

DE 84-27 - November 9, 1984

**RESIGN TO RUN LAW
s. 99.012(2), F.S.**

To: Ms. Brenda T. O 'Conner, P.O. Box 362, Okeechobee, Florida 33472

Prepared by: Division of Elections

Pursuant to your request, this is a formal elections opinion under s. 106.23(2). F.S., on essentially the following question:

“Must a member of the Board of Adjustment and the Planning and Zoning Board for the City of Okeechobee, who is appointed by the City Council and who serves without compensation, resign to run for the City Council?”

The Resign to Run Law, s. 99.012(2), 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. Article 12, Section 5 of the Okeechobee Code provides that “Members of the Board of Adjustment shall receive no salary or fees for service on the Board, but may receive actual and necessary expenses incurred in the performance of their duties of office.” Article 15, Section 6 of the Code provides that the City Council shall “make available to the Planning Board such appropriations as it may see fit for salaries, fees, and expenses necessary in the work of the Planning Board.”

According to the information that you have provided, you do not receive any salary for your services for either Board, but do receive a check for \$25 per month for travel expenses. Therefore, a person who is appointed to the Board of Adjustment and the Planning and Zoning Board for the City of Okeechobee and who serves without salary is within the above-mentioned exception to the Resign to Run Law. Such person need not resign or take a leave of absence in order to run for the City Council.

SUMMARY

A member of the Board of Adjustment and the Planning and Zoning Board of the City of Okeechobee who is appointed and who serves without salary need not resign or take a leave of absence in order to run for City Council.