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July 8, 2020

Dr. Gregory Adkins, Superintendent
Lee County School District
2855 Colonial Boulevard
Fort Myers, Florida 33966-1012

Dear Superintendent Adkins:

Re: Auditor General Report No. 2019-026, Ad Valorem Taxation

I am in receipt of your September 30, 2019, letter referencing state and federal environmental statutes, rules and regulations, as requested by the Florida Department of Education (department) to support the allowability of expenditures with local capital improvement (LCI) funds.

I can assure you that my staff carefully reviewed the materials that the district provided in relation to the district's use of LCI funds and the adverse audit finding resulting therefrom. The very personnel charged with maintaining the State Requirements for Educational Facilities were consulted prior to my previous correspondence. We do not find that the regulation authorizes the district's expenditures upon reviewing all documentation submitted by the district. You concede that the federal authority upon which you rely is advisory in nature and is not a regulation. Furthermore, the district has presented no data to suggest that it was addressing a hazard likely to cause death or serious bodily harm that would invoke the Occupational Safety and Health Act. There are simply no grounds to reconsider my determination.

Pursuant to sections 1011.71(2)(b) and 1011.71(2)(g), Florida Statutes (F.S.), the following expenditures are not considered maintenance-related or allowable uses of LCI funds:

Category Number	Category Name	Amount
2	Concrete Drainage Improvements	\$82,066.75
4	Water Extraction	\$18,670.00
5	Safety to Life	\$141,240.47
6	Mold Remediation	\$786,480.50
7	Conceded Expenditures	\$160,401.96
Total		\$1,188,859.68

Suzanne Pridgeon
Deputy Commissioner, Finance and Operations

Superintendent Adkins

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The district will need to restore the \$1,188,859.68 expenditures from the general fund to the LCI fund and provide the journal entry support to OFFRSubmissions@fldoe.org by July 31, 2020. Failure to comply will result in a reduction of appropriate Florida Education Finance Program funds in fiscal year 2019-20, pursuant to s. 1011.71(6), F.S.

To date, the department has not received the district's updated policies and procedures to ensure and demonstrate that ad valorem tax levy proceeds are used only for authorized purposes. These documents were requested in prior correspondence sent on December 7, 2018, May 16, 2019, and September 20, 2019. Please provide these documents to OFFRSubmissions@fldoe.org by July 31, 2020.

Sincerely,



Suzanne Pridgeon
Deputy Commissioner

SP/ll

cc: Gwynetta Gittens, Chair, Lee County School Board
Members, Lee County School Board
Dr. Ami Desamours, Chief Financial Officer
Susan Malay, Executive Director of Financial Services
Kelly Letcher, Director of Business Services
Mark Eggers, Assistant Deputy Commissioner
James Richmond, Office of General Counsel
Li Liu, Senior Educational Policy Director