

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Regulatory Affairs  
 2 Committee

3 Representative Boyd offered the following:  
 4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Findings and declaration of necessity.—

8 The Legislature finds through this Act, Floridians are  
 9 generous, and their generosity provides charitable or nonprofit  
 10 organizations with the resources they need to have a positive  
 11 impact on the communities they serve.

12  
 13 The Legislature declares through this Act, it supports  
 14 charitable or nonprofit organizations' opportunity to raise  
 15 funds to carry out their charitable or nonprofit mission.  
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17 The Legislature declares through this Act, the definition  
18 of a religious institution shall apply to bona fide religious  
19 groups, respecting the diversity of activities conducted by  
20 religious groups.

21  
22 The Legislature finds in strengthening s. 496 through this  
23 Act, it will prevent the misuse of Floridians' charitable  
24 contributions by deterring fraudulent and deceptive  
25 organizations from soliciting contributions in Florida.

26  
27 Therefore, the Legislature finds that there is a compelling  
28 state interest in clarifying s. 496 through this Act to help  
29 Floridians make more informed decisions when choosing which  
30 organizations deserve their support.

31 Section 2. Paragraph (p) of subsection (7) of section  
32 212.08, Florida Statutes, is amended to read:

33 212.08 Sales, rental, use, consumption, distribution, and  
34 storage tax; specified exemptions.—The sale at retail, the  
35 rental, the use, the consumption, the distribution, and the  
36 storage to be used or consumed in this state of the following  
37 are hereby specifically exempt from the tax imposed by this  
38 chapter.

39 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
40 entity by this chapter do not inure to any transaction that is  
41 otherwise taxable under this chapter when payment is made by a  
42 representative or employee of the entity by any means,

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43 including, but not limited to, cash, check, or credit card, even  
44 when that representative or employee is subsequently reimbursed  
45 by the entity. In addition, exemptions provided to any entity by  
46 this subsection do not inure to any transaction that is  
47 otherwise taxable under this chapter unless the entity has  
48 obtained a sales tax exemption certificate from the department  
49 or the entity obtains or provides other documentation as  
50 required by the department. Eligible purchases or leases made  
51 with such a certificate must be in strict compliance with this  
52 subsection and departmental rules, and any person who makes an  
53 exempt purchase with a certificate that is not in strict  
54 compliance with this subsection and the rules is liable for and  
55 shall pay the tax. The department may adopt rules to administer  
56 this subsection.

57 (p) *Section 501(c)(3) organizations.*—Also exempt from the  
58 tax imposed by this chapter are sales or leases to organizations  
59 determined by the Internal Revenue Service to be currently  
60 exempt from federal income tax pursuant to s. 501(c)(3) of the  
61 Internal Revenue Code of 1986, as amended, if when such leases  
62 or purchases are used in carrying on their customary nonprofit  
63 activities, unless such organizations are subject to a final  
64 disqualification order issued by the Department of Agriculture  
65 and Consumer Services pursuant to s. 496.430.

66 Section 3. Subsection (3) of section 212.084, Florida  
67 Statutes, is amended, and subsection (7) is added to that  
68 section, to read:

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69 212.084 Review of exemption certificates; reissuance;  
70 specified expiration date; temporary exemption certificates.—

71 (3) After review is completed and it has been determined  
72 that an institution, organization, or individual is actively  
73 engaged in a bona fide exempt endeavor and is not subject to a  
74 final disqualification order issued by the Department of  
75 Agriculture and Consumer Services pursuant to s. 496.430, the  
76 department shall reissue an exemption certificate to the entity.  
77 However, each certificate so reissued is valid for 5 consecutive  
78 years, at which time the review and reissuance procedure  
79 provided by this section applies ~~apply~~ again. If the department  
80 determines that an entity no longer qualifies for an exemption,  
81 it shall revoke the tax exemption certificate of the entity.

82 (7) The department shall revoke a sales tax exemption  
83 certificate granted to, or refuse to grant a sales tax exemption  
84 certificate to, an institution, organization, or individual who  
85 is the subject of a final disqualification order issued by the  
86 Department of Agriculture and Consumer Services pursuant to s.  
87 496.430. A revocation or denial under this subsection is subject  
88 to challenge under chapter 120 only as to whether a  
89 disqualification order is in effect. An institution,  
90 organization, or individual who appeals or challenges the  
91 validity of the disqualification order must do so pursuant to s.  
92 496.430(2).

93 Section 4. Section 496.403, Florida Statutes, is amended  
94 to read:

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95 496.403 Application.—Sections 496.401-496.424 do not apply  
96 to bona fide religious institutions, educational institutions,  
97 and state agencies or other government entities or persons or  
98 organizations who solicit or act as professional fundraising  
99 consultants solely on ~~their~~ behalf of those entities, or to  
100 blood establishments described in s. 381.06014(1)(a). Sections  
101 496.401-496.424 do not apply to political contributions  
102 solicited in accordance with the election laws of this state.

103 Section 5. Section 496.404, Florida Statutes, is amended  
104 to read:

105 496.404 Definitions.—As used in ss. 496.401-496.424, the  
106 term:

107 (1) "Charitable organization" means a ~~any~~ person who is or  
108 holds herself or himself out to be established for any  
109 benevolent, educational, philanthropic, humane, scientific,  
110 artistic, patriotic, social welfare or advocacy, public health,  
111 environmental conservation, civic, or other eleemosynary  
112 purpose, or a ~~any~~ person who in any manner employs a charitable  
113 appeal as the basis for any solicitation or an appeal that  
114 suggests that there is a charitable purpose to any solicitation.  
115 The term ~~it~~ includes a chapter, branch, area office, or similar  
116 affiliate soliciting contributions within the state for a  
117 charitable organization that ~~which~~ has its principal place of  
118 business outside the state.

119 (2) "Charitable purpose" means a ~~any~~ benevolent,  
120 philanthropic, patriotic, educational, humane, scientific,

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121 artistic, public health, social welfare or advocacy,  
122 environmental conservation, civic, or other eleemosynary  
123 objective.

124 (3) "Charitable sales promotion" means an advertising or  
125 sales campaign conducted by a commercial co-venturer which  
126 represents that the purchase or use of goods or services offered  
127 by the commercial co-venturer benefits ~~are to benefit~~ a  
128 charitable organization. The provision of advertising services  
129 to a charitable organization does not, in itself, constitute a  
130 charitable sales promotion.

131 (4) "Commercial co-venturer" means a ~~any~~ person who, for  
132 profit, regularly and primarily is engaged in trade or commerce  
133 other than in connection with solicitation of contributions and  
134 who conducts a charitable sales promotion or a sponsor sales  
135 promotion.

136 (5) "Contribution" means the promise, pledge, or grant of  
137 ~~any~~ money or property, financial assistance, or any other thing  
138 of value in response to a solicitation. The term "Contribution"  
139 includes, in the case of a charitable organization or sponsor  
140 offering goods and services to the public, the difference  
141 between the direct cost of the goods and services to the  
142 charitable organization or sponsor and the price at which the  
143 charitable organization or sponsor or a ~~any~~ person acting on  
144 behalf of the charitable organization or sponsor resells those  
145 goods or services to the public. The term "Contribution" does  
146 not include:

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147 (a) Bona fide fees, dues, or assessments paid by members  
148 ~~if, provided that~~ membership is not conferred solely as  
149 consideration for making a contribution in response to a  
150 solicitation;~~:-~~

151 (b) ~~"Contribution" also does not include~~ Funds obtained by  
152 a charitable organization or sponsor pursuant to government  
153 grants or contracts;

154 (c) Funds, ~~or~~ obtained as an allocation from a United Way  
155 organization that is duly registered with the department; or

156 (d) Funds received from an organization duly registered  
157 with the department that is exempt from federal income taxation  
158 under s. 501(a) of the Internal Revenue Code and described in s.  
159 501(c) of the Internal Revenue Code ~~that is duly registered with~~  
160 ~~the department.~~

161 (6) "Crisis" means an event that garners widespread  
162 national or global media coverage due to an actual or perceived  
163 threat of harm to an individual, a group, or a community.

164 (7)~~(6)~~ "Department" means the Department of Agriculture  
165 and Consumer Services.

166 (8) "Disaster" means a natural, technological, or civil  
167 event, including, but not limited to, an explosion, chemical  
168 spill, earthquake, tsunami, landslide, volcanic activity,  
169 avalanche, wildfire, tornado, hurricane, drought, or flood,  
170 which affects one or more countries and causes damage of  
171 sufficient severity and magnitude to result in:

172 (a) An official declaration of a state of emergency; or

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173        (b) An official request for international assistance.  
174        (9)-(7) "Division" means the Division of Consumer Services  
175 of the Department of Agriculture and Consumer Services.  
176        (10)-(8) "Educational institutions" means those  
177 institutions and organizations described in s. 212.08(7)(cc)8.a.  
178 The term includes private nonprofit organizations, the purpose  
179 of which is to raise funds for schools teaching grades  
180 kindergarten through grade 12, colleges, and universities,  
181 including a any nonprofit newspaper of free or paid circulation  
182 primarily on university or college campuses which holds a  
183 current exemption from federal income tax under s. 501(c)(3) of  
184 the Internal Revenue Code, an any educational television network  
185 or system established pursuant to s. 1001.25 or s. 1001.26, and  
186 a any nonprofit television or radio station that is a part of  
187 such network or system and that holds a current exemption from  
188 federal income tax under s. 501(c)(3) of the Internal Revenue  
189 Code. The term also includes a nonprofit educational cable  
190 consortium that holds a current exemption from federal income  
191 tax under s. 501(c)(3) of the Internal Revenue Code, the whose  
192 primary purpose of which is the delivery of educational and  
193 instructional cable television programming and the whose members  
194 of which are composed exclusively of educational organizations  
195 that hold a valid consumer certificate of exemption and that are  
196 either an educational institution as defined in this subsection  
197 or qualified as a nonprofit organization pursuant to s.  
198 501(c)(3) of the Internal Revenue Code.

