

Resign-to-run (2013)

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The "resign-to-run law" essentially prohibits an elected or appointed "officer" from qualifying as a candidate for another state, district, county or municipal public office if the terms or any part of the terms overlap with each other if the person did not resign from the office the person presently holds. (Section 99.012(3), Florida Statutes.)

An "officer" is a person, whether elected or appointed, who has the authority to exercise the sovereign powers of the state pertaining to an office recognized under the State Constitution or laws of the state. With respect to a municipality, an "officer" means a person, whether elected or appointed, who has the authority to exercise municipal power as provided by the State Constitution, state laws, or municipal charter. (Section 99.012(1), Florida Statutes.)

Florida case law further explains that an "officer" is one who exercises some portion of the sovereign power, either in making, executing or administering the laws and who derives his or her position from a duly and legally authorized election or appointment, whose duties are continuous in nature and defined by law, not contract.

Examples of "officers" include, but are not limited to: mayors, city and county commissioners, state legislators, supervisors of elections, sheriffs, property appraisers, judges, school board members, superintendents of school, state attorneys and public defenders, municipal fire chiefs, medical examiners, and elected hospital board and airport authority members.

The resignation must be submitted in writing at least 10 days prior to the first day of qualifying for the office the person intends to seek. (Section 99.012(3)(c), Florida Statutes.) (The qualifying dates for elections to particular offices can be obtained from the county supervisor of elections office.)

The resignation must take effect no later than the earlier of the following dates:

- a. The date the officer would take office, if elected; or
- b. The date the officer's successor is required to take office.

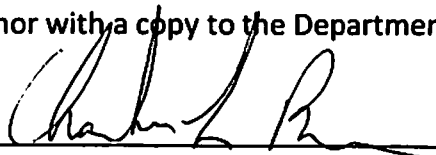
(Section 99.012(3)(d), Florida Statutes.)

For *elected* district, county, or municipal officers, the resignation must be submitted to the officer before whom he or she qualified for the office he or she holds, ***with a copy to the Governor and the Department of State.***

For *appointed* district, county, or municipal officers, the resignation must be submitted to the officer or authority which appointed him or her to the office he or she holds, with a copy to the Governor and the Department of State.

All other officers must submit their resignations to the Governor with a copy to the Department of State.

(Section 99.012(3)(e), Florida Statutes.)



Signature of Candidate