

By the Committee on Rules; the Appropriations Committee on Agriculture, Environment, and General Government; and Senator Grall

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A bill to be entitled

An act relating to public officers and employees; creating s. 20.71, F.S.; requiring that, beginning on a specified date, secretaries and executive directors of departments, chief administrative officers of certain units of state government, members of commissions and licensing boards, chairs of governing boards or certain chief executives of certain statewide entities, or any persons appointed to hold state office in the executive branch of state government be United States citizens and residents of this state; providing that a specified provision applies to each such office; requiring that, beginning on a specified date, members of the board of trustees for state universities be United States citizens and residents of this state or graduates of the state university that the board oversees; requiring that, beginning on a specified date, members of the Board of Governors of the State University System be United States citizens and either residents of this state or have graduated from a state university; providing that if any such requirements are not met, the office is deemed vacant; amending s. 104.31, F.S.; revising construction of provisions relating to political activities of state, county, and municipal officers and employees; amending s. 110.233, F.S.; prohibiting career service employees from using the influence of their positions for specified purposes; amending s. 112.061, F.S.; prohibiting the authorization or

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approval of reimbursements for travel expenses to and from the person's residence and his or her headquarters for specified positions; defining the term "residence"; requiring that the official headquarters for specified positions be the city or town in which the department's official headquarters is located; prohibiting persons serving in specified positions from being reimbursed for certain travel expenses; creating s. 112.31251, F.S.; defining the term "office" for purposes of s. 5(a), Art. II of the State Constitution; defining the term "employment"; providing an effective date.

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

Section 1. Section 20.71, Florida Statutes, is created to read:

20.71 Residency requirements.—Notwithstanding any other law:

(1)(a) Effective October 1, 2025, each of the following persons must be a United States citizen and a resident of this state:

1. The secretary of a department.

2. The executive director of a department.

3. The chief administrative officer of any unit of state government which is housed under a department for administrative purposes but is not subject to the control, supervision, or direction of such department.

4. A member of a commission.

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59 5. A member of a licensing board.

60 6. The chair of the governing board, or the chief
61 executive, of a statewide entity that is explicitly created or
62 established by statute, regardless of its legal form, for a
63 public purpose or to carry out a government program and that is
64 not under the direct control of a governmental entity.

65 7. Any other person appointed to hold state office in the
66 executive branch of state government.

67 (b) Section 114.01 applies to each office described in
68 paragraph (a).

69 (2) Effective January 6, 2027, each member of a state
70 university board of trustees must be a United States citizen and
71 either a resident of this state or a graduate of the state
72 university, the administration of which is overseen by such
73 board of trustees. If any member of a state university board of
74 trustees does not meet the requirements of this subsection, such
75 member's office is automatically deemed vacant.

76 (3) Effective January 6, 2027, each member of the Board of
77 Governors must be a United States citizen and either a resident
78 of this state or a graduate of a state university as defined in
79 s. 1000.21. If any member of the Board of Governors does not
80 meet the requirements of this subsection, such member's office
81 is automatically deemed vacant.

82 Section 2. Subsections (1) and (2) of section 104.31,
83 Florida Statutes, are amended to read:

84 104.31 Political activities of state, county, and municipal
85 officers and employees.—

86 (1) No officer or employee of the state, or of any county
87 or municipality thereof, except as hereinafter exempted from

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provisions hereof, shall:

(a) Use his or her official authority or influence for the purpose of interfering with an election or a nomination of office or coercing or influencing another person's vote or affecting the result thereof.

(b) Directly or indirectly coerce or attempt to coerce, command, or advise any other officer or employee to pay, lend, or contribute any part of his or her salary, or any money, or anything else of value to any party, committee, organization, agency, or person for political purposes. Nothing in this paragraph or in any county or municipal charter or ordinance shall prohibit an employee from suggesting to another employee in a noncoercive manner that he or she may voluntarily contribute to a fund which is administered by a party, committee, organization, agency, person, labor union or other employee organization for political purposes.

(c) Directly or indirectly coerce or attempt to coerce, command, and advise any such officer or employee as to where he or she might purchase commodities or to interfere in any other way with the personal right of said officer or employee.

