

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

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

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16          Section 1. Present subsections (4) through (7) of section  
17          99.012, Florida Statutes, are renumbered as subsections (5)  
18          through (8), respectively, a new subsection (4) is added to that  
19          section, and present subsection (7) of that section is amended,  
20          to read:

21          99.012 Restrictions on individuals qualifying for public  
22          office.—

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

26        (b) The resignation is irrevocable.

27        (c) The resignation must be submitted at least 10 days  
 28 before the first day of qualifying for the office he or she  
 29 intends to seek.

30        (d) The written resignation must be effective no later  
 31 than 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 officer or authority who appointed him or her if  
 56 the 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  
 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)~~ Subsections ~~Nothing contained in subsection~~ (3) and  
 70 (4) do not apply ~~relates~~ to persons holding any federal office  
 71 ~~or seeking the office of President or Vice President.~~ Subsection  
 72 (4) does not apply to an elected officer if the term of the  
 73 office that he or she presently holds is scheduled to expire and  
 74 be filled by election in the same primary and general election  
 75 period as the federal office he or she is seeking.

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

78 121.121 Authorized leaves of absence.—

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

89 Section 3. This act shall take effect upon becoming a law.