

## FLORIDA CAMPAIGN CONTRIBUTION GUIDELINES FOR PRIVATE EMPLOYERS



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**The race is on.** The recent end of the Florida legislative session marked the end of the moratorium on fundraising by sitting legislators. The dash for cash will intensify as candidates sprint toward the August 30 primary election and head for the general election in November. All state House and Senate seats are open as a result of redistricting putting donors will under increasing pressure to contribute.

**Do we still have rules governing contributions?** Yes. Since *Citizens United*, there is a mistaken but widespread belief that rules governing contributions to political campaigns are now gone. Not so. Florida's campaign finance laws, discussed below, continue to govern elections to state offices. Federal law, which governs contributions to candidates for federal office, is different and will be discussed in a separate bulletin.

**Who can make a contribution?** A "person" under the election code (as Mitt Romney can tell you) includes individuals, corporations, partnerships, business associations, clubs, estates, trusts, or other combinations of individuals having collective capacity; the term also includes political parties and political committees.

**I employ foreign nationals, can they contribute?** A foreign national cannot contribute to any federal, state or local candidate unless they possess a green card.

**What is a contribution?** A contribution, generally, is anything of value, including gifts, loans, or payments of money made for the purpose of influencing the results of an election or making an electioneering communication (basically, a campaign ad made through broadcast or print media, telephone or direct mail). Contributions do not include personal services, such as legal or accounting services, that are provided without compensation by individuals volunteering their time.

**Can I host a campaign event in my company's offices or fly a candidate on my company jet?** Yes; these are examples of in kind contributions. An in kind contribution does not involve the payment of money to a campaign but has an attributable monetary value and is made for purposes of influencing the results of an election. In kind contributions are subject to the same limits as monetary contributions. They must be valued and reported by the campaign.

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**Are there limits on contributions?** Yes; all contributions to candidates (except those made by a candidate to his or her own campaign) are subject to specified limits per election. Primary and general elections are considered separate elections for purposes of making contributions so long as the candidate is opposed; thus one can make the maximum contribution to a candidate in the primary election and again in the general election. Campaign contributions for state legislative office, multicounty office, and retention as a judge for the district court of appeal are currently limited to \$1,000 for each election. Contributions to candidates for statewide office or retention as a justice of the Supreme Court are limited to \$3,000 per election. These limits do not apply to contributions made by political parties to candidates.

**How about contributions to political parties?** Contributions to political parties or political committees are not limited. However, a political party cannot accept a contribution that has been specifically designated for the use of a particular candidate.

**How can contributions be made?** Contributions can be made by check, credit card, debit card or cash; however, a candidate may not accept more than \$50 in the aggregate in contributions made by cash or cashier's check from the same contributor.

**Can I give anonymously?** No. Anonymous contributions cannot be spent by a candidate and should be donated to a 501(c)(3) charitable organization at the end of the campaign.

**Can my company reimburse me or an employee for making a contribution?** NO! That would be an illegal indirect contribution. A contribution cannot be one made through or in the name of another person.

**What happens if there is a violation of Florida campaign contribution law?** A knowing and willful violation of the contribution limits or the prohibition against indirect contributions is punishable as a first degree misdemeanor. Any corporation, partnership or other business entity convicted of violating either of these provisions faces a mandatory fine of at least \$1,000 and no more than \$10,000. Making two or more contributions that violate either of these provisions is a third degree felony, and any corporation, partnership or other business entity convicted of same faces a mandatory fine of at least \$10,000 and no more than \$50,000.