

By Senator Hutson

7-00236B-18

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1                   A bill to be entitled  
2           An act relating to the resign-to-run law; amending s.  
3           99.012, F.S.; requiring an officer who qualifies for  
4           federal public office to resign from the office he or  
5           she presently holds if the terms, or any part thereof,  
6           run concurrently; prescribing requirements for the  
7           written resignation; providing for an automatic  
8           irrevocable resignation in the event of noncompliance;  
9           specifying that a resignation creates a vacancy in  
10          office; revising an exception to the resign-to-run  
11          law; amending s. 121.121, F.S.; conforming a cross-  
12          reference; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

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16           Section 1. Present subsections (4) through (7) of section  
17           99.012, Florida Statutes, are renumbered as subsections (5)  
18           through (8), respectively, a new subsection (4) is added to that  
19           section, and present subsection (7) of that section is amended,  
20           to read:

21           99.012 Restrictions on individuals qualifying for public  
22           office.—

23           (4) (a) Any officer who qualifies for federal public office  
24           must resign from the office he or she presently holds if the  
25           terms, or any part thereof, run concurrently with each other.

26           (b) The resignation is irrevocable.

27           (c) The resignation must be submitted at least 10 days  
28           before the first day of qualifying for the office he or she  
29           intends to seek.

7-00236B-18

2018186\_\_

30 (d) The written resignation must be effective no later than  
31 the earlier of the following dates:

32 1. The date the officer would take office, if elected; or

33 2. The date the officer's successor is required to take  
34 office.

35 (e)1. An elected district, county, or municipal officer  
36 shall submit his or her resignation to the officer before whom  
37 he or she qualified for the office he or she holds, with a copy  
38 to the Governor and the Department of State.

39 2. An appointed district, county, or municipal officer  
40 shall submit his or her resignation to the officer or authority  
41 which appointed him or her to the office he or she holds, with a  
42 copy to the Governor and the Department of State.

43 3. All other officers shall submit their resignations to  
44 the Governor with a copy to the Department of State.

45 (f)1. The failure of an officer who qualifies for federal  
46 public office to submit a resignation pursuant to this  
47 subsection constitutes an automatic irrevocable resignation,  
48 effective immediately, from the office he or she presently  
49 holds.

50 2. The Department of State shall send a notice of the  
51 automatic resignation to the Governor, and in the case of a  
52 district, county, or municipal officer, a copy to:

53 a. The officer before whom he or she qualified if the  
54 officer held an elective office; or

55 b. The officer or authority who appointed him or her if the  
56 officer held an appointive office.

57 (g) Notwithstanding the provisions of any special act to  
58 the contrary, with regard to an elective office, the resignation

7-00236B-18

2018186\_\_

59 creates a vacancy in office to be filled by election, thereby  
60 authorizing persons to qualify as candidates for nomination and  
61 election as if the officer's term were otherwise scheduled to  
62 expire. With regard to an elective charter county office or  
63 elective municipal office, the vacancy created by the officer's  
64 resignation may be filled for that portion of the officer's  
65 unexpired term in a manner provided by the respective charter.  
66 The office is deemed vacant upon the effective date of the  
67 resignation submitted by the official in his or her letter of  
68 resignation.

69 (8)~~(7)~~ Nothing contained in subsection (3) or subsection  
70 (4) relates to persons holding any federal office ~~or seeking the~~  
71 ~~office of President or Vice President.~~

72 Section 2. Subsection (2) of section 121.121, Florida  
73 Statutes, is amended to read:

74 121.121 Authorized leaves of absence.—

75 (2) A member who is required to resign his or her office as  
76 a subordinate officer, deputy sheriff, or police officer because  
77 he or she is a candidate for a public office which is currently  
78 held by his or her superior officer who is also a candidate for  
79 reelection to the same office, in accordance with s. 99.012(5)  
80 ~~s. 99.012(4)~~, shall, upon return to covered employment, be  
81 eligible to purchase retirement credit for the period between  
82 his or her date of resignation and the beginning of the term of  
83 office for which he or she was a candidate as a leave of absence  
84 without pay, as provided in subsection (1).

85 Section 3. This act shall take effect upon becoming a law.