



# FSBA GUIDANCE

## “Resign-to-Run” Requirements

In general, these requirements apply to a person who currently holds an elected or appointed office, as recognized by Florida’s Constitution, state laws, or local laws, and is seeking election to a different office. These requirements generally do not apply to individuals who have been delegated authority by an elected or appointed officer. 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, Florida Statutes](#), 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. § 99.012(2), Fla. Stat. **[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 of the terms, run concurrently with each other without resigning from the office he/she presently holds. § 99.012(3)(a), Fla. Stat. **[NOTE: The officer does not have to immediately 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. § 99.012(3)(b), Fla. Stat.
- The written resignation must be submitted at least 10 days prior to the first day of qualifying for the office he/she intends to seek. § 99.012(3)(c), Fla. Stat. **[NOTE: The first qualifying period for the 2022 election cycle begins at noon on Monday, April 25, 2022 and ends at noon on Friday, April 29, 2022. Qualifying documents can be submitted starting April 11, 2022. The second qualifying period begins at noon on Monday, June 13, 2022, and ends at noon on Friday, June 17, 2022. Qualifying documents can be submitted starting May 30, 2022. Individuals are encouraged to check the Division of Elections’ website for information on which qualifying period applies to which office. Fla. Div. of Elections, Qualifying Information, [dos.myflorida.com/elections/candidates-committees/qualifying/](https://dos.myflorida.com/elections/candidates-committees/qualifying/) (last updated Nov. 18, 2021).]**
- The date of resignation must be effective no later than the **earlier** of either 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. § 99.012(3)(d)1.–2., Fla. Stat. **[NOTE: The term of office for school board members, school district superintendents, and county commissioners begins on the second Tuesday after the General Election.<sup>1</sup> § 100.041(2)(a), (3)(a), Fla. Stat. Otherwise, the term of office for most state and local offices begins the first Tuesday after the first Monday in January after said election. § 100.041(1), (4), Fla. Stat. An exception to this are state legislators, whose terms begin upon election. § 100.041(1), Fla. Stat. For the 2022 election cycle, the General Election is November 8, 2022. The second Tuesday following the General Election is November 22, 2022. The first Tuesday after the first Monday in January 2023 after the 2022 General Election is January 3, 2023. Thus, most resignations must be effective no later than 11:59 p.m. on November 21, 2022, or 11:59 p.m. on January 2, 2023, depending on the office.]**

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<sup>1</sup> **NOTE:** charter counties may change the date the term of office begins for county commissioners. § 100.041(2)(b), Fla. Stat. However, the term of office shall begin no later than the first Tuesday after the first Monday in January following each member’s election. *Id.*



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- An elected district, county, or municipal officer must submit his/her 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. § 99.012(3)(e)1., Fla. Stat. 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. *Id.* § 99.012(3)(e)2. All other officers must submit their resignations to the Governor and the Department of State. *Id.* § 99.012(3)(e)3.
- 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 the date of his/her qualifying for office, may then qualify for office as a nonofficeholder. § 99.012(3)(g), Fla. Stat. In such cases, the "resign-to-run" provisions do not apply. *Id.* [***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.***]
- Individuals interested in qualifying for office should also check whether there are any additional district or local ordinances that affect qualification.

**Disclaimer:** The information provided in this notice does not, and is not intended to, constitute legal advice; instead, this notice is for general informational purposes only and may not constitute the most-up-to-date legal or other information. Individuals should contact their attorney to obtain independent legal advice with respect to any legal matter and should not act or refrain from acting on the basis of information contained in this notice without first seeking legal advice from counsel. Only your individual attorney can provide assurances that the information contained herein—and your interpretation of it—is applicable or appropriate to your particular situation. Receipt, review, reliance, and any other use of this notice by an individual does not create an attorney-client relationship between that individual and the Association.

Florida School Boards Association  
01/05/2022