



# FACT

FOUNDATION FOR  
ACCOUNTABILITY  
AND CIVIC TRUST

June 21, 2023

Ms. Lisa J. Stevenson  
Acting General Counsel  
Office of the General Counsel  
Federal Election Commission  
1050 First Street, NE  
Washington, D.C. 20463

**MUR 8144**

Email: [EnfComplaint@fec.gov](mailto:EnfComplaint@fec.gov)

## COMPLAINT BEFORE THE FEDERAL ELECTION COMMISSION

RE: U.S. Senate Candidate Keith Gross, Keith Gross for Florida, and Advancing Florida

Dear Ms. Stevenson,

The Foundation for Accountability and Civic Trust (FACT) is a nonprofit organization dedicated to promoting accountability, ethics, and transparency in government and civic arenas. We achieve this mission by hanging a lantern over public officials who put their own interests over the interests of the public good. This complaint is submitted upon information and belief that Keith Gross, a federal Senate candidate, may have used non-federal funds from an entity named “Advancing Florida” for campaign purposes in violation of the Federal Election Campaign Act.<sup>1</sup> Additionally, Advancing Florida’s campaign activities indicate it should have registered as a political committee. We request the Federal Election Commission (FEC) investigate and, if needed, take appropriate enforcement actions.<sup>2</sup>

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<sup>1</sup> This complaint is submitted pursuant to 52 U.S.C. § 30109(a)(1) and is against Keith Gross, his campaign committee, Keith Gross for Florida (FEC Id: C00837567), and Advancing Florida.

<sup>2</sup> “If the Commission, upon receiving a complaint . . . has reason to believe that a person has committed, or is about to commit, a violation of [Act] . . . [t]he Commission shall make an investigation of such alleged violation.” 52 U.S.C. § 30109(a)(2); 11 C.F.R. § 111.4(a).

**Facts.** On January 23, 2023, Keith Gross incorporated Advancing Florida as a social welfare organization under Internal Revenue Code section 501(c)(4).<sup>3</sup> Less than three months later, on April 11, 2023, Gross announced he was running for U.S. Senate and created his campaign committee, Keith Gross for Florida.<sup>4</sup>

Although Advancing Florida is a corporation, numerous facts show that Gross has used Advancing Florida for his federal campaign, which is evident from: (1) Advancing Florida running ads that were literally promoting Gross both via its Facebook page and Gross' Facebook page; (2) the only written content posted on Advancing Florida's website is attacking Gross' primary opponent; (3) the identical content posted on both Gross' campaign and Advancing Florida's websites; and (4) when it was created, Gross' campaign Facebook page stating that Advancing Florida was responsible for the page. Furthermore, as it pertains to Advancing Florida, this campaign and political activity appears to be its "major purpose."

**(1) Advancing Florida Ads Promoting Gross on Both Advancing Florida's Facebook Page and Gross' Campaign Facebook Page.** Advancing Florida began running Facebook ads directly promoting Gross in February 2023. These ads primarily ran through Advancing Florida's Facebook page, but one also ran directly through Gross' campaign page.<sup>5</sup>

For the ad run to promote Gross' Facebook page and gain "likes" to his page, Advancing Florida spent \$1,000 to \$1,500. The ad stated: "Keith Gross is a conservative businessman and attorney from Panama City, Florida. He is the Executive Director of Advancing Florida, an organization founded to advocate for freedom the Florida way."<sup>6</sup> An image of the ad is below:

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<sup>3</sup> Florida Secretary of State, filed 1/23/23 available at <https://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2023%5C0131%5C70550667.tif&documentNumber=N23000000974>; Advancing Florida, available at <https://advancingfl.org/> (accessed June 13, 2023).

<sup>4</sup> Keith Gross for Florida, Statement of Organization, Federal Election Commission, filed April 11, 2023, available at: <https://docquery.fec.gov/pdf/268/202304119579741268/202304119579741268.pdf>.

<sup>5</sup> Meta (Facebook) Ad Library, *Advancing Florida*, available at: [https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=all&country=ALL&view\\_all\\_page\\_id=101823082813110&search\\_type=page&media\\_type=all](https://www.facebook.com/ads/library/?active_status=all&ad_type=all&country=ALL&view_all_page_id=101823082813110&search_type=page&media_type=all) (accessed June 12, 2023); Meta (Facebook) Ad Library, Keith Gross, available at: <https://www.facebook.com/ads/library/?id=1478633989210444> (accessed June 12, 2023).

<sup>6</sup> Meta (Facebook) Ad Library, Keith Gross, available at: <https://www.facebook.com/ads/library/?id=1478633989210444> (accessed June 12, 2023).



