

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/HB 1445](#)

TITLE: Public Officers and Employees

SPONSOR(S): Mayfield

COMPANION BILL: [SB 1760](#) (Grall)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Government Operations](#)

17 Y, 0 N



[State Affairs](#)

22 Y, 0 N, As CS

SUMMARY

Effect of the Bill:

The bill establishes residency and citizenship requirements for certain public officers and employees, prohibits state officers and employees (except elected officials) from engaging in certain political activity, and defines the term “office” for purposes of the dual office-holding prohibition in the State Constitution.

Fiscal or Economic Impact:

The bill prohibits certain state officers and employees, as well as their supervisors, from engaging in specified political activity. A violation of these provisions is classified as a first-degree misdemeanor. To the extent such violations occur, the bill may have an indeterminate positive prison bed impact.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

ANALYSIS

EFFECT OF THE BILL:

Residency Requirements

Effective October 1, 2025, the bill requires the following individuals to be a United States citizen and a Florida resident:

- Members of [commissions](#).
- Members of [licensing boards](#).
- Chairpersons of the governing boards of, or the chief executives of, statewide entities created or established by law for a public purpose or to effectuate a government program and that is not under the direct control of a governmental entity (sometimes referred to as [quasi-public entities](#)).
- Any other person appointed to state office. (Section [1](#))

Additionally, effective October 1, 2025, the bill requires the following individuals to be a U.S. citizen, a Florida resident, *and* reside in the county where their [executive department](#) is headquartered or within 30 miles of the department headquarters:

- Secretaries of executive branch departments.
- Executive directors of executive branch departments.
- Chief administrative officers of government entities housed under an executive branch department for administrative purposes. (Section [1](#))

Effective January 6, 2027, the bill requires:

- Members of the [Board of Governors](#) to be a U.S. citizen and either a Florida resident or a graduate of a state university.
- Members 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. (Section [1](#))

STORAGE NAME: h1445c.SAC

DATE: 4/8/2025

The office of an individual that does not meet the applicable residency and citizenship requirements under the bill is automatically deemed vacant. (Section [1](#))

Political Activity

The bill prohibits state officers and employees—except elected officials—from engaging in certain political activity. Specifically, they may not:

- Solicit or receive a contribution¹ for or on behalf of a political party, a political committee, an affiliated party committee, an electioneering communications organization, an agency, or a person.
- Participate in any political campaign, whether on behalf of a candidate for public office, an elected public official, an issue,² a political party, a political committee, an affiliated party committee, or an electioneering communications organization while on duty or during hours for which they are compensated by the state.
- Use their official authority or influence to:
 - Interfere with a campaign for elective office or an issue;
 - Coerce or influence another person's vote in any election; or
 - Affect, directly or indirectly, the outcome of any campaign for elective office or an issue. (Section [3](#))

The bill prohibits supervisors of a state officer or employee from requiring, requesting, or otherwise pressuring such officer or employee to engage in any of the prohibited political activities. (Section [3](#))

Violations of the above prohibited activities constitute a first-degree misdemeanor. However, the bill specifies that it does not restrict any person's right to vote as he or she chooses or to express his or her personal political opinions. (Section [3](#))

Dual Office-holding

The bill defines the term “office” for purposes of the State Constitution's prohibition on holding multiple public offices simultaneously. Under the bill, an “office” is any position in state, county, or municipal government that:

- Exercises sovereign government power.
- 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.
- Has a prescribed tenure.
- Exists independently of the individual holding the position. (Section [5](#))

The bill provides a non-exhaustive list of positions included within the definition of “office,” which includes, but is not limited to:

- The Governor, Lieutenant Governor, Cabinet members, and state legislators.
- County commissioners, sheriffs, tax collectors, supervisors of elections, property appraisers, and clerks of the circuit court.
- Members of the Board of Governors, university boards of trustees, and district school board members.
- Local government administrators and emergency management directors.
- Members of governmental boards or commissions with decision making authority.
- Board members of Citizens Property Insurance Corporation, Florida Housing Finance Corporation, and Florida Healthy Kids Corporation. (Section [5](#))

