

Floyd L. Wray Memorial Foundation, Inc.
dba Flamingo Gardens
Gift Acceptance and Administration Policies

DRAFT - June 14, 2012

GENERAL POLICY CONCERNING ACCEPTANCE OF GIFTS

It is the policy of Floyd L. Wray Memorial Foundation (hereinafter referred to as the "Foundation"), to offer donors the opportunity to make both unrestricted and designated or restricted gifts for the benefit of Flamingo Gardens Botanical Collection and Everglades Wildlife Sanctuary (hereinafter referred to as "Flamingo Gardens"). The Foundation is the designated fund-raising organization for Flamingo Gardens. It is the policy of the Foundation to provide acknowledgment of all gifts meeting Internal Revenue Service substantiation requirements.

The purpose of establishing these Gift Acceptance and Administration Policies are:

1. to provide parameters within which the Foundation staff and volunteers shall function in promoting gifts that that are acceptable to Flamingo Gardens.
2. to provide parameters within which the Foundation staff and volunteers shall discuss such gifts with interested donors.
3. to identify limitations for gifts offered to the Foundation and identify the risks associated with certain classes of gifts.

Exceptions and/or revisions may be made to these Gift Acceptance Policies by a majority of the members of the Board of Trustees upon the advice of the Fiscal Policy & Gift Acceptance Committee.

PRIORITY OF DONOR'S INTEREST AND CONFIDENTIALITY

No irrevocable gift, whether outright or life-income in character, will be accepted if, under any reasonable set of circumstances, the gift would jeopardize the donor's financial security. Agents or representatives of the Foundation must make full disclosure to the donor on all aspects of benefits and liabilities of which they are aware that may reasonably be expected to influence the decision of the donor to make gifts to the Foundation. Notwithstanding the foregoing, gifts of a nature that would be inconsistent with the goals and objectives of the Foundation are not to be accepted.

DONOR RECOGNITION

Unless a donor requests anonymity, gifts will be recognized according to the policies of the Foundation.

CONFLICT OF INTEREST DISCLOSURE

Each member of the Foundation's Board of Trustees must notify the President of the Board of Trustees of any conflict of interest between the Trustee and a contract or transaction under consideration by the Trustees. The interested Trustee shall make full disclosure of all information known to the Trustee concerning such transaction and the member shall *abstain* from any vote pertaining to such matters. Trustees and the Foundation staff also will disclose to donors any conflict of interest involving the donor's gift and/or its management.

DONOR'S PROFESSIONAL COUNSEL

Recognizing the array of professional expertise required to plan a charitable gift and avoiding even the appearance of a conflict of interest, the Foundation staff members will always encourage donors to seek their own professional counsel.

The Foundation may sometimes provide gift planning information that first addresses the needs of the donor and assists the donor's professional advisors. That information may include sample documents and financial projections for specific gift options. To protect the Foundation from potential claims that a gift was incompetently presented and/or solicited with undue influence, the donor will be encouraged, in writing, to finalize any documents and review all projections with his or her own advisors to ensure that the donor is receiving proper income tax, gift and/or estate planning advice. In all cases, the Foundation's representatives will seek the opportunity to emphasize that their client is the Foundation, and that they do not represent the donor. Furthermore, the Foundation's representatives will refrain from engaging in any activity which may be construed as the unauthorized practice of law, ie, preparation of trust documents, deeds of transfer, or other documents normally prepared by appropriate legal counsel unless specifically authorized to do so by a vote of the Foundation.

CASH GIFTS

- A. Any Foundation employee or Foundation Board of Trustees member is authorized to accept gifts of cash for the Foundation.
- B. All cash gifts should be forwarded immediately to the Foundation for timely deposit and/or safekeeping.
- C. The Foundation will provide Donor acknowledgment meeting Internal Revenue Service substantiation requirements.

