

DE 82-7-May 10, 1982

**COMMITTEES OF CONTINUOUS EXISTENCE:
LOANS s. 106.011, 106.04, 106.08, F.S. (1981)**

To: Mr. Teala A. Milton, Bankcard/Marketing Officer, 214 Hogan Street, General Mail Center, Jacksonville, Florida 32231

Prepared by: Division of Elections

You have requested an opinion on substantially the following questions:

1. May an individual make a loan to a committee of continuous existence in the State of Florida?
2. If the above question is normative, could the money from said loan be contributed to candidates for election purposes?

As explained in the following discussion, questions 1 and 2 are answered in the affirmative.

A person is defined in opinion 106.011(8), F.S. (1981), as an individual or a corporation, association, firm, partnership, joint venture, joint stock company, club organization. . .or other combination of individuals having collective capacity." (Emphasis supplied).

Section 106.011(3)(a), F.S. (1981), defines contribution as:

“(a) A gift, subscription, conveyance, deposit, loan, payment, or distribution or money or anything of value . . . made for the purpose of influencing the results of an election.” (e.s.).

A committee of continuous existence is defined as “any group, organization, association, or other such entity which is certified pursuant to the provisions of s. 106.04.” S. 106.011(2), F.S. (1981). Qualification as a committee of continuous existence requires the group, organization, association or other such entity to be “involved in making contributions to candidates.” (e.s.) S. 106.04, F.S. Section 106.04(1), (2) and (3), F.S., detail the procedures which a group must follow and requirements, it must meet in order to qualify for certification as a committee of continuous existence. If the requisite qualifications are met, certification is issued by the Division of Elections.

Each committee of continuous existence is required to file an annual report with the Division of Elections. s. 106.104(4), F.S. (1981). Section 106.104(4)(a), F.S., provides:

“(a) The full name, address, and occupation of each person who has made one or

more contributions to the committee during the reporting period, together with the amounts and dates of such contributions. However, if a contribution is \$100 or less, the occupation of the contributor need not be listed, and only the name and address are necessary." (e.s.)

Clearly, the above statutory language provides for an individual to make a contribution (which includes a loan) to a committee of continuous existence. Therefore, your first question is answered in the affirmative, and any loan made to a committee of continuous existence should be reported as a contribution.

As discussed in question 1, a criteria of the committee of continuous existence is that it is involved in making contributions to candidates. Section 106.04(5), F.S. (1981). states:

“(5) No committee of continuous existence shall contribute to any candidate or political committee an amount in excess of the limits contained in s. 106.084(1), F.S. or participate in any other activity which is prohibited by this chapter.” (e.s.)

There is no requirement that a committee of continuous existence segregate its funds by categories; thus, funds received by such committee may be contributed to a candidate to the extent allowed by s. 106.08(1), F.S. (1981). Therefore, your second question is answered in the affirmative.

SUMMARY

A contribution includes a loan and a person (individual) may make a contribution (loan) to a committee of continuous existence. A committee of continuous existence may contribute to a political candidate to the extent that such contribution does not exceed the limits contained in s. 106.08(1), F.S. (1981).