The bill exempts ex officio³ 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

¹ “Contribution” means, in part, any gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election or making an electioneering communication. S. [106.011\(5\), F.S.](#)

² “Issue” means a proposition that is required by the State Constitution, by law or resolution of the Legislature, or by the charter, ordinance, or resolution of a political subdivision of this state to be submitted to the electors for their approval or rejection at an election, or a proposition for which a petition is circulated in order to have such proposition placed on the ballot at an election. S. [106.011\(13\), F.S.](#)

³ A person serving in an ex officio capacity serves “by virtue or because of an office.” Blacks Law Dictionary (12th ed. 2024).

exercise in his or her own right any sovereign power or any prescribed individual authority of a governmental nature. (Section [5](#))

Miscellaneous Provisions

The bill makes conforming changes. (Sections [2](#), [4](#), and [6](#))

Effective Date

The effective date of the bill is July 1, 2025. (Section [7](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill prohibits certain state officers and employees, as well as their supervisors, from engaging in specified political activities. A violation of these provisions is classified as a first-degree misdemeanor. To the extent such violations occurs, the bill may have an indeterminate positive prison bed impact.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Residency Requirements](#)

A residency requirement is a mandate that certain public officers—elected and, in some cases, appointed—be residents of the area they serve or the area in which they work. Current law places specific residency requirements on the following public officers in Florida:

- Governor.⁴
- Lieutenant Governor.⁵
- Cabinet members (Attorney General, Chief Financial Officer, and Commissioner of Agriculture).⁶
- State legislators.⁷
- State attorneys.⁸
- Public defenders.⁹
- County commissioners.¹⁰
- School board members.¹¹
- Judges (supreme court justices, district court of appeal judges, and circuit court judges).¹²

All candidates for state and county public office, except candidates for judicial office, must subscribe to an oath affirming they are qualified electors of their county at the time of qualifying for public office.¹³ In order to be a qualified elector, one must be a U.S. citizen and a resident of the state as well as the county in which he or she

⁴ The Governor must be a state resident for seven years and an elector before being elected. [Art. IV, s. 5\(b\), FLA. CONST.](#)

⁵ The Lieutenant Governor must be a state resident for seven years and an elector before being elected. *Id.*

⁶ Cabinet members must be state residents for seven years and an elector before being elected. *Id.*

⁷ State legislators must be residents of the district from which they are elected, be an elector in the district from which they were elected, and have resided in Florida for at least two years prior to being elected. [Art. III, s. 15\(c\), FLA. CONST.](#)

⁸ State attorneys must be an elector of the state and reside in the territorial jurisdiction of the circuit in which they serve upon taking office. [Art. V, s. 17, FLA. CONST.](#); see also Florida Division of Elections, [FAQ – Candidates](#) (last visited Feb. 25, 2025).

⁹ Public defenders must be an elector of the state and reside in the territorial jurisdiction of the circuit in which they serve upon taking office. [Art. V, s. 18, FLA. CONST.](#); see also Florida Division of Elections, [FAQ – Candidates](#) (last visited Feb. 25, 2025).

¹⁰ County commissioners must be residents of the district from which they are elected at the time of election. [Art. VIII, s. 1\(e\), FLA. CONST.](#); see also Florida Division of Elections Opinion 94-04; *State v. Grassi*, 532 So.2d 1055 (Fla. 1988).

¹¹ A school board member must be a resident of the district school board member residence area and be an elector in the district in which he or she serves at the time of qualifying. Ss. [1001.34](#) and [1001.36, F.S.](#); see also Florida Division of Elections Opinion 94-04.

¹² Judges must reside in the territorial jurisdiction of the court they serve and be an elector of the state at the time of assuming office. [Art. V, s. 8, FLA. CONST.](#); see also *Advisory Opinion to the Governor*, 192 So. 2d 757 (Fla. 1966).

