



Florida Department of
Law Enforcement

Gerald M. Bailey
Commissioner

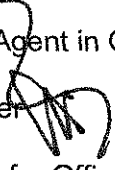
Office of Executive Director
Post Office Box 1489
Tallahassee, Florida 32302-1489
(850) 410-7001
www.fdle.state.fl.us

Rick Scott, Governor
Pam Bondi, Attorney General
Jeff Atwater, Chief Financial Officer
Adam Putnam, Commissioner of Agriculture

August 18, 2011

MEMORANDUM

TO: Robert Wayne Ivey, Resident Agent in Charge

FROM: Gerald M. Bailey, Commissioner 

SUBJECT: Request for Permission to Run for Office

Your recent request to be allowed to run for Sheriff of Brevard County, Florida, is being forwarded with my recommendation for approval, subject to the following conditions.

- You must submit an irrevocable resignation, dated on or before January 2, 2012, as mutually agreed, and you will be allowed to use accumulated annual and/or compensatory leave credits.
- Upon submission of the resignation, you must surrender your FDLE credentials, weapon, FDLE-issued equipment, and state vehicle. You are not authorized to engage in law enforcement or investigative efforts on behalf of FDLE during the pendency of your leave time off (i.e. the time between submission of your resignation and the agreed-upon effective date of the resignation).
- You will be allowed to engage in public appearance campaign-related activities provided you make no mention of being currently employed with FDLE or the State of Florida. During the period of time in which you are on leave, you may not use any state resources during any of your campaign activity. Furthermore you must utilize your personal vehicle, telephone, computer, and other property during your campaign.

My recommendation for approval, subject to the above stated conditions, is being forwarded to the Department of Management Services, which, under Rule 60L-36.002, Florida Administrative Code, should respond within 10 days with a final approval or disapproval. A copy of this rule is attached.

GMB/rcr

60L-36.002 Political Activities.

(1) Section 110.233(4)(a) of the Florida Statutes, prohibits a career service employee from holding, or being a candidate for, public office while in the employment of the state or taking any active part in a political campaign while on duty or within the period of time during which the employee is expected to perform services for which he or she receives compensation from the state. However, a career service employee may be a candidate for or hold public office when authorized by the agency head and approved by the Department as involving no interest which conflicts or activity which interferes with his or her state employment. The following procedures shall apply to requests for that authorization and approval.

(a) An employee seeking authorization shall submit to the employing agency head a written request before engaging in any campaign related activity, including fundraising, and at least forty-five days before the deadline for qualifying for the office. The request shall identify the public office sought and summarize the duties, the hours of work involved in holding the office, what effects, if any, office or campaign duties will have on the employee's regular duties with the State, and the amount of remuneration, if any, which the employee would receive if elected.

(b) Within ten days after receiving the request, the agency head shall decide in writing whether the request is authorized. The decision shall specify reasons and shall include a determination whether the candidacy or duties of the local public office involve an interest that conflicts or an activity that interferes with the employee's state employment. If the agency head approves the request, the agency shall forward copies of the request and the decision to the Department.

(c) Within ten days after receiving the request and agency decision, the Department shall decide in writing whether the request is approved, and so advise the agency and the employee.

(d) Copies of the employee's request, the agency head's decision, and the Department's decision shall be retained in the employee's personnel file.

(2) Candidacy for or holding a local public office shall be presumed to involve an interest that conflicts with an employee's state employment when the campaign or the office, if elected, is likely to give rise to a situation in which regard for a private or local interest tends to lead to a disregard of the employee's duty as a state employee.

(3) Candidacy for or holding local public office shall be presumed to involve activities that interfere with an employee's state employment in the following instances:

(a) Campaign or, if elected, office activities are performed during the employee's assigned working hours with the state.

(b) Campaign or, if elected, office activities will involve the use of state space, personnel, time, equipment, or supplies.

(c) The employee solicits or accepts campaign contributions from persons or entities that are regulated by, or otherwise do business with, the employee's department or agency.

(4) Employees whose positions are subject to the Federal Hatch Act may not become candidates in any partisan election. Each agency head shall determine which of that agency's employees are subject to the Hatch Act.

(5) An employee who has been granted approval to become a candidate for local public office pursuant to this Rule 60L-36.002, F.A.C., may, at the discretion of the employee's agency head in accordance with Chapter 60L-34, F.A.C., Attendance and Leave, be granted a leave of absence without pay to campaign for the office, or may be allowed to use accrued annual or compensatory leave credits.

(6) This Rule 60L-36.002, F.A.C., shall apply when an employee already holds a local public office at the time of employment in the career service, or when the employee seeks re-election to the same office while an employee in the career service. This Rule 60L-36.002, F.A.C., applies to appointments as well as elections.

Specific Authority 110.1055, 110.201(1), 110.233(4)(a) FS. Law Implemented 110.233(4)(a) FS. History—New 1-22-02, Amended 5-16-04.