GIFTS OF TANGIBLE PERSONAL PROPERTY

- A. Gifts of tangible personal property will be subject to advance approval by the Board of Trustees upon the recommendation of the Fiscal Policy & Gift Acceptance Committee.
- B. While exceptions may be considered, the Foundation requires that gifts such as art, furniture, computers, boats, automobiles, medical equipment, and other forms of tangible personal property, must satisfy each of the following before acceptance:
 - the item to be received can be used by the Foundation or Flamingo Gardens or one of its supported organizations or the Foundation can sell or otherwise dispose of the property in a timely and practical manner;
 - the item to be received is not encumbered by high transportation costs, storage costs, or unusual maintenance; and
 - the item to be received is not encumbered by debt.
- C. Prior to any gift of tangible personal property, the Foundation will advise all donors or prospective donors to seek proper legal guidance on possible related or unrelated uses of the property.
- D. Upon acceptance of a gift, the Foundation will provide a letter of acknowledgment and appreciation to the donor meeting Internal Revenue Service substantiation requirements. If the gift has a value in excess of \$5,000, the Foundation will require from the donor a qualified appraisal of the property from a qualified appraiser.
- E. In general, when a donor contributes property (other than publicly traded securities) for which a charitable deduction in excess of \$5,000 is claimed, in order to obtain the benefit of a charitable deduction, the Internal Revenue Service will require the donor to (1) complete IRS Form 8283, (2) obtain a "qualified appraisal" of the property from a qualified appraiser, (3) attach a fully completed appraisal summary to the tax return in which the deduction is first claimed, and (4) maintain records of certain information listed in Treas. Reg. 1.170A-13(b)(2)(ii). These obligations rest upon the donor and do not affect the Foundation's acceptance of the donated property. Upon presentation and acceptance of the gift, however, the Foundation will sign an acknowledgment for such gift contained in Form 8283, if requested to do so by the donor.

- F. Donors will be encouraged to furnish the Foundation with a current written independent appraisal of property to be given to the Foundation. Any gift received by the Foundation accompanied by a written independent appraisal acceptable to the Fiscal Policy & Gift Acceptance Committee of the Foundation shall be credited to the appropriate fund at the appraised value. In the absence of such an appraisal, the gift will be carried on the books of the Foundation in the manner deemed most appropriate by the Fiscal Policy & Gift Acceptance Committee of the Foundation.

- G. In general and with exceptions, the Foundation will not seek to receive tangible property gifts from estates or trusts in kind. The Foundation will seek the proper sale of tangible property by the appropriate fiduciary in order to receive cash proceeds from the estate or trust.

- H. The Foundation will not seek gifts of art that require display, and no commitment will be made to the donor to display the art. The decision whether or not to display the art will rest with the administration of the Foundation or Flamingo Gardens, as appropriate.

GIFTS OF SECURITIES

- A. Unless otherwise approved by the Fiscal Policy & Gift Acceptance Committee, gifts of securities that should not be accepted include: securities that could create a liability to the Foundation; securities that by their nature may not be assigned; and securities that, on investigation, have no apparent value.
- B. Gifts of bonds that require a holding period generally should be accepted and liquidated when the holding period has expired.
- C. Gifts of interests in closely-held entities (including, but not limited to, corporations, limited partnerships, limited liability companies and similar entities) may be accepted only with the approval of a majority of the Board of Trustees upon the advice of the Fiscal Policy & Gift Acceptance Committee of the Foundation and only when an investigation reveals no significant potential liability for the Foundation in receiving the gift.
- D. To determine the fair market value of the gift of stock for the Foundation's purposes, the Foundation will use the average of the high and the low value of the stock as listed on the applicable stock exchange in the *Wall Street Journal* or any other comparable reporting periodical for the appropriate date of receipt of the stock (as discussed above).
- E. Upon acceptance of a gift, the Foundation will provide a letter of acknowledgment and appreciation to the donor meeting Internal Revenue Service substantiation requirements.
- F. The Foundation will instruct its financial services provider to liquidate all security gifts immediately upon receipt of the gift in the Foundation's account. The financial services provider will hold the proceeds in cash or cash equivalents until further instructions from a duly authorized officer of the Foundation. Exceptions may be made by the Board of Trustees upon the advice of the Fiscal Policy & Gift Acceptance Committee and/or an Investment Committee. In no instance will the Foundation allow a donor to direct investments of a completed gift to the Foundation.