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199        ~~(11)(9)~~ "Emergency service employee" means an ~~any~~ employee  
200 who is a firefighter, as defined in s. 633.102, or ambulance  
201 driver, emergency medical technician, or paramedic, as defined  
202 in s. 401.23.

203        ~~(12)(10)~~ "Federated fundraising organization" means a  
204 federation of independent charitable organizations that ~~which~~  
205 have voluntarily joined together, including, but not limited to,  
206 a united way or community chest, for purposes of raising and  
207 distributing contributions for and among themselves and where  
208 membership does not confer operating authority and control of  
209 the individual organization upon the federated group  
210 organization.

211        ~~(13)(11)~~ "Fundraising costs" means those costs incurred in  
212 inducing others to make contributions to a charitable  
213 organization or sponsor for which the contributors will receive  
214 no direct economic benefit. Fundraising costs include, but are  
215 not limited to, salaries, rent, acquiring and obtaining mailing  
216 lists, printing, mailing, and all direct and indirect costs of  
217 soliciting, as well as the cost of unsolicited merchandise sent  
218 to encourage contributions.

219        ~~(14)(12)~~ "Law enforcement officer" means a ~~any~~ person who  
220 is elected, appointed, or employed by a ~~any~~ municipality or the  
221 state or a ~~any~~ political subdivision thereof and:

222        (a) Who is vested with authority to bear arms and make  
223 arrests and whose primary responsibility is the prevention and  
224 detection of crime or the enforcement of the criminal, traffic,

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225 or highway laws of the state; or

226 (b) Whose responsibility includes supervision, protection,  
227 care, custody, or control of inmates within a correctional  
228 institution.

229 (15) "Management and general costs" means all such costs  
230 of a charitable organization or sponsor which are not  
231 identifiable with a single program or fundraising activity but  
232 which are indispensable to the conduct of such programs and  
233 activities and the charitable organization or sponsor's  
234 existence.

235 (16)~~(13)~~ "Membership" means the relationship of a person  
236 to an organization which ~~that~~ entitles her or him to the  
237 privileges, professional standing, honors, or other direct  
238 benefit of the organization in addition to the right to vote,  
239 elect officers, and hold office in the organization.

240 (17)~~(14)~~ "Owner" means a ~~any~~ person who has a direct or  
241 indirect interest in a ~~any~~ professional fundraising consultant  
242 or professional solicitor.

243 (18)~~(15)~~ "Parent organization" means that part of a  
244 charitable organization or sponsor which coordinates,  
245 supervises, or exercises control over policy, fundraising, and  
246 expenditures or assists or advises one or more of the  
247 organization's chapters, branches, or affiliates in this state.

248 (19)~~(16)~~ "Person" means an ~~any~~ individual, organization,  
249 trust, foundation, group, association, entity, partnership,  
250 corporation, or ~~society~~, or any combination thereof ~~of them~~.

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251        ~~(20)-(17)~~ "Professional fundraising consultant" means a ~~any~~  
252 person who is retained by a charitable organization or sponsor  
253 for a fixed fee or rate under a written agreement to plan,  
254 manage, conduct, carry on, advise, consult, or prepare material  
255 for a solicitation of contributions in this state, but who does  
256 not solicit contributions or employ, procure, or engage any  
257 compensated person to solicit contributions and who does not at  
258 any time have custody or control of contributions. A bona fide  
259 volunteer or bona fide employee or salaried officer of a  
260 charitable organization or sponsor maintaining a permanent  
261 establishment in this state is not a professional fundraising  
262 consultant. An attorney, investment counselor, or banker who  
263 advises an individual, corporation, or association to make a  
264 charitable contribution is not a professional fundraising  
265 consultant as the result of such advice.

266        ~~(21)-(18)~~ "Professional solicitor" means a ~~any~~ person who,  
267 for compensation, performs for a charitable organization or  
268 sponsor a ~~any~~ service in connection with which contributions are  
269 or will be solicited in, or from a location in, this state by  
270 the compensated person or by a ~~any~~ person it employs, procures,  
271 or otherwise engages, directly or indirectly, to solicit  
272 contributions, or a person who plans, conducts, manages, carries  
273 on, advises, consults, ~~whether~~ directly or indirectly, in  
274 connection with the solicitation of contributions for or on  
275 behalf of a charitable organization or sponsor, but who does not  
276 qualify as a professional fundraising consultant. A bona fide

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277 volunteer or bona fide employee or salaried officer of a  
278 charitable organization or sponsor maintaining a permanent  
279 establishment in this state is not a professional solicitor. An  
280 attorney, investment counselor, or banker who advises an  
281 individual, corporation, or association to make a charitable  
282 contribution is not a professional solicitor as the result of  
283 such advice.

284 (22) "Program service costs" means all expenses incurred  
285 primarily to accomplish the charitable organization or sponsor's  
286 stated purposes. The term does not include fundraising costs.

287 (23)~~(19)~~ "Religious institution" means a ~~any~~ church,  
288 ecclesiastical or denominational organization, or established  
289 physical place for worship in this state at which nonprofit  
290 religious services and activities are regularly conducted and  
291 carried on, ~~and~~ and includes those bona fide religious groups that  
292 ~~which~~ do not maintain specific places of worship. The term  
293 ~~"Religious institution"~~ also includes a ~~any~~ separate group or  
294 corporation that ~~which~~ forms an integral part of a religious  
295 institution that ~~which~~ is exempt from federal income tax under  
296 the provisions of s. 501(c)(3) of the Internal Revenue Code, and  
297 which is not primarily supported by funds solicited outside its  
298 own membership or congregation.

299 (24)~~(20)~~ "Solicitation" means a request, directly or  
300 indirectly, for money, property, financial assistance, or any  
301 other thing of value on the plea or representation that such  
302 money, property, financial assistance, or other thing of value

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303 or a portion of it will be used for a charitable or sponsor  
304 purpose or will benefit a charitable organization or sponsor.  
305 The term "Solicitation" includes, but is not limited to, the  
306 following methods of requesting or securing the promise, pledge,  
307 or grant of money, property, financial assistance, or any other  
308 thing of value:

309 (a) Making any oral or written request;

310 (b) Making any announcement to the press, on radio or  
311 television, by telephone or telegraph, or by any other  
312 communication device concerning an appeal or campaign by or for  
313 any charitable organization or sponsor or for any charitable or  
314 sponsor purpose;

315 (c) Distributing, circulating, posting, or publishing any  
316 handbill, written advertisement, or other publication that  
317 directly or by implication seeks to obtain any contribution; or

318 (d) Selling or offering or attempting to sell any  
319 advertisement, advertising space, book, card, coupon, chance,  
320 device, magazine, membership, merchandise, subscription,  
321 sponsorship, flower, admission, ticket, food, or other service  
322 or tangible good, item, or thing of value, or any right of any  
323 description in connection with which any appeal is made for any  
324 charitable organization or sponsor or charitable or sponsor  
325 purpose, or when the name of any charitable organization or  
326 sponsor is used or referred to in any such appeal as an  
327 inducement or reason for making the sale or when, in connection  
328 with the sale or offer or attempt to sell, any statement is made

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329 that all or part of the proceeds from the sale will be used for  
330 any charitable or sponsor purpose or will benefit any charitable  
331 organization or sponsor.

332

333 A solicitation is considered as having taken place regardless of  
334 whether ~~or not~~ the person making the solicitation receives any  
335 contribution. A solicitation does not occur when a person  
336 applies for a grant or an award to the government or to an  
337 organization that is exempt from federal income taxation under  
338 s. 501(a) of the Internal Revenue Code and described in s.  
339 501(c) of the Internal Revenue Code and is duly registered with  
340 the department.

341 ~~(25)-(21)~~ "Sponsor" means a group or person who ~~which~~ is or  
342 holds herself or himself ~~itself~~ out to be soliciting  
343 contributions by the use of a any name that ~~which~~ implies that  
344 the group or person is in any way affiliated with or organized  
345 for the benefit of emergency service employees or law  
346 enforcement officers and the group or person ~~which~~ is not a  
347 charitable organization. The term includes a chapter, branch, or  
348 affiliate that ~~which~~ has its principal place of business outside  
349 the state, if such chapter, branch, or affiliate solicits or  
350 holds itself out to be soliciting contributions in this state.

351 ~~(26)-(22)~~ "Sponsor purpose" means a any program or endeavor  
352 performed to benefit emergency service employees or law  
353 enforcement officers.

354 ~~(27)-(23)~~ "Sponsor sales promotion" means an advertising or

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355 sales campaign conducted by a commercial co-venturer who  
356 represents that the purchase or use of goods or services offered  
357 by the commercial co-venturer will be used for a sponsor purpose  
358 or donated to a sponsor. The provision of advertising services  
359 to a sponsor does not, in itself, constitute a sponsor sales  
360 promotion.

361 Section 6. Subsection (1), paragraphs (a) and (g) of  
362 subsection (2), subsection (3), paragraph (b) of subsection (4),  
363 and subsections (7) and (8) of section 496.405, Florida  
364 Statutes, are amended, and subsections (9) and (10) are added to  
365 that section, to read:

366 496.405 Registration statements by charitable  
367 organizations and sponsors.—

368 (1)~~(a)~~ A charitable organization or sponsor, unless  
369 exempted pursuant to s. 496.406, which intends to solicit  
370 contributions in or from this state by any means or have funds  
371 solicited on its behalf by any other person, charitable  
372 organization, sponsor, commercial co-venturer, or professional  
373 solicitor, or that participates in a charitable sales promotion  
374 or sponsor sales promotion, must, before ~~prior to~~ engaging in  
375 any of these activities, file an initial registration statement,  
376 and a renewal statement annually thereafter, with the  
377 department.

