

By Senator Mayfield

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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 such an office is automatically deemed vacant if the person holding that office does not meet certain requirements; 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 graduates of a state university; providing that if any such requirements are not met, the member's office is deemed vacant; amending s. 104.31, F.S.; prohibiting state, county, and municipal officers and employees from using their official authority or influence to solicit another person to make certain contributions; revising construction of provisions relating to political

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activities of state, county, and municipal officers and employees; amending s. 112.061, F.S.; prohibiting the authorization or approval of reimbursements for travel expenses between the personal residence and official headquarters of persons in 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"; amending s. 112.3261, F.S.; defining the term "expenditure"; requiring the Commission on Ethics to investigate certain lobbyists or principals who make prohibited expenditures; prohibiting lobbyists or principals from making, and district governing board members, executive directors, or certain employees of water management districts from accepting, any expenditure; amending s. 1001.71, F.S.; conforming a provision to changes made by the act; 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

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law:

(1) (a) Effective October 1, 2026, 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.

5. A member of a licensing board.

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

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

(b) If a person listed in paragraph (a) does not meet the requirements of that paragraph, such person's office is automatically deemed vacant.

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

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

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

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

(1) No officer or employee of the state, or of any county or municipality thereof, except as hereinafter exempted from 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) Use his or her official authority or influence to directly or indirectly coerce or attempt to coerce, command, solicit, or advise any other person ~~officer or employee~~ to make a contribution as defined in s. 106.011 or to pay, lend, or contribute any part of his or her salary, or any money, or anything else of value to any political party, candidate for public office, political committee, organization, agency, or person ~~for political purposes~~. Nothing in this paragraph or in any county or municipal charter or ordinance shall prohibit an officer or employee from suggesting to another person ~~employee~~ in a noncoercive manner that he or she may voluntarily make a contribution as defined in s. 106.011 or pay, lend, or

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117 contribute money or anything else of value to any political
118 party, candidate for public office, political committee,
119 organization, agency, or person ~~to a fund which is administered~~
120 ~~by a party, committee, organization, agency, person, labor union~~
121 ~~or other employee organization for political purposes.~~

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

126
127 ~~The provisions of~~ This section may ~~shall~~ not be construed so as
128 to prevent any person from becoming a candidate for and actively
129 campaigning for any elective office in this state. All such
130 persons shall retain the right to vote as they may choose and to
131 express their opinions on all political subjects and candidates.
132 ~~The provisions of~~ Paragraph (a) may ~~shall~~ not be construed so as
133 to limit the political activity in a general, special, primary,
134 bond, referendum, or other election of any kind or nature, of
135 elected officials or candidates for public office in the state
136 or of any county or municipality thereof; ~~and the provisions of~~
137 ~~paragraph (a) shall not be construed so as to limit the~~
138 ~~political activity in general or special elections of the~~
139 ~~officials appointed as the heads or directors of state~~
140 ~~administrative agencies, boards, commissions, or committees or~~
141 ~~of the members of state boards, commissions, or committees,~~
142 ~~whether they be salaried, nonsalaried, or reimbursed for~~
143 ~~expense. In the event of a dual capacity of any member of a~~
144 ~~state board, commission, or committee, any restrictive~~
145 ~~provisions applicable to either capacity shall apply. The~~

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146 ~~provisions of paragraph (a) shall not be construed so as to~~
147 ~~limit the political activity in a general, special, primary,~~
148 ~~bond, referendum, or other election of any kind or nature of the~~
149 ~~Governor, the elected members of the Governor's Cabinet, or the~~
150 ~~members of the Legislature. The provisions of Paragraphs (b) and~~
151 ~~(c) shall~~ apply to all officers and employees of the state or of
152 any county or municipality thereof, whether elected, appointed,
153 or otherwise employed, or whether the activity is ~~shall be~~ in
154 connection with a primary, general, special, bond, referendum,
155 or other election of any kind or nature.

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

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

162 112.061 Per diem and travel expenses of public officers,
163 employees, and authorized persons; statewide travel management
164 system.—

165 (3) AUTHORITY TO INCUR TRAVEL EXPENSES.—

166 (j) Reimbursement of transportation expenses as provided in
167 subsection (7) may not be authorized or approved for travel of a
168 person serving in a position described in s. 20.71(1)(a)1., 2.,
169 or 3. between the person's residence and his or her official
170 headquarters. Per diem and subsistence allowances as provided in
171 subsection (6) may not be authorized or approved for a person
172 serving in a position described in s. 20.71(1)(a)1., 2., or 3.
173 when that person remains overnight in the person's county of
174 residence. For the purposes of this section, the term

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175 "residence" means the dwelling in which the person permanently
176 resides.

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

184 (a) The official headquarters of a person located in the
185 field must ~~shall~~ be the city or town nearest to the area where
186 the majority of the person's work is performed, or such other
187 city, town, or area as may be designated by the agency head
188 provided that in all cases such designation must be in the best
189 interests of the agency and not for the convenience of the
190 person.