GIFTS OF REAL PROPERTY AND MINERAL INTERESTS

- A. All gifts of real property and mineral interests will be subject to advance approval by the majority of the Board of Trustees upon advice of the Fiscal Policy & Gift Acceptance Committee of the Foundation.
- B. The Foundation seeks to minimize and, when possible, avoid *environmental* liability arising from the ownership or control of real property by taking actions that are reasonably appropriate to determine the extent of any environmental contamination before accepting ownership or control of the real property.
- C. In most instances, the donor will have gifts of real property appraised by a qualified appraiser to establish a fair market value for the donor's purposes. Unless otherwise recommended by the Fiscal Policy & Gift Acceptance Committee and approved by a majority of the Board of Trustees of the Foundation, the Foundation will not pay for such an appraisal.
- D. In general, it is the policy of the Foundation not to accept contributions of property subject to any form of indebtedness or other liability in order to prevent the Foundation from becoming responsible for the payment thereof.
- E. In general, the Foundation will not accept a gift involving real property that makes the Foundation a principal in a real estate partnership, joint venture, or business activity in which the Foundation participates fully in the risks of the operation and has more than limited liability for the conduct of the business (e.g., as a general partner, principal in a joint venture or as an owner of a working interest).
- F. In general, the Foundation will not seek to receive real property gifts from estates or trusts in kind. The Foundation will seek to ensure the proper sale of real estate by the appropriate fiduciary in order to receive cash proceeds from the estate or trust.

ENVIRONMENTAL ASSESSMENT POLICIES

- A. The Fiscal Policy & Gift Acceptance Committee of the Foundation, with the advice and assistance of outside legal counsel, should evaluate and recommend the Board of Trustees accept real property only after thorough review of a completed Inspection Checklist and Environmental Questionnaire.

- B. If, after inspection of the real property, the staff member determines that the real property is contaminated by hazardous materials or other substances, or there is a substantial likelihood that the real property is contaminated by hazardous materials or other substances, the real property generally should not be accepted unless no reasonable possibility exists that any environmentally-related liability to the Foundation could arise out of, or from, the actual or potential contamination. Notwithstanding the foregoing, a gift of real property may be accepted even if a reasonable possibility exists that environmentally-related liability to the Foundation could arise out of, or from, any activity or condition on, in, under, or of the real property if the Board of Trustees upon the advice of the Fiscal Policy & Gift Acceptance Committee of the Foundation, with the advice and assistance of outside legal counsel and a certified environmental specialist, if necessary, determines that the exposure can clearly be contained and the cost of remediation is reasonable.

- C. In addition to environmental issues, any acceptance of real estate will be contingent upon thorough vetting of the property for outstanding liabilities, lack of marketability, indebtedness or tax liabilities, or other conditions that may result in liability for the Foundation.

TESTAMENTARY GIFTS (BEQUESTS)

- A. The Foundation employees, officers and Trustees do not prepare wills. Exceptions may be authorized only by the President/CEO of the Foundation and only to Board of Trustees Members who are authorized to practice law. In no event will a Foundation employee prepare a will, trust, or other document containing testamentary provisions. Appropriate staff will, upon request, provide suggested gift clauses to donor's attorney for inclusion in wills prepared by donor's attorney.
- B. Whenever possible, an authorized officer of the Foundation will review in advance any restrictions or conditions placed on a charitable bequest and confirm that the legal name of the Foundation is accurately stated.
- C. The Foundation may *not* serve as executor of estates, trustee or attorney-in-fact. Officers and Trustees of the Foundation may not serve as executors of estates, Board of Trustees or as attorneys-in-fact in their capacity as the Foundation officers and Trustees under ordinary circumstances. In some instances officers and Trustees may serve as such, but only with the permission of the Board of Trustees of the Foundation, and when all or substantially all of the estate passes to the Foundation or when the testator is a family member, domestic partner, or recognized close acquaintance of the acting Board of Trustees Member. The interested officer or Trustee shall abstain from any vote pertaining to these matters.
- D. As a general rule, the Foundation will not bear any cost associated with creating or amending a will or revocable trust. Exceptions to this rule can be made at the discretion of the Board of Trustees of the Foundation.
- E. Bequest expectancies will be classified as either documented, known, or possible as follows:
 - Documented -- the Foundation has a copy of the will or that portion of the will pertaining to the gift to the Foundation.
 - Known -- the donor has informed a representative of the Foundation that there is a bequest for the Foundation in their will.
 - Possible -- A third party informs a member of the Foundation that an individual has included the Foundation in his/her will.

