

By the Appropriations Committee on Agriculture, Environment, and General Government; and Senator Grall

601-03619-25

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1 A bill to be entitled
2 An act relating to public officers and employees;
3 creating s. 20.71, F.S.; requiring that, beginning on
4 a specified date, members of commissions and licensing
5 boards, chairs of governing boards or certain chief
6 executives, or any persons appointed to hold state
7 office be United States citizens and residents of this
8 state; requiring that, beginning on a specified date,
9 secretaries and executive directors of departments and
10 certain chief administrative officers be United States
11 citizens and be residents of, and reside in, specified
12 areas; requiring that, beginning on a specified date,
13 members of the board of trustees for state
14 universities be United States citizens and residents
15 of this state or graduates of the state university
16 that the board oversees; requiring that, beginning on
17 a specified date, members of the Board of Governors of
18 the State University System be United States citizens
19 and residents of this state or have graduated from a
20 state university; providing that if any such
21 requirements are not met, the office is deemed vacant;
22 creating s. 112.31251, F.S.; defining the term
23 "office" for purposes of s. 5(a), Art. II of the State
24 Constitution; defining the term "employment"; amending
25 s. 1001.71, F.S.; conforming a provision to changes
26 made by the act; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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601-03619-25

20251760c1

30 Section 1. Section 20.71, Florida Statutes, is created to
31 read:

32 20.71 Residency requirements.—Notwithstanding any other
33 law:

34 (1) (a) Effective October 1, 2025, each of the following
35 persons must be a United States citizen and a resident of this
36 state:

37 1. A member of a commission.

38 2. A member of a licensing board.

39 3. The chair of the governing board, or the chief
40 executive, of a statewide entity that is explicitly created or
41 established by statute, regardless of its legal form, for a
42 public purpose or to carry out a government program and that is
43 not under the direct control of a governmental entity.

44 4. Any other person appointed to hold state office.

45 (b) If a person listed in subparagraph (a)1., subparagraph
46 (a)2., or subparagraph (a)3. does not meet the requirements of
47 paragraph (a), the office of such person is automatically deemed
48 vacant.

49 (2) (a) Effective October 1, 2025, each of the following
50 persons must be a United States citizen, must be a resident of
51 this state, and must reside in the same county as his or her
52 respective department headquarters or within 75 miles of the
53 department headquarters:

54 1. The secretary of a department.

55 2. The executive director of a department.

56 3. The chief administrative officer of any unit of state
57 government which is housed under a department for administrative
58 purposes, but is not subject to the control, supervision, or

601-03619-25

20251760c1

59 direction of such department.

60 (b) If a person listed in subparagraph (a)1., subparagraph
61 (a)2., or subparagraph (a)3. does not meet the requirements of
62 paragraph (a), the office of such person is automatically deemed
63 vacant.

64 (3) Effective January 6, 2027, each member of a state
65 university board of trustees must be a United States citizen and
66 either a resident of this state or a graduate of the state
67 university, the administration of which is overseen by such
68 board of trustees.

69 (4) Effective January 6, 2027, each member of the Board of
70 Governors must be a United States citizen and either a resident
71 of this state or a graduate of a state university as defined in
72 s. 1000.21. If any member of the Board of Governors does not
73 meet the requirements of this subsection, such member's office
74 is automatically deemed vacant.

75 Section 2. Section 112.31251, Florida Statutes, is created
76 to read:

77 112.31251 Definition of the term "office."—

78 (1)(a) For purposes of s. 5(a), Art. II of the State
79 Constitution, the term "office," when referring to an office in
80 this state, means any position in state, county, or municipal
81 government which all of the following apply:

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

84 2. Requires the exercise of independent governmental
85 authority, which is performed in an official capacity and is not
86 based solely on a contractual or employment relationship.

87 3. Has a prescribed tenure.

601-03619-25

20251760c1

88 4. Exists independently of the individual holding such
89 position.

90 (b) The term "office" includes, but is not limited to, each
91 of the following positions:

92 1. The Governor.

93 2. The Lieutenant Governor.

94 3. A member of the Cabinet.

95 4. A state senator.

96 5. A state representative.

97 6. A county commissioner.

98 7. A sheriff.

99 8. A tax collector.

100 9. A property appraiser.

101 10. A supervisor of elections.

102 11. A clerk of the circuit court.

103 12. A member of the Board of Governors of the State
104 University System.

105 13. A member of a board of trustees for a state university.

106 14. A member of a district school board.

107 15. A member of a state, county, or municipal board or
108 commission that exercises governmental authority and is not
109 purely advisory in nature.

110 16. A member of the Board of Governors for the Citizens
111 Property Insurance Corporation established under s. 627.351(6).

112 17. A member of the board of directors for the Florida
113 Housing Finance Corporation established under s. 420.504.

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

601-03619-25

20251760c1

117 19. An administrator or a manager of a county, a
118 municipality, or a corporation established under s. 420.504, s.
119 s. 624.91, or s. 627.351(6) who exercises in his or her own
120 right any sovereign power or any prescribed independent
121 authority of a governmental nature.

122 20. The director of a county or municipal emergency
123 management agency who exercises in his or her own right any
124 sovereign power or any prescribed independent authority of a
125 governmental nature.

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

128 22. Any position that meets all the criteria enumerated in
129 paragraph (a).

130 (2) The term "office" does not include either of the
131 following:

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

134 (b) The position of an individual whose relationship with a
135 state, county, or municipal government is considered employment.
136 For purposes of this paragraph, the term "employment" means a
137 relationship with a state, county, or municipal government where
138 an individual does not exercise in his or her own right any
139 sovereign power or any prescribed independent authority of a
140 governmental nature.

141 Section 3. Subsection (1) of section 1001.71, Florida
142 Statutes, is amended to read:

143 1001.71 University boards of trustees; membership.—

144 (1) Pursuant to s. 7(c), Art. IX of the State Constitution,
145 each local constituent university shall be administered by a

601-03619-25

20251760c1

146 university board of trustees comprised of 13 members as follows:
147 6 citizen members appointed by the Governor subject to
148 confirmation by the Senate; 5 citizen members appointed by the
149 Board of Governors subject to confirmation by the Senate; the
150 chair of the faculty senate or the equivalent; and the president
151 of the student body of the university. The appointed members
152 shall serve staggered 5-year terms. In order to achieve
153 staggered terms, beginning July 1, 2003, of the initial
154 appointments by the Governor, 2 members shall serve 2-year
155 terms, 3 members shall serve 3-year terms, and 1 member shall
156 serve a 5-year term and of the initial appointments by the Board
157 of Governors, 2 members shall serve 2-year terms, 2 members
158 shall serve 3-year terms, and 1 member shall serve a 5-year
159 term. ~~There shall be no state residency requirement~~ For
160 university board members, ~~but~~ the Governor and the Board of
161 Governors shall consider diversity and regional representation.
162 Beginning July 2, 2020, for purposes of this subsection,
163 regional representation shall include the chair of a campus
164 board established pursuant to s. 1004.341.

165 Section 4. This act shall take effect July 1, 2025.