

1 A bill to be entitled
2 An act relating to governmental agencies and
3 personnel; amending s. 45.062, F.S.; prohibiting a
4 state agency or officer from directing funds offered
5 to the state to a third party as a condition of
6 settlement; requiring such agency or officer to
7 provide written notification of the terms of the
8 settlement to the Legislature and the Attorney General
9 within a specified time; amending s. 104.31, F.S.;
10 prohibiting a state, county, or municipal officer or
11 employees from using his or her official authority or
12 influence to solicit another person to make certain
13 contributions; revising construction; amending s.
14 112.061, F.S.; prohibiting the authorization or
15 approval of reimbursements for travel expenses to and
16 from a person's residence and his or her official
17 headquarters for specified positions; prohibiting the
18 authorization or approval of reimbursements for per
19 diem and subsistence allowance for such person under a
20 specified circumstance; defining the term "residence";
21 requiring the official headquarters for specified
22 positions be the city or town in which the
23 department's official headquarters is located;
24 prohibiting persons serving in specified positions
25 from being reimbursed for certain travel expenses

26 under a specified circumstance; removing expiration of
27 specified provisions; creating s. 112.31251, F.S.;
28 defining the term "office" for purposes of s. 5(a),
29 Art. II of the State Constitution; defining the term
30 "employment"; amending s. 112.3261, F.S.; defining the
31 term "expenditure"; revising the circumstances under
32 which the Commission on Ethics must investigate a
33 lobbyist or principal; prohibiting a lobbyist or
34 principal from making, and prohibiting a district
35 governing board member, executive director, or any
36 district employee who qualifies as a local officer
37 from accepting, any expenditure; amending s. 1001.71,
38 F.S.; removing a provision that prohibits state
39 residency requirements for university board members;
40 providing an effective date.

41
42 Be It Enacted by the Legislature of the State of Florida:

43
44 **Section 1. Subsection (5) of section 45.062, Florida**
45 **Statutes, is amended to read:**

46 45.062 Settlements, conditions, or orders when an agency
47 of the executive branch is a party.—

48 (5) When a state agency or officer settles an action or
49 legal claim in which the state asserted a right to recover
50 money, all moneys paid to the state by a party in full or

51 partial exchange for a release of the state's claim shall be
52 placed into the General Revenue Fund or the appropriate trust
53 fund.

54 (a) A state agency or officer may not, under s. 777.011,
55 direct that any funds offered to the state be sent to a third
56 party as a condition of settlement.

57 (b) Within 10 days after the settlement, the state agency
58 or officer shall provide written notification, including the
59 terms of the settlement, to the President of the Senate, the
60 Speaker of the House of Representatives, the Senate and House of
61 Representatives minority leaders, the chairs of the
62 appropriations committees of the Legislature, and the Attorney
63 General.

64 **Section 2. Subsections (1) and (2) of section 104.31,**
65 **Florida Statutes, are amended to read:**

66 104.31 Political activities of state, county, and
67 municipal officers and employees.—

68 (1) No officer or employee of the state, or of any county
69 or municipality thereof, except as hereinafter exempted from
70 provisions hereof, shall:

71 (a) Use his or her official authority or influence for the
72 purpose of interfering with an election or a nomination of
73 office or coercing or influencing another person's vote or
74 affecting the result thereof.

75 (b) Use his or her official authority or influence to

76 directly or indirectly coerce or attempt to coerce, command,
77 solicit, or advise any other person ~~officer or employee~~ to make
78 a contribution as defined in s. 106.011 or to pay, lend, or
79 ~~contribute any part of his or her salary, or any money,~~ or
80 anything else of value to any political party, candidate for
81 public office, political committee, organization, agency, or
82 person ~~for political purposes~~. Nothing in this paragraph or in
83 any county or municipal charter or ordinance shall prohibit an
84 officer or employee from suggesting to another person ~~employee~~
85 in a noncoercive manner that he or she may voluntarily make a
86 contribution as defined in s. 106.011 or pay, lend, or
87 contribute money or anything else of value to any political ~~to a~~
88 ~~fund which is administered by a party,~~ candidate for public
89 office, political committee, organization, agency, or person,
90 ~~labor union or other employee organization for political~~
91 ~~purposes.~~