GIFTS OF RETIREMENT PLANS AND IRA BENEFITS

- A. The Foundation may be named as a primary, secondary, partial, or contingent beneficiary of a retirement plan, IRA, or other type of retirement plan.
- B. The Foundation may consult with legal counsel, if necessary, in order to ensure that the beneficiary designation form for a retirement plan or IRA payable to the Foundation is properly worded to ensure completion of the gift.
- C. Upon the donor's death, the Foundation will instruct the plan or IRA trustee to make the distribution in cash rather than in-kind.

GIFTS OF REMAINDER INTERESTS IN CHARITABLE REMAINDER TRUSTS (CRT)

- A. In working with prospective charitable trust donors, care will be taken to assure that the person creating the trust fully understands that the trust is irrevocable and understands the nature of the payments that will be made to the trust beneficiaries. All prospective donors will be urged to seek advice of their own legal and/or tax counsel. The relevant Foundation development staff member will communicate clearly to the prospective donor that he or she represents the Foundation and not the donor in this transaction.
- B. No CRT will be solicited if under any reasonable set of circumstances the gift would jeopardize the donor's financial security. The Foundation development staff member will make every practical effort to meet personally with prospective charitable trust donors and will only proceed with solicitation of a CRT if satisfied the donor has received adequate counsel.
- C. The Foundation will not serve as Trustee of any CRT and will, instead, seek only to be a remainder interest in such trust. The Foundation will defer to the donor, donor's legal counsel or other outside professional advisor to properly draft, execute, fund, administer, comply and account for the trust during the income beneficiary interest(s). Nonetheless, the Foundation does not waive its right to review and challenge the annual accountings of the trust in which it has a vested interest. It is the Foundation's desire to ensure that the remainder interest has been adequately considered in any and all decisions regarding the administration and investment of the trust.

GIFTS OF INCOME INTEREST IN CHARITABLE LEAD TRUSTS (CLT)

- A. In working with prospective CLT donors, care will be taken to assure that the person creating the trust fully understands that the trust is irrevocable and understands the nature of the payments that will be made to the Foundation. All prospective donors will be urged to seek advice of their own legal and/or tax counsel. The relevant Foundation development staff member will communicate clearly to the prospective donor that he or she represents the Foundation and not the donor in this transaction.

- B. No CLT will be solicited if under any reasonable set of circumstances the gift would jeopardize the donor's financial security. The Foundation development staff member will make every practical effort to meet personally with prospective CLT donors and will only proceed with solicitation of a CLT if satisfied the donor has received adequate counsel.

- C. The Foundation will not serve as Trustee of any CLT and will, instead, seek only to be the lead income interest in such trust. The Foundation will defer to the donor, donor's legal counsel or other outside professional advisor to properly draft, execute, fund, administer, comply and account for the trust during the lead income interest(s). Nonetheless, the Foundation does not waive its right to review and challenge the annual accountings of the trust in which it has a vested interest. It is the Foundation's desire to ensure that the remainder interest has been adequately considered in any and all decisions regarding the administration and investment of the trust.

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GIFTS OF LIFE INSURANCE OR ANNUITIES

- A. The Foundation will accept life insurance gifts determined to be:
 - a gift of a paid-up insurance policy,
 - or a gift of a new or existing insurance policy, for which the donor intends to continue making payments so that the policy does not lapse.

- B. In either case, the donor must name the Foundation as both the owner and the beneficiary of the insurance policy.

- C. The Foundation will make payments on a policy if the donor makes annual gifts at least equivalent to the amount of the premium.

- D. The Foundation is under no obligation, but may continue to pay the premiums if the donor does not make the equivalent annual gift.

- E. The Foundation may be designated as beneficiary and accept the proceeds from an Annuity Contract. In the event a donor wishes to contribute an Annuity Contract during the lifetime of the annuitant, the Foundation will accept that gift only after it is satisfied that the donor has sought appropriate tax and legal advice.