

DE 86-03 - February 14, 1986

**Resign-to-Run; Position "with-out" Salary
Sections 99.012(5) Florida Statutes**

To: Ms. J.L. "Judy" Ratzlaff, 3213 Doctors Lake Drive, Orange Park, Florida 32073

Prepared by: Division of Elections

This is in response to your request for an opinion on the application of Florida's Resign-to-Run Law, Section 99.012, Florida Statutes, to your present status. By your letter, you advise that you are a member of the Education Practices Commission, you receive no salary but a substitute teacher is hired and paid by the State while you receive paid professional leave. You further advise that you have signed the necessary papers to run for the State Senate District 8.

Section 99.012(5), Florida Statutes, exempts from the Resign-to-Run Law "any person who serves as a member of any appointive board or authority without salary..." Although the statute reference "appointive board or authority," the emphasis on this exemption is "without salary" as opposed to the particular nomenclature of the governmental entity. In this regard, this office in DE 85-07, determined that the statutory exemption applies to a person serving as a trustee of a community college even though neither of the statutory words (board-authority) appears.

Therefore, it is my opinion that, based upon the representations in your letter, the exemption applies. You do not have to resign or take leave of absence to run for the State Senate.