378 (a)~~(b)~~ Except as provided in paragraph (b), any changes in  
379 the information submitted on the initial registration statement  
380 or the last renewal statement must be updated annually on a

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381 renewal statement provided by the department on or before the  
382 date that marks 1 year after the date the department approved  
383 the initial registration statement as provided in this section.  
384 The department shall annually provide a renewal statement to  
385 each registrant by mail or by electronic mail at least 30 days  
386 before the renewal date.

387 (b) Any changes to the information submitted to the  
388 department pursuant to paragraph (2)(d) on the initial  
389 registration statement or the last renewal statement must be  
390 reported to the department on a form prescribed by the  
391 department within 10 days after the change occurs.

392 (c) A charitable organization or sponsor that is required  
393 to file an initial registration statement or annual renewal  
394 statement may not, before ~~prior to~~ approval of its statement by  
395 the department in accordance with subsection (7), solicit  
396 contributions or have contributions solicited on its behalf by  
397 any other person, charitable organization, sponsor, commercial  
398 co-venturer, or professional solicitor, or participate in a  
399 charitable sales promotion or sponsor sales promotion.

400 ~~(d) For good cause shown, the department may extend the~~  
401 ~~time for the filing of an annual renewal statement or financial~~  
402 ~~report for a period not to exceed 60 days, during which time the~~  
403 ~~previous registration remains in effect.~~

404 ~~(d)(e) In no event shall~~ The registration of a charitable  
405 organization or sponsor may not continue in effect and shall  
406 expire without further action of the department:



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407       1. After the date the charitable organization or sponsor  
408 should have filed, but failed to file, its renewal statement  
409 ~~financial report~~ in accordance with this section.

410       2. For failure to provide a financial statement within any  
411 extension period provided under ~~and s. 496.407. The organization~~  
412 ~~may not file a renewal statement until it has filed the required~~  
413 ~~financial report with the department.~~

414       (2) The initial registration statement must be submitted  
415 on a form prescribed by the department, signed by an authorized  
416 official of the charitable organization or sponsor who shall  
417 certify that the registration statement is true and correct, and  
418 include the following information or material:

419       (a) A copy of the financial statement ~~report~~ or Internal  
420 Revenue Service Form 990 and all attached schedules or Internal  
421 Revenue Service Form 990-EZ and Schedule O required under s.  
422 496.407 for the immediately preceding fiscal year. A newly  
423 organized charitable organization or sponsor with no financial  
424 history must file a budget for the current fiscal year.

425       (g) The following information must be filed with the  
426 initial registration statement and must be updated when any  
427 change occurs in the information that was previously filed with  
428 the initial registration statement:

429       1. The principal street address and telephone number of  
430 the charitable organization or sponsor and the street address  
431 and telephone numbers of any offices in this state or, if the  
432 charitable organization or sponsor does not maintain an office

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433 in this state, the name, street address, and telephone number of  
434 the person who ~~that~~ has custody of its financial records. The  
435 parent organization that files a consolidated registration  
436 statement on behalf of its chapters, branches, or affiliates  
437 must additionally provide the street addresses and telephone  
438 numbers of all such locations in this state.

439 2. The names and street addresses of the officers,  
440 directors, trustees, and ~~the~~ principal salaried executive  
441 personnel.

442 3. The date when the charitable organization  
443 ~~organization's~~ or sponsor's fiscal year ends.

444 4. A list or description of the major program activities.

445 5. The names, street addresses, and telephone numbers of  
446 the individuals or officers who have final responsibility for  
447 the custody of the contributions and who will be responsible for  
448 the final distribution of the contributions.

449 (3) Each chapter, branch, or affiliate of a parent  
450 organization that is required to register under this section  
451 must ~~either~~ file a separate registration statement and financial  
452 statement report ~~or must~~ report the required information to its  
453 parent organization, which shall then file, on a form prescribed  
454 by the department, a consolidated registration statement for the  
455 parent organization and its Florida chapters, branches, and  
456 affiliates. A consolidated registration statement filed by a  
457 parent organization must include or be accompanied by financial  
458 statements reports as specified in s. 496.407 for the parent

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459 organization and each of its Florida chapters, branches, and  
460 affiliates that solicited or received contributions during the  
461 preceding fiscal year. However, if all contributions received by  
462 chapters, branches, or affiliates are remitted directly into a  
463 depository account that ~~which~~ feeds directly into the parent  
464 organization's centralized accounting system from which all  
465 disbursements are made, the parent organization may submit one  
466 consolidated financial statement ~~report~~ on a form prescribed by  
467 the department. and must attach a copy of the Form 990 and all  
468 attached schedules filed for the preceding fiscal year or a copy  
469 of the form 990-EZ and Schedule O for the preceding fiscal year,  
470 for the parent organization and each Florida chapter, branch, or  
471 affiliate that is required to file such forms. The consolidated  
472 financial statement must comply with the requirements of s.  
473 496.406 and must reflect the activities of each chapter, branch,  
474 or affiliate of the parent organization, including all  
475 contributions received in the name of each chapter, branch, or  
476 affiliate; all payments made to each chapter, branch, or  
477 affiliate; and all administrative fees assessed to each chapter,  
478 branch, or affiliate.

(4)

480 (b) A charitable organization or sponsor that ~~which~~ fails  
481 to file a registration statement by the due date may be assessed  
482 an additional fee for such late filing. The late filing fee is  
483 ~~shall be~~ \$25 for each month or part of a month after the date on  
484 which the annual renewal statement was ~~and financial report were~~

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485 due to be filed with the department.

486 (7) (a) The department must examine each initial  
487 registration statement or annual renewal statement and the  
488 supporting documents filed by a charitable organization or  
489 sponsor and shall determine whether the registration  
490 requirements are satisfied. Within 15 business ~~working~~ days  
491 after its receipt of a statement, the department must examine  
492 the statement, notify the applicant of any apparent errors or  
493 omissions, and request any additional information the department  
494 is allowed by law to require. Failure to correct an error or  
495 omission or to supply additional information is not grounds for  
496 denial of the initial registration or annual renewal statement  
497 unless the department has notified the applicant within the 15-  
498 business-day ~~15-working-day~~ period. The department must approve  
499 or deny each statement, or must notify the applicant that the  
500 activity for which she or he seeks registration is exempt from  
501 the registration requirement, within 15 business ~~working~~ days  
502 after receipt of the initial registration or annual renewal  
503 statement or the requested additional information or correction  
504 of errors or omissions. A ~~Any~~ statement that is not approved or  
505 denied within 15 business ~~working~~ days after receipt of the  
506 requested additional information or correction of errors or  
507 omissions is approved. Within 7 business ~~working~~ days after  
508 receipt of a notification that the registration requirements are  
509 not satisfied, the charitable organization or sponsor may  
510 request a hearing. The hearing must be held within 7 business

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511 ~~working~~ days after receipt of the request, and any recommended  
512 order, if one is issued, must be rendered within 3 business  
513 ~~working~~ days after ~~of~~ the hearing. The final order must then be  
514 issued within 2 business ~~working~~ days after the recommended  
515 order. If a recommended order is not issued, the final order  
516 must be issued within 5 business ~~working~~ days after the hearing.  
517 The proceedings must be conducted in accordance with chapter  
518 120, except that the time limits and provisions set forth in  
519 this paragraph subsection prevail to the extent of any conflict.

520 (b) If a charitable organization or sponsor discloses  
521 information specified in subparagraphs (2)(d)2.-7. in the  
522 initial registration statement or annual renewal statement, the  
523 time limits set forth in paragraph (a) are waived, and the  
524 department shall process such initial registration statement or  
525 annual renewal statement in accordance with the time limits set  
526 forth in chapter 120. The registration of a charitable  
527 organization or sponsor shall be automatically suspended for  
528 failure to disclose any information specified in subparagraphs  
529 (2)(d)2.-7. until such time as the required information is  
530 submitted to the department.

531 (8) A ~~No~~ charitable organization or sponsor, or an  
532 officer, director, trustee, or employee thereof, may not ~~shall~~  
533 knowingly allow an officer, director, trustee, or employee of  
534 the charitable organization or sponsor ~~any of its officers,~~  
535 ~~directors, trustees, or employees~~ to solicit contributions on  
536 behalf of such charitable organization or sponsor if such

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537 officer, director, trustee, or employee has, in any state,  
538 regardless of adjudication, been convicted of, been ~~or~~ found  
539 guilty of, or pled guilty or nolo contendere to, or has been  
540 incarcerated within the last 10 years as a result of having  
541 previously been convicted of, been ~~or~~ found guilty of, or pled  
542 guilty or nolo contendere to, a any felony within the last 10  
543 years or a any crime within the last 10 years involving fraud,  
544 theft, larceny, embezzlement, fraudulent conversion,  
545 misappropriation of property, or a any crime arising from the  
546 conduct of a solicitation for a charitable organization or  
547 sponsor, or has been enjoined in any state from violating a any  
548 law relating to a charitable solicitation. The prohibitions in  
549 this subsection also apply to a misdemeanor in another state  
550 which constitutes a disqualifying felony in this state.

551 (9) The department may deny or revoke the registration of  
552 a charitable organization or sponsor if the charitable  
553 organization or sponsor, or an officer, director, or trustee  
554 thereof, has had the right to solicit contributions revoked in  
555 any state, or has been ordered by a court or governmental agency  
556 to cease soliciting contributions within any state.

557 (10) A charitable organization or sponsor registered under  
558 this section which ends solicitation activities or participation  
559 in charitable sales promotions in this state shall immediately  
560 notify the department in writing of the date such activities  
561 ceased.

