

1 A bill to be entitled
2 An act relating to public officers and employees;
3 creating s. 20.70, F.S.; requiring certain public
4 officers and employees to be United States citizens
5 and residents of this state, and, for specified public
6 officers and employees, to reside in a certain county
7 or within a certain area by a specified date;
8 requiring members of a state university board of
9 trustees and members of the Board of Governors to be
10 United States citizens and either a resident of this
11 state or a graduate of a state university beginning on
12 a specified date; providing that specified offices are
13 deemed vacant under certain circumstances; amending s.
14 104.31, F.S.; narrowing applicability of certain
15 prohibitions regarding political activities; creating
16 s. 104.315, F.S.; providing definitions; prohibiting
17 certain state officers and employees from engaging in
18 certain political activities; prohibiting certain
19 state officers from using the authority or influence
20 of their positions for certain purposes; prohibiting
21 certain supervisors from engaging in certain conduct;
22 providing construction; providing a criminal penalty;
23 amending s. 110.233, F.S.; prohibiting Career Service
24 System employees from using the authority or influence
25 of their positions for certain purposes; 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. 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 20.70, Florida Statutes, is created to read:

20.70 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. A member of a commission.

2. A member of a licensing board.

3. The chairperson of the governing board of, 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 effectuate a government program and which is not under the direct control of a governmental entity.

4. Any other person appointed to hold state office.

(b) If a person listed in subparagraph (a)1., subparagraph (a)2., or subparagraph (a)3. does not meet the requirements of

51 paragraph (a), such person's office is automatically deemed
52 vacant.

53 (2) (a) Effective October 1, 2025, each of the following
54 persons must be a United States citizen, must be a resident of
55 this state, and must reside in the same county as his or her
56 respective department headquarters or within 30 miles of the
57 department headquarters:

58 1. The secretary of a department.

59 2. The executive director of a department of the executive
60 branch.

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

65 (b) If a person listed in subparagraph (a)1., subparagraph
66 (a)2., or subparagraph (a)3. does not meet the requirements of
67 paragraph (a), such person's office is automatically deemed
68 vacant.

69 (3) 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 board of trustees does not
74 meet the requirements of this subsection, such person's office
75 is automatically deemed vacant.

76 (4) 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 person's office
81 is automatically deemed vacant.

82 **Section 2. Section 104.31, Florida Statutes, is amended to**
83 **read:**

84 104.31 Political activities of ~~state,~~ county, and
85 municipal 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~~
88 ~~provisions hereof,~~ shall:

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

93 (b) Directly or indirectly coerce or attempt to coerce,
94 command, or advise any other officer or employee to pay, lend,
95 or contribute any part of his or her salary, or any money, or
96 anything else of value to any party, committee, organization,
97 agency, or person for political purposes. Nothing in this
98 paragraph or in any county or municipal charter or ordinance
99 shall prohibit an employee from suggesting to another employee
100 in a noncoercive manner that he or she may voluntarily

101 contribute to a fund which is administered by a party,
102 committee, organization, agency, person, labor union or other
103 employee organization for political purposes.

104 (c) Directly or indirectly coerce or attempt to coerce,
105 command, and advise any such officer or employee as to where he
106 or she might purchase commodities or to interfere in any other
107 way with the personal right of said officer or employee.
108

109 The provisions of this section shall not be construed so as to
110 prevent any person from becoming a candidate for and actively
111 campaigning for any elective office in this state. All such
112 persons shall retain the right to vote as they may choose and to
113 express their opinions on all political subjects and candidates.

114 The provisions of paragraph (a) shall not be construed so as to
115 limit the political activity in a general, special, primary,
116 bond, referendum, or other election of any kind or nature, of
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 (3) Any person violating the provisions of this section is
142 guilty of a misdemeanor of the first degree, punishable as
143 provided in s. 775.082 or s. 775.083.

144 (4) Nothing contained in this section or in any county or
145 municipal charter shall be deemed to prohibit any public
146 employee from expressing his or her opinions on any candidate or
147 issue or from participating in any political campaign during the
148 employee's off-duty hours, so long as such activities are not in
149 conflict with the provisions of subsection (1) ~~or s. 110.233.~~

150 **Section 3. Section 104.315, Florida Statutes, is created**

151 **to read:**

152 104.315 Political activities of state officers and
153 employees.—

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

155 (a) "Contribution" has the same meaning as in s. 106.011.

