

DE 84-9 - February 15, 1984

**RESIGN TO RUN
s. 99.012, F.S.**

To: Ms. Marsha Orwig, 7613 N. W. South River Drive, Medley, Florida 33166

Prepared by: Division of Elections

Pursuant to your request, this is a Division of Elections Advisory Opinion under s. 106.23(2), F.S., on essentially the following question:

"Must a part-time employee of the Town of Medley who is seeking election to the town council resign or take a leave of absence under s. 99.012(2) and (7), F.S.?"

The Resign to Run Law is only applicable to officers and, in a limited way, to subordinate officers such as police officers and deputy sheriffs. Opp. Atty. Gen. 079-81 (September 11, 1979). As a part-time employee, there is no indication that you exercise the power of an elected or appointed official or in any way share in the exercise of such power as a subordinate officer. Therefore, the resignation and leave of absence provisions of the law are not applicable to a town employee.

While you are not required to resign or take a leave of absence under the Resign to Run Law, I suggest you seek advice from the city attorney as to whether an employee of the town can hold employment and public office at the same time. While I find no charter provision addressing this question, I believe that you should contact the city attorney on this matter.

SUMMARY

A part-time employee of the Town of Medley need not resign her position or take a leave of absence under s. 99.012(2) and (7), F.S., in order to seek election to town council.