

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [HB 593](#)

TITLE: Governmental Agencies and Personnel

SPONSOR(S): Andrade

Committee References

[Government Operations](#)

[State Affairs](#)

SUMMARY

Effect of the Bill:

The bill prohibits:

- A state agency or officer from directing funds offered to the state in a litigation settlement to a third party as a condition of the settlement.
- 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.
- Lobbyists or principals lobbying a water management district (WMD) from making, and certain WMD officers and employees from accepting, expenditures.

The bill also expands existing political activity prohibitions to bar state and local officers and employees from using their official authority or influence to solicit political contributions, and 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 state expenditures, 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:

[State Agency Settlements](#)

The bill prohibits a state agency or officer from directing that any funds offered to the state in a litigation settlement be sent to a third party as a condition of the settlement. The bill provides that a person who directs funds may be a [principal in the first degree](#)—which is a person who commits or aids, abets, counsels, hires, or otherwise procures the commission of a criminal offense. (Section [1](#))

The bill also requires that, within 10 days after a settlement, the state agency or officer provide written notification, including the settlement terms, to the President of the Senate, the Speaker of the House of Representatives, the Senate and House of Representatives minority leaders, the chairs of the appropriations committees, and the Attorney General. (Section [1](#))

[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

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contribute, pay, or lend anything of value to a political party, candidate, committee, organization, agency, or person. But a state or local officer or employee may suggest, in a noncoercive manner, to a person that he or she 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 (e.g., campaigns involving constitutional amendments). (Section [2](#))

The bill eliminates an exception in current law that allows 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 to interfere with an election or coercing or influencing another person's vote or affecting the election results. (Section [2](#))

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](#))

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](#))

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.

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, directly or indirectly, making—and a WMD governing board member, a WMD executive director, or any WMD employee who is a local officer³ from knowingly accepting—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](#))

State University System – Boards of Trustees

The bill removes a provision specifying that there is no state residency requirement for university board members. (Section [6](#))

Effective Date

The effective date of the bill is July 1, 2026. (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:

State Agency Settlements

Current law provides that in any civil action an executive branch agency or officer may not enter into a settlement, consent to a condition, or agree to an order that requires the expenditure or obligation of state funds exceeding \$1 million, the refund or future loss of state revenues exceeding \$10 million, or the establishment of a new program, unless:

- The expenditure is provided for by an existing appropriation or program.
- Written notification is provided to the presiding officers and minority leaders of the Legislature, appropriation committee chairs, and the Attorney General during the settlement process.⁴

Executive branch agencies and officers are prohibited from pledging the current or future actions of another branch of state government as a condition of settlement and requires that settlements committing the state to expenditures beyond current appropriations or to policy changes inconsistent with existing law be contingent upon legislative appropriation or statutory amendment.⁵ In addition, executive branch agencies and officers must report to the substantive and fiscal committees of the Legislature on potential settlements that may require

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 [S. 45.062\(1\), F.S.](#)

⁵ [S. 45.062\(3\)-\(4\), F.S.](#)

expenditures beyond current appropriations or policy changes inconsistent with current law and must provide periodic updates during the settlement process.⁶

When the state settles an action or legal claim in which it asserted a right to recover money, current law requires that all funds paid to the state in full or partial exchange for a release of the state's claim be deposited into the General Revenue Fund or the appropriate trust fund.⁷

Principal in the First Degree

Under current law, a person who commits a criminal offense against the state, or who aids, abets, counsels, hires, or otherwise procures the commission of such an offense, is treated as a principal in the first degree and may be charged, convicted, and punished as if the person directly committed the offense.⁸ This provision applies regardless of whether the person was physically present at the commission of the offense.

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. But the law allows noncoercive suggestions between employees regarding voluntarily contributions 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.⁹ A violation of these provisions is a first-degree misdemeanor.¹⁰

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.¹¹

Public employees are prohibited from participating in any political campaign for an elective office while on duty.¹² Public employees may, however, 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.¹³

Travel Expenses of Public Employees

Current law provides for the authorization and reimbursement of travel expenses for public officers and employees. All travel must be authorized and approved by the head of the agency, or his or her designee, and must be limited to expenses necessarily incurred in the performance of a public purpose.¹⁴ Allowable travel expenses

⁶ [S. 45.062\(6\), F.S.](#)

⁷ [S. 45.062\(5\), F.S.](#)

⁸ [S. 777.011, F.S.](#) The statute applies to both completed and attempted offenses, and a person may be charged as a principal in the first degree for aiding or procuring an attempted offense.

