

As discussed, I have looked at the FL Statutes regarding whether there is a requirement in the Statutes that the Showdown Raffle materials, including the tickets, contain the following statement which is included in the current Showdown flyer and I believe is included in the draft of the Showdown Raffle Ticket:

A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL-FREE (800-435-7352) WITHIN THE STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE. CH15645

My conclusions below should not, and cannot, be considered to be a legal opinion as to the requirements of the FL Statutes discussed below. In order to be certain that my conclusions are a correct interpretation of the FL Statutes, and do not leave anything out, I would suggest that a Florida attorney with the proper expertise be consulted.

Short Answers

- 1) The statement is NOT directly required by the FL Statutes which provide the Club with an exception to the FL criminal statutes governing gambling, specifically the lottery prohibition. (See § 849.09 and § 849.0935.)
- 2) The statement, or a similar statement, is required on every solicitation, confirmation, receipt or reminder of a contribution to a charitable organization. (See § 496.411.) In addition, under changes made in 2014 to the FL Solicitation of Funds statutes, the statement must include the website for the Division of Consumer Services, which I believe is www.800helpfla.com.

Further, Title XXXIII, Chapter 496 of the FL Statutes [Regulation of Trade, Commerce, Investments, and Solicitations, Solicitation of Funds] appears to require the registration with the Florida Department of Agriculture and Consumer Services by any charitable organization which “intends to solicit contributions in or from [Florida].”

Discussion/Longer Answer

Exception to Lottery Restriction

Under § 849.09 of the FL Statutes, it is unlawful, in part, for any person to set up, promote, or conduct any lottery for money or conduct any lottery drawing for the distribution of a prize or prizes by lot or chance, or advertise any such lottery scheme or device in any newspaper or by circulars, posters, pamphlets, radio, or otherwise. It also is unlawful for a person to have in his or her possession any lottery ticket, or to aid or assist in the sale, disposal, or procurement of any lottery ticket. Depending on which provision of § 849.09 has been violated, the violation is either a felony of the third

degree or a misdemeanor of the first degree.

Section 849.0935 of the FL Statutes provides that §849.09 “does not prohibit an organization from conducting drawings by chance pursuant to the authority granted by this section, if the organization has complied with all applicable provisions of chapter 496 and this section.” An organization is defined to include an IRC Section 501(c)(4) organization “which has a current determination letter from the Internal Revenue Service and its bona file numbers and officers.”

Section 849.0935(3) requires that all brochures, advertisements, notices, tickets, or entry blanks used in connection with a drawing by chance conspicuously disclose:

- The rules governing the conduct and operation of the drawing.
- The full name of the organization and its principal place of business.
- The source of the funds used to award cash prizes.
- The date, hour, and place where the winner will be chosen and the prizes will be awarded.
- That no purchase or contribution is necessary. Suggesting a minimum donation or including a statement of a suggested minimum donation on any printed material used in connection with the drawing is not prohibited.

A violation of this section is a misdemeanor of the second degree.

The Showdown Raffle flyer appears to contain all of above disclosures.

I have not verified whether the Club has a current determination letter from the Internal Revenue Service as to its IRC Section 501(c)(4) status.

Registration and Statement on Charitable Solicitations

Under § 496.405 of the FL Statutes, a charitable organization which intends to solicit contributions in or from Florida by any means must, before engaging in such activities, file an initial registration statement, and a renewal statement annually thereafter, with the Florida Department of Agriculture and Consumer Services. An organization that is required to file such a registration statement may not, before approval of its statement, solicit contributions.

With some exceptions, Section 496.405(3) provides that each chapter, branch or affiliate of a parent organization that is required to register must file a separate registration statement and financial statement or report the required information to its parent organization, which shall then file a consolidated registration statement for the parent organization and its Florida chapters, branches, and affiliates.

Section 496.411 provides that a charitable organization soliciting in Florida must include all of the following disclosures at the point of solicitation:

- The name of the charitable organization and state of the principal place of business of the organization.
- A description of the purpose or purposes for which the solicitation is being made.
- Upon request, the name and either the address or telephone number of a representative to whom inquiries may be addressed.
- Upon request, the amount of the contribution which may be deducted as a charitable contribution under federal income tax laws.
- Upon request, the source from which a written financial statement may be obtained.

Also, every charitable organization that is required to register under § 496.405 must conspicuously display the following statement on every solicitation, confirmation, receipt, or reminder of a contribution.

A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
CONSUMER SERVICES BY CALLING TOLL-FREE WITHIN THE STATE.
REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR
RECOMMENDATION BY THE STATE.

The statement also must include a toll-free number (800-435-7352) and website(www.800helpfla.com) for the Division of Consumer Services.

Further, each charitable organization that is required to register under § 496.405 must conspicuously display the organization's registration number issued by the Florida Department of Agriculture and Consumer Services on every printed solicitation, written confirmation, receipt, or reminder of a contribution. (For example, the statement presently included in the Showdown flyer was lifted from the Weston Club's raffle materials and CH15645 is the Weston Club's registration number.)

A willful and knowing violation of the above is a felony of the third degree.