562 Section 7. Section 496.4055, Florida Statutes, is created

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563 to read:

564 496.4055 Charitable organization or sponsor board duties.-

565 (1) As used in this section, the term "conflict of  
566 interest transaction" means a transaction between a charitable  
567 organization or sponsor and another party in which a director,  
568 officer, or trustee of the charitable organization or sponsor  
569 has a direct or indirect financial interest. The term includes,  
570 but is not limited to, the sale, lease, or exchange of property  
571 to or from the charitable organization or sponsor; the lending  
572 of moneys to or borrowing of moneys from the charitable  
573 organization or sponsor; and the payment of compensation for  
574 services provided to or from the charitable organization or  
575 sponsor.

576 (2) The board of directors, or an authorized committee  
577 thereof, of a charitable organization or sponsor required to  
578 register with the department under s. 496.405 shall adopt a  
579 policy regarding conflict of interest transactions. The policy  
580 shall require annual certification of compliance with the policy  
581 by all directors, officers, and trustees of the charitable  
582 organization. A copy of the annual certification shall be  
583 submitted to the department with the annual registration  
584 statement required by s. 496.405.

585 Section 8. Section 496.407, Florida Statutes, is amended  
586 to read:

587 496.407 Financial ~~statement~~ report.-

588 (1) A charitable organization or sponsor that is required

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589 to initially register or annually renew registration must file  
590 an annual financial statement ~~report~~ for the immediately  
591 preceding fiscal year on ~~upon~~ a form prescribed by the  
592 department.

593 (a) The statement ~~report~~ must include the following:

594 1.~~(a)~~ A balance sheet.

595 2.~~(b)~~ A statement of support, revenue and expenses, and  
596 any change in the fund balance.

597 3.~~(c)~~ The names and addresses of the charitable  
598 organizations or sponsors, professional fundraising consultant,  
599 professional solicitors, and commercial co-venturers used, if  
600 any, and the amounts received therefrom ~~from each of them~~, if  
601 any.

602 4.~~(d)~~ A statement of functional expenses that must  
603 include, but is not ~~be~~ limited to, expenses in the following  
604 categories:

605 a.~~1.~~ Program service costs.

606 b.~~2.~~ Management and general costs.

607 c.~~3.~~ Fundraising costs.

608 (b) The financial statement must be audited or reviewed as  
609 follows:

610 1. For a charitable organization or sponsor that receives  
611 less than \$500,000 in annual contributions, a compilation,  
612 audit, or review of the financial statement is optional.

613 2. For a charitable organization or sponsor that receives  
614 at least \$500,000 but less than \$1 million in annual



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615 contributions, the financial statement shall be reviewed or  
616 audited by an independent certified public accountant.

617 3. For a charitable organization or sponsor that receives  
618 \$1 million or more in annual contributions, the financial  
619 statement shall be audited by an independent certified public  
620 accountant.

621 (c) Audits and reviews shall be prepared in accordance  
622 with the following standards:

623 1. An audit shall be prepared by an independent certified  
624 public account in accordance with generally accepted auditing  
625 standards, including the Statements on Auditing Standards.

626 2. A review shall be prepared by an independent certified  
627 public accountant in accordance with the Statements on Standards  
628 for Accounting and Review Services.

629 (d) An audited or reviewed financial statement must be  
630 accompanied by a report signed and prepared by the independent  
631 certified public accountant performing such audit or review.

632 (2) In lieu of the financial ~~statement~~ ~~report~~ described in  
633 subsection (1), a charitable organization or sponsor may submit  
634 a copy of its Internal Revenue Service Form 990 and all attached  
635 schedules filed for the preceding fiscal year, or a copy of its  
636 Internal Revenue Service Form 990-EZ and Schedule O filed for  
637 the preceding fiscal year. Such forms and schedules submitted by  
638 a charitable organization or sponsor that receives at least  
639 \$500,000 in annual contributions must be prepared by a certified  
640 public accountant or other professional who normally prepares

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641 such forms and schedules in the ordinary course of their  
642 business. Prior to submitting an Internal Revenue Service form  
643 990 and all attached schedules or Internal Revenue Service form  
644 990-EZ with Schedule O, the charitable organization or sponsor  
645 may redact information that is not subject to public inspection  
646 pursuant 26 U.S. Code 6104(d)(3).

647 (3) Upon a showing of good cause by a charitable  
648 organization or sponsor, the department may extend the time for  
649 the filing of a financial statement required under this section  
650 by up to 180 days, during which time the previous registration  
651 shall remain active. The registration shall be automatically  
652 suspended for failure to file the financial statement within the  
653 extension period.

654 (4) The department may require that an audit or review be  
655 conducted for any financial statement submitted by any  
656 charitable organization or sponsor if the department finds  
657 discrepancies, such as but not limited to irregular or  
658 inconsistent information, provided on the charitable  
659 organization's or sponsor's financial statement.

660  
661 ~~A charitable organization or sponsor may elect to also~~  
662 ~~include a financial report that has been audited by an~~  
663 ~~independent certified public accountant or an audit with opinion~~  
664 ~~by an independent certified public accountant. In the event that~~  
665 ~~a charitable organization or sponsor elects to file an audited~~  
666 ~~financial report, this optional filing must be noted in the~~

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667 ~~department's annual report submitted pursuant to s. 496.423.~~

668 Section 9. Section 496.4071, Florida Statutes, is created  
669 to read:

670 496.4071 Supplemental financial disclosure.—

671 (1) If, for the immediately preceding fiscal year, a  
672 charitable organization or sponsor had more than \$1 million in  
673 total revenue and spent less than 25 percent of the organization  
674 or sponsor's total annual functional expenses on program service  
675 costs, in addition to any financial statement required under s.  
676 496.407, the charitable organization or sponsor shall file the  
677 following supplemental financial information on a form  
678 prescribed by the department:

679 (a) The dollar amount and the percentage of total revenue  
680 and charitable contributions allocated to funding each of the  
681 following administrative functions:

682 1. Total salaries of all persons employed by the  
683 charitable organization or sponsor.

684 2. Fundraising including the names of any professional  
685 solicitors, contributions received from professional solicitors'  
686 campaigns, and amounts paid to the professional solicitors.

687 3. Travel expenses.

688 4. Overhead and other expenses related to managing and  
689 administering the charitable organization or sponsor.

690 (b) The names of and specific sums earned by or paid to  
691 all employees or consultants who earned or were paid more than  
692 \$100,000 during the immediately preceding fiscal year.

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693 (c) The names of and specific sums paid to all service  
694 providers who were paid more than \$100,000 during the  
695 immediately preceding fiscal year and a brief description of the  
696 services provided.

697 (d) The dollar amount and percentage of total revenue and  
698 charitable contributions allocated to programs.

699 (e) The details of any economic or business transaction  
700 between the charitable organization or sponsor and an officer,  
701 trustee, or director of the charitable organization or sponsor;  
702 the immediate family of an officer, trustee, or director of the  
703 charitable organization or sponsor; an entity controlled by an  
704 officer, trustee, or director of the charitable organization or  
705 sponsor; an entity controlled by the immediate family of an  
706 officer, trustee, or director of the charitable organization or  
707 sponsor; an entity that employed or engaged for consultation an  
708 officer, trustee, or director of the charitable organization or  
709 sponsor; and an entity that employed or engaged for consultation  
710 the immediate family of an officer, trustee, or director of the  
711 charitable organization or sponsor. As used in this paragraph,  
712 the term "immediate family" means a parent, spouse, child,  
713 sibling, grandparent, grandchild, brother-in-law, sister-in-law,  
714 son-in-law, daughter-in-law, mother-in-law, or father-in-law.

715 (f) Additional clarifying information, if any.

716 (2) The supplemental financial information required under  
717 subsection (1) must be filed with the department by the  
718 charitable organization or sponsor within 30 days after

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719 receiving a request for such information from the department.

720 Section 10. Section 496.4072, Florida Statutes, is created  
721 to read:

722 496.4072 Financial statements for specific disaster relief  
723 solicitations.—

724 (1) A charitable organization or sponsor that solicits  
725 contributions in this state for a charitable purpose related to  
726 a specific disaster or crisis and receives at least \$50,000 in  
727 contributions in response to such solicitation shall file  
728 quarterly disaster relief financial statements with the  
729 department on a form prescribed by the department. The quarterly  
730 statements must detail the contributions secured as a result of  
731 the solicitation and the manner in which such contributions were  
732 expended.

733 (2) The first quarterly statement shall be filed on the  
734 last day of the 3rd month following the accrual of at least  
735 \$50,000 in contributions after the commencement of solicitations  
736 for the specific disaster or crisis. The charitable organization  
737 or sponsor shall continue to file quarterly statements with the  
738 department until the quarter after all contributions raised in  
739 response to the solicitation are expended.

740 (3) A charitable organization or sponsor that has been  
741 registered with the department for at least four immediately  
742 preceding consecutive years is exempt from the reporting  
743 requirements of this section.

744 (4) The department shall post notice on its website of the

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745 specific disasters and crises subject to the additional  
746 reporting requirements in this section within 10 days after such  
747 disaster or crisis.

748 Section 11. Subsections (4), (6), and (9) of section  
749 496.409, Florida Statutes, are amended, and subsection (10) is  
750 added to that section, to read:

751 496.409 Registration and duties of professional  
752 fundraising consultant.—

753 (4) A professional fundraising consultant may enter into a  
754 contract or agreement with a charitable organization or sponsor  
755 only if the charitable organization or sponsor has complied with  
756 all applicable provisions of this chapter. A Every contract or  
757 agreement between a professional fundraising consultant and a  
758 charitable organization or sponsor must be in writing, signed by  
759 two authorized officials of the charitable organization or  
760 sponsor, and filed by the professional fundraising consultant  
761 with the department at least 5 days before ~~prior to~~ the  
762 performance of any material service by the professional  
763 fundraising consultant. Solicitation under the contract or  
764 agreement may not begin before the filing of the contract or  
765 agreement.

