

DE 81-01 - May 6, 1981

Resign-To-Run Law Applicability To Member Planning And Zoning Board

To: Honorable Fred C. Wissker, City Clerk, City of South Pasadena, 7047 Sunset Drive, South Pasadena, Florida 33707

Prepared by: Division of Elections

This is in reply to your recent letter in which you request an opinion on substantially the following question:

Is a non-salaried Member of the South Pasadena Planning and Zoning Board required by Section 99.012, F.S., to resign in order to qualify as a candidate for the office of City Commissioner of the City of South Pasadena?

The resign-to-run law (Section 99.012, F.S.) contains an exception which exempts a person "who serves as a member of an appointive board or authority without salary" from the resignation requirements of that section. Since you note in your letter that a member of the Planning and Zoning Board of the City of South Pasadena, is a non-salaried member, it is my opinion that such member is clearly within the above-mentioned exception to the resign to run law.

Your question is answered accordingly.