¹³ S. [99.021\(1\)\(a\)1, F.S.](#) Note candidates for municipal office are not explicitly required by this statute to reside within the municipality in which they are running for office. Instead, residency requirements for municipal offices are typically established on a local level. See *Nichols v. State*, 177 So.2d 467 (Fla. 1965); *Marina v. Leahy*, 578 So.2d 382 (Fla. 3rd DCA 1991); Florida Division of Elections Opinion 94-04.

registers to vote.¹⁴ The Division of Elections within the Department of State has opined that, unless otherwise provided by the State Constitution, statute, or court ruling, the qualifications one must possess for public office, including residency, are determined as of the commencement of the term of office.¹⁵ Accordingly, county constitutional officers¹⁶ must be residents of the jurisdiction they serve at the time of assuming office.

Commissions

A “commission” is “a body created by specific statutory enactment within a department,¹⁷ the office of the Governor, or the Executive Office of the Governor and exercising limited quasi-legislative or quasi-judicial powers, or both, independently of the head of the department or the Governor.”¹⁸ Commissions play an essential role, serving as regulatory oversight bodies across various policy areas. These entities are typically responsible for rulemaking, licensing, adjudicating disputes, or enforcing regulations.

Boards of Trustees

A “board of trustees” is a “board created by specific statutory enactment and appointed to function adjunctively to a department, the Governor, or the Executive Office of the Governor to administer public property or a public program.”¹⁹ While these entities may function within an executive department or under the Governor’s authority, they often operate with a degree of autonomy, making policy decisions and managing public programs in alignment with statutory mandates. Florida college boards of trustees have to reside in the service delivery area of the college,²⁰ while university boards of trustees do not have to reside in the state.²¹

Board of Governors

The State University System of Florida consists of 12 public universities,²² each governed by an individual [board of trustees](#).²³ The Board of Governors (BOG) is responsible for overseeing, regulating, and managing the entire State University System.²⁴ Through its authority, the BOG ensures affordable access to higher education, promotes articulation with other educational institutions, and upholds fiscal responsibility and accountability across Florida’s public universities.²⁵ The BOG consists of 17 members, 14 of which are “citizens” appointed by the Governor, subject to Senate confirmation.²⁶ The commissioner of education, the chair of the advisory council of faculty senates, and the president of the Florida student association are also members.²⁷

Licensing Boards

A “licensing board” is “a board authorized to grant and revoke licenses to engage in regulated occupations.”²⁸ The boards are typically established to oversee and enforce standards within various professions, ensuring that practitioners meet the requisite qualifications and that those practitioners adhere to established ethical and professional guidelines. The boards are commonly composed of professionals licensed in the respective fields and members of the public who represent consumer interests.

Quasi-public Entities

Throughout the Florida Statutes, entities have been established that are neither entirely governmental in nature nor entirely private, but possess traits from both the public and private sectors. These entities are often referred to as quasi-public entities (QPEs). The reasons for their establishment in law vary from entity to entity. Some are

¹⁴ S. [97.041\(1\)\(a\), F.S.](#)

¹⁵ Florida Division of Elections Opinion 94-04.

¹⁶ The term “county constitutional officers” includes sheriffs, tax collectors, property appraisers, supervisors of elections, and clerks of circuit courts. [Art. VIII, s. 1\(d\), FLA. CONST.](#)

¹⁷ “Department” means the principal administrative unit within the executive branch of state government. S. [20.03\(8\), F.S.](#)

¹⁸ S. [20.03\(4\), F.S.](#)

¹⁹ S. [20.03\(2\), F.S.](#) The definition specifically exempts boards created under ch. [253, F.S.](#), relating to public lands and property.

²⁰ [Art. IX, s. 8\(c\), FLA. CONST.](#)

²¹ S. [1001.71\(1\), F.S.](#)

²² S. [1000.21\(9\), F.S.](#); see also State University System, [Universities](#) (last visited Feb. 26, 2025).

