

DE 80-08 - May 15, 1980

Deputy Sheriffs; Resign-to-Run Law

To: Mr. Michael C. Ritchey, Attorney at Law, P.O. Box 11892, St. Petersburg, Florida 33733

Prepared by: Division of Elections

This in response to your questions 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 is sunning for reelection and if the incumbent has qualified for election. If the sheriff is not running for reelection, the deputy sheriff need not resign-to-run for the office of sheriff. However, the deputy sheriff would have to take a leave of absence from the employment without pay no later than when he qualified for election. Until Section 99.012(7), F.S., is judicially or legislatively clarified, this is the official opinion of this office on this question.

I cannot give you an answer to your second question. You asked if an incumbent sheriff can discharge the deputy sheriff without cause and solely for running against him. This is a question I am not authorized to answer. Section 106.23, F.S., gives the DOE the power to issue binding opinions on matters concerning the elections laws, i.e., Chapters 97 through 106, F.S. Your second question cannot be answered by reference to those chapters and the decisions construing them.