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

199 (c) A traveler may leave his or her assigned post to return
200 to his or her residence ~~home~~ overnight, over a weekend, or
201 during a holiday, but any time lost from regular duties must
202 ~~shall~~ be taken as annual leave and authorized in the usual
203 manner. The traveler may ~~shall~~ not be reimbursed for travel

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204 expenses in excess of the established rate for per diem
205 allowable had he or she remained at his or her assigned post. A
206 person serving in a position described in s. 20.71(1)(a)1., 2.,
207 or 3. may not be reimbursed for travel expenses for travel
208 between the person's assigned post and residence. However, when
209 a traveler has been temporarily assigned away from his or her
210 official headquarters for an approved period extending beyond 30
211 days, he or she is ~~shall be~~ entitled to reimbursement for travel
212 expenses at the established rate of one round trip for each 30-
213 day period actually taken to his or her residence ~~home~~ in
214 addition to pay and allowances otherwise provided.

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

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

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

3. This paragraph expires July 1, 2025.

Section 4. Section 112.31251, Florida Statutes, is created to read:

112.31251 Definition of the term "office."—

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

1. The position delegates to the individual holding such position a portion of the sovereign power of the government.

2. The position requires the exercise of independent governmental authority, which is performed in an official capacity and is not based solely on a contractual or employment relationship.

3. The position has a prescribed tenure.

4. The position exists independently of the individual holding such position.

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

1. The Governor.

2. The Lieutenant Governor.

3. A member of the Cabinet.

4. A state senator.

5. A state representative.

6. A county commissioner.

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262 7. A sheriff.

263 8. A tax collector.

264 9. A property appraiser.

265 10. A supervisor of elections.

266 11. A clerk of the circuit court.

267 12. A member of the Board of Governors of the State
268 University System.

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

270 14. A member of a district school board.

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

274 16. A member of the board of governors for the Citizens
275 Property Insurance Corporation established under s. 627.351(6).

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

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

281 19. An administrator or a manager of a county, a
282 municipality, or a corporation established under s. 420.504, s.
283 s. 624.91, or s. 627.351(6) who exercises in his or her own
284 right any sovereign power or any prescribed independent
285 authority of a governmental nature.

286 20. The director of a county or municipal emergency
287 management agency who exercises in his or her own right any
288 sovereign power or any prescribed independent authority of a
289 governmental nature.

290 21. A state, county, or municipal law enforcement officer

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with the authority to arrest without a warrant.

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

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

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

(b) The position of an individual whose relationship with a state, county, or municipal government is considered employment. For purposes of this paragraph, the term "employment" means a relationship with a state, county, or municipal government in which an individual does not exercise in his or her own right any sovereign power or any prescribed independent authority of a governmental nature.

Section 5. Present paragraphs (b), (c), and (d) of subsection (1) and present subsection (8) of section 112.3261, Florida Statutes, are redesignated as paragraphs (c), (d), and (e) of subsection (1) and subsection (9), respectively, a new paragraph (b) is added to subsection (1) and a new subsection (8) is added to that section, and subsection (7) of that section is amended, to read:

112.3261 Lobbying before water management districts; registration and reporting.—

(1) As used in this section, the term:

(b) "Expenditure" has the same meaning as in s. 112.3215.

(7) Upon receipt of a sworn complaint alleging that a lobbyist or principal has failed to register with a district, has made a prohibited expenditure, or has knowingly submitted false information in a report or registration required under

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320 this section, the commission shall investigate a lobbyist or
321 principal pursuant to the procedures established under s.
322 112.324. The commission shall provide the Governor with a report
323 of its findings and recommendations in any investigation
324 conducted pursuant to this subsection. The Governor is
325 authorized to enforce the commission's findings and
326 recommendations.

327 (8) Notwithstanding s. 112.3148, s. 112.3149, or any other
328 law, a lobbyist or principal may not make, directly or
329 indirectly, and a district governing board member, executive
330 director, or any district employee who qualifies as a local
331 officer as defined in s. 112.3145(1) may not knowingly accept,
332 directly or indirectly, any expenditure.

333 Section 6. Subsection (1) of section 1001.71, Florida
334 Statutes, is amended to read:

335 1001.71 University boards of trustees; membership.—

336 (1) Pursuant to s. 7(c), Art. IX of the State Constitution,
337 each local constituent university shall be administered by a
338 university board of trustees comprised of 13 members as follows:
339 6 citizen members appointed by the Governor subject to
340 confirmation by the Senate; 5 citizen members appointed by the
341 Board of Governors subject to confirmation by the Senate; the
342 chair of the faculty senate or the equivalent; and the president
343 of the student body of the university. The appointed members
344 shall serve staggered 5-year terms. In order to achieve
345 staggered terms, beginning July 1, 2003, of the initial
346 appointments by the Governor, 2 members shall serve 2-year
347 terms, 3 members shall serve 3-year terms, and 1 member shall
348 serve a 5-year term and of the initial appointments by the Board

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of Governors, 2 members shall serve 2-year terms, 2 members shall serve 3-year terms, and 1 member shall serve a 5-year term. ~~There shall be no state residency requirement~~ For university board members, ~~but~~ the Governor and the Board of Governors shall consider diversity and regional representation. Beginning July 2, 2020, for purposes of this subsection, regional representation shall include the chair of a campus board established pursuant to s. 1004.341.

Section 7. This act shall take effect July 1, 2026.