

Amendment No.

CHAMBER ACTION

Senate

House

.

---

1 Representative Boyd offered the following:

2  
3 **Substitute Amendment for Amendment (247711)**

4 Remove lines 1235-1544 and insert:

5 license fee of \$50 to the department at the time the initial  
6 application is filed with the department and an annual renewal  
7 fee of \$50 thereafter. All fees collected, less the cost of  
8 administration, shall be deposited into the General Inspection  
9 Trust Fund.

10 (6) Any material change to the information submitted to  
11 the department in the initial application or renewal application  
12 for a solicitor license shall be reported to the department by  
13 the applicant or licensee within 10 days after the change  
14 occurs. The applicant or licensee shall also remit a fee in the

152761

Approved For Filing: 4/18/2014 4:48:33 PM

Amendment No.

15 amount of \$10 for processing the change to the initial or  
16 renewal application.

17 (7) It is a violation of this chapter:

18 (a) For an applicant to provide inaccurate or incomplete  
19 information to the department in the initial or renewal  
20 application for a solicitor license.

21 (b) For a person specified in subsection (1) to fail to  
22 maintain a solicitor license as required by this section.

23 (c) For a professional solicitor to allow, require,  
24 permit, or authorize an employee without an active solicitor  
25 license issued under this section to conduct telephonic  
26 solicitations.

27 (8) The department shall adopt rules that allow applicants  
28 to engage in solicitation activities on a temporary basis until  
29 such time as a solicitor license is granted or denied.

30 (9) The department may deny or revoke a solicitor license  
31 if the applicant or licensee has had the right to solicit  
32 contributions revoked in any state, has been ordered by a court  
33 or governmental agency to cease soliciting contributions within  
34 any state, or is subject to any disqualification specified in s.  
35 496.410(14).

36 (10) Any administrative proceeding that could result in  
37 entry of an order under this section shall be conducted in  
38 accordance with chapter 120.

39 Section 14. Subsections (2), (3), and (6) of section  
40 496.411, Florida Statutes, are amended to read:

152761

Approved For Filing: 4/18/2014 4:48:33 PM

Amendment No.

41 496.411 Disclosure requirements and duties of charitable  
42 organizations and sponsors.—

43 (2) A charitable organization or sponsor soliciting in  
44 this state must include all of the following disclosures at the  
45 point of solicitation:

46 (a) The name of the charitable organization or sponsor and  
47 state of the principal place of business of the charitable  
48 organization or sponsor.†

49 (b) A description of the purpose or purposes for which the  
50 solicitation is being made.†

51 (c) Upon request, the name and either the address or  
52 telephone number of a representative to whom inquiries may ~~could~~  
53 be addressed.†

54 (d) Upon request, the amount of the contribution which may  
55 be deducted as a charitable contribution under federal income  
56 tax laws.†

57 (e) Upon request, the source from which a written  
58 financial statement may be obtained. Such financial statement  
59 must be for the immediate preceding ~~past~~ fiscal year and must be  
60 consistent with the annual financial statement ~~report~~ filed  
61 under s. 496.407. The written financial statement must be  
62 provided within 14 days after the request and must state the  
63 purpose for which funds are raised, the total amount of all  
64 contributions raised, the total costs and expenses incurred in  
65 raising contributions, the total amount of contributions  
66 dedicated to the stated purpose or disbursed for the stated

152761

Approved For Filing: 4/18/2014 4:48:33 PM

Amendment No.

67 | purpose, and whether the services of another person or  
68 | organization have been contracted to conduct solicitation  
69 | activities.

70 | (3) Every charitable organization or sponsor ~~that~~ ~~which~~ is  
71 | required to register under s. 496.405 or is exempt under s.  
72 | 496.406(1)(d) shall ~~must~~ conspicuously display ~~in capital~~  
73 | ~~letters~~ the following statement on every ~~printed~~ solicitation,  
74 | ~~written~~ confirmation, receipt, or reminder of a contribution:  
75 |

76 | "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL  
77 | INFORMATION MAY BE OBTAINED FROM THE DIVISION OF  
78 | CONSUMER SERVICES BY CALLING TOLL-FREE WITHIN THE  
79 | STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT,  
80 | APPROVAL, OR RECOMMENDATION BY THE STATE."  
81 |

82 | The statement must include a toll-free number and website for  
83 | the division which ~~that~~ can be used to obtain the registration  
84 | information. If ~~When~~ the solicitation consists of more than one  
85 | piece, the statement must be displayed prominently in the  
86 | solicitation materials. If the solicitation occurs on a website,  
87 | the statement must be conspicuously displayed on any webpage  
88 | that identifies a mailing address where contributions are to be  
89 | sent, identifies a telephone number to call to process  
90 | contributions, or provides for online processing of  
91 | contributions.

