proceedings of the school board.

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

105 (5) PERSONNEL.—

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

112 1. The purpose of hiring an additional attorney.

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

116 (6) STANDARDS OF ETHICAL CONDUCT.—Adopt policies

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117 establishing standards of ethical conduct for educational
118 support employees, instructional personnel, administrative
119 personnel, and school officers. The policies must require all
120 educational support employees, instructional personnel,
121 administrative personnel, and school officers, as defined in s.
122 1012.01, to complete training on the standards, including
123 training for school officers in compliance with s. 24(b), Art. I
124 of the State Constitution; establish the duty of educational
125 support employees, instructional personnel, administrative
126 personnel, and school officers to report, and procedures for
127 reporting, alleged misconduct by other educational support
128 employees, instructional or administrative personnel, and school
129 officers which affects the health, safety, or welfare of a
130 student, including misconduct that involves engaging in or
131 soliciting sexual, romantic, or lewd conduct with a student;
132 require the district school superintendent to report to law
133 enforcement misconduct by educational support employees,
134 instructional personnel, or school administrators that would
135 result in disqualification from educator certification or
136 employment as provided in s. 1012.315; and include an
137 explanation of the liability protections provided under ss.
138 39.203 and 768.095. A district school board, or any of its
139 employees or personnel, may not enter into a confidentiality
140 agreement regarding terminated or dismissed educational support
141 employees, instructional or administrative personnel, or school
142 officers who resign in lieu of termination, based in whole or in
143 part on misconduct that affects the health, safety, or welfare
144 of a student, and may not provide educational support employees,
145 instructional personnel, administrative personnel, or school

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146 officers with employment references or discuss the employees',
147 personnel's, or officers' performance with prospective employers
148 in another educational setting, without disclosing the
149 employees', personnel's, or officers' misconduct. Any part of an
150 agreement or contract that has the purpose or effect of
151 concealing misconduct by educational support employees,
152 instructional personnel, administrative personnel, or school
153 officers which affects the health, safety, or welfare of a
154 student is void, is contrary to public policy, and may not be
155 enforced.

156 (24) EMPLOYMENT CONTRACTS.—

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

160 Section 4. Paragraph (a) of subsection (2) of section
161 1011.035, Florida Statutes, is amended to read:

162 1011.035 School district fiscal transparency.—

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

167 (a) Graphical representations, for each public school
168 within the district and for the school district, of the
169 following:

170 1. Summary financial efficiency data.

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

172 a. The ratio of full-time equivalent students to full-time
173 equivalent instructional personnel.

174 b. The ratio of full-time equivalent students to full-time

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175 equivalent administrative personnel.

176 c. The total operating expenditures per full-time
177 equivalent student.

178 d. The total instructional expenditures per full-time
179 equivalent student.

180 e. The general administrative expenditures as a percentage
181 of total budget.

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

184 g. Full line-item budget items.

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186 This information must be prominently posted on the school
187 district's website in a manner that is readily accessible to the
188 public.

189 Section 5. Paragraph (a) of subsection (1) of section
190 1012.22, Florida Statutes, is amended to read:

191 1012.22 Public school personnel; powers and duties of the
192 district school board.—The district school board shall:

193 (1) Designate positions to be filled, prescribe
194 qualifications for those positions, and provide for the
195 appointment, compensation, promotion, suspension, and dismissal
196 of employees as follows, subject to the requirements of this
197 chapter:

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

199 1. The district school board shall act upon written
200 recommendations submitted by the district school superintendent
201 for positions to be filled, for minimum qualifications for
202 personnel for the various positions, and for the persons
203 nominated to fill such positions.

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204 2. The district school board may reject for good cause any
205 employee nominated.

206 3. If the third nomination by the district school
207 superintendent for any position is rejected for good cause, if
208 the district school superintendent fails to submit a nomination
209 for initial employment within a reasonable time as prescribed by
210 the district school board, or if the district school
211 superintendent fails to submit a nomination for reemployment
212 within the time prescribed by law, the district school board may
213 proceed on its own motion to fill such position.

214 4. The district school board's decision to reject a
215 person's nomination does not give that person a right of action
216 to sue over the rejection and may not be used as a cause of
217 action by the nominated employee.

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

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

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

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

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

230 Section 6. Subsection (1) of section 1015.03, Florida
231 Statutes, is amended to read:

232 1015.03 Rights of employment.—

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

237 (b) A school district employee may not be required or
238 otherwise incentivized to sign a nondisclosure agreement or
239 confidentiality agreement. A school district may not impose
240 conditions on employment to circumvent this paragraph.

241 Section 7. This act shall take effect July 1, 2026.