

By Senator Passidomo

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1 A bill to be entitled
2 An act relating to the resign-to-run law; amending s.
3 99.012, F.S.; revising the resign-to-run law to
4 require an officer who qualifies for federal public
5 office to resign from the office he or she presently
6 holds if the terms, or any part thereof, run
7 concurrently; prescribing requirements for the written
8 resignation; providing for an automatic irrevocable
9 resignation in the event of noncompliance; specifying
10 that a resignation creates a vacancy in office;
11 revising an exception to the resign-to-run law;
12 amending s. 121.121, F.S.; conforming a cross-
13 reference; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Present subsections (4), (5), and (6) of section
18 99.012, Florida Statutes, are renumbered as subsections (5),
19 (6), and (7), respectively, a new subsection (4) is added to
20 that section, and present subsection (7) of that section is
21 amended, to read:

22 99.012 Restrictions on individuals qualifying for public
23 office.—

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

27 (b) The resignation is irrevocable.

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

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

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

33 2. The date the officer's successor is required to take
34 office.

35 (e)1. An elected district, county, or municipal officer
36 shall submit his or her resignation to the officer before whom
37 he or she qualified for the office he or she holds, with a copy
38 to the Governor and the Department of State.

39 2. An appointed district, county, or municipal officer
40 shall submit his or her resignation to the officer or authority
41 which appointed him or her to the office he or she holds, with a
42 copy to the Governor and the Department of State.

43 3. All other officers shall submit their resignations to
44 the Governor with a copy to the Department of State.

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

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

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

55 b. The person or authority who appointed the officer if the
56 officer held an appointive office.

57 (g) Notwithstanding the provisions of any special act to
58 the contrary, with regard to an elective office, the resignation

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59 creates a vacancy in office to be filled by election, thereby
60 authorizing persons to qualify as candidates for nomination and
61 election as if the officer's term were otherwise scheduled to
62 expire. With regard to an elective charter county office or
63 elective municipal office, the vacancy created by the officer's
64 resignation may be filled for that portion of the officer's
65 unexpired term in a manner provided by the respective charter.
66 The office is deemed vacant upon the effective date of the
67 resignation submitted by the official in his or her letter of
68 resignation.

69 (8)~~(7)~~ Nothing contained in subsection (3) or subsection
70 (4) relates to persons holding any federal office ~~or seeking the~~
71 ~~office of President or Vice President.~~

72 Section 2. Subsection (2) of section 121.121, Florida
73 Statutes, is amended to read:

74 121.121 Authorized leaves of absence.—

75 (2) A member who is required to resign his or her office as
76 a subordinate officer, deputy sheriff, or police officer because
77 he or she is a candidate for a public office which is currently
78 held by his or her superior officer who is also a candidate for
79 reelection to the same office, in accordance with s. 99.012(5)
80 ~~s. 99.012(4)~~, shall, upon return to covered employment, be
81 eligible to purchase retirement credit for the period between
82 his or her date of resignation and the beginning of the term of
83 office for which he or she was a candidate as a leave of absence
84 without pay, as provided in subsection (1).

85 Section 3. This act shall take effect January 1, 2018.