

DE 84-19 - June 20, 1984

**RESIGN TO RUN LAW
s. 99.012, F.S.**

To: Honorable Margaret Hamby, Supervisor of Elections, Post Office Box 1046, Perry, Florida 32347

Prepared by: Division of Elections

Pursuant to your request, this is a formal elections opinion under s. 106.23(2), F.S., on essentially the following questions:

1. Must an incumbent Superintendent of Schools, whose term ends on November 20, resign to run or take a leave of absence to run for District School Board Member, the term of which also ends on November 20?
2. Must a high school teacher resign to run or take a leave of absence to run for District School Board Member?

The Resign to Run Law requires an elected or appointed officer to resign irrevocably when seeking an elected office, the term of which runs concurrently with the term of office he or she currently holds. s. 99.012(2), F.S. The resignation requirement also applies to subordinate personnel, deputy sheriffs or police officers who seek an elected office held by one with authority to appoint, employ, promote or otherwise supervise them and who has qualified as a candidate for reelection to that public office. s. 99.012(7), F.S.

Regarding your first question. s. 99.012(2), F.S., as mentioned above, requires an officer to resign to run when seeking an office "the term of which or any part thereof runs concurrently with the term of office for which he seeks to qualify." The terms of office of both the Superintendent of Schools and the District School Board member expire on November 20, 1984. The terms of office do not overlap. Therefore, the Resign to Run Law is not applicable.

Regarding your second question, a teacher is not an officer or a subordinate personnel within the meaning of the Resign to Run Law. See, DE 076-04 and AGO 079-81. Therefore, a high school teacher need not resign to run for the office of a District School Board Member, and need not take a leave of absence without pay.

Please note that this ruling is for purposes of the Resign to Run Law only. You should check the personnel rules of the local school district for any rules that may require resignation. This office does not have authority to give opinions on such local rules.

SUMMARY

An incumbent Superintendent of Schools need not resign to run for District School Board Member when the terms of office of each office do not run concurrently, but, instead end on the same day.

A high school teacher is not an officer, and therefore, need not resign or take a leave of absence to run for District School Board Member.