



FLORIDA DEPARTMENT *of* STATE

CHARLIE CRIST
Governor

**KURT S.
BROWNING**
Secretary of State

March 3, 2010

Honorable Bruno A. Barreiro
Miami-Dade County Commissioner
1454 SW 1 Street
Miami, Florida 33135

RE: DE 10-03
Resign to Run – County Commissioner
running for Congress
§§ 99.012(2) and (3), Florida Statutes

Dear Commissioner Barreiro:

This letter responds to your request for an advisory opinion regarding your desire to run for Congress. Because you have a question about complying with Florida's "resign-to-run" law as applied to your situation, the Division has the authority to issue you an opinion pursuant to section 106.23(2), Florida Statutes (2009).

You essentially ask the following question:

Are you required to resign from your current position as a County Commissioner for Miami-Dade County under the "resign-to-run" law to run for a seat in the United States House of Representatives?

The short answer is "No."

Section 99.012(3)(a), Florida Statutes (2009), commonly referred to as the "resign-to-run" law, states the general prohibition:

No officer may qualify as a candidate for another state, district, county, or municipal public office if the terms or any part thereof run concurrently with each other, without resigning from the office he or she presently holds.

Honorable Bruno A. Barreiro

March 3, 2010

Page 2 of 2

By its express terms, the “resign-to-run” law applies only to candidates seeking to qualify for a “state, district, county or municipal office.” Therefore, under Florida’s Election Code, you would not have to resign as a county commissioner to qualify as a candidate for Congress.

We remind you that section 99.012(2), Florida Statutes (2009) states:

No person may qualify as a candidate for more than one public office, whether *federal*, state, district, county or municipal, if the terms or any part thereof run concurrently with each other. [*Emphasis supplied.*]

Therefore, although you may run for a federal office without resigning, you could not qualify as a candidate for the federal office and also qualify for re-election as a county commissioner if the terms of the two offices will overlap.

SUMMARY

Under Florida’s resign-to-run law, a county commissioner is not required to resign to run for federal office.

Sincerely,

A handwritten signature in black ink, appearing to be 'D.L. Palmer', with a long horizontal line extending to the right.

Donald L. Palmer
Director, Division of Elections