

CHAPTER 2018-126

Senate Bill No. 186

An act relating to the resign-to-run law; amending s. 99.012, F.S.; requiring an officer who qualifies for federal public office to resign from the office he or she presently holds if the terms, or any part thereof, run concurrently; prescribing requirements for the written resignation; providing for an automatic irrevocable resignation in the event of noncompliance; specifying that a resignation creates a vacancy in office; revising an exception to the resign-to-run law; amending s. 121.121, F.S.; conforming a cross-reference; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Present subsections (4) through (7) of section 99.012, Florida Statutes, are renumbered as subsections (5) through (8), respectively, a new subsection (4) is added to that section, and present subsection (7) of that section is amended, to read:

99.012 Restrictions on individuals qualifying for public office.—

(4)(a) Any officer who qualifies for federal public office must resign from the office he or she presently holds if the terms, or any part thereof, run concurrently with each other.

(b) The resignation is irrevocable.

(c) The resignation must be submitted at least 10 days before the first day of qualifying for the office he or she intends to seek.

(d) The written resignation must be effective no later than the earlier of the following dates:

1. The date the officer would take office, if elected; or

2. The date the officer's successor is required to take office.

(e)1. An elected district, county, or municipal officer shall submit his or her resignation to the officer before whom he or she qualified for the office he or she holds, with a copy to the Governor and the Department of State.

2. An appointed district, county, or municipal officer shall submit his or her resignation to the officer or authority which appointed him or her to the office he or she holds, with a copy to the Governor and the Department of State.

3. All other officers shall submit their resignations to the Governor with a copy to the Department of State.

(f)1. The failure of an officer who qualifies for federal public office to submit a resignation pursuant to this subsection constitutes an automatic irrevocable resignation, effective immediately, from the office he or she presently holds.

2. The Department of State shall send a notice of the automatic resignation to the Governor, and in the case of a district, county, or municipal officer, a copy to:

a. The officer before whom he or she qualified if the officer held an elective office; or

b. The officer or authority who appointed him or her if the officer held an appointive office.

(g) Notwithstanding the provisions of any special act to the contrary, with regard to an elective office, the resignation creates a vacancy in office to be filled by election, thereby authorizing persons to qualify as candidates for nomination and election as if the officer's term were otherwise scheduled to expire. With regard to an elective charter county office or elective municipal office, the vacancy created by the officer's resignation may be filled for that portion of the officer's unexpired term in a manner provided by the respective charter. The office is deemed vacant upon the effective date of the resignation submitted by the official in his or her letter of resignation.

(8)(7) Subsections ~~Nothing contained in subsection (3) and (4) do not apply~~ relates to persons holding any federal office or seeking the office of President or Vice President. Subsection (4) does not apply to an elected officer if the term of the office that he or she presently holds is scheduled to expire and be filled by election in the same primary and general election period as the federal office he or she is seeking.

Section 2. Subsection (2) of section 121.121, Florida Statutes, is amended to read:

121.121 Authorized leaves of absence.—

(2) A member who is required to resign his or her office as a subordinate officer, deputy sheriff, or police officer because he or she is a candidate for a public office which is currently held by his or her superior officer who is also a candidate for reelection to the same office, in accordance with s. 99.012(5) ~~s. 99.012(4)~~, shall, upon return to covered employment, be eligible to purchase retirement credit for the period between his or her date of resignation and the beginning of the term of office for which he or she was a candidate as a leave of absence without pay, as provided in subsection (1).

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor March 30, 2018.

Filed in Office Secretary of State March 30, 2018.