

DE 85-06 - January 20, 1985

**Resign-to-Run Law
Sections 99.012(2),(7), Florida Statutes**

To: Mr. E. T. "Dick" Hunter, 1930 Tyler Street, Hollywood, Florida 33020

Prepared by: Division of Elections

Pursuant to your request, this is a formal elections opinion under Section 106.23(2), Florida Statutes, on essentially the following question:

Must a member of the Personnel Advisory Board and the Board of Adjustment and Appeals resign or take a leave of absence to run for City Commissioner of Hollywood, Florida?

The Resign to Run Law requires an elected or appointed officer to resign irrevocable when seeking an elected office, the term of which runs concurrently with the term of office he or she currently holds. Section 99.012(2), Florida Statutes. The Resign to Run Law, however, 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 Section 99.012(2), Florida Statutes. Therefore, a person who is appointed to the Personnel Advisory Board and the Adjustment and Appeals and who is not paid a salary by either board is within this exception to the Resign to Run Law. Such person need not resign or take a leave of absence in order to run for city commissioner.

Please note that ruling is for the purpose of the Resign to Run Law only. This opinion does not take into account any local regulations that may require Mr. Roper to resign or take a leave of absence.

Pursuant to your request, we are enclosing a Candidates Handbook and a copy of Chapter 106, Florida Statutes.