766 (6) (a) The department shall examine each registration  
767 statement and all supporting documents filed by a professional  
768 fundraising consultant and determine whether the registration  
769 requirements are satisfied. If the department determines that  
770 the registration requirements are not satisfied, the department

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771 must notify the professional fundraising consultant within 15  
772 business ~~working~~ days after its receipt of the registration  
773 statement; otherwise the registration statement is approved.  
774 Within 7 business ~~working~~ days after receipt of a notification  
775 that the registration requirements are not satisfied, the  
776 applicant may request a hearing. The hearing must be held within  
777 7 business ~~working~~ days after receipt of the request, and any  
778 recommended order, if one is issued, must be rendered within 3  
779 business ~~working~~ days after the hearing. The final order must  
780 then be issued within 2 business ~~working~~ days after the  
781 recommended order. If a ~~there is no~~ recommended order is not  
782 issued, the final order must be issued within 5 business ~~working~~  
783 days after the hearing. The proceedings must be conducted in  
784 accordance with chapter 120, except that the time limits and  
785 provisions set forth in this paragraph ~~subsection~~ prevail to the  
786 extent of any conflict.

787 (b) If a professional fundraising consultant discloses  
788 information specified in paragraphs (2)(e)-(g) in the initial  
789 application for registration or renewal application, the time  
790 limits set forth in paragraph (a) are waived, and the department  
791 shall process the initial application for registration or the  
792 renewal application in accordance with the time limits set forth  
793 in chapter 120. The registration of a professional consultant  
794 shall be automatically suspended for failure to disclose any  
795 information specified in paragraphs (2)(e)-(g) until such time  
796 as the required information is submitted to the department.

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797 (9) A ~~Ne~~ person may not act as a professional fundraising  
798 consultant, and a ~~ne~~ professional fundraising consultant, or an  
799 officer, director, trustee, or employee thereof, may not ~~shall~~  
800 knowingly employ an ~~any~~ officer, trustee, director, or employee,  
801 if such person has, in any state, regardless of adjudication,  
802 been convicted of, been ~~or~~ found guilty of, or pled guilty or  
803 nolo contendere to, or has been incarcerated within the last 10  
804 years as a result of having previously been convicted of, been  
805 ~~or~~ found guilty of, or pled guilty or nolo contendere to, a ~~any~~  
806 crime within the last 10 years involving fraud, theft, larceny,  
807 embezzlement, fraudulent conversion, or misappropriation of  
808 property, or a ~~any~~ crime arising from the conduct of a  
809 solicitation for a charitable organization or sponsor, or has  
810 been enjoined in any state from violating a ~~any~~ law relating to  
811 a charitable solicitation.

812 (10) The department may deny or revoke the registration of  
813 a professional fundraising consultant if the professional  
814 fundraising consultant, or any of its officers, directors, or  
815 trustees, has had the right to solicit contributions revoked in  
816 any state, or has been ordered by a court or governmental agency  
817 to cease soliciting contributions within any state.

818 Section 12. Present subsections (3), (5), (7), (14), and  
819 (15) of section 496.410, Florida Statutes, are amended,  
820 paragraphs (i), (j), (k), and (l) are added to subsection (2) of  
821 that section, paragraphs (i) through (n) are added to subsection  
822 (6) of that section, and a new subsection (15) is added to that



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823 section, to read:

824 496.410 Registration and duties of professional  
825 solicitors.—

826 (2) Applications for registration or renewal of  
827 registration must be submitted on a form prescribed by rule of  
828 the department, signed by an authorized official of the  
829 professional solicitor who shall certify that the report is true  
830 and correct, and must include the following information:

831 (i) The names, dates of birth and identifying numbers from  
832 valid government issued identification cards for ~~of~~ all persons  
833 in charge of or engaged in any solicitation activity, except  
834 those individuals required to submit an individual license  
835 pursuant to 496.4101.

836 (j) A list of all telephone numbers the applicant will use  
837 to solicit contributions as well as the actual physical address  
838 associated with each telephone number and any fictitious names  
839 associated with such address.

840 (k) A copy of any script, outline, or presentation used by  
841 the applicant to solicit contributions or, if such solicitation  
842 aids are not used, written confirmation thereof.

843 (l) A copy of sales information or literature provided to  
844 a donor or potential donor by the applicant in connection with a  
845 solicitation.

846 (3) The application for registration must be accompanied  
847 by a fee of \$300. ~~A professional solicitor that is a partnership~~  
848 ~~or corporation may register for and pay a single fee on behalf~~

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849 ~~of all of its partners, members, officers, directors, agents,~~  
850 ~~and employees. In that case,~~ The names and street addresses of  
851 all the officers, employees, and agents of the professional  
852 solicitor and all other persons with whom the professional  
853 solicitor has contracted to work under its direction, including  
854 solicitors, must be listed in the application or furnished to  
855 the department within 5 days after the date of employment or  
856 contractual arrangement. Each registration is valid for 1 year  
857 and. ~~The registration~~ may be renewed for an additional 1-year  
858 period upon application to the department and payment of the  
859 registration fee.

860 (5) (a) The department must examine each registration  
861 statement and supporting documents filed by a professional  
862 solicitor. If the department determines that the registration  
863 requirements are not satisfied, the department must notify the  
864 professional solicitor within 15 business ~~working~~ days after its  
865 receipt of the registration statement; otherwise the  
866 registration statement is approved. Within 7 business ~~working~~  
867 days after receipt of a notification that the registration  
868 requirements are not satisfied, the applicant may request a  
869 hearing. The hearing must be held within 7 business ~~working~~ days  
870 after receipt of the request, and any recommended order, if one  
871 is issued, must be rendered within 3 business ~~working~~ days after  
872 the hearing. The final order must then be issued within 2  
873 business ~~working~~ days after the recommended order. If a ~~there is~~  
874 ~~no~~ recommended order is not issued, the final order must be

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875 issued within 5 business ~~working~~ days after the hearing. The  
876 proceedings must be conducted in accordance with chapter 120,  
877 except that the time limits and provisions set forth in this  
878 paragraph subsection prevail to the extent of any conflict.

879 (b) If a professional solicitor discloses information  
880 specified in paragraphs (2) (f)-(h) in the initial application  
881 for registration or the renewal application, the time limits set  
882 forth in paragraph (a) are waived, and the department shall  
883 process the initial application for registration or renewal  
884 application in accordance with the time limits set forth in  
885 chapter 120. The registration of a professional solicitor shall  
886 be automatically suspended for failure to disclose any  
887 information specified in paragraphs (2) (f)-(h) until such time  
888 as the required information is submitted to the department.

889 (6) No less than 15 days before commencing any  
890 solicitation campaign or event, the professional solicitor must  
891 file with the department a solicitation notice on a form  
892 prescribed by the department. The notice must be signed and  
893 sworn to by the contracting officer of the professional  
894 solicitor and must include:

895 (i) A statement of the guaranteed minimum percentage of  
896 the gross receipts from contributions which will be remitted to  
897 the charitable organization or sponsor, if any, or, if the  
898 solicitation involves the sale of goods, services, or tickets to  
899 a fundraising event, the percentage of the purchase price which  
900 will be remitted to the charitable organization or sponsor, if

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901 any.

902 (j) The percentage of a contribution which may be deducted  
903 as a charitable contribution under federal income tax laws.

904 (k) A statement as to whether an owner, director, officer,  
905 trustee, or employee of the professional solicitor is related as  
906 a parent, spouse, child, sibling, grandparent, grandchild,  
907 brother-in-law, sister-in-law, son-in-law, daughter-in-law,  
908 mother-in-law, or father-in-law to:

909 1. Another officer, director, owner, trustee, or employee  
910 of the professional solicitor.

911 2. An officer, director, owner, trustee, or employee of a  
912 charitable organization or sponsor under contract with the  
913 professional solicitor.

914 3. A supplier or vendor providing goods or services to a  
915 charitable organization or sponsor under contract with the  
916 professional solicitor.

917 (l) The beginning and ending dates of the solicitation  
918 campaign.

919 (m) A copy of any script, outline, or presentation used by  
920 the professional solicitor to solicit contributions for the  
921 solicitation campaign or, if such solicitation aids are not  
922 used, written confirmation thereof.

923 (n) A copy of sales information or literature provided to  
924 a donor or potential donor by the professional solicitor in  
925 connection with the solicitation campaign.

926 (7) A professional solicitor may enter into a contract or

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927 agreement with a charitable organization or sponsor only if the  
928 charitable organization or sponsor has complied with all  
929 applicable provisions of this chapter. A ~~Each~~ contract or  
930 agreement between a professional solicitor and a charitable  
931 organization or sponsor for each solicitation campaign must be  
932 in writing, signed by two authorized officials of the charitable  
933 organization or sponsor, one of whom must be a member of the  
934 organization's governing body and one of whom must be the  
935 authorized contracting officer for the professional solicitor,  
936 and contain all of the following provisions:

937 (a) A statement of the charitable or sponsor purpose and  
938 program for which the solicitation campaign is being conducted.

939 (b) A statement of the respective obligations of the  
940 professional solicitor and the charitable organization or  
941 sponsor.

942 (c) A statement of the guaranteed minimum percentage of  
943 the gross receipts from contributions which will be remitted to  
944 the charitable organization or sponsor, if any, or, if the  
945 solicitation involves the sale of goods, services, or tickets to  
946 a fundraising event, the percentage of the purchase price which  
947 will be remitted to the charitable organization or sponsor, if  
948 any. Any stated percentage shall exclude any amount which the  
949 charitable organization or sponsor is to pay as fundraising  
950 costs.

951 (d) A statement of the percentage of the gross revenue  
952 which the professional solicitor will be compensated. If the

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953 compensation of the professional solicitor is not contingent  
954 upon the number of contributions or the amount of revenue  
955 received, his or her compensation shall be expressed as a  
956 reasonable estimate of the percentage of the gross revenue, and  
957 the contract must clearly disclose the assumptions upon which  
958 the estimate is based. The stated assumptions must be based upon  
959 all of the relevant facts known to the professional solicitor  
960 regarding the solicitation to be conducted by the professional  
961 solicitor.

