

Committee on Governmental Oversight and Accountability

CS/HB 1445 — Public Officers and Employees

by State Affairs Committee and Rep. Mayfield and others (CS/CS/SB 1760 by Rules Committee; Appropriations Committee on Agriculture, Environment, and General Government; and Senator Grall)

The bill establishes specific U.S. citizenship and Florida residency requirements for state executive branch officers; prohibits the reimbursement of travel expenses for certain executive branch officers when travelling between the officer's headquarters and permanent residence; prohibits certain gifts being given to certain water management district officers; prohibits certain political activities of state, county and municipal officers and employees; establishes statutory criteria to consider when determining whether a position is an "office" subject to the constitutional dual office-holding restrictions; and enumerates certain positions that are deemed to be "offices."

Beginning October 1, 2025, the following state officers must maintain U.S. citizenship and Florida residency throughout the term of office:

- The secretary of a department (this includes most executive branch secretaries, except the departments of Legal Affairs; Financial Services; Agriculture and Consumer Services; and those departments noted below);
- The executive director of a department (this includes the executive directors of the departments of Revenue; Law Enforcement; Highway Safety and Motor Vehicles; Veterans' Affairs; Elderly Affairs; and Citrus; the executive director of the State Board of Administration; the Commissioner of Education; and the Adjutant General of the Department of Military Affairs);
- The chief administrative officer of any unit of state government housed under a department for administrative purposes but not subject to control by the department (this includes, but is not limited to, the executive directors of the Florida Gaming Control Commission; Florida Transportation Commission; Fish and Wildlife Conservation Commission; the director of the Agency for Persons with Disabilities; the Commissioner of Insurance Regulation; and the Commissioner of Financial Regulation, the Chief Judge of the Division of Administrative Hearings, the executive director of the Human Relations Commission, and the chair of the Public Employees Relations Commission);
- A member of a commission;
- A member of a licensing board;
- The chair of a governing board, or the chief executive of a statewide entity statutorily created for a public purpose or to carry out a government program, and that is not under the direct control of a governmental entity; and
- Any other appointee to state office in the executive branch.

Effective January 6, 2027, the bill requires:

- A member of a state university board of trustees to be a U.S. citizen and either a Florida resident or a graduate of the state university, the administration of which is overseen by such board of trustees.

- A member of the Board of Governors to be a U.S. citizen and either a Florida resident or a graduate of a [Florida] state university.

The office of an individual that does not meet the applicable residency and citizenship requirements under the bill is deemed vacant *automatically* (rather than upon the Governor filing an executive order with the Secretary of State).

The bill prohibits the payment of travel expenses for a department secretary, department executive director, or a chief administrative officer of another state entity when the person travels between the department's official headquarters (or assigned post) and the officer's permanent residence.

The bill prohibits an officer or employee of the state, a county or a municipality from using his or her official authority or influence to directly or indirectly coerce, or to attempt to coerce, command, solicit or advise any other person (rather than another officer or employee) to contribute anything of value to any political party, candidate for public office, political committee, organization, agency or person. The bill also eliminates the exemption that permitted officials appointed as the heads or directors of state administrative agencies, boards, commissions, or committees to engage in certain political activities. An employee of the state or any political subdivision, while on duty, is prohibited from participating in any political campaign (rather than only a campaign relating to an elective office).

The bill prohibits a lobbyist or principal of a lobbyist on matters before water management districts from providing, directly or indirectly, anything of value to a water management district governing board member, an executive director, or an employee who qualifies as a local officer for the purpose of lobbying. Likewise, a member of the governing board, the executive director, or any employee who qualifies as a local officer of a water management district is prohibited from knowingly accepting, directly or indirectly, anything of value made by a lobbyist or principal for the purpose of lobbying.

The bill statutorily defines the term "office" for purposes of the constitutional restriction on dual office-holding in Florida. The term "office" is defined to mean any position in state, county, or municipal government that:

- Delegates to the individual holding the position a portion of sovereign power of the government;
- Requires the exercise of independent governmental authority performed in an official capacity rather than solely based upon a contractual or employment relationship;
- Has a prescribed tenure; and
- Exists independently of the individual holding the position.

The following offices are enumerated as positions that meet the definition of "office":

- Governor, Lieutenant Governor, Cabinet officers;
- State senator and state representative;

- County commissioner, sheriff, tax collector, property appraiser, supervisor of elections, and clerk of circuit court;
- Member of the Board of Governors of the State University System;
- Member of a board of trustees for a state university;
- Member of a district school board;
- Member of a state, county, or municipal board or commission that exercises governmental authority and is not purely advisory in nature;
- Member of the Board of Governors for the Citizens Property Insurance Corporation;
- Member of the board of directors for the Florida Housing Finance Corporation;
- Member of the board of directors for the Florida Healthy Kids Corporation, other than the member nominated by the Florida Association of Counties and appointed by the Chief Financial Officer;
- Administrator or manager of a county, a municipality, certain state corporations or the director of a county or municipal emergency management agency who exercises in his or her own right any sovereign power or any prescribed independent authority of a government nature;
- State, county, or municipal law enforcement officer with the authority to arrest without a warrant; and
- Any position that meets all criteria enumerated above for determining an “office.”

The bill exempts ex officio designations and employment positions from the definition of “office.” The bill defines “employment” to mean a relationship with a state, county, or municipal government where an individual *does not* exercise in his or her own right any sovereign power or any prescribed individual authority of a governmental nature.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2025.

Vote: Senate 37-0; House 97-1