

DE 82-8--May 24, 1982

CREDIT CARDS s. 106.125, F.S.

To: William C. Herron, Esquire, Floyd, Pearson, Stewart, Richman, Greer & Well, One Biscayne Tower, Twenty-Fifth Floor, Miami, Florida 33131

Prepared by: Division of Elections

This is in response to your request for an advisory opinion on substantially the following question:

Whether the campaign account status must be reflected on the front of a credit card issued to a candidate or political committee pursuant to s. 106.125, F.S.

For the reasons stated below, your question is answered in the affirmative.

You have advised that you have attempted to obtain a campaign credit card under the provision of s.106.125, F.S., through a credit card company associated with the bank depository of the campaign. You indicated "the credit card company will not place on the face of the credit card any indication that the credit card is a campaign account to be utilized only for campaign expenses." Therefore, you requested an opinion on the above stated question.

Section 106.125, F.S., established the conditions for a candidate for statewide office or any political committee to obtain and use credit cards. This section states in pertinent part:

“(1) Credit cards may be obtained only from the same bank which has been designated as candidate's or political committee's primary campaign depository.

(2) Credit cards shall be in the name of the candidate or political committee and shall reflect that the account is a campaign account.” (Emphasis supplied)

The legislative purpose in establishing a credit card account is similar to that of requiring a campaign checking account in s. 106.11, F.S. (1981), i.e., to separate campaign funds, from personal or other funds; to put the public on notice of the person or entity with whom it is dealing and to maintain accountability of funds received and expended. Therefore, the requirement that the campaign account must be reflected on the front of the card is to clearly identify the card for campaign related expenditures. Further, having the name of the campaign account on the face of the credit card notifies the vendor or service provider that the card bearer represents a campaign account rather than a personal, corporate or other account.

You have also inquired whether the name of the campaign account can be placed

on the application form or written on the back of the credit card in order to satisfy the requirement of s. 106.125, F.S. We have no authority to alter, amend or change any legislative enactment; that is exclusively a legislative function. We are limited to implementing and administering legislative arts based on our interpretation of their intent. We find no provision allowing for reflection of the campaign account on the application form or being written on the back of the card as satisfying the mandate of s. 106.125, F.S.

SUMMARY

Until legislatively changed, altered or amended, the name of a candidate or political committee's campaign account must be reflected on the face of the credit card.