152761

Approved For Filing: 4/18/2014 4:48:33 PM

Amendment No.

92 (6) Each charitable organization or sponsor that is  
93 required to register under s. 496.405 shall conspicuously  
94 display the organization ~~organization's~~ or sponsor's  
95 registration number issued by the department under this chapter  
96 on every printed solicitation, written confirmation, receipt, or  
97 reminder of a contribution. If the solicitation consists of more  
98 than a single item, the statement shall be displayed prominently  
99 in the solicitation materials.

100 Section 15. Subsection (1) of section 496.412, Florida  
101 Statutes, is amended to read:

102 496.412 Disclosure requirements and duties of professional  
103 solicitors.—

104 (1) A professional solicitor must comply with and be  
105 responsible for complying or causing compliance with the  
106 following disclosures:

107 (a) Before ~~Prior to~~ orally requesting a contribution, or  
108 contemporaneously with a written request for a contribution, a  
109 professional solicitor must clearly disclose:

110 1. The name of the professional solicitor as on file with  
111 the department.

112 2. If the individual acting on behalf of the professional  
113 solicitor identifies himself or herself by name, the  
114 individual's legal name.

115 3. The name and state of the principal place of business  
116 of the charitable organization or sponsor and a description of  
117 how the contributions raised by the solicitation will be used

152761

Approved For Filing: 4/18/2014 4:48:33 PM

Amendment No.

118 for a charitable or sponsor purpose~~;~~ or, if there is no  
119 charitable organization or sponsor, a description as to how the  
120 contributions raised by the solicitation will be used for a  
121 charitable or sponsor purpose.

122 (b) In the case of a solicitation campaign conducted  
123 orally, whether by telephone or otherwise, any written  
124 confirmation, receipt, or reminder sent to any person who has  
125 contributed or has pledged to contribute~~;~~ shall include a clear  
126 disclosure of the information required by paragraph (a).

127 (c) In addition to the information required by paragraph  
128 (a), any written confirmation, receipt, or reminder of  
129 contribution made pursuant to an oral solicitation and any  
130 ~~written~~ solicitation shall conspicuously state ~~in capital~~  
131 ~~letters~~:

132  
133 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL  
134 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF  
135 CONSUMER SERVICES BY CALLING TOLL-FREE WITHIN THE  
136 STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT,  
137 APPROVAL, OR RECOMMENDATION BY THE STATE."  
138

139 The statement must include a toll-free number and website for  
140 the division which ~~that~~ can be used to obtain the registration  
141 information. If ~~When~~ the solicitation consists of more than one  
142 piece, the statement must be displayed prominently in the  
143 solicitation materials. If the solicitation occurs on a website,

152761

Approved For Filing: 4/18/2014 4:48:33 PM

Amendment No.

144 the statement must be conspicuously displayed on any webpage  
145 that identifies a mailing address where contributions are to be  
146 sent, identifies a telephone number to call to process  
147 contributions, or provides for online processing of  
148 contributions.

149 (d) If requested by the person being solicited, the  
150 professional solicitor shall inform that person in writing,  
151 within 14 days after ~~of~~ the request, of the fixed percentage of  
152 the gross revenue or the reasonable estimate of the percentage  
153 of the gross revenue that the charitable organization or sponsor  
154 will receive as a benefit from the solicitation campaign or  
155 shall immediately notify the person being solicited that the  
156 information is available on the department's website or by  
157 calling the division's toll-free number.

158 (e) If requested by the person being solicited, the  
159 professional solicitor shall inform that person in writing,  
160 within 14 days after ~~of~~ the request, of the percentage of the  
161 contribution which may be deducted as a charitable contribution  
162 under federal income tax laws or shall immediately notify the  
163 person being solicited that the information is available on the  
164 department's website or by calling the division's toll-free  
165 number.

