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NEW POLICY - VOL. 17, NO. 2

6490 - LEGAL SERVICES FOR EMPLOYEES, OFFICERS, AND PUBLIC OFFICIALS

The School Board recognizes that there may be times when employees, officers and public officials of the Board may be subjected to civil or criminal actions. This policy shall govern payment for legal services.

Legal Services for Employees and Officers

In accordance with Florida law, the Board:

OPTION 1

shall provide legal services when officers and employees of the Board are charged with civil or criminal actions arising out of and in the course of the performance of their assigned duties and responsibilities.

In any case in which an officer or employee pleads guilty or nolo contendere or is found guilty of any such action, the officer or employee shall reimburse the Board for any legal services supplied by the Board.

END OF OPTION 1

OPTION 2

may provide legal services when officers and employees of the Board are charged with civil or criminal actions arising out of and in the course of the performance of their assigned duties and responsibilities.

In any case in which an officer or employee pleads guilty or nolo contendere or is found guilty of any such action, the officer or employee shall reimburse the Board for any legal services supplied by the Board.

If the Board elects not to provide legal services, the Board shall provide for reimbursement of reasonable expenses for legal services for officers and employees who are charged with civil or criminal actions arising out of and in the course of the performance of assigned duties and responsibilities upon successful defense by the employee or officer.

END OF OPTION 2

Judgments Against Employees and Officers

In accordance with Florida law, the Board:

OPTION 1

shall reimburse an officer or employee of the Board for any judgment which may be entered against him or her in a civil action arising out of and in the course of the performance of his or her assigned duties and responsibilities while serving a public purpose.

END OF OPTION 1

OPTION 2

may reimburse an officer or employee of the Board for any judgment which may be entered against him or her in a civil action arising out of and in the course of the performance of his or her assigned duties and responsibilities while serving a public purpose.

END OF OPTION 2

Board Members and x-Elected Superintendents

The Board recognizes that public officials are entitled to legal representation at public expense to defend themselves against litigation arising from the performance of their official duties while serving a public purpose.

Accordingly, Board members [] or the elected Superintendent:

OPTION 1

[] may request that the Board pay for legal representation to defend him/her against litigation or other proceedings (where civil or criminal liability may be imposed) during the pendency of the litigation or other proceeding(s) so long as their conduct arose out of or in connection with the performance of their official duties while serving a public purpose.

In accordance with this policy, in order to receive payment for legal representation (i.e. reasonable attorney's fees) during the pendency of any litigation or proceeding as set forth above, the Board member [] or the elected Superintendent must file with the Clerk of the Board a notarized affidavit under oath that includes the following information:

- A. the name of the Board member [] or the elected Superintendent;
- B. a statement that the Board member [] or the elected Superintendent is of sound mind and competent to testify to the matters set forth in the affidavit;
- C. a statement that the information in the affidavit is based on the Board member's [] or the elected Superintendent's personal knowledge and that the affidavit was given voluntarily, freely and truthfully without any threat of coercion or promise of reward;
- D. if the Board member [] or the elected Superintendent seeks payment of reasonable attorney's fees for pending litigation, the affidavit must identify the parties involved in the litigation, the court or tribunal where the action is pending, and copy of the complaint or pleading initiating the litigation;
- E. if the Board member [] or the elected Superintendent seeks payment of reasonable attorney's fees for a pending proceeding other than litigation, the affidavit must include a detailed description of the proceeding sufficient to identify the individuals and/or entities involved and the nature of the proceeding;
- F. a description of the official duties that were performed by the Board member [] or the elected Superintendent upon which the litigation and/or proceeding is based; and
- G. a description of the public purpose the Board member [] or the elected Superintendent was serving when s/he performed his/her official duties.

Upon receipt of the Board member's [] or the elected Superintendent's notarized affidavit and verification by [] the Superintendent or, in the case of the Superintendent, the Board attorney [] the Board attorney [] _____ that all pertinent information is included in that affidavit, payment shall be provided as follows:

- A. The Board shall pay up to \$ _____ for reasonable attorney's fees incurred during the pendency of litigation and/or other proceedings. Payment shall not be made until written invoices are provided to the Board identifying the date legal representation was provided, the time incurred on each date representation was provided, and the amount sought. Payment will only be made for legal representation directly related to defending the Board member's [] or the elected Superintendent's conduct that arose out of or in connection with the performance of their official duties while serving a public purpose.
- B. Payment of reasonable attorney's fees incurred in excess of \$ _____ shall not be provided until after the conclusion of the litigation and/or other proceedings and will be provided on a reimbursement basis only.

In order for reimbursement to be provided, the Board member [] or the elected Superintendent must demonstrate that (1) s/he was successful in his/her defense against the charges against him/her and (2) the litigation or other proceeding(s) (where civil or criminal liability may be imposed) arose out of or in connection with the performance of the his/her official duties while serving a public purpose.

Within thirty (30) days from the conclusion of the litigation or other proceedings, the Board member [] or the elected Superintendent must submit a final invoice to the Board identifying all dates legal representation was provided, the time incurred on each date representation was provided, and the amount sought. Payment will only be made for legal representation directly related to defending the Board member's [] or the elected Superintendent's conduct that arose out of or in connection with the performance of their official duties while serving a public purpose.

No reimbursement will be provided for invoices submitted more than thirty (30) days from the date the litigation or other proceedings concludes.

The Board shall not pay for legal representation if the Board member [] or elected Superintendent pleads guilty or nolo contendere or is found guilty of any such action in connection with the litigation and/or other proceedings. Additionally, the Board member [] or elected Superintendent shall reimburse the Board for any payment previously made for legal services if the Board member [] or elected Superintendent pleads guilty or nolo contendere or is found guilty of any such action in connection with the litigation and/or other proceedings

END OF OPTION 1**OPTION 2**

[x-] may request that the Board reimburse them for reasonable attorney's fees incurred in defending themselves against litigation or other proceedings (where civil or criminal liability may be imposed) so long as their conduct arose out of or in connection with the performance of their official duties while serving a public purpose.

Within thirty (30) days from the conclusion of the litigation or other proceedings, the public official must submit a final invoice to the Board identifying all dates legal representation was provided, the time incurred on each date representation was provided, and the amount sought. Payment will only be made for legal representation directly related to defending the public official's conduct that arose out of or in connection with the performance of their official duties while serving a public purpose. No reimbursement will be provided for invoices submitted more than thirty (30) days from the date the litigation or other proceedings concludes.

The Board shall not pay for legal representation if the Board member or **elected Superintendent** pleads guilty or nolo contendere or is found guilty of any such action in connection with the litigation and/or other proceedings.

END OF OPTION 2

Judgments Against Board Members and Elected Superintendents

Payment of judgments rendered against Board members or **elected Superintendent** shall be made in accordance with Florida law.

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Legal [F.S. 287.055](#)
[F.S. 1001.43](#)
[F.S. 1013.46](#)

Cross References [po6326 - BID PROTESTS](#)

Last Modified by Sam Stalnaker on June 1, 2018