



Florida Elections Commission

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August 26, 2024

Robert Burns
3146 Verdi Cir
Palm Bay, FL 32905

RE: Case No.: FEC 24-130; Respondent: Randy Fine

Dear Mr. Burns:

The Florida Elections Commission has received your complaint alleging violation of Florida's election laws.

Complainant alleged that Respondent failed to file a Statement of Solicitation (DS-DE 102) in compliance with Section 106.0701(1), F.S., relative to his involvement with Friends of Randy Fine, a political committee registered with the Division of Elections, during his 2024 campaign for State Senator, District 19. Respondent is the Chair of the political committee.

Section 106.0701(1), F.S., states:

The Governor, Lieutenant Governor, members of the Cabinet, state legislators, or candidates for such offices who directly or indirectly solicit, cause to be solicited, or accept any contribution **on behalf of an organization that is exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code**, which such individuals, in whole or in part, establish, maintain, or control, shall file a statement with the division within 5 days after commencing such activity on behalf of the organization. The statement shall contain the following information: (a) The name of the person acting on behalf of the organization. (b) The name and type of the organization. (c) A description of the relationship between the person and the organization. [emphasis added]

Section 106.0701, F.S., does not specifically apply to political committees. Rather, it applies to an "organization that is exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code." Registering as a political committee with the Division of Elections does make the political committee a tax-exempt organization registered with the IRS. Further, a search of the Internal Revenue Service's online database failed to yield any results indicating that Friends of Randy Fine is registered as a tax-exempt organization. Complainant did not provide evidence based on personal information or information other than hearsay with the complaint that Friends of Randy Fine is or was such a tax-exempt entity. *See* Section 106.25(2), F.S.

Complainant also alleged that Respondent was required to file a Statement of Solicitation, because Respondent "also uses the PAC for activities beyond his direct campaign. These activities include

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funding and receiving funding for other PACs and making community donations and other expenditures, which are not directly related to his election efforts. Since the PAC is being used for these broader purposes, [Respondent] is required to file the DS-DE 102 form....” However, Section 106.0701, F.S., includes no such requirement.

Complainant attached a list of reported expenditures made by Friends of Randy Fine from October 1, 2023, through March 29, 2024, and alleged that certain highlighted expenditures indicated that Respondent misused committee funds for personal legal expenses. However, Complainant did not provide evidence based on personal information or information other than hearsay to support his allegation, which appears to be based upon speculation. Specifically, Complainant stated, “**If the funds were reported as legitimate campaign expenses while being used for personal legal services, this may also violate reporting requirements** under Florida's campaign finance laws....” [emphasis added]

For these reasons, I find the complaint to be Legally Insufficient.

If you have additional information to correct the stated ground(s) of insufficiency, please submit it within 14 days of the date of this letter. If no additional information is received correcting the stated grounds of insufficiency, this case will be closed. Enclosed is the form for submitting additional information. Should you submit an additional statement containing facts, your statement must contain your notarized signature. Any additional facts submitted to the Commission must be based on either personal information or information other than hearsay.

If you have any questions concerning the complaint, please contact us at fec@myfloridalegal.com.

Sincerely,



Tim Vaccaro
Executive Director

TV/jd

Enclosure: Additional Complaint Information Form 2
cc: Richard E. Coates, Attorney for Respondent w/out Enclosure

FLORIDA ELECTIONS COMMISSION
107 West Gaines Street, Suite 224,
Tallahassee, FL 32399-1050

ADDITIONAL COMPLAINT INFORMATION

Case Number: FEC 24-130

Pursuant to Rule 2B-1.0025, Florida Administrative Code, if you have additional information to correct the ground(s) of legal insufficiency stated in the attached letter, please explain in a concise narrative statement. Attach the statement and any relevant documentation to this form:

STATE OF FLORIDA

COUNTY OF _____

I swear or affirm that the information in the attached statement is true and correct to the best of my knowledge.

Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this _____ day of _____, 20____.

Signature of Officer Authorized to Administer
Oaths or Notary Public

(Print, Type, or Stamp Commissioned Name of
Notary Public)

Personally Known _____ Or Produced Identification _____

Type of Identification Produced _____

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.