166 Section 16. Section 496.4121, Florida Statutes, is created  
167 to read:

168 496.4121 Collection receptacles used for donations.-

152761

Approved For Filing: 4/18/2014 4:48:33 PM

Amendment No.

169 (1) As used in this section, the term "collection  
170 receptacle" means a receptacle used to collect donated clothing,  
171 household items, or other goods for resale.

172 (2) A collection receptacle must display a permanent sign  
173 or label on each side which contains the following information  
174 printed in letters that are at least 3 inches in height and no  
175 less than one-half inch in width, in a color that contrasts with  
176 the color of the collection receptacle:

177 (a) For a collection receptacle used by a person required  
178 to register under this chapter, the name, business address,  
179 telephone number, and registration number of the charitable  
180 organization or sponsor for whom the solicitation is made.

181 (b) For a collection receptacle placed or maintained in  
182 public view by a person not required to register under this  
183 chapter or by a person not claiming an exemption pursuant to s.  
184 496.406, the name, telephone number, and physical address of the  
185 business conducting the solicitation and the statement: "This is  
186 not a charity. Donations made here support a for-profit business  
187 and are not tax deductible."

188 (3) Upon request, a charitable organization or sponsor  
189 using a collection receptacle must provide the donor with  
190 documentation of its tax-exempt status and the registration  
191 issued under this chapter.

192 Section 17. Subsection (2) of section 496.415, Florida  
193 Statutes, is amended, and subsection (18) is added to that  
194 section, to read:

152761

Approved For Filing: 4/18/2014 4:48:33 PM



Amendment No.

195 496.415 Prohibited acts.—It is unlawful for any person in  
196 connection with the planning, conduct, or execution of any  
197 solicitation or charitable or sponsor sales promotion to:

198 (2) ~~Knowingly~~ Submit false, misleading, or inaccurate  
199 information in a document that is filed with the department,  
200 provided to the public, or offered in response to a request or  
201 investigation by the department, the Department of Legal  
202 Affairs, or the state attorney.

203 (18) Fail to remit to a charitable organization or sponsor  
204 the disclosed guaranteed minimum percentage of gross receipts  
205 from contributions as required under s. 496.410(7)(c) or, if the  
206 solicitation involved the sale of goods, services, or tickets to  
207 a fundraising event, the percentage of the purchase price as  
208 agreed in the contract or agreement as required under this  
209 chapter.

210 Section 18. Subsection (5) of section 496.419, Florida  
211 Statutes, is amended to read:

212 496.419 Powers of the department.—

213 (5) Upon a finding as set forth in subsection (4), the  
214 department may enter an order doing one or more of the  
215 following:

216 (a) Issuing a notice of noncompliance pursuant to s.  
217 120.695;

218 (b) Issuing a cease and desist order that directs that the  
219 person cease and desist specified fundraising activities;

152761

Approved For Filing: 4/18/2014 4:48:33 PM

Amendment No.

220 (c) Refusing to register or canceling or suspending a  
221 registration;

222 (d) Placing the registrant on probation for a period of  
223 time, subject to such conditions as the department may specify;

224 (e) Canceling an exemption granted under s. 496.406; ~~and~~

225 (f) Except as provided in paragraph (g), imposing an  
226 administrative fine not to exceed \$5,000 ~~\$1,000~~ for each act or  
227 omission that ~~which~~ constitutes a violation of ss. 496.401-  
228 496.424 or s. 496.426 or a rule or order. With respect to a s.  
229 501(c)(3) organization, the penalty imposed pursuant to this  
230 subsection may ~~shall~~ not exceed \$500 per violation for failure  
231 to register under s. 496.405 or file for an exemption under s.  
232 496.406(2). The penalty shall be the entire amount per violation  
233 and is not ~~to be interpreted as~~ a daily penalty; and

234 (g) Imposing an administrative fine not to exceed \$10,000  
235 for a violation of this chapter that involves fraud or  
236 deception.

