

DE 87-01 - March 9, 1987

**Political Committees: The Florida Bar; Registration
Sections 106.011(1) and 106.03, F.S.**

*To: Mr. Fred A. McDowell, Director, Governmental Affairs, The Florida Bar, Tallahassee, Florida
32301-8226*

Prepared by: Division of Elections

This is in response to your request for an advisory opinion in accordance with Section 106.23(2), Florida Statutes, whether The Florida Bar, in taking a position regarding the imposition of a sales tax on legal fees, is a political committee as defined by Section 106.011(1), Florida Statutes, and thereby required to register under Section 106.03, Florida Statutes.

The Florida Bar is not required to register as a political committee.

The introductory paragraph to the Rules Regulating The Florida Bar provides that

The Supreme Court of Florida by these rules establishes the authority and responsibilities of The Florida Bar, an official arm of the Court.

As provided by Rule 1-2, The Florida Bar's purpose is

to inculcate in its members the principles of duty and service to the public, to improve the administration of justice, and to advance the science of jurisprudence.

Its members are

composed of all persons who are admitted by (the Supreme) Court to the practice of law in this state and who maintain their membership in good standing pursuant to these rules.

In Op. Atty. Gen. 78-41, issued March 9, 1978, the attorney general cited to the general principle regarding statutory construction found at 82 C.J.S. statutes, Section 317, page 554, which reads in part as follows:

... ordinarily, the state and its agencies are not considered as within the purview of a statute unless intention to include them is clearly manifest, as where they are expressly named therein, or included by necessary implication.

In reliance on this general rule, the attorney general determined that a municipal governing body may appropriate and expend municipal funds to support a bond issue for acquisition and development of parks and recreation areas within the city without the governing body having to register as political

committee.

Similarly, in DE 86-17, issued by this office on October 6, 1986, it was determined that a county task force created by a board of county commissioners was within the scope and contemplation of the above-cited principle embodied in the attorney general's opinion.

In that The Florida Bar is an arm of the Supreme Court and is a governmental entity, it is my determination that it is excluded from the political committee registration requirement in that the definition of "political committee" does not either specifically include the state and its agencies nor are they to be included in the definition by necessary implication.

Moreover, by taking a position on the imposition of a sales tax on legal fees, The Florida Bar would not be supporting or opposing any issue. The term issue is defined as any

proposition which is required by the State Constitution, by law or resolution of the Legislature, or by the charter, ordinance, or resolution of any political subdivision of this state to be submitted to the electors for their approval or rejection at an election, or any proposition for which a petition is circulated in order to have such proposition placed on the ballot at any election.

Section 106.011(7), Florida Statutes.