



656744

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2010	.	
	.	
	.	
	.	

The Committee on Banking and Insurance (Fasano) recommended the following:

Senate Amendment (with title amendment)

Between lines 263 and 264
insert:

Section 8. Section 736.1211, Florida Statutes, is created
to read:

736.1211 Protections afforded to certain charitable trusts
and organizations.-

(1) A charitable organization, private foundation trust,
split interest trust, or a private foundation as defined in s.
509(a) of the Internal Revenue Code may not be required by a
state agency or a local government to disclose the race,



656744

13 religion, gender, national origin, socioeconomic status, age,
14 ethnicity, disability, marital status, sexual orientation, or
15 political party registration of its employees, officers,
16 directors, trustees, members, or owners, without the prior
17 written consent of the individual or individuals in question.

18 (2) A private foundation as defined in s. 509(a) of the
19 Internal Revenue Code, a private foundation trust, a split
20 interest trust, or a grant-making organization may not be
21 required by the state or any local government to disclose the
22 race, religion, gender, national origin, socioeconomic status,
23 age, ethnicity, disability, marital status, sexual orientation,
24 or political party registration of any person, or of the
25 employees, officers, directors, trustees, members, or owners of
26 any entity that has received monetary or in-kind contributions
27 from or contracted with the organization, trust, or foundation,
28 without the prior written consent of the individual or
29 individuals in question. For purposes of this subsection, a
30 "grant-making organization" is an organization that makes grants
31 to charitable organizations but is not a private foundation,
32 private foundation trust, or split interest trust.

33 (3) A state agency or a local government may not require
34 that the governing board or officers of a charitable
35 organization, private foundation trust, split interest trust, or
36 a private foundation as defined in s. 509(a) of the Internal
37 Revenue Code include an individual or individuals of any
38 particular race, religion, gender, national origin,
39 socioeconomic status, age, ethnicity, disability, marital
40 status, sexual orientation, or political party registration.
41 Further, a state agency or a local government may not prohibit



656744

42 service as a board member or officer by an individual or
43 individuals based upon their familial relationship to each other
44 or to a donor or require that the governing board or officers
45 include one or more individuals who do not share a familial
46 relationship with each other or with a donor.

47 (4) A charitable organization, private foundation trust,
48 split interest trust, or any private foundation as defined in s.
49 509(a) of the Internal Revenue Code may not be required by a
50 state agency or a local government to distribute its funds to or
51 contract with any person or entity based upon the race,
52 religion, gender, national origin, socioeconomic status, age,
53 ethnicity, disability, marital status, sexual orientation, or
54 political party registration of the person or of the employees,
55 officers, directors, trustees, members, or owners of the entity,
56 or based upon the populations, locales, or communities served by
57 the person or entity, except as a lawful condition on the
58 expenditure of particular funds imposed by the donor of such
59 funds.

60 Section 9. Section 8 of this act does not invalidate
61 contracts in effect before the effective date of this act.

62
63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65 Delete line 39

66 and insert:

67 assets; creating s. 736.1211, F.S.; prohibiting state
68 agencies and local governments from requiring the
69 disclosure of certain characteristics of persons
70 associated with certain charitable organizations,



656744

71 trusts, and foundations; prohibiting state agencies
72 and local governments from requiring certain private
73 foundations or trusts to disclose certain
74 characteristics of persons associated with an entity
75 receiving monetary or in-kind contributions from the
76 foundation or trust; prohibiting state agencies and
77 local governments from requiring that individuals
78 having certain characteristics be included on the
79 governing board or as officers of certain charitable
80 organizations, trusts, or foundations; prohibiting
81 state agencies and local governments from prohibiting
82 a person from serving on the board or as an officer
83 based on the person's familial relationship to other
84 board members, officers, or a donor; prohibiting state
85 agencies and local governments from requiring that
86 certain charitable organizations, trusts, or
87 foundations distribute funds to or contract with
88 persons or entities having certain characteristics;
89 specifying the effect of the act on contracts in
90 existence before the effective date of the act;
91 providing an effective date.