

**DE 80-17 - June 19, 1980**

**Resign-to-Run Law  
Section 99.012, Florida Statutes**

*To: Mr. Kenneth J. Modzelewski, Deputy Sheriff, Pasco County, P.O. Drawer 1047, Dade City, Florida 33525*

*Prepared by: Division of Elections*

This is in response to your request for an advisory opinion pursuant to Section 106.23(2), F.S. You ask if a deputy sheriff must resign to run for a seat on the City Council of the City of Port Richey.

It is well settled that a deputy sheriff need not resign to run for public office except if he seeks an office which is currently held by his superior, who has qualified as a candidate for reelection to that public office. Section 99.012(7), F.S. However, a deputy sheriff "...shall take a leave of absence without pay from his employment during that period in which he is seeking election to public office." Section 99.012(7), F.S. The leave of absence must begin no later than the date when the deputy sheriff qualifies as a candidate. See Division of Elections Opinion 80-6.