962 (e) The effective and termination dates of the contract.

963 (14) A ~~Ne~~ person may not act as a professional solicitor,  
964 and a ~~ne~~ professional solicitor, or an officer, director,  
965 trustee, or employee thereof, may not shall, to solicit for  
966 compensation, knowingly employ an ~~any~~ officer, trustee,  
967 director, or employee, or a ~~any~~ person with a controlling  
968 interest therein, who has, in any state, regardless of  
969 adjudication, been convicted of, been ~~or~~ found guilty of, or  
970 pled guilty or nolo contendere to, or has been incarcerated  
971 within the last 10 years as a result of having previously been  
972 convicted of, been ~~or~~ found guilty of, or pled guilty or nolo  
973 contendere to, a felony within the last 10 years involving  
974 fraud, theft, larceny, embezzlement, fraudulent conversion, or  
975 misappropriation of property, or a ~~any~~ crime arising from the  
976 conduct of a solicitation for a charitable organization or  
977 sponsor, or has been enjoined in any state from violating a ~~any~~  
978 law relating to a charitable solicitation. The prohibitions in

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979 this subsection also apply to a misdemeanor in another state  
980 which constitutes a disqualifying felony in this state.

981 (15) The department may deny or revoke the registration of  
982 a professional solicitor if the professional solicitor, or any  
983 of its officers, directors, trustees, or agents, has had the  
984 right to solicit contributions revoked in any state, or has been  
985 ordered by a court or governmental agency to cease soliciting  
986 contributions within any state.

987 (16)~~(15)~~ All registration fees must be paid to the  
988 department and deposited into the General Inspection Trust Fund.

989 Section 13. Section 496.4101, Florida Statutes, is created  
990 to read:

991 496.4101 Licensure of professional solicitors and certain  
992 employees thereof.-

993 (1) An officer, director, trustee, or owner of a  
994 professional solicitor and an employee of a professional  
995 solicitor conducting telephonic solicitations during which a  
996 donor's or potential donor's personal financial information is  
997 requested or provided must, before engaging in solicitation  
998 activities, obtain a solicitor license from the department.  
999 Personal financial information includes, but is not limited to,  
1000 social security numbers, credit card numbers, banking  
1001 information, or credit reports.

1002 (2) Persons required to obtain a solicitor license under  
1003 subsection (1) shall submit to the department, in such form as  
1004 the department prescribes, an application for a solicitor

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1005 license. The application must include the following information:

1006 (a) The true name, date of birth, unique identification  
1007 number of a driver license or other valid form of  
1008 identification, and home address of the applicant.

1009 (b) Whether the applicant, in any state, regardless of  
1010 adjudication, has previously been convicted of, been found  
1011 guilty of, or pled guilty or nolo contendere to, or has been  
1012 incarcerated within the last 10 years as a result of having  
1013 previously been convicted of, been found guilty of, or pled  
1014 guilty or nolo contendere to, a crime within the last 10 years  
1015 involving fraud, theft, larceny, embezzlement, fraudulent  
1016 conversion, or misappropriation of property, or a crime arising  
1017 from the conduct of a solicitation for a charitable organization  
1018 or sponsor, or has been enjoined in any state from violating a  
1019 law relating to a charitable solicitation.

1020 (c) Whether the applicant, in any state, is involved in  
1021 pending litigation or has had entered against her or him an  
1022 injunction, a temporary restraining order, or a final judgment  
1023 or order, including a stipulated judgment or order, an assurance  
1024 of voluntary compliance, a cease and desist order, or any  
1025 similar document, in any civil or administrative action  
1026 involving fraud, theft, larceny, embezzlement, fraudulent  
1027 conversion, or misappropriation of property, or has been  
1028 enjoined from violating any law relating to a charitable  
1029 solicitation.

1030 (3) (a) An applicant shall submit a complete set of his or



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1031 her fingerprints to an agency, entity, or vendor authorized by  
1032 s. 943.053(13). The fingerprints shall be forwarded to the  
1033 Department of Law Enforcement for state processing, and the  
1034 Department of Law Enforcement shall forward them to the Federal  
1035 Bureau of Investigation for national processing.

1036 (b) Fees for state and federal fingerprint processing and  
1037 fingerprint retention fees shall be borne by the applicant. The  
1038 state cost for fingerprint processing is that authorized in s.  
1039 943.053(3) (b) for records provided to persons or entities other  
1040 than those specified as exceptions therein.

1041 (c) All fingerprints submitted to the Department of Law  
1042 Enforcement as required under this subsection shall be retained  
1043 by the Department of Law Enforcement as provided under s.  
1044 943.05(2) (g) and (h) and enrolled in the Federal Bureau of  
1045 Investigation's national retained print arrest notification  
1046 program. Fingerprints shall not be enrolled in the national  
1047 retained print arrest notification program until the Department  
1048 of Law Enforcement begins participation with the Federal Bureau  
1049 of Investigation. Arrest fingerprints will be searched against  
1050 the retained prints by the Department of Law Enforcement and the  
1051 Federal Bureau of Investigation.

1052 (d) For any renewal of the applicant's license, the  
1053 department shall request the Department of Law Enforcement to  
1054 forward the retained fingerprints of the applicant to the  
1055 Federal Bureau of Investigation unless the applicant is enrolled  
1056 in the national retained print arrest notification program

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1057 described in paragraph (c). The fee for the national criminal  
1058 history check shall be paid as part of the renewal fee to the  
1059 department and forwarded by the department to Department of Law  
1060 Enforcement. If the applicant's fingerprints are retained in the  
1061 national retained print arrest notification program, the  
1062 applicant shall pay the state and national retention fee to the  
1063 department, which shall forward the fee to the Department of Law  
1064 Enforcement.

1065 (e) The department shall notify the Department of Law  
1066 Enforcement regarding any person whose fingerprints have been  
1067 retained but who is no longer licensed under this chapter.

1068 (f) The department shall screen background results to  
1069 determine whether an applicant meets licensure requirements.

1070 (4) A solicitor license must be renewed annually by the  
1071 submission of a renewal application. A solicitor license that is  
1072 not renewed expires without further action by the department.

1073 (5) An applicant for a solicitor license shall remit a  
1074 license fee of \$100 to the department at the time the initial  
1075 application is filed with the department and an annual renewal  
1076 fee of \$100 thereafter. All fees collected, less the cost of  
1077 administration, shall be deposited into the General Inspection  
1078 Trust Fund.

1079 (6) Any material change to the information submitted to  
1080 the department in the initial application or renewal application  
1081 for a solicitor license shall be reported to the department by  
1082 the applicant or licensee within 10 days after the change

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1083 occurs. The applicant or licensee shall also remit a fee in the  
1084 amount of \$10 for processing the change to the initial or  
1085 renewal application.

1086 (7) It is a violation of this chapter:

1087 (a) For an applicant to provide inaccurate or incomplete  
1088 information to the department in the initial or renewal  
1089 application for a solicitor license.

1090 (b) For a person specified in subsection (1) to fail to  
1091 maintain a solicitor license as required by this section.

1092 (c) For a professional solicitor to allow, require,  
1093 permit, or authorize an employee without an active solicitor  
1094 license issued under this section to conduct telephonic  
1095 solicitations.

1096 (8) The department shall adopt rules that allow applicants  
1097 to engage in solicitation activities on a temporary basis until  
1098 such time as a solicitor license is granted or denied.

1099 (9) The department may deny or revoke a solicitor license  
1100 if the applicant or licensee has had the right to solicit  
1101 contributions revoked in any state, or has been ordered by a  
1102 court or governmental agency to cease soliciting contributions  
1103 within any state, or is subject to any disqualification  
1104 specified in s. 496.410(14).

1105 (10) Any administrative proceeding that could result in  
1106 entry of an order under this section shall be conducted in  
1107 accordance with chapter 120.

1108 Section 14. Subsections (2), (3), and (6) of section

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1109 496.411, Florida Statutes, are amended to read:

1110 496.411 Disclosure requirements and duties of charitable  
1111 organizations and sponsors.—

1112 (2) A charitable organization or sponsor soliciting in  
1113 this state must include all of the following disclosures at the  
1114 point of solicitation:

1115 (a) The name of the charitable organization or sponsor and  
1116 state of the principal place of business of the charitable  
1117 organization or sponsor.~~†~~

1118 (b) A description of the purpose or purposes for which the  
1119 solicitation is being made.~~†~~

1120 (c) Upon request, the name and either the address or  
1121 telephone number of a representative to whom inquiries may ~~could~~  
1122 be addressed.~~†~~

1123 (d) Upon request, the amount of the contribution which may  
1124 be deducted as a charitable contribution under federal income  
1125 tax laws.~~†~~

1126 (e) Upon request, the source from which a written  
1127 financial statement may be obtained. Such financial statement  
1128 must be for the immediate preceding ~~past~~ fiscal year and must be  
1129 consistent with the annual financial statement ~~report~~ filed  
1130 under s. 496.407. The written financial statement must be  
1131 provided within 14 days after the request and must state the  
1132 purpose for which funds are raised, the total amount of all  
1133 contributions raised, the total costs and expenses incurred in  
1134 raising contributions, the total amount of contributions

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1135 dedicated to the stated purpose or disbursed for the stated  
1136 purpose, and whether the services of another person or  
1137 organization have been contracted to conduct solicitation  
1138 activities.