⁹ [S. 104.31\(1\), F.S.](#)

¹⁰ [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.](#)

¹¹ [S. 104.31\(1\), F.S.](#)

¹² [S. 104.31\(2\), F.S.](#)

¹³ [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.

¹⁴ [S. 112.061\(3\)\(a\)-\(b\), F.S.](#)

include transportation costs, lodging expenses, and per diem or subsistence allowances, subject to specified limitations and agency approval.

An officer's or employee's official headquarters is generally the city or town in which the individual's assigned office is located.¹⁵ For individuals assigned to field positions, the official headquarters is the city or town nearest to where the majority of the individual's work is performed or another location designated by the agency head in the best interest of the agency.¹⁶ An officer or employee may leave his or her assigned post overnight to return home overnight, over a weekend, or during a holiday, but may only be reimbursed the standard per diem rate allowable had he or she remained at the assigned post.¹⁷

Travel is classified into three categories:

- Class A travel: continuous travel of 24 hours or more away from official headquarters.
- Class B travel: travel of less than 24 hours involving overnight absence from official headquarters.
- Class C travel: short or day trips not involving overnight absence from official headquarters.¹⁸

For Class A and Class B travel, a traveler may elect to receive either an \$80 per diem or reimbursement for actual lodging expenses plus the established subsistence rates for meals.¹⁹ For Class C travel, travelers are eligible only for meal allowances provided the money is not appropriated from the State Treasury.²⁰ However, meals allowances are not available when travel is confined to the city or town of the official headquarters or its immediate vicinity.²¹

Transportation expenses may be reimbursed for travel conducted by common carrier or by privately owned vehicle, subject to specified mileage rates and agency approval.²² Reimbursement is generally limited to travel conducted by the most economical and efficient method and any additional costs incurred due to indirect routes taken for personal convenience must be borne by the traveler.²³

Dual Office-holding

The State Constitution prohibits individuals from holding multiple public offices simultaneously. This dual-office holding prohibition applies to state and local public offices—both elected and appointed—to ensure that no single individual accumulates multiple governmental roles that could create a conflict of interest.²⁴ Neither the State Constitution nor the Legislature has defined the term "office," leaving the judicial branch 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.²⁵ An "employment," by contrast, "does not comprehend a delegation of any part of the sovereign authority."²⁶ Positions such as department heads, members of governing boards, and elected officials have typically

¹⁵ [S. 112.061\(4\), F.S.](#)

¹⁶ [S. 112.061\(4\)\(a\), F.S.](#)

¹⁷ [S. 112.061\(4\)\(c\), F.S.](#) When a traveler is temporarily assigned away from his or her official headquarters for an approved period exceeding 30 days, the traveler is entitled to reimbursement for travel expenses at the established rate for one round trip to the traveler's residence for each 30-day period actually taken.

¹⁸ [S. 112.061\(2\)\(d\)-\(f\), F.S.](#)

¹⁹ [S. 112.061\(6\)\(a\), F.S.](#)

²⁰ [S. 112.061\(6\)\(b\) and \(15\), F.S.](#)

²¹ [S. 112.061\(5\)\(b\), F.S.](#) Meal allowances may be provided for assignments of official business outside the traveler's regular place of employment if travel expenses are approved.

²² See [s. 112.061\(7\), F.S.](#)

²³ [S. 112.061\(7\)\(a\), F.S.](#)

²⁴ [Art II, s. 5\(a\), FLA. CONST.](#); *Bath Club, Inc. v. Dade County*, 394 So. 2d 110 (Fla. 1981); see also *Blackburn v. Brorein*, 70 So. 2d 293 (Fla. 1954).

²⁵ *State ex rel. Holloway v. Sheats*, 83 So. 508 (Fla. 1919); *State ex rel. Clyatt v. Hocker*, 22 So. 721 (Fla. 1897).