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

96
97 The provisions of this section may ~~shall~~ not be construed so as
98 to prevent any person from becoming a candidate for and actively
99 campaigning for any elective office in this state. All such
100 persons shall retain the right to vote as they may choose and to

101 express their opinions on all political subjects and candidates.
102 The provisions of paragraph (a) may ~~shall~~ not be construed so as
103 to limit the political activity in a general, special, primary,
104 bond, referendum, or other election of any kind or nature, of
105 elected officials or candidates for public office in the state
106 or of any county or municipality thereof; ~~and the provisions of~~
107 ~~paragraph (a) shall not be construed so as to limit the~~
108 ~~political activity in general or special elections of the~~
109 ~~officials appointed as the heads or directors of state~~
110 ~~administrative agencies, boards, commissions, or committees or~~
111 ~~of the members of state boards, commissions, or committees,~~
112 ~~whether they be salaried, nonsalaried, or reimbursed for~~
113 ~~expense. In the event of a dual capacity of any member of a~~
114 ~~state board, commission, or committee, any restrictive~~
115 ~~provisions applicable to either capacity shall apply. The~~
116 ~~provisions of paragraph (a) shall not be construed so as to~~
117 ~~limit the political activity in a general, special, primary,~~
118 ~~bond, referendum, or other election of any kind or nature of the~~
119 ~~Governor, the elected members of the Governor's Cabinet, or the~~
120 ~~members of the Legislature. The provisions of paragraphs (b) and~~
121 (c) ~~shall~~ apply to all officers and employees of the state or of
122 any county or municipality thereof, whether elected, appointed,
123 or otherwise employed, or whether the activity shall be in
124 connection with a primary, general, special, bond, referendum,
125 or other election of any kind or nature.

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

129 **Section 3. Subsection (4) of section 112.061, Florida**
130 **Statutes, is amended, and paragraph (j) is added to subsection**
131 **(3) of that section, to read:**

132 112.061 Per diem and travel expenses of public officers,
133 employees, and authorized persons; statewide travel management
134 system.—

135 (3) AUTHORITY TO INCUR TRAVEL EXPENSES.—

136 (j) Reimbursement of transportation expenses as provided
137 in subsection (7) for travel between the person's residence and
138 his or her official headquarters may not be authorized or
139 approved for a person serving as:

140 1. The secretary of a department;

141 2. The executive director of a department; or

142 3. The chief administrative officer of any unit of state
143 government which is housed under a department for administrative
144 purposes but is not subject to the control, supervision, or
145 direction of such department.

146
147 Per diem and subsistence allowances provided in subsection (6)
148 may not be authorized or approved for a person serving in a
149 position described in subparagraphs 1., 2., or 3. when he or she
150 remains overnight in his or her county of residence. For the

151 purposes of this section, the term "residence" means the
152 dwelling in which the person permanently resides.

153 (4) OFFICIAL HEADQUARTERS.—The official headquarters of a
154 person serving in a position described in subparagraph (3)(j)1.,
155 2., or 3. shall be the city or town in which the department's
156 official headquarters is located, and the official headquarters
157 of any other ~~an~~ officer or employee assigned to an office shall
158 be the city or town in which the office is located except that:

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

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

173 (c) A traveler may leave his or her assigned post to
174 return to his or her residence ~~home~~ overnight, over a weekend,
175 or during a holiday, but any time lost from regular duties shall

176 be taken as annual leave and authorized in the usual manner. The
177 traveler shall not be reimbursed for travel expenses in excess
178 of the established rate for per diem allowable had he or she
179 remained at his or her assigned post. A person serving in a
180 position described in subparagraph (j)1., 2., or 3. may not be
181 reimbursed for travel expenses for travel between the person's
182 assigned post and residence. However, when a traveler has been
183 temporarily assigned away from his or her official headquarters
184 for an approved period extending beyond 30 days, he or she is
185 ~~shall be~~ entitled to reimbursement for travel expenses at the
186 established rate of one round trip for each 30-day period
187 actually taken to his or her residence ~~home~~ in addition to pay
188 and allowances otherwise provided.

