

By Senator King

8-1414-00

1 A bill to be entitled
2 An act relating to duties of commercial
3 co-venturers; amending s. 496.414, F.S.;
4 requiring the Department of Agriculture and
5 Consumer Services to adopt rules requiring
6 disclosure, in advertising for a charitable or
7 sponsor sales promotion, of information
8 relating to the amount that will benefit the
9 charity or sponsor or the charitable or sponsor
10 purpose; providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 496.414, Florida Statutes, is
15 amended to read:

16 496.414 Duties of commercial co-venturers.--

17 (1) Prior to the commencement of any charitable or
18 sponsor sales promotion in this state conducted by a
19 commercial co-venturer on behalf of a charitable organization
20 or sponsor, the commercial co-venturer must obtain the written
21 consent of the charitable organization or sponsor whose name
22 will be used during the charitable or sponsor sales promotion.

23 (2) ~~if determined to be essential~~ To protect the
24 public from fraudulent or deceptive advertising, the
25 department shall ~~may~~, in accordance with chapter 120, adopt
26 rules requiring disclosure in advertising for a charitable or
27 sponsor sales promotion of information relating to the portion
28 or amount that will benefit the charitable organization or
29 sponsor or the charitable purpose or sponsor purpose.

30 (3) A final accounting for each charitable or sponsor
31 sales promotion must be prepared by the commercial co-venturer

1 following the completion of the sales promotion. The final
2 accounting must be provided to the charitable organization or
3 sponsor on whose behalf the sales promotion was conducted
4 within 10 days after a request by the charitable organization
5 or sponsor. The final accounting must be kept by the
6 commercial co-venturer for a period of 3 years, unless the
7 commercial co-venturer and the charitable organization or
8 sponsor mutually agree that the accounting should be kept by
9 the charitable organization or sponsor instead of the
10 commercial co-venturer. A copy of the final accounting must be
11 provided to the department no later than 10 working days after
12 the department requests it.

13 Section 2. This act shall take effect July 1, 2000.

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15 SENATE SUMMARY

16 Requires the Department of Agriculture and Consumer
17 Services to adopt rules requiring disclosure, in
18 advertising for a charitable or sponsor sales promotion,
19 of information relating to the amount that will benefit
20 the charity or sponsor or the charitable or sponsor
21 purpose.
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