²⁶ *Holloway*, 83 So. at 509.

been considered offices, while positions like assistants, deputy clerks, and administrative employees have typically been classified as public employees.²⁷

Despite the general prohibition, 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.²⁸ 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.²⁹

Water Management Districts

Florida's water management districts (WMDs) are responsible for administering water resources at a regional level.³⁰ The state is divided into five WMDs: Northwest WMD, Suwannee River WMD, St. Johns River WMD, Southwest Florida WMD, and South Florida WMD.³¹ The Department of Environmental Protection exercises general supervisory authority over the WMDs.³² The core focus of WMDs is water supply, water quality, flood protection and floodplain management, and natural systems.³³

Each WMD is directed by a governing board, members of which are appointed by the Governor, subject to Senate confirmation.³⁴ Each board includes nine members who must reside in the WMD (except the Southwest Florida WMD board, which includes 13 members).³⁵ A governing board is required to meet monthly and upon the call of the chair.³⁶

Lobbying

Before lobbying a WMD, a lobbyist³⁷ must register with the WMD.³⁸ To register, a lobbyist must provide a statement signed by the principal (or the principal's representative),³⁹ stating that the lobbyist is authorized to represent the principal and identifying the principal's main business.⁴⁰ The registration form requires each lobbyist to disclose certain information.⁴¹

The Commission on Ethics (commission)⁴² 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

²⁷ See Office of the Attorney General, [Dual Office-holding](#) (last visited January 12, 2026).

²⁸ *Bath Club*, 394 So. 2d at 112.

²⁹ Members of a constitution revision commission, constitutional convention, and taxation and budget reform commission are also exempt. [Art. II, s. 5\(a\), FLA. CONST.](#)

³⁰ See [s. 373.069, F.S.](#); see also Department of Environmental Protection, [Water Management Districts](#) (last visited January 12, 2026).

³¹ [S. 373.069\(1\), F.S.](#)

³² Department of Environmental Protection, [Water Management Districts](#) (last visited January 12, 2026).

³³ *Id.*; see also [s. 373.036, F.S.](#)

³⁴ [S. 373.073, F.S.](#)

³⁵ [S. 373.073\(1\)\(a\), F.S.](#)

³⁶ [S. 373.079\(7\), F.S.](#)

³⁷ "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.](#)

³⁸ [S. 112.3261\(2\), F.S.](#)

³⁹ "Principal" means the person, firm, corporation, or other entity that employs or retains a lobbyist. [S. 112.3215\(1\)\(i\), F.S.](#)

⁴⁰ [S. 112.3261\(2\), F.S.](#)

⁴¹ [S. 112.3261\(2\)\(a\)-\(d\), F.S.](#)

⁴² The Commission on Ethics is established in the State Constitution "to conduct investigations and make public reports on all complaints concerning breach of public trust by public officers or employees..." [Art. II, s. 8\(g\), FLA. CONST.](#); see also [s. 112.320](#),

information in a registration.⁴³ The commission must provide the Governor with a report of its findings and recommendations from an investigation of a lobbyist or principal, which the Governor may, in his or her discretion, choose to enforce in whole or in part.⁴⁴

State University System – Board of Trustees

The State University System of Florida comprises 12 public universities,⁴⁵ each governed by individual boards of trustees.⁴⁶ A board is composed of six citizen members appointed by the Governor and five citizen members appointed by the Board of Governors,⁴⁷ all subject to Senate confirmation, as well as the chair of the university's faculty senate (or its equivalent), and the president of the student body. Appointed trustees serve staggered five-year terms. Current law specifies that there is no state residency requirement for appointed university board members.⁴⁸

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Government Operations			Toliver	Villa
Subcommittee				
State Affairs Committee				

[F.S.](#) The commission serves as the “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.](#)

⁴³ [S. 112.3261\(7\), F.S.](#)

⁴⁴ *Id.*

⁴⁵ [S. 1000.21\(9\), F.S.](#); *see also* State University System, [Universities](#) (last visited January 13, 2026).

⁴⁶ [Art. IX, s. 7\(c\), FLA. CONST.](#)

⁴⁷ The Board of Governors is responsible for overseeing, regulating, and managing the entire State University System. [Art. IX, s. 7\(b\), FLA. CONST.](#)

⁴⁸ [S. 1001.71\(1\), F.S.](#)