

**CHARITABLE CONTRIBUTIONS POLICY**

Department: Miscellaneous

Supersedes: 10/30/06

4/1/16: Pursuant to CFX Resolution 2014-263, this policy has been administratively revised to substitute the Central Florida Expressway Authority as the correct legal entity.

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

CHARITABLE CONTRIBUTIONS POLICY

7-1.00 Charitable Contributions Policy

WHEREAS, the Central Florida Expressway Authority (CFX) is an independent unit of special government created by the Florida Legislature; and

WHEREAS, CFX was created with limited, special statutory powers and purposes; and

WHEREAS, CFX acquires its revenue and funding from the operation of its toll roads and the issuance of revenue bonds; and

WHEREAS, when CFX issues and sells revenue bonds for the acquisition of roadway construction funds, it contracts with the bondholders to perform CFX's statutory purposes fully and to protect the financial interest of each bondholder; and

WHEREAS, the bondholder contracts prohibit CFX from using CFX funds for an improper purpose or which might jeopardize the bondholder's positions; and

WHEREAS, CFX is from time to time requested to contribute monies to various social, religious and political organizations soliciting funds for worthy charitable purposes; and

WHEREAS, the Florida Constitution, the Florida Courts and the Florida Attorney General have clearly enunciated the public policy with regard to expenditures by state agencies and state bodies for purposes other than the agency's limited public purposes; and

WHEREAS, CFX is subject to the state policy and laws regarding expenditures of funds for purposes not directly related to the agency's purposes; and

WHEREAS, CFX has recognized the importance of having its policy with regard to expenditures for activities unrelated to CFX's purposes clarified and set forth in writing;

THEREFORE, BE IT RESOLVED THAT, in connection with the consideration of whether to expend CFX funds for contributions to social, religious or political organizations, CFX's policy and criteria for evaluation shall be as set forth below:

7-1.001 CFX is an agency of the state, subject to the same restrictions on the expenditure of agency funds as any other Florida agency. The Florida Constitution, Section 10, Article VII prohibits the state, a county or any agency from using, giving or lending its credit to aid any private interest or individual. This provision is designed "to protect public funds and resources from being exploited in assisting or promoting private ventures when the public would be .... only incidentally benefitted." Fla. Op. Atty Gen'1 83-45

7-1.002 The Florida Attorney General has stated that “it is only when there is some clearly identified and concrete public purpose as the primary objective, and a reasonable expectation that such purpose will be substantially and effectively accomplished, that the state or its subdivision may disburse, ..... public funds or property to a nongovernmental entity.” Fla. Op Atty Gen’l 83-45. CFX adopts the Attorney General’s statements as one (1) of the evaluation criteria which will be used to decide whether to make a charitable contribution.

7-1.003 The Florida Attorney General has also opined that state agencies may not disburse funds for purposes not expressly granted by the statute creating the agency. In the Attorney General’s view, expenditure of public agency funds for purposes not expressly provided in the enabling legislation implies an agency power or purpose not specifically promulgated. Such powers and purposes may not be conferred by implication. Fla. Op. Atty Gen’l 90-99. Thus the Attorney General has limited the powers and purposes for which an agency may rely when spending funds to those which were necessary to carry out the agency’s express statutory powers, and the agency may not rely upon any implied, substantive power not conferred on the agency in the legislative creation.

7-1.004 In the expenditure of public funds there must be demonstrated a reasonably strong and adequate public interest and purpose.

7-1.005 CFX’s revenue bonds (issued and outstanding) prohibit CFX from using its funds for any improper purpose or from putting the bondholders’ interests at risk. Therefore, CFX will not expend any funds for an improper purpose, a purpose beyond the scope of CFX’s statutory powers or for a purpose or use which would violate the covenants with the bondholders.

**Pursuant to CFX Resolution 2014-263 as adopted on July 10, 2014, this policy has been administratively revised to substitute the Central Florida Expressway Authority as the correct legal entity.**