



FLORIDA DEPARTMENT *of* STATE

CHARLIE CRIST
Governor

DAWN K ROBERTS
Interim Secretary of State

May 18, 2010

Mr. Todd C. Brister, Esq.
810 Grace Avenue
Panama City, Florida 32401

RE: DE 10-05
Campaign Financing; Contributions – Contributions by
Corporations
§§ 106.011(8), 106.08(1)(a) and (5)(a), Florida Statutes.

Dear Mr. Brister:

This letter responds to your request for an advisory opinion. As the campaign treasurer for Mike Reiter, candidate for Circuit Judge, Circuit 14, Group 2, the Division of Elections has authority to issue you an opinion pursuant to section 106.23(2), Florida Statutes (2009).

You essentially ask the following two questions:

- (1) May separate corporations owned entirely by a private individual each contribute the maximum contribution limit to a candidate's campaign?
- (2) If separate corporations use the same management company to handle their corporate financial transactions, may the management company issue checks for each corporation's contribution to the campaign?

The short answer is that each corporation may contribute the maximum contribution amount to a candidate's campaign; however, the management company may not write a single check or separate checks from the management company's checking account to make the corporations' contributions to the campaign.

Section 106.08(1)(a), Florida Statutes (2009), in part, states that except for political parties, no "person" may make a contribution to a candidate in excess of \$500 in any election. "Person" is defined as "an individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combinations of individuals having collective capacity." § 106.011(8), Fla. Stat. (2009). A corporation is a

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“person” under chapter 106, Florida Statutes, and the law recognizes it as a legal entity separate from the individual who owns the corporation. So, both the corporation and the individual owner can each contribute the maximum contribution allowable to a candidate. For example, if the same individual owns four corporations, each corporation may contribute \$500 per candidate per election from its corporate checking account; plus, the individual owner could also make a \$500 contribution to the candidate from his or her personal checking account.

Section 106.08(5)(a), Florida Statutes (2009), states: “A person may not make any contribution through or in the name of another, directly or indirectly, in any election.” Therefore, if a management company handles the financial transactions for one or more corporations, any contribution from the management company’s checking account on behalf of the corporation would be contrary to section 106.08(5)(a). Pursuant to section 106.08(5)(a), the contributions from each corporation must come from the corporation’s own checking account.

SUMMARY

A corporation and the individual owner of the corporation may each contribute the maximum allowable contribution to a candidate from their respective checking accounts.

A contribution may not be made through or in the name of another. Therefore, any contribution from a corporation must come from the corporation’s own checking account and not from a management company’s checking account which handles the financial transactions for the corporation.

Sincerely,

A handwritten signature in black ink, appearing to read 'DLP', with a long horizontal line extending to the right.

Donald L. Palmer
Director, Division of Elections