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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Rules (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Between lines 170 and 171
insert:
Section 3. Section 112.31421, Florida Statutes, is created to read:
112.31421 Governance board training.—
(1) As used in this section, the term:
(a) "Appointed public official" means either a local officer as defined in s. 112.3145(1)(a)2.a., b., c., d., or f., or a state officer as defined in s. 112.3145(1)(c)2. or 3.

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12 (b) "Department" means the Department of Business and
13 Professional Regulation.
14 (c) "Executive officer" means the chief executive officer
15 of a governmental entity to which an appointed public official
16 is appointed.
17 (d) "Governmental entity" means the entity, or a board, a
18 council, a commission, an authority, or other body thereof, to
19 which an appointed public official or an executive officer is
20 appointed or hired.
21 (2)(a) Beginning January 1, 2024, each appointed public
22 official and executive officer shall complete a minimum of 5
23 hours of board governance training for each term served.
24 1. An appointed public official or executive officer
25 holding office or employed by a governmental entity on January
26 1, 2024, shall complete the 5 hours of board governance training
27 before the expiration of his or her term of service. If an
28 appointed public official or executive officer is employed under
29 a contract that does not specify a termination date for
30 employment, the public official or executive officer must
31 complete the 5 hours of training by January 1, 2025, and once
32 every 4 years thereafter for the duration of his or her
33 employment.
34 2. An appointed public official or executive officer who is
35 appointed, reappointed, or hired after January 1, 2024, shall
36 complete the 5 hours of board governance training within 180
37 days after the date of his or her appointment, reappointment, or
38 hire.
39 (b) By January 1, 2024, the department shall:
40 1. Contract for or approve a board governance training

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41 program that includes an affordable web-based electronic media
42 option; or
43 2. Publish a list of approved board governance training
44 providers on its website. Approved providers may include a
45 Florida College System institution, a state university, a
46 nationally recognized entity specializing in board governance
47 education, or any other entity deemed qualified by the
48 department as capable of providing the minimum training
49 requirements specified in this subsection.
50 (c) The board governance training programs must, at a
51 minimum, provide educational materials and instruction on the
52 following:
53 1. Generally accepted corporate board governance principles
54 and best practices; corporate board fiduciary duty of care legal
55 analyses; corporate board oversight and evaluation procedures;
56 governmental entity responsibilities; executive officer
57 responsibilities; executive officer performance evaluations;
58 selecting, monitoring, and evaluating an executive management
59 team; reviewing and approving proposed investments,
60 expenditures, and budget plans; financial accounting and capital
61 allocation principles and practices; and new governmental entity
62 member orientation.
63 2. The fiduciary duty of care and obligations imposed upon
64 appointed public officials and executive officers pursuant to
65 this section.
66 (d) A governmental entity complies with the training
67 requirement under this subsection by providing a department-
68 approved program or contracting with a provider listed by the
69 department under subparagraph (b)2. However, for governmental

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70 entities with annual revenues of less than $300,000, board
71 governance training may be provided by in-house counsel of the
72 governmental entity or the unit of government that created the
73 governmental entity, if applicable, so long as the training
74 complies with the minimum course content established by
75 department rule.
76 (e) Within 30 days after completion of the board governance
77 training, each appointed public official and executive officer
78 shall certify, in writing or electronic form and under oath, to
79 the department that he or she:
80 1. Has completed the training required by this subsection;
81 2. Has read the laws and relevant policies applicable to
82 his or her position;
83 3. Will work to uphold such laws and policies to the best
84 of his or her ability; and
85 4. Will faithfully discharge his or her fiduciary duty, as
86 imposed by this section.
87 (f) The department shall adopt rules to implement this
88 subsection.
89 (g) This subsection does not apply to appointed public
90 officials and executive officers who:
91 1. Serve governmental entities whose annual revenues are
92 less than $100,000;
93 2. Hold elected office in another capacity; or
94 3. Complete board governance training involving fiduciary
95 duties or responsibilities which is required under any other
96 state law.
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98 ========== T I T L E A M E N D M E N T ==========

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99 And the title is amended as follows:
100 Delete line 14
101 and insert:
102 training for that calendar year; creating s.
103 112.31421, F.S.; defining terms; requiring appointed
104 public officials and executive officers to complete
105 training on board governance beginning on a specified
106 date; requiring the Department of Business and
107 Professional Regulation to contract for or approve a
108 training program or publish a list of approved
109 training providers; specifying requirements for such
110 training; providing that training may be provided by
111 in-house counsel for certain governmental entities;
112 requiring appointed public officials and executive
113 officers to certify their completion of the annual
114 training; requiring the department to adopt rules;
115 providing exceptions to the training requirement;
116 reenacting and