

FLORIDA HOUSE OF REPRESENTATIVES

FINAL BILL ANALYSIS

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

TITLE: Public Officers and Employees

SPONSOR(S): Mayfield

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

LINKED BILLS: None

RELATED BILLS: None

FINAL HOUSE FLOOR ACTION: 97 Y's

1 N's

GOVERNOR'S ACTION: Pending

SUMMARY

Effect of the Bill:

Effective October 1, 2025, the bill requires certain state officers to be United States citizens and Florida residents. Effective January 6, 2027, the bill also requires members of the Board of Governors to be U.S. citizens and either a Florida resident or a graduate of a state university and members of a state university board of trustees to be U.S. citizens and either a Florida resident or a graduate of the university overseen by such board.

The bill prohibits reimbursement for transportation expenses between an agency head's residence and department headquarters and bars per diem and subsistence allowance when the agency head remains overnight in his or her county of residence.

The bill expands existing political activity prohibitions to bar state and local officers and employees from using their official authority or influence to solicit political contributions. The bill also prohibits lobbyists or principals lobbying a water management district (WMD) from making, and certain WMD officers and employees from accepting, expenditures. In addition, the bill defines the term "office" for purposes of the dual office-holding prohibition in the State Constitution.

Fiscal or Economic Impact:

The bill will likely have an insignificant fiscal impact on the state, but may result in some cost savings by prohibiting per diem allowances for agency heads under specified conditions. In addition, there could be costs associated with enforcing the expanded list of prohibited political activities, including potential misdemeanor prosecutions that may result in an indeterminate positive prison bed impact.

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ANALYSIS

EFFECT OF THE BILL:

[Residency Requirements](#)

Effective October 1, 2025, the bill requires the following individuals to be a U.S. citizen and a Florida resident:

- 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.
- 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](#))

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DATE: 5/12/2025

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](#))

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

Travel Expenses of Public Employees

The bill prohibits the following persons from being reimbursed for transportation expenses incurred between their residence and department headquarters as well as per diem and subsistence allowance when remaining overnight in their county of residence:

- 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 [3](#))

The bill specifies that reimbursement for travel expenses between such person's assigned post and residence is prohibited. The term "residence" means the dwelling in which the person permanently resides. (Section [3](#))

Political Activity

The bill expands existing political activity prohibitions to bar a state or local officer or employee from using his or her official authority or influence to coerce, attempt to coerce, command, solicit, or advise any other person to contribute, pay, or lend anything of value to a political party, candidate, committee, organization, agency, or person. However, the bill allows a state or local officer or employee to suggest in a noncoercive manner that a person may voluntarily make political contributions. The bill also expands the prohibition for a state or local employee participating in a political campaign for elective office while on duty to include participating in *any* political campaign. (Section [2](#))

The bill eliminates an exception in current law that allows officials appointed as the heads or directors of state administrative agencies, boards, commissions, or committees or the members of state boards, commissions, or committees from using their 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 results thereof. (Section [2](#))

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 [4](#))

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, managers, and emergency management directors that exercise sovereign power in their own right or any prescribed independent authority of a governmental nature.
- 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 Corporation¹ and administrators and managers of such corporations that exercise sovereign power in their own right or any prescribed independent governmental authority.
- A state or local law enforcement officer with authority to make arrests without a warrant.
- Any other position that meets the definition of “office.” (Section [4](#))

The bill exempts ex officio² 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. (Section [4](#))

Water Management Districts

The bill prohibits a lobbyist or principal lobbying a water management district (WMD) from making, and a WMD governing board member, a WMD executive director, or any WMD employee who qualifies as a local officer³ from knowingly accepting, directly or indirectly, any expenditure. The bill requires the Commission on Ethics to investigate a lobbyist or principal who has made a prohibited expenditure to a WMD. (Section [5](#))

Conforming Change

The bill makes a conforming change to the provision of law relating to membership on the state university boards of trustees. (Section [6](#))

Effective Date

Subject to the Governor’s veto powers, the effective date of the bill is July 1, 2025. (Section [7](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill will likely have an insignificant fiscal impact on the state. It may result in minor cost savings by prohibiting per diem allowances for agency heads under specified conditions. In addition, there could be costs associated with enforcement of the expanded list of prohibited political activities, including potential misdemeanor prosecutions, which may result in 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

¹ The bill excludes the board member of the Florida Healthy Kids Corporation nominated by the Florida Association of Counties and appointed by the Chief Financial Officer.

