

RESCINDED

DE 84-26 - July 10, 1984

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

To: Mr. J.B. Donnelly, Attorney at Law, Law Offices of Grimes, Goebel, Parry, Boylston, Greene, Grimes and Donnelly, The Professional Building, P.O. Box 1550, Bradenton, Florida 33506

Prepared by: Division of Elections

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

“Must the Chief of Police of the City of Bradenton, who is a police officer certified by the Police Standards Commission, resign to run for Sheriff of Manatee County?”

The Resign to Run Law requires an elected or appointed officer to resign irrevocably when seeking an elected office, the term of which runs concurrently with the term of office he or she currently holds. s. 99.012(2), F.S. The chief of Police of Bradenton, however, is exempt from the resign to run requirement of s. 99.012(2), F.S., because of s. 99.012(7), F.S. That section provides that a police officer is not required to resign to run unless the police officer is seeking to qualify for a public office which is currently held by an individual who has the authority to appoint, employ, promote, or otherwise supervise the police officer. However, that police officer is required to take a leave of absence without pay from employment during the period in which he is seeking election to public office.

Since the Sheriff of Manatee County does not have the authority to appoint, employ, promote or supervise the Chief of Police of Bradenton, the Chief of Police is exempt from the resignation requirement. However, pursuant to s. 99.012(7), F.S., he must take a leave of absence without pay from his employment during the period which he is seeking election to the office of Sheriff of Manatee County.

SUMMARY

The Chief of Police of the City of Bradenton need not resign to run for the office of Sheriff of Manatee County. However, he must take a leave of absence without pay during the period in which he is seeking election to the office of Sheriff.