

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1502

SPONSOR: Senator Casas

SUBJECT: Candidates; resign to run

DATE: February 25, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bradshaw</u>	<u>Bradshaw</u>	<u>EE</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Bill 1502 eliminates the requirement that a subordinate officer, deputy sheriff, or police officer who is seeking public office and who is not required to resign to run for that office must, upon qualifying, take an unpaid leave of absence during the period of his or her candidacy.

This bill substantially amends section 99.012, Florida Statutes.

II. Present Situation:

Section 99.012, Florida Statutes, commonly referred to as the resign-to-run law, prohibits any person from qualifying as a candidate for more than one public office if the terms of the offices, or any part thereof, run concurrently. In addition, the resign-to-run law requires an elected or appointed officer to irrevocably resign when seeking an elective office which runs concurrently with the term of office which he or she currently holds. The resignation must be submitted 10 days prior to the first day of the qualifying period, but does not need to be effective until the earlier of the following dates: (1) the date the officer would take office, if elected; or, (2) the date the officer's successor is required to take office. Thus, the resign-to-run law allows an officer to continue to serve while running for office, although he or she has previously tendered an irrevocable resignation.

Subsection (5) of section 99.012, F.S., provides an exception to the resign-to-run law for subordinate officers, deputy sheriffs and police officers. This subsection requires a subordinate officer, deputy sheriff or police officer to resign, *effective upon qualifying*, if the person is seeking to qualify for an office that is currently held by an officer who has authority to appoint, employ, promote or otherwise supervise that person and that supervising individual has qualified as a candidate for reelection to that office. However, if the subordinate officer, deputy sheriff or police officer is not running against his or her boss and is therefore not required to resign, the law requires that such subordinate officer, deputy sheriff, or police officer *must take an unpaid leave*

of absence beginning upon qualifying and continuing during the period that he or she is a candidate.

III. Effect of Proposed Changes:

Senate Bill 1502 eliminates the requirement that a subordinate officer, deputy sheriff, or police officer must take an unpaid leave of absence if he or she is seeking a public office and is not required to resign upon qualifying as required by section 99.012(5)(a), F.S.

Under the provisions of this bill, the resign-to-run law will not apply to a subordinate officer, deputy sheriff or police officer unless such subordinate officer is running against his or her boss and that boss has qualified for reelection.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Subordinate officers, deputy sheriffs and police officers currently required to take a leave of absence without pay while campaigning, will derive an economic benefit from the provisions of this bill since they will be allowed to continue their employment.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
