

DE 90-03 - January 11, 1990

**Contributions and Expenditures of Political Committees
Sections 106.011(4) AND 106.08(4), F.S.**

To: Mr. Robert A. Sugarman, Sugarman and Susskind Professional Association, 5959 Blue Lagoon Drive, Suite 150, Miami, Florida 33126

Prepared by: Division of Elections

This is in reference to your request for an advisory opinion regarding gifts of money from political committees to various organizations. As you are counsel to a political committee, the Division of Elections has authority under Section 106.23(2), Florida Statutes, to issue an advisory opinion to you relating to the Florida Election Code, Chapters 97-106, Florida Statutes.

Your question is:

Does Section 106.08(4), Florida Statutes, prohibit a political committee from making gifts of money to:

- (a) A recognized charity such as the United Way or Camillus House (a shelter for the homeless);
- (b) A civic club which will use the gift for a scholarship fund to be used to grant college scholarships to deserving students; or
- (c) A charitable organization sponsoring a dinner or other social function honoring a public official, the proceeds and profits of which inure only to the benefit of the charity and none of which is paid to the public official;

when such gifts of money are not made for the purpose of influencing the results of any election?

A political committee may not make any expenditures which are not made for the purpose of influencing an election. Section 106.011(4), Florida Statutes, defines expenditures for candidates or political committees under Florida law and specifically provides, in pertinent part:

"Expenditure" means a purchase, payment, distribution, loan, advance...or gift of money or anything of value made for the purpose of influencing the results of an election.... (Emphasis added.)

In addition, even if the expenditures were being made to "influence the results of an election," they would be prohibited as Section 106.08(4), Florida Statutes, provides:

The solicitation from, and contributions by, candidates, political committees, and party executive committees to any religious, charitable, civic, or other causes or organizations established primarily for the public good is expressly prohibited.

Chapter 89-256, Section 12, Laws of Fla.

SUMMARY

Contributions by political committees to any religious, charitable, civic, or other causes or organizations established primarily for the public good are expressly prohibited under Section 106.08 (4), Florida Statutes.