²³ [Art. IX, s. 7\(b\), FLA. CONST.](#); s. [1001.71, F.S.](#)

²⁴ See [art. IX, s. 7\(d\), FLA. CONST.](#)

²⁵ S. [20.155\(4\)\(b\), F.S.](#)

²⁶ [Art. IX, s. 7\(d\), FLA. CONST.](#); see also s. [1001.70, F.S.](#)

²⁷ [Art. IX, s. 7\(d\), FLA. CONST.](#)

²⁸ S. [20.03\(9\), F.S.](#)

independent entities created to advance certain policy goals. For example, the Florida Housing Finance Corporation was created to finance or refinance housing and related facilities.²⁹ Others, like the Florida Healthy Kids Corporation³⁰ and Citizens Property Insurance Corporation,³¹ are created to administer government programs or to achieve a particular outcome in the state or in a community.

Just as the purposes of these QPEs vary, so too do their structures. For example, some are nonprofit corporations established completely independent of government and others are for-profit corporations funded through methods that allow the entity to be entirely self-sufficient. The governing bodies of QPEs, usually a board of directors or board of trustees, vary, too. The membership of these boards ranges from government officials and political appointees to private sector representatives and board-elected members.

Executive Departments

Florida's executive branch structure is set forth in the State Constitution and further refined by statute. The State Constitution provides that "[a]ll functions of the executive branch of state government [must] be allotted to among not more than twenty-five departments," excluding those explicitly created or authorized by the Constitution.³² A "department" is the principal administrative unit within the executive branch of state government.³³ Each department is headed by a secretary³⁴ appointed by the Governor or an executive director³⁵ appointed by the Governor and Cabinet or a board.³⁶ Additionally, some departments house subunits that function independently of their parent department.³⁷ These department heads and administrative officers play a critical role in policy implementation, program administration, and regulatory enforcement.

Political Activity

Current law prohibits state, county, and municipal officers and employees (public officers and employees) from using their official authority or influence to interfere with an election or nomination, to coerce or influence another person's vote, or to affect the results of an election. Public officers and employees are also barred from directly or indirectly coercing, commanding, or advising another officer or employee to contribute any portion of his or her salary or anything else of value for political purposes. However, the law allows noncoercive suggestions between employees to voluntarily contribute to political funds. Additionally, public officers and employees may not coerce or attempt to coerce another officer or employee regarding where to purchase goods or otherwise interfere with his or her personal rights.³⁸

While these restrictions apply broadly, the law expressly preserves the right of any person to become a candidate and actively campaign for elective office. It also protects the right to vote and to express political opinions. Certain

²⁹ S. [420.504\(1\), F.S.](#)

³⁰ Florida Healthy Kids Corporation aims to improve children's health by providing comprehensive and affordable health insurance coverage. S. [624.91\(2\)\(a\), F.S.](#)

³¹ Citizens Property Insurance Corporation was created to provide property insurance coverage to those unable to find affordable coverage in the voluntary admitted market. S. [627.351\(6\)\(a\)1., F.S.](#)

³² [Art. IV, s. 6, FLA. CONST.](#)

³³ S. [20.03\(8\), F.S.](#)

³⁴ See s. [20.03\(12\), F.S.](#)

³⁵ See s. [20.03\(10\), F.S.](#)

³⁶ For example, the executive director of the State Board of Administration is appointed by a majority vote of the Board of Trustees comprised of the Governor, the Chief Financial Officer, and the Attorney General. The Governor must vote on the prevailing side. S. [215.441, F.S.](#)

³⁷ For example, the Division of Administrative Hearings is housed with the Department of Management Services but is not subject to the department's control, supervision, or direction. S. [120.65\(1\), F.S.](#)

³⁸ S. [104.31\(1\), F.S.](#)

groups are exempt from the prohibition on using official authority for political purposes, including elected officials, candidates for public office, agency heads, and members of state boards, commissions, and committees.³⁹

Public employees are prohibited from participating in any political campaign for an elective office while on duty.⁴⁰ However, public employees may express their political opinions and engage in political campaign activities during off-duty hours, provided those activities do not conflict with the restrictions outlined in current law.⁴¹

