

DE 84-22 - July 2, 1984

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

To: Attorney Robert E. Huebner, Law Offices Huebner, Murray & Fulton, Professional Association, 321 Southeast 15th Avenue, Post Office Box 2427, Fort Lauderdale, Florida 33303

Prepared by: Division of Elections

This is a formal elections opinion pursuant to s. 106.23(2), F.S., on essentially the following questions:

1. Should a member of the Performing Arts Center Authority for Broward County resign his position to run for a seat on the Broward County School Board?
2. Can a person serve on the Performing Arts Center Authority and on the Broward County School Board without violating the terms of Article II, Section 5?

The Resign to Run Law, Section 99.012(5), F.S., contains an exception that exempts a person “who serves as a member of any appointive board or authority without salary” from the resignation requirements of that section. Receipt of expenses such as mileage, per diem or travel are not considered to be salary so as to bring a member of an appointed board or authority within the provisions of the Resign to Run Law. DE 83-5 (March 3, 1983). Therefore, a person who is appointed to the Performing Arts Center Authority for Broward County and who serves without compensation is within this exception to the Resign to Run Law. Such person need not resign or take a leave of absence to run for the Broward County School Board.

As to your second question, I can make no determination of the matter in question. The authority of the Division of Elections to render formal elections opinions is limited to possible violations of Florida's election laws. The subject matter of your question does not fall within the scope of Florida's election laws.

SUMMARY

A person who is appointed to the Performing Arts Center Authority for Broward County and who serves without compensation is not required to resign or take a leave of absence to run for the Broward County School Board.