

FLORIDA SCHOOL BOARDS ASSOCIATION “Resign-to-Run” Requirements

In general, these requirements apply to a person who currently holds an elected office and is seeking election to a different office. The main section of law that applies in these situations is [Chapter 99, Florida Statutes](#), which focuses on candidates. In particular, subsections (2) and (3) of [Section 99.012, F.S.](#), contain the specific references to the “resign to run” requirements for qualifying for office, including the following key provisions:

- 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 of the terms, run concurrently with each other. *[NOTE: This supports and underscores the prohibition against one person running for or holding more than one office at the same time.]*
- 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/she presently holds. *[NOTE: The officer does not have to resign to qualify, but he/she must, at a minimum, submit a letter of resignation from their current office, effective at some later date, in order to qualify.]*
- The resignation is irrevocable.
- The written resignation must be submitted at least 10 days prior to the first day of qualifying for the office he or she intends to seek. *[NOTE: The qualifying period for the 2018 election cycle begins at noon on June 18, 2018 and ends at noon on June 22, 2018. So, for the 2018 election cycle, the deadline for submitting a letter of resignation is June 8, 2018.]*
- The resignation must include the date when the resignation takes effect. The effective date must be no later than the date the officer would take office, if elected, **OR** the date the officer’s successor is required to take office, whichever is **earlier**. *[NOTE: The term of office for school board members, school district superintendents, and most other state and local public officers is the 2nd Tuesday after the General Election. For the 2018 election cycle, the term of office begins on November 20, 2018, so the resignation should be effective no later than 11:59 pm on November 19, 2018.]*
- An elected district, county, or municipal officer must submit the resignation to the officer before whom he/she qualified for the office he/she holds (generally, this is the county supervisor of elections), with a copy to the Governor and the Department of State. An appointed district, county, or municipal officer must submit his/her resignation to the officer or authority which appointed him/her to the office he/she holds, with a copy to the Governor and the Department of State.
- If the person is resigning from one elected office in order to run for another elected office, the resignation creates a vacancy in office to be filled by **election**. Persons may qualify as candidates for nomination and election as if the public officer’s term were otherwise scheduled to expire. *[NOTE: Exceptions may apply in charter counties in which the charter specifies the manner to fill an officer’s unexpired term.]*
- Any officer who submits his/her resignation that is effective immediately or effective on a date prior to qualifying for office, may then qualify for office as a non-officeholder. In such cases, the “resign-to-run” provisions do not apply. *[NOTE: This is of particular importance for a candidate who, for whatever reason, does not submit the letter of resignation by the submission deadline prior to the opening of the qualifying period.]*