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

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

Lieutenant Governor is at the State Capitol to conduct official 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

226 position.

227 (b) The term includes, but is not limited to, each of the
228 following positions:

229 1. The Governor.

230 2. The Lieutenant Governor.

231 3. A member of the Cabinet.

232 4. A member of the Senate.

233 5. A member of the House of Representatives.

234 6. A county commissioner.

235 7. A sheriff.

236 8. A tax collector.

237 9. A property appraiser.

238 10. A supervisor of elections.

239 11. A clerk of the circuit court.

240 12. A member of the Board of Governors of the State
241 University System.

242 13. A member of a state university board of trustees.

243 14. A member of a district school board.

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

247 16. A member of the board of governors of the Citizens
248 Property Insurance Corporation established under s. 627.351(6).

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

251 18. A member of the board of directors of the Florida
252 Healthy Kids Corporation established under s. 624.91, other than
253 the member appointed pursuant to s. 624.91(6)(a)9.

254 19. An administrator or a manager of a county, a
255 municipality, or a corporation established under s. 420.504, s.
256 624.91, or s. 627.351(6) who exercises in his or her own right
257 any sovereign power or any prescribed independent authority of a
258 governmental nature.

259 20. The director of a county or municipal emergency
260 management agency who exercises in his or her own right any
261 sovereign power or any prescribed independent authority of a
262 governmental nature.

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

265 22. Any position that meets all the criteria enumerated in
266 paragraph (a).

267 (2) The term "office" does not include either of the
268 following:

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

271 (b) The position of an individual whose relationship with
272 a state, county, or municipal government is considered
273 employment. For purposes of this paragraph, the term
274 "employment" means a relationship with a state, county, or
275 municipal government in which an individual does not exercise in

his or her own right any sovereign power or any prescribed
independent authority of a governmental nature.

Section 5. Paragraphs (b), (c), and (d) of subsection (1) of section 112.3261, Florida Statutes, are redesignated as paragraphs (c), (d), and (e), respectively, subsection (8) is renumbered as subsection (9), subsection (7) is amended, a new paragraph (b) is added to subsection (1), and a new subsection (8) is added to that section, 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(1).

(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

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

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

308 1001.71 University boards of trustees; membership.—

309 (1) Pursuant to s. 7(c), Art. IX of the State
310 Constitution, each local constituent university shall be
311 administered by a university board of trustees comprised of 13
312 members as follows: 6 citizen members appointed by the Governor
313 subject to confirmation by the Senate; 5 citizen members
314 appointed by the Board of Governors subject to confirmation by
315 the Senate; the chair of the faculty senate or the equivalent;
316 and the president of the student body of the university. The
317 appointed members shall serve staggered 5-year terms. In order
318 to achieve staggered terms, beginning July 1, 2003, of the
319 initial appointments by the Governor, 2 members shall serve 2-
320 year terms, 3 members shall serve 3-year terms, and 1 member
321 shall serve a 5-year term and of the initial appointments by the
322 Board of Governors, 2 members shall serve 2-year terms, 2
323 members shall serve 3-year terms, and 1 member shall serve a 5-
324 year term. ~~There shall be no state residency requirement~~ For
325 university board members, ~~but~~ the Governor and the Board of

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326 | Governors shall consider diversity and regional representation.
327 | Beginning July 2, 2020, for purposes of this subsection,
328 | regional representation shall include the chair of a campus
329 | board established pursuant to s. 1004.341.

330 | **Section 7.** This act shall take effect July 1, 2026.