² A person serving in an ex officio capacity serves “by virtue or because of an office.” Blacks Law Dictionary (12th ed. 2024).

³ “Local officer” means every person elected to office in any political subdivision of the state, and every person appointed to fill a vacancy and any person appointed to certain boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision of the state. S. [112.3145\(1\)\(a\), F.S.](#)

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.](#)

- 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 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

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. 3d DCA 1991); Florida Division of Elections Opinion 94-04.

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.

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 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 Branch 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

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.](#)

²⁹ [S. 420.504\(1\), F.S.](#)

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

³¹ The 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.](#)

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 A violation of these provisions is a first-degree misdemeanor.³⁹

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 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.⁴⁰

Public employees are prohibited from participating in any political campaign for an elective office while on duty.⁴¹ 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.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

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, which is composed of the Governor, the Chief Financial Officer, and the Attorney General. 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.](#)

³⁹ 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.](#)

⁴⁰ *Id.*

⁴¹ S. [104.31\(2\), F.S.](#)

⁴² 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.

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. Brorein*, 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).

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

Water Management Districts

Florida's water management districts (WMDs) are responsible for administering water resources at a regional level.⁵⁰ The state is divided into five WMDs: Northwest WMD, Suwannee River WMD, St. Johns River WMD, Southwest Florida WMD, and South Florida WMD (SFWMD).⁵¹ The Department of Environmental Protection (DEP) exercises general supervisory authority over the WMDs.⁵² The core focus of WMDs is water supply, water quality, flood protection and floodplain management, and natural systems.⁵³

Each WMD is directed by a governing board, the members of which are appointed by the Governor, subject to Senate confirmation.⁵⁴ Each board includes nine members who must reside in the WMD (except the Southwest Florida WMD board, which includes 13 members).⁵⁵ A governing board is required to meet monthly and upon the call of the chair.⁵⁶

Lobbying

Before lobbying a WMD, a lobbyist⁵⁷ must register with the WMD.⁵⁸ To register, a lobbyist must provide a statement signed by the principal,⁵⁹ or the principal's representative, stating the lobbyist is authorized to represent the principal and identifying the principal's main business.⁶⁰ The registration form requires each lobbyist to disclose certain information.⁶¹

The Commission on Ethics⁶² is required to investigate a lobbyist or principal if it receives any allegation that the lobbyist or principal has failed to register with a WMD or has knowingly submitted false information in a report or registration.⁶³ The Commission on Ethics must provide the Governor with a report of its findings and

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

⁵⁰ DEP, [Water Management Districts](#), (last visited May 6, 2025); s. [373.069, F.S.](#)

⁵¹ DEP, [Water Management Districts](#), (last visited May 6, 2025).

⁵² *Id.*

⁵³ *Id.*

⁵⁴ S. [373.073, F.S.](#)

⁵⁵ S. [373.073\(1\)\(a\), F.S.](#)

⁵⁶ S. [373.079\(7\), F.S.](#)

⁵⁷ "Lobbyist" means a person who is employed and receives payment for lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. S. [112.3215\(1\)\(h\), F.S.](#)

⁵⁸ S. [112.3261\(2\), F.S.](#)

⁵⁹ "Principal" means the person, firm, corporation, or other entity that employs or retains a lobbyist. S. [112.3215\(1\)\(i\), F.S.](#)

⁶⁰ S. [112.3261\(2\), F.S.](#)

⁶¹ S. [112.3261\(2\)\(a\)-\(d\), F.S.](#)

⁶² The Commission on Ethics was created in statute to serve as guardian of the standards of conduct for the officers and employees of the state, and of a county, city, or other political subdivision of the state. S. [112.320, F.S.](#)

⁶³ S. [112.3261\(7\), F.S.](#)

recommendations from an investigation of a lobbyist or principal.⁶⁴ The Governor may enforce the Commission on Ethics findings and recommendations.⁶⁵

OTHER RESOURCES:

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

⁶⁴ *Id.*

⁶⁵ *Id.*