

By the Committees on Rules; Judiciary; and Ethics and Elections;
and Senator Latvala

595-04146-14

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1 A bill to be entitled
2 An act relating to the residency of candidates and
3 public officers; creating ss. 99.0125 and 111.015,
4 F.S.; requiring a candidate or public officer required
5 to reside in a specific geographic area to have only
6 one domicile at a time; providing factors that may be
7 considered when determining residency; providing
8 exceptions for active duty military members; amending
9 ss. 14.01, 16.01, 17.02, 19.23, and 114.03, F.S.;
10 specifying the applicability of residency requirements
11 on the Governor and Cabinet officers; specifying that
12 the act does not apply to members of the Legislature;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 99.0125, Florida Statutes, is created to
18 read:

19 99.0125 Residency; candidates.—

20 (1) The address at which a candidate maintains his or her
21 domicile must be used to satisfy any candidate residency
22 requirement. A candidate may have only one domicile at a time.
23 The building claimed as a domicile must be zoned for residential
24 use and must comply with all requirements necessary to obtain a
25 certificate of occupancy or certificate of completion pursuant
26 to applicable building codes.

27 (2) Factors that may be considered in determining whether a
28 candidate meets a residency requirement include, but are not
29 limited to:

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30 (a) A formal declaration of domicile in the public records
31 of the county.

32 (b) A statement, whether oral or written, indicating the
33 intention to establish a place as his or her domicile.

34 (c) Whether he or she transferred the title to his or her
35 previous residence.

36 (d) The address at which he or she claims a homestead
37 exemption.

38 (e) An address at which he or she has purchased, rented, or
39 leased property.

40 (f) The address where he or she plans to build a new home.

41 (g) The amount of time that he or she spends at property he
42 or she owns, leases, or rents.

43 (h) Proof of payment for, and usage activity of, utilities
44 at property owned by the candidate.

45 (i) The address at which he or she receives mail and
46 correspondence.

47 (j) The address provided to register his or her dependent
48 children for school.

49 (k) The address of his or her spouse or immediate family
50 members.

51 (l) The physical address of his or her employment.

52 (m) Previous permanent residency in a state other than
53 Florida or in another country, and the date his or her residency
54 was terminated.

55 (n) The address on his or her voter information card or
56 other official correspondence from the supervisor of elections
57 providing proof of voter registration.

58 (o) The address on his or her valid Florida driver license

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59 issued under s. 322.18, valid Florida identification card issued
60 under s. 322.051, or any other license required by law.

61 (p) The address on the title to, or a certificate of
62 registration of, his or her motor vehicle.

63 (q) The address listed on filed federal income tax returns.

64 (r) The location where his or her bank statements and
65 checking accounts are registered.

66 (s) A request made to a federal, state, or local government
67 agency to update or change his or her address.

68 (t) Whether he or she has relinquished a license or permit
69 held in another jurisdiction.

70 (3) An active duty military member may not be deemed to
71 have acquired a domicile in this state solely by reason of being
72 stationed on duty in this state; nor shall an active duty
73 military member be deemed to have abandoned domicile in this
74 state solely because he or she is stationed in another
75 municipality, state, or country. However, this subsection does
76 not prohibit an active duty military member from establishing a
77 new domicile where he or she is stationed.

78 Section 2. Section 111.015, Florida Statutes, is created to
79 read:

80 111.015 Residency; public officers.—

81 (1) The address at which a public officer maintains his or
82 her domicile must be used to satisfy any residency requirement.
83 A public officer may have only one domicile at a time. The
84 building claimed as a domicile must be zoned for residential use
85 and must comply with all requirements necessary to obtain a
86 certificate of occupancy or certificate of completion pursuant
87 to applicable building codes.

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88 (2) Factors that may be considered in determining whether a
89 public officer meets a residency requirement include, but are
90 not limited to:

91 (a) A formal declaration of domicile in the public records
92 of the county.

93 (b) A statement, whether oral or written, indicating the
94 intention to establish a place as his or her domicile.

95 (c) Whether he or she transferred the title to his or her
96 previous residence.

97 (d) The address at which he or she claims a homestead
98 exemption.

99 (e) An address at which he or she has purchased, rented, or
100 leased property.

101 (f) The address where he or she plans to build a new home.

102 (g) The amount of time that he or she spends at property he
103 or she owns, leases, or rents.

