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LEGISLATIVE ACTION

Senate

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House

Senator Lee moved the following:

1 **Senate Amendment to House Amendment (064965) (with title**
2 **amendment)**

3
4 Delete lines 46 - 643

5 and insert:

6 (4) TRAINING REQUIREMENT.-

7 (a) Beginning January 1, 2021, each appointed public
8 official and executive officer shall complete a minimum of 5
9 hours of board governance training for each term served.

10 1. An appointed public official or executive officer
11 holding office or employed by an entity on January 1, 2021,



176752

12 shall complete the 5 hours of board governance training before
13 the expiration of his or her term of service. If an appointed
14 public official or executive officer is employed under a
15 contract that does not specify a termination date for
16 employment, the public official or executive officer shall
17 complete the 5 hours of training by January 1, 2022, and once
18 every 4 years thereafter for the duration of their employment.

19 2. An appointed public official or executive officer who is
20 appointed, reappointed, or hired after January 1, 2021, shall
21 complete the 5 hours of board governance training within 180
22 days after the date of his or her appointment, reappointment, or
23 hire.

24 (b) By January 1, 2021, a governmental entity shall provide
25 board governance training to its appointed public officials and
26 executive officers that, at a minimum, includes educational
27 materials and instruction on the following:

28 1. Generally accepted corporate board governance principles
29 and best practices; corporate board fiduciary duty of care legal
30 analyses; corporate board oversight and evaluation procedures;
31 governmental entity responsibilities; executive officer
32 responsibilities; executive officer performance evaluations;
33 selecting, monitoring, and evaluating an executive management
34 team; reviewing and approving proposed investments,
35 expenditures, and budget plans; financial accounting and capital
36 allocation principles and practices; and new governmental entity
37 member orientation.

38 2. The fiduciary duty of care and obligations imposed upon
39 appointed public officials and executive officers pursuant to
40 this section.



176752

41 (c) Within 30 days after completion of the board governance
42 training, each appointed public official and executive officer
43 shall certify, in writing or electronic form and under oath to
44 the governmental entity's custodian of records that he or she:

45 1. Has completed the training required by this subsection;

46 2. Has read the laws and relevant policies applicable to
47 his or her position;

48 3. Will work to uphold such laws and policies to the best
49 of his or her ability; and

50 4. Will faithfully discharge his or her fiduciary
51 responsibility, as imposed by this section.

52 (d) This subsection does not apply to appointed public
53 officials and executive officers who:

54 1. Serve governmental entities whose annual revenues are
55 less than \$100,000;

56 2. Hold elected office in another capacity; or

57 3. Complete board governance training involving fiduciary
58 duties or responsibilities which is required under any other
59 state law.

60 (5) APPOINTMENT OF EXECUTIVE OFFICERS AND GENERAL
61 COUNSELS.—The appointment of any executive officer or general
62 counsel is subject to approval by a majority vote of the
63 governmental entity.

64 (6) STANDARDS FOR LEGAL COUNSEL.—All legal counsel employed
65 by a governmental entity must represent the legal interests and
66 positions of the governmental entity and not the interest of any
67 individual or employee of the governmental entity, unless such
68 representation is directed by the governmental entity or as
69 authorized by law.



176752

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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 648 - 703

and insert:

An act relating to the fiduciary duty of care for appointed public officials and executive officers; providing a directive to the Division of Law Revision to create part IX of ch. 112, F.S.; creating s. 112.89, F.S.; providing legislative findings and purpose; defining terms; establishing standards for the fiduciary duty of care for appointed public officials and executive officers of specified governmental entities; requiring training on board governance beginning on a specified date; requiring appointed public officials and executive officers to certify their completion of the annual training to the the governmental entity's custodian of records; providing exceptions to the training requirement; specifying requirements for the appointment of executive officers and general counsels of governmental entities; specifying standards for legal counsel; providing an effective date.