

# POTENTIAL CONFLICT OF INTEREST, RESIGN TO RUN LAW, AND THE HATCH ACT

Below are resources that can be used by both *potential candidates* and *candidates* to determine if a conflict of interest exists; if a candidate is subject to Florida's resign-to-run law; or if a person may be precluded by the federal Hatch Act from holding his/her current job while also running as a candidate in a partisan office. *Potential candidates are encouraged to consult with their employer and/or their employer's attorney, the agency's attorney for the office being sought, and/or their personal attorney prior to filing qualifying documents.*

## CONFLICT OF INTEREST

### Florida Commission on Ethics:

The Florida Commission on Ethics issues official advisory opinions to assist in avoiding a prohibited conflict of interest for public officers, candidates for office and public employees. The Code of Ethics for Public Officers and Employees, adopted by the Florida Legislature as Part III of Chapter 112, Florida Statutes, contains standards of ethics conduct and disclosures applicable to public officers, employees, *candidates*, lobbyists, and others in Florida state and local government, with the exception of judges. (The ethical standards for judges of Florida's judicial branch are contained in the Code of Judicial Conduct, adopted by the Florida Supreme Court.) Advisory opinions may be requested by letter presenting a question based on a real situation and including a detailed description of the situation to:

Florida Commission on Ethics  
Virindia Doss, Executive Director  
P. O. Drawer 15709  
Tallahassee, Florida 32317-5709  
Phone: 850.488.7864  
<http://www.ethics.state.fl.us/>

## FLORIDA RESIGN TO RUN LAW

### Division of Elections:

Pursuant to Florida law, 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 (See Section 99.012, F.S., Restrictions on individuals qualifying for public office). If required, **written resignations are due at least 10 days prior to the first day of the qualifying period for the intended office.** For additional information regarding Florida's "Resign to Run" law, please refer to the designated section of the Frequently Asked Questions, on the Division of Elections' website available at the following link: <http://election.dos.state.fl.us/gen-faq.shtml#link9>.

The Florida Department of State, Division of Elections is authorized to provide advisory opinions (as outlined in section 106.23(2), F.S. and Rule 1S-2.010 Advisory Opinions, F.A.C.) to Supervisors of Elections, **candidates**, local officers having election related duties, as well as to political parties, political committees, committees of continuous existence and other persons or organizations engaged in political activity relating to any provisions or possible violations of the Florida election laws. You may seek an advisory opinion by writing to:

Office of General Counsel  
Florida Department of State  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-0250  
Telephone: 850.245.6536  
E-mail: [dosgeneralcounsel@dos.state.fl.us](mailto:dosgeneralcounsel@dos.state.fl.us)

## FEDERAL HATCH ACT

### United States Office of Special Counsel:

The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. The Counsel's basic authorities come from three federal statutes: the Civil Service Reform Act, the Whistleblower Protection Act, and the Hatch Act. Additionally, the OSC issues general guidance and advisory opinions to persons seeking advice about political activity under the Hatch Act. You may request such advice by mail, phone, fax, or e-mail to:

Hatch Act Unit  
United States Office of Special Counsel  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
Phone: 800.854.2824 or 202.254.3650  
E-mail: [hatchact@osc.gov](mailto:hatchact@osc.gov)  
<http://www.osc.gov/hatchact.htm>

The resources listed above are for **informational purposes only** and are not inclusive of all potentially relevant agencies. Individual circumstances may vary. If applicable, an employee or appointed board member should request an advisory opinion from their respective agency to ensure there is not a conflict of interest prior to running for office. 9.25.15