REGISTRATION OF MUNICIPALITIES AS POLITICAL COMMITTEES
s. 106.03(2), F.S.

To: Honorable Betty R. Dearington, City Clerk, City Hollywood, P. O. Box 2207, Hollywood, Florida 33022

Prepared by: Division of Elections

This is a formal Division of Elections Advisory Opinion pursuant to s. 106.23(2), F.S., (1983) on essentially the following question:

Must a municipality which expends municipal funds to support a referendum issue register as a political committee under s. 106.03, F.S.?

In Division of Elections Opinion 077-24, (October 27, 1977), the Division stated that a municipality or municipal corporation may not expend the funds to support a referendum issue in a municipal election unless they register as a political committee under s. 106.011(1), F.S., (1977). The opinion stated that a municipal corporation, acting in support of a referendum issue by expending funds, was a political committee within the meaning of s. 106.011, F.S., and any tax dollars spent were contributions within the meaning of s. 106.011(3), F.S.

However, the Attorney General of Florida in Opp. Atty. Gen. 078-41 (March 9, 1978 gave a different opinion, stating that municipal bodies were not political committees when acting in their official capacities to expend municipal funds to support a bond issue subject to voter referendum. The Attorney General said that a municipal body need not register under s. 106.11, F.S., in such circumstance.

Accordingly, DE 077-24, is rescinded, in light of the Attorney General's opinion.