The provisions of this section may ~~shall~~ not be construed so as to prevent any person from becoming a candidate for and actively campaigning for any elective office in this state. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. The provisions of paragraph (a) may ~~shall~~ not be construed so as to limit the political activity in a general, special, primary, bond, referendum, or other election of any kind or nature, of

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117 elected officials or candidates for public office in the state
118 or of any county or municipality thereof; ~~and the provisions of~~
119 ~~paragraph (a) shall not be construed so as to limit the~~
120 ~~political activity in general or special elections of the~~
121 ~~officials appointed as the heads or directors of state~~
122 ~~administrative agencies, boards, commissions, or committees or~~
123 ~~of the members of state boards, commissions, or committees,~~
124 ~~whether they be salaried, nonsalaried, or reimbursed for~~
125 ~~expense. In the event of a dual capacity of any member of a~~
126 ~~state board, commission, or committee, any restrictive~~
127 ~~provisions applicable to either capacity shall apply. The~~
128 ~~provisions of paragraph (a) shall not be construed so as to~~
129 ~~limit the political activity in a general, special, primary,~~
130 ~~bond, referendum, or other election of any kind or nature of the~~
131 ~~Governor, the elected members of the Governor's Cabinet, or the~~
132 ~~members of the Legislature. The provisions of paragraphs (b) and~~
133 (c) shall apply to all officers and employees of the state or of
134 any county or municipality thereof, whether elected, appointed,
135 or otherwise employed, or whether the activity shall be in
136 connection with a primary, general, special, bond, referendum,
137 or other election of any kind or nature.

138 (2) An employee of the state or any political subdivision
139 may not participate in any political campaign ~~for an elective~~
140 ~~office~~ while on duty.

141 Section 3. Paragraph (b) of subsection (4) of section
142 110.233, Florida Statutes, is amended to read:

143 110.233 Political activities and unlawful acts prohibited.-

144 (4) As an individual, each employee retains all rights and
145 obligations of citizenship provided in the Constitution and laws

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of the state and the Constitution and laws of the United States.
However, no employee in the career service shall:

(b) Use the authority or influence of his or her position
for any of the purposes described in s. 104.31 ~~to secure support~~
~~for, or oppose, any candidate, party, or issue in a partisan~~
~~election or affect the results thereof.~~

Section 4. Subsection (4) of section 112.061, Florida
Statutes, is amended, and paragraph (j) is added to subsection
(3) of that section, to read:

112.061 Per diem and travel expenses of public officers,
employees, and authorized persons; statewide travel management
system.—

(3) AUTHORITY TO INCUR TRAVEL EXPENSES.—

(j) Reimbursement of transportation expenses as provided in
subsection (7) may not be authorized or approved for travel of a
person serving in a position described in s. 20.71(1)(a)1., 2.,
or 3. between the person's residence and his or her official
headquarters. Per diem and subsistence allowances as provided in
subsection (6) may not be authorized or approved for a person
serving in a position described in s. 20.71(1)(a)1., 2., or 3.
when that person remains overnight in the person's county of
residence. For the purposes of this section, the term
"residence" means the dwelling in which the person permanently
resides.

(4) OFFICIAL HEADQUARTERS.—The official headquarters of a
person serving in a position described in s. 20.71(1)(a)1., 2.,
or 3. must be the city or town in which the department's
official headquarters is located, and the official headquarters
of any other ~~an~~ officer or employee assigned to an office must

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175 ~~shall~~ be the city or town in which the office is located except
176 that:

177 (a) The official headquarters of a person located in the
178 field must ~~shall~~ be the city or town nearest to the area where
179 the majority of the person's work is performed, or such other
180 city, town, or area as may be designated by the agency head
181 provided that in all cases such designation must be in the best
182 interests of the agency and not for the convenience of the
183 person.

184 (b) When any state employee is stationed in any city or
185 town for a period of more than ~~over~~ 30 continuous workdays, such
186 city or town must ~~shall~~ be deemed to be the employee's official
187 headquarters, and he or she may ~~shall~~ not be allowed per diem or
188 subsistence, as provided in this section, after such ~~the said~~
189 period of 30 continuous workdays has elapsed, unless this period
190 of time is extended by the express approval of the agency head
191 or his or her designee.

192 (c) A traveler may leave his or her assigned post to return
193 to his or her residence ~~home~~ overnight, over a weekend, or
194 during a holiday, but any time lost from regular duties must
195 ~~shall~~ be taken as annual leave and authorized in the usual
196 manner. The traveler may ~~shall~~ not be reimbursed for travel
197 expenses in excess of the established rate for per diem
198 allowable had he or she remained at his or her assigned post. A
199 person serving in a position described in s. 20.71(1)(a)1., 2.,
200 or 3. may not be reimbursed for travel expenses for travel
201 between the person's assigned post and residence. However, when
202 a traveler has been temporarily assigned away from his or her
203 official headquarters for an approved period extending beyond 30

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204 days, he or she is ~~shall be~~ entitled to reimbursement for travel
205 expenses at the established rate of one round trip for each 30-
206 day period actually taken to his or her residence ~~home~~ in
207 addition to pay and allowances otherwise provided.

