

PR Professionals May Need to Register With the State

By Susan Bennett, APR, CPRC, Registration No. FC-1113

Public relations professionals who contract to assist not-for-profit organizations with their fund-raising efforts and/or events, may need to register with the State of Florida or may face serious fines.

Most not-for-profit organizations know that they need to register with the Florida Department of Agriculture and Consumer Services if they intend to raise money in Florida.

But many public relations professionals who work with not-for-profits may not realize that the law (Chapter 496) could apply to them as well.

This little-known law, called the “Solicitation of Contributions Act,” was enacted by the Florida Legislature in 1992 to regulate the increasing number of telephone solicitors in the state. But the wording of the law is broad enough to include many of us who aren’t phoning folks at dinner hours and are doing important work to help our not-for-profit clients.

Who Needs to Register?

If you are a public relations professional who contracts with not-for-profit organizations to assist them with their fund-raising efforts and/or events, you must register with the State of Florida under one of two categories:

1. ***Professional Fund-Raising Consultant*** – “means any person who is retained by a charitable organization or sponsor for a fixed fee or rate under a written agreement to plan, manage, conduct, carry on, advise, consult, or prepare material for a solicitation of contributions in this state, but does not solicit contributions . . . and who does not at any time have custody or control of contributions.”
2. ***Professional Solicitor*** – refers to someone who actually solicits donations on behalf of the non-profit, including sponsorships for events. This category also requires the solicitor to post a \$50,000 bond with the State of Florida.

The first category includes creating materials for fund-raising events, campaigns, and other fund-raising activities, but does not include soliciting donors. The second category means you are asking donors for contributions yourself.

There are some exceptions to the law, which are too numerous to mention here.

Employees of not-for-profit organizations and unpaid volunteers who help with fund-raising normally are among those who do not need to register.

What Else Should I Know?

Fund-raising materials of all types need to include the following wording in all capitals on “every printed solicitation, written 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 1-800-435-7352 WITHIN THE STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE.”

The disclaimer also needs to include the not-for-profit organization’s registration number issued by the state.

Failure to Register Is Serious

Penalties are steep for those who do not comply and, if found to be in violation, they may be faced with a \$1,000 fine per occurrence. The penalties apply to the not-for-profit organization as well as the fund-raising consultant or solicitor. Any business willingly and knowingly violating the law could be found guilty of a second or third degree felony.

Currently, there are 284 fund-raising consultants and 111 professional solicitors registered with the State of Florida, according to Tammi Taylor, Regulatory Program Administrator with the Division of Consumer Services.

State officials know that there are many more professional fund-raising consultants and professional solicitors than this, and are continuously on the lookout for unregistered parties.

If the Department of Agriculture and Consumer Services is made aware of possible unregistered consultants and solicitors, an inquiry will be made, Taylor said. “If you know about the law and don’t comply, then you may have problems. The best thing to do is register with the department.”

How Do I Register?

Registration is a very simple process. It requires completing a form that can be found at <http://www.800helpfla.com/socbus.html> and filing a \$300 annual fee. Once a professional fund-raising consultant is registered, you will need to file a copy of any contract or agreement that you have with a charitable organization at least five days before any services begin. Professional solicitors must file any contract or agreement at least 15 days prior to the beginning of a campaign.

Every public relations professional should be familiar with Chapter 496, which can be read at <http://www.800helpfla.com/socbus.html>.

If you have questions, call the Consumer Service Center at 800-435-7352 and they will be happy to help you.

I’ve been a registered professional fund-raising consultant since 1992, and would much rather comply with the law than run the risk of being found in violation. It helps our charities and protects the public from unscrupulous fund-raising practices. And that benefits all of us.



About The Author

Susan Bennett, APR, CPRC, is the owner of Susan Bennett Marketing & Media, L.C., a full-service public relations and marketing firm founded in 1991. She is the 2008 winner of

the Dick Pope All Florida Golden Image Award for creating the best public relations program in Florida.

Susan, a former Gannett Co. executive and member of the launch team of USA TODAY, has

won more than 200 awards for promotional work on behalf of commercial, non-profit, and governmental clients throughout the United States, including a bronze award from the International Film and Television Festival of New York and 180 from FPRA. She also received special recognition from former Presidents Ronald Reagan and Jimmy Carter for her role in creating a national newspaper campaign credited with helping to free the American hostages held in Iran in 1980.

Susan has been honored as Southwest Florida's Public Relations Professional of the Year, is certified in government and foundation grant writing, and is a 25-year trustee and past chairman of the Southwest Florida Community Foundation.

Previous FPRA White Papers can be found in the members' section at www.fpra.org.

