

DE 86-09 - June 30, 1986

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

To: Honorable Joe Oldmixon, Supervisor of Elections, Escambia County, Post Office Box 12601, Pensacola, Florida 32574-2601

Prepared by: Division of Elections

I have your letter of June 25, 1986 regarding the filling of a vacancy on the Escambia County Utilities Authority.

As you know, the Escambia County Utilities Authority was created by special act of the legislature, Chapter 81-376, Laws of Florida, 1981. This special act was amended by Chapter 83-403, Laws of Florida, 1983; Section 4(b) as amended in 1983 provides that "upon the occasion of a vacancy for any reason of an elected office which vacancy occurs prior to the expiration of the then present term of that office, a successor shall be appointed upon recommendation by resolution of the Authority and approval by majority vote of both the Board and Council voting as separate entities. Upon the occasion of a vacancy for any reason of a member of the initial governing body of the Authority which vacancy occurs prior to his replacement by election, a successor shall be appointed in the same manner as the initial appointment was made."

As you know, the language governing the filling of a vacancy under the resign-to-run law, Section 99.012, Florida Statutes, provides for a different method than that which is quoted above. However, the Florida Supreme Court in *Rowe v. Pinellas sports Authority*, 461 So.2d 72, 77 (Fla. 1984) reaffirmed a long-standing principle that "(w)hen a special act...and a general law conflict, the special act will prevail."

Accordingly, the above-quoted language governs the filling of a vacancy on the Escambia County Utilities Authority.