237 Section 19. Section 496.4191, Florida Statutes, is created  
238 to read:

239 496.4191 Additional penalty; immediate suspension.—Upon  
240 notification and subsequent written verification by a law  
241 enforcement agency, a court, a state attorney, or the Department  
242 of Law Enforcement, the department shall immediately suspend a  
243 registration or the processing of an application for a  
244 registration if the registrant, applicant, or an officer or  
245 director of the registrant or applicant is formally charged with

152761

Approved For Filing: 4/18/2014 4:48:33 PM

Amendment No.

246 a crime involving fraud, theft, larceny, embezzlement, or  
247 fraudulent conversion or misappropriation of property or a crime  
248 arising from the conduct of a solicitation for a charitable  
249 organization or sponsor until final disposition of the case or  
250 removal or resignation of that officer or director.

251 Section 20. Section 496.430, Florida Statutes, is created  
252 to read:

253 496.430 Disqualification for certain tax exemptions.—

254 (1) In addition to the penalties provided for in s.  
255 496.419(5), the department may issue an order to disqualify a  
256 charitable organization or sponsor from receiving any sales tax  
257 exemption certificate issued by the Department of Revenue if the  
258 department finds a violation of s. 496.419(4).

259 (2) A charitable organization or sponsor may appeal a  
260 disqualification order by requesting a hearing within 21 days  
261 after notification from the department that it has issued a  
262 disqualification order under this section. The hearing must be  
263 conducted in accordance with chapter 120.

264 (3) A disqualification order issued by the department  
265 pursuant to this section is effective for 1 year after such  
266 order becomes final. After the expiration of a final  
267 disqualification order, a charitable organization or sponsor may  
268 apply to the Department of Revenue for a sales tax exemption  
269 certificate.

270 (4) The department shall provide a disqualification order  
271 to the Department of Revenue within 30 days after such order

152761

Approved For Filing: 4/18/2014 4:48:33 PM

Amendment No.

272 becomes final. A final disqualification order is conclusive as  
273 to the charitable organization or sponsor's entitlement to a  
274 sales tax exemption. The Department of Revenue shall revoke a  
275 sales tax exemption certificate granted to, or refuse to grant a  
276 sales tax exemption certificate to, a charitable organization or  
277 sponsor subject to a final disqualification order within 30 days  
278 after receiving such disqualification order. A charitable  
279 organization or sponsor may not appeal or challenge the  
280 revocation or denial of a sales tax exemption certificate by the  
281 Department of Revenue if such revocation or denial is based upon  
282 a final disqualification order issued pursuant to this section.

283 Section 21. Paragraph (a) of subsection (3) of section  
284 741.0305, Florida Statutes, is amended to read:

285 741.0305 Marriage fee reduction for completion of  
286 premarital preparation course.—

287 (3)(a) All individuals electing to participate in a  
288 premarital preparation course shall choose from the following  
289 list of qualified instructors:

- 290 1. A psychologist licensed under chapter 490.
- 291 2. A clinical social worker licensed under chapter 491.
- 292 3. A marriage and family therapist licensed under chapter  
293 491.
- 294 4. A mental health counselor licensed under chapter 491.
- 295 5. An official representative of a religious institution  
296 which is recognized under s. 496.404(23) ~~496.404(19)~~, if the  
297 representative has relevant training.

152761

Approved For Filing: 4/18/2014 4:48:33 PM

Amendment No.

298           6. Any other provider designated by a judicial circuit,  
299 including, but not limited to, school counselors who are  
300 certified to offer such courses. Each judicial circuit may  
301 establish a roster of area course providers, including those who  
302 offer the course on a sliding fee scale or for free.

303           Section 22. If any provision of this act or its  
304 application to any person or circumstance is held invalid, the  
305 invalidity does not affect other provisions or applications of  
306 the act which can be given effect without the invalid provision  
307 or application, and to this end the provisions of this act are  
308 severable.

309           Section 23. For the 2014-2015 fiscal year, the sums of  
310 \$179,944 in recurring funds and \$235,584 in nonrecurring funds  
311 from the General Inspection Trust Fund are appropriated to the  
312 Department of Agriculture and Consumer Services, and 3 full-time  
313 equivalent positions with associated salary rate of 110,441 are  
314 authorized, for the purpose of implementing this act.

152761

Approved For Filing: 4/18/2014 4:48:33 PM