208 (d) A Lieutenant Governor who permanently resides outside
209 of Leon County, may, if he or she so requests, have an
210 appropriate facility in his or her county designated as his or
211 her official headquarters for purposes of this section. This
212 official headquarters may only serve as the Lieutenant
213 Governor's personal office. The Lieutenant Governor may not use
214 state funds to lease space in any facility for his or her
215 official headquarters.

216 1. A Lieutenant Governor for whom an official headquarters
217 is established in his or her county of residence pursuant to
218 this paragraph is eligible for subsistence at a rate to be
219 established by the Governor for each day or partial day that the
220 Lieutenant Governor is at the State Capitol to conduct official
221 state business. In addition to the subsistence allowance, a
222 Lieutenant Governor is eligible for reimbursement for
223 transportation expenses as provided in subsection (7) for travel
224 between the Lieutenant Governor's official headquarters and the
225 State Capitol to conduct state business.

226 2. Payment of subsistence and reimbursement for
227 transportation between a Lieutenant Governor's official
228 headquarters and the State Capitol shall be made to the extent
229 appropriated funds are available, as determined by the Governor.

230 3. This paragraph expires July 1, 2025.

231 Section 5. Section 112.31251, Florida Statutes, is created
232 to read:

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233 112.31251 Definition of the term "office."—

234 (1) (a) For purposes of s. 5(a), Art. II of the State
235 Constitution, the term "office," when referring to an office in
236 this state, means any position in state, county, or municipal
237 government which all of the following apply:

238 1. Delegates to the individual holding such position a
239 portion of the sovereign power of the government.

240 2. Requires the exercise of independent governmental
241 authority, which is performed in an official capacity and is not
242 based solely on a contractual or employment relationship.

243 3. Has a prescribed tenure.

244 4. Exists independently of the individual holding such
245 position.

246 (b) The term "office" includes, but is not limited to, each
247 of the following positions:

248 1. The Governor.

249 2. The Lieutenant Governor.

250 3. A member of the Cabinet.

251 4. A state senator.

252 5. A state representative.

253 6. A county commissioner.

254 7. A sheriff.

255 8. A tax collector.

256 9. A property appraiser.

257 10. A supervisor of elections.

258 11. A clerk of the circuit court.

259 12. A member of the Board of Governors of the State
260 University System.

261 13. A member of a board of trustees for a state university.

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262 14. A member of a district school board.

263 15. A member of a state, county, or municipal board or
264 commission that exercises governmental authority and is not
265 purely advisory in nature.

266 16. A member of the Board of Governors for the Citizens
267 Property Insurance Corporation established under s. 627.351(6).

268 17. A member of the board of directors for the Florida
269 Housing Finance Corporation established under s. 420.504.

270 18. A member of the board of directors for the Florida
271 Healthy Kids Corporation established under s. 624.91, other than
272 the member appointed pursuant to s. 624.91(6)(a)9.

273 19. An administrator or a manager of a county, a
274 municipality, or a corporation established under s. 420.504, s.
275 s. 624.91, or s. 627.351(6) who exercises in his or her own
276 right any sovereign power or any prescribed independent
277 authority of a governmental nature.

278 20. The director of a county or municipal emergency
279 management agency who exercises in his or her own right any
280 sovereign power or any prescribed independent authority of a
281 governmental nature.

282 21. A state, county, or municipal law enforcement officer
283 with the authority to arrest without a warrant.

284 22. Any position that meets all the criteria enumerated in
285 paragraph (a).

286 (2) The term "office" does not include either of the
287 following:

288 (a) A legislative designation of an officer to perform ex
289 officio the functions of another office; or

290 (b) The position of an individual whose relationship with a

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291 state, county, or municipal government is considered employment.
292 For purposes of this paragraph, the term "employment" means a
293 relationship with a state, county, or municipal government where
294 an individual does not exercise in his or her own right any
295 sovereign power or any prescribed independent authority of a
296 governmental nature.

297 Section 6. This act shall take effect July 1, 2025.