

DE 88-01 - January 8, 1988

**Florida Corporations: Registering as Political Committees of Committees of Continuous Existence
Sections 106.011(1), (2); 106.04, F.S.**

To: Mr. Rayford H. Taylor, Stiles, Allen & Taylor, Professional Association, Post Office Box 10211, Tallahassee, Florida 32302

Prepared by: Division of Elections

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

Whether a Florida corporation registered pursuant to Chapters 607 or 617, Florida Statutes, may contribute to political candidates or issues from corporate revenues without being registered as a committee of continuous existence or a political committee?

You are an attorney and your client is registered as a committee of continuous existence under Section 106.04, Florida Statutes. We are authorized to issue legal opinions to committees of continuous existence under Section 106.23(2), Florida Statutes.

Chapter 106, Florida Statutes, the Campaign Financing Act, recognizes two types of committees: political committees and committees of continuous existence. Under the Campaign Financing Act, it is mandatory that two or more persons accepting contributions or making expenditures of more than \$500 in a calendar year must be registered as a political committee or a committee of continuous existence.

Section 106.011(1), Florida Statutes, defines a political committee as a combination of two or more persons which accepts contributions or make expenditures exceeding \$500 in a calendar year.

Section 106.11(2), Florida Statutes, defines a committee of continuous existence as "any group, organization, association, or other such entity which is certified pursuant to the provisions of Section 106.04." Section 106.04, Florida Statutes, provides that a committee of continuous existence must have a written charter or bylaws and that 25% of the income of the committee must be derived from membership dues or assessments. In addition, a committee of continuous existence may not make expenditures to a political issue unless it is also registered as a political committee.

Under the definition of political committee, corporations regulated by either Chapter 607 or 617, Florida Statutes, are not encompassed if their political activities are "limited to contributions to candidates or political committees or expenditures in support of or opposition to an issue from corporation funds if no contributions are received from such corporations." Section 106.011(1), Fla. Stat.

Therefore, if your client uses only corporate funds for contributions to either candidates or issues, it does not need to be registered as either a political committee or a committee of continuous existence. However, the corporation is subject to the contribution limits contained in Section 106.08, Florida Statutes.

This opinion addresses only Florida Election Law. For information regarding Federal Election Law, you should contact the Federal Elections Commission. The Federal Election Commission toll free number is 800-424-9530.

SUMMARY

A Florida corporation registered pursuant to Chapters 607 or 617, Florida Statutes, may contribute to political candidates or issues from corporate revenues without being registered as a committee of continuous existence or as a political committee. However, the corporation is subject to the contribution limits contained in Section 106.08, Florida Statutes.