

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	CS/HB 105	FINAL HOUSE FLOOR ACTION:	
SUBJECT/SHORT TITLE	Resign-to-run Law	87	Y's 27 N's
SPONSOR(S):	Public Integrity & Ethics Committee and Santiago	GOVERNOR'S ACTION:	Approved
COMPANION BILLS:	SB 186		

SUMMARY ANALYSIS

CS/HB 105 passed the House on March, 7, 2018 as SB 186.

Current law requires a candidate for a state, district, county, or municipal public office to resign from office if any part of the term will run concurrently with the office the candidate presently holds. The resignation must be submitted at least 10 days prior to the first day of qualification for the office sought and is effective on the date the officer would take office, if elected, or the date the officer's successor is required to take office, whichever is earlier. The resign-to-run provision does not apply to persons currently holding federal office or to persons seeking the office of President or Vice President.

The bill requires state or local officers who qualify for federal public office to resign from the office they presently hold if the terms or any part thereof will run concurrently. The resignation is irrevocable and must be submitted at least 10 days before the first day of qualifying for the office sought. The resignation is effective on the date the officer takes office, if elected, or the date the officer's successor is required to take office, whichever is earlier. The failure of an officer to offer his or her resignation constitutes an automatic resignation, effective immediately, from the office he or she presently holds.

The bill provides for an exemption for those public officers if their term of office is scheduled to expire and be filled by election during the same election cycle as the federal office they have qualified as a candidate for.

The bill does not appear to have a fiscal impact on the state or local governments.

The bill was approved by the Governor on March 30, 2018, ch. 2018-126, L.O.F., and became effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

Current law requires state, district, county, or municipal public officers¹ to resign if that officer qualifies as a candidate for another office and the terms run concurrently.² The resignation must be in writing and once proffered it is irrevocable.³ The resignation must be submitted⁴ at least 10 days prior to the first day of qualification for the office sought and is effective on the date the officer would take office, if elected, or the date the officer's successor is required to take office, whichever is earlier.⁵ The resign-to-run statute does not apply to persons currently holding federal office or those seeking the office of President and Vice President.⁶

Until 2008, the law contained a similar resignation requirement for state or local officers running for *federal office*.⁷

Effect of the Bill

The bill requires state or local officers who qualify for *federal* public office to resign from the office they presently hold if the terms or any part thereof run concurrently. The resignation must be in writing and once proffered is irrevocable. The bill requires the resignation to be submitted at least 10 days before the first day of qualifying for the office that the candidate seeks. The resignation is effective on the date the officer takes office, if elected, or the date the officer's successor is required to take office, whichever is earlier. Any resignation of an elected officer under these provisions results in the office held becoming vacant upon the effective date of the resignation.

The person to whom the candidate must submit his or resignation varies according to the office held. If the officer is an elected district, county, or municipal officer, the resignation must be submitted to the officer before whom the officer initially qualified. If the officer is an appointed district, county, or municipal officer, the resignation must be submitted to the person or authority which appointed him or her. Any person holding public office that is not a district, county, or municipal officer must submit his or her resignation to the Governor.

The bill also contains an automatic resignation provision that becomes effective if an officer qualifies for federal public office without submitting the required resignation. In that instance, the resignation is irrevocable and effective immediately upon qualification. The Department of State must notify the appropriate authority of the resignation.

There is an exemption for any elected public officer if the term of the office they are currently holding is set to expire and be filled by an election during the same primary and general election cycle as the federal office they are seeking and have qualified as a candidate for.

¹ Section 99.012(1)(a), F.S., defines the term "officer" to mean a person, whether elected or appointed, who has the authority to exercise the sovereign power of the state pertaining to an office recognized under the Florida Constitution or laws of the state. With respect to a municipality, the term "officer" means a person, whether elected or appointed, who has the authority to exercise municipal power as provided by the Florida Constitution, state laws, or municipal charter.

² Section 99.012(3), F.S.

³ Section 99.012(3)(b), F.S.

⁴ See s. 99.012(3)(e), F.S.

⁵ Section 99.012(3)(d), F.S.

⁶ Section 99.012(7), F.S.

⁷ Chapter 2007-30, L.O.F.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
2. Expenditures:

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
2. Expenditures:

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

D. FISCAL COMMENTS: