

02/02/22

Dear Florida Public Officers:

The Florida Constitution contains text in the Public Officer Oath that violates US Law and the US Constitution. That text needs to be removed.

Specifically, the US Law and US Constitution require public officers of the US and State governments to swear to support the Constitutions (not the Governments) of the US and Florida. However, Florida's Constitution requires public officers to swear to support BOTH the Constitution **and Government** of the US and Florida.

This is a remnant of the strict control the US Congress took of the Governments of the Confederate States of America after the Civil War. The words “and Government” first appeared in the oath text within Florida's Constitution of 1868 (Article XVI Section 10). For more information see this article:

<https://bobhurt.blogspot.com/2021/12/why-fl-officers-loyal-to-government.html>

This causes a dilemma when public officers make decisions and take actions that violate the constitutions, such as allowing unrestricted invasion by illegal aliens into our land, or requiring people to accept an experimental vaccination. Florida's public officers bind themselves by oath to support Government (particularly the people running Government) and thereby to support its unconstitutional edicts and activities. See a smattering of proof of unconstitutional, and therefore illegal, laws here:

<https://constitution.congress.gov/resources/unconstitutional-laws/>

AXIOM

One *cannot remain loyal* to the Constitution *while loyal* to a Government employee (such as a public officer) operating in breach of the constitution. And many, if not most, public officers operate in breach of the constitutions from time to time, sometimes with horrible and enduring consequences.

Note that loyalty to government over the constitution changes the form of government from a Republic to an oligarchy, and the US Constitution guarantees states a Republican form of government, as shown below.

YOUR ACTION REQUIRED

Check out the provisions of US Constitution and law below to see proof that Florida's Constitution and law violates them. I have highlighted the words "and

Government" in the offending text. In particular, remove those words from FL Statute 350.05, the Florida public officer oath form, and the Florida Constitution Article II Section 5b. Note also that some Florida oath laws comport with the US Constitution and law, while others do not.

If it bothers you that one cannot remain loyal to the constitution while loyal to Government (such as a public officer in breach of the Constitution), get the words "and Government" stricken from the Florida Constitution's public officer oath, for they violate both US law and the US Constitution, as shown below.

Sincerely,

Bob Hurt (see full address below)

US Constitution

Article IV, Section 4

The United States shall **guarantee to every State in this Union a Republican Form of Government**, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Article VI, clause 3

The Senators and Representatives before mentioned, and the **Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution**; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

United States Code

4 USC § 101. Oath by members of legislatures and officers

Every member of a State legislature, and every executive and judicial officer of a State, shall, before he proceeds to execute the duties of his office, **take an oath in the following form**, to wit: "I, A B, do solemnly swear that **I will support the Constitution of the United States.**"

Florida Constitution Article II. SECTION 5. Public officers.—

(b) Each state and county officer, before entering upon the duties of the office, shall give bond as required by law, and shall swear or affirm:

“I do solemnly swear (or affirm) that I will **support, protect, and defend the Constitution and Government of the United States and of the State of Florida**; that I am duly qualified to hold office under the Constitution of the state; and that I will well and faithfully perform the duties of (title of office) on which I am now about to enter. So help me God.”, and thereafter shall devote personal attention to the duties of the office, and continue in office until a successor qualifies.

Florida Oath Form

See the Florida Public Officer oath of office form as of Feb 2022:

<https://files.floridados.gov/media/702653/dsde56-oath-acceptance-feb-2020.pdf>

Excerpt:

OATH OF OFFICE

(Art. II. § 5(b), Fla. Const.)

STATE OF FLORIDA

County of _____

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

(Title of Office)

on which I am now about to enter, so help me God.

Florida Loyalty Oath Laws

11.9336 Oath. (Delegates to Constitutional Convention)—

Each delegate and alternate delegate shall, before exercising any function of the position, execute an oath in the state and in writing that the delegate or alternate delegate will:

- (1) **Support the Constitution of the United States and the State**

Constitution.

(2) Faithfully abide by and execute any instructions to delegates and alternate delegates adopted by the Legislature.

(3) Otherwise faithfully discharge the duties of a delegate or alternate delegate.

99.021 Form of candidate oath. (Candidates)—

(1)(a)1. Each candidate, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, in order to qualify for nomination or election to any office other than a judicial office as defined in chapter 105 or a federal office, shall take and subscribe to an oath or affirmation in writing. A copy of the oath or affirmation shall be made available to the candidate by the officer before whom such candidate seeks to qualify and shall be substantially in the following form:

Before me, an officer authorized to administer oaths, personally appeared (please print name as you wish it to appear on the ballot) , to me well known, who, being sworn, says that he or she is a candidate for the office of ; that he or she is a qualified elector of County, Florida; that he or she is qualified under the Constitution and the laws of Florida to hold the office to which he or she desires to be nominated or elected; that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he or she seeks; that he or she has resigned from any office from which he or she is required to resign pursuant to s. 99.012, Florida Statutes; and that he or she will **support the Constitution of the United States and the Constitution of the State of Florida.**

105.031 Qualification; filing fee; candidate’s oath; items required to be filed. (Non-Partisan Candidates)—

(4) CANDIDATE’S OATH.—

(a) All candidates for the office of school board member shall subscribe to the oath as prescribed in s. 99.021.

(b) All candidates for judicial office shall subscribe to an oath or affirmation in writing to be filed with the appropriate qualifying officer upon qualifying. A printed copy of the oath or affirmation shall be furnished to the candidate by the qualifying officer and shall be in substantially the following form:

Before me, an officer authorized to administer oaths, personally appeared (please print name as you wish it to appear on the ballot) , to me well known, who, being sworn, says he or she: is a candidate for the judicial office of ; that his or her legal residence is County, Florida; that he or she is a qualified elector

of the state and of the territorial jurisdiction of the court to which he or she seeks election; that he or she is qualified under the constitution and laws of Florida to hold the judicial office to which he or she desires to be elected or in which he or she desires to be retained; that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent to the office he or she seeks; that he or she has resigned from any office which he or she is required to resign pursuant to s. 99.012, Florida Statutes; and that he or she will **support the Constitution of the United States and the Constitution of the State of Florida.**

350.05 Oath of office.— (Public Service Commission)

Before entering upon the duties of his or her office each commissioner shall subscribe to the following oath: “I do solemnly swear (or affirm) that I will **support, protect and defend the Constitution and Government of the United States and of the State of Florida**; that I am qualified to hold office under the constitution of the state, and that I will well and faithfully perform at all times the duties of Florida Public Service Commissioner, on which I am now about to enter in a professional, independent, objective, and nonpartisan manner; that I do not have any financial, employment, or business interest which is prohibited by chapter 350, Florida Statutes; and that I will abide by the standards of conduct required of me by chapters 112 and 350, Florida Statutes, so help me God.” In case any commissioner should in any way become disqualified, he or she shall at once remove such disqualification or resign, and upon his or her failure to do so, he or she shall be suspended from office by the Governor and dealt with as provided by law.

876.05 Public employees; oath.—

(1) All persons who now or hereafter are employed by or who now or hereafter are on the payroll of the state, or any of its departments and agencies, subdivisions, counties, cities, school boards and districts of the free public school system of the state or counties, or institutions of higher learning, except candidates for federal office, are required to take an oath before any person duly authorized to take acknowledgments of instruments for public record in the state in the following form:

I, , a citizen of the State of Florida and of the United States of America, and being employed by or an officer of and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will **support the Constitution of the United States and of the State of Florida.**

(2) Said oath shall be filed with the records of the governing official or employing governmental agency prior to the approval of any voucher for the payment of salary, expenses, or other compensation.

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Bob Hurt

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