Any violation of the above provisions is a first-degree misdemeanor.⁴²

Dual Office-holding

The State Constitution prohibits individuals from holding multiple public offices simultaneously and applies to public offices in state, county, and municipal government.⁴³ The provision applies to both elected and appointed offices, ensuring that no single individual accumulates multiple governmental roles that could create a conflict of interest.⁴⁴ Neither the State Constitution nor the Legislature has defined the term “office,” leaving the court to establish its meaning through case law. Florida courts have interpreted the term “office” in opposition to the term “employment,” with the latter not being subject to prohibition on dual office-holding. An “office,” the courts have held, refers to a position that exercises sovereign power, has a legally prescribed tenure, and is established by law rather than by contract.⁴⁵ An “employment,” by contrast, “does not comprehend a delegation of any part of the sovereign authority [of government].”⁴⁶ Positions such as department heads, members of governing boards, and elected officials have typically been considered offices, while positions like assistants, deputy clerks, and administrative employees have typically been classified as public employees.⁴⁷

Despite the general prohibition, Florida courts have recognized an ex officio exception that allows an individual to perform additional official duties if those duties are assigned by legislative designation to the office itself rather than to the individual holding it, provided that the additional duties are consistent with those already exercised.⁴⁸ For example, county commissioners and school board members may also serve ex officio on a property appraisal adjustment board if the law assigns this responsibility to their office rather than to the individual, as their additional duties are consistent with their existing responsibilities. Additionally, the State Constitution explicitly exempts certain roles, such as notaries public, military officers, and members of advisory bodies from the dual office-holding prohibition.⁴⁹

OTHER RESOURCES:

[2018 Office of the Attorney General – An Informational Pamphlet on Florida’s Dual Office-Holding Prohibition](#)

³⁹ *Id.*

⁴⁰ S. [104.31\(2\), F.S.](#)

⁴¹ S. [104.31\(4\), F.S.](#) Section [110.233, F.S.](#), also prohibits state employees in the career service system from using their position to influence elections or coerce political support, while preserving their rights as private citizens to engage in political activity outside of work and bars employment decisions in the career service system based on political affiliation or opinion.

⁴² S. [104.31\(3\), F.S.](#) A first-degree misdemeanor is punishable by up to one-year imprisonment and a \$1,000 fine. Ss. [775.082](#) and [775.083, F.S.](#)

⁴³ [Art. II, s. 5\(a\), FLA. CONST.](#)

⁴⁴ *Bath Club, Inc. v. Dade County*, 394 So. 2d 110 (Fla. 1981); see also *Blackburn v. Brorain*, 70 So. 2d 293 (Fla. 1954).

⁴⁵ *State ex rel. Holloway v. Sheats*, 83 So. 508 (Fla. 1919); *State ex rel. Clyatt v. Hocker*, 22 So. 721 (Fla. 1897).

⁴⁶ *State ex rel. Holloway v. Sheats*, 83 So. 508 (Fla. 1919).

⁴⁷ See Office of the Attorney General, [Dual Office-holding](#) (last visited Feb. 26, 2025).

⁴⁸ *Bath Club, Inc. v. Dade County*, 394 So. 2d 110 (Fla. 1981).

⁴⁹ Members of a constitutional revision commission and taxation and budget reform commission are also exempt. [Art. II, s. 5\(a\), Fla. Const.](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Government Operations Subcommittee	17 Y, 0 N	3/11/2025	Toliver	Villa
State Affairs Committee	22 Y, 0 N, As CS	4/8/2025	Williamson	Villa

THE CHANGES ADOPTED BY THE
COMMITTEE:

- Designated different effective dates for the bill's citizenship and residency requirements.
- Permitted members of State University System boards of trustees to either be a graduate of the state university they oversee or a Florida resident.
- Permitted members of the Board of Governors to either be a graduate of a state university or a Florida resident.
- Modified the residency requirement for quasi-public entities to make them applicable only to the chairperson of the governing board or the chief executive officer.
- Prohibited certain political activities by state officers and employees, excluding elected state officials.
- Removed local government attorneys from the dual-officeholding prohibition.

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
