

DE 86-17 - October 6, 1986

**POLITICAL COMMITTEES; COUNTIES;
COUNTY TASK FORCE; REGISTRATION;
SECTIONS 106.011(1), 106.03,
FLORIDA STATUTES**

To: Mr. Thomas C. McEaddy, Jr., Assistant County Attorney, Palm Beach County, Box 1989, West Palm Beach, Florida 33402-1989

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, on behalf of the Palm Beach County Task Force regarding the authority of the task force to engage in political activities without having to register as a political committee in accordance with Section 106.03, Florida Statutes. At issue is whether the task force is a governmental entity within the contemplation of Op. Atty. Gen. 78-41, opinion issued March 9, 1978, and thereby excluded from the political committee registration requirement.

Subject to the limitations expressed herein, your question is answered in the affirmative.

Your correspondence indicates that the Board of County Commissioners created the task force in 1985 establishing as its duties the preparation of a report containing recommendations regarding a countywide agency whose purpose is to foster intergovernmental coordination that will address growth management issues and problems.

Your correspondence further reveals that as a result of the activities of the task force, the Board of County Commissioners approved a proposal for the Palm Beach County Charter that would create a countywide planning council the purpose of which is to insure effective, harmonious development of a countywide future land use plan element to coordinate the land use planning process of all local governments within the county and to establish a cooperative effort that will resolve or prevent incompatibilities and conflicts among local government land use planning efforts.

In light of this, the task force specifically wishes to publicize and promote a county ordinance which contains the enabling legislation for the planning council and the authority to place the issue of the planning council on the ballot for the November 4, 1986 election. The task force contemplates supporting the planning council ordinance by printing flyers and placing newspaper advertisements and engaging in similar activities seeking to have the voters of Palm Beach County approve the planning council ordinance. You express concern as to the authority of the task force to support the adoption of the planning council ordinance without the task force having to register as a political committee which is defined by Section 106.01(1), Florida Statutes.

In the above-cited attorney general's opinion, the Attorney General relied on the general rule found at 82 C.J.S. Statutes, s. 317, page 554 which provides 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 name therein, or included by necessary implication.

In reliance upon 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 municipal governing body having to register as a political committee.

In the attorney general's opinion, the issue involved the direct activities of the governing body; in your request, the issue is once removed - that is, your request does not involve the direct activities of the county commission; rather, thus issue involves activities to be undertaken by an entity created by the county commission.

In that the task force is a creature of the county commission, I see no reason why the attorney general's opinion would not be applicable to the task force. However, I assume that the funds to be used by the county commission - created task force are exclusively county funds and that the county has authorized the task force to engage in the intended activities. Therefore, under these circumstances and unless legislatively or judicially determined otherwise, the contemplated activities of the task force would appear to be those of county government and would therefore enjoy the same treatment accorded the governing body as embraced in the attorney general's opinion.