

Bill No. CS/HB 537, 1st Eng.

Barcode 021414

1 delegated the authority to exercise the sovereign power of the
 2 state by an officer. With respect to a municipality,
 3 subordinate officer means a person who has been delegated the
 4 authority to exercise municipal power by an officer.

5 (2) No person may qualify as a candidate for more than
 6 one public office, whether ~~federal~~, state, district, county,
 7 or municipal, if the terms or any part thereof run
 8 concurrently with each other.

9 (3)(a) No officer may qualify as a candidate for
 10 another public office, whether state, district, county, or
 11 municipal, if the terms or any part thereof run concurrently
 12 with each other, without resigning from the office he or she
 13 presently holds.

14 (b) The resignation is irrevocable.

15 (c) The written resignation must be submitted at least
 16 10 days prior to the first day of qualifying for the office he
 17 or she intends to seek.

18 (d) The resignation must be effective no later than
 19 the earlier of the following dates:

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

22 2. The date the officer's successor is required to
 23 take office.

24 (e)1. An elected district, county, or municipal
 25 officer must submit his or her resignation to the officer
 26 before whom he or she qualified for the office he or she
 27 holds, with a copy to the Governor and the Department of
 28 State.

29 2. An appointed district, county, or municipal officer
 30 must submit his or her resignation to the officer or authority
 31 which appointed him or her to the office he or she holds, with

Barcode 021414

1 a copy to the Governor and the Department of State.

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

4 (f)1. With regard to an elective office, the
5 resignation creates a vacancy in office to be filled by
6 election. Persons may qualify as candidates for nomination
7 and election as if the public officer's term were otherwise
8 scheduled to expire.

9 2. With regard to an elective charter county office or
10 elective municipal office, the vacancy created by the
11 officer's resignation may be filled for that portion of the
12 officer's unexpired term in a manner provided by the
13 respective charter. The office is deemed vacant upon the
14 effective date of the resignation submitted by the official in
15 his or her letter of resignation.

16 (g) Any officer who submits his or her resignation,
17 effective immediately or effective on a date prior to the date
18 of his or her qualifying for office, may then qualify for
19 office as a nonofficeholder, and the provisions of this
20 subsection do not apply.

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

25 ~~(b) The resignation is irrevocable.~~

26 ~~(c) The resignation must be submitted no later than~~
27 ~~the date upon which the officer qualifies for office.~~

28 ~~(d) The written resignation must be effective no later~~
29 ~~than the earlier of the following dates:~~

30 ~~1. The date the officer would take office, if elected;~~

31 or

Barcode 021414

1 ~~2. The date the officer's successor is required to~~
2 ~~take office.~~

3 ~~(e)1. An elected district, county, or municipal~~
4 ~~officer must submit his or her resignation to the officer~~
5 ~~before whom he or she qualified for the office he or she~~
6 ~~holds, with a copy to the Governor and the Department of~~
7 ~~State.~~

8 ~~2. An appointed district, county, or municipal officer~~
9 ~~must submit his or her resignation to the officer or authority~~
10 ~~which appointed him or her to the office he or she holds, with~~
11 ~~a copy to the Governor and the Department of State.~~

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

14 ~~(f)1. The failure of an officer who qualifies for~~
15 ~~federal public office to submit a resignation pursuant to this~~
16 ~~subsection constitutes an automatic irrevocable resignation,~~
17 ~~effective immediately, from the office he or she presently~~
18 ~~holds.~~

19 ~~2. The Department of State shall send a notice of the~~
20 ~~automatic resignation to the Governor, and in the case of a~~
21 ~~district, county, or municipal officer, a copy to:~~

22 ~~a. The officer before whom he or she qualified if the~~
23 ~~officer held an elective office; or~~

24 ~~b. The person or authority who appointed the officer~~
25 ~~if the officer held an appointive office.~~

26 ~~(g) The provisions of any special act to the contrary~~
27 ~~notwithstanding, with regard to an elective office, the~~
28 ~~resignation creates a vacancy in office to be filled by~~
29 ~~election, thereby permitting persons to qualify as candidates~~
30 ~~for nomination and election as if the officer's term were~~
31 ~~otherwise scheduled to expire. With regard to an elective~~

Bill No. CS/HB 537, 1st Eng.

Barcode 021414

1 ~~charter county office or elective municipal office, the~~
 2 ~~vacancy created by the officer's resignation may be filled for~~
 3 ~~that portion of the officer's unexpired term in a manner~~
 4 ~~provided by the respective charter. The office is deemed~~
 5 ~~vacant upon the effective date of the resignation submitted by~~
 6 ~~the official in his or her letter of resignation.~~

7 ~~(4)(5)~~ A person who is a subordinate officer, deputy
 8 sheriff, or police officer must resign effective upon
 9 qualifying pursuant to this chapter if the person is seeking
 10 to qualify for a public office that is currently held by an
 11 officer who has authority to appoint, employ, promote, or
 12 otherwise supervise that person and who has qualified as a
 13 candidate for reelection to that office.

14 ~~(5)(6)~~ The name of any person who does not comply with
 15 this section may be removed from every ballot on which it
 16 appears when ordered by a circuit court upon the petition of
 17 an elector or the Department of State.

18 ~~(6)(7)~~ This section does not apply to:

- 19 (a) Political party offices.
- 20 (b) Persons serving without salary as members of an
- 21 appointive board or authority.

22 ~~(c) Persons seeking any federal public office.~~

23 ~~(7)(8)~~ Nothing contained in subsections (3) and (4)
 24 relates to persons holding any federal office.

25
 26 (Redesignate subsequent sections.)
 27
 28

29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 On page 68, line 23, immediately after the semicolon

Bill No. CS/HB 537, 1st Eng.

Barcode 021414

1 insert:

2 amending s. 99.012, F.S.; exempting persons
3 seeking federal office from the resign-to-run
4 law;

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