

By Senator Detert

23-01034-09

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Senate 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,

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.