1139 (3) Every charitable organization or sponsor ~~that~~ ~~which~~ is  
1140 required to register under s. 496.405 or is exempt under s.  
1141 496.406(1)(d) shall ~~must~~ conspicuously display ~~in capital~~  
1142 ~~letters~~ the following statement on every ~~printed~~ solicitation,  
1143 ~~written~~ confirmation, receipt, or reminder of a contribution:  
1144

1145 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL  
1146 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER  
1147 SERVICES BY CALLING TOLL-FREE WITHIN THE STATE.  
1148 REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR  
1149 RECOMMENDATION BY THE STATE."  
1150

1151 The statement must include a toll-free number and website for  
1152 the division which ~~that~~ can be used to obtain the registration  
1153 information. If ~~When~~ the solicitation consists of more than one  
1154 piece, the statement must be displayed prominently in the  
1155 solicitation materials. If the solicitation occurs on a website,  
1156 the statement must be conspicuously displayed on any webpage:

1157 (a) identifying a mailing address where contributions are  
1158 to be sent;

1159 (b) identifying a phone number to call to process  
1160 contributions; or,

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1161 (c) providing for online processing of contributions.

1162 (6) Each charitable organization or sponsor that is  
1163 required to register under s. 496.405 shall conspicuously  
1164 display the organization ~~organization's~~ or sponsor's  
1165 registration number issued by the department under this chapter  
1166 on every printed solicitation, written confirmation, receipt, or  
1167 reminder of a contribution. If the solicitation consists of more  
1168 than a single item, the statement shall be displayed prominently  
1169 in the solicitation materials.

1170 Section 15. Subsection (1) of section 496.412, Florida  
1171 Statutes, is amended to read:

1172 496.412 Disclosure requirements and duties of professional  
1173 solicitors.—

1174 (1) A professional solicitor must comply with and be  
1175 responsible for complying or causing compliance with the  
1176 following disclosures:

1177 (a) Before ~~Prior to~~ orally requesting a contribution, or  
1178 contemporaneously with a written request for a contribution, a  
1179 professional solicitor must clearly disclose:

1180 1. The name of the professional solicitor as on file with  
1181 the department.

1182 2. If the individual acting on behalf of the professional  
1183 solicitor identifies himself or herself by name, the  
1184 individual's legal name.

1185 3. The name and state of the principal place of business  
1186 of the charitable organization or sponsor and a description of

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1187 how the contributions raised by the solicitation will be used  
1188 for a charitable or sponsor purpose; or, if there is no  
1189 charitable organization or sponsor, a description as to how the  
1190 contributions raised by the solicitation will be used for a  
1191 charitable or sponsor purpose.

1192 (b) In the case of a solicitation campaign conducted  
1193 orally, whether by telephone or otherwise, any written  
1194 confirmation, receipt, or reminder sent to any person who has  
1195 contributed or has pledged to contribute, shall include a clear  
1196 disclosure of the information required by paragraph (a).

1197 (c) In addition to the information required by paragraph  
1198 (a), any written confirmation, receipt, or reminder of  
1199 contribution made pursuant to an oral solicitation and any  
1200 ~~written~~ solicitation shall conspicuously state ~~in capital~~  
1201 ~~letters~~:

1202  
1203 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL  
1204 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER  
1205 SERVICES BY CALLING TOLL-FREE WITHIN THE STATE.  
1206 REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR  
1207 RECOMMENDATION BY THE STATE."

1208  
1209 The statement must include a toll-free number and website for  
1210 the division which ~~that~~ can be used to obtain the registration  
1211 information. If ~~When~~ the solicitation consists of more than one  
1212 piece, the statement must be displayed prominently in the

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1213 solicitation materials. If the solicitation occurs on a website,  
1214 the statement must be conspicuously displayed on any webpage:

1215 1. Identifying a mailing address where contributions are to  
1216 be sent;

1217 2. Identifying a phone number to call to process  
1218 contributions; or,

1219 3. Providing for online processing of contributions.

1220 (d) If requested by the person being solicited, the  
1221 professional solicitor shall inform that person in writing,  
1222 within 14 days after ~~of~~ the request, of the fixed percentage of  
1223 the gross revenue or the reasonable estimate of the percentage  
1224 of the gross revenue that the charitable organization or sponsor  
1225 will receive as a benefit from the solicitation campaign or  
1226 shall immediately notify the person being solicited that the  
1227 information is available on the department's website or by  
1228 calling the division's toll-free number.

1229 (e) If requested by the person being solicited, the  
1230 professional solicitor shall inform that person in writing,  
1231 within 14 days after ~~of~~ the request, of the percentage of the  
1232 contribution which may be deducted as a charitable contribution  
1233 under federal income tax laws or shall immediately notify the  
1234 person being solicited that the information is available on the  
1235 department's website or by calling the division's toll-free  
1236 number.

1237 Section 16. Section 496.4121, Florida Statutes, is created  
1238 to read:

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1239 496.4121 Collection receptacles used for donations.-

1240 (1) As used in this section, the term "collection  
1241 receptacle" means a receptacle used to collect donated clothing,  
1242 household items, or other goods for resale.

1243 (2) A collection receptacle must display a permanent sign  
1244 or label on each side which contains the following information  
1245 printed in letters that are at least 3 inches in height and no  
1246 less than one-half inch in width, in a color that contrasts with  
1247 the color of the collection receptacle:

1248 (a) For a collection receptacle used by a person required  
1249 to register under this chapter, the name, business address,  
1250 telephone number, and registration number of the charitable  
1251 organization or sponsor for whom the solicitation is made.

1252 (b) For a collection receptacle placed or maintained in  
1253 public view by a person not required to register under this  
1254 chapter or by a person not claiming an exemption pursuant to s.  
1255 496.406, the name, telephone number, and physical address of the  
1256 business conducting the solicitation and the statement: "This is  
1257 not a charity. Donations made here support a for-profit business  
1258 and are not tax deductible."

1259 (3) Upon request, a charitable organization or sponsor  
1260 using a collection receptacle must provide the donor with  
1261 documentation of its tax-exempt status and the registration  
1262 issued under this chapter.

1263 Section 17. Subsection (2) of section 496.415, Florida  
1264 Statutes, is amended, and subsection (18) is added to that

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1265 section, to read:

1266 496.415 Prohibited acts.—It is unlawful for any person in  
1267 connection with the planning, conduct, or execution of any  
1268 solicitation or charitable or sponsor sales promotion to:

1269 (2) ~~Knowingly~~ Submit false, misleading, or inaccurate  
1270 information in a document that is filed with the department,  
1271 provided to the public, or offered in response to a request or  
1272 investigation by the department, the Department of Legal  
1273 Affairs, or the state attorney.

1274 (18) Fail to remit to a charitable organization or sponsor  
1275 the disclosed guaranteed minimum percentage of gross receipts  
1276 from contributions as required under s. 496.410(7)(c) or, if the  
1277 solicitation involved the sale of goods, services, or tickets to  
1278 a fundraising event, the percentage of the purchase price as  
1279 agreed in the contract or agreement as required under this  
1280 chapter.

1281 Section 18. Subsection (5) of section 496.419, Florida  
1282 Statutes, is amended to read:

1283 496.419 Powers of the department.—

1284 (5) Upon a finding as set forth in subsection (4), the  
1285 department may enter an order doing one or more of the  
1286 following:

1287 (a) Issuing a notice of noncompliance pursuant to s.  
1288 120.695;

1289 (b) Issuing a cease and desist order that directs that the  
1290 person cease and desist specified fundraising activities;

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1291 (c) Refusing to register or canceling or suspending a  
1292 registration;

1293 (d) Placing the registrant on probation for a period of  
1294 time, subject to such conditions as the department may specify;

1295 (e) Canceling an exemption granted under s. 496.406; ~~and~~

1296 (f) Except as provided in paragraph (g), imposing an  
1297 administrative fine not to exceed \$5,000 ~~\$1,000~~ for each act or  
1298 omission ~~that which~~ constitutes a violation of ss. 496.401-  
1299 496.424 or s. 496.426 or a rule or order. With respect to a s.  
1300 501(c)(3) organization, the penalty imposed pursuant to this  
1301 subsection ~~may shall~~ not exceed \$500 per violation for failure  
1302 to register under s. 496.405 or file for an exemption under s.  
1303 496.406(2). The penalty shall be the entire amount per violation  
1304 and is not ~~to be interpreted as~~ a daily penalty; and

1305 (g) Imposing an administrative fine not to exceed \$10,000  
1306 for a violation of this chapter that involves fraud or  
1307 deception.

1308 Section 19. Section 496.4191, Florida Statutes, is created  
1309 to read:

1310 496.4191 Additional penalty; immediate suspension.—Upon  
1311 notification and subsequent written verification by a law  
1312 enforcement agency, a court, a state attorney, or the Department  
1313 of Law Enforcement, the department shall immediately suspend a  
1314 registration or the processing of an application for a  
1315 registration if the registrant, applicant, or an officer or  
1316 director of the registrant or applicant is formally charged with

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1317 a crime involving fraud, theft, larceny, embezzlement, or  
1318 fraudulent conversion or misappropriation of property or a crime  
1319 arising from the conduct of a solicitation for a charitable  
1320 organization or sponsor until final disposition of the case or  
1321 removal or resignation of that officer or director.

1322 Section 20. Section 496.430, Florida Statutes, is created  
1323 to read:

1324 496.430 Disqualification for certain tax exemptions.—

1325 (1) In addition to the penalties provided for in s.  
1326 496.419(5), the department may issue an order to disqualify a  
1327 charitable organization or sponsor from receiving any sales tax  
1328 exemption certificate issued by the Department of Revenue if the  
1329 department finds a violation as set forth in s. 496.419(4).

1330 (2) A charitable organization or sponsor may appeal a  
1331 disqualification order by requesting a hearing within 21 days  
1332 after notification from the department that it has issued a  
1333 disqualification order under this section. The hearing must be  
1334 conducted in accordance with chapter 120.

1335 (3) A disqualification order issued by the department  
1336 pursuant to this section is effective for one year after such  
1337 order becomes final. After the expiration of a final  
1338 disqualification order, a charitable organization or sponsor may  
1339 apply to the Department of Revenue for a sales tax exemption  
1340 certificate.

