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1
2 An act relating to public officers and employees;
3 creating s. 20.71, F.S.; requiring that, beginning on
4 a specified date, secretaries and executive directors
5 of departments, chief administrative officers of
6 certain units of state government, members of
7 commissions and licensing boards, chairs of governing
8 boards or certain chief executives of certain
9 statewide entities, or any persons appointed to hold
10 state office in the executive branch of state
11 government be United States citizens and residents of
12 this state; providing that a specified provision
13 applies to each such offices; requiring that,
14 beginning on a specified date, members of the board of
15 trustees for state universities be United States
16 citizens and residents of this state or graduates of
17 the state university that the board oversees;
18 requiring that, beginning on a specified date, members
19 of the Board of Governors of the State University
20 System be United States citizens and either residents
21 of this state or graduates of a state university;
22 providing that if any such requirements are not met,
23 the office is deemed vacant; amending s. 104.31, F.S.;
24 prohibiting state, county, and municipal officers and
25 employees from using their official authority or

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26 influence to solicit another person to make certain
27 contributions; revising construction of provisions
28 relating to political activities of state, county, and
29 municipal officers and employees; amending s. 112.061,
30 F.S.; prohibiting the authorization or approval of
31 reimbursements for travel expenses between the
32 personal residence and official headquarters of
33 persons in specified positions; defining the term
34 "residence"; requiring that the official headquarters
35 for specified positions be the city or town in which
36 the department's official headquarters is located;
37 prohibiting persons serving in specified positions
38 from being reimbursed for certain travel expenses;
39 creating s. 112.31251, F.S.; defining the term
40 "office" for purposes of s. 5(a), Art. II of the State
41 Constitution; defining the term "employment"; amending
42 s. 112.3261, F.S.; defining the term "expenditure";
43 requiring the Commission on Ethics to investigate
44 certain lobbyists or principals who make prohibited
45 expenditures; prohibiting lobbyists or principals from
46 making, and district governing board members,
47 executive directors, or certain employees from
48 accepting, any expenditure; amending s. 1001.71, F.S.;
49 conforming a provision to changes made by the act;
50 providing an effective date.

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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 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. 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.

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(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.

(3) Effective January 6, 2027, each member of the Board of Governors 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

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

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

The provisions of this section may ~~shall~~ not be construed so as

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

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151 or otherwise employed, or whether the activity shall be in
152 connection with a primary, general, special, bond, referendum,
153 or other election of any kind or nature.

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

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

160 112.061 Per diem and travel expenses of public officers,
161 employees, and authorized persons; statewide travel management
162 system.—

163 (3) AUTHORITY TO INCUR TRAVEL EXPENSES.—

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

175 (4) OFFICIAL HEADQUARTERS.—The official headquarters of a

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person serving in a position described in s. 20.71(1)(a)1., 2.,
or 3. must be the city or town in which the department's
official headquarters is located, and the official headquarters
of any other ~~an~~ officer or employee assigned to an office must
~~shall~~ be the city or town in which the office is located except
that:

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

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

(c) A traveler may leave his or her assigned post to
return to his or her residence ~~home~~ overnight, over a weekend,
or during a holiday, but any time lost from regular duties must
~~shall~~ be taken as annual leave and authorized in the usual

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

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

1. A Lieutenant Governor for whom an official headquarters is established in his or her county of residence pursuant to this paragraph is eligible for subsistence at a rate to be established by the Governor for each day or partial day that the Lieutenant Governor is at the State Capitol to conduct official

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state business. In addition to the subsistence allowance, a Lieutenant Governor is eligible for reimbursement for transportation expenses as provided in subsection (7) for travel between the Lieutenant Governor's official headquarters and the State Capitol to conduct state business.

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. 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.

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(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.
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. A member of a state, county, or municipal board or
commission that exercises governmental authority and is not
purely advisory in nature.
16. A member of the Board of Governors for the Citizens
Property Insurance Corporation established under s. 627.351(6).
17. A member of the board of directors for the Florida
Housing Finance Corporation established under s. 420.504.

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

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

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

288 21. A state, county, or municipal law enforcement officer
289 with the authority to arrest without a warrant.

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

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

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

296 (b) The position of an individual whose relationship with
297 a state, county, or municipal government is considered
298 employment. For purposes of this paragraph, the term
299 "employment" means a relationship with a state, county, or
300 municipal government where an individual does not exercise in

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

(8) Notwithstanding s. 112.3148, s. 112.3149, or any other

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law, a lobbyist or principal may not make, directly or indirectly, and a district governing board member, executive director, or any district employee who qualifies as a local officer as defined in s. 112.3145(1) may not knowingly accept, directly or indirectly, any expenditure.

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

1001.71 University boards of trustees; membership.—

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

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351 Governors shall consider diversity and regional representation.
352 Beginning July 2, 2020, for purposes of this subsection,
353 regional representation shall include the chair of a campus
354 board established pursuant to s. 1004.341.

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