

DE 80-06 - May 13, 1980

**Mandatory Leave of Absence
Section 99.012(7), Florida Statutes**

To: Mr. Robert L. Hamilton, Assistant City Attorney, City of Orlando, P.O. Box 793, Orlando, Florida 32802

Prepared by: Division of Elections

This is response to your request for an advisory opinion pursuant S. 106.23(2), F.S. In your request, you sought clarification of when the deputy sheriffs, police officers and subordinate personnel referred to in Section 99.012(7), F.S., must take a leave of absence without pay from their employment.

I am of the opinion these officers must take a leave of absence without pay from their employment no later than when they qualify as candidates. Admittedly, Section 97.012(18), F.S., denies candidates in such a way that might require these officers to take a leave of absence at an earlier date. However, as was pointed out in AGO 079-81, Section 99.012(7), F.S., is an amendment which grants specific exemptions to certain officers who otherwise would required by law to resign their office in order to qualify for another. Because Section 99.012(7), F.S., is an amendment which grants specific exemptions to certain officers who otherwise would be required by law to resign their office in order to qualify for another. Because Section 99.012(7), F.S., is an amendment to the Resign-to-Run Law, and because it grants specific exemptions from the Resign-to-Run, its application should be no broader than the law itself. Accordingly, the leave of absence required by Section 99.012(7), F.S., must begin no later than the date when the deputy sheriff, police officer or subordinate personnel qualified as a candidate.