

**Personal Loans
§ 106.075, Fla. Stat.**

TO: Mr. John W. Thornton, Jr., Thornton & Rothman, P.A., First Union Financial Center, Suite 2690, 200 South Biscayne Boulevard, Miami, Florida 33131

Prepared by: Division of Elections

This is in response to your request for an advisory opinion, dated October 24, 2000, regarding loans made to elected officials. You have requested this opinion on behalf of your client, Miami-Dade Circuit Judge Rosa I. Rodriguez, who was a judicial candidate in 1998. The Division is authorized to provide this advisory opinion to you, pursuant to section 106.023(2), Florida Statutes.

Essentially, you ask:

- 1) Does an interest free personal loan to a candidate, exceeding \$500, made in part for the purpose of influencing the results of an election, and made not to the campaign account but to the candidate personally, although ultimately for use by the campaign, constitute an illegal campaign contribution in violation of sections 106.08(1)(a) and 106.19(1)(a), Florida Statutes?

The Division has addressed this issue on several prior occasions. *See Op. Div. Elect. DE 92-16* (August 19, 1992); *DE 76-10* (August 2, 1976); *DE 78-6* (February 14, 1978); *DE 78-37* (August 21, 1978); *DE 78-46* (November 2, 1978); *DE 82-14* (October 18, 1992). There have been no intervening court decisions or subsequent legislative amendments that would warrant rescinding these opinions. Accordingly, these opinions reflect the current state of the law.

I trust this is responsive to your request.