



888296

LEGISLATIVE ACTION

Senate

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House

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04/26/2023 03:20 PM

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Senator Pizzo moved the following:

1 **Senate Amendment to Amendment (333316) (with title**
2 **amendment)**

3
4 Delete lines 1026 - 1047
5 and insert:

6 Section 13. Effective upon becoming a law, present
7 subsections (5) and (6) of section 99.012, Florida Statutes, are
8 redesignated as subsections (4) and (5), respectively, present
9 paragraph (b) of subsection (1) of that section is redesignated
10 as paragraph (c), a new paragraph (b) is added to that
11 subsection, paragraph (c) is added to present subsection (7) of



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12 that section, and present subsections (4) and (8) of that
13 section are amended, to read:

14 99.012 Restrictions on individuals qualifying for public
15 office.—

16 (1) As used in this section:

17 (b) "Qualify" means to fulfill the requirements set forth
18 in s. 99.061(7) (a) or s. 105.031(5) (a).

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

22 ~~(b) The resignation is irrevocable.~~

23 ~~(c) The resignation must be submitted at least 10 days~~
24 ~~before the first day of qualifying for the office he or she~~
25 ~~intends to seek.~~

26 ~~(d) The written resignation must be effective no later than~~
27 ~~the earlier of the following dates:~~

- 28 ~~1. The date the officer would take office, if elected; or~~
29 ~~2. The date the officer's successor is required to take~~
30 ~~office.~~

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

35 ~~2. An appointed district, county, or municipal officer~~
36 ~~shall submit his or her resignation to the officer or authority~~
37 ~~which appointed him or her to the office he or she holds, with a~~
38 ~~copy to the Governor and the Department of State.~~

39 ~~3. All other officers shall submit their resignations to~~
40 ~~the Governor with a copy to the Department of State.~~



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

46 ~~2. The Department of State shall send a notice of the~~
47 ~~automatic resignation to the Governor, and in the case of a~~
48 ~~district, county, or municipal officer, a copy to:~~

49 ~~a. The officer before whom he or she qualified if the~~
50 ~~officer held an elective office; or~~

51 ~~b. The officer or authority who appointed him or her if the~~
52 ~~officer held an appointive office.~~

53 ~~(g) The office is deemed vacant upon the effective date of~~
54 ~~the resignation submitted by the official in his or her letter~~
55 ~~of resignation.~~

56 ~~(6)(7)~~ This section does not apply to:

57 ~~(c) Persons seeking the office of President or Vice~~
58 ~~President of the United States.~~

59 ~~(7)(8) Subsection Subsections (3) does and (4) do not apply~~
60 ~~to persons holding any federal office. Subsection (4) does not~~
61 ~~apply to an elected officer if the term of the office that he or~~
62 ~~she presently holds is scheduled to expire and be filled by~~
63 ~~election in the same primary and general election period as the~~
64 ~~federal office he or she is seeking.~~

65 Section 14. Subsection (2) of section 121.121, Florida
66 Statutes, is amended to read:

67 121.121 Authorized leaves of absence.—

68 (2) A member who is required to resign his or her office as
69 a subordinate officer, deputy sheriff, or police officer because



70 he or she is a candidate for a public office which is currently
71 held by his or her superior officer who is also a candidate for
72 reelection to the same office, in accordance with s. 99.012(4)
73 ~~s. 99.012(5)~~, shall, upon return to covered employment, be
74 eligible to purchase retirement credit for the period between
75 his or her date of resignation and the beginning of the term of
76 office for which he or she was a candidate as a leave of absence
77 without pay, as provided in subsection (1).

78
79 ===== T I T L E A M E N D M E N T =====

80 And the title is amended as follows:

81 Delete lines 2599 - 2600

82 and insert:

83 office; deleting provisions related to an officer
84 qualifying for federal public office and having to
85 resign his or her current position and related
86 actions; revising applicability; amending s. 121.121,
87 F.S.; conforming a cross-reference; amending s.
88 99.021, F.S.; revising the