104 (h) Proof of payment for, and usage activity of, utilities
105 at property owned by the public officer.

106 (i) The address at which he or she receives mail and
107 correspondence.

108 (j) The address provided to register his or her dependent
109 children for school.

110 (k) The address of his or her spouse or immediate family
111 members.

112 (l) The physical address of his or her employment.

113 (m) Previous permanent residency in a state other than
114 Florida or in another country, and the date his or her residency
115 was terminated.

116 (n) The address on his or her voter information card or

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117 other official correspondence from the supervisor of elections
118 providing proof of voter registration.

119 (o) The address on his or her valid Florida driver license
120 issued under s. 322.18, valid Florida identification card issued
121 under s. 322.051, or any other license required by law.

122 (p) The address on the title to, or a certificate of
123 registration of, his or her motor vehicle.

124 (q) The address listed on filed federal income tax returns.

125 (r) The location where his or her bank statements and
126 checking accounts are registered.

127 (s) A request made to a federal, state, or local government
128 agency to update or change his or her address.

129 (t) Whether he or she has relinquished a license or permit
130 held in another jurisdiction.

131 (3) An active duty military member may not be deemed to
132 have acquired a domicile in this state solely by reason of being
133 stationed on duty in this state; nor shall an active duty
134 military member be deemed to have abandoned domicile in this
135 state solely because he or she is stationed in another
136 municipality, state, or country. However, this subsection does
137 not prohibit an active duty military member from establishing a
138 new domicile where he or she is stationed.

139 Section 3. Section 14.01, Florida Statutes, is amended to
140 read:

141 14.01 Governor; residence; office; authority to protect
142 life, liberty, and property.—

143 (1) The Governor shall reside at the head of government,
144 and the Governor's office shall be in the capitol. The Governor
145 may have such other offices within the state as he or she may

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146 deem necessary. The Governor may employ as many persons as he or
147 she, in his or her discretion, may deem necessary to procure and
148 secure protection to life, liberty, and property of the
149 inhabitants of the state, also to protect the property of the
150 state.

151 (2) Notwithstanding s. 111.015, this section does not
152 require the Governor to establish a new domicile at the head of
153 government.

154 Section 4. Subsection (1) of section 16.01, Florida
155 Statutes, is amended to read:

156 16.01 Residence, office, and duties of Attorney General.—
157 The Attorney General:

158 (1) Shall reside at the seat of government and shall keep
159 his or her office in the capitol. Notwithstanding s. 111.015,
160 this subsection does not require the Attorney General to
161 establish a new domicile at the seat of government.

162 Section 5. Section 17.02, Florida Statutes, is amended to
163 read:

164 17.02 Place of residence and office.—The Chief Financial
165 Officer shall reside at the seat of government of this state and
166 shall keep his or her ~~hold~~ office in a room in the Capitol.
167 Notwithstanding s. 111.015, this section does not require the
168 Chief Financial Officer to establish a new domicile at the seat
169 of government.

170 Section 6. Section 19.23, Florida Statutes, is amended to
171 read:

172 19.23 Residence and office.—The Commissioner of Agriculture
173 shall reside at the seat of government in this state, and shall
174 keep his or her office in a room in the capitol. Notwithstanding

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175 s. 111.015, this section does not require the Commissioner of
176 Agriculture to establish a new domicile at the seat of
177 government.

178 Section 7. Section 114.03, Florida Statutes, is amended to
179 read:

180 114.03 Certain executive officers not to absent themselves
181 from the state.—

182 (1) The Attorney General, Chief Financial Officer, and
183 Commissioner of Agriculture shall reside at the capital, and no
184 member of the Cabinet shall absent himself or herself from the
185 state for a period of 60 consecutive days or more without the
186 consent of the Governor and a majority of the Cabinet. If a
187 Cabinet officer should refuse or fail to comply with and observe
188 the requirements of this section, his or her office may be
189 deemed vacant pursuant to paragraph (f) or paragraph (g) of s.
190 114.01(1), as appropriate.

191 (2) Notwithstanding s. 111.015, this section does not
192 require the Attorney General, the Chief Financial Officer, or
193 the Commissioner of Agriculture to establish a new domicile at
194 the capital.

195 Section 8. In accordance with s. 2, Article III of the
196 State Constitution, this act does not apply to members of the
197 Legislature.

198 Section 9. This act shall take effect January 1, 2015.