

House Memorial

A memorial to the Congress of the United States, urging Congress to refrain from applying the Hatch Act to members of a Florida sheriff's office who are seeking elected public office.

WHEREAS, the United States Office of the Special Counsel has determined that the federal Hatch Act, 5 U.S.C. ss. 1501-1508, applies to any member of a Florida sheriff's office who is campaigning for a partisan public office, including the Office of Sheriff, and

WHEREAS, the Office of the Special Counsel has concluded that it has jurisdiction in cases involving Florida sheriffs on the premise that a sheriff is included within the executive branch of the State of Florida, and

WHEREAS, the Office of the Special Counsel has determined that members of a sheriff's office who have direct or indirect oversight of federal grants are subject to the Hatch Act, and

WHEREAS, the Office of the Special Counsel has required such members to resign from their current position or withdraw their candidacy, and

WHEREAS, such members would not otherwise be required to resign or withdraw their candidacy under Florida law, and

WHEREAS, the intrusion of the Office of the Special Counsel into the Florida election process may dissuade otherwise qualified candidates from retaining their positions or seeking public office, NOW, THEREFORE,

HM 603

2009

29 Be It Resolved by the Legislature of the State of Florida:

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31 That the Florida Legislature opposes the extension of the
 32 Hatch Act to members of a Florida sheriff's office who are
 33 seeking an elected office as contrary to the best interests of
 34 the residents of the State of Florida.

35 BE IT FURTHER RESOLVED that the Florida Legislature
 36 specifically recognizes that a Florida sheriff is an independent
 37 constitutional officer who is not included within the executive
 38 branch of the State of Florida, such that the Office of the
 39 Special Counsel should not exercise jurisdiction over the
 40 sheriffs of this state in cases involving the Hatch Act.

41 BE IT FURTHER RESOLVED that copies of this memorial be
 42 dispatched to the President of the United States, to the
 43 President of the United States Senate, to the Speaker of the
 44 United States House of Representatives, and to each member of
 45 the Florida delegation to the United States Congress.