

DE 86-08 - June 27, 1986

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

*To: Honorable Babs R. Montpetit, Supervisor of Elections, Union County P.O. Box 285,
Lake Butler, Florida 32054*

Prepared by: Division of Elections

I am in receipt of your letter dated June 24, 1986 regarding the application of Florida's resign-to-run law, Section 99.012, Florida Statutes, to a road grader employed by Union County (hired by the Board of County Commissioners and paid by the County) who has expressed a desire to run for Union County Commissioner.

The resign-to-run law applies only to officers requiring them to resign or, for the specific purpose of your inquiry, to take a leave of absence under subsection (7) if the individual is a subordinate personnel, deputy sheriff or police officer who is not seeking to qualify for a public office which is currently held by an individual who has the authority to appoint, employ, promote or otherwise supervise that person.

Our discussion did not specifically address the application of the resign-to-run law exclusive of any requirement imposed by the county in its hiring, and this letter deals only with the resign-to-run law; there may be Union County employment provisions (ordinances) applicable to this individual who desires to run for Union County Commissioner.

Now, with specific reference to the application of the facts presented in your letter to Florida's resign-to-run law, this division previously has determined that the phrase "subordinate personnel" must be officers. DE 86-01, 85-08, 83-12, 83-02, these opinions follow that of the Attorney General in AGO 079-81. The law does not apply to an employee. Since a road grader, from your description, is not an officer, he is not considered to be a subordinate personnel within the meaning of the resign-to-run law. Because this law does not apply to employees, a road grader is not required to resign or take a leave of absence to run for Union County Commissioner.

However, once again, please note that this applies only to the resign-to-run law and does not take into account any county ordinance that may require a resignation or a leave of absence under the circumstances set out in your letter.