

Forming a Committee

(Updated February 9, 2012)

Florida election law has provisions for several types of committees. Persons or organizations involved in political activity must first determine which type of committee they wish to register as.

The major types of committees are:

1. Political Committee; or
2. Committee of Continuous Existence; or
3. Electioneering Communications Organization

Political Committee

According to Florida Statute 106.011(1) a Political committee means:

1. A combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of \$500 during a single calendar year:
 - a. Accepts contributions for the purpose of making contributions to any candidate, political committee, committee of continuous existence, or political party;
 - b. Accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue;
 - c. Makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue; or
 - d. Makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, committee of continuous existence, or political party;
2. The sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors.

A political committee is **not** an organization whose activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications. However, the organization is required to register and report contributions, including those received from committees of continuous existence, and expenditures in the same manner, at the same time, subject to the same penalties, and with the same filing officer as a political committee supporting or opposing a candidate or issue contained in the electioneering communication. If the organization would be required to register and report with more than one filing officer, the organization shall register and report solely with the Division of Elections.

Political Committee Handbook

Committee of Continuous Existence

“Committee of continuous existence” means any group, other than a political party, political committee, or committee of continuous existence, whose election-related activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications and whose activities would not otherwise require the group to register as a political party, political committee, or committee of continuous existence under chapter 106, Florida Statutes (Section 106.011(19), F.S.)

In order to qualify as a committee of continuous existence, a group, organization, association, or other entity which is involved in making contributions to candidates, political committees, or political parties, shall meet the following criteria:

1. It shall be organized and operated in accordance with a written charter or set of bylaws which contains procedures for the election of officers and directors and which clearly defines membership in the organization; and
2. At least 25% of the income of such organization, excluding interest, must be derived from dues or assessments payable on a regular basis by its membership pursuant to provisions contained in the charter or bylaws.

A CCE may:

1. Contribute to candidates, political committees, other committees of continuous existence, electioneering communication organizations or political parties. No funds of a committee of continuous existence shall be expended on behalf of a candidate, except by means of a contribution made through the duly appointed treasurer of the candidate.
2. Contribute to political committees supporting or opposing issues, but only up to 25% of its aggregate income, as reflected in the annual report for the previous year.

A committee of continuous existence may not:

1. Make independent expenditures.
2. Make electioneering communications.
3. Support or oppose issued without first registering as a political committee.

Committee of Continuous Existence Handbook

Electioneering Communications Organization

An electioneering communications organization is any group, other than a political party, political committee, or committee of continuous existence, whose election-related activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications and whose activities would not otherwise require the group to register as a political party, political committee, or committee of continuous existence under chapter 106, Florida Statutes.

Electioneering Communication is defined as any communication publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone that;

1. Refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate;
2. Is made within 30 days before a primary or special primary election or 60 days before any other elections for the office sought by the candidate; and
3. Is targeted to the relevant electorate in the geographical area the candidate would represent if elected.