156 (b) "Electioneering communications organization" has the
157 same meaning as in s. 106.011.

158 (c) "Issue" has the same meaning as in s. 106.011.

159 (d) "Political committee" has the same meaning as in s.
160 106.011.

161 (2) Except for an elected official, an officer or employee
162 of this state may not:

163 (a) Solicit or receive a contribution for, or on behalf
164 of, any of the following:

165 1. A political party.

166 2. A political committee, an affiliated party committee,
167 or any other committee.

168 3. An electioneering communications organization or any
169 other organization.

170 4. An agency.

171 5. A person.

172 (b) Participate in any political campaign, whether on
173 behalf of a candidate for public office, an elected public
174 official, an issue, a political party, a political committee, an
175 affiliated party committee, or an electioneering communications

176 organization:

177 1. While on duty; or

178 2. Within any period of time during which the officer or
179 employee is expected to perform services for which he or she
180 receives compensation from this state.

181 (c) Use his or her official authority or influence for the
182 purpose of:

183 1. Interfering with a campaign for elective office or an
184 issue;

185 2. Coercing or influencing another person's vote in a
186 general, special, primary, or referendum election; or

187 3. Affecting, directly or indirectly, the results of a
188 campaign for elective office or an issue.

189 (3) A supervisor of an officer or employee of this state
190 may not require, request, or otherwise pressure such officer or
191 employee to engage in conduct prohibited by this section.

192 (4) This section may not be construed so as to limit a
193 person's right to vote as he or she may choose or to express his
194 or her opinions on all political subjects and candidates.

195 (5) Any person violating this section is guilty of a
196 misdemeanor of the first degree, punishable as provided in s.
197 775.082 or s. 775.083.

198 **Section 4. Paragraph (b) of subsection (4) of section**
199 **110.233, Florida Statutes, is amended to read:**

200 110.233 Political activities and unlawful acts

prohibited.—

(4) As an individual, each employee retains all rights and obligations of citizenship provided in the Constitution and laws 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. 104.315(2) ~~to secure support for, or oppose, any candidate, party, or issue in a partisan election or affect the results thereof.~~

Section 5. 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 that:

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

2. 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. Has a prescribed tenure.

4. Exists independently of the individual holding such position.

(b) The term "office" includes, but is not limited to, all

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.
7. A sheriff.
8. A tax collector.
9. A property appraiser.
10. A supervisor of elections.
11. A clerk of the circuit court.
12. A member of the Board of Governors of the State University System.
13. A member of a board of trustees for a state university.
14. A member of a district school board.
15. The county or municipal administrator.
16. The director of a county or municipal emergency management agency.
17. A member of a state, county, or municipal board or commission that exercises governmental authority and is not purely advisory in nature.
18. A member of the board of the Citizens Property Insurance Corporation established under s. 627.351(6).

251 19. A member of the board of the Florida Housing Finance
252 Corporation established under s. 420.504.

253 20. A member of the board of the Florida Healthy Kids
254 Corporation established under s. 624.91.

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

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

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

266 **Section 6. Subsection (1) of section 1001.71, Florida**
267 **Statutes, is amended to read:**

268 1001.71 University boards of trustees; membership.—

269 (1) Pursuant to s. 7(c), Art. IX of the State
270 Constitution, each local constituent university shall be
271 administered by a university board of trustees comprised of 13
272 members as follows: 6 citizen members appointed by the Governor
273 subject to confirmation by the Senate; 5 citizen members
274 appointed by the Board of Governors subject to confirmation by
275 the Senate; the chair of the faculty senate or the equivalent;

276 and the president of the student body of the university. The
277 appointed members shall serve staggered 5-year terms. In order
278 to achieve staggered terms, beginning July 1, 2003, of the
279 initial appointments by the Governor, 2 members shall serve 2-
280 year terms, 3 members shall serve 3-year terms, and 1 member
281 shall serve a 5-year term and of the initial appointments by the
282 Board of Governors, 2 members shall serve 2-year terms, 2
283 members shall serve 3-year terms, and 1 member shall serve a 5-
284 year term. ~~There shall be no state residency requirement~~ For
285 university board members, ~~but~~ the Governor and the Board of
286 Governors shall consider diversity and regional representation.
287 Beginning July 2, 2020, for purposes of this subsection,
288 regional representation shall include the chair of a campus
289 board established pursuant to s. 1004.341.

290 **Section 7.** This act shall take effect July 1, 2025.