1341 (4) The department shall provide a disqualification order  
1342 to the Department of Revenue within 30 days after such order

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1343 becomes final. A final disqualification order is conclusive as  
1344 to the charitable organization or sponsor's entitlement to a  
1345 sales tax exemption. The Department of Revenue shall revoke a  
1346 sales tax exemption certificate granted to, or refuse to grant a  
1347 sales tax exemption certificate to, a charitable organization or  
1348 sponsor subject to a final disqualification order within 30 days  
1349 after receiving such disqualification order. A charitable  
1350 organization or sponsor may not appeal or challenge the  
1351 revocation or denial of a sales tax exemption certificate by the  
1352 Department of Revenue if such revocation or denial is based upon  
1353 a final disqualification order issued pursuant to this section.

1354 Section 21. Paragraph (a) of subsection (3) of section  
1355 741.0305, Florida Statutes, is amended to read:

1356 741.0305 Marriage fee reduction for completion of  
1357 premarital preparation course.—

1358 (3)(a) All individuals electing to participate in a  
1359 premarital preparation course shall choose from the following  
1360 list of qualified instructors:

- 1361 1. A psychologist licensed under chapter 490.
- 1362 2. A clinical social worker licensed under chapter 491.
- 1363 3. A marriage and family therapist licensed under chapter  
1364 491.
- 1365 4. A mental health counselor licensed under chapter 491.
- 1366 5. An official representative of a religious institution  
1367 which is recognized under s. 496.404(23) ~~496.404(19)~~, if the  
1368 representative has relevant training.

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1369 6. Any other provider designated by a judicial circuit,  
1370 including, but not limited to, school counselors who are  
1371 certified to offer such courses. Each judicial circuit may  
1372 establish a roster of area course providers, including those who  
1373 offer the course on a sliding fee scale or for free.

1374 Section 22. If any provision of this act or its  
1375 application to any person or circumstance is held invalid, the  
1376 invalidity does not affect other provisions or applications of  
1377 the act which can be given effect without the invalid provision  
1378 or application, and to this end the provisions of this act are  
1379 severable.

1380 Section 23. For the 2014-2015 fiscal year, the sums of  
1381 \$235,352 in recurring funds and \$239,357 in nonrecurring funds  
1382 from the General Inspection Trust Fund are appropriated to the  
1383 Department of Agriculture and Consumer Services, and 4 full-time  
1384 equivalent positions with associated salary rate of \$143,264 are  
1385 authorized, for the purpose of implementing this act.

1386 Section 24. This act shall take effect July 1, 2014.  
1387  
1388

1389 -----  
1390 **T I T L E A M E N D M E N T**

1391 Remove everything before the enacting clause and insert:

1392 A bill to be entitled

1393 An act relating to charities; providing legislative findings and  
1394 intent relating to charitable organizations and sponsors;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 629 (2014)

Amendment No. 1

1395 amending s. 212.08, F.S.; revising an exemption from the sales  
1396 and use tax to exclude from eligibility charitable organizations  
1397 subject to a final disqualification order issued by the  
1398 Department of Agriculture and Consumer Services; amending s.  
1399 212.084, F.S.; requiring the Department of Revenue to revoke a  
1400 sales tax exemption certificate of, or refuse to grant a sales  
1401 tax exemption certificate to, certain charitable organizations;  
1402 providing for appeal; amending s. 496.403, F.S.; exempting blood  
1403 establishments from the Solicitation of Contributions Act;  
1404 amending s. 496.404, F.S.; revising definitions; amending s.  
1405 496.405, F.S.; revising requirements and procedures for the  
1406 filing of registration statements of charitable organizations  
1407 and sponsors; specifying the information that each chapter,  
1408 branch, or affiliate of a parent organization must include in a  
1409 consolidated financial statement; revising the period within  
1410 which the Department of Agriculture and Consumer Services must  
1411 review certain initial registration statements and annual  
1412 renewal statements; providing for the automatic suspension of a  
1413 charitable organization or sponsor's registration for failure to  
1414 disclose specified information; prohibiting officers, directors,  
1415 trustees, or employees of a charitable organization or sponsor  
1416 from allowing certain persons to solicit contributions on behalf  
1417 of the charitable organization or sponsor; authorizing the  
1418 department to deny or revoke the registration of a charitable  
1419 organization or sponsor under certain circumstances; requiring a  
1420 charitable organization or sponsor that has ended solicitation

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 629 (2014)

Amendment No. 1

1421 activities in this state to notify the department in writing;  
1422 creating s. 496.4055, F.S.; defining the term "conflict of  
1423 interest transaction"; requiring the board of directors of a  
1424 charitable organization or sponsor, or an authorized committee  
1425 thereof, to adopt a policy regarding conflict of interest  
1426 transactions; amending s. 496.407, F.S.; providing guidelines  
1427 for financial statements; providing requirements and standards  
1428 for such audit or review; authorizing charitable organizations  
1429 and sponsors to submit specified Internal Revenue Service Forms  
1430 in lieu of a financial statement; authorizing the department to  
1431 provide an extension for filing a financial statement;  
1432 authorizing the department to require an audit or review of any  
1433 financial statement submitted by a charitable organization or  
1434 sponsor; creating s. 496.4071, F.S.; requiring certain  
1435 charitable organizations or sponsors to report specified  
1436 supplemental financial information to the department by a  
1437 certain date; creating s. 496.4072, F.S.; requiring certain  
1438 charitable organizations or sponsors that solicit contributions  
1439 for a specific disaster relief effort to submit quarterly  
1440 financial statements to the department; providing requirements  
1441 and procedures for the filing of such quarterly reports;  
1442 amending s. 496.409, F.S.; authorizing a professional  
1443 fundraising consultant to enter into a contract or agreement  
1444 only with certain charitable organizations or sponsors; revising  
1445 the procedures and requirements for reviewing professional  
1446 fundraising consultant registration statements and renewal

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 629 (2014)

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1447 applications; prohibiting certain officers, trustees, directors,  
1448 or employees of professional fundraising consultants from  
1449 allowing certain persons to solicit contributions on behalf of  
1450 the professional fundraising consultant; authorizing the  
1451 department to deny or revoke the registration of a professional  
1452 fundraising consultant under certain circumstances; amending s.  
1453 496.410, F.S.; revising the information that must be included in  
1454 a professional solicitor application for registration or renewal  
1455 of registration; revising procedures and requirements for  
1456 reviewing professional solicitor registration statements and  
1457 renewal applications; revising the information that must be  
1458 included in a solicitation notice filed by a professional  
1459 solicitor; authorizing a professional solicitor to enter into a  
1460 contract or agreement only with certain charitable organizations  
1461 or sponsors; prohibiting certain officers, trustees, directors,  
1462 or employees of a professional solicitor from soliciting for  
1463 compensation or allowing certain persons to solicit for  
1464 compensation on behalf of the professional solicitor;  
1465 authorizing the department to deny or revoke the registration of  
1466 a professional solicitor under certain circumstances; creating  
1467 s. 496.4101, F.S.; requiring each officer, director, trustee, or  
1468 owner of a professional solicitor and certain employees of a  
1469 professional solicitor to obtain a solicitor license from the  
1470 department; providing application requirements and procedures;  
1471 requiring applicants to submit a complete set of fingerprints  
1472 and pay a fee for fingerprint processing and retention;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 629 (2014)

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1473 requiring a solicitor license to be renewed annually; providing  
1474 an initial application and renewal fee for a solicitor license;  
1475 requiring material changes in applications or renewal  
1476 applications to be reported to the department within a specified  
1477 period; providing a fee for reporting material changes;  
1478 providing violations; requiring the department to adopt rules to  
1479 allow certain applicants to engage in solicitation activities on  
1480 a temporary basis; authorizing the department to deny or revoke  
1481 a solicitor license under certain circumstances; amending s.  
1482 496.411, F.S.; revising disclosure requirements for charitable  
1483 organizations and sponsors; amending s. 496.412, F.S.; revising  
1484 disclosure requirements for professional solicitors; creating  
1485 s. 496.4121, F.S.; defining the term "collection receptacle";  
1486 requiring collection receptacles to display permanent signs or  
1487 labels; providing requirements for such signs or labels;  
1488 requiring a charitable organization or sponsor using a  
1489 collection receptacle to provide certain information to a donor  
1490 upon request; amending s. 496.415, F.S.; prohibiting the  
1491 submission of false, misleading, or inaccurate information in a  
1492 document in connection with a solicitation or sales promotion;  
1493 prohibiting the failure to remit specified funds to a charitable  
1494 organization or sponsor; amending s. 496.419, F.S.; increasing  
1495 administrative fine amounts the department is authorized to  
1496 impose for specified violations of the Solicitation of  
1497 Contributions Act; creating s. 496.4191, F.S.; requiring the  
1498 department to immediately suspend a registration or processing

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 629 (2014)

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1499 of an application for registration if the registrant, applicant,  
1500 or any officer or director thereof is charged with certain  
1501 criminal offenses; creating s. 496.430, F.S.; authorizing the  
1502 department to issue an order to disqualify a charitable  
1503 organization or sponsor from receiving a sales tax exemption  
1504 under certain circumstances; providing exceptions; authorizing a  
1505 charitable organization or sponsor to appeal a disqualification  
1506 order within a specified period; providing that a  
1507 disqualification order remains effective for a specified period;  
1508 requiring the department to provide a final disqualification  
1509 order to the Department of Revenue within a specified period;  
1510 requiring the Department of Revenue to revoke a sales tax  
1511 exemption certificate of, or refuse to grant a sales tax  
1512 exemption certificate to, charitable organizations or sponsors  
1513 subject to a final disqualification order; providing for appeal;  
1514 amending s. 741.0305, F.S.; conforming a cross-reference;  
1515 providing severability; providing an appropriation and  
1516 authorizing positions; providing an effective date.

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