Electioneering Communications Organization Handbook

And Electioneering Communications Organization

Political Committee (PC)	Committee of Continuous Existence (CCE)	Electioneering Communication Organization (ECO)
<p>support or oppose any candidate, issue*, E, ECO, or political party.</p> <p>make independent expenditures.</p> <p>make electioneering communications.</p> <p>Proposer of a constitutional initiative must be a PC. (100.371, F.S.)</p>	<p>To make contributions to candidates, committees, or political parties. (106.04, F.S.)</p> <p>May contribute to PCs supporting or opposing an issue if such contributions do not exceed 25% of its annual income as reported for the previous year. (106.04(5), F.S.)</p> <p>May contribute to an ECO. (DE 06-09)</p> <p>May not make independent expenditures. (DE 04-09)</p> <p>May not make electioneering communications. (106.04(5), F.S.)</p>	<p>Election-related activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications and such activities would not otherwise require the organization to register as a political party, political committee, or committee of continuous existence. (106.011(19), F.S.)</p> <p>May not "expressly advocate" the election or defeat of a candidate, but the communication must be susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate. (106.011(18), F.S.)</p>
	<p>Must be organized and operated in accordance with a written charter or bylaws that contain procedures for the election of officers and defines membership in the organization. (106.04(1)(a), F.S.)</p> <p>At least 25% of the income, excluding interest, of the organization must come from dues of members. (106.04(1)(b), F.S.)</p>	<p>None.</p>
<p>Statement of Organization (106.03, F.S.) when PC receives contributions or makes expenditures in excess of \$500 in a calendar year or seeks signatures of voters in support of initiative.</p> <p>Appointment of Campaign Treasurer and Designation of Campaign Depository (106.11(1)(d)3., F.S.)</p> <p>Registered Agent Statement of Appointment (106.022, F.S.)</p>	<p>Application for Certification</p> <p>Charter or Bylaws</p> <p>Dues or assessment schedule</p> <p>Financial statement for preceding 12 months</p> <p>Registered Agent Statement of Appointment (106.04(2), F.S.)</p>	<p>Statement of Organization (106.03, F.S.) when ECO receives contributions or makes expenditures in excess of \$5,000 in a calendar year.</p> <p>Appointment of Campaign Treasurer and Designation of Campaign Depository (106.11(1)(d)3., F.S.)</p> <p>Registered Agent Statement of Appointment (106.022, F.S.)</p> <p>Periodic Reports since last general election (106.0703(8), F.S.)</p>

Political Committee (PC)	Committee of Continuous Existence (CCE)	Electioneering Communication Organization (ECO)
must be deposited in a campaign account designated “((Name of Committee) Campaign Account).” 1(1)(b), F.S.)	May use the organization’s checking account.	May use the organization’s checking account.
Supporting or opposing issues only - no limit Supporting or opposing one or more candidates - \$500 per election Supporting or opposing both candidates issues - \$500 per election (106.08, F.S.)	As long as the requirements under “Special Organizational Criteria” are maintained there is no limit.	No monetary limit
a candidate - \$500 per election. Expenditures in support of or opposition to candidates – no limit. a political party – no limit.	CCE to a candidate or PC supporting candidates - \$500 per election. (106.08, F.S.) CCE to an ECO or a political party – no limit. CCE to a PC supporting issues – not to exceed 25% of its annual income as reported on the annual report filed from the previous year. (106.04(5), F.S.)	Limited to electioneering communications (106.011(19), F.S.) May not make contributions to candidates (106.011(19), F.S.)
may be used only for PC activity and for the purpose of influencing the outcome of an election.	A CCE must register as a PC in order to directly support or oppose issues. (106.04(5), F.S.) May not make independent expenditures (DE 04-09) May not make electioneering communications. (106.04(5), F.S.)	Funds may only be used to make electioneering communications. (106.011(19), F.S.) May not use credit cards. (106.0703(9), F.S.) May not make independent expenditures.
Calendar of Reporting Dates on the Division’s web site.	See Calendar of Reporting Dates on the Division’s web site. Annual report filed in January of each year.	See Calendar of Reporting Dates on the Division’s web site. See also section 106.0703 for additional reporting requirements

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of Elections – if supports or opposes statewide, legislative, or county candidates or issues. of Elections – if supports or opposes candidates or issues in a countywide or less than a countywide election, except municipal. Municipal Clerk – if supports or opposes municipal candidates or issues. Political committee which would be required to file a statement of organization in two or more locations by reason of the committee's intention to support or oppose candidates or issues at state or multicounty and local levels of government need file only with the Division of Elections. (106.03(3), F.S.)	Division of Elections (106.04(4), F.S.)	Division of Elections – if supports or opposes statewide, legislative, or multicounty candidates. Supervisor of Elections – if supports or opposes candidates in a countywide or less than a countywide election, except municipal. Municipal Clerk – if supports or opposes only municipal candidates. Any electioneering communications organization that would be required to file a statement of organization in two or more locations by reason of the organization's intention to support or oppose candidates at state or multicounty and local levels of government need only file a statement of organization with the Division of Elections. (106.03(1)(b)2., F.S.)