

DE 80-10 - May 16, 1980

**Resign-to-Run Law
Deputy Sheriffs**

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Prepared by: Division of Elections

This is in response to your inquiry concerning the Resign-to-Run Law.

Section 99.012(7), F.S., requires a deputy sheriff to resign-to-run for the office of sheriff if the incumbent seeks reelection and if the incumbent has qualified as a candidate for reelection.

If the incumbent is not seeking reelection, the deputy sheriff must take a leave of absence from employment without pay.

Such leave of absence shall begin no later than when the deputy sheriff qualifies as a candidate. Admittedly, S. 97.021(18), F.S. defines candidates in such a way that might require the deputy sheriff 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 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, 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 qualifies as a candidate for the office of sheriff.