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CHAMBER ACTION

Senate

House

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Floor: WD/2R
4/22/2008 4:58 PM

1 Senator Justice moved the following **amendment**:

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3 **Senate Amendment**

4 Delete line(s) 290-310

5 and insert:

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7 Section 9. Subsections (2) and (4) of section 99.012,
8 Florida Statutes, are amended, and present subsections (5), (6),
9 and (7) of that section are amended and redesignated as
10 subsections (6), (7), and (8), respectively, to read:

11 99.012 Restrictions on individuals qualifying for public
12 office.--

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



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

20 (b) The resignation is irrevocable.

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

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

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

26 2. The date the officer's successor is required to take
27 office.

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

32 2. An appointed district, county, or municipal officer must
33 submit his or her resignation to the officer or authority that
34 appointed him or her to the office he or she holds, with a copy
35 to the Governor and the Department of State.

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

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

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

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



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47 b. The person or authority who appointed the officer if the
48 officer held an appointive office.

49 (g) The provisions of any special act to the contrary
50 notwithstanding, with regard to an elective office, the
51 resignation creates a vacancy in office to be filled by election,
52 thereby permitting persons to qualify as candidates for
53 nomination and election as if the officer's term were otherwise
54 scheduled to expire. With regard to an elective charter county
55 office or elective municipal office, the vacancy created by the
56 officer's resignation may be filled for that portion of the
57 officer's unexpired term in a manner provided by the respective
58 charter. The office is deemed vacant upon the effective date of
59 the resignation submitted by the official in his or her letter of
60 resignation

61 (5) A person who is a subordinate officer, deputy sheriff,
62 or police officer must resign effective upon qualifying pursuant
63 to this chapter if the person is seeking to qualify for a public
64 office that is currently held by an officer who has authority to
65 appoint, employ, promote, or otherwise supervise that person and
66 who has qualified as a candidate for reelection to that office.

67 (6)~~(5)~~ The name of any person who does not comply with this
68 section may be removed from every ballot on which it appears when
69 ordered by a circuit court upon the petition of an elector or the
70 Department of State.

71 (7)~~(6)~~ This section does not apply to:

72 (a) Political party offices.

73 (b) Persons serving without salary as members of an
74 appointive board or authority.

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



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76 | (8)~~(7)~~ Nothing contained in subsections (3) and (4) relates
77 | to persons holding any federal office.