

DE 92-09 - June 16, 1992

Reporting Requirements of a Committee of Continuous Existence

Section 106.04, F.S.

TO: Mr. John A. Rogers, Jr., Florida Retail Political Action Committee, Post Office Box 10037, Tallahassee, Florida 32302-2037

Prepared by: Division of Elections

This is in reference to your letter of April 24, 1992, requesting an opinion relating to committees of continuous existence. You are the secretary/treasurer of a committee of continuous existence and pursuant to Section 106.23(2), Florida Statutes, the Division of Elections has authority to issue an advisory opinion to you relating to the Florida Election Code, Chapters 97-106, Florida Statutes.

You ask:

If a federally registered political action committee (PAC) is a dues-paying member of a Florida registered committee of continuous existence (CCE), does the payment of dues by the PAC to the CCE require the PAC to register as a political committee in Florida and subject the PAC to the 1.5 percent assessment?

For reasons which follow, the answer to your question is no.

A committee of continuous existence is organized under Section 106.04, Florida Statutes. Pursuant thereto, it must file regular reports of all contributions and expenditures. The aggregate amount of any contributions in the form of dues are also reportable as is the amount of funds received from any other political committee or committee of continuous existence. Sections 106.04(4)(c)1. and 2., Fla. Stat. All of these contributions are subject to a 1.5 percent assessment, which assessment is deposited into the Election Campaign Financing Trust Fund. Section 106.04(4)(b)2., Fla. Stat.

Dues are paid to a committee of continuous existence by its membership pursuant to the committee's charter or by-laws, which are required to be filed with the Division of Elections, and there are no restrictions on who may be a "member." Section 106.04(1), Fla. Stat. Therefore, a federal PAC may be a dues-paying member of a committee of continuous existence as long as such membership is provided for in the charter or by-laws of the committee of continuous existence.

The fact that one of the members of a committee of continuous existence is a federal PAC does not require that the PAC register as a committee in Florida, any more than would be the case with a corporate member or an individual member of the committee. Since there is no requirement that the federal PAC register in Florida solely by virtue of its membership in a committee of continuous existence, it follows that the PAC is not required to pay the 1.5 percent assessment on its contributions.

However, that portion of the PAC's dues which is paid to the committee of continuous existence is subject to the 1.5 percent assessment imposed on the contributions received by the committee of continuous existence. Also, if the federal PAC makes contributions to Florida candidates or ballot issues independently of the state committee of continuous existence of which it is a member, the PAC would need to register in Florida as either a political committee or committee of continuous existence in accordance with Sections 106.03 or 106.04, Florida Statutes.

SUMMARY

Membership alone in a Florida committee of continuous existence by a federal PAC does not require that the federal PAC register as a Florida political committee and subject the federal PAC to the payment of the 1.5 percent assessment. However, the federal PAC's dues which are paid to the Florida committee are subject to the 1.5 percent assessment along with all other contributions received by the committee of continuous existence. If the federal PAC contributes to Florida candidates or issues independently of the state committee of continuous existence of which it is a member, the federal PAC would be required to register as a Florida political committee or committee of continuous existence in accordance with Section 106.03 or 106.04, Florida Statutes.