

**DE 85-03 - April 8, 1985**

**RESIGN TO RUN  
s. 99.012(7), F.S.**

*To: Mr. Herbert Ellicott, City Attorney, City of Tarpon Springs, 101 West Court Street,  
Suite 17, Tarpon Springs, Florida 34286-1575*

*Prepared by: Division of Elections*

Pursuant to your request, this is a formal elections opinion under Section 106.23(2), Florida Statutes, on essentially the following question:

Must a police officer of the City of Tarpon Springs take a leave of absence without pay during the time he is seeking election as mayor of the City of Port Richey?

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. Section 99.012(2), Florida Statutes. The resignation requirement also applies to 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 election to that public office. Section 99.012(7), Florida Statutes. If a police officer is not seeking an elected office held by one with authority to appoint, employ, promote or otherwise supervise him, he is required to take a leave of absence without pay during the time in which he is seeking election to public office. Section 99.012(7), Florida Statutes.

Section 99.012(7), Florida Statutes, does not contain any exceptions to the requirement that a police officer take a leave of absence without pay. Therefore, even though the police officer in question is an officer of the city of Tarpon Springs and is seeking the office of mayor of the City of Port Richey, which is in a different county, he is required pursuant to Section 99.012(7), Florida Statutes, to take a leave of absence until the election is held.

SUMMARY

A police officer of the City of Tarpon Springs must take a leave of absence without pay during the period in which he is seeking election as mayor of the City of Port Richey, even though the two cities are in different counties.