For the ads run via its own Facebook page, Advancing Florida spent between \$12,903 to \$16,192 to run 59 ads that promoted Gross using his name or image.<sup>7</sup> A few examples of statements from these ads include: “Keith Gross launched Advancing Florida to promote the Constitutional way of running and operating our federal government,” “Keith Gross is fighting to protect Social Security,” “Keith Gross and Advancing Florida believe in serving constituents by doing things the FLORIDA WAY,” “Keith Gross wants to cut the red tape,” and “Join Keith Gross in Standing up for parental rights.”<sup>8</sup> These five examples are shown below:

<sup>7</sup> Meta (Facebook) Ad Library, *Advancing Florida* (all ads), available at: [https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=all&country=ALL&view\\_all\\_page\\_id=101823082813110&search\\_type=page&media\\_type=all](https://www.facebook.com/ads/library/?active_status=all&ad_type=all&country=ALL&view_all_page_id=101823082813110&search_type=page&media_type=all) (accessed June 14, 2023); Meta (Facebook) Ad Library, *Advancing Florida* (showing 59 ads with word “Gross”), available at: [https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=all&country=ALL&view\\_all\\_page\\_id=101823082813110&search\\_type=page&media\\_type=all](https://www.facebook.com/ads/library/?active_status=all&ad_type=all&country=ALL&view_all_page_id=101823082813110&search_type=page&media_type=all) (accessed June 14, 2023).

<sup>8</sup> *Id.*



**Advancing Florida**

Sponsored • Paid for by **ADVANCING FLORIDA**

Keith Gross launched Advancing Florida to promote the Constitutional way of running and operating our federal government. We don't need more government in Florida, we need more Florida in government! [Learn More >>](#)



**Advancing Florida**

Sponsored • Paid for by **ADVANCING FLORIDA**

We must **PROTECT SOCIAL SECURITY** 🦏 America's seniors paid for these benefits and the government should uphold its promises. Keith Gross is fighting to protect Social Security and he wants to hear from you. You've been selected - respond now >>



[ACTION.ADVANCINGFL.ORG](http://ACTION.ADVANCINGFL.ORG)

Protect Socials Security

You've been selected - RESPOND NOW>>

[Learn more](#)





**Advancing Florida**

Sponsored • Paid for by **ADVANCING FLORIDA**

Many in Congress need to adjust their priorities! Instead of serving their constituents, they work to appease radical groups and woke corporations. But Keith Gross and Advancing Florida believe in serving constituents by doing things THE FLORIDA WAY! Are you with us?



**Advancing Florida**

Sponsored • Paid for by **ADVANCING FLORIDA**

Do you think the ATF should be abolished? We need to work to repeal regulations and guidance and limit government, not bolster government. If you want to help Keith Gross cut the red tape, click below to join the movement now!



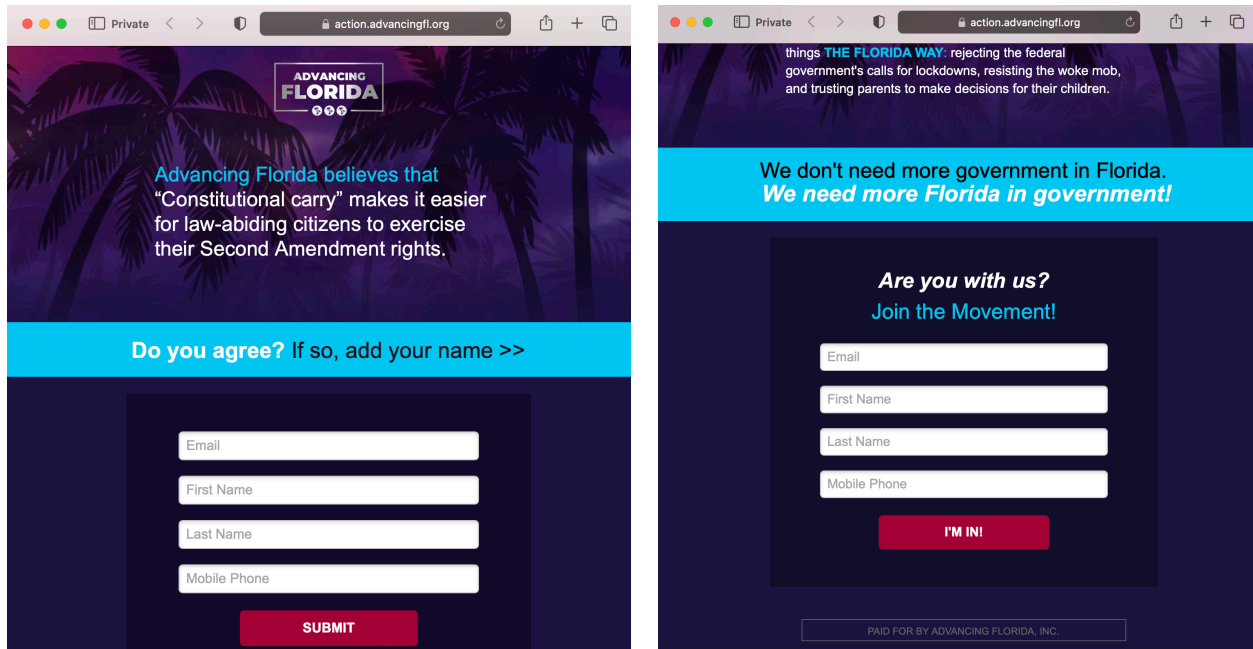
**Advancing Florida**

Sponsored • Paid for by **ADVANCING FLORIDA**

We need your feedback for our PARENTAL RIGHTS survey! Parents are the best advocates for their children, and Keith Gross is tired of the government's attempt to take over our homes and our most precious & vulnerable citizens. 🕒 RESPOND NOW 🕒



In addition to promoting Gross, these ads sought to collect data from the ads' viewers. Each of the ads contained an action phrase, i.e. "Are you with us? Learn more", "You Have Been Selected: Respond Now", "Join the Movement Now", and "Your Input is Vital."<sup>9</sup> When the viewer clicked on these links, they were directed to pages collecting the viewer's information, two examples are shown below:<sup>10</sup>



The five ads above are just a few examples of the 59 ads promoting Gross, all of which are incorporated by reference into this complaint and publicly available in Facebook's ad library. These 59 ads are 62% of all the ads run by Advancing Florida via its own Facebook page.

