



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

September 30, 2014

Refer To: DTN2620071

ST. THOMAS UNIVERSITY, INC.  
16401 NW 37TH AVE  
OPA LOCKA, FL 33054-6313

Subject: EDUCATIONAL EXCEPTION LETTER

Dear Sir or Madam:

You requested the Department provide a letter confirming your organization is excluded from Chapter 496, Florida Statutes, as an educational 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(8), Florida Statutes, states:

8) "Educational institutions" means those institutions and organizations described in s. 212.08(7)(cc)8.a. The term includes private nonprofit organizations, the purpose of which is to raise funds for schools teaching grades kindergarten through grade 12, colleges, and universities, including any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, any educational television or radio network or system established pursuant to s. 1001.25 or s. 1001.26, and any nonprofit television or radio station that is a part of such network or system and that holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term also includes a nonprofit educational cable consortium that holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, whose primary purpose is the delivery of educational and instructional cable television programming and whose members are composed exclusively of educational organizations that hold a valid consumer certificate of exemption and that are either an educational institution as defined in this subsection or qualified as a nonprofit organization pursuant to s. 501(c)(3) of the Internal Revenue Code.

The key to exclusion under Section 496.403, Florida Statutes, is whether your organization meets the definition of "educational institution" as described in detail both in the Act itself and in Section 212.08(7)(cc)8.a., Florida Statutes. 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,

**Don Dietrich**

Don Dietrich  
Regulatory Consultant  
850-410-3756  
Fax: 850-410-3804  
E-mail: don.dietrich@freshfromflorida.com