



FSBA GUIDANCE

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. This document primarily focuses on the impact Florida law has on school board members—who are considered “officers” for the purposes of Florida’s “resign to run” law—both incumbents considering running for office elsewhere and individuals considering qualifying as a candidate for the office of school board member. In particular, subsections (2), (3), and (4) 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:

- Under the resign to run law, 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]**
- The qualification process is defined by law and has several requirements. Interested individuals are encouraged to review Section 99.061(7)(a), F.S., and Section 105.031(5)(a), F.S., for the full requirements.
- No officer—including school board members—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 immediately resign to qualify, but he/she must, at a minimum, submit a letter of resignation from their current office, effective no later than a particular date, as explained in greater detail below, in order to qualify]**
- Once submitted, the letter of 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 first qualifying period for the 2024 election cycle begins at noon on Monday, April 22, 2024, and runs until noon on Friday, April 26, 2024. This qualifying period includes federal officers, State Attorneys and Public Defenders, and judicial offices. The second qualifying period—importantly, this includes school board members as well as State and county legislative officers—begins at noon on Monday, June 10, 2024, and runs until noon on Friday, June 14, 2024. More details are on the State Department’s Division of Elections webpage]**
- The resignation must be effective 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 General Election date in Florida in 2024 is Tuesday, November 5, 2024. As an election year, the term of office for school board members and elected school district superintendents begins the 2nd Tuesday after the General Election, which is November 19, 2024. Thus, any resignation should be effective no later than 11:59 pm on November 18, 2024 for individuals resigning from school boards, although this date may need to be earlier depending on the office.]**



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- 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, with a copy to the Governor and the Department of State. All other officers must submit resignations to the Governor with a copy to the Department of State.
- The office is deemed vacant upon the effective date of the resignation submitted by the official in his or her letter of resignation.
- 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.
- For those officers seeking federal office, the failure to submit a resignation in line with the resign to run requirements constitutes an automatic irrevocable resignation by the officer, effective immediately, from the office he or she presently holds.
- Florida's resign to run prohibitions do not apply to an individual seeking the office of President or Vice President.

Florida School Boards Association
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