



**FLORIDA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES
COMMISSIONER ADAM H. PUTNAM**

November 17, 2014

Refer To: DTN2631448

ARCHBISHOP CURLEY-NOTRE DAME HIGH SCHOOL, INC.
4949 NE 2ND AVE
MIAMI, FL 33137-3199

Subject: RELIGIOUS EXCEPTION

Dear Sir or Madam:

You requested the Department provide a letter confirming your organization is excluded from Chapter 496, Florida Statutes, as a religious institution. The Department is not authorized to issue binding statements confirming whether an organization is excluded from the Solicitation of Funds Act.

Section 496.403, Florida Statutes, states:

Sections 496.401-496.424 do not apply to bona fide religious institutions, educational institutions, and state agencies or other government entities or persons or organizations who solicit or act as professional fundraising consultants solely on their behalf. Sections 496.401-496.424 do not apply to political contributions solicited in accordance with the election laws of this state.

Section 496.404(19), Florida Statutes, states:

(19) "Religious institution" means any church, ecclesiastical or denominational organization, or established physical place for worship in this state at which nonprofit religious services and activities are regularly conducted and carried on, and includes those bona fide religious groups which do not maintain specific places of worship. "Religious institution" also includes any separate group or corporation which forms an integral part of a religious institution which is exempt from federal income tax under the provisions of s. 501(c)(3) of the Internal Revenue Code, and which is not primarily supported by funds solicited outside its own membership or congregation.

The key to exclusion under Section 496.403, Florida Statutes, is whether your organization meets the definition of "bona fide religious institution" as described in detail in the Act. Exclusions from the Act are not granted by the Department but apply automatically to qualifying organizations. Whether your particular circumstances meet the requirements of the exclusion should be discussed with your attorney. The Department is not authorized to give informal, non-binding opinions on the applicability of Chapter 496, Florida Statutes.

I trust this provides some guidance in your situation. Please be aware this is neither a legal opinion nor an interpretation binding on the Department or any other authority.

Sincerely,

Mac Smith

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