

July 31, 2006

Mr. Peter G. Walsh
P. O. Box 530583
Miami Shores, FL 33153-0583

Dear Mr. Walsh:

This is in response to your recent correspondence to me.

You asked for guidance regarding the following three questions in light of the language contained in section 106.15(4), Florida Statutes:

1. May a candidate send an invitation to a campaign fund raiser into a government building, by U.S. mail or by E-mail or by fax, to a government employee working in a government building?
2. May a candidate, from outside a government building, telephone a government employee working inside a government building and invite that person to a campaign fund raiser?
3. May a candidate, from outside a government building, telephone a government employee working inside a government building and solicit a political contribution from that person?

Section 106.15(4), Florida Statutes, states:

No person shall make and no person shall solicit or knowingly accept any political contribution in a building owned by a governmental entity. For purposes of this subsection, "accept" means to receive a contribution by personal hand delivery from a contributor or the contributor's agent. This subsection shall not apply when a government-owned building or any portion thereof is rented for the specific purpose of holding a campaign fund raiser.

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Under this section the acts of solicitation and acceptance are two separate and distinct actions. While the Legislature chose to qualify the term “accept” by limiting its application only to personal hand delivery, there is no such “in person” qualifier applied by the Legislature to the term “solicit.” Clearly, had the Legislature intended such a limitation, it could and would have included one. In the absence of such a qualifier or an expressed definition of the term, we must apply the normal definition of the word. The American Heritage College Dictionary, Third Edition, defines the word as follows: “to seek to obtain by persuasion, entreaty, or formal application.” Webster’s Unabridged Dictionary’s definition is similar. It states that the word means “to ask or seek earnestly or pleadingly; to beg; to entreat; as in we *solicit* your support.”

Applying the common definition of the word “solicit” to the questions that you pose, it would appear that section 106 .15(4), F.S., would prohibit the actions that you pose in all three questions.

Sincerely,

Sharon D. Larson
Deputy General Counsel

SDL/lmg