

DE 80-31 - September 3, 1980 (General Master)

**Resign To Run
Section 99.012, Florida Statutes**

To: Patti L. Englander, Candidate, Broward County Judge, Group 3, 1930 Northeast Second Avenue L-201, Ft. Lauderdale, Florida 33305

Prepared by: Division of Elections

This is in response to your request for formal opinion pursuant to Section 106.23(2), Florida Statutes (1979). Your question is:

Can an individual who holds public office as a General Master pursuant to Florida Rule of Civil Procedure 1.490(a) legally qualify as a candidate for public office without complying with the provisions of Florida Statute 99.012(2) and (3) dealing with public officers or Florida Statute 99.012(7) dealing with "subordinate personnel"?

Judges of the circuit court may appoint general masters from among the members of the Bar and the general master shall continue in office until removed by the Court. Fla. R. Civ. P. 1.490(a). A general master is not a judicial officer as defined in Section 105.011(1), Florida Statutes (1979). A judicial officer means only a judge or justice of a court of this state. OP. ATTY. GEN. 072-176 (May 19, 1972). A general master may make recommended findings of fact but exercises no judicial power:

...The courts judicial power is not delegable and cannot be abdicated in whole or in part by the chancellor to the master. Little v. Little 325 So. 2d 424 (3rd D.C.A. 1976).

For purposes of the Resign to Run law, an officer is one to whom some portion of the sovereign power has been delegated in order to enact, execute or enforce law. The Resign to Run law only applies to appointed or elected officers. A general master is not a judicial officer and therefore not an officer within the meaning of Section 99.012(2), Florida Statutes (1979). Accordingly, a general master need not resign to run for elective office.

The term "subordinate personnel" in Section 99.012(7), Florida Statutes (1979) refers to an officer who is in a subordinate position to that of another officer; it is the intent of Section 99.012(7), Florida Statutes (1979) to specifically exempt such subordinate officers from the Resign to Run law. OP. ATTY. GEN. 079-81 (September 11, 1979). A general master who is not an officer cannot be considered to be a subordinate personnel within the meaning of Section 99.012, Florida Statutes (1979). Accordingly, the general master need not take a leave of absence to run for elective office.

SUMMARY

A general master is not an officer within the meaning of the Resign to Run law and need not resign or

take a leave of absence in order to run for elective office.