<sup>9</sup> *Id.*

<sup>10</sup> Advancing Florida, available at [https://action.advancingfl.org/fbacq\\_hoops/?utm\\_source=Facebook&utm\\_campaign=AdvancingFlorida\\_open-carry-yqu\\_20230403&utm\\_medium=Static\\_Graphic&utm\\_content=open-carry-yqu&utm\\_agency=PG](https://action.advancingfl.org/fbacq_hoops/?utm_source=Facebook&utm_campaign=AdvancingFlorida_open-carry-yqu_20230403&utm_medium=Static_Graphic&utm_content=open-carry-yqu&utm_agency=PG) (accessed June 13, 2023); Advancing Florida, available at [https://action.advancingfl.org/fbacq\\_fightforfreedom-81v\\_20230302\\_a/?utm\\_source=Facebook&utm\\_campaign=AdvancingFlorida\\_fight-for-freedom-im0\\_20230403&utm\\_medium=Static\\_Graphic&utm\\_content=fight-for-freedom-im0&utm\\_agency=PG&fbclid=IwAR0h6AM0iCLHR18EpbKrme2iDymSqDO1O44JSh117RM4EK-UMUqP13qZ0TI](https://action.advancingfl.org/fbacq_fightforfreedom-81v_20230302_a/?utm_source=Facebook&utm_campaign=AdvancingFlorida_fight-for-freedom-im0_20230403&utm_medium=Static_Graphic&utm_content=fight-for-freedom-im0&utm_agency=PG&fbclid=IwAR0h6AM0iCLHR18EpbKrme2iDymSqDO1O44JSh117RM4EK-UMUqP13qZ0TI) (accessed June 13, 2023).

***(2) The Only Written Content on Advancing Florida’s Website are Two Op-Eds Written by Gross Identifying and Attacking His Primary Opponent.*** As of June 15, 2023, the Advancing Florida website has a total of two pieces of content or news posted, both are op-ed pieces written by Gross that identify and attack his primary opponent.<sup>11</sup> The first is dated January 20, 2023 and is titled “FAA Problems Go Beyond Recent Outage and Delays,” and the article touts Gross’ experience in this area and states that Rick Scott, his primary opponent, has “do[ne] nothing to actually fix the problem.”<sup>12</sup> The second is dated Feb. 13, 2023 and is titled: “Rick Scott and Social Security,” and the entire article is about Gross’ primary opponent and concludes by arguing Scott should be “replac[ed].”<sup>13</sup>

Prior to June 15, 2023, the only other content the website had was a section promoting Gross, which as shown below explicitly states he launched Advancing Florida:<sup>14</sup>



Thus, the Advancing Florida website is primarily being used to promote Gross and attack his political opponent.

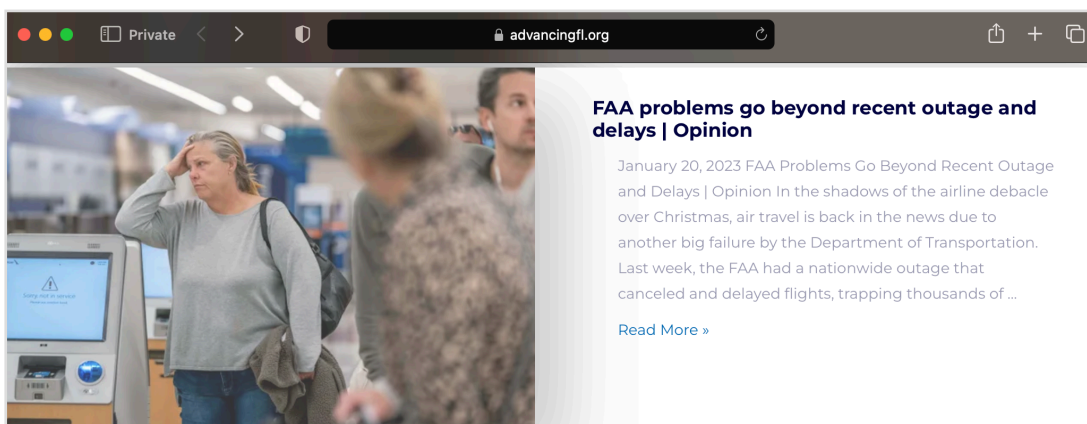
<sup>11</sup> Advancing Florida, <https://advancingfl.org/> (last accessed June 12, 2023).

<sup>12</sup> Advancing Florida, *FAA Problems Go Beyond Recent Outage and Delays*, <https://advancingfl.org/faa-problems-go-beyond-recent-outage-and-delays-opinion/> (attached as Exhibit A).

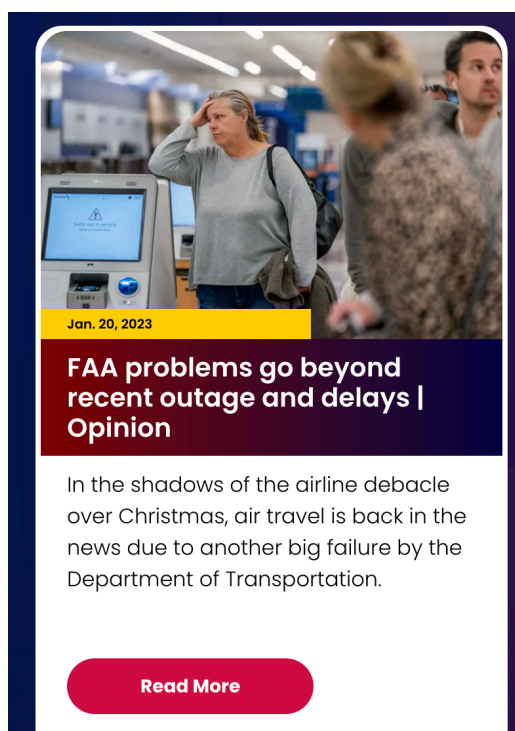
<sup>13</sup> Advancing Florida, *Rick Scott and Social Security*, <https://advancingfl.org/rick-scott-and-social-security-opinion/> (attached as Exhibit B).

<sup>14</sup> Web Archive, Advancing Florida Website Captured on April 12, 2023, available at: [https://web.archive.org/web/20230412224753/https://advancingfl.org/?utm\\_agency=PG](https://web.archive.org/web/20230412224753/https://advancingfl.org/?utm_agency=PG).

**(3) Identical Content on Both Gross’ Campaign and Advancing Florida’s Websites.** As noted in the paragraph directly above, Advancing Florida posted an opinion piece written by Gross entitled, “FAA Problems Go Beyond Recent Outage and Delays”, as seen in the image below:<sup>15</sup>



The same content with the same exact image is also posted on Gross’ campaign website, as seen in the image below:<sup>16</sup>



<sup>15</sup> Advancing Florida, <https://advancingfl.org/> (last accessed June 12, 2023).

<sup>16</sup> Keith Gross for Florida, [www.keithgross.com](http://www.keithgross.com), last accessed June 5, 2023.

The use of the identical content on Gross' campaign website demonstrates its true purpose as a campaign/political entity.

**(3) Advancing Florida Responsible for Campaign Facebook.** At the time Gross announced his campaign, Gross' campaign Facebook page initially stated Advancing Florida was responsible for the page, as can be seen below.<sup>17</sup>



The fact that the entity was “responsible” for Gross' campaign page shows the entire organization was being used for Gross' federal campaign.

<sup>17</sup> Keith Gross, Facebook, accessed on April 12, 2023. Jacob Ogles, *Is Keith Gross' U.S. Senate Campaign Illegally Coordinating with an Outside Group?*, Florida Politics, April 13, 2023, available at: <https://floridapolitics.com/archives/603069-is-keith-gross-senate-campaign-illegally-coordinating-with-an-outside-group/>. Sometime after April 12, 2023, Gross' Facebook page was changed to state that Keith Gross for Florida was responsible for this page. Keith Gross, Facebook, accessed on June 15, 2023.

**Law: Federal law prohibits federal candidates from soliciting, receiving, directing, transferring, or spending funds in connection with an election for federal office unless the funds are subject to the limitations, prohibitions, and reporting requirements of the Act.<sup>18</sup>**

Federal law requires that federal candidates only raise and spend “federal funds,” which are “funds that comply with the limitations, prohibitions, and reporting requirements of [federal law].”<sup>19</sup> Among these regulations, federal candidates are prohibited from soliciting or accepting contributions from an individual in excess of \$3,300, from non-multi-candidate-PACs in excess of \$3,300, from multi-candidate PACs in excess of \$5,000, and any contribution from any corporation or labor organization.<sup>20</sup>

Although a contribution is commonly thought of as a cash donation to a campaign, it includes much more than that. Contributions are broadly defined as “(i) any gift, subscription, loan, advance, or deposit of money or **anything of value** made by any person for the purpose of influencing any election for Federal office; or (ii) the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose.”<sup>21</sup>

The term “anything of value” includes “in-kind contribution.”<sup>22</sup> An in-kind contribution is a non-monetary contribution, examples include when a person or entity (1) gives goods or services for free or less than the usual charge or (2) makes an “expenditure” for goods or services

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<sup>18</sup> 52 U.S.C. §§ 30101, 30116, 30118.

<sup>19</sup> *Id.*; 11 C.F.R. 300.2(g) (defining “federal funds”) and (k) (defining “non-federal funds” as “funds that are not subject to the limitations and prohibitions of the act”).

<sup>20</sup> 52 U.S.C. §§ 30116, 30118. Federal candidates are also prohibited from accepting contributions from entities that accept contributions from corporations or labor organizations. 52 U.S.C. §§ 30101, 30118.

Conversely, federal law also prohibits individuals from making contributions in excess of the limit and corporations from making any contribution. *See, e.g.*, 52 U.S.C. § 30116(a)(7)(B).

<sup>21</sup> 52 U.S.C. § 30101(8)(A) (emphasis added); *see also* 11 C.F.R. §§ 100.52(a), 114.1(a)(1).

<sup>22</sup> 11 C.F.R. § 100.52(d)(1). “[T] provision of any goods or services without charge or at a charge that is less than the usual and normal charge for such goods and services is a contribution. Examples of such goods or services include, but are not limited to: Securities, facilities, equipment, supplies, personnel, advertising services, membership lists, and mailing lists.” 11 C.F.R. § 100.52(d)(1).



on behalf of a campaign.<sup>23</sup> Additionally, certain expenditures are also specifically identified as an in-kind contribution, including “expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents, shall be considered to be a contribution to such candidate.”<sup>24</sup> To determine whether a communication was made in cooperation with a candidate, a three-part test applies: (1) the communication is paid for by a third-party; (2) the communication satisfies a “content” standard of 11 C.F.R. § 109.21(c); and (3) the communication satisfies one of the “conduct” standards of 11 C.F.R. § 109.21(d).<sup>25</sup>

Finally, a candidate may not use another entity to violate the contribution regulations discussed above. Federal candidates are prohibited from soliciting, receiving, directing, transferring, or spending funds in connection with an election for federal office unless the funds are subject to the limitations, prohibitions, and reporting requirements of the Act.<sup>26</sup> Put simply, a candidate may not use an outside entity for campaign purposes.

**Gross campaigned using a corporate entity and thus, used non-federal funds for campaign activity.** The facts show that Gross created and controlled Advancing Florida; namely he was identified as the entity’s incorporator, Advancing Florida ran ads saying it was created by Gross, and Advancing Florida was initially linked to Gross’ campaign Facebook page. The timing of Gross creating Advancing Florida just months before he launched his campaign also indicates he created the entity for campaign purposes. Moreover, Gross actually did use Advancing Florida to campaign, which is shown by (1) Gross posting the same content on both Advancing Florida’s website and his campaign website; (2) Gross posting opinion pieces on

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<sup>23</sup> *Id.* An “expenditure” is “(i) any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office; and (ii) a written contract, promise, or agreement to make an expenditure.” 52 U.S.C. § 30101(9)(A).

<sup>24</sup> 52 U.S.C. § 30116(a)(7)(B)(i); 11 C.F.R. §§ 109.20, 109.21.

<sup>25</sup> 11 C.F.R. § 109.21.

<sup>26</sup> 52 U.S.C. § 30125; *see also* 52 U.S.C. §§ 30101, 30116 (limitations on contributions and expenditures), 30118 (prohibiting banks and corporations from making contributions to any federal campaign committee).

Advancing Florida’s website that identify his primary opponent and advocate against him; and (3) Advancing Florida running campaign-style ads for Gross. The ads promote Gross by name and use campaign messages, for example “Keith Gross is standing up for parental rights” or “Keith Gross wants to cut the red tape” and contain links for the ad reader to “respond now.” The content of the ads clearly have a campaign purpose—increase Gross’ name ID and collect contact information from possible supporters. These ads are not promoting an idea, they are promoting Gross who declared his candidacy immediately thereafter. It is crystal clear that Gross is using Advancing Florida to campaign and this is in violation of the multiple laws outlined above.

First, the campaign activity undertaken by Advancing Florida (i.e. advertising via its Facebook page and data collection) have value to Gross’ campaign and are an illegal in-kind contribution from a corporation. Additionally, Advancing Florida made an expenditure for ads on behalf of Gross’ campaign.<sup>27</sup> Second, Gross is only allowed to solicit, receive, direct, transfer, or spend “federal funds” in connection with an election for federal office. He is not allowed to use an entity not subject to federal campaign law to campaign. Advancing Florida is a corporation and does not comply with the contribution limitations and prohibitions (i.e. it can accept unlimited funds from individuals, organizations, and corporations) and reporting requirements (i.e. it does not have to disclose the source of its funds and how those funds were spent). Thus, Gross is prohibited from using Advancing Florida to campaign, which he has clearly done as outlined in the paragraph above.

It is irrelevant that the advertisements and data collection were done before Gross officially announced his candidacy. An individual that seeks election to a federal office qualifies as a candidate once they receive contributions or make expenditures totaling more than \$5,000.<sup>28</sup> Before becoming a candidate, an individual may “test the waters” and engage in activity to

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<sup>27</sup> In addition, the expenditure would also be an in-kind contribution because it is a “coordinated communication.” 11 C.F.R. 109.21. The ads were paid for by an entity other than Gross’ campaign committee, the ads are at a minimum the functional equivalent of express advocacy, and Gross is directly involved with Advancing Florida.

<sup>28</sup> 52 U.S.C. 30101(2); 11 C.F.R. 100.3.

determine whether a campaign is viable.<sup>29</sup> Even during the testing the waters phase, all funds raised or spent must comply with federal law's contribution limits and prohibitions.<sup>30</sup> Once an individual either decides to become a candidate or begins to campaign, they must register as a candidate with the FEC, designate a principal campaign committee, and file reports that include all activity that occurred during the testing the waters period.<sup>31</sup>

Gross created Advancing Florida less than three months before formally announcing his candidacy, and then used the entity to collect data and run campaign ads.<sup>32</sup> The amount spent on ads was more than the \$5,000 threshold. For example, through Advancing Florida, Gross spent more than \$6,000 on one ad alone that promoted him and sought to collect data on possible supporters.<sup>33</sup> The ad stated: "Keith Gross is fighting to protect Social Security and he wants to hear from you. You've been selected - respond now."<sup>34</sup> This ad is not "testing the waters" but is in fact campaigning. Moreover, it shows that Gross both decided to become a candidate and began campaigning—either one qualified him as a candidate that was required to register with the FEC before he did so and as early as January 2023. Gross should have filed as a candidate earlier than he did and been subject to the contribution laws and reporting requirements. However, even if he wasn't required to file as a candidate before April 11, the campaign activity that Gross engaged in through Advancing Florida at a minimum would qualify as testing the waters activities that are subject to the contribution laws and reporting requirements.

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<sup>29</sup> 11 C.R.F. 100.72.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> Media reports in January and April 2023 media reports stated Gross' purpose in creating Advancing Florida was for a Senate run, which is evident from the organization's activities. Jacob Ogles, *Is Keith Gross' U.S. Senate Campaign Illegally Coordinating with an Outside Group?*, Florida Politics, April 13, 2023, available at: <https://floridapolitics.com/archives/603069-is-keith-gross-senate-campaign-illegally-coordinating-with-an-outside-group/>; A.G. Gancarski, *Melbourne Lawyer Floats Primary Challenge to Rick Scott*, Florida Politics, Jan. 25, 2023, available at: <https://floridapolitics.com/archives/583783-lawyer-floats-primary-challenge-to-rick-scott/>.

<sup>33</sup> Facebook Ad Library, available at: [https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=political\\_and\\_issue\\_ads&country=US&id=1534608533681887&view\\_all\\_page\\_id=101823082813110&search\\_type=page&media\\_type=all](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&id=1534608533681887&view_all_page_id=101823082813110&search_type=page&media_type=all) (attached as Exhibit C).

<sup>34</sup> *Id.*

**Advancing Florida is a Political Committee.** The above facts additionally demonstrate that Advancing Florida should have registered as a political committee. Any committee, club, association, or group of persons is a political committee if it (1) receives contributions or makes expenditures totaling more than \$1,000 per year, and (2) is under the control of a candidate or has as its “major purpose” the nomination or election of a candidate.<sup>35</sup> In this case, Advancing Florida is controlled by a political candidate and is clearly being used for campaign purposes. The facts also demonstrate that its “major purpose” is the nomination of a candidate: as of today’s date 62% of the ads it ran via its own Facebook page identify a specific candidate, it ran an ad directly via the candidate’s Facebook page and was initially responsible for the candidate’s Facebook page, and 100% of the written content on its website advocates for that candidate and directly against his primary opponent. Also, according to media reports in January and April 2023, the actual purpose behind Gross creating Advancing Florida was for his Senate campaign.<sup>36</sup> It does not appear that Advancing Florida has engaged in any other activity than that detailed in this complaint. It is irrelevant that Advancing Florida claims it has a mission that is not campaign related and is registered with the IRS as a 501(c)(4) because its activity is inconsistent with this status.<sup>37</sup> As above, it does not matter that this activity occurred before Gross’ formal announcement of his candidacy because he was in control of the entity and knew before his announcement that he was going to run for U.S. Senate, and federal campaign law

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<sup>35</sup> 11 CFR § 100.5(a); *Buckley v. Valeo*, 424 U.S. 1, 79 (1976) (*per curiam*).

<sup>36</sup> Gross reportedly stated he was considering running and “presented [Advancing Florida] as an exploration of a Senate run.” Jacob Ogles, *Is Keith Gross’ U.S. Senate Campaign Illegally Coordinating with an Outside Group?*, Florida Politics, April 13, 2023, available at: <https://floridapolitics.com/archives/603069-is-keith-gross-senate-campaign-illegally-coordinating-with-an-outside-group/>; A.G. Gancarski, *Melbourne Lawyer Floats Primary Challenge to Rick Scott*, Florida Politics, Jan. 25, 2023, available at: <https://floridapolitics.com/archives/583783-lawyer-floats-primary-challenge-to-rick-scott/>.

<sup>37</sup> An entity that confers a “private benefit” cannot qualify for 501(c)(4) exempt status. When determining whether an entity confers a “private benefit”, the court applies an “operational test” examining the “actual purpose for the organization’s activities and not the nature of the activities or the organization’s statement of purpose.” *American Campaign Academy v. Commissioner of Internal Revenue*, 92 T.C. No. 66, 92 T.C. 1053, 1063-64 (1989). “In testing compliance with the operational test, we look beyond the four corners of the organization’s charter to discover ‘the actual objects motivating the organization and the subsequent conduct of the organization.’” *Id.*



applies during the pre-announcement phase of a campaign. Thus, Advancing Florida should have registered as a political committee.

Based on the facts above, it appears candidate Gross created a corporate entity immediately before announcing his candidacy and used that entity to run campaign ads and collect data from potential supporters. If so, this would violate federal law prohibiting in-kind contributions from corporations and federal law prohibiting candidates from using non-federal funds for campaigning. Therefore, we request the FEC investigate whether candidate Gross used non-federal funds for campaign activity and whether Advancing Florida should have registered as a political committee. Ultimately, if one or more campaign laws are found to have been broken, we request the FEC hold the respondents accountable.

Respectfully submitted,

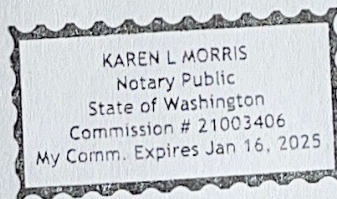
*Kendra Arnold*

Kendra Arnold  
Executive Director  
Foundation for Accountability & Civic Trust  
1717 K Street NW, Suite 900  
Washington, D.C. 20006

Subscribed and sworn to before me on June 20, 2023.

*Karen L Morris*

Notary Public



## CHIP IN \$27 TO ADVANCE FLORIDA

ADVANCING  
FLORIDA[/ Op-Ed / By Keith Gross](#)

January 20, 2023

# FAA Problems Go Beyond Recent Outage and Delays | Opinion

In the shadows of the airline debacle over Christmas, air travel is back in the news due to another big failure by the Department of Transportation. Last week, the FAA had a nationwide outage that canceled and delayed flights, trapping thousands of passengers. The FAA has been in need of serious reform for a long time and like many in the aviation sector I keep hoping for meaningful improvements to this important portion of the U.S. economy.


As a pilot, I have personally experienced FAA mismanagement. I've learned to always carry extra fuel because chances are the FAA will delay you, re-route you and/or give you lower altitudes than you were told to expect. Not only is this inefficient and unprofessional, but it also can be dangerous.

Pilots conduct extensive flight planning prior to takeoff and obtain a full route



clearance including the altitude they can expect to climb to for the cruise portion of each flight. Over the past year, on nearly every flight I led, I would receive pre-departure clearance that was substantially different from the clearance given later once in the air. In practical terms, I've been told to expect to climb to 39,000 feet within ten minutes of departure only to be told once I am at 30,000 that this will be my final altitude for the flight. Flying at this lower altitude burns significantly more fuel.

Perhaps the most common issue created by the FAA is rerouting. Often I have filed efficient and direct flight plans only to receive pre-departure rerouting that takes my flight well out of its way and into congested airspace. This typically means I am unable to rise to the altitude I was previously told I could. The FAA continuously routes flights over only a few points then claims that the airspace is too crowded, when really the crowding is a problem created by inefficiencies in FAA management.

 **As a pilot, I have personally experienced the FAA mismanagement.**

The other method of re-routing, which is an even larger safety problem, is extensive new route clearances provided during the climb phase where the cockpit workload is at one of the highest levels for the flight. Despite receiving a full-route clearance prior to departure, often while I'm climbing to cruising altitude I will be given extensive new routing that takes several minutes to enter. This is an avoidable in-cockpit distraction because there is no reason the routing should be changed after departure – that could have been accomplished prior to departure.

After the pilot selects points and a route for the flight, the flight plan is filed with the FAA which typically generates an automated inefficient route to expect. This route is generally assigned prior to departure. Each point along the route of flight is painstakingly checked and entered into the flight computers only to find out 5 minutes into the flight that all new points need to

be entered because the FAA didn't do its job prior to departure and needs to change the route.

I've planned flights over open areas only to be routed over congested areas then told that I'll have a delay because that sector is busy — there is no reason to stack planes on top of each other when we have plenty of space available for use. This is a growing concern and seemingly nothing has been done to actually improve it. People complain, but no one makes a difference.

I once had a business meeting out of state. When trying to travel home to Florida, I was told that there was a ground delay and to wait for 45 minutes. Idling an aircraft for that long burns too much fuel. After that delay, we were again delayed due to the FAA being understaffed that day and they couldn't keep up with the number of aircrafts, though my flight plan had been filed well in advance. That day, I ended up flying home at 17,500 feet so as to not have to rely on the FAA, which requires clearance for any aircraft climbing to above 18,000 feet.

So the FAA has not been functioning well for years, but people don't seem to want to talk about it until there is a tragedy or bad press. Once again, companies and organizations are not being held accountable to provide their service.

They can continue to fail while those in Washington, like Florida's Senator Rick Scott, will post statements and express outrage, but do nothing to actually fix the problem nor to demand answers. He did not use the power of his office to help identify the problems which have been going on for a long time, he did not use the power of his office over the past several years to enact solutions. Social media posts and ads are just talk. Talk is cheap. Action is desperately needed.

Many Americans depend on flights to get around the state and country, whether it be to visit family or to get to business meetings. Many Christmases were ruined this past holiday season due to these serious inefficiencies. We can not keep sitting by and allowing this to happen. As far as so-called

leadership, Secretary Buttigieg and President Biden go right along with Scott with their tweets and statements, but no action.

I call on the Biden Administration and the Department of Transportation, under the direction of Secretary Buttigieg to launch an industry wide review and to share those findings with the American people.

*Keith Gross is a an assistant state attorney and pilot who lives in Melbourne, Fl.*

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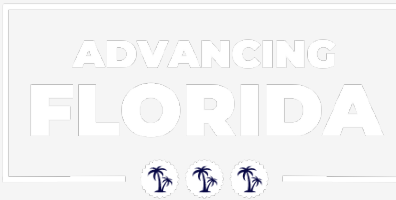
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## CHIP IN \$27 TO ADVANCE FLORIDA



/ Op-Ed / By Keith Gross

📅 February 15, 2023

# Rick Scott and Social Security | Opinion

Social Security was enacted to create a safety net for hard working Americans who pay into the Social Security system over their working years. Without Social Security, 37.8% of older adults nationwide would have incomes below the poverty level. Cutting Social Security would directly affect 21.6% of Floridians. Now that many of our aging Americans are approaching the age where they count on Social Security benefits, some in Washington have advocated for sunseting the program. We need to be doing more for our seniors, not less.

Most Floridians believe in protecting these benefits due to our large senior population, but not Senator Rick Scott. He's quick to take money from

Americans and this is just another instance where he cannot be trusted. While I am in favor of reforming many of the so called "entitlement programs," it is important to protect programs like Social Security because unlike the other programs, recipients have pre-paid for their benefits. This isn't a handout, it's a return on our investment. Social Security is a promise made to workers by our government and our nation must keep its promises. Rick Scott is untrustworthy and I'm not surprised that he is trying to sunset Social Security because this is exactly what you should expect from someone with his history.

Senator Rick Scott has demonstrated that if you put him in charge of something money will go missing and the program will not go well. He has an unfortunate and irrefutable pattern of being irresponsible with other people's money. One clear example was his fast and loose approach to the National Republican Senatorial Committee (NRSC). He inherited record-levels of cash and quickly squandered those funds. His "leadership" was so tragic, that the GOP called for an audit to see how he managed to lose the midterm red wave we deserved. Right before the midterms, he released a statement looking to sunset social security. Don't let his attempts to flip-flop mislead you: "sunset" means to cut the program by setting it for automatic expiration. This statement alone could have cost us several elections. Scott's plan to cancel social security has become the favorite talking point of President Biden and other leftists. Scott's irresponsible and out of touch suggestion that we end such a crucial program is a huge error that one could wonder if he intentionally handed the midterms to the Democrats. It is almost unthinkable that I could agree with Biden on anything, but we agree that Rick Scott's plan to cut social security is a terrible idea.

**” It is almost unthinkable that I could agree with Biden on anything, but we agree that Rick Scott's plan to cut social security is a terrible idea.**

Even the leadership of our party has reached their limit with Scott. Senator



McConnell made clear that Scott's personal ambitions and in-fighting cost him his role on key committees. How can he do Floridians any good when he is denied a seat at the table?

Republican leadership distanced themselves from Scott, clarifying that cutting social security is not a Republican plan, it is a Rick Scott plan. Our party leadership doesn't trust him, and with good reason. How can he do Floridians any good when he is denied a seat at the table. You know someone has screwed up when Biden and the Republican leadership all agree that he is incompetent.

Scott has become ineffective and has alienated the party. How will he accomplish anything for Floridians when he is out peacocking, jumping in front of every news camera he sees and shilling for his own ego? He continues pillaging his depleted war chest by buying national ads like he is running for president while trying to take social security benefits from the hardest working among us. He vacations on yachts while drafting plans to cancel retirement benefits for seniors. This is not how a responsible representative of the people behaves. He is always out "demanding answers" in press releases but when the cameras aren't on, he isn't working.

We deserve more than someone who only pretends to work, someone who says many of the right things but accomplishes nothing. My grandfather told me that actions speak louder than words. I see Rick Scott's actions, so do the leaders of our party, and I think everyone knows that Floridians deserve better. It is time we send a message to Washington that we will replace ineffective people. We don't tolerate poor performance and we have no place for Rick Scott's destructive policy ideas.

Now that he has been called out by the news, by the president and the GOP leadership, Scott is backtracking as quickly as possible. Initially, he doubled down on his reasoning for canceling Social Security, now he has turned 180 degrees and is pretending like he doesn't want to touch senior's retirement plans. Do you trust him? If you collect social security, donated to the NRSC, used an HCA network hospital, or live in Florida, you shouldn't.

*Keith Gross is a conservative businessman and attorney from Panama City, Florida. He is the Executive Director of Advancing Florida, an organization founded to advocate for freedom the Florida way.*

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**Exhibit C**


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Mar 3, 2023 - Mar 21, 2023

Platforms  

Categories 

 Estimated Audience Size: >1M 

 Amount spent (USD): \$6K - \$7K

 Impressions: 90K - 100K

ID: 1534608533681887

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