

By Representative Sindler

1 A bill to be entitled
2 An act relating to dual officeholding;
3 providing that a person employed as a law
4 enforcement officer, correctional officer, or
5 correctional probation officer is not
6 considered to be holding an "office" for
7 certain purposes; providing an effective date.

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9 WHEREAS, s. 5(a), Art. II of the State Constitution
10 provides that no person may hold at the same time more than
11 one office under the governments of the state, counties, and
12 municipalities, and

13 WHEREAS, in the absence of a definition of "office" by
14 the Legislature in implementing this constitutional provision,
15 the courts, while recognizing that municipal law enforcement
16 officers possess attributes of both an office and an
17 employment, have held that such positions are "offices," and

18 WHEREAS, characterizing law enforcement officers as
19 "officers" for purposes of the dual officeholding prohibition
20 in s. 5(a), Art. II of the State Constitution precludes the
21 benefit of their service in other public positions of this
22 state, and

23 WHEREAS, allowing law enforcement officers to seek
24 public office will increase the number of qualified
25 individuals available for appointment and election to such
26 offices, and

27 WHEREAS, the Supreme Court of Florida has determined
28 that, where a constitutional provision may have one of several
29 meanings, the Legislature may adopt a construction and enact a
30 statute to carry that construction into effect, NOW,
31 THEREFORE,

1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Any person holding active certification
4 from the Criminal Justice Standards and Training Commission as
5 a law enforcement officer, correctional officer, or
6 correctional probation officer, as defined in section
7 943.10(1), (2), (3), (6), (7), (8), or (9), Florida Statutes,
8 and employed or appointed by an employing agency as defined in
9 section 943.10(4), Florida Statutes, shall not be considered
10 as holding an "office" for the purposes of section 5(a) of
11 Article II of the State Constitution.

12 Section 2. This act shall take effect upon becoming a
13 law.

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16 HOUSE SUMMARY

17 Provides that a person employed as a law enforcement
18 officer, correctional officer, or correctional probation
19 officer shall not be considered to hold an "office" for
20 the purposes